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October 6, 2020

**COUNCIL AGENDA**  
PERRY ARTS CENTER  
1121 MACON ROAD, PERRY, GA 31069

6:00 PM

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**To join the meeting by Facebook:** Use this URL - [facebook.com/cityofperryga](https://facebook.com/cityofperryga)  
This will allow you to view and hear the meeting.

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll:
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Presentation(s) /Recognition(s):
  - 4a. Presentation of 2019-2020 Champion of Georgia Cities Award to Representative Shaw Blackmon – Mayor Walker.
  - 4b. Introduction of Chief Building Official, Cody Gunn – Mr. B. Wood.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor Randall Walker

The purpose of this Public Hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.

  - 7a. SUSE-83-2020. Applicant, Chad Bryant, Bryant Engineering, request a Special Exception for a Multi-family Residential Development. The property is located at 100 Ashley Drive (Perimeter Road); Tax Map No. 0P0390 004000 and 0P0390 017000 – Mr. B. Wood.
  - 7b. RZNE-127-2020. Applicant, Bryant Engineering. request the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property location is Perry Parkway and Moss Oaks Road; Tax Map No. 0P0340 037000 – Mr. B. Wood.
8. Review of Minutes: Mayor Randall Walker
  - 8a. Council's Consideration – Minutes of the September 14, 2020 work session,

September 15, 2020 pre council meeting, and September 15, 2020 council meeting.

9. Old Business: Mayor Randall Walker
  - 9a. Ordinance(s) for Second Reading(s) and Adoption:
    1. **Second Reading** of an ordinance repealing the Tree Board, as found in Division 3 of Article V, Chapter 2 – Ms. B. Newby.
10. Any Other Old Business:
  - 10a. Mayor Randall Walker
  - 10b. Council Members
  - 10c. City Attorney Brooke Newby
  - 10d. City Manager Lee Gilmour
  - 10e. Assistant City Manager Robert Smith
11. New Business: Mayor Randall Walker
  - 11a. Matters referred from October 5, 2020 work session and October 6, 2020 pre council meeting.
  - 11b. Special Exception Application – 83-2020 - Mr. B. Wood.
  - 11c. Ordinance(s) for First Reading(s) and Introduction:
    1. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development, to R-3, Multi-family Residential District. The property location is Perry Parkway and Moss Oaks Road; Tax Map No. 0P0340 037000 - Mr. B. Wood. *(No action required by Council)*
  - 11d. Resolution(s) for Introduction and Adoption:
    1. Resolution to amend Perry Fee Schedule – Mr. L. Gilmour.
  - 11e. Request to restore a position – Mr. L. Gilmour.
  - 11f. Westwood Mobile Home Park paving requirements – Ms. B. Newby.
12. Council Members Items:
13. Department Heads/Staff Items.
14. General Public Items:
15. Mayor Items:
16. Adjourn.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Perry City Council Agenda and supporting material for each item is available on-line through the City's website at [www.perry-ga.gov](http://www.perry-ga.gov).



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## **STAFF REPORT**

From the Department of Community Development  
August 7, 2020

**CASE NUMBER:** SUSE-83-2020  
**APPLICANT:** Chad Bryant, Bryant Engineering  
**REQUEST:** A Special Exception for Multi-Family Residential Development  
**LOCATION:** 100 Ashley Drive (Perimeter Road); Tax Map No. 0P0390 004000 and 0P0390 017000

### **ADJACENT ZONING/LANDUSES:**

**Subject Parcel:** PUD, Planned Unit Development; undeveloped  
**North:** R-3, Multi-family Residential District; single-family residential (Spring Creek subdivision) and undeveloped  
**South:** C-2; undeveloped  
**East:** R-3; multi-family residential, and C-1, Highway Commercial District; (Ashton Landing Apartments and Commodore Manor Apartments), and office (My Eye Doctor)  
**West:** R-3; multi-family residential (Perry Housing Authority)

**REQUEST ANALYSIS:** The applicant proposes to construct a multi-family residential development consisting of up to 250 dwelling units. The property consists of 41.44 acres. Approximately 15 acres of the tracts are located in a floodplain/floodway. Gross density of the proposal is 6.03 du/acre. Net density, excluding the floodplain is about 9.46 du/acre.

The site plan presented with the application indicates a single access drive connecting to Perimeter Road. Appendix D of the International Fire Code requires a second means of emergency access for multi-family residential developments exceeding 200 units. The Life Safety Code now requires all multi-family dwelling units to be sprinkled.

Eleven 2- and 3-story buildings encircle surface parking and garages. An office/community building is identified near the entrance.

No building plans were submitted so there is no indication of the number of bedrooms per unit, nor the architectural style/materials of the buildings.

### **STANDARDS FOR SPECIAL EXCEPTIONS:**

- 1. Does the Special Exception follow the existing land use pattern?** Multi-family residential developments exist along Perimeter Road and Macon Road near the subject property. Commercial uses exist at either end of Perimeter Road.
- 2. Will the Special Exception have an adverse effect on the Comprehensive Plan?** The properties lie in an area identified as "Suburban Residential" character area. Suggested land use patterns in the character area include "Location of higher-density housing near commercial centers, or along arterial roads."
- 3. Will adequate fire and police protection be available?** Adequate fire and police protection should be available.

4. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* The gross density of the proposed development is similar to some high-density single-family residential developments. The area of floodplain on the property creates a substantial buffer from properties along the eastern boundary. Commercially-zoned properties are located between the subject property and Perimeter Road.
5. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* As a major collector street, Perimeter Road should have adequate capacity to handle the additional traffic generated by the proposed development. A pedestrian sidewalk is located along the entire northern side of Perimeter Road.
6. *Will the use result in an increase in population density overtaxing public facilities?* The Houston County Board of Education has been notified of this application. As of the date of this report, we are awaiting their comments.
7. *Will the use create a health hazard or public nuisance?* This residential development should not create any inherent health hazards or public nuisances.
8. *Will property values in adjacent areas be adversely affected?* There is no evidence that the proposed use will adversely affect the value of surrounding properties. In fact, the increase in the number of residents resulting from this development will likely improve the marketability of nearby commercially-zoned vacant properties.
9. *Are there substantial reasons a permitted use cannot be used at this property?* The applicant has filed an application to change the zoning of the property from PUD to R-3, Multi-family Residential District. The property had been zoned R-3 prior to the PUD zoning. The R-3 zoning district is intended to permit multi-family developments. The property is too large to limit the development to six dwelling units, which would be permitted without the special exception.

**STAFF RECOMMENDATION:** Based on evaluation of this application relative to the criteria established by Ordinance for the consideration of a special exception, Staff recommends approval of the special exception, with the following conditions:

1. The development shall substantially conform to the layout presented on the site plan prepared by Bryant Engineering, dated 8/7/2020;
2. Residential buildings shall not exceed three stories in height; and
3. At least 30% of the exterior façades of each building shall be brick or stone, with the remainder consisting of cement-based material. Garage buildings may be clad with 100% cement-based material.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the requested special exception with the following conditions:

1. The development shall substantially conform to the layout presented on the site plan prepared by Bryant Engineering, dated 8/7/2020;
2. Residential buildings shall not exceed three stories in height; and
3. At least 30% of the exterior façades of each building shall be brick or stone, with the remainder consisting of cement-based material. Garage buildings may be clad with 100% cement-based material.

  
 Eric Z. Edwards, Chairman of the Planning Commission

9/16/20  
 Date

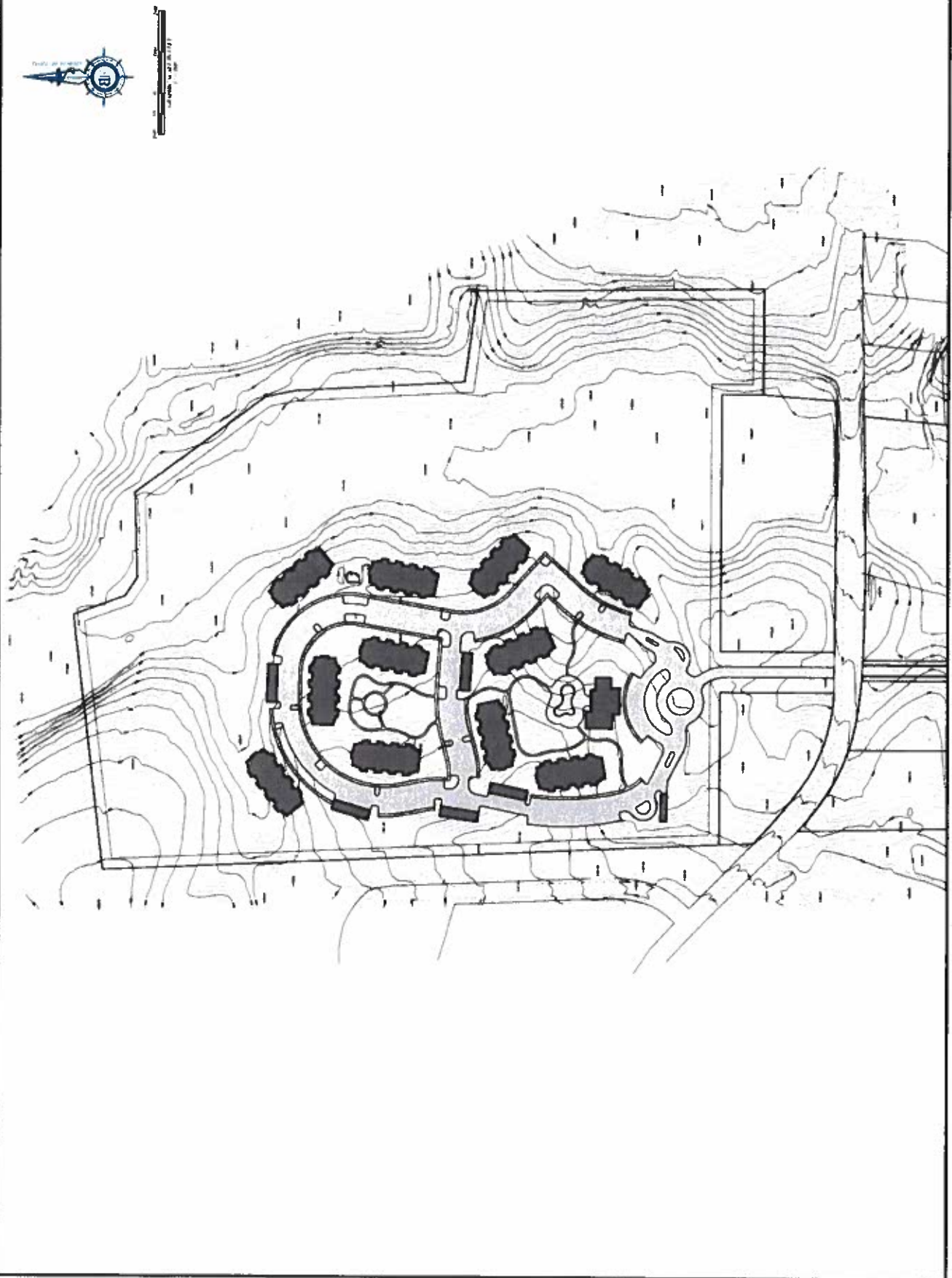


REVISIONS	DATE	BY	DESCRIPTION

CONCEPT LAYOUT FOR  
 12.25 AC PERIMETER ROAD  
 MULTI-FAMILY SITE  
 GEORGIA

DATE	12/15/20
SCALE	AS SHOWN
PROJECT	12.25 AC PERIMETER ROAD MULTI-FAMILY SITE
CLIENT	
LOCATION	
DESIGNER	
APP'D	
CHECK'D	
DATE	

**BE BRYANT**  
 ENGINEERING





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Application # SUSE 83-2020

### Application for Special Exception

Contact Community Development (478) 988-2720

#### Applicant/Owner Information

\*Indicates Required Field

	Applicant	Property Owner
*Name	Chad Bryant, Bryant Engineering	Stan Collins, S+B Properties, LLC
*Title	President	owner
*Address	906 Ball Street Eng, GA 31609	810 Corder Road Wk 31088
*Phone	478-224-7070	478-256-3419
*Email	Chad@bryantengllc.com	Stan@collision.com

#### Property Information

*Street Address	100 Ashken Drive / Limestone Rd.	
*Tax Map #(s)	DP0390004000	*Zoning Designation PUD / Rezoning: <del>EE</del> R-3

#### Request

\*Please describe the proposed use: 250 units per 8/7/20 email  
 Rezoning to C-2 w/ special exception for multi family greater than 60 units

#### Instructions

1. The application and \$90.00 fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the special exception). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
3. For applications in which a new building, building addition and/or site modifications are required, you must submit a scaled drawing of the proposed site development plan.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
6. Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
7. An application for special exception affecting the same parcel shall not be submitted more often than once every six months.
8. The applicant must be present at the hearings to present the application and answer questions that may arise.
9. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes \_\_\_ No \_\_\_  
 If yes, please complete and submit the attached Disclosure Form.



10. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

11. Signatures:

*Applicant 	*Date 6/15/20
*Property Owner/Authorized Agent 	*Date 6/15/20

Standards for Granting a Special Exception

1. Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?
2. Describe the existing land use pattern surrounding the subject property.
3. Describe how the proposed use will not have an adverse effect on the Comprehensive Plan.
4. Describe how any proposed structures, equipment or materials will be readily accessible for fire and police protection.
5. Describe how the proposed use will be of such size, location, and character that it will generally be in harmony with appropriate and orderly development of the surrounding area and adjacent properties, and will not be a detriment to uses permitted on adjacent properties. (Consider the location and height of buildings and other structures, and the extent of landscaping, screening and buffering.)
6. For uses to be located in or adjacent to a residential district, describe how the nature and intensity of the operations of the proposed use will not negatively impact pedestrian and vehicular traffic in the district.
7. Describe how the proposed use will not place an undue burden upon public facilities and services.
8. Describe how the proposed use will not create health and safety problems, and will not create a nuisance with regard to traffic congestion, drainage, noise, smoke, odor, electrical interference, or pollution.
9. Describe how the proposed use will not adversely impact the value of surrounding properties.
10. State the reasons why the subject property cannot be used for a use permitted in the zoning district in which it is located.

Revised 7/18/19

For Office Use (receipt code 204.2)

Date received 6/15/20	Fee paid 6/16/20	Date deemed complete 6/16/20	Public Notice Sign by 6/20/20	Legal Ad. <i>run</i> place 7/8 7/15	
Notice to Applicant	Routed to PC	Date of PC 7/12/20 8/10/20	Date of Public Hearing 8/4/20 9/1/20	Date of Council action 8/18/20 9/15/20	Notice of action



Chad R. Bryant, P.E.  
President-Perry

Jennie S. Barfield, P.E.  
Forsyth Branch Manager

Casey Graham, P.E.  
Perry Branch Manager

June 15, 2020

Mr. Bryan Wood  
Community Development Director  
City of Perry  
741 Main Street  
Perry, GA 31069  
478-988-2720  
[bryan.wood@perry-ga.gov](mailto:bryan.wood@perry-ga.gov)

**Subject: Application for Special Exception  
Perimeter Road/Ashley Drive  
0665-007**

Dear Mr. Wood,

Please see attached application and plat for special exception for 41.04 acres located at 100 Ashley Drive. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. No Covenants are currently in place.
2. Property is currently undeveloped. Property surrounding is multi-family housing.
3. The property has historically remained undeveloped. However, due to the proximity to dense commercial district and surrounding developments, this property has become prime area for a commercial and multi-family development. The property has been previously rezoned to City of Perry PUD with approximately 120 units planned.
4. The site will be designed to current Fire and Safety Codes.
5. The rezoning will provide like kind development directly across the street and adjoining properties. The property is surrounded by Commercial properties to the South and Multi-family to the east, north, and west.
6. The current zoning of the property creates a residential development surrounded by multi-family and commercial developments. Perimeter Road is a major thoroughfare and sidewalks exists along the north side bordering this tract. The site is also bordered to the north and east by a large wetland system that will buffer this development from those properties.
7. The existing zoning is a high density residential development with 5,000 s.f. minimum lots sizes. A major trunk line for sewage runs traverses the property. The proposed rezoning should not have an additional impact or burden to the city services from what it is currently zoned.





Chad R. Bryant, P.E.  
President-Perry

Jennie S. Barfield, P.E.  
Forsyth Branch Manager

Casey Graham, P.E.  
Perry Branch Manager

8. The property is naturally buffered from surrounding properties to the north and east by a large wetland system. Only half the tract is developable. The natural buffer will screen the development from noise and water pollution as well as drainage.

9. The proposed zoning is consistent with adjoining properties along Perimeter Road.

10. The proposed zoning is consistent with adjoining properties along Perimeter Road. Due to the wetland systems, approximately half the property is not developable. This creates a need to put a higher density development on the upland areas. The actual density will be greatly reduced when you consider the entire tract as a whole.

We would like to be placed on the next available agenda for the Perry Planning Commission. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Chad R. Bryant'.

Chad Bryant, P.E.  
President  
Bryant Engineering





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Bryan Wood <bryan.wood@perry-ga.gov>

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## Chad Bryant has shared a file with you using Dropbox

1 message

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**Chad Bryant, P.E.** <chad@bryantengllc.com>

Fri, Aug 7, 2020 at 8:03 AM

To: Bryan Wood <bryan.wood@perry-ga.gov>

Cc: Derek Foster <dfoster@thesummitgroupmacon.com>, King Kemper <kkemper@thesummitgroupmacon.com>

Bryan,

Attached is the conceptual site plan for the multi-family site on Perimeter Road. As stated before, we would like to amend the zoning request to R-3 with a conditional use for multi-family apartments. **Planned density would not exceed 250 units.** Please let me know if you have any additional questions. Hope you have a great weekend

Thanks!

Hi,

Here's a link to "Multifamily Sites-Layout1.pdf" in my Dropbox:

<https://www.dropbox.com/s/bzzh9xwx35dk3c1/Multifamily%20Sites-Layout1.pdf?dl=0>

Chad R. Bryant, P.E.  
906 Ball Street  
Perry, GA 31069  
478-224-7070



**Multifamily Sites-Layout1.pdf**  
568K



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## **STAFF REPORT**

September 11, 2020

**CASE NUMBER:** RZNE-127-2020  
**APPLICANT:** Bryant Engineering  
**REQUEST:** Rezone from PUD, Planned Unit Development District, to R-3, Multi-family Residential District  
**LOCATION:** Perry Parkway and Moss Oaks Road; Tax Map No. 0P0340 037000 (portion)

### **ADJACENT ZONING/LANDUSES:**

**Subject Parcel:** PUD; undeveloped (planned for multi-family and senior housing)  
**North:** RAG, Residential-Agricultural District (County); single-family residential  
**South:** PUD; Remainder of PUD planned for single-family residential  
**East:** RAG (County); farmland/undeveloped  
**West:** RAG (County); farmland/undeveloped

**BACKGROUND INFORMATION:** The subject property consists of 68.46 acres of the Preserve at Agricultural Village (Perry Preserve) PUD approved in the mid-2000's. A portion of the subject property (36.06 acres) was approved for "Multi-family"; the remaining portion (32.4 acres) was approved for "Adult Living".

The applicant requests the zoning of the subject property be removed from the PUD and changed to R-3, Multi-family Residential District.

### **STANDARDS GOVERNING ZONE CHANGES:**

- 1. The suitability of the subject property for the zoned purposes.** The subject property is suitable for the residential uses allowed under the current PUD zoning.
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are not diminished by the current zoning.
- 3. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.** There is no destruction of property value.
- 4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Representatives of the property owner have asked about developing single-family residential lots in the area zoned for multi-family uses. The PUD does not allow single-family lots without rezoning. Market conditions may have changed since the original PUD approval, causing development of multi-family uses to be infeasible.
- 5. Whether the subject property has a reasonable economic use as currently zoned.** The property can be developed as currently zoned. Although market conditions may make multi-family and adult living uses infeasible.

6. **The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property. The properties have never been developed.**
7. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property. The existing uses on surrounding properties are either single-family residential uses or farmland. The R-3 classification will allow uses which are currently allowed by the PUD but also allow lower density single-family uses, which are more compatible to surrounding uses.**
8. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property. The proposed R-3 zoning classification will allow similar uses and densities as allowed under the currently zoning. However, lower density single-family development would be allowed in R-3**
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan. The 2017 Joint Comprehensive Plan Update identifies the portions of the subject property adjacent to Perry Parkway as 'Gateway Corridor'. The remaining portion of the property is identified as "Agricultural Area". Suggested development patterns in "Gateway Corridor" include "homes, shops, small businesses, and institutions grouped in attractive mixed-use centers". Suggested development patterns in "Agricultural areas" include clustering development to preserve open space, large lots to reduce density, and protecting sensitive resources.**
10. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The uses allowed in the proposed R-3 zoning classification will have an impact on community facilities similar to or less than the impacts caused by the current zoning of the property.**
11. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. Market conditions have likely cause the development of multi-family and adult living uses to be infeasible on this property at this time.**

**STAFF RECOMMENDATION:** Staff believes the R-3 zoning classification is an appropriate designation of this property, and therefore, recommends approval of the application with the understanding that the remaining portion of the PUD-zoned property will remain unchanged.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends approval of the request to change the zoning of the property from PUD to R-3, Multi-Family Residential District. The remaining portion of the PUD-zoned property will remain unchanged.

  
 \_\_\_\_\_  
 Eric Z. Edwards, Chairman of the Planning Commission

9/16/20  
 \_\_\_\_\_  
 Date



Approx. Area for Rezoning

HICKS DR

PERRY PKWY

PERRY PKWY

SLOCUM

HAY BALEWAY

MOSS OAKS RD

MARGRIMBLE RD

PERRY PKWY

MARGRIMBLE RD

MOSS OAKS RD

WASHINGTON ST

WATSON

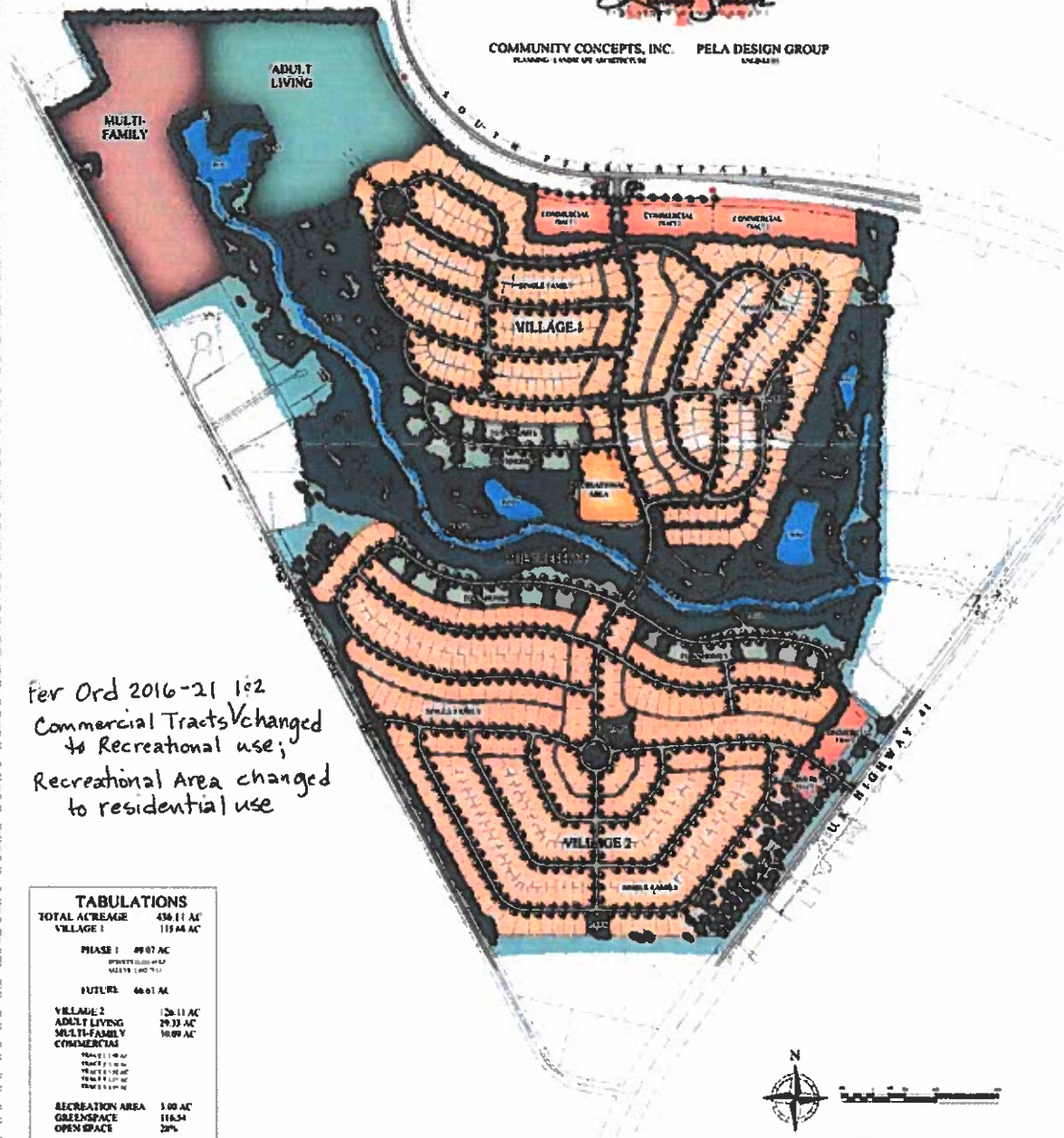
McSWEENEY



ILLUSTRATIVE MASTER PLAN  
**PERRY PRESERVE**  
PERRY, GEORGIA



COMMUNITY CONCEPTS, INC. PELA DESIGN GROUP  
PLANNING & LAND USE ARCHITECTURE LANDSCAPE



Per Ord 2016-21 102  
Commercial Tracts changed  
to Recreational use;  
Recreational Area changed  
to residential use

TABULATIONS	
TOTAL ACREAGE	436.11 AC
VILLAGE 1	119.66 AC
PHASE 1	89.07 AC
PHASE 2	30.59 AC
PHASE 3	100.00 AC
FUTURE	66.01 AC
VILLAGE 2	126.11 AC
ADULT LIVING	29.33 AC
MULTI-FAMILY	10.00 AC
COMMERCIAL	
TRACT 1	1.00 AC
TRACT 2	1.00 AC
TRACT 3	1.00 AC
TRACT 4	1.00 AC
RECREATION AREA	1.00 AC
GREENSPACE	116.54
OPEN SPACE	22%



NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE AT OWNERS DISCRETION





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Application # \_\_\_\_\_

**Application for Rezoning**  
 Contact Community Development (478) 988-2720

**Applicant/Owner Information**

\*Indicates Required Field

	Applicant	Property Owner
*Name	Bryant Engineering (Chad Bryant)	Perry Capital, LLC (Kwan Loudermilk)
*Title	President	Manager
*Address	9106 Ball Street Perry, GA 31009	309 East Paces Ferry Road Suite 1200 Atlanta GA
*Phone	478-224-7070	404-233-8164
*Email	Lindsay.Bryant@engllc.com	rloudermilk@loudermilk-co.com 3030

**Property Information**

*Street Address or Location	South Perry Parkway + Mrs Oak Road
*Tax Map #(s)	A portion of 8P0340 037000
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available; B. Provide a survey plat of the property and/or a proposed site plan; C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.

**Request**

*Current Zoning District	PUR	*Proposed Zoning District	R-3
*Please describe the existing and proposed use of the property Existing use is farmland. Proposed use is residential R-3			

**Instructions**

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
  - Residential - \$137.00 plus \$16.00/acre (maximum \$1,650.00)
  - Planned Development - \$158.00 plus \$16.00/acre (maximum \$2,900.00)
  - Commercial/Industrial - \$240.00 plus \$22.00/acre (maximum \$3,100.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- The applicant must be present at the hearings to present the application and answer questions that may arise.
- Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes \_\_\_\_\_ No \_\_\_\_\_  
 If yes, please complete and submit the attached Disclosure Form.

9. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

10. Signatures:

*Applicant	*Date
*Property Owner/Authorized Agent <i>[Signature]</i>	*Date 8/15/20

**Standards for Granting a Rezoning** (Attached)

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Revised 7/17/20

For Office Use (receipt code 204.1)

Date received	Fee paid	Date deemed complete	Public Notice Sign	Legal Ad	County Notification
Notice to Applicant	Routed to PC	Date of PC	Date of Public Hearing	Date of Council action	Notice of action



Chad R. Bryant, P.E.  
President-Perry

Jennie S. Barfield, P.E.  
Forsyth Branch Manager

Casey Graham, P.E.  
Perry Branch Manager

August 18, 2020

Mr. Bryan Wood  
Community Development Director  
City of Perry  
741 Main Street  
Perry, GA 31069  
478-988-2720  
[bryan.wood@perry-ga.gov](mailto:bryan.wood@perry-ga.gov)

**Subject: Application for Rezoning  
66 Acres The Preserve at Agricultural Village  
06117-001**

Dear Mr. Wood,

Please see attached application and plat for rezoning for approximately 66 acre tract located between South Perry Parkway and Moss Oaks Road. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. No Covenants are currently in place for this portion of the property
2. Properties surrounding the tract are mostly farmland. To the west are some larger tract residential lots and to the east is the existing subdivision The Preserve at Agricultural Village which my clients own..
3. The property has historically been used as farmland. The current zoning allows for high density residential within a PUD. However, the existing PUD for this area is not specific enough to know what was intended. No site plan for this area was ever submitted under the current PUD.
4. The property will remain residential use as currently zoned. The density of the property will remain relatively the same.
5. The property will remain residential use as currently zoned. The density of the property will remain relatively the same.
6. The current zoning of the property allows for less than standard requirements within current zoning classifications
7. This is a like kind rezoning. Therefore, the economic use stays relatively the same.
8. The property has never been developed as currently zoned and has remained farmland.
9. The proposed zoning is like kind with its current zoning and meets similar lot sizes in neighboring subdivision.





Chad R. Bryant, P.E.  
President-Perry

Jennie S. Barfield, P.E.  
Forsyth Branch Manager

Casey Graham, P.E.  
Perry Branch Manager

10. The proposed zoning is for residential use and the property is within a transitional area from farmland to higher density residential.
11. This area is planned for residential development in the Comprehensive Plan
12. This area is part of a planned expansion to City Sewer. This is part of a planned development and therefore, sewer and water services have already been taken into account in existing infrastructure. Traffic counts are very low so there will not be an overburden on transportation infrastructure.
13. The proposed development we believe will provide a better transition than the current zoning and will have a softer impact to neighboring properties.

We would like to be placed on the next available agenda for the Perry Planning Commission. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chad R. Bryant'.

Chad Bryant, P.E.  
President  
Bryant Engineering







Doc ID: 014633620003 Type: GLR  
Recorded: 02/17/2017 at 11:19:43 AM  
Fee Amt: \$1,664.00 Page 1 of 3  
Transfer Tax: \$1,660.00  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk

7423 PG 70-72

Space Above This Line for Recorder's Use

After recording, please return to:  
Stanley, Esrey & Buckley, LLP *SEB*  
1230 Peachtree Street, Suite 2400  
Atlanta, Georgia 30309  
Attn: R. Bailey Teague, Jr.

STATE OF GEORGIA

COUNTY OF FULTON

**LIMITED WARRANTY DEED**

THIS INDENTURE is made this 24<sup>th</sup> day of January, 2017, to be effective as of August 11, 2016, by and between PERRY CAPITAL, LLC, a Georgia limited liability company, hereinafter called "Grantor", and PERRY PRESERVE, LLC, a Georgia limited liability company, hereinafter called "Grantee". The words "Grantor" and "Grantee" include the neuter, masculine and feminine genders, and the singular and the plural.

**WITNESSETH:**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has contributed, granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does contribute, grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal representatives and assigns of Grantee, all those tracts or parcels of land lying and being in Houston County, Georgia, being more particularly described on Exhibit "A", attached hereto and incorporated herein by reference (the "Property").

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee forever, in fee simple.

THIS CONVEYANCE and the warranties herein contained are expressly made subject all liens, encumbrances, restrictions and other matters of record.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto Grantee, and the successors, legal representatives and assigns of Grantee, against the claims of all persons whomsoever, claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor, acting by and through its duly authorized representative, has executed and sealed this indenture, and delivered this indenture to Grantee, all the day and year first above written.

**GRANTOR:**

**PERRY CAPITAL, LLC,**  
a Georgia limited liability company

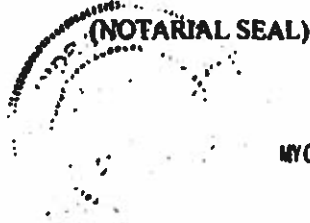
By: [Signature] (SEAL)  
Name: Robert C. Loudermilk, Jr.  
Title: Manager

Signed, sealed and delivered in the presence of:

C. Baswell  
Unofficial Witness

Sandra A. Burleson  
Notary Public

My Commission Expires:  
October 12, 2017



(NOTARIAL SEAL)  
SANDRA A. BURLESON  
NOTARY PUBLIC  
CHEROKEE COUNTY, GEORGIA  
MY COMMISSION EXPIRES OCTOBER 12, 2017

**EXHIBIT "A"**

Legal Description

**PARCEL NO. 1:**

All that tract or parcel of land situate, lying and being in Land Lot 319 of the 13<sup>th</sup> Land District and Land Lots 47, 48, 49 and 50 of the 14<sup>th</sup> Land District of Houston County, Georgia and comprising 429.613 acres, more or less, and having such shapes, metes, bounds, courses and distances as are shown on a plat of survey prepared by Theodore Waddle, Jr., dated February 9, 2006 and recorded in Plat Book 66, Pages 112-113, Clerk's Office, Houston Superior Court. Said plat of survey and the recorded copy thereof are made a part of this description by reference thereto for all purposes.

**LESS AND EXCEPT:** 153.514 acres as described in that certain Warranty Deed from Green Way Developers, Inc. to Donald E. Free, Jr. dated August 26, 2011 and recorded in Deed Book 5609, Pages 252-253, Clerk's Office, Houston Superior Court; and also described in that certain Quit Claim Deed of Partial Release between First Southern National Bank and Green Way Developers, Inc. dated August 26, 2011 and recorded in Deed Book 5642, Pages 194-195, said Clerk's Office.

**ALSO LESS AND EXCEPT:** All that tract or parcel of land situate, lying and being in Land Lots 47, 48 and 49 of the 14<sup>th</sup> Land District of Houston County, Georgia, and being known and designated as TRACT "A", comprising 55.41 acres, and having such shapes, metes, bounds, courses and distances as are shown on a plat of survey prepared by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated July 27, 2016 and recorded in Plat Book 78, Page 133, Clerk's Office, Houston Superior Court. Said plat of survey and the recorded copy thereof are hereby made a part of this description by reference thereto.

**PARCEL NO. 2:**

All that tract or parcel of land situate, lying and being in Land Lots 47, 48 and 49 of the 14<sup>th</sup> Land District of Houston County, Georgia, and being known and designated as TRACT "A", comprising 55.41 acres, and having such shapes, metes, bounds, courses and distances as are shown on a plat of survey prepared by Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, dated July 27, 2016 and recorded in Plat Book 78, Page 133, Clerk's Office, Houston Superior Court. Said plat of survey and the recorded copy thereof are hereby made a part of this description by reference thereto.

All of the above described property being presently known and designated by the Houston County Tax Assessor's Office as PARCEL NUMBER P34-37, comprising 276.10 acres.



**MINUTES**  
**WORK SESSION MEETING**  
**OF THE PERRY CITY COUNCIL**  
**September 14, 2020**  
**5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting held September 14, 2020 at 5:00 p.m.

2. Roll:  
Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Willie King, Council Members Phyllis Bynum-Grace, Robert Jones, Riley Hunt, Darryl Albritton, and Joy Peterson.

Elected Officials Absent: none

Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren

City Departmental Staffing: Major William Phelps – Perry Police Department, Chief Lee Parker - Perry Fire and Emergency Services Department, Brenda King – Director of Administration, Mitchell Worthington – Director of Finance, Bryan Wood – Director Community Development, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Tabitha Clark – Communications Manager, Ashley Hardin – Economic Development Manager, Haley Bryant – Main Street Coordinator, Chad McMurrian – Engineering Services Manager, and Fire Marshal Michael Paull.

Guest(s)/Speaker(s): Mike Gray (Walker, Hulbert, Gray and Moore, LLP), and James Moxley

Media: Lauren Harris - The Houston Home Journal

3. Items of Review /Discussion: Mayor Randall Walker

\*\* Mayor Walker acknowledged the citizens from The Woodlands Subdivision and asked them if they would have their discussion with Council at Council's Tuesday meeting due to this evening's meeting tight timeframe. The citizens concurred with Mayor Walker's request.

3a. Appearance(s):

1. Perry Parkway rezoning. Attorney Mike Gray appeared before Council on the behalf of his client, Mr. James Moxley, who wants to develop a RV park for seniors on the property. The rezoning application requests the rezoning of 4.04 acres from City of Perry, M-1, Wholesale and Light Industrial District, to City of Perry C-1, Highway Commercial District. Mr. Moxley provided an overview of his plans for the RV park and answered Council's questions.

3b. Community Development Department

1. Proposed LMIG 2021 street resurfacing list. Mr. McMurrian reviewed the listing of the top six streets recommended for resurfacing. Mayor Walker requested this item be placed on Council's August 15 agenda for a vote.
2. Planning Commission suggested operations outline. Mr. Wood discussed the following items relative to his recommendation regarding the Planning Commission: 1) Attendance, 2) Training, and Council/Commission Meetings. Council concurred to accept Mr. Wood's recommendations.

3c. Public Works Department

1. Consider concept plan for Crossroads Park. Ms. Fitzner presented a PowerPoint of Crossroads Park design development. Council concurred with the layout (Phase 1).

3d. Department of Leisure Services

1. Disc golf rental fees recommendation. Mr. Swan advised Council of the interest of disc golf tournaments and recommended rental fees. Council concurred to move forward with Mr. Swan's recommendation and Mr. Gilmour will bring forward a resolution of the fees.

4. Council Member Items:

Council, Mr. Gilmour, Ms. Newby, and Mr. Smith had no reports.

Mayor Walker recognized Council Member Hunt for cleaning up our post office and involving a civic group with the clean-up.

5. Department Head/Staff Items:

Ms. King, Mr. Worthington, Mr. Wood, Ms. Harden, Ms. Bryant, Chief Parker, Chief Lynn, Ms. Fitzner, Ms. Warren, and Ms. Clark had no reports.

6. Adjournment: There being no further business to come before Council in the work

session held on September 14, 2020 Council Member Jones motioned to adjourn the meeting at 5:47 pm. Mayor Pro Tempore King seconded the motion and it carried unanimously.

**MINUTES  
PRE COUNCIL MEETING  
OF THE PERRY CITY COUNCIL  
September 15, 2020  
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held September 15, 2020 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker, Mayor Pro Tempore Willie King and Council Members Joy Peterson, Robert Jones, Darryl Albritton, Phyllis Bynum-Grace, and Riley Hunt.

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Annie Warren.

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Mitchell Worthington – Finance Director, Chief Lee Parker - Fire and Emergency Services Department, Chief Steve Lynn – Perry Police Department, Fire Marshal Michael Paull – Fire and Emergency Services Department, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Chad McMurrian – Engineering Services Manager, Haley Bryant – Main Street Coordinator, Ashley Hardin – Economic Development Manager, Tabitha Clark – Communications Manager, and Fire Marshal Michael Paull.

Media: Lauren Harris – Houston Home Journal

3. Items of Review/Discussion: Mayor Randall Walker

3a. Discussion of September 15, 2020 council meeting agenda.

8a. Public Hearing relative to an alcohol license application for 740 Main Street. Mr. Gilmour advised a public hearing was being held because this is the first time this location will have an alcohol license.

10a (1). Second Reading of an ordinance for the rezoning of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road; Tax Map No. 000310 006000. Mr. Wood advised this is a request to rezone a 0.79-acre portion from RAG (County) to C-1 (City). Staff and the Planning Commission recommends approval of the application.

**10a (2). Second Reading of an ordinance for the annexation of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road; Tax Map No. 000310 006000.** Mr. Wood reviewed the application and reported staff and the Planning Commission recommended approval.

**10a (3). Second Reading of an ordinance for the rezoning of property from R-1, Single-family Residential District, to C-1, Highway Commercial District. The property is located at 1999 Sam Nunn Boulevard; Tax Map No. 0P0380 036000.** Mr. Wood advised this is a request to rezone a 3.21-acre portion from R-1, Single-family Residential District, to C-1, Highway Commercial District. Staff and the Planning Commission recommends approval of the application.

**10a (4). Second Reading of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property is located at 100 Ashley Drive (Perimeter Road); Tax Map No. 0P0390 004000 and 0P0390 017000.** Mr. Wood advised this is a request to rezone 41.44-acre tract from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. Staff and the Planning Commission recommends approval of the application.

**10a (5). Second Reading of an ordinance for the rezoning of property from M-1, Wholesale and Light Industrial District, to C-1, Highway Commercial District. The property's location is Perry Parkway at Interstate 75; Tax Map No. 0P38A0 011000.** Mr. Wood advised this is a request to rezone a 4.04-acre tract from M-1, Wholesale and Light Industrial District, to C-1, Highway Commercial District. Staff and the Planning Commission recommends approval of the application.

**10a (6). Second Reading of an ordinance for the rezoning of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75; Tax Map No. 000300 20E000.** Mr. Wood reported this is a request to rezone a 3-acre parcel from RAG (County) to C-1 (City). Staff and the Planning Commission recommends approval of the application.

**10a (7). Second Reading of an ordinance for the annexation of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75; Tax Map No. 000300 20E000.** Mr. Wood reviewed the application and reported staff and the Planning Commission recommended approval.

**10a (8). Second Reading of an ordinance to amend Section 25-102(d).** Ms. Newby advised this is a language change from sewer line to sewer system.

**10a (9). Second Reading of an ordinance to repeal Article II-Recreation Commission and Article III-Rozar Park Fishing Ponds of Chapter 20.** Ms. Newby stated this is an ordinance to repeal Article II and III of Chapter 20, Parks and Recreation.

12a (1). Approval of FY 2021 LMIG Streets. Mr. McMurrian advised Council that staff recommended the following streets for FY 2021 LMIG: 1) Riley Street, Stanley Street, Gordy Street, Deanview Drive, Baird Drive, and Kings Chapel Road.

12b (1). First Reading of an ordinance repealing the Tree Board, as found in Division 3 of Article V, Chapter 2. Ms. Newby stated this is an ordinance to repeal the Tree Board since it is no longer active.

12c (1). Bid No. 2021-06. Mr. Worthington recommended awarding Bid No. to Solutionz, Inc., for the alternative bid amount, \$32,210.00.

12d (1). Resolution establishing guidelines for permitting septic tank installation in the corporate limits of the City. Mr. Gilmour recommend Council adopt the resolution with the change to single-family detached homes.

12d (2). Resolution to amend Perry Fee Schedule. Administration stated the purpose of the amendment to the fee schedule is to add an additional rental rate for the Perry Arts Center and Worrall Center, and for Leisure Services to have disk golf rental rate.

12d (3). Resolution to accept Donation of Stormwater Management Area Property from New Haven Maintenance and Improvement Association, Inc. Ms. Newby stated this is a resolution accepting four stormwater management ponds from the New Haven Maintenance and Improvement Association, Inc.

12d (4). Resolution to amend the Perry Pay Classification Plan. Administration stated this resolution is to address an issue of hiring staff to work in the Division of Solid Waste at a lower pay range but requiring a commercial driver's license to operate the Knuckleboom truck.

12f. Consider adjusting operation hours of destination parks. Administration recommended Council close the destination parks at sunset unless there is a Department of Leisure Services sanctioned event.

4. Council Member Items:

Mayor Pro Tempore King, Jones, Hunt, Bynum-Grace, Peterson and Albritton had no reports.

Mr. Gilmour, Ms. Newby, and Mr. Smith had no reports.

5. Adjournment: There being no further business to come before Council in the pre council meeting held September 15, 2020 Council Member Albritton motioned to adjourn the meeting at 5:55 p.m. Council Member Peterson seconded the motion and it carried unanimously.

**MINUTES**  
**REGULAR MEETING OF THE PERRY CITY COUNCIL**  
**September 15, 2020**  
**6:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held September 15, 2020 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker; Mayor Pro Tempore Willie King and Council Members Phyllis Bynum-Grace, Darryl Albritton, Joy Peterson, Riley Hunt and Robert Jones.

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, and Recording Clerk Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Fire Marshal Michael Paull – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Brenda King – Director of Administration, Mitchell Worthington – Director of Finance, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Haley Bryant – Main Street Coordinator, Ashley Hardin – Economic Development Manager, Chad McMurrian – Engineering Services Manager, and Tabitha Clark – Communications Manager.

Guest(s): Ellen Palmer (President/Perry Chamber), Jimmy and Shannon Stricklen (Main Street Bar), Robert Tuggle (Daniel, Lawson, Tuggle & Jerles, LLP), James Moxley, Mike Gray (Walker, Hulbert, Gray & Moore, LLP), Amy Kemp, Jeannie Cowan, Beverly Knight, Walter Markwas and John Reddrick (The Woodlands' Homeowners).

Media: Lauren Harris - Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag:

Mayor Pro Tempore King rendered the invocation and Council Member Albritton led the pledge of allegiance to the flag.

4. Mayor's Appointment:

- 4a. Appointment of Ms. Amy Kemp to the Planning Commission – Mayor Walker.

Mayor Walker entertained a motion to appoint Ms. Amy Kemp to the Planning Commission. Council Member Jones motioned to appoint Ms. Amy Kemp to the Planning Commission; Council Member Bynum-Grace seconded the motion

and it carried unanimously.

5. Appearance(s):

5a. Comments from The Woodlands' Homeowners

- Jeannie Cowan, 313 Rolling Acres Drive, voiced her concerns relative to the road being constructed in the cul-de-sac.
- Beverly Knight, 307 Rolling Acres Drive, voiced her concerns relative to an increase in traffic with the new road.
- Walter Markwas, 309 Rolling Acres Drive, stated he brought his home because it was a cul-de-sac.
- John Reddick, 308 Rolling Acres Drive, stated he had no idea there was going to be a road constructed.

6. Community Partner(s) Update(s):

Ms. Ellen Palmer, President of Perry Chamber, announced:

- November 5, State of the Community Luncheon
- November 6-15, Perry Restaurant Week

7. Citizens with Input. none

8. PUBLIC HEARING CALLED TO ORDER AT 6:15 P.M. Mayor Walker called to order a public hearing at 6:15 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.

8a. Public Hearing relative to an alcohol license application for 740 Main Street.

Mr. Gilmour advised this location has never had an alcohol license before and the purpose of this public hearing is to determine if there are any objections or if anyone wants to speak in favor.

Public Input: Mayor Walker called for any public input for or opposed to the application.

For: None

Against: None

PUBLIC HEARING CLOSED AT 6:17 P.M. Mayor Walker closed the public hearing at 6:17 p.m.

9. Review of Minutes: Mayor Randall Walker

9a. Council's Consideration – Minutes of the August 31, 2020 work session, September 1, 2020 pre council meeting, and September 1, 2020 council meeting. ***(Council Member Hunt was absent from September 1, 2020 meetings.)***



Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member Jones seconded the motion and it carried with Council Member Hunt abstaining from the September 1, 2020 meetings.

10. Old Business: Mayor Randall Walker

10a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance for the rezoning of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road; Tax Map No. 000310 006000 – Mr. B. Wood.

Adopted Ordinance No. 2020-14 for the rezoning of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road. Mayor Pro-Tempore King motioned to adopt the motion as submitted; Council Member Jones seconded the motion and it carried unanimously. (Ordinance 2020-14 has been entered into the City's official book of record.)

2. **Second Reading** of an ordinance for the annexation of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road; Tax Map No. 000310 006000 – Mr. B. Wood.

Adopted Ordinance No. 2020-15 for the annexation of property from RAG (County) to C-1 (City). The property is located at 220 Airport Road. Council Member Albritton motioned to adopt the motion as submitted; Mayor Pro King seconded the motion and it carried unanimously. (Ordinance 2020-15 has been entered into the City's official book of record.)

3. **Second Reading** of an ordinance for the rezoning of property from R-1, Single-family Residential District, to C-1, Highway Commercial District. The property is located at 1999 Sam Nunn Boulevard; Tax Map No. 0P0380 036000 – Mr. B. Wood.

Adopted Ordinance No. 2020-16 for the rezoning of property from R-1, Single-family Residential District, to C-1, Highway Commercial District. The property is located at 1999 Sam Nunn Boulevard. Mayor Pro-Tempore King motioned to adopt the motion as submitted; Council Member Jones seconded the motion and it carried unanimously. (Ordinance 2020-16 has been entered into the City's official book of record.)

4. **Second Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property is located at 100 Ashley Drive (Perimeter Road); Tax Map No. 0P0390 004000 and 0P0390 017000 – Mr. B. Wood.

Adopted Ordinance Nos. 2020-17 and 2020-18 for the rezoning of property from PUD, Planned Unit Development District, to R-3, Multi-family Residential District. The property is located at 100 Ashley Drive (Perimeter Road). Mayor Pro-Tempore King motioned to adopt the motion as submitted; Council Member Albritton seconded the motion and it carried unanimously. (Ordinance 2020-17 and Ordinance 2020-18 have been entered into the City's official book of record.)

5. **Second Reading** of an ordinance for the rezoning of property from M-1, Wholesale and Light Industrial District, to C-1, Highway Commercial District. The property's location is Perry Parkway at Interstate 75; Tax Map No. 0P38A0 011000 – Mr. B. Wood.

Adopted Ordinance No. 2020-19 for the rezoning of property from M-1, Wholesale and Light Industrial District, to C-1, Highway Commercial District. The property's location is Perry Parkway at Interstate 75. Council Member Albritton motioned to adopt the motion as submitted; Mayor Pro Tempore King seconded the motion and it carried 5 to 1, Council Member Peterson, opposed. (Ordinance 2020-19 has been entered into the City's official book of record.)

6. **Second Reading** of an ordinance for the rezoning of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75; Tax Map No. 000300 20E000 – Mr. B. Wood.

Adopted Ordinance No. 2020-20 for the rezoning of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75. Mayor Pro-Tempore King motioned to adopt the motion as submitted; Council Member Albritton seconded the motion and it carried 5 to 1, Council Member Peterson, opposed. (Ordinance 2020-20 has been entered into the City's official book of record.)

7. **Second Reading** of an ordinance for the annexation of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75; Tax Map No. 000300 20E000 – Mr. B. Wood.

Adopted Ordinance No. 2020-21 for the for the annexation of property from RAG (County) to C-1 (City). The property's location is Perry Parkway at Interstate 75. Mayor Pro-Tempore King motioned to adopt the motion as submitted; Council Member Albritton seconded the motion and it carried unanimously. (Ordinance 2020-21 has been entered into the City's official book of record.)

8. **Second Reading** of an ordinance to amend Section 25-102(d) – Ms. B. Newby.

Adopted Ordinance No. 2020-22 to amend Section 25-102(d). Ms. Newby advised this is a language change from sewer line to sewer system. Council Member Albritton motioned to adopt the ordinance as

submitted; Council Member Peterson seconded the motion and it carried unanimously. (Ordinance 2020-22 has been entered into the City's official book of record.)

9. **Second Reading** of an ordinance to repeal Article II-Recreation Commission and Article III-Rozar Park Fishing Ponds of Chapter 20 – Ms. B. Newby.

Adopted Ordinance No. 2020-23 to repeal Article II-Recreation Commission and Article III-Rozar Park Fishing Ponds of Chapter 20.

Ms. Newby advised this is an ordinance prepared to repeal Article II-Recreation Commission and Article III-Rozar Park Fishing Ponds of Chapter 20. Council Member Albritton motioned to adopt the ordinance as submitted; Council Member Jones seconded the motion and it carried unanimously. (Ordinance 2020-23 has been entered into the City's official book of record.)

11. Any Other Old Business:

- 11a. Mayor Randall Walker - none
- 11b. Council Members – none
- 11c. City Attorney Brooke Newby – none
- 11d. City Manager Lee Gilmour - none
- 11e. Assistant City Manager Robert Smith - none

12. New Business: Mayor Randall Walker

12a. Matters referred from September 14, 2020 work session and September 15, 2020 pre council meeting.

- 1. Approval of FY 2021 LMIG streets – Mr. C. McMurrian.

Mr. McMurrian advised Council that staff recommended approving the following streets for FY 2021 LMIG: 1) Riley Street, Stanley Street, Gordy Street, Deanview Drive, Baird Drive, and Kings Chapel Road. Council Member Bynum-Grace motioned to approve the streets submitted for the FY 2021 LMIG; Council Member Jones seconded the motion and it carried unanimously.

12b. Ordinance(s) for First Reading(s) and Introduction:

- 1. **First Reading** of an ordinance repealing the Tree Board, as found in Division 3 of Article V, Chapter 2 – Ms. B. Newby. (No action required by Council.)

Mr. Newby advised the Tree Board is no longer active.

12c. Award of Bid(s):

1. Bid No. 2021-06 Perry Arts Center A/V Equipment – Mr. M. Worthington.

Mr. Worthington presented for Council’s consideration an award of bid for the Perry Arts Center A/V Equipment. Three responsive bids and one alternative bid. Staff recommends awarding the bid to Solutionz, Inc. alternative bid, in the amount of \$32,210.00. Mayor Pro Tempore King moved to award the bid to Solutionz, Inc. alternative bid, \$32,210.00; Council Member Jones seconded the motion and it carried unanimously.

12d. Resolution(s) for Introduction and Adoption:

1. Resolution establishing guidelines for permitting septic tank installation in the corporate limits of the city – Mr. L. Gilmour.

Adopted Resolution No. 2020-57 establishing guidelines for permitting septic tank installation in the corporate limits of the city. Council Member Jones motioned to approve the resolution as submitted; Mayor Pro Tempore King seconded the motion and it carried unanimously. *(Resolution 2020-57 has been entered into the City’s official book of record.)*

2. Resolution to amend Perry Fee Schedule – Mr. L. Gilmour.

Adopted Resolution No. 2020-58 amending the Perry Fee Schedule. Council Member Jones motioned to approve the resolution as submitted; Mayor Pro Tempore King seconded the motion and it carried unanimously. *(Resolution 2020-58 has been entered into the City’s official book of record.)*

3. Resolution to accept Donation of Stormwater Management Area Property from New Haven Maintenance and Improvement Association, Inc. – Ms. B. Newby.

Adopted Resolution No. 2020-59 to accept the Donation of Stormwater Management Area Property from New Haven Maintenance and Improvement Association, Inc. Council Member Jones motioned to approve the resolution as submitted; Mayor Pro Tempore King seconded the motion and it carried unanimously. *(Resolution 2020-59 has been entered into the City’s official book of record.)*

4. Resolution to amend the Perry Pay Classification Plan – Mr. L. Gilmour.

Adopted Resolution No. 2020-60 to amend the Perry Pay Classification Plan. Council Member Albritton motioned to approve the resolution as submitted; Council Member Jones seconded the motion and it carried unanimously. *(Resolution 2020-60 has been entered into the City’s official book of record.)*

- 12e. Application for Alcohol License (Beer/Wine and Liquor on premises) for Main Street Bar located at 740 Main Street. Manager name is Shannon Stricklen – Mr. L. Gilmour.

Administration recommends authorization of the alcohol license for 740 Main Street.

Mayor Pro Tempore King motioned to approve the alcohol license application as submitted; Council Member Jones seconded the motion and it carried unanimously.

- 12f. Consider adjusting operation hours of destination parks – Mr. L. Gilmour.

Administration recommended Council close the destination parks at sunset unless there is a Department of Leisure Services sanctioned event.

Council Member Bynum-Grace motioned to adjust the operation hours of destination parks as presented by Administration; Council Member Hunt seconded the motion and it carried unanimously.

- 12g. Special Events Application(s):

1. The Perry Area Chamber of Commerce is hosting Business Battlefield on Thursday, October 29, 2020, from 6pm until 9pm – Ms. E. Palmer.

Ms. Palmer presented the Chamber's requested to host its 4<sup>th</sup> Annual Business Battle on October 29, 2020 at Heritage Oaks Park. Council Member Jones motioned to approve the Chamber's request to host Business Battlefield on October 29, 2020 at Heritage Oaks Park; Council Member Bynum-Grace seconded the motion and it carried unanimously.

13. Council Members Items:

Council had no reports.

Mr. Gilmour recommended imposing a 120-day moratorium on RV Parks until an assessment of those parks can brought back to Council and to exempt the proposed RV Park.

Adopted Resolution No. 2020-61 Imposing a Moratorium of 120-days on RV Parks.

Mayor Pro Tempore King motioned to adopt a resolution imposing a 120-day moratorium on RV Parks as presented by Mr. Gilmour. Council Jones seconded the motion and it carried unanimously. (*Resolution 2020-61 has been entered into the City's official book of record.*)

Ms. Newby had no report.

Mr. Smith reported Water Plant #3 is completed and will be commissioned September 28 – October 2.

14. Department Heads/Staff Items.

Ms. King, Worthington, Chief Lynn, Chief Parker, Ms. Fitzner, Ms. Clark, Ms. Warren, Mr. McMurrian, and Ms. Bryant had no reports.

Mr. Wood

- The City will receive \$748,561 through CDBG program
- 15 days are left to respond to the Census

Mr. Swan

- Ribbon Cutting for Traffic Park has been pushed back to September 23 at 10 am.

Ms. Hardin

- DDA check presentation for \$26,000 to Morning by Morning Coffee for participating in Natural Gas Incentive program.
- Orleans on Carroll is still moving forward and has a May 1<sup>st</sup> opening date.

15. General Public Items: none

16. Mayor Items:

- only 15 days left on the 2020 Census
- September 18, Grub Crawl
- October 5, Work session
- October 6, Pre council and Council

17. Adjournment: There being no further business to come before Council in the council meeting held September 15, 2020, Council Member Peterson motioned to adjourn the meeting at 6:54 p.m. Council Member Bynum-Grace seconded the motion and it carried unanimously.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, CHAPTER 2, ADMINISTRATION; REPEALING DIVISION 3 OF ARTICLE V, TREE BOARD; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:**

1.

The Code of Ordinances is hereby amended by repealing, in its entirety, Division 3 – Tree Board of Article V, Chapter 2. Sections 2-231 through 2-240 are hereby reserved.

**BE IT FURTHER ORDAINED** that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

**SO ENACTED this 6<sup>th</sup> day of October, 2020.**

**CITY OF PERRY, GEORGIA**

By: \_\_\_\_\_  
Randall Walker, Mayor

Attest: \_\_\_\_\_  
Annie Warren, City Clerk

1<sup>st</sup> Reading: September 15, 2020

2<sup>nd</sup> Reading: October 6, 2020



**Where Georgia comes together.**

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

**TO:** Mayor / Council  
**FROM:** Lee Gilmour, City Manager *LG*  
**DATE:** September 29, 2020  
**REFERENCE:** Fee schedule amendment

The attached resolution proposes to amend the City of Perry Fee Schedule by adding the following service charges.

1. Customer Service and Utilities request a charge to pay for a customer's broken water meter register for the second and subsequent damage events.
2. The Department of Public Works requests an additional charge for totter customers for extra services.

These changes are recommended.

**cc:** Mr. R. Smith  
Ms. A. Fitzner  
Ms. V. Sanders



**A RESOLUTION TO AMEND  
THE CITY OF PERRY  
FEE SCHEDULE**

**WHEREAS**, there is a request to address certain fee issues;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY  
HEREBY RESOLVES** that the City of Perry Fee Schedule is amended as follows:

Section 1: B. Charges for Services, 5. Water/Sewerage, a. Water Services, 2. Meter Installations, b. Existing Service Meters Replacements is amended by adding the following:

7. Register \$ 110/each event

Section 2: B. Charge for Services, 4. Sanitation, C. Extra Services, 1. Totter Customers is amended to add

b. Special Service \$ 200/load  
(Contractor yard/tree service debris, Excessive Bulk Items).

SO RESOLVED THIS \_\_\_\_\_ DAY OF OCTOBER 2020.

CITY OF PERRY

By:

\_\_\_\_\_  
RANDALL WALKER, MAYOR

City Seal

Attest:

\_\_\_\_\_  
ANNIE WARREN, CITY CLERK



Where Georgia comes together.

**OFFICE OF THE CITY MANAGER**

**MEMORANDUM**

TO: Mayor / Council  
FROM: Lee Gilmour, City Manager <sup>LG</sup>  
DATE: September 21, 2020  
REFERENCE: Request to restore a position

When the COVID-19 event first occurred the Perry Fire and Emergency Services Department was advised to freeze a vacant firefighter position. As the event continued the position was not included in the FY-2021 Operating Budget.

Based on a review of the August 2020 Fire Protection Utility District Special Revenue Fund revenues, the Administration recommends Council authorize reinstating this position.

cc: Chief L. Parker



**Where Georgia comes together.**

Office of the City Attorney

**To: Mayor and Council**

**From: Brooke Newby, City Attorney** *BN*

**CC: Lee Gilmour, City Manager  
Robert Smith, Assistant City Manager  
Bryan Wood, Director of Community Development  
Lee Parker, Fire Chief  
Michael Paull, Fire Marshal**

**Date: September 25, 2020**

**Re: Westwood Mobile Home Park and Enforcement of Paving Requirements**

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Dear Mayor and Council,

As you all are probably familiar, the Westwood Mobile Home Park has been an on-going issue for the City for several years. The property was obtained by the Mullins family in 1970 and has been utilized as a mobile home park presumably since that date. Former city attorney, David Walker, confirmed the park's existence as far back as he could remember.

In 2012, while Mullins Real Estate Properties, LLC still owned the property, it was rezoned from R-3 to PUD. The rezoning was subject to conditions imposed by Council as recommended by the Planning Commission. A copy of the rezoning ordinance outlining the conditions is attached hereto. As you will see, the PUD plan required pavement width of twenty feet (20') for two-way streets and two paved parking spaces on the property per manufactured home, among other requirements.

Subsequent to the rezoning, the City obtained a judgment against Mullins Real Estate Properties, LLC, in September 2016, for violating Section 92.11.1 of the then Perry Land Development Ordinance relative to the paving requirements for the mobile home park. A lien was placed against the property and the judgment continues to accrue penalties at the rate of \$100.00 per day until the property is brought into compliance.

You may recall earlier this year that Council was approached by Oak Haven MHC, LLC ("Oak Haven"), who was looking to purchase the mobile home park from Mullins Real Estate Properties, LLC. Oak Haven sought to work out an agreement with the City in which Oak Haven would satisfy any conditions imposed by the City relative to the judgment, in exchange for the City subordinating its lien and executing a judgment enforcement agreement. A copy of the judgment enforcement agreement is attached hereto for your reference. Exhibit "B" of the agreement lists the requirements Oak Haven must satisfy for the City to cancel its judgment lien

Mayor and Council  
Re: Westwood Mobile Home Park  
September 25, 2020  
Page Two of Two

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of record. Specifically, item 2 provides, "Commencement of a paving plan for the Property in compliance with the current standards of the City of Perry's Code and Land Management Ordinance shall commence within 120 days of the closing of the Property." Item 3 allows paving to be completed in phases as agreed upon by both parties. And item 6 further provides that Oak Haven shall bring the Property into compliance with all requirements of the PUD plan (the plan/conditions of the rezoning ordinance).

It is my understanding that Oak Haven is working towards accomplishing several of the required items. In doing so, however, relative to the paving requirements, Oak Haven has paved the drives in a width of twenty feet (20'). While this is consistent with the PUD plan, it is not consistent with our current standards under the Perry Land Management Ordinance found in §6-11.2 which require the width of pavement to be twenty-three feet (23'). But for the judgment enforcement agreement requiring Oak Haven to meet our current standards, this property would not be subject to §6-11 of the Perry Land Management Ordinance which is applicable to new private developments. In that case, Oak Haven would be required only to satisfy the PUD plan requirements of twenty feet (20').

Since the Fire Marshal and Fire Chief have indicated that they have some concerns and/or issues with what has been paved by Oak Haven, this matter will be coming before you for consideration at your October 5<sup>th</sup> work session. Please do not hesitate to contact me with any questions regarding this matter in the meantime.

**ORDINANCE**

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry R-3 to City of Perry PUD and the city's zoning map is amended accordingly relative to property of MULLINS REAL ESTATE PROPERTIES, LLC described as follows:

These certain tracts or parcels of land situate, lying and being in the 13<sup>th</sup> Land District of Houston County, Georgia, and in the City of Perry, known and designated as Tract 2, comprising 4.942 acres; Tract 3, comprising 6.160 acres; Tract 4, comprising 3.546 acres; Tract 5, comprising 3.546 acres and Tract 6, comprising 3.525 acres, as more particularly shown on a plat of survey prepared by Richard L. Jones, Surveyor, on June 21, 1974, a copy of said plat being of record in Map Book 17, Page 224, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Said zoning is changed subject to the conditions contained in the letter dated November 15, 2011 from the Perry Planning Commission, a copy of which is attached hereto and made a part of this ordinance by reference thereto.

SO ENACTED this   3rd   day of January, 2012.

CITY OF PERRY, GEORGIA

BY:   
JAMES E. FAIRCLOTH, JR., MAYOR

ATTEST:   
LEE GILMOUR, CITY CLERK

1st Reading: December 6, 2011

2nd Reading: January 3, 2012

EXHIBIT "A"

**PUBLIC HEARING**  
**December 06, 2011**  
**TUESDAY @ 6:00 PM**

**City of Perry**  
**Community Development Department**

1211 Washington Street  
P.O. Box 2030  
Perry, Georgia 31069



478-988-2720  
Telephone

[www.perry-ga.gov](http://www.perry-ga.gov)

478-988-2725  
Facsimile

November 15, 2011

The Honorable James E. Faircloth, Jr.  
Perry City Council  
Post Office Box 2030  
Perry, Georgia 31069

Re: Petition for Rezoning #R-11-06  
1109 Gaines Drive (P36-1)

Dear Mayor and Council:

On November 14, 2011 the Perry Planning Commission reviewed the above referenced petition for a rezoning request as submitted by Mr. Kim Mullins.

The petition request was for the rezoning of 21.7 acres from R-3, Multi-Family Residential District, to a PUD, Planned Unit Development

The Perry Planning Commission respectfully submits this letter to Mayor and City Council as our formal and favorable recommendation of approval of the application as submitted, with the following conditions:

- 1). Pavement Width is to remain 20 feet for two-way streets.
- 2). Roads should be free of ruts, holes, and standing water with paving to correct problem and completed within thirty (30) days of the City's completion of drainage improvements.
- 3). Two paved parking spaces required on property for new manufactured homes brought in and within three (3) years for existing homes.
- 4). Ground cover shall be completed within ninety (90) days after parking pads are installed.
- 5). Dilapidated structures shall be either brought into compliance or removed from property when legally allowed.
- 6). Underpinning shall be completed within ninety (90) days from Council approval.
- 7). Trash, debris and junk vehicles shall be handled through the City's Code Enforcement process.

**PUBLIC HEARING**  
**December 06, 2011**  
**TUESDAY @ 6:00 PM**

Sincerely,

  
Martin Beeland, Chairman  
Perry Planning Commission

MB/cs

Also includes repair of storm drain on  
property damaged by Mr. Mullins or his  
contractors.

○



Doc ID: 015880230011 Type: GLR  
Recorded: 02/06/2020 at 12:15:51 PM  
Fee Amt: \$25.00 Page 1 of 11  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk

BK **8477** PG **18-28**

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(Above Spaced Used for Recording)

✓ Return to:  
City of Perry  
Attn: City Attorney  
P.O. Box 2030  
Perry, GA 31069

**Judgment Enforcement Agreement between Oak Haven MHC, LLC,  
and the City of Perry, Georgia**

**Cross Reference- Book 7681, Page 233**



**JUDGMENT ENFORCEMENT AGREEMENT**

STATE OF GEORGIA  
COUNTY OF HOUSTON

THIS JUDGMENT ENFORCEMENT AGREEMENT (this "Agreement") is entered into as of this 27<sup>th</sup> day of January, 2020, to be effective as of the date of closing of the sales transaction contemplated herein (the "Effective Date") by and among OAK HAVEN MHC, LLC, a Georgia limited liability company (the "Purchaser") and THE CITY OF PERRY, GEORGIA, a municipal corporation and governmental body of the State of Georgia, (hereinafter referred to as "City").

**WITNESSETH:**

WHEREAS, Purchaser has entered into a sales contract dated October 23, 2019 to purchase certain real property owned by Mullins Real Estate Properties, LLC, (hereinafter "Mullins") located at 1109 Gaines Drive, Perry, Houston County, Georgia, and known as "Westwood Trailer Park" (hereinafter "Property"); and

WHEREAS, the closing of the Property shall be consummated on or before 27<sup>th</sup> JAN 2020, and

WHEREAS, the City obtained a judgment against Mullins and the Property on October 24, 2016, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the judgment to-date is for \$107,900.00 (as of 10/08/19) and continues to accrue penalties at the rate of \$100.00 per day; and

WHEREAS, the parties are entering into this Agreement to set forth the terms and conditions under which the Purchaser will complete certain requirements to bring the Property into compliance with the Code of the City in exchange for the City agreeing not to enforce or collect its judgment.

NOW, THEREFORE, in consideration of the premises, the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties, intending to be legally bound, agree as follows:

1. **Judgment.** Judgment was entered on October 24, 2016, in favor of the City against Mullins Real Estate Properties, LLC, for a fine of \$100.00 plus a penalty of \$100.00 per day for violations of Section 92.11.1 of the Perry Land Development Ordinance that continued each day thereafter (hereinafter "Judgment"). The Judgment was recorded in the records of the Superior Court Clerk of Houston County pursuant to O.C.G.A. § 36-74-44 and constitute a lien against the Property. A copy of the Judgment is attached hereto as Exhibit "A."

2. **Covenant Not to Enforce or Collect.** The City hereby covenants and agrees not to enforce or collect or attempt to enforce or collect the Judgment as to the Property or against Purchaser, provided the Purchaser satisfactorily completes the conditions outlined in the attached

Exhibit "B" within the specified time periods. It is the intention of the Parties to this Agreement that the satisfaction of the City's requirements by Purchaser outlined in Exhibit "B" will constitute satisfaction of the Judgment as to the Property and the City will record a satisfaction/cancellation of the Judgment with the Superior Court Clerk of Houston County upon completion of all conditions.

This Agreement not to enforce the Judgment does not waive the continued accrual of penalties. The Parties further agree that the penalties will continue to accrue at the rate of \$100.00 per day on the Judgment. The Parties also agree that should the Purchaser fail to complete or satisfy any of the conditions or requirements outlined in Exhibit "B" within the specified time limits for completion, the City may seek to enforce or collect the Judgment against the Property and/or Purchaser. The Parties may mutually agree in writing to extend any time period for performance specified in Exhibit "B."

The City may also renew its Judgment at any time and the renewal of the Judgment will not be considered an action of enforcement or attempt to collect the debt; the City preserves its right to renew the Judgment to avoid its expiration or dormancy.

3. Performance of Requirements. The City has outlined certain conditions and requirements that must be performed/met by the Purchaser as it relates to the Property within certain specified time limits, the same being specified in the attached Exhibit "B" and incorporated by reference herein. Purchaser agrees to perform, complete and satisfy the conditions and requirements outlined on Exhibit "B" within the time limits established for performance.

Purchaser understands that this Agreement is a covenant from the City not to enforce or collect its Judgment in exchange for Purchaser's performance of conditions relative to the Property. This Agreement is in the nature of a covenant not to enforce a Judgment and the Parties intend to preserve the rights of the City to pursue collection and enforcement of the Judgment against the Property and Purchaser if the conditions of this Agreement are not satisfied.

4. Miscellaneous.

(a) This Agreement shall be binding upon and shall inure to the benefit of the successors and assignees of the respective parties hereto and in the case of an individual, his or her heirs, executors or administrators.

(b) This Agreement shall be governed by the laws of the State of Georgia.

(c) All exhibits and attachments to exhibits and any other attachments to this Agreement are hereby incorporated into this Agreement and are hereby made a part hereof as if set out in full in the place that reference is made thereto.

(d) The headings in this Agreement are inserted for convenience only and are in no way intended to describe, interpret, define or limit the scope, extent or intent of this Agreement or any provisions hereof.

(e) This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument.

(f) All notices, requests, demands and other communications hereunder, shall be in writing and shall be deemed to have been duly given if (a) delivered by hand, or (b) mailed by registered or certified mail, return receipts requested, first class postage prepaid, or (c) delivered by personal carrier, if the same shall be addressed as follows:

If to the Purchaser:  
Mr. Steve Case  
908 N. Houston Lake Blvd.  
Warner Robins, GA 31093

If to the City:  
Mr. Lee Gilmour, City Manager  
City of Perry  
P.O. Box 2030  
Perry, GA 31069

(g) If any portions of this Agreement shall, for any reason, be invalid or unenforceable, such portions shall be ineffective only to the extent of such invalidity or unenforceability, and the remaining portion or portions shall nevertheless be valid, enforceable and of full force and effect.

(h) This Agreement may not be assigned without the prior written consent of the other party hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and their seals to be affixed on the effective date.

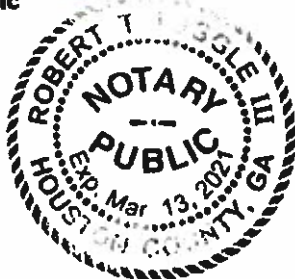
OAK HAVEN MHC LLC, Purchaser

Signed, sealed, and delivered  
in the presence of the undersigned:

By:   
STEVE CASE, Managing Member

Witness

  
Notary Public



Signed, sealed, and delivered  
in the presence of the undersigned:

*M. Wright*  
Witness

*[Signature]*  
Notary Public

**THE CITY OF PERRY, GEORGIA**

By: *R. Walker*  
Randall Walker, Mayor

Attest: *A. Warren*  
Annie Warren, Secretary

(SEAL)



JON IARY  
NOTARY PUBLIC  
MACON COUNTY, STATE OF GEORGIA  
MY COMMISSION EXPIRES ON 08/25/2020

**EXHIBIT A**

**Judgment of the Municipal Court for the City of Perry, State of Georgia dated October 24, 2016 in the case of *City of Perry, Georgia v. Mullins Real Estate Properties, LLC***

H (L) 31  
cc gill...

IN THE MUNICIPAL COURT OF THE CITY OF PERRY  
STATE OF GEORGIA

CITY OF PERRY, GEORGIA

Plaintiff

v.

MULLINS REAL ESTATE  
PROPERTIES, LLC

Defendant

Citation No. TCE001794

Doc ID: 014848110002 Type: GLR  
Recorded: 11/09/2017 at 04:14:08 PM  
Fee Amt: \$12.00 Page 1 of 2  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 7681 PG 233-234

JUDGMENT

This action came on for hearing before the Municipal Court of the City of Perry. Honorable Jeffrey L. Grube, Judge, presiding, and the issues having been presented to the court and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED

That the Defendant herein is found guilty of violating Section 92.11.1 of the Perry Land Development Ordinance and is fined ONE HUNDRED DOLLARS (\$100.00) plus \$100.00 per day thereafter. Provided, however, in the event the Defendant proceeds with the pavement of the road in Westwood Trailer Park in the City of Perry within 30 days of the date of this Judgment, all penalties after the date of the Judgment will be waived. In the event the work is not commenced within said 30 day period and completed within 4 months of the commencement date, the \$100.00 per day penalty will continue until said road is completed.

If the Defendant is delayed in completing the pavement of the road in Westwood Trailer Park beyond the four months from the commencement date, by any act or neglect of the City or an employee of the City by utility conflicts which could not have been identified or foreseen by Defendant using reasonable diligence,

BOOK 768 PAGE 231

or by fire, floods, abnormal weather conditions or acts of God, the time shall be extended to an amount equal to time lost. Acts of God include rain days if there is 0.10 inch or more of rain.

SO ORDERED this 24<sup>th</sup> day of October, 2016, nunc pro tunc September 21, 2016

*Jeffrey L. Grube*

Jeffrey L. Grube  
Judge, Perry Municipal Court

Order prepared by:

*David G. Walker*

David G. Walker, Attorney for Plaintiff  
Ga. State Bar No.: 731650  
909 Ball Street  
P. O. Box 1770  
Perry, Georgia 31069  
(478)987-1415



*Kevin [unclear]*  
10/24/17

H Cr 2-9-17  
Westwood, the original

IN THE MUNICIPAL COURT OF THE CITY OF PERRY  
STATE OF GEORGIA

CITY OF PERRY, GEORGIA

Plaintiff

v.

MULLINS REAL ESTATE  
PROPERTIES, LLC

Defendant

Citation No. TCE001794

Doc ID: 014948120002 Type: CLR  
Recorded: 11/09/2017 at 04:18:18 PM  
Fee Amt: \$12.00 Page 1 of 2  
Houston, Ga. Clerk Superior Court  
Carolyn V. Sullivan Clerk  
BK 7681 pg 235-236

**JUDGMENT**

This action came on for hearing before the Municipal Court of the City of Perry, Honorable Jeffrey L. Grube, Judge, presiding, and the issues having been presented to the court and a decision having been duly rendered,

**IT IS ORDERED AND ADJUDGED**

That the Defendant herein is found guilty of violating Section 92.11.1 of the Perry Land Development Ordinance and is fined ONE HUNDRED DOLLARS (\$100.00) plus \$100.00 per day thereafter. Provided, however, in the event the Defendant proceeds with the pavement of the road in Westwood Trailer Park in the City of Perry within 30 days of the date of this Judgment, all penalties after the date of the Judgment will be waived. In the event the work is not commenced within said 30 day period and completed within 4 months of the commencement date, the \$100.00 per day penalty will continue until said road is completed.

If the Defendant is delayed in completing the pavement of the road in Westwood Trailer Park beyond the four months from the commencement date, by any act or neglect of the City or an employee of the City, by utility conflicts which could not have been identified or foreseen by Defendant using reasonable diligence



2014 7 6 8 1 PAGE 236

or by fire, floods, abnormal weather conditions or acts of God, the time shall be extended to an amount equal to time lost. Acts of God include rain days if there is 0.10 inch or more of rain.

SO ORDERED this 24<sup>th</sup> day of October, 2016, nunc pro tunc September 21, 2016.

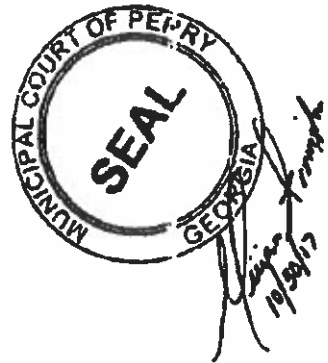
*[Handwritten signature of Jeffrey L. Grube]*

Jeffrey L. Grube  
Judge, Perry Municipal Court

Order prepared by:

*[Handwritten signature of David G. Walker]*

David G. Walker, Attorney for Plaintiff  
Ga. State Bar No.: 731650  
909 Ball Street  
P. O. Box 1770  
Perry, Georgia 31069  
(478)987-1415



**EXHIBIT B**

**Requirements Established by Mayor and Council of the City of Perry**

1. Stormwater connection must be made at the Property within 180 days of the closing of the Property.
2. Commencement of a paving plan for the Property in compliance with the current standards of the City of Perry's Code and Land Management Ordinance shall commence within 120 days of the closing of the Property.
3. The first phase of paving shall be completed within ten (10) months of the date of closing of the Property. Phases shall be agreed upon in writing by both parties.
4. The City will provide individual water meters and gas meters to individual units or lots on the Property at no cost to the Purchaser. The Purchaser shall be responsible for the maintenance of all service lines within and on the Property unless the Purchaser provides utility easements to the City.
5. All abandoned and/or derelict manufactured homes shall be removed from the Property within 12 months of the date of closing of the Property.
6. Purchaser shall bring the Property into compliance with all requirements of the PUD plan within 180 days of the closing of the Property. The Property shall remain in compliance with all requirements of the PUD plan unless an amendment or waiver is granted by the City.
7. The grounds of the Property shall be cleared and all debris removed from the Property within 180 days of the closing of the Property.