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June 1, 2021

COUNCIL AGENDA
PERRY EVENTS CENTER
1121 MACON ROAD, PERRY, GA 31069

6:00 PM

To join the meeting by Facebook: Use this URL - 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. Appearance(s):
 - 4a. Discussion relative to hair salons – Mr. Andrew Baker.
 - 4b. Freedom Fireworks Application – Ms. B. Giles.
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 and 36-81-5.

- 7a. RZNE-0091-2021. Applicant, Juanita Blanford, request the rezoning of property from C-2, General Commercial to R-3, Multi-Family Residential District. The property is located at 711 Joe Louis Drive; Tax Map No. 0P0150 025000 – Ms. H. Wharton.
- 7b. Public Hearing for FY 2022 Operating Budget for the City of Perry – Mr. L. Gilmour.
8. Review of Minutes: Mayor Randall Walker
 - 8a. Council's Consideration – Minutes of the May 17, 2021 work session, May 18, 2021 pre council meeting, May 18, 2021 council meeting, and May 25, 2021 called meeting. (*Council Member Hunt was absent from the May 25, 2021 called meeting*)

9. Old Business:

9a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at 111 Hill Road; Tax Map No. 000580 034000 – Ms. H. Wharton.
2. **Second Reading** of an ordinance for the rezoning of property from R-AG (County), Residential-Agricultural District to R-2A (City), Single-family Residential District. The property is located at 111 Hill Road; Tax Map No. 000580 034000 – Ms. H. Wharton.
3. **Second Reading** of an ordinance for the rezoning of property from R-1, Single-family Residential District to R-2A (City), Single-family Residential District. The property is located at 125 Hill Road; Tax Map No. 0P0480 035000 – Ms. H. Wharton.

9b. Resolution(s) for Consideration and Adoption:

1. Resolution to amend fee schedule relative to the James E. Worrall Community Center rental rates – Mr. L. Gilmour.

10. Any Other Old Business: Mayor Randall Walker

- 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 June 1, 2021 pre council meeting.

11b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance for the rezoning of property from C-2, General Commercial to R-3, Multi-Family Residential District. The property is located at 711 Joe Louis Drive; Tax Map No. 0P0150 025000 – Ms. H. Wharton. *(No action is required by Council)*
2. **First Reading** of an ordinance adopting FY 2022 Operating Budget for the City of Perry – Mr. L. Gilmour. *(No action is required by Council)*
3. **First Reading** of an ordinance to implement a Hotel-Motel Tax of 8% – Ms. B. Newby. *(No action is required by Council)*

11c. Resolution(s) for Consideration and Adoption:

1. Resolution to amend the City's Education Assistance Policy – Ms. B. Newby.
2. Resolution accepting an agreement with the Georgia Department of Transportation for the provision of street lighting on the renovated Hendrix Bridge – Mr. L. Gilmour.

12. Council Members Items:

13. Department Heads/Staff Items.

14. General Public Items:

15. Mayor Items:

16. Adjourn.



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City of Perry Special Events Procedures

I. Procedures Statement

The City of Perry recognizes the benefits and opportunities created through special events and seeks to facilitate and coordinate special events that benefit the Perry community. Special events provide opportunities to promote Perry's quality of life, foster a sense of community, enrich Perry's culture, promote tourism and boost the local economy.

Any public gathering or special event that requires restricted or exclusive use of any public property, including City of Perry lawns, streets and sidewalks, must first submit a special event application and obtain approval from the Perry City Council.

These procedures are intended to work in conjunction with all other applicable rules, regulations, laws and ordinances of the City of Perry and other applicable governmental entities.

II. Definitions

Special event – Any activity sponsored by an organization or individual for profit or non-profit, other than the City of Perry, held on public property and designed for entertainment, competition or social, ethnicity, religious and/or cultural awareness that 1) requires restricted or exclusive use of any portion of public property, including but not limited to lawns, sidewalks, streets, stages and/or temporary barricades; and/or 2) impedes the normal traffic flow; and/or impedes the enjoyment or use of the property by the general public. Such events require a special event permit issued by the City of Perry.

City Clerk – City staff member who is responsible for overseeing the application process and obtaining recommendation for acceptance or denial based on input from appropriate City departments. The City Clerk will submit the proposed event for inclusion on the agenda of the Perry City Council for consideration whether to approve or deny the application. The Clerk will act as liaison between the event organizer and affected departments within the City as necessary.

City support services – Services provided by the City of Perry to ensure that a special event is conducted in such a way as to protect the safety, health, property and general security of the public and integrity of public grounds. Services may include Police, EMS, Public Works, set-up, clean-up, event consulting, etc.

Event organizer – Person(s) designated as the authorized head of the organization or individual responsible for the proposed event.

Public assembly – Any meeting, demonstration, picket line, rally or gathering that does not require restricted or exclusive use of any portion of a public property as a special event.

III. Criteria for Evaluation

The following criteria are used to evaluate and schedule special events:

- Completeness of application and event layout
- Proof of liability insurance coverage in the required coverage amount
- Proof of alcohol liability insurance coverage in the required coverage amount if applicable
- Impact and cost of the event on public health, welfare and safety
- Impact and cost for City support services
- Impact on surrounding businesses and residences
- Impact of event on the environment
- Impact on public access to streets, sidewalks and facilities
- Perceived benefit of the event for the Perry community
- Frequency of same or similar events
- Potential conflicts with previously approved events
- Previous history of event organizer's compliance with City of Perry procedures and regulations
- Previous history in facilitating special events.

The event organizer must be an individual or established organization whose proof of insurance coverage shall be documented and kept on file by the City Clerk.

All applications shall be submitted to the City Clerk, who will review for completeness and will provide the event organizer with a written approval or denial of the application as determined by the Perry City Council.

In cases in which the event organizer is a recognized City partner, such as the Perry Area Chamber of Commerce, or partners with a recognized City partner, such as Perry Main Street Promotion Committee, the Perry City Council may choose to waive any permit fees and expenses for personnel, etc., for events held on public property.

In some cases, the event organizer for a downtown event on public property may wish to partner with the Perry Main Street Promotion Committee as co-organizers for the event. The committee may decline to partner with an event organizer or on a particular event. If the committee votes to partner on the event, the application will be presented to Perry City Council as a joint application.

If an event will occur in the central business district as defined by the Perry Land Development Ordinance on public property, the Perry Main Street Promotion Committee will review the application and recommend to the Perry City Council whether to approve the application.

If the event organizer is an ad hoc committee, the event organizer will provide a list of all members of the committee and their contact information to the City Clerk at least two weeks before the event.

Approval may include conditions or stipulations intended to address or mitigate any potential issues.

All applications for events must be submitted in time to be included on a Perry City Council meeting agenda for consideration at least 60 days before the proposed event or festival.

The event organizer shall not advertise or in any other way promote an event until after it has been approved by the Perry City Council. Advertising an event prior to obtaining Council approval does not ensure the Council will approve the event.

Parades, races and rental of the Perry Arts Center and Worrall Community Center are not handled in the process outlined in these procedures.

IV. Application Process

The City of Perry City Clerk shall receive a completed special events application, event layout and application processing fee prior to the proposed event or festival to ensure the matter will go before the City Council at least 60 days before said event. Proof of insurance is required at least 30 days prior to the proposed event or festival and shall be submitted to the City Clerk.

Applicants will pay the application fee and, if alcohol is to be served, an additional special event alcohol permit is required.

The City of Perry reserves the right to determine necessary support requirements. Support of City staff, including Police (for security and traffic management) and Public Works (for clean-up, set-up and closing streets) beyond their normal daily routines may be requested on the application. Additional costs beyond the permit fee will be quoted based on estimated hours of service. The applicant will be responsible for actual hours of service required.

- *Insurance* – A comprehensive liability insurance policy with one million dollars (\$1,000,000) single-limit coverage per occurrence for bodily injury and property damage naming the City of

Perry specifically as an additional insured under the policy is required. Do not include any specific department or person.

If alcohol is to be served at the event, additional alcohol liability insurance with one million dollars (\$1,000,000) single-limit coverage per occurrence for bodily injury and property damage naming the City of Perry specifically as an additional insured under the policy is required. Do not include any specific department or person.

A certificate of insurance is to be provided to the City Clerk. The certificate of insurance is to be provided to the City Clerk no less than 30 days prior to the scheduled event. If an event is approved by the City Council, it is approved pending receipt of the insurance certificate. The insurance agency must be licensed to do business in the state of Georgia. The company providing insurance must provide at least 20 days written notice of cancellation or termination, if such cancellation or termination of the policy is to occur prior to the indicated expiration date on the face of the certificate. In the event of any changes or cancellation of the policy, the City of Perry must be notified by certified mail, email or text.

- *Assignment* – The applicant/event organizer shall be prohibited from assigning any rights under this agreement to any other party. Council approval for the event covers only that event and activities as specified in the event application; other events and activities that piggyback on an approved event are prohibited.

- *City Ordinances* – All applicants must adhere to all City ordinances and, if using a City facility, rules for that facility. A copy of facility rules and guidelines is available from the City Clerk.

- *Discrimination* – The applying organization, association or entity shall not discriminate or advocate discrimination on the basis of race, color, religion, creed, national origin, age, gender or disability.

- *Other public property* – If the event will utilize any other public entity's property, such the former courthouse in downtown Perry, the event organizer is responsible for securing permission to use the property from the respective entity. The City of Perry does not submit requests to utilize public property on behalf of the event organizer.

- *Downtown* – Contact Perry Downtown Merchants Association to ask if businesses will be open. Coordinate with merchants on promotions and if outside vendors will set up in front of stores.

- *Electricity* – Specific requirements for the use of electricity must be submitted with the application. Access to electricity from City power sources is not available without permission from the City. For projects that utilize a large amount of electricity, the City maintains the right

to require additional payment for electricity used at an event based on electric meter readings prior to and following each event.

- *Restroom Facilities* – Portable toilets may be required for events of 4 hours duration or more. Consult with your restroom provider who can advise on state requirements for facilities and compliance with the Americans with Disabilities Act.

- *Parking* – Event participants must adhere to all parking requirements. Event organizers may not charge for parking in public spaces.

- *Sanitation* – Specific requirements for trash cans and cleanup must be submitted with the application.

- *Medical* – Medical services may be required by the City of Perry Fire and Emergency Services Department.

- *Fire Safety Plan* – In order to ensure a safe and enjoyable time for all at your event, the Perry Fire & Emergency Services Department will require any tent more than 400 square feet (or 200 square feet if sides will be on the tent) need a Fire Marshal inspection prior to the event opening to the public. Please, contact the City of Perry's Fire Marshal Office for tent guidelines and inspections instruction at (478) 988-2759.

Public Assembly - Approval from the Fire Marshal will be required for each temporary structure of any size accommodating 50 or more individuals for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food and/or drink, as well as all connected rooms or spaces within a common fire area (including a circus, carnival, tent show, theater, skating rink, dance hall, liquid-fueled and gas-fueled vehicle and equipment displays, competitions or demonstrations).

Applications will be submitted to the City of Perry's Fire Marshal Office when the City deems necessary or when fire apparatus will have impeded access to any building in the central business district. When a fire official determines that the gathering of persons will impact the provision of fire safety services, a plan for the provision of safety services will be provided by the City of Perry's Fire Marshal Office. Applicants will be required to include any additional information required by the Fire Marshal Office, including but not limited to a layout of event area including road closures, parking plans, vendor set-up, food concessions and need for law enforcement, fire and emergency medical services.

- *Food sales* - The event organizer is responsible for confirming that food vendors have received the required inspections by the Houston County Health Department, 98 Cohen Walker Drive, Warner Robins, (478) 987-2020. The City of Perry does not schedule inspections.

- *Alcohol* – Alcohol sales and consumption require a permit from the City of Perry in accordance with City alcoholic beverage ordinance. Please, note that the process can be lengthy (may exceed 60 days) and plan accordingly. Contact the City Clerk for the actual date your written request is required. All required licensing and insurance pertaining to the serving of alcohol must be obtained by the event organizer. Serving alcohol in glass bottles is prohibited. All beverages must be served in plastic cups, aluminum cans or plastic bottles.

- *Release and Indemnity* – Each applicant must execute the release and indemnity agreement that will be included in the event application packet. Applicants must demonstrate that they are either personally or organizationally responsible for liability, will guarantee orderly behavior and will underwrite any damage due to use of City premises. Liability is assumed by the applicant in regard to any personal or property damage arising out of activities of the applicant. It is the responsibility of the applicant to read the application form completely and understand fully his/her responsibilities.

V. Revocation of Permit

The City shall have the right to revoke any permit upon violation of the conditions set forth herein and/or where staging of the event would have an immediate and adverse effect on the welfare and safety of persons or property. The Chief of Police or his/her designee shall have the authority to close any event immediately upon violation of conditions set forth herein or to preserve safety of persons or property.

VI. Modification of Procedures

The Perry City Council reserves the right to waive, modify and/or amend these procedures partially or in entirety at any time solely at its discretion. This may occur by formal written action by the City Manager or City Council.



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City of Perry Special Events Application

Applicant and Sponsoring Organization Information

Name: Perry Chamber Freedom Fireworks
Name of individual representing sponsor organization: Bonnie Giles
Street address: 900 Carroll Street
City/State/Zip code: Perry, GA 31069
Mailing address if different from above:
Cell phone: 478-987-1234
Email address: bonnie@perrygachamber.com
If this event benefits a City of Perry non-profit organization, which one? Perry Area Chamber of Commerce
Contact person on site for day of event: Bonnie Giles
Cell phone: 478-293-7307
Is this a first time event? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If held before, when and where? 2020 as Perry's Drive In Fireworks

Event Information

Type of event (Check all that apply): <input type="checkbox"/> Parade <input type="checkbox"/> Festival <input checked="" type="checkbox"/> Concert/Music <input checked="" type="checkbox"/> Other		
* For parades, races and block parties, please, request the event applications specific to those events.		
If other, specify: Fireworks		
Event title: Freedom Fireworks		
Event date: Sunday, July 4, 2021		
Event hours:	Start: 6:00 PM	End: Dark
Set-up:	Date: July 4, 2021	Time: 4-6 pm
Break down:	Date: July 4, 2021	Time: 9-10 pm
Expected attendance:	Participants: 400	Spectators: 10,000

Event Description

Briefly describe event and activities. Include the purpose of the event. Explain how it benefits the City of Perry and its residents. Attach any of the following that are applicable: site plan, including location of stage, restroom facilities, vendor booths, etc.

The purpose of the event is to bring another "quality of life" option to the Perry Area, honor our hometown heroes, and celebrate freedom. Events like these make Perry a great place to live and help spotlight Perry in our surrounding communities. They also help our development authorities to recruit business to the Perry area by providing one of the key elements used in attracting industry and small businesses. Events like these help to make Perry a great place to live, play, and do business.

I understand that only event activities outlined an approved in this application and approved by Perry City Council are permitted, and hosting additional activities that have not been approved may be grounds for the event permit to be revoked. Yes No

Event Details

Attach schedule or brochure for all activities associated with event.

Will items or services be sold at the event? Yes No

If yes, describe: Freedom Fireworks will be held at GNFA in the West gate parking area, as in the past. The event will be free to the public. Cox Catering will be providing food vendors. We will have live music and a kid's play area.

Will event have amplified sound? Yes No

If yes, describe:

Is the event free to the public? Yes No

Will vendors cook or heat food? Yes No

If yes, describe:

Will any areas be fenced off or barricaded? Yes No

If yes, describe:

If event is downtown, will downtown businesses be open during the event? Yes No

If event includes music, please, list names of bands and their websites or Facebook pages below:

Insurance

A certificate of insurance must be filed with the City of Perry City Clerk at least 30 days before the event on a standard ACORD form. The City of Perry must be listed as an additional insured with respect to general liability and alcohol liability if alcohol will be served. Check the policy document for required general liability and alcohol liability minimum coverage amounts.

Insurance form(s) attached

Alcohol Permit Information

* Serving beverages in glass bottles at events is prohibited. Event organizer will notify any participating restaurants not to allow glass bottles to leave their premises.

* Event organizer will stop alcohol service one hour before the scheduled end of the event.

Does your event involve the sale of alcoholic beverages? Yes No

If yes, describe:

* If alcoholic beverages are to be sold, a special event alcohol permit is required, and a copy of the state license must be sent to the City of Perry City Clerk at least 60 days before the event is to be held.

Name of business serving alcohol:

Street address of business serving alcohol:

City/State/Zip Code:

Mailing address if different from above:

Cell phone:

Email address:

Name of licensee:

License number:

Is a copy of the licensee's alcohol license attached? Yes No

Hours alcohol will be served at event:

Is alcohol serving area open to public? Yes No

Is this an open container request? Yes No

Is current alcohol liability insurance policy naming City of Perry as additional insured attached? Yes No

Is a copy of the special event alcohol permit from the City of Perry Police Department attached?
 Yes No

Terms & Conditions:

I hereby agree that as a condition to the issuance of a Special Event Alcohol Permit, the business owner/sponsor of the event shall indemnify and hold the City harmless from claims, demand or cause of action which may arise from activities associated with the event. I hereby solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a Special Event Alcohol Permit are true, and no false or fraudulent

statement or answer is made herein to procure the granting of such permit.	
I hereby state and understand that should a complaint be filed against the owner/sponsor of the event for violation of any regulation associated with the application for the City of Perry Alcoholic Beverage Catering License, the permit issued for the event will immediately become void and will not be reissued for the same location.	
Licensee's name:	Date:
Licensee's signature:	
Sworn and attested before me on this _____ day of _____, 20_____	
Signature of special event organizer/applicant:	
Name, signature and stamp of Notary Public:	
* The sale of alcohol/mixed drinks requires excise reporting.	

Street Closure Requests

Names of streets to be closed:		
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
Street:	Between:	and:
When are you requesting the street closure(s)?		
Why are you requesting the street closure(s)?		
Type of street closure: <input type="checkbox"/> Complete <input type="checkbox"/> Rolling		
If event includes a parade, describe the parade route:		
Parade assembly area:		Parade disbanding area:
The event organizer is responsible for notifying affected businesses and residents of street closures. Describe your notification plan and attach a copy with this application:		

Restroom Facilities

Will event organizer provide portable restroom facilities? Yes No

Tram/Shuttle Plan

Will event involve the use of a tram/shuttle plan? Yes No

How many trams/shuttles will be required?

Please, describe or provide an attachment of your tram/shuttle plan and route:

Please, describe your parking plan:

Sanitation

Describe your clean-up plan for during and after the event:

GNFA

Electricity and Water

Will your event require access to electricity? Yes No n/a

If so, where?

What electrical load will you require?

Will your event require access to water? Yes No

If so, where?

I understand that I may incur an additional charge for use of City electricity and/or water:

Yes No

Police/Security

* If police/security is required for event, off-duty officers may be hired at the rate at a rate set by the Chief of Police per hour for the duration of the event, with a minimum of three hours.

- * Based on the event, the Police Department will determine how many officers will be required.
- * An officer is required to be on duty at any event where alcohol is served on City of Perry property.

Number of officers requested: Will work with Police Department to determine need.

Total hours for officers requested:

Fire and Emergency Medical Services

Describe your plan for providing emergency medical services:

Will work with Fire Department to determine need.

*If Emergency Medical or Fire Protection Services are required for the event, off-duty members can be hired at a rate set by the Chief of Fire and Emergency Services per officer per hour. The Chief of Fire and Emergency Services Department reserves the right to set the staffing minimums based upon the specifics of the event (including type of event, expected attendance, time of year and areas to be affected).

Weather Emergency Procedures

* When lightning and/or thunder occurs, advise participants to seek shelter in a car or building. Please, wait 20-30 minutes before proceeding.

I understand that the City of Perry Chief of Fire and Emergency Services or his/her designee may determine that weather conditions are too dangerous and cancel the event at any time.

Yes No

Health Department

I understand that the City of Perry does not schedule Health Department inspections and will work with vendors to schedule any required inspections by the Houston County Health Department, 98 Cohen Walker Drive, Warner Robins, (478) 987-2020 at least two weeks before the event. Yes No

Event Publicity

If you would like your event included in the upcoming FYI Newsletter, please, submit your news release to the City of Perry Digital Communications Manager at least one month before your event at ellen.palmer@perry-ga.gov.

Indemnification and Hold Harmless

Subject to the granting of all permits required by the City of Perry, the City of Perry authorizes Perry Area Chamber of Commerce _____ (Special event organizer/applicant) to utilize the sites(s) known as n/a for the purposes of conducting the activities described within the special events permit application.

The special events organizer/applicant agrees that the City of Perry assumes no responsibility or liability for any defects or other conditions on the site of the event on City of Perry property, whether the conditions are known or unknown to either party and/or discoverable by either party. The special events organizer/applicant agrees to assume the risk for any and all defects and/or other conditions, whether these defects and or other conditions are dangerous and/or whether these defects or other conditions are discoverable by either party and/or known or unknown to either party.

The special events organizer/applicant shall indemnify and hold City of Perry and its officers, agents and employees harmless and free from any and all claims, including but not limited to personal injury, property damage, alleged to have arisen or resulted wholly or partially from the exercise of any of the rights granted herein to the special event organizer/applicant. This indemnification and hold harmless agreement includes, but is not limited to, the payment of all attorney fees, expenses, costs, judgment and other expenses that may be incurred by City of Perry, its officers, employees or agents as a result of any and all such claims.

Signature of special event organizer/applicant: *Bonnie Giles*

Name, signature and stamp of Notary Public:

Date: 05-24-2021

Agreement and Signature

An application processing fee is required at the time of the application's submittal to the City of Perry. If alcohol is being served, an additional special event alcohol permit is also required at time of the application's submittal. If the application is approved, fee will be rolled over into permit fee. An application must be submitted in time to be included on a Perry City Council meeting agenda for consideration at least 60 days before the proposed event or festival.

I, the undersigned representative, have read the rules and regulations referenced in this application and am duly authorized by the organization to submit this application on its behalf. The information herein is complete and accurate.

Printed name: Bonnie Giles

Signature: *Bonnie Giles*

Date: 05-24-2021

- Special event application fee enclosed
 Special event alcohol permit application section enclosed

Please, send completed application to:
City of Perry
Attn: City Clerk
P.O. Box 2030

Perry, GA 31069
(478) 988-2736
(478) 988-2705 (fax)
annie.warren@perry-ga.gov

Or hand-deliver application to:
City Clerk at
Perry City Hall
1211 Washington Street
Perry, GA 31069.

Office Use Only

Date received:	
<input type="checkbox"/> Special event application fee received	
<input type="checkbox"/> Council approval for event received	Council approval date:
<input type="checkbox"/> Proof of liability insurance coverage naming the City as additional insured received	
<input type="checkbox"/> Proof of alcohol liability insurance coverage naming the City as additional insured received	
<input type="checkbox"/> City staff will notify affected businesses, residents and utility holders if event is downtown	

Signatures Required for Approval

Police Department _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Fire and Emergency Services _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Public Works _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:

Other as needed _____
Date received:
<input type="checkbox"/> Recommend approval <input type="checkbox"/> Recommend denial
<input type="checkbox"/> Recommend approval with conditions
Approval conditions:



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STAFF REPORT

May 7, 2021

CASE NUMBER: RZNE-0091-2021
APPLICANT: Juanita Blanford
REQUEST: Rezone from C-2, General Commercial to R-3, Multi-Family Residential District
LOCATION: 711 Joe Louis Drive; Tax Map No. 0P0150 025000

ADJACENT ZONING/LANDUSES:

Subject Parcel: C-2, General Commercial District; vacant, undeveloped
North: R-3; single-family residence (vacant and abandoned)
South: C-2; single-family residence
East: R-3; vacant, undeveloped
West: C-2; vacant, undeveloped

BACKGROUND INFORMATION: The applicant is requesting to rezone the subject property from C-2, General Commercial, to R-3, Multi-family residential. According to the Houston County Assessor Records, the subject parcel is 0.12 acres. The property is located at 711 Joe Louis Drive.

The applicant owns the parcels located at 709 and 707 Joe Louis Drive in addition to the subject parcel, which are currently zoned R-3. The applicant is proposing to combine all three parcels into one, if 711 Joe Louis Drive is approved for rezoning, and develop four dwelling units.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The suitability of the subject property for the zoned purposes.** The subject property is unsuitable for commercial use as it is currently zoned. The small lot size of 0.12-acres would not be appropriate for any commercial development. All other occupied parcels on Joe Louis Drive are residential properties. Residential development on the subject property is more appropriate than commercial as it is currently zoned.
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are diminished at the subject property because it is not feasible to develop under its current commercial zoning classification. The property cannot take advantage of its highest and best use unless it is zoned for residential development.
- 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.** The current and proposed zoning classification does not pose any threat to the health, safety, morals, or general welfare of the public and surrounding neighborhood.
- 4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** While the property owner faces hardship due to the impracticality of developing the lot as a commercial property, the neighborhood and public stand to gain a more appropriate development in the

neighborhood. The addition of new residential properties can enhance the neighborhood's aesthetics and potentially spur revitalization efforts. Further, the applicant's plan supports in-fill development in Perry's core area.

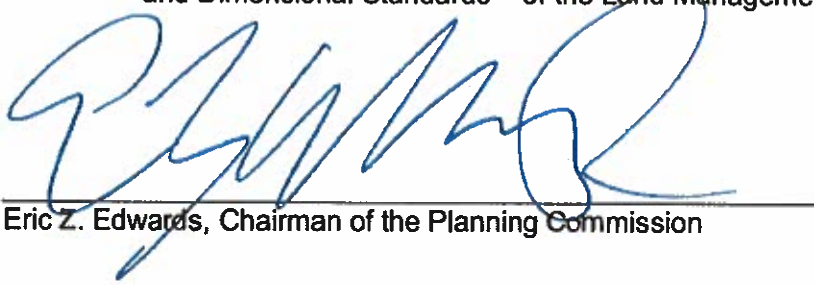
5. **Whether the subject property has a reasonable economic use as currently zoned.** The subject property does not have a reasonable economic use as it is currently zoned. Commercial development is not an appropriate use on the lot due to its small size.
6. **The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.** The subject property has 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 use of the proposed zoning appears to have limited or no impact on surrounding properties. Most surrounding properties are residential and would not be negatively impacted by the development of additional residential properties.
8. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed use of the property should not adversely affect existing uses or the usability of nearby properties based on the proposed layout of the site and the City of Perry's development standards.
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as an "In-Town Corridor" character area in the 2017 Joint Comprehensive Plan Update. This character area encourages homes, shops, small businesses, and institutions grouped in attractive mixed-use centers. The proposed development of the subject property is expected to be aligned with similar uses located at adjacent properties, including properties currently zoned R-3.
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.** While the subject property is currently undeveloped, any new development, including residential property, will increase the use of existing streets and utilities. Water, sewer, and natural gas service, if applicable, will be provided by the City of Perry. The two streets projected to be impacted by the proposed development are Joe Louis Drive and Walcott Street. Both of these streets are classified as residential city streets and have adequate capacity to serve the proposed project. The Houston County Board of Education has been notified of this project and confirmed that the schools do have adequate capacity to serve any additional students resulting from the project.
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.** The approval of this zoning request would support consistent development along Joe Louis Drive. Since it is not feasible to develop a commercial use on the subject property, residential zoning is necessary for the property attain its highest and best use. The R-3 zoning classification will also support in-fill development within Perry's core area.

STAFF RECOMMENDATION: Staff recommends approval of the zoning change with the following condition:

1. Prior to development of subject property, the lots owned by the applicant on Joe Louis Drive (707, 709, and 711) shall be combined in order to develop in conformance with Article 5 – Measurements and Dimensional Standards – of the Land Management Ordinance.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the zoning change with the following condition:

1. Prior to development of subject property, the lots owned by the applicant on Joe Louis Drive (707, 709, and 711) shall be combined in order to develop in conformance with Article 5 – Measurements and Dimensional Standards – of the Land Management Ordinance.

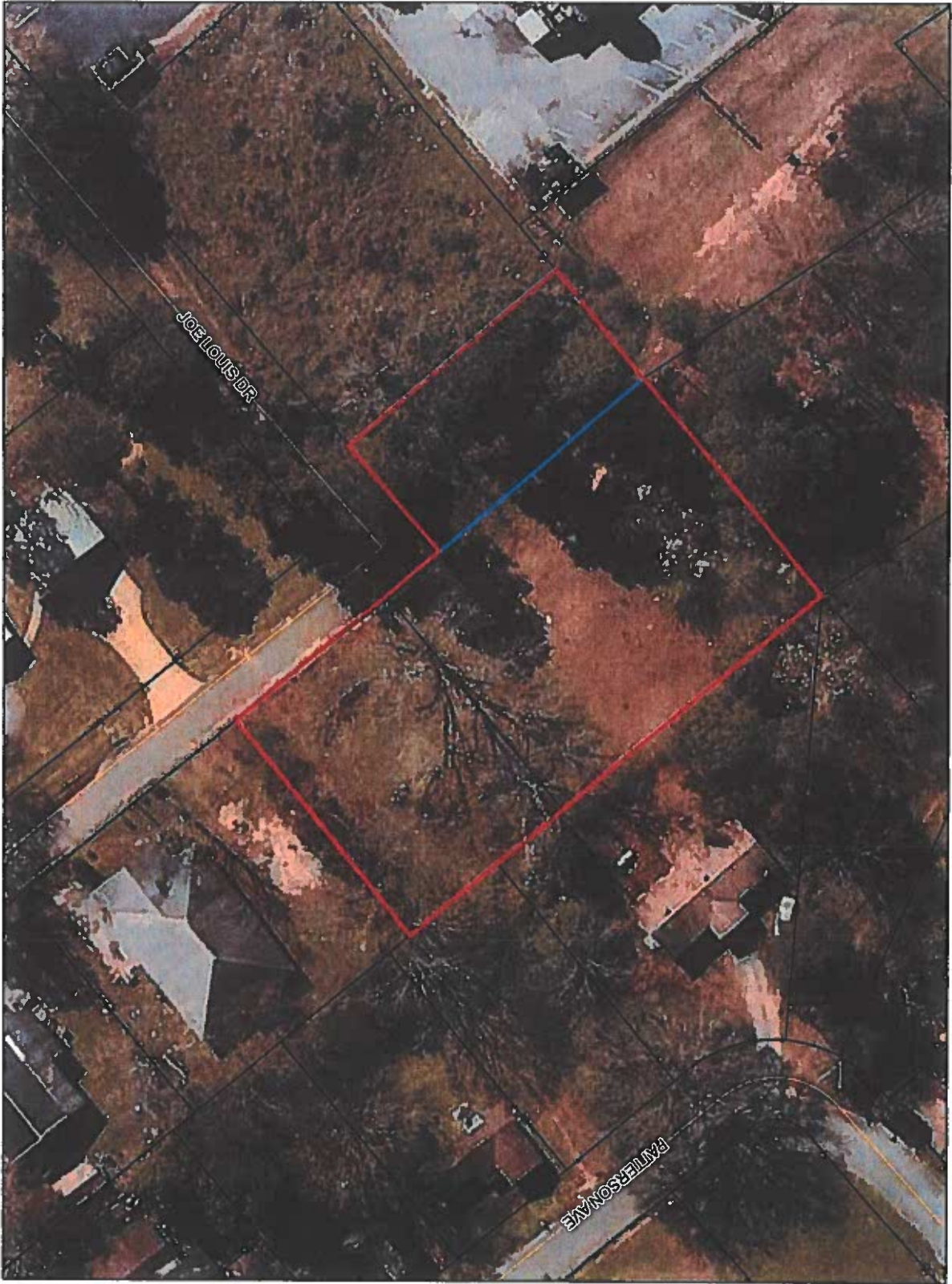


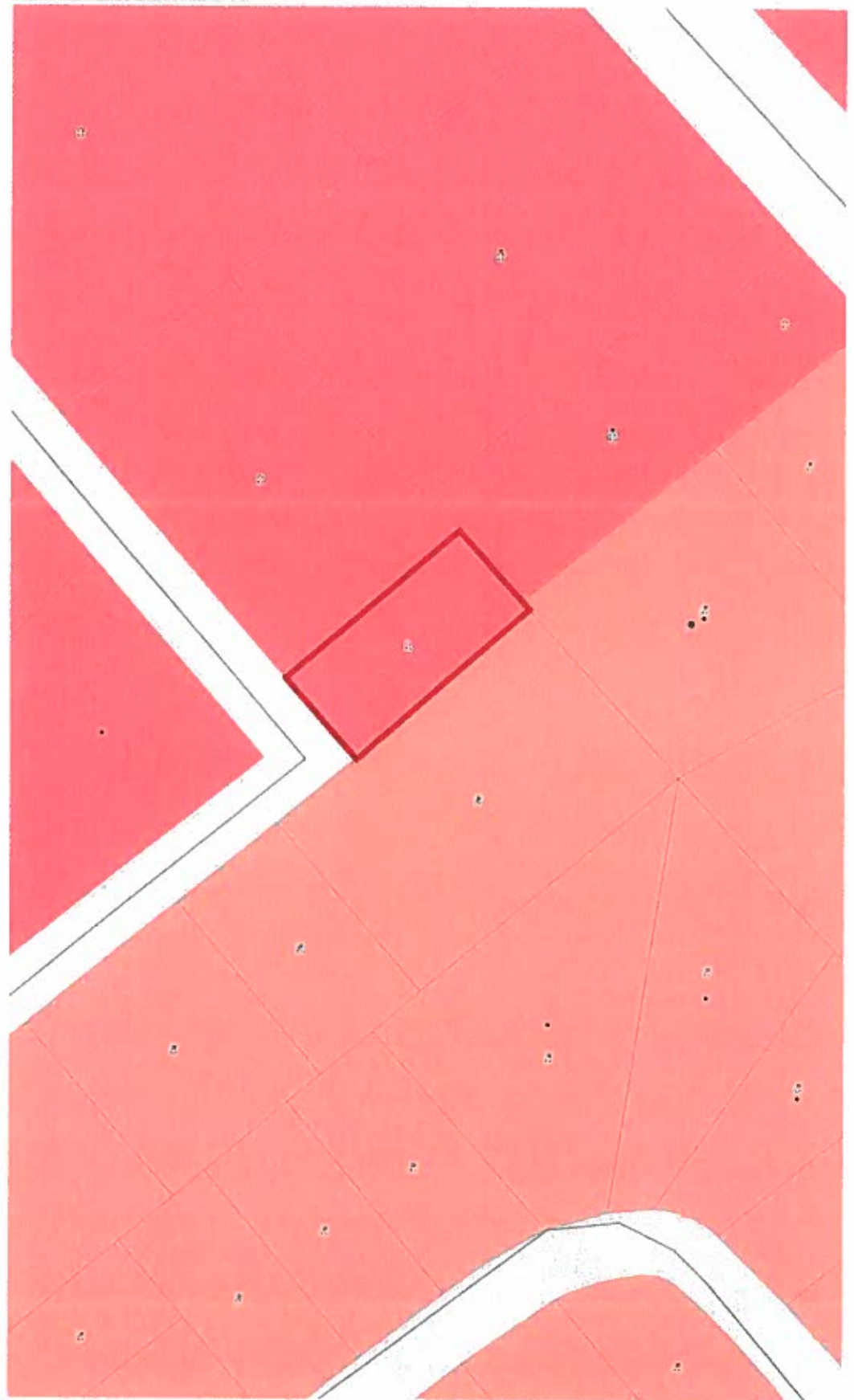
Eric Z. Edwards, Chairman of the Planning Commission

5/13/21

Date









Where Georgia comes together.

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

Application # **RZNE -**
0091 -
2021

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	JUANITA BLANFORD	SAME
*Title	OWNER	
*Address	133 REVERE TOWN, FAIRBURN, GA 30753	
*Phone	770-917-0434	
*Email	JUANITABLANFORD@GMAIL.COM	

Property Information

*Street Address or Location	711 JOE LOUIS DRIVE
*Tax Map #(s)	DP0150-075000
*Legal Description	<p>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;</p> <p>B. Provide a survey plat of the property and/or a proposed site plan;</p> <p>C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.</p>

Request

*Current Zoning District	C2	*Proposed Zoning District	R3
*Please describe the existing and proposed use of the property			
MULTI FAMILY, 4 UNITS DWELLING			

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:

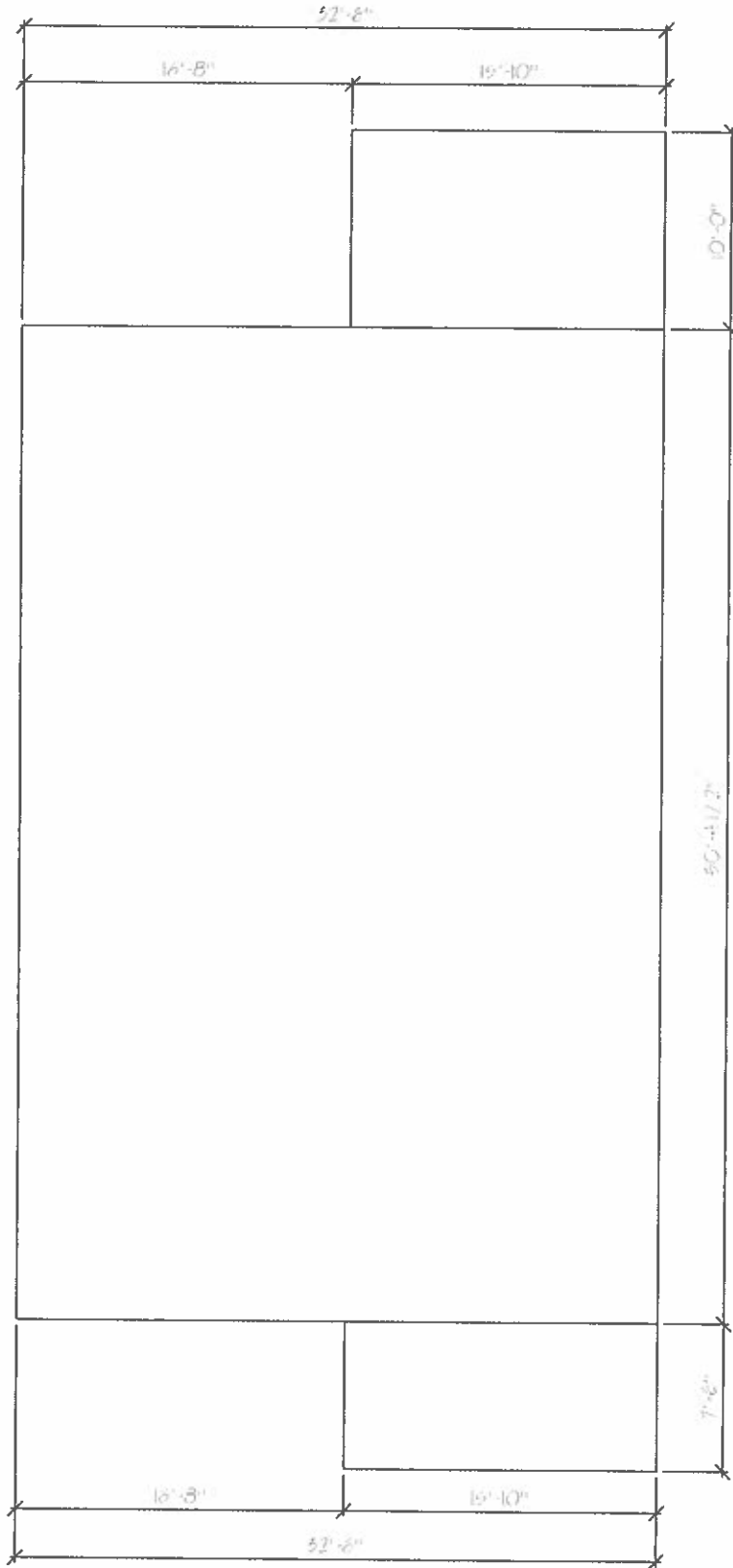
Applicant		Date 3/25/2021
Property Owner Authorized Agent		Date

Standards for Granting a Rezoning

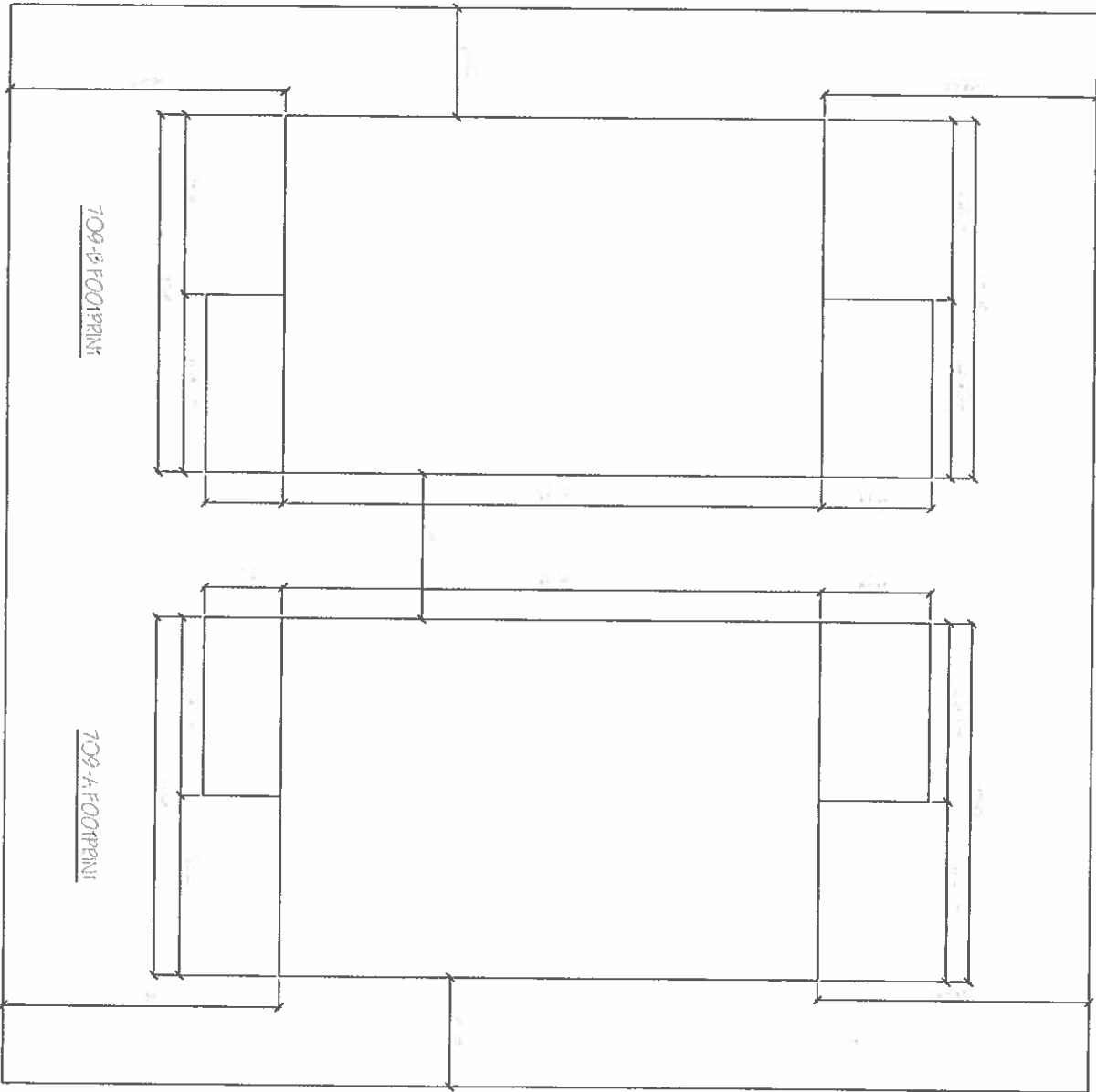
1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently 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.

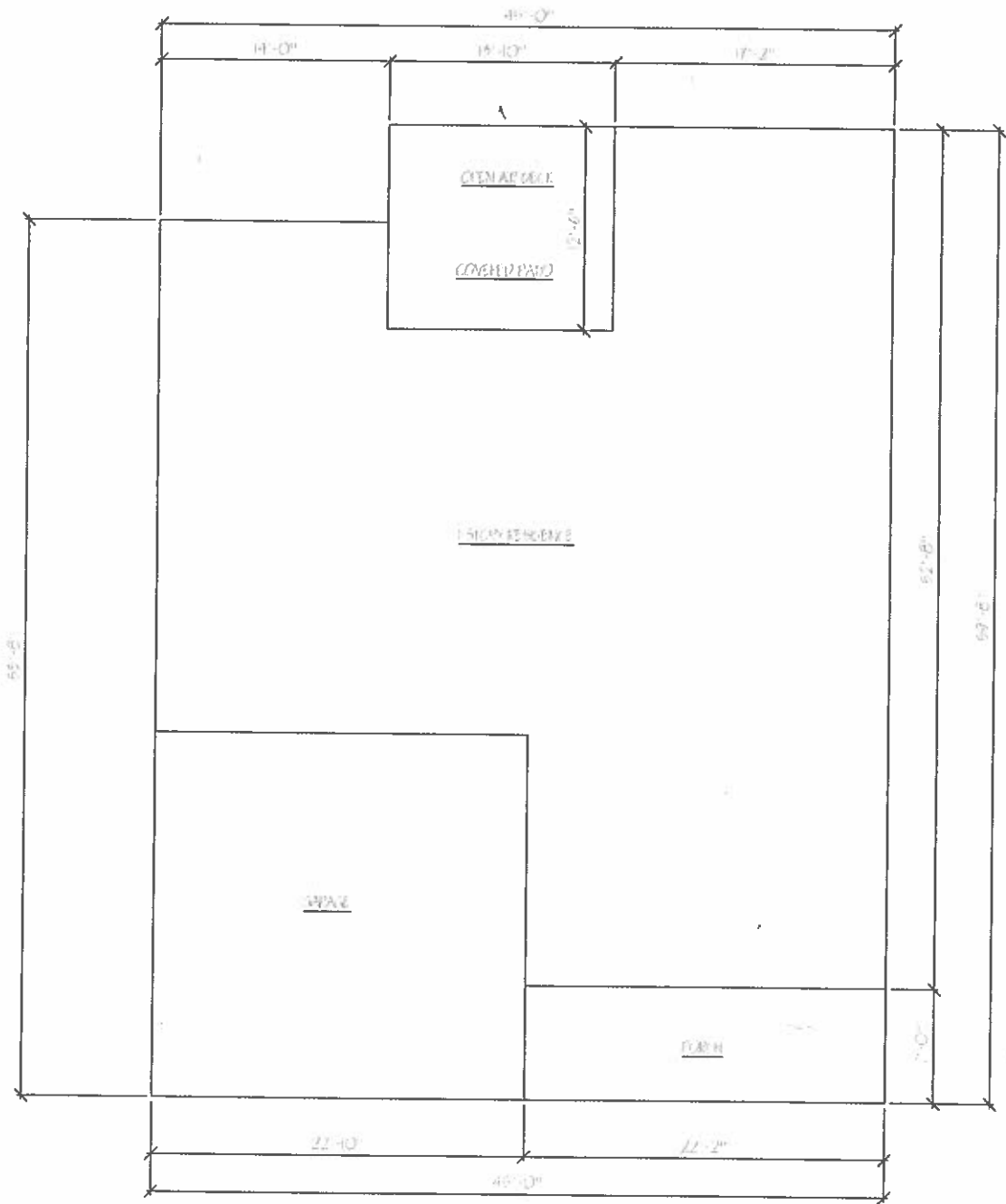
Standards for Granting a Rezoning

1. Yes, the existing residents would not be able to enjoy residential living. Business hours in residential neighbor, parking and size of lot.
2. The existing land uses and zoning classification of the surrounding properties is Residential.
3. Commercial use is unsuitable for the surrounding Residential Properties, and will preclude a business operation on this small lot size; traffic to and from, accessibility is deterred, exclude parking, and hinder enjoyment of surrounding residential living.
4. The property value is made less because commercial use is not feasible in the middle of the surrounding residentially used properties. Therefore, its value is less because of the unsuitable business location warrants no business is used and nothing existing on the property.
5. Residential use instead of commercial is not an interruption of the current existing residential use of land in the community, and sets the same existing atmosphere of the residential community use. Without Commercial Zoning and a business operating on the property, the residents can continue to enjoy their real estate, stay healthy & safe. I believe using the land for residential purpose, it is the acceptable thing to do for the residents of this community, that is right for the general welfare of the public.
6. The same residential use is gain to the public, and removes the hardship on me, the property owner, of finding a business fitted for the lot size, practical and a service to the community.
7. Aid of production & consumption of goods and services are already allocated and fulfilled; ease of use and efficient to individuals, people and businesses in this community.
8. Since inception of the current zoning this property has been vacant.
9. Uses permitted in the zoning district are Residential, including my other two properties at 707 and 709 Joe Louis Drive, and very compatible with surrounding properties.
10. Residential Zoning for 711 Joe Louis Drive will maintain and coincide with the existing surrounding Residential Used Properties.
11. Residential Zoning for 711 Joe Louis Drive will maintain the use that surrounding properties are currently using, the Comprehensive Plan.
12. Residential Zoning for 711 Joe Louis Drive will not cause any burden upon the existing public facilities and services because of the natural blend of residential living used that already resides.
13. Residential Zoning R3 for 711 Joe Louis Drive will allow residential development that will enhance the community value and maintain the same zoning as the surrounding properties.



711 JOE LOUIS DRIVE FOOTPRINT





NEW FOOTPRINT

FY 2022 RECOMMENDED BUDGET SUMMARY

FUND	CURRENT	REVENUE	EXPENDITURES	BALANCE
GENERAL	\$ 7,480,400	\$ 20,186,400	\$ 19,809,500	\$ 7,857,300
FIRE PROTECTION	159,900	3,029,700	3,511,700	(322,100)
HOTEL / MOTEL	193,900	895,600	878,200	214,300
WATER / SEWER	4,054,000	9,774,900	10,307,600	3,521,300
GAS	1,751,000	3,621,800	3,645,000	1,727,800
SOLID WASTE	691,300	2,458,900	2,364,300	785,900
STORMWATER	<u>351,600</u>	<u>804,100</u>	<u>788,200</u>	<u>367,400</u>
TOTAL	\$ 14,682,100	\$ 40,771,400	\$ 41,304,500	\$ 14,149,000

**MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
May 17, 2021
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting of Perry City Council held on May 17, 2021, at 5:00 p.m.

2. Roll:

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

Elected Officials Absent: None.

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith*, City Attorney Brooke Newby, and Recording Clerk Joni Ary.

*Assistant City Manager Robert Smith left the meeting at 6:33 p.m.

City Departmental Staffing: Chief Lee Parker – Fire and Emergency Services Department, Chief Steve Lynn – Perry Police Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Tabitha Clark – Communications Administrator, Ashley Hardin – Economic Development Administrator, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Annie Warren – City Clerk, Mitchell Worthington – Finance Director, Kirk Crumpton - Assistant Fire Chief, Bill Phelps – Major Police Department, Heath Dykes – CID Captain Police Department, and James Buck – Captain Support Services Police Department.

Press: Brianna Sheffield – Houston Home Journal

Guest (s): None.

3. Items of Review/Discussion: Mayor Randall Walker.

3a. FY 2022 Operating Budget.

1. Perry Police Department. Chief Lynn reviewed with Mayor and Council the Police department fiscal year 2022 budget presentation. Chief Lynn stated that the goal of the police department is to maintain the level of service that the community has come to expect. Despite budget restraints, we strive to acquire new technology and equipment that helps keep the community safe.

Chief Lynn reviewed the following items not recommended in the budget for consideration to be included.

- Logistics Technician – manages the equipment for 50-plus employees, orders and maintains uniforms, controls, and maintains firearm and ammunition, radar certification. This position is currently part-time and is requesting to add a full-time position to handle the workload.
- FLOCK Camera System – Requesting starting with a single five (5) camera system with an initial cost of \$13,750.00 with an annual ongoing cost of \$12,500.00. This camera system would help investigations, solve crimes, and serve as a force extender. The camera system would take a picture of vehicle license plates and would be accessible to officers 24/7.
- Non-Lethal Weapon BOLA Wrap – This equipment would give officers an alternative to deadly force. The BOLA Wrap provides an alternative in certain situations where tasers or OC spray did not work. The cost is \$4378.80 for four (4) devices with holsters or seven (7) devices with holsters at \$7,662.90.
- Bicycle Team – Due to event venues growing in Perry, the bicycle team is adaptable to pedestrian-friendly events. It provides flexibility and faster response time than an officer on foot. The estimated costs to start a bicycle team is \$20,000.00.
- Archer Barriers – a flexible tool that provides reliable cost-effective event security that can be linked together or used separately. Cost to get started \$8,000.00 for eight (8) barriers.

Council Member Peterson asked if the police department had an adequate amount of tasers. Chief Lynn stated they do. Council Member Peterson asked how the bola wrap and tasers differ. Captain Buck stated that the bola wrap gives more distance when deploying than a taser. Council Member Peterson and Mayor Pro Tempore Jones asked about the bicycle team. Chief Lynn stated that depending on how many officers are interested in the bicycle team, they would have to be trained and see if they meet the physical capabilities to be on the bicycle team. Council Member Bynum-Grace stated that the City once had a bicycle team and believes it would be useful.

Department of Leisure Services. Mr. Swan stated that the goal of Leisure Services is to enhance our existing facilities for the citizens of Perry to enjoy. Mr. Swan reviewed with Mayor and Council for consideration the following items to be added to the FY 2022 budget.

- Toddler playground equipment- Mr. Swan stated he is requesting a toddler ADA swing for Creekwood Park at an estimated cost of \$4,280.00.
- Scoreboard Replacement – Mr. Swan request the scoreboards at Rozar Park (2), Worrall Gym (2), and Creekwood Park (2) be replaced for an estimated cost of \$19,500.00.

Mayor Pro Tempore Jones asked if the scoreboards were unrepairable. Mr. Swan stated that they are. Council Member Albritton asked about sponsorships for the scoreboards. Mr. Swan stated he reached out to Coke and we did not meet the specifications for the sponsorship. Council Member Peterson stated that ADA equipment is needed, but we also need ADA equipment for all ages not just toddlers, and that once the scoreboards are replaced, the City could host travel ball that could bring revenue into the city.

2. Perry Fire and Emergency Services Department. Chief Parker stated that his department is pleased with the City Manager's recommendations for the FY 2022 budget. The Fire and Emergency Services Department has been restructured with the creation of the Assistant Fire Chief, Training Chief, and Fire Prevention Chief positions. Chief Parker reviewed the emergency response trends over the last five (5) years showing that fire responses have dropped by 31%, medical responses have increased by 16.4%, other responses have increased by 17%, and false alarms have increased by 34.8% since 2016. Chief Parker stated that one of the items that was not approved in the budget is a all-terrain vehicle that could be utilized in the City parks with an estimated cost of \$25,000.00. A grant will hopefully purchase the rescue tools that would be battery operated instead of hydraulic. Chief Parker reviewed the fire apparatus replacement plan and stated four (4) of the apparatus is approaching the replacement plan schedule; also need to start looking at a new fire station in the East area of Perry.

Council Member Peterson how much is spent on first aid supplies. Chief Parker stated the City has an agreement that any items used by Fire and Emergency are replaced by Houston Healthcare. Council Member Peterson agreed the all-terrain vehicle would be beneficial at Heritage Park in getting someone who may be injured to aid, and the battery-operated rescue tools would be a big advantage.

3. Department of Community Development. Mr. Wood stated that he agreed with the recommended FY 2022 budget that maintains the current operation. Some of the items approved in the FY 2022 budget are: 1) transition to the 2021 Energov upgrade, 2) complete the strategic plan and 3) ensure the City of Perry's specific goals and objectives are incorporated and implemented. Mr. Wood stated items not recommended but will be needed in the future as the City continues to grow are having the Land Management Ordinance in digital formatting, creating a combination inspector position that would do both building inspections and code enforcement, adding an Engineering Inspector, and adding an Administrative Assistant.
4. Department of Public Works. Ms. Fitzner reviewed with Mayor and Council the continued growth of the city and its impact on several divisions in public works. In preparing for the growth in the City of Perry, the following are requested to be considered.

- Renovation of public works facility – renovation of the pole barns, adding roof structure to vehicle maintenance.
- Satellite public works facility proximity to East Perry service area for solid waste roll-offs, stormwater, streets staging, and storage.
- Personnel – additional full-time personnel in litter control, additional solid waste crew for East Perry service area, and additional Streets and Stormwater personnel/equipment in response to City growth and infrastructure acceptance.

Council Member Peterson asked how many square miles the litter control personnel covers. Ms. Fitzner stated they have one employee that picks up 28 square miles for the City.

5. City Manager summary of recommended budget. Mr. Gilmour passed out a summary of the recommended FY 2022 Operating Budget. Mr. Gilmour stated the property tax millage rate will not increase. The City will increase the defined contribution retirement rate for its employees from 3.00% to 4.00%. Residential fee rates for fire protection, solid waste collection, and stormwater will not increase, commercial rates may be increased for fire protection services depending on final review. No new positions are recommended. Mr. Gilmour stated that once the new tax digest is provided, any not recommended request will be reviewed again.

4. Council Member Items:

Mayor Pro Tempore Jones and Council Members King and Albritton had no reports.

Council Member Bynum-Grace stated that on June 19, 2021, the pharmacist from Five Points Pharmacy will be at the Perry Events Center for the Vaccination clinic.

Council Member Hunt stated that on June 12th and July 10th from 8 a.m. to 1 p.m. at the Perry Events Center the second shot of vaccine will be available. This event request is from the Perry Vaccination Committee and is requesting the City to get the information out to all Perry residents and provide the location, tables, and chairs for the event.

Council Member Peterson recommended having followed up on all granted special exceptions to ensure the requestor is following the rules. Community Development should keep listing all approved special exceptions. Mayor Pro Tempore Jones stated he shares his concern relative to special exception requests.

5. Department Head/Staff Items:

Mr. Gilmour and Ms. Newby had no reports.

Ms. Newby passed out to Mayor and Council the calendar for the strategic plan from Mr. Robert Smith that had to leave.

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

Mrs. Clark stated that at Food Truck Friday held Friday, May 14th the Regional Commission was at the event and received feedback from the survey. Ms. Clark stated that the Food Truck Friday was a great event and has not received any negative feedback.

Mrs. Hardin stated that on Friday, May 14th the groundbreaking ceremony was held for the start of the new building called The Commodore Building. The building will be located at 904 Commerce Street and will have a restaurant at the bottom and three loft apartments at the top.

Mayor Walker

- Pre-Council May 18, 2021, at 5:00 pm
- Council Meeting May 18, 2021, at 6:00 pm
- Called Special Budget Meeting May 25, 2021, at 5:00 pm

Mayor Walker stated that in District 2 there will be two new voting locations- Mossy Creek Middle School and Veterans High School, notices will be sent to residents.

Mayor Walker stated at the Council Meeting tomorrow night he will be discussing a request for half of the special purpose local option sales tax referendum for leisure services going toward a natatorium.

6. Adjourn. There being no further business to come before Council in the work session held on May 17, 2021, Council Member Hunt motioned to adjourn the meeting at 7:11 p.m. Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

**MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
May 18, 2021
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting of Perry City Council held May 18, 2021 2021 at 5:00 p.m.

2. Roll:

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

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, 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, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Anya Turpin – Special Events Administrator, Ashley Hardin – Economic Development Administrator, Holly Wharton – Community Planner, Matt White – Senior Personnel Technician, and Chad McMurrian – Engineering Services Manager.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): Rachana Patel, Bill Camp – Raymond James & Associates, Inc., and Stephen Swinson – Gray Pannell & Woodward LLP

3. Items of Review/Discussion: Mayor Randall Walker

- 3a. Discussion of May 18, 2021 council meeting agenda.

7a. ANNX-188-2020. Applicant, N&D Development, LLC, request the annexation and rezoning of property from R-AG (County), Residential-Agricultural District, to R-2A (City), Single-family Residential District. The property is located at 111 Hill Road; Tax Map No. 000580 034000. Mr. Wood stated this is a request is to annex 5.67 acres parcel into the City and the property is requested to be zoned R-2A that required a minimum lot size of 12,000 square feet. The Planning Commission and staff recommends approval of the request for annexation with the zoning classification of R-2A. Also, the County concurred with this annexation.

7b. RZNE-189-2020. Applicant, N&D Development, LLC, request the rezoning of property from R-1, Single-family Residential District to R-3, Multi-family Residential District. The property is located at 125 Hill Road; Tax Map No. 0P0480 035000. Mr. Wood stated this is a request to rezone 25.52 acres from R-1 to R-2A (this is a modification from the original application which was an R-3). At the informational hearing, staff recommended approval of the R-3 with the condition that development be limited to single-family residential. The Planning Commission recommended denial of the rezoning request. Based on the comments that were heard at the informational hearing the applicant revised his application and plan for the R-2A zoning classification. Staff recommends approval of the R-2A zoning classification.

9a. Special Exception Application 0071-2021. Mr. Wood reported staff recommended approval with several conditions: 1) The Special Exception shall be limited to a Residential Business as an in-home salon only; 2) The Special Exception shall be limited to the applicant, Allexy Starling, and is not transferrable; 3) The applicant shall obtain a business license for the business located at 316 Shane Circle; 4) The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, state, and federal laws, and regulations; and 5) No sign advertising the business shall be posted or displayed on the property. The Planning Commission recommended approval with two additional conditions: 6) The business shall not begin operations before 9:00 am; and 7) There shall be no appointments scheduled between 3:00 and 4:00 pm.

11c (1). Resolution authorizing an intergovernmental agreement between the City of Perry and Perry Public Facilities Authority for the issuance of bonds to fund additions and improvements to the sewer and wastewater systems of the City of Perry, approving a bond purchase agreement, and approving the bond resolution adopted by the PPF. Ms. Newby stated Bill Camp and Stephen Swinson were present to answer any questions Mayor and Council may have at the regular council meeting. Ms. Newby reported the Perry Public Facilities Authority was meeting at 5:30pm to approve issuing the bonds to fund the sewer and wastewater projects, identified as the Langston Road Stormwater Detention Facility, expansion of Bear Branch Sewer, and the initial permitting and design of the wastewater treatment plant.

11c (2). Resolution to amend fee schedule relative to the James E. Worrall Community Center rental rates. Administration recommended Council table this item until June 1 council meeting.

11d (1). Recommend establishment of Senior Court Administrator job classification. Administration stated this is part of Municipal Court formal management succession plan. There is no one going into this position and it is not a new position being created that must be funded.

11e. Flint EMC Right of Way Easement for 3.14-acre parcel, 0P0480 050000.

Ms. Newby reported this is a request from Flint EMC for a ROW easement to install electricity across the property donated to the City by Cherokee Pecan Company.

3b. Office of the City Manager

1. Consider revisions to education assistance policy. Mr. White presented for Council's consideration a PowerPoint of a revised education assistance policy.
2. Council considers provision of a peace pole. Mr. Gilmour presented to Council a peace pole proposal from the Perry Rotary Club. Administration recommended Council approve the request with the following conditions: 1) the peace pole be installed at Rotary Centennial Park, 2) pole cannot be in the main part of the park, 3) can only install peace pole, and 4) Council will approve the design and the Perry Rotary Club will pay all costs relative to the pole. Council concurred with Administration's recommendation and conditions.

3c. Department of Community Development

1. Sunset Avenue Improvements. Mr. McMurrian presented for Council's consideration an estimate of probable construction cost, \$16,782.50 for Sunset Avenue Improvements. Administration recommended Council concur with project to proceed and advised it will be paid for from SPLOST monies subject to review factors from DOT and if there are major subsurface issues.

4. Council Member Items:

Council had no reports.

Mr. Gilmour

- Introduced intern Rachana Patel to Mayor and Council.
- Provided a follow up relative to the site condition on-ramp next to the Comfort Inn. Most of the vegetation damage is a result of a DOT project and the City will not proceed with any action until GDOT installs a new fence.

5. Adjourn. There being no further business to come before Council in the pre council meeting held May 18, 2021 Council Member Hunt motioned to adjourn the meeting at 5:40 p.m. Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
May 18, 2021
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 May 4, 2021 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: none

City Staff: City Manager Lee Gilmour, 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, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Anya Turpin – Special Events Administrator, Ashley Hardin – Economic Development Administrator, Holly Wharton – Community Planner, and Chad McMurrian – Engineering Services Manager.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): Rachana Patel, Bill Camp – Raymond James & Associates, Inc., Stephen Swinson – Gray Pannell & Woodward LLP, Sandy Kusada, Alexy Starling, Dylan Wingate, Draper Watson, Leon Watson, Chenelle Colon, Raven Colon, Timothy and Allison Thompson, Jeffery and Christine Jordan, Curt Eckman, Keith Beckham, Guy Storm, Javan Frazier, Hugh Hill, Leon Jackson, John Christy, Jeff Wilson, Kelly Hillis, and David Morgan.

3. Invocation and Pledge of Allegiance to the Flag:

Council Member Peterson rendered the invocation and Council Member Albritton led the pledge of allegiance to the flag.

4. Recognition(s)/Presentation(s):

- 4a. Introduction of newly appointed Corporals Daniel Layson, Brenna Banks, and Eddrica Gary. Chief Lynn introduced the newly appointed corporals and

provided a brief bio on each corporal. Mayor and Council congratulated the corporals on their promotions.

- 4b. Peaches to Beaches Application. Ms. Sandy Kusuda, 1303 Forest Hill Drive, presented on the behalf of the Perry Lions Club an application to host the Peaches to Beaches Yard Sale event on August 6 & 7. Council Member Peterson motioned to approve the application subject to review by the Police Department; Council Member Bynum-Grace second the motion and it carried unanimously.
- 4c. Mayor Walker & Council wished Ms. Mildred Mace a Happy 100th Birthday.

5. Community Partner(s) Update(s): none

6. Citizens with Input.

Allexy Starling, 316 Shane Circle, appeared before Council relative to her Special Exception application for a residential business. Ms. Starling presented to Mayor and Council a Neighbor Consent Form signed by her neighbors in support of her in-home salon.

7. PUBLIC HEARING CALLED TO ORDER AT 6:13 p.m.: Mayor Randall Walker called to order a public hearing at 6:13 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.

7a. ANNX-188-2020. Applicant, N&D Development, LLC, request the rezoning and annexation of property from R-AG (County), Residential-Agricultural District to R-2A (City), Single-family Residential District. The property is located at 111 Hill Road; Tax Map No. 000580 034000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application including the standards for establishing a zoning classification. The Houston County Commission concurs with the request for R-2A zoning. The Planning Commission and staff recommends approval of the request for annexation with the zoning classification of R-2A, Single-family Residential District.

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

For:

Dylan Wingate, 112 Worchester Circle, is the developer and spoke in favor of the application.

Against:

Keith Beckham, 2071 Main Street, provided maps to Mayor and Council as reference resources. Mr. Beckman is not opposed to the annexation but is

opposed to the density change from R-1 to R-2A. If the property is annexed into the City, he would plea for R-1 zoning. Mr. Beckham stated the annexation is deliberately circumventing the intent of ordinance by gerrymandering 10' x 220' strip to touch approximately 10' of county property so it does not create an island in the City. Also, uses of R-AG allows him and his neighbors to do things that city residents are not available to, can use property for agricultural, livestock, etc. The new plat does not have a step up in lot size on the northside like the southside.

John Christy, 200 Chinaberry Lane, asked why the rezoning is necessary? Mr. Christy expressed his concerns, observations, and objections relative to rezoning and annexation.

Guy Storm, 117 Wellington Drive, has no problems with the developer building homes on R-1. Mr. Strom does not feel like it is a good use of land and the homes and property surrounding should be R-1. The annexation will cause an increase in traffic.

Javan Frazier, 2081 Main Street, owns horses and is afraid how his animals may react to so many homes with the annexation and rezoning to R-2A.

Hugh Hill, 109 Houston Woods, voiced his opposition to the rezoning.

Leon Jackson, 141 Hill Road, voiced his concerns relative to safety issues and increased traffic flow relative to rezoning to R-2A.

Jeff Wilson, 129 Brittany Drive, spoke about growing together and not apart.

Draper Watson, 2009 Tucker Road, opposed to annexation and rezoning.

Leon Watson, 202 Chinaberry Lane, opposed to annexation and rezoning.

Chenelle and Raven Colon, 117 Chinaberry Lane, opposed to annexation and rezoning.

Timothy and Allison Thompson, 104 Chinaberry Lane, opposed to annexation and rezoning.

Jeffery and Christine Jordan, 102 Chinaberry Lane, opposed to annexation and rezoning.

Curt Eckman, 129 Wellington Drive, opposed to annexation and rezoning.

- 7b. RZNE-189-2020. Applicant, N&D Development, LLC, request the rezoning of property from R-1, Single-family Residential District to R-2A, Single-family Residential District. The property is located at 125 Hill Road; Tax Map No. 0Po480 035000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application including the standards for establishing a zoning classification. The property is located at 125 Hill Road; Tax Map No. 0P0480 035000. Mr. Wharton stated this is a request to rezone 25.52 acres from R-1 to R-2A (this is a modification from the original application which was R-3). At the informational hearing, staff recommended approval of the R-3 with the condition that development be limited to single-family residential. The Planning Commission recommended denial of the rezoning request. Based on the comments that were heard at the informational hearing the applicant revised his application and plan for the R-2A zoning classification. Staff recommends approval of the R-2A zoning classification.

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

For:

Dylan Wingate, 112 Worcester Circle, is the developer and spoke in favor of the application.

Against:

Keith Beckham, 2071 Main Street, echoed his earlier comments.

John Christy, 200 Chinaberry Lane, echoed his earlier comments.

Kelly Hillis, 2016 Chinaberry Lane, noted no objections to property remaining as R-1, original application had buffer included but not in the revised application, and referred to TriplePoint letter dated May 3, 2021.

David Morgan, 102 Oxford Circle, spoke against the petition.

Hugh Hill, 109 Houston Woods, expressed his concerns about the increase in traffic and request maintaining R-1 zoning.

Public Hearing Closed at 7:50 p.m. Mayor Walker closed the hearing at 7:50 p.m.

8. **Review of Minutes:** Mayor Randall Walker

8a. Council's Consideration – Minutes of the May 3, 2021 work session, May 4, 2021 pre council meeting, and May 4, 2021 council meeting.

Council Member Hunt motioned to accept the minutes as submitted; Council Member Albritton seconded the motion and it carried unanimously.

9. **Old Business:**

9a. **Special Exception Application 0071-2021.** Ms. Wharton stated this a Special Exception

Application to allow an in-home salon at 316 Shane Circle. Mayor Pro Tempore Jones motioned to approve the application with the conditions: 1) The Special Exception shall be limited to a Residential Business as an in-home salon only; 2) The Special Exception shall be limited to the applicant, Alexy Starling, and is not transferrable; 3) The applicant shall obtain a business license for the business located at 316 Shane Circle; 4) The applicant shall comply with the provisions of Section 4-4.3 of the Land Management Ordinance regarding Home Occupations and Residential Businesses, all applicable local, State, and federal laws and regulations; 5) No sign advertising the business shall be posted or displayed on the property; 6) The business shall not begin operations before 9:00 am; and 7) There shall be no appointments scheduled between 3:00 and 4:00 pm. and subject to the applicant being able to show proof of meeting State requirements; Council Member Hunt seconded the motion and it carried unanimously.

10. Any Other Old Business: Mayor Randall Walker

- 10a. Mayor Randall Walker - none
- 10b. Council Members - none
- 10c. City Attorney Brooke Newby - none
- 10d. City Manager Lee Gilmour -none

11. New Business: Mayor Randall Walker

11a. Matters referred from May 17, 2021 work session, and May 18, 2021 pre council meeting.

- 1. Approve release of a certain portion of City SPLOST 18 countywide recreation money. Council Member King motioned to authorize the release of a certain portion of City SPLOST 18 countywide recreation money; Council Peterson seconded the motion and it carried unanimously.

11b. Ordinance(s) for First Reading(s) and Introduction:

- 1. **First Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at 111 Hill Road; Tax Map No. 000580 034000 – Ms. H. Wharton. *(No action required by Council)*
- 2. **First Reading** of an ordinance for the rezoning of property from R-AG (County), Residential-Agricultural District to R-2A (City), Single-family Residential District. The property is located at 111 Hill Road; Tax Map No. 000580 034000 – Ms. H. Wharton. *(No action is required by Council)*
- 3. **First Reading** of an ordinance for the rezoning of property from R-1, Single-family Residential District to R-2A (City), Single-family Residential District. The property is located at 125 Hill Road; Tax Map No. 0P0480 035000 – Ms. H. Wharton. *(No action required by Council)*

11c. Resolution(s) for Consideration and Adoption:

1. Resolution authorizing an intergovernmental agreement between the City of Perry and Perry Public Facilities Authority for the issuance of bonds to fund additions and improvements to the sewer and wastewater systems of the City of Perry, approving a bond purchase agreement, and approving the bond resolution adopted by the PPFA – Ms. B. Newby.

Adopted Resolution No. 2021-24 authorizing an intergovernmental agreement between the City of Perry and Perry Public Facilities Authority for the issuance of bonds to fund additions and improvements to the sewer and wastewater systems of the City of Perry, approving a bond purchase agreement, and approving the bond resolution adopted by the PPFA. Council Member Bynum-Grace motioned to approve the resolution as submitted; Council Member King seconded the motion and it carried unanimously. (*Resolution No. 2021-24 has been entered into the official book of record.*)

2. Resolution to amend fee schedule relative to the James E. Worrall Community Center rental rates – Ms. B. Newby.

Ms. Newby requested this item be tabled until the June 1 council meeting. Mayor Pro Tempore Jones motioned to table until June 1 council meeting; Council Member Peterson seconded the motion and it carried unanimously.

11d. Office of the City Manager

1. Recommend establishment of Senior Court Administrator job classification. Administration stated this a part of the formal management succession plan for Municipal Court. There is no one going into this position and it is not a new position being created that must be funded. Council Member Bynum-Grace motioned to establish Senior Court Administrator job classification; Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

11e. Flint EMC Right of Way Easement for 3.14-acre parcel, 0P0480 050000.

Ms. Newby reported this is a request from Flint EMC for a ROW easement to install electricity across the property donated to the City by Cherokee Pecan Company. Council Member King motioned to approve as submitted; Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

12. Council Members Items:

Council had no reports.

Mr. Gilmour requested Council approval to purchase the software system for Community Development Department. Council Member Albritton motioned to approve the purchase of the software system for Community Development Department. Council Member Peterson seconded the motion and it carried

unanimously.

Mr. Gilmour advised Council that the City has been awarded to participate in the vacant property leadership institute. Administration recommends Council approve the grant and the condition that the City will pay for transportation costs for participants. Council Member Bynum-Grace motioned to approve the grant and conditions as outlined by Administration. Council Member King seconded the motion and it carried unanimously.

13. Department Heads/Staff Items.

Ms. King, Mr. Worthington, Ms. Wharton, Chief Parker, Mr. Swan, Ms. Hardin, and Ms. Warren had no reports.

Mr. Wood asked for clarification of the vote relative to Special Exception Application 0071-2021, did Mayor Pro Tempore Jones include the special conditions in addition to his condition for the applicant to provide proof of meeting State requirements. Mayor Pro Tempore Jones answered yes, they were to be included.

Chief Lynn recognized Lt. Ezell and thanked Mayor and Council for their recognition of the new corporals.

Ms. Turpin announced new upcoming events, National Trails Day, and Juneteenth.

14. General Public Items:

none

15. Mayor Items:

- June 1, Pre council and Council

16. Adjournment: There being no further business to come before Council in the council meeting held May18, 2021, Council Member Albritton motioned to adjourn the meeting at 8:15 p.m. Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

**MINUTES
CALLED MEETING
OF THE PERRY CITY COUNCIL
May 25, 2021
5:00 P.M.**

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the called meeting held May 25, 2021 at 5:00 p.m.

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

Elected Officials Absent: Council Member Riley Hunt

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

City Departmental Staffing: Brenda King – Director of Administrator, Mitchell Worthington – Finance Director, Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Ansley Fitzner – Public Works Superintendent, Jazmin Thomas – Downtown Manager, and Tabitha Clark – Communications Administrator.

Guest(s)/Speaker(s): Allison Hamsley (PACVB), Dan Rhoades (21st Century Partnership), Ellen Palmer and Scott and Deborah Cox (PACC), Bill and Ellie Loudermilk and Terre Walker (PAHS).

Media: Ms. Brianna Sheffield - Houston Home Journal.

3. Items of Review /Discussion: Mayor Randall Walker.

3a. FY 2022 Operating Budget

1. 21st Century Partnership – Mr. D. Rhoades. Administration reported the 21st Century Partnership requested \$12,562.98 and the recommendation from Administration was \$10,400.00. Mr. Dan Rhodes (251 Mossy Lake Road) provided Mayor and Council an update of the on-going activities at the 21st Century Partnership.
2. Middle Georgia Clean Air Coalition – Mr. G. Boike. Administration reported Middle Georgia Clean Air Coalition requested \$3,459.75 and Administration recommended \$3,500.00. No representation was

present from Middle Georgia Clean Air Coalition.

3. Perry-Houston County Airport Authority – Mr. J. Marquardt. Administration reported the Perry-Houston County Airport Authority requested \$44,600.00 for FY 2022 and Administration's recommendation was \$44,600.00. No representation was present from the Perry-Houston County Airport Authority.
4. Perry Area Chamber of Commerce – Ms. E. Palmer. Administration stated the Perry Area Chamber of Commerce requested the following funding for FY 2022: Membership Dues -\$350.00, Perry Dogwood Festival - \$8,000.00, and Freedom Fireworks Event - \$15,000.00. Administration's recommendation was: Membership Dues - \$400.00, Perry Dogwood Festival, \$8,000.00, and Freedom Fireworks Event - \$15,000.00. Ms. Ellen Palmer (900 Carroll Street) thanked Mayor and Council for their support.
5. Perry Area Convention and Visitors Bureau Authority – Ms. A. Hamsley. Administration advised the Perry Area Convention and Visitors Bureau Authority requested \$230,000.00 and Administration's recommendation was \$210,000.00. Mr. Gilmour noted that there may be some modifications forthcoming with Governor Kemp signing the bill increasing the hotel/motel tax to 8%. Ms. Allison Hamsley (101 General Courtney Hodges Boulevard) presented a PowerPoint of the PACVB activities and thanked Mayor and Council for their support.
6. Perry Area Historical Society – Ms. E. Loudermilk. Administration stated the Perry Area Historical Society requested \$10,000.00 and Administration's recommendation was \$10,000.00. Ms. Ellie Loudermilk (901 Northside Drive) thanked Mayor and Council for their support and shared that since January 2021 PAHS has received thirty-four requests for information.
7. Downtown Development Authority of the City of Perry – Ms. J. Thomas. Administration reported the Downtown Development Authority of the City of Perry requested \$43,100.00 and Administration's recommendation was \$8,100.00. Ms. Thomas asked that DDA be allowed to come before Council if a viable project becomes available in the future.
8. Houston County Land Bank Authority. Administration stated the Houston County Land Bank Authority requested \$4,300.00 and Administration is recommending \$4,300.00. Administration advised that the money allocated is primary for insurance. No representation was present from the Houston County Land Bank Authority.
9. Main Street Advisory Board – Ms. J. Thomas. Administration reported the Main Street Advisory Board requested \$16,200.00 and Administration recommended \$10,900.00. Ms. Thomas stated Main

Street has had a great year and thanked Mayor and Council for the allocation.

4. Other Business - Supplemental Agenda Items: Mayor Randall Walker

- 4a. GDOT Agreements – Mr. L. Gilmour. Administration presented for Council's consideration two GDOT agreements. The first agreement is for the City's support to install a traffic signal device at the southbound ramp of I-75 / Exit 138 (Perry Parkway). The second agreement commits the City in funding the additional costs of lighting the Hendrick bridge replacement.

Authorized GDOT to install a traffic signal device at the south bound ramp at I-75 / Exit 138. Council Member Bynum-Grace motioned to authorize GDOT to install a traffic signal device at the south bound ramp at I-75 / Exit 138; Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

Adopted Resolution No. 2021-25 approving the lighting request from GDOT for the Hendrick bridge replacement. Mayor Pro Tempore Jones motioned to adopt the resolution as submitted; Council Member Bynum-Grace seconded the motion and it carried unanimously. (*Resolution No. 2021-25 has been entered into the City's official book of record.*)

5. Council Member Items.

Council had no reports

Mr. Gilmour advised Council that he sent out a response to budget session #1.

Ms. Newby and Mr. Smith had no reports.

6. Department Head/Staff Items:

Department heads had no reports.

7. Adjourn. There being no further business to come before Council in the called meeting held on May 25, 2021, Mayor Pro Tempore Jones motioned to adjourn the meeting at 5:44 pm. Council Member Peterson seconded the motion and it carried unanimously.

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from Houston County R-AG, Residential-Agricultural District to City of Perry R-2A, Single-family Residential District, and the city's zoning map is amended accordingly relative to property of **N&D DEVELOPMENT, LLC**, described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 189 of the 13th Land District of Houston County, Georgia, being known and designated as Tract "B" containing 5.67 acres as shown on plat of survey prepared by McLeod Surveying, Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, titled Tract "B" for WCH Homes, dated January 11, 2021 and recorded in Plat Book _____ Page _____, Clerk's Superior Court, Houston County, Georgia. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

This rezoning shall become effective on July 1, 2021, in accordance with O.C.G.A. § 36-66-4(d)(4).

SO ENACTED this 1st day of June, 2021.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: May 18, 2021

2nd Reading: June 1, 2021

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS as follows:

WHEREAS, proper application to annex property to the City of Perry, Georgia has been made by N&D Development, LLC, the owner of the land hereinafter described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 189 of the 13th Land District of Houston County, Georgia, being known and designated as Tract "B" containing 5.67 acres as shown on plat of survey prepared by McLeod Surveying, Marty A. McLeod, Georgia Registered Land Surveyor No. 2991, titled Tract "B" for WCH Homes, dated January 11, 2021 and recorded in Plat Book ____ Page ____, Clerk's Superior Court, Houston County, Georgia. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

NOW THEREFORE, pursuant to the act of the General Assembly of the State of Georgia 1962, Page 119; 1969, Page 504 the above-described property is annexed to the City of Perry and the precinct boundary is changed accordingly.

This annexation shall become effective for ad valorem tax purposes on December 31, 2021, and for all other purposes shall become effective on July 1st, 2021.

SO ENACTED this 1st day of June, 2021.

CITY OF PERRY, GEORGIA

(SEAL) BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: May 18, 2021
2nd Reading: June 1st, 2021



Where Georgia comes together.

STAFF REPORT

February 17, 2021

Updated March 22, 2021

CASE NUMBER: ANNX-188-2020
APPLICANT: N & D Development, LLC
REQUEST: Annexation and Rezone from R-AG (County) to R-2A (City)
LOCATION: 111 Hill Road; Tax Map No. 000580 034000 (+/- 5.96 acre portion)

ADJACENT ZONING/LANDUSES:

Subject Parcel: R-AG, Residential-Agricultural District (County); undeveloped
North: RAG (County); Single-family residences
South: R-1, Single-family Residential District (City) (Requested R-3, Multi-family Residential District; undeveloped
East: RAG (County), single-family residence
West: RAG (County); undeveloped

BACKGROUND INFORMATION: The applicant has updated the annexation plat to prevent the creation of a county island. The request is for annexation into the City of Perry of 5.67 acres of the subject parcel. A 1.45 acre portion of the subject parcel will remain in the county. The applicant requests a City zoning classification of R-2A, Single-family Residential District. The R-2A district requires a minimum lot size of 12,000 square feet and 80 foot minimum lot width.

STANDARDS FOR ESTABLISHING A ZONING CLASSIFICATION:

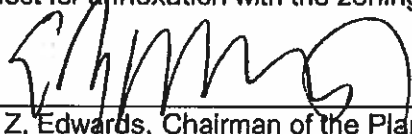
- 1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?** The applicant indicates there are no covenants or restrictions pertaining to the property which would preclude uses allowed in the R-2A zoning district.
- 2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.** The R-2A zoning classification permits single-family residential uses. Surrounding properties consist of single-family residential development on lots sized from 0.75 acre to more than 5 acres. As proposed, single-family residential use of the subject property is consistent with the use of surrounding properties.
- 3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.** Single-family residential use should not adversely impact the residential use of surrounding properties.
- 4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.** The subject property is located in the "Gateway Corridor" character area in the 2017 Joint Comprehensive Plan Update. This portion of the "Gateway Corridor" was identified as a future phase of Perry Parkway. However, due to

the existence of several existing subdivisions in its path, it is unlikely that Perry Parkway would be extended in the path identified in this plan. Disregarding the "Gateway Corridor" identification, the subject property would be located in the "Suburban Residential" character area identified for surrounding properties. The proposed R-2A zoning classification is consistent with "Suburban Residential" suggested land uses of residential, public/institutional, and parks/recreation.

5. **Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.** City water and sanitary sewerage is available at the site. Hill Road is identified as a collector street which should accommodate additional traffic. Additional households will increase demand for schools in the area.
6. **Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.** There is strong demand for additional residential development in Houston County, particularly in areas east of Perry.

STAFF RECOMMENDATION: Staff recommends approval of the application to annex the subject property and rezone it to R-2A, Single-family Residential District.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request for annexation with the zoning classification of R-2A, Single-family Residential District.



Eric Z. Edwards, Chairman of the Planning Commission

4/13/21

Date





Where Georgia comes together.

Application # _____

Application for Annexation

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	N&D Development LLC	N&D Development LLC
*Title	President	Natavar Patel
*Address	104 Madison North Drive Macon, GA 31220	104 Madison North Drive Macon, GA 31220
*Phone	478-972-8288	478-972-8288
*Email	natavarpatel@yahoo.com	natavarpatel@yahoo.com

Property Information

*Street Address or Location	111 Hill Road
*Tax Map #(s)	000580 034000
*Legal Description	<p>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;</p> <p>B. Provide a survey plat of the property and/or a proposed site plan;</p> <p>C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.</p>

Request

*Current County Zoning District	RAG	*Proposed City Zoning District	R2a
*Please describe the existing and proposed use of the property Existing land is sparsely wooded and mostly grassland.			
An approximately 1.16 acre residential parcel adjacent Hill Road will be broken out of the 7.12 acre property. The 1.16 acre parcel will remain within Houston County, the remainder (5.96 acres) of the property is to be zoned R2a and joined to a 25 acre parcel to the south for use as a residential subdivision.			

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 requested zoning classification meets these standards). 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.
- Annexation 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.
- 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.

8. 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.

9. Signatures:

*Applicant <i>[Signature]</i>	*Date <i>07-13-21</i>
*Property Owner/Authorized Agent <i>[Signature]</i>	*Date <i>07-13-21</i>

Standards for Granting a Zoning Classification

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
3. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
4. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
5. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
6. 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

January 12, 2021

Mr. Bryan Wood
Community Development Director
City of Perry
741 Main Street
Perry, Ga 31069
478-988-2720
bryan.wood@perry-ga.gov

**Subject: Application for Annexation
111 Hill Road
000580 034000**

Dear Mr. Wood,

Please see attached application and conceptual plan for annexation for ±5.96 acres located at 111 Hill Road. Below is the Standards for Granting a Zoning Classification (Page 2 of application).

1. There are no covenants or restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district.
2. The property is bounded by RAG Houston County and R1 City of Perry zoned property. Only on the south side does the property abut a lot without an existing home.
3. The surrounding lots except the adjacent southern 25 acre parcel are developed home lots.
4. The Comprehensive Plan designates the area for residential use.
5. ±5.96 acres of the property is planned to be combined with a larger parcel adjacent to the south side. The property would be served by an existing sanitary sewer pump station (Chinaberry pump station) to the southeast of the property. This planned development is within one mile of the new Tucker Road water plant.
6. The property has sat dormant since before it was sold in 1999 and was subsequently sold again in 2006. It is of public benefit to develop the property for its intended residential use.

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

Thank you,

Russell Wheeler, P.E.
Project Manager
Triple Point Engineering.



Dop ID: 008427310001 Type: OLR
Filed: 08/04/2006 at 02:27:40 PM
Fee Amt: \$94.00 Page 1 of 1
Transfer Tax: \$84.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK **3946** PG **89**

2006070637

Return To: 11502
ROBERT ABNEY FRICKS
239-B SMITHVILLE CHURCH RD.
WARNER ROBINS, GA 31088

STATE OF GEORGIA
COUNTY OF HOUSTON

Warranty Deed

THIS INDENTURE, made and entered into this 21st day of July, 2006, by and between DEBORAH M. LYNN, of Houston County, State of Georgia, as party or parties of the first part, hereinafter referred to as "Grantor" and N&D DEVELOPMENT, LLC, of Houston County, State of Georgia as party or parties of the second part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto said Grantee the hereinafter described property, to wit:

All that tract or parcel of land situate, lying and being in Land Lot 189 of the Thirteenth Land District of Houston County, Georgia, and being known and designated as Parcel 12 containing 7.119 acres as shown on a plat of survey prepared by Lee R. Jones, Registered Land Surveyor Number 2680, dated February 16, 1999 and recorded in Map Book 63, Page 193, Clerk's Office, Houston Superior Court.

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

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

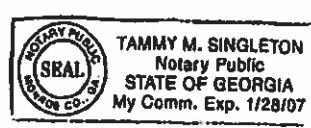
Signed, Sealed and Delivered in the presence of:

DEBORAH M. LYNN
GRANTOR

Witness

GRANTOR

TAMMY M. SINGLETON
NOTARY PUBLIC





Overview



Legend

-  Parcels
-  Roads

Date created: 5/3/2021
Last Data Uploaded: 5/3/2021 6:04:16 AM

Developed by  **Schneider**
GEO SPATIAL

Summary

Parcel Number 090480 035000
 Location Address 125 HILL RD
 Legal Description 25.519 ACRES LL 189 13TH LD
 (Notes: Not to be used on legal documents)
 Class RS-Residential
 Zoning R1
 Tax District Perry (District 2)
 Millage Rate 37.34
 Acres 25.52
 Homestead Exemption No (50)
 Landlot/District 189 / 13

View Map

OWNER

N&D DEVELOPMENT LLC
 344 ASHFORD TRACE LANE
 MACON, GA 31230

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	25.52

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/24/2006	3948 291	57 18	\$375,000	Land market sale	MEDLIN DENISE MORGAN	N&D DEVELOPMENT LLC
3/24/2006	3934 164	57 18	\$0	Quit claim deed or divorce settlement	MEDLIN DAVID	MEDLIN DENISE MORGAN
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10/9/2001	2005 130		\$0	Court, government, or public utility	CIVIL #2001-V-71208L	STOKELING STEVE
6/7/2001	1781 148	57 18	\$0	Revised or corporate affiliate	STOKELING STEVE	SAE PROPERTIES LLC
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8/14/1983	639 184	2 172	\$0	Settling an estate or to satisfy debt or wishes	DUFFELL RICHARD S SR ESTATE	DUFFELL GORDON ETAL

Valuation

	2021	2020	2019	2018	2017
Previous Value	\$152,800	\$152,800	\$152,800	\$152,800	\$152,800
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+ Improvement Value	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0	\$0	\$0
= Current Value	\$254,600	\$152,800	\$152,800	\$152,800	\$152,800

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry R-1, Single-family Residential District to City of Perry R-2A, Single-family Residential District and the city's zoning map is amended accordingly relative to property of **N&D DEVELOPMENT, LLC**, described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 189 of the Thirteenth (13th) Land District of Houston County, Georgia, being 26.293 acres more or less as shown on a plat of survey prepared by Lee R. Jones, Registered Land Surveyor No. 2680, dated August 26, 2000 and recorded in Map Book 57, Page 18, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are incorporated by reference for all purposes.

LESS AND EXCEPT: All that tract or parcel of land situate lying and being in Land Lot 189 of the 13th Land District of Houston County, Georgia shown as "20' UTILITY EASEMENT" on page 167 of a plat of survey prepared by Michael L. Clarke, Registered Land Surveyor No. 2865, dated October 10, 2007 and recorded in Plat Book 69, Pages 166-167, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto.

Tax Map Parcel No. 0P0480 035000

SO ENACTED this 1st day of June, 2021.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: May 18, 2021

2nd Reading: June 1, 2021



Where Georgia comes together.

STAFF REPORT

February 17, 2021

Updated March 22, 2021

CASE NUMBER: RZNE-189-2020
APPLICANT: N & D Development, LLC
REQUEST: Rezone from R-1 to R-3
LOCATION: 125 Hill Road; Tax Map No. 0P0480 035000

ADJACENT ZONING/LANDUSES:

Subject Parcel: R-1, Single-family Residential District; undeveloped
North: RAG (County); undeveloped (requested annexation and R-3 zoning)
South: R-1, Single-family Residential District; Single-family residences
East: R-2, Two-family Residential District; undeveloped (planned for additional phases of Ivy Glen Subdivision)
West: R-1 (City) and RAG (County); Single-family residences

BACKGROUND INFORMATION: The applicant is requesting this 25.52-acre parcel be zoned R-3, Multi-family Residential District, for the development of a single-family residential subdivision. In order to create a transition from abutting existing lots (zoned R-1, R-2, R-2A or R-3) to smaller lots in a new subdivision, Section 5-1.1(A) of the Land Management Ordinance requires the size of abutting lots in the new subdivision be increased. In this case, the minimum lot size of perimeter lots on the west and south boundaries will be required to be at least 18,000 square feet. This is twice the minimum lot size in the R-3 zone, and 3,000 square feet larger than the minimum lot size in the R-1 zone.

Update: During the informational hearing for this application on February 22, 2021, the City was reminded of two conditions placed on the annexation of the subject property in 2001. Staff indicated at the February meeting that the two conditions do not impact a recommendation/decision on the zoning of the property. However, the Commission postponed action on the application. Following a review by the City Attorney, staff offers the following response regarding these two conditions:

- 1. Condition No. 2: An adequate buffer/drainage right-of way bordering Old Plantation [now China Berry] Subdivision shall be conveyed to the City by fee simple title or dedicated easements.*

This condition is not enforceable as written because it is vague and does not quantify an "adequate" buffer. This condition, standing alone, is not based on any ascertainable standard.

- 2. Condition No. 3: No holding pond or ponds or water retention areas shall be placed on the annexed property.*

When this condition was placed on the annexation ordinance in 2001 the City of Perry had no requirements or standards for addressing stormwater runoff created by new developments. Since then, the City has adopted

stormwater design standards as part of a requirement under its NPDES permit from the Georgia Environmental Protection Division. These standards require the retention or detention of the additional stormwater created by a development, and direct how it can be released. Stormwater retention/detention ponds are now required, following the City ordinance based on State of Georgia requirements, and are typically installed on property under the control of the developer. "Water retention areas" is not defined anywhere, and as written, this condition would preclude even sub-surface detention. All development, even with the current zoning of R-1, is precluded if this condition is enforced. The condition is overly broad, and it could effectively prevent any beneficial use of the property under existing state requirements governing runoff, a condition any court is likely to determine constitutes a taking of the owner's right to beneficial use of its property.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The suitability of the subject property for the zoned purposes.** The property is suitable for residential development.
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The R-1 zoning classification requires a larger minimum lot size than does the R-3 classification, causing a reduction in the number of lots which can be developed. Development under the R-1 classification may not be economically feasible given current property prices and development costs.
- 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.** The use of the property for single-family residential development, whether developed under the provisions of R-1 or R-3, does not have a significant impact on the health, safety, morals or general welfare of the public.
- 4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** There does not appear to be any gain for the public by limited the density of the subject property to that of the R-1 district. While the R-3 district allows about 35% more lots than would be allowed in the R-1 district, the use remains single-family residential.
- 5. Whether the subject property has a reasonable economic use as currently zoned.** It appears that current market conditions – land costs, development costs, and going sales prices of houses – require the requested higher density to afford a reasonable economic use of the property.
- 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 subject property has never been developed, although adjacent and nearby properties have been developed as single-family subdivisions in a range of lot sizes and price points.
- 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 R-3 zoning classification permits single- and multi-family residential uses. Surrounding properties consist of single-family residential development on lots sized from 0.75 acre to about 2.5 acres. Single-family residential use of the subject property is consistent with the use of surrounding properties.
- 8. Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** Single-family residential use should not adversely impact the residential use of surrounding properties. As noted in the background information above, lot sizes along the perimeter of the proposed subdivision will create a transition from existing large lots to smaller lots in the proposed subdivision.
- 9. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is located in the "Gateway Corridor" character area in the 2017 Joint Comprehensive Plan

Update. This portion of the "Gateway Corridor" was identified as a future phase of Perry Parkway. However, due to the existence of several existing subdivisions in its path, it is unlikely that Perry Parkway would be extended in the path identified in this plan. Aside from the "Gateway Corridor" identification, the subject property would be located in the "Suburban Residential" character area identified for surrounding properties. The proposed R-3 zoning classification is consistent with "Suburban Residential" suggested land uses of residential, public/institutional, and parks/recreation.

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. City water and sanitary sewerage is available at the site. Hill Road is identified as a collector street which should accommodate additional traffic. Additional households will increase demand for schools in the area.
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. Houston County in general and Perry in particular, continue to see a strong demand for additional residential development.

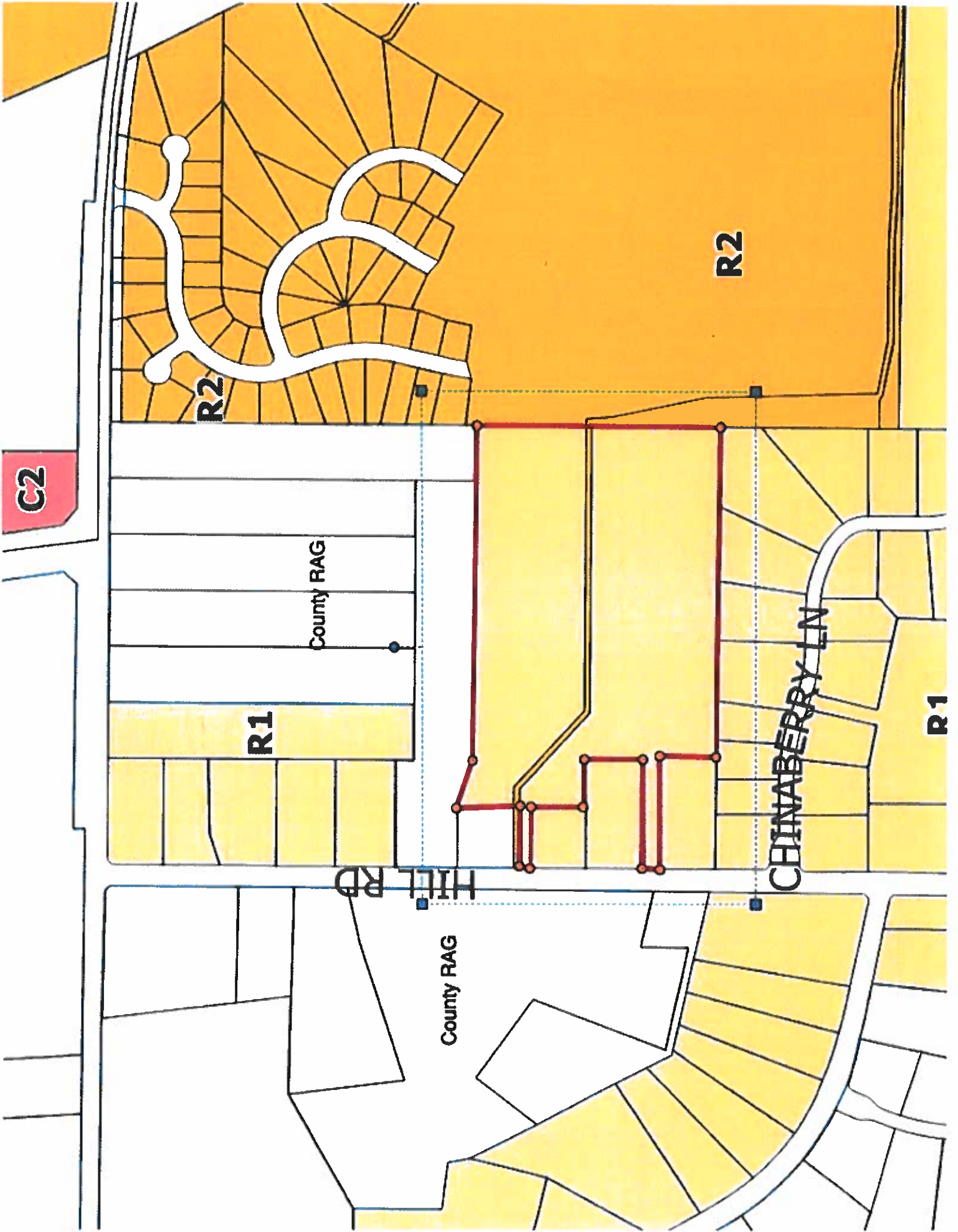
STAFF RECOMMENDATION: Staff recommends approval of the application to annex and rezone to R-3, Multi-family Residential District, with the condition that development of the property be limited to single-family detached residential use.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request, with condition that multi-family uses shall not be developed on the property. denial of the rezoning request.


Eric Z. Edwards, Chairman of the Planning Commission

4/13/21
Date





NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	

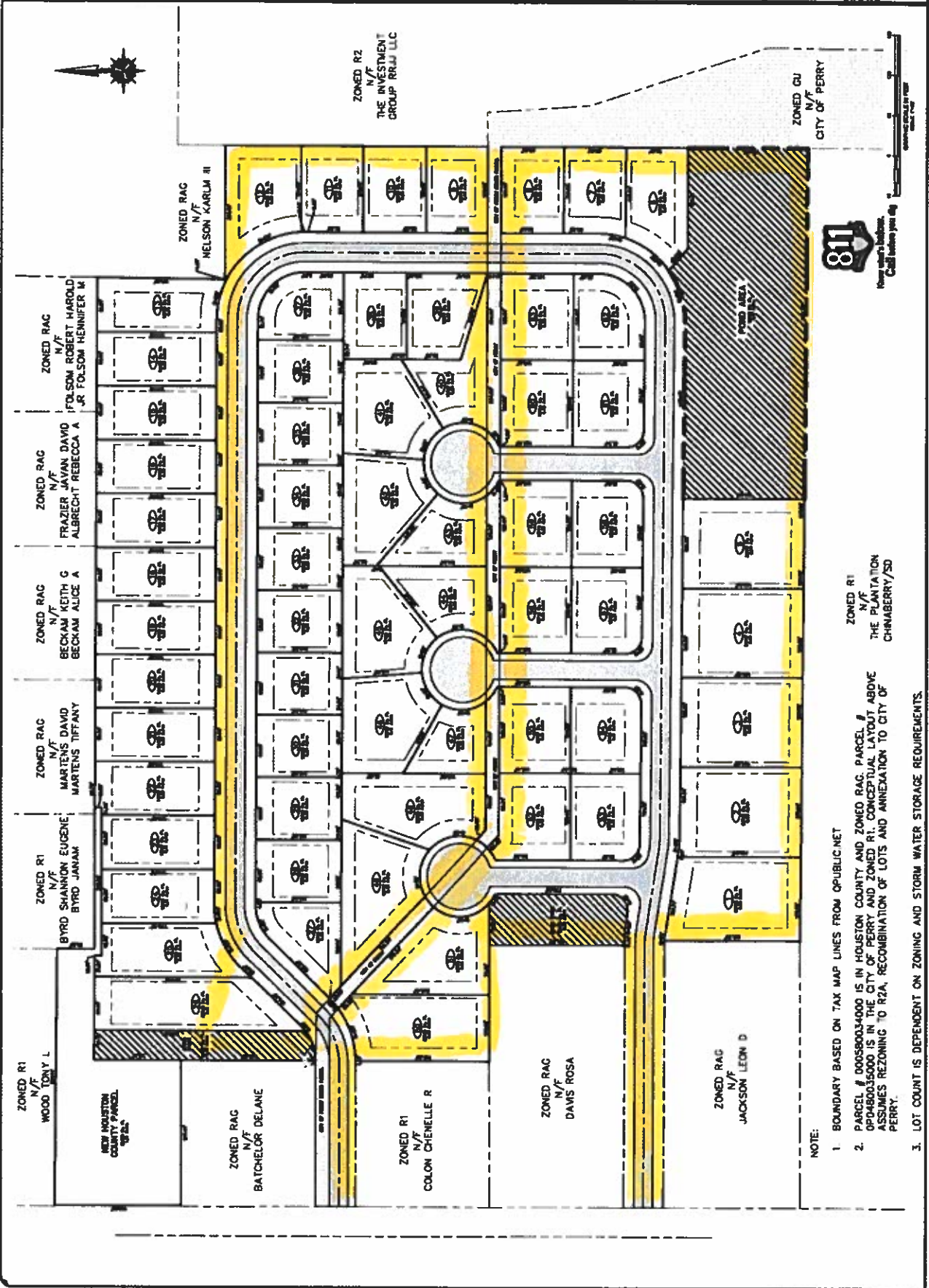
TRIPLE POINT ENGINEERING
 6223 Riverchase Drive • Suite 101 • Houston, Georgia 31106
 Phone: (770) 478-7899 • Fax: (770) 478-7878 • www.triplepoint.com

WMNGATE SUBDIVISION
 125 HILL ROAD
 208
 WMNGATE CUSTOM HOMES
 817 WOODWAY #17 S. UNIT 10

THE PLANNING BOARD
 FOR CONSTRUCTION

PROFESSIONAL SEAL
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF GEORGIA
 NO. 11000
 DATE: 11/14/14

C1.0



ZONED R1
N/F
WOOD TONY L

NEW HOUSTON COUNTY PARKED

ZONED RAC
N/F
BATCHELOR DELANE

ZONED R1
N/F
COLON CHEMELLE R

ZONED RAC
N/F
DAMS ROSA

ZONED RAC
N/F
JACKSON LEON D

ZONED RAC
N/F
FOLSON ROBERT HAROLD
JR FOLSON HENNER M

ZONED RAC
N/F
FRAZIER N/AIAN DAVID
ALBRECHT REBECCA A

ZONED RAC
N/F
BECKAM KEITH G
BECKAM ALICE A

ZONED RAC
N/F
MARTENS DAVID
MARTENS TIFFANY

ZONED R1
N/F
BYRD SHANNON EUGENE
BYRD JANAM

ZONED RAC
N/F
NELSON KARLM II

ZONED R2
N/F
THE INVESTMENT
GROUP RILLJ LLC

ZONED GU
N/F
CITY OF PERRY

ZONED R1
N/F
THE PLANTATION
CHNABERRY/SD



NOTE:
 1. BOUNDARY BASED ON TAX MAP LINES FROM OPUBLIC.NET
 2. PARCEL # 00058034000 IS IN HOUSTON COUNTY AND ZONED RAC. PARCEL # 00480035000 IS IN THE CITY OF PERRY AND ZONED R1. CONCEPTUAL LAYOUT ABOVE ASSUMES REZONING TO R2A, RECOMBINATION OF LOTS AND ANNEXATION TO CITY OF PERRY.
 3. LOT COUNT IS DEPENDENT ON ZONING AND STORM WATER STORAGE REQUIREMENTS.

Revised



Where Georgia comes together.

Application # RZNE-189-2020

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

Applicant/Owner Information

*Indicates Required Field		Applicant	Property Owner
*Name		N&D Development LLC	N&D Development LLC
*Title		President	Natavar Patel
*Address		104 Madison North Drive Macon, GA 31220	104 Madison North Drive Macon, GA 31220
*Phone		478-972-8288	478-972-8288
*Email		natavarpatel@yahoo.com	natavarpatel@yahoo.com

Property Information

*Street Address or Location	125 Hill Road
*Tax Map #(s)	0P0480 035000
*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

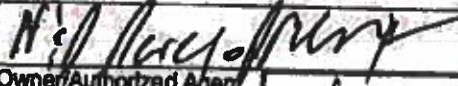
*Current Zoning District	*Proposed Zoning District
R-1	R-2A
*Please describe the existing and proposed use of the property	
	Existing land is sparsely wooded and mostly grassland. The proposed use is higher density residential subdivision.

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	3/3/21
*Property Owner/Authorized Agent	Net Patel	*Date	3/3/21

Standards for Granting a Rezoning

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.



May 03, 2021

Mr. Bryan Wood
Community Development Director
City of Perry
741 Main Street
Perry, Ga 31069
478-988-2720
bryan.wood@perry-ga.gov

**Subject: Application for Rezoning
125 Hill Road
OPD480 035000**

Dear Mr. Wood,

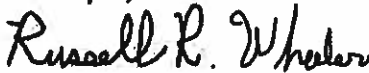
Please see attached application and conceptual plan for annexation for 25.52 acres located at 125 Hill Road. Below is the Standards for Granting a Rezoning (Page 2 of application).

1. There are no covenants or restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district.
2. All surrounding properties are zoned residential. The property adjacent the north side of the property is within Houston County and is zoned RAG. The east side of the property is adjacent a mostly grassed field that is zoned R-2 as the future phase of Ivey Glen subdivision. The south and west sides abut R-1 properties with existing homes.
3. This property has suitable topography for development as a residential subdivision and has access to public utilities
4. The property has been zoned as R1 and has been sold 5 times since 1983. The property has sat dormant without fulfilling its intended use since 1983.
5. The diminished value of the land as R1 property in an unused state serves no purpose toward the general welfare of the citizens of the City of Perry provides no opportunity for housing or the expansion of the City of Perry tax base for the goods and services provided.
6. Rezoning to R-2A would provide the public with access to more housing choices in the Hill Road area.
7. The project has been repeatedly sold and undeveloped since 1983.

8. The property has been undeveloped since 1983
9. The surrounding properties are all residential, the proposed R-2A zoning will allow a smaller lot option for home buyers. As the needs of the homeowners change the inhabitants of these houses provide future buyers for surrounding larger lot homes and properties.
10. The use is complimentary. The land use matches the surrounding uses with only a smaller footprint.
11. The Comprehensive Plan lists the area as future town commercial however, the area is currently developed residential.
12. The property would be served by an existing sanitary sewer pump station (Chinaberry pump station) to the southeast of the property. This planned development is within one mile of the new Tucker Road water plant. Hill Road intersects with Tucker Road and Main Street and is within a half mile of Perry Parkway.
13. The proposed development will provide a greater mix of choices for residential buyers and has the potential to draw more development to the east side.

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

Thank you,



Russell Wheeler, P.E.

Project Manager

Triple Point Engineering.



Overview



Legend

-  Parcels
-  Roads

Date created: 5/3/2021
Last Data Uploaded: 5/3/2021 6:04:16 AM

Developed by  **Schneider**

Summary

Parcel Number: 090480035000
 Location Address: 125 HILL RD
 Legal Description: 25.519 ACRES LL 189 13TH LD
 (Note: Not to be used on legal documents)
 Class: R5-Residential
 Zoning: R1
 Tax District: Perry (District 2)
 Millage Rate: 37.34
 Acres: 25.52
 Homestead Exemption: No (\$0)
 Landlot/District: 189 / 13

[View Map](#)

Owner

N&D DEVELOPMENT LLC
 144 ASHFORD TRACE LANE
 MACON, GA 31230

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	25.52

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= Current Value	\$254,600	\$152,800	\$152,800	\$152,800	\$152,800

RECEIVED

FEB 18 2021

CITY OF PERRY

PETITION AGAINST THE REQUEST TO REZONE

PROPERTY LOCATED ON HILL ROAD

125 Hill Road
Tax Parcel OP0480 035000

111 Hill Road
Tax Parcel 000580 034000

We, the undersigned, being the owners of property located in the vicinity of the property proposed for rezoning, do hereby object to the proposed rezoning request to rezone said property from R-1 / RAG to R-3 and respectfully request that the City of Perry Planning & Zoning Commission deny the pending request because the proposed rezoning would allow a denser zoning than the surrounding neighborhoods.

Hill Road would not support the traffic from the number of lots allowed by R-3 zoning which would cause undue traffic and congestion. In addition, the denser development would create water issues for the surrounding neighborhoods.

PRINTED NAME	SIGNATURE	ADDRESS
<u>STEVEN R. FRANKLIN</u>	<u>[Signature]</u>	<u>205 CHINABERRY LN</u>
<u>Nicole Franklin</u>	<u>[Signature]</u>	<u>205 Chinaberry Ln</u>
<u>Tony Arnold</u>	<u>[Signature]</u>	<u>210 Chinaberry Ln</u>
<u>Sean Cooper</u>	<u>[Signature]</u>	<u>212 Chinaberry Ln</u>
<u>[Signature]</u>	<u>Robin Leonard</u>	<u>209 Chinaberry Lane</u>
<u>Jeff Leonard</u>	<u>[Signature]</u>	<u>209 Chinaberry Ln</u>
<u>Kelly G Hillis</u>	<u>[Signature]</u>	<u>216 Chinaberry Ln</u>
<u>Carla W. Hillis</u>	<u>Carla W. Hillis</u>	<u>216 Chinaberry Ln</u>
<u>Keith Waites</u>	<u>[Signature]</u>	<u>208 Chinaberry Ln</u>
<u>Cindy Waites</u>	<u>Cindy Waites</u>	<u>208 Chinaberry Lane</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>206 Chinaberry Ln</u>
<u>Jeffery Jordan</u>	<u>[Signature]</u>	<u>102 Chinaberry Lane</u>
<u>CHRISTINE JORDAN</u>	<u>[Signature]</u>	<u>102 CHINABERRY LANE</u>

RECEIVED

FEB 18 2021

CITY OF PERRY
Perry, GA

PRINTED NAME

SIGNATURE

ADDRESS

Logan Jordan

Logan Jordan

102 Chinaberry Lane

Jordan Thompson ~~Jordan Thompson~~ 100 CHINABERRY LN

Cathy Thompson

Cathy Thompson

100 Chinaberry Lane

ASHLEY STANLEY

Ashley Staine

100 Chinaberry Ln

TIMOTHY J THOMPSON

Timothy J Thompson

104 CHINABERRY LN

ALLISON G THOMPSON

Allison G Thompson

104 CHINABERRY LN

JOHN D CHRISTY

John D Christy

200 Chinaberry Ln

Marsha Christy

Marsha Christy

200 Chinaberry Lane

Lonnie Thomas

Lonnie Thomas

107 Chinaberry Ln

Carol Thomas

Carol Thomas

107 Chinaberry Ln

Steven Soisson

Steven Soisson

105 Chinaberry Ln

Steven Walker

Steven Walker

201 chinaberry Ln

Deborah Peebles

Deborah Peebles

201 Chinaberry Ln

Elizabeth T. Walker

Elizabeth Walker

201 Chinaberry Ln

Wesley Murphy

Wesley Murphy

103 Chinaberry Ln

Sheldon Murphy

Sheldon Murphy

103 Chinaberry Ln

RANDY LOGGINS

Randy Loggins

207 CHINABERRY LN.

LeAnn Tuggle

LeAnn Tuggle

204 Chinaberry Lane

Rob Tuggle

Rob Tuggle

204 Chinaberry Lane

Linda Watson

Linda Watson

202 Chinaberry Lane

Leon E. Watson

Leon E. Watson

202 Chinaberry Lane

Conquy Green

Conquy Green

214 Chinaberry Lane

RECEIVED

FEB 18 2021

CITY OF PERRY

PETITION AGAINST THE REQUEST TO REZONE

PROPERTY LOCATED ON HILL ROAD

125 Hill Road
Tax Parcel OP0480 035000

111 Hill Road
Tax Parcel 000580 034000

We, the undersigned, being the owners of property located in the vicinity of the property proposed for rezoning, do hereby object to the proposed rezoning request to rezone said property from R-1 / RAG to R-3 and respectfully request that the City of Perry Planning & Zoning Commission deny the pending request because the proposed rezoning would allow a denser zoning than the surrounding neighborhoods.

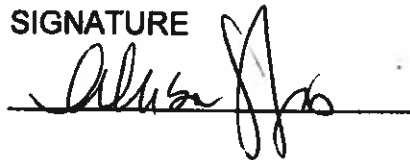
Hill Road would not support the traffic from the number of lots allowed by R-3 zoning which would cause undue traffic and congestion. In addition, the denser development would create water issues for the surrounding neighborhoods.

PRINTED NAME

SIGNATURE

ADDRESS

Allison Jones



101 Chinaberry Lane

Table with 3 columns: PRINTED NAME, SIGNATURE, ADDRESS. The first row contains the handwritten entry for Allison Jones. The remaining 12 rows are empty.

RECEIVED
FEB 18 2021
CITY OF PERRY

PETITION AGAINST THE REQUEST TO REZONE

PROPERTY LOCATED ON HILL ROAD

125 Hill Road
Tax Parcel OP0480 035000

111 Hill Road
Tax Parcel 000580 034000

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Hill Road would not support the traffic from the number of lots allowed by R-3 zoning which would cause undue traffic and congestion. In addition, the denser development would create water issues for the surrounding neighborhoods.

PRINTED NAME	SIGNATURE	ADDRESS
<u>DAVID J. MARTENS</u>	<u>[Signature]</u>	<u>2061 MAIN ST. PERRY, GA</u>
<u>Tiffany Martens</u>	<u>[Signature]</u>	<u>2061 Main St, Perry, GA</u>
<u>Alice Beckham</u>	<u>[Signature]</u>	<u>2071 MAIN ST, PERRY, GA</u>
<u>Heath Beckham</u>	<u>[Signature]</u>	<u>2071 Main St Perry, GA</u>
<u>Shanna Byrd</u>	<u>[Signature]</u>	<u>2051 Main St Perry, GA</u>
<u>Jana Byrd</u>	<u>[Signature]</u>	<u>2051 Main St, Perry GA</u>
<u>Rebecca Albrecht</u>	<u>[Signature]</u>	<u>2081 Main St., Perry, GA</u>
<u>Javan Frazier</u>	<u>[Signature]</u>	<u>2081 Main St, Perry GA</u>
<u>Robert Folsom</u>	<u>[Signature]</u>	<u>2091 Main St Perry Ga</u>
<u>Jennifer Folsom</u>	<u>[Signature]</u>	<u>2091 Main St Perry GA 31069</u>
<u>Linda Nelson</u>	<u>[Signature]</u>	<u>2101 Main St Perry, GA 31069</u>
<u>Karl Nelson</u>	<u>[Signature]</u>	<u>2101 Main St. Perry GA 31069</u>

RECEIVED

FEB 18 2021

CITY OF PERRY

PETITION AGAINST THE REQUEST TO REZONE

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PRINTED NAME	SIGNATURE	ADDRESS
<u>Karen Taylor</u>	<u>[Signature]</u>	<u>41 Wellington Dr</u>
<u>Len Taylor</u>	<u>[Signature]</u>	<u>41 Wellington Dr.</u>
<u>Nancy Hieberbrand</u>	<u>[Signature]</u>	<u>105 Wellington Dr</u>
<u>Jon Ashley</u>	<u>[Signature]</u>	<u>2006 Tucker Road</u>
<u>Carol C. Williams</u>	<u>[Signature]</u>	<u>135 Brittany Dr.</u>
<u>Ferry B. Williams</u>	<u>[Signature]</u>	<u>135 Brittany Dr.</u>
<u>Paula Vaden</u>	<u>[Signature]</u>	<u>113 Wellington Dr</u>
<u>Bryan Vaden</u>	<u>[Signature]</u>	<u>113 Wellington Dr</u>
<u>David Hieberbrand</u>	<u>[Signature]</u>	<u>108 Wellington Dr</u>
<u>Shawn Ashley</u>	<u>[Signature]</u>	<u>2006 Tucker Rd</u>
<u>Ashley Hunnicutt</u>	<u>[Signature]</u>	<u>131 Brittany Dr.</u>
<u>Brandon Hunnicutt</u>	<u>[Signature]</u>	<u>131 Brittany Dr.</u>
<u>Kathleen E. O'neil</u>	<u>[Signature]</u>	<u>133 Brittany Dr</u>



Where Georgia comes together.

TO: Lee Gilmour, City Manager
FROM: Holly Wharton, Community Planner
DATE: May 20, 2021
RE: 2015-2020 New Single-Family Home Building Permit and Zoning Data

Following a public hearing for ANNX-188-2020 and RZNE-189-2020 held during the City of Perry Council Meeting on May 18, 2021, the following data has been compiled to visually demonstrate the demand for new homes in certain zoning districts.

This analysis includes building permit data for new detached, single-family homes within the City of Perry from 2015 to 2020.

Many new homes have been constructed in neighborhoods that are currently zoned PUD – Planned Unit Development. Based on the neighborhood’s PUD Standards approved by the City of Perry, which include minimum lot size, these homes have been assigned an appropriate, comparable zoning classification. Many of the neighborhood’s PUD Standards include minimum lot sizes which are smaller than the R-3 minimum lot size of 9,000 square feet. For example, the minimum lot size for the Preserve at Agriculture Village is 4,800 square feet.

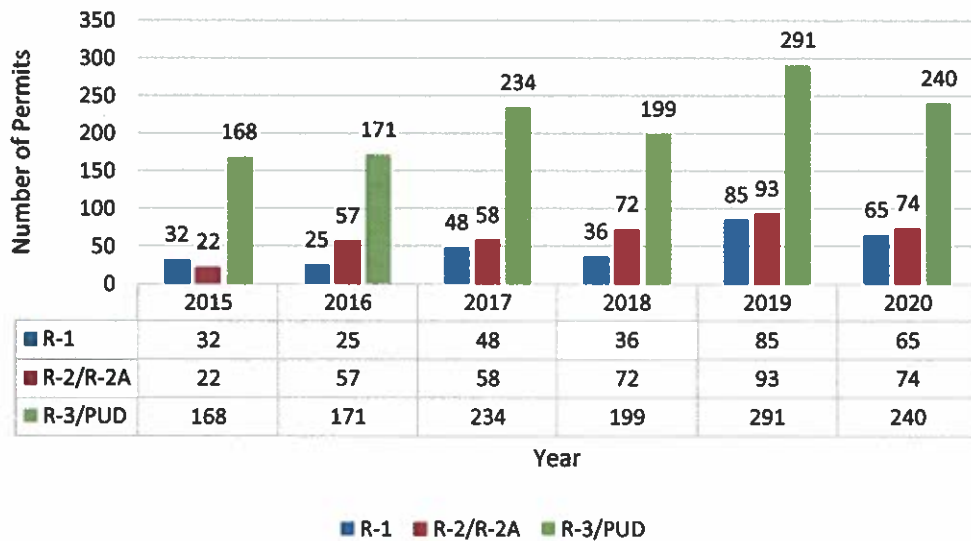
Many homes zoned as R-1 or R-2 are located within conservation subdivisions. While these homes have a technical zoning classification of R-1 or R-2, the minimum lot size is permitted to be much smaller due to the developer’s conservation of greenspace. For example, the minimum lot size for Langston Place is 6,000 square feet, smaller than the minimum lot size for R-3.

This analysis has been performed two ways. The first chart represents the stated zoning classification as reflected on the City of Perry’s Zoning Map, with the assigned zoning classification for homes located within PUD districts. The second chart represents adjusted zoning classifications based on minimum lot size. The column for “True R-1” and “True R-2/R-2A” does not include permits for homes that are located in conservation subdivisions. These permits have been added to the column titled “Adjusted R-3”. While the trend is similar between the two charts, the chart reflecting the adjusted zoning classifications is more accurate based on the minimum lot size within the development.

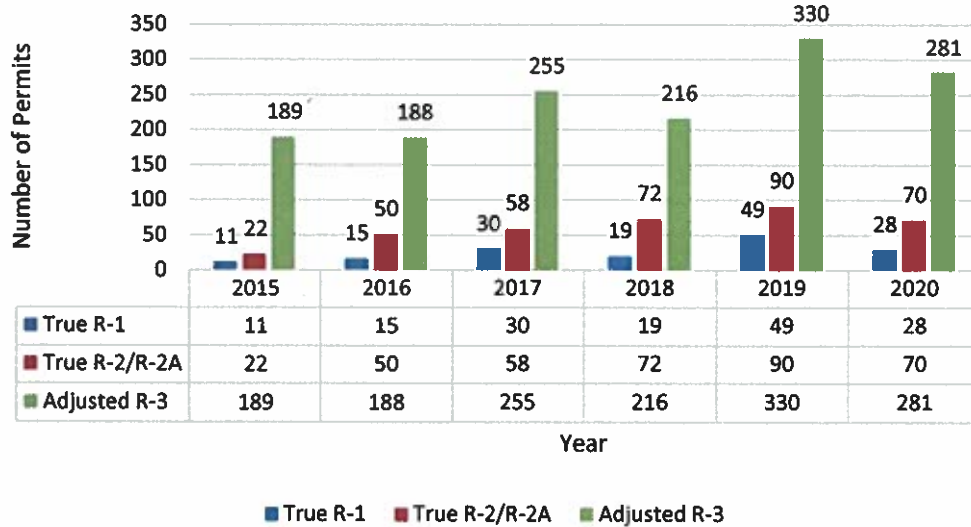


Where Georgia comes together.

**2015-2020 City of Perry Building Permits
New Single-Family Detached Homes
Stated Zoning Classification
(Includes Conservation Subdivisions)**



**2015-2020 City of Perry Building Permits
New Single-Family Detached Homes
Adjusted Zoning Classification**



***Adjusted R-3 includes PUD and Conservation Subdivision Homes**

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

WHEREAS, there is a change in the rental times for the Worrall Center; and

WHEREAS, the Fee Schedule must be amended;

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

Section 1. C. Miscellaneous Revenue, 1. Rental Income, a. James E. Worrall Community Center is amended to read:

1. Community Room / Kitchen

a. Monday – Thursday
8:00am – 4:00pm \$ 224.00
4:00pm – 12:00am 336.00
8:00am – 12:00am 560.00

b. Friday – Sunday
8:00am – 4:00pm \$ 300.00
4:00pm – 12:00am 400.00
8:00am – 12:00am 850.00

c. Deposit of \$115.00 for each rental event

2. Multi-Purpose Room

a. Hourly rate at \$ 19.00
b. Deposit of \$168.00 for each rental event

3. Gym

a. Monday – Friday (no holiday)
8:00am - 4:00pm No charge

b. Saturday – Sunday, holidays, nights
1) 8:00am – 4:00pm
 1-4 hours \$ 102.00 / event
 5-8 hours 204.00 / event
2) 4:00pm – 12:00am 225.00 / event

c. Deposit of \$115.00 for each event

SO RESOLVED THIS _____ DAY OF JUNE 2021.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry C-2, General Commercial District to City of Perry R-3, Multi-family Residential District and the city's zoning map is amended accordingly relative to property of **JUANITA BLANFORD** described as follows:

All that tract or parcel of land lying and being in the City of Perry, Houston County, Georgia, known and designated as Lot No. 3 on North Avenue in East Side Subdivision, Upper Town District (10th Land District) of said County of Houston. Said land is further described as beginning at a concrete marker east of Lot No. 2, thence running north 100 feet, thence east 50 feet, thence south 100 feet, thence west 50 feet to the point of beginning.

Said property is bounded on northerly side by North Avenue, on the easterly side by lands now or formerly of Henry Kendrick, on the southerly side by lands formerly of Alma Murph and on the westerly side by lands now or formerly of Tom Sonil.

**Deed References: Deed Book 8141, Pages 336-343; Deed Book 188, Page 63.
Tax Map Parcel No. 0P0150 025000**

Said property is rezoned subject to the following condition:

- 1. Prior to development of subject property, the lots owned by the applicant on Joe Louis Drive(707, 709 and 711) shall be combined in order to develop in conformance with Article 5 – Measurements and Dimensional Standards of the Land Management Ordinance.**

SO ENACTED this 15th day of June, 2021.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: June 1, 2021
2nd Reading: June 15, 2021

**AN ORDINANCE
ADOPTING THE FISCAL YEAR 2022
OPERATING BUDGET**

WHEREAS, the Council has adhered to the provisions of O.C.G.A. 36-81-3, as amended: and

WHEREAS, Council held the budgeted public hearing on June 1, 2021; and

WHEREAS, per O.C.G.A 18-13-28, as amended, any increase in the occupational tax from FY-2021 – to FY-2022 shall be used to pay administrative costs:

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Operating Budget of the City of Perry for Fiscal Year 2022 is adopted as follows:

Section 1 The General Fund revenue and expenditure appropriations are:

Revenues	
Taxes	\$ 12,053,700
Licenses / Permits	694,300
Intergovernmental	5,400
Charges for services	5,466,700
Fine / Forfeitures	578,200
Investment	8,000
Revenue Total	\$ <u>19,461,500</u>
Expenditures	
General Government	
Office of the City Council	\$ 119,600
Office of the City Mayor	22,200
Policy Education	21,500
Office of the City Clerk	151,600
Office of the City Manager	1,425,600
Elections	15,700
Department of Administration	750,200
Finance Department	543,900
Office of the City Attorney	247,100
Information Technology	305,900
Employee Health / Dental	2,850,300
Perry Municipal Court System	554,800
Category Total	\$ <u>7,008,400</u>
Public Safety	
Perry Police Department	\$ 4,819,100
Perry Fire and Emergency Services Department	1,076,300
Houston County E-911	166,100
Category Total	\$ <u>6,061,500</u>
Public Works	
Department of Public Works	\$ <u>2,806,700</u>
Category Total	\$ 2,806,700
Health and Welfare	
Senior / Disabled Utility Assistance	\$ 107,900
Perry Volunteer Outreach	4,600
Category Total	\$ <u>104,100</u>
Recreation	
Department of Leisure Services	\$ 597,700

Youth Subsidies Program		6,000
Category Total	\$	<u>603,700</u>
Housing / Economic Development		
Department of Community Development	\$	1,173,000
Housing Rehabilitation		3,300
Houston County Land Bank		4,300
Planning Commission		12,100
Economic Development Office		147,500
Perry Area Chamber of Commerce		400
Middle Georgia Clean Air Coalition		3,500
21 st Century Partnership		10,400
Downtown Development		
Authority for the City of Perry		12,200
Perry-Houston County Airport		
Authority		<u>44,600</u>
Category Total	\$	<u>1,411,300</u>
Capital		
Fixed Assets	\$	<u>382,500</u>
Category Total	\$	<u>382,500</u>
Debt Service		
Principal	\$	793,200
Interest		<u>473,500</u>
Category Total	\$	<u>1,266,700</u>
Expenditures Total	\$	19,654,000
Other Financing		
Transfers		
In	\$	342,400
Out		(155,500)
Leases		<u>382,500</u>
Other Financing Total	\$	<u>569,400</u>
Annual Gain / (Loss)	\$	376,900
Fund Balance		
Beginning	\$	5,434,600
Ending	\$	5,777,400

Section 2 The special revenue funds revenue and expenditure appropriations are:

FIRE PROTECTION UTILITY DISTRICT
SPECIAL REVENUE FUND

Revenues		
Licenses / Permits	\$	3,500
Charge for Services		<u>2,823,000</u>
Revenue Total		<u>2,826,500</u>
Expenditures		
Public Safety		
Support Services	\$	210,800
Perry Fire and Energy		
Services Department		<u>2,967,200</u>
Category Total	\$	<u>3,178,000</u>
Capital		
Fixed Assets	\$	<u>107,600</u>
Category Total	\$	<u>107,600</u>

Debt Services		
Principal	\$	192,500
Interest		<u>33,600</u>
Category Total	\$	226,100
Expenditures Total	\$	3,511,700
Other Financing		
Transfers		
In	\$	255,000
Leases		<u>107,600</u>
Other Financing Total	\$	362,600
Annual Gain / (Loss)	\$	(322,600)
Fund Balance		
Beginning	\$	(109,500)
Ending	\$	(432,100)

HOTEL / MOTEL TAX
SPECIAL REVENUE FUND

Revenues		
Taxes	\$	895,500
Investment		<u>100</u>
Revenue Total	\$	895,600
Expenditures		
General Purpose		
Support Services	\$	36,900
Department of Public Works	\$	103,400
Classic Main Street		104,100
Main Street Advisory Board		<u>10,900</u>
Group Total	\$	255,300
Tourism Development		
Interstate Lighting	\$	21,600
Perry Area Convention and		
Visitors Bureau Authority		213,900
Special Events Administration		101,800
Perry Historical Society		23,300
Georgia National Fairgrounds		8,000
Christmas Decorations		<u>11,900</u>
Group Total	\$	380,500
Tourism Development		
City Events	\$	89,600
Independence Day		15,000
Dogwood Festival		<u>8,000</u>
Group Total	\$	112,600
Expenditure Total	\$	748,400
Other Financing		
Transfer Out	\$	(146,200)
Other Financing Total	\$	(146,200)
Annual Gain / (Loss)	\$	1,000

Fund Balance		
Beginning	\$	78,000
Ending	\$	79,800

Section 3 The proprietary funds revenue and expenditure appropriations are:

WATER AND SEWERAGE SYSTEM
REVENUE FUND

Revenues		
Charges for Services	\$	9,549,000
Investment		<u>6,100</u>
Revenue Total	\$	9,555,100
Expenditures		
Public Works		
Support Services	\$	811,000
Administration		46,800
Meters		1,350,700
Water Provision		1,460,600
Wastewater Treatment		1,572,500
Distributions / Collections		<u>1,235,100</u>
Category Total	\$	6,476,700
Capital		
Fixed Assets	\$	<u>210,700</u>
Category Total	\$	210,700
Depreciation	\$	<u>1,770,100</u>
Category Total	\$	1,770,100
Debt Service		
Principal	\$	1,159,400
Interest	\$	<u>544,200</u>
Category Total	\$	1,703,600
Expenditure Total	\$	10,161,100
Other Financing		
Transfer In	\$	9,100
Out		(136,500)
Leases		<u>210,700</u>
Other Financing Total	\$	83,300
Annual Gain / (Loss)	\$	(522,700)
Cash Balance		
Beginning	\$	4,906,900
Ending	\$	6,154,300

NATURAL GAS SYSTEM
REVENUE FUND

Revenues		
Charge for Services	\$	3,613,800
Investment		<u>3,000</u>
Revenue Total	\$	3,616,800
Expenditures		
Public Works		
Support Services	\$	360,600

Administration		179,100
Meters		55,000
Operations		615,700
Supply		<u>2,079,400</u>
Category Total	\$	3,289,800
Depreciation	\$	<u>73,700</u>
Category Total	\$	73,700
Debt Service		
Principal	\$	12,000
Interest		<u>600</u>
Category Total	\$	12,600
Expenditures Total	\$	3,376,100
Other Financing		
Transfer In	\$	5,000
Out		<u>(115,600)</u>
Leases		
Other Financing Total	\$	(110,600)
Annual Gain / (Loss)	\$	130,100
Cash Balance		
Beginning	\$	1,290,800
Ending		1,494,600

SOLID WASTE SYSTEM
REVENUE FUND

Revenue		
Charge for Services	\$	2,416,600
Investment		<u>300</u>
Revenue Total	\$	2,416,900
Expenditures		
Public Works		
Support Services	\$	230,200
Department of Public Works		<u>2,067,400</u>
Category Total	\$	2,297,600
Depreciation	\$	<u>44,400</u>
Category Total	\$	44,400
Debt Services		
Principal	\$	72,800
Interest		<u>8,400</u>
Category Total	\$	81,200
Expenditures Total	\$	2,423,200
Other Financing		
Transfer In	\$	42,000
Other Financing Total	\$	42,000
Annual Gain / (Loss)	\$	35,700

Cash Balance		
Beginning	\$	536,800
Ending	\$	616,900
STORMWATER UTILITY SYSTEM REVENUE FUND		
Revenues		
Charge for Services	\$	795,900
Revenue Total	\$	795,900
Expenditures		
Public Works		
Support Services	\$	161,100
Administration		41,000
Department of Public Works		294,400
Department of Community Development		115,400
Category Total	\$	611,900
Depreciation	\$	96,600
Category Total	\$	96,600
Debt Service		
Principal	\$	75,600
Interest		4,100
Category Total	\$	79,700
Expenditure Total	\$	758,200
Other Financing		
Transfer In	\$	8,200
Other Financing Total	\$	8,200
Annual Gain / (Loss)	\$	45,900
Cash Balance		
Beginning	\$	145,700
Ending	\$	288,200

Section 4 The budget shown in Exhibit "A" for the Perry Area Convention and Visitors Bureau Authority is approved and hereby made a part of this ordinance.

Section 5 The positions of employment for FY-2022 are provided in Exhibit "B" hereby made a part of this ordinance.

Section 6 The compensation of the appointive officials and directors for FY- 2022 are provided in Exhibit "C" hereby made a part of this ordinance.

Section 7 All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8 Should any part or parts of this ordinance be declared unenforceable the remaining part or parts shall retain the full effort of law.

Section 9 This ordinance is adopted with an effective date of July 1, 2021.

SO ORDAINED THIS _____ DAY OF JUNE 2021.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

EXHIBIT "B"
FY 2022 APPROVED POSITIONS
GENERAL FUND

General Government	
Office of the Council	
Mayor Pro Tempore	1
Council Member	<u>5</u>
Office Total	6
Office of the Mayor	
Mayor	<u>1</u>
Office Total	1
Office of the City Manager	
City Manager	1
Secretary	<u>1</u>
Subtotal	2
Assistant City Manager	
Assistant City Manager	<u>1</u>
Subtotal	1
Customer Service-Utilities	
Customer Service Technician III	2
Customer Service Technician I	1
Customer Service Manager	<u>1</u>
Subtotal	4
Customer Service - Taxes / Licenses	
Tax / License Specialist II	<u>1</u>
Subtotal	1
Communications	
Communications Administrator II	<u>1</u>
Subtotal	1
Personnel	
Personnel Manager	1
Senior Personnel Technician	<u>1</u>
Subtotal	2
Office Total	11

Office of the City Clerk		
City Clerk	<u>1</u>	
Office Total		1
Department of Administration		
Director's Office		
Director of Administration	<u>1</u>	
Subtotal		1
Vehicle Maintenance		
Vehicle Maintenance Manager II	1	
Vehicle Maintenance Manager I	1	
Chief Mechanic	<u>1</u>	
Subtotal		3
Department Total		4
Finance Department		
Accounting		
Senior Accounting Technician I	1	
Accounting Technician I	1	
Accountant	1	
Finance Director	<u>1</u>	
Department Total		4
Office of the City Attorney		
Executive Secretary	1	
City Attorney	<u>1</u>	
Office Total		2
Perry Municipal Court		
Court Support		
Chief Municipal Court Clerk I	1	
Municipal Court Clerk I	<u>1</u>	
Subtotal		2
Municipal Court		
Associate Judge (PT)	1	
Chief Judge (PT)	<u>1</u>	
Subtotal		2
Court Total		4
Category Total		33

Public Safety	
Perry Police Department	
Chief's Office	
Executive Secretary	1
Chief of Police	1
Administrative Secretary	<u>1</u>
Subtotal	3
Certification	
Police Officer IV	<u>1</u>
Subtotal	1
CID	
Detective / Sergeant I	2
Police Captain II	1
Police Lieutenant II	1
Senior Detective / Sergeant	1
Detective / Sergeant II	1
Executive Secretary	<u>1</u>
Subtotal	7
Evidence Management	
Property / Evidence Technician I	<u>2</u>
Subtotal	2
Regional Safe Streets	
Detective / Sergeant II	<u>1</u>
Subtotal	1
Patrol	
Police Officer I	14
Police Office III	2
Police Corporal	2
Police Officer II	4
Senior Police Lieutenant	1
Police Sergeant II	1
Police Sergeant I	4
Police Captain	1
Police Lieutenant II	2
Senior Police Sergeant	1
Police Lieutenant I	<u>1</u>
Subtotal	33

Records Management	
Senior Property / Evidence Technician	<u>1</u>
Subtotal	1
School Programs	
Police Officer II	<u>2</u>
Subtotal	2
School Crossing Guards	
Traffic Crossing Guard (S)	2
School Crossing Guard (S)	<u>2</u>
Subtotal	4
Support Services	
Police Captain II	1
Police Logistics Technician I (PT)	<u>1</u>
Subtotal	2
Department Total	56
Perry Fire and Emergency Services Department	
Station 1 (Headquarters)	
Fire Sergeant I	5
Firefighter II	<u>1</u>
Subtotal	6
Station 2 (Davis Farm)	
Fire Captain I	2
Firefighter I	1
Fire Lieutenant I	2
Fire Sergeant I	<u>1</u>
Subtotal	6
Department Total	12
Public Safety Total	68
Public Works	
Department of Public Works	
Superintendent's Office	
Public Works Superintendent	1
Administrative Secretary	<u>1</u>
Subtotal	2

Animal Control		
Animal Control Supervisor I		<u>1</u>
Subtotal		1
Animal Control Facility		
Animal Control Officer I		<u>1</u>
Subtotal		1
Street Maintenance		
Infrastructure Manager I		1
Senior Equipment Operator		2
Equipment Operator III		1
Equipment Operator I		<u>1</u>
Subtotal		4
Building Maintenance Operations		
Building Maintenance Technician I		2
Building Maintenance Manager I		1
Building Maintenance Technician III		<u>1</u>
Subtotal		4
City Hall		
Building Custodian II		<u>1</u>
Subtotal		1
Public Safety Building		
Building Custodian I		<u>1</u>
Subtotal		1
Worrall Community Center		
Building Custodian II		<u>1</u>
Subtotal		1
PEBS Building		
Senior Building Custodian		<u>1</u>
Subtotal		1
Pocket Parks		
Infrastructure Supervisor I		1
Equipment Operator I		2
Equipment Operator II		<u>2</u>
Subtotal		5
Department Total		22
Category Total		22

Recreation / Leisure		
Department of Leisure Services		
Director's Office		
Executive Secretary		1
Director of Leisure Services		<u>1</u>
Subtotal		2
Athletic Operations		
Scorekeeper (S)		4
Recreation Technician II		2
Recreation Specialist II		<u>1</u>
Subtotal		7
Leisure Programs		
Leisure Services Supervisor I		<u>1</u>
Subtotal		1
Leisure Camps		
Lead Camp Counselor (S)		1
Camp Counselor (S)		2
Camp Counselor Assistant (S)		<u>1</u>
Subtotal		4
Department Total		14
Category Total		14
Housing / Economic Development		
Department of Community Development		
Director's Office		
Director of Community Development		<u>1</u>
Subtotal		1
Engineering Services		
Engineering Services Manager I		<u>1</u>
Subtotal		1
Utility Inspections		
Utility / Construction Inspector II		<u>1</u>
Subtotal		1
Building Inspections		
Building Inspector II		1
Chief Building Official I		1
Building Inspector I		1
Administrative Assistant I		<u>1</u>
Subtotal		4

Code Enforcement Administration		
Code Compliance Specialist I	<u>1</u>	
Subtotal		1
Planning / Zoning		
Community Planner II	<u>1</u>	
Subtotal		1
Department Total		9
Office of the City Manager		
Economic Development		
Economic Development Administrator II	<u>1</u>	
Subtotal		1
Office Total		1
Category Total		10
Fund Total		147

Fire Utility District
Special Revenue Fund

Public Safety		
Perry Fire and Emergency Services Department		
Chief's Office		
Fire Chief		1
Executive Secretary	<u>1</u>	
Subtotal		2
Station 1 (Headquarters)		
Firefighter II		9
Assistant Fire Chief		1
Fire Firefighter I		5
Senior Firefighter		1
Fire Lieutenant I		2
Fire Captain II	<u>1</u>	
Subtotal		19
Training		
Fire Training Chief	<u>1</u>	
Subtotal		1
Fire Marshall		
Fire Marshall I	<u>1</u>	
Subtotal		1

Part-Time Firefighter		
Firefighter I (PT)		<u>18</u>
	Subtotal	18
Fire Prevention		
Fire Prevention Chief II		<u>1</u>
	Subtotal	1
Station 2 (Davis Farm)		
Firefighter II		3
Firefighter I		<u>3</u>
	Subtotal	6
	Department Total	48
	Fund Total	48

Hotel / Motel Tax
Special Revenue Fund

Public Works		
Department of Public Works		
Downtown District		
Equipment Operator I		<u>1</u>
	Department Total	1
	Category Total	1
Housing / Economic Development		
Office of the City Manager		
Special Events		
Special Events Administrator I		<u>1</u>
	Subtotal	1
Classic Main Street		
Downtown Manager I		<u>1</u>
	Subtotal	1
	Office Total	2
	Category Total	2
	Fund Total	3

Solid Waste System
Revenue Fund

Public Works

Department of Public Works

Yard / Bulk Collection

Solid Waste Operator I	3
Solid Waste Operator II	2
Solid Waste Supervisor I	1
Equipment Operator	1
Solid Waste Operator III	<u>2</u>
Department Total	9

Category Total 9

Fund Total 9

Stormwater System Utility District
Revenue Fund

Public Works

Department of Public Works

Litter Removal

Equipment Operator I	<u>1</u>
Subtotal	1

Stormwater Drainage

Infrastructure Supervisor I	1
Equipment Operator II	<u>1</u>
Subtotal	2

City Retention Ponds

Equipment Operator II	<u>1</u>
Subtotal	1

Department Total 4

Department of Community Development

Stormwater Inspections

Stormwater Inspector II	<u>1</u>
Department Total	1

Category Total 5

Fund Total 5

Grand Total 212

EXHIBIT C

APPOINTIVE OFFICER /DIRECTOR OF DEPARTMENT
FY-2022 COMPENSATION

APPOINTIVE OFFICER

Chief Judge	\$ 33,200	—	\$ 42,500
Associate Judge	11,100	—	13,900
City Attorney	94,200	—	132,600
City Manager	139,700	—	177,500
Assistant City Manager	97,400	—	152,700
City Clerk	67,100	—	102,900

DIRECTOR OF DEPARTMENT

Director of Administration	\$ 90,400	—	\$ 132,100
Finance Director	90,400	—	132,100
Chief of Police	92,200	—	136,900
Fire Chief / Director of Emergency Services	84,600	—	124,800
Public Works Superintendent	84,100	—	124,400
Director of Leisure Services	74,800	—	117,100
Director of Community Development	84,400	—	124,100

ORDINANCE

AN ORDINANCE TO AMEND ARTICLE III – TRANSIENT OCCUPANCY TAX, OF CHAPTER 15 – LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS, TO IMPLEMENT TITLE 48, CHAPTER 13, ARTICLE 3, SECTION 51(b) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, - EXCISE TAX ON ROOMS, LODGINGS, AND ACCOMMODATIONS, AND TO PROVIDE FOR THE COLLECTION BY OPERATOR; TO PROVIDE FOR ADMINISTRATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the governing body of the City of Perry, a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to levy certain excise taxes; and

WHEREAS, the City of Perry is designated as a “special district” pursuant to Title 48, Chapter 13, Article 50.1 of the Official Code of Georgia Annotated for the purpose of implementing an excise tax on rooms, lodging and accommodations; and

WHEREAS, House Bill 613 of the 2021 Regular Session of the Georgia General Assembly authorizes imposition of an excise tax of up to eight percent (8%) by the City of Perry, pursuant to O.C.G.A. §48-13-51(b); and

WHEREAS, the governing body of the City of Perry is required under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in the City of Perry; and

WHEREAS, the City of Perry is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of tourism product development in the City of Perry, with any balance of the funds so designated for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in the City of Perry; and

WHEREAS, the options of local citizens having been heard at public meetings called for such purposes;

NOW THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY resolves to adopt an Excise Tax Ordinance pursuant to said authority; and therefore the COUNCIL OF THE CITY OF PERRY ORDAINS AS FOLLOWS:

1.

Sections 15-51, 15-52, 15-54 and 15-62 are repealed in their entirety.

2.

Section 15-51 is replaced to read as follows:

Sec. 15-51.- Definitions.

The following terms, for the purposes of this chapter, shall be defined as follows:

- (a) *City of Perry*. The territorial limits of the City of Perry, Georgia under the governing authority of the Mayor and City Council.
- (b) *City Clerk*. The duly appointed city clerk, or his/her designee.

- (c) *City Manager*. The duly appointed city manager, or his/her designee.
- (d) *Destination Marketing Organization*. A private sector nonprofit organization or other private entity which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986 that is supported by the tax under this article, government budget allocations, private membership, or any combination thereof and the primary responsibilities of which are to encourage travelers to visit their destinations, encourage meetings and expositions in the area, and provide visitor assistance and support as needed. (O.C.G.A. § 48-13-50.2(1))
- (e) *Due Date*. The twentieth (20th) day after the close of a monthly period for which tax is to be computed. (O.C.G.A. § 48-13-53.2(a))
- (f) *Estimated Tax Liability*. The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel. (O.C.G.A. § 48-13-53.2(b))
- (g) *Finance Director*. The duly appointed administrator of finances for the City of Perry, Georgia.
- (h) *Folio*. The primary documentation produced by a hotel or other Facility that demonstrates interaction between the operator and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax(es), and the method(s) of payment.
- (i) *Guest Room*. Accommodations occupied, or intended, arranged, or designated for transient occupancy of not more than thirty (30) continuous days (O.C.G.A. § 48-13-51(h)(4)), by one (1) or more occupants for the purpose of living quarters or residential use.
- (j) *Hotel*. Includes any hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation. (O.C.G.A. § 48-13-51(a)(1)(B)(i))
- (k) *Innkeeper/Lodging Provider/Operator*. Any person who is subject to taxation under this article for the furnishing for value to the public any rooms, lodging, or accommodations. (O.C.G.A. § 48-13-50.2(2))
- (l) *Monthly Period*. Any calendar month of any year.
- (m) *Occupancy*. The use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.
- (n) *Occupant*. Any person (or persons utilizing as a single unit) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.
- (o) *Permanent Resident*. Any occupant who as of a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for more than 30 (thirty) consecutive days.
- (p) *Person*. An individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of

Georgia, and any political subdivision of either thereof upon which the governing authority of the City of Perry is without power to impose the tax herein provided.

- (q) *Private Sector Non-Profit Organization.* A chamber of commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group. (O.C.G.A. § 48-13-50.2(3))
- (r) *Promoting Tourism, Conventions, and Trade Shows.* Planning, conducting, or participating in programs of information and publicity designated to attract or advertise tourism, conventions, or trade shows. (O.C.G.A. § 48-13-50.2(4))
- (s) *Rent.* The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction therefrom whatsoever.
- (t) *State Authority.* An authority created by state law which serves a state-wide function, including, but not limited to, the Georgia Agricultural Exposition Authority, Georgia Aviation Authority, Georgia Building Authority, Georgia Development Authority, Georgia Environmental Finance Authority, Jekyll Island Authority, Lake Allatoona Preservation Authority, Georgia Medical Center Authority, Georgia Ports Authority, Georgia Regional Transportation Authority, State Road and Tollway Authority, Sports Hall of Fame Authority, Georgia Technology Authority, and Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional commissions and any organizational entities they may create, or local water and sewer authorities. (O.C.G.A. § 48-13-50.2(5))
- (u) *Tax.* The excise tax of eight percent (8%) on occupants imposed by this ordinance, as provided for by O.C.G.A. § 48-13-51(b).
- (v) *Tax Administrator.* The individual appointed by the governing body of the City of Perry, or the individual of any office of the City of Perry government which may in the future be designated as the administrative entity to collect, administer, and complete required annual reporting of the tax.
- (w) *Tourism Product Development.* The expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses. Tourism product development may include: (A) Lodging for the public for no longer than 30 consecutive days to the same customer; (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents; (C) Meeting, convention, exhibit, and public assembly facilities; (D) Sports stadiums, arenas, and complexes; (E) Golf courses associated with a resort development that are open to the general public on a contract or fee basis; (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways; (G) Amusement centers, amusement parks, theme parks, or amusement piers; (H) Hunting preserves, trapping preserves, or fishing preserves or lakes; (I) Visitor information and welcome centers; (J) Wayfinding signage; (K) Permanent, nonmigrating carnivals or fairs; (L) Airplanes, helicopters, buses, vans, or boats for excursions or sightseeing; (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse

shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools; (N) Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens; (O) Parks, trails, and other recreational facilities; or (P) Performing arts facilities. (O.C.G.A. § 48-13-50.2(6))

3.

Section 15-52 is replaced to read as follows:

Sec. 15-52.- Tax Rate.

- (a) There is hereby set and levied on the occupant of a guest room of any hotel/motel/cabin/residence/lodge located within the special district a tax in the amount of eight percent (8%) of the gross rent for such occupancy.

4.

Section 15-54 is replaced to read as follows:

Sec. 15-54.- Exemptions.

- (a) In accordance with O.C.G.A. § 48-13-51(h), the tax imposed by this ordinance shall not apply to (1) Charges made for any rooms, lodging, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; (2) The use of meeting rooms and other such facilities or any rooms, lodging, or accommodations provided without charge; (3) Any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the exemption provided under this paragraph, a local government official or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or (4) Charges made for continuous use of any rooms, lodging, or accommodations after the first 30 days of continuous occupancy. (O.C.G.A. § 48-13-51(h))

5.

Section 15-62 is replaced to read as follows:

Sec. 15-62.- Effective Date.

- (a) This Ordinance shall take effect on the 1st day of August 2021.

6.

A new **Section 15-63** is added to read as follows:

Sec. 15-63.- Use of Revenue.

- (a) Pursuant to O.C.G.A. § 48-13-51(b)(5)(A), an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade

shows by the destination marketing organization, as defined in Section 15-51 of this chapter, designated by the governing body of the City of Perry; and

- (b) Pursuant to O.C.G.A. § 48-13-51(b)(5)(B), the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended under Section 15-63, Paragraph (a) of this ordinance shall be expended for tourism product development, as defined in Section 15-51 of this ordinance; and
- (c) Pursuant to O.C.G.A. § 48-13-51(a)(3), the amount of taxes that would be collected at the rate of 5 percent, as referenced in Section 15-63, Paragraphs (a) and (b) of this chapter, an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes; (C) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, (D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds; (E) supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; or (F) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority a convention and visitors bureau authority created by Local Act of the General Assembly for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner.

SO ENACTED this 15th day of June, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: June 1, 2021

2nd Reading: June 15, 2021

[CITY SEAL]

**A RESOLUTION OF THE COUNCIL OF THE CITY OF PERRY,
GEORGIA, TO AMEND ITS EDUCATION ASSISTANCE POLICY**

WHEREAS, the City of Perry, Georgia adopted a policy for repayment of city funded education assistance on April 17, 2007, in *Resolution No. 2007-17*; and

WHEREAS, the Education Assistance Policy did not provide specification of who was eligible for assistance or provide from what date reimbursement should be calculated; and

WHEREAS, the City desires to further clarify the specific details of its policy relative and to provide for an application and agreement for reimbursement;

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, by the Council of the City of Perry that its Education Assistance Policy be amended as follows:

1.

EDUCATION ASSISTANCE POLICY

The City of Perry recognizes the utility in encouraging employees to pursue self-advancement and expand their educational credentials in support of their career and performance while employed with the City. As such, the City views this education assistance policy as an investment in employee development and a valuable recruitment and retention tool.

I. Eligibility

Any full-time City employee who has successfully completed the initial probationary period may apply for reimbursement of tuition and expenses directly related to continuing education in pursuit of a certification or an undergraduate or graduate degree through an accredited institution or program. This application for reimbursement must be submitted and approved prior to the start date of the course for which reimbursement is sought, and with the understanding that approval of the application does not obligate the City to future or continued approval of courses in the study program.

Part-time, contract, and temporary/seasonal employees are not eligible for this benefit. Employees who are on a documented Performance Improvement Plan (PIP) are excluded from this benefit until they successfully complete and are taken off the PIP.

II. Reimbursement and Tax Implications

An employee with an approved application will be reimbursed for expenses actually incurred for tuition costs, registration fees, required laboratory fees and books. The City does not limit the amount of education assistance provided to an employee in a single year, however the current IRS tax-free educational benefit limit is \$5,250 per calendar year for eligible expenses that meet the reimbursement guidelines. Expenses exceeding this amount (\$5,250) may not be carried over to a new calendar year. Additionally, any amount of reimbursement beyond the IRS tax-free benefit must reported as wages to the employee and included as income to the employee. The City will reimburse the employee's eligible tuition and expenses only if the employee obtains a passing grade for which course credit is earned.

III. Approval Criteria & Reimbursement Guidelines

Employees pursuing an approved course of study do so with the understanding that they are not permitted to complete any related coursework during their work hours, and that doing so will result in termination of the education assistance agreement. The employee's coursework must not adversely affect job performance or conflict with his/her normal work schedule.

To receive reimbursement for educational expenses, employees should complete the City's Education Assistance Application and Agreement, available on the Employee Intranet or from the Personnel Office, obtain written approval from their immediate supervisor and Department Head

on the form, and submit to the City Manager for final written approval at least two weeks before the course start date.

An employee who has been approved for education assistance will pay up front for all tuition and fees, maintaining copies of all receipts to turn in once they have successfully completed the approved course(s). Grants, scholarships, or any other monetary awards not required to be paid back by the student do not qualify for reimbursement through this Policy.

Within 60 days of course completion, the employee will submit official transcripts, receipts, and the approved Education Assistance Application and Agreement to their Department Head, who will review the documentation before forwarding to the Office of the City Manager for reimbursement.

IV. Eligible Expenses

- Tuition
- CLEP Examinations
- Required Laboratory Fees
- Required textbooks
- Registration fees, excepting any penalty fees (course changes/withdrawals, late registration, etc.)

V. Ineligible Expenses (the following list is not all-inclusive)

- Supplies
- Transportation and/or parking expenses
- Room and board
- Meal plans
- Study guides
- Diploma and/or graduation fees, test fees, transcript fees, and student union or activity fees

VI. Repayment Agreement

While the City encourages employees to further their education, the City is likewise invested in retaining its employees. If an employee separates for any reason, other than major health problems certified by a physician, within 36 months of the date of a reimbursement payment, the employee shall be required to reimburse the City for any payment received in accordance with the following schedule:

- An employee who separates before completing 24 months of service after the date of receiving a reimbursement payment will owe 100% of the payment received.
- An employee who separates after completing 24 months but less than 36 months of service after the date of receiving a reimbursement payment will owe 50% of the payment received.
- An employee who separates after completing 36 months of service after the last date of receipt of a reimbursement payment will not be liable for any repayment to the City of any educational assistance received.
- Calculation of months of service and repayment required, if any, are determined separately for each individual payment received by the employee.
- An employee may elect to have any amount owed to the City for education assistance offset against any vacation or annual leave owed to the employee upon separation from employment.
- An employee owing repayment to the City at the time of their separation shall establish a repayment plan and execute a promissory note in favor of the City.

VII. Indemnity for Recovery of Costs and Attorney's Fees

If an employee who is liable for repayment according to the above schedule fails to fully reimburse the City what is owed, the employee agrees that they will indemnify the City for all costs and attorney's fees associated with the collection of the amount due if the City deems it necessary to institute legal action.

2.

The Education Assistance Application and Agreement form attached hereto as Exhibit "A" shall be completed with all education assistance reimbursement requests.

So RESOLVED this 1st day of June, 2021.

CITY OF PERRY, GEORGIA

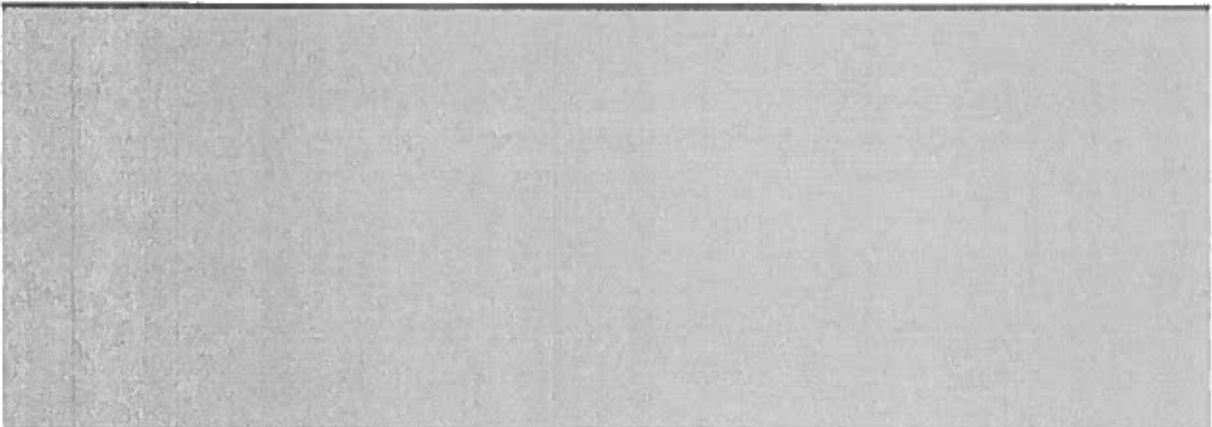
By: _____
RANDALL WALKER, MAYOR

[City Seal]

Attest: _____
ANNIE WARREN, CITY CLERK

EXHIBIT A

Education Assistance Application & Agreement





Where Georgia comes together. **Education Assistance Application & Agreement**

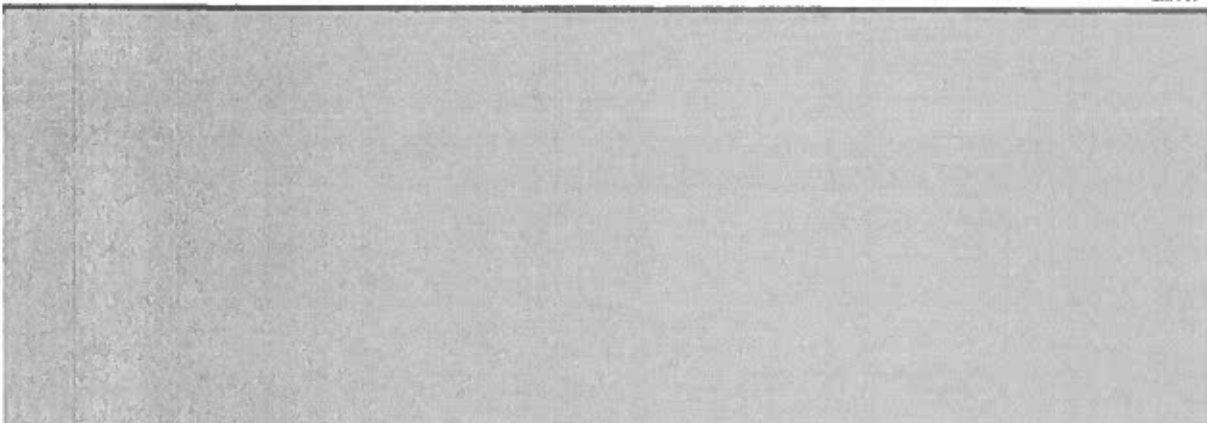
Prior to Course(s) Enrollment:

- Review the City of Perry Education Assistance Policy
- Complete the Education Assistance Application below and obtain supervisor's and department head's approval and signatures at least two weeks prior to course begin date.
- Keep a copy of this form and forward the original to the Office of the City Manager for final approval.

After Course(s) Completion:

- Attach evidence of satisfactory course completion (minimum passing grade and/or credit for the course) and an itemized statement of reimbursable expenses for which you are requesting reimbursement.
- Forward the approved and completed form along with supporting documents within 60 days of course completion to the Office of the City Manager. Keep a copy of the approved and completed form and all supporting documents.

Employee Name		Department	Cost Center	Date of Hire
Name of School			Are you seeking a degree? <input type="checkbox"/> Yes <input type="checkbox"/> No	Are you seeking a certification? <input type="checkbox"/> Yes <input type="checkbox"/> No
Type of Degree/ Major/ Certification		Number of Credits in Program	Credits Completed to Date	
Term Begins: ____/____/____ (Month) (Day) (Year)		Term Ends: ____/____/____ (Month) (Day) (Year)		
Title of Course(s)	No. of Credits	Cost per Credit	TOTAL COST	
If the City pays more than \$5,250 for educational benefits for you during the calendar year, you must generally pay tax on the amount over \$5,250 and it is reported as income to you.		TOTAL		
Will any part of the cost be covered by another source (e.g., scholarship, grant, G.I. benefits)? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, state specifically the source (e.g., Pell Grant, HOPE Grant, etc.) _____ State specifically what is covered and the amount. _____				
Pursuant to the terms hereof, I agree to reimburse the City of Perry if I should separate from employment with the City, or if I voluntarily transfer to a less than full-time position, in accordance with the following schedule: <ul style="list-style-type: none"> • An employee who separates before completing 24 months of service after the date of receiving a reimbursement payment will owe 100% of the payment received. • An employee who separates after completing 24 months but less than 36 months of service after the date of receiving a reimbursement payment will owe 50% of the payment received. • An employee who separates after completing 36 months of service after the last date of receipt of a reimbursement payment will not be liable for any repayment to the City of any educational assistance received. • Calculation of months of service and repayment required, if any, are determined separately for each individual payment received by the employee. 				

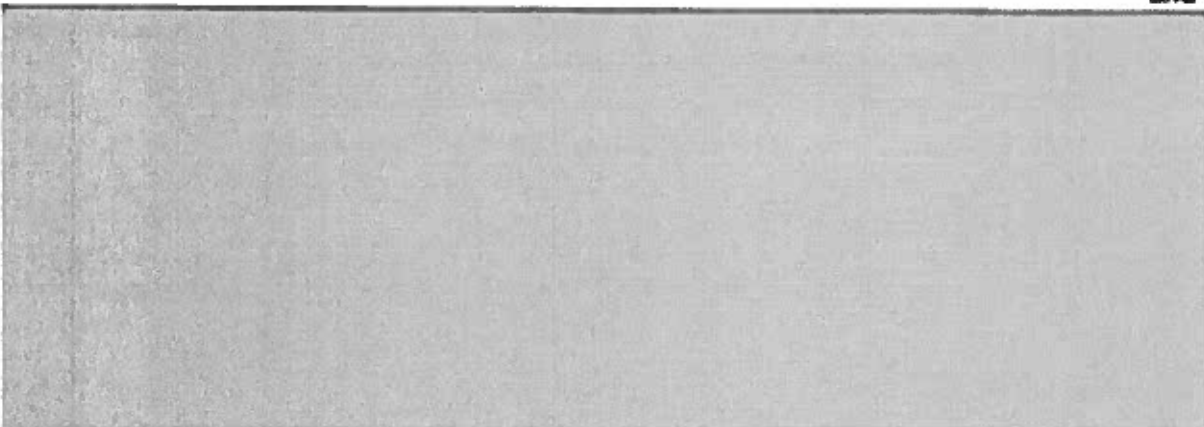


In consideration of eligibility for reimbursement of educational expenses provided by the City of Perry, I hereby agree to the terms of this Education Assistance Agreement. At the time of my separation of employment, I may elect that any amount owed by me to the City of Perry as a result of this Agreement be deducted and offset against any vacation pay or annual leave owed to me upon my termination of employment, to the extent permitted by law. I further agree that if these deductions are insufficient to reimburse the City of Perry for the full balance due, or if I should elect not to apply any payment towards the amount I owe the City, I will be obligated to establish a repayment plan for the remaining balance on my last date of employment with the City of Perry. This repayment plan shall be documented by a promissory note that I will execute in favor of the City. I understand this Agreement is legally binding on me. If any action is brought to enforce any provision of this Agreement by the City of Perry, I agree to pay all costs associated with the action as well as any costs of litigation, including all reasonable attorney fees. I have carefully reviewed the contents of this Agreement and, with a full and complete understanding of its terms, voluntarily accept all of its terms and conditions. I have been given a full and fair opportunity to discuss this matter with my attorney or advisor of my choice.

Employee Signature	Date
Supervisor Signature	Date
Department Head Signature	Date
City Manager Signature	Date

Do Not Write Below This Line, For HR and Accounting Use Only

City Manager's Approval to Pay:	Date:
Cost Center:	



**A RESOLUTION ACCEPTING AN
AGREEMENT WITH THE
GEORGIA DEPARTMENT OF TRANSPORTATION
FOR THE PROVISION OF STEET LIGHTING
ON THE RENOVATED
HENDRIX BRIDGE**

WHEREAS, the Georgia Department of Transportation requests the City enter into an agreement for installing roadway lighting as part of the SR 7/SR 127/US 41 at Big Indian Creek bridge project; and

WHEREAS, the City desires to ensure appropriate lighting is provided on this major corridor.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY RESOLVES that it concurs with the terms of the attached agreement and authorizes the appropriate City officials to execute as required.

SO RESOLVED THIS _____ DAY OF JUNE 2021.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

AGREEMENT
BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
CITY OF PERRY

This Agreement is made and entered into this _____ day of _____, 20___, by and between the GEORGIA DEPARTMENT OF TRANSPORTATION, an agency of the State of Georgia, hereinafter called the **DEPARTMENT**, and the CITY OF PERRY, GEORGIA acting by and through its City Council, hereinafter called the **CITY**.

WHEREAS, the CITY has represented to the DEPARTMENT a desire to obtain roadway lighting as part of the **SR 7/SR 127/US 41 @ BIG INDIAN CREEK IN PERRY** project, said lighting to be installed under P.I. No. 0015553, Houston County;

WHEREAS, the CITY has represented to the DEPARTMENT a desire to participate in: 1) Providing the Energy and 2) the Operation and Maintenance of said lighting system at the aforesaid location, and the DEPARTMENT has relied upon such representation; and

WHEREAS, the DEPARTMENT has indicated a willingness to fund the materials and installation for the said lighting system at the aforesaid location, with funds of the DEPARTMENT, funds apportioned to the DEPARTMENT by the Federal Highway Administration under Title 23, United States Code, Section 104, or a combination of funds from any of the above sources.

NOW, THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the CITY hereby agree each with the other as follows:

1. The DEPARTMENT or its assigns shall cause the installation of all materials and equipment necessary for roadway lighting as part of the **SR 7/SR 127/US 41 @ BIG INDIAN CREEK IN PERRY** project, said lighting to be installed under P.I. No. 0015553, Houston County as shown on Attachment "A" attached hereto and made a part hereof.

2. Upon completion of installation of said lighting system, and acceptance by the DEPARTMENT, the CITY shall assume full responsibility for the operation, the repair and the maintenance of the entire lighting system, including but not limited to repairs of any damages, replacement of lamps, ballasts, luminaires, lighting structures, associated equipment, conduit, wiring and service equipment, and the requirements of the Georgia Utility Facility Protection Act. The CITY further agrees to provide and pay for all the energy required for the operation of said lighting system.

3. The DEPARTMENT shall retain ownership of all materials and various components of the entire lighting system. The CITY, in its operation and maintenance of the lighting system, shall not in any way alter the type or location of any of the various components which make up the entire lighting system without prior written approval from the DEPARTMENT.

4. This Agreement is considered as continuing for a period of fifty (50) years from the date of execution of this Agreement. The DEPARTMENT reserves the right to terminate this Agreement, at any time for just cause, upon thirty (30) days written notice to the CITY.

5. It is understood by the CITY that the DEPARTMENT has relied upon the CITY'S representation of providing for the energy, maintenance, and operation of the lighting represented by this Agreement; therefore, if the CITY elects to de-energize or fails to properly maintain or to repair the lighting system during the term of this Agreement, the CITY shall reimburse the DEPARTMENT the materials cost for the lighting system. If the CITY elects to de-energize or fails to properly maintain any individual unit within the lighting system, the CITY shall reimburse the DEPARTMENT for the material cost for the individual unit which will include all costs for the pole, luminaires, foundations, and associated wiring. The DEPARTMENT will provide the CITY with a statement of material costs upon completion of the installation.

The covenants herein contained shall, except as otherwise provided accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

RECOMMENDED:

CITY OF PERRY

BY: _____
Mayor

(SEAL)

GA DEPARTMENT OF TRANSPORTATION

WITNESS

BY _____
Commissioner

Notary Public

(SEAL)

This Agreement approved by the City Council at a meeting held at

this _____ day of _____,

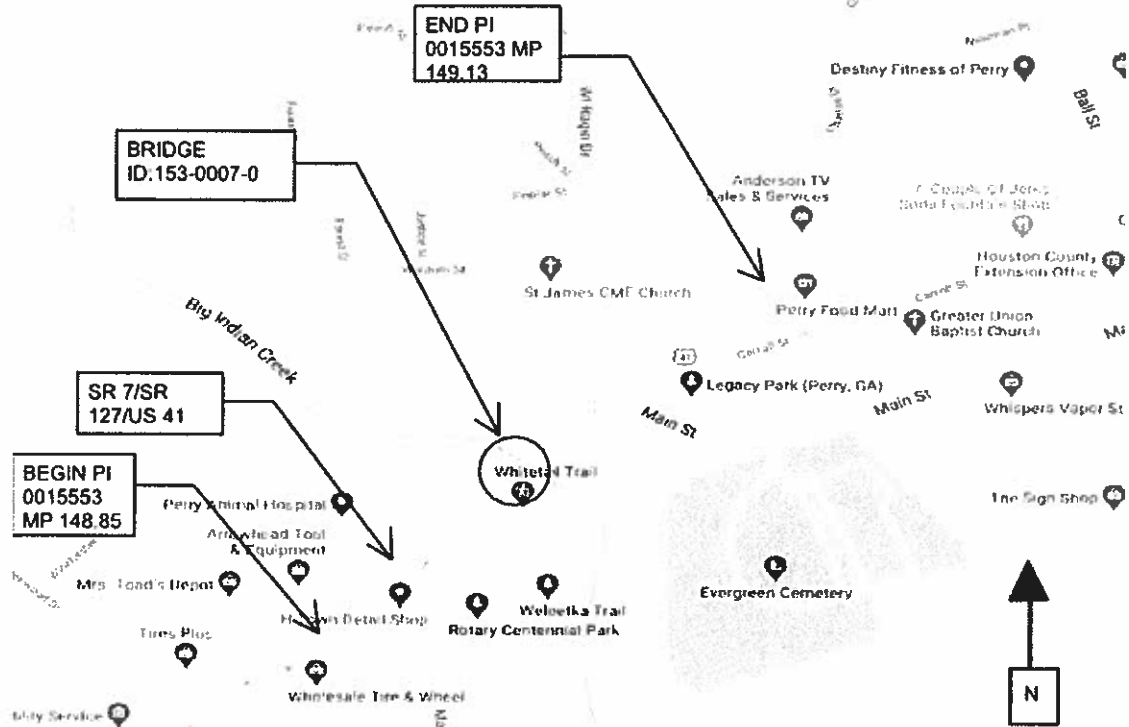
20__.

ATTEST:

Treasurer

City Clerk

Attachment "A"



Project Location Map

**SR 7/SR 127/US 41 @ Big Indian Creek
City of Perry (Houston County)
P.I. No. 0015553**