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July 20, 2021

COUNCIL AGENDA

6:00 PM

PERRY EVENTS CENTER

1121 MACON ROAD, PERRY, GA 31069

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. Community Partner(s) Update(s):
5. Citizens with Input.
6. Review of Minutes: Mayor Randall Walker
 - 6a. Council's Consideration – Minutes of the July 6, 2021 pre council meeting, and July 6, 2021 council meeting.
7. Old Business:
 - 7a. 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 US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – Mr. B. Wood.
 2. **Second Reading** of an ordinance for the rezoning of property from R-AG (County), Residential-Agricultural District to C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – Mr. B. Wood.
 3. **Second Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000 – Mr. B. Wood.
8. Any Other Old Business: Mayor Randall Walker

- 8a. Mayor Randall Walker
 - 8b. Council Members
 - 8c. City Attorney Brooke Newby
 - 8d. City Manager Lee Gilmour
 - 8e. Assistant City Manager Robert Smith
9. New Business: Mayor Randall Walker
- 9a. Matters referred from July 19, 2021 work session and July 20, 2021 pre council meeting.
 - 9b. Intergovernmental Agreement relative to Natatorium Use between Houston County and the City of Perry – Ms. B. Newby.
 - 9c. Approval of easements relative to Bear Branch sewer expansion – Ms. B. Newby
 - 1. William Edmond Smith, Jr.
 - 2. Houston County School District
 - 9d. Selection of a voting delegate for GMA Annual Membership Business Meeting, August 8, 2021 – Ms. A. Warren.
 - 9e. Consider position for crossing guard at Mossy Creek Middle School – Mr. L. Gilmour.
10. Council Members Items:
11. Department Heads/Staff Items.
12. General Public Items:
13. Mayor Items:
14. Adjourn.

**MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
July 6, 2021
5:00 P.M.**

1. **Call to Order:** Mayor Pro Tempore Robert Jones, Presiding Officer, called to order the pre council meeting held July 6, 2021 2021 at 5:00 p.m.

2. **Roll:**

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

Elected Official Absent: Mayor Randall Walker

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

Departmental Staffing: Brenda King - Director of Administration, Bryan Wood – Director of Community Development, Mitchell Worthington – Finance Director, Chief Lee Parker - Fire and Emergency Services Department, Chief Steve Lynn – Perry Police Department, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Holly Wharton – Community Planner, Tabitha Clark – Communicator Administrator, and Ashley Hardin – Economic Development Administrator.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): none

3. **Items of Review/Discussion:** Mayor Pro Tempore Robert Jones

3a. **Discussion of July 6, 2021 council meeting agenda.**

4a. Introduction of Captain Alan Everidge. Chief Lynn will introduce Captain Alan Everidge to Mayor and Council.

7a. ANNX-117-2021. Applicant, Perry Volunteer Outreach, request the annexation and rezoning of property from R-AG (County), Residential-Agricultural District to C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000. Mr. Wood reviewed the application and stated the Planning Commission and staff recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: The two parcels that have street frontage are subject to a landscape easement along the front property line in

favor of the City for commercial properties located outside 1,100 feet of a major intersection.

7b. RZNE-150-2021. Mayor Pro Tempore Jones stated it is his understanding that the property was recently sold but the new owners, Wingate Custom Homes, LLC consents to the application moving forward as is. Mr. Wood reported this is correct. This is a request for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000. Mr. Wood reviewed the application and stated staff recommends approval of the zoning change with two conditions: 1) Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021, and 2) The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east). The Planning Commission recommends approval of the zoning change with four conditions: 1) Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021; 2) The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east); 3) The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed; and 4) The City should meet the residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area. The first two conditions are included in the ordinance that will be read this evening. Ms. Newby recommended adding the third condition to the ordinance that will be read this evening but did not recommend adding the fourth condition. Council concurred with Ms. Newby's recommendation.

9a (1). Second 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. Mr. Wood reported the applicant has requested to withdraw this application.

9a (2). Second Reading of an ordinance for modifications to Land Management Ordinance Sections 2-2.1, 2-2.2, 2-3.1, 2-3.2, 2-3.3, 2-3.5, and 2-3.7 to remove duplicative language, to clarify the requirements for various zoning applications, and to clarify the procedures for various zoning applications, including the authority of the Planning Commission and City Council. The specific zoning applications being modified are those for: Official zoning map amendments; Annexation and zoning of land; De-annexation of land; Amendments to the text of the ordinance; Planned unit developments; Special exceptions; and Variances and Appeals of administrative decisions.

Mr. Wood advised the text amendment is to clean up duplicative language, to make modifications, and to codify some procedures.

11c (1). Resolution amending the City of Perry Personnel Management System to add Juneteenth as a city holiday and to authorize additional regular leave time for employees to compensate the first Juneteenth holiday. Administration advised there are two actions being recommended, 1) the resolution to amend the City's Personnel Management System to include Juneteenth as an official city holiday and 2) Council authorize holiday time to be added to employees annual leave balance since it was a very short notice of the holiday. Administration recommends adoption of the resolution.

11d. Intergovernmental Agreement relative to disaster management software between Houston County, Houston County Emergency Management Agency, City of Warner Robins, City of Perry, and City of Centerville. Chief Parker stated this intergovernmental agreement comes because of the recently revised Pre-Disaster Mitigation Plan. The city's estimated cost is \$534.49 per year and staff recommends approval of the agreement.

11e. Intergovernmental Agreement relative to sewer service between the Houston County Board of Education and the City of Perry. Ms. Newby stated this is an intergovernmental agreement between the Houston County Board of Education and the city to allow sewer connection in exchange for donation of property needed as part of the Bear Branch Sewer Expansion.

11d. Software contract between eSCRIBE Software Ltd. and the City of Perry. Ms. Warren advised this is a request for approval of a software contract between eSCRIBE Software Ltd. and the city for meeting management software subject to review by the city attorney.

3b. Board of Elections move from 801 Main Street to 2030 Kings Chapel Road. Administration advised Mayor Pro Tempore Jones and Council of the notice from the Board of Elections relative to its move from 801 Main Street to 2030 Kings Chapel Road.

3c. Legacy Park umbrellas installation. Ms. Fitzner presented for Council's consideration umbrella options for Legacy Park. Council concurred to proceed with option 1, at \$600.00 each.

4. Council Member Items:

Council had no reports.

Mr. Gilmour and Ms. Newby had no reports.

Mr. Smith reminded Mayor Pro Tempore Jones and Council of the strategic planning retreat on July 31, 2021.

5. Adjourn. There being no further business to come before Council in the pre council meeting held July 6, 2021 Council Member King motioned to adjourn the meeting at 5:40 p.m. Council Member Albritton seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
July 6, 2021
6:00 P.M.

1. Call to Order: Mayor Pro Tempore Robert Jones, Presiding Officer, called to order the regular meeting of the Perry City Council held July 6, 2021 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Mayor Randall Walker

City Staff: City Manager Lee Gilmour, City Attorney Brooke Newby, Assistant City Manager Robert Smith, 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, Holly Wharton – Community Planner, Tabitha Clark – Communicator Administrator, Ashley Hardin – Economic Development Administrator, Jazmin Thomas – Downtown Manager, and Captain Alan Everidge – Perry Police Department.

Media: Brianna Sheffield – Houston Home Journal

Guest(s): none

3. Invocation and Pledge of Allegiance to the Flag:

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

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

4a. Introduction of Captain Alan Everidge. Chief Lynn introduced Captain Alan Everidge to Mayor Pro Tempore Jones and Council. Mayor Pro Tempore Jones welcomed Captain Everidge to the City of Perry.

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

6. Citizens with Input. None

7. PUBLIC HEARING CALLED TO ORDER AT 6:04 p.m.: Mayor Pro Tempore Robert Jones called to order a public hearing at 6:04 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-117-2021. Applicant, Perry Volunteer Outreach, request the annexation and rezoning of property from R-AG (County), Residential-Agricultural District to C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000.

Staff Report: Ms. Wharton reviewed the application and stated the Planning Commission and staff recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: The two parcels that have street frontage are subject to a landscape easement along the front property line in favor of the City for commercial properties located outside 1,100 feet of a major intersection.

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

For: none

Against: none

- 7b. RZNE-150-2021. Mayor Pro Tempore Jones stated it is his understanding the property was recently sold to Wingate Customs Homes, LLC and the new owners consent to the application moving forward. Ms. Wharton stated this information is correct. This is a request for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000.

Staff Report: Ms. Wharton reviewed the application and stated staff recommended approval of the zoning change with the following conditions: 1) Development of the subject property shall be substantially consistent with conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021; and 2) The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east). The Planning Commission recommendations includes the two recommendations of staff and two additional conditions: 1) The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed; and 2) The City should meet with residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area. The ordinance to be read this evening includes the first three conditions.

For: Steve Rowland, 318 Corporate Parkway, Suite 301, Macon GA spoke in favor of the application.

Against: Dr. Scott Westmore, 150 Langston Road, spoke against the application relative to water/rain flowing down the hill onto his driveway and the detention pond not serving its purpose.

PUBLIC HEARING CLOSED AT 6:40 P.M. Mayor Pro Tempore Jones closed the public hearing at 6:40 p.m.

8. Review of Minutes: Mayor Pro Tempore Robert Jones

- 8a. Council's Consideration – Minutes of the June 14, 2021 work session, June 15, 2021 pre council meeting, and June 15, 2021 council meeting. *(Council Member Darryl Albritton was absent from the June 14, 2021 work session.)*

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member King seconded the motion and it carried with Council Member Albritton abstaining from the June 14, 2021 work session.

9. Old Business:

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

1. **Second 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 ***(Applicant has requested to withdraw this application)***. Mayor Pro Tempore stated it is his understanding the applicant has requested to withdraw this application. Mr. Wood stated this is correct. The application was withdrawn per the request of the applicant.
2. **Second Reading** of an ordinance for modifications to Land Management Ordinance Sections 2-2.1, 2-2.2, 2-3.1, 2-3.2, 2-3.3, 2-3.5, and 2-3.7 to remove duplicative language, to clarify the requirements for various zoning applications, and to clarify the procedures for various zoning applications, including the authority of the Planning Commission and City Council. The specific zoning applications being modified are those for: Official zoning map amendments; Annexation and zoning of land; De-annexation of land; Amendments to the text of the ordinance; Planned unit developments; Special exceptions; and Variances and Appeals of administrative decisions – Mr. B. Wood.

Adopted Ordinance No. 2021-12 Code Amendment for Article 2, Section 2-2, Procedures, and Section 2-3, Specific Application Requirements. Council Member Peterson motioned to adopt the ordinance as presented; Council Member Albritton seconded the motion and it carried unanimously. *(Ordinance No. 2021-12 has been entered into the City's official book of record).*

10. Any Other Old Business: Mayor Pro Tempore Robert Jones
 - 10a. Mayor Pro Tempore Robert Jones - none
 - 10b. Council Members - none
 - 10c. City Attorney Brooke Newby - none
 - 10d. City Manager Lee Gilmour - none
 - 10e. Assistant City Manager Robert Smith - none

11. New Business: Mayor Pro Tempore Robert Jones
 - 11a. Matters referred from July 6, 2021 pre council meeting, none

 - 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 US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – 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 C-2 (City), General Commercial District. The property is located at US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000; 000190 010000 – Ms. H. Wharton. *(No action is required by Council)*

 3. **First Reading** of an ordinance for the rezoning of property from PUD, Planned Unit Development to R-2, Two-Family Residential District. The property is located on Langston Road; Tax Map No. 0P0610 006000 – Ms. H. Wharton. *(No action is required by Council)*

 - 11c. Resolution(s) for Consideration and Adoption:
 1. Resolution amending the City of Perry Personnel Management System to add Juneteenth as a city holiday and to authorize additional regular leave time for employees to compensate the first Juneteenth holiday – Mr. L. Gilmour.

Adopted Resolution No. 2021-31 amending the City of Perry Personnel Management System to add Juneteenth as a city holiday and to authorize additional regular leave time for employees to compensate the first Juneteenth holiday. Council Member King motioned to adopt the resolution as presented; Council Member Bynum-Grace seconded the motion and it carried unanimously. *(Resolution No. 2021-31 has been entered into the City's official book of record).*

 - 11d. Intergovernmental Agreement relative to disaster management software between Houston County, Houston County Emergency Management Agency, City of Warner Robins, City of Perry, and City of Centerville – Chief L. Parker.

Council Member Albritton motioned to approve the Intergovernmental Agreement relative to disaster management software between Houston County, Houston County Emergency Management Agency, City of Warner Robins, City of Perry, and City of Centerville as submitted; Council Member Hunt seconded the motion and it carried unanimously.

- 11e. Intergovernmental Agreement relative to sewer service between the Houston County Board of Education and the City of Perry – Ms. B. Newby.

Council Member Hunt motioned to approve the intergovernmental agreement relative to sewer service between the Houston County Board of Education and the City of Perry as submitted; Council Member King seconded the motion and it carried unanimously.

- 11f. Software contract between eSCRIBE Software Ltd. and the City of Perry – Ms. A. Warren.

Council Member King motioned to approve the software contract between eSCRIBE Software Ltd. and the City of Perry subject to review by the city attorney; Council Member Albritton seconded the motion and it carried unanimously.

12. Council Members Items:

Council Members Albritton, Bynum-Grace, and King had no reports.

Council Member Hunt reminded everyone of the second dose of the COVID-19 vaccine on July 10 at the Perry Events Center.

Council Member Peterson

- thanked Ms. Fitzner for looking at South Ridge Circle
- asked for the opportunity for the city engineer and others who handles water planning to meet with the residents of Lake Forest relative to water. Mr. Gilmour reported Dr. Westmoreland had met with the county, and the county personnel had met with the city personnel. Mr. Gilmour stated there is a water issue, but it is not entirely the city. Staff will meet the residents and provide a general plan. Administration will provide Council at its next meeting where the water is flowing now and input/suggestions from the residents.

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

13. Department Heads/Staff Items.

Ms. King, Mr. Worthington, Mr. Wood, Chief Lynn, Ms. Fitzner, Ms. Wharton, Ms. Thomas, and Ms. Warren had no reports.

Chief Parker reported the Water Battle was a success.

Mr. Swan

- Fall registration ends July 16
- great participation with the online registration software

Ms. Hardin stated the new Economic Development marketing flyers are available

Ms. Clark

- Food Truck Friday will have a location map and QR scan available
- Inquired about the *Your City Program*. Council concurred to move forward with the program.

14. General Public Items: none

15. Mayor Pro Tempore Items:

- July 10, Food Truck Friday
- July 19, Work session
- July 20, Pre council and Council

16. Adjournment: There being no further business to come before Council in the council meeting held July 6, 2021, Council Member Hunt motioned to adjourn the meeting at 7:10 p.m. Council Member King 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, Agricultural Residential District to City of Perry C-2, General Commercial District and the city's zoning map is amended accordingly relative to property of **PERRY VOLUNTEER OUTREACH, INC.** described as follows:

TRACT 1: Parcel No. 000340 065000; 3.33 acres

All that tract or parcel of land lying and being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, and comprising 3.33 acres, more or less, and being identified as Tax Map Parcel No. 000340 065000, and being a portion of Parcel "C" containing 8 acres, as shown in Plat Book 54, Page 27, Clerk's Office, Houston Superior Court. Said 3.33-acre parcel of land is bounded on the north by Tax Map Parcel No. 0P0340 030000 consisting of 4.67 acres of property of Perry Volunteer Outreach, Inc. which together, with said parcel of 3.33 acres comprises the total 8 acres of Parcel "C"; bounded on the west by property of Perry Volunteer Outreach, Inc.; bounded on the south by other lands of Perry Volunteer Outreach, Inc.; and bounded on the east by U.S. Highway 41.

Deed Reference: Book 5513, Pages 25-26

TRACT 2: Parcel No. 000340 015000; 6.25 acres

All that tract or parcel of land lying and being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, and comprising 6.25 acres, more or less, and being a western portion of that tract or parcel of land lying in being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, known and designated as Parcel "A", containing 18.883 acres, as shown in Plat Book 26, Page 212, Clerk's Office, Houston Superior Court. Said 6.25 acre parcel of property is bounded on the north by property now or formerly owned by Perry Volunteer Outreach, Inc.; on the west by lands of Perry Area Community Trust and lands of Greenway Developers, Inc.; on the south by lands of The City of Perry known as Grace Village; on the east by a parcel of property containing 5.27 acres now or formerly owned by SunTrust Bank and also on the east by other lands of Frank Shelton.

Deed Reference: Book 5513, Pages 25-26

TRACT 3: Parcel No. 000190 010000; 2.54 acres

All the tract or parcel of land situate, lying and being in Land Lot 48 of the 14th Land District of Houston County, Georgia and being known and designated as Parcel 1, containing 2.535 acres as is more particularly shown on a Plat of Survey dated February 9, 2006 prepared by Theodore W. Waddle Jr., G.R.L.S. No. 2139. Said plat being recorded in Plat Book 66, Page 112, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

Deed Reference: Book 6635, Pages 61-62

Said property is rezoned subject to the following condition:

1. Parcels 000340 015000 and 000190 010000 shall provide a ten-foot (10') wide landscape easement in favor of the City of Perry along the street frontage of the properties immediately adjacent to the right-of-way for commercial properties that are located outside 1,100 feet of a major intersection.

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

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 6, 2021
2nd Reading: July 20, 2021

ORDINANCE

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

WHEREAS, proper application to annex properties to the City of Perry, Georgia has been made by Perry Volunteer Outreach, Inc., the owner of the land hereinafter described as follows:

TRACT 1: Parcel No. 000340 065000; 3.33 acres

All that tract or parcel of land lying and being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, and comprising 3.33 acres, more or less, and being identified as Tax Map Parcel No. 000340 065000, and being a portion of Parcel "C" containing 8 acres, as shown in Plat Book 54, Page 27, Clerk's Office, Houston Superior Court. Said 3.33-acre parcel of land is bounded on the north by Tax Map Parcel No. 0P0340 030000 consisting of 4.67 acres of property of Perry Volunteer Outreach, Inc. which together, with said parcel of 3.33 acres comprises the total 8 acres of Parcel "C"; bounded on the west by property of Perry Volunteer Outreach, Inc.; bounded on the south by other lands of Perry Volunteer Outreach, Inc.; and bounded on the east by U.S. Highway 41.

Deed Reference: Book 5513, Pages 25-26

TRACT 2: Parcel No. 000340 015000; 6.25 acres

All that tract or parcel of land lying and being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, and comprising 6.25 acres, more or less, and being a western portion of that tract or parcel of land lying in being in Land Lot 318 of the Thirteenth Land District of Houston County, Georgia, known and designated as Parcel "A", containing 18.883 acres, as shown in Plat Book 26, Page 212, Clerk's Office, Houston Superior Court. Said 6.25 acre parcel of property is bounded on the north by property now or formerly owned by Perry Volunteer Outreach, Inc.; on the west by lands of Perry Area Community Trust and lands of Greenway Developers, Inc.; on the south by lands of The City of Perry known as Grace Village; on the east by a parcel of property containing 5.27 acres now or formerly owned by SunTrust Bank and also on the east by other lands of Frank Shelton.

Deed Reference: Book 5513, Pages 25-26

TRACT 3: Parcel No. 000190 010000; 2.54 acres

All the tract or parcel of land situate, lying and being in Land Lot 48 of the 14th Land District of Houston County, Georgia and being known and designated as Parcel 1, containing 2.535 acres as is more particularly shown on a Plat of Survey dated February 9, 2006 prepared by Theodore W. Waddle Jr., G.R.L.S. No. 2139. Said plat being recorded in Plat Book 66, Page 112, Clerk's Office, Houston Superior Court. Said plat and the recorded copy thereof are hereby made a part of this description by reference thereto for all purposes.

Deed Reference: Book 6635, Pages 61-62

Said property is rezoned subject to the following condition:

- 1. Parcels 000340 015000 and 000190 010000 shall provide a ten-foot (10') wide landscape easement in favor of the City of Perry along the street frontage of the properties immediately adjacent to the right-of-way for commercial properties that are located outside 1,100 feet of a major intersection.**

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 August 1st, 2021.

SO ENACTED this 20th day of July, 2021.

CITY OF PERRY, GEORGIA

(SEAL)

BY: _____
RANDALL WALKER, MAYOR

ATTEST: _____
ANNIE WARREN, CITY CLERK

1st Reading: July 6, 2021
2nd Reading: July 20, 2021



Where Georgia comes together.

STAFF REPORT

From the Community Development Department
June 9, 2021

REVISED
June 18, 2021

CASE NUMBER: ANNX-117-2021
APPLICANT: Perry Volunteer Outreach
REQUEST: Annexation and Rezone from R-AG (County) to C-2 (City)
LOCATION: US 41 South and South Perry Parkway; Tax Map No. 000340 065000; 000340 015000;
000190 010000

ADJACENT ZONING/LANDUSES:

Subject Parcels: 000340 065000: R-AG (County); undeveloped
000340 015000: R-AG (County); single-family home
000190 010000: R-AG (County); undeveloped
North: C-2, General Commercial; undeveloped
South: C-2, General Commercial; Perry Volunteer Outreach facilities
East: C-2, General Commercial; undeveloped
West: PUD, Planned Unit Development; The Preserve at Agriculture Village

BACKGROUND INFORMATION: The subject parcels consist of three parcels totaling 12.12 acres. All three parcels are owned by Perry Volunteer Outreach and are used in support of their ministry. Perry Volunteer Outreach owns several of the properties adjacent to the subject parcels to the south. These properties contain the majority of Perry Volunteer Outreach's facilities. The only development on the subject properties is a single-family home on parcel 000340 015000. The applicant is not proposing any new development on any of the subject properties and no change in use. The applicant is requesting annexation into the City of Perry and a City zoning classification of C-2, General Commercial District, consistent with the other properties owned by Perry Volunteer Outreach.

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 placed on the property.
- 2. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.** The surrounding uses are primarily general commercial development to the south and undeveloped general commercial property to the north toward Perry Parkway. The development to the south is the existing Perry Volunteer Outreach facilities. Because the

applicant is not proposing a change in use or planned development, the requested zoning classification is 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.** The applicant is not proposing a change in use or development; therefore, 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.** The subject properties are located in both the "Gateway Corridor" and "Agriculture" character areas as identified in the 2017 Joint Comprehensive Plan Update. The Gateway Corridor Character Area's suggested development patterns include homes, shops, small businesses, and institutions grouped in attractive mixed-use centers. The Agriculture Character Area seeks to conserve the rural nature of the character area. Since the applicant is not proposing development, this annexation and requested zoning classification is aligned with the intent of the comprehensive plan.
5. **Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.** The applicant is not proposing a change in use or development; therefore, there is no expected affect upon existing public facilities or 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.** There are no existing or changing conditions affecting the use and development of the subject property. Annexation into the City of Perry would support more consistency within the City's zoning map and prevent the future creation of unincorporated islands. Annexation would allow all the applicant's property to be located within the City of Perry with consistent zoning.

STAFF RECOMMENDATION: Based on evaluation of the standards above, Staff recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition:

1. Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located outside 1,100 feet of a major intersection.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition:

1. Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located outside 1,100 feet of a major intersection.



Eric Z. Edwards, Chairman of the Planning Commission

C/18/21
Date



Where Georgia comes together.

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

Application # ANNX -
0117-2021

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Perry Volunteer Outreach Inc	Perry Volunteer Outreach, Inc
*Title	by Kelly G Hillis, Treasurer	
*Address	PO Box 1824 Perry GA 31069	
*Phone	478-954-9797	
*Email	kghillis@yahoo.com	

Property Information

*Street Address or Location See attached
 *Tax Map #(s) see attached [000340 015000 & 000340 065000] *PM*
 *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, tied to the Georgia Planes Coordinate System.

Request

*Current County Zoning District C-2 R-A9 | *Proposed City Zoning District C-2 - No change
 *Please describe the existing and proposed use of the property
Property is currently used as part of the ministry of Perry Volunteer Outreach, Inc. It includes housing as well as agricultural purposes.

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 a Disclosure Form available from the Community Development office.

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>Perry Volunteer Outreach, Inc</i>	*Date
*Property Owner/Authorized Agent <i>Whelan, Treasurer</i>	*Date <i>4/22/21</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.

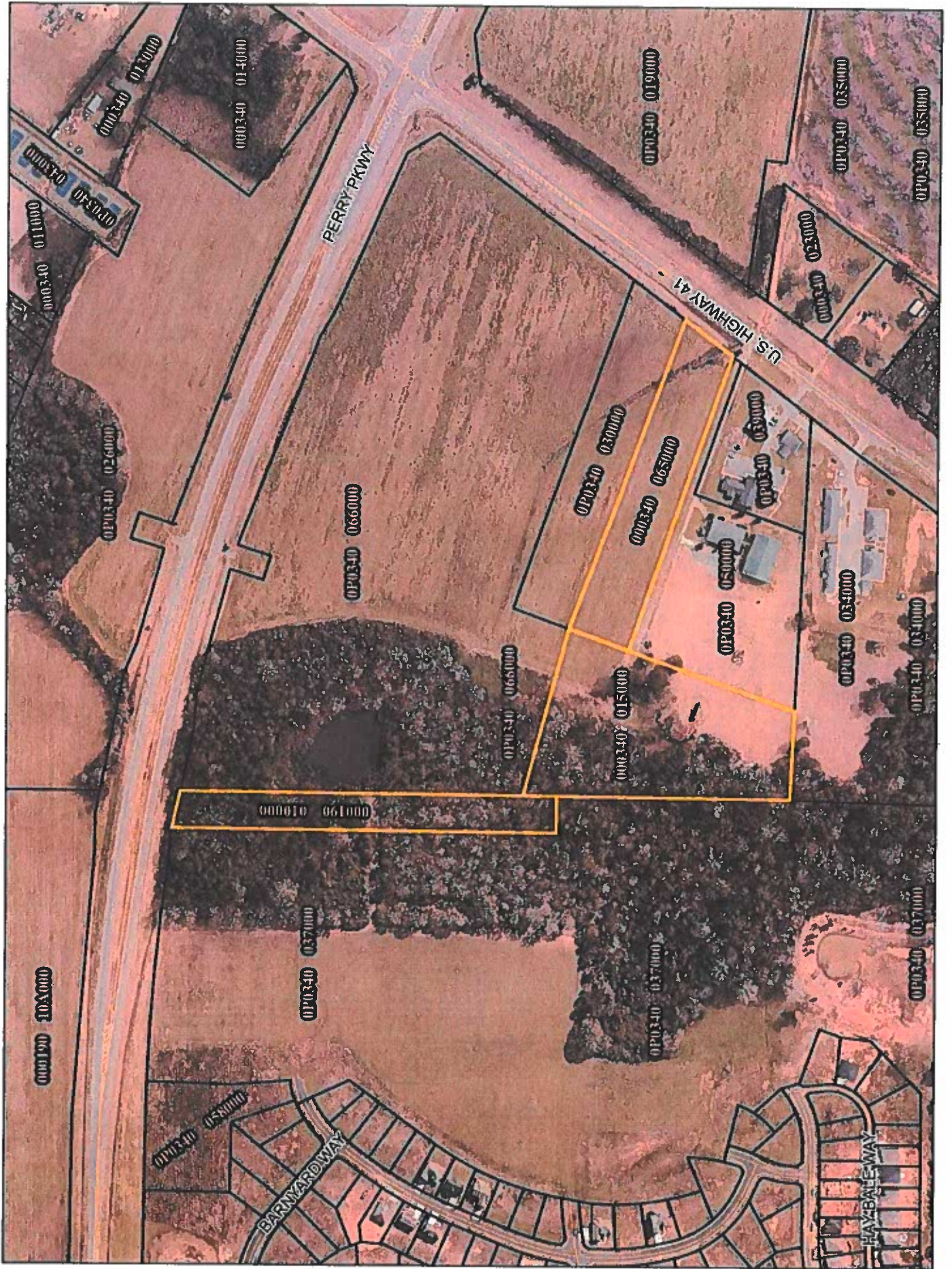
Street address or location - US 41 South and S Perry By Pass
(see attached plat)

tax map 1 - 3.33 ac 034 00650 ; 2.4.25 ac 03400150 ; 3.2.54 ac
01910 0100

Legal description - see attached plat

Standards for granting a zoning classification

1. There will be no change in current use as a result of the requested annexation. There are no current plans to develop property
2. To the extent there will be no change in use, there will be no impact
3. See # 2 above
4. As is understood by applicant, the current use is contemplated in the Comprehensive Plan
5. To the extent there will be no change in use, no additional burden is possible
6. There will be no change in use,



SOUTH PERRY BYPASS
R/W VARIES

A=101.30'
R=5609.58'
S 80°05'45"E
101.30'

N 00°23'53"E 1111.65'
PARCEL 1 - 2.535 AC
PB 66 - PG 112
995.23'

N 89°34'00"W
190.07'

LL 48 14TH DIST
LL 318 13TH DIST

S 00°23'22"W
676.92'

PARCEL 'p'
6.26 ACRES

250.35'

501.13'
N 74°45'42"E
W 15°54'14"

512.14'
N 19°52'11"E

N 86°15'27"W
854.37'

PERRY VOLUNTEER
OUTREACH INC

180.93'

173.17'

PARCEL 'c'
8.00 ACRES
PB 54 PG 27

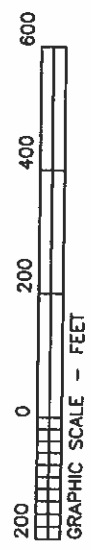
S 68°12'28"E 894.30'

235.48'

U.S. HIGHWAY 341
200' R/W

S 70°07'49"E 1011.38'

REFERENCE



ANNEXATION PLAT FOR
**PERRY VOLUNTEER
OUTREACH INC**
LAND LOT 318
HOUSTON COUNTY,
SCALE 1"=200'
13TH DISTRICT
GEORGIA
APRIL 6, 2021
JONES SURVEYING COMPANY
PERRY, GEORGIA (478) 987-2705

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the zoning is changed from City of Perry PUD, Planned Unit Development to City of Perry R-2, Two-family Residential District and the city's zoning map is amended accordingly relative to property of WINGATE CUSTOM HOMES, LLC. described as follows:

All that tract or parcel of land situate, lying and being in Land Lot 140 of the Tenth (10th) Land district of Houston County, Georgia, being known and designated as Tract "A", containing 21.84 acres, more or less, being more particularly described on a survey for Garrette Martin Excavating and Hauling Inc., prepared by McLeod Surveying, dated November 22, 2019, said plat of survey being of record in Plat Book 81, Page 111, Clerk's Office, Houston Superior Court. Said tract of land has the metes, bounds, courses, distances and dimensions as shown on the aforesaid plat which is specifically incorporated herein by reference for all purposes.

**Deed Reference: Deed Book 8405, Pages 37-38
Tax Map Parcel No. 0P0610 006000**

Said property is rezoned subject to the following conditions:

- 1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated May 13, 2021.**
- 2. The developer of the subject property shall install a speed table at least 7-foot wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).**
- 3. The development of the property should be coordinated with the City's development and construction of the Langston Road Regional Stormwater Detention Facility to ensure the stormwater created by the development is properly addressed.**

SO ENACTED this 20th day of July, 2021.

CITY OF PERRY, GEORGIA

BY: _____
RANDALL WALKER, Mayor

ATTEST: _____
ANNIE WARREN, City Clerk

1st Reading: July 6, 2021
2nd Reading: July 20, 2021



Where Georgia comes together.

STAFF REPORT

June 8, 2021

CASE NUMBER: RZNE-150-2021
APPLICANT: Garrette Martin Excavating & Hauling, Inc.
REQUEST: Rezone from PUD, Planned Unit Development to R-2, Two-Family Residential District
LOCATION: Langston Road; Tax Map No. 0P0610 006000

BACKGROUND INFORMATION: The subject property consists of 21.84 acres and is currently zoned PUD, Planned Unit Development. It was part of a larger parcel annexed into the City in 2007 which was zoned PUD for single-family residential development. The annexation was contested by the County and mediation pursued. The mediation settlement limited the development to 87 single-family dwelling units on the overall parcel. In 2018, the parcel was split into two parcels and the portion to the south was zoned C-1, Highway Commercial. Based on the size of the subject parcel compared to the original parcel, the subject parcel is currently limited to 43 single-family dwelling units. O.C.G.A. Section 36-36-117 prevents the City from changing the zoning, land use, or density of annexed property for a period of one year following final resolution of an objection to the annexation. The objection was resolved prior to annexation on February 6, 2007. Since it has been over 14 years since the annexation, the City may change the zoning, land use and density of the property.

The applicant is proposing to zone the property R-2, Two-family Residential District, and develop it with 99 townhomes. In compliance with standards for townhomes in Section 4-3.1(A) of the Land Management Ordinance (LMO), each townhome lot will be at least 2,000 square feet in area and at least 2,000 square feet of open space per unit will be provided.

A conceptual site plan is provided and appears to comply with all requirements of LMO Section 4-3.1(A). Verification of compliance with all applicable standards will be made during site plan permit review. The site layout calls for a 75-foot setback from Langston Road to allow for future road widening, 10.14 acres of open space including a 20-foot buffer adjacent to Greystone Subdivision, reservation of space for a portion of the City's regional stormwater detention pond, and a street connection to Greystone Subdivision. Because Greystone Subdivision and the original subdivision planned on the subject property both exceeded 30 lots, the street connection between the two developments is required under the International Fire Code.

The applicant indicates there are no covenants or restrictions which prevent the proposed development.

STANDARDS GOVERNING ZONE CHANGES:

1. The existing land uses and zoning classification of nearby properties.

	Zoning Classification	Land Uses
North	PUD and County RAG	Lake Forest Subdivision and single-family residential uses
South	C-1, Highway Commercial	Undeveloped
East	C-2, General Commercial	Undeveloped, church planned
West	R-2A, Single-family Residential	Greystone Subdivision with single-family residential uses

2. **The suitability of the subject property for the zoned purposes.** The subject property is suitable for single-family residential use as it is currently zoned. Because about half of the original parcel has been subdivided from the subject parcel, a new development plan would have to be approved.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** As currently zoned, the subject property is limited to 43 single-family lots. Approximately 4.9 acres of the property is subject to a drainage and utility easement. The City will obtain an additional 2.42 acres of the property for construction of a regional stormwater detention pond. Approximately 34 percent of the property is limited by the existence of a drainage and utility easement and area for the City's regional stormwater detention pond. The shape and dimensions of the remaining 14.51 acres of developable area could limit the number and layout of single-family residential lots.
4. **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. While the current zoning of the property limits the number of lots to 43, the original plan approved 87 lots which would only connect directly or indirectly to Langston Road. The proposed 99 lots will only connect to Langston Road (directly or via Greystone Subdivision).
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** The drainage and utility easement and the regional stormwater detention pond are important to the health, safety, and general welfare of the public and reduces the developable area of the subject property by about 34 percent. The number of trips generated by townhomes is about half those generated by single-family homes (5.49 average trips per day vs. 9.52 average trips per day).
6. **Whether the subject property has a reasonable economic use as currently zoned.** Approximately 34 percent of the subject property cannot be developed due to existing easements and planned public stormwater improvements. The remaining portion of the subject property can be developed for single-family residential lots though the shape and dimensions may limit the number of lots possible.
7. **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. Lake Forest subdivision has been under development since 2007; Greystone subdivision has been under development since 2019; commercial properties to the east are being prepared for development.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** Properties to the north and west of the subject property are zoned and developed as single-family detached residential uses. Properties to the south and east are zoned for commercial uses. The proposed townhome development would create a transitional use between the two land uses.
9. **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. The required street connection between the subject property and Greystone subdivision could impact traffic between the two developments.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as a "Suburban Residential" character area in the 2017 Joint Comprehensive Plan Update. This character area indicates the need for "greater variety of housing types" and "housing diversity, particularly in terms of higher density and greater affordability." The suggested development pattern includes "location of higher-density housing near commercial centers, or along arterial roads."

11. **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 residential development will increase the use of existing streets, utilities, and school facilities. Water, sewer, and stormwater facilities will be provided by the City of Perry. Langston Road is identified as an arterial street in the City's street classification plan and has adequate capacity to serve the proposed project. The Houston County Board of Education has been notified of this project.
12. **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.** Single-family residential subdivisions along the Langston Road corridor continue to build out. A church has purchased the property directly to the east of the subject property and plans to build soon. Property at the corner of Langston Road and Houston Lake Road is being cleared for commercial listing.

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

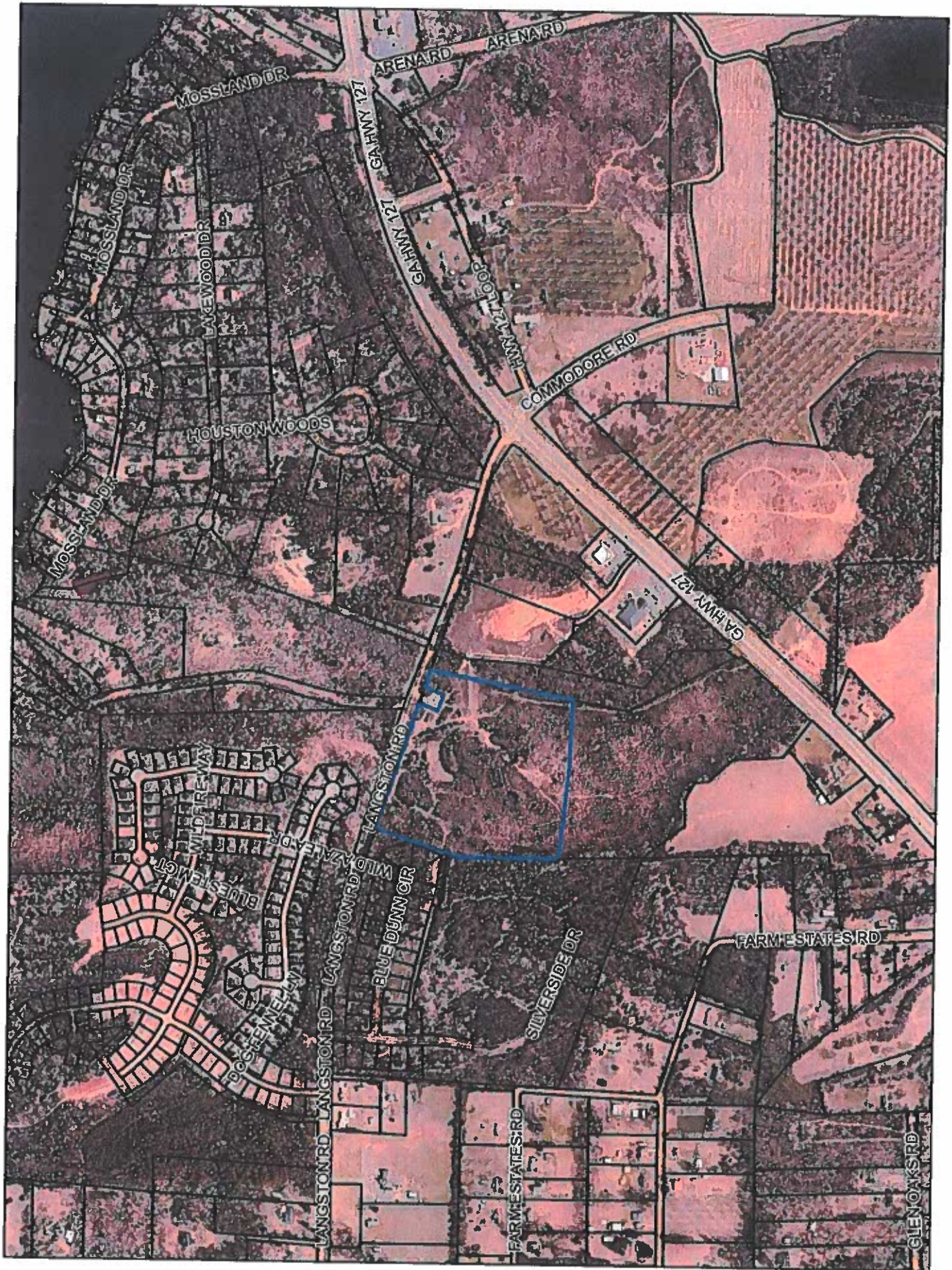
1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021.
2. The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).

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

1. Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021.
2. The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).
3. The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed.
4. The City should meet with residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area.


Eric Z. Edwards, Chairman of the Planning Commission

6/18/21
Date



MOSSLAND DR

ARENARD

GAHWY 127

COMMODORE RD

HOUSTON WOODS

GAHWY 127

LANGSTON RD

WIDFIRE WY

BLUESTEM CT

POGEMELLY

LANGSTON RD

LANGSTON RD

BLUE DUNN CIR

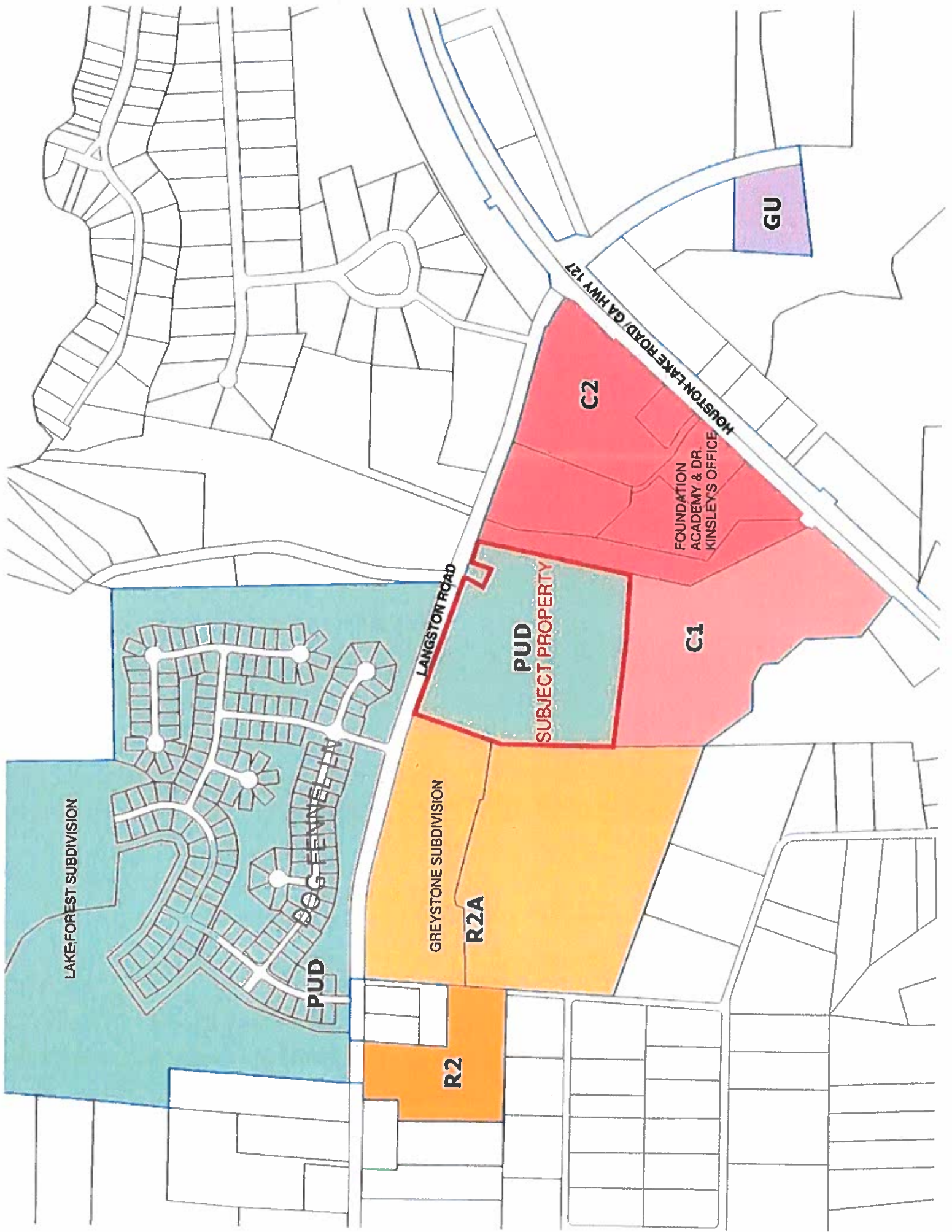
SILVER SIDE DR

FARM ESTATES RD

LANGSTON RD

FARM ESTATES RD

GLEN OAKS RD



LAKE FOREST SUBDIVISION

BOG FENWICK SUBDIVISION

LANGSTON ROAD

HOUSTON LAKE ROAD / GA HWY 127

PUD

GREYSTONE SUBDIVISION

R2A

R2

PUD

SUBJECT PROPERTY

C2

FOUNDATION
ACADEMY & DR
KINSLEYS OFFICE

C1

GU

Mossland Dr

SUBURBAN RESIDENTIAL CHARACTER AREA

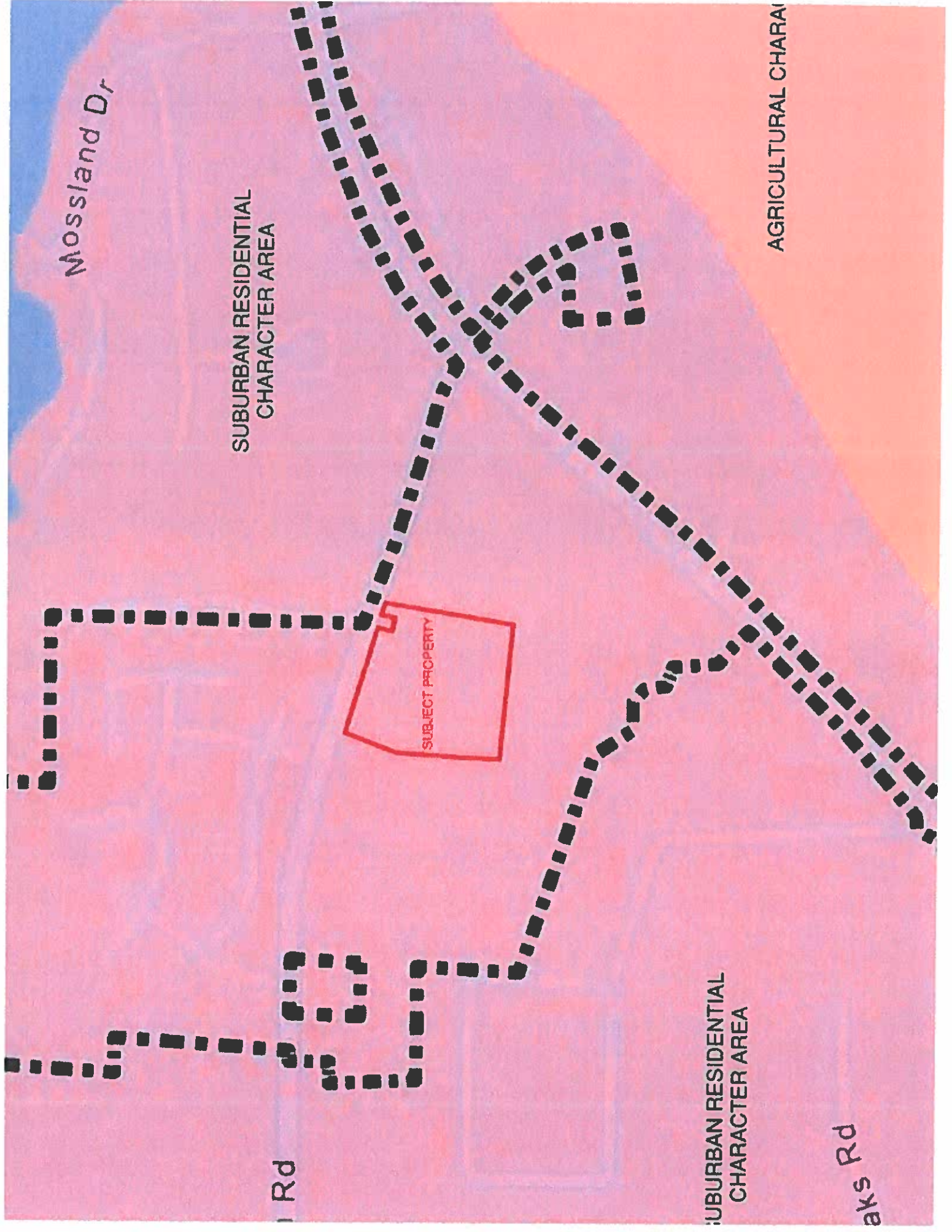
AGRICULTURAL CHARACT

SUBJECT PROPERTY

Rd

SUBURBAN RESIDENTIAL CHARACTER AREA

aks Rd





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Application # RZNE-150-2021

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

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Garrette Martin Excavating & Hauling, Inc.	Garrette Martin Excavating & Hauling, Inc.
*Title	Garrette Martin, Owner	Garrette Martin, Owner
*Address	453 GA Hwy 247 S., Bonaire, GA 31005	453 GA Hwy 247 S., Bonaire, GA 31005
*Phone	478-225-6789	478-225-6789
*Email	garrette.martin@cox.net	garrette.martin@cox.net

Property Information

*Street Address or Location	21.84 acres on the south side of Langston Road, beginning approx. 1,500 linear feet west of the intersection of Langston Road and GA Hwy 127.
*Tax Map #(s)	0P0610 006000
*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	PUD	*Proposed Zoning District	R2
*Please describe the existing and proposed use of the property			
The property is zoned PUD for residential development and is currently undeveloped. We request to rezone to R2 to allow a more compact design of a townhome development. This will provide the public additional housing options and present a viable development utilizing the land in its highest and best use.			

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 - \$130.00 plus \$15.00/acre (maximum \$1,550.00)
 - Planned Development - \$150.00 plus \$15.00/acre (maximum \$2,700.00)
 - Commercial/Industrial - \$230.00 plus \$22.00/acre (maximum \$2,900.00)
- 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	5-17-21
*Property Owner/Authorized Agent		*Date	5-17-21

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.

318 Corporate Pkwy., Ste. 301
Macon, GA 31210
478-621-7500
www.rowland-engineering.com



MAY 17, 2021

Mr. Bryan Wood, Community Development Director
City of Perry
741 Main Street
Perry, Ga 31069

**Subject: Application for Rezoning
Langston Road – Tax Parcel 0P0610 06000**

Dear Mr. Wood,

Please see attached application and conceptual plan for rezoning of 21.84 acres located on the south side of Langston Road, beginning approximately 1,500 linear feet west of the intersection of Langston Road and GA Hwy. 127. Below are the "Standards for Granting a Rezoning" as listed on Page 2 of the application.

1. *Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?*

RESPONSE: There are no covenants or 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.*

RESPONSE: The subject tract is located between properties zoned both residential and commercial. The adjoining tract to the west is zoned R2A and a PUD (single-family residential) is located across Langston Road. The adjoining property to the east is zoned C2 and the remaining adjoining property to the south is zoned C1.

3. *Describe the suitability of the subject property for use as currently zoned.*

RESPONSE: The subject tract is suitable to be used as currently zoned, which is PUD.

4. *Describe the extent to which the value of the subject property is diminished by the current zoning designation.*

RESPONSE: The diminished value of the land as PUD 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.

5. *Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.*

RESPONSE: Rezoning to R2 (Townhomes) would provide the public with access to more housing choices in the Langston Road area.

6. *Describe the relative gain to the public compared to any hardship imposed on the property owner.*

RESPONSE: The relative gain to the public includes varied alternatives to housing as compared to the surrounding residential developments.

7. Describe how the subject property has no reasonable economic use as currently zoned.

RESPONSE: The property is currently undeveloped and encumbered by drainage and utility easements. The more compact design of a townhome development will afford the developer with a more viable development while utilizing the land in its highest and best use.

8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?

RESPONSE: The subject tract has been zoned for residential development since at least 2007.

9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.

RESPONSE: The use is compatible and complimentary. The development of a townhome community provides an appropriate transition from commercially zoned properties to the east of the subject tract and single-family detached developments which exist to the west.

10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.

RESPONSE: The Comprehensive Plan lists the area as residential area, and as stated previously, the townhome development provides an appropriate transition from commercially zoned property to the existing single-family detached developments to the west and north. The development will be appropriately designed to meet the City of Perry's development regulations with regard to open space, street design, utility design and stormwater management to insure no adverse effects on neighboring properties.

11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.

RESPONSE: The comprehensive plan includes the subject tract in an area designated as residential.

12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.

RESPONSE: The proposed development is located adjacent to an existing sanitary sewer pumping station and adequate water supply services are located within the right-of-way of Langston Rd. A portion of the property is being developed as a regional stormwater management facility and accommodations have been made for construction of the stormwater pond. The development will not cause an excessive burden on the 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.

RESPONSE: As mentioned above, a portion of the site is being set aside for use as a regional stormwater management facility. This reduces the amount of developable land on the site, which provides an opportunity to provide a more compact development, while at the same time providing a diversified housing option for the city of Perry.

We appreciate your consideration of the attached request for rezoning and would like to be placed on the next available agenda for the Perry Planning Commission.

Sincerely,
Rowland Engineering, Inc.



Steven A. Rowland, PE
President

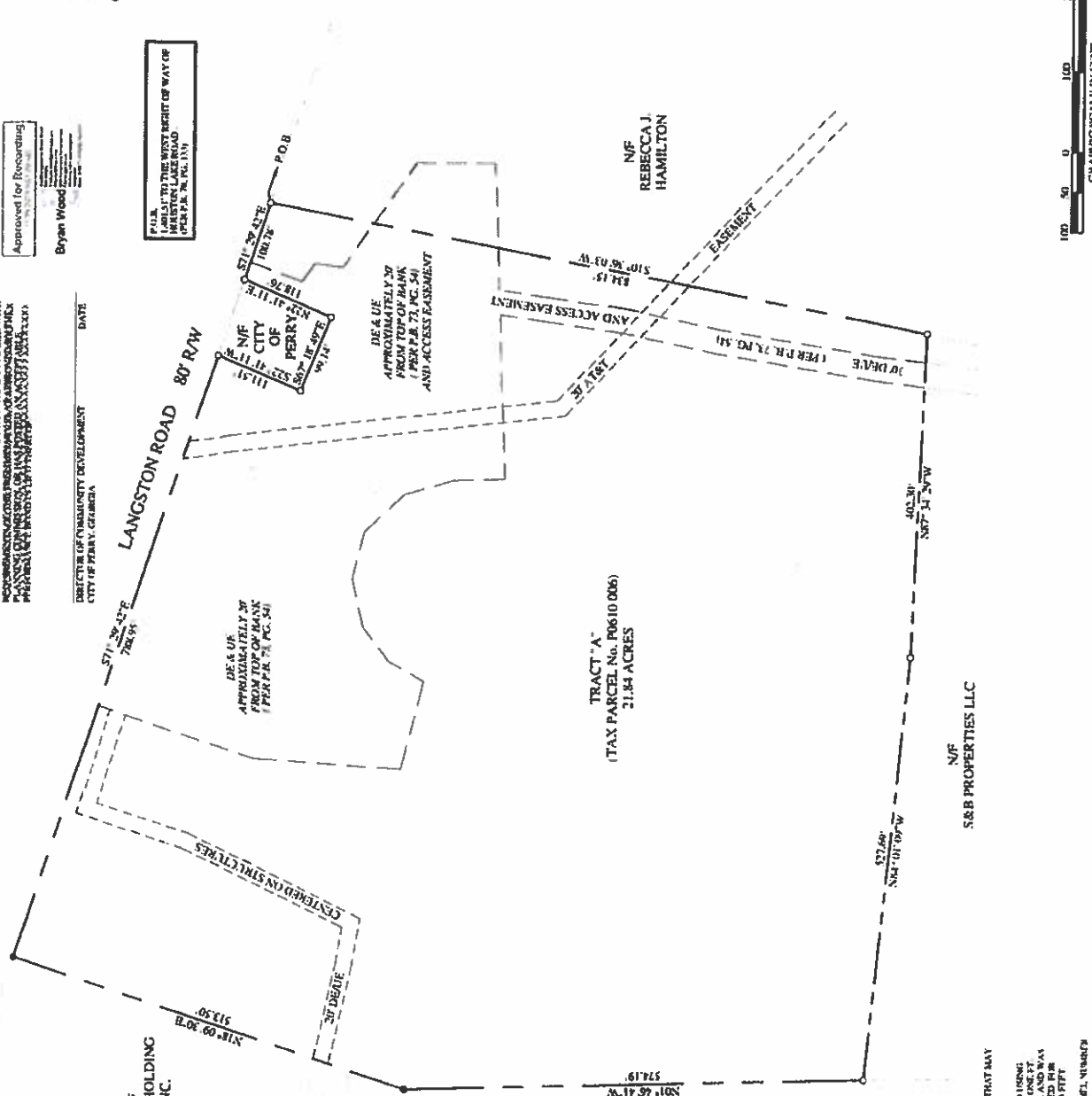
TOTAL AREA: 21.84 ACRES

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Approved for Recording:
 Bryan Wood

DIRECTOR OF COMMUNITY DEVELOPMENT
 CITY OF PERCY, GEORGIA

FILED
 IN THE COUNTY CLERK'S OFFICE
 OF PERCY COUNTY, GEORGIA
 FOR P.P. NO. 100



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TOWN'S CERTIFICATION
 STATE OF GEORGIA, COUNTY OF HARTWELL
 I, THE UNDERSIGNED CLERK, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL SURVEY PLAT AS FILED IN THE OFFICE OF THE CLERK OF PERCY COUNTY, GEORGIA, ON SEPTEMBER 23, 2009, AT 11:11:30 AM. I AM NOT A PARTY TO THIS SURVEY AND I AM NOT PROVIDING ANY OPINION AS TO THE VALIDITY OF THE SURVEY OR THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. I AM NOT PROVIDING ANY OPINION AS TO THE VALIDITY OF THE SURVEY OR THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

11/22/19 DATE
 N/F BUCKEYE HOLDING CO INC.

BY (HARRY A. MALTON)
 REGISTERED GEORGIA LAND SURVEYOR NUMBER 294

TYPE: GEORGIA STANDARD PLATS
 RECORDED: 11/25/2019
 11:11:30 AM
 Fee Amt: \$8.00 Page 1 of 1
 Houston, Ga. Clerk Superior
 BK 81 PG 111



NO.	DATE	REVISION	COUNTY	HOUSTON	SURVEY FOR
			DISTRICT:	10TH	GARRETTE MARTIN EXCAVATING AND HAULING INC.
			LAND LOT:	140	
			DATE:	11/22/19	
			SCALE:	1" = 100'	
			JOB NO.:	0518-001	

906 Ball Street
 Perry, Georgia 31069
 office: (478) 224-7970
 fax: (478) 224-7972
 WWW.MCLEODSURVEYING.COM



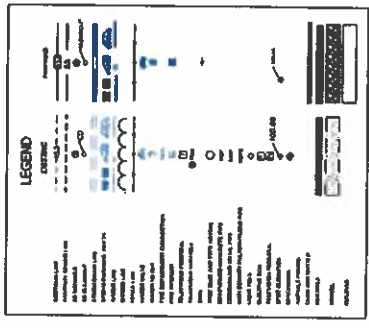


LANGSTON ROAD TOWNHOMES
FORM
WINSTAT CUSTOM HOUSES

ROWLAND ENGINEERING
215 Congress Pkwy. #400
Marietta, GA 30066
(770) 227-2755 ext. 200

DATE: 06/13/2018
DRAWN: [Signature]

CONCEPTUAL CITY PLAN



DEVELOPMENT DATA:
TOWNHOMES: 80 UNITS
TOTAL AREA: 24.00 ACRES (166,320 SQ. FT.)
PROPERTY AREA: 24.00 ACRES (166,320 SQ. FT.)
OPEN SPACE: 14.14 ACRES (97,344 SQ. FT.) (61% COVERAGE)
TOWNHOMES INCLUDING 20% OF OPEN SPACE PER UNIT: 16 UNITS (20% OF 80 UNITS)
TOTAL OPEN SPACE: 14.14 ACRES (97,344 SQ. FT.)
TOTAL TOWNHOMES: 80 UNITS
TOTAL AREA: 24.00 ACRES (166,320 SQ. FT.)



NF REBECCA J. HAMILTON

NF S&B PROPERTIES LLC



Planning Commission Minutes
June 14, 2021

1. Call to Order: Chairman Edwards called the meeting to order at 6:03pm.
2. Roll Call: Chairman Edwards; Commissioners Clarington, Jefferson, Coody, Kemp, Mehserle, and Butler were present.

Staff: Bryan Wood – Community Development Director, Holly Wharton – Community Planner and Christine Sewell – Recording Clerk

Guests: Kelly Hillis, Steve Rowland, Dylan Wingate, Chad Bryant, Jason Kliethermes, Scott & Angela Westmoreland, Stan Ruzi, David & Cheryl Magerkurth, Neil & Ann Edwards, Elwood & Annette Waites.

3. Invocation: was given by Commissioner Clarington
4. Approval of Minutes from meeting on May 10, 2021: Commissioner Coody motioned to approve as submitted; Commissioner Mehserle seconded; all in favor and was unanimously approved.
5. Announcements – Chairman Edwards referred to the notices as listed:
 - Campaign Notice per O.C.G.A. 36-67A-3.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Old Business
 - **RZNE-78-2019**. Text Amendment addressing procedures. The applicant, The City of Perry, requests withdrawal of this application.

Mr. Wood advised the application was filed addressing Article 2, Procedures and with the revisions being considered in the application for TEXT 0146-2021 staff is requesting RZNE 78-2019 be withdrawn. If additional modifications are required to Article 2, a new application will be filed.

Commissioner Clarington motioned to approve the acceptance of the withdrawal of the application; Commissioner Jefferson seconded; all in favor and was accepted for withdrawal.

7. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on July 6, 2021)
 - **ANNX-0117-2021**. Annexation and designation of C-2, General Commercial District, zoning of properties on U.S Hwy 41 South and South Perry Parkway. The properties are zoned R-AG in Houston County. The applicant is Perry Volunteer Outreach, Inc.

Ms. Wharton read the applicants' request, along with staff responses, which was for the subject parcels consisting of three parcels totaling 12.12 acres, all owned by Perry Volunteer Outreach and used in support of their ministry. Perry Volunteer Outreach owns several of the properties adjacent to the subject parcels to the south. These properties contain the majority of Perry Volunteer Outreach's facilities. The only development on the subject properties is a single-family home on parcel 000340 015000. The applicant is not proposing any new development on any of the subject

properties and no change in use. The applicant is requesting annexation into the City of Perry and a City zoning classification of C-2, General Commercial District, consistent with the other properties owned by Perry Volunteer Outreach.

Staff based on evaluation of the standards recommends approval of the annexation with the requested C-2, general commercial, zoning classification, with the following condition: 1). Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located within 1,100 feet of a major intersection.

Chairman Edwards opened the public hearing at 6:12pm and called for anyone in favor of the request. Mr. Kelly Hillis, Treasurer of Perry Volunteer Outreach reiterated the request. Chairman Edwards called for anyone opposed; there being none the hearing was closed at 6:13pm.

Commissioner Clarrington motioned to recommend approval of the application as submitted per the standards provided with the condition that Parcels 000340 015000 and 000190 010000 are subject to a landscape easement in favor of the City along the front property line for commercial properties located within 1,100 feet of a major intersection; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

- **ANNX-145-2021.** Annexation and designation of C-2, General Commercial District zoning of property located at 1946 Houston Lake Road. The property is zoned C-2 in Houston County. The applicant is Chad Bryant.

Ms. Wharton advised the subject property includes a 1.29-acre parcel at the corner of Houston Lake Road and GA Hwy 127 and is currently zoned C-2 in Houston County and includes a convenience store with gas pumps and a liquor store. The applicant has requested to be annexed into the City of Perry with the zoning classification of C-2, general commercial. The applicant is not proposing a change in use of the property or any new development. Ms. Wharton further advised, City of Perry Building and Code Compliance Staff became aware of multiple issues related to commercial building, fire, and code compliance regulations at the subject property. Observed issues include preparing food in an open environment using unsafe appliances, open and exposed dumpsters, and accumulated garbage. These issues would not be permissible for commercial development within the City of Perry. Mr. Wood advised City staff is meeting with the applicant and owner later this week on the issues and was recommending postponement of the application until after that meeting and it could be brought forth on July 12, 2021. Chairman Edwards opened the public hearing at 6:18pm and called for anyone in favor or opposition to the request. Mr. Chad Bryant, the applicant advised he was in agreement with the postponement. There being no further comment the public hearing was closed at 6:20pm.

Commissioner Mehserle motioned to postpone the application until the July 12, 2021, Planning Commission meeting; Commissioner Clarrington seconded; all in favor and unanimously postponed.

- **RZNE-150-2021.** Rezone property on Langston Road from PUD, Planned Unit Development, to R-2, Two-family Residential District. The applicant is Garrette Martin Excavating & Hauling, Inc.

Mr. Wood read the applicants' request which was for property consisting of 21.84 acres currently zoned PUD, Planned Unit Development. It was part of a larger parcel annexed into the City in 2007 which was zoned PUD for single-family residential development. The annexation was contested by the County and mediation pursued. The mediation settlement limited the development to 87 single-family dwelling units on the overall parcel. In 2018, the parcel was split into two parcels and the portion to the south was zoned C-1, Highway Commercial. Based on the size of the subject parcel compared to the original parcel, the subject parcel is currently limited to 43 single-family dwelling units. O.C.G.A. Section 36-36-117 prevents the City from changing the zoning, land use, or density of annexed property for a period of one year following final resolution of an objection to the annexation. The objection was resolved prior to annexation on February 6, 2007. Since it has been over 14 years since the annexation, the City may change the zoning, land use and density of the property. The applicant is proposing to zone the property R-2, Two-family Residential District, and develop it with 99 townhomes. In compliance with standards for townhomes in Section 4-3.1(A) of the Land Management Ordinance (LMO), each townhome lot will be at least 2,000 square feet in area and at least 2,000 square feet of open space per unit will be provided. A conceptual site plan was provided and appears to comply with all requirements of LMO Section 4-3.1(A). Verification of compliance with all applicable standards will be made during site plan permit review. The site layout calls for a 75-foot setback from Langston Road to allow for future road widening, 10.14 acres of open space including a 20-foot buffer adjacent to Greystone Subdivision, reservation of space for a portion of the City's regional stormwater detention pond, and a street connection to Greystone Subdivision. Because Greystone Subdivision and the original subdivision planned on the subject property both exceeded 30 lots, the street connection between the two developments is required under the International Fire Code.

Staff based on the evaluation standards recommends approval of the zoning change with the following conditions: 1). Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021; 2). The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east).

Chairman Edwards opened the public hearing at 6:35pm and called for anyone in favor of the request.

Mr. Steve Rowland, project engineer reiterated the request on behalf the applicant, and advised 2.4 acres will be utilized for a regional pond, there will be 2,000 square feet of open space, along with 5.25 acres dedicated to open space. He noted the property has a number of easements, which encumber it's use, and the proposed townhouse use is a good transition for the property with the surrounding commercial and single family residential. Mr. Dylan Wingate advised he was available for any questions the Commission may have.

Chairman Edwards called for anyone opposed. Mr. Westmoreland advised he was neither for or against, but there is a tremendous amount of water that drains from Langston Road to his property and then over to the Houston Lake pond. With the recent rains it has been particularly heavy and when the PUD development was done it increased, and Langston Road is now eroding and in the

past the County has had to repair culverts, there have been water breaks and the road is damaged. The surrounding neighbors include the following: Stan Ruzi, David & Cheryl Magerkurth, Neil & Ann Edwards, Elwood & Annette Waites. Mr. Westmoreland further stated there will be an increase in traffic, double the capacity currently and Langston Road cannot handle it. The greatest concern is with the additional water runoff, and what will happen when the new retention pond is full. The current problems will only become worse.

There being no further comments the public hearing was closed at 6:46pm.

Commissioner Coody inquired of staff a time frame for the widening of Langston Road; Mr. Wood advised there is no current date, but it could be anticipated to be included in the next SPLOST. Chairman Edwards asked of Mr. Rowland if there was any object to the staff conditions; he advised there was not. Mr. Rowland noted with regard to stormwater runoff, which comes from impervious areas, the proposed development will create less, with regards to streets and roof area, and the project will be providing a retention pond, along with the City's development of one.

Mr. Wood advised there has been studies completed, and a 2.4-acre portion will be used, along with others for development by the City of a regional stormwater detention pond. Mr. Rowland was asked by the Commission how long for construction on the applicants' end; he advised six months to construct with infrastructure. Mr. Westmoreland mentioned again his concern for traffic and the impact of the surrounding area.

Commissioner Mehserle recognized the community's concern with traffic and stormwater, but noted the City is working to improve the stormwater management and inquired if the construction of the subdivision could be coordinated with that. Mr. Wood advised that would be a question for the City Attorney and it was not the City's intent to create more runoff. Commissioner Mehserle inquired when the expansion of Langston Road may be done; Mr. Wood stated currently there was not timetable but could come under consideration in the next five years under SPLOST.

Mr. Stan Ruzi voiced his concern with stormwater runoff as he had previously built homes and feels this will be an issue.

Commissioner Mehserle motioned to recommend approval of the application per the standards provided to Mayor and Council as submitted with the following conditions:

- 1). Development of the subject property shall be substantially consistent with the conceptual site plan presented with the application prepared by Rowland Engineering, and dated 5/13/2021;
- 2). The developer of the subject property shall install a speed table at least 7-feet wide across the street connecting Greystone subdivision and the subject property, and the street shall be designated as "One Way" with the traffic flowing from Greystone subdivision (from west to east);
- 3). The development of the property should be synchronized with the City's Langston Road Regional Detention Pond to ensure stormwater created by the development is properly addressed;
- 4). The City should meet with residents in the Langston Road area to discuss plans for the regional detention pond and other planned infrastructure plans in the area; Commissioner Clarrington seconded; all in favor for recommendation of approval.

- **TEXT-146-2021.** Text Amendment to Section 2-2 and certain subsections of Section 2-3 regarding procedures and standards. The applicant is the City of Perry. (Public hearing before City Council scheduled for June 15, 2021)

Mr. Wood read the request, which was for Modifications to Land Management Ordinance Sections 2-1, 2-2.2, 2-3.1, 2-3.2, 2-3.3, 2-3.5, and 2-3.7 to remove duplicative language, to clarify the requirements for various zoning applications, and to clarify the procedures for various zoning applications, including the authority of the Planning Commission and City Council. The specific zoning applications being modified are those for: Official zoning map amendments; Annexation and zoning of land; De-annexation of land; Amendments to the text of the ordinance; Planned unit developments; Special exceptions; and Variances and Appeals of administrative decisions. The proposed text amendment modifies Section 2-2, Procedures, and specific subsections of Section 2-3, Specific Application Requirements. Mr. Wood presented the various proposed modifications and indicated staff's recommendation for approval. He stated the text amendment was developed in collaboration with the city attorney.

Chairman Edwards opened the public hearing at 7:30 pm and called for those supporting or opposed to the text amendment. Jason Kliethermes of 431 Sanderfur Road, Kathleen, GA, stated he was not in support or opposition to the amendment but raised concerns being the proposed language which eliminates a site plan requirement for applications, which he believed is necessary for the public to understand the extent of a proposal. Secondly, he raised concern the amendment changes the time period of when a new application can be considered following a denied application. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 7:39 pm.

Chairman Edwards asked Mr. Wood about the City's position on requiring site plans for all applications. Mr. Wood stated property owners and applicants often do not have a specific use or specific development proposal in mind when they file to rezone or annex and zone property. In these cases, staff, and ultimately City Council must consider all uses permitted in the requested zoning classification to determine if all those uses are appropriate for the location. He also stated that requiring a site plan does not necessarily mean it will ultimately be followed.

Commissioner Mehserle stated that a change in zoning can be initiated for any reason – a property owner may be doing so for self-interest, it may be more advantageous, it may create more value or allow uses that are more marketable.

Mr. Wood stated the staff report is one piece of the information the Commission and City Council should consider. The purpose of informational and public hearings is to gather all pertinent facts relating to a particular application. Chairman Edwards asked if the City's position is to better address applications that come before the Commission. Mr. Wood stated the proposed text amendment does not change current practice but is removing duplicative language and clarifying existing language to follow current practices.

Commissioner Mehserle moved to recommend approval of the text amendment as presented to Mayor and Council; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

B. Public Hearing (Planning Commission decision) – None

C. Other Business

- **PLAT-143-2021.** Request by Chad Bryant to use the Conservation Subdivision standards for property located at 1380 Cambridge Drive.

Ms. Wharton advised the property is undeveloped and consists of 18.03 acres. The applicant proposes to develop approximately 9 acres into a 43-residential-lot conservation subdivision which includes approximately 9 acres of open space, per the requirements for conservation subdivisions. The property contains a wet weathered stream traversing the site from the western portion of the site to the southeastern portion. Furthermore, per the R-1 conservation subdivision requirements, 2.4 dwellings per acre are permitted with at least 50 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. Ms. Wharton advised because of the topography of the land and location of utility easements, the use of Conservation Subdivision standards is appropriate, and staff recommends consent to use Conservation Subdivision standards for this development.

Commissioner Coody motioned to approve use of the conservation subdivision standards for the request presented; Commissioner Kemp seconded; all in favor and was unanimously approved.

- **PLAT-144-2021.** Request by Chad Bryant to use the Conservation Subdivision standards for properties located on Perimeter Road.

Ms. Wharton advised the property is undeveloped and consists of 74.58 acres. The applicant proposes to develop approximately 38 acres into a 157-residential-lot conservation subdivision which includes approximately 36 acres of open space, per the requirements for conservation subdivisions. The property contains rolling hills and a wetland system on the eastern portion of the site. Per the R-3 conservation subdivision requirements, 2.6 dwellings per acre are permitted with at least 30 percent of open space provided. There is no minimum lot area required for conservation subdivisions. The minimum lot width is 60 feet, front setbacks are 25 feet, interior side setbacks are 8 feet, exterior side setbacks are 20 feet, and rear setbacks are 20 feet. Staff has determined that all lots meet the minimum requirements for a conservation subdivision. A 50-foot right-of-way is shown, which is the minimum for conservation subdivisions. Because of the topography of the land and presence of wetlands and flood hazards on the subject property, the use of Conservation Subdivision standards is appropriate. Staff recommends consent to use Conservation Subdivision Standards for this development.

Commissioner Butler motioned to approve the use of the conservation subdivision standards for the request presented; Commissioner Mehserle seconded; all in favor and was unanimously approved.

- Commission questions or comments – None

D. Adjournment: There being no further business to come before the Commission the meeting was adjourned at 8:05pm.

**INTERGOVERNMENTAL AGREEMENT
2018 SPLOST NATATORIUM
RECREATIONAL PROJECT**

This Agreement is made and entered into this _____ day of _____, 2021 by and between HOUSTON COUNTY, Georgia, hereinafter referred to as the "County"; and the CITY OF PERRY, Georgia, hereinafter referred to as "City";

WITNESSETH:

THAT, WHEREAS, the Parties hereto entered into a Memorandum of Understanding for the 2018 SPLOST on December 13, 2016; and

WHEREAS, the 2018 SPLOST was voted favorably by the citizens of the County, Warner Robins, Perry and Centerville; and

WHEREAS, one of the county wide recreation projects was the building of a natatorium for seven million dollars; and

WHEREAS, the cost of constructing the natatorium has increased substantially; and

WHEREAS, the Parties hereto want to fulfill the expectation of the voters and construct the natatorium.

NOW THEREFORE, in consideration of the mutual benefits to the Parties hereto it is agreed as follows:

1.

From the 2018 SPLOST, the Cities have six million dollars programed for county wide recreation improvements and construction.

2.

The City of Perry and the County agree to allocate the City of Perry's portion of the six million dollars programed for county wide recreation improvements and construction to the construction of the natatorium.

3.

The Parties agree that at the termination of the 2018 SPLOST any excess proceeds from the 2018 SPLOST would first be used to re-fund the six million dollars of county wide recreation improvements and construction to the Cities.

4.

It is understood by the Parties that if there is overage in the 2018 SPLOST proceeds it may not fully fund the six million dollars of county wide recreation improvements and construction to the Cities. If the full amount is not funded with excess proceeds, the amount available will be divided between the Cities on the same pro rata basis set out in the 2018 SPLOST documents, Exhibit A, item one.

5.

This Agreement shall be construed in accordance with and governed by the laws of the State of Georgia.

6.

This Agreement shall be binding upon and inure to the benefit of the respective Parties hereto, their legal representatives, successors, and assigns.

7.

Neither Party shall assign this Agreement at any time and from time to time without the prior written consent of the other Party.

8.

This Agreement will be adopted by each city in Houston County, and each city will sign an agreement with the County.

So AGREED, the day and year first written above.

HOUSTON COUNTY BOARD OF COMMISSIONERS:

CITY OF Perry:

Chairman Tommy Stalnaker

Randall Walker, Mayor

Barry Holland, Director of Administration

Annie Warren, City Clerk

Date Approved by Commissioners

Date Approved by Mayor and Council

AFTER RECORDING RETURN TO:

C. Taylor Broun
Jones Cork LLP
P.O. Box 6437
Macon, GA 31208-6437
(478) 745-2821
File no.: 13602-002

EASEMENT

THIS EASEMENT is executed as of _____, 2021, by and between the CITY OF PERRY, GEORGIA ("Grantor"), and WILLIAM EDMOND SMITH, JR. ("Grantee").

WITNESSETH:

For and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Grantor has bargained, sold and conveyed, and by these presents does hereby bargain, sell and convey unto Grantee, its successors and assigns, a perpetual nonexclusive easement for the purpose of providing Grantee and Grantee's successors, successors-in-title and assigns with the general right to cross Grantor's property described in Exhibit A attached hereto and made a part hereof by reference (the "Easement Area") on foot provided that such crossing will not interfere with the Grantor's rights; and the additional rights of access, ingress and egress over, upon and across the "20' ACCESS EASEMENTS" located within the Easement Area, as more particularly identified and described as the "20' ACCESS EASEMENTS" on the attached Exhibits B-1, B-2, and B-3 (collectively, the "Access Easement Areas") . Grantee agrees that it shall not dig or excavate on or in the Access Easement Areas or the Easement Area, nor shall Grantee construct or install any structure or improvements on the Access Easement Areas or Easement Area. Grantee acknowledges and agrees that Grantor shall have the right to take any action, whether at law or in equity, and whether by injunction, ejectment or other means, to prevent the construction, or after erection thereof, to cause the removal of any building or other structure(s) located on the Access Easement Areas or the Easement Area. Grantee acknowledges and agrees that said rights are necessary for the safe and proper exercise and use of the rights, privileges, and interests of the Grantor.

Notwithstanding the foregoing, Grantee shall be allowed to use and maintain the existing drives as currently constructed and located within the 20' Access Easements on the Access

Easement Areas. In the event Grantee desires to alter or make improvements to the existing drives, then such alteration or improvements shall require written consent from the Grantor, which consent shall not be unreasonably withheld or delayed as long as such alteration or improvements will not interfere with Grantor's rights or block Grantor from accessing its property.

Grantor herein represents that it owns full fee simple unencumbered title to the land embraced in said easement, and shall forever warrant and defend the rights, title, interest and right of user thereto unto the said Grantee, its successors, successors-in-title and assigns, against the claims of all persons whomsoever.

Except as herein specifically granted to Grantee, Grantor reserves and accepts all rights, title and interest in and to said land, and Grantor may make any use of said land not inconsistent with or detrimental to the rights, title and interest conveyed to Grantee.

This instrument and all of its terms, covenants and provisions shall inure to the benefit of and be binding upon the parties hereto and their respective successors, successors-in-title or assigns. This writing contains the entire agreement between the parties.

[SIGNATURE PAGE FOLLOWS]

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

Signed, sealed and delivered
in the presence of:

GRANTOR:

CITY OF PERRY, GEORGIA

Unofficial Witness

By: _____ (LS)

Notary Public

Name: RANDALL WALKER

[NOTARY SEAL]

Title: MAYOR

EXHIBIT A

TRACT 1

All that tract or parcel of land situate, lying and being in Land Lot 214 of the 10th Land District of Houston County Georgia, containing 0.33 acres, and identified and described as "PARCEL 3" on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT, WILLIAM EDMOND SMITH, JR.", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Page 277, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.

TRACT 2

All that tract or parcel of land situate, lying and being in Land Lot 236 of the 10th Land District of Houston County Georgia, containing 1.92 acres, and identified and described as "PARCEL 7" on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT, WILLIAM EDMOND SMITH, JR.", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Pages 283, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.

TRACT 3

All that tract or parcel of land situate, lying and being in Land Lot 237 of the 10th Land District of Houston County Georgia, containing 0.30 acres, and identified and described as "PARCEL 10" on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT, WILLIAM EDMOND SMITH, JR.", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Page 285, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.

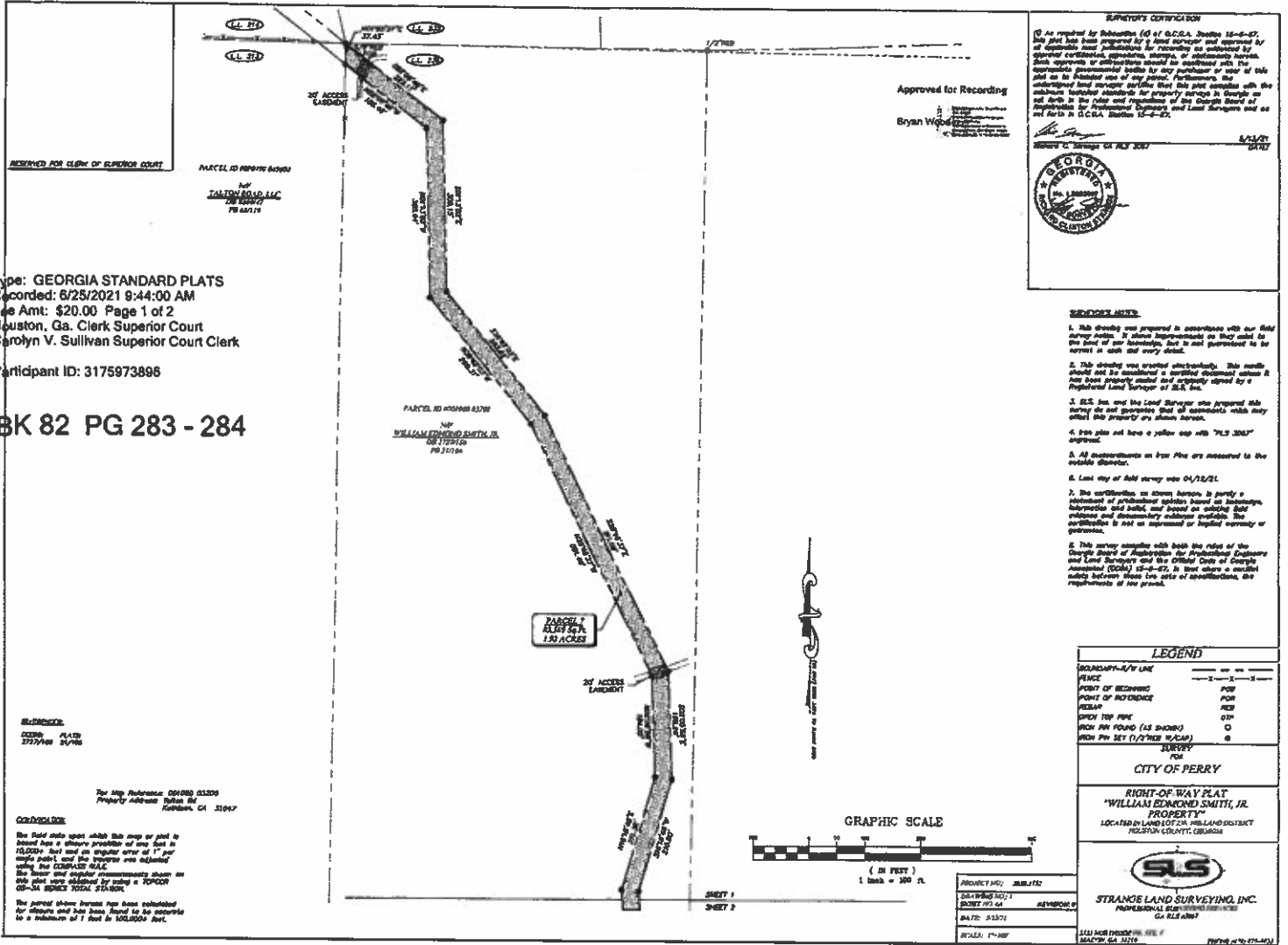
TRACT 4

All that tract or parcel of land situate, lying and being in Land Lot 237 of the 10th Land District of Houston County Georgia, containing 0.15 acres, and identified and described as "PARCEL 12" on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT, WILLIAM EDMOND SMITH, JR.", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Page 286, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.

TRACT 5

All that tract or parcel of land situate, lying and being in Land Lots 236 & 237 of the 10th Land District of Houston County Georgia, containing 0.69 acres, and identified and described as "PARCEL 9" on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT, WILLIAM EDMOND SMITH, JR.", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Page 287, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.

EXHIBIT B-1



Type: GEORGIA STANDARD PLATS
Recorded: 6/25/2021 9:44:00 AM
Fee Amt: \$20.00 Page 1 of 2
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Superior Court Clerk
Participant ID: 3175973898
BK 82 PG 283 - 284

EXHIBIT B-2

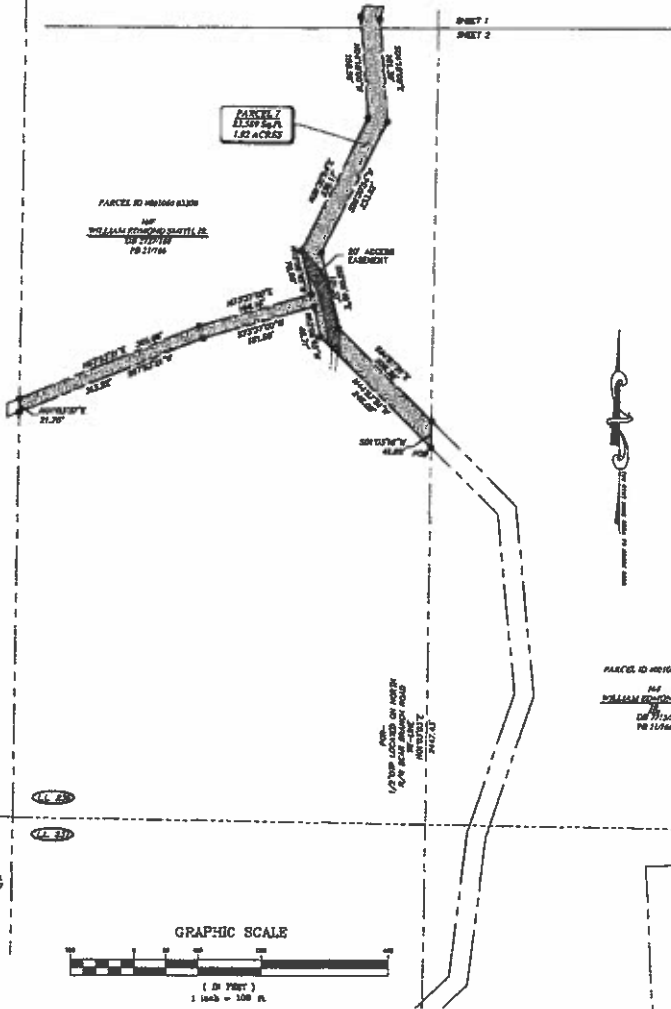
Book 82 Page 284

RESERVED FOR CLERK OF SUPERIOR COURT

PARCEL ID 401000 04100
 JAY
 TAYLOR HOLDINGS
 20 55677
 PG 04/17/19

PARCEL ID 401000 03100
 W/ WILLIAM EDMOND SMITH, JR.
 10 210710
 PG 11/19/16

PARCEL 2
 1.52 ACRES



RECORDING PLATE
 270/100 24/100
 Tax Map Reference: 001000 032000
 Property Address: 200 Four Branch Rd.
 Columbus, GA 31907

REFERENCE:
 The final data upon which this map or plat is based was obtained from a traverse of one foot in 10,000 feet and an angular error of 1" per angle point, and the traverse was adjusted using the COLLAPSED RULE.
 The bearing and angular measurements shown on this plat were obtained by using a TOPCON GS-SX SERIES TOTAL STATION.
 The parcel areas herein have been calculated for display and have been found to be accurate to a maximum of 7 feet in 100,000 feet.

Approved for Recording
 Bryan Wood

SURVEYOR'S CERTIFICATION
 I, as required by Subsection (c) of O.C.G.A. Section 14-2-67, do hereby certify that this plat was prepared by a land surveyor and approved by a qualified land surveyor for recording as evidenced by the appropriate professional stamps, or otherwise to be approved by the appropriate governmental bodies by any provisions or laws of this State as to the validity of any plat. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 14-2-67.

6/13/19 DATE

STRANGE LAND SURVEYING, INC. SURVEYOR

- SURVEYOR'S NOTES:**
- This drawing was prepared in accordance with our best surveying practices. It shows improvements as they exist to the best of our knowledge, but is not guaranteed to be correct in each and every detail.
 - This drawing was created electronically. This plat should not be considered a certified document unless it has been properly sealed and signed by a Registered Land Surveyor of O.C.G.A. 14-2-67.
 - SLS Inc. and the Land Surveyor who prepared this survey do not guarantee that all easements shown they affect this property are shown herein.
 - Don't show not show a yellow map with "SLS 3007" anywhere.
 - All measurements on this Plat are measured to the outside dimension.
 - Last day of this survey was 04/12/19.
 - The information on shown herein, is purely a statement of professional opinion based on immediate observation and belief, and based on existing data and documentary evidence available. The certification is not an approval or liability warranty or guarantee.
 - This survey complies with both the rules of the Georgia Board of Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (O.C.G.A.) 14-2-67. It shall carry a certified status between them two sets of specifications, in a requirement of the parties.

LEGEND

BOUNDARY - 1/4" LINE	---
TRAIL	---
POINT OF BEGINNING	PCB
POINT OF REFERENCE	PRR
ROCK	ROCK
CONCRETE	CONC
IRON PIPE FOUND (AS SHOWN)	IPF
IRON PIPE SET (AS SHOWN)	IPS

SURVEY FOR
CITY OF PERRY
ROST-OF-WAY PLAT
"WILLIAM EDMOND SMITH, JR.
PROPERTY"
 LOT 15-16-17-18-19, PHILAND DISTRICT
 PERRY COUNTY, GEORGIA

STRANGE LAND SURVEYING, INC.
 PROFESSIONAL SURVEYING SERVICES
 GA SLS 12345

1133 HIGHTSHIRE DR. S.E. 1
 MARIETTA, GA 30067

PLAT NO. 2019-123
 DATE: 5/13/19
 SHEET: 1 of 1

Type: GEORGIA STANDARD PLATS
 Recorded: 5/25/2021 9:44:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Houston, Ga. Clerk Superior C
 BK 82 PG 286

RESERVED FOR CLERK OF SUPERIOR COURT

EXHIBIT B-3

Approved for Recording

Bryan Wood

SURVEYOR'S CERTIFICATION

(1) As required by Subsection (d) of G.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by an appropriate local jurisdiction for recording as indicated by approval certification, signatures, stamps, or statements herein. Such approval or certification should be combined with the appropriate governmental notice by any purchaser or user of this plat or its intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in G.C.G.A. Section 15-6-67.

Robert C. Strangob CA #LS 3087 5/23/21 DATE



SURVEYOR'S NOTES

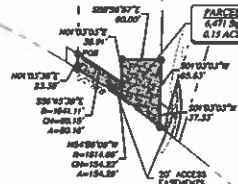
1. This drawing was prepared in accordance with our best survey notes. It shows measurements as they exist to the best of our knowledge, but is not guaranteed to be correct in each and every detail.
2. This drawing was created electronically. This means should not be considered a certified document unless it has been properly sealed and certified signed by a Registered Land Surveyor of S.S., Inc.
3. S.S., Inc. and the Land Surveyor who prepared this survey do not guarantee that all comments which may affect this property and show herein.
4. This plat has a yellow cap with "PLS 3087" engraved.
5. All measurements on this Plat are measured to the outside diameter.
6. Last day of field survey was 04/12/21.
7. The certification, as shown herein, is purely a statement of professional opinion based on knowledge, information and belief, and based on existing field notes and documentary evidence available. The certification is not an expressed or implied warranty or guarantee.
8. This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between these two sets of regulations, the requirements of law prevail.

PARCEL ID #001989 041000
 NP
 ZALTON ROAD LLC
 DB 08/07/19
 PB 08/11/19

PARCEL ID #001989 021000
 NP
 WILLIAM EDMOND SMITH, JR.
 DB 11/13/14
 PB 11/14/14

PARCEL ID #001989 031000
 NP
 WILLIAM EDMOND SMITH, JR.
 DB 11/13/14
 PB 11/14/14

PARCEL 12
 0.471 SQ. FT.
 0.13 ACRES

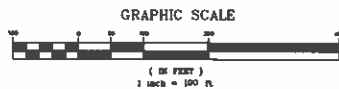


BEAR BRANCH ROAD (R/W 8' W)

NOTICES:
 0000 PLATS
 2777/88 21/88

For Map Reference: 021080 022007
 Property Address: 221 Bear Branch Rd
 Kennesaw, GA 30147

CERTAINTY:
 The date date upon which this map or plat is based has a closure precision of one foot in 10,000 feet and an angular error of 1" per single angle, and the traverse was adjusted using the COMPASS RULE.
 The linear and angular measurements shown on this plat were obtained by using a TOPCON CG-14 SURVEY TOTAL STATION.
 The parcel shown herein has been calculated for closure and has been found to be accurate to a maximum of 1 foot in 100,000 feet.



LEGEND

BOUNDARY - R/W LINE	---
FENCE	- - - - -
POINT OF BEGINNING	PGB
POINT OF REFERENCE	POR
REBAR	RLS
OPEN TOP IRON	OIR
IRON PIN (AS SHOWN)	O
IRON PIN SET (1/2" IRON W/CAP)	⊙

SURVEY FOR
 CITY OF PERRY

RIGHT-OF-WAY PLAT
 "WILLIAM EDMOND SMITH, JR.
 PROPERTY"
 LOCATED IN LAND LOT 225, 180 LAND DISTRICT
 HUNTSVILLE COUNTY, GEORGIA



STRANGOB LAND SURVEYING, INC.
 PROFESSIONAL SURVEYING SERVICES
 1333 NORTHSHORE DR. STE. 1
 MARIETTA, GA 30067
 PHONE: (770) 474-4001

PROJECT NO.: 2020-172
 DRAWING NO.: 1
 SHEET NO.: 3
 DATE: 4/18/21
 SCALE: 1"=100'

AFTER RECORDING RETURN TO:

C. Taylor Broun
Jones Cork LLP
P.O. Box 6437
Macon, GA 31208-6437
(478) 745-2821
File no.: 13602-002

EASEMENT

THIS EASEMENT is executed as of _____, 2021, by and between the CITY OF PERRY, GEORGIA ("Grantor"), and HOUSTON COUNTY SCHOOL DISTRICT, by and through its duly elected Houston County Board of Education ("Grantee").

WITNESSETH:

For and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Grantor has bargained, sold and conveyed, and by these presents does hereby bargain, sell and convey unto Grantee, its successors and assigns, a perpetual nonexclusive easement and right-of-way for the purpose of providing Grantee and Grantee's successors, successors-in-title and assigns with access, ingress and egress over, upon and across that certain real property described on Exhibit A attached hereto and made a part hereof by reference (the "Easement Area"), together with the right to use the Easement Area for any purposes that will not interfere with the Grantor's rights. Grantee agrees that it shall not dig or excavate on or in the Easement Area, nor shall Grantee construct or install any structure or improvements on the Easement Area, other than fences that do not interfere with the Grantor's rights or block Grantor from accessing its easement. Grantee acknowledges and agrees that Grantor shall have the right to take any action, whether at law or in equity, and whether by injunction, ejectment or other means, to prevent the construction, or after erection thereof, to cause the removal of any building or other structure(s) located on the Easement Area. Grantee acknowledges and agrees that said rights are necessary for the safe and proper exercise and use of the rights, privileges, and interests of the Grantor.

Grantor herein represents that it owns full fee simple unencumbered title to the land embraced in said easement, and shall forever warrant and defend the rights, title, interest and right of user thereto unto the said Grantee, its successors, successors-in-title and assigns, against the claims of all persons whomsoever.

Except as herein specifically granted to Grantee, Grantor reserves and accepts all rights, title and interest in and to said land, and Grantor may make any use of said land not inconsistent with or detrimental to the rights, title and interest conveyed to Grantee.

This instrument and all of its terms, covenants and provisions shall inure to the benefit of and be binding upon the parties hereto and their respective successors, successors-in-title or assigns. This writing contains the entire agreement between the parties.

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

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

[NOTARY SEAL]

GRANTOR:

CITY OF PERRY, GEORGIA

By: _____(LS)

Name: RANDALL WALKER

Title: MAYOR

EXHIBIT A

All that tract or parcel of land situate, lying and being in Land Lot 214 of the 10th Land District of Houston County Georgia, containing 0.75 acres, and depicted as "PARCEL 4" and more particularly described on that certain survey for the City of Perry entitled "RIGHT-OF-WAY PLAT HOUSTON COUNTY SCHOOL DISTRICT PROPERTY", prepared by Richard Clinton Strange, G.R.L.S. No. LS003067, dated May 13, 2021 and recorded in Plat Book 82, Page 278, Clerk's Office, Houston County Superior Court. Reference to said survey and the recorded copy thereof are hereby made a part of this description for all purposes.



VOTING DELEGATE FORM

Annual Membership Business Meeting

2021 GMA Annual Convention

Sunday, August 8, 2021 – 3:45 pm

Savannah Convention Center - Chatham Ballroom

Savannah, Georgia

City

Voting Delegate

Title

Proxy

Title

(Each member city may designate in writing an elected official from any other member city to vote as their proxy at the membership business meeting. Often, cities designate the GMA President or one of the Vice Presidents as their proxy for the membership business meeting.)

Please submit by July 26

Submit



Where Georgia comes together.

OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor/Council
FROM: Lee Gilmour, City Manager
DATE: July 13, 2021
REFERENCE: Service request

The Houston County Board of Education requests the City of Perry provide a school crossing guard at Mossy Creek Middle School. The school is located near the intersection of Sanderfur Road and Danny Carpenter Drive. The Board will pay the costs of this request.

Chief Lynn and the Administration have no objections to this request as presented. It is recommended you approve the position.

cc: Mr. S. Lynn