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November 16, 2021

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

6:00 PM

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

1. Call to Order: Mayor Randall Walker, Presiding Officer.
2. Roll:
3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker
4. Recognition(s)/Presentation(s):
 - 4a. Presentation of the 2021 Fire Safety Poster Contest – Chief L. Parker

Honorable Mention – Kelli Pomazal – Langston Road Elementary School
Runner-up – Paxton Wood – Langston Road Elementary School
Winner – Ella Cannon – The Westfield School
 - 4b. Recognition of an award from the Governor’s Office of Highway Safety in the Governor’s Challenge for 2020-2021 – Sgt. J. Laster.
 - 4c. Proclamation recognizing Small Business Saturday – Mayor R. Walker.
 - 4d. Special Events Applications – Mayor R. Walker
 1. Christmas at the Crossroads event – Ms. A. Turpin.
 2. Peaches to Beaches event – Ms. A. Turpin.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Public Hearing: Mayor Randall Walker

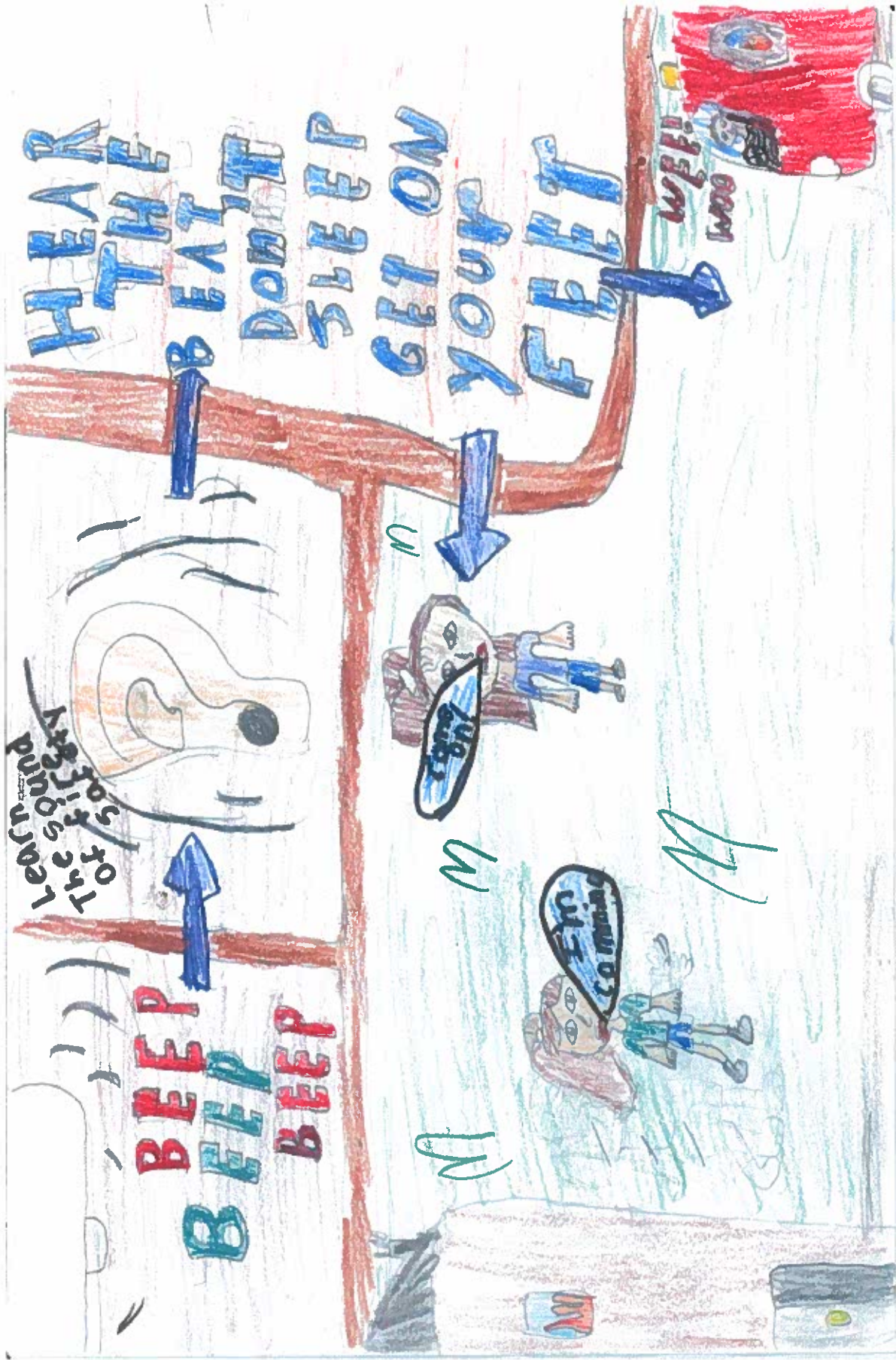
The purpose of this public hearing is to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.

- 7a. TEXT-256-2021. Applicant, the City of Perry, requests the proposed amendment defines and addresses self-service vending units, within the City of Perry. This amendment updates Section 1.13 Definitions, by defining “Self-service vending unit” and Section 4-1.1 (D) Prohibited uses, by adding (h) freestanding self-service vending units as a prohibited use – Mr. B. Wood.
8. Review of Minutes: Mayor Randall Walker
- 8a. Council’s Consideration – Minutes of the November 2, 2021 pre council meeting, and November 2, 2021 council meeting. (*Mayor Pro Tempore Robert Jones was absent from November 2, 2021 meetings.*)
9. Old Business:
- 9b. Ordinance(s) for Second Reading(s) and Adoption:
1. **Second Reading** of an ordinance to amend Chapter 4, Animals, adding Section 4-111 to address Public Nuisance for Dogs – Ms. B. Newby.
 2. **Second Reading** of an ordinance to amend City Code, Chapter 15, Article VI, Transient Merchants – Ms. B. Newby.
10. Any Other Old Business: Mayor Randall Walker
- 10a. Mayor Randall Walker
 - 10b. Council Members
 - 10c. City Attorney Brooke Newby
 - 10d. City Manager Lee Gilmour
 - 10e. Assistant City Manager Robert Smith
11. New Business: Mayor Randall Walker
- 11a. Matters referred from November 15, 2021 work session and November 16, 2021 pre council meeting.
- 11b. Ordinance(s) for First Reading(s) and Introduction:
1. **First Reading** of an ordinance amending Sections 1.13 and 4-1.1 (D)(2) to address Self-service Vending Machines – Mr. B. Wood. (*No action required by Council*)
- 11c. Resolution(s) for Consideration and Adoption:
1. Resolution declaring certain assets surplus – Mr. M. Worthington.
- 11d. Award of emergency contract to repair Valley Drive stormwater pipe – Ms. A. Fitzner.
12. Council Members Items:

13. Department Heads/Staff Items.
14. General Public Items:
15. Mayor Items:
16. Adjourn.

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

2021 Perry Fire Department
3rd Grade Fire Safety Poster Contest



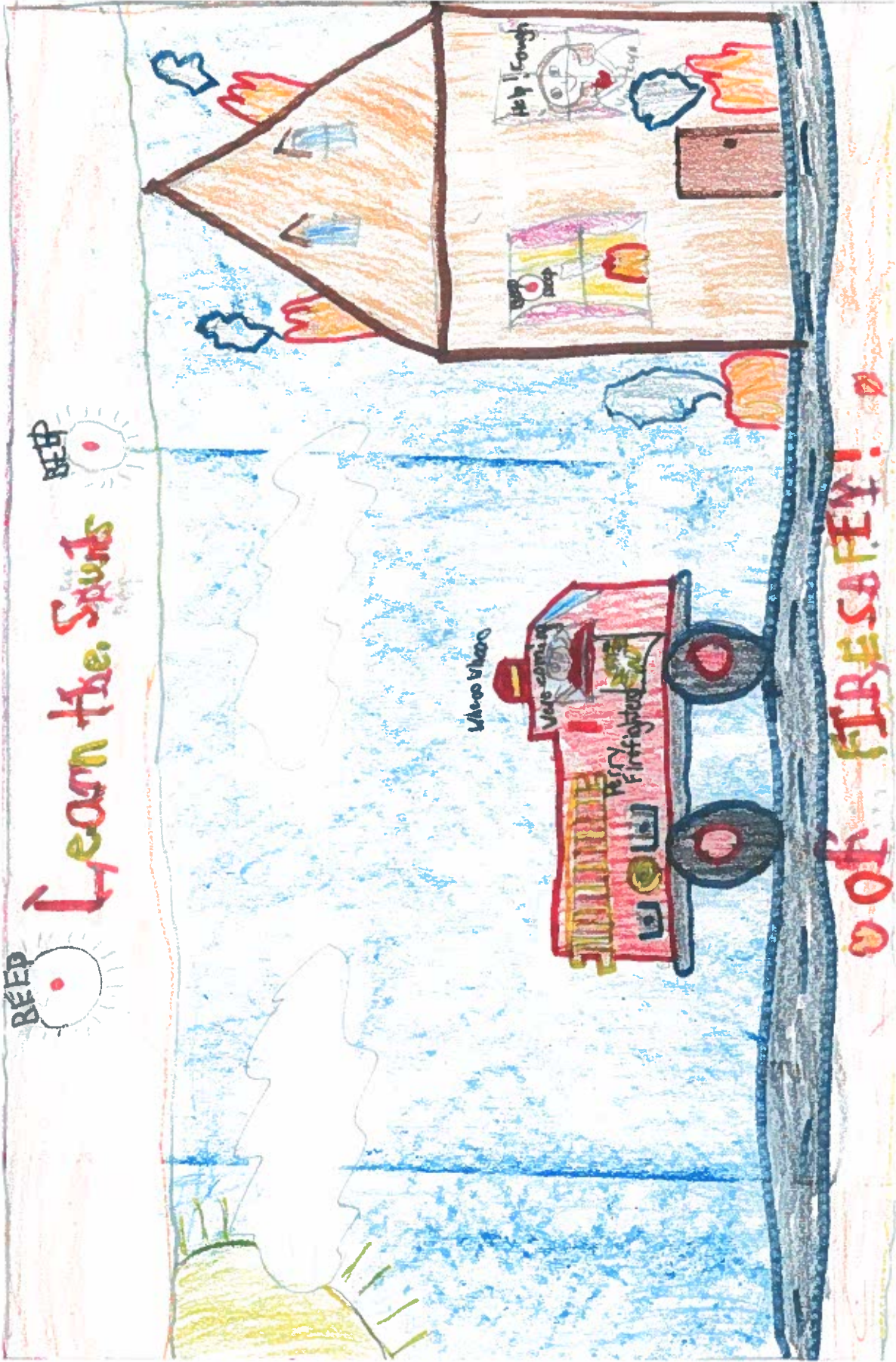
Honorable Mention - Kelli Pomazal, Langston Road Elementary

2021 Perry Fire Department
3rd Grade Fire Safety Poster Contest



Runner Up - Paxton Wood, Langston Road Elementary

2021 Perry Fire Department
3rd Grade Fire Safety Poster Contest



Winner - Ella Cannon, The Westfield School



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**SMALL BUSINESS SATURDAY
PROCLAMATION**

Whereas, the government of Perry, GA, celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, according to the United States Small Business Administration, there are 31.7 million small businesses in the United States, they represent 99.7% of firms with paid employees, and they are responsible for 65.1% of net new jobs created: and

Whereas, small businesses employ 47.1% of the employees in the private sector in the United States, 88% of U.S. consumers feel a personal commitment to support small businesses in the wake of the pandemic, and 92% of small business owners have pivoted the way they do business to stay open during the pandemic; and

Whereas, 97% of Small Business Saturday® shoppers recognize the impact they can make by shopping small, 85% of them also encouraged friends and family to do so, too; and

Whereas, 56% of shoppers reported they shopped online with a small business on Small Business Saturday in 2020; and more than 50% of consumers who reported shopping small endorsed a local business on social media or shopped at a local business because of a social media recommendation; and

Whereas, Perry, GA supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Randall Walker, Mayor of Perry, GA do hereby proclaim, November 27, 2021, as:

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Randall Walker, Mayor



**Where Georgia comes together.
Christmas at the Crossroads Application**

Organization hosting event: Perry Minstrel Association
Event Coordinator: Dan Cauley

Name of Event: Christmas at the Crossroads
Date(s) of event: December 5, 2021
Event Start & End: 6 PM – 7:30 PM

Event Description:

Celebration of Christmas, the birth of Christ. Benefits to inspire the community as it has for the last 25 years. Celebration of Jesus, tree lighting and luminaries.

Council Action Requested:

- Approval of event to be hosted on public property in Downtown Historic Perry
- Requested waiver of Special Events Application Fee

City Services Requested:

Road Closures Requested:

- € Ball (Between Commerce and Main)
- € Carroll (Between Jernigan and Washington)
- € Government Building Lawn

Time of Road Closures:

- € 4:30 – 7:30 PM
- €

Personnel/Support Requested:

- Fire Department to provide emergency response services as deemed necessary by Leadership
- Police Department to provide emergency response services as deemed necessary by Leadership
- Public Works to provide assistance with picking up luminaries



**Where Georgia comes together.
The Perry Lions Club Peaches to the Beaches Event Application**

Organization hosting event: The Perry Lions Club
Event Coordinator: Sandy Kusuda, Club President

Name of Event: Peaches to the Beaches
Date(s) of event: March 11th & 12th 2022
Event Start & End: 8 AM through 6 PM Daily

Event Description:

Peaches to Beaches is an annual yard sale hosted by the Perry CVB in partnership with the Golden Isles Parkway Association. The Perry Lions Club will work under the Perry CVB to manage the Downtown and Eastgate locations. This event promotes travel and economic growth along 200+ miles of Hwy 341.

Council Action Requested:

- Approval of event to be hosted on public property in Downtown Historic Perry
- Requested waiver of Special Events Application Fee

City Services Requested:

Road Closures Requested:

- Main Street (Between Jernigan Street and Ball Street)
- Jernigan (Between Carroll Street and Main Street)
- City Parking Lot (Between Main Street and Ball Street)
- Government Building Lawn

Time of Road Closures:

- March 11th at 3 PM through March 12th at 8 PM
-

Personnel/Support Requested:

- Fire Department to provide emergency response services as deemed necessary by Leadership
- Police Department to provide emergency response services as deemed necessary by Leadership
- Public Works to provide assistance with trash can deliveries, set up and clean up



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STAFF REPORT

From the Department of Community Development
October 15, 2021

CASE NUMBER: TEXT-256-2021

APPLICANT: The City of Perry

REQUEST: This proposed text amendment defines and addresses self-service vending units within the City of Perry. This amendment updates Section 1.13 Definitions, by defining "Self-service vending unit" and Section 4-1.1(D) Prohibited uses, by adding (h) freestanding self-service vending units as a prohibited use.

STAFF ANALYSIS: The proposed text amendment updates Section 1-13, Definitions, by defining "Self-service vending unit" and Section 4-1.1(D) Prohibited uses, by adding (h) freestanding self-service vending units as a prohibited use.

The proposed amendment will promote design guidelines that reinforce the human scale of development and support more aesthetically pleasing commercial centers and corridors.

Add to Sec. 1-13. Definitions.

Self-service vending unit means a freestanding vending machine larger than five (5) feet in width by three (3) feet in depth by seven (7) feet in height that may operate without full-time personnel (e.g. bulk ice vending machines). These units are activated by the insertion of money or electronic payment; the product is automatically dispensed individually or in bulk outside to the consumer.

Modify Sec. 4-1.1(D)(2) Prohibited uses, by adding:

- (2) *Prohibited uses.* Without limiting the generality of the foregoing, the following uses are specifically prohibited in all districts:
 - (a) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, toxic, or explosive materials in violation of the state fire code.
 - (b) Rendering plants.
 - (c) Production of chemical, leather, rubber, or similar products.
 - (d) The display and sale of motor vehicles except for approved auto/truck/recreational vehicle sales establishments.
 - (e) The repair of more than one motor vehicle owned by a person living at a residence.
 - (f) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
 - (g) The use of a motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted except pursuant to subsection 4.5.3(F).
 - (h) Freestanding self-service vending units

STANDARDS FOR GRANTING A TEXT AMENDMENT:

1. *Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan;*

The proposed amendment is consistent with the Comprehensive Plan. The most desirable locations for self-service vending units would be located within the "In-town Corridor" character area. The Comprehensive Plan suggests that local governments may consider adopting design guidelines that can reinforce the human scale of development.

2. *Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations:*

The proposed amendment is consistent with the provisions of the Land Management Ordinance and other City of Perry regulations.

3. *Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted;*

Since the time of the adoption of the original text, the presence of self-service vending units has increased within Perry. This proposed amendment provides a solution for an overabundance of self-service vending units, which is an undesirable development pattern within the City of Perry.

4. *Whether, and the extent to which, the proposed amendment addresses a demonstrated community need;*

The proposed amendment will improve the overall appearance of the community.

5. *Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city;*

The proposed amendment is consistent with the purpose and intent of the Land Management Ordinance and will promote efficient and responsible development.

6. *Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern;*

The proposed amendment will result in no impacts on development patterns with the exception of any future proposed self-service vending unit uses.

7. *Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.*

The proposed amendment will have no impact on the natural environment.

8. *Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).*

The proposed amendment will have no impact on public facilities or services.

STAFF RECOMMENDATION: Staff recommends approval of the proposed text amendment.

PLANNING COMMISSION RECOMMENDATION: Following an information hearing held on October 18, 2021, the Planning Commission recommends approval of the text amendment, as submitted.


Eric Z. Edwards, Chairman, Planning Commission

10/21/21
Date



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Application for Text Amendment
Contact Community Development (478) 988-2720

Application # TEXT -
0256 - 2021

Applicant Information

*Indicates Required Field

*Applicant	
*Name	Holly Wharton, City of Perry
*Title	Community Planner
*Address	741 Main Street, Perry, GA 31069
*Phone	478.988.2702
*Email	holly.wharton@perry-ga.gov

Request

*Please provide a summary of the proposed text amendment:

This proposed text amendment defines and addresses self-service vending units within the City of Perry. This amendment updates Section 1.13 Definitions, by defining "Self-service vending unit" and Section 4-1.1(D) Prohibited uses, by adding (h) freestanding self-service vending units as a prohibited use.

Instructions

1. The application, fee (made payable to the City of Perry), and proposed text of the amendment must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. *Fees: Actual cost of required public notice.
3. *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.2 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.
4. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
5. *The applicant must be present at the hearings to present the application and answer questions that may arise.
6. The applicant affirms 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.
7. *Signatures:

*Applicant <i>Holly Wharton</i>	*Date <u>8/31/21</u>
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Standards for Amendments to the Text of the Land Management Ordinance

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

- (1) Whether, and the extent to which, the proposed amendment is consistent with the Comprehensive Plan.

The proposed amendment is consistent with the Comprehensive Plan. The most desirable locations for self-service vending units would be located within the "In-town Corridor" character area. The Comprehensive Plan suggests that local governments may consider adopting design guidelines that can reinforce the human scale of development.

- (2) Whether, and the extent to which, the proposed amendment is consistent with the provisions of this chapter and related city regulations.

The proposed amendment is consistent with the provisions of the Land Management Ordinance and other City of Perry regulations.

- (3) Whether, and the extent to which, there are changed conditions from the conditions prevailing at the time that the original text was adopted.

Since the time of the adoption of the original text, the presence of self-service vending units has increased within Perry. This proposed amendment provides a solution for an overabundance of self-service vending units, which is an undesirable development pattern within the City of Perry.

- (4) Whether, and the extent to which, the proposed amendment addresses a demonstrated community need.

The proposed amendment will improve the overall appearance of the community.

- (5) Whether, and the extent to which, the proposed amendment is consistent with the purpose and intent of the zoning districts in this chapter, will promote compatibility among uses, and will promote efficient and responsible development within the city.

The proposed amendment is consistent with the purpose and intent of the Land Management Ordinance and will promote efficient and responsible development.

- (6) Whether, and the extent to which, the proposed amendment will result in logical and orderly development pattern.

The proposed amendment will result in no impacts on development patterns with the exception of any future proposed self-service vending unit uses.

- (7) Whether, and the extent to which, the proposed amendment will result in beneficial impacts on the natural environment and its ecology, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, and wetlands.

The proposed amendment will have no impact on the natural environment.

- (8) Whether, and the extent to which, the proposed amendment will result in development that is adequately served by public facilities and services (roads, potable water, sewerage, schools, parks, police, fire, and emergency medical facilities).

The proposed amendment will have no impact on public facilities or services.

Revised 7/6/21

Add to Sec. 1-13. Definitions:

Self-service vending unit means a freestanding vending machine larger than five (5) feet in width by three (3) feet in depth by seven (7) feet in height that may operate without full-time personnel (e.g. bulk ice vending machines). These units are activated by the insertion of money or electronic payment; the product is automatically dispensed individually or in bulk outside to the consumer.

Modify Sec. 4-1.1(D)(2) Prohibited uses, by adding:

- (2) *Prohibited uses.* Without limiting the generality of the foregoing, the following uses are specifically prohibited in all districts:
- (a) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, toxic, or explosive materials in violation of the state fire code.
 - (b) Rendering plants.
 - (c) Production of chemical, leather, rubber, or similar products.
 - (d) The display and sale of motor vehicles except for approved auto/truck/recreational vehicle sales establishments.
 - (e) The repair of more than one motor vehicle owned by a person living at a residence.
 - (f) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
 - (g) The use of a motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted except pursuant to subsection 4.5.3(F).
 - (h) Freestanding self-service vending units**

Planning Commission Minutes
October 18, 2021

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Coody, Kemp, Jefferson and Mehserle were present. Commissioner Clarington was absent.

Staff: Bryan Wood – Community Development Director, Chad McMurrian – Engineering Services Manager, Holly Wharton – Community Planner, and Christine Sewell – Recording Clerk.

Guests: Eric Bartow and John Michael Cosey

3. Invocation: was given by Commissioner Coody
4. Approval of Minutes from meeting on September 13, 2021: Commissioner Mehserle motioned to approve as submitted; Commissioner Butler seconded; all in favor and was unanimously approved.
5. Announcements: Chairman Edwards referred to the notices as listed
 - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
 - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
 - Please place cell phones on silent mode.
6. Discussion of Capital Improvement Projects - Chad McMurrian, Engineering Services Manager- provided an update on the sewer master plan project and the Perry Parkway pump station and review the annual paving projects under LMIG.
7. Old Business – None
8. New Business
 - A. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on November 16, 2021)
 - **TEXT-256-2021.**Text amendment to modify self-service vending units. The applicant is the City of Perry.

Ms. Wharton read the request which was for a proposed text amendment that defines an addresses self-service vending units within the City of Perry. This amendment updates Section 1.13 Definitions, by defining “Self-service vending unit” and Section 4-1.1(D) Prohibited uses, by adding (h) freestanding self-service vending units as a prohibited use. The proposed text amendment updates Section 1-13, Definitions, by defining “Self-service vending unit” and Section 4-1.1(D) Prohibited uses, by adding (h) freestanding self-service vending units as a

prohibited use. The proposed amendment will promote design guidelines that reinforce the human scale of development and support more aesthetically pleasing commercial centers and corridors.

Chairman Edwards opened the public hearing at 6:13pm and called for anyone in favor of the request; there being none; he called for anyone opposed. Mr. Bartow with Cooler Ice advised he had wanted to place a unit at the Kroger Shopping Center on Sam Nunn Blvd near the Planet Fitness location and when he inquired of the setbacks from Mr. Wood he was advised there was a moratorium and would like to assist in addressing the issue/concern; there currently are only two units in Perry. Mr. Bartow stated he had attended a Council meeting where the City Manager stated he was not opposed if a unit was complimentary to a business and not freestanding; Mr. Bartow asked for clarification on free-standing and noted in the Walmart shopping center there was an ATM unit that was larger than his product. Mr. Bartow asked if change could include complimentary uses and not prohibited entirely.

Chairman Edwards called for any further comments for or against; there being none the public hearing was closed at 6:17pm.

Chairman Edwards asked if there was any specific zoning class the units would be prohibited in and could a special exception be requested; Ms. Wharton advised they would be prohibited in all zoning classifications and no special exception request could be made.

Chairman Edwards asked Mr. Bartow what is a complimentary use; he stated gas, grocery stores, liquor stores. Mr. Bartow further stated they have 1800 units nationwide and no where has he ever seen an outright ban, some do have size limitations. Chairman Edwards inquired what is done if the unit becomes derelict or abandoned; Mr. Bartow advised they are maintained by the company and if they are unprofitable they remove the unit.

Mr. Wood advised the change is addressing more than ice machines; as technology advances there may be other types of machines for items such as cell phones, etc.

Commissioner Coody asked for clarification on freestanding; Mr. Wood advised it stands on its' own and can be placed anywhere. Commissioner Butler asked if an existing was in disrepair would it be allowed if removed and replaced; Mr. Wood advised no, it would have to be repaired on site.

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

Chairman Edwards left the meeting at 6:30pm and turned over to Commissioner Jefferson.

B. Public Hearing (Planning Commission decision)

- **PLAT-264-2021.** Preliminary plat for 50-lot Mahogany Woods subdivision. The property is located at 125 Hill Road. The applicant is Chad Bryant.

Mr. Wood advised the property is zoned R-1, Single-family Residential District and consists of 25.52 acres. The applicant proposes to develop 50-lot residential subdivision with lot sizes ranging from the minimum 15,000 square feet to 24,521 square feet. A 20-foot wide open-space buffer is proposed adjacent to all abutting subdivided lots. Because of this buffer, the increased lot area requirement of Section 5-1.1(A) of the Land Management Ordinance (LMO) does not apply. All lots meet the minimum lot width of 90 feet. Except for Lot 2, all lots are generally rectangular in shape and appear provide adequate buildable area without the need for setback variances. With its triangular shape, it is not clear that adequate buildable area is provided on Lot 2 without the need for a variance. A single primary vehicular access point is proposed on Hill Road. A second access point for emergency use is proposed on Hill Road. Allowance for future access to the adjoining property to the east is included in the layout. Proposed rights-of-way and street widths meet the minimum requirements of the LMO. Two "left-over" parcels which do not meet minimum lot requirements (Lots 102 and 103) are intended to be included as part of lots in a future phase of the subdivision. If that future phase is not developed, these "left-over" parcels should be combined with adjacent lots. Staff is recommending as the proposed preliminary plat meets the minimum standards for a single-family subdivision in an R-1 zoning district, approval of the preliminary plat with the following conditions:

1. The building setback on Lot 29 adjacent to the future right-of-way must be adjusted to 30 feet (Section 5-2.1 of the LMO – corner lot side setback adjacent to minor streets).
2. The portion of lots 102 and 103 shown on this preliminary plat shall be combined with adjacent lots 44 and 32, respectively, if the future phase of this subdivision does not receive preliminary plat approval within 24 months of the date of the decision on this preliminary plat.
3. The applicant shall provide proof of street name approval by Houston County E911.
4. A setback variance shall not be granted for Lot 2.

Commissioner Butler asked Mr. Cosey of Bryant Engineering if they were amendable to the conditions; he advised they were.

Commissioner Mehserle motioned to approve as submitted along with staff recommended conditions; Commissioner Butler seconded; all in favor and was unanimously approved with conditions.

9. Other Business

- Commission questions or comments. – None
- Discuss adding second monthly work session meeting – Mr. Wood advised he was considering adding a second monthly meeting as a work session as there is a lot of growth and planning issues coming in 2022 and this meeting would allow for discussions on text amendments, capital planning projects, planning issues, etc. and will keep the Commission better informed. Commissioner Butler recommended to discuss further when the full Commission was present.

Ms. Wharton reminded all of the upcoming Community Planning Institute and if anyone would like to attend to please advise her.

10. Adjournment : there being no further business to come before the Commission the meeting was adjourned at 6:45pm.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
November 2 , 2021
5:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held November 2, 2021 2021 at 5:00 p.m.

2. Roll:

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

Elected Official Absent: Mayor Pro Tempore Robert Jones

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, Ansley Fitzner – Public Works Superintendent, Ashley Harden – Economic Development Administrator, Jazmin Thomas – Downtown Manager, and Tabitha Clark – Communications Administrator.

Media: William Oliver – Houston Home Journal

Guest(s)/Speaker(s): Becky Wilson and Allison Hamsley, Perry Convention and Visitors Bureau Authority

3. Items of Review/Discussion: Mayor Randall Walker

- 3a. Discussion of November 2, 2021 council meeting agenda.

9b (1). First Reading of an ordinance to amend Chapter 4, Animals, adding Section 4-111 to address Public Nuisance for Dogs. Ms. Newby stated this amendment is for clarification relative to dogs that create a public nuisance. In the City's animal control chapter, there is a section that is general to animals and when they create a public nuisance. The city's animal control officer reached out to Ms. Newby wanting clarification relative to citing a particular owner when a dog was running at-large because there is a specific code relative to cats when they are a public nuisance but not dogs. Ms. Newby is coming to Council to add a specific section on dogs.

9b (2). First Reading of an ordinance to amend City Code, Chapter 15, Article VI, Transient Merchants. Ms. Newby stated this is a follow up to

discussions relative to transient merchants and presented a code amendment to include the definition of transient merchants and provided a section that prohibits transient merchants within the city limits.

9c(1). Resolution amending the City of Perry Fee Schedule. Administration stated the resolution proposing to amend the fee schedule does two things, remove the sewer tap fees since the city no longer does the tap and establish rental rates for the use of Heritage Park.

9d. Mowing proposal. Ms. Fitzner presented for Council' consideration landscaping maintenance proposals at the city's ten pocket parks. Staff's recommendation is to award the bid to Real Turf Solutions, the second lowest bidder, in the amount of \$1,680.00 per month / \$20,160.00 per year because the lowest bidder does not carry workers' compensation coverage.

Council Member Peterson asked Ms. Fitzner what prompted her to ask for this additional help. Ms. Fitzner replied that Sam Nunn Boulevard and the sidewalks are done by the streets division which does not follow the same schedule of maintenance or attention to detail, so they are just lacking that extra time needed.

9e. Approve and accept Georgia Public Safety Officials and First Responders Supplemental Grant, terms and conditions, and authorize the Mayor to execute any required documents associated with the grant. Ms. King reviewed the grant, terms and conditions and authorization of the Mayor to execute required documents associated with the grant. Mayor Walker stated the City Attorney reviewed the terms and conditions and they are acceptable.

9f. Request to provide QuitClaim Deed to the Sexton Family Properties, LLLP relative to Aultman Street. Ms. Newby provided the history of Aultman Street and reported Aultman Street on the tax accessor's website is located between Kings Chapel Road and Sewell Circle. Ms. Newby's office received a request from the Sexton's Family attorney to have the city execute a QuitClaim Deed to go on record to clear up any title concerns.

- 3b. Discussion of Perry Sippin' Stroll. Ms. Wilson presented to Mayor and Council Perry, GA Sippin' Stroll program and passed out promotion materials.
- 3c. Discuss irrigation water meter proposal. Administration advised Mayor and Council that the City is experiencing a direct impact from the nation-wide supply issue relative to water meters. Rather than placing a moratorium on new constructions Administration recommends the following process: 1) City will immediately cease installing irrigation meters, 2) any permittee who has paid for an irrigation meter will have that fee refunded, 3) the City will continue to install the irrigation meter box and setup, 4) any irrigation system installed without a meter will be provided a bill credit of December – March 7 units/bill and April – November 59 units /bill to compensate for the sewer charges associated with irrigation use, 5) based on application time irrigation meters will be installed at no cost to the customer by city staff, 6) once the irrigation

meter is installed the bill credit will cease, 7) the customer is responsible for the full payment of the city service bill, and 8) the billing permit will not include the irrigation meter charge until the meter shortage is addressed. Subsequent to the preparation of this memo, ESG Operations, Inc. found a meter supplier. Administration recommends Council follow through with the proposal should we need to if the city is not able to get meters on a regular supply. Council concurred with Administration's recommendation.

Council Member Peterson inquired if the meters that ESG Operation, Inc. found are American made. Mr. Gilmour stated the bulk of the meters are manufactured in Mexico.

4. Council Member Items:

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

Council Member Peterson stated she attend the P&Z training and the attorney stated when casting a vote relative to annexation and Land Use the verbiage for the vote should be "having considered the zoning standards, I vote yes to approve, or I do not approve". Ms. Newby stated the motion should include this verbiage.

Mr. Gilmour and Ms. Newby had no reports.

Mr. Smith advised Mayor and Council that the city will be getting a rebate check from ESG Operations, Inc.

5. Department Head/Staff:

Mr. Wood

- advised Council that he sent out an email with links relative to the P&Z training.
- two new employees started today, Kevin Kent (Building Inspector) and Chantavvia Blount (Code Compliance Specialist).

6. Adjourn. There being no further business to come before Council in the pre council meeting held October 19, 2021 Council Member King motioned to adjourn the meeting at 5:30 p.m. Mayor Pro Tempore Jones seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
November 2, 2021
6:00 P.M.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held November 2, 2021 at 6:00 p.m.

2. Roll.

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

Elected Official Absent: Mayor Pro Tempore Jones

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, Ansley Fitzner – Public Works Superintendent, Jazmin Thomas – Downtown Manager, Val Sanders – Customer Service Manager, Lorna Hall – Customer Service Manager, and Tabitha Clark – Communications Administrator.

Media: William Oliver – Houston Home Journal

Guest(s)/Speaker(s): Jim Moody

3. Invocation and Pledge of Allegiance to the Flag: Mayor Randall Walker

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

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

4a. Introduction of Lorna Hall, Customer Service Manager. Ms. Sanders introduced Lorna Hall as the new Customer Service Manager to Mayor and Council. Mayor and Council welcomed Ms. Hall to the City of Perry.

4b. Recognition of Brenda King for 35 years of service. Mr. Gilmour recognized Ms. King for 35 years of service to the City of Perry and presented her a thirty-year service pin and gift card. Mayor and Council thanked Ms. King for her years of service.

4c. Recognition of Chief Lee Parker for 5 years of service. Mr. Gilmour recognized Chief Lee Parker for 5 years of service and presented him a five-year service pin.

Mayor and Council thanked Chief Parker for his service to the City.

5. Community Partner(s) Update(s): none
6. Citizens with Input. none
7. Review of Minutes: Mayor Randall Walker
 - 7a. Council's Consideration – Minutes of the October 18, 2021 work session, October 19, 2021 pre council meeting, and October 19, 2021 council meeting. *(Council Member Riley Hunt was absent from October 19, 2021 meetings.)*

Council Member King motioned to accept the minutes as submitted; Council Member Albritton seconded the motion and it carried with Council Member Hunt abstaining from October 19, 2021 meetings.
8. Old Business:
 - 8a. Mayor Randall Walker - none
 - 8b. Council Members - none
 - 8c. City Attorney Brooke Newby - none
 - 8d. City Manager Lee Gilmour - none
 - 8e. Assistant City Manager Robert Smith - none
9. New Business: Mayor Randall Walker
 - 9a. Matters referred from November 2, 2021 pre council meeting. none
 - 9b. Ordinance(s) for First Reading(s) and Introduction:
 1. **First Reading** of an ordinance to amend Chapter 4, Animals, adding Section 4-111 to address Public Nuisance for Dogs – Ms. B. Newby. *(No action required by Council)*
 2. **First Reading** of an ordinance to amend City Code, Chapter 15, Article VI, Transient Merchants – Ms. B. Newby. *(No action required by Council)*
 - 9c. Resolution(s) for Consideration and Adoption:
 1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.

Adopted Resolution No. 2021-53 amending the City of Perry Fee Schedule. Council Member Hunt motioned to adopt the resolution as presented; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2021-53 has been entered into the City's official book of record).*

9d. Mowing proposal. – Ms. A. Fitzner.

Ms. Fitzner presented for Council' consideration landscaping maintenance proposals at the city's ten pocket parks. Staff's recommendation is to award the bid to Real Turf Solutions, the second lowest bidder, in the amount of \$1,680.00 per month / \$20,160.00 per year because the lowest bidder does not carry workers' compensation coverage. Council Member Bynum-Grace moved to award the bid to Real Turf Solutions, the second lowest bidder, in the amount of \$1,680.00 per month / \$20,160.00 per year because the lowest bidder does not carry workers' compensation coverage; Council Member Peterson seconded the motion and it carried unanimously.

9e. Approve and accept Georgia Public Safety Officials and First Responders Supplemental Grant, terms and conditions, and authorize the Mayor to execute any required documents associated with the grant – Ms. B. King.

Council Member King motioned to approve and accept Georgia Public Safety Officials and First Responders Supplemental Grant, terms and conditions, and authorize the Mayor to execute any required documents associated with the grant; Council Member Peterson seconded the motion and it carried unanimously.

9f. Request to provide Quitclaim Deed to the Sexton Family Properties, LLLP relative to Aultman Street – Ms. B. Newby.

Council Member Albritton motioned to approve the request as submitted; Council Member Peterson seconded the motion and it carried unanimously.

10. Council Members Items:

Council had no reports.

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

11. Department Heads/Staff Items.

Department heads had no reports.

12. General Public Items:

Mr. Jim Moody, 355 Spyglass Hill Drive, appreciates the patrols of the police department.

13. Mayor Items:

- November 8, Work session at Middle Georgia Regional Commission
- November 9, Department of Community Affairs reception, and dinner
- November 15, Work Session
- November 16, Pre council and Council

Mayor Walker entertained a motion to go into executive session for real estate.

14. Executive Session entered at 6:27 p.m.: Council Member King moved to adjourn the regular meeting and enter into executive session for the purpose of real estate. Council Member Albritton seconded the motion and it carried unanimously.
15. Executive Session adjourned at 6:48 p.m.; Council regular meeting reconvened. Council adjourned the executive session held on November 2, 2021 and reconvened into the council regular meeting.
16. Adopted Resolution No. 2021-54, stating the purpose of the executive session held on November 2, 2021, was to discuss real estate. Council Member Bynum-Grace moved to adopt a resolution stating the purpose of the executive session held on November 2, 2021, was to discuss real estate; Council Member Peterson seconded the motion and it carried unanimously. (*Resolution No. 2021-54 has been entered in the City's official book of record*).

Council Member Hunt made a motion that the City enter negotiations with the DDA to sell the property located at 1000 Ball Street to the DDA for a nominal amount for the purpose of redevelopment. Council Member King seconded the motion, and it carried unanimously.

17. Adjournment: There being no further business to come before Council in the regular council meeting held November 2, 2021, Council Member King motioned to adjourn the meeting at 6:51 p.m. Council Member Albritton seconded the motion and it carried unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, CHAPTER 4, ANIMALS; ADDING SECTION 4-111, PUBLIC NUISANCE; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

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

1.

By amending Article V. - **Responsible Dog Ownership of Chapter 4- Animals**, to clarify public nuisances created by dogs by adding a new **Section 4-111. – Public Nuisance**, to read as follows:

Sec. 4-111. – Public Nuisance.

No owner shall fail to exercise proper care and control of his or her dog or dogs to prevent them from becoming a public nuisance as the same is defined in Section 4-21.

BE IT FURTHER ORDAINED that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed; and that should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

SO ENACTED this 16th day of November, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: November 2, 2021

2nd Reading: November 16, 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING CHAPTER 15, LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE VI, TRANSIENT MERCHANTS; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES

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

1.

By repealing Sections 15-126 through 15-134.1 of Article VI, Chapter 15 in their entirety.

2.

By adding a new **Section 15-126. – “Transient merchant” defined** to read as follows:

Sec. 15-126. – “Transient merchant” defined.

As used in this article, the term "transient merchant" means any person, firm, or corporation, as principal or agent, or both, which is not a regular retail or wholesale merchant with a permanent place of business in the city, but rather one (1) who displays samples, model goods, wares or merchandise in or upon any lot, building, room or structure of any kind, whether fixed or mobile, for the purpose of securing orders for the retail sale of such items or items of like kind or quality for immediate or future delivery. The term "transient merchant" shall not include any person, firm, or corporation which:

- (1) Meets the definition of "fruit or vegetable stand" in article IX of this chapter; or
- (2) Makes house-to-house personal calls for the purpose of displaying samples or taking orders for shipment directly from a manufacturer (see article XV, solicitors); or
- (3) Conducts business at any industry or association trade show; or
- (4) Holds a yard sale from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see section 17-30, yard sales, etc.); or
- (5) Sells items from the home of a resident of the city, provided such business activity otherwise complies with city ordinances (see appendix A, section 4-4, accessory uses); or
- (6) Sells items at an organized show or exhibition held within the corporate limits of the city by a person who has first obtained from the city a license for the purpose of conducting such show or exhibition; or
- (7) Sells items in the downtown district on property owned or leased by the individual or organization holding the sale, provided permission for such sale has been obtained from the council, and provided such business activity otherwise complies with city ordinances.

3.

By adding a new **Section 15-127. – Transient merchants prohibited** to read as follows:

Sec. 15-127. – Transient merchants prohibited.

Transient merchants are prohibited within the city limits.

4.

Sections 15-128 through 15-134.1 are reserved.

BE IT FURTHER ORDAINED that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed; and that should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

SO ENACTED this 16th day of November, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: November 2, 2021

2nd Reading: November 16, 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, AMENDING ARTICLE 1, GENERAL PROVISIONS, SECTION 1-13, DEFINITIONS AND AMENDING ARTICLE 4, USE REGULATIONS, SUBSECTION 4-1.1(D)(2), PROHIBITED USES; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Land Management Ordinance of the Code of the City of Perry is amended as follows:

1.

By adding a definition of “Self-service vending unit” within **Section 1-13 – Definitions**, such term to be incorporated alphabetically within the existing terms, and to read as follows:

Sec. 1-13 Definitions.

Self-service vending unit means a freestanding vending machine larger than five (5) feet in width by three (3) feet in depth by seven (7) feet in height that may operate without full-time personnel (e.g., bulk ice vending machines). These units are activated by the insertion of money or electronic payment; the product is automatically dispensed individually or in bulk outside to the consumer.

2.

By amending **Subsection 4-1.1(D)(2) – Prohibited uses** to add subsection (h) to read as follows:

Sec. 4-1 Table of uses.

4-1.1 Explanation of table.

(D) Prohibited uses.

(2) *Prohibited uses.* Without limiting the generality of the foregoing, the following uses are specifically prohibited in all districts:

- (a) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible, toxic, or explosive materials in violation of the state fire code.
- (b) Rendering plants.
- (c) Production of chemical, leather, rubber, or similar products.
- (d) The display and sale of motor vehicles except for approved auto/truck/recreational vehicle sales establishments.
- (e) The repair of more than one motor vehicle owned by a person living at a residence.
- (f) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.
- (g) The use of a motor vehicle, trailer, or shipping container in which, out of which, or from which any goods are sold, stored, services performed, or other business conducted except pursuant to subsection 4.5.3(F).
- (h) Freestanding self-service vending units.

BE IT FURTHER ORDAINED that all ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed; and that should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of this governing authority.

SO ENACTED this 7th day of December, 2021.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: November 16, 2021

2nd Reading: December 7, 2021

**A RESOLUTION
DECLARING CERTAIN ASSETS SURPLUS**

WHEREAS, the Finance Department is recommending certain assets be declared surplus; and

WHEREAS, the Department is requesting authorization to proceed with disposal of said assets.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY RESOLVES that

Section 1 The following assets are declared surplus and shall be disposed of per City process:

<u>Asset #</u>	<u>Description</u>	<u>Department</u>	<u>Condition</u>
1928	Champion Golf Cart	Police	Poor

SO RESOLVED, this 16th day of November 2021.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal

Attest: _____
ANNIE WARREN, CITY CLERK

TMT Utilities LLC

9928 GA Hwy 42 South
Fort Valley, GA 31030
478-808-6355

Estimate

Estimate No: 539
Date: 11/01/2021

For: The City Of Perry

Description	Quantity	Rate	Amount
Repair storm drain on Valley Drive	1	\$15,000.00	\$15,000.00
100' of 24" HP Pipe			
Install 2 Rip Rap mitered ends			
Replace rock in driveway			
	Subtotal		\$15,000.00
	TAX 0%		\$0.00
	Total		\$15,000.00
	Total		\$15,000.00



