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August 2, 2022

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): Mayor Randall Walker
 - 4a. Recognition of the Perry Proud / Junior Journalism Program Summer 2022 Participants – Mr. S. Swan.
5. Citizens with Input.
 - 5a. Mrs. Lossie Glover and Mr. Vincent Glover
 - 5b. Matters not on the agenda
6. 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. 36-66-4.

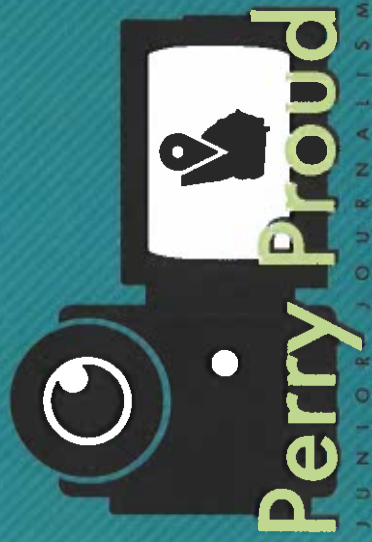
- 6a. TEXT-0011-2022. Applicant, Bryan Wood for the City of Perry, request text amendment to LMO to establish a Historic Preservations Commission, establish standards and procedures for designing historic properties and historic districts, and establishing standards and procedures for granting certificates of appropriateness. Sections of the LMO being modified are 2-1.4, 2-1.5, 2-3.4, and 2-3.8.2 – Mr. B. Wood.
- 6b. SUSE-0094-2022. Applicant, Bill Davis, request a Special Exception to farm vacant parcel. The property is located at Main Street and Keith Drive; Tax Map No. 0P0440 068000 – Ms. H. Wharton.
7. Review of Minutes: Mayor Randall Walker
 - 7a. Council's Consideration – Minutes of the July 18, 2022 work session, July 19,

2022 pre council meeting and July 19, 2022 council meeting. (Mayor Pro Tempore Willie King was absent from the July 18-19, 2022 meetings.)

8. Unfinished Business: Mayor Randall Walker
 - 8a. Ordinance(s) for Second Reading(s) and Adoption:
 1. **Second Reading** of an ordinance to amend the City Code relative to parking and storing of trailers and recreational vehicles – Mr. B. Wood.
9. Other Unfinished Business:
 - 9a. Mayor Randall Walker
 - 9b. Councilmembers
 - 9c. City Attorney Brooke Newby
 - 9d. City Manager Lee Gilmour
 - 9e. Assistant City Manager Robert Smith
10. Community Partner(s) Update(s):
11. New Business: Mayor Randall Walker
 - 11a. Matters referred from August 1, 2022 work session and August 2, 2022 pre council meeting.
 - 11b. Special Exception Application 0094-2022 - Mr. B. Wood.
 - 11c. Ordinance(s) for First Reading(s) and Introduction:
 1. **First Reading** of an ordinance to amend the LMO relative to establishing a Historic Preservation Commission and supporting procedures/standards – Mr. B. Wood. *(No action required by Council)*
 - 11d. Resolution(s) for Consideration and Adoption:
 1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.
 2. Resolution to accept a donation of property in the Camelot Subdivision from Villages of Camelot Homeowner’s Association – Ms. B. Newby.
 - 11e. Approval of provision of administrative services agreement to the Perry Area Convention and Visitors Bureau Authority – Mr. L. Gilmour.
 - 11f. Memorandum of Agreement between State Road and Tollway Authority and the City of Perry relative to Peach Pass Toll Exemption for Emergency Services – Chief. A. Everidge.
 - 11g. Agreement between Georgia Department of Revenue and the City of Perry relative to RedSpeed – Chief A. Everidge.

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.



Department of Leisure Services

Instructors: Dawn Scott and Tawanda Ellis



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Summary for Zoning Case: TEXT-0011-2022	
Highlights of Text Amendment:	<ul style="list-style-type: none">• Establishes Historic Preservation Commission• Establishes procedures and standards for designating historic districts and properties.• Establishes procedures for reviewing certificates of appropriateness
Planning Commission Recommendation:	Approval



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Application # TEXT-0011-2022

Application for Text Amendment

Contact Community Development (478) 988-2720

Applicant Information

*Indicates Required Field

Applicant	
*Name	Bryan Wood for the City of Perry
*Title	Director of Community Development
*Address	1211 Washington Street, Perry, GA 31069
*Phone	478-988-2714
*Email	bryan.wood@perry-ga.gov

Request

*Please provide a summary of the proposed text amendment:

Consistent with the Georgia Historic Preservation Act, establish a Historic Preservation Commission; procedures and standards for designating historic properties and historic districts; and procedures and standards for evaluating certificates of appropriateness. Insert new Section 2-1.4, Historic Preservation Commission, and renumber existing Section 2-1.4 as 2-1.5, Duties and powers of the administrator. Replace Sections 2-3.4 and 2-3.8.2. Insert new Section 2-3.15. Historic Preservation.

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 must state the reason for the proposed text amendment. See Sections 2-2 and 2-3.2 of the Land Management Ordinance for more information.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Text amendment applications require an informational hearing before the planning commission and a public hearing before City Council.
6. The applicant must be present at the hearings to present the application and answer questions that may arise.
7. 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 X
If yes, please complete and submit the attached Disclosure Form.
8. 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.
9. Signatures:

*Applicant	 Bryan Wood, Director of Community Development, for the City of Perry	*Date	5/11/2022
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STAFF REPORT

From the Department of Community Development
June 7, 2022, Revised July 5, 2022

CASE NUMBER: TEXT-0011-2022
APPLICANT: The City of Perry
REQUEST: Modifications to Land Management Ordinance to establish a Historic Preservation Commission, establish standards and procedures for designating historic properties and historic districts, and establishing standards and procedures for granting certificates of appropriateness. Sections of the Land Management Ordinance being modified are 2-1.4, 2-1.5, 2-3.4, and 2-3.8.2.

STAFF ANALYSIS: This amendment will implement a goal of Council's Strategic Plan – Establish a Historic Preservation Commission. The amendment is based on the State's model historic preservation ordinance and is consistent with the Georgia Historic Preservation Act.

Additional Staff Comments (7/5/2022): Based on Commissioners' comments in the June 13 hearing, the following modifications have been made to the proposed text:

- Added a provision in Sec. 2-1.3 so that the Main Street Advisory Board shall yield its review authority to the Preservation Commission if a property is in both the Downtown Development Overlay District and a historic district.
- Removed subsection 2-3.4.5(C) regarding maintenance of historic properties as the provisions exist in the ICC Property Maintenance Code adopted by the City.

Highlights of the text amendment:

- Establishes a 5-member Preservation Commission to be appointed by the Mayor and ratified by Council
- Establishes rules of procedure and the duties and responsibilities of the Preservation Commission
- Sets the purpose of the ordinance
- Establishes the standards, procedures, and notice requirements for designating historic properties and historic districts
- Establishes the standards, procedures, and notice requirements for considering applications for certificates of appropriateness

STANDARDS FOR GRANTING A TEXT AMENDMENT:

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

Establishing a Historic Preservation Commission and supporting procedures meets Goal #4 under the Growth and Sustainability focus area of the 2023-2027 Strategic Plan. This is also consistent with a goal of the 2022 Comprehensive Plan to "Preserve natural and historic resources..."

(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 format of the Land Management Ordinance.

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

Due to Perry's continued growth, preservation of historic properties is important to maintain the character and small town feel of the community

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

The proposed amendment is in line with the provisions of the Georgia Historic Preservation Act. Designating historic properties and districts under the proposal will provide opportunities for tax incentives to property owners for rehabilitation of historic buildings.

- (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 Purpose and Intent of the LMO include:

- Promote quality housing, preserve neighborhoods, and encourage a diversity of housing options.
- Encourage appropriate urban development and redevelopment.
- Protect scenic, historic, and ecologically sensitive areas.

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

The proposed amendment will primarily ensure historically important buildings are maintained. Secondly, a Preservation Commission will ensure that new construction, addition, and alterations to existing buildings in historic districts are compatible with, and do not distract from the historic character of a district.

- (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 amendment will protect historic aspects of the community, which may include historic sites. Re-use of existing buildings will be encouraged, which will reduce the impacts on landfills, and reduce the demand for energy needed to produce new products and construct new buildings. Otherwise, the amendment has no impact on environmental elements.

- (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 amendment will encourage the re-use of existing building rather than demolition, which will reduce impact on landfills. Otherwise, the amendment will have no impact on public facilities and services.

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

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on July 11, 2022, the Planning Commission recommends approval of the proposed text amendment.


Eric Z. Edwards, Chairman, Planning Commission

7/15/22
Date

Modifications since the June 13th Planning Commission meeting are highlighted:

Replace section 2-1.4 as follows:

2-1.3. *Main Street Advisory Board.* In addition to the provisions of Chapter 2, Article V, Division 5 of the Code of the City of Perry, Georgia, within the downtown development overlay district, the main street advisory board is authorized to:

- (A) Review and act on applications for Mural Permit;
- (B) Provide recommendations on Certificates of Appropriateness to the administrator. When a property is located in the downtown development overlay district and a historic district or is a historic property, the main street advisory board shall yield its review authority to the preservation commission.

Insert new Section 2-1.4, Historic Preservation Commission as follows; Renumber existing Section 2-1.4 as 2-1.5, Duties and powers of the administrator.

2-1.4 Historic Preservation Commission. The City of Perry Historic Preservation Commission, hereinafter referred to as the Preservation Commission, is created and established to be organized and empowered as provided herein. The Preservation Commission shall be part of the planning functions of the City of Perry.

2-1.4.1. Membership; compensation.

- A. The Preservation Commission shall consist of five (5) members appointed by the mayor and ratified by the City Council. All members shall be residents of the City of Perry and shall be persons who have demonstrated special interest, experience or education in history, architecture, or the preservation of historic resources. To the extent available in the City, at least one (1) member shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related professions.
- B. Members shall serve three-year terms. There is no limit on the number of terms members may serve. To achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years.
- C. Members shall not receive a salary, although they may be reimbursed for expenses.

2-1.4.2. Meetings; rules of procedure; records; finances.

- A. The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation and Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Preservation Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.
- B. The Preservation Commission shall be subject to all conflict-of-interest laws set forth in Georgia Statutes and in the City of Perry Charter.
- C. The Preservation Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.
- D. A public record shall be kept of the Preservation Commission resolutions, proceedings, and actions.

2-1.4.3. Duties and responsibilities. The Preservation Commission shall be authorized to:

- A. Prepare and maintain an inventory of all property within the City of Perry having the potential for designation as historic property;
- B. Recommend to the City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- C. Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;
- D. Recommend to the City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
- E. Restore or preserve any historic properties acquired by the City of Perry;
- F. Promote the acquisition by the City of Perry of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992* (O.C.G.A., Section 44-10.1 through 8);
- G. Conduct educational programs on historic properties located within the City and on general historic preservation activities;
- H. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the City Council, or the Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- I. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;
- J. Submit to the Historic Preservation Division of the Department of Community Affairs a list of historic properties and historic districts designated;
- K. Perform historic preservation activities as the official agency of the Perry historic preservation program;
- L. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Perry without prior consent.
- M. Review and make comments to the Historic Preservation Division of the Department of Community Affairs concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- N. Participate in private, state, and federal historic preservation programs and with the consent of the City Council, enter into agreements to do the same.

Replace Section 2-3.4 as follows:

2-3.4. Historic Preservation.

2-3.4.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Perry is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

To stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

To enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

To provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The City Council hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites,

buildings, structures, objects, and landscape features having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of the Ordinance.

2-3.4.2. Definitions.

The following words, terms, and phrases, when used in Section 2-3.4 shall have the meanings ascribed to them in this subsection.

- A. "Building" – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. "Certificate of appropriateness" – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. "Exterior architectural features" – Means the architectural style, general design, and general arrangement of the exterior of a building, structure, or work of art, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details, or elements relative to the forgoing.
- D. "Exterior environmental features" – Means all those aspects of the landscape which affect the historic character of the property or the development of a site, including but not limited to parking areas, driveways, walkways, fences, walls, landscaping, signs, or other permanent landscape elements, and other appurtenant environmental fixtures, features, details, or elements relative to the forgoing.
- E. "Historic district" – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or works of art united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the City Council as a Historic District pursuant to the criteria established in Section 2-3.4.3(B) of this Ordinance.
- F. "Historic property" – Means an individual building, structure, site, or work of art including the adjacent area necessary for the proper appreciation or use thereof designated by the City Council as a historic property pursuant to the criteria established in Section 2-3.4.3(C) of this Ordinance.
- G. "Material change in appearance" – Means a change that will affect either the exterior architectural or environmental features of a historic property or of any place, district, site, building, structure, or work of art within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape, or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - 2. Demolition or relocation of a historic building or structure;
 - 3. Commencement of excavation for construction purposes;
 - 4. A change in the location of advertising visible from the public right-of-way; or
 - 5. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
- H. "Site" – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

2-3.4.3. Recommendation and designation of historic districts and properties.

- A. Preliminary research by the preservation commission.
 - 1. The Preservation Commission shall compile and collect information and conduct surveys of historic resources within the City of Perry.
 - 2. The Preservation Commission shall present to the City Council recommendations for historic districts and properties.

3. Prior to the Preservation Commission's recommendation of a historic district or historic property to the City Council for designation, the Preservation Commission shall prepare a Report for Nomination consisting of:
 - a. a physical description;
 - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
 - c. a map showing district boundaries and classification (i.e., contributing, or non-contributing) of individual properties therein, or showing boundaries of individual historic properties; and
 - d. representative photographs.
- B. Designation of a historic district.
1. Criteria for selection of historic districts. A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
 - a. has special character or special historic/aesthetic value or interest;
 - b. represents one or more periods, styles, or types of architecture typical of one or more eras in the history of the municipality, county, state, or region; and
 - c. causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
 2. Boundaries of a Historic District. Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the City of Perry, or in the absence of zoning, on an official map designated as a public record.
 3. Evaluation of properties within Historic Districts. Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district)
 - b. Non-contributing (does not contribute to the district, as provided for in B.1 above.)
- C. Designation of a historic property.
1. Criteria for selection of Historic Properties. A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Perry, the region, or the State of Georgia for one of the following reasons:
 - a. it is an outstanding example of a structure representative of its era;
 - b. it is one of the few remaining examples of a past architectural style;
 - c. it is a place or structure associated with an event or persons of historic or cultural significance to the City of Perry, State of Georgia, or the region; or
 - d. it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state, or region.
- D. Requirements for adopting an ordinance for the designation of historic districts and historic properties.
1. Application for designation of historic districts or property. Designations may be proposed by the City Council, the Preservation Commission, or:
 - a. for historic districts – a historical society, neighborhood association or group of property owners may apply to the Preservation Commission for designation;
 - b. for historic properties – a historical society, neighborhood association or property owner may apply to the Preservation Commission for designation.
 2. Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:
 - a. list each property in a proposed historic district or describe the proposed individual historic property;
 - b. set forth the name(s) of the owner(s) of the designated property or properties;
 - c. require that a Certificate of Appropriateness be obtained from the Preservation Commission prior to any material change in appearance of the designated property; and
 - d. require that the property or district be shown on the Official Zoning Map of the City of Perry and be kept as a public record to provide notice of such designation.

3. Required public hearings. The Preservation Commission and the City Council shall each hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the ~~Preservation Commission administrator~~ administrator to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearings. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
4. Notification to DCA. No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Preservation Commission must submit the report, required in Section 2-3.4.3(A)(3), to the Historic Preservation Division of the Department of Community Affairs.
5. Recommendations on proposed designations. A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Preservation Commission within ~~fifteen (15)~~ 45 days following the Public Hearing and shall be in the form of a resolution to the City Council.
6. City council actions on the preservation commission's recommendation. Following receipt of the Preservation Commission recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
7. Notification of adoption of ordinance for designation. Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
8. Notification of other agencies regarding designation. The ~~Preservation Commission administrator~~ administrator shall notify all necessary agencies within the City of Perry of the ordinance for designation.
9. Moratorium on applications for alteration or demolition while ordinance for designation is pending. If an ordinance for designation is being considered, the ~~Preservation Commission~~ City Council shall have the power to freeze the status of the involved property.

2-3.4.4. Application for certificate of appropriateness.

- A. Exemptions.
 1. The Georgia Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this section.
 2. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the preservation commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the preservation commission an opportunity to comment.
- B. Approval of material change in appearance in historic districts or involving historic properties. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site, or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Preservation Commission. A Building Permit shall not be issued without a Certificate of Appropriateness.

- C. Submission of plans. An Application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Preservation Commission.
- D. Interior alterations. In its review of applications for Certificates of Appropriateness, the Preservation Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
- E. Technical advice. The Preservation Commission shall have the power to seek technical advice from outside its members on any application.
- F. Public hearings on applications for certificates of appropriateness, notices, and right to be heard. The Preservation Commission shall hold a public hearing for each proposed Certificate of Appropriateness. The preservation commission shall cause to have posted in a conspicuous place on the property in question a minimum of one (1) "public hearing" sign for every 1,000 feet of road frontage, each of which shall not be less than six (6) square feet in area, and which shall state the date, time, place, and purpose of the public hearing. Such signs shall be posted on the subject property at least 15 days prior to but not greater than 45 days prior to the public hearing. The Preservation Commission shall give the property owner, applicant, and others wishing to speak an opportunity to be heard at the Certificate of Appropriateness hearing.
- G. Acceptable preservation commission reaction to applications for certificate of appropriateness. The Preservation Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it. The Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Preservation Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:
 - 1. Reconstruction, Alteration, New Construction or Renovation. The Preservation Commission shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback, and site features, to the Secretary of Interior's Standards for Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and any other design guidelines adopted by the Preservation Commission.
 - 2. Relocation: A decision by the Preservation Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
 - a. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 - b. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
 - c. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.
 - 3. Demolition: A decision by the Preservation Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, or sites judged to be 50 years old or older, or works of art shall be guided by:
 - a. The historic, scenic, or architectural significance of the building, structure, site, or work of art.
 - b. The importance of the building, structure, site, or work of art to the ambiance of a district.
 - c. The difficulty or the impossibility of reproducing such a building, structure, site, or work of art because of its design, texture, material, detail, or unique location.
 - d. Whether the building, structure, site, or work of art is one of the last remaining examples of its kind in the neighborhood or the city.
 - e. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
 - f. Whether reasonable measures can be taken to save the building, structure, site, or work of art from collapse.

- g. Whether the building, structure, site, or work of art can earn reasonable economic return on its value.
- H. Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the owner's or occupant's own making.
- I. Deadline for approval or rejection of application for certificate of appropriateness.
 - 1. The Preservation Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Preservation Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent in writing to the applicant and all other persons who have requested such notice in writing filed with the Preservation Commission.
 - 2. Failure of the Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.
- J. Necessary action to be taken by preservation commission upon rejection of application for certificate of appropriateness.
 - 1. In the event the Preservation Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Preservation Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
 - 2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- K. Requirement of conformance with certificate of appropriateness.
 - 1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Preservation Commission shall issue a cease-and-desist order and all work shall cease.
 - 2. The Preservation Commission and the City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.
- L. Expiration of certificate of appropriateness. A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and may be renewed.
- M. Record of applications for certificate of appropriateness. The Preservation Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Preservation Commission's proceedings in connection with said application.
- N. Acquisition of property. The Preservation Commission may, where such action is authorized by the City Council and is reasonably necessary or appropriate for the preservation of a unique historic

property, enter negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

- O. Appeals. Any person adversely affected by any determination made by the Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within fifteen (15) calendar days after the issuance of the determination pursuant to Section 2-3.4.4(l)(1) of this Ordinance or, in the case of a failure of the Preservation Commission to act, within fifteen (15) calendar days of the expiration of the forty-five (45) day period allowed for the Preservation Commission action, Section 2-3.4.4(l)(2) of this Ordinance. The appeal shall be in writing and state the grounds for the appeal. ~~Appeals for properties within the City of Perry shall be made to the City Council.~~ The City Council may approve, modify, or reject the determination made by the Preservation Commission, if the governing body finds that the Preservation Commission abused its discretion in reaching its decision. Appeals from decisions of the City Council may be taken to the Superior Court of Houston County or Peach County, whichever is appropriate, in the manner provided by law.

2-3.4.5. Maintenance of historic properties and building and zoning code provisions.

- A. Affirmation of existing building and zoning codes. Nothing in this Ordinance shall be ~~constructed~~ construed as to exempt property owners from complying with existing City building, property maintenance, and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
- B. Ordinary maintenance or repair. Ordinary Maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a Certificate of Appropriateness.
- C. ~~Minimum maintenance and repair. The preservation commission and the city shall further ensure that all designated historic properties and places, sites, buildings, structures and works of art within designated historic districts are kept free from the following structural defects and conditions which threaten the deterioration or loss of such properties. Owners shall maintain their structures as to not endanger the property by permitting the following conditions which jeopardize structural integrity:~~
- ~~(1) Foundations. Deteriorated or inadequate foundations jeopardize structural integrity. All foundations shall support the structure as originally constructed, and at all points shall be free of holes, wide cracks and buckling.~~
- ~~(2) Structural members. Defective or deteriorated floor supports, or any structural members of insufficient size to carry imposed loads with safety jeopardize structural integrity. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration jeopardize structural integrity. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety jeopardize structural integrity. Interior staircases shall be maintained in good repair.~~
- ~~(3) Exterior surfaces and materials. Floors, exterior walls, and roofs having holes, wide cracks and loose, warped, protruding, or rotting boards or any other condition admitting moisture or other elements jeopardize structural integrity. Exterior surfaces exposed to the weather shall be repaired and weatherproofed, where appropriate, to protect them from further deterioration. Masonry joints shall be maintained. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration, or are of insufficient size or strength to carry imposed loads with safety jeopardize structural integrity.~~
- ~~(4) Weather protection and ventilation. Lack of weather protection, any fault or defect in the building which renders it structurally unsafe or not weathertight jeopardizes structural integrity. Windows, exterior doors, and exterior siding shall be watertight. Exterior flashing, including that at chimneys, doors, and windows, shall be maintained in good repair. Downspouts and gutters shall be maintained so that rain runoff is directed away from the structure. Foundation and attic vents shall be maintained to ventilate the crawl and attic spaces.~~
- ~~(5) Stairways, porches, and appurtenances. Exterior staircases, porches and appurtenances thereto shall be maintained in good repair.~~

- ~~(6) *Rodent and termite infestation.* Structures shall be free of wood boring insects and rodent infestation.~~
- ~~(7) *Security and utilities.* Buildings which are no longer occupied shall be properly secured to prevent intrusion, and all utilities shall be properly connected or disconnected.~~
- ~~(8) *Dependencies and additional site features.* Ancillary structures and accessory buildings shall be maintained in good repair. Tree limbs shall be trimmed away from the building, and tree roots shall be cleared away from all foundations. Soil erosion and soil deposition shall not be allowed to endanger any structures.~~

~~Such conditions as those outlined above shall constitute a failure to provide minimum maintenance and repair. The preservation commission and the city shall monitor the condition of all designated historic properties and places, sites, buildings, structures and works of art within designated historic districts. The preservation commission shall report all failures to provide minimum maintenance and repair to the administrator. The administrator shall examine and inspect the properties subject to alleged failure to provide minimum maintenance and repair and begin the violation process for those found not to meet these standards.~~

Replace Section 2-3.8.2. as follows:

2-3.8.2. *Historic Overlay District. Historic Properties and Historic Overlay Districts. See Section 2-3.4.4.*

- ~~(A) *Certificate of appropriateness required.* After a historic district is designated, no material change in the appearance of such historic district shall be made or be permitted to be made by the owner or occupant thereof, unless and until application for a certificate of appropriateness has been submitted to the Commission and approved. Such application shall be accompanied by such drawings, photographs, or plans as may be required by the Commission.~~
- ~~(B) *Exemptions.* The Georgia Department of Transportation and contractors (including cities and counties) performing work funded by the Georgia Department of Transportation are exempt from the provisions of subsection (C) below and local governments are exempt from the requirement of obtaining certificates of appropriateness; however, the Mayor and Council shall notify the Commission forty five (45) days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the Commission an opportunity to comment.~~
- ~~(C) *Application review procedure.* Applications for certificates of appropriateness shall be reviewed in the following manner:

 - ~~(1) *Development standards.* The Commission shall establish development standards regulating buildings and structures in the Historic District. A structure or building shall only be established, constructed, reconstructed, altered, demolished, moved or maintained in a manner consistent with the historical and architectural character of the district.~~
 - ~~(2) *Exemption from hearing.* The administrator may approve Certificates of Appropriateness which are in conformance with performance criteria established by the Commission. The administrator may require a hearing before the Commission at his/her discretion.~~
 - ~~(3) *Appeal to commission.* Any applicant whose Certificate of Appropriateness has been denied by the administrator may appeal the decision to the Commission.~~
 - ~~(4) *Review criteria.* The Commission shall approve a certificate of appropriateness if it finds that the proposed material change in appearance is in accordance with any published guidelines; would not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic property of the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. The Commission shall not consider interior arrangement or use having no effect on exterior architectural features.~~
 - ~~(5) *Commission recommendation.* The Commission shall approve or reject an application for a certificate of appropriateness within no more than thirty (30) days after the filing thereof by the owner or occupant of a historic property or of a structure, site, or work of art located within a historic district. Evidence of a recommendation for approval shall be by issuance of the certificate of appropriateness. Failure of the~~~~

Commission to act within said thirty (30) days shall constitute approval. In the event the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such notice and reasons therefore in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

- (6) *Binding nature of decision.* In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness shall be binding upon the Building Inspector and, in such a case, no building permit shall be issued. Where, by reasons of natural circumstances, the strict application of any provision of this section would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the Commission in passing upon applications shall have power to vary or modify strict adherence to said provision or to interpret the meaning of said provision so as to relieve such difficulty or hardship; provided such variance modification, or interpretation shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the intent of the historic district.
 - (7) *Appeal to city council.* Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination of the Mayor and Council by filing a notice of appeal with the Council.
 - (8) *Public notice.* An appeal to the Mayor and Council of a Commission decision on a Certificate of Appropriateness shall require a public notice of said appeal. The administrator shall cause to have posted in a conspicuous place on the property one (1) or more signs with orange background and black lettering; each sign shall contain information as to the appeal and the date and time of the public hearing.
- (D) *Affirmation of existing building and zoning codes.* Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.
- (E) *Demolition or relocation of historic buildings.* The Commission shall have the authority to grant or deny certificates of appropriateness for demolition or relocation.
- (1) *Public hearing.* A public hearing may be scheduled for each application for a certificate of appropriateness for demolition or relocation.
 - (2) *Consideration of post-demolition or post-relocation plans.* The Commission shall not grant certificates of appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.
 - (3) *Demolition/relocation criteria.* Upon receipt of an application for a certificate of appropriateness for demolition or relocation, the Commission shall use the criteria described in this ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.
 - (4) The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property of the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.
- (F) *New structures.* All new structures erected within a designated historic district shall be compatible in appearance, as seen by the traveling public, with existing structures located within one hundred (100) feet, on the same street, of the new structure. New structures shall not be required to be compatible with structures located outside of a designated historic district. The new structure shall be deemed compatible if the following features of the new structure are consistent with structures within one hundred (100) feet:
- (1) Finished floor elevation
 - (2) Roof heights
 - (3) Roof shapes

~~(4) Windows-~~

~~(5) Architectural features-~~

~~(6) Building facade-~~

~~(7) Scale-~~

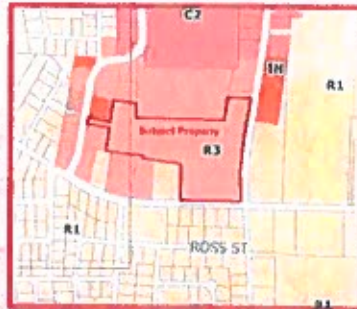


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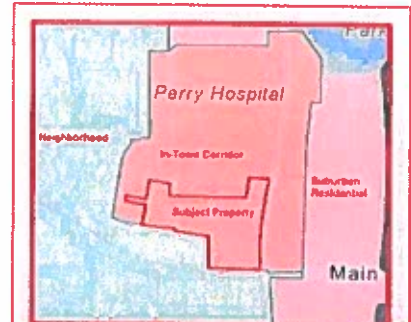
Summary for Zoning Case: SUSE-0094-2022	
Property Location:	Main Street and Keith Drive
Tax Map No:	0P0440 068000
Acres:	17.89
Request:	Special Exception for Agriculture Use
Planning Commission Recommendation:	<p style="text-align: center;">Approval with Conditions:</p> <ol style="list-style-type: none">1. Agriculture uses are limited to the planting and harvesting of hay and pecans from existing trees.2. This special exception is limited to the applicant, Bill Davis, and is not transferrable.



Aerial Map



Zoning Map



Character Areas



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STAFF REPORT

From the Department of Community Development
July 6, 2022

CASE NUMBER: SUSE-0094-2022
APPLICANT: Bill Davis
REQUEST: A Special Exception to Allow Farm
LOCATION: Main Street and Keith Drive; Tax Map No. 0P0440 068000

REQUEST ANALYSIS: The applicant proposes to use the subject property for agricultural purposes. Specifically, the applicant plans to level dirt, plant Bermuda grass seed, and periodically cut hay. The applicant plans to leave the property in its current state – grass field with some pecan trees – while conducting the agriculture activities and does not plan to construct any buildings or operate an active business with vehicular traffic.

STANDARDS FOR SPECIAL EXCEPTIONS:

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	Zoning Classification	Land Uses
North	R-3	Undeveloped
South	R-1	Single-family Residential
East	R-1 and IN	Agriculture and Office
West	R-1, R-3, IN	Single-family Residential and Office

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a "In-Town Corridor" Character Area in the 2022 Joint Comprehensive Plan. Agriculture uses are not expected to have an adverse effect on the comprehensive plan.
4. *Will adequate fire and police protection be available?* The property is in an area already served by fire and police protection. The proposed use should not negatively impact these services.
5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?*
The proposed use is not expected to be detrimental to surrounding properties. The applicant does not propose to construct new buildings or operate an active business with vehicular traffic. The agriculture uses on the property will be limited to cutting hay periodically during the growing season.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* The proposed use will not impact normal pedestrian or vehicular traffic.

7. *Will the use result in an increase in population density overtaxing public facilities?* The proposed use will have no impact on population.
8. *Will the use create a health hazard or public nuisance?* Use of the property for agriculture should not create a health hazard or public nuisance.
9. *Will property values in adjacent areas be adversely affected?* The proposed agriculture use should not adversely affect the value of surrounding properties.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property could be developed for multi-family housing; yet there is no current interest. The applicant wishes to pursue the economic value of agriculture as the property is currently undeveloped.

STAFF RECOMMENDATION: Staff recommends approval of the special exception with the following conditions:

1. Agriculture uses are limited to the planting and harvesting of hay and pecans from existing trees.
2. This special exception is limited to the applicant, Bill Davis, and is not transferrable.

PLANNING COMMISSION RECOMMENDATION: Following an informational hearing held on July 11, 2022, the Planning Commission recommends approval of the application with the following conditions:

1. Agriculture uses are limited to the planting and harvesting of hay and pecans from existing trees.
2. This special exception is limited to the applicant, Bill Davis, and is not transferrable.


Eric Z. Edwards, Chairman, Planning Commission

7/15/22
Date



Where Georgia comes together.

Application # 545E-94-2022

Application for Special Exception

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	*Applicant	*Property Owner
*Name	William C. Davis, Jr (Bill)	Coastal Health Centers, Inc. (Summerhill)
*Title	President	
*Address	1211 Macon Rd Ste D, Perry GA 31069	
*Phone	office- 478-988-1294 cell-478-951-1472	
*Email	billdavis@cmm-perry.com	

Property Information



*Street Address	~18 Ac Tract @ Keith + Main St	
*Tax Map Number(s)	0P0440 068000	*Zoning Designation R 3

Request

*Please describe the proposed use: Harrow and spread/level dirt to plant hybrid bermuda grass seed. Then cut hay periodically once established.

Instructions

- The application and *\$92.00 fee (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- *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 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- *For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.
- 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.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property 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.
- 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.
- *Signatures:

*Applicant	 for Coastal Health Centers, Inc.	*Date 6-3-22
*Property Owner/Authorized Agent		*Date 6-3-22

Standards for Granting a Special Exception

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

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

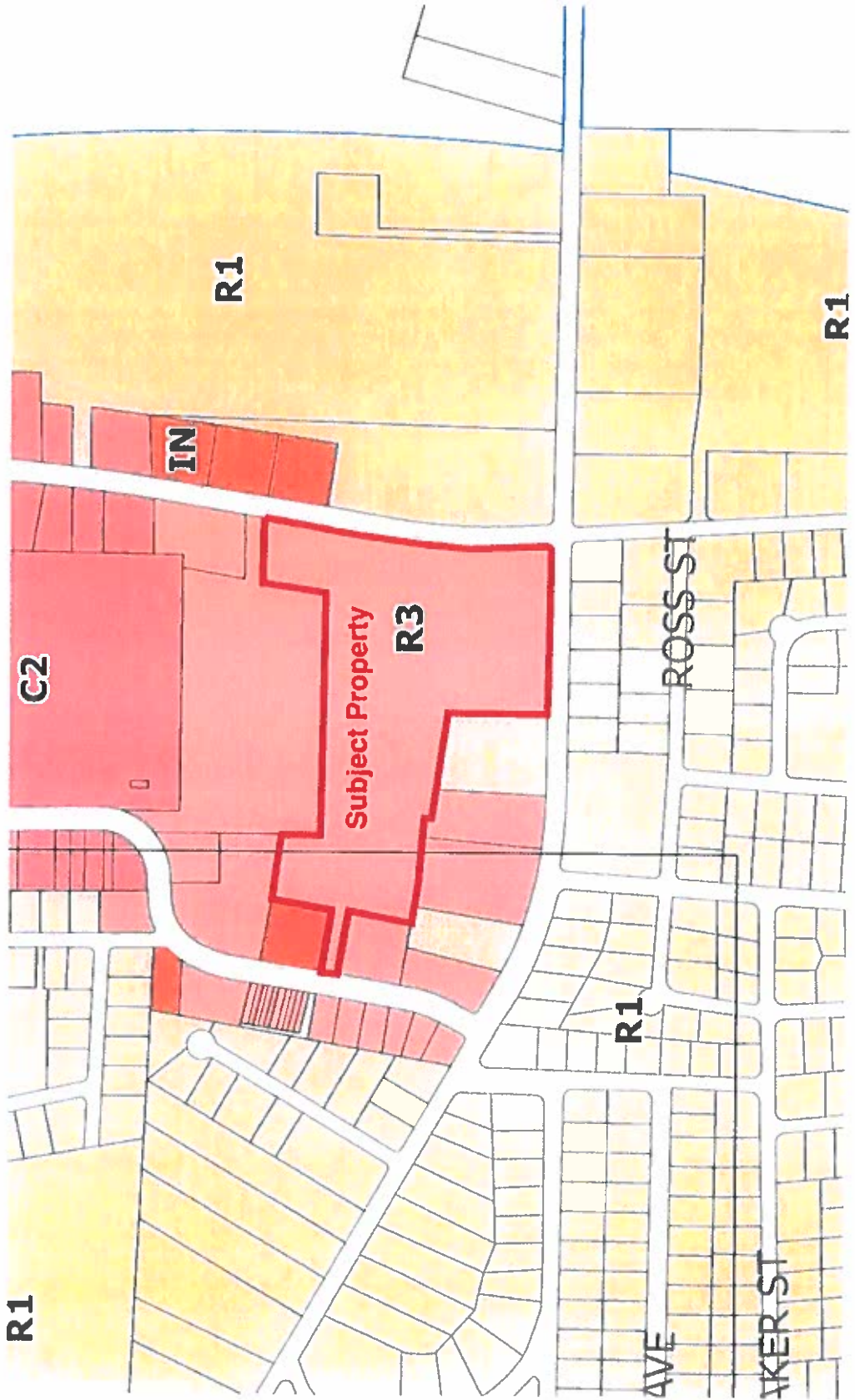
- (1) The existing land use pattern.
- (2) Whether the proposed use is consistent with the Comprehensive Plan.
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
 - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
 - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.
- (8) Whether the proposed change will adversely affect property values in adjacent areas.
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.

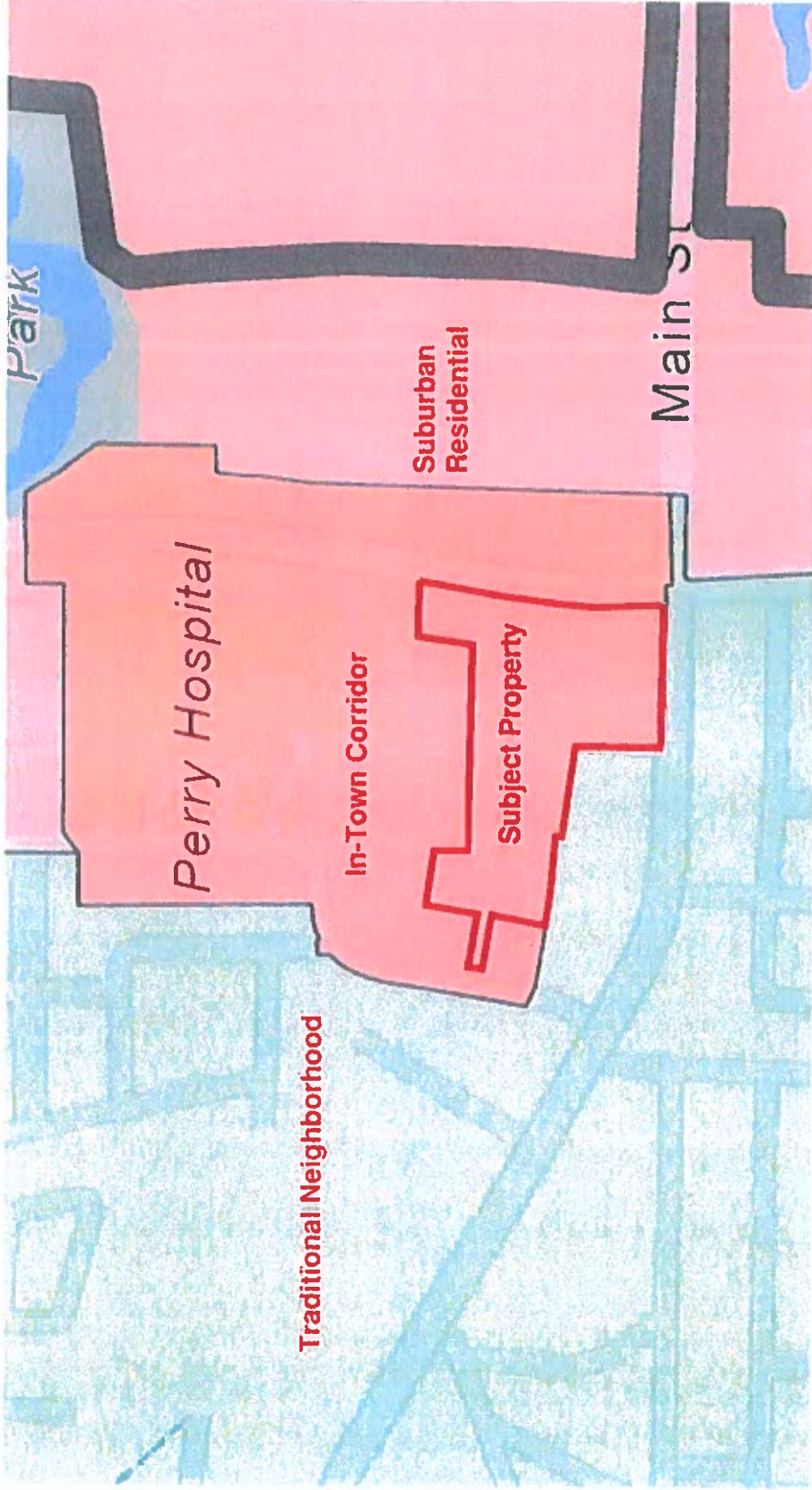
Standards for Granting a Special Exception

1. The use of the land will be the same as it has been – i.e. grass field with a few pecan trees. No additional buildings.
2. ?
3. The property is accessible via a 30' drive/culvert off Keith Drive.
4. The use of the property will not change since it is already mostly grassed.
5. (a) There will be no affect to traffic. (b) There are no changes in these characteristics.
6. There will be no affect on public utilities as there are not any now or any proposed.
7. The intended use is essentially the same as the current use in that it is mostly grassed now and will be grassed with a hybrid Bermuda similar to coastal Bermuda.
8. Should not affect property values.
9. None known since use would not change materially.

Please let me know if I have addressed these issues clearly. Bill Davis







Planning Commission
Minutes - July 11, 2022

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

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

Guests: David McCrory, John Michael Cosey, Bill Davis, Michael Stewart, Javin Frazier, Jody Batchelor, Charles Boehm

3. Invocation: was given by Commissioner Moody
4. Approval of Minutes from meeting on June 13, 2022, and June 27, 2022, work session. – Commissioner Butler motioned to approve the minutes as presented; Commissioner Ross 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. Citizens with Input- None
7. Old Business
 - **TEXT-0011-2022**. Text amendment to establish a Historic Preservation Commission and supporting procedures/standards. The applicant is the City of Perry. *(Tabled from June 13, 2022, meeting)*

Mr. Wood reviewed what changes had been made from work session discussion. Chairman Edwards noted the specific concerns had been addressed.

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

8. New Business
 - A. Public Hearing (Planning Commission decision)
 - **VAR-0090-2022**. Variance to reduce rear setback for property located at 701 Amherst Street. The applicant is Michael Stewart.

Ms. Wharton read the applicants' request which was for a variance to reduce the rear setback.

Ms. Wharton advised the applicant is requesting a variance to reduce the rear setback due to the construction of an addition on the home. The required rear setback for the property is 20 feet. The applicant is requesting to reduce the rear setback by 5 feet to 15 feet.

Chairman Edwards opened the public hearing at 6:16pm and called for anyone in favor of the request. The applicant, Mr. Michael Stewart reiterated the request. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:17pm.

Commissioner Moody inquired if the addition would match the architecture of the home; Mr. Stewart advised it would and is on the rear of the home.

Commissioner Butler motioned to approve the application with the staff condition that the variance shall be limited to the dimensions presented on the site plan approved by the Chief Building Official; Commissioner Ross seconded; all in favor and was unanimously approved.

B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on August 2, 2022)

- **ANNX-0096-2022.** Annexation and designation of R-1, Single Family Residential District of property at 111 Hill Road. The property is zoned R-AG in Houston County. The applicant is David McCrory.

Mr. Wood advised the request is for annexation of a 4.95-acre portion of the property into the City of Perry. The requested zoning is R-1, Single-family Residential District. A 2.17-acre portion of the property will remain in Houston County to prevent the creation of a “county island” surrounded by properties in the city. The county parcel includes a 20-foot-wide section extending along the back of the properties that front Main Street. It was further noted, the property was the subject of a previous annexation/zoning request which was denied by City Council on June 1, 2021. Under Georgia law and City of Perry Ordinance, an application for annexation/zoning cannot be considered for six months from the date of a denied application on the same property. This new application meets this timing provision.

Chairman Edwards opened the public hearing at 6:24pm and called for anyone in favor of the request. Mr. John Michael Cosey, on behalf of the applicant reiterated the request and would answer any questions that arise.

Chairman Edwards called for anyone opposed. Dr. Javan Frazier, 2081 Main Street, opposed the annexation and zoning as being inconsistent with the surrounding uses and causing an increase in traffic. Charles Boehm, 107 Hill Road, and Mr. Michael Ivy, 110 Hill Road, opposed the application due to drainage concerns. Mr. Boehm also raised concerns about current water pressure in the area, and traffic. Mr. Jody Batchelor, 115 Hill Road, was concerned about becoming a county island and traffic due to the only entrance into the subdivision being next to his property.

There being no further comments Chairman Edwards closed the public hearing at 6:37pm.

Comments from all the opponents related to the approved subdivision on the 25-acre tract just south of the subject property. Mr. Wood responded that Mr. Batchelor's property will not become a county island. The 25-acre tract has a preliminary plat approval for a 49-lot

subdivision meeting the R-1 zoning designation of the City. The subject property is designed to add 11 residential lots to that subdivision. Primary discussion between the commission, opponents, and the applicant's representative related to drainage concerns.

Commissioner Moody motioned to recommend to Mayor & Council denial of the application as presented; motion died due to lack of a second.

Commissioner Butler motioned to table to allow for more information to be provided on the impact of drainage in the area; Commissioner Ross seconded; Chairman Edwards and Moody opposed; Commissioner Coody in favor; resulting vote was in favor 3 -2 to table.

- **SUSE-0094-2022.** Application for special exception to farm vacant parcel on Keith Drive. The applicant is Bill Davis.

Ms. Wharton read the applicants' request which was for the property to be used for agricultural purposes. Specifically, the applicant plans to level dirt, plant Bermuda grass seed, and periodically cut hay. The applicant plans to leave the property in its current state – grass field with some pecan trees, while conducting the agriculture activities and does not plan to construct any buildings or operate an active business with vehicular traffic.

Chairman Edwards opened the public hearing at 7:17pm and called for anyone in favor of the request. Mr. Bill Davis, the applicant reiterated the request. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 7:18pm.

Commissioner Butler motioned to recommend approval of the application as submitted to Mayor & Council with the following conditions: 1). Agriculture uses are limited to the planting and harvesting of hay and pecans from existing trees; 2). This special exception is limited to the applicant, Bill Davis, and is not transferrable; Commissioner Coody seconded; all in favor and was unanimously recommended for approval.

9. Other Business

- Continue discussion of combining OC and IN zoning districts. – Ms. Wharton advised a question had been raised if the properties from Georgia Avenue Ext to Panther Place Drive would be included; Mr. Wood advised properties that were not single family residential with the exception of the existing storage facility and M-1, would be considered for the change.
- Fall training dates – Ms. Wharton advised training had been set for October 11th.

10. Commission questions or comments. - None

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 7:28pm.

MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
July 18, 2022
5:00 pm.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the work session meeting held on July 18, 2022, at 5:00 pm.

2. Roll:

Elected Officials Present: Mayor Randall Walker and Councilmembers Phyllis Bynum-Grace, Darryl Albritton, Riley Hunt, Robert Jones, and Joy Peterson.

Elected Officials Absent: Mayor Pro Tempore Willie King

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

City Departmental Staffing: Brenda King – Director of Administration, Mitchell Worthington - Finance Director, Bryan Wood – Director of Community Development, Chief Alan Everidge – Perry Police Department, Asst. Fire Chief Kirk Crumpton – Fire and Emergency Services Department, Sedrick Swan – Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Amber Garrett – Communications Specialist, Karen Bycenski – Personnel Manager, Matt White – Senior Personnel Technician, Holly Wharton – Community Planner, Ashley Hardon – Economic Development Administrator, and Tabitha Clark – Senior Communications Manager.

Press: William Oliver – Houston Home Journal.

Guest(s): Brent Avery and Danielle Hofmann – McGriff Insurance Services

3. Citizens with Input: none

4. Items of Review/Discussion: Mayor Randall Walker

4a. Office of the City Manager

1. Review of health insurance options. Mr. Avery and Ms. Hofmann of McGriff Insurance Services, 2520 Northwinds Parkway, Suite 600, Alpharetta, Georgia presented a PowerPoint presentation of health insurance options that included fully insured vs self-funded - options, advantages, and disadvantages; and medical – aggregated claims summary and carrier quotes. Administration recommended the city stay with self-insured for the following reasons:1) self-insured provides council the option to make adjustments in the health insurance program as council deems appropriate and 2) experience has been that fully funded programs go up year after year. Mayor Walker asked that this

item be placed on council's July 19, 2022 agenda.

2. Proposal to manage parking issues at passive parks. Mr. Gilmour recommended a closing time of 8:00pm for passive parks parking lots and 10:00 pm for Barbara Calhoun Park parking lot. After additional discussion, Administration recommended a closing time of 10:00 pm for all parks parking lots; Council concurred with Administration's recommendation.

4b. Department of Community Development

1. GIS Planning Tool. Ms. Wharton reviewed with council the strategic planning dashboard.
2. Strategic Plan Implementation Tool. Ms. Wharton provided an update relative to the strategic plan via SharePoint.

4c. Economic Development

1. Follow up discussion relative to the temporary relocation of the Perry Farmers Market. Mr. Smith followed up with council a proposal that the Farmers Market be temporarily relocated to the City owned parking lot located at Ball Street and Main Street during the construction and renovation of the new city hall. It was the consensus of council to move forward with the proposal.

4d. Office of the City Attorney

1. Outline for golfcart/LSV options. Ms. Newby discussed the differences between PTVs and low speed vehicles and requested council's guidance for drafting an ordinance for PTV's if council wishes to adopt an ordinance. It was the consensus of council for Ms. Newby to prepare an ordinance to allow PTVs with additional requirements for safety and registration by the city at no cost.
2. Update relative to solicitation. Ms. Newby stated this is a follow up relative to solicitation to see if council had any additional questions. In June, Ms. Newby sent an email to Mayor and council outlining the requirements prohibiting solicitation except for a few exceptions. Council had no additional questions.

5. Council Member Items. none

6. Department Head/Staff Items:

Mr. Worthington provided council a standard award of bid for Parkway Pump Station Influent Pumping Improvements that came in after the agenda was published. Mr. Worthington asked that this item be placed on council's July 19, 2022 agenda due to volatility of the materials market so the contractor can lock down the price of

materials.

Mr. Worthington stated the City of Rome reached out to him relative to the sale of declared surplus vehicles. It was the consensus of council to proceed.

Chief Everidge thanked Mayor and Council for their support of allowing him to serve as interim chief and reported RedSpeed will be up and running by the beginning of the school year except for Perry Middle School and Matt Arthur Elementary School.

Mr. Swan provided an update on the Summer Sports Camps.

7. Adjourn. There being no further business to come before Council in the work session held on June 18, 2022, Council Member Jones motioned to adjourn the meeting at 6:44 p.m.; Council Member Peterson seconded the motion, and it carried unanimously.

MINUTES
PRE-COUNCIL MEETING
OF THE PERRY CITY COUNCIL
July 19, 2022
5:00 p.m.

1. Call to Order: Mayor Randall Walker, Presiding Officer, called to order the pre council meeting held on July 19, 2022 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Randall Walker and Councilmembers Phyllis Bynum-Grace, Darryl Albritton, Riley Hunt, Joy Peterson, and Robert Jones.

Elected Official Absent: Mayor Pro Tempore Willie King

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, Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Chief Alan Everidge – Perry Police Department, Asst. Fire Chief Kirk Crumpton – Fire and Emergency Services Department, Sedrick Swan - Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Amber Garrett – Communications Specialist, and Tabitha Clark – Senior Communications Manager.

Media: William Oliver – Houston Home Journal

3. Citizens with Input. None

4. Items of Review/Discussion: Mayor Randall Walker

4a. Discussion of July 19, 2022 council meeting agenda.

4a. Introduction of new hire Ryan Turner. Chief Everidge will introduce Ryan Turner to Mayor and Council.

4b. Recognition of Mr. Wallace Brown for 15 years of service. Mr. Swan will recognize Mr. Brown for his service to the city.

7a (1). Second Reading of an ordinance to rezone the property from R-3, Multi-Family Residential, to C-2, General Commercial. The property is located at 115 Perimeter Road; Tax Map No. 0P0390 016000 and 0P0150 037000. Mr. Wood stated this is 2.02 acres of property going from R-3 to C-2. The Planning Commission and staff recommends approval with no conditions.

7a (2). Second Reading of an ordinance to rezone the property from M-2,

Industrial, to M-1, Wholesale and Light Industrial. The property is located at 311 Valley Drive; Tax Map No. 0P0380 50A000 and 0P0380 50B000. Mr. Wood stated this is 4.82 acres going from M-2 to M-1. The Planning Commission and staff recommends approval with no conditions.

7a (3). Second Reading of an ordinance for the annexation of property to the City of Perry. The property is located at 2032 US-341 Sam Nunn Blvd.); Tax Map No. 000310 12A000. Mr. Wood stated this is 4.05 acres, Smith Animal Hospital. The applicant is requesting to be annexed into the city to connect to water/sewer. The Planning Commission and staff recommends approval with no conditions.

7a (4). Second Reading of an ordinance for the rezoning of property from RAG (County) to C-2, General Commercial. The property is located at 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000. Mayor Walker stated this is the same parcel previous discussed in item 7a(3).

10a (1). Approval of contracting with Cigna for health and dental self-insured programs. Administration recommends Cigna as the administrator for self-insured health and dental policy.

10a (2). Award of Bid No. 2022-08 Perry Pump Station Influent Pumping Improvements to Coggins Construction Company, LLC for \$887,724.75. Mr. Worthington stated this is the replacement of a 12-inch line with a 24-inch line and recommends awarding the contract to low bidder Coggins Construction Company, LLC for \$887,724.75.

10a (3). Authorize the use of the city parking lot at Main Street / Ball Street for the Main Street Advisory Board's Farmers Market while construction occurs at City Hall. Mr. Smith stated this is follow up from last evening discussion to authorize the use of the city parking lot at Main Street / Ball Street for the Farmers Market.

10a (4). Authorize sale of surplus police vehicles to the City of Rome. Mr. Worthington stated the City of Rome reached out to the city requesting the city sale surplus police vehicles to the City of Rome.

10b (1). Bid No. 2022-26 Thompson Road Sewer Replacement. Mr. Worthington stated his office received three responsive bids. Staff recommends awarding the bid to low bidder Concrete Enterprises, LLC in the amount of \$746,770,44.

10c (1). Resolution amending the City of Perry Fee Schedule. Administration stated the amended fee schedule adjusts the container and commercial recycling charges to reflect how the city is invoiced by its contractor.

10d. Recommendation of contract award for Transfer Station Phase 2 improvements. Ms. Fitzner reviewed the revised quote for the Transfer Station Phase 2 improvements.

10e. Convergent New City Hall proposal. Mr. Smith requested an access/security alarm for the new city hall.

10f. Approval of a Memorandum of Understanding with the Houston County School District relative to SROs. Chief Everidge reviewed the MOU between the City and the BOE for SRO's.

10g. Worrall Center HVAC replacement contractor. Mr. Worthington advised council that Truman's Air Conditioning and Heating is experiencing significant delays in acquiring the HVAC unit for the Worrall Center. Staff recommends canceling the award to Truman's Air Conditioning and Heating and award the contract to Pruett Air Conditioning Assoc. in the amount of \$42,510.00.

11a (1). Amended First Reading of an ordinance to amend the City Code relative to parking and storing of trailers and recreational vehicles. Mr. Wood stated in the revised ordinance the word "bus" is removed.

5. Council Member Items.

Councilmember Albritton inquired about parking spots for service vehicles. Mr. Gilmour stated information will be available at the next meeting.

6. Adjournment: There being no further business to come before Council in the pre council meeting held on July 19, 2022 Councilmember Jones motioned to adjourn the meeting at 5:34 p.m. Councilmember Albritton seconded the motion, and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
July 19, 2022
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 on July 19, 2022, at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Randall Walker and Councilmembers Phyllis Bynum-Grace, Darryl Albritton, Riley Hunt, Joy Peterson, and Robert Jones

Elected Official Absent: Mayor Pro Tempore Willie King

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, Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Chief Alan Everidge – Perry Police Department, Asst. Fire Chief Kirk Crumpton – Fire and Emergency Services Department, Sedrick Swan - Director of Leisure Services, Ansley Fitzner – Public Works Superintendent, Amber Garrett – Communications Specialist, Tabitha Clark – Senior Communications Manager, Ryan Turner – Perry Police Department, and Wallace Brown – Recreation Technician.

Media: William Oliver – Houston Home Journal

Guest(s)/Speaker(s): none

3. Invocation and Pledge of Allegiance to the Flag: Councilmember Jones rendered the invocation, and Councilmember Hunt led the pledge of allegiance to the flag

* Mayor Walker requested a moment of silence for Mr. Davis Cosey.

4. Recognition(s) / Presentation(s): Mayor Randall Walker

4a. Introduction of new hire Ryan Turner. Chief Everidge introduced Officer Ryan Turner to Mayor and Council. Mayor Walker welcomed Officer Turner to the City of Perry.

4b. Recognition of Mr. Wallace Brown for 15 years of service. Mr. Swan recognized Mr. Brown for 15 years of service and presented him a 15-year service pin. Mayor and Council congratulated Mr. Brown and thanked him for his service.

5. Citizens with Input.

5a. Matters not on the agenda - none

6. Review of Minutes: Mayor Randall Walker

- 6a. Council's Consideration – Minutes of the July 5, 2022 pre council meeting and July 5, 2022 council meeting. *(Councilmember Bynum-Grace was absent from the July 5, 2022 meetings.)*

Councilmember Albritton motioned to approve the minutes as submitted. Councilmember Jones seconded the motion, and it carried with Councilmember Bynum-Grace abstaining.

7. Unfinished Business: Mayor Randall Walker

7a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance to rezone property from R-3, Multi-Family Residential, to C-2, General Commercial. The property is located at 115 Perimeter Road; Tax Map No. 0P0390 016000 and 0P0150 037000 – Mr. B. Wood.

Adopted Ordinance No. 2022-23 to rezone property from R-3, Multi-Family Residential, to C-2, General Commercial. The property is located at 115 Perimeter Road. Councilmember Albritton motioned to adopt the ordinance as outlined. Councilmember Peterson seconded the motion and it carried unanimously. *(Ordinance No. 2022-23 has been entered into the City's official book of record).*

2. **Second Reading** of an ordinance to rezone property from M-2, Industrial, to M-1, Wholesale and Light Industrial. The property is located at 311 Valley Drive, Tax Map No. 0P0380 50A000 and 0P0380 50B000 – Mr. B. Wood.

Adopted Ordinance No. 2022-24 to rezone the property from M-2, Industrial, to M-1, Wholesale and Light Industrial. The property is located at 311 Valley Drive. Councilmember Jones motioned to adopt the ordinance as outlined. Councilmember Peterson seconded the motion and it carried unanimously. *(Ordinance No. 2022-24 has been entered into the City's official book of record).*

3. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000 - Mr. B. Wood.

Adopted Ordinance No. 2022-25 for the annexation of property to the City of Perry. The property is located at 2032 US-341 (Sam Nunn Blvd.) Councilmember Bynum-Grace motioned to adopt the ordinance as submitted. Councilmember Jones seconded the motion and it carried

unanimously. (*Ordinance No. 2022-25 has been entered into the City's official book of record*).

4. **Second Reading** of an ordinance for the rezoning of property from RAG (County) to C-2, General Commercial. The property is located at 2032 US-341 (Sam Nunn Blvd.); Tax Map No. 000310 12A000 - Mr. B. Wood.

Adopted Ordinance No. 2022-26 to rezone the property from RAG (County) to C-2, General Commercial. The property is located at 2032 US-341 (Sam Nunn Blvd.) Councilmember Albritton motioned to adopt the ordinance as submitted. Councilmember Jones seconded the motion and it carried unanimously. (*Ordinance No. 2022-26 has been entered into the City's official book of record*).

8. **Other Unfinished Business:**

- 8a. Mayor Randall Walker - none
- 8b. Councilmembers – none
- 8c. City Attorney Brooke Newby - none
- 8d. City Manager Lee Gilmour - none
- 8e. Assistant City Manager Robert Smith - none

9. **Community Partner(s) Update(s):** none

10. **New Business:** Mayor Randall Walker

10a. **Matters referred from July 18, 2022 work session and July 19, 2022 pre council meeting.**

1. Approval of contracting with Cigna for health and dental self-insured programs – Mr. L. Gilmour.

Administration recommended awarding the health and dental programs to Cigna as self-insured programs. Councilmember Bynum-Grace motioned to approve as presented; Councilmember Peterson seconded the motion and it carried unanimously.

2. Award of Bid No. 2022-18 Perry Pump Station Influent Pumping Improvements to Coggins Construction Company, LLC for \$887,724.75 - Mr. M. Worthington.

Mr. Worthington stated his office received two responsive bids. Staff recommends awarding the bid to low bidder Coggins Construction Company, LLC in the amount of \$887,724.75. Councilmember Albritton moved to award the bid to low bidder Coggins Construction, LLC in the amount of \$887,724.75; Councilmember Peterson seconded the motion and it carried unanimously.

3. Authorize the use of the city parking lot at Main Street/Ball Street for the Main Street Advisory Board's Farmers Market while construction occurs at City Hall – Mr. R. Smith.

Councilmember Peterson motioned to authorize the use of the city parking lot at Main Street/Ball Street for the Main Street Advisory Board's Farmers Market while construction occurs at City Hall; Councilmember Jones seconded the motion and it carried unanimously.

4. Authorize sale of surplus police vehicles to the City of Rome – Mr. M. Worthington.

Councilmember Albritton motioned to authorize sale of surplus police vehicles to the City of Rome; Councilmember Peterson seconded the motion and it carried unanimously.

10b. Award of Bid:

1. Bid No. 2022-26 Thompson Road Sewer Replacement

Mr. Worthington stated his office received three responsive bids. Staff recommends awarding the bid to low bidder Concrete Enterprises, LLC in the amount of \$746,770.44. Councilmember Jones moved to award the bid to low bidder Concrete Enterprises, LLC in the amount of \$745,770.44; Councilmember Peterson seconded the motion and it carried unanimously.

10c. Resolution(s) for Consideration and Adoption:

1. Resolution amending the City of Perry Fee Schedule – Mr. L. Gilmour.

Adopted Resolution No. 2022-50 amending the City of Perry Fee Schedule. Councilmember Bynum-Grace motioned to adopt the resolution as presented; Councilmember Peterson seconded the motion, and it carried unanimously. (*Resolution No. 2022-50 has been entered into the City's official book of record*).

- 10d. Recommendation of contract award for Transfer Station Phase 2 improvements – Ms. A. Fitzner.

Ms. Fitzner reviewed the recommendation of contract award for Transfer Station Phase 2 improvements. Councilmember Peterson motioned to approve the award of contract to Coggins Construction Company, LLC in the amount of \$402,893.44 as outlined. Councilmember Jones seconded the motion and it carried unanimously.

- 10e. Convergint New City Hall proposal – Mr. R. Smith.

Mr. Smith reviewed with Mayor and Council Converging New City Hall proposal and recommended. Councilmember Jones motioned to approve the request as outlined and Councilmember Peterson seconded the motion and it carried unanimously.

- 10f. Approval of a Memorandum of Understanding with the Houston County School District relative to SROs – Chief A. Everidge.

Chief Everidge reviewed the Memorandum of Understanding with the Houston County School District relative to SROs and recommended approval. Councilmember Albritton motioned to approve as outlined and Councilmember Jones seconded the motion and it carried unanimously.

- 10g. Worrall Center HVAC replacement contractor – Mr. M. Worthington.

Mr. Worthington advised council that Truman’s Air Conditioning and Heating is experiencing significant delays in acquiring the HVAC unit for the Worrall Center. Staff recommends canceling the award to Truman’s Air Conditioning and Heating and award the contract to Pruett Air Conditioning Assoc. in the amount of \$42,510.00. Councilmember Jones moved to cancel the award to Truman’s Air Conditioning and Heating and award the contract to Pruett Air Conditioning Assoc. in the amount of \$42,510.00; Councilmember Peterson seconded the motion and it carried unanimously.

11. Other Business - Supplemental Agenda Item(s):

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

1. **Amended First Reading** of an ordinance to amend the City Code relative to parking and storing of trailers and recreational vehicles – Mr. B. Wood. *(No action required by Council.)*

Mr. Wood stated in the revised ordinance the word “bus” is removed. .

12. Council Members Items: none

13. Department Heads/Staff Items:

Mr. Swan reported tomorrow is International Day of Chess and July 23 is Splash and Dash at Creekwood Park.

14. General Public Items: none

15. Mayor Items:

July 22, Perry Presents
July 23, Splash and Dash at Creekwood Park
August 1, Work session
August 2, Pre council and council

16. Adjournment: There being no further business to come before Council in the regular meeting held on July 19, 2022, Councilmember Jones motioned to adjourn the meeting at 6:34 p.m.; Councilmember Peterson seconded the motion, and it carried unanimously.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, THE LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, AMENDING SECTION 1-13, DEFINITIONS; SECTION 4-5, TEMPORARY USES AND STRUCTURES; SECTION 6-1, OFF-STREET PARKING AND LOADING; AND SECTION 6-3, LANDSCAPING, BUFFERING, AND SCREENING RELATIVE TO PARKING AND STORING UTILITY TRAILERS AND RECREATIONAL VEHICLES; 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 amending **Section 1-13 – Definitions**, to revise the definition of “*oversized vehicle*” to read as follows:

Oversized vehicle means any vehicle that exceeds 23 feet in length, 80 inches in width, or 85 inches in height, excluding recreational vehicles.

2.

By amending **Subsection 4-5.3 - Specific standards for certain temporary uses and structures** of **Section 4-5 - Temporary uses and structures**, by replacing subsection (F) to read as follows:

Sec. 4-5. - Temporary uses and structures.

4-5.3 - Specific standards for certain temporary uses and structures.

(F) *Use of motor vehicle, trailer, or shipping container for sales, service, storage, or other business.* The use of any 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 shall be prohibited in all zoning districts, except as may be allowed by a temporary use permit. This subsection shall not prohibit the use of a motor vehicle, trailer, or shipping container for the following uses without benefit of a temporary use permit:

- (1) The sale of food and drink products at a city-approved-event;
- (2) Construction authorized by a building permit;
- (3) The temporary loading and unloading of goods provided that no individual trailer or container is in place longer than 48 hours;
- (4) The temporary storage of seasonal merchandise; or
- (5) The storage of baled lawn and garden products.

See section 6-1.10 for standards for parking or storing recreational vehicles, utility trailers, and food trucks.

3.

By amending **Subsection 6-1.10 - Use of required off-street parking areas** of **Section 6-1 - Off-street parking and loading**, to read as follows:

6-1.10 - Use of off-street parking areas.

- (A) *General.* Off-street parking areas shall be used solely for the parking of licensed motor vehicles in operating condition. Required spaces may not be used for the display of goods for sale or lease or for long-term storage of vehicles, boats, or building materials, except as expressly allowed in this section.
- (B) *Oversized vehicles in residential districts.* Oversized vehicles shall not be parked or stored in a residential district, except for ordinary delivery, loading or unloading of household goods, or during an active construction project.
- (C) *Recreational vehicles in residential districts.* In any residential district, recreational vehicles, travel trailers, campers, motorized homes, boats, boat trailers, ATVs or ATV trailers may be parked or stored in a completely enclosed building. Such vehicles or trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot.
- (D) *Recreational vehicles in the C-3, central business district.* Parking or storing any recreational vehicle, travel trailer, camper, motorized home, boat, boat trailer, ATV or ATV trailer in the central business district is prohibited outside of a completely enclosed building.
- (E) *Utility trailers in residential districts.* In any residential district, open or enclosed utility trailers may be parked or stored in a completely enclosed building. Such utility trailers not parked or stored in a completely enclosed building shall be limited to one per dwelling and shall be parked or stored in the side yard or rear yard of the lot. Utility trailers hitched to an operable vehicle used to transport the trailer to and from a worksite typically Monday through Friday may be parked on a paved or graveled driveway, including Saturday and Sunday when such trailer may not be attached to a vehicle, provided, however, the above-limitation to one per dwelling and the requirement to be stored in the side yard or rear yard of the lot shall still apply to any trailers not stored in a completely enclosed building.
- (F) *Utility trailers and food trucks in the central business district.* In the C-3, Central Business District, open or enclosed utility trailers and food trucks may be parked or stored on a lot if located within a completely enclosed building, in a location which is not visible from any public street, or within an enclosure complying with the provisions of Section 6-3.7. Utility trailers and food trucks not parked or stored within a completely enclosed building must be associated with a tenant located on the lot used to park or store the utility trailer or food truck.
- (G) *Utility trailers and food trucks in non-residential districts.* Within districts not otherwise regulated, utility trailers and food trucks may be parked or stored on any lot occupied by a tenant with which the trailer or food truck is associated. Trailers and food trucks shall not be parked or stored in required landscaping and buffer areas and shall not reduce the minimum required parking spaces for the property.

4.

By amending **Subsection 6-3.7 - Additional screening requirements of Section 6-3 - Landscaping, buffering, and screening**, to read as follows:

6-3.7. *Additional screening requirements.* In addition to the landscaping and screening required in this section, additional screening shall be required to conceal specific areas of high visual impact or hazardous areas.

- (A) Plants and a solid fence or wall, at least the height of the item being screened, but not more than eight feet tall, shall be installed around all sides, excluding access areas. Access gates to these areas shall be solid and, to the extent practical, not oriented to a public street. Plant material must meet the minimum planting heights listed on table 6-2-1 and shall be installed around the following areas:
 - (1) Loading and service areas.
 - (2) Dumpsters/ refuse collection points/ recycling drop-off centers.
 - (3) Ground level mechanical, heating and air-conditioning equipment (except for single-family detached and two-family dwellings).
 - (4) Outdoor electrical or other above-ground utility equipment.
 - (5) Outdoor storage lots.

- (6) Storage tanks.
- (7) Ground level equipment associated with communication towers.
- (8) Utility trailers and food trucks parked or stored in the C-3 district.

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 2nd day of August, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: July 5, 2022
Amended 1st Reading: July 19, 2022
2nd Reading: August 2, 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF PERRY, GEORGIA, FOR THE PURPOSE OF AMENDING APPENDIX A, THE LAND MANAGEMENT ORDINANCE, OF THE CODE OF THE CITY OF PERRY, TO ESTABLISH A HISTORIC PRESERVATION COMMISSION, 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 amending **Section 2-1.3 – Main Street advisory board**, to replace subsection (B) to read as follows:

- (B) Provide recommendations on Certificates of Appropriateness to the administrator. When a property is located in the downtown development overlay district and a historic district or is a historic property, the main street advisory board shall yield its review authority to the preservation commission.

2.

By renumbering **Section 2-1.4 – Duties and powers of the administrator**, to **Section 2-1.5 – Duties and powers of the administrator**, and by adding a new **Section 2-1.4 – Historic Preservation Commission** to read as follows:

2-1.4 Historic Preservation Commission. The City of Perry Historic Preservation Commission, hereinafter referred to as the Preservation Commission, is created and established to be organized and empowered as provided herein. The Preservation Commission shall be part of the planning functions of the City of Perry.

2-1.4.1. Membership; compensation.

- A. The Preservation Commission shall consist of five (5) members appointed by the mayor and ratified by the City Council. All members shall be residents of the City of Perry, Georgia, and shall be persons who have demonstrated special interest, experience or education in history, architecture, or the preservation of historic resources. To the extent available in the City, at least one (1) member shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related professions.
- B. Members shall serve three-year terms. There is no limit on the number of terms members may serve. To achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years.
- C. Members shall not receive a salary, although they may be reimbursed for expenses.

2-1.4.2. Meetings; rules of procedure; records; finances.

- A. The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation and Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to

this Ordinance. The Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Preservation Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

- B. The Preservation Commission shall be subject to all conflict-of-interest laws set forth in Georgia Statutes and in the City of Perry Charter.
- C. The Preservation Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.
- D. A public record shall be kept of the Preservation Commission's resolutions, proceedings, and actions.

2-1.4.3. Duties and responsibilities. The Preservation Commission shall be authorized to:

- A. Prepare and maintain an inventory of all property within the City of Perry having the potential for designation as historic property;
- B. Recommend to the City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- C. Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;
- D. Recommend to the City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
- E. Restore or preserve any historic properties acquired by the City of Perry;
- F. Promote the acquisition by the City of Perry of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act* (O.C.G.A., Section 44-10-1 *et. seq.*);
- G. Conduct educational programs on historic properties located within the City and on general historic preservation activities;
- H. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the City Council, or the Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- I. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired;
- J. Submit to the Historic Preservation Division of the Department of Community Affairs a list of historic properties and historic districts designated;
- K. Perform historic preservation activities as the official agency of the Perry historic preservation program;
- L. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Perry without prior consent.
- M. Review and make comments to the Historic Preservation Division of the Department of Community Affairs concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- N. Participate in private, state, and federal historic preservation programs and with the consent of the City Council, enter into agreements to do the same.

By replacing **Section 2-3.4 – Designation of historic overlay district**, with a new **Section 2-3.4 – Historic Preservation** to read as follows:

2-3.4. Historic Preservation.

2-3.4.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Perry is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

To stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

To enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

To provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The City Council hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of the Ordinance.

2-3.4.2. Definitions.

The following words, terms, and phrases, when used in Section 2-3.4 shall have the meanings ascribed to them in this subsection.

- A. **“Building”** – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. **“Certificate of appropriateness”** – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. **“Exterior architectural features”** – Means the architectural style, general design, and general arrangement of the exterior of a building, structure, or work of art, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details, or elements relative to the forgoing.
- D. **“Exterior environmental features”** – Means all those aspects of the landscape which affect the historic character of the property or the development of a site, including but not limited to parking areas, driveways, walkways, fences, walls, landscaping, signs, or other permanent landscape elements, and other appurtenant environmental fixtures, features, details, or elements relative to the forgoing.
- E. **“Historic district”** – Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures,

or works of art united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the City Council as a Historic District pursuant to the criteria established in Section 2-3.4.3(B) of this Ordinance.

- F. "Historic property" – Means an individual building, structure, site, or work of art including the adjacent area necessary for the proper appreciation or use thereof designated by the City Council as a historic property pursuant to the criteria established in Section 2-3.4.3(C) of this Ordinance.
- G. "Material change in appearance" – Means a change that will affect either the exterior architectural or environmental features of a historic property or of any place, district, site, building, structure, or work of art within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape, or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - 2. Demolition or relocation of a historic building or structure;
 - 3. Commencement of excavation for construction purposes;
 - 4. A change in the location of advertising visible from the public right-of-way; or
 - 5. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
- H. "Site" – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

2-3.4.3. *Recommendation and designation of historic districts and properties.*

A. *Preliminary research by the preservation commission.*

- 1. The Preservation Commission shall compile and collect information and conduct surveys of historic resources within the City of Perry.
- 2. The Preservation Commission shall present to the City Council recommendations for historic districts and properties.
- 3. Prior to the Preservation Commission's recommendation of a historic district or historic property to the City Council for designation, the Preservation Commission shall prepare a Report for Nomination consisting of:
 - a. a physical description;
 - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
 - c. a map showing district boundaries and classification (i.e., contributing, or non-contributing) of individual properties therein, or showing boundaries of individual historic properties; and
 - d. representative photographs.

B. *Designation of a historic district.*

- 1. Criteria for selection of historic districts. A historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
 - a. has special character or special historic/aesthetic value or interest;

- b. represents one or more periods, styles, or types of architecture typical of one or more eras in the history of the municipality, county, state, or region; and
 - c. causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
 - 2. Boundaries of a Historic District. Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the City of Perry, or in the absence of zoning, on an official map designated as a public record.
 - 3. Evaluation of properties within Historic Districts. Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district)
 - b. Non-contributing (does not contribute to the district, as provided for in B.1 above.)
- C. *Designation of a historic property.*
 - 1. Criteria for selection of Historic Properties. A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Perry, the region, or the State of Georgia for one of the following reasons:
 - a. it is an outstanding example of a structure representative of its era;
 - b. it is one of the few remaining examples of a past architectural style;
 - c. it is a place or structure associated with an event or persons of historic or cultural significance to the City of Perry, State of Georgia, or the region; or
 - d. it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state, or region.
- D. *Requirements for adopting an ordinance for the designation of historic districts and historic properties.*
 - 1. *Application for designation of historic districts or property.* Designations may be proposed by the City Council, the Preservation Commission, or:
 - a. for historic districts – a historical society, neighborhood association or group of property owners may apply to the Preservation Commission for designation;
 - b. for historic properties – a historical society, neighborhood association or property owner may apply to the Preservation Commission for designation.
 - 2. *Required components of a designation ordinance.* Any ordinance designating any property or district as historic shall:
 - a. list each property in a proposed historic district or describe the proposed individual historic property;
 - b. set forth the name(s) of the owner(s) of the designated property or properties;
 - c. require that a Certificate of Appropriateness be obtained from the Preservation Commission prior to any material change in appearance of the designated property; and
 - d. require that the property or district be shown on the Official Zoning Map of the City of Perry and be kept as a public record to provide notice of such designation.
 - 3. *Required public hearings.* The Preservation Commission and the City Council shall each hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal

newspaper of local circulation, and written notice of the hearing shall be mailed by the administrator to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearings. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

4. *Notification to DCA.* No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Preservation Commission must submit the report, required in Section 2-3.4.3(A)(3), to the Historic Preservation Division of the Department of Community Affairs.
5. *Recommendations on proposed designations.* A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Preservation Commission within forty-five (45) days following the Public Hearing and shall be in the form of a resolution to the City Council.
6. *City council actions on the preservation commission's recommendation.* Following receipt of the Preservation Commission recommendation, the City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
7. *Notification of adoption of ordinance for designation.* Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
8. *Notification of other agencies regarding designation.* The administrator shall notify all necessary agencies within the City of Perry of the ordinance for designation.
9. *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If an ordinance for designation is being considered, the City Council shall have the power to freeze the status of the involved property.

2-3.4.4. *Application for certificate of appropriateness.*

A. *Exemptions.*

1. The Georgia Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this section.
2. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the preservation commission 45 days prior to beginning an undertaking that would otherwise require a certificate of

appropriateness and allow the preservation commission an opportunity to comment.

- B. *Approval of material change in appearance in historic districts or involving historic properties.* After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site, or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Preservation Commission. A Building Permit shall not be issued without a Certificate of Appropriateness.
- C. *Submission of plans.* An Application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Preservation Commission.
- D. *Interior alterations.* In its review of applications for Certificates of Appropriateness, the Preservation Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
- E. *Technical advice.* The Preservation Commission shall have the power to seek technical advice from outside its members on any application.
- F. *Public hearings on applications for certificates of appropriateness, notices, and right to be heard.* The Preservation Commission shall hold a public hearing for each proposed Certificate of Appropriateness. The preservation commission shall cause to have posted in a conspicuous place on the property in question a minimum of one (1) "public hearing" sign for every 1,000 feet of road frontage, each of which shall not be less than six (6) square feet in area, and which shall state the date, time, place, and purpose of the public hearing. Such signs shall be posted on the subject property at least 15 days prior to but not greater than 45 days prior to the public hearing. The Preservation Commission shall give the property owner, applicant, and others wishing to speak an opportunity to be heard at the Certificate of Appropriateness hearing.
- G. *Acceptable preservation commission reaction to applications for certificate of appropriateness.* The Preservation Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it. The Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Preservation Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:
 - 1. *Reconstruction, Alteration, New Construction or Renovation.* The Preservation Commission shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback, and site features, to the Secretary of Interior's Standards for Rehabilitation, Guidelines for Rehabilitating Historic Buildings, and any other design guidelines adopted by the Preservation Commission.
 - 2. *Relocation:* A decision by the Preservation Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
 - a. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 - b. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.

- c. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.
3. *Demolition:* A decision by the Preservation Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, or sites judged to be 50 years old or older, or works of art shall be guided by:
- a. The historic, scenic, or architectural significance of the building, structure, site, or work of art.
 - b. The importance of the building, structure, site, or work of art to the ambiance of a district.
 - c. The difficulty or the impossibility of reproducing such a building, structure, site, or work of art because of its design, texture, material, detail, or unique location.
 - d. Whether the building, structure, site, or work of art is one of the last remaining examples of its kind in the neighborhood or the city.
 - e. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
 - f. Whether reasonable measures can be taken to save the building, structure, site, or work of art from collapse.
 - g. Whether the building, structure, site, or work of art can earn reasonable economic return on its value.
- H. *Undue hardship.* When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the owner's or occupant's own making.
- I. *Deadline for approval or rejection of application for certificate of appropriateness.*
- 1. The Preservation Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Preservation Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent in writing to the applicant and all other persons who have requested such notice in writing filed with the Preservation Commission.
 - 2. Failure of the Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.
- J. *Necessary action to be taken by preservation commission upon rejection of application for certificate of appropriateness.*

1. In the event the Preservation Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Preservation Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
 2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- K. *Requirement of conformance with certificate of appropriateness.*
1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Preservation Commission shall issue a cease-and-desist order and all work shall cease.
 2. The Preservation Commission and the City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.
- L. *Expiration of certificate of appropriateness.* A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and may be renewed.
- M. *Record of applications for certificate of appropriateness.* The Preservation Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Preservation Commission's proceedings in connection with said application.
- N. *Acquisition of property.* The Preservation Commission may, where such action is authorized by the City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.
- O. *Appeals.* Any person adversely affected by any determination made by the Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within fifteen (15) calendar days after the issuance of the determination pursuant to Section 2-3.4.4(1)(1) of this Ordinance or, in the case of a failure of the Preservation Commission to act, within fifteen (15) calendar days of the expiration of the forty-five (45) day period allowed for the Preservation Commission action pursuant to Section 2-3.4.4(1)(2) of this Ordinance. The appeal shall be in writing and state the grounds for the appeal. The City Council may approve, modify, or reject the determination made by the Preservation Commission, if the governing body finds that the Preservation Commission abused its discretion in reaching its decision. Appeals from decisions of the City Council may be taken to the Superior Court of Houston County or Peach County, whichever is appropriate, in the manner provided by law.

2-3.4.5. *Maintenance of historic properties and building and zoning code provisions.*

- A. *Affirmation of existing building and zoning codes.* Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.
- B. *Ordinary maintenance or repair.* Ordinary Maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a Certificate of Appropriateness.

4.

By amending **Section 2-3.8.2 Historic Overlay District** by deleting it in its entirety and replacing it with **Section 2-3.8.2 Historic Properties and Historic Overlay Districts. See Section 2-3.4.4.**

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 16th day of August, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk

1st Reading: August 2, 2022
2nd Reading: August 16, 2022



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OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor/Council
FROM: Lee Gilmour, City Manager ^{LG}
DATE: July 25, 2022
REFERENCE: Amending Fee Schedule

The attached resolution recommends amending the City of Perry Fee Schedule for the following reasons:

1. The current fire fee maximum per billing for moderate risk is higher than the other risks. It needs to be reduced to be in line with the fire exposure.
2. The natural gas activation fees should be the same as the water activation fee.

If you have any questions, contact me.

cc: Mr. R. Smith
Fire Marshal D. Kitchens
Ms. L. Nelson

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

WHEREAS, a review of the schedule reveals some inconsistencies that need to be adjusted;

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

Section 1. B. Charge for Services. 2. Public Safety, b. Fire Services, 4. Fire Protection Services Fee, b. Meter Maximums, 1. Moderate Risk is amended to read:

Master Meter	From	To
Non-Residential	\$ 1,000/billing	\$ 500/billing
Residential	1,000/billing	500/billing

Section 2. B. Charge for Services, 6. Natural Gas, a. Meter, 1. Activation Fee (Non-Residential) is amended to read:

	From	To
a. Residential	\$ 49.00/each location	\$ 60/each location
b. Other	72.00/each location	95/each location

SO RESOLVED THIS _____ DAY OF AUGUST 2022.

CITY OF PERRY

By: _____
RANDALL WALKER, MAYOR

City Seal Attest: _____
ANNIE WARREN, CITY CLERK

**RESOLUTION TO ACCEPT DONATION OF PROPERTY IN THE CAMELOT
SUBDIVISION FROM THE VILLAGES OF CAMELOT HOMEOWNER'S
ASSOCIATION, INC.**

WHEREAS, Villages of Camelot Homeowner's Association, Inc. has offered to donate certain real property used as a stormwater detention and water quality pond to the City of Perry ("City"); and

WHEREAS, the property to be donated contains an existing stormwater detention and water quality pond; and

WHEREAS, the City agrees to maintain the existing stormwater detention and drainage pond as a public storm water pond in compliance with the City's MS4 permit; and

WHEREAS, the property accepted through this Resolution is as follows (hereinafter "Property"):

Owner of the
Property: Villages of Camelot Homeowner's Association, Inc.

Parcel Number: 0P43B0 037000

Property: Parcel 'P-D', 0.871 acres

WHEREAS, the legal description for the Property to be donated is as follows:

All that tract or parcel of land situate, lying and being in Land Lot 81 of the 10th Land District, Houston County, Georgia and being shown and designated as "Parcel 'P-D'" (Detention & Water Quality Pond) containing 0.871 acres, as is more particularly shown on a plat of survey prepared by Lee R. Jones, Georgia Registered Land Surveyor No. 2680, said plat being dated July 7, 2022 and recorded in Plat Book 83, Page 238, 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; and

a 50' perpetual nonexclusive easement for the purpose of providing access, ingress and egress over, upon and across that certain "50' access easement for Parcel 'P-D'" as shown on the plat of survey recorded in Plat Book 83, Page 238, said Clerk's Office.

WHEREAS, the Mayor and Council of the City of Perry, Georgia ("Mayor" and "Council") by this Resolution desire that the donation of said Property be accepted by the City.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council to accept the Property, as described above, subject to the following:

1. This acceptance excludes any and all greenspace, catch basins and drainage, and streets located in the Villages of Camelot Subdivision, and is limited to the detention and water quality pond described above.

BE IT FURTHER RESOLVED, that the City Attorney, or her designee, is directed with respect to the Property as described above, to issue receipt to the donor acknowledging the City's receipt of the donor's donation.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

SO RESOLVED this ____ day of August, 2022.

CITY OF PERRY, GEORGIA

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk



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OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: Mayor/Council
FROM: Lee Gilmour, City Manager ^{LS}
DATE: July 27, 2022
REFERENCE: Proposed service agreement

Attached is the proposed service agreement between the city and the Perry Area Convention and Visitors Bureau Authority for provision of administrative services. The Administration recommends council approve the agreement subject to the City's Attorney's approval.

cc: Mr. R. Smith

**AN AGREEMENT BY AND BETWEEN THE CITY OF PERRY (CITY)
AND THE PERRY AREA CONVENTION AND VISITORS BUREAU
AUTHORITY (AUTHORITY) FOR THE PROVISION
OF ADMINISTRATIVE SERVICES**

WHEREAS, the Authority can benefit from the provision of administrative services; and

WHEREAS, the City has the expertise and ability to provide administrative services.

NOW, THEREFORE, FOR THE CONDITIONS AND OBLIGATIONS STATED HEREIN, THE CITY AND THE AUTHORITY DO HEREBY MUTUALLY ACKNOWLEDGE AND AGREE TO THE FOLLOWING:

1.

All revenues, interest, charges, allocations or other revenues allocated to, charged by, or otherwise agreed to for the Authority shall be deposited to a separate account. No withdraws from that account shall be made unless authorized by the designated Authority members. The City shall be responsible for the proper accounting, monitoring and reporting of the status of this account.

2.

The City shall provide the classifications and number of city employees assigned to fulfill the operational needs of the Authority. Employee job classification descriptions and pay ranges shall be approved by the Authority. These employees shall receive full benefits available to city employees based on work schedule.

3.

The Authority's President/CEO shall be hired by the Authority and serve at the pleasure of the Authority. This position shall be considered as a department head level city position. The City Manager shall provide administrative support as requested by the Authority.

4.

The Authority shall observe all city holidays as its holidays. The Authority shall set the schedule parameters for city staff.

5.

The President/CEO shall be responsible for the selection, supervision, monitoring, evaluation, and disciplinary action of assigned city staff per city policy. The Authority shall supervise, monitor, evaluate and discipline as needed the President/CEO.

6.

Each month the City shall provide to the Authority a statement of revenues deposited and expenditures made on behalf of the Authority. After review the Authority shall approve the expenditures and authorize reimbursement to the city from its revenue account. Expenditures not approved by the Authority shall be the city's obligation. Unless otherwise stated all payments to outside providers or organization allocations need to be approved by the President/CEO or designated representative prior to payment.

7.

Each fiscal year the Authority shall adopt an operating budget and through the year amend the budget as needed per state law.

8.

The City shall be responsible for all reporting of payroll, unemployment, benefits, State of Georgia documents and any other administrative reports required.

9.

The City shall ensure an annual fiscal year audit is performed as required by state law and present the audit to the Authority.

10.

The City shall prepare and provide any administrative documents requested by the Authority or staff.

11.

The President/CEO shall be an active team member in the implementation of the City's strategic plan.

12.

Any amendment to this agreement shall be in writing and mutually agreed to prior to enactment.

13.

This agreement shall be effective July 1, 2022 and remain in effect unless terminated by either party. The party requesting termination shall provide the other party ninety (90) days writing notice.

14.

The City Manager shall be the designated city liaison for this agreement. This document constitutes the entire agreement between the parties.

City of Perry

Perry Area Convention and
Visitors Bureau Authority

Randall Walker, Mayor

Chairman

Witness

Witness

Notary

Notary

Date

Date

**LAW ENFORCEMENT
MEMORANDUM OF UNDERSTANDING
BETWEEN
STATE ROAD AND TOLLWAY AUTHORITY
AND
PERRY POLICE DEPARTMENT**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), effective as of August _____, 2022, (“Effective Date”), is made by and between the State Road and Tollway Authority, a body corporate and politic and instrumentality of the State of Georgia, whose address is 245 Peachtree Center Avenue, Suite 2200, Atlanta, GA 30303 (“SRTA”) and the Perry Police Department, a law enforcement agency whose address is 1207 Washington Street, Perry, GA 31069 (the “Agency”). SRTA and the Agency may be referred to individually as “Party” or collectively as “Parties.”

WHEREAS, pursuant to O.C.G.A. § 32-10-60 et. seq., SRTA is the transportation infrastructure financing arm of the state of Georgia and is authorized to operate toll facilities in Georgia; and

WHEREAS, the Agency provides law enforcement services to its community; and

WHEREAS, in performing its law enforcement services, the Agency may have a need to utilize one or more toll facilities operated by SRTA (each such toll road may be referred to individually, as “Toll Facility” and collectively, as “Toll Facilities”); and

WHEREAS, pursuant to this MOU, SRTA agrees to allow an Agency employee operating an official, registered Agency vehicle, when on official law enforcement business, to be exempt from toll payment on a Toll Facilities;

WHEREAS, SRTA agrees to allow an Agency employee operating an official Agency vehicle when off duty to be exempt from toll payment on a Toll Facility with occupancy requirements (“HOV Requirements”) only if the number of occupants in the Agency vehicle meets the HOV Requirements of that Toll Facility; and

WHEREAS, SRTA and the Agency wish to set forth the details of the Agency’s toll-exempt use of the Toll Facilities.

NOW THEREFORE, SRTA and the Agency agree that when not paying a toll, the terms and conditions below govern the Agency’s use of the Toll Facilities.

I. Emergency Non-Revenue Account.

- A. The Agency shall open an Emergency Non-Revenue Account with SRTA (the “Account”). The Agency shall complete the Peach Pass application and vehicle information and furnish to SRTA information required by SRTA in order to establish the Account. The Agency shall furnish this information electronically in Microsoft Excel format using the form attached hereto and incorporated herein as **Exhibit A** or another format as reasonably requested by SRTA. SRTA shall issue Agency a Peach Pass transponder (“Peach Pass”) for each vehicle registered under the Account.
- B. The Agency understands that each Peach Pass issued is assigned to a specific vehicle (each an “Agency Vehicle”); therefore, the Agency shall ensure that each Peach Pass provided

pursuant to this MOU is properly affixed to the Agency Vehicle to which SRТА assigned such Peach Pass.

- C. The Agency, and the Agency's employees using Agency Vehicles, shall comply with the terms and conditions of this MOU and those set forth on **Exhibit B**, attached hereto and incorporated herein. The Agency's failure to comply may result in the Agency being responsible for the unpaid toll and an administrative fee, as that amount is set forth in O.C.G.A. §32-10-64(c)(1), for each unpaid toll (each such instance may be referred to as a "Toll Violation").
 - D. The Agency shall only allow employees certified in law enforcement, and not civilians, to utilize Agency Vehicles associated with an Account.
 - E. The Agency agrees that only the following uses of an Agency Vehicle will be exempt from toll payment under this MOU:
 - i. law enforcement officers operating an official Agency vehicle when on official law enforcement business, or
 - ii. off duty law enforcement officers operating an official Agency Vehicle on a Toll Facility with HOV Requirements only if the number of occupants in the vehicle meets the HOV Requirements of that Toll Facility. The exemption in this subsection ii. is inapplicable to a Toll Facility with no HOV Requirements.
 - F. The Agency shall advise its employees that they may only utilize Toll Facilities toll free while on official business on behalf of the Agency or if HOV Requirements are applicable a Toll Facility. If these requirements are met, then an off duty law enforcement officer may utilize the Toll Facility toll free only if the number of occupants in the Agency Vehicle meets the HOV Requirements of that Toll Facility.
 - G. Certification & Recertification. Annually, and no later than June 30 of each year, the Agency shall furnish to SRТА a certification properly executed by the head of the Agency and on the same form attached hereto and incorporated herein as **Exhibit C** (each a "Certification"), certifying compliance with Section E above.
 - i. Notwithstanding changes made pursuant to Section II (Maintenance of the Information on the Account), for any applications approved prior to January 1, 2018, recertification of this Agreement shall be due no later than June 30, 2018 and thereafter, on or before June 30th of each subsequent year.
 - ii. Notwithstanding changes made pursuant to Section II (Maintenance of the Information on the Account), where the Agency has had an application approved by SRТА on or after January 1, 2018, such recertification shall not be due until June 30th of each subsequent year.
- II. Maintenance of the Information on the Account.** Before a vehicle associated with the Agency's Account uses any Toll Facility, the Agency must notify SRТА within thirty (30) days of any changes to the information previously provided for vehicles associated with this Account, including vehicular

information changes (make/model, license plate information). Failure to update this information may result in a Toll Violation.

- III. Term/Termination.** The initial term of this MOU shall be from the Effective Date until June 30, 2023, (“Initial Term”). This MOU shall automatically renew upon SRТА’s receipt of the Certification for the previous term and Agency’s compliance with the terms of this MOU (each such renewal period may be referred to as “Renewal Term”). The Agency may cancel this MOU at any time upon thirty (30) days written notice. SRТА may cancel this MOU, upon thirty (30) days written notice if Agency fails to comply with the terms and conditions of this MOU. SRТА may terminate this Agreement, in whole or in part, immediately, without prior notice, if SRТА deems that such termination is necessary to prevent or protect against fraud or otherwise protect SRТА’s personnel, facilities or services, or Agency fails or refuses to comply with the written policies or reasonable directive of SRТА or breaches any material provisions of this MOU.
- IV. Payment of Transponders.** During the Initial Term, SRТА shall furnish the Peach Passes at no charge to Agency.
- V. Confidentiality.** The Parties will comply with SRТА’s Privacy and Security Statement, as the same may be amended by SRТА from time to time. A copy of SRТА’s most recent Privacy and Security Statement may be found at www.peachpass.com.

VI. Notices/Communication

A. Each Party shall specify a single point of contact (“POC”) set forth in this subsection with whom the other Party shall communicate concerning all matters arising under this MOU, excepting those matters that may arise under Section V (Confidentiality) above. Either Party may change the POC upon written notification to the other Party. All notices, approvals, acceptances, requests, permission, waivers or other communications hereunder shall be in writing and transmitted via hand delivery, overnight courier, or mail to the Parties at the respective addresses set forth below. Notices will be deemed to have been given when received. Notices may also be sent by email provided that the recipient acknowledges receipt of the notice. Notwithstanding the above, notices sent by email after 5:00 p.m. (local Atlanta time) and all other notices received after 5:00 p.m. (local Atlanta time) shall be deemed received on the first Business Day following delivery.

POC for SRТА:

State Road and Tollway Authority
Fleet Manager
245 Peachtree Center Avenue, Suite 2200
Atlanta, Georgia 30303
Phone: (404) 893-6197
Email: fleetmgmt@srta.ga.gov

POC for the Agency:

Perry Policy Department
Attn: Chief of Police
1207 Washington St., PO Box 2030
Perry, Georgia 31069
(478) 988-2800
Email: alan.everidge@perry-ga.gov

B. Any matters concerning Section V (Confidentiality) shall be referred to:

For SRТА:

Attn: General Counsel
245 Peachtree Center Avenue, Suite 2200
Atlanta, Georgia 30303

For the Agency:

Attn: Office of the City Attorney
1211 Washington St., PO Box 2030
Perry, Georgia 31069

Phone: (404) 893-6138
Email: mmandus@srtga.ga.gov

(478) 988-2750
brooke.newby@perry-ga.gov

VII. Authority/Signature. The individual signing this MOU on behalf of the Agency represents and warrants that (s)he has the actual authority to sign this MOU on behalf of the Agency, and to bind the Agency to the terms and conditions of this MOU and all Exhibits and attachments hereto.

VIII. Miscellaneous.

- A. Recitals. The recitals set forth in the beginning of this MOU are true and correct and are hereby incorporated into this MOU.
- B. Counterparts. This MOU may be executed in counterparts.
- C. Amendments. The Parties may only amend this MOU in a writing signed by all Parties.
- D. No Third Party Beneficiaries. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the Parties hereto, any rights or benefits under or by reason of this MOU.
- E. Severability. If any provision of this MOU is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
- F. Risk. Each Party shall conduct its own functions under this MOU in accordance with state law at its sole cost, risk and responsibility.
- G. Interpretation. The Parties stipulate that each has negotiated and thoroughly reviewed this MOU. Should any provision of this MOU require judicial interpretation, it is agreed that a Court of competent jurisdiction interpreting or construing it shall not construe the MOU more strictly against any Party because it drafted a particular provision, or the provision was for a Party's benefit, or the Party enjoyed a superior bargaining position.
- H. Assignment. This MOU shall not be assigned by any Party to another person or entity whatsoever unless agreed to by the Parties.
- I. Governing Law. This MOU is made and entered into in Fulton County, Georgia and shall be governed by the laws of the state of Georgia.
- J. Entire Contract; Amendment. This Agreement contains the entire agreement between the Parties with respect to its subject matter and supersedes all other prior and contemporaneous contracts and understandings between the Parties, whether oral or written. No amendment to this Agreement shall be valid unless made in writing and signed by both Parties.

The Parties agree to the terms and conditions set forth in this MOU as of the Effective Date.

State Road and Tollway Authority

Agency: Perry Police Department

Christopher Tomlinson
Executive Director

Alan Everidge
Interim Chief of Police

EXHIBIT A
PEACH PASS APPLICATION FOR THE ACCOUNT



Emergency Non-Revenue
APPLICATION FOR PEACH PASS
State Road and Tollway Authority
State of Georgia
P.O. BOX 2105, ATLANTA, GA 30301-2105
Phone: 1-855-PCH-PASS (724-7277)
Fax: 404-893-6160

(PLEASE USE BLUE OR BLACK INK)

DATE: _____

AGENCY NAME: _____

ADDRESS: _____

COUNTY: _____

COUNTY TAX ID#: _____

EMAIL: _____

PHONE: _____

******* ALL INFORMATION MUST BE COMPLETED TO OPEN A PEACH PASS ACCOUNT *******

Vehicle Information should be submitted on the spread sheet provided.

Signature: _____ Date: ____/____/____

(OFFICE USE ONLY) Number of Cards Issued _____

Account Number Assigned _____ Clerk ID _____ Date: _____

(Revised 04-2018)

**EXHIBIT A CONTINUED
PEACH PASS APPLICATION FOR THE ACCOUNT: VEHICLE INFORMATION**

PEACH PASS TRANSPONDER REQUEST VEHICLE INFORMATION						
Row #	License Plate Number	Year	Make	Model	Color	Vehicle Class (ie # of Axles)
<i>Example</i>	<i>GA ABC1234</i>	<i>2001</i>	<i>Ford</i>	<i>Focus</i>	<i>Silver</i>	<i>2</i>
1						
2						
3						
4						
5						
6						
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EXHIBIT B
ACCOUNT TERMS AND CONDITIONS

1. **Definitions.** The following terms shall have the corresponding definitions when used throughout this MOU:
 - 1.1. **Peach Pass.** A Peach Pass is an electronic toll collection device (also known as a transponder) that adheres to a vehicle's windshield (or front bumper for certain vehicles). The Peach Pass is connected to an Account established with SRTA that automatically deducts the proper tolls when used on a Toll Facility.
 - 1.2. **Toll Facility or Toll Facilities.** A transportation facility (such as a road, designated lane(s), bridge or tunnel) within the state of Georgia for which travelers pay a specified toll for a particular class of vehicle to travel on, or other venue (such as a parking lot), that accepts the Peach Pass for electronic payment. Toll rates and calculation methods will vary by Toll Facility.
 - 1.3. **Toll Facility Violation.** Occurs when a user does not comply with the rules governing the use of a particular Toll Facility. For each Toll Facility Violation, you will be responsible for any applicable unpaid toll and an administrative fee. See www.peachpass.com for more details on Toll Facility Violations and rules governing the use of specific Toll Facilities
 - 1.4. **Toll Violation.** Occurs when you do not promptly pay the proper toll for use of a Toll Facility. For each Toll Violation, you and/or the owner of the vehicle will be responsible for the unpaid toll and an administrative fee (see Attachment A of the Peach Pass Customer Agreement available at www.peachpass.com). If you do not pay the unpaid toll and the administrative fee, you and/or the owner of the vehicle will also be liable for a civil penalty pursuant to O.C.G.A. §32-10-64(c)(1) per Toll Violation ("Civil Penalty").
2. **License/Notification of Changes to Vehicle Information.** The terms and conditions of the MOU and this Exhibit govern your use of the Peach Pass on, and your use of, any Toll Facility or other venue in Georgia accepting the Peach Pass for electronic payment. Subject to your compliance with this MOU, SRTA grants you a limited license to use the Peach Pass on Peach Pass-enabled Toll Facilities in the state of Georgia. Before using any Toll Facility, you must notify SRTA of any changes to the information that you previously provided for all vehicles associated with your Account, including changes to your credit/debit card number and expiration date, name or address changes, and vehicular information changes (make/model, license plate information). Failure to update this information may result in a Toll Violation.
3. **Emergency Non-Revenue Account.** A SRTA Customer Account designated for emergency vehicles only. Vehicles on an Emergency Non-Revenue Account that are properly equipped with a Peach Pass transponder will not be subject to tolls, Toll Violations or Toll Facility Violations, as long as such vehicles are operated and used in accordance with this MOU.
4. **Peach Pass.**
 - 4.1. **Installation.** A Peach Pass may only be used with the vehicle to which it is registered. *You may not move a Peach Pass from one vehicle to another.* You must properly mount the Peach Pass to the vehicle to which it is registered. Mounting instructions are included in the package containing the Peach Pass and at www.PeachPass.com. Holding a Peach Pass in your hand or leaving it on the dashboard or in another non-mounted position in the vehicle is prohibited. Under no circumstances may a Peach Pass be used with a vehicle that was not registered to your Account. A vehicle and its unique license plate must be associated with your Account, and no vehicle may be actively listed on more than one Account at any time. Not properly mounting the Peach Pass may cause or prevent your Peach Pass from being read on the Toll Facility, resulting in a Toll Violation and a Traffic citation if observed by law enforcement.
 - 4.2. **Lost Peach Pass.** If the Peach Pass is lost, you must notify the Customer Service Center immediately so the Peach Pass can be deactivated. Until SRTA receives notice, you will be liable for any for future use of the Peach Pass, including tolls, Toll Violations and Toll Facility Violations.
 - 4.3. **Vehicle Sale/Transfer.** You must remove the Peach Pass from the vehicle before selling or otherwise disposing of the vehicle. If you do not remove the Peach Pass from the vehicle before selling or otherwise disposing of the vehicle you will be liable for any for future use of the Peach Pass, including tolls, Toll Violations and Toll Facility Violations.
 - 4.4. **Defective.** In the event of a malfunction of the Peach Pass, you must immediately discontinue use of the Peach Pass and contact the Customer Service Center. Where malfunction occurs, the Peach Pass shall be deactivated and the terms for deactivation as described in Section 9 of this MOU shall apply. You remain responsible for any and all Toll Violations and/or Traffic Citations issued as a result of any attempt to use a malfunctioning and/or defective Peach Pass to pay tolls. You are responsible for the cost to replace a Peach Pass if the Peach Pass is damaged. For purposes of this MOU, damage is defined as the rendering of the Peach Pass defective or inoperable due to tampering, abuse, improper use, defacement, or accidental destruction. For example, removal of or attempt to remove a Peach Pass from the vehicle windshield will damage the Peach Pass and render it inoperable.

- 4.5. **No Tampering or Reverse Engineering.** You agree that you will not, and will not attempt to, reverse engineer or otherwise attempt to alter or tamper with the mechanical or electrical operation of the Peach Pass, or otherwise attempt to use the Peach Pass or other equipment in order to avoid payment of tolls or fees.
5. **Compliance.** You agree to comply with all applicable traffic laws of the state of Georgia (and, if applicable of the state in which the Toll Facility is located) and the rules and regulations of the Georgia Department of Transportation while using a Toll Facility.
6. **Out of State Toll Facilities/Interoperability.** If you use the Peach Pass on a Toll Facility whose operator has an interoperability agreement with SRTA, you agree that SRTA may charge you for any tolls, fees, fines and other charges arising from such use, and that you will be responsible to SRTA or to the other Toll Facility operator for such tolls, fees and other charges. Fees and other charges owed in this manner will be charged in accordance with rules, regulations and procedures of the Toll Facility on which the transaction was recorded. You further agree that SRTA may provide the other Toll Facility operator with information contained in SRTA's files for your Account or other information associated with your Account for purposes of collecting fees, fines and other charges. If you do not update your Account information with the Customer Service Center you may be subject to fees, fines and other charges as established by such other Toll Facility. In addition, the Toll Facility operator, at its sole discretion, may refuse to accept your Peach Pass as a method of payment.
7. **Disclaimer of Warranties.** Notwithstanding any provision in this MOU to the contrary, SRTA makes no warranties of any kind, whether express, implied or otherwise regarding the Peach Pass or your use of any Toll Facility. **SRTA SPECIFICALLY DISCLAIMS ANY AND ALL WARRANTIES, ORAL, EXPRESS, IMPLIED OR OTHERWISE INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**
8. **Updating Account Information.** You may contact the Fleet Manager to change or update your Account information. In order to protect the privacy of your information to the extent allowed or required by law, SRTA may require that you provide verifying information to access your Account. SRTA reserves the right to deny access to your Account if the requested verifying information is not provided.
9. **Deactivation of the Peach Pass/Closure of Account.** If for any reason your Peach Pass is deactivated you must immediately stop using the Peach Pass, remove the Peach Pass from the vehicle, and discontinue traveling on Toll Facilities that only accept the Peach Pass as a method of payment. Using a deactivated Peach Pass may result in Toll Violations or Toll Facility Violations and the issuance of Uniform Traffic Citations by law enforcement. All activity incurred with a deactivated Peach Pass may be charged to your Account. No credits will be issued upon reactivating a deactivated Peach Pass. If for any reason your Account is closed, all Peach Passes registered to your Account will be deactivated and you must return the Peach Passes to SRTA upon SRTA's request and comply with the requirements of this Section 9. SRTA may prohibit you from opening a subsequent Account(s) if SRTA previously force closed your Account. SRTA reserves the right to terminate your Account and deactivate the Peach Pass(es) issued under this Agreement for failure to abide by any of the terms and conditions of this MOU, if you are the subject of any Bankruptcy proceeding under the Bankruptcy Act, or if you become insolvent.
10. **Liability.** You are responsible for each Peach Pass issued to your Account, and for all costs associated with your Account including, but not limited to, administrative fees and civil penalties related to a Toll Violation or a Toll Facility Violation by any vehicle registered to your Account, and any other expenses, fees, and costs allowed by law that are incurred by SRTA in the enforcement of this Agreement. You agree to indemnify, protect, and hold harmless SRTA, its directors, officers, employees, or agents from liability for all loss, damage to real or personal property, injury, or death to persons arising from your use of the Peach Pass.
11. **Toll Violations.** You will be responsible for Toll Violations in the event you breach any terms of the MOU and its Exhibits.
12. **Miscellaneous Provisions.** Notwithstanding the above, SRTA may pursue administrative relief as provided by O.C.G.A §31-10-64 or any other applicable statute. The waiver by SRTA of a breach of any provision of this Agreement shall not be deemed to be a waiver of such provision on any subsequent breach of the same or any other provision of this Agreement. Any such waiver must be in writing in order to be effective, and no such waiver shall establish a course of performance between the parties contradictory to the terms hereof.

**EXHIBIT C
ANNUAL CERTIFICATION**

The Undersigned, being the _____ of the _____, hereby make this
(AGENCY HEAD TITLE) (AGENCY NAME)
 certification pursuant to the Memorandum of Understanding between the Agency and SRTA,
 dated _____ (“MOU”). Any capitalized terms not specifically defined in this Certification will have the
 same meanings assigned in the MOU to that term. The Undersigned hereby certifies under oath the following:

1. that the list of vehicles on **Attachment 1** attached to this Certification and incorporated herein are the only Agency Vehicles associated with the Account that utilized the Toll Facilities without paying a toll, and
2. that each time each Agency Vehicle listed on **Attachment 1** utilized a Toll Facility without paying a toll, such vehicle was driven by a law enforcement officer while on a Toll Facility with HOV Requirements only when the number of occupants in the vehicle met the HOV Requirements of that Toll Facility.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____.

Agency Name : _____

By: _____

Name: _____

Title: _____

Witness:

By: _____

Name: _____

Title: _____

**Attachment 1
Certification Vehicle Information**

Row #	License Plate Number	Year	Make	Model	Color	Peach Pass ID #
<i>Example</i>	<i>GA ABC1234</i>	<i>2001</i>	<i>Ford</i>	<i>Focus</i>	<i>Silver</i>	<i>00012345</i>
1						
2						
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10						

MEMBERS OF COUNCIL

Darryl Albritton
Phyllis Bynum-Grace
Riley Hunt
Robert Jones
Willie King
Joy Peterson



Where Georgia comes together.

MAYOR
Randall Walker

CITY MANAGER

R. Lee Gilmour

ASSISTANT CITY MANAGER

Robert Smith

CITY ATTORNEY

Brooke Newby

August 3, 2022

Via Email: DOR-school-zone@dor.ga.gov

Georgia Department of Revenue
1800 Century Blvd. NE
Atlanta, GA 30345

Dear Sir or Madam:

In accordance with the requirements of O.C.G.A. §§ 40-6-163 and 40-14-1.1, the City of Perry, Georgia (the "Governing Body") is designating **RedSpeed Georgia, LLC** as its "Agent", as that term is defined in O.C.G.A. § 40-14-1.1. I hereby represent, on behalf of the Governing Body, that the Governing Body has authorized this designation and that I am authorized to make this representation on behalf of the governing Body.

If the Motor Vehicle Division of the Department of Revenue has any questions about referrals or removal of holds, the primary contact at the Agent that can provide that information, on behalf of the Governing Body, is listed as follows:

Contact Name at the Agent: Greg Parks
Phone Number of Agent Contact: 913-575-2912
Email Address of Agent Contact: Greg.Parks@RedSpeed-USA.com

Sincerely yours,

Randall Walker, Mayor

**ACKNOWLEDGEMENT OF AGREEMENT BETWEEN THE
GEORGIA DEPARTMENT OF REVENUE
AND
CITY OF PERRY, GEORGIA**

The governing body of the law enforcement agency ("Governing Body") above acknowledges and understands the following:

1. Under O.C.G.A. § 40-6-163, the owner of a motor vehicle will be held liable for a civil monetary penalty if his/her vehicle is found, as evidenced by recorded images, to have met or overtaken from either direction a stopped school bus when there are in operation on the school bus the visual signals as specified in O.C.G.A. §§ 40-8-111 and 40-8-115.
2. Under O.C.G.A. § 40-14-18, the owner of a motor vehicle will be held liable for a civil monetary penalty if his/her vehicle is found, as evidenced by photographically recorded images, to have been operated in disregard or disobedience of the speed limit within any school zone, and such disregard or disobedience was not otherwise authorized by law, during the time designated in O.C.G.A. § 40-14-18(a)(1), and when such violations are in excess of 10 miles per hour over the speed limit.
3. The Georgia Department of Revenue ("DOR") has been charged with the duty to enforce certain provisions of O.C.G.A. §§ 40-6-163 and 40-14-18 when a violation of either statute has occurred after July 1, 2018, and the violation has not been contested and the assessed penalty has not been paid.
4. For auditing purposes, copies of the 3 notices required by O.C.G.A. §§ 40-6-163 and 40-14-18 to be sent to the motor vehicle owner by a law enforcement agency, Governing Body, or their agent must be retained in the files of the Governing Body for at least 1 year from the date of referral to DOR.
5. The Governing Body must designate one person or entity ("Designee") for all communications with DOR in order to ensure the effective enforcement of O.C.G.A. §§ 40-6-163 and 40-14-18.
6. To submit a referral to DOR, the Designee must complete Form MV-BISV-01 and e-mail it to DOR-school-zone@dor.ga.gov no earlier than 30 days after the third and final notice has been sent to the owner of the motor vehicle.
7. Within 5 days of receipt and upon confirmation that all of the information in the referral is accurate, DOR will put a hold on the vehicle in its motor vehicle database, which will prevent renewal of the registration of such vehicle and title transfer of such vehicle within this state, unless and until the civil monetary penalty plus any late fees have been paid. DOR will not put a hold on the vehicle in the motor vehicle database if the information sent to DOR is incorrect or sent by any person or entity other than the Designee.

8. DOR will send a notice in compliance with O.C.G.A. §§ 40-6-163(d)(9) or 40-14-18(i) to the registered owner of the motor vehicle. The Governing Body must designate one person or entity ("Point of Contact") that the vehicle owner can contact to pay the penalty and any late fee.
9. The Designee must report payment of the penalty (and any late fee, if applicable) to DOR no later than one business day after receipt of such payment, by e-mailing completed Form MV-BISV-01, with the appropriate box checked, to DOR-school-zone@dor.ga.gov, so that DOR can remove the hold on the vehicle.
10. DOR will remove the hold on the vehicle once the Designee certifies to the Department using Form MV-BISV-01 that the local law enforcement agency or governing body has received the penalty and any late fee, if applicable.
11. The following individual shall be the Governing Body's Designee:

Name of Designee	Greg Parks
E-mail Address	Greg.Parks@RedSpeed-USA.com
Phone Number	913-575-2912

12. The following individual or entity shall be the Governing Body's Point of Contact for vehicle owners:

Name of Point of Contact	GEORGIA REGISTRATION HOLD RESOLUTION HOTLINE
Phone Number	833-360-4338
Website (optional)	https://Secure.SpeedViolation.com

I, as an authorized signor for the Governing Body, hereby consent to and acknowledge the above on behalf of the Governing Body.

By: _____
Randall Walker, Mayor

Attest: _____
Annie Warren, City Clerk