

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
January 4, 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 January 4, 2022 at 6:00 p.m.

2. Elected Officials Swearing In Ceremony: City Attorney Brooke Newby

Mayor Randall Walker was sworn in by City Attorney Brooke Newby

Council Member Phyllis Bynum-Grace was sworn in by City Attorney Brooke Newby

Council Member Robert Jones was sworn in by City Attorney Brooke Newby

Council Member Darryl Albritton was sworn in by City Attorney Brooke Newby

3. Roll:

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

Elected Official Absent: none

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

Departmental Staffing: Mitchell Worthington – Finance Director, Bryan Wood – Director of Community Development, Chief Lee Parker - Fire and Emergency Services Department, Captain Heath Dykes – Perry Police Department, Ansley Fitzner – Public Works Superintendent, Sedrick Swan – Director of Leisure Services, Ashley Harden – Economic Development Administrator, Chad McMurrian – Engineering Services Manager, Jazmin Thomas – Downtown Manager, Holly Wharton – Community Planner, Tabitha Clark – Communications Administrator, Patrick Watson – Fire and Emergency Services Department, Will Kersey – Fire and Emergency Services Department, and Nathan Hershberger – Fire and Emergency Services Department.

Media: William Oliver – Houston Home Journal and Thomas Brooks – WGXA News

Guests/Speakers: Dr. Scott Westmoreland.

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

Invocation and Pledge of Allegiance to the Flag: Council Member Peterson rendered the invocation and Mayor Pro Tempore King led the pledge of allegiance to the flag.

* Mayor Walker exercised Point of Privilege. Mayor Walker recognized Council Member Jones as 2021 Mayor Pro Tempore and presented him a plaque on the behalf of Mayor and Council. Council Member Jones thanked Mayor and Council for the opportunity.

5. Selection of 2022 Mayor Pro-Tempore. Mayor Randall Walker

Mayor Walker entertained nominations for 2022 Mayor Pro Tempore. Council Member Bynum-Grace motioned to nominated Council Member King for Mayor Pro Tempore; Council Member Peterson seconded the motion, motion carried 5-0; Council Member King abstained.

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

6a. Recognition of Mr. Bryan Wood for 5 years of service – Mr. L. Gilmour.

Mr. Gilmour recognized Mr. Wood for 5 years of service and presented to him a service pin. Mayor and Council thanked Mr. Wood for his service to the City of Perry.

6b. Introduction of new Firefighters Patrick Watson, Will Kersey and Nathan Hershberger – Chief L. Parker.

Chief Parker presented firefighters Patrick Watson, Will Kersey, and Nathan Hershberger to Mayor and Council. Mayor Walker and Council welcome the firefighters to the City of Perry.

7. Appointments to Boards/Commissions/Authorities: Mayor Randall Walker

7a. Mayor and Council Post 1 – Districts 1, 2, 3 Appointments.

- Perry Planning Commission

Mayor Walker reappointed Eric Edwards
Council Member Bynum-Grace reappointed Patricia Jefferson
Council Member Jones appointed James Moody
Council Member Albritton reappointed Jim Mehserle

Mayor Walker entertained a motion to approve this slate of candidates to the Perry Planning Commission. Council Member motioned to approve the slate of candidates; Mayor Pro Tempore King seconded the motion and it carried unanimously.

- Perry Public Facilities Authority

Mayor Walker reappointed Jeff Leonard
Council Member Bynum-Grace appointed Belinda C. Baker
Council Member Jones reappointed Michael Froehlich
Council Member Albritton reappointed Benjamin Hulbert

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

9. Citizens with Input. None

10. PUBLIC HEARING CALLED TO ORDER AT 6:19 P.M. Mayor Randall Walker called to order a public hearing at 6:19 p.m. to provide any interested parties with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-66-4.

10a. SUSE-299-2021. Applicant, Rodney P. McDaniel, request a Special Exception to allow short-term residential rental. The property is located at 606 Amherst Street; Tax Map No. 0P0570 087000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the Special Exception request to allow short-term rental. The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Rodney P. and Nomi McDaniel, and is not transferable, 2) the special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law, and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

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

For: none

Against: none

10b. SUSE-301-2021. Applicant, Peggy S. Baker, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 205 Avington Chase; Tax Map No. 0P0650 095000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Peggy S. Baker, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which portions of the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

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

For: none

Against: none

- 10c. SUSE-317-2021. Applicant, Victor R. Lozano, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 117 Sutton Drive; Tax Map No. oPo700 029000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Victor R. Lozano, and is not transferable, 2) the special exception is limited to short-term rental of up to 3 bedrooms for up to seven (7) guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

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

For: none

Against: none

- 10d. SUSE-319-2021. Applicant, Patricia Akins, request a Special Exception to allow bed and breakfast inn (short-term rental). The property is located at 2047 Northside Road; Tax Map No. oP16Bo 046000 - Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow bed and breakfast inn (short-term rental). The Planning Commission and staff recommends approval of the special exception with the following conditions: 1) The special exception is limited to the current owners of the subject property, Patricia M. Akins, and is not transferable, 2) the special exception is limited to short-term rental of up to two (2) guest bedrooms for up to four (4) total guests at any given time, 3) the property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property are offered for short-term rental, 4) the property owner shall remit all required taxes and fees associated with the short-term rental as required by law; and 5) failure of the property owner and its guests to comply with all applicable

local, state, and federal laws may result in the suspension or revocation of this special exception.

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

For: none

Against: none

- 10e. SUSE-320-2021. Applicant, Matthew King – Crown Real Estate, request a Special Exception to allow multi-family development. The property is located at 2141 Hwy 127; Tax Map No. 0P0610 028000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to allow multi-family development. The Planning Commission and staff recommends approval of the special exception with the condition, exterior siding used shall be cement fiber material.

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

For: none

Against: Dr. Westmoreland, 150 Langston Road, stated he is not against the special exception request but did voice his concerns relative to the significant water problem that he has on his property. Dr. Westmoreland would like to see the regional pond completed before construction on this project is started.

- 10f. SUSE-323-2021. Applicant, Ilde Robles, Boardwalk Development Group, LLC, request a Special Exception to expand a self-service storage facility. The property is located at 1910 Macon Road; Tax Map No. 0P0400 16A000 – Ms. H. Wharton.

Ms. Wharton reviewed the Special Exception request to expand a self-service storage facility. The Planning Commission and staff recommends approve with the following conditions, the applicant shall replace the existing chain-link fence visible from Macon Road with black, vinyl-coated chain-link fence and remove the barbed-wired topper and the applicant shall comply with the street tree and street buffer requirements of Section 6-3 of the Land Management Ordinance along with entire Macon Road frontage of the property.

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

For: none

Against: none

- 10g. ANNX-316-2021. Applicant, ASIL Group, LLC, request to de-annex property from the city. The property is located at 308 Woodlands Boulevard; Tax Map No. 0P64A0 223000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application and stated staff recommends denial of the request as being inconsistent with policy of City Council. The Planning Commission does not offer an official recommendation on this action. Three Commissioners voted to deny the request based on Council's policy regarding de-annexations; three Commissioners felt the property should be de-annexed because it is inconsistent with the size of surrounding properties and cannot be developed consistent with the established development pattern. Ms. Wharton advised Council that staff received a memorandum from Administration recommending the de-annexation.

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

For: Mr. Keith Newton, 3582 Hwy 41N, Byron, GA, spoke in favor of the de-annexation.

Against: none

- 10h. ANNX-325-2021. Applicant, Tom Hall, Houston County Attorney for the Houston County Development Authority, request the annexation and rezoning of property from M-2 (County) to M-2 (City). The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Ms. H. Wharton.

Staff Report: Ms. Wharton reviewed the application and stated the Planning Commission and staff recommends approval of the annexation request and the proposed zoning classification of M-2, Industrial.

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

For: none

Against: none

- 10i. TEXT-324-2021. Applicant, the City of Perry, request modifications to Land Management Ordinance Section 5-1.2 to authorize City Council to grant multi-family residential density greater than those established in Table 5-1-1 by special exception and only for the adaptive re-use of existing buildings – Mr. B. Wood.

Staff Report: Mr. Wood reviewed the proposed text amendment and stated the Planning Commission and staff recommends approval of the proposed text amendment.

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

For: none

Against: none

PUBLIC HEARING CLOSED AT 7:11 P.M. Mayor Walker closed the public hearing at 7:11 p.m.

11. Review of Minutes: Mayor Randall Walker

- 11a. Council's Consideration – Minutes of the December 21, 2021 pre council meeting and December 21, 2021 council meeting. *(Council Member Phyllis Bynum-Grace was absent from the December 21, 2021 meetings.)*

Council Member Jones motioned to approve the minutes as submitted. Council Hunt seconded the motioned and it carried unanimously with Council Member Bynum-Grace abstaining.

12. Old Business: Mayor Randall Walker

12a. Ordinance(s) for Second Reading(s) and Adoption:

1. **Second Reading** of an ordinance for the annexation of property to the City of Perry. The property is located on Houston Lake Road; Tax Map No. 000810 10A000 – Mr. B. Wood.

Mr. Wood stated this is a request to annex a 1.78-acre parcel located on Houston Lake Road and there are three conditions: 1) water and sanitary sewer services shall be established at and brought to the subject property at the expense of the owner; 2) based on the letter from Houston County on November 9, 2021, sewer lines to service this property will not be allowed to be located on County-owned properties; and 3) this parcel will be a county water customer. Council Member Jones motioned to deny the annexation request; Council Member Albritton seconded the motion and it carried unanimously.

2. **Second Reading** of an ordinance for the rezoning of property from R-AG (County), Agricultural Residential District to R-1 (City), Single-family Residential District. The property is located on Houston Lake Road; Tax Map No. 000810 10A000 – Mr. B. Wood.

Mayor Walker stated Council denied the request for annexation so there is no reason to move forward with rezoning the property because the city does not have a property in the City of Perry to rezone.

13. Any Other Old Business:

- 13a. Mayor Randall Walker – none
- 13b. Council Members – none
- 13c. City Attorney Brooke Newby – none
- 13d. City Manager Lee Gilmour – none
- 13e. Assistant City Manager Robert Smith - none

14. New Business: Mayor Randall Walker

- 14a. Matters referred from January 4, 2022 pre council meeting. none
- 14b. Special Exception Application 299-2021 - Mr. B. Wood.
Council Member Albritton motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried unanimously.
- 14c. Special Exception Application 301-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Council Member Peterson seconded the motion and it carried unanimously.
- 14d. Special Exception Application 317-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried unanimously.
- 14e. Special Exception Application 319-2021 – Mr. B. Wood.
Council Member Jones motioned to approve with the conditions outlined by the Planning Commission; Mayor Pro Tempore King seconded the motion and it carried 5-1 with Council Member Hunt opposed.
- 14f. Special Exception Application 320-2021 – Mr. B. Wood.
Mayor Pro Tempore King motioned to approve subject to the condition recommended by the Planning Commission and the condition that if stormwater issues occur during construction the development will have to cease construction, or a stop work order issued, until such time as the stormwater issues are resolved; Council Member Bynum-Grace seconded the motion and it carried 5-1 with Council Member Hunt opposed.
- 14g. Special Exception Application 323-2021 – Mr. B. Wood.
Council Member Peterson motioned to approve with the conditions outlined by the Planning Commission; Council Member Jones seconded the motion and it carried unanimously.

14h. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance to de-annex property from the City of Perry. The property is located at 308 Woodlands Boulevard; Tax Map No. 0P64A0 223000 – Mr. B. Wood. *(No action required by Council)*
2. **First Reading** of an ordinance for the annexation of property to the City of Perry. The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood. *(No action required by Council)*
3. **First Reading** of an ordinance for the rezoning of property from M-2 (County) to M-2 (City). The property is located at North Highway 341 and Perry Parkway; Tax Map No. 000160 025000 – Mr. B. Wood. *(No action required by Council)*
4. **First Reading** of an ordinance to amend Section 5-1.2 of the Land Management Ordinance relative to increasing maximum density for adaptive reuse of existing buildings – Mr. B. Wood. *(No action required by Council)*

14i. Award of Bid(s):

1. Bid No. 2022-19 Splash Pad Concrete Additions –
Mr. M. Worthington

Mr. Worthington stated his office did not receive any bids, therefore, his office directly solicited McWright, LLC. Staff recommends awarding the bid to McWright, LLC in the amount of \$40,750.00. Council Member Jones moved to award the bid to McWright, LLC in the amount of \$40,750.00; Council Member Bynum-Grace seconded the motion and it carried unanimously.

15. Council Members Items:

Council had no reports.

Mr. Gilmour advised Council that his office was contacted by the Houston County Board of Commissioners proposing to install streetlights along the widening portion of Houston Lake Road. The County is proposing an IGA for the lighting and the City takes over the maintenance of the lightning. Administration recommends approval subject to the City Attorney's approval. Council Member Jones motioned to approve the maintenance and an IGA with the County subject to the City Attorney approval; Mayor Pro Tempore King seconded the motion and it carried unanimously.

Ms. Newby and Mr. Smith had no reports.

16. Department Heads/Staff Items:

Mr. Wood reported a record-breaking year of 503 residential permits.

Chief Parker thanked Mayor and Council for approval of the inflatable fire safety house.

17. General Public Items:

Mr. Rob Russell, 913 Evergreen Street voiced his concerns relative to the parking downtown.

18. Mayor Items:

- January 18, pre council and council

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

19. Executive Session entered at 7:59 p.m.: Council Member Albritton moved to adjourn the regular meeting and enter into executive session for the purpose of real estate acquisition. Council Member Jones seconded the motion, and it carried unanimously.

20. Executive Session adjourned at 8:28 p.m.; Council regular meeting reconvened. Council adjourned the executive session held January 4, 2022 and reconvened into the regular meeting.

21. Adopted Resolution No. 2022-01 stated that the purpose of the executive session held on January 4, 2022, was to discuss real estate acquisition. Council Member Peterson moved to adopt a resolution stating the purpose of the executive session held on January 4, 2022, was to discuss real estate acquisition; Council Member Hunt seconded the motion, and it carried unanimously. (*Resolution No. 2022-01 has been entered in the City's official book of record*).

In the open meeting –

Council Member Hunt motioned to concur with GDOT's determination that the Hendrix Bridge project would have a de minimis impact to Rotary Centennial Park and the City Water Works; Council Member Jones seconded the motion and it carried unanimously.

Council Member Jones motioned to approve a purchase and sale agreement to purchase the property located at 1506 Houston Lake Road from Kenyon Cummings and Sheinka Cummings-Meek for \$14,0000.00; Council Member Peterson seconded the motion and it carried unanimously.

Update from Robert Smith on project handle and placing the conveyance of the lot to the DDA on hold.

22. Adjournment: There being no further business to come before Council in the regular meeting held on January 4, 2022, Council Member Bynum-Grace motioned to adjourn

the meeting at 8:30 p.m. Mayor Pro Tempore King seconded the motion, and it carried unanimously.