

Minutes

**CITY OF PERRY REGULAR COUNCIL MEETING**

**PERRY COMMUNITY BUILDING**

*This institution is an equal opportunity provider, and employer.*

REGULAR CITY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON July 20, 2023.

INVOCATION PRESENTED BY Deanna Shaw, Shaftsbury Community Bible Church

PRESENT: COUNCIL MEMBERS, MIKE CONNELL, CHAD FULLER, MINDY GALBAVI,  
LARRY LAMBERT, BOB PORTER AND STEVE WALLACE;  
AND DEPUTY CITY CLERK, SHIRLEY SMITH

ABSENT: Mayor, Sue Hammond

ALSO PRESENT: Meggen Galbreath, Treasurer; Kevin Tyler, DPW Superintendent  
STUDIO 130, Dennis Malloy

Mayor Pro Tem called the meeting to order at 7:00 p.m.

Mayor Pro Tem led the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

07-20-23-01

Moved by Fuller, seconded by Wallace that the agenda be adopted as printed.

Carried: all yes.

**READING AND APPROVAL OF THE MINUTES:**

07-20-23-02

Moved by Wallace, seconded by Galbavi that we suspend the rules, waive the reading and approve the minutes from the July 06,2023 regular meeting.

Carried: all yes.

**PRE-APPROVED REPORT/PRESENTATIONS:**

Porter recognized his July picks for "Mayor Ross DeLau Perry's Pride" winner, Tia Johnston of 408 Lamb Street and "Put Your best Face Forward" winner the VFW.

**COMMENTS FROM THE PUBLIC:**

None.

**COMMUNICATIONS:**

Habitat for Humanity notified City Hall they are painting a resident's home. The National Night out flyer was also handed out. The event is on August 1, 2023 from 5:00 pm to 8:00 pm. Both flyers are at the front desk in City Hall.

**MAYOR REPORTS:**

Lambert report on behalf of Mayor Sue Hammond, there is an open position on the SATA Committee, if anyone is interested, please contact Sue. We could hear sometime late summer regarding the C.O.P.S. grant.

## **COMMITTEE REPORTS:**

Kevin Tyler, DPW Superintendent reported there was a water issue on Friday, July 14, 2023. Started at 2:00 a.m. received an alarm from the water treatment plant - arrived and opened the door and found three (3') foot of water inside the plant and water was coming out of the building. The DPW shut the water off and fixed the problem. System wide pressure was kept and did not have to issue a boil water notice. Did lose some electrical equipment, but still able to run the system without the items damaged. Praised his crew for their dedication and hard work to get the system repaired. Lambert applauded how quickly the notice was posted to Facebook.

Fuller reported the Family Fun Night had a great turnout between the vendors and the public. He's guessing there were probably between 200 and 300 people. He said he has received private messages to see if we were planning another Fun Night next summer. He thanked Meggen for everything she did to organize the night, adding she did a great job.

Lambert reported the Ordinance Committee is meeting Thursday, July 27, 2023 at 10:00 am in council chambers.

## **PRESENTATION AND APPROVAL OF THE BILLS:**

07-20-23-03

Moved by Porter, seconded by Fuller that we approve the bills as presented and that payment be authorized. Carried: all yes.

## **OLD BUSINESS:**

07-20-23-04

Discussion emergency services: Lambert reported that Chief Bawks will report on the Everbridge System September 7, 2023.

## **NEW BUSINESS:**

### **Mayor Appointments and Council Approval**

07-20-23-05

The Mayor reappointed Bob Porter, to Zoning Board of Appeals for a three-year term expiring July 2026.

Moved by Wallace, seconded by Fuller that we approve the Mayor's reappointment of Bob Porter to the Zoning Board of Appeals for a three-year term expiring the July 2026. Carried: all yes.

The Mayor reappointed Greg Wekwert, to SSESAs alternate for a four-year term expiring July 2027.

Moved by Porter, seconded by Wallace that we approve the Mayor's reappointment of Greg Wekwert as SSESAs alternate for a four-year term expiring the July 2027. Carried: all yes.

### **Possible Approval to suspend Noise Ord 670.03 (g) for Café Sports**

07-20-23-06

Moved by Fuller, seconded by Wallace the we approve to suspend the Noise Ord 670.03 (g) for Café Sports for the following days and times:

- Saturday, July 22, 2023 from 8:00 p.m. to 11:00 p.m.
- Friday, July 28, 2023 from 8:00 p.m. to 11:00 p.m.
- Friday, August 4, 2023 from 8:00 p.m. to Midnight
- Saturday, August 12, 2023 from 8:00 p.m. to 11:00 p.m.
- Saturday, August 19, 2023 from 8:00 p.m. to 11:00 pm

Carried: all yes.

### **Possible Approval DPW Vactor Truck**

07-20-23-07

Moved by Porter, seconded by Wallace that we authorize the purchase of the Vactor/Combination Truck by Vactor not to exceed \$350,854.22 and authorize the Mayor and/or Superintendent of DPW to sign any and all documents necessary to complete the purchase agreement subject to City Attorney approval. The treasurer is exploring options to self-finance the purchase.

Carried: all yes.

### **Discussion City Clerk Position**

07-20-23-08

Discussion City Clerk position. Lambert stated that the information will be reviewed on Tuesday, July 25, 2023 and a recommendation will be brought to the next council meeting on August 3, 2023. Bob Porter wanted to know if the position would be posted. Galbavi said that would be something they would be discussing.

### **Set Public Hearing to Create New Ambulance Special Assessment**

07-20-23-09

Moved by, Galbavi seconded by Porter that we accept and adopt the following resolution:

WHEREAS, the Perry City Council has determined that a special assessment is necessary and proper to defray the cost to the City of providing ambulance service to the parcels of property within the City benefitted by ambulance service.

THEREFORE, the City of Perry does hereby propose to create a Special Assessment District of the property benefitted by said ambulance service, consisting of all improved parcels of property within the Perry City limits.

The City of Perry does hereby determine to hold a hearing on the estimate of the cost of ambulance service and on the question of creating a Special Assessment District on the property to be especially benefitted. Said hearing shall be held on the 17th of August, 2023 at 7:15 p.m.

The City Assessor is directed to complete the plans and estimates for services to be funded by special assessment.

The City Clerk is directed to mail notice of said hearing by first class mail to each owner of or party in interest in the property located within the proposed special assessment district whose name appears upon the last local tax assessment records of the City at least ten (10) days before the date of said hearing.

The City Clerk is further directed to publish in a newspaper of general circulation in the City a notice of said hearing. Said publication shall be published not less than five (5) days before the hearing.

Carried: all yes

**Possible First Reading ZO Ord 383, sec 3.30 Animals in residential and agricultural districts**  
07-20-23-10

Moved by Lambert, seconded by Galbavi that Ord No, 383 sec 3.30 which reads as follows be placed on the next agenda for possible adoption:

**THE CITY OF PERRY ORDAINS:**

Perry City Code Section 3.30 Animals in Residential and Agricultural Districts, is amended as follows:

**Section 3.30 Animals in Residential and Agricultural Districts**

**A. Pets in Residential and Agricultural Districts**

1. In the R-1A, R-1B, residences within MXD, and A-1 Districts, up to four (4) pets shall be permitted.
2. In the R-T and R-M Districts, up to two (2) pets shall be permitted.
3. Breeding shall not be permitted. However, in the instance that a pet has offspring, the litter shall be permitted to remain on the premises for up to two (2) months to allow for adoption.
4. Any additional pets greater than the amounts specified in subsections 1 and 2 may only be granted on a temporary basis (90 days max. - once per 12-month period) after an animal permit is issued by the Zoning Administrator. Request for a temporary permit is made using the Animal Permit Application Form (available on the City of Perry website).
5. Prior to the issuance of any permit, the Zoning Administrator shall require the applicant to provide proof of the requirements set out in TABLE 3.30A, below

**TABLE 3.30A: REQUIREMENTS FOR ADDITIONAL PETS**

<b>DOMESTIC PET</b>	<b>REQUIREMENTS FOR EACH ADDITIONAL ANIMAL</b>
Birds	Indoor birdcage with a minimum size three (3) times that of the animal.
Cats	Minimum indoor shelter of 9 square feet.
Dogs	Minimum fenced yard space and indoor shelter of 20 square feet.
Reptiles	Indoor terrarium with a minimum size three (3) times that of the animal.
Rodents	Indoor cage with a minimum size three (3) times that of the animal.

6. In addition to the amounts specified in subsection 1, up to two (2) foster cats will be allowed in R-1A, R-1B, single family residence within MXD, and A-1 Districts. Request for a foster cat home permit is made using the Animal Permit Application Form (available on the City of Perry website). One of the key requirements that must be met before foster cat home permit approval is a documented foster program affiliation and approval from a recognized cat rescue organization.

Foster cat homes are not permitted in R-T and R-M Districts.

Breeding shall not be permitted. However, in the instance that a cat has offspring, the litter shall be permitted to remain on the premises for up to two (2) months to allow for adoption.

B. Livestock in Residential Districts.

1. No livestock shall be permitted in the R-1A, R-1B, R-T, R-M, or residences within MXD districts.

C. Livestock in Agricultural District

1. Domestic farm animals and livestock, including horses, **cows** cattle, sheep, swine, and other animals, as determined by the Zoning Administrator solely for the personal, non-commercial use of the occupants of the premises, shall be permitted in the A1 district, subject to the following subsections of this section.

2. The portion of the property proposed as open space for livestock shall be entirely enclosed with a suitable fence or wall, subject to SECTION 3.13 to prevent escape of animals.

a) The Zoning Administrator may approve fences up to eight (8) feet in height provided the fence is properly setback from all adjacent properties and the entire length of the fence is screened with Evergreen trees.

b) Livestock enclosures shall be located in the side or rear yards and shall not be permitted in the front yard of any property.

c) Livestock enclosures shall be setback at least fifteen (15) feet from adjacent residential properties.

3. Animal waste shall be managed to prevent odors and other nuisances.

4. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury.

5. All animal buildings, cages, and runs shall be of sufficient size to provide adequate and proper housing for those animals kept

therein. Animal living space shall be in addition to the open space requirements set out in TABLE 3.30B, below

6. The Zoning Administrator may require additional measures for livestock management, which may include, but are not limited to, screening or buffering of livestock enclosures, active noise management, and additional facilities for animal housing.

7. Issuance of a permit shall only be granted upon completion and/or acquisition of the following documentation:

- a) Application and Fee.
- b) Inspection of premises for proof of adequate open space, fencing, screening, and/or shelter for requested animals.
- c) Authorization signature of the Zoning Administrator.

**TABLE 3.30B: OPEN SPACE REQUIREMENTS FOR LIVESTOCK**

LIVESTOCK ANIMAL	REQUIRED OPEN SPACE	
	First Animal	Each Additional Animal
Cattle	2 acres	1 acre
Goats	1 acre	1 acre
Horses & Ponies	2 acres	1 acre
Poultry	16 square feet	10 square feet
Rabbits	12 square feet	8 square feet
Sheep	1 acre	1 acre
Swine	1 acre	1 acre

**D. Wild and Vicious Animals in the City of Perry.**

1. No wild animal or vicious animal shall be kept permanently or temporarily in any district except in a facility accredited by the American Association of Zoological Parks and Aquariums, or in a licensed veterinary care facility

**E. Animal Facilities on Perry Public School Property (Managed by Perry Chapter of FFA - Future Farmers of America)**

- 1. Animal waste shall be managed to prevent odors and other nuisances.
- 2. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury.
- 3. All animal buildings, cages, and runs shall be of sufficient size to provide adequate and proper housing for those animals kept therein.
- 4. All facilities must comply with all Shiawassee County ordinance requirements.

This Ordinance shall take effect 30 days from date of publication.  
Carried: yes 4, nay 1. Motion passes.

**Possible First Reading ZO Amendment 381 Sec. 2.12 Kennels**

07-20-23-11

Moved by Fuller, seconded by Lambert that Zoning Ordinance amendment 381 Sec 2.12 regarding Kennels which reads as follows be adopted:

**THE CITY OF PERRY ORDAINS:**

Perry City Code Section 2.12 (K) Kennel, is amended as follows:

Section 2.12 Kennel

Any lot or premises on which more than four (4) dogs, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding, being pets, or for sale.

Carried: all yes.

**Possible First Reading ZO Amendment 382 Sec. 2.17 Pets**

07-20-23-12

Moved by Lambert, seconded by Wallace that Zoning Ordinance amendment 382 Sec 2.17 regarding Pets which reads as follows be adopted:

**THE CITY OF PERRY ORDAINS:**

Perry City Code Section 2.17 (P) Pets, is amended as follows:

Section 2.17 (P) Pets

Domesticated animals, kept for pleasure and not for utility. A list of pets, include the following: dogs, cats, potbellied pigs and rabbits. Pets do not include standard chickens of any kind or breed, poultry, goats, horses, miniature horses, or other animals commonly raised in animal husbandry.

Carried: all yes.

**Discussion to build the general fund**

07-20-23-13

Lambert suggested we continue discussion at the next meeting when the Mayor and Mike Connell are available. We are putting our immediate focus on the Special Ambulance Assessment and make sure we walk through the public hearing process. Suggested we continue talking for the next meeting. No other discussion from council.

**ANY OTHER BUSINESS THAT MAY COME BEFORE COUNCIL:**

None.

**PUBLIC COMMENT:**

None.

**COUNCIL DISCUSSIONS & OBSERVATIONS:**

None.

**ITEMS FOR NEXT AGENDA:**

Discuss building the general fund.

Possible adopt ZO Amendment 383 - Animals in residential and agricultural districts.

Personnel committee recommendation for City Clerk position.

August 17, 2023 meeting: Ambulance assessment Public hearing 7:15 p.m.

September 7, 2023 meeting: Emergency services discussion - report from Chief Bawks.

**ADJOURNMENT: 8:00 P.M**

\_\_\_\_\_  
Susan J Hammond, Mayor                      Date

\_\_\_\_\_  
Shirley Smith, Deputy City Clerk            Date