

TYRONE TOWN COUNCIL MEETING

MINUTES

August 01, 2024 at 7:00 PM

Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Jessica Whelan, Post 1
Dia Hunter, Post 2
Billy Campbell, Post 3

Brandon Perkins, Town Manager
Dee Baker, Town Clerk
Dennis Davenport, Town Attorney

Also present:

Randy Mundy, Police Chief
Sandy Beach, Finance / HR Manager
Lynda Owens, Recreation Manager
Charles Clark, Police Corporal
Jacob Hale, Police Officer

I. CALL TO ORDER

Mayor Dial explained that item number 6 was for the Certificate of Appropriateness and was unique and that most governments did not have that type of certificate. Council's duty was to decide if the architecture was appropriate for the surrounding area and matched other building styles in the region, according to the ordinance. He added that according to the zoning ordinance, a hotel was appropriate for that location. The certificate did not have any relevance on crime, traffic, or things of that nature, only brick color, lighting, and architectural standards. He added that public comment was just that, it was a time to express yourself, not for back-and-forth conversations. Mayor Dial also offered that he, Council, and staff would happily stay after the meeting to answer questions.

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Gwen Lindsay who lives on Village Green Circle, came to speak regarding the lighting. Her home was behind Publix and the lighting was very, very bright. People also walk through her property to get to the shopping center. She was concerned about more lighting issues with a hotel being built behind her home. She had lived in her home for 20 years and was also concerned about the 84-space parking lot being in the back of the hotel property. It was a large project for a small property. She asked to consider their privacy. When winter comes, there will be more light shining through her home.

Mr. Kenneth Washington, who lives on Wynfield Dr., spoke about a hotel in front of Southampton. He shared that a hotel was not appropriate for that location, it did not matter if it was a Hilton or the Ritz. Southampton would be bookended with a hotel at the front entrance where he lived and 106 homes in the back of his neighborhood. Traffic would increase and he and his wife loved Tyrone but were considering moving if the hotel was built.

Ms. Tallulakie Cosby, who lives on Wynfield Dr. echoed the last two speakers. A hotel in front of a subdivision was not appropriate, it was the definition of insanity. Her family would move also. No amount of brick, fences, or lighting would help make sense of a hotel in front of a family subdivision.

Mr. Raymond Lindsay, who lives on Village Green Dr. shared that the bottom line was quality of life. Whose quality of life would the development affect, the developers or the homeowners? The hotel would negatively affect his property value.

Ms. Rosalind Horne who lives on Carriage Oaks Dr., shared that she was the 4th resident in Southampton in 2002 and asked what the environmental impact 84 parking spaces would have, and what about stormwater runoff and erosion. There were current erosion issues along with people standing on the corner, eating and littering. How do we know it will not end up an extended stay hotel? We want our neighborhood to stay safe, we need to increase our value and improve our community. We do not want an extended stay.

V. APPROVAL OF AGENDA

A motion was made to approve the agenda with the change of moving item #4 to New Business.

Motion made by Council Member Furr, Seconded by Council Member Whelan.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

VI. CONSENT AGENDA: *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Approval of the July 18, 2024 Council minutes.
2. Approval for the purchase of a Ford F150 Police Responder vehicle from Wade Ford for the Police Department under state contract pricing of \$46,334.00.
3. Approval of the Action Wrestling agreement for the Founders Day performance on October 4th for \$5,000.

A motion was made to approve the consent agenda as amended.

Motion made by Council Member Furr, Seconded by Council Member Hunter.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

IX. OLD BUSINESS

X. NEW BUSINESS

4. Approval of A Blast Band agreement for Founders Day entertainment on Saturday, October 5, 2024, for \$4,000.

Ms. Owens explained that the item was moved for discussion due to a disagreement between Tyrone Attorney Ali Cox and A Blast Band owner, Rick Sanford regarding the percentage amount for the down payment. She added that through her research Ms. Owens found that most bands require a 50% down payment. Mayor Dial that the amount was not the issue it was the down payment amount.

Council Member Furr asked how much the Attorney was requesting it be changed too. Ms. Owens stated that it was 10%. Mr. Davenport inquired about the refundability. Ms. Owens stated that there was also an issue with that. Mr. Davenport clarified that the band had agreed to a refund due to the possibility of cancellation. Mayor Dial clarified that the vote would be if Council agreed to the 50% deposit instead of a 10% deposit. Council Member Whelan inquired if they had agreed to everything else Ms. Cox suggested. Ms. Owens stated that they had.

Council Member Hunter began a discussion regarding the creation of a policy moving forward for a 50% deposit instead of discussing it before a vote for each band. If it was an industry standard it should be a policy. Mr. Perkins stated that more importantly, the deposit should be refundable upon cancellation. He added that each contract was on a case-by-case basis. Lately, there has been more pushback with vendors when reviewing the contracts. Council Member Hunter asked if it would be easier for the Town to have a blanket contract for vendors. Mr. Davenport stated that he would pass along that the Town approved a 50% deposit moving forward if there were protections in place.

Mr. Trocquet added that after speaking with the Downtown Development Authority, as the Town hired more bands in the future, when a vendor returns, essentially, there would be a standard contract in place if it had not changed.

A motion was made to approve a 50% deposit of \$2,000 and the A Blast Band contract for the Founders Day entertainment on October 5, 2024.

Motion made by Council Member Whelan, Seconded by Council Member Furr.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

5. Approval for the renewal of Town Hall, Police/Court, and Library copier lease agreements. Dee Baker, Town Clerk

Ms. Baker shared that the item was for the renewal of the admin., police and court, and library copiers. The four-year lease expired in June and the new lease would be under state contract if approved. Staff was currently, working with the same staff as in 2012 and their customer service and maintenance staff were very attentive. She stated that both legal teams had discussed the agreement, and their comments were in their packets. She recommended approval of the 48-month lease including the legal recommendations. She then turned the presentation to Mr. Davenport for legal advice.

Mr. Davenport stated that the item would take four separate votes, one was for the recommended 48-month lease (user agreement), the maintenance agreement, and the two recommended legal addendums to both. He added that the Town's legal team reflected seven areas of concern and Milner's legal team only agreed to five. He further explained that indemnification language was not agreed upon. The other language that the Town did not agree to was essentially, Milner wanted "self-help" authority to come into Town Hall and take back the copiers if they felt we were not honoring the contract. Mr. Davenport shared that out of the two issues that his staff had with the maintenance agreement they did not agree with the same indemnification language as in the user agreement.

A motion was made to approve the 48-month lease agreement for the Town Hall, Police/Court, and Library copiers.

Motion made by Council Member Hunter, Seconded by Council Member Furr.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

A motion was made to approve the maintenance agreement.

Motion made by Council Member Whelan, Seconded by Council Member Hunter.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

A motion was made to approve the Town's legal seven-point addendum to the agreement.

Motion made by Council Member Hunter, Seconded by Council Member Furr.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter

A motion was made to approve the Town's legal two-point addendum to the maintenance agreement.

Motion made by Council Member Whelan, Seconded by Council Member Furr.

Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

6. Consideration of a Certificate of Appropriateness architectural approval for applicant Steven Gulas for parcel number 0726051. Phillip Trocquet, Assistant Town Manager

Mr. Trocquet explained that the applicant Steve Gulas had applied for a certificate of appropriateness for parcel 0726-051 to construct a hotel, not an extended-stay hotel. Appropriateness only pertained to architectural and site elements as they pertained to the Quality Growth Overlay district. The ordinance applied to heightened requirements for architectural, landscaping, and site improvements.

Mr. Trocquet shared that upon review, staff determined that the proposed architectural and site plans were consistent with the Town's overlay ordinance and Certificate of Appropriateness requirements. The architectural renderings met the minimum standards outlined for the Quality Growth Overlay. The submission also met the minimum requirements for a Certificate of Appropriateness as outlined in sections 109-84 of the land development code. Mr. Trocquet stated that the property lies within the Community Gateway character area which encouraged commercial development consistent with the Town's C-1, C-2, CMU, and O-I zoning classifications. The property was already zoned C-2 Highway Commercial. Part of the "conditional" use was hotels. That meant it would need to adhere to standards above and beyond even the overlay district regulations.

He also noted that Certificate of Appropriateness (CA) compliance did not serve as approval for non-architectural or internal operations ordinance requirements for hotels. Conditions relating to cooktop equipment, room stays, internal room/lobby square footage, etc. . . must still be adhered to at the time of site plan and construction plan application submission. The CA also was not an approval of a specific brand or company associated with the hotel, although the applicant had a particular brand. He also noted that it was not the end of the development process. Typically, the property would go through zoning, which was already zoned properly. The review would then go through the Certificate of Appropriateness, and then site plan approval through the Planning Commission. That would also include civil engineering plans.

He addressed a comment made regarding lighting, the required lighting would be downward and shielded such as a dome. Another requirement would be a 100 ft. undisturbed forest buffer, and a 100 ft. to 250 ft. buffer as part of the Southampton buffer. He clarified that the total buffer would be between 200 ft. and 350 ft. between homes.

Mayor Dial asked what the buffer was between the homes and Publix. Mr. Trocquet shared that the old buffer was 50 ft. Mayor Dial clarified that the new buffer would be more than double.

Mr. Trocquet stated that in the past that space was Planned Unit Development (PUD), which has since been changed. The standard buffer for C-2 was not 75 ft, hotels were an additional 25 ft.

Mr. Trocquet stated that another step would be environmental requirements, such as bioretention areas, stormwater management, erosion control, sediment, and soil testing. All the engineering processes were held to state and local requirements. He added that all specimen trees would be identified. Trees would be replanted if needed.

Council Member Hunter asked if evergreens could be considered for more coverage. Mr. Trocquet stated that Planning Commission could consider that. Mayor Dial clarified that Council could ask the developer to add specific trees. Mr. Trocquet stated that it was part of the Certificate of Appropriateness and Planning Commission landscape approval process.

Mayor Dial asked Mr. Trocquet when it was decided for the possibility of a hotel to be allowed within the Southampton development. Mr. Trocquet stated that the last revision of C-2 zoning was in 2008, he believed that hotels were part of C-2 zoning before then. In the current year, extra conditions were placed on hotels.

Mr. Perkins explained that Southampton's commercial and residential were both part of the same development. He assumed that hotels were included in the original C-2 zoning along that corridor, including Southampton.

Mayor Dial clarified that the entire Southampton development was planned together. Council at that time denied the development and was sued. Court stated that they had the right to develop and that's how Southampton and the Publix shopping center came about. Mr. Trocquet added that also due to the development came C-2 zoning, the conditions, and permissions. Mr. Perkins asked for clarification on the term Certificate of Appropriateness. It was essentially an architectural review. Mr. Trocquet stated that it was unique in that it would usually be applied to registered historic downtowns. It would come into play when someone wanted to change their property from a particular style such as Victorian or Georgian style. It would go through a downtown review board; it was a very high-level and specific review. He stated that regarding the Town, the requirements were, did the hotel meet the premium standards set forth by the ordinance? Also, were the color, style, Class A products, and landscaping in order?

Council Member Hunter inquired if the developer built according to the Town's standards and later wanted to change that property or development, and what measures were in place to keep the standards and the development the same. Mr. Trocquet stated that along with the Certificate of Appropriateness and the conditions of the overlay district if another developer were to come with a different development in mind, they would need to go through the entire same process. Restaurants would be a permitted use and would not need supplemental approvals.

Council Member Furr asked what was in place to ensure that it would not turn into an extended-stay hotel.

Mr. Trocquet shared that the conditions for hotels were that no more than 30% of rooms could be used for stays beyond thirty days, no rooms could be used for stays beyond sixty days, and if stays were beyond those requirements they would need and to meet the 500 sq. ft. requirements. Council Member Furr asked how staff would know if it was not an extended-stay hotel. Mr. Trocquet shared that there would be required reporting due to the Town such as reservations and length of stays and other reporting.

Mr. Perkins reiterated that before Council was not an application for an extended-stay hotel.

Applicant Steve Gulas was given an opportunity to speak. He shared that Tyrone's Tru by Hilton would be one of the nicest in the nation due to the 70% of Class A materials which would be glass and brick on four sides. He added that the red brick matched Publix and the brown brick would match Nikko. They would also place landscaping along Carriage Oaks Drive. The typical site for a Tru would be 1 acre and four-stories. Tyrone's would be a three-story hotel on 3.05 acres, there would also be more greenspace than most hotels. Through the hydrology study, that property was designed to be 75% impervious. The development would be less than 50%. He stated that he finally met with the Southampton HOA board, and although they were unhappy with the hotel, he would research the values. The last hotel in the area was the Fairfield Inn, the homes in the Preston Chase subdivision were going for \$341 per square foot, approximately \$433,000. Behind the Hampton Inn was no buffer and those homes were selling for \$400,000 to \$500,000. The Residence Inn was zoned for a hotel in 2015, and those adjacent homes priced up to \$1.4 million. The hotels in the area were great amenities for the neighborhoods. Extended family members could utilize them. Mayor Dial clarified that the Residence Inn was an extended-stay hotel.

Mr. Gulas shared that the difference between those hotels and Tyrone's would be the 70% class A materials, the parking lot located in the back, and the downward-facing lights. He stated that the local restaurants and businesses would benefit, also the new Fayette County Soccer Complex would benefit as well as the movie studios. It would be near the interstate. He stated that the initial retail Candler Plan had more parking spaces, and the new place had fewer parking spaces. This would mean less traffic with a hotel. It would be a 13,000 sq. ft. building.

Mayor Dial asked Mr. Gulas to ensure that the hotel would never be an extended-stay hotel. Mr. Gulas stated that within the Town's ordinance, it required 400 sq. ft. rooms for two people, extended stays require 600 sq. ft., and the development would have 300 sq. ft. rooms. That would leave no room for kitchens for cooking. 30% of the rooms could be made for cooking, however, they would not be able to get the necessary room count. The normal prototype would be 120 rooms, this hotel would have 84.

Mayor Dial asked for the length of the agreement. Mr. Gulas shared that it was a twenty-year franchise agreement.

Council Member Whelan asked for clarification on a previous comment. Tyrone's Tru by Hilton would be the nicest in the nation? Mr. Gulas shared that due to the 70% Class A materials, that was never required or accomplished, so yes. A typical Tru would have 25% Class A materials. He added that if you researched Tru by Hilton, there were a lot of yellow and blue which he had talked them out of and into using earth tones. The canopy would be off-white and charcoal. The signs would be yellow and blue.

Council Member Whelan addressed Mr. Gulas, although you did not solicit the Town and it was your product, you are giving us the best product you can according to the Town's strict requirements. Mr. Gulas stated that was correct.

Council Member Hunter stated that Mr. Gulas had mentioned that the buffer was unusual at the back of the hotel. He asked Mr. Trocquet to display the other hotels in the area to see how large the Southampton buffer was compared to the others. The Villages at LaFayette and the Hampton Inn buffer was (unofficially) 80ft. of wooded buffer, 111 ft. to the parking lot and a total of 194 ft. to the building. Mr. Trocquet then measured the Fairfield Inn to the adjacent apartments, which was a total of 85 ft. and the closest home to the building would be 450ft. The Residence Inn property line to property line would be 280ft. He then drew out Tyrone's buffers, a required 100 ft. buffer, 250 ft. to a home, then it would increase with the lay of the land up to 500 ft. between properties. Mr. Trocquet added that it seemed that Fayetteville and Peachtree City did not require wooded buffers or heavy screening which the Town would require.

Mayor Dial asked Mr. Gulas if he could commit to adding evergreen trees along the property line for additional screening. Mr. Gulas stated that he would add some evergreen trees. Mayor Dial added not to clear other trees just to add evergreens.

Mayor Dial asked about the lighting. Mr. Trocquet stated that it should be like Trilith lighting, facing downward and domed, goose-neck lighting. Mayor Dial asked if the lighting would be pointing toward the homes. Mr. Trocquet stated that it would be pointing downward and domed, unlike normal streetlights. There would also be no floodlights.

Mr. Gulas noted that the Town's ordinance required 1,000 ft. of lobby/exercise/common area, Tru by Hilton would have 4,000 sq. ft. Instead of larger rooms there would be a larger common area.

Council Member Whelan asked Mr. Trocquet to list all uses that were allowed within that zoning. Mr. Trocquet named them all. Mr. Perkins clarified that the list would not require Council's approval. Mr. Trocquet explained that two lists consisted of permitted and conditional. He began by stating all uses within the C-1 (lighter commercial) were allowed in C-2.

Permitted uses:

All those permitted uses in the C-1 zoning district.

Aquariums, planetariums, botanical gardens

Assembly halls;

Automobile air conditioning equipment, sales and installation;

Automobile broker;

Automobile claims adjuster;

Automobile convenience and gas services;

Automobile upholstery shops;

Bail bonding services;

Billiard and pool halls;

Blood banks;

Body art studios (June 6, 2013);

Building materials dealers (garage doors, fencing, roofing, storm windows, kitchen, cabinets, wallboard, insulation);

Building materials establishments;

Carpet and vinyl flooring stores;

Catalog, mail order stores;

Churches and other places of worship;

Comedy clubs;

Consumer electronic repair services;

Drive-in restaurants;

Dwelling as an accessory structure to be used for security purposes;

Fast food restaurants;

Flea markets;

Flooring stores;

Funeral homes and funeral chapels, mortuaries, crematoriums;

Furniture upholstery shops;

Landscaping services;

Heating, air conditioning, ventilation supply stores;

Home appliance repair and related services;

Home health care services;

Hookah lounges (June 6, 2013);

Household and apparel sales and rental;

HVAC/plumbing/electrical contractors;

Indoor sports and recreation facilities;

Medical supply businesses;

Musical instrument sales and repair, musical supply sales including records, tapes and compact discs;

Natural materials dealers (lime, plaster, sand, gravel, lumber);

Nursing homes;

Packaging services;

Parcel and express services;

Playhouses;

Plumbing supply stores;
Radio and television broadcasting stations (excluding transmission towers);
Recording and developing studios;
Service agencies;
Sign stores—Painting and lettering;
Swimming pool supplies, cleaning and maintenance services;
Training/rehabilitation services;
Upholstery, furniture services; and
Water-softening services.

Mr. Trocquet explained that although those uses were permitted, they still had to adhere to the overlay conditions, none of which allowed exterior storage, they required downward lighting, landscaping requirements, and a 75 ft. buffer. He then listed the conditional uses.

Conditional uses:

Animal hospitals and veterinary clinics;
Armored car services;
ATMs;
Automobile repair;
Automobile sales;
Automobile service stations;
Automotive parking establishments;
Bed and breakfasts;
Car wash services;
Commercial motor vehicle repair;
Commercial motor vehicle sales;
Farmers' markets;
General building contractors;
Golf cart sales and service;
Golf or baseball driving ranges;
Gun shops;
Health clubs and day spas;
Hotels (to include motels, lodging houses, inns and extended stay hotels);
Laundry and dry cleaning establishments including pick-up stations, package plants and coin-operated facilities;
Marine sales and parts;
Miniature golf courses;
Nursing homes (June 6, 2013);
Outdoor sports facilities and swimming pools;
Paint, glass and wallpaper stores;
Par 3 golf courses;
Plant nurseries;
Private or parochial schools;
Public utility facilities;

*Retail automobile parts and tire stores;
Small engine sales and repair; and
Tennis courts, clubs and facilities.*

Council Member Whelan thanked Mr. Trocquet and expressed that she wished for everyone to be aware of what uses were allowed in the existing zoned area. Mr. Trocquet stated that he would further discuss the conditions applied to each conditional use if necessary.

Mayor Dial shared that due to a Council Member's absence, the vote required a unanimous vote.

Council Member Hunter clarified that the vote would be based on the architectural features of the proposal, which would be a legal obligation. Just because a Certificate of Appropriateness is granted, there would still be an entire process the applicant would need to go through before a hotel would be permitted to be built. He asked Mr. Trocquet for clarification, and Mr. Trocquet stated that was true. Mr. Hunter continued and added that there was an entirely separate process that the applicant would need to go through to meet legal requirements. He clarified that currently, all that Council was reviewing and voting on was the look of the outside of the building. Mr. Trocquet clarified that his statement was correct. Mr. Hunter asked for clarification that staff had recommended that the applicant had met all regulatory requirements. Mr. Trocquet stated that the applicant met the minimum requirements of the overlay, and staff required the color to be changed. It was Council's responsibility to determine that it matched surrounding buildings and was consistent with the overlay requirements.

Council Member Furr asked for clarification on if the vote dies or if it was approved and what that would mean for the applicant. Mr. Davenport explained that the Certificate of Appropriateness was a gatekeeper for the development phase. The certificate clarified that the applicant had met the minimum threshold to develop in that area with a great number of architectural standards and setback requirements, etc. If Council felt that the minimum standards were met, it would be appropriate to approve if Council so chose. The approval would allow the applicant to move forward with step 1. He would then need to meet all other development standards that most developers enjoy without going through that process. The Certificate of Appropriateness was a unique process for that specific geographic area of the Town.

Mayor Dial referenced the last Council meeting where Council had to make an unpopular decision where the applicant had constitutional and property rights. It was the same in tonight's situation. He asked Mr. Davenport if tonight was a similar situation where the law applied. Mr. Davenport reiterated that the certificate was unique in that it was not something that the Town would normally do. In most cities, the first step would be to make sure that the zoning was appropriate, which in this case it was. The development would begin, not in Tyrone, however, due to the certificate process.

The certificate was an added layer to make sure the building looked like others in the surrounding area and the materials were those of which were required. The question was not if the applicant could build there, that was answered when the area was first zoned. The question was how it looked and did it meet the standards. If it did not, have the applicant return with those standards.

A motion was made to approve the Certificate of Appropriateness architectural approval for applicant Steven Gulas for parcel number 0726051.

Motion made by Council Member Whelan, Seconded by Council Member Hunter.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

Mr. Gulas approached Council and shared that a word that was left out was Technical Review Committee. The committee consisted of engineering, environmental, parking specifications, and more, all were required to obtain a land disturbance permit.

Mayor Dial wanted to ensure that the evergreen trees would be added to the buffer. Mr. Davenport stated that as part of the record, Mr. Gulas agreed to place them along the buffer. Mr. Trocquet also added (inaudible) that the Planning Commission would be involved in the development process.

XI. PUBLIC COMMENTS: *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Tallulakie Cosby spoke again, and she understood the legal decision. She stated that she worked in Clayton County and was an educator. She moved to Tyrone for a reason as she had watched the demise of Clayton County and remembered when Fairburn was a nice place to live. She added that some things money could not buy. Money could buy people but could not buy peace, loyalty, or integrity. She stated that Fayetteville was changing drastically. She and her daughter watched four people fill their carts with merchandise in Peachtree City and leave. It was unfortunate, she hoped that the hotel was not approved, who wanted a hotel at their front door, it was insanity. If you have a spirit of discernment, you already know what the plans were. She hoped that Council had the spirit of discernment. We know the changes that would come, we need to hire more police officers and fire safety personnel. Expect to see public service change and the schools change. She stated that she knew what was coming, she watched it happen in Clayton County and in Fairburn. We are watching it happen in Fayetteville and in Peachtree City. Money could not buy peace.

Council Member Furr addressed Ms. Cosby and stated that she had been a Council Member for nineteen years and that she had not taken one red penny from anyone. For you to insinuate that people could be bought I take it personally. I have never taken a dime, not one cent for political help and getting elected. I have done my darndest to do what was right. I think I did what was right tonight.

Mr. Washington spoke again stating that it all sounded great except for those that live in Southampton. If you have no skin in the game, it was easier to vote on. It was not if it was a Tru by Hilton or a Ritz Charlton, an extended-stay or regular hotel. At the front entrance would be a hotel and at the rear entrance would be 106 homes. They would be bookended by traffic, people, etc. He moved to Tyrone for a reason which was being thrown out the window. He loved Tyrone but felt that he was being pushed out.

Ms. Gwen Lindsay spoke again regarding children walking to the bus stop. It would not be safe for them anymore. Consider the kids, we never know who was out there watching our children walk to the bus stop.

Ms. Kim Robinson, who lives on Greenbranch Drive, shared that she felt something was already approved when the residence said no. Many times, it was voted to not have a hotel, but it kept coming back. She was a resident of Southampton since 2004 and had dinner with Council Member Furr the first night. We love the Mayberry feel, now we are trying to be big New York City or big Atlanta. We moved here to raise a decent family, who would stay in the hotel? Who are we catering to, not us. Why do we need a hotel in the front of the neighborhood where children were supposed to be playing? She listed that she heard, "probably", "maybe", "I think so", etc. The vote should have been stopped during the evergreen tree discussion, it was not black and white, not on paper. We do not want this to happen.

Mayor Dial explained that a hotel was approved for that area twenty-plus years ago. Tonight's vote was for brick color, lighting, and trees for an added buffer. The hotel was approved before the neighborhood and the Publix shopping center. Ms. Robinson stated that it was never disclosed when she bought the home. Mayor Dial stated that the zoning district was approved twenty-plus years ago.

Ms. Susan Poole, a resident of Southampton, stated that she understood the voting process, however, would Council want a hotel in front of their residence? She addressed Mr. Gulas also. She then addressed Southampton residents in attendance and told them to vote locally, for the state positions, and federally, your vote matters. She added remind their neighbors that there was an election every year, two years, and four years.

Mr. Eddie Martin who lives on Brunswick Drive, stated that he was ok with the hotel, it was not going to be an extended-stay hotel, and the Town needed to grow. We cannot make everyone happy.

Mr. Lindsay spoke again. He stated that when something was presented on paper, reality presented something different. The John Wieland developers told him that he would have 300 yards of buffer behind his home. He retired in 2002 from New York and told everyone about his future home while it was being built. When he returned in 2003 all the trees were gone, and Publix was built close to his home. The "downlighting" shown into his home. A proposal on paper and reality were two different things.

After the hotel was built there would be no control over who stayed there. He asked how long, if approved, it would take to be built. Mayor Dial stated that it would be up to the developer. Mr. Lindsay shared that he needed time to move, he would prefer a lake or a stream in his backyard, not a hotel. There would be no room for emergency vehicles behind the hotel, they would be in his backyard.

Ms. Gerrica Stewart who lives in Southampton, spoke regarding the blue and yellow colors of Tru by Hilton. We have Mr. Gulas' word that there would not be bright blue and yellow on the hotel, that was all we had. He lives in Fayetteville; they were not building a hotel in his neighborhood. There was also no guarantee that our home values would decrease. She stated that during the meeting she had told her husband that they were moving. She told Council that approving the development would force people out of their homes. The developer was not wanted in their neighborhood. All they were seeing were dollar signs, this was our livelihood going down the drain. She asked for a timeframe for development before she sold her home.

Ms. Horne spoke again regarding the added traffic. Residents had to deal with the Publix intersection and the Highway 74 intersection, adding a hotel would add even more traffic. She added that there would be a cut-through to Palmetto Road and Interstate 85. She asked where the overflow from the hotel's 84 parking spaces would be. It would affect the weight loss center and the restaurant.

Mayor Dial asked Mr. Trocquet to explain how the Town measured and mitigated traffic impact.

Mr. Trocquet explained that intersections were monitored for level of service. Intersections were graded A-F, by the Institute of Transportation Engineers for trip generation (numbers). If a particular use exceeded trip generation numbers by a certain amount, a traffic study would be requested as part of the development process and Planning Commission review. A full-blown study would come from the developer to measure the level of service impact on nearby intersections. He added that hotels usually generate approximately 0.5 trips per room during peak hours. Staff performed a preliminary study and found that during peak a.m. and p.m. hours, there would be 40 trips, which was low (.6 trips per minute). He added that he would ask the developer for a more accurate number. If there were over 1,200 trips per day, staff would ask for a traffic impact analysis.

Mayor Dial stated that certain brick colors and materials were approved, and that was staff's oversight that it would be adhered to. Mr. Trocquet stated that if the colors were to change, the applicant would come back before Council. Everything that was approved had to be used. Mayor Dial added that the building inspectors would also be inspecting the development.

Karla Johnson who lives on Brunswick Drive, stated that she believed that the meeting was because the developer was changing from one hotel to another. It seemed that the decision had already been made that there was going to be a hotel, but the residents did not want it. It was disheartening that their voices did not matter. She moved to Tyrone for a reason and had a small child attending Burch Elementary. Could Council sleep at night knowing that something happened to a child? A loophole was found, and Mr. Gulas was a businessman. Our voices were not heard, the rug was pulled out from beneath us. There was a trick, our voices fell on deaf ears. She was very disappointed that their voices were not heard.

Mayor Dial stated that he respected her comments and that it was never Council's intent to mislead anyone. The decision to allow a hotel was made twenty years ago. He shared that he did not want a hotel there but that did not matter. For that reason, he did not live next to a commercial district. Council's job was to make the hotel as palatable as possible. It now looked like other buildings in the area, it was now a three-story, not four-story. Council did not mislead anyone. He did not know what the decision was going to be beforehand. He promised that Council did not know the decision coming into the meeting that night.

Ms. Christine Noble, who lives on Brunswick Drive, spoke next. She stated that she was disappointed, had she known in 2005 what she knew now, they would not be here. She loved her neighborhood. She understood that zoning indicated that it was zoned for different uses, however, she never thought that a hotel would be built in front of her neighborhood. She hoped that the process would not continue, or she would have some soul-searching to do. She expected growth but did not feel comfortable with a hotel in front of the subdivision.

Ms. Anaya Martin, who lives on Brunswick Drive shared that it was her first Council meeting, and she wanted to be informed. She stated that she disagreed with her father's comments earlier and was against the development. She was disappointed and felt that the decision had already been made. She added that she had lived in the house since she was four, now she was twenty-four. She had always felt safe in Southampton. She felt that the younger children would not be able to experience the peace that she felt growing up there.

XII. STAFF COMMENTS

Mr. Perkins clarified that a Certificate of Appropriateness was unique and if the Town did not have one, the applicant would have come to staff to ensure that zoning allowed a hotel then begin development. It would have been a totally different process. To say there was a back door or loophole was untrue. The process was unique to Tyrone. The process with the same applicant over the last year was a public process. The zoning was established twenty years ago, and citizens were lucky that someone had just now come before Council to build. If it were not for the certificate process, residents would have awakened one day with dirt being moved.

Mr. Perkins informed Council that by this time of the year, public hearings would be scheduled for the Millage Rate, however, the process had been delayed by the Tax Commissioner and Assessor. Their goal was to get information to the cities by September and that there would be an extension. Staff would come to Council when more information was available.

Mr. Perkins reminded everyone that Magician Ken Scott and the Bubble Lady would be at the First Friday event tomorrow night at Shamrock Park from 6:00 p.m. to 8:00 p.m.

XIII. COUNCIL COMMENTS

Council Member Hunter shared that tonight's process was difficult. He stated that information was always available to Council before the meeting and that it was on the Town's website. When the applicant first came to Council he failed to meet the requirements on several occasions. Council denied the application which they were legally and morally obliged to do. He explained that when an applicant comes before Council with correct information, to deny the application would be immoral. Council Member Hunter shared that his two children were 10 years old, and they knew that their dad was above reproach, and he intended to continue that way. The process was emotional, he would not want a hotel in front of his home, but everyone had property rights. If the situation changed and it was a citizen coming before them, they would fight for their property rights too. He shared that if Council voted not to approve, it would end in a lawsuit. All taxpayers would be paying for a fight that the Town would likely lose because the applicant had the legal right to build once he met the conditions. It was a tough decision, but we had to do the right thing. He added that now the developer needed to meet those standards. Council Member Hunter stated that he did not feel good about his decision, but it was the right one. He heard those talking about Council Members taking bribes, keep your opinions to yourself. None of us have done that, we have financial obligations to submit every year as a public servant. He felt for those affected but it was a decision that had to be made, which was not made before the meeting.

Council Member Whelan stated that she had friends who lived in Southampton and empathized and sympathized but as Council Member Hunter expressed, Council had to do what was legal and moral. You may not like us for it, but you would if we were standing up for your rights. The same battle was fought when the citizens did not want Southampton or the Publix shopping center, that was when this battle was won for commercial development. She gave advice to anyone who ever moved to always look at the surrounding properties. It was not easy to find an isolated piece of property. She hoped that no one would move, and that Council made the development more palatable. Council loved Tyrone and she hoped that they would keep the impact to a minimum.

XIV. EXECUTIVE SESSION

A motion was made to move into Executive Session for one Real Estate item.

Motion made by Council Member Hunter, Seconded by Council Member Whelan.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

A motion was made to reconvene.

Motion made by Council Member Furr, Seconded by Council Member Hunter.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

XV. ADJOURNMENT

A motion was made to adjourn.

The meeting adjourned at 9:35 p.m.

Motion made by Council Member Hunter.
Voting Yea: Council Member Furr, Council Member Whelan, Council Member Hunter.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk