

**TYRONE TOWN COUNCIL
MEETING
MINUTES
November 02, 2023 at 7:00 PM**

Eric Dial, Mayor

Gloria Furr, Mayor Pro Tem, Post 4

Linda Howard, Post 1

Melissa Hill, Post 2

Billy Campbell, Post 3

Brandon Perkins, Town Manager

Dee Baker, Town Clerk

Dennis Davenport, Town Attorney

Also present:

Randy Mundy, Police Chief

Patty Newland, Library Supervisor

I. CALL TO ORDER

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.*

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

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

Voting Yea: Council Member Hill, Council Member Campbell.

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 October 19, 2023 meeting minutes.
2. Approval of a bid from Sound Principles to complete A/V upgrades in the Council Chambers/Court Room and Conference Room B for an amount not to exceed \$13,713.00.
3. Approval of a rental agreement for four tower lights from Yancey for the Town's Christmas program for \$990.30.

A motion was made to approve the consent agenda.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

4. Consideration of a Text Amendment to Section 113-2 of Article I of the Zoning Ordinance regarding definitions for Hotels, Motels, and Extended Stay. Phillip Trocquet, Community Development

Mr. Trocquet stated that all public hearings were of the same nature, he addressed them collectively. Mr. Trocquet shared that Town Council had initiated text amendments to the zoning ordinance to address two overarching items: the Town's Certificate of Appropriateness, (CA) which was not a public hearing, and provisions/conditions for hotel uses within the Town. He added that Council had expressed an interest in making the ordinance both clearer as well as for future planning efforts.

He explained that Section 113-2 had been defined to better define hotels as well as extended stay hotels, there was currently no definition for extended stay hotels. He read the change into record stating that *Extended Stay Hotel, A building containing at least 20% of guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for occupancy beyond 15 days, and/or have facilities for the refrigeration and preparation of food by guests, such as a cooktop/stove, oven, or dishwasher.*

He then read the modification of the definition of a hotel. *A facility with more than 3 rooms in which lodging, along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service, and fitness center, are provided for transient guests for stays of less than 30 days and offered to the public for compensation. The term "hotel" includes the term "motel", "inn", "lodging house", "tourist court", and "extended stay hotel".* He added that the Planning Commission recommended approval of the modifications.

Mayor Dial asked for more clarification. Mr. Trocquet explained that along with the definitions, the other text amendments would touch on other areas. Section 113-128 reflected the Community Commercial Zoning classification. Section 113-129 dealt with Highway Commercial zoning, where hotels were currently permitted. The uses in that section were modified to conditional uses. He stated that Section 113-190 pertained to the conditional uses. Mayor Dial explained that there would be four public hearings on the same topic but different aspects.

Mayor Dial opened the public hearing for anyone who wished to speak in support of the item.

Jessica Whelan who lives on Valleywood Road spoke in support of the change. She added that she had attended the Planning Commission meeting where they went into great detail.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the item.

Mr. Phillip Seay who lives on Thomas Overby Drive in Sharpsburg shared his father's story. He bought the Swanson Farm which was about 488 acres to build a house and farm the land. He stated that years ago, Hwy 74 and Senoia Road near the Legacy Theatre was farmland. Highway 74 was widened, straightened, and moved. Developers for the Southampton development drained the only pond and water source. They also separated the acreage from the barn. That made the property difficult to work and to sell. He added that the Tyrone citizens who came out in opposition were very vocal about the development of the subdivision and shopping center. Citizens were then shopping in Peachtree City for their groceries. Everything was opposed. Since the development, the Town and its citizens have benefited. He shared that his father died in 2020 with four remaining parcels to sell. Those parcels were under contract with the folks that were proposing a hotel. Mr. Seay stated that the project went from a Planned Unit Development (PUD) with a 50' buffer, to a C-1 zoning with a 75' buffer. He added that now we are going to a conditional use including a 100' buffer. Mr. Seay stated that this was a taking of the property. Every legitimate buyer had been opposed. The text amendments were aimed at one property owner for stopping one project.

Mr. Steve Gulas who lives on Bridgestone Cove in Fayetteville shared that he believed the property should remain a non-conditional use due to the restrictions already placed on the property. He added that in the current ordinance, a hotel could not be more than 3-stories. In C-1 it could not be more than 40'. Three sides of the building's façade had to be 70% Class A material. That was enough in his opinion. He added that making the property a minimum of 3 acres was too much. He was building a 1.8-acre Spring Hill Suites in Fayetteville as an example. He stated that the 100' buffer was too much, there was already a 450' buffer on the lot. Regarding cooktops and ovens as part of the definitions, that was important to someone from the movie studio who was staying for 4 months. He also gave the example of a Tyrone family whose house was flooded and required lodging. More time per stay was needed to be given than 30 days, it was not welcoming. He also gave an example of someone's mom being admitted to the hospital, her family would need a place to stay. He added that a hotel in that location would also assist other businesses. He shared that if a hotel was in Tyrone, it could have assisted Glendalough Manor and their guests.

Mayor Dial asked Mr. Trocquet to further explain the definitions for that section.

Mr. Trocquet explained that the new definition for a hotel would read, *A facility with more than 3 rooms in which lodging, along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service, and fitness center, are provided for transient guests for stays of less than 30 days and offered to the public for compensation. The term "hotel" includes the term "motel", "inn", "lodging house", "tourist court", and "extended stay hotel".* He stated that the previous definition was, *A building in which*

overnight accommodations are provided to the public. The term “hotel” includes the terms “motel” and “tourist court”.

Mr. Trocquet stated that the definition of an extended stay hotel was also added to read, *Extended Stay Hotel. A building containing at least 20% of guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended, or routinely utilized for occupancy beyond 15 days, and/or have facilities for the refrigeration and preparation of food by guests, such as a cooktop/stove, oven, or dishwasher.*

Council Member Campbell asked for clarification regarding the Planning Commissioner’s recommendation that “No guest rooms shall be utilized for occupancy by a single guest for a period of 30 continuous days. He asked why a “single guest”. Mr. Trocquet clarified that the wording was regarding the person who purchased the room. It was under the condition section.

A motion was made to approve a Text Amendment to Section 113-2 of Article I of the Zoning Ordinance regarding definitions for Hotels, Motels, and Extended Stay.

Motion made by Council Member Furr, Seconded by Council Member Campbell.
Voting Yea: Council Member Howard, Council Member Hill.

5. Consideration of a Text Amendment to Section 113-128 of the zoning ordinance regarding permitted, and conditional uses for the C-1 zoning district. Phillip Trocquet, Community Development

Mr. Trocquet shared that the purpose of the text amendment was to shift hotels from permitted uses to conditional uses and a housekeeping item for C-2 was added. For C-1, the maximum height allowance was 40 feet, a change was made to C-2 reflecting that the maximum height allowance would also be 40 feet, not 35 feet. He shared that the reason was mainly for architectural accents, the number of stories would not change.

Mr. Stough added that taverns, bars, and lounges were removed as a permitted use in C-2. Mr. Trocquet stated that the Town’s alcohol ordinance did not allow bars per the ordinance and that 55% of business would need to come from food sales so they were eliminated.

Mayor Dial asked Mr. Trocquet to explain why some uses were better suited with conditions. Mr. Trocquet stated that the more intense uses were placed with conditions and some municipalities go further to require special exceptions, which the Town did not. He added that conditions were normally placed on activities that could typically be categorized as a nuisance. He gave the examples of noise, and/or bright lights. Mayor Dial clarified that the amendment would shift the use from a permitted use to a conditional use.

Mayor Dial opened the public hearing for anyone who wished to speak in support of the item.

Ms. Rosalyn Jackson Eatman who lives on Keswick Manor Drive stated that she was in support of the revision from permitted use to conditional use.

Ms. Wheland shared that she was in support of the change to conditional use.

Ms. Debra Matthews who lives on Maycroft Ct. spoke in support of the conditional use. She agreed with the issues of proximity to Southampton, noise, and crime with different people coming into town.

“John” from the Southampton community spoke and shared that he had been in development for 12 years. He stated that he agreed with the change but asked, if the development was still going to take place.

Mayor Dial stated that tonight was only for the purpose of cleaning up the ordinance.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the item.

Mr. Seay spoke again in opposition to the item and added that he felt that they were being targeted. He stated that the developer had submitted under the old rules, and now there were new rules which would have an adverse effect on the property value, it was a taking. He added that valuation was based on the highest and best use and property taxes were being paid, the action would be adverse.

Mr. Gulas spoke again against the text amendment. He stated that he owned C-1 properties one downtown and one on the corner of Dogwood Trail and Hwy 74 within the gateway area. In the past, the hotel on the Dogwood Trail lot did not come to fruition. Since then, a hotel brand has given approval for that lot. He had hoped to build one on the Publix property. He stated that he recently submitted two Certificates of Appropriateness for both properties under the current rules. He had received approval from two hotel chains to build both properties. He added that the Dogwood property would need a septic system which had been designed. A 95-room hotel on that property with septic, 2.5 acres was required. He was confident that he could build on the Dogwood property under the current zoning ordinance. He asked that the minimum acreage not be changed. He added that the hotel chain did require a coffee shop or another convenience to be close by. His goal was to build a hotel and restaurant on the corner of Dogwood Trail and Hwy 74 with their own septic systems. He ended by stating that it would cost \$40,000 per year to live at an extended-stay hotel so no one would be staying too long.

A motion was made to approve a Text Amendment to Section 113-128 of the Zoning Ordinance regarding permitted and conditional uses for the C-1 zoning district.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

6. Consideration of a Text Amendment to Section 113-129 of the zoning ordinance regarding development standards, permitted, and conditional uses for the C-2 zoning district. Phillip Trocquet, Community Development

Mr. Trocquet recapped and stated that the amendment would be similar to the C-1 amendment. Hotels would be moved from permitted uses to conditional uses. He added that bars and taverns would be stricken and the height would be adjusted from 35' to 40'.

Mayor Dial opened the public hearing for anyone who wished to speak in support of the item.

Ms. Whelan spoke again in support of the amendment.

Mr. Joram Kiggungu who lives on Village Green Circle spoke in support to the changes and added that the changes were put in place to better protect the lifestyle of the citizens not to target one buyer and seller, it was the right choice.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the item.

Mr. Seay stated that anything that his father was part of to be developed had been opposed. The hysteria never matched the reality. He mentioned that in the past a firing range was to be placed next to the Publix Shopping Center and citizens said that bullets would be flying and the Publix would be robbed with a gun purchased at the range. Similar to things said last week regarding the hotel being built. He added that a similar range including a restaurant was built in Peachtree City and now their citizens are enjoying it. That was an example of the hysteria never matching the reality. He stated that when the extended-stay was mentioned everyone thought the worse. No low-life could afford to live there for any length of time. He understood the reaction which was not the case and added that it was an adverse action against one property owner and that this was a taking.

Mr. Gulas shared that the plat he saw was signed by the mayor, clerk, and engineer indicated no buffer on the back of that property. His first submittal of the Certificate of Appropriateness was based on guest convenience and a driveway that encompassed the entire building. When that was denied, he was informed that there was a required 75' buffer abutting C-2 residential zoning. He added that there was already a greenbelt buffer ranging from 150' – 450' deep. He then redesigned it to make it work. Now the town wanted to change the buffer to 100 feet. He shared that his paperwork had been submitted before the 15-day window of the next meeting, was he locked in? He stated that cooktops and ovens did not indicate that it would be a budget hotel and that someone would live there. It was demoralizing to see the 100' buffer requirement. He wished to know if he was locked into the current ordinance. It was a shame that Glendalough Manor's guests were staying at a Peachtree City hotel. They were collecting

\$250,000 per year of tax revenue. People who stay for any length want a cooktop for convenience.

A motion was made to approve a Text Amendment to Section 113-129 of the Zoning Ordinance regarding development standards permitted and conditional uses for the C-2 zoning district.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

7. Consideration of a Text Amendment to section 113-190 of the zoning ordinance regarding conditions for hotels, motels, lodging houses, inns, and tourist courts. Phillip Trocquet, Community Development

Mr. Trocquet clarified that text amendments in general were not meant to target specific properties. He added that staff researched other municipalities, mostly in Georgia regarding their ordinances for this item. He also researched the American Planning Association (APA) standards for the conditions of hotels. He told Council that it was their choice to approve or deny all or some of the highlighted proposals.

Mr. Trocquet clarified that the reasoning behind addressing the minimum lot size was the direct relationship to any kind of other additional buffer requirements placed. The properties were typically located within C-1 or C-2 zoning classifications which naturally came with a 75' buffer. An additional 25 feet was added for a larger building space and it was adjacent to residential. He read the conditions, Section subsection (43) a. *Minimum lot size – 3 acres; b. A minimum 100' buffer shall separate the development from residential or AR zoning districts; c. Exterior lighting shall be designed to be completely downward facing and shielded to prevent light spillage onto neighboring residential or mixed-use properties; d. Service entrances, loading docks, and garbage collection areas shall not be located adjacent to residential property lines and shall be screened with landscaping or architectural features; e. Windows, balconies, and rooftop amenities such as pools or lounges, facing any residential district shall be designed to be screened from direct line of sight into neighboring residential properties. A line-of-sight study may be required; f. Hotels shall be required to provide main access to all guest rooms through a lobby of at least one thousand (1,000) square feet; g. All guest rooms shall be accessed through an interior hallway and shall not have direct access to the exterior of the building unless required by fire safety regulations. h. Outside storage or long-term parking over 24 hours of heavy equipment, construction or related equipment shall be prohibited; j. No business shall be allowed to operate from a guest room within a hotel; k. If within 300' of residentially zoned properties, hotels shall implement noise-control measures, such as soundproofing assembly areas and soundproofing or restrictions on outdoor assembly activities during the hours of 9:00pm – 8:00am; l. No guest rooms shall be utilized for occupancy beyond 30 days; and m. Guest rooms shall not include facilities for the preparation of food such as a cooktop stove, or oven. This excludes the use of mini-fridges and microwaves.*

Mr. Trocquet made note that the Planning Commission recommended the following wording on letter "L"; that no guest room shall be utilized for occupancy by a single

guest for a period of 30 continuous days, and only one such stay shall occur within a 60-day period. The reasoning was to halt guests from checking out and then checking back in for an additional 30 days. He stated that there were also concerns regarding restaurants and the limitations of food preparation facilities. Through research, it was not a common condition to legally require restaurants on the premises.

Mayor Dial asked for more clarification regarding the required buffers.

Mr. Trocquet read from that section within the ordinance; *b. A minimum 100' buffer shall separate the development from residential or AR zoning districts;*

He stated that the buffer was from the property line to limits of disturbance, to clarify, no building or parking lot could be within the buffer adjoining residential. He added that most conditions pertained to properties abutting residential properties.

Mayor Dial opened the public hearing for anyone who wished to speak in support.

Ms. Jackson Eatman thanked everyone for their work on the new language. She addressed Mr. Gulas and Mr. Seay and shared that although they may have received certain approvals early on, "We know better, we do better". She added that what was appropriate, was no longer appropriate. Modifications were being made for the betterment of the Town. She stated that despite Mr. Seay's comments regarding hysteria, the crime statistics for extended-stay hotels were real. The statistics were reported in the Wall Street Journal, Money Magazine, and the Atlanta Journal-Constitution. She stated that the gentlemen mentioned extended stays in Fayetteville and Peachtree City. She added, that was great for those larger communities and that there was no further need for an additional one. She echoed what Mr. Trocquet stated that the amendments were not meant to target anyone, it was based on research and what was best for all communities and their safety. She ended by stating that she and her husband had worked hard for what they had and it could be at risk simply from one development.

Ms. Linda Conley who lives on Brennan Drive stated that she spoke two weeks ago. She stated that in the past, she spoke against the gun range in the Publix Shopping Center. At that time, she did her research and drove to several gun ranges in the metro area. None of them were located in a similar area as Southampton. They were in lower-end areas or business parks. She stated that it was not a crazy idea being against the development, it was perception. She added that she had stayed in hundreds of hotels in her previous profession but never an extended-stay hotel. She knew hotel areas and was aware that some cater to higher-end businesses and some do not. She stated that she did not have a high-end view of the Candlewood Suites brand and the people it would attract, she was opposed to that type of building.

Ms. Christa Kiggundu who lives on Village Green Circle spoke regarding the buffer. She stated that their home was directly behind Publix and they were often woken by the trash trucks and kids running to and from Publix through their back yard. She added that it was easy to be against buffers when your home did not border a shopping center. She shared that the additional buffer would be useful for the presented uses and the current buffer was not enough.

Ms. Whelan spoke in support of the amendment and for the additional wording suggested by the Planning Commission. She shared that regarding perception, the citizens were unaware that Mr. Seay was involved, there was no personal vendetta, no grudge. It was just the idea of that type of business coming into Town, it would have a detrimental effect on the community. It was not personal, just business.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the item.

Mr. Seay stated that most of the items were reasonable including the 1,000' lobby ensuring the hotel was not a low-end establishment. He spoke against the 100' buffer. He stated that they had a PUD with a 50' buffer and a commercial zoning with a 75' buffer. Now, there would be a 100' buffer, soon there would be no room for a lemonade stand, this was a taking. He sympathized with Ms. Kiggundu regarding the noise, however, the required buffer for the hotel was currently 75'. He added that the greenbelt was a minimum of 140 feet including a ravine and retention pond. That all should be greater than what was behind Publix. He stated that he was not a developer nor was his father. He just had to liquidate his father's estate. He stated that extended-stay hotels were lumped into other hotels with conditions. He read section "m"; *Guest rooms shall not include facilities for the preparation of food such as a cooktop stove, or oven.* That wording eliminated extended-stay hotels altogether. He stated that the 100' buffer represented a taking. He thanked Ms. Whelan for her comments regarding that it was not personal.

Mayor Dial asked what the buffer was for the Publix Shopping Center. Mr. Trocquet stated that he would need to research, however, he could answer why there was a need for a 100' buffer. He clarified that the amendment was not for a particular property and that not all residential/commercial had another buffer between the two. The ordinance envisioned the lowest common denominator. If a home was built 30 feet from the rear of the property, a commercial build would add a 100' buffer from that home. The text amendment addressed everything as a whole.

Mr. Gulas informed everyone that he was once on the Planning and Zoning Board in Fayetteville. He stated, do not think that a 100' buffer was better. He added that a 50' buffer with a berm or fencing was much more effective than a 100' buffer which would kill the project. The 100' buffer would not work with his project. Hopefully, what he submitted would be under the current ordinance. He shared that it was 200 feet from the proposed building to the back property of anyone behind Publix. He addressed those that were against all hotels. He was an architect by trade and was the HOA President of a 287 home subdivision in Fayetteville. The bigger issue was Airbnb. No one knows if their renters are criminals. The Planning Board was unable to do anything about the issue. He stated that hotels were safer and brought in more taxes. The amendments were killing any future hotel. He added that the 30-day amendment was also not good, after 30 days the guests would not return.

After researching Mr. Trocquet stated that the Publix buffer appeared to be approximately 60 feet with another buffer between the Publix property and the residences, varying from 120' to 160'. Mayor Dial inquired about the zoning. Mr. Trocquet stated that it was originally zoned years ago. Under the current zoning laws, it

would adhere to a 75' buffer, an additional 15 feet. Currently, there was a 60' buffer between the Publix and the rear property line.

Mayor Dial asked if a grocery store or hotel would be considered a more intense use. Mr. Trocquet stated that it would depend on many variables. Regarding buffers, the ordinance did include enhanced buffers.

If a developer wanted to increase the height or depth of a project, a berm would be required depending on the additional height beyond the requirements.

Mr. Stough shared his concern with the aforementioned condition "m" regarding the elimination of cooktop stoves. By that removal, it would prohibit all extended-stays. There would need to be a basis for the omission, he suggested restrictions instead. He gave the example of many years ago when discussing adult businesses, the Town restricted where they could go but did not prohibit them. He also suggested restricting parts of town the hotels could go such as the overlay district, or within a certain number of feet from a residential property. He cautioned not to prohibit them.

Mayor Dial stated that there was a difference between cooktop stoves and ovens. He suggested moving cooktop stoves into the exclusion verbiage. Mr. Stough agreed. Mr. Trocquet shared that it was similar to Fayetteville's ordinance.

Council Member Campbell suggested limiting the percentage of rooms that allowed them. Mr. Stough agreed with that possibility. Council Member Hill agreed with Council Member Campbell and to add language to letter L restricting the number of days of guest's stay. Mr. Trocquet stated that he could not advise Council regarding the percentage of rooms, however, the wording for the allowance of cooktop stoves was consistent with other municipalities.

Mayor Dial revisited the buffer topic. Mr. Trocquet stated that the Publix buffer was nonconforming or grandfathered in. Mr. Stough clarified that the Publix development occurred pursuant to standards that came about through litigation, not consistent with what was currently on the books. Mr. Trocquet clarified that the base regulations would be 75 feet. He stated that hotels normally had more lighting in their parking lots. Typically, they have parking on all sides of their hotel for safety which would require additional buffers.

A motion was made to approve a Text Amendment to Section 113-190 of the Zoning Ordinance regarding conditions for hotels, motels, lodging houses, inns, and tourist courts along with the addition to the letter "L" ...by a single guest for a period of 30 continuous days, only one such stay shall occur within a 60-day period and also changing letter "M" to read, guest rooms shall not include facilities for the preparation of food such as an oven, this excludes the use of cooktop stoves, mini-fridges, and microwaves.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

IX. OLD BUSINESS

8. Consideration to award Amendment 1 to Task Order 4: 2022 Arrowood/Palmetto/Spencer Roundabout. Project No: PW-2021-13-04 of the 2021 Transportation Engineering Services project to POND, Inc. Scott Langford, Town Engineer / Public Works Director

Mr. Langford stated that Task Order 4 was approved by Council in 2021. The amendment scope included the design to relocate approximately 650 LF of 6" HDPE force main to provide better access and long-term durability to the sewer force main going under a section of the roundabout. He stated that the cost of the design was \$17,451 and utility location and depth in-field verification should not exceed \$15,000 for a total fee not to exceed \$32,451. He recommended approval. He explained that the sewer lines under the proposed roundabout had many changes in direction. The proposal was to realign the lines and to encase them for better durability. The project would allow for any future repairs to be more efficient. He stated that the funding would come from the 2017 SPLOST fund. He clarified that the project was Task Order 4:2021 Arrowood/Palmetto/Spencer Roundabout. Project No: PW-2021-13-04.

Council Member Campbell clarified that the project was only for engineering services, not for the work. Mr. Langford stated, that was correct, it was for the design and location of utilities. Mr. Langford approached the dais (inaudible) with a rendering of the proposed plan. He added that the project also included all acquired property acquisition. Council Member Howard inquired if there would be further costs before the commencement. Mr. Langford shared that there would be no further cost for the planning phase. The cost was necessary to smooth out the pipes for a better foundation and for future maintenance improvements.

A motion was made to approve Amendment 1 to Task Order 4 2021 Arrowood/Palmetto/Spencer Roundabout Project No: PW-2021-13-04 of the 2021 Transportation Engineering Services project to POND, Inc. for an amount not to exceed \$32,451.

Motion made by Council Member Hill, Seconded by Council Member Campbell.
Voting Yea: Council Member Howard, Council Member Furr.

X. NEW BUSINESS

9. Consideration of a contract with Adiquet Music, LLC to provide DJ services for the Town's Christmas program in the amount of \$964.94. - **Lynda Owens, Recreation Manager**

Ms. Owens shared that the contract was reviewed by our Town lawyers. DJ Blaxx (Leon) signed off on the suggested changes after much review. She shared that Adiquet was excellent to work with. The legal team sent back a redlined contract with items they felt could harm the Town. Mayor Dial asked if his services were previously utilized, why was the contract different. Ms. Owens stated that it was not different, DJ Blaxx often worked with no deposit. Mayor Dial asked Mr. Stough if there was an issue with the contract.

Mr. Stough asked if his firm had reviewed their contract before. Ms. Owens stated that she believed they had. Adiquet was used by Ms. Owens' predecessor. Mayor Dial stated that there was a need to cut back on contract reviews.

A motion was made to approve the contract with Adiquet Music, LLC to provide DJ services for the Town's Christmas program for \$964.94.

Motion made by Council Member Campbell, Seconded by Council Member Howard.
Voting Yea: Council Member Hill, Council Member Furr.

10. Consideration to purchase a Dump Truck for the Public Works Department from Hardy

Family Ford in an amount not to exceed \$85,000. **Mitch Bowman, Maintenance Supervisor**

Mr. Bowman shared that the Public Works Department requested that a dump truck be purchased in the current fiscal year and that the current dump truck was inoperable. Staff received 3 bids and the low bidder was Hardy Family Ford at \$80,684.00, he recommended approval. He stated that the cost did include safety lights but not Town decals. He added that funding would come from Assigned Funds (ARPA).

A motion was made to approve the purchase of a dump truck from Hardy Family Ford in an amount not to exceed \$85,000.

Motion made by Council Member Campbell, Seconded by Council Member Howard.
Voting Yea: Council Member Hill, Council Member Furr.

11. Consideration of a text amendment to section 109-84 of Article III of the Land Development Ordinance regarding the provisions for a Certificate of Appropriateness. **Phillip Trocquet, Community Development**

Mr. Trocquet shared that the item was not a public hearing because it was not part of the zoning ordinance but part of the land development ordinance. He noted the redacted language and added language regarding the Certificate of Appropriateness. The new language would be consolidated and would ensure a clear and better understanding of the reasoning behind its purpose and what the Town required. He then read from the ordinance; ... *A submission for a certificate of appropriateness shall include, but not be*

limited to the following: 1) A complete application for a conceptual site plan and certificate of appropriateness as listed by the Town; 2) A conceptual site plan consisting of all elements outlined in Section 109-116 of this article; 3) Conceptual color renderings of the proposed structure(s) showing: a) Exterior elevations drawn to scale; b) Proposed colors, materials, and textures for structures; c) Location of all exterior utility facilities including rooftop units; d) Proposed signs and locations including size, color, and material; e) Line of sight study from State Route 74 revealing visibility of structures based on grade 4) Conceptual landscape plan showing conformity with the standards of the Quality Growth Development District Section 113-191 of the zoning ordinance.

He stated that the ordinance was only required for properties within the Highway 74 Quality Growth District.

A motion was made to approve a text amendment to Section 109-84 of Article III of the Land Development Ordinance regarding the provisions for a Certificate of Appropriateness.

Motion made by Council Member Campbell, Seconded by Council Member Hill.
Voting Yea: Council Member Howard, Council Member Furr.

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. Whelan thanked staff for the quick response in getting changes to Council.

XII. STAFF COMMENTS

Ms. Baker announced that the Veterans Day program would be held at Veterans Park on Friday, November 10th at 11:00 a.m.

Ms. Baker shared that early voting would end tomorrow (Friday) at 5:00 p.m. Tyrone citizens would only vote on election day, November 7th at 945 Senoia Road.

XIII. COUNCIL COMMENTS

Council Member Howard announced that the museum would open after the Veterans Day program and invited everyone to bring pictures of veterans and those in active service to the museum to hang on their Christmas Tree.

Council Member Howard also announced that everyone should get their Christmas Tree orders in soon for the Shamrock Park lawn Christmas Tree Farm.

Ms. Owens (inaudible) shared that any organization, business, or individual can purchase a six-foot tree for \$100. She added that trees would be ordered on November 10th and delivered later to Shamrock Park where Public Works would place them in buckets. You could then decorate the tree from November 19th -25th as you wish with

solar lights. A sign and its lighting would be included. It was a nice way to represent your business or begin a new tradition.

Ms. Owens then announced the Town's Christmas Tree Lighting event on Sunday, November 26th from 2:00 pm – 7:00 pm. The event would include cookies from the DDA, a kid's train, Santa, and Mayor Dial lighting the tree. The evening would end with fireworks show.

Council Member Campbell thanked Ms. Owens and Ms. McClenney for a job well done with the Trunk-or-Treat festivities last Friday. Ms. Owens shared that there were over 600 children who attended.

XIV. EXECUTIVE SESSION

A motion was made to move into Executive Session for one item of threatened litigation.

Motion made by Council Member Howard, Seconded by Council Member Hill.
Voting Yea: Council Member Campbell, Council Member Furr

A motion was made to reconvene.

Motion made by Council Member Howard, Seconded by Council Member Campbell.
Voting Yea: Council Member Hill, Council Member Campbell, Council Member Furr

XV. ADJOURNMENT

A motion was made to adjourn.

Motion made by Council Member Furr.

Voting Yea: Council Member Howard, Council Member Hill, Council Member Campbell.

The meeting adjourned at 8:47 p.m.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk