

# TYRONE TOWN COUNCIL MEETING

## MINUTES

October 05, 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:

Lt. Eric DeLoose

### 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.*

Mr. Dia Hunter who lives on O'Connell Street spoke about items 11 and 12 regarding the AMWaste contract and rate increase. He wondered why they were in that particular order. He hoped that there would be discussions on those items. He added that we have seen several increases and several contracts over the years. He hoped that there would be an opportunity to choose the right contractor in order to keep the fees down.

### V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

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

Voting Yea: Council Member Howard, Council Member Hill.

### 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 September 21, 2023 meeting minutes.
2. Consideration to approve Boing US Holdco, Inc.'s Stormwater Management Operations and Maintenance Agreement (for Take 5 Express Car Wash).
3. Consideration to approve Kenneth R. Spivey, Jr and Sylvia Spivey's Stormwater Management Operations and Maintenance Agreement (for Commercial Build Atlanta).

A motion was made to approve the consent agenda.

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

## VII. PRESENTATIONS

## VIII. PUBLIC HEARINGS

4. Consideration to hear a rezoning petition from applicant Michael Swift of a 4.43 Acre Tract with parcel number 0727-001 at property address 912 Tyrone Road from AR (Agricultural Residential) to R-18 (Residential 1800 s.f. min. home size).

### **Phillip Trocquet, Community Development**

Mr. Trocquet stated that applicant and owner Michael Swift had petitioned to rezone 912 Tyrone Road from AR (Agricultural Residential) to R-18 (1,800 s.f. min. home size). He stated that staff recommended that the rezoning be to R-12 (1,200 s.f. min. home size) and added that the applicant agreed to the change. The difference between the two was 600 s.f. home size.

He added that the rezoning matched adjacent R-18 and R-12 properties. The parcel lies within the estate residential character area which allows low-density 1 acre lot development. The owner's intent was to parcel the existing house and split the lots not going below 1-acre each. Mr. Trocquet stated that if rezoned to R-12, the petition was consistent with the Town's Comprehensive Plan and Future Development Strategy. He stated that R-12 zoning was suitable adjoining other R-12 properties and did not significantly affect surrounding commercial properties.

He added that staff also determined that suitability with surrounding properties would be the same under R-12 zoning. He shared that it was staff's opinion that the current zoning did not provide similar economic use to other surrounding properties which could develop at 1-acre lot density.

Mr. Trocquet stated that it was staff's determination that R-12 zoning would not be excessively burdensome on existing infrastructure. He added that staff requested that any future lot divisions include shared driveways where feasible in order to reduce the number of curb cuts on Tyrone Road. He added that the Planning Commission recommended that the property be rezoned to R-12.

The applicant, Mr. Michael Swift shared that when he bought the property, the home was blighted and he renovated it. He saw a better use for the remaining land. He shared that he wished to place two homes on the land similar to the ones found in the Stone Crest subdivision. He moved to Tyrone 2 ½ years ago, loved the Town, and stated that he believed that the new homes would enhance that area.

Council Member Campbell inquired about curb cuts. Mr. Swift stated that there would be one on Tyrone Road and one on Farr Road. He added that he was considering a third lot to the left, however, he was going to leave the 2.5 acres undisturbed.

Mayor Dial asked Mr. Swift if he had any interest in developing properties that were 1,600 s.f. Mr. Swift shared that he did not, he wished to develop a 3,500 s.f. home, anything smaller would be cost-prohibitive.

Mayor Dial opened the public hearing for anyone who wished to speak in support of the rezoning. No one spoke.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the item. No one spoke.

A motion was made to approve the R-12 petition from applicant Michael Swift of the 4.43-acre tract with parcel number 0727-001 at 912 Tyrone Road.

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

5. Consideration of a text amendment to Sec. 113-191 of the zoning ordinance, Quality Growth Development District, to modify architectural and dimensional requirements. **Phillip Trocquet, Community Development**

Mr. Trocquet shared that the item was recurring and that one of the major text amendments called for in the Comprehensive Plan was to bolster the SR-74 Quality Growth District Overlay. The overlay called for higher architectural and landscaping standards but was found to be missing elements called for by citizens and Council. He added that although higher architectural and landscaping requirements were part of the current overlay, it had been noted that a revision to structures under 100,000 s.f. should have 70% of Class A materials, and structures over 100,000 s.f. should have at least 30% Class A materials. He stated that the Planning Commission and staff recommended approval.

Mayor Dial opened the public hearing for anyone who wished to speak in support of the text amendment. No one spoke.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition to the text amendment. No one spoke.

A motion was made to approve the text amendment to Section 113-191 of the Zoning Ordinance, Quality Growth Development District, to modify architectural and dimensional requirements as stated.

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

## **IX. OLD BUSINESS**

## **X. NEW BUSINESS**

6. Consideration to Award professional engineering services for the 2022 Public Works Storage Building, Project Number PW-2022-14, to Keck and Wood, Inc. - **Scott Langford, Town Engineer / Public Works Director**

Mr. Langford informed Council that the project was to replace the pole barn at 945 Senoia Road. The new Public Works maintenance storage building would be located next to the existing Public Works building at Handley Park. Keck and Wood would design the site work to include stormwater and utilities. Keck and Wood would also work with the Town and a metal building contractor who will be procured under a separate contract. He stated that the project was within the budget and the fee for the scope of work was not to exceed \$59,400.

Council Member Campbell asked for the total proposed budget for the project. He shared that it was well under \$400,000. Council Member Furr asked if the amount included everything. Mr. Langford shared that it would include design work for the site. He added that paperwork was submitted to legal counsel regarding a different form of procurement for the project. The new method was titled, indefinite delivery, indefinite quantity (IDIQ) of services. It was a statewide method that took a project from the design phase straight to a contractor which reduced time and advertising. At times, the method could save up to two months. If legal decided that was not sufficient, staff would go out for bids the traditional way. He added that the IDIQ method could also save the Town money.

Mr. Langford stated that the public works building was the exact building that Fairburn Fire used for their storage with the same process. Mr. Trocquet specified that the project before Council was only for the site work. Council Member Furr shared that it seemed like a large amount for a pole barn. Mr. Perkins clarified that it was a fully enclosed building with rollup bay doors. Mr. Langford informed Council that in the past, municipalities could hire a contractor and they would build the building. Today, there are more regulations in place regarding stormwater that the Town has to adhere to. Other factors were a security fence, gate, and geotechnical work. Mayor Dial asked if it would have plumbing. Mr. Langford stated that it would not have a restroom, however, it would have outside hydrants.

A motion was made to authorize the Mayor to execute the professional service contract with Keck and Wood for a fee not to exceed \$59,400 for the 2022 Public Works Storage Building, project number PW-2022-14.

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

7. Consideration to Award the 2024 Sidewalk Repair project PW-2024-03 to Aabby Group Incorporated. **Scott Langford, Town Engineer / Public Works Director**

Mr. Langford informed Council that the Town maintained sidewalks within the Town's rights-of-way. This year's project included sidewalk sections in Maple Shade, Tullamore,

Ashpark, Laurel Forest, Farr Road, and two sections on Stonewyck Drive. He added that the Town designed, advertised, and bid the 2024 Sidewalk Repair Project PW2024-03. On September 20, 2023, the low bid was from Aabby Group, Inc. at \$58,562.60.

A motion was made to authorize the Mayor to execute the Agreement for 2024 Sidewalk Repair Project PW-2024-03 to Aabby Group Incorporated for \$58,562.60.

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

8. Consideration to approve a Resolution to amend the plumbing code for water efficiency.  
**Devon Boullion, Environmental Specialist**

Ms. Boullion shared that the resolution set out a series of findings to support some revisions to the plumbing code as adopted by the Town for water efficiency. The purpose of the revisions was to enact stricter standards pertaining to water efficiency as recommended by the Metropolitan North Georgia Water Planning District. She shared that the district updated its 2022 Water Resources Management Plan to require municipalities to adopt and maintain. The Metro Water District's water efficiency code required a local amendment to the Georgia state minimum standard plumbing code.

She shared that before them was a resolution that would be forwarded to the Georgia Department of Community Affairs (DCA) approving the proposed changes. After final approval for DCA, staff would present the revisions to Council to formally adopt the amendments to the state code.

Council Member Campbell asked for more clarification. Ms. Boullion explained that the state had requirements above what the Town required. Their scope included water planning for the region. The Town was in the upper Flint River basin watershed. She added that there was not enough groundwater downstream. The code update would require certain appliances and irrigation to be more efficient regarding water pressure.

Council Member Campbell asked if it would affect Mr. Swift as he built two new homes or already established homes. Ms. Boullion shared that it may affect anyone adding to their home with new appliances or a newly built home once DCA and Council approved the amendments.

Mayor Dial shared his personal concern about more regulations. Did the Town have the authority to deny the resolution if Council felt it was unreasonable? Ms. Boullion stated that ultimately if the Town did not comply with the DCA's standards, it could later affect receiving dam permits from the EPD. She added that she and Mr. Trocquet consulted with the Town's contracted building inspector and they also reached out to other municipalities. The consensus was that the amendments were reasonable.

She added that mostly it pertained to definitions, design standards for irrigation, and kitchen faucet pressure.

Mayor Dial asked who was administering the standards, whether was it environmentalists or builders. Mr. Trocquet shared that regarding being strongarmed, oftentimes issues did have to be taken up the chain of command, however, the amendments were not overly burdensome. Most were practical such as the low-flow faucet. Usually, the Atlanta Regional Commission (ARC) would consult with many stakeholders before making amendments. Mr. Langford and Council Member Campbell began a discussion regarding Tyrone not having much water pressure to begin with. Mr. Langford stated that the amendments should not affect the main lines. Council Member Howard shared that it meant less water with the kitchen faucets and that was what was needed downstream, it made sense.

Mayor Dial shared that regarding the water wars, there was a judgment to reduce water and that was what was needed. Ms. Boullion shared that Georgia was involved with a suit but won the case with assistance from the Metro District's efforts to reduce flow rates. She added that as upgrades were made, the homeowner would be using less water reducing their cost in the future. Ms. Boullion shared that one change was the use of 2.2 gallons of water per minute instead of 2.5. Mr. Langford explained that with the correct shower head, the homeowner would still feel the pressure, but it would be a low flow.

A motion was made to authorize Mayor Dial to approve the Resolution to revise the local plumbing code for water efficiency.

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

9. Consideration to approve a resolution to authorize the Town Manager to apply for a Roadside Enhancement and Beautification Council (REBC) grant through the Georgia Department of Transportation. - **Brandon Perkins, Town Manager**

Mr. Perkins reminded everyone that he mentioned the item under staff comments at the last Council meeting where Council instructed him to move forward. The first step in the process would be to approve the attached resolution.

A motion was made to approve the Resolution to authorize the Town Manager to apply for a Roadside Enhancement and Beatification Council (REBC) grant through the Georgia Department of Transportation.

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

10. Consideration to approve Keck and Wood to complete a Roadside Enhancement and Beautification (REBC) grant application through the Georgia Department of Transportation, to include conceptual drawings and cost estimates, on the Town's behalf. - **Brandon Perkins, Town Manager**

Mr. Perkins informed Council that the next course of action would be to obtain services from Keck & Wood for the application procedure. Services for the grant application through the Georgia Department of Transportation would include conceptual drawings

and cost estimates. He added that Keck & Wood had worked on several Town projects including the Pickleball Court project and the upcoming Senoia to Spencer multiuse path expansion, they have been found to be a reliable partner. He shared that Keck & Wood's cost for the \$50,000 grant would be \$8,000, which would come from Assigned Funds. Keck & Wood would submit the application on the Town's behalf. Council Member Campbell asked how long the process would take. Mr. Perkins stated that it should only be a few weeks.

A motion was made to approve the proposal to have Keck and Wood prepare and submit a Roadside Enhancement and Beautification Council grant application to include conceptual drawings and cost estimates on the Town's behalf.

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

11. Consideration to approve an extension of the Town's Sanitation contract with AMWaste.  
**Brandon Perkins, Town Manager**

Mr. Perkins addressed Mr. Hunter's concerns. Mr. Perkins explained that there was a timeframe to respond to the extension that process began in September, the letter for the increase came last week. He added that if the contract extension was not approved tonight, staff would go out for bid. Mayor Dial asked for clarification regarding an extension. Mr. Perkins explained that embedded within the previous contract AMWaste was allowed each year to request an increase. The last request was in 2021. There have been increases due to fuel cost increases but those had recently been removed.

Council Member Campbell asked what were their choices, were there other vendors. Mr. Perkins informed everyone that three years ago staff obtained four bids. The Town's former contractor bid in the high \$70's, two others were in the \$60's, and AMWaste was in the low \$50's per quarter. He added that he had also reached out unofficially to Pollard Residential Waste Services which stated that they would come to Town for \$72 a quarter, not including recycling. Newnan was using AMWaste and they were paying \$90 a quarter. Currently, AMWaste for Tyrone citizens includes bulk pickup, yard waste, and recycling.

Council Member Campbell inquired about AMWaste's track record with the Town. Mr. Perkins stated that in the beginning, it was rocky at least, as we were their first client in Georgia. They were mostly in Louisiana, Mississippi, and Alabama. He added that the first year was rough, last year they brought on a new vice president and district manager. Things are going well and we have a good relationship. Requests were being taken care of sometimes within the same day. Complaints had reduced significantly.

Mr. Perkins stated that citizens have asked from time to time if they could choose their own provider.

He shared that because the Town only had 2,300 homes, it would not be worth a contractor's time if they had to share the Town with 1-2 more vendors. Besides, the vendor would also have to pay the Town a franchise fee per customer. That would also

mean more trucks on the roads every day. He gave the example, that if there was a hydraulic leak or garbage juice on the roads, it would be difficult to narrow down which contactor it was in order to clean up the spills. He added that with one provider, they also pick up the Town's facilities' trash at no additional cost. Mr. Perkins also added that while cleaning up the property adjacent to Shamrock Park, AMWaste's roll-off dumpsters were significantly lower than other vendors.

Mr. Perkins read a portion of his memo to Council for the record.

*I am sure some citizens may wonder why the Town did not seek new contractors through the bidding process. Some reasons for that are as follows:*

*1. Given AMWaste's current performance and extension option allowed under the current contract, we found it unnecessary to seek new bids. The current situation is working as it should.*

*2. It is understood that going out for bid would likely result in a substantial increase in costs for our citizens. For example, Pollard Sanitation advised us that they would be happy to service Tyrone as a sole provider for \$72 per quarter. It should be noted that Pollard's cost did not include recycling.*

He added that if the Town went out for bid, AMWaste could come back higher as did Republic when the current contract was bid. It would be prudent to stay with AMWaste, as the cost was lower and the service was currently efficient. Council Member Hill shared that she approved of their service. Council Member Campbell asked if there would be a guarantee of the \$63.87. Mr. Perkins stated that the cost increase would go into effect on January 1<sup>st</sup> and last for one year. AMWaste would have another opportunity for another increase request next October, based on the consumer index. Council Member Furr had a complaint regarding a bulk pick-up that was three weeks late. Mr. Perkins asked Council to please call him if there was an issue. She added that there was also a large hydraulic spill in her neighborhood. Mr. Perkins stated that he would report that to their representatives.

A motion was made to approve the extension of the Town's Sanitation contract with AMWaste.

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

12. Consideration of a request from AMWaste to implement a rate increase of 8.9%, based on the Consumer Price Index, from \$58.65 per quarter to \$63.87 per quarter. - **Brandon Perkins, Town Manager**

Mr. Perkins stated that AMWaste's contract provided them the ability to request rate adjustments on an annual basis when submitted by October 1<sup>st</sup>. The requests must be "reviewed against the rate of inflation as reported by the Department of Labor's



Consumer Price Index for All Urban Consumers – U.S. City Average – Garbage and Trash Collection.” He added that AMWaste submitted a written request for a rate increase on September 27, 2023, that indicated a CPI increase of 8.9%, which would raise the quarterly rate from \$58.65 to \$63.87.

He stated that in preparation for the item, staff conducted some limited research on local sanitation fees and found the following: -If they serviced Tyrone, Pollard Sanitation advised us that their rate would be \$72.00 per quarter with no recycling. -Newnan had a new contract with AMWaste and their residents were charged \$97.20 per quarter. -He reached out to Republic to ascertain their rates for Peachtree City customers and was quoted \$78.00 per quarter for trash and recycling, and an additional \$90.00 per quarter (optional) for bulk/yard waste service – AMWaste did not charge for this.

He stated that staff recommended approval and the increase would begin on January 1<sup>st</sup>.

Council Member Campbell shared that citizens would pay \$20.88 extra per year, but the other options would be even more. Mr. Perkins added that it also had to do with the small size of Tyrone, Fairburn paid less because they were larger.

A motion was made to implement a rate increase of 8.9% based on the Consumer Price Index from \$58.65 per quarter to \$63.87 per quarter.

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

13. Approval of \$4,300 Bruce Environmental Quote and Work Authorization Contract for asbestos remediation at 969 Senoia Road. **Phillip Trocquet, Community Development**

Mr. Trocquet informed everyone that after acquiring 969 Senoia Road, asbestos testing was performed on the house to determine if remediation was necessary. He shared that the test came back positive for sections of the home that require remediation. He added that after three quotes, Bruce Environmental came back lower than the rest. He stated that the quote was \$4,300 and their agreement had been approved by legal counsel. Mr. Perkins shared that Bruce Environmental had also removed the asbestos from the Tyrone Post Office. Council Member Campbell clarified that the quote included removal and disposal.

Mayor Dial asked how much the public works staff was saving the Town by demolishing the home and clearing the property. Mr. Trocquet stated that it was tens of thousands. A quote from Crawford Grading was \$50,000-\$60,000. Mayor Dial announced that if anyone saw any of the public works’ staff give them a hug and tell them thank you.

A motion was made to approve the quote of \$4,300 from Bruce Environmental to perform asbestos abatement for 969 Senoia Road.

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.*

Jessica Whelan who lives on Valleywood Road, stated that she loved to see Council work and that she appreciated them. She inquired about a Finance topic from the Tyrone 101 class last week. She asked about an insurance claim at 881 Senoia Road. She asked when that section of the building would be restored. Mr. Perkins reminded everyone that during a freeze, the back offices of the building (not the museum) experienced significant damage due to several busted pipes. They had to rip out two feet of sheetrock and the ceilings were destroyed. When renovated, that area would be the recreation offices along with more programming areas.

Ms. Dorothy King who lives on Prestmoor Court spoke regarding rumors of the possibility of a hotel coming near the Southampton neighborhood. Mayor Dial shared that he would brief her after the meeting. Ms. King also inquired about the AMWaste fuel charge. Mr. Perkins explained that the fuel charge was recently backed off which was on a different scale than the Consumer Price Index. He added that it was tied to the Energy Information Administration (EIA). That cost fluctuation was listed in their contract so they did not need to come to Council when an increase was needed. He added that the fuel charge was calculated every quarter.

**XII. STAFF COMMENTS**

Ms. Baker gave Ms. Ciara Willis a shout-out for obtaining her Georgia Clerk Certification and added that she had worked very hard to obtain it.

Mr. Perkins announced that tomorrow night was the Strongman Competition at 5:00 p.m. followed by Action Wrestling and there would also be food trucks. He stated that Saturday was the Town's annual Founders Day Festival which would be kicked off by the 5K Road Race and the parade. He reminded everyone of the road closures for both events and to plan ahead. He shared that the day's festivities would end with a fireworks display. He asked if anyone knew of a resident with horses to notify them of the fireworks show. He added that he had already reached out to the Listons.

Mr. Langford gave a shout-out to the Museum staff, Recreation, and Library staff for their great presentations during the Tyrone 101 meeting.

**XIII. COUNCIL COMMENTS**

**XIV. EXECUTIVE SESSION**

A motion was made to move into Executive Session for one (1) real estate item.

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

A motion was made to reconvene.

Motion made by Council Member Campbell, Seconded by Council Member Howard.  
Voting Yea: Council Member Hill, 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 8:26 p.m.

By: \_\_\_\_\_  
Eric Dial, Mayor

Attest: \_\_\_\_\_  
Dee Baker, Town Clerk