

TYRONE TOWN COUNCIL MEETING

MINUTES

April 20, 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

Dennis Davenport was absent

Patrick Stough, Attorney was present

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS: *The first public comment period is reserved for non-agenda items. 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. Sharlene Alexander who lives on Anthony Drive spoke regarding the safety of golf cart owners traveling down Farr Road. She asked Council to consider moving up the funding and widening project for the path along Farr Road to accommodate golf carts. Currently golf carts were traveling on Farr Road and it was not safe. She added that Mr. Trocquet shared that the carts were allowed on the Farr Road path. She asked that the project be placed ahead of other cart path projects to solve the issue sooner than later for safety.

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

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

Voting Yea: Council Member Howard.

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 minutes from April 6, 2023.
2. Approval of Christ Church's, open to the public "Summer Kick-Off" event at Shamrock Park on June 4th, from 4:00 pm - 7: 00 pm.

A motion was made to approve the consent agenda.

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

VII. PRESENTATIONS

VIII. PUBLIC HEARINGS

IX. OLD BUSINESS

3. An update on emergency access to Shamrock Industrial Park. **Brandon Perkins, Town Manager**

Mr. Perkins informed everyone that on July 20, 2000, the Town Council zoned all properties located in Phase VIII of Shamrock Industrial Park (SIP) to M2 with conditions. One condition was that a secondary entrance into the park, limited to emergency vehicles, must be provided by the developer before any additional development took place. He added that the required entrance was never provided and the Town has held firm on its position that it must be completed before additional construction was allowed.

He added that the issue was revisited by the Town in 2008, and that Council was provided a letter from Fire Marshal David Scarbrough on June 2, 2008 in which he stated, "...it is my opinion that a second entrance or emergency access road should not be required at this time. We will provide the best possible service under whatever conditions or situations are presented at the time." The Council took no action on the zoning conditions at that time. On May 6, 2021, Scott Moore, who owns a 14-acre parcel within Phase VIII of SIP, requested a rezoning of his property from M2 with conditions to M2 so that he could build on his property. After a lengthy discussion, Council denied the rezoning.

Mr. Perkins shared that Mr. Moore was asked during that meeting if he would be willing to "put in the work to communicate with property owners if they would contribute to the outcome" and he stated that he would do that. He was then advised that Council had the authority to revisit the rezoning request if he came back in the future "with information regarding the inability to create a second exit". Mr. Perkins shared that Mr. Moore had recently come back to staff indicating that all of the petitions from the property owners within SIP that he had discussed this issue with were signed "no". Mr. Moore had also made it clear that he did not have the financial resources to make this happen on his own. He had further advised the Town that he had a buyer for his property, but could not complete the sale until the conditions were lifted. In order to revisit this Mr. Moore would need to go through the rezoning process.

Mr. Perkins stated that he would also need to share with Council the steps he has taken that were requested of him to move forward. Mr. Perkins noted that since Mr. Moore last came to Council, a 1.73-acre parcel (parcel# 0744042) had been donated to the Town by Peachtree City. The parcel could provide a direct connection/emergency entrance only. Mr. Perkins understood that at the last Council meeting that he was unable to attend, Council recommended that staff research the cost to begin that process.

Mayor Dial asked Mr. Perkins to present the initial timeline of events regarding the second entrance issue. Mr. Perkins stated that he believed that the developer presented SIP in phases in the 1990s, and added that a second entrance off Dogwood was approved. Phases I-VII were developed and Council placed a hold until the developer could construct a second entrance. Mr. Perkins believed that the developer Mr. Guthrie approached the property owner for the second entrance and he recanted. He also believed that after the conditions were placed on the property, Mr. Guthrie filed for bankruptcy. Currently, property owners in Phase VII could not move forward.

Council Member Hill asked that in 2008 if the Fire Marshall approved having no second entrance, why were the conditions not lifted then? Mr. Perkins stated that he could not find the need for the letter in the first place but that the current Fire Marshall and Chief stood by the letter. Mr. Perkins stated that the best history was from the minutes taken at the July 20, 2000, Council meeting, where the Town placed a condition for a secondary roadway.

Mayor Dial posed, what if the situation was regarding a neighborhood, an HOA would be the answer. The SIP did not have one. Mr. Stough reminded everyone that the current property owner did purchase the property with the condition in effect.

Council Member Campbell stated that he would sleep a lot better knowing that there was an access road for emergency vehicles. We need to move forward with that process. Council Member Hill asked if there would be a gate to block the entrance/exit. Mr. Perkins stated that yes, there would be and that public works and public safety would have keys.

Mayor Dial asked Mr. Stough that although Peachtree City gave us the easement, could they take it back? Mr. Stough stated that since the easement was granted, no. Mr. Stough asked if this was a deeded easement. Mr. Trocquet stated that it was not a Peachtree City easement, the developer agreed to the Cresswind HOA easement. Mayor Dial added that if a path was constructed, could it be blocked for emergency vehicles. Mr. Stough stated that we needed to make sure the easement was ours. Mayor Dial clarified that when the developer went to Peachtree City, the city made the easement a condition that it would be given to the Town. Mr. Perkins shared that Peachtree City initially had to annex the portion from the Town with the condition of the annexation/rezoning that the portion would be granted to the Town. He added that before constructing the egress, information would be secured. Mr. Stough clarified that it would be up to Peachtree City as part of their zoning to enforce.

Mr. Moore approached Council and shared that he just wanted to get this behind him, he had a potential buyer. He added that he did know there was a condition before the purchase, and so did Mr. Guthrie. He had been coming to work in Tyrone for 25 years and wanted to build his shop in SIP. He thanked Mr. Perkins and Mr. Trocquet and added that he accomplished everything that Council had asked of him.

Mr. Moore added that all of the business owners that he asked to help, they said if they were not able to use the exit, they did not wish to contribute.

Council Member Hill asked if the Town could lift the moratorium. Mr. Perkins clarified that it was a zoning condition. The process to apply for rezoning without conditions would take approximately 8 weeks. Council Member Howard offered that the quarry was built in 1946, there has always been one way in and out. Council Member Howard and Hill both agreed that something needed to be done.

Mayor Dial asked if Mr. Moore's property was the only property within Phase VII. Mr. Moore stated that he had 14 acres and the owner of Ivy Green owned the other properties. Mayor Dial stated that everyone agreed that there needed to be a second entrance, however, details such as cost and who pays needed to be hammered out. Mr. Trocquet shared that at the last meeting, Council directed staff to include in this budget, an estimated cost for the emergency entrance/exit.

A motion was made recognizing Mr. Moore for his efforts and allowing him the ability to move forward with a rezoning from M-2 with conditions to M-2.

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

4. Consideration to approve a Resolution to adopt the Fayette County 2022 Annual Fire Impact Fee Report and Comprehensive Plan Amendment to the Capital Improvement Element and Short-Term Work Program. **Phillip Trocquet, Community Development**

Mr. Trocquet stated that Council approved the transmittal resolution of the item on January 5, 2023, to the Georgia Department of Community Affairs (DCA) for review. The DCA subsequently approved the CIE and STWP amendment from the Town as well as the Fire Impact Fee Report from Fayette County. He added that given the DCA's approval, it was now time to officially adopt both the amendment to our Comp Plan as well as the County's Fire Impact Fee Report. He presented the resolution for adoption.

A motion was made to approve a Resolution adopting the Fayette County 2022 Annual Report on Fire Services Impact Fees for FY 2022, including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program for FY2023-2027 in the Tyrone subsection.

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

X. NEW BUSINESS

5. Consideration to approve the Town's membership in the Buy Board Purchasing Cooperative. - **Brandon Perkins, Town Manager**

Mr. Perkins stated that the Town's purchasing policy allowed purchases under state and federal contract pricing as a means to streamline the purchasing process.

Contracts often resulted in lower pricing and the Town has successfully used them where applicable for many years. Under Georgia law (OCGA 36-69A-4), local

governments were authorized to treat certain purchasing cooperative contracts like state contracts.

He added that Buy Board was a large government purchasing cooperative that met the requirements under OCGA 36-69A-4. In order to participate in the program, the Town must join at no cost by signing an agreement. Mr. Perkins stated that Legal had reviewed and approved the agreement and he also recommended approval.

A motion was made to authorize Mayor Dial to sign the Buy Board agreement so that the Town may join the program upon legal review.

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

6. Consideration to approve the purchase of new budgeting software from ClearGov in the amount of \$27,495.00. - **Brandon Perkins, Town Manager**

Mr. Perkins informed Council that approving the previous item made purchasing budgeting software seamless and less expensive. He added that ClearGov offered a very robust budgeting software and \$30,000 was currently in the budget for that purpose. He stated that presently, staff was working from spreadsheets and that method needed to be updated. With ClearGov Ms. Beach could prepare the budget and send it to staff members and they could see last year's budget as they prepare their current budget. ClearGov was also a cloud-based software. He shared that the features also made the Town's budget very transparent. It would also give the public a mid-budget view of what had been spent. ClearGov also had a project map tracker which would give the public an idea of what phase the project was in. It also had a map feature to show the public where the project was located. Currently, our budgets are on our website in pdf form for the public to view, this software would be even more user-friendly and also transparent.

Mr. Perkins stated that the upfront pricing through Buy Board was \$27,495 and staff budgeted \$30,000 which included the one-time set-up fee and an annual subscription. The cost would then be \$21,000 moving forward with a 3% increase in the second year and a 6% increase after the original term and we would not be locked in. Council Member Hill asked about staff time for preparation. Mr. Perkins stated that staff would supply ClearGov with the information and that there would be a 60-day onboarding phase. Council Member Campbell asked when would the software go live. Mr. Perkins stated that it would be the following fiscal year, 2024/25.

A motion was made to approve the purchase of the new budgeting software from ClearGov for \$27, 495.00.

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

7. Approval of a new administrative policy governing fund balances. - **Brandon Perkins, Town Manager**

Mr. Perkins stated that the Town Council voted on February 19, 2019, on a policy statement requiring the maintenance of a reserve fund balance of “40% of reserves with a goal of 50% operating reserves”. This was how the Town had been operating, however, a formal written policy was never created after that vote.

He added that consequently, staff believed it was prudent to move forward with a more formal written policy governing how the Town would handle all fund balances. He noted that the reserve fund minimum had been changed to 50% rather than the previous 40%. He stated that the Government Finance Officers Association (GFOA) recommended a reserve fund balance of at least 2 to 3 months of operating expenses, so the Town’s policy of 50% is healthy, legal, and reasonable. As of the last budget audit, the Town had reserves of 21 months. He stated that the attached draft was based on sample policies from GFOA and other cities. It also included non-spendable fund balances, restricted fund balance, committed fund balance, assigned fund balance, and unassigned fund balance. He stated that the legal department did not submit any changes to the document.

Mayor Dial wanted clarification on using the correct terminology when speaking of reserve funding. Ms. Beach shared that the auditor gave staff wording to use but that the policy had already been written and was in Council’s possession. The terminology was long, convoluted, and made sense to someone in Ms. Beach’s position. She added that the auditors would always use and print the correct terminology, but that did not mean that Council could not use their own. Mayor Dial inquired that if the policy was approved, could Council use reserves for the 6 months of funding and surplus for the additional funds. Ms. Beach stated that they could. Mr. Perkins referred to the last paragraph in the document which read, *F. Surplus fund balance. A fund balance will be considered a surplus if it is over 50 percent of operating expenses. Surplus funds will be considered for new expenditures with an emphasis on infrastructure needs, capital improvements with a long-term benefit, and debt reduction. A portion of surplus funds may be invested pursuant to the Town’s investment policy. Staff will notify Council when a budget presentation includes the proposed use of surplus funds and a majority vote in favor is required.*

Mr. Perkins clarified further that reserves would always indicate money held aside (50% of operating funds), surplus was always over and beyond that per the policy.

A motion was made to approve the administrative policy governing fund balances.

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

8. Consideration of an update to Ordinance 2-47 - Order of Business. **Brandon Perkins, Town Manager**

Mr. Perkins shared that a few weeks ago, while reviewing ordinances he noticed that the order of business listed in the code was not what was being followed on our agenda.

He stated that the first public comment section stated, *“The first public comment period is reserved for non-agenda items.”*

Through research and a discussion with the attorney, both sections could be reserved for whatever the public wished to discuss. Mr. Perkins stated that the second public comment section was for any issue.

He posed to Council if they so choose, both public comment sections could be reserved for any issue. The attorney red-line version number (4) could strike “for non-agenda items”).

Mayor Dial shared that the first public comment section should not include public hearing items. He added that currently, Council voted on a topic, then the public could speak on the item that was already voted on. He felt that although Council could not respond, the public should have an opportunity to speak on items before a vote. Council Member Campbell agreed and added although Council could not respond, the public should voice their opinion. Council Member Hill agreed.

A motion was made to approve the update to the Order of Business in Section 2-47 as submitted with the change of striking the wording in (4), “non-agenda items”.

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

9. Consideration to approve a Resolution to add Reserve Police Officers to the Town of Tyrone Worker’s Compensation policy. **Randy Mundy, Police Chief**

Chief Mundy stated that currently, the reserve police officers were not eligible for Workers Compensation if they were injured while performing duties for the Town of Tyrone. He added that the funding was available in the current budget because the police department was not fully staffed.

A motion was made to approve Resolution 2023-05 adding the reserve officers to the Town of Tyrone’s worker’s compensation policy.

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

10. Consideration to Award the purchase of a jet vac trailer through Sourcewell from Vermeer. **Scott Langford, Town Engineer / Public Works Director**

Mr. Trocquet presented for Mr. Langford. He stated that the jet vac was a high-velocity pressure jet that could clean out manholes and culverts. It also has a large vacuum for water. He added that a gentleman demonstrated what the jet vac could do on a culvert on Valleywood Road. The funding would come from the sewer enterprise fund. The jet vac would also assist with stormwater maintenance projects. He recommended approval.

Council Member Campbell asked how the residue would be handled. Mr. Trocquet stated that it would be held in a tank and discharged at a proper location. Mayor Dial inquired

about the warranty, through the manufacturer. Mr. Trocquet stated that he would need to consult Mr. Langford on that issue.

Council Member Campbell questioned why do we need to go through Sourcewell. Mr. Perkins and Mr. Trocquet stated that it was a co-op through the state, similar to the budgeting software agreement.

A motion was made to award Vermeer through the Sourcewell quote for the fee of \$53,530.19 for a Vermeer CV573GT jet-vac trailer unit.

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

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.*

XII. STAFF COMMENTS

Mr. Perkins thanked Chief Mundy and his staff for a successful District 10 Chiefs of Police training in the Council Chambers that morning with 50-60 attendees. They also hosted the Georgia Association of Chiefs of Police executive board meeting following. He was proud that Tyrone had a nice place to host the event. He then reminded everyone of the Spring Market that would be held at Shamrock Park tomorrow evening from 5:30 pm to 7:30 pm. The Sandy Creek Highschool Jazz Band would perform and there would be food trucks and vendors.

Mr. Perkins stated that the Pickleball court project had resumed. He met with representatives that day regarding the plan to move the concrete so construction could begin. He added that the courts were on track to be poured in May.

XIII. COUNCIL COMMENTS

Council Member Howard announced that the Museum would be hosting a car wash on Saturday from 10:00 am to 2:00 pm. She also reminded everyone that Crossroads Christian School was hosting a 5K event with vendors at Shamrock Park on April 22, 2023, from 7:00 am to 2:00 pm.

Council Member Campbell updated Council on the Downtown Development Authority. He stated that beginning in May through September, the DDA would be hosting the First Friday events at Shamrock Park. The turnout was great last year and they were looking forward to even more this year. He added that there was no cost for entry and there would be food trucks and vendors on site. He also shared that at the DDA meeting on Monday, a Request for Qualifications (RFQ) was approved to move forward with the bidding process for the former fire station located at 935 Senoia Road.

Advertising would happen soon and hopefully, renovations would begin in October with a new tenant. Council Member Campbell also shared his excitement regarding the

training that he and the Downtown Development Authority's Vice-Chair Jenni Mount, attended DDA classes in Athens at UGA. He named many classes and shared his enthusiasm for gaining knowledge from instructors with 15-20 years of experience. He also thanked Mr. Perkins and Mr. Trocquet for their knowledge and assistance with the Town's DDA.

XIV. EXECUTIVE SESSION

A motion was made to approve the Executive Session minutes from April 6, 2023.

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

XV. ADJOURNMENT

A motion was made to adjourn.

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

The meeting adjourned at 8:04 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk