

Tyrone Town Council
Minutes
October 7, 2021
7:00 P.M.

Present:

Mayor, Eric Dial

Mayor Pro Tem, Gloria Furr

Council Member, Linda Howard

Council Member, Melissa Hill

Council Member, Billy Campbell

Town Manager, Brandon Perkins

Town Clerk, Dee Baker

Town Engineer/Public Works Director, Scott Langford

Town Clerk, April Spradlin

Finance Manager, Sandy Beach

Police Chief, Randy Mundy

Mayor Dial called the meeting to order with limited seating and broadcasted on YouTube Live at 7:00 pm. This was followed by the invocation. The public was invited to watch.

CALL TO ORDER

Mayor Dial share with everyone that during the last Council meeting, he suffered an epileptic seizure. He was diagnosed at the age of fifteen, it was how God made him and he had never used it as a crutch. He shared that it was embarrassing but thanked his Tyrone family for taking care of him that night. He loved his Tyrone family and his Town. That night was painful but everyone made it easier. That was what taking care of each other looked like, thank you Tyrone family.

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.

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V. APPROVAL OF AGENDA

Council Member Furr made a motion to approve the agenda.

Council Member Campbell seconded the motion. Motion was approved 4-0.

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 the September 16, 2021, Council Meeting
2. Consideration to approve the Stormwater Management Operations and Maintenance Agreement for The Registry at Stonecrest Preserve. Devon Boullion, Environmental Specialist

Council Member Campbell made a motion to approve the consent agenda.

Council Member Howard seconded the motion. Motion was approved 4-0.

VII. PUBLIC HEARINGS

3. Consideration of a rezoning from applicant John Barrow of a 15-acre tract with parcel number 0725 038 from AR (Agricultural Residential) to C-2 (Highway Commercial). Phillip Trocquet, Town Planner.

Mr. Trocquet shared that the applicant approached him before the meeting and withdrew his request. Mr. Barrow could not attend the meeting but sent his representative, Mr. Jerry Powell. Council Member Campbell asked Mr. Powell to approach. Mr. Powell shared that they would be closing on the property next week. They were initially trying to get ahead of the game. He added that following the Planning Commission meeting last week, the public mentioned some great points, it would be prudent to take a moment to consider their concerns. He added that whatever their team chose to design, they would create it with excellence, something that everyone would fall in love with. Mr. Trocquet clarified that the property under discussion was in front of the River Crest subdivision off Hwy 74, on the northwest corner of Laurelmont. The item was previously heard before the Planning Commission.

Council Member Campbell made a motion to accept the withdraw of the application.

Council Member Howard seconded the motion. Motion was approved 4-0.

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Mayor Dial stated that the withdraw took away the public hearing portion. He informed those in attendance that there was an additional public comment section at the end of the meeting if anyone wished to speak.

4. Consideration of a 28-foot setback variance from applicant Douglas Pollard of a 6.4-acre tract with parcel number 0738 053 at property address 163 Palmetto Road to reduce the rear yard setback from 30' to 2'. Phillip Trocquet, Town Planner.

Mr. Trocquet informed Council that Mr. Pollard's petition was a result of a condition of the rezoning placed on his property last month. He added that Mr. Pollard was requesting a variance on his setback from 30 ft. to 27.6 ft. He stated that if Council chose to approve the variance along the rear property line, staff recommended it be approved with the condition that the variance only is allowed for the portion of the property line in which the accessory structures were located.

Council Member Campbell asked Mr. Trocquet to display the property and to indicate where the variance would be placed. Mr. Trocquet displayed the proposed plat in which Mr. Pollard had rezoned and split the property into a 1-acre tract. The applicant's original request was to reduce the entire rear setback from 30 ft. to 2 ft. He then reiterated that staff recommended that if approved, there would be the condition that the setbacks would only go around the structures, not the entire property line. Council Member Campbell asked if the variance was approved and Mr. Pollard later sold the property and the accessory structures were removed, would the condition still stand? Mr. Davenport stated that if the buildings were removed, the variance would be voided under law.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item. No one spoke.

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

Council Member Campbell made a motion to approve the variance with the stated staff condition. Council Member Howard seconded the motion. Motion was approved 4-0.

VIII. NEW BUSINESS

5. Consideration to approve an Ordinance enacting provisions for the registration of vacant or foreclosed real property. Brandon Perkins, Town Manager.

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Mr. Perkins explained that the purpose of the ordinance was to require the registration of foreclosed and vacant properties. He added that House Bill 110 provided local governments with guidelines on establishing vacant and foreclosed property registries, which were passed by the legislature and signed by the Governor in 2012. Staff and legal had determined that it would be prudent for the Town to adopt an ordinance based on those guidelines and to create a vacant and foreclosed property registry. He stated that the draft ordinance that was included was prepared by the legal team based on the guidelines in O.C.G.A. 44-14-14. If passed, staff would work on creating an online registration process and working on enforcement. The registry would be helpful to staff while enforcing, safety, or other issues with a property, it would also allow the Town to maintain an up-to-date record of ownership and contact information.

Council Member Hill asked who would maintain that duty. Mr. Perkins stated that it would fall under the Town Manager and Katherine Crouch, the Permit and Compliance Specialist. He added that he would create an online registration process and Ms. Crouch would carry on the duties that followed. The online registration would also allow citizens to report if the house next door was not being maintained after the occupants were gone. With the online process, banks could also utilize the information. There would be a learning curve for staff. They would also perform initial site visits of abandoned properties. Council Member Hill asked for the reasoning behind the ordinance. Mr. Perkins explained that in the past there have been abandoned properties and it could be a safety concern. The county's "Q-Public" tax information was not always up to date. Our goal would be, if someone vacates their property, they would register with the Town so we would know who the property owner was. If the property was not maintained, we would know who to contact and records would be current.

Council Member Furr asked how did the registry benefit the Town? Mr. Perkins stated that it would assist the Town in finding property owners. For instance, if there were squatters on the property or an unkempt yard, the contact information would be readily available. Mayor Dial inquired about the violation section where it indicated, "punishable by a fine of up to \$1,000". Mr. Davenport stated that \$1,000 was usually a cap for fines dealing with ordinances. The ceiling would allow the Judge to use her discretion regarding the fine. Mr. Perkins stated that the Town's Judge did have a list of fines that she could set. If an officer made a charge and a bond was necessary, they would have a list up to \$1,000 they could fine. Council Member Furr asked if the registry would include existing vacant and foreclosed properties. Mr. Perkins stated that yes, a list would be compiled. Council Member Furr clarified that the owner of the property would need to initially pay the Town \$100 for the submission of the property. Council Member Campbell asked how would the citizens be notified of the new registry, could it be included in their tax bills? Mr. Perkins stated that the county issued the tax bills, however, the Town could use social media, an email blast, and more.

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Council Member Howard inquired if the property owner died and the house became vacant, how did it work if there was no heir? Mr. Davenport stated that the “estate” would be the responsible entity. Typically, someone would be identified working with the probate court. The house would be a valuable asset that would make someone responsible. Council Member Hill stated that she thought the concept was a good idea but, “was the juice worth the squeeze”? Mr. Perkins stated that it would be less trouble initially than attempting to track down the property owner in a time of need. He gave an example of two abandoned homes located on Spencer Lane where youths were hanging out. The Town had to place a lean on the property. It would be less of a hassle with the registry. Council Member Furr asked if any revenue was collected on the Spencer Lane properties? Mr. Perkins stated that the issue dated back a while ago and was not properly followed upon.

Council Member Campbell made a motion to approve the Ordinance enacting provisions on the registration of vacant or foreclosed real property.

Council Member Furr seconded the motion. Motion was approved 4-0.

6. Consideration and approval of commemorative sign designs and placement. Brandon Perkins, Town Manager.

Mr. Perkins stated that Council was sent three examples of commemorative signage and where they would be placed. The first read, “In Memory of Our Fallen LCPL James Thomas Williams KIA May 14, 1967, Gone but Never Forgotten”. It would be placed northbound on Senoia Road in the area of Town Hall and Shamrock Park. The second read, “In Honor of Our Fallen PFC Roger Darriel Thompson KIA May 17, 1967, Gone but Never Forgotten”. It would be placed Southbound on Senoia Road in the area of the Mason Lodge and Tyrone Depot. The third read, “Home of NFL Hall of Famer Calvin Johnson, Jr”. That sign would be placed at the north and south Hwy 74 town limits. Mr. Perkins added that the signage aligned with GDOT regulations and the Calvin Johnson sign was sent to them for their consideration. Once approved, GDOT would be in charge of the placement.

Council Member Hill made a motion to approve the sign designs and placement.

Council Member Howard seconded the motion. Motion was approved 4-0.

IX. 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.

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Mr. Alvin Todd a River Crest subdivision resident and the HOA President spoke regarding public hearing item number 3. He stated that the HOA members met via Zoom with Mr. Perkins and Mr. Trocquet. He was under the assumption that Mr. Barrow's purchase of the property was contingent on the rezoning of the property from AR to C-2. Tonight, they withdrew their application but were closing on the purchase of the property next week. He shared that he was a citizen of Tyrone and thought it was important to have confidence in the leadership of the Town. He added that he also spoke with Mr. Barrow and felt that it should have been handled differently. Do unto others, as you would have them do unto you, treat people with respect. We need correct and clear communication moving forward. He added that it was almost like something was going on behind closed doors. One thing was being communicated and another was taking place, it was confusing. I am a homeowner; we are not being included. He asked why his subdivision was not connected to the cart paths; we pay tax dollars? We want our vote to be heard. He added that he had voted for every Council Member on the board and ended by sharing, we want to be treated as citizens, we are the Town of Tyrone.

Mr. Eric Woods a River Crest subdivision resident spoke next. He stated that every time he had spoken at a meeting there was always an issue against the citizens along Hwy 74, the River Crest, River Oaks, and Southampton subdivisions. Beginning fourteen years ago, there have been four major issues, one being the River Crest subdivision requesting to be a gated community. It was voted down by Council Member Gloria Furr and Council Member Linda Howard, which was around 2007/2008. The reason why Council Member Furr gave was that she didn't think that the Town's people would take too kindly of being shut out of River Crest. The next issue was regarding a gun range being approved to be placed next to Publix at the Southampton subdivision. He added that the residents along Hwy 74 came together again to speak out against it. The Councilwomen along with the rest of Council voted to approve it. This led to residents along Hwy 74 suing the Town. Another issue that affected residents along Hwy 74 was that the Town Council approved a storage facility across from River Oaks. We all came to plead with Council not to allow it. The only two Council Members that were there and still are, Council Members Furr and Howard. He stated, here we are again with an issue that would affect the residents along Hwy 74. The development would include three to four, 30,000 sq. ft. buildings.

Mr. Woods stated that in closing, Mr. Barrow stated at the last meeting that he was a homeowner too and lived in Sharpsburg. Mr. Woods stated, "then build in Sharpsburg". He wished to ask Mr. Barrows why didn't he build in Sharpsburg. We will all meet again because he withdrew his request to rezone but that he planned to build a small city that would affect the homes along Hwy 74. He closed by saying that he hoped that Council would consider the 700 families that lived along Hwy 74 and not let this happen again.

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We are Tyronians, too and we pay taxes. He stated that there was a 100-acre tract of land four miles down the road in Fairburn, in an industrial area where he could build his city.

Mayor Dial asked Council Member Furr and Howard if they wished to respond. Council Member Furr stated that she did vote for the gun range and it was the biggest mistake of her life. Council Member Howard clarified that she was not on Council in 2007/2008.

Mr. Brian Gray, a River Crest resident spoke. He posed the question to Mr. Barrow and Council, when will we see a rendering and traffic study for the impact it would have on River Crest and Hwy 74?

Ms. Jessica Whelan, a resident on Valleywood Road spoke. She stated that she attended the meeting because of the rezoning from AR to Commercial zoning. She was glad to hear that Mr. Barrow withdrew his application. She did not agree with the impact it would have on her neighbors. She added that she avoided the commercial traffic along Hwy 74 tonight and traveled down Palmetto Road instead.

Mr. Isiah Parnell, a resident of River Crest spoke. He asked for the criteria used for zoning changes by Council. He asked if it was uncommon for people to make large investments without the assurance of a zoning change? He heard the representative say that although the zoning was withdrawn, they still planned to move forward with the purchase. He added that Mr. Barrow may have felt that he would be successful with his zoning change. Mr. Parnell wanted clarity, did Mr. Barrow know something that they did not?

Ms. Yolanda Woods, a River Crest resident spoke. She asked Council Member Furr to clarify why she stated that she made a mistake in voting in favor of the gun range. Council Member Furr stated that after the fact, she realized that she did not know what a gun range was. She added that she had been listening to everyone around her and thought it was a simple building that one shoots guns in and it was safe. She was not sure if it was safe or not and she was unable to sleep. She then thought, what if I lived there, I would not want that. She added that she had been unhappy with her decision ever since. Ms. Woods thanked her for her honesty. Ms. Woods added that what she was relaying, please relate that feeling to the other board members regarding Mr. Barrow's development. Ms. Woods added that she had a problem viewing the rezoning signs and it was unclear as to what parcel was being rezoned, it was confusing. She added to please reconsider the rezoning signage. Council Member Furr agreed and asked Mr. Trocquet to research the issue, the signs were difficult to read.

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Mr. Marion Fleming, a River Crest resident spoke. He stated that he would like to see a rendering of what Mr. Barrow planned to develop, and he was opposed to any commercial use of that space.

Mr. Rapheal Bollar, a River Crest resident spoke next. He thanked those that answered his email. He shared the importance of not having commercial development in front of his neighborhood. Would you want to live by that? He added that he had two small children, and added, we are your neighbors. He had lived in Tyrone for five years and wished to stay for a long time. He stated please consider the neighborhood when the developer returns, we do not want to feel like outsiders. Please consider another property for the development.

Ms. Doctor Melanie Coleman Bowers, a resident of the River Crest subdivision spoke next. She shared that she also spoke at the Planning Commission meeting the week before. She had been a resident for seven years; she and her husband had a fourteen-year-old and a sixteen-year-old child. She and her family had friends and neighbors within the neighborhood, it was something special. We wish to maintain and protect our neighborhood. She shared that there were challenges such as the rock quarry, everyone knows to expect drilling from the quarry every Wednesday afternoon. She asked Council Member Furr to ride through her neighborhood while the children were getting on the school bus, or visit when everyone was returning from work. She stated that there was no traffic light to exit River Crest and that there was always noise coming from the rock quarry. There was a buffer but you could still hear heavy equipment. Some of these things they knew before building their homes. She asked Council to please think about the cumulative effect over time, help protect them. Help make it a place that they want to stay and grow and others want to come to. She added to please consider this moving forward.

Mr. Leconte Barsolino, a River Crest resident spoke. He shared that he thought the Town was two to three miles square miles when it was thirteen square miles. His hope moving forward would be that Council would want to include them. Tyrone was a town for families, not a gun range. He shared that he had three children and was there to stay. He wished to be rooted and asked to continue to include them. We are your neighbors. We are all town's people; you are all human and flawed. Please, moving forward do what is best for the Town and what is best for all of its people.

Mayor Dial stated that there would not be any back and forth, however, he requested that Mr. Trocquet try to answer the questions that were brought forth. He also stated that staff would meet with anyone regarding their questions, after the meeting.

Mr. Trocquet addressed Mr. Todd's question, regarding the sale of the property is contingent on the rezoning of the property.

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With private property, it was the sole and exclusive right for someone to purchase property whether it was rezoned or not. Mr. Barrow may move forward with the purchase regardless of the rezoning, he had property owner rights.

Mr. Perkins gave an example. He asked was it normal for someone to come to Council for a rezoning after the purchase of the property? He stated that it was normal, a couple of weeks ago Council voted to deny a rezoning for a property on the south side of town that someone purchased. They began work without considering the outcome of the rezoning. Mr. Perkins added that on the HOA Zoom meeting he shared that it sounded like the buyer was trying to do the right thing by coming to Council before the purchase of the property. Mr. Perkins did not know that Mr. Barrow was moving forward with the sale, but that it was his right to do so.

Mr. Troquet addressed the question regarding traffic analysis and architectural renderings. Those were required during stages of development. However, they were not always required. It was usually required during the site plan, before construction. If requirements were not met, no permits would be issued. Renderings would go before the Planning Commission to be approved, and traffic studies would need to be performed by professional traffic engineers for the impact of the development. Traffic circulation would also be a factor. All items must be met and approved including environmental requirements before any land disturbance or any permits being issued. Normally for a large rezoning, renderings and light traffic studies would be performed. He gave the example of the Sandy Creek Corners mixed-use rezoning. Due to the size and scale of that development, information was also required by the state. Mr. Troquet stated that the Town could not legally make the sale of property contingent on a rezoning.

Mr. Troquet answered the question, why have commercial along the Hwy 74 Corridor. He stated that it was market-driven, within the Town's Future Development Map, and the character area that is laid within. It was appropriate for certain zoning classifications.

Mr. Troquet stated that regarding the intersection of River Crest concerns, GDOT owned all rights to what improvements were made along the Corridor. The Town was allowed to make suggestions; however, Hwy 74 was entirely in their hands regarding all rules and requirements.

Council Member Hill asked if Mr. Barrow closed on the property as residential, could they still build the church? Mr. Troquet explained that the federal government did not allow municipalities to deny any religious development. They would, however, have conditions set in place by the Town that would need to be met.

If they chose to move forward with the church, renderings and a traffic study would need to be submitted for the Planning Commission's approval, along with the approval from Fayette County Water, environmental, police, and fire. The restrictions along the corridor were pretty strict.

Mayor Dial thanked Mr. Trocquet and acknowledged that he had a pretty tough job and added that he did great work.

A gentleman asked from the audience, asked if Mr. Trocquet would define a church. Mr. Trocquet shared that within the zoning ordinance, a church was defined as a religious institution, typically for assembly purposes with ancillary uses. The scope was narrow but pretty intuitive of what most would define a church to be. He stated that he would look up the definition after the meeting for those that wished to stay.

Council Member Campbell stated that it was important to note that the unoccupied properties were already zoned. Mr. Trocquet stated that all had some type of zoning. Council Member Campbell stated that if someone purchased property, they had the right to develop any use listed according to what it was currently zoned. Mr. Trocquet agreed and added that there may be conditions already set as well.

Mr. Perkins and Mr. Trocquet shared that they were told that the sound was not working properly for those watching online.

Mr. Perkins asked Mr. Trocquet to elaborate on Council Member Campbell's point. He added that two parcels were already zoned OI and the other was AR. He asked if he would give examples of uses and conditional uses that a property owner could currently develop without the Planning Commission and Council's approval. Mr. Trocquet stated that OI was Office Institutional and conditional uses usually required additional buffers or soundproofing. OI would typically be businesses such as medical offices, or architectural, as two examples. Some conditional uses would be higher commerce, one may be an outdoor amphitheater which would require additional buffers.

Council Member Hill asked if River Crest began that way. Mr. Trocquet stated that he was under the impression that River Crest began similarly to the Southampton development. It was a John Wieland development that may have included commercial and residential. AR was the original zoning; some was zoned Duplex. The OI was the one tract that could have been developed at one time with offices. Mayor Dial asked if duplexes could be built within River Crest? Mr. Trocquet shared that the River Crest subdivision was unique. It was zoned duplex with the condition it is single-family residential. It also had sewer connectivity with conservation preservation in the rear to accommodate several 110 ft. buffers for floodplain and buffers around the rock quarry.

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X. STAFF COMMENTS

Mr. Perkins recognized Library Assistant, Cindy Ferrill for her twenty-fifth-year anniversary with the Town. He also stated that Police Major, Van Brock had reached his thirty-sixth year and that Mr. Perkins was going on twenty-three years.

Mr. Perkins shared that staff finally had enough applicants for staffing the Downtown Development Authority (DDA). He would supply Council with their names and qualifications and then work on the vetting process. He added that he was happy with the outcome and that he and Mr. Trocquet had been working toward that goal all year.

Mr. Perkins stated that it was Mayor Dial's Birthday on Sunday and presented him with a card from staff and Council.

Ms. Baker informed Council that the meeting management system that was discussed during the retreat and budget meetings would soon be live. Training would then take place for staff and Council. Mr. Trocquet added that the public would benefit as well. Everyone would receive the information as soon as it was published. Fayetteville used the program and it was running well.

Mr. Perkins asked everyone in attendance to subscribe to the Town's email list on the Town's website, www.tyrone.org . He added that staff currently had at least 1,000 subscribers.

Mr. Perkins introduced Ms. Devon Boullion, the new Environmental Specialist. Ms. Boullion shared with the audience that it was nice to see how much they cared for their community and that she looked forward to working with everyone and it was a privilege to work for the Town.

XI. COUNCIL COMMENTS

Council Member Campbell informed everyone that the forty-sixth annual Founders Day took place last weekend and that it was a great event. He thanked volunteers, staff, Ms. Brock, and Ms. Owens for their hard work. He heard many positive comments.

Mayor Dial invited everyone to any Town event, please come and introduce yourselves. Tonight, was a good example of how the events could be beneficial.

Mayor Dial then began a conversation regarding an issue that had arisen on Crabapple Lane, off Farr Road and Dogwood Trail.

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He shared that Crabapple was a nicely graveled road that traversed into Peachtree City and the Kedron Hills subdivision from Tyrone. He added that there were not many golf carts going into Kedron Hills from Tyrone. He stated that the residents from Kedron Hills had requested that Peachtree City block the entrance of their subdivision from Tyrone residents entering. This would be for automobiles and golf carts. Peachtree City was more concerned regarding golf cart traffic. Peachtree City stated that they would be happy to oblige the Kedron Hills residents. Peachtree City had made it evident to the residents that they would sell a portion of the road to the HOA closing the entrance to Tyrone residents. He added that Peachtree City charged Tyrone residents \$165 for a golf cart decal to travel to and from Peachtree City and Tyrone. Tyrone charges Peachtree City residents the same as Tyrone residents, \$30. Mr. Perkins clarified that Peachtree City and Tyrone once had a reciprocal agreement that Tyrone would honor Peachtree City stickers and vice versa. Tyrone citizens could run freely to Kroger, visit friends or take their children to school. Tyrone continued to honor theirs, Peachtree City no longer honored Tyrone stickers. Mayor Dial stated that we welcome Peachtree City residents to come to Tyrone and shop and eat with friends. He assured everyone that Council was on top of the situation within their capacity. He added that Crabapple was essentially a county road. He stated that he had several phone conversations with the administration and was called some very unfortunate names, it was unfortunate, it strikes a nerve and it sends a message to our citizens. He stated, "it's flat wrong".

A woman from the audience asked if Mayor Dial could expand on their rationale. Mayor Dial stated that he understood that they were responsible for the safety of their citizens regarding their neighborhood pool. He added that Peachtree City was also really big on the golf cart path maintenance costs. They have over one hundred miles of cart paths to maintain, and they were always looking for ways to minimize the cost.

Council Member Hill stated that Peachtree City had allowed the southside of Fayette County residents to utilize their paths and to add on. Mayor Dial shared that it was because they wanted a path for their children to utilize for school. He added that the Town currently had a good relationship with Peachtree City but, that was an issue that they could not fix.

Mayor Dial shared that if anyone had further questions, Council would be available for questions after the Executive Session, to please stick around.

XII. EXECUTIVE SESSION

Council Member Campbell made a motion to move into Executive Session one item of real estate. Council Member Hill seconded the motion. Motion was approved 4-0.

Council Member Furr made a motion to reconvene.
Council Member Howard seconded the motion. Motion was approved 4-0.

XIII. ADJOURNMENT

Council Member Campbell made a motion to adjourn. Motion was approved 4-0. The meeting adjourned at 8:38 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk