

City of Byron
Mayor and Council Minutes
November 13, 2023

The City of Byron Mayor and Council met in regular session in the Council Chambers of the Municipal Complex. Mayor Michael Chidester, Council Members James Richardson, Rusty Adams, Michael Chumbley, Chris Hodge, and Alan Dorsey were in attendance. City employees that attended were City Clerk Telina Allred, City Administrator Tiffany Sandefur, Deputy Clerk Pam Flournoy, Assistant to the City Administrator Melanie Bickford, Chief Court Clerk Dede Thibodeaux, Police Chief Wesley Cannon, Captain Bryan Hunter, and Fire Chief Josh Riley. City Attorney Brian Causey attended the meeting as did six (6) visitors. Representatives from the Byron Buzz, Leader Tribune and Concerned Citizens also attended the meeting.

Mayor Michael Chidester called the meeting to order at 6:00pm, Asked James Richardson to give the invocation and led the audience in the Pledge of Allegiance.

AGENDA AMENDED: Mayor Chidester asked that the agenda be amended to add as item (19) Civil Development Master Checklist.

APPROVAL OF MINUTES: Motion made by Chris Hodges, seconded by Michael Chumbley to approve the minutes of the Mayor and Council Meetings held on October 9 and October 25, 2023. Unanimous.

REZONING REQUEST: Consider approving a request to rezone property located at Tax Map B01D 075 from R-MH to R-3. A Public Hearing opened at 6:03pm for those to speak in favor of the rezoning request. No one spoke. The Public Hearing closed at 6:05pm. No one to speak in opposition. Motion to approve the rezoning request was made by Rusty Adams, seconded by Chris Hodges. Unanimous.

PLANNING & ZONING COMMISSION MINUTES: Motion made by Michael Chumbley, seconded by Alan Dorsey to approve the minutes of the Planning and Zoning Commission Meeting held on November 8, 2023. Unanimous.

CITIZEN TIME TO ADDRESS COUNCIL: No one came to speak.

PRESENTATION OF DRAFT BUDGET FY2024: City Administrator Tiffany Sandefur provided Mayor and Council with the Draft Budget FY2024 for review.

GENERAL ELECTION RETURNS: Municipal Elections Superintendent Betty Sims gave the Election Returns from the November 7, 2023 General Election as follows:

Michael L Chidester, Mayor	428
James Richardson, Post 1	434
Rusty Adams, Post 2 incumbent	261
Heather Allmon	223
Voting at Polls	302
Voting Early	185
Voting Absentee by Mail	6
Total voting	493

Michael L. Chidester is elected to serve as Mayor, term to expire December 31, 2027.
James Richardson is elected to serve in Council Post 1, term to expire December 31, 2027.
Rusty Adams is elected to serve in Council Post 2, term to expire December 31, 2027.

RESOLUTION REGARDING INTERGOVERNMENTAL AGREEMENT FOR THE 2023 GENERAL ELECTION: The item for consideration was regarding an Intergovernmental Agreement with the Peach County Board of Commissioners and the Peach County Board of Elections for the conducting of the city's 2023 General Election regarding pay for election services and duties performed by the Absentee Ballot Clerk for the 2023 General Election. **ITEM FAILED FOR A LACK OF MOTION.**

RESOLUTION REGARDING A TEMPORARY MORATORIUM: Motion made by Michael Chumbley, seconded by Alan Dorsey to approve the following Resolution authorizing the temporary moratorium for any new development in C-1, C-2, C-3, as well as the I-1 districts. Unanimous.

A RESOLUTION PURSUANT TO THE CHARTER AND CODE OF BYRON, ESTABLISHING A TEMPORARY MORATORIUM ON THE APPLICATIONS, ZONING, PERMITTING, DEVELOPMENT, CONSTRUCTION, AND LAND USE IN ALL LAND PARCELS ZONED AS C-1 HIGHWAY COMMERCIAL AREA, C-2 CENTRAL BUSINESS DISTRICT, C-3 PUD GENERAL COMMERCIAL, AND

I-1 GENERAL INDUSTRIAL AREA WITHIN THE TERRITORIAL LIMITS OF THE CITY OF BYRON UNTIL FEBRUARY 28, 2024; AND FOR OTHER PURPOSES.

SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA ON THE 13th DAY OF NOVEMBER, 2023.

ORDINANCE (#2023-9) CHAPTER 6, ANIMALS: Second reading was held of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND CHAPTER 6 ANIMALS, ARTICLE 1-IN GENERAL, BY ADDING SECTIONS 6-8, 6-9, 6-10, 6-11, 6-12, AND 6-13, AND BY AMENDING SECTION 6-5(a), AND FOR OTHER PURPOSES. Motion made by Michael Chumbley, seconded by Alan Dorsey to approve Ordinance #2023-9. Unanimous.

ORDINANCE (#2023-10) REGARDING ROADS APPROVED FOR SPEED DETECTION DEVICES: Second reading was held of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND SUBSECTION 38.2 OF CHAPTER 38, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, TO REPEAL ORDINANCE #2023-6 THAT WAS ADOPTED ON SEPTEMBER 11, 2023, AND FOR OTHER PURPOSES. Motion was made by Alan Dorsey, seconded by Chris Hodges to adopt Ordinance #2023-10. Unanimous.

ORDINANCE (#2023-11) REGARDING CHARTER CHANGE: First reading was held of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND ITS CITY CHARTER APPROVED FEBRUARY 13, 1941, (Ga. L. 1941), AS AMENDED FROM TIME TO TIME, SO AS TO PROVIDE FOR THE APPOINTMENT, OVERSIGHT, SUSPENSION, AND REMOVAL OF THE CITY CLERK BY THE CITY ADMINISTRATOR, AND TO MODERNIZE LANGUAGE THROUGHOUT TGE CHARTER DOCUMENT AND THE CODE OF BYRON, GEORGIA, AND FOR OTHER PURPOSES:

ORDINANCE (#2023-12) REGARDING LAND DEVELOPMENT: At 6:17pm, a public hearing was opened to hear comments for or against the Ordinance. No one came forward to speak. The Public Hearing closed at 6:19pm. First reading was held of AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND PART IV, ZONING REGULATIONS, OF APPENDIX A-LAND DEVELOPEMENT, ZONING ORDINANCE AND SUBDIVISION REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF BYRON, GEORGIA, BY DELETING SAID PART IV, ZONING

REGULATIONS, IN ITS ENTIRETY AND REPLACING AND ASSERTING IN ITS PLACE THE FOLLOWING PROVISIONS, AND FOR OTHER PURPOSES.

RESOLUTION REGARDING RENTAL AGREEMENT WITH BWG: Motion was made by Michael Chumbley, seconded by Chris Hodges to approve the following Resolution authorizing the Mayor to execute a rental agreement with the Byron Warehouse Group. Unanimous.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF BYRON AND THE BYRON WAREHOUSE GROUP; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Mayor and Council of the City of Byron, Georgia and it is hereby so resolved by the authority of same that the Mayor is authorized to execute a lease agreement with the Byron Warehouse Group in substantially the same form as the attached Exhibit "A" which by this reference is made a part of this resolution.

All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA ON THE 13th DAY OF NOVEMBER, 2023.

RESOLUTION CONCERNING RENTAL AGREEMENT WITH AL-ANON: Motion was made by Michael Chumbley, seconded by Rusty Adams to approve the following Resolution authorizing the Mayor to execute a rental agreement with Al-anon. Unanimous.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF BYRON AND THE AL-ANON GROUP; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Mayor and Council of the City of Byron, Georgia and it is hereby so resolved by the authority of same that the Mayor is authorized to execute a lease agreement with the Al-Anon Group in substantially the same form as the attached Exhibit "A" which by this reference is made a part of this resolution.

All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA ON THE 13th DAY OF NOVEMBER, 2023.

BYRON DEVELOPMENT AUTHORITY BOARD APPOINTMENTS: Motion made by James Richardson, seconded by Rusty Adams to approve the reappointment of Ben McDaniel, Bill Gresham, James Alligood, and David Sams to the Byron Development Authority Board, all terms to expire November 12, 2027. Unanimous.

PERMANENT BMP MAINTENANCE AGREEMENT FORM UPDATE: Motion made by Michael Chumbley, seconded by Chris Hodges to approve amendments to the Permanent Best Management Practices Maintenance Agreement Form for the City of Byron. Unanimous.

RESOLUTION REGARDING MAINTENANCE AGREEMENT WITH EGS: Motion made by Alan Dorsey, seconded by Chris Hodges to approve the following Resolution authorizing the Mayor to execute a Preventive Maintenance Agreement with Energy Generation Solutions, Inc regarding the Fire Department generators. Unanimous.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF BYRON AND ENERGY GENERATION SOLUTIONS, INC. REGARDING THE PERFORMANCE OF MAINTENANCE AND SERVICE WORK FOR THE CITY OF BYRON GENERATOR; AND FOR OTHER PURPOSES.

BE IT RESOLVED by the Mayor and Council of the City of Byron, Georgia and it is hereby so resolved by the authority of same that the Mayor is authorized to execute an agreement with Energy Generation Solutions, Inc. regarding the performance of maintenance and service work for the City of Byron generator and attached hereto as Exhibit "A".

All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

**SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON,
GEORGIA ON THE 13th DAY OF NOVEMBER, 2023.**

FIRE DEPARTMENT SURPLUS: Motion made by Rusty Adams, seconded by James Richardson to approve a request from the Fire Department to surplus a 1995 KME, Chevrolet K3500 firetruck as well as a 1996 Surrey Trailer Fire Safety House. Unanimous.

RESOLUTION REGARDING CIVIL DEVELOPMENT: Motion made by Rusty Adams, seconded by Chris Hodges to approve the following Resolution to adopt a Civil Development Master Checklist for use in future development of real property within the corporate limits of the City of Byron. Unanimous.

**A RESOLUTION PURSUANT TO THE CHARTER AND CODE OF BYRON,
ADOPTING A CIVIL DEVELOPMENT MASTER CHECKLIST FOR USE
IN FUTURE DEVELOPMENT OF REAL PROPERTY WITHIN THE
CORPORATE LIMITS OF THE CITY OF BYRON, GEORGIA; AND FOR
OTHER PURPOSES.**

WHEREAS, The City of Byron, a municipality in Peach County, State of Georgia, is lawfully empowered to regulate zoning, construction, development, permitting, and land use standards within its jurisdiction; and

WHEREAS, since 1994 and, more recently according to the 2020 Census data, the City of Byron has experienced significant population growth which has in turn created significant development, particularly commercial development, which growth creates and presents situations and issues for the City, its citizens, and businesses, which may be better addressed by the use of a Civil Development Master Checklist when reviewed, amended, and revised, from time to time; and

WHEREAS, the City of Byron considers its ability and duty to regulate land use, permitting, development, construction, and similar matters as valid, substantial, important, and necessary purposes which justify review, regulation, and revision, from time to time; and

WHEREAS, the Mayor and City Council and its departments and commissions and agents are actively in the process of reviewing portions of the City Code, including those which affect the development of land within its jurisdiction, and desire to ensure that such regulations are properly drawn to both protect the interest of the community as a whole, as well as protect the vested and individual rights of Byron citizens and businesses; and

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WHEREAS, the Mayor and Council define the adoption and use of a Civil Development Master Checklist to be substantially related to the public health, safety, morals, and general welfare of the City and its citizens and its businesses, and further funds that the action taken herein is in the interest of the public, generally, as distinguished from those of a particular class, and further that said action is necessary to accomplish the purposes outlined herein and will not be unduly burdensome or oppressive upon citizens and businesses; and

WHEREAS, this Civil Development Master Checklist is adopted pursuant to the police powers of the governing body of the City of Byron for the purposes of protecting the public interest and in order to avoid issues relating to the proper designations of zoning and regulation of land uses and permitting, and is narrowly tailored to meet such purposes; and

WHEREAS, it is anticipated that the Civil Development Master Checklist will be amended and updated from time to time, and it is expected to be so amended by further resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Byron, Georgia, that:

The City formally adopts for use the Civil Development Master Checklist attached as “Exhibit A” for use in all areas of the City of Byron.

AND, BE IT FURTHER RESOLVED by the City Council and Mayor of the City of Byron, Georgia, that all Resolutions or parts of Resolutions in conflict herewith are rescinded until such time as this moratorium terminates.

SO RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA ON THE 13th DAY OF NOVEMBER, 2023.

ADJOURNMENT: Motion was made by Michael Chumbley, seconded by Chris Hodges to adjourn meeting at 6:25. Unanimous.

Telina Allred
Clerk of Council

