

TYRONE TOWN COUNCIL MEETING

MINUTES

April 07, 2022 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

Council Member Campbell was absent

Also present:

Randy Mundy, Police Chief

Lt. Philip Nelson

April Spradlin, Court Clerk

Social Distancing will be observed, and seating is limited. The meeting can be accessed live at www.tyrone.org/youtube. If you do not plan to attend, please send any agenda item questions or comments to Town Manager Brandon Perkins (bperkins@tyrone.org).

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.*

Council Member Howard read a proclamation for Confederate History Month. She presented the proclamation to Mr. Freddy Jones, a member of the Sons of the Confederate.

Mr. Jones accepted the proclamation and thanked everyone on behalf of the Sons of the Confederate Veterans. He invited everyone to join them at the Fayette County Historical Society, on the third Thursday of every month. He added that his organization was celebrating the Confederate Memorial Service on April 26th at the Fayette County gazebo diagonal from the old courthouse.

V. APPROVAL OF AGENDA

A motion was made to approve the agenda.

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

Voting Yea: Council Member Hill.

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. Consideration to approve the Sandy Creek Jazz Band annual Jazz in the Park event on Friday, April 22, 2022, from 5:00 PM to 9:00 PM and the use of our stage.
2. Consideration to approve Council Minutes from March 10, 2022 and March 17, 2022.

A motion was made to approve the consent agenda.

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

Voting Yea: Council Member Furr.

VII. PRESENTATIONS

3. American Legion POST 105 First Responder Awards Recognition for recipient Lt. Philip Nelson.

Chief Mundy announced that two separate American Legion Posts were honoring Lt. Nelson, Post 50 and 105. Chief Mundy introduced Mark Weaver from Post 50 in Peachtree City. Mr. Weaver thanked the Town for going to great lengths for narrowing the process to one person. He recognized Lt. Nelson and his wife Carisa. He added that the American Legion liked to honor those who were currently in the line of duty. He presented the Nelsons with a plaque and a check.

VIII. PUBLIC HEARINGS

4. Consideration of a Setback Variance request from Mr. Douglas Pollard for parcel 0738053 at property address 163 Palmetto Road. **Phillip Trocquet, Town Planner.**

Mr. Trocquet informed Council that Mr. Pollard submitted a petition for a variance at 163 Palmetto Road. The purpose was to fulfill a condition to have the property replatted and reconfigured for the property to be reduced to a 1-acre tract with the remaining land added to the adjoining parcel at 129 Palmetto Road. He added that the current accessory structures located in the rear of the property were granted through variance in October of 2021 with conditions.

Mr. Trocquet shared an aerial of the property and a map indicating the variance request. The nature of the variance followed the approximate description: a 27.6' variance starting at the northeast corner of building 1 run south, parallel with the property line to the southeast corner of building 1.

A 20' variance starting at the northeast corner of building 2 run south, parallel with the property line to the southeast corner of building 2. Initially, there was a 30 ft. setback on the property. Mr. Pollard was requesting the variance come around the accessory structures so they would not need to be removed.

He explained that the first public hearing was for rezoning from AR to R-12, the variance and rezoning were dependent on each other. Mr. Pollard's request was now to subdivide the property into a 1-acre tract and the remainder of his tract would be his home. A similar variance would need to be granted because variances do not run with the land.

Mr. Trocquet stated that if the variance was granted, staff recommended that variance only be given around the non-conforming structures as requested by Mr. Pollard as to prevent the granting of any additional rights than what was otherwise necessary to accomplish the goal of creating a legal configuration of the accessory structures.

He added that the Commissioners recommended denial, similar to their denial of the rezoning. They agreed that the situation had not changed since Mr. Pollard's first public hearing for the rezoning. Mr. Trocquet shared that the property had a preliminary plat in place for the two parcels. If the variance was granted; the plat would be recorded as a final plat, reflecting the variance.

Mayor Dial opened the public hearing for anyone in support of the item. No one spoke.

Mayor Dial asked if anyone wished to speak in opposition. No one spoke.

A motion was made to approve the variance setback request for parcel 0738053 at property address 163 Palmetto Road.

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

5. Consideration of a staff-initiated Text Amendment of section 113-134, Town Center Architectural Design Considerations. **Phillip Trocquet, Town Planner**

Mr. Trocquet stated that the text amendment was part of the annual planning workshop meeting and that there would be many more to come. This section was related to the Town Center Overlay District. He added that due to the magnitude of the material and changes that needed to be made, tonight was Phase I. He stated that the Planning Commission approved the changes and that staff recommended the changes be approved. Mayor Dial pointed out a spelling error. Mr. Trocquet stated that he would see that the change would be made. He added that the major changes were the name change from Town Center Architectural Design Considerations, to Town Center District Overlay. The second change was dealing with Façade and building requirements and the next was an amendment to the downtown setbacks in the C-1 district. There would be additional changes, however, Phase I highlighted major changes that he heard, from Council and Planning Commission.

Mayor Dial opened the public hearing for anyone that wished to speak in support of the text amendment. Mr. Edgar Townsel, owner of the recently burned building on Senoia Road spoke. He shared that he believed that his footprint would fit into the new changes. He added that people walk over from the Circa property and that there would be a new neighbor coming soon at the end of the cul-de-sac. He shared his concerns regarding the need to keep traffic slower in the downtown area.

Mayor Dial stated that although they had spoken prior, he offered his condolences from the entire town for his building and offered encouragement. He understood that it had been a rough road. Mr. Townsel added that it had been and that the situation was not in his original plan.

Mayor Dial asked if there was anyone that wished to speak in opposition. No one spoke.

A motion was made to approve the staff-initiated Text Amendment of section 113-134, Town Center Architectural Design Considerations.

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

IX. OLD BUSINESS

6. Consideration and approval of the conveyance of a 1.734-acre tract of land from KH Peachtree LLLP to the Town via Quit Claim Deed. - **Brandon Perkins, Town Manager**

Mr. Perkins shared that Council's packet included a memo and a map. He explained that in 2018, Peachtree City annexed land on the south end of Tyrone adjacent to Shamrock Industrial Park (SIP) that was zoned residential and became part of the Cresswind subdivision. As part of a condition, the new owner would provide an easement for a future emergency ingress/egress for SIP. Staff requested the easement with the expectation that the SIP business owners would unite and purchase a 1.73-acre strip of land off Rockwood Road from The Scarborough Group, Inc. The structure was not meant for building but would be suited for a roadway. He added that the strip of land was purchased by KH Peachtree, LLLP in 2019. They were a business affiliated with the Cresswind developer. The Town attempted to work with the SIP businesses and property owners to organize and make the access point a reality. There was not a lot of movement in the past couple of years to provide access.

He informed Council that on March 22, 2022, he noticed on the GIS system that the 1.73-acre parcel had been conveyed to the Town from KH Peachtree, LLLP, in June 2021, via Quit Claim Deed. This was a surprise due to no one contacted the Town to inform us. Through Mr. Davenport's review, the easement required under the annexation and rezoning did exist on the Cresswind plat. He added that he was not sure what the motive of KH Peachtree was to convey the deed. He had not been able to make contact with the organization.

Council Member Howard asked if there was already a path on the property. Mr. Perkins stated that it was a wooded property, approximately 1.7-acres and 60 ft. wide. It was very small but could fit an emergency lane.

Mr. Perkins shared that Council needed to accept the conveyance via a vote to make it official. He stated that if the deed was approved, it was not an indication that the Town would automatically add an access road.

A motion was made to accept the conveyance of a 1.734-acre tract of land from KH Peachtree LLLP to the Town via Quit Claim Deed
Motion made by Council Member Hill, Seconded by Council Member Howard.
Voting Yea: Council Member Furr.

7. Reporting the expenditure election for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) from the American Rescue Plan Act (ARPA).

Sandy Beach, Finance Manager

Ms. Beach reminded everyone that on September 2, 2022, the Federal Government, American Rescue Plan Act (ARPA) eligible options were discussed for how to utilize the funding. She added that on April 30th, the reporting was due to the U.S. Treasury. She recommended allocating the full amount of \$2,803.013 toward revenue loss. Mr. Perkins stated that once allocated, the funding could be used for government services. He clarified that it could not be used for retirement funding, it was more for operations. He added that the Town had between now and the end of 2024 to spend the \$2.8 Million on government services. He gave examples of economic development such as infrastructure, stormwater, and sewer projects. Staff recommended that Council designate the funding as revenue loss as Phase I. He added that later, staff would come to Council with specific line items in which the funding should be spent.

A motion was made to approve electing the Revenue Loss option in reporting the ARPA CSLFRF to the U.S. Treasury.

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

X. NEW BUSINESS

8. Consideration to approve providing the Tyrone Downtown Development Authority with seed funding in the amount of \$50,000 for the 2022–2023 fiscal year.

Brandon Perkins, Town Manager

Mr. Perkins reminded Council that \$50,000 was held in the Sanitation Enterprise Fund for several years to cover any costs that may arise related to sanitation services. The funding was held from years past when we managed sanitation billing and customer service. The funding was held in case there was an issue with sanitation at that time. He added that the Town auditors advised placing the money back into the General Fund which would reallocate the funding for any legal use.

Now that the DDA was up and running, staff believed it to be prudent for the funding to be used as seed money to get their operations off the ground. This funding could cover the initial costs of events, marketing, and programs for the following year.

Mr. Perkins also suggested covering the required training cost of the DDA with the funds. Council and staff training cost \$750, which would reduce the entire amount to \$49,250.

Mr. Perkins stated that if the funding source were approved, the DDA could adopt a small budget for the remainder of the FY2022 at their meeting next week, then a full budget for FY2023 by June 30, 2022. If approved the DDA could transfer approximately \$2,000 for upcoming events. Also, if approved staff would begin the process of establishing a separate bank account for the DDA.

A motion to approve providing the Tyrone Downtown Development Authority with seed funding for \$49,250 for the 2022-2023 fiscal year from the Sanitation Enterprise Fund.

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

9. Consideration to approve the Engagement Letter with James Moore & Co., P.L. for the American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). **Sandy Beach, Finance Manager**

Ms. Beach announced that since the reporting election was approved, the James Moore & Co., P.L. firm had agreed to assist the Town to elect the standard allowance for revenue replacement for the full amount of the \$2,803,013 awarded to us. They would communicate with staff for information and also assemble a package for our auditors. She added that any time a municipality received over \$750,000 through a grant, a "single audit" was required which was a separate audit. She added that the firm's work would be beneficial for her department's limited staff. Ms. Beach stated that the legal staff had reviewed and approved the engagement letter.

Mayor Dial shared that his concern was the added work it would create assisting the firm through the portal. Ms. Beach shared that she felt confident that the firm employed capable CPAs and that she would be working alongside them. Mr. Perkins stated that Ms. Beach had been set up on the portal as one who reports and the firm's representative would have a user ID as well.

A motion was made to approve engaging with James Moore & Co., P.L. for consulting services related to CSLFRF for \$6,900.

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

- XI. PUBLIC COMMENTS:** *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

Ms. Jane Williams of Union City introduced herself and stated that she was a candidate for State Representative District 68. She shared that it was her first time at a Tyrone meeting and that Mayor and Council conducted their meeting very well and that they had a lovely facility.

Dr. Miriam Gwathney also spoke and stated that she was running for Student Board, District 4. She had lived in Tyrone for 14 years, in the Southampton subdivision, and was a physician that owned a family practice. She added that her practice was located in Fayetteville at Kaiser Permanente. She shared that her children's names were Andrea and Christopher. She thanked Council for their time.

XII. STAFF COMMENTS

Mr. Trocquet announced that the Comprehensive Plan public engagement was wrapping up tomorrow night at Shamrock Park. The Town was hosting a field day on the green type event from 5:30 pm to 7:30 pm. There would be games such as Cornhole and the Atlanta Regional Commission would also assist with the event. There would be a DIY Budgeting Booth where citizens could place fake money where they would like to see projects within the town. He added that Kona Ice would be present and Action Wrestling would host within the Recreation Center immediately following the event. He also announced that there was a tremendously huge response to the online survey with approximately 350 responses. He added that our response was not only impressive for a town our size but also a record for any city within the metro Atlanta area. After the mailer, there was an additional 150 responses. He shared the process that remained. After the public engagement, staff would consolidate all comments and update items in the comp plan. There would also be a Steering Committee meeting with the 15 members. Staff would then meet with Council for three public meetings. He added that staff would be sending official drafts to the Planning Commission and Council. This would all be completed by June and that would be the Town's guiding document for the next five years.

XIII. COUNCIL COMMENTS

XIV. EXECUTIVE SESSION

XV. ADJOURNMENT

A motion was made to adjourn.
Motion made by Council Member Furr.

The meeting adjourned at 7:43 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker,
Town Clerk