

TYRONE TOWN COUNCIL MEETING

MINUTES

January 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:

Chief Randy Mundy

Sandy Beach, Finance Manager

Cody Kelley, Maintenance Tech I

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.*

V. APPROVAL OF AGENDA

A motion was made to approve the agenda with the change to switch Executive Session and Adjournment reflecting the paper copy.

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

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 December 15, 2022 meeting minutes.
2. Consideration to adopt a resolution reappointing members to posts 1,3, & 4 of the Town of Tyrone, Georgia Planning Commission.

A motion was made to approve the consent agenda.

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

Voting Yea: Council Member Campbell, Council Member Furr.

VII. PRESENTATIONS

3. Public Works Maintenance Team - 2022 Review. **Mitch Bowman, Maintenance Supervisor**

Mayor Dial thanked Mr. Bowman for leading his team and for all they do for the Town.

Mr. Bowman shared the 2022 Public Works Maintenance yearly view. He informed Council that 156 hours were spent on sewer line locates. Last year 316 hours were dedicated to the clearing of road sides and this year it was 601 hours. The replacement of damaged Town signs and new signs, 85 hours, and janitorial services totaled 567 hours. He added that cleaning, prepping, and clearing parks after special events totaled 468 hours. Grading roads, small repairs, and filling potholes totaled 231 hours. Drainage projects including clearing storm drains were 267 hours. Mr. Bowman stated that 87 hours were dedicated to the pick-up and removal of road-kill, and 14 hours went to sidewalk maintenance. He noted that compared to last year the clearing of debris was 316 in 2021 to 601 in 2022 which was 285 additional hours. He also noted that 365 hours of janitorial services were subtracted due to the additional staff members. Extra staff also allowed staff to begin their day on the road earlier than in previous years. He added that more traditional public works duties were now being completed. Mr. Bowman continued with his report and stated that between Town staff and AAbby Group, Inc., 429 bags of trash were picked up and 867 bags of dog waste were removed.

Mr. Bowman shared that he appreciated his guys and the report was to inform Council that when they thank the public works crew, this was what they were thanking them for. He was proud of his crew and for the ability to turn around numbers and categories from the past. Based on the clearing numbers, more support may be requested for that category in the future. He shared that the main reason for tracking was that if there was a need for assistance in the future it would be documented. He thanked Council for supplying their current needs and for their support.

Mayor Dial shared his and Council's appreciation for Mr. Jones, Kelley, Moretz, and Underwood. He then gave thanks to Mr. Kelley (in the audience) for his vehicle expertise and for saving the taxpayers money.

VIII. PUBLIC HEARINGS

4. Consideration to approve a retail alcohol consumption license to Royce Turner for Social Life Lounge & Bar located at 22 Carriage Oaks Drive. **Dee Baker, Town Clerk**

Ms. Baker shared that Mr. Turner applied for a retail alcohol consumption license for beer, wine, and distilled spirits. He and Mrs. Turner's restaurant and bar are located at 22 Carriage Oaks Drive. She added that the legal team reviewed the application, and legal ads were placed along with signage for the public hearing. If approved, Mr. Turner could then apply for the state license and once issued would be allowed to serve alcohol at their establishment. She stated that staff recommended approval of the retail consumption license of beer, wine, and distilled spirits for Social Life Lounge & Bar.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item. Mrs. Turner stated that her husband was the Deputy Fire Chief for the City of Atlanta and that they live in Fairburn. She added that the Tyrone restaurant was their fourth location and stated that the name of the establishment would be called S2 Bistro and that her location was formally Bamboo Star which was actually 26 Carriage Oaks Drive. Mr. Trocquet clarified that the overall address of the entire portion was 22 Carriage Oaks Drive.

Council Member Hill inquired about the menu. Mrs. Turner stated that it would include a little bit of everything.

Council Member Campbell inquired about the hours. Mrs. Turner shared they would be open for breakfast, lunch, and dinner.

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

A motion was made to approve the alcohol consumption license for beer, wine, and distilled spirits for Social Life Lounge & Bar (S-2 Bistro), located at 22 (26) Carriage Oaks Drive.

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

5. Consideration of a petition from Foster Holdings, LLC for the rezoning of parcel 073611002 at property address 160 Greencastle Road from Office Institutional (O-1) to Downtown Commercial (C-1). **Phillip Trocquet, Community Development**

Mr. Trocquet informed Council that Foster Holdings, LLC submitted an application to rezone 160 Greencastle Rd. from Office Institutional (OI) to Downtown Commercial (C-1). The stated intent of the rezoning was to permit a greater variety of uses on the property than were otherwise permitted, namely an exercise studio/gym.

He stated that it was staff's determination that the placement on site would be illegal under C-1 setbacks. The business park was developed for office-institutional structures and uses; subsequent buildings and sites were designed according to that configuration. The Gateway did permit similar uses; however, it was a pre-existing subdivision and that staff could not recommend approval of the rezoning given the building placement according to C-1 setback standards. He shared that the Planning Commission had recommended denial for the same reasons. Planning Commission did direct staff to pursue research on a text amendment that would permit exercise studios or similar uses in the O-I district. Planning Commission also stated that the uses would be different from that of a gymnasium.

Mr. Trocquet added that the C-1 zoning was still considered a lighter-intensity commercial district; however, all surrounding properties were zoned O-I per the design of the business park. Use suitability would be inconsistent with the business park's original design and intention.

He stated that given the required 75' buffer along the rear of the property, it was staff's opinion that the residential properties would not be adversely affected. Given that OI setbacks were lower to reflect the lower intensity of uses, it was staff's opinion that if zoned to C-1, the encroachment of the current building on that setback would adversely affect the southern property owner with higher intensity uses located closer than what is otherwise permitted. He shared that it was staff's determination that the property did have reasonable economic use as currently zoned. He also shared that it was staff's determination that the C-1 zoning would not result in an excessive burden on existing infrastructure but could affect the nature of the business park.

Mayor Dial asked what direction the Planning Commission recommended. Mr. Trocquet stated that the Planning Commission unanimously denied the request. Council Member Campbell clarified that the owner of the building was requesting the rezoning and that if approved, all other buildings within the business park would be affected. Mr. Trocquet agreed.

Council Member Howard clarified that due to the setbacks, rezoning should not be considered. Mr. Trocquet stated that C-1 zoning required a 20-ft. set-back and O-I only required an 8-ft. setback. The building was built to O-I standards.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

The applicant shared that she understood the motion from the Planning Commission and wanted to come to Council in support of the item. She added that the business did not identify as a gym. She was also in favor of a text amendment specifying uses more applicable to their business type. Council Member Campbell shared that the current type of business listed for them was studio/gym, he asked her what they actually had planned for that space. The applicant stated that it would not be for public use. They would focus on small classes such as yoga, meditation, and bare classes with small movements. It would be small, personal, and intimate. It would also be a place for the tenants to stretch and stay active.

Council Member Campbell asked how many patrons would it hold. The applicant stated that there would only be six at a time. Council Member Hill asked if it would only be for employees within the building. The applicant stated that it would not be specific to the tenants. She added that the owner of the business already had a clientele whom she wished to give one-on-one attention. Council Member Hill asked Mr. Trocquet if there was anything within O-I that currently matched that description. Mr. Trocquet explained that if she wanted to just consult, she could but that her business model was listed more in the category of a gym. He added that the Planning Commission discussed creating a definition of an exercise studio different from a gymnasium.

Mayor Dial asked what the current activity was at that location. The applicant stated that currently, nothing was happening at that location. A section of the basement was renovated with the intent to house that tenant. She added that the other end of the basement was being used as storage.

Mayor Dial shared that he understood what the applicant wished to do within that space. His sticking point was if the definition was changed through a text amendment, what would a future tenant attempt to do within the same space?

The applicant shared that Mr. Trocquet took the time to explain the process and that she did not think that the motion would be to rezone to C-1. She added that the business's corporate office was located in Ohio and they had not seen the building. She stated that the intent was not to rezone to C-1, just to change the definition to more fit their business model.

Council Member Campbell agreed that changing the verbiage could lend to different interpretations. He also shared his concerns regarding limited parking spaces and did not want to see overflow parking on Greencastle Road. The applicant agreed and shared that since the photo was taken had added parking lines with approximately 19 parking spaces. She added that parking should not be an issue.

Mayor Dial asked Mr. Trocquet what could be done to assist the business but not open the door for future misinterpretation of the definition. Mr. Trocquet stated that if Council chose to deny the rezoning, it would not affect staff pursuing a text amendment. Council could also ask for a withdrawal. Council Member Howard clarified that a text amendment would be an addition of permitted uses within O-I. Mr. Trocquet agreed and added that there would also be verbiage added to the definitions.

Mayor Dial asked if anyone else wished to speak in favor of the item.

Mr. Steve Gulas, a Fayetteville resident spoke regarding the rezoning. He stated that according to the description, the text should be for a private trainer for small classes. He also suggested that the business owner approach the Business Owner's Association (BOA) for that business park to see if their type of business would be allowed in the office institution park under their rules. This should be approved before the text amendment.

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

A motion was made to deny the request to rezone 160 Greencastle Road from O-I to C-1.

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

6. Consideration of a rezoning petition from applicant Ivo Jansink for the rezoning of parcel 0728 066 at property address 555 Dogwood Trail from R-20 to C-1 (Downtown Commercial). **Phillip Trocquet, Community Development**

Mr. Trocquet shared that the applicant's stated intent of the rezoning was to establish a business on the western half of the previously single tract and a home on the eastern tract, Tract 'A'. He stated that it was staff's determination that the petition was consistent with the Town's Comp Plan and Future Land Use strategy.

Many properties around the property had been zoned C-1 in order to foster a light community commercial concentration at the intersection of Dogwood Trail and SR-74.

The rezoning would also eliminate an existing nonconforming condition of the building at the Shops at Glendalough, directly to the west which was required to maintain a 75' buffer from their property line. The buffer was currently not in place. Commercial required a 75 ft. buffer adjacent to residential.

With the rezoning of Tract '5', to C-1, it would match the zoning and that buffer would be eliminated to a 20 ft. setback. He informed everyone that a C-1 zoning was situated on most sides and would be suitable for adjoining the properties. He added that given that the rezoning would eliminate a non-conforming issue with the western property of the same zoning, it was staff's determination that this would not adversely affect this neighbor. Given the large 75' buffer between the property and the R-20 tract to the east as well as the large land area of both tracts, it was staff's opinion that the zoning would not adversely affect the adjoining R-20 property. Mr. Trocquet shared that also given a large amount of floodplain on the property and unusual topography, it was staff's opinion that residential zoning for this 5-acre tract would not be economically viable.

He shared that it was staff's determination that the zoning would not result in an excessive burden on existing infrastructure. Only a single business entity or small multi-tenant building would be able to be constructed given the property line locations, topography, floodplain location, and known soils. He stated that if anything was petitioned to be constructed, staff would coordinate the location of any entrance. He added that as it was discussed at the Planning Commission meeting, entrances either needed to be in line with one another or offset so they do not interfere. He ended by stating that staff and Planning Commission recommended approval.

Council Member Campbell asked for clarification regarding the driveway. Mr. Trocquet informed Council of the two encouraged options. The first would be inline directly across from the Dogwood Church entrance. The other would be in between two curb cuts with at least a 40 ft. distance between the curb cuts based on ordinance standards. He added that the entrance did not have any bearing on the zoning request at hand. Council Member Campbell asked for clarification on the easement located in the right-side parcel, Tract A. Mr. Trocquet clarified that as a requirement, the property owner was asked that there be an easement on both properties. If a curb cut would not be feasible within that easement during the site plan process, the owner would be required to extend the easement.

Council Member Furr inquired about any wetlands on the properties. Mr. Trocquet specified the floodplain. He stated that Flat Creek ran through the property and that a good bit was located within the floodplain. Council Member Campbell inquired about the buildable areas within Tract A. Mr. Trocquet stated that there were a few but would allow the applicant to speak more on that. Council Member Howard asked for clarification regarding the 100-year floodplain on the property. Mr. Trocquet gave a visual of the 100-year floodplain.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item.

The applicant, Mr. Ivo Jansink spoke regarding the purpose of his request. He shared that he wished for one tract to be commercial for their family business, and the other tract would be for their home. He stated that he and his wife would consult other businesses on how to incorporate nature within their business. They would spend a couple of days with businesses explaining what nature could do for their business. He added that the plan was to build their business first on Tract A, then build their home on Tract B in the future.

Council Member Howard asked where he planned on placing the home. Mr. Jansink indicated a triangle toward the back of the property on Tract A, and a separate triangle shape for the business on Tract B.

Mayor Dial asked if anyone else would like to speak in favor of the rezoning.

Mr. Steve Gulas spoke regarding the entrance. He stated that he owned property across from Mr. Jansink's property. He added that if the driveway was placed on Tract B, technically, there should be a 75-ft. buffer due to its location to residential zoning. He stated that the driveway would be better if placed on Tract A.

Mr. Trocquet clarified that access was allowed through a buffer and that small allowances were made. Mr. Gulas stated that the type of business that Mr. Jansink described sounded more like an O-I type of business. He asked if O-I was adjacent to residential was there still a buffer requirement. Mr. Trocquet stated that yes, there was.

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

A motion was made to approve the rezoning of Tract B, Parcel 0728065 at property address 555 Dogwood Trail from R-20 to C-1.

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

IX. OLD BUSINESS

X. NEW BUSINESS

7. Consideration to adopt Resolution No. 2023-01 establishing the date for the Town General Election and establishing the qualifying fees for candidates. **Dee Baker, Town Clerk**

Ms. Baker shared that Tyrone holds its general election every odd year and that this year was an election for Mayor and Council Posts 1 and 2. The election would be held on Tuesday, November 7th. She added that qualifying would begin at 8:30 am on Wednesday, August 23rd through 4:30 pm on Friday, August 25th. The qualifying fee for Mayor was \$432, and the fee for Council Posts 1 and 2 was \$216.

She recommended approval of Resolution No. 2023-01 setting the date and qualifying fees for the 2023 Tyrone General Election.

A motion was made to approve Resolution No. 2023-01 setting the date and qualifying fees for the 2023 Tyrone General Election.

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

8. Consideration to approve a sewer rate increase commensurate with the increase that Fulton County recently adopted. - **Brandon Perkins, Town Manager**

Mr. Perkins reminded Council that the Town purchased sewer treatment from Fulton County, which totaled 400,000 gallons of capacity. The Fulton County Board of Commissioners recently voted to increase the sewer rates by 5% over the next three years. In order to cover the cost, the Town should consider a similar rate increase for its sewer customers. He explained that the current rate for the Base Cost of 0-4,000 gallons was \$30.00. The cost per 1,000 gallons over the base was \$8.45. He then broke down the cost per year with a 5% increase. The 2023 Base Cost would be \$31.50, and \$8.87 per 1,000 gallons over. The 2024 Base Cost would be \$33.08 and 1,000 over the base would be \$9.32. The final 2025 year for Base Cost would be \$34.73, and \$9.78 for any additional 1,000 gallons. He recommended approval.

A motion was made to approve the sewer rate increase commensurate with Fulton County's recent adoption.

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

9. Consideration to approve a transmittal resolution to the Georgia Department of Community Affairs to review the 2022-2027 Fayette County Fire Impact Report and 2022-2027 Town of Tyrone CIE & STWP. **Phillip Trocquet, Community Development**

Mr. Trocquet informed Council that Fayette County collected fire impact fees through the Town as they provided our fire services. As such, the county needed to prepare a Service Delivery Strategy for the Georgia Department of Community Affairs (DCA) and the Town must update its Capital Improvement Element (CIE) and Short-Term Work Program (STWP) to DCA as a part of this process; this was also considered a comp plan amendment given the process. He added that the next step would be to approve the transmittal resolution of the updated fee report from Fayette County and our STWP and Comp Plan update to DCA. If approved, it would come back to Council for a final adoption. He shared that Fayette County Comprehensive Amendment, CIE project update. He added that the Town's fees had not changed since the Comp Plan update, staff recommended approval.

A motion was made to approve the resolution to enable staff to transmit the updated Impact Fee Report and Comp Plan amendment to the Georgia DCA.

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.*

XII. STAFF COMMENTS

Mr. Perkins reminded everyone that Saturday at noon, the Town was hosting Sandy Creek High School's football victory parade. The route would begin on Brentwood Road and head north under Hwy 74 and break up on Senoia Road near the Legacy Theatre.

Mr. Perkins updated everyone on the damage to the rear office area at 881 Senoia Road due to the deep freeze. There were 9-10 total pipe breaks which caused major water and ceiling damage. He gave thanks to a Police Officer that noticed running water. There were several inches of standing water. The estimated cost of damage was approximately \$100,000 and the recovery company stated that asbestos testing was required due to the age of the building and materials used. He stated that the results should come back soon. He added that he suspected asbestos would be present within the ceiling and walls. The breaks have been repaired and no leaks have been detected. A pressure test was still required. Mr. Perkins stated that if asbestos was present, the Town would need to get on the removal schedule and believed that the testing was within the estimated cost. He was not sure of the timeframe and understood that it would affect the museum. He added that safety was important. He recommended that there be limited access to the building at this time and that the museum remain closed until proper measures were in place. He also gave thanks to the plumbing company that came out so quickly.

Mr. Perkins also shared that due to the freeze, there was also damage to the sprinkling system at the current Town Hall building. The air pressure system was affected causing 3-4 fire alarms but it had been repaired. He added that all insurance paperwork had been submitted to the insurance company and to the County. He stated that the State was prepared to declare a state of emergency so the proper reports had been sent to the County. He thanked Mr. Trocquet for filling that report.

Mr. Perkins thanked Mr. Langford, Mr. Trocquet, and the Public Works crew during the storm. Staff had to do extra work during that time and he appreciated their efforts.

Mr. Perkins reminded Council that there were initial plans to renovate the office area located at 881, staff would do their best to navigate that after the recovery.

XIII. COUNCIL COMMENTS

Mayor Dial recognized that there was a Boy Scout in the audience. Mr. Caleb Hudson spoke from the audience and stated that he was in attendance working on his communication merit badge from Troop # 79. Mayor and Council welcomed him.

XIV. EXECUTIVE SESSION

A motion was made to move into Executive Session for one item of threatened litigation and to review the Executive Session minutes from December 15, 2021.

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

Mr. Davenport stated that recently, a truck ran over the grate at the entrance of Town Hall leaving it damaged. The total cost to repair was \$937.00. The company that owned the truck took responsibility to pay for the damages, contingent on the Town signing a release. Mr. Davenport added that he had reviewed the release and everything was in order. Once signed, the company would send the Town a check for \$937.00.

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

A motion was made to approve the minutes from the December 15, 2022, Executive Session.

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

XV. ADJOURNMENT

A motion was made to adjourn.

Motion made by Council Member Hill.

Voting Yea: Council Member Howard, Council Member Campbell, Council Member Furr.

The meeting adjourned at 8:05 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk