

**Tyrone Town Council  
Meeting Minutes  
December 17, 2020  
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 Planner, Phillip Trocquet

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.

**Approval of Agenda**

Council Member Campbell made a motion to approve the agenda.

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

**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.*

Approval of minutes, December 3, 2020

- Approval to reappoint McNally, Fox, Grant and Davenport, P.C. as the Town Legal Counsel.  
***Eric Dial, Mayor***
- Approval to reappoint Mallett Consulting, Inc. as the Town Engineering Services.  
***Eric Dial, Mayor***

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- Approval to designate Fayette County News as the Town of Tyrone legal organ. **Dee Baker, Town Clerk**
- Consideration for the 2021 Holiday schedule for office closures. **Brandon Perkins, Town Manger**
- Consideration to appoint Judge John B. Cunningham in the event Judge Thompson is unavailable or a Judge Pro Tem is needed. **April Spradlin, Court Clerk**
- Consideration to approve the POND Company Livable Centers Initiative (LCI) Contract. **Phillip Trocquet, Town Planner**
- Consideration to approve Clearwater Academy's Annual Santa Ride at Shamrock Park. **Rebecca Brock, Recreation Manager**

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

## **Public Hearing**

1. Consideration of rezoning petition RZ-2020-02 from applicant John Kaufman for the rezoning of a 1 -acre tract parcel number 0738036 at property address 993 Senoia Road from C-1 to TCMU. **Phillip Trocquet, Town Planner**

Mr. Trocquet informed everyone that applicant John Kaufman had submitted a petition to rezone a 1-acre tract with parcel number 0738036 at property address 993 Senoia Road, from C-1 (Downtown Commercial) to TCMU (Town Center Mixed Use). The expressed intent for this rezoning was to eliminate the existing non-conforming nature of the building for the intention of potentially constructing an addition to the structure. He added that per the survey, however, there were issues with proceeding forward with the rezoning process. The survey/conceptual plat reflected existing structures over property lines. This made the structures illegal and in need of rectification. He shared that the property owner had obtained a legal easement from Dollar General and was currently working with CSX to obtain an easement for the building encroaching on their right-of-way. He added that aside from the outstanding issues, the rezoning petition did not present an adverse effect to neighboring property owners. He stated that staff recommended conditional rezoning until a second easement was granted for the CSX property encroachment.

Mr. Trocquet shared that the existing zoning for the property was C-1 (Downtown Commercial) and the land use was Multi-tenant Commercial. The surrounding zonings were C-1, DR, and OI.

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The property was 1-acre, had public water and, was a multi-tenant commercial structure. He added that in regard to the Future Development Map and the Comprehensive Plan, the petition to TCMU was consistent with both, and TCMU was designed to be a zoning district that would best facilitate the desired development pattern in the Downtown area.

Mr. Trocquet also shared that the zoning would permit suitable uses with the surrounding properties, and would not adversely affect the adjacent properties. He added that the property was currently locked into a state of nonconformity with the current ordinance regulations of the C-1 district. Economic use was limited as a result of the nonconformity. He shared that the proposed zoning result would not be excessively burdensome on existing infrastructure. The rezoning petition as it was presented was currently not fully compatible with the zoning ordinance.

He directed Council to an attached document and stated that four surrounding structures on the submitted survey were situated over property lines. They were considered illegal structures without legal easement granted to their placement. A legal easement had been given from the southern property owner (Dollar General) and staff had been made aware of efforts with CSX for a legal easement on their right-of-way with productive communication.

Mr. Trocquet stated that the Planning Commission recommended approval with staff's conditions on December 10, 2020. He shared that staff recommended conditional approval of the rezoning with the stipulation that a 90-day reversionary clause be applied to give the owner an opportunity to resolve the remaining illegal zoning stipulations wither through legal easement or alteration of the structures in question. If said illegal zoning situations were not resolved in the given timeframe, the Town Council will hold a public hearing to revert the property to its previous state. During this time, the property may not undergo any changes that would expand its C-1 nonconformity.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the rezoning request. Mr. John Kaufman, the current owner of Partners II Pizza of Tyrone, shared that due to the pandemic, his entire structure of doing business had changed. It was not what it used to be. They could no longer utilize the buffet and salad bar. There was too much space and the rent was too high. He needed to downsize. He had changed his business model to more of a curbside pick-up and he was utilizing a third-party service for deliveries. He needed a smaller footprint. He shared that with the Gunnin property, he could have the same amount of business, but with a smaller dining area. They would rely more on delivers and take-out. He added that he was coming to Council with his request because the building was a bit too small. He would like to add an additional 500 ft., to make the restaurant a 2-story with all-weather dining on the bottom and warmer weather dining on top, in the heart of downtown.

Victor Gunnin, the property owner, spoke in favor of the rezoning. He shared that they had been working with CSX Railroad and was given a timeline of fifteen days.

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He added that he purchased the property approximately seventeen years ago and was not made aware of any issues from the owner that built the property thirty-eight years ago. Times were different then. We want Partners Pizza there, we think it would be great for Tyrone.

Mayor Dial complimented Mr. Trocquet for doing a great job on the item.

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

Mr. Davenport noted that although the condition listed indicated a 90-day timeline, now was the time to change it to 120 days or 150, in the event CSX took longer than 90 days for review. He added that it would be easier to change the timeline now, more so than later. Mr. Gunnin and Mr. Kaufman agreed on 120 days of additional time as a buffer.

Council Member Campbell made a motion to approve the rezoning with staff conditions and a 120-day timeline.

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

### **Public Comments**

Mr. Jaeger with Mallett Consulting, Inc. congratulated everyone on the new Town Hall. He shared that he attended the ribbon-cutting ceremony and that it was a beautiful building. He also thanked Mayor and Council for approving him and his firm for another year serving the Town. He stated that at the end of 2021, it would be a total of fourteen years, serving the Town. He added that it had been a pleasure and that the relationship was more like a family.

Mr. Kaufman asked if the downtown sewer expansion would be operational by April, or sooner. Mr. Perkins shared that the completion should be completed by late February.

### **Staff Comments**

Ms. Baker shared that Mr. Hugh O'Neil, a former Planning Commission Member passed recently. She asked that everyone keep his wife, Linda in their thoughts and prayers.

Mr. Perkins gave an update on the Pendleton dam grant request. He shared that he had received a letter from a representative of the Georgia Emergency Management Agency (GEMA). The grant was applied for on January 2, 2020, and it was still under review. He shared that the letter stated that most applications submitted would be approved. However, the Federal Emergency Management Agency (FEMA) was taking sixteen to twenty-four months for their portion.

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He added that Mr. Pete Nelms, our grant writer had maintained regular contact with them, but has no additional details at this time.

Mr. Perkins informed Council that Crawford Grading was requesting a change order to the sewer expansion project. Their contract expires on December 29, 2020. He added that Crawford Grading was requesting a new project completion date of April 2, 2021. He reminded Council that Crawford had essentially two projects in the works; the sewer expansion, and the rehabilitation of pump station #2. They were dealing with delays due to pipe replacement issues on Commerce Drive and anticipated running into additional utility issues when placing the pipe in both directions on Senoia Road. Mr. Perkins informed Council that Crawford Grading stated that the Town Hall pump station should be online by mid-January. All manholes and gravity lines should be in place by the end of January, no later than mid-February.

Council Member Furr made a motion to approve the Change Order from Crawford Grading extending the agreement through April 2, 2021.

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

Mr. Perkins stated that Town Hall had been buzzing with sanitation calls this week. There was a lot of confusion, and we have done our best to clear things up on social media, and via the Tyrone public email portal. He sent another Town email today with more information, and it yielded positive feedback. He thanked staff for fielding all of the calls; at one point it seemed like a call center.

Mr. Perkins shared with Council that he would be taking the remainder of the year off, with vacation time. He would be available to them by phone or email.

Mr. Perkins shared that he thanked staff for a job well done at the staff meeting Wednesday. He wanted to publicly thank staff and to share with Council that although they may know how great the staff is, they do not see the day-to-day. He added that it was a tough year, we went from being normal to working from home overnight. The staff made this transition virtually seamless. When you enjoy working with everyone, it is difficult not to be in their company. A group text was started during this time, we shared old pictures and had fun lightening the mood. It made us feel part of the group again.

Mr. Perkins also thanked the staff for coming back together and coping with all of the COVID rules, such as; wearing masks and social distancing. Our staff is incredible, and the level of service has not suffered because of them. We have a wonderful staff and I am proud of them. It was a tough year with COVID, but a lot of great things happened this year too.

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I also thank the staff for that. He shared that he asked staff to focus on all the good that happened this year. We are a blessed Town for many reasons.

### **Council Comments**

Council Member Furr wished everyone a Merry Christmas.

Council Member Hill shared her excitement regarding Partners II Pizza entering the downtown area. She added that there was a lot of support from the community.

Council Member Howard shared her enthusiasm regarding the passion that citizens have shown for the Tyrone Museum. She added that they had their second meeting last night. We are close to having a full board of directors, and the next step is to become a corporation then to apply for a 501c3 status. She added that we are very blessed to have this much interest.

Mayor Dial brought attention to the Clearwater Academy's Annual Santa Ride item on the consent agenda. He shared that all were welcomed to the event and that the Clearwater kids were a wonderful group of kids. The kids would be joined by Harley Davidson riders.

Mayor Dial shared that a few weeks ago he ran into Mr. Pete Nelms and that he shared that it was a pleasure working with Mr. David Jaeger on the grant request.

Mr. Davenport stated that thirteen years ago his firm, along with Mr. Jaeger's had been invited to be a part of the Tyrone family. He added that it seemed like only yesterday when he began his tenure with Tyrone. He thanked everyone and looked forward to another year.

### **Executive Session**

Council Member Howard made a motion to move into Executive Session to review the Executive Session minutes from the November 19, 2020 meeting.

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

Council Member Howard made a motion to reconvene.

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

Council Member Furr made a motion to approve the Executive Session minutes from November 19, 2020.

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

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## **Adjournment**

Council Member Howard made a motion to adjourn. Motion was approved 4-0.  
The meeting adjourned at 7:37 pm.

By: \_\_\_\_\_  
Eric Dial, Mayor

Attest: \_\_\_\_\_  
Dee Baker, Town Clerk