

Town of Tyrone
Council Meeting Minutes
February 7, 2013

Present:

Mayor Eric Dial
Mayor Pro Tem Gloria Furr
Council Member Ken Matthews
Council Member Ryan Housley
Council Member Linda Howard
Town Manager Kyle Hood
Finance/HR Manager Penny Hunter
Town Attorney Dennis Davenport
Town Clerk Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Mayor Dial called the meeting to order at 7:00 p.m. The invocation was given by Andy Cook with Operation Mobilization. The invocation was followed by the Pledge of Allegiance.

Public Comments

Steven Chontos who lives at 170 Ridge Road asked if there are any future plans for extending and enhancing the cart paths in Tyrone. He stated that he has lived in the Town for 24 years, is very happy here and runs on occasion up to 10 miles a day. He has noticed that the paths are in need of repair. Mayor Dial asked to meet with him after the meeting.

Approval of Agenda

Council Member Furr made a motion to approve the agenda as presented with the addition of #8 Consideration of 2013-2022 L.O.S.T Distribution Certificates.
Council Member Matthews 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, January 17, 2013

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

PRESENTATIONS/RECOGNITION:

Girl Scouts of America. *Eric Dial, Mayor*

State of the Town Address. *Eric Dial, Mayor*

State of the Town of Tyrone - 2013

We spent a significant portion of 2012 working on major and minor infrastructure projects, improving the way we do business, improving our parks, and fine-tuning both our zoning maps and zoning ordinances.

We saved tens of thousands of dollars by returning our sanitation contract out for the bidding process.

Our police department has worked to maintain a safe environment for us to live and work, and has made changes to improve on what is already one of the safest communities in our state.

In 2012 we also extended a welcome mat to many new businesses. Many continue to flourish, but unfortunately one in particular remains unjustifiably bound by the legal system.

Once again, for approximately 8 years running, we were fortunate enough to minimize the tax burden on our citizens by opting not to raise our millage rate.

Taking it a step further, we passed a policy to maintain a 12-month reserve.

Much of our success in 2012 can be attributed to a man who filled the vacancy left in our Town Manager's position. While continuing his duties as Police Chief, Brandon Perkins did an admirable job of guiding us through some sensitive issues that we faced during his tenure. I want to thank him for his willingness to do so.

That brings me to the next accomplishment of 2012. In our search for a new Town Manager, we unanimously selected someone who will challenge us to stretch ourselves personally and professionally. We selected someone who has a good understanding of how government should operate for its citizens, has a particular appreciation for sound, responsible economic development. We look forward to working with you Mr. Hood.

2013 will provide a somewhat different set of issues that we need to address. We are currently facing the possibility of the closure of one of the economic engines of our town in Tyrone Elementary School.

If this school closes, we will be forced to find ways to replace the attention it brings to the Senoia Road artery of our town.

Rest assured that we will not give up on this fight until the final vote is taken and the last student is reassigned.

Another reality we are now facing is that our financial prudence over the years has presented the need for several road maintenance projects and stormwater system improvements.

Look for us to perform an overhaul to our capital improvement plan in order to resurface roads, correct drainage problems, and clean up our right of ways.

We are excited about the future we see in the relationships we have with other cities, our county, and our state. We plan to leverage these relationships to the benefit of the people of Tyrone.

Our most valuable resource is our people – those who have made the decision to live and work here. The Council and I consider it our responsibility to provide a safe, healthy, pleasant, and prosperous Tyrone for all to enjoy.

Our decisions in 2013 will reflect that commitment.

PUBLIC HEARING:

1. Consideration and Recommendation of variance V-2013-1 to allow a seven (7) foot tall fence that has less than 50% visibility to be located in the front yard of the property owned by the applicant, John and Heather Russell. Mr. and Mrs. Russell's property is located at 140 Ridge Road, property tax ID number 074301003 and is currently zoned Residential 12. ***Kyle Hood, Town Manager***

Mayor Dial opened the Public Hearing.

Mr. Russell, the applicant spoke first. Mr. Russell stated that this variance has gone to the Planning Commission as well. The fence was built to protect the vegetable garden from the deer and is a place of meditation and reflection. Mr. Russell stated that he did apply for the variance upon request. He was told by the Planning Commission that the reasoning behind the height requirement on a fence is to not impede a motorist's vision for an intersection. His home is ¼ mile from an intersection. Included in the variance application was a petition with 40 signatures. 20 signatures were from residents on Ridge Road, all who approve the fence. He then mentioned several alternatives that he has tried to detour the deer. He ended by mentioning that the Planning Commission has approved his request for a variance.

Mrs. Heather Russell spoke next and stated that they were not aware that there was a fence height restriction. One year after the commencement of the fence a letter was received from the Town, due to a complaint regarding the fence. We have followed all of the details laid out in the variance application. Planning Commission unanimously voted to approve the variance and the majority of the neighbors are in support as well. Her hopes were that the Council would vote the same. She thanked Dina Rimi, Chief Perkins, the Planning Commission, the Town Council and their neighbors for their guidance and support.

Renae Chontos who lives at 170 Ridge Road spoke next in favor of the fence. She stated that the fence was not an interference with intersections. It is aesthetically pleasing and is a work of art.

People that have visited us have commented on how attractive it is. It is not an unattractive chain link fence.

Steven Chontos spoke in favor of the fence. He stated that he and his family has lived on Ridge Road and attended the Planning Commission meeting. Mr. Russell fought in the Vietnam War for our freedoms. Freedom to enjoy nature in his own back yard, to create a work of art, build a garden and harvest the materials for a bamboo fence. It is not just any fence, it is from his heart. A group of neighbors are here today, shoulder to shoulder, hand in hand asking that you grant this variance for Mr. and Mrs. Russell.

Mayor Dial then opened the Public Hearing for anyone speaking in opposition.

Arlinda Willis Cruz who lives at 135 Ridge Road spoke in opposition. One man's treasure is another man's trash. This fence is an eyesore and I am very concerned. It is a 7 foot fence. My house burned and I re-built it to be one of the nicest homes on the street. If the variance passes I asked that you put a completion date on the fence. If you notice in the pictures they have wood going this way and that way. I also hope that you have them enclose all sides so it is not ideal territory for a child predator, it is a major concern. She added that she does not understand why the fence was not built in the back yard.

Mr. Russell then stated that in regards to the wood going in all directions, I was instructed in the middle of construction that it would be in my best interest to cease construction.

Mr. Hood stated section VI, 6-7, C, #2 states that; A solid wall and/or fence shall not exceed four (4) feet in height and any portion of a wall and/or fence higher than four (4) feet shall have a minimum visibility of fifty (50%) percent which shall be uniformly spaced over the entire linear footage of the wall and/or fence. Columns and posts shall not be included in this calculation. Vinyl and chain link fences are not permitted to be over four (4) feet in height. It is the recommendation of the Planning Commission that the variance be granted.

Discussion took place regarding the aesthetics, compliance, child predators and the time of completion of the fence. Mr. Davenport stated that usually a permit time frame is approximately 6 months to a year. Council Member Matthews asked if all four sides would be enclosed and what measures will Mr. Russell take to preserve the bamboo. Mr. Russell stated that all four sides would be enclosed and that measurements would be taken to preserve the fence, including replacing pieces from time to time.

Council Member Furr made a motion to approve the variance request from Mr. Russell. Council Member Housley seconded the motion. Motion was approved 4-0.

2. Consideration and Recommendation of Text Amendment to the Tyrone Zoning Ordinance Articles I§ 1-2 item 61, Article VI § 6-17 and Article VII § 7-1 B item 40 regarding Livestock.
Kyle Hood, Town Manager

Mayor Dial opened the Public Hearing. No one spoke in favor of or in opposition to the amendment. Mr. Hood informed Council that the Planning Commission voted 3-1 to recommend approval.

Council Member Furr opened the discussion regarding the exception of keeping rabbits, guinea pigs and hamsters in zoning categories other than AR and the fence distance requirements.

Council Member Furr made a motion to approve the text amendment as presented.

Council Member Matthews seconded the motion.

Discussion took place regarding the definition of livestock and the fence and zoning requirements.

Council Member Furr withdrew her motion.

Council Member Matthews withdrew his second.

Council Member Howard shared her concerns regarding the livestock definitions including hamsters and rabbits.

Mr. Davenport clarified that the code of ordinances states that from where the animals are kept and the property line is 150 feet, the zoning ordinance says 200 feet. It was suggested to lower the zoning ordinance to 150 feet to match your code. Within the code of ordinances there was a definition of livestock and no definition in your zoning ordinance. In the zoning ordinance livestock is only allowed in the AR zoning district. The discussion continued regarding tabling the issue or reaching a resolution.

Council Member Matthews made a motion to add rabbits among the excluded animals from the definitions of the ordinance.

Council Member Matthews withdrew his motion.

Council Member Furr made a motion to table the text amendment.

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

3. Consideration and Recommendation of Text Amendment to the Tyrone Zoning Ordinance Articles V § 5-16 to include Upholstery stores as a permitted use in M-1. ***Kyle Hood, Town Manager***

Mayor Dial opened the Public Hearing. No one spoke in favor of or opposition to the amendment.

Mr. Hood stated that upholstery stores are a permitted use in C2 zoning however there is an upholstery store currently in the M-1 zoning district. It is the recommendation to include upholstery stores as a permitted use in M-1 zoning.

Council Member Matthews made a motion to amend the ordinance to include Upholstery stores as a permitted use in the M-1 zoning district.

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

4. Consideration and Recommendation of Text Amendment to Exhibit B from Article V § 5-20 town Center Architectural Design Considerations. *Kyle Hood, Town Manager*

Mr. Hood stated that the reason behind this public hearing is the remove exhibit B from Article V due to the fact that after many hours of searching, it does not exist. Exhibit B was thought to have been a rendering of this particular design aesthetic.

Mayor Dial opened the Public Hearing. No one spoke in favor of or in opposition to the amendment. Mr. Hood stated that Exhibit B is referred to in the zoning ordinance and asked that it be stricken from the Article due to the fact that the exhibit has never been located.

Council Member Matthews made a motion strike the reference to Exhibit B from Article V § 5-20 of the zoning ordinance.

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

5. Consideration and Recommendation of Text Amendment to the Tyrone Sign Ordinance. *Kyle Hood, Town Manager*

Mr. Hood stated that changes are due to business owner complaints regarding the size and amount of wall signs in particular corner businesses and the additions of awning and canopies to be included. Mayor Dial stated that the sign ordinance was passed years ago and asked the public to inform us of their concerns. This is the Town's effort to be more business friendly and to maintain the aesthetics of the Town.

Mayor Dial opened the Public Hearing, no one spoke in favor of or opposition to the amendment.

Council Member Furr made a motion to approve the text amendment as presented.

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

OLD BUSINESS:

NEW BUSINESS:

6. Additional easement for American Tower, LLC per Exhibit A of the lease agreement. *Kyle Hood, Town Manager*

Mr. Hood stated that the Town, while building the new Library, paved over the existing utility easement. The amendment will redirect the easement in order to keep the Library's parking lot undamaged.

Council Member Housley made a motion to approve the lease agreement as submitted.

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

7. Consideration of Way of Life Community Church's request to use Shamrock Park. **Kyle Hood, Town Manager**

Mr. Hood stated that the Way of Life is asking for the use of Shamrock Park for a total of 6 days in 2013 for an Easter Egg Hunt, Community Yard Sale, and Movie nights in the park.

Council Member Furr made a motion to approve the use of Shamrock Park by Way of Life Community Church for March 30, April 27, May 27, June 22, July 27 and August 24th.

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

8. Consideration of 2013-2022 L.O.S.T. Distribution Certificates. **Kyle Hood, Town Manager**

Mr. Hood stated that pursuant to state law and a by-product of months of meetings with the surrounding cities and Fayette County, we have negotiated on a new certificate of distribution for the revenue generated by the one-cent local option sales tax. This agreement as submitted authorizes Mayor Dial to execute on the Town's behalf.

Council Member Mathews made a motion to accept the Local Option Sales Tax proceeds as presented and authorize Mayor Dial to sign off on all documents.

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

Attorney Davenport stated that a consent order needs to be signed by a judge stating that the Town is currently in litigation on the L.O.S.T. matter. Mr. Davenport stated that due to his employment with the Town and Fayette County, he advised to consider the appointment of Peachtree City's legal counsel, Ted Meeker.

Council Member Furr made a motion to give Ted Meeker authority to sign the consent order on the Town's behalf.

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

Public Comments

Ms. Heather Trompke Community Outreach Director with Way of Life Community Church gave thanks to the Council for allowing the church to use the park for the days that were approved.

Ms. Arlinda Willis Cruz asked if there was a time limit implemented with the ruling on the fence variance. Mr. Davenport stated that there was not. A discussion ensued regarding a time limit on the completion of the fence. Mr. Davenport stated that the variance supersedes the permit. When Mr. Russell found out he was out of compliance he stopped construction. Council Member Housley stated that it is in Mr. Russell's best interest to complete the project and believes that he will. Ms. Willis Cruz stated that that is a concern because it is a danger to the community and the children. There is a lot of open forest adjacent to them. She asked if there could be a deadline put on the fence project. Mayor Dial directed staff to monitor the project and time frame and attend to the issue at that time.

Staff Comments

Mr. Hood announced that the Fayette County Relay for Life event would be held at the Fayette County High School football field on May 17, 2013 from 4:30 pm to 11:30 pm. Mr. Hood will be an official committee member and stated that the Town of Tyrone will be partnering with the American Cancer Society to help encourage participation. The Town will have a team comprised of staff, family and friends. Town Hall, Police Department, Recreation and the Library will be donation locations and will have information for anyone that is interested.

Mr. Hood informed Council that staff recently met with Alan Carver from Mattlett Consulting, Inc. to finalize information relevant to bid packaging for the proposed Stormwater, Sidewalk and Resurfacing projects in the LMIG application. The bids should be ready and advertised by the end of the month.

Mr. Hood stated that the proposed let date on the TE grant application that the Town submitted to the GDOT is April 2015. He inquired with the DOT on how the Town could expedite the process. The project is complicated due to there are several projects among which are the gateway signage and the Shamrock park bridge. A request has been issued to allow for the less invasive gateway signage to be let prior to current date.

Mr. Hood updated Council on requests for proposals for right of way maintenance, IT services and Pump Station #2 and stated that they are currently ongoing in preparation of bid packages.

Executive Session

Pursuant to O.C.G.A. § 50-14-4 (b) of the Open and Public Meetings Act, Council will meet in Executive Session to discuss pending litigation and to review the Executive Session minutes from the February 1, 2013 meeting.

Council Member Matthews made a motion to enter into executive session to discuss pending litigation.

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

Council Member Housley made a motion to reconvene.

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

Council Member Matthews made a motion to approve the Executive Session minutes from the February 1, 2013 meeting.

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

Council Comments

Council Member Furr inquired of any time limits on rezoning signage and asked that the sign at Laurel Forest be picked up.

Adjournment

Council Member Howard made a motion to adjourn.

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

Meeting adjourned at 8:25 pm.