

Town of Tyrone
Council Meeting Minutes
June 6, 2013

Present:

Mayor Eric Dial
Mayor Pro Tem Gloria Furr
Council Member Matthews Absent
Council Member Ryan Housley
Council Member Linda Howard
Town Manager Kyle Hood
Town Clerk Dee Baker
Town Attorney Dennis Davenport

Mayor Dial called the meeting to order at 7:00 p.m. The Invocation was given by Michelle McKirahan from Operation Mobilization followed by the Pledge of Allegiance.

Public Comments

None

Approval of Agenda

Council Member Furr made a motion to approve the agenda.
Council Member Howard seconded the motion. Motion was approved 3-0.

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 May 16, 2013, Special Called budget workshop May 20, 2013

Consideration of hiring Jonathan Woodruff for the Police Officer position. *Brandon Perkins, Police Chief*

Council Member Housley made a motion to approve the consent agenda.
Council Member Howard seconded the motion. Motion was approved 3-0.

PRESENTATIONS/RECOGNITION:

PUBLIC HEARING:

1. FY14 Budget consideration. *Kyle Hood, Town Manager*

Mr. Hood gave a brief overview and stated that regarding Administration, Sanitation Travel and Education needs to be reduced to reflect only \$1,000 in each line item. Travel and Training line item 52.3500 (Admin. Travel) needs to be reduced from \$7,500 to \$7,000 and to reduce line item 52.3700 to \$4,000. Public Work's Communication line item number 52.3200 the amount is not \$300, it should be \$3,000. It was raised for the replacement of outdated and much needed radios.

Council Member Furr inquired about Finance's education and certification requests. Mr. Hood stated that he recommends approval of the following for Finance/Human Resources training; Intermediate Governmental Accounting, Georgia Local Government Personnel Association, Georgia Government Finance Officers Association, Society of Human Resource Managers, and the Department of Audit and Accounts.

Mayor Dial asked the public if anyone had general comments regarding the FY2014 Budget.

Mr. John Woody who lives at 215 Chimney Springs Road shared his confusion regarding the increase in the Planning Commission line item. Mr. Hood explained that the personnel and operations of Planning and Zoning, which is Dina Rimi, and Environmental which is Beth Vaughn, were taken out of Administration. You will see the same decrease from that department. The separation is to better track what is spent.

Mayor Dial stated that the consideration for adoption on the budget will be held at the June 20, 2013 meeting.

Mr. Hood clarified a few items; on the first page it states Adopted annual budget, it is the Proposed budget. The "Budget Objectives" say 2013 it should state "2014". He suggested that the budget be taken off the website and make changes. He also recommended that the addition of the Town being business friendly where businesses can thrive be added as well, that change was not added. There are other personnel corrections that need to be made also. Please leave budget books with staff and they will be corrected and put back into Council's boxes.

2. Consideration of Text Amendment T 2013-06 (a) to the Tyrone Zoning Ordinance Article I §1-2 to amend the definitions of Kennel and Livestock. *Kyle Hood, Town Manager*

Mr. Hood stated that a Public Hearing was heard by the Planning Commission regarding this item. Mr. Hood specified that two items were discussed; to redefine livestock so as to exclude chickens and to redefine the specific number of chickens to be kept. The Planning Commission recommended approval of keeping up to 10 chickens, but not roosters, in zoning districts other than Agricultural Residential.

Council Member Howard questioned the rooster aspect. Mr. Hood stated that is due to the noise and roosters are not needed to produce eggs.

Mayor Dial opened the Public Hearing. No one spoke in favor of or opposed.

Council Member Housley made a motion to approve Text Amendment T 2013-06 (a) to the Tyrone Zoning Ordinance Article I § 1-2 to amend the definitions of Kennel and Livestock. Council Member Howard seconded the motion. Motion was approved 3-0.

3. Consideration of Text Amendment T 2013-07 to the Tyrone Zoning Ordinance Article V § 5-16 to include Art Studio as permitted use in the M-1 Zoning District. ***Kyle Hood, Town Manager***

Mr. Hood stated that this item was brought to the Town from a citizen and business owner. Their business is more large scale, other than the traditional painting on canvas studios.

Mayor Dial opened the Public Hearing. No one spoke in favor of or opposed.

Council Member Housley made a motion to approve Text Amendment T 2013-07 to the Tyrone Zoning Ordinance Article V § 5-16 to include Art Studio as a permitted use in the M-1 Zoning District.

Council Member Howard seconded the motion. Motion was approved 3-0.

4. Consideration of Text Amendment T 2013-06 (b) to the Tyrone Zoning Ordinance Article I § 1-2 to amend the definitions of Day Care-Child Caring Institution; and to add new definitions for Community Living Arrangement, Group Home, Nursing Home, and Personal Care Home. ***Kyle Hood, Town Manager***

Mr. Hood stated that Child Care Institution, Community Living Arrangement, Group Home, Nursing Home and Personal Care Homes all are in relation to the creation of institutionalized residential areas. The first Public Hearing is specifically to define and redefine. Day Care-Child Care Institutions will be renamed to Child Caring Institutions. The following definitions; Community Living Arrangement, Group Home, Nursing Home and Personal Care Home will be included into the zoning ordinance as defined uses.

Mayor Dial opened the Public Hearing. No one spoke in favor of or opposed.

Council Member Housley made a motion to approve the Text Amendment as presented. Council Member Howard seconded the motion. Motion was approved 3-0.

5. Consideration of Text Amendment T 2013-10 to the Tyrone Zoning Ordinance Article VII to establish conditional uses for Child Caring Institution, Community Living Arrangement, Nursing Home, Personal Care Home, and Group Home. ***Kyle Hood, Town Manager***

A. Child Caring Institution - Conditions for said use shall be: (a) Such facility obtains all necessary local and state licenses; (b) All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of child caring institutions, whichever is greater; and (c) Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.

B. Community Living Arrangement - Conditions for said use shall be: (a) The principal structure contains a residential façade architecturally similar to adjacent buildings; (b) Such facility obtains all necessary local and state licenses; (c) The use is limited to the principal structure only; (d) All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater; (e) The owner of the establishment must live on the premises; (f) Unless located in a district permitting two-family or multi-family dwellings, no more than four (4) individuals not related to the owner by blood or marriage shall reside on the premises; and (g) Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.

C. Nursing Home - Conditions for said use shall be: (a) Such facility obtains all necessary local and state licenses; and (b) There is a maximum of 20 beds per gross acre of development.

D. Personal Care Home - Conditions for said uses shall be: (a) The principal structure contains a residential façade architecturally similar to adjacent buildings; (b) Such facility obtains all necessary local and state licenses; (c) The use is limited to the principal structure only; (d) All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater; (e) The owner of the establishment must live on the premises; (f) Unless located in a district permitting two-family or multi-family dwellings, no more than four (4) individuals not related to the owner by blood or marriage shall reside on the premises; and (g) Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.

E. Group Home - Conditions for said uses shall be: (a) The principal structure contains a residential façade architecturally similar to adjacent buildings; (b) Such facility obtains all necessary local and state licenses; (c) The use is limited to the principal structure only; (d) All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of personal care homes, whichever is greater; (e) The owner of the establishment must live on the premises; (f) Unless located in a district permitting two-family or multi-family dwellings, no more than four (4) individuals not related to the owner by blood or marriage shall reside on the premises; and (g) Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.

Mr. Hood stated that the next step is to establish conditional uses for the definitions. Each have 2 to 7 conditions, we recommend applying to the definitions.

Mayor Dial opened the Public Hearing. No one spoke in favor of or opposed.

Council Member Furr made a motion to approve the Text Amendment as presented.

Council Member Howard seconded the motion. Motion was approved 3-0.

6. Consideration of Text Amendments T 2013-09 to the Tyrone Zoning Ordinance Article V to allow Child Caring Institution, Community Living Arrangement, Nursing Home, Personal Care Home, and Group Home as conditional uses in certain zoning districts. ***Kyle Hood, Town Manager***

A. Child Caring Institution will be permitted as a conditional use in the Agricultural Residential, Residential Multi-Family, Office Institutional, and Educational Institutional zoning districts.

B. Community Living Arrangement will be permitted as a conditional use in the Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential-18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily, and Mobile Home Park zoning districts.

C. Nursing Home will be permitted as a conditional use in the Residential Multifamily, Office Institutional, and Highway Commercial zoning districts

D. Personal Care Home will be permitted as conditional uses in the Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential-18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily, and Mobile Home Park zoning districts.

E. Group Home will be permitted as conditional uses in the Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential-18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily, and Mobile Home Park zoning districts.

Mr. Hood stated that you have established definitions and set conditions. The following process is to set the zoning districts.

Council Member Furr made a motion to approve the Text Amendment as presented. Council Member Housley seconded the motion. Motion was approved 3-0.

7. Consideration of Text Amendment T 2013-08 to the Tyrone Zoning Ordinance Article V § 5-15 to add Hookah Lounges and Tattoo and Body Art Studios as permitted uses to the Highway Commercial (C-2) Zoning District. ***Kyle Hood, Town Manager***

Mr. Hood started out by stating he does not smoke and does not have a tattoo. This item was brought to the Planning Commission due to the possibility of one of these businesses wishing to open in the Town.

Council Member Howard asked for a definition of a Hookah Lounge. Mr. Hood stated that he understands it to be of Middle Eastern in nature whereas a pipe with hoses attached is utilized by several people at one time to enjoy different types of tobacco. Upon the consideration of approval of this item, immediately following will be the consideration of Fayette County regulations of tattoo and body art only. This item is to include these permitted uses into our zoning ordinance as C-2 Highway Commercial zoning. He also stated that currently there are

Hookah Lounges and Tattoo establishments in both Fayette County and Peachtree City. Approving this would allow the Town to be proactive in meeting the Town's developmental vision along with the help from the County's regulation standards.

A discussion took place regarding the placement of these two commercial establishments and why they would not be able to be placed in an Industrial-type zoning district. Mayor Dial stated that the landlord has an opinion as to who goes into their spaces.

Mayor Dial opened the Public Hearing. No one spoke in favor of the Text Amendment.

Bertha T. Williams who lives at 105 Hampshire Trace stated that her concern was the possibility of multiple tattoo parlors side by side in one shopping center.

Attorney Davenport stated that the presence of that business is determined by the owner of the property, market conditions, and the locale. It is not practical that side by side tattoo parlors would come to fruition however it is possible. Council Member Howard stated that we are regulating this to have some authority over the situation.

Council Member Housley initiated a conversation regarding opening another zoning district to accommodate businesses such as this. Mr. Davenport stated that there were more zoning districts however it was recently voted to consolidate those zoning districts into fewer.

Council Member Howard made a motion to approve the Text Amendment as presented. Council Member Furr seconded the motion. Motion was approved 3-0.

OLD BUSINESS:

NEW BUSINESS:

8. Consideration of amendment to Ordinance, Chapter 16, Article I, Section 16-1 pertaining to rules and regulations for Body Art Studios and Body Artists. ***Robert Kurbes, Fayette County Environmental Health***

Mr. Robert Kurbes, Fayette County Environmental Health Manager stated that reason for his request is for Council to consider adopting body art studios and body artist's regulations. We currently have one facility in Brooks and one in Peachtree City.

He stated that the purpose is to adopt state and local regulations into the Town ordinance for more control over enforcement and guidelines on a local level. Guidelines for this type of business are stringent. These guidelines govern the types of equipment used and the methods used for tattoos and piercings. Each artist that receives a permit from the county will be able to practice in the entire county under that permit. Tyrone will be the first city in the county to adopt the regulations.

Council Member Furr asked who will be conducting the inspections. Mr. Kurbes replied that the Fayette County Health staff would be conducting the inspections.

Council Member Furr made a motion to approve Chapter 16, Article I, Section 16-1 (a) of the Town Ordinance as presented.

Council Member Howard seconded the motion. Motion was approved 3-0.

9. Approval of Resolution No. 2013-005 establishing a list of infrastructure priorities and participating in the November 2013 S.P.L.O.S.T (Special Purpose Local Option Sales Tax).
Kyle Hood, Town Manager

Mr. Hood stated that discussions have been facilitated amongst the county and cites regarding the need for core infrastructure repairs and improvements. Management recommends approval of the resolution, including a list of projects to be funded within the Town and seeks authorization for Mayor Dial to execute the necessary documents to be transmitted to the county and state.

Council Member Furr asked Mr. Hood if S.P.L.O.S.T is approved, the list would be initiated with the Town's portion of the monies. Mr. Hood stated that we stand to gain roughly over one million dollars each of the two years. These projects will be completed with S.P.L.O.S.T money not with reserve money. Council Member Furr asked that a bulk of the money not be spent to acquire right of ways for cart paths. In the past the Town did not have much success doing this. Council Member Howard inquired about the Dogwood Trail stormwater project. Mr. Hood stated that just past the entrance to Dogwood Church there is a double barrel culvert that needs replacing.

Council Member Housley made a motion to approve Resolution No. 2013-05 establishing a list of infrastructure priorities and participating in the November 2013 S.P.L.O.S.T (Special Purpose Local Option Sales Tax) and to authorize Mayor Dial to execute.

Council Member Howard seconded the motion. Motion was approved 3-0.

10. Consideration of a request for vacation time to be carried over. ***Kyle Hood, Town Manager***

Mr. Hood stated that in 2011 Council decided to implement a provision that allowed only the carrying over of eighty (80) hours of vacation time beyond the end of each fiscal year. The effective date was delayed one year in order to accommodate those employees with large amounts of time accrued to be used. Currently there are 9 employees that have well over the 80 hours of accrued time. One has requested to Council that they be permitted to carry over an additional 75 hours into the next fiscal year. Staff is seeking direction for this action.

Council Member Furr made a motion to deny any request of vacation time to be carried over. Council Member Howard seconded the motion. Motion was approved 3-0.

Finance Report:

Finance Report for the month of April, 2013. ***Penny Hunter, Finance/HR Director***

Mr. Hood reported that finances are fantastic!

Public Comments

Mr. Marion Well who lives at 105 Strawberry Lane thanked Council for the consideration to budget for the paving of Town roads.

Staff Comments

Ms. Baker stated that HC Cable OP Co. is currently renting space on Commerce Drive to house their equipment and that their contract will expire soon. She added that we have not heard from them regarding the renewal and asked for direction. Mr. Davenport stated that according to the contract HC Cable OP Co. is supposed to contact the Town for another term. They may not be aware that the contract is expiring soon. Council recommended a letter be sent informing them of the expiration.

Mr. Hood recognized Dina Rimi and Beth Vaughn from Planning and Environmental for keeping pace with their busy time of the year and they continue receiving praise from citizens and business owners for a job well done.

Mr. Hood stated that the last 2 afternoons were spent in construction project meetings. A notice to proceed will be brought to the Mayor for the initiation of pump station 2 construction located at Jenkins Road and Hwy 74, and the wet well rehabilitation project for commencement during the week of June 17, 2013.

Mr. Hood indicated that prior to tonight's meeting staff met with the town engineer and citizens regarding stormwater improvements and various sidewalk improvements. Those projects could commence the same week weather permitting. That contract group has a 90 day project window.

Mr. Hood wished Michele Gaston, Administrative Assistant, a Happy Birthday.

Council Comments

Mayor Dial stated that there will not be a Council meeting on July 4, 2013 due to the Holiday.

Executive Session

None.

Adjournment

Council Member Furr made a motion to adjourn.

Council Member Howard seconded the motion. Motion was approved 3-0.

Meeting adjourned at 8:15 pm.