

**Town of Tyrone**  
**Council Meeting Minutes**  
July 18, 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  
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 Mayor Dial followed by the Pledge of Allegiance.

**Public Comments**

None.

**Approval of Agenda**

Council Member Furr made a motion to approve the agenda.  
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 June 20, 2013

Consideration of appointment of Adam Shoemaker as Solicitor for Tyrone Municipal Court.  
*Kathy Bright, Court Clerk*

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

**PRESENTATIONS/RECOGNITION:**

## **PUBLIC HEARING:**

1. Consideration of variance for Mr. Steve Gulas and Mrs. Debra Gulas. They have applied for a variance for property tax ID# 0736038. The property located at tax ID# 0736038 is zoned Downtown Commercial (C-1). This Public Hearing is to consider a variance to have the 60' landscape buffer be allowed in the 80' front building setback at Highway 74 and that the 30' rear setback to be allowed in the 75' AR Zoning buffer to allow a private drive to line up with the opposite drive. *Kyle Hood, Town Manager*

Mr. Hood presented the item and stated that the property is located at the corner of Hwy 74 and Dogwood Trail. The property is zoned Downtown Commercial (C-1). The variance application is request is to have the 60' landscape buffer be allowed in the 80' front building setback at Highway (Hwy) 74 and that the 30' rear setback to be allowed within the 75' AR Zoning buffer to allow a private drive to line up with the opposite drive.

Mayor Dial opened the Public Hearing for anyone that wished to speak in favor of this item.

Ronald Rynders who lives at 155 Julie Road spoke in favor of the variance.

Danny Carden, owner of Carden Plumbing spoke in favor of the variance and added that the property needs to be put to use.

Mayor Dial opened the Public Hearing for anyone in opposition.

No one spoke in opposition.

Mr. Hood stated that this was brought to the Planning Commission twice, the first time Mr. Gulas withdrew, the second time on June 27, 2013 the Planning Commission recommended denying his request 3-0.

Council Member Howard stated that she researched the property and discovered that the southern part of the property, between Mr. Gulas and Hwy 74 was once a part of the old Peachtree Parkway. She spoke with adjoining property owners on the Dogwood side of the property in question, Gail and Robert Dixon, she stated that once they decide to sell their portion of the property they will contact Dogwood Church first due to their wishes to expand their property.

Council Member Furr expressed her concerns with maintaining the landscape buffer and the integrity of the property facing Hwy 74.

Attorney Davenport asked the applicant for a simplified explanation of his request. He stated that the wording is unclear as to what he is requesting. Mr. Davenport stated that there is a 60 foot buffer requirement and an 80 foot front yard set back together totaling 140 feet before the building line. Mr. Gulas' request is to have the 60 foot buffer within the 80 foot setback. It seems that the applicant is asking for a 60 foot variance to the 80 foot setback.

Mr. Gulas stated that is correct. The ordinance requires a 60 foot landscape buffer, and an 80 foot front yard setback. He stated that he is asking for a 60 foot landscape buffer inside of the 80 foot

front yard setback, instead of starting the building 140 feet from the property line. He added that out of the 60 foot buffer, the first 40 feet would be forest, and also a line of trees on the AR side as well.

Mr. Davenport reiterated that Mr. Gulas is requesting a 60 foot variance to the setback. Mr. Gulas is also requesting a variance to the rear yard where it abuts AR zoned property. Mr. Davenport stated that Mr. Gulas has no rear yard on his property because it is a corner lot. He has two front yards and two side yards. The variance request for the rear yard is actually a variance request to the side yard. The rear yard setback is 30 feet while the side yard setback is 20 feet so rather than showing a 30 foot setback it should be showing a 20 foot setback, even on the part that is adjacent to the Dogwood Church property. That 30 feet setback should be 20 feet, not because you get a variance but because it is a side yard, not a rear yard. The variance request that is adjacent to AR would be a 20 foot side yard request for a variance. It is very important to get your wording correct.

Council Member Furr inquired about parking. Mr. Gulas stated that any parking would be located between or beside the buildings.

Mayor Dial stated that the Planning Commission denied the request and the Council is not in the habit of ignoring their wishes. He shared the Planning Commissioners concerns; 1) Safety, due to the cars on Hwy 74, 2) Concern for the residents on the dogwood side of the property and 3) Maintain the natural corridor along Hwy 74.

Mayor Dial responded to their concerns; 1) Safety should not be an issue with the forest buffer. 2) Council Member Howard spoke to the residents and currently they have not objected. 3) We have to maintain the Hwy 74 corridor for aesthetics.

Planning Commission Chair, Gordon Shenkle spoke and stated that the Planning Commission is concerned about setting a precedent for the aesthetics of the Hwy 74 corridor. If the Glendalough project came before his Planning Commission today it probably would be denied due to the lack of trees in the buffer. Mr. Shenkle indicated that the Planning Commission is not opposed to development, these are just a few concerns that they had during their deliberation.

The discussion was revisited regarding the clarity of the request. Mr. Davenport simplified the request. He stated that it appears Mr. Gulas is requesting a front yard setback variance of 60 feet for the front yard that fronts Hwy 74. This request would allow a 60 foot buffer that is already in place with an additional 20 foot setback to be measured from the limit of the buffer coming into the property. The second request is a side yard setback of 20 feet. That would allow a 75 foot buffer to be the only area separating the subject property from that portion of the side lot that adjoins AR. The 20 foot variance is only the portion of the side yard that abuts the AR property.

Mr. Carl Ryles, a Fayette County resident stated that this corridor is very important to Tyrone and Shamrock Industrial. He added that he represented the owners of Glendalough and agrees that there is a lack of trees, however if you look at Kedron you can barely see the shopping center. He stated that Mr. Gulas was asking for very little.

Council Member Furr made a motion to approve the front yard variance of 60' fronting Hwy 74.

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

Council Member Furr made a motion to approve the 20' side yard variance adjoining the adjacent AR property.

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

### **OLD BUSINESS:**

### **NEW BUSINESS:**

2. Consideration of approval of bid for Probation Management Services. *Kyle Hood, Town Manager.*

Mr. Hood indicated that due to the contract terms not lining up with the Town's calendar of fiscal years; and due to a lack of competitive bidding for years, the Town solicited RFP's for Probation Services. Two firms submitted letters of qualifications, our current vendor and one other. Management seeks to follow the recommendation of the Judge and Clerk of Court to stay with our current vendor, Providence Probation Services, for an eleven-month contract to begin August 1 and end June 30 and for Mayor Dial to execute on the Town's behalf.

Mr. Davenport added that Ms. Bright made him aware that there is also a security addendum required from the Federal Bureau of Investigation as a part of the document as well.

Council Member Housley made a motion to stay with the current vendor, Providence Community Corrections, for an eleven month contract to begin August 1, 2013 and end June 30, 2014 and to authorize Mayor Dial to execute on the Town's behalf.

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

### **Public Comments**

Mr. Rynders who lives at 155 Julie Road, relayed his concerns and wishes for a cart path to be placed on Tyrone Road for safety reasons. Mr. Davenport stated that that area on Tyrone Road has a prescriptive easement and there is right-of-way requirements on both sides of the road.

### **Staff Comments**

Police Chief, Brandon Perkins approached Council with the consideration of the surplus of four Police Crown Victorias. He stated that they will be placed in an auction for a minimal amount of surplus and that he would report to Finance, the amount of drug monies used for the initial purchase.

Council Member Matthews made a motion to allow surplus of the four (4) Police vehicles. Council Member Housley seconded the motion. Motion was approved 4-0.

Mr. Hood stated that several meetings ago, Ms. Baker brought to your attention that we had a lease agreement set to expire in June with HC Cable OP Co. LLC for the use of a small utility shed on Commerce Drive. A letter was sent, information was sent back.

Council Member Howard made a motion to approve the lease extension agreement with HC Cable OP Co., LLC. for a five (5) year period, ending June 30, 2018.

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

Mr. Hood stated that Nu Link (HC Cable OP Co., LLC) is refinancing, and is requesting the Town also sign their Landlord Personal Property Collateral Access Agreement. This would give their lender the right over the Town to acquire any defaulted property. Mr. Hood recommended approval due to the cost of the agreement for the use of property only being \$10 per year.

Council Member Matthews made a motion to approve the HC Cable OP Co., LLC, Landlord Personal Property Collateral Access Agreement and for the Mayor to execute on behalf of the Town.

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

### **Council Comments**

Council Member Furr requested Public Works to remove the brush pile on Briarwood Road below Montego Trail. She also asked that a pile of brush on Castlewood and Laurelwood Road (gravel) be removed.

### **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 for a pending litigation matter and to review the June 20, 2013 Executive Meeting minutes.

Council Member Matthews made a motion to enter into Executive Session to discuss pending litigation and to review the June 20, 2013 Executive Session Minutes.

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

Council Member Matthews 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 June 20, 2013.

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

### **Adjournment**

Council Member Furr made a motion to adjourn.

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

**Meeting Adjourned at 8:10 pm.**

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

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