

Town of Tyrone
Council Meeting Minutes

July 19, 2012

Present:

Mayor Eric Dial

Mayor Pro Tem Gloria Furr

Council Member Ken Matthews

Council Member Ryan Housley

Council Member Linda Howard

Police Chief and Interim Town Manager Brandon Perkins Absent

Finance/HR Manager Penny Hunter

Town Attorney Dennis Davenport

Town Clerk Dee Baker

Planning and Zoning Coordinator Dina Rimi

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 Pastor Edge with Crestwood Baptist Church. The invocation was followed by the Pledge of Allegiance.

Public Comments:

Mr. John Russell who lives on Ridge Road spoke regarding a complaint from a neighbor objecting a bamboo fence he erected. He stated that he and his wife have lived in Tyrone since 1989. He is a retired Delta employee and his wife is a speech therapist. He stated that they planted a garden and erected a fence as a barrier for the deer. The space would also supply him and his wife a place for meditation and reflection. After a neighbor complained to the Town about the fence, he was made aware that he was not in compliance with the Town's ordinance. He declared that the ordinance states that the fence can be no more than 4 feet tall. Why 4 feet? The Town says I can apply for a variance which costs \$500.00. There are many laws in this country that are no longer valid and suggested that this one be changed. I am 69 years old I have paid my dues and fought for my country. He quoted from the Bible, "But they shall sit every man under his vine and under his fig tree; and none shall make them afraid: for the mouth of the LORD of hosts hath spoken it." He stated, "let me have my fig tree, let me have my vine and let me have my fence."

Mrs. Russell then spoke. She stated that we live in a "live-and-let-live" neighborhood which helps all of us in the pursuit of happiness. When a person complains about our fence one year after it has been erected, that is unacceptable. Why not tell him face-to-face in the beginning. Why use the Town of Tyrone to make an anonymous complaint. She then quoted one of Mr. Russell supporters, Emily Byrd by saying, "Silence is acceptance". She stated that it was mean-

spirited and thanked the neighbors that supported her and her husband. She thanked her grandchildren, Dillon and Lilly and the parents of her clients. She also thanked those at Town Hall, Dina Rimi, Interim Town Manager Chief Perkins, Dee Baker and Michele Gaston for helping them through this situation.

Rhonda Totten, who also lives on Ridge Road spoke next. She began by quoting the Golden Rule, "Treat others the way you want to be treated." She stated that it took Mr. Russell about 30 days to erect the side of the fence that is seen from the street that covers the now year old tea garden. I do not understand why someone would wait so long to complain about the fence. Mr. Russell took time to spend with our 12 year old son and showed him the intricate process. There are several things in our neighborhood that are eyesores and this is not one of them. Mr. Russell has made a nice area of reflection for him and his wife to enjoy. She stated that most of the neighbors do not have a problem with the tea garden and fence. Let majority rule. Let the Town get back to more pressing issues of our community.

Janet Eller, a resident on Ridge Road also spoke regarding the fence. She stated that Mr. Russell does good work and spent a lot of time splitting each stalk of bamboo. She stated that whomever watched him put it in piece by piece for a year and waited to complain, that was indicative of their mean-spiritedness. We can give you a petition with everyone on the street, we do not care that the fence is there. She ended by stating that she hopes that Council moves on to agenda items that are upsetting people more than a really nice tea garden in a nice neighborhood.

Mitch Kernodle who also lives on Ridge Road stated that the fence is a work of art showing great craftsmanship. He stated that it needs to be seen, not just on paper. It is similar to the bamboo fence at the Atlanta Botanical Gardens. It is not in front of the house. It is on the other side of the driveway, trees are hiding the house. It is nice to look at.

Steve Byrd also lives on Ridge Road and stated that he agrees with the 9 people that are there in support of Mr. Russell's fence. He then asked, "Where is the opposition?" We are a tight-knit community. He stated that he worked for Fulton County for 31 years and government does not always make sense. If it takes getting a petition we will. It is your time to use common sense.

A discussion took place regarding the ordinance. Attorney Davenport stated that a decision could not be made at this time due to the fact that this is a zoning requirement issue and needs to be researched by staff more thoroughly.

Council Member Furr made a motion to direct staff to follow the required Zoning Ordinance process.

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

Emily Byrd who is a resident on Ridge Road and is a Real Estate Agent stated that there are several rental properties in the neighborhood. She stated that there are a lot of new faces and the neighborhood welcomes them. She asked if there are a certain percentage of rentals allowed in a neighborhood.

Mr. Davenport stated that according to law that would be discrimination. She asked what was needed to start a covenant board or homeowners association. Mr. Davenport stated that they are

usually started before the neighborhood is built. After it is built is it extremely difficult to form one and have everyone agree to all of the by-laws, and pay the dues.

Approval of Agenda

Council Member Furr made a motion to approve the agenda.

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

Approval of the Consent Agenda:

Approval of Minutes, June 28, 2012

Approval of a contract with Pyrotecnico to provide fireworks for Founders Day. ***Brandon Perkins, Police Chief, Interim Town Manager***

Approval for 144th Marketing Group to install light, controls and other equipment in 3 new patrol cars. ***Brandon Perkins, Police Chief, Interim Town Manager***

Council Member Housley made a motion to approve the consent agenda.

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

PRESENTATIONS/RECOGNITION:

PUBLIC HEARING:

1. Public Hearing to consider a request for rezoning from R-12 (Residential) to C-2 (Highway Commercial) for a 5.747 acre tract located in Land Lot 140 of the 7th District of Fayette County. This parcel is located at 142 Palmetto Road. Parcel number 0738060. ***Brandon Perkins, Police Chief, Interim Town Manager***

Planning and Zoning Coordinator, Dina Rimi briefed Council on this item. She began by stating that Mr. Frank Villella filed a petition to rezone the property located at 142 Palmetto Road which is 5.74 acres from R-12 Residential to C-2 Highway Commercial. A public notice was placed in the legal ads in the Fayette County Newspaper on June 13, 2012 and July 4, 2012. A sign for public notice was placed at 142 Palmetto Road on June 12, 2012. She stated that the property is located in the main street district according to the future land use map. She gave descriptions according to the development strategies for the main street district. The zoning categories that are appropriate to this district are Residential, Office Institutional, Education Institutional, Limited Commercial and Downtown Commercial. Limited Use Commercial (LUC) and Downtown Commercial (C-2) were incorporated into the C-1 Downtown Commercial in the zoning ordinance that was adopted in October 2012. She stated that the adjacent properties were zoned R-12 Residential, C-1 Commercial, and AR Agricultural Residential. She stated that the Planning Commission voted in favor of rezoning the property to C1 zoning at the June 28, 2012 meeting. C-1 is a less intense use for the Downtown District.

Mr. Frank Villella spoke in favor of the rezoning. He stated that he originally preferred C-1 zoning and was satisfied with that zoning.

No one spoke in opposition.

Council Member Matthews made a motion to rezone the property at 142 Palmetto Road to C-1 with no outside storage.

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

OLD BUSINESS:

NEW BUSINESS:

2. Consideration of an Ordinance to Create the Office of Prosecuting Attorney. ***Brandon Perkins, Police Chief, Interim Town Manager***

Dennis Davenport stated that during the 2012 General Assembly, a law was passed that stated that every Jurisdiction having a Municipal Court, and that has a Prosecuting Attorney has to file their enacting ordinance establishing the Prosecuting Attorney's office. Then it is required to file the ordinance with the Prosecuting Attorney's Council of Georgia. He added that along with the ordinance, a resolution is needed to name the identity of the Prosecuting Attorney.

Council Member Matthews made a motion to adopt the ordinance for the Office of the Prosecuting Attorney.

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

Council Member Housley made a motion to approve the resolution to appoint Rhonda Kreuziger as the Prosecuting Attorney for the Tyrone Municipal Court for the remainder of the 2012 calendar year.

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

FINANCE REPORT:

3. Financial report for the month of June, 2012. ***Penny Hunter, Finance/HR Manager***

Ms. Hunter presented Council with the June finance report.

The Town has completed 100% of its fiscal year at the end of June, 2012. At this point, Tyrone has realized \$3,033,851 in revenue against a budget of \$3,506,255; this amount represents 86.53% of budgeted revenue. Real property taxes are now down \$84,220 and Franchise taxes are down \$68,973 from one year ago at the end of June. However, Property taxes have come in ahead of budget at 102.39% collected while Franchise taxes are coming in just slightly behind budget at 93.10 %.

She stated that the Local Option Sales Taxes were now ahead of budget by 2.90% or \$23,200.

She stated that the Department of Revenue has changed their accounting software and claim that they are collecting sales taxes quicker than in previous years. This caused LOST to always be 2 months in the rears. The current auditor has given us two options in order to be in sync with the DOR changes.

She added that all Town Departments are currently under budget or right at budget for a total of \$2,930,226 against a budget of \$3,506,252. Overall expenditures are up from last June by \$84,026.

Of the \$488,990 budgeted for Capital Improvements, \$268,557 has been completed. 54.92% of C.I.P. has now been completed.

She stated that she is projecting revenues to end the fiscal year at \$3,178,851 and expenditures to end at \$3,146,194. This will mean that the Town will not have to balance this year's budget with reserves as projected and budgeted.

She ended the report by stating that the Town currently has 13 months of operating revenue for the General Fund in Reserves.

Ms. Hunter reminded Council that there is a 3 month or 90 day period in which there will be an "overage period". During this time journal entries will be made in order to get the revenues and the expenditures in the correct months, this is required by law.

Ms. Hunter stated that the auditors came in Monday and Tuesday and chose 5-6 employees and questioned them regarding fraud. She gave examples of the questions and stated that no one was suspect that this is a state and federal requirement.

Public Comments:

Ms. Susie Matthews who lives on Julie Road announced that Way of Life Church is having Movie in the Park and the Back to School Bash on July 28th. Ms. Matthews requested that Public Works make available 4 trash cans, barricades, mow the grass, electricity on, and provide the key to the electrical box in case the electricity gets tripped. Also please make sure the port-o-pot is cleaned. She stated that they are excited and it is their 6th year.

Staff Comments:

Ms. Hunter stated that she moved \$200,000 cash out of the money market account into the checking account. We get a little low this time of year before the property taxes come back.

Ms. Hunter stated that the auditors will be back late August or early September.

Ms. Hunter stated that she will be performing background checks for the Town Manager position and setting up more interviews.

She stated that she has found 10 applications of qualified individuals for the Administrative Assistant position. She stated that she will do background checks and start interviewing for that position.

Ms. Hunter stated that she hopes to have a decision on the financial software by August 7th.

Ms. Hunter stated that Administration budgeted \$3,000 for computer upgrades in the FY 2013 budget. She recommended the computer upgrades prior to upgrading our financial software. She stated the total cost to upgrade is \$8,410.37. She requested a budget amendment to increase line item 43-53.1700 (Sewer) by \$1,729.12. She added that the increase would come from unbudgeted excess revenue. She stated that 5 laptops, docking stations and 4 monitors were needed.

Council Member Housley made a motion to increase line item 43-53.1700 by \$1,729.12 for the upgrade of Administration computers.

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

Council Comments:

Council Member Howard stated that she needs publishing information from the Centennial Book for the Peachtree City Library to catalog the book. She stated that she gave her the publisher, she needs an editor. Council agreed that it should be Ms. Linda Howard since she put in many hours on the project.

Council Member Furr shared her concerns with debris left from the storm and requested that Public Works repair the four posts at Handley Park. She also requested that Public Works take down the cedar tree by the cart path on Senoia Road under the Highway 74 overpass. Mr. Davenport suggested referring to the deed.

Council Member Furr directed staff to gather information to obtain a time clock at Town Hall or a neutral place for all Town employees. She stated that there is a concern regarding possible extended lunches from a few employees. Ms. Hunter stated that that was a recommendation from our auditors also.

Mayor Dial gave an update on the Recreation air-conditioner and stated that they should have air soon.

Mayor Dial stated that Fayette Senior Services is requesting \$1,000 to help fund their services. He stated that the Town has helped them in the past and the money is in the Administration line item for this purpose.

Council Member Matthews made a motion to approve the removal of \$1,000 from the Administration line item to go to Fayette Senior Services.

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

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 deliberate: 2 items of pending litigation and 1 threatened litigation.

Council Member Matthews made a motion to enter into executive session to discuss 2 items of pending litigation and 1 item of threatened litigation.

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

Council Member Furr made a motion to reconvene.

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

Adjournment

Council Member Furr made a motion to adjourn.

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

Meeting adjourned at 9:00 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk