

**Town of Tyrone
Council Meeting
Minutes
September 4, 2014**

Present:

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

Council Member Linda Howard was absent.

Mayor Dial called the meeting to order at 7:00 p.m. The Invocation was given by Mr. David Barlow, Fayette County Commission Member, followed by the Pledge of Allegiance.

Public Comments

Approval of Agenda

Council Member Matthews made a motion to approve the agenda.
Council Member Housley 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, August 21, 2014(6:00 pm), August 21, 2014 (7:00 pm)

Consideration of approval of the Pyrotechnico Agreement for 2014 Founder's Day fireworks.
Jennifer Patton Frey, Recreation Events Programmer

Consideration of approval for a new Town Vehicle. *Dee Baker, Town Clerk*

Consideration of approval for two Police vehicles. *Brandon Perkins, Police Chief*

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

PRESENTATIONS/RECOGNITION:

PUBLIC HEARING:

1. Consideration of Text Amendment (TA 2014-06) to the Tyrone Zoning Ordinance Article VII § 7-1 B Conditional Uses to establish conditions for Outdoor Sports Facility and Swimming Pool, Mini Golf, Tennis Courts, Automotive Parking Establishments and Golf Cart Sales. *Kyle Hood, Town Manager*

Mr. Hood briefed the Council on this item and stated that this is another action taken by the Planning Commission to assure that the Zoning Ordinance remains consistent and unified.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the item. No one spoke.

He then asked if there was anyone present that wished to speak in opposition. No one spoke.

Council Member Furr asked if the swimming pools were required to be enclosed by a wall or a fence and did this include existing pools. Mr. Hood replied yes, all pools should be enclosed. Mayor Dial added that this is an existing law for pools to be enclosed.

Mr. Davenport stated the conditions: a) The facility shall be enclosed by a wall or fence and buffer area ten (10) feet in depth to screen the adjacent properties, the fence or wall must be at least six (6) feet in height and any portion over six (6) feet must be transparent; b) Loudspeakers shall be prohibited; c) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways; and d) No outdoor activities after 11:00.

Mr. Davenport stated that all of these conditions are for all outdoor sports facilities and swimming pools, miniature golf and tennis courts.

Mr. Davenport stated the conditions for automotive parking establishments (C-2 and M-1 Zoning Districts) are stock-in-trade must be screened in accordance with screening provisions in the Land Development Ordinance and stock-in-trade must be stored on an impervious surface. The same provisions are for golf cart sales.

Mayor Dial stated that an example for an outdoor pool in a C2 zoning district would be Kedron Aquatic Center.

A discussion took place regarding loud speakers, in regards to home entertainment speakers and a professionally installed announcement system. Mr. Hood stated that the "loudspeakers" that are professionally installed on the light pole are prohibited. Mayor Dial showed concern regarding a future Council body's interpretation of the wording. Mr. Davenport stated that a decibel reading would be an objective standard.

Council Member Matthews made a motion to approve Text Amendment TA 2014-06.

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

2. Consideration of Text Amendment (TA 2014-007) to the Tyrone Zoning Ordinance Article V Downtown Commercial § 5-14 (A) Permitted Uses and (B) Conditional Uses. ***Kyle Hood, Town Manager***

(A) Establish General Building Contractors, Hardware Sales, Special Trade Contractors and Indoor Sports Facilities as a permitted uses.

(B) Establish Dog Grooming, Electric Transformer Stations, Gas Regulator Stations and Telephone Exchanges, Health Club and Day Spa and Outdoor Sports Facility as conditional uses.

Mr. Hood stated that item A in their packets is regarding permitted uses and B is regarding conditional uses.

Mayor Dial opened the public hearing for anyone in favor, no one spoke. He then opened the floor for anyone in opposition, no one spoke.

Council Member Furr made a motion to approve Text Amendment TA 2014-007 with (A) as permitted uses as submitted.

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

Council Member Furr made a motion to approve Text Amendment TA 2014-007 (B) as conditional uses as submitted.

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

3. Consideration of Text Amendment (TA 2014-008) to the Tyrone Zoning Ordinance Article V § 5-15 Highway Commercial (A) Permitted Uses to establish Landscaping services as a permitted use. ***Kyle Hood, Town Manager***

Mr. Hood briefed Council regarding landscaping services as a permitted use. He stated that there is conflicting language. In one article, landscaping is a conditional use and in another it is a permitted use. The Planning Commission took this under advisement and recommended approval.

Mayor Dial asked if there was anyone that wished to speak in favor of this item, no one spoke. He then asked if there was anyone present that wished to speak in opposition, no one spoke.

Council Member Matthews made a motion to approve the Text Amendment TA 2014-008 Article V, Highway Commercial Section 5-15 (A), Permitted Uses to establish Landscaping Services as a permitted use.

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

OLD BUSINESS:

NEW BUSINESS:

4. Discussion on a new Town Park Use policy. *Jennifer Patton Frey, Recreation Events Programmer*

Mrs. Patton Frey stated that it was requested that she establish a new Town Park Use Policy. She asked Council if they had reviewed the information she provided. The policy clarifies how the Town parks can be used. She stated that recently, individuals are conducting classes on Town property without permission. The policy explains that individuals must contact the recreation center prior to conducting classes. Instructors must be insured and certified with background checks and pay the Town 25% of what they charge the participants. Shamrock Park is normally not rented. When organizations wish to rent the Shamrock Park field, the organization must receive permission from Council to get their fee waived and be a 501C3 such as a Church. The discussion continued regarding forms of payment. Council agreed that cash would eliminate bounced checks.

Mrs. Patton Frey initiated the discussion regarding rental fees. Currently, the Recreation Center is per hour, not a flat rate. It is \$25 an hour before 6:00 pm and \$50 an hour after 6:00 pm. Additional hours range from \$10 to \$50. Out of county is usually double the amount. For Shamrock Park it is \$25 for the first hour and \$5 for each additional hour. The discussion continued regarding fees and other municipality's fees and time limits. Mrs. Patton Frey added that the Handley Park Pavilion needed to be added for fees. She suggested somewhere between \$25 and \$50 for the rental fee, there are no bathrooms, water or tables at that facility.

Mrs. Patton Frey conveyed the importance of having a minimum and maximum time limit. She stated that she has not had a problem so far, but it is important when renting out a public facility. Mr. Hood suggested that we not rent for an entire day, however, if the patron wishes to pay for an entire day they should be able to. Council agreed. Council also agreed to increase rental fees to \$50, additional hours increased to \$10 and the out of county fee increased to \$75.

Mrs. Patton Frey shared that it is difficult to monitor the use of the ball fields. Mr. Hood stated that he is more concerned with the cost of the use of the facilities. Mrs. Patton Frey asked Council if they wished to place a rental fee on the Shamrock Park field. She then showed her concern regarding private individuals that run their classes at Shamrock Park without the knowledge of Town staff. Mayor Dial stated that if a person is charging a fee to run their classes on Town property, they should be paying the Town 25%. Mrs. Patton Frey questioned that if they would hold a special once a month class that they are not charging for, should they pay for that as well? Council agreed that they should pay regardless.

Attorney Davenport relayed that each individual holding any class on any Town property needs to inform the Town and be insured. The Town needs to treat each facility and vendor the same. Each coach or private individual that is teaching a class needs to have the same formalities. Mrs. Patton Frey added that the coaches also have background checks and certifications executed.

Council Member Housley made a motion to approve the revised Town Park Use Policy and the amended fee schedule.

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

5. Consideration for bid approval for Miscellaneous Drainage Improvements. ***Kyle Hood, Town Manager***

Mr. Hood stated that every year is spent catching up on an assortment of minor stormwater and other miscellaneous drainage repairs and upgrades. The Town Engineer held a bid opening on August 15, 2014. \$80,000 has been budgeted for this year's activities. The low bid included a base bid of \$66,089 and an additive alternate of \$28,093. Mr. Hood recommended Steadham Grading to perform the work not to exceed \$67,000.

Council Member Housley made a motion to award the 2014 Miscellaneous Drainage Improvement work to Steadham Grading in an amount not to exceed \$67,000 for all base bid work.

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

6. Consideration for bid approval for Miscellaneous Sidewalk Repairs. ***Kyle Hood, Town Manager***

Mr. Hood informed Council that the Town is also catching up on sidewalk replacements, repairs and ADA-compliant upgrades. He added that only \$10,000 has been budgeted for this year's activities. The low bid included a base bid of \$18,087 and a schedule of various other additive alternate project items. The budget shortfall on the base bid can be made up for with savings on the Miscellaneous Drainage project.

Council Member Matthews made a motion to approve the bid for Steadham Grading for 2014 Miscellaneous Sidewalk Repairs not to exceed \$18,500 for base bid work.

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

7. Appointment to the Tyrone Planning Commission- Mr. Jeff Duncan. ***Kyle Hood, Town Manager***

Mr. Hood stated that Planning Commission Member Cary Dial recently moved out of Tyrone. We accepted applications for the Planning Commission. The review committee recommends the appointment of Jeff Duncan, who lives at 127 Tullamore Trail to the Tyrone Planning Commission to serve out the remaining term previously held by Commissioners Wigginton and Dial. Council Member Matthews asked when the term ends. Mr. Hood stated that the term expires at the end of this year.

Council Member Matthews made a motion to approve the appointment of Jeff Duncan to the Tyrone Planning Commission.

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

Attorney Davenport then administered Mr. Duncan his oath.

Public Comments

Staff Comments

Mrs. Baker informed Council that early voting would be held during the hours of 8:00 am to 5:00 pm in the Council Chambers on October 20-31, 2014 with no Saturday.

Mr. Hood stated that staff is giving a “shout out” to Public Works Director Billy Campbell and the Public Works staff for all of their hard work and staying after hours in preparation for Founder’s Day.

Mr. Hood stated that he has received an official confirmation from the Department of Natural Resources that our Land and Water Conservation Grant has been awarded to the Town for \$39,000. This is not all that we applied for however, we can complete one of two soccer fields applied for. This third soccer field should be restored by next fall’s soccer season.

Council Comments

Council Member Furr asked in regards to the sidewalk repairs, does this mean all sidewalks have been repaired? Mr. Hood stated that it is an ongoing project list and there should be one more list. We will try not to use all Capital Improvement Project monies on the Senoia and Castlewood Roads paving projects for cart paths and sidewalks. At some point we will be caught up, perhaps by next year.

Mayor Dial stated that at a prior meeting there was the matter of the Town receiving money from Fayette County for parks and recreation and to clarify, we do receive money. The amount was initially \$30,000, but currently it is a total of \$10,800 that we receive in payments quarterly. We would like to get back to \$30,000 at some point when the County is able.

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 review one item of pending litigation.

Council Member Matthews made a motion to enter into executive session to review one item of pending litigation.

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

Council Member Furr made a motion to reconvene.

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

Adjournment

Council Member Furr made a motion to adjourn. Motion was approved 3-0.
Meeting adjourned at 8:10 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk