

**Town of Tyrone
Council Meeting Minutes
October 1, 2015
7:00 p.m.**

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 Patrick Stough
Town Attorney Laurel Henderson

Mayor Dial called the meeting to order. The Invocation was given by Jeff King from Operation Mobilization and was followed by the Pledge of Allegiance.

Mayor Dial announced that there were packets for the public located at the entrance, to assure that everyone was clear regarding the agenda items.

Public Comments

Approval of Agenda

Council Member Housley made a motion to approve the agenda and to combine items two and three.

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, September 3, 2015

Consideration of approval for the renewal of the Police Department and Municipal Court's agreement for the Fulton Communications Service Agreement. *Kathy Bright, Municipal Court Clerk*

Consideration of approval to purchase equipment and related installation for two new police vehicles. **Brandon Perkins, Police Chief**

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

PRESENTATIONS/RECOGNITION:

PROCLAMATION:

Red Ribbon Week

Mayor Dial read the proclamation.

PUBLIC HEARING:

1. Mr. Steve and Mrs. Debra Gulas has applied for a variance (Variance Application # 2015-002) for property tax ID#073807008. The property tax ID#073807008 is zoned Downtown Commercial (C-1). This Public Hearing is to consider a variance to allow a school to operate on a parcel of property that is less than 1 acre in size. **Kyle Hood, Town Manager**

Mr. Hood relayed that Debra and Steve Gulas had applied for a variance located at their property at 909 Senoia Road. The property is zoned C1 (commercial). They are asking for a variance to allow a school on their .53 acre property, which is a ½ acre reduction from the zoning ordinance requirement of one acre.

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

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

Council Member Housley made a motion to deny the variance for the property located at 909 Senoia Road.

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

2. Consideration for the proposed re-adoption of the Zoning Ordinance for the Town of Tyrone in its entirety. **Kyle Hood, Town Manager**

Mayor Dial informed attendees that the public hearing section is not a time for “back and forth.” He added that Council did not wish to take up the speakers three minute time-frame.

Mr. Hood named the contents that were included in Council’s packets: a memorandum from the attorney outlining legal precedence and reasoning why the Town was re-adopting the Zoning Ordinance, a copy of Ordinance 2015-07, a copy of the Zoning Ordinance that was being

proposed for adoption to assist with updating and clarifying the ordinance and the Zoning Map. This effort was to ensure that Town offices and the website have the same date of adoption and starting point.

Mayor Dial informed the attendees what was included in their handouts: the proposed Zoning Map, a statement of the law and what was required from the Town in regards to advertisement of a zoning change. He added that the red text in the statement was what the Town had completed. Mayor Dial stated that the Town had exceeded the requirements of state law. The final page was information that was placed on the Town's website regarding any changes.

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

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the item.

Mr. Steve Coffee who lives on Swanson Valley Drive stated that he had been the Home Owner Association's Vice President for five years. He stated that he was not sure if his question applied to that item, however, he was informed that the area of the "unfinished shops" was going to be rezoned for apartments and asked for clarification. Mayor Dial stated that Council would save that question so Mr. Coffee could finish his three minutes. He asked if the issue of apartments were to pass, would he be able to address his disapproval at a later time in the meeting. Mayor Dial asked Mr. Hood to answer the question, of the unfinished shops area going to be rezoned for apartments. Mr. Hood replied, "No, that area would not be rezoned for apartments."

Mr. Derrick Jackson who lives on Westbourne Drive spoke next. Mr. Jackson asked for clarification regarding the three reasons the Planning Commission denied the Zoning Ordinance at last week's meeting. Mayor Dial asked Mr. Jackson to state the three items. Mr. Jackson stated that he believed that the reasons would have been a part of the meeting. Mr. Jackson added that one item was regarding the deletion of notification. Mr. Jackson stated that a couple of the Planning Commission members, including the Chairman, disagreed with that position and the item was not on the list for the evening's meeting. He added that another item regarded addressing the law. He added that he provided two advertisement examples last week that were submitted as examples A and B that could enhance notification of informing the citizens. He added that the homework was done and that was great, but he was not looking for an explanation of the law, he was looking for notification of how it is done.

Mr. Richard Shelley, who lives on Farr Lake Drive, asked on what grounds did the Planning Commission vote down the Zoning Ordinance? He added that there was supposed to have been an investigation, but it was put on too quickly. Mr. Shelley stated that investigation is state law for the Planning Commission and he wanted to know what investigation took place, what law and what grounds.

Mayor Dial asked Mr. Hood to clarify the three reasons the item was denied by the Planning Commission. Mayor Dial added that the information was in the attendees handouts.

Mr. Hood referred to the handout and stated that the final bullet point states “The revisions of section 3-4 (A) & (B) align our zoning ordinance minimum procedures for legal notices and posting of properties with the language of the state’s Zoning Procedures Law as contained in O.C.G.A § 36-66-4 (a) and 36-66-4 (b).” Mr. Hood reiterated that this is what is minimally required for advertising for government entities.

Mayor Dial stated that the reference was in regards to rezonings that the Town initiates and is a very rare occurrence. Attorney Stough stated that there have been a few incidences where the Town had to rezone properties, several after 2011.

Mayor Dial asked Ms. Henderson to define the state law advertising requirements for municipalities. Ms. Henderson stated that the information that was supplied accurately reflects the requirements. The reason the change needed to be made was due to a Georgia Supreme Court decision that states that the Zoning Procedures Law supersedes local requirements when cities are rezoning properties. She added that cities normally do not rezone properties by their own initiation. Mayor Dial asked that if the Town chose to raise the bar on advertisement the Town can do so. Ms. Henderson agreed.

Mayor Dial clarified that the Planning Commission makes recommendations to Council. He added that the Council’s desire is for the public to always be informed whether it be from a Town initiated zoning request or an individual’s request. Mayor Dial asked if there were any other person that wished to speak.

Mr. Shelley relayed that his question was not answered. Mayor Dial asked him to restate the question. Mr. Shelley stated that the Planning Commission denied the Resolution and could not provide any clarity or transparency. He added that the Planning Commission set the date of October 22, 2015, to have time to understand what was going on and to provide the people with information they needed, which is after the fact of this hearing. Mr. Shelley continued and stated under State Law 36-67-3, the Planning Commission is supposed to investigate and make a recommendation in respect to each matter and to make a written record of it on file prior to submission to Council. Where is it, this is State Law and is mandatory.

Mayor Dial stated that he understood the question and that the Planning Commission is a recommending board, the Council does not have to accept their recommendation. Mr. Shelley stated that the citizens would like to know, “Where is the written report?” Ms. Henderson relayed that the law Mr. Shelley was referring to was referred to as the Steinburg Act which had never applied to Fayette County due to the amount of population. The Steinburg Act was repealed by State Legislation and is no longer law. Mr. Shelley stated that is not true. Mr. Stough stated that the Planning Commission made a motion to table the item for the October 22, 2015 meeting, however, the motion failed.

Council Member Housley reiterated that Council can adopt the Ordinance “as is” as it meets state requirements to the letter of the law and if Council wishes to go above and beyond, we can require public notice. Mr. Hood replied that simply sets the floor, not the ceiling regarding advertising requirements.

Mayor Dial asked legal counsel, if the Town wanted to raise the bar requiring advertising can it be stated within the Ordinance before them or does it need to be completed as a separate matter. Ms. Henderson stated that it needed to be a separate matter. She gave the example of the Town not being required to post signs at eleven locations around town advertising the hearing, but the Town had done so anyway. Administratively, the Town could post properties that are to be rezoned. Mayor Dial asked if this could be completed during the meeting.

Ms. Henderson stated that you do not want to pass that as an ordinance, it is a task that should be completed administratively. Mayor Dial clarified with Ms. Henderson that if Council voted to approve the Ordinance, the Town would be acting within state law. He added that Council could then direct staff administratively to notify the public, with posting of signs and to run ads in the paper, even if the Town decides to rezone a property. Ms. Henderson stated that that was correct and if the Town decided to rezone a property, the Town would still publish an ad in the paper. If the Town initiates the rezoning not as much information would be necessary in the paper, the notice will always be published.

Council Member Housley made a motion to approve the revisions of zoning ordinance 2015-07 as is including the zoning map.

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

3. Consideration for the proposed re-adoption of the Zoning Map for the Town of Tyrone. *Kyle Hood, Town Manager*

OLD BUSINESS:

NEW BUSINESS:

Public Comments

Ms. Lyrma Rackely, who lives on Kylemore Pass, spoke and asked, “what if the current board was not around and there was not an ordinance to follow, wouldn’t that make a difference for the next set of people?”

Mayor Dial stated that if the ordinance is unclear as to what set of peoples are involved in a particular process then Council would seek legal counsel for direction. In this situation staff can manage the process administratively. Ms. Rackely asked if there could be something in writing that would call for the process to be completed administratively and not leave it up to the good will of the current board?

Mayor Dial approached legal counsel and stated that Council has set the base line and that they are acting according to the ordinance. Ms. Henderson stated that if Council decides to adopt a policy to go beyond what is required by law, the Town may. Mayor Dial again echoed that the Council will be directing staff to create a policy on this issue. Even if the Town is issuing a zoning ordinance change, not the property owner, the Town would notify the public through the newspaper, and by posting signs just as the public does for a personal piece of property. He added that the Town would do this even though it is not required by law. He ended by stating that this is what Council will be directing staff to do.

Mayor Dial asked if anyone else had any questions.

Mr. W.H. Vail, who lives on Castlewood Road, approached the board and asked, “what would make the Town decide to change the zoning on someone’s personal property or an ordinance for a zoning change?”

Ms. Henderson stated that occasionally when cities undergo changes for their comprehensive planning process (which is required by law every ten years) they will rezone an area in order to conform to what the plan requires. This process is very unusual. Mr. Vail asked why did this particular process come about if it is so unusual. Ms. Henderson stated that the questions arose from the public in response to the proposed amendment. The proposed amendment was to come into compliance with state law. She added that Council has also addressed that staff will be issuing a supplemental policy in addition. If the Town were to take the step to initiate rezonings from this plan, signs would be posted in addition to the legal advertisement. She added that the Town has also been posting information on its website.

Staff Comments

Chief Perkins sought Council’s approval to hire a new Police Officer. Mr. Perkins stated that Lee Huddleston was previously employed by the Senoia Police Department and that he has completed the Tyrone hiring process.

Council Member Housley made a motion to approve the hiring of Officer Lee Huddleston. Council Member Howard seconded the motion. Motion was approved 4-0.

Chief Perkins informed Council that the Police Department had budgeted for the replacement of a portable radio that is under state contract. He sought their approval to purchase said radio for \$3,247.60. He added that the department is bringing all radios into compliance with Fayette County’s new system that begins next year.

Council Member Housley made a motion to approve the purchase of a police radio for \$3,247.60. Council Member Furr seconded the motion. Motion was approved 4-0.

Mrs. Baker stated that the deadline to register to vote in the Municipal General Election is Monday, October 5, 2015. The Fayette County Elections Office will be conducting advanced voting for the November 3, 2015 election beginning Monday, October 12, 2015 at the main location of the Fayette County Elections & Voter Registration Office, 140 Stonewall Avenue West, Suite 208, Fayetteville. She added that the slated dates for early voting in the Tyrone Council Chambers and Peachtree City Library are October 19 – October 30, Monday-Friday, 8:00 am – 5:00 pm. She ended by stating that a sample ballot for Tyrone has been placed on the Tyrone website.

Mr. Hood stated that for the next round of public hearings, a request will be brought to annex and rezone four parcels of property that constitute an unincorporated island. The properties are located at the south end of Senoia Road which is on the Northside of Depot Court. This area is developed and surrounded by Tyrone and Peachtree City.

Tyrone has the largest aggregate lot lines, and by state law the properties are the Town's to acquire. Staff will be initiating this in conjunction with a request from the owners of the properties.

Mr. Hood stated that he and Chief Perkins have also been working together to update the Town's website in order to bring a more user friendly design. In the near future the public may be able to pay their sanitation bill online and several forms will be online as well. The Town has grown and this change would better serve the public.

Council Comments

Executive Session

Adjournment

Council Member Furr made a motion to adjourn. Motion was approved 4-0.
The meeting adjourned at 7:41 pm.

Eric Dial, Mayor

Dee Baker, Town Clerk