

**Town of Tyrone
Council Meeting
Minutes
October 2, 2014**

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

Approval of Agenda

Council Member Furr made a motion to approve the agenda with the amendment to remove the minutes from September 4, 2014 from the consent agenda for discussion and slight edits. Council Member Housley 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 4, 2014

Consideration on the Fayette County Hazard Mitigation Plan. *Kyle Hood, Town Manager*

Consideration for the purchase of a phone system for the Police Department and Court. *Kathy Bright, Municipal Court Clerk*

Consideration of approval to purchase and install lights and other equipment for two new Police patrol cars. *Brandon Perkins, Police Chief*

Council Member Matthews made a motion to approve the consent agenda, less the approval of minutes.

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

PRESENTATIONS/RECOGNITION:

Red ribbon Proclamation

Mayor Dial read the proclamation. He stated that October 23-31 is Red Ribbon Week and urged all citizens to wear a Red Ribbon to show their support for a drug free environment.

PUBLIC HEARING:

1. Consideration of Text Amendment (TA 2014-009) to the Tyrone Zoning Ordinance Article V Downtown Commercial § 5-14 (B) Conditional Uses to add Indoor Pet Boarding as a conditional use.

Kyle Hood, Town Manager

Mr. Hood briefed Council and stated that this section lists conditional uses in the downtown commercial district. This amendment would allow adding indoor pet boarding within that section.

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

Karen Hammond who lives at 515 Millbrook Village Drive, spoke in favor of boarding at Beau Tyes. Our children are grown and all my husband and I have is our four legged little person. She stated that her dog has been serviced by Beau Tyes for ten years. They are very clean and they are not just a business looking for money. Other groomers insist on leaving your animal all day. I make my appointments for the entire year and in a little over an hour I can pick them up. Beau Tyes are family, they call me for everything. Gidget starts singing when we arrive and she kisses Randy and Jordan. I know that if they obtained boarding, they would take care of her like I would. Please consider this it is something that Tyrone needs.

Jo Ramm who lives at 130 Vista Lane and has been a Tyrone resident for twenty two years spoke next. She stated that she has been a patron of Beau Tyes for thirteen years and has two Shih Tzus. If you are a pet lover, you know how important your pet is to you. Randy, Kathy and Jordan are awesome, they are loving and caring. Tyrone needs a place to board. I've taken my dogs to other boarders and they come back sick and with fleas. Beau Tyes will love your animal that's what Tyrone needs.

Liz Geiger who lives at 117 Willie Adams Road stated that she and her husband Arnie have lived in Tyrone for thirty years. We love our community and the fact that it has not overgrown. It has a few conveniences and a boarding facility would be ideal. We have eleven grandchildren and travel a lot. We would like a nice safe place to board our Chinese Pug, Elvis. Randy is very caring and does not allow animals in unless they have had all of their shots. I like knowing my pet is going into a very safe environment. I would feel good about leaving Elvis at Beau Tyes.

Please allow to them to grow; it will bring in more outside traffic, it is good for all. Currently I leave my pet in Peachtree City. Money needs to stay in Tyrone, not in Peachtree City.

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

Council Member Furr inquired about activities conducted at least one hundred feet from any property zoned or used for residential purposes. Mr. Hood stated that the one hundred feet was pulled from a similar usage. This is only for adjacent properties. The same rules would apply to everyone. Mr. Hood stated that one hundred feet is a reasonable minimum standard.

Mayor Dial asked Mr. Lasante if he had spoken with any neighbors regarding their request. Mr. Lasante stated that the only neighbor is Contemporary Kitchens, which is commercial, and the owner is in favor. The closest neighborhood is in Peachtree City.

Council Member Furr made a motion to approve Indoor Pet Boarding as a conditional use in the Downtown Commercial District.

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

2. Consideration of Text Amendment (TA 2014-010) to the Tyrone Zoning Ordinance Article VII Conditional Uses to consider conditions for an Indoor Pet Boarding Facility.

Kyle Hood, Town Manager

Mr. Hood stated that now that a conditional use has been created, conditions need to be set. The following five items have been approved by the Planning Commission for consideration:

1) All outdoor areas accessible to animals while off-leash shall be enclosed by a fence of at least six (6) feet in height which is secured at the bottom to prevent an animal from digging out of the enclosed area; 2) No breeding of animals shall occur at the facility; 3) Adequate sound-proofing and odor-proofing shall be provided so that the use does not create a nuisance; 4) The facility shall be located at least 100 feet from any property zoned or used for residential purposes; 5) The facility shall obtain all necessary state licenses and shall be in compliance with all applicable state regulations.

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

He then opened the public hearing for anyone that wished to speak in opposition. No one spoke.

Council Member Furr stated that she was asked by a Planning Commission Member to also add the following condition because it was left out. She stated that this was brought up at the Planning Commission meeting and Mr. Lasante agreed to adhere to the request. Council Member Furr stated that the item was to be put in as a safety measure. There is a need for a person to supervise while the animals are outside. This is a safety measure for the animals and people.

Council Member Furr made a motion to approve the six mentioned conditions for an Indoor Pet Boarding in the Downtown Commercial District.

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

OLD BUSINESS:

3. Consideration of an Ordinance to amend the Code to revise provisions pertaining to Insurance Providers License fees. *Dee Baker, Town Clerk*

Mrs. Baker stated that the Insurance Commissioner asked the Town to add language to the Ordinance approved at the November meeting regarding insurance provider's fees. The fees include, a fee for lending money or offering term financing, a gross premium tax on life insurance providers, and gross premium on all other insurance providers, to include the \$50 yearly fee.

Council Member Matthews made a motion to approve the Insurance Ordinance as presented.

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

NEW BUSINESS:

4. Consideration for bid approval for Heating and Air Maintenance and Service. *Kyle Hood, Town Manager*

Mr. Hood stated that several years ago the Town had someone on staff that had knowledge of heating and air maintenance but, they are no longer employed by the Town. Mr. Hood stated that he and Public Works Director Billy Campbell toured the Town's facilities with several local heating and air companies. He submitted three proposals and recommended that we accept the bid from Power's Heating and Air in the amount of \$2, 835 for a one year service agreement beginning October 1, 2014.

Council Member Housley made a motion to approve the agreement as submitted and to authorize Mayor Dial to execute so that the fall tune-up can be scheduled for October 2014.

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

5. Consideration of MOU for the Highway 74 Coalition. *Kyle Hood, Town Manager*

Mr. Hood stated that along with a letter from the Fayette County Clerk was also a memorandum of understanding (MOU). The MOU includes participation from Fairburn, Peachtree City, Fayette County and the South Fulton Community Improvement District (a portion of Chattahoochee Hills and Palmetto). Each participant started six to eight months ago working together to develop a master plan for the Highway 74 corridor. As part of the Atlanta Regional Commission (ARC) they have asked us to sign on, offering clerical and administrative services to make sure we can put together new designs and development standards so Highway 74 will be uniform. Potentially, we hope to gain Coweta County and Senoia also. Mr. Hood recommended approval and to have Mayor Dial execute on the Town's behalf.

Mayor Dial invited the public to attend these meetings. He added that the South Fulton CID paid for the artist renderings of the partial clover leaf I 85 interchange. They are establishing a website, www.fixsr74.com. Part of the plan is set-backs, minimal curb cuts, median landscaping and also consistency with grass cutting. Mayor Dial informed everyone that there will also be a billboard on Interstate 85 to inform the public. Mayor Dial ended by stating that construction on the partial clover leaf is slated for 2018.

Council Member Furr made a motion to approve the MOU for the Highway 74 Gateway Coalition as submitted to be executed by Mayor Dial and transmitted to South Fulton CID. Council Member Housley seconded the motion. Motion was approved 4-0.

Mayor Dial stated that the approval of minutes were pulled out of the consent agenda for review. The highlights reflect the detailed modifications to be made.

Council Member Housley made a motion to approve the September 4, 2014 meeting minutes as presented. Council Member Furr seconded the motion. Motion was approved 4-0.

Public Comments

Staff Comments

Council Comments

Mayor Dial initiated a discussion regarding an email pertaining to the use of Shamrock Park's Great Lawn to hold a "free" class. Council Member Matthews stated that his understanding is that the Town follows the policy, if there is a variance, a request for a waiver needs to be submitted to Council for approval. Mayor Dial stated that Council needs to decide how they want The Great Lawn to be rented, currently there is no policy in place. We need to decide whether we should rent out the field and charge a fee. He stated that Mrs. Patton's suggestion is to require approval from Recreation and Council prior to usage.

Council Member Furr stated that it is difficult to determine if a class is free. She added that this is also a liability.

Mayor Dial stated that if Council chooses to charge a rental fee Mrs. Patton recommends \$25 per hour. Council Member Housley asked if we charge a fee, are we less liable? Mr. Davenport stated that it is your property, if you know an organization is having an event, people will assume that Town property is safe. If someone gets hurt on Town property, the person that invited them is responsible and the Town will also have some exposure as well. Mayor Dial stated that he informed an instructor that was insured and wished to hold "free" classes on the Great Lawn that they still need to fill out all necessary Town forms and submit a background check. Council Member Housley asked if the individual or group had insurance, and has signed an agreement with us are we more protected. Mr. Davenport stated yes you are in better standing than without that information.

Mr. Hood opened the discussion regarding preferential rights holding organized activities within the facilities, compared to renting out a portion or all of the Great Lawn at Shamrock Park. If only a portion of the field is remaining, that will leave less for the public to utilize leaving little or no structure. Mr. Davenport added that even if the Town does not charge instructors for “free” classes, consider the value of the instructors future earnings.

Council Member Furr stated that after hearing everything, it was her opinion that the Town should not rent out the Shamrock Park field, it belongs to all of the citizens. Mayor Dial asked for clarification regarding renting to the Churches. Mr. Hood stated that Way of Life Church has movies in the park and that is always open to the public. They are doing a service for the Town on our behalf to everyone. They have been made to ask for permission, they are also asked to provide insurance and supervision. Mayor Dial stated that there is a difference between rental and usage. Can a group use the park? What we have created for this person is to say you cannot use the park unless you pay a fee. Council Member Furr relayed that if an organized group comes to Council for permission for an event such as an Easter egg hunt, there should not be rental fees. Any other organized group should also get permission from Council. Mr. Hood interjected and stated that we allow these groups sole usage of the entire park because their events are free and open to the entire public.

Mayor Dial posed the question; what if an organized T-Ball team wanted to play on the field Saturday morning at 9:00 am, do we turn them away? Council Member Matthews stated that T-Ball should fall under the Baseball Association. Mr. Hood stated that there should be a line drawn but still be first come first served. Mayor Dial reiterated that if a Church or large organization wants exclusive usage of Shamrock Park which is open to the public, should they get approval from Council first. He added that outside of that, anyone else that wants to use the park is on a first come first served basis. Mr. Hood added that whether or not it is a religious organization, it depends on the intent of the event. The fees waived are usually for banners and signs.

Council Member Housley asked for clarity on Birthday parties. Mayor Dial stated that they would be directed to Mrs. Patton to “rent” the pavilion at Shamrock Park, not the field, because that is on a first come first served basis only. We would not allow individuals to reserve the field for a Birthday party. Mayor Dial asked Mr. Hood to put everything into perspective. Mr. Hood stated that beyond the rates and facility rentals, the Great Lawn at Shamrock Park is not subject to the policy, it cannot be rented. It can only be reserved for community wide public events and only with the permission from Council. All others are subject to a first come first served basis structure. We will add that verbiage to the policy and bring it back to Council for a vote.

Council Member Housley made a motion to maintain that the open green space (The Great Lawn) at Shamrock Park is not subject to the Town facility and rental fee policy, it can only be reserved for the purposes of community-wide public events only with the permission of Council, and all others are subject to a first come first served structure.

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

Mayor Dial asked again for the purpose of the email sent. If this person wished to hold a class on the Shamrock field what would you tell them? Mr. Hood stated that we need to inform them to get there really early because it is a first come first served basis. Anyone that comes to the Town and says we are going to having an organized activity, as a professional courtesy, visit Mrs. Patton with Recreation and fill out all of the proper forms.

Mr. Davenport posed the question, “what is a free class”. A free class is not a class with no value. The instructor gains value other than charging for the class. There is liability involved. You as the Town are the steward of the property. Even if the Town chooses not to charge a fee to the instructor, you are still liable.

Mayor Dial posed another scenario; the Sandy Creek Youth Football Association has games for the kids compared to our Baseball and Softball Associations only through the school. They are without a field and have asked us if we have any available fields to use if they line them off, for this Saturday only. The soccer and baseball fields are being used this weekend. Council Member Furr stated that this is an example of an organization asking to use the field, and she indicated, that is fine. Council Member Matthews stated that this falls under a 501C3 organization. Mayor Dial then asked Chief Brandon Perkins (who was in attendance) if they could obtain police officers for traffic control for the event, for games at 8:00 am, 10:00 am, 12:00 pm, and 2:00 pm. Chief Perkins stated that they would have to pay 1-2 officers and obtain permission to use Mr. Deyton’s property for parking. He added that this was very short notice and it may be difficult to have officers on site this weekend but he will ask.

Executive Session

Adjournment

Executive Session

Adjournment

Council Member Matthews made a motion to adjourn. Motion was approved 4-0.
Meeting adjourned at 8:02 pm.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk