

Town of Tyrone
Council Meeting Minutes
October 3, 2013

Present:

Mayor Eric Dial
Mayor Pro Tem Gloria Furr
Council Member Matthews
Council Member Ryan Housley
Council Member Linda Howard
Town Clerk Dee Baker
Town Attorney Dennis Davenport

Town Manager Kyle Hood was absent

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

Jennifer Patton introduced Kelly French with West Fayette Barbell. Mr. French requested the use of Shamrock Park for a Strongman Contest. Ms. Patton stated that this event would very likely be a future Founder's Day event. There would be no charge to participants. Mr. French stated that he wished to utilize the park on October 26, 2013 from 10:00 am until 5:00 pm. He stated that the event would use only a small portion of the park and the concrete area up front, no parking spaces would be utilized. He expects approximately 30 participants and hopes for 50 participants for next year's Founder's Day. He ended by stating that the establishment is insured and he requires participants to sign waivers.

Council Member Housley made a motion to allow West Fayette Barbell to host a Strongman Contest at Shamrock Park on October 26, 2013 from 10:00 am until 5:00 pm.
Council Member Furr seconded the motion. Motion was approved 4-0.

Mr. Tom Morris spoke regarding the 40 Years Later: A Hero's Homecoming event on September 28, 2013. He stated that there were approximately 2,000 in attendance and most of the comments he received were, "Why did it take so long?"

Approval of Agenda

Council Member Matthews made a motion to approve the agenda.
Council Member Howard 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 5, 2013

Approval to hire Public Works applicant, David Moretz. *Renee' Holt, Public Works Director*

Proclamation for Red Ribbon Week. *Eric Dial, Mayor*

Appointment of Cary Dial to the Planning Commission to serve the remaining term of Commission Member Chris Wigginton. *Eric Dial, Mayor*

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

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

PRESENTATIONS/RECOGNITION:

40 Years Later: A Heroes' Homecoming. *Eric Dial, Mayor*

Mr. Tom Morris accepted. Mayor Dial stated that it was heartbreaking that the soldiers were not welcomed home, and that should never be repeated.

Proclamation- CAREing Paws. *Eric Dial, Mayor*

CAREing Paws representatives arrived with their dogs. Library Branch Supervisor Patty Newland and Children and Youth Services representative Cindy Ferrill spearheaded the recognition along with several families that came in support of the program. The Proclamation was read. Melissa Saul with other handlers accepted on behalf of CAREing Paws and stated that they were thrilled to be a part of Tyrone Public Library and it is one of their favorite places to visit. It is a pleasure for volunteers and dogs to be a part of this organization.

NEW BUSINESS:

1. Consideration to create an alcohol license for distillery and brewery establishments. *Dee Baker, Town Clerk*

Ms. Baker briefed Council on this item and stated that the Town currently has several types of licenses for sales and consumption of alcohol. She added that there are none in place for those whose trade is to craft these beverages. She stated that the Town has been contacted on several occasions from individuals showing interest to pursue such a business. State laws have been drafted and are in place for regulation for our protection. There will be no cost to the Town to create a commercial manufacturing license for distilled spirits, malt beverages and wine.

Council Member Matthews made a motion to allow the creation of a license for the commercial manufacturing of both malted beverages and wine, as well as for the commercial manufacturing of distilled spirits.

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

2. Consideration to amend the alcohol fee schedule to include distillery and brewery licenses. *Dee Baker, Town Clerk*

Ms. Baker stated that in the wake of our creation of a license for the commercial manufacturing of various beverage types, additional fees should be included for consistency in our application and approval process. She informed Council that staff surveyed communities throughout the metro region for sample fee schedules that could be used as models for considering the new license types. Kennesaw and Alpharetta have these licenses in place with a range from \$500 to \$3,000. We are proposing a commercial manufacturing distilled spirits license for \$1,200 and a commercial manufacturing malt beverages and wine license for \$500.

Council Member Housley made a motion to amend to fee schedule as submitted to establish a commercial manufacturing distilled spirits fee of \$1,200 and a commercial manufacturing malt beverages & wine fee of \$500.

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

PUBLIC HEARING:

3. Public Hearing on an Alcohol License application for Local 404 Distillery, located at 125 Shamrock Industrial Blvd, Tyrone, GA 30290. *Dee Baker, Town Clerk*

Ms. Baker stated that in mid-September Ms. Trevisan and Mr. Villa submitted a completed alcohol license application packet for a micro-distillery to be located at 125 Shamrock Ind. Blvd. Mr. Villa submitted a brief description of what the business would entail: The business would purchase bulk neutral grain spirits from an existing manufacturer, not to distill themselves. Then they would add water to reduce the concentration to 80 proof by adding flavors and filtering. The product would then be bottled and labeled and sold directly to a distributor.

Mr. Ruben Villa and Ms. Brandy Trevisan spoke in favor of this item. Mr. Villa stated that this is a family owned business for small batch distillation. He added that maybe 3 years down the road the business would expand. He stated that this is not retail and we would be focusing on the artesian craft for approximately 25 cases per batch we do not want to carry inventory. He added that they would adhere to the state and federal regulations for licensing. Ms. Trevisan stated that they would experiment locally first and start small.

Council Member Furr asked if they had spoken to Environmental Health regarding the septic tank. Mr. Villa stated yes and they had also spoken to the Fire Marshal as well.

Council Member Howard showed concerns with the establishment being too close to a resident and a possible Church office. Council Member Matthews stated that the Church office is no longer at that location.

Ms. Trevisan stated that her surveyor stated that their distance met the criteria but she would contact him to confirm.

Council Member Housley asked if they would have a tasting room. Mr. Villa stated that that would not be allowed in a micro-distillery.

Mayor Dial asked if this distance requirement is regulation. Mr. Davenport stated that it is a requirement from the Town and the state.

Mayor Dial opened the public hearing for anyone speaking in favor of the item.

No one spoke.

Mayor Dial then opened the public hearing for anyone speaking in opposition.

No one spoke.

Council Member Housley made a motion to approve a micro-distillery license for 404 Local Distillery contingent upon meeting all state and local distance requirements.

Council Member Matthews seconded the motion.

Council Member Howard and Council Member Furr voted in opposition. The vote: 2 in favor, 2 in opposition.

Mayor Dial voted in favor of, making the vote 3-2. The vote passes.

This Public Hearing is to consider Text Amendments on the following items:

4. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article I § 1-2 to amend Definitions to include a definition for Exterior Storage Yards. ***Dina Rimi, Planning & Zoning Coordinator***

Ms. Rimi stated that at the September 12, 2013 Planning Commission meeting, it was requested that staff provide recommendations for adding a definition of the term “Exterior Storage Yard” to the Town’s Zoning Ordinance and to present those recommendations as part of a Public Hearing. The Planning Commission Public Hearing was held on September 26, 2013. Ms. Rimi added that as part of the Public Hearing, staff presented two options for defining the term “Exterior Storage Yard”. Two citizens spoke at said Public Hearing in favor of adding a definition for “Exterior Storage Yard.” No one spoke in opposition. Ms. Rimi stated that after considering the two options prepared by staff, the Planning Commission recommends adoption of the first such option, as amended below. In addition, the Planning Commission recommends that said definition be labeled as “Exterior Storage” rather than “Exterior Storage Yard”. If the definition recommended as follows is adopted by the Mayor and Council, it would become Paragraph 39 in Section 1-2, and all subsequent paragraphs would be renumbered accordingly. The definition for exterior storage is: The storage of any material for a period greater than 24 hours, including items for sale, lease, processing and repair, not in an enclosed building.

Mayor Dial opened the Public Hearing for anyone speaking in favor of the item:

No one spoke in favor of this item.

Mayor Dial opened the Public Hearing for anyone speaking in opposition of the item.

No one spoke in opposition.

Council Member Matthews made a motion to change the definition in paragraph 39 in section 1-2 and all subsequent paragraphs would be renumbered accordingly to include a definition of exterior storage.

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

5. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article VI § 6-12 to amend Exterior Storage Yards. *Dina Rimi, Planning & Zoning Coordinator*

Ms. Rimi briefed Council on this item. She stated that at the September 12, 2013 meeting, the Planning Commission requested that staff provide recommendations for revising provisions pertaining to “Exterior Storage Yard” in Section 6-12 to the Town’s Zoning Ordinance, and to present those recommendations as part of a Public Hearing. She added that in particular, the Planning Commission requested recommendations as to whether or not to permit exterior storage in other zoning districts and whether to place conditions on exterior storage. Ms. Rimi continued to inform Council that as part of the Public Hearing, staff recommended that Section 6-12 be amended to permit Exterior Storage Yards in the Educational-Institutional (EI) Zoning District, provided that such use is screened or fenced or contained in a receptacle not exceeding a size to be set by the Planning Commission. She added that no one spoke in favor or opposition to this item. Ms. Rimi also stated that at said Public Hearing, the Planning Commission recommended that Section 6-12 be amended to replace all uses of the term “Exterior Storage Yard” with the term “Exterior Storage” and to permit Exterior Storage in the Educational-Institutional (E-I) Zoning District. In addition, the Planning Commission also recommended that Section 6-12 of the Zoning Ordinance, which pertains to “Special requirements- non-residential” be amended to add a new Subsection C, which would contain the following condition for Exterior Storage located in the E-I Zoning District: said storage must be screened or fenced or located in a receptacle not to exceed 65 square feet. The changes, as recommended by the Planning Commission, are as follows and staff is recommending that both items be listed under Section 6-12. Ms. Rimi stated that Section 6-16 addresses Special requirements for all non-residential districts. E-I is a non-residential zoning district and this item only pertains to exterior storage. Staff feels that Section 6-12 would be a more suitable section for this wording.

Council Member Furr questioned that under Section 6-16 C that the wording would continue on to read “receptacle not to exceed 65 square feet.” Ms. Rimi confirmed.

Council Member Matthews inquired if there was a particular incidence that brought this change to Council. Ms. Rimi stated that there is an Eagle Scout that is working with Dogwood Church that wished to place a clothing donation box on their property. Mayor Dial reiterated that that is why the zoning request was in E-I zoning district.

Council Member Furr asked Mr. Davenport if the businesses in the downtown C1 zoning that have items displayed outside, is that considered outdoor storage? Mr. Davenport stated that most businesses bring their displays and items in at night, however that for those that leave items out for more than 24 hours, it is considered outdoor storage.

Mayor Dial opened the Public Hearing for anyone in favor of this item.

No one spoke.

Mayor Dial asked for anyone that wished to speak in opposition.

No one spoke.

Mr. Davenport stated that there are two options available. 1. To have revisions made in Section 6-12 and 6-16, which is what the Planning Commission recommended. 2. Staff is recommending the same verbiage be put all in Section 6-12 and eliminating Section 6-16.

Council Member Matthews made a motion to amend Section 6-12 to include “Exterior storage located in the Educational-Institutional (EI) Zoning District shall be screened or fenced or located in a receptacle not to exceed 65 square feet”.

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

6. Consideration of Text Amendment to the Tyrone Zoning Ordinance Article VII § 7-2 to amend the Quality growth development district special requirements. ***Dina Rimi, Planning & Zoning Coordinator***

Ms. Rimi stated that at their September 12, 2013 meeting, Planning Commission was informed by staff that the Mayor and Council had requested that the Planning Commission review the special requirements for the quality growth development district to determine if there were any revisions that could be made to said requirements. During that meeting the Planning Commission requested that staff set a Public Hearing to consider this item at its September 26, 2013 meeting.

Ms. Rimi continued, and added that as part of said Public Hearing, staff recommended that Section 7-2 be amended as follows: (1) to revise the applicability of the section so that it only applies to properties fronting on State Route 74, rather than all properties within 870 feet of said highway; (2) to remove parking lots from the list of uses in Paragraph F that must be screened; (3) to combine current Paragraph F with current Paragraph G; (4) to create a new Paragraph G specifying the maximum size of parking lots according to a percentage of the front of the property to be set by the Planning Commission; (5) to revise Paragraph H to permit exterior storage as set out in Article VI; (6) to revise Paragraph K so that the amount of landscaped buffer is determined according to a percentage of the property to be set by Planning Commission; (7) by removing Paragraph L, which contained additional standards for properties located north of the intersection of State Route 74 and Senoia Road; and (8) by removing the final unnumbered paragraph of Section 7-2 providing additional guidance as to what factors should be considered by the Mayor and Council in reviewing applications.

Ms. Rimi added that following that Public Hearing, the Planning Commission expressed its support for some of the revisions recommended by staff, but also indicated that it needed more time to study some of the other proposed recommendations. As a result, the Planning Commission recommended that Section 7-2 be amended as follows: (1) to revise the

applicability of the section so that it only applies to properties fronting on State Route 74, rather than all properties within 870- feet of said highway; (2) to remove parking lots from the list of uses in Paragraph F that must be screened; and (3) to revise Paragraph H to permit exterior storage as set out in Article VI.

Mayor Dial reviewed the information with Council and stated that letter “L” alone created the impetus for 8 properties north of Senoia Road that were undeveloped; we can strike “L” or only portions of “L.” Planning Commission has voiced their desire to have a workshop on this item. Staff showed their concerns at the Planning Commission meeting regarding the legal ramifications of discrimination from end of town (north verses south).

Mayor Dial opened the Public Hearing for anyone speaking in favor of this Text Amendment. No one spoke. He then asked for any opposition. No one spoke.

A discussion took place regarding the Text Amendment. Mayor Dial reviewed and recapped Section “L”. If you have less than eight acres north of Senoia Road, you cannot cover more than 50% of your lot. Ms. Rimi stated that at the Planning Commission meeting a discussion took place regarding parking in the rear of a building verses parking in the front. Ms. Rimi stated that her concern in “L” was the minimum lot size of eight acres; going through the zoning map she counted at least eight lots under eight acres. Mr. Davenport stated that currently, the regulations in place state that properties north of Senoia Road have more regulations than those south of it. Council Member Furr stated that she just wanted everyone to be treated fairly. She added that she would like for the process to be expeditious. Council Member Furr asked Ms. Rimi what the zoning categories were in this area. Ms. Rimi stated that there is a variety in zoning categories; such as A-R, O-I, CR-2 and M-1. Ms. Rimi shared her concerns with having parking in the back of buildings as opposed to the front, and that it would be less visible to the Police.

Council Member Furr made a motion to remove section L of Article VII Section 7-2 completely. Council Member Housley seconded the motion. Motion was approved 4-0.

Discussion ensued regarding “K”; A sixty (60)-foot landscaped buffer shall extend across all property abutting the State Route 74 right of way. Mr. Davenport stated that generally, the way you measure a building line is to add your setback to your buffer. A buffer is usually not included in your set back. A 60 foot buffer added to your setbacks will be 110 feet from the road.

Council Member Furr made a motion to adopt the remaining changes as presented by the Planning Commission. Council Member Howard seconded the motion. Motion was approved 4-0.

NEW BUSINESS:

Public Comments

None.

Staff Comments

Ms. Baker stated that staff would like to give Environmental Technician Beth Vaughn a “shout out” for completing the coursework, and passing the exam, to gain the Certified Municipal Separate Storm Sewer Specialist (CMS4S) designation.

She stated that would like to thanks all those Council, staff and volunteers that came out during the week and over the weekend to help make this year’s Founder’s Day great. Ms. Patton will also be up later to speak on that item.

The Town has once again been recognized for excellence in financial reporting, having been found to be proficient in all applicable areas for the year ending June 30, 2012. Kudos to our finance staff and audit partners for their work.

The Town is preparing an RFP for mowing and related maintenance of street, sidewalks and paths throughout the corporate limits. It should be let for consideration in the next week or so. Interested local vendors are encouraged to respond.

Our next two town events are: Tyrone First Baptist Church Fall Festival on October 31st and the Veterans Day Celebration on November 11th.

The Town of Tyrone has the opportunity to apply for a grant/loan program, through the State Tollway Authority, for motor-fuel tax eligible transportation infrastructure. Staff can complete the preliminary applications for submission by the October 31st deadline, but seeks approval to pay no more than \$500 in application fees- \$400 of which is refundable if project funding is not awarded. Improvements to Senoia and Castlewood Roads are the target projects.

Outdoor burning is now permitted in the County. Please contact the Fire Marshal’s office at 770-305-5468 for an automated permit.

Council Member Furr asked Ms. Baker to relay to Mr. Hood that the bricks that she diligently placed at Veterans Park has not been sealed, please relay to the person that seals them to do so.

Ms. Patton, Recreation Director, stated that she would like to recognize and give a big thank you to the 2013 Founder’s Day committee, and Councilman Ken Matthews, who stayed at the fairgrounds before anyone arrived, throughout the entire festival and after everyone left from sun up until sundown. To Mayor Eric Dial who helped with parking, making the big decisions and any other jobs we asked him to do. To the Council that attended and volunteered their time and supporting us through the planning and the actual Founder’s Day event. I would also like to recognize the town staff that came and volunteered their time Friday night: Dee Baker and Michele Gaston. Thank you to our wonderful Town Manager, Kyle Hood, for helping and supporting us throughout the year with planning and the event itself. Thank you to Kyle’s Fiancé Courtney Burch, for helping us with the clean-up and transporting festival participants. I would like to thank Renee’ Holt and the Public Works staff for helping with the preparation and in the

clean up to Founder's Day. I would like to give a great big appreciation to my trusted assistant and office mate, Lynda Owens, whose main priority is the preparation and organization of the Founder's Day Festival. I would like to give a big shout out to the Fayette Daybreak Rotary Club for their first very successful Fun Run and Walk in honor of Tyrone Elementary. Last but not least, I would like to recognize the Tyrone Police Department for working long hours to help create a safe environment for the citizens of the Town of Tyrone during the Fun Run, the parade and the festival itself. I truly appreciate all your hard work. Also, a big recognition to the Fayette County Fire Department and EMS services for being on stand-by throughout the entire festival. This is the largest event of the year for the Town of Tyrone. It takes lots of preparation, long hours, great ideas and a little bit of heart and soul. If it were not for the volunteers who donate their time, there is no way this festival could be as successful as it is. Yes, we had the rain to deal with and wet clothes to change out of, but we survived. We plan and we plan and try to correct the mistakes from the years before and we try new things every year, but you never know if something is or is not going to work until you try it.

The revenue for the Carnival was \$6,250, Vendors \$3,285, Parade \$565, Sponsorships \$2,474, and Gate \$1,243. Silver Sponsors for \$500 were SouthCrest Bank, Fayette Development Authority and Safebuilt. The Shamrock Sponsor for \$250 was United Community Bank. The total income was \$14,492, expenses were \$9,331, which does not include any overtime. Currently the revenue is \$5,160.77.

I hope that all of you enjoyed your time at the festival because we do it from our hearts for you and our citizens. This is our way of giving back. Thank you!

Council Comments

Council Member Furr gave thanks to Mr. Hood for making sure the bushes were taken down at Briarwood and Laurelwood Roads due to the limited visibility. She stated that she received 36 phone calls in appreciation.

Mayor Dial gave a shout out to Mr. Hood and stated that he is surely missed while away at class and he is appreciated.

Mayor Dial also thanked Ms. Patton for all of her hard work making Founder's Day a success.

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 two threatened litigation matters.

Council Member Matthews made a motion to enter into Executive Session to discuss two threatened litigation matters.

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

Council Member Housley made a motion to reconvene.

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

Adjournment

Council Member Housley made a motion to adjourn.

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

Meeting adjourned at 9:05.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk