

**Town of Tyrone  
Council Meeting Minutes  
November 5, 2015  
7:00 p.m.**

Present:

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

Mayor Dial called the meeting to order and gave the Invocation which was followed by the Pledge of Allegiance.

**Public Comments**

Chris Madison, who lives on Bennington Pass, spoke on behalf of Tyrone Garden 30290. She thanked everyone for their help with Phase I of the community garden. She stated that it had almost been a year to the day since she came to Council to present the idea of forming the community garden. She thanked Mayor Dial for being an advocate and added that eleven out of fifteen raised beds had been rented. Two beds are open currently to the possibility of giving the harvests to local charities. She added that the additional thirty beds would be built in March. Mrs. Madison stated that the Tyrone Garden 30290 has been featured in the two local newspapers. She thanked Council, the Mayor, Planning Commissioner Wil James, Mr. Mellin and the Master Gardeners for allowing them to use their 501c3 in order to get started. This allowed the Garden to obtain water and funds for the creation of their 501c3. She also thanked the citizens that have helped make this possible.

**Approval of Agenda**

Council Member Furr made a motion to approve the agenda.  
Council Member Howard 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, October 1, 2015

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

**PRESENTATIONS/RECOGNITION:**

Mayoral Proclamation: World Pancreatic Cancer Day

**PUBLIC HEARING:**

1. Rezoning Application RZ-2015-001, by the property owner, Paul Hammond for a 1.02 acre plat located on Tax Parcel #0736095 from Downtown Commercial to Light Industrial District.  
*Kyle Hood, Town Manager*

Mr. Hood stated that applicant Paul Hammond has requested that his property at 327 Senoia Road be rezoned from Downtown Commercial to Light Industrial. The property is one acre and is completely surrounded by industrial property. Mr. Hood stated that the discussion during the Planning Commission meeting included the current and future uses of this property. The Planning Commission's recommendation was for a conditional approval to M1 zoning. After speaking with the applicants for the two rezoning requests, it would be a better fit to change the requested zoning designation from M1 to C2. There are conditional uses within this district that would allow all current businesses to continue and would address any concerns of a current business leaving in the future. Mr. Hood stated that after discussing the issue with the attorney, he offered the recommendation to rezone the properties from C-1 to C-2 which would have conditional uses.

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

Mr. Sam Beck, Attorney, spoke on behalf of Mr. Paul Hammond, owner of the property at 327 Senoia Road. Mr. Beck stated that he and Mr. Hammond have spoken at length with Mr. Davenport and Mr. Hood regarding this matter. He added that they believe that if the rezoning application is allowed to be zoned from C-1 to C-2 that his client and the tenant located at the property would be allowed to operate in that space and that it would be sufficient.

Mr. Randy LaSante, business owner located at 325 Senoia Road spoke in full favor of the rezoning. He stated that he believed that the property was previously zoned C-2.

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

Council Member Furr made a motion to allow the rezoning, Application RZ -2015-001 for a 1.02 acre plat located on Tax Parcel #0736095 from C-1 Downtown Commercial to C-2 Highway Commercial.

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

2. Rezoning Application RZ-20015-002, by the property owner, Nix 337, LLC for a 1.15 acre plat located on Tax Parcel # 0736096 from Downtown Commercial to Light Industrial District.

***Kyle Hood, Town Manager***

Mr. Hood stated that this property, adjacent to property being considered for annexation, is also business owner Terry Nix's property. The Planning Commission recommended rezoning from C-1 to M-1 with conditions. Mr. Hood is recommending that the property be rezoned from C-1 to C-2 to better fit the entire area in question.

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

Mr. Brandon Joyner employee of Terry Nix spoke in favor of the item.

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

Council Member Housley made a motion to approve rezoning request RZ- 2015-002, Tax Parcel #0736096 from C1 to C2.

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

3. Public Hearing to consider 349 Senoia Road (Tax ID 0736 032) for Annexation and Rezoning.

***Kyle Hood, Town Manager***

Mayor Dial asked Mr. Davenport to give an overview of the next four items.

Mr. Davenport relayed that there is a relationship to all four parcels. As a rule for annexations, you cannot create an unincorporated island. Currently the parcels in items numbered 3-6 on the agenda are located in unincorporated Fayette County and form an unincorporated island. He explained that if Council chose to not bring in one of the parcels, the Town would be creating an unincorporated island, which is against state law. Mr. Davenport added that the process for which a parcel is annexed into the town must also undergo a rezoning. The property's current zoning is zoned through Fayette County. It is a three-step process; Council must hold the public hearing for the rezoning but not vote, then conduct the public hearing for the annexation then vote, once the annexation is approved Council can then vote for the rezoning of the property and you must do this for each item.

Mr. Hood stated that all four parcels are unique and have separate owners. He added that Mr. Nix owns the parcel ending in 049 and has the opportunity to expand his business. However, Mr. Nix's construction would cross a lot line of property located in another jurisdiction. This is a unique circumstance.

The Town cannot rezone the furthest property without creating an unincorporated island. Mr. Hood stated that the Town has completed its due diligence regarding public hearings and public notices and have spoken with three out of four property owners. The Planning Commission recommended zoning to M1, however property owners in the area have expressed their concerns regarding the possible uses that goes along with this zoning category. Mr. Hood recommended zoning to C-2.

Mayor Dial and Mr. Hood discussed property lines and city boundaries on the map. Mr. Hood explained that the law states that the city with the greatest aggregate boundary may choose to annex the properties into their jurisdiction. If Tyrone chooses not to, Peachtree City may then annex these properties.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of rezoning the property located at 349 Senoia Road from CH to C-2. No one spoke.

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

James and Maria Dixon who own the property located at 349 Senoia Road spoke in opposition of the annexation. Mrs. Dixon stated that they live in Tyrone and have owned this property for ten years and that Peachtree City has shown no interest in annexing. There would be no added value to rezone to Tyrone and that there would be an expense for them. Mr. Dixon asked why the zoning would be changed from M1 to C-2. Mayor Dial stated that C-2 is a lighter zoning category.

Mr. Hood explained that Fayette County does not use the same zoning categories as the Town. There were concerns that if the property was zoned M1 and the tenants vacated the property, the next business could come in with an industrial type business. He added that C-2 zoning would be more consistent with what it's currently zoned with the existing properties and the county's zoning.

Mr. Davenport reiterated that CH is the most strenuous zoning for commercial in the county and C-2 is comparable to that zoning. Mr. Hood stated that it was mentioned previously by Mr. LaSante, and at the Planning Commission, that their property was rezoned in the past without getting any notification from the Town. That was during the most recent acceptance of the new zoning ordinance that was created where there were three "C" zoning districts. The three districts needed to be combined into two categories. There were some changes but the uses did not change, the categories were combined.

A) Annexation of a .93 acre portion of an unincorporated island owned by James L. Dixon into the municipal boundary of the Town of Tyrone.

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

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

Maria Dixon stated that if the Town would consider offsetting their taxes for five years, they would consider annexing into the Town otherwise they did not wish to be annexed into the Town. Discussion took place regarding County, Peachtree City and Tyrone services. Mayor Dial stated that Tyrone Police would arrive sooner, Mr. Dixon agreed. Mrs. Dixon stated that they have not used the County's services and still feels that there would be a hardship for them to be annexed into Tyrone. Discussion continued regarding the Fire services. Mr. Hood stated that the Crabapple station would not be dispatched that it would be station number three on Jenkins who would be called. Mayor Dial stated that Council does not want to annex anyone against their will until all avenues are exhausted.

Council Member Howard added that the Town does not charge a stormwater utility fee. Mrs. Dixon countered that the fee is very minimal. Mr. Hood added to the discussion that Tyrone's millage rate has not risen in at least ten years. He also added that Tyrone's sanitation service is less expensive than all surrounding municipalities, due to the fact that the service is offered by one company.

Council Member Housley clarified that the Town is not allowed to have an unincorporated island, therefore the Town is required to annex. Mayor Dial added that the whole reason behind the annexation process comes from the request of two property owners. Mr. Hood stated that when Mr. Nix could not obtain a building permit for his expansion, he attempted to de-annex his property. For them this is an economic development issue because they are furthest from the road.

Mr. Davenport stated that an unincorporated island annexation is the only annexation that the municipality approaches the property owner to abolish the island in order to remain within the parameters of the law. The reasoning is due to the difficulties counties have servicing these islands. The State could pass a law enforcing the abolishment of unincorporated islands in the future.

Council Member Housley shared that the property owners of parcel number ending in 049 wants the annexation and the property owners of parcel number ending in 032 does not want to be annexed.

Discussion then ensued regarding the possibility of different variations of the properties to be annexed, to eliminate an unincorporated island.

Council Member Howard made a motion to deny the Annexation of 349 Senoia Road.  
Council Member Housley seconded the motion. Motion was approved 3-0.

B) Rezoning of property from CH (Commercial Highway) zoning district to M1 (Light Industrial) zoning district.

There was no need for a motion.

4. Public Hearing to consider 359 Senoia Road (Tax ID 0736 042) for Annexation and Rezoning.  
**Kyle Hood, Town Manager** Mayor Dial opened the public hearing for anyone that wished to speak in favor of the annexation. No one spoke.

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

Mrs. Dixon spoke on behalf of Mr. and Mrs. Barnett who were not in attendance and opposed the annexation.

A) Annexation of a 1.5 acres portion of an unincorporated island owned/represented by Spencer Woods into the municipal boundary of the Town of Tyrone.

Council Member Howard made a motion to deny the Annexation of 359 Senoia Road.  
Council Member Housley seconded the motion. Motion was approved 3-0.

B) Rezoning of property from CH (Commercial Highway) zoning district to M1 (Light Industrial) zoning district.

There was no need for a motion.

5. Public Hearing to consider 341 Senoia Road (Tax ID 0736 053) for Annexation and Rezoning.  
**Kyle Hood, Town Manager**

A) Annexation of a 1.0 acre portion of an unincorporated island owned/represented by Gloria Tynes/Able Contracting Company into the municipal boundary of the Town of Tyrone.

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

Mr. Brandon Joyner spoke in favor of the item.

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

Council Member Housley made a motion to approve the Annexation of 341 Senoia Road.  
Council Member Furr seconded the motion. Motion was approved 3-0.

B) Rezoning of property from CH (Commercial Highway) zoning district to M1 (Light Industrial) zoning district.

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

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

Council Member Housley made a motion to approve the Rezoning of 341 Senoia Road from CH Commercial Highway to C-2.

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

6. Public Hearing to consider 337 Senoia Road (Tax ID 0736 049) for Annexation and Rezoning.  
*Kyle Hood, Town Manager*

A) Annexation of a 1.6 acre portion of an unincorporated island owned by Nix 337, LLC into the municipal boundary of the Town of Tyrone.

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

Mr. Brandon Joyner represented Terry Nix and spoke in favor of the item.

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

Council Member Housley made a motion to approve the Annexation of 337 Senoia Road.  
Council Member Howard seconded the motion. Motion was approved 3-0.

B) Rezoning of property from CH (Commercial Highway) zoning district to M1 (Light Industrial) zoning district.

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

Mr. Brandon Joyner represented Terry Nix and spoke in favor of the item.

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

Council Member Furr made a motion to approve the Rezoning from CH to C-2.  
Council Member Howard seconded the motion. Motion was approved 3-0.

Mr. Davenport informed everyone that the annexations go into effect on December 1, 2015 and for tax purposes on January 1, 2016.

**OLD BUSINESS:**

**NEW BUSINESS:**

7. Consideration of approval for the 2016 Local Maintenance Improvement Grant application.  
*Kyle Hood, Town Manager*

Mr. Hood stated that each year the Town submits a list of eligible projects to the Georgia Department of Transportation (GDOT) for funding thru its LMIG program. Each year the Town is awarded approximately \$82,000 for the paving of roads. This year, due to the complexity of the needed repairs, only Winfair Drive will be submitted. The Town will replace the pipe underneath the road including any creek improvements and finally execute a partial road closure until the road is paved. Said project will cost approximately \$110,000.

Council Member Furr made a motion to approve the submitted project list for inclusion within the application to the Georgia Department of Transportation for 2016 LMIG funding; and to authorize Mayor Dial to execute.

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

8. Consideration of approval for a Proposal for Website Development Services. ***Kyle Hood, Town Manager***

Mr. Hood stated that he and Chief Perkins have met with the Town's current IT provider and their website counterpart, Integrated Search Marketing regarding the possibility of designing a new Town website. The Town budgeted approximately \$15,000 a couple of years ago for this project. Being that CMIT is currently our service provider they have agreed to a discounted rate. Mr. Hood informed Council that this would be a complete redesign of our website and will also include a year's worth of support and web mastering. This will also include third party bill pay options. He ended by recommending approval.

Council Member Howard asked if the Town would charge a fee for using the bill payment option. Mr. Hood replied that initially the residents would not be charged a fee in order to promote the usage. At some point staff may add a small administrative or technology fee. He added that his goal is to have the system auto-debit to eliminate any late fees or restart fees.

Council Member Housley made a motion to accept the proposal and authorization to move forward with the planning and design phase of the website redevelopment project, to include one-year backup and support services not to exceed \$6,380.

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

9. Consideration of adoption for Resolution No. 2015-08 for the Georgia Department of Transportation, Transportation Enhancement Project authorization. ***Kyle Hood, Town Manager***

Mr. Hood stated that several years ago, prior to his arrival, the Town applied for funding thru the GDOT Transportation Enhancement project. Currently the project is for the gateway signage and the pedestrian bridge replacement at Shamrock Park. Mr. Hood stated that GDOT has approved the paperwork and has authorized the Town to seek bids.

Council Member Howard made a motion to adopt Resolution 2015-08, authorizing the Town to contract for funding with the Georgia Department of Transportation through the Transportation Equity Act for the 21<sup>st</sup> Century and to designate the Town Manager as the executor of all necessary documents related to material submissions for the same.

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

10. Consideration to authorize an application for the Georgia Department of Transportation Quick Response Project. ***Kyle Hood, Town Manger***

Mr. Hood stated that the Town has been working with Fayette County regarding the potentially dangerous intersection located at Highway 74 and Sandy Creek Road. After a review of traffic data and computer models showing the increase traffic in the coming years, GDOT suggested that a Restricted Crossing U-Turn (RCUT) would be the best alternative to both increase safety and not unnecessarily delay thru-flow. He described the RCUT improvements and how the traffic movements would work, based on the direction of travel. The estimated cost for the project will be \$270,000, and the State of Georgia will cover the costs. If approved, this will be treated like an LMIG project in the past with in-house engineering services and sealed bids. Mr. Hood explained that being that the project is called a “Quick Response Project,” if the Town currently has an open contract with a paving company and the company is willing to extend their contract to include this project, there would be no need to obtain further bids. This is a huge win for everyone.

Council Member Housley made a motion to approve the submitted project and authorize Mayor Dial to execute a quick response application to the Georgia Department of Transportation. Council Member Howard seconded the motion. Motion was approved 3-0.

11. Consideration to approve an amendment to IT managed services to include an email server. ***Kyle Hood, Town Manager***

Mr. Hood stated that Town staff has been losing both sent and received emails. Chief Perkins is currently working with CMIT to bring in more server support. The Town has forty-six emails and the cost to set up and migrate all will be approximately \$1,200, plus \$92 a month added onto our existing services with the company.

Council Member Housley inquired about a discount for government. Mr. Hood stated that this is phase one of a two phase project. The second phase is to purchase a server. Non-profits that the Town has a good relationship with could possibly assist with the software.

Council Member Housley made a motion to approve the quote as submitted and to authorize for times to be scheduled for CMIT work with Town Staff to perform the required migration work. Council Member Howard seconded the motion. Motion was approved 3-0.

## **Public Comments**

## **Staff Comments**

Chief Perkins informed Council that several months ago a private vehicle collided with our patrol Ford Explorer. After much back and forth with the insurance company, they finally made an offer of \$8,076.28. He stated that he felt that was a fair offer and asked for approval to move forward.

Council Member Furr made a motion to accept the offer of \$8,076.28 from the insurance company and for Chief Perkins to execute any required paperwork on behalf of the Town. Council Member Howard seconded the motion. Motion was approved 3-0.

Mr. Hood announced several events. Wednesday, November 11<sup>th</sup> at 11:00 am is the annual Veterans Day Celebration at Veterans Park. Staff will be out November 26-27 for Thanksgiving. December 6<sup>th</sup> is the Town's Christmas Tree Lighting at 4:30 pm located at Shamrock Park. Invitations for the Police Award Ceremony on December 16<sup>th</sup> at 7:30 pm have already gone out. Thursday, December 17<sup>th</sup> is the Town staff luncheon hosted by Operation Mobilization.

Mr. Hood also informed Council that C.W. Matthews is in town for asphalt milling and patch work. Fayette County will follow with paving. There are also contractors in town repairing sidewalks and repairing various stormwater pipes. Two weeks ago the Town accepted bids for pond maintenance projects. They will coordinate the pond restoration project with the Shamrock pedestrian bridge in order to lower the Shamrock pond only once.

## **Council Comments**

### **Executive Session**

Pursuant to O.C.G.A § 50-14-2 of the Open and Public Meetings Act, Council will meet in Executive Session for one item of threatened litigation.

Council Member Furr made a motion to move into Executive Session for one item of threatened litigation.

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

Council Member Furr made a motion to reconvene.

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

### **Adjournment**

Council Member Furr made a motion to adjourn. 3-0. The meeting adjourned at 8:33 pm.

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Eric Dial, Mayor

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Dee Baker, Town Clerk