

**Tyrone Town Council
Meeting Minutes
November 2, 2017**

Present:

Mayor Pro Tem Gloria Furr

Council Member Ken Matthews

Council Member Ryan Housley

Council Member Linda Howard

Town Manager Jonathan Lynn

Planning and Zoning Coordinator Phillip Trocquet

Recreation Manager Mitch Bowman

Town Clerk Dee Baker

Mayor Eric Dial was absent.

Mayor Pro Tem Furr opened the meeting; Council Member Howard gave the Invocation which was followed by the Pledge of Allegiance.

Approval of Agenda

Council Member Howard made a motion to approve the agenda.

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, October 19, 2017

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

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

Presentations/Recognition:

Recognition of Class C Recreation Agency of the Year. *Jonathan Lynn, Town Manager*

Mr. Lynn stated that in October, the Georgia Parks and Recreation Association recognized our Recreation Department as being the Top Recreation Department for Class C; which is based on population. He added that this was a great honor and one of Mr. Bowman's goals when he began working for the Town. Mr. Bowman thanked Council for their support; Council shared their gratitude.

Public Hearing:

1. To consider a rezoning of a 6.9 acre parcel off Dogwood Trail with parcel number 0729-002. Property owner Gail Dixon is requesting a rezoning from AR (Agricultural Residential) to C-1 (Downtown Commercial). *Phillip Trocquet, Planning & Development Coordinator.*

Mr. Trocquet introduced the item and stated that Gail Dixon applied for a rezoning of a 6.9 acre tract, parcel number 0729-002 from AR (Agricultural Residential) to C-1 (Downtown Commercial). If rezoned, the process would eliminate the existing seventy-five foot buffer required by the zoning ordinance. He added that it would also null and void a previously granted buffer variance placed on the neighboring property. Mr. Trocquet stated that the surrounding zonings are C-1, O & I, E-1 and R-20. He reported that the rezoning would be compatible with the future land use map and zoning ordinance. The property currently has a one hundred-fifty foot buffer provided by Dogwood Church. He ended by stating that staff recommended approval.

Mr. Davenport reiterated that by rezoning the property, it would remove a seventy-five foot buffer from the west. That particular property received a twenty foot setback variance from Council in 2013. If rezoned, the 2013 variance would be void due to the lack of AR zoned property. The property would lose the seventy-five foot buffer requirement and gain a twenty foot setback requirement.

Mayor Pro Tem Furr opened the public hearing for anyone that wished to speak in favor of the item.

Representative of Ms. Dixon, Mr. Steve Gulas spoke in favor of the rezoning. Mr. Gulas stated that the rezoning would be within the quality growth overlay district. To the east of the church curb cut is residential zoning, leaving room for high quality commercial. The house is currently abandoned.

Mayor Pro Tem Furr 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 approve the rezoning of parcel number 0729-002 from AR (Agricultural Residential) to C-1 (Downtown Commercial).

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

2. Consideration of a text amendment to Section 113-128, pertaining to “Downtown Commercial”, of Article V of the Zoning Ordinance of the Town of Tyrone to alter the “maximum height of structures from thirty-five (35) feet to forty-five (45) feet with structures not to exceed three (3) overall stories. *Phillip Trocquet, Planning & Development Coordinator*

Mr. Trocquet stated that Mr. Gulas applied for the text amendment to increase the height restriction in the C-1 zoning district from thirty-five feet to forty-five feet. A provision that buildings not exceed three stories was added in order to preserve the intent of the ordinance while allowing flexibility in the design of the buildings. Mr. Trocquet added that staff approves the proposed height of forty-five feet as it is consistent with the standard Fayette County height restriction in commercial areas.

Mayor Pro Tem Furr opened the public hearing for anyone that wished to speak in favor of the item.

Mr. Gulas spoke in favor of the item and handed Council examples of high quality architecture. He explained that a four story building would allow more room for architecture hierarchy. A three story building does not. He stated that having four stories in a hotel would allow for a much nicer lobby and gave examples.

Representative of Founders Studios, Mr. Nathan Dockery spoke in favor of the item. He stated that he will be focusing on high quality development as well being in the Highway 74 corridor and believes that it should continue well into Tyrone. He added that he wants Tyrone to grow responsibly and would like to see the height restriction to be raised to allow for higher quality architecture.

Tyrone resident and representative for Glendalough Manor, Carolyn Flegel spoke in favor of the item. She stated that she has seen Mr. Gulas’ plans for the property and is in favor.

Mayor Pro Tem opened the public hearing for those who wished to speak in opposition of the item.

An unidentified gentleman spoke and stated that he has lived in Tyrone for eighteen years and the Town has completely changed; crime has risen. The development behind Publix and the placement of the Goodwill store has increased crime. He added that he lives a mile from the hotel and it would attract a lot of bad people and cause safety issues. He stated that of course the gentleman from Founders Studios would be in favor of the item.

Tyrone should not become like Hollywood; it's crazy. We are attracting people from the outside to come here. He stated that he has been a Tyrone business owner for ten years and it is a shame what's going on in the Town.

Tyrone resident Raymond Cozart spoke in opposition. Mr. Cozart stated that his main concern with any construction was that Tyrone has no sewer on the south end of Town or along Highway 74.

Tyrone resident Janice Lee spoke in opposition and stated that her concern was the traffic issue the new development could cause. This has to be taken into consideration. She posed the question; is there a proposal for the streets or lights moving forward?

Council Member Housley approached the issue of safety. He stated that regarding safety, our city is among the safest in Georgia. Our Police Department is constantly being recognized for their efforts. He offered to meet with anyone that wished to discuss Public Safety after the meeting.

Council Member Howard asked Mr. Gulas if he could build his building within the thirty-five feet requirements. Mr. Gulas stated that with a thirty-five foot height restriction, he could not bring in a good brand. The hotel would be a Motel 6 or a Red Roof Inn. In order to build a more upscale establishment with better architecture, height restrictions would need to be at least forty-five feet.

Council Member Furr asked Mr. Gulas what brand he wanted to bring in. Mr. Gulas stated either a Tru Hilton or Comfort Suites. Council Member Furr asked Mr. Gulas how many rooms would the hotel house. He replied, about eighty, with a combination of rooms and suites. Council Member Furr inquired, how close to Highway 74 would the hotel be placed. Mr. Gulas stated that it was his goal to be in-line with the Shops at Glendalough across Dogwood Trail with screened parking and a nice drop off entrance in the front of the building. Council Member Furr inquired about sewer. Mr. Gulas stated that ideally, he would obtain sewerage from Dogwood Church and he has been in talks with them. He added that the property does not necessarily need sewer; it has Class A soil surrounding the property. He has acquired a Level IV test, which can withstand one hundred gallons per day per room. A permit from Fayette County would allow ten thousand gallons per day. Allotting for low flow toilets and three washing machines, the septic system would be over-designed; however, he would prefer to piggy-back off the Dogwood Church sewer system.

Council Member Matthews asked Mr. Gulas if he could develop with a forty-foot height restriction. Mr. Gulas stated, that would be tough, the designer has already come down two feet from forty-seven feet. Better quality hotels want fourteen foot ceilings in the lobby. Forty-feet would be doable but it would sacrifice the architecture.

Council Member Howard opened a discussion with Mr. Trocquet regarding the reason behind why Fayette County's height restrictions were at thirty-five and in the Office Institutional zoning district it was forty-feet.

Mr. Trocquet stated that he would research further; however, he believed that the restrictions were due to the Fire Departments limitations regarding fire truck ladders.

Council Member Howard shared her concern with approving the height increase in the C-1 zoning district; that would allow the height increase in all C-1 zoning districts.

Council Member Housley made a motion to amend the text amendment to alter the maximum height of structure from thirty-five (35) to forty-five (45) feet with structures not to exceed three (3) overall stories.

Motion dies for lack of a second motion.

Council Member Matthews made a motion to amend Section 113-128 of the zoning ordinance to alter the maximum height of structures from thirty-five (35) feet to forty 40 (feet) with structures not to exceed three (3) overall stories.

Council Member Housley seconded the motion. Motion was approved 3-1 with Council Member Furr in opposition.

3. To consider a zoning variance from property owner Steven Gulas for a 4.71-acre parcel located at the corner of Dogwood Trail and Highway 74 N. Said property is zoned C-1 with parcel number 0736-038. The applicant is seeking a variance or exception to the Town of Tyrone Zoning ordinance as to permit the reduction of a front yard setback. The proposed amount is a front yard encroachment of twenty-five (25) feet towards Highway 74. Specific relief is requested from section (s) 113-128 of the Town's Zoning Ordinance.

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet stated that the property had obtained a variance in 2013. The applicant withdrew their application.

Council Member Howard made a motion to withdraw the request for variance application.

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

4. To consider a zoning variance from property owner Steven Gulas for a 4.71-acre parcel located at the corner of Dogwood Trail and Highway 74 N. Said property is zoned C-1 with parcel number 0736-038. The applicant is seeking a variance or exception to the Town of Tyrone Zoning ordinance as to permit the construction of permanent 'drop-off canopies' up to thirty-seven (37) feet in length within building setbacks fronting any road. Specific relief is requested from section (s) 113-128 of the Town's Zoning Ordinance.

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet reiterated that the property had gone through the process in 2013 and the applicant had withdrawn their application.

Council Member Housley made a motion to withdraw the request for variance application. Council Member Howard seconded the motion. Motion was approved 4-0.

5. To consider a rezoning of a 1.9-acre parcel off O'Hara Drive with parcel number 0727-090. Property owner Richard Greenan is requesting a rezoning from O-I (Office Institutional) to R-18 (Residential 1800 sq./ft. minimum). ***Phillip Trocquet, Planning & Development Coordinator.***

Mr. Trocquet informed Council that applicant Richard Greenan applied for the rezoning of the parcel located on the corner of O'Hara Drive near Riverdance Way from O-I to R-18. Mr. Trocquet stated that if approved, the lot would lose a seventy-five foot buffer to the east and would obtain a seventy-five foot buffer to the west. He added that surrounding properties were zoned O-I and R-18. The rezoning would be compatible with the zoning ordinance and would be a less intense zoning according to the future land use map. If rezoned it would cause a negative buildable area by seventy-five feet to the west. He informed Council that the Planning Commission recommended denial of the rezoning and staff recommended approval.

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

Mr. Mike Wilson represented the applicant and gave a brief history of the property. The property has been for sale since 2009 and most calls preferred the property be zoned residential. If zoned, the property could be developed which would create more tax revenue.

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

Mr. Brian Hood represented the Dublin Downs Home Owners Association and stated that they were against the rezoning. He added that if Council approved the rezoning, their wishes were to have the property owner adhere to their design standards in order to not diminish their property values. He added that if the property was rezoned R-18 it would bring down the value due to the existing homes were well over 1800 square feet. Regarding the loss of the seventy-five foot setback; the area is currently a wooded area and habitat for deer and wildlife and the loss would greatly affect the wildlife. He ended by requesting denial and if approved that the HOA would have a voice regarding aesthetics.

Ms. Lillie Cunningham spoke next and stated that Dublin Downs currently has a beautiful entrance and most homes in the neighborhood are at least three-thousand square feet.

Although the zoning would be the same, whoever builds on that lot would not be under the same standards as the already established neighborhood. If approved, the entrance would be completely altered which would cause a decrease in property values.

Mr. Wilson in reply stated that if rezoned the applicant would be in support of the HOA and adhere to their standards.

Council Member Housley inquired if Council could require the property owner to adhere to the HOA's requests. Mr. Davenport stated that the only way this could take place is if the property was part of the Dublin Downs subdivision, which it is not. Rezoning a residential property adjacent to another residential property does not create a negative impact as it would if the property was a commercial property.

Council Member Howard shared that initially she did not see a reason not to rezone the property; through discussions she realized that it would affect the property to west greatly. There would be a seventy-five foot setback on one side and a twenty-five foot setback on the other side; the lot is only one hundred-fifty feet. She added that ideally, the owner should purchase the other surrounding properties.

Mayor Pro Tem Furr agreed that rezoning would create a hardship. Mr. Lynn stated that approval would create a need for a variance in the future.

Council Member Furr made a motion to deny the rezoning request for parcel number 0727-090. Council Member Howard seconded the motion. Motion was approved 4-0.

6. Consideration of a text amendment to Section 113-62, pertaining to "Public Hearings", of Article III of the Zoning Ordinance of the Town of Tyrone to remove language requiring Planning Commission to hold public hearings "only on the fourth Thursday of every month."

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet stated that staff and Planning Commission recommend approval of the item due to the hardship it causes upon working with various developers and property owners. Currently the ordinance states that public hearings be held only during the last Planning Commission meeting of the month. Approval would allow more flexibility for everyone.

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

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

Council Member Matthews made a motion to amend Section 113-62 of the zoning ordinance, allowing public hearings to take place at the second and fourth Thursday of each month. Council Member Housley seconded the motion. Motion was approved 4-0.

New Business:

7. Consideration to approve the Sanitation Request for Proposal. *Jonathan Lynn, Town Manager*

Mr. Lynn stated that a Request for Proposal was sent out in August, Republic Services and Waste Industries submitted bids. These bids included two pricing options; the Town continues the customer billing and the second, the contractor take over the billing responsibilities. He stated that currently the Town's customer sanitation bill is \$51 a quarter including recycling; \$45 belongs to Republic; the remainder goes to the Town as part of our agreement. Moving forward the Town would need to purchase a \$22,000 finance software module to continue billing. Currently, the system is not conducive to a good working environment for staff or customers. Mr. Lynn added that Republic's bid came in low at \$45.54 per quarter to the residents. This is a decrease for the same service; with the ability to use an online billing service. The franchise fees over the course of the contract three years at 3% should yield \$42,000 revenue. Staff recommends continuing services with Republic Services for a three year term and for Republic Services to assume the billing. He added that Waste Industries would have increased the customer quarterly bill to \$60.00.

Council Member Howard asked for confirmation that there would be no increase to the customer. Mr. Lynn stated that actually the customer should see a decrease in their bill.

Council Member Housley made a motion to award the sanitation service bid including customer billing to Republic Services to resume on January 1, 2018 through December 31, 2020. Council Member Howard seconded the motion. Motion was approved 4-0.

8. Consideration for approval to hire for the vacant Office Coordinator position.
Jonathan Lynn, Town Manager

Mr. Lynn stated that after reviewing over forty applications for the position, staff recommends Ms. Kelly Duncan, who was formally the Special Events Coordinator with Peachtree City. The rate of pay to offer will be \$17.00 per hour which is an increase from the former position. The position will be assisting with Planning and Zoning, Accounts Payable and Receivable, occupational taxes and Mayor and Council; a true office assistant.

Council Member Housley made a motion to approve the hiring of Kelly Duncan for the Office Coordinator position at \$17.00 per hour.

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

Public Comments

Tyrone resident Brian Champ shared his request for staff to speak with Republic Services regarding their limitations on yard waste pick up; in particular the binding and restrictions placed on limbs. He asked that the limitations be lifted.

Staff Comments

Mr. Lynn informed everyone that the River's Alive clean-up was rescheduled to Saturday, November 4th from 9:00 am to 11:00 am due to inclement weather. Please contact Brad Konwick for more information. The event will take place, rain or shine.

Mr. Lynn stated that he was happy to announce that the employee insurance rates for next year will only increase by 6.4 %, whereas most municipalities are seeing a 20% increase. Our staff is fairly healthy. Staff budgeted \$308,806.94 for medical premiums. The employee cost is \$269,290 saving the Town just under \$40,000. We are proud of the efforts from Sandy Beach and our Wellness Team. Council Member Housley inquired of any preventative measures in place for the employees. Mr. Lynn stated that the Wellness Coordinator provides challenges such as the 30-day water challenge and information for healthy eating and various tips.

Chief Perkins stated that he had not planned to speak; however, he wanted to address the gentleman's comments regarding crime in Tyrone. He stated that he has been employed by the Police Department for eighteen years and Tyrone has always maintained a low crime rate compared to surrounding cities, metro Atlanta and every city our size in the entire state. From 2012-2016 the major crime category has decreased by 50%. It is understandable that people may be apprehensive to growth in conjunction with crime. He added that for the record it is not true that crime has risen since the Southampton subdivision was established. Studies were completed and reflect that the 400 home neighborhood call volume is relatively low and they do not deserve that reputation. Every month our crime statistics are published on our website and we welcome anyone to come in to discuss their concerns. Council Member Howard opened the discussion by asking, "Is it because they see officers pulling people over?" Chief Perkins agreed and informed everyone that traffic stops are the best deterrent toward crime. He stated that if any city has a high crime area and traffic stops were increased, it is guaranteed that crime would decrease. We are a traffic centered department which gives us the reputation as a "speed-trap". We rebut that theory as well every month; 64% of our traffic stops have been warnings. Traffic stops not only create visibility but it assists with solving major crimes as well.

Mr. Lynn informed Council that 593 voters voted in Tyrone for early voting and 541 voted in the Tyrone election.

Council Comments

Executive Session

Council Member Matthews made a motion to move into Executive Session to discuss one (1) item of real estate acquisition and to review the Executive Session minutes from the October 19, 2017 Council meeting.

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

Council Member Matthews made a motion to reconvene.

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

Council Member Matthews made a motion to approve the minutes from the October 19, 2017 Executive Session.

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

Adjournment

Council Member Matthews made a motion to adjourn. Council Member Housley seconded the motion. Motion was approved 4-0. The meeting adjourned at 8:25 pm.

Gloria Furr, Mayor Pro Tem

Dee Baker, Town Clerk