

**Tyrone Town Council
Meeting Minutes
May 3, 2018**

Present:

Mayor Eric Dial

Mayor Pro Tem Gloria Furr

Council Member Ken Matthews

Council Member Ryan Housley

Council Member Linda Howard

Town Manager Jonathan Lynn

Town Attorney Dennis Davenport

Town Clerk Dee Baker

Planning & Zoning Coordinator Phillip Trocquet

Police Chief Brandon Perkins

Mayor Dial opened the meeting and gave the Invocation which was followed by the Pledge of Allegiance.

Public Comments

Tyrone resident and Lieutenant Commander of the local Sons of the Confederacy camp, Roy Butts spoke. He stated that he understood that Council was asked to rescind the Confederate Heritage Month Proclamation. Mr. Butts shared that the proclamation was not about racism or slavery, it was about soldiers. The soldiers were asked to fight and a majority of the soldiers did not own slaves. He added that his forefathers were confederate veterans and four great grandfathers were poor and did not own slaves. Confederate veterans are American veterans by an act of Congress. Their headstones were provided by the veterans administration. Mr. Butts ended with a quote from a friend; "True diversity and inclusiveness is not achieved by destroying the history and heritage of one group of people in order to pacify another group of people."

Brooks resident, Mr. Lee Mize spoke next. He stated that he has lived in Fayette County for twenty-six years and his great grandfather and ancestors were buried in the adjacent cemeteries. He added that his ancestors have lived in Clayton County, Fayette County and Tyrone for nearly two hundred years. He told the story of his great-great grandfather, Daniel Lee; a share-cropper who lived in Tyrone, parented ten children and picked cotton. He never owned slaves, nor did a majority of the Confederate soldiers. Daniel Lee joined the 30th Georgia Infantry, when he heard about Sherman's march through Georgia and heard about Sherman's "scorched earth" policy. He was wounded in two separate battles; he joined the army to defend his family and his property. Mr. Mize thanked Council for the Confederate Proclamation on behalf of Daniel Lee and the soldiers that fought and died defending Tyrone and Fayette County.

Mr. Glen Allen, a Member of the Sons of Confederacy and Peachtree City resident spoke next regarding the Confederate Proclamation. He stated that his forefathers also fought in the Confederate Army. He stated that he was present during the Fayette County Council meeting where most people spoke against the Confederate Proclamation. Mr. Allen shared that most people who spoke were ignorant of the Confederate era. They utilized the forum to vent their anger regarding slavery. He added that he would venture that if any speaker would have read any book regarding the true history it would reveal that Southerners were not traitors. Every state was sovereign and had the right to secede.

Approval of Agenda

Council Member Housley 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, April 19, 2018.

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

Presentations/Recognition:

Public Hearing:

1. Consideration of the rezoning of a 1 acre tract with parcel number 0736-060 from applicant Brett Vincent. Requesting rezoning is from C-2 (Highway Commercial) to M-1 (Light Industrial).

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet stated that applicant Brett Vincent requested to withdraw the item. He stated that the requested M1 zoning proposed new setbacks and would place an existing building on the property within the setbacks. He then requested to withdraw the application. Planning Commission and staff recommended the withdrawal.

Council Member Furr made a motion to approve the withdrawal of the application.
Council Member Housley seconded the motion. Motion was approved 4-0.

2. Consideration of a text amendment from applicant Tamarkus T. Cook to amend Section 113-128 pertaining to the "Downtown Commercial District (C-1)," of Article V of the Zoning Ordinance of the Town of Tyrone, to add "Funeral Homes and Funeral Chapels" as a permitted use in the C-1 Zoning District. ***Phillip Trocquet, Planning & Development Coordinator.***

Mr. Trocquet stated that Mr. Cook submitted a request to add Funeral Homes/Funeral Chapels to the C-1 (Downtown Commercial) zoning district. Currently, Funeral Homes are only permitted in the C-2 zoning district. The request is consistent with the comprehensive plan and the zoning ordinance. Funeral Homes would be considered an assembly use and are consistent with other assembly uses found in the C-1 zoning. He added that a cursory study of funeral home traffic and utility impact does not seem to suggest that a funeral home development would be a diversion from the intent of the ordinance for that district. Planning Commission and staff recommended approval.

Mayor Dial opened the public hearing for anyone that wished to speak in favor of the text amendment. He added that the particular property in question was currently zoned commercial.

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

Council Member Howard inquired that if funeral homes were currently permitted within the C-2 zoning district, why place them within the C-1 zoning district. Mr. Cook answered that the study that your office conducted does not accurately reflect the business model of funeral homes. The traffic pattern study conducted for funeral homes reflect the C-1 zoning district. He added that within the total scope, funeral homes, mortuaries and crematories were more suited for C-1 zoning. Council Member Howard inquired about the traffic pattern study. Mr. Cook stated that the traffic study was his motivation for the placement of his funeral home in Tyrone and referred to Mr. Trocquet.

Mr. Trocquet stated that there was no official traffic study. He added that he used a basic comparison of assembly uses such as; churches, assembly halls and banquet halls. Funeral homes were not a deviation from those particular uses, in regards to impact. Council Member Howard questioned that there may be areas that are zoned C-1 and close to residential areas; that may not be a good fit. Mr. Trocquet stated that the Town had more land zoned C-1 and some abut residential. There are areas that C-2 abuts residential as well. Council Member Furr stated that placing the funeral home in C-1 effects several homes. She cited several areas of vacant land; near CVS, land adjacent to the Publix shopping center and across Highway 74. Mr. Trocquet verified that the commercial lots near the South Hampton subdivision were zoned C-2.

Council Member Furr stated that she was not in favor of placing funeral homes across from residential areas. We may anticipate several homes across Tyrone Road from that particular property in the future. Churches, assembly halls and auditoriums symbolize a joyous occasion. Funeral homes are depressing.

Mr. Cook shared that he believed that some concerns were somewhat opinionated. Some people believe that funerals were a cause for celebration. There are also people that feel in their opinion that this would not be an eyesore or problematic nor cause traumatic stress. Before we right off this moment with the assumption that C-1 zoning is more closely associated to residential zoning than C-2 zoning, I feel that it would be appropriate for Council to perform a formal comparison. Do a comparison for all residential zonings that touch C-2 zoning, then those that are adjacent to C-1 zoning. There should be minimal difference. We are not discussing converting residential zoning into commercial zoning for any purpose. He addressed Council Member Furr and stated that it would be offensive to deny this moment based on personal opinion. This moment does not take into consideration the opinions of residents that would like to see this pass.

Furthermore, if I had known that there was a letter against this moment; I could have brought letters from Tyrone and Fayette residents in support of this moment. With all due respect, let us keep an open mind and keep our conversation to factual moments. Most people in the African American community consider funerals as a joyous occasion, not depressing. Council Member Furr stated that what I say is my opinion and I have based those opinions on what people in the community have related to me. Mr. Cook asked if Council would be open to him bringing letters of those in favor. Mayor Dial stated that that was the purpose of the meeting. I understand what you are saying but to some degree our opinion is what we have heard from the community; it is not strictly our opinion. Mr. Cook stated that he did not hear any other comments from Council Member Furr in favor of the item. He added, I too have heard from individuals that are in favor of this item; I just want you to consider all. Mayor Dial stated that all were being considered. He asked Mr. Cook if he had spoken with adjacent neighbors. Mr. Cook stated that he had spoken with those behind the property, the original property owner and the new business property directly beside the property; with no opposition. Mr. Cook stated that the current business property owner is excited that another business would be next door.

Mr. Trocquet stated that the Olde Towne Tyrone property was currently under contract with Stovall Landscape. Mr. Lynn added to the record a letter emailed to Council in opposition of the item. Mr. Cook spoke regarding the letter and referenced a few highlighted points. He stated that the author continually made reference to the conversion of residential zoning; I agree no funeral home should be located within a residential district. This particular property is not zoned residential, it is zoned commercial. He added that the letter also lacks facts, it is based on opinion; there are other opinions. Mayor Dial referred to the bottom of page three regarding the traffic plan for Fayette County and stated that this section of the letter was fact. Mr. Cook stated that it may be fact but it was not sensitive to and was ignorant regarding funeral services. The traffic peaks for Tyrone Road were in the morning and evening. Funerals usually take place from 11:00 am to 1:30 pm, and usually last approximately for 1 ½ hours. Guests would potentially be off the lot by 4:00 pm. Our peak hours for non-funeral activities would be from 6:00 pm to 8:00 pm or 9:00 pm. Other sessions would take place in the mornings on the weekends; other meetings would take place in the evenings. There would not be an additional traffic burden.

Council Member Furr made a motion to deny the text amendment.

Council Member Howard seconded the motion. Motion was approved 3-1.

Council Member Matthews was in opposition.

3. Consideration of a text amendment to Section 113-133 pertaining to “Planned Unit Development (PUD),” of Article V of the Zoning ordinance of the Town of Tyrone, to add provisions for the inclusion of a “Planned Town Center District” overlay.

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet shared that staff and Planning Commission wished to withdraw the amendment and to return with a more comprehensive option for the town center area.

Council Member Matthews made a motion to approve the withdrawal of the application.

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

4. Consideration to adopt an ordinance to annex a 20-acre tract with parcel number 0728-064 located along Farr Road into the incorporated limits of the Town of Tyrone.

Phillip Trocquet, Planning & Development Coordinator.

Mr. Trocquet stated that he would review the next two items together. Both items were for the potential rezoning and annexation of a 20 and 39 acre tract. The parcel numbers are 0728-064 and 0728-015. He stated that Allegiance Development Group has requested that both parcels be rezoned to R-20 (2000 sq. ft. minimum). The rezoning and annexation is for a potential 39 lot subdivision in conjunction with Stone Crest Preserve, off Dogwood Trail and Farr Road. The petition had gone before the Fayette County Commission. The Commission requested that the Town maintain all rights of way along the 1-acre tract directly on the corner of Dogwood and Farr Road. The property address of 539 Dogwood Trail. Planning Commission recommends approval. Surrounding zonings are R-12, R-18, R-20 and Unincorporated AR. Mr. Trocquet added that the properties were compatible with the future development map and the zoning ordinance. Mr. Davenport directed Council to vote for the annexations prior to the rezoning of the two properties.

- a. Consideration to rezone a 20-acre tract with parcel number 0728-064 located along Farr Road from unincorporated AR to Tyrone's R-20 zoning district.

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

Mr. Trent Foster with Allegiance Development Group spoke regarding the item. He stated that he was requesting an R-20 zoning since it is the highest residential zoning classification that the town offered for residential. He informed everyone that the development was fully cash funded; there will not be undeveloped property left behind. He stated that currently Stone Crest Preserve properties (across Farr Road) were being valued at \$500,000-\$600,000. Mr. Foster added that his company also worked with the Town to establish a legal pedestrian crossing on Dogwood Trail in conjunction with his development and also extended the cart paths along Farr Road.

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

- b. Consideration to adopt an ordinance to annex a 20-acre tract with parcel number 0728-064 located along Farr Road into the incorporated limits of the Town of Tyrone.

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 adopt an ordinance to annex a 20 acre tract with parcel number 0728-064 located along Farr Road into the unincorporated limits of the Town of Tyrone.

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

Council Member Matthews made a motion to approve the rezoning of the 20 acre tract with parcel number 0728-064 located along Farr Road from unincorporated AR to Tyrone's R-20 zoning district.

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

5. Consideration to adopt an ordinance to annex a 39-acre tract with parcel number 0728-015 located at 123 Farr Road into the incorporated limits of the Town of Tyrone. ***Phillip Trocquet, Planning & Development Coordinator.***

- a. Consideration to rezone a 39-acre tract with parcel number 0728-015 located at 123 Farr Road from unincorporated AR to Tyrone's R-20 zoning district.

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.

- b. Consideration to adopt an ordinance to annex a 39-acre tract with parcel number 0728-015 located at 123 Farr Road into the incorporated limits of the Town of Tyrone.

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 in opposition of the item.

Tyrone resident Deneise Darden spoke. She shared her concerns regarding the proximity of the new homes in relation to those in the Cathy Estates subdivision. Mr. Trocquet informed her that there was a required 30 foot setback from either side, totaling a minimum of 60 feet from property line to property line. Ms. Darden inquired how many homes would be built in the adjoining development. Mr. Trent Foster stated that there would be 37 homes. Council Member Howard shared the development map with Ms. Darden. She asked if she could share it with her neighbors. Mr. Trocquet stated that the map was public record and that it would be posted on the website.

Tyrone resident Mr. Gaines Coker Jr. spoke next regarding the item. Mr. Coker asked Mr. Foster what the minimum square footage of homes he would build for the development. Mr. Foster stated that Tyrone's minimum square footage allowed was 2,000 square feet. He added that a one story ranch home in the Stone Crest subdivision (across Farr Road) was 2,600 square feet and the two story home was 3,000 square feet. The same covenants would be carried across the street in the new development.

Council Member Furr requested that the developer not burn tree stumps and debris, the smoke produced several complaints. Mr. Foster stated that during the previous development, the weather would not cooperate for allowing a tug-grinder for chipping. This year may be more favorable.

Mr. Foster reiterated that the 20 acre lot abuts Cathy Estates, not the 39 acre lot and would have ten acres of usable land due to the wetlands and pond. The homes would be even further away than originally mentioned. This may allow at least a football field amount of land between the new development and the back of the Cathy Estate homes. Mayor Dial asked Ms. Darden and Mr. Foster to meet after the meeting for any questions regarding the Cathy Estates HOA's concerns.

Council Member Matthews made a motion to adopt an ordinance to annex a 39 acre tract with parcel number 0728-015 located at 123 Farr Road into the incorporated limits of the Town of Tyrone.

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

Council Member Housley made a motion to approve the rezoning of a 39 acre tract with parcel number 0728-015 located at 123 Farr Road from unincorporated AR to Tyrone's R-20 zoning district.

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

Old Business:

New Business:

6. Discussion and consideration for the purchase of new replacement handguns for the Police Department. *Brandon Perkins, Police Chief*

Chief Perkins shared that it was time to transition his department's handguns from a forty caliber to a 9 millimeter. He shared history regarding the Federal Bureau of Investigation and law enforcement's customary use of the 9 millimeter, then the 10 millimeter and finally the forty caliber handgun. Throughout history it has been proven that most prefer the 9 millimeter; it is easier for weaker shooters and the ammunition is more accessible. He informed Council that the state Glock dealer offered a trade program along with a \$250 credit per weapon, bringing the individual cost to \$197; which also included the upgrade night-sights. The total out of pocket cost for twenty-four, Glock 17s would be \$4,528. This would be funded by Federal Drug monies; with the stipulation contingent on the condition of the trade-in weapons. The dealer would also give the officers the option to buy the weapon; all but two weapons were reserved. He added that there may be a small possibility that the cost could increase if the weapons were not in good condition. He recommended approval of the purchase not to exceed \$5,000 for the trade-in.

Council Member Furr made a motion to approve the purchase of replacement handguns not to exceed \$5,000.

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

Staff Comments

Mr. Lynn congratulated Mr. Mitch Bowman on achieving his Parks and Recreation Professional Certification. This was a goal for Mr. Bowman. The test consisted of approximately 120 questions. We are very proud of him.

Mr. Lynn announced that the Budget Workshop would take place at the Tyrone Library on May 17th at 2:00 pm; and that early voting was taking place in the Council Chambers for three weeks.

Mr. Lynn thanked Ms. Baker, Ms. Guffie, Mr. Bowman and Mr. Campbell for assisting with the organization of the Staff Clean-up (Beautification) tomorrow. The event would take place from 8:30 am to 1:00 pm. Staff will plant flowers at Town Hall, Veterans Park and the Police Department along with spreading mulch; followed by a staff cookout. Currently fifteen staff member have signed up for the event.

Council Comments

Executive Session

Council Member Furr made a motion to move into Executive Session to discuss one (1) item of real estate acquisition.

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

Council Member Housley made a motion to reconvene.

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

Adjournment

Council Member Matthews made a motion to adjourn. The meeting adjourned at 8:35 pm.

Eric Dial, Mayor

Dee Baker, Town Clerk