

# **Tyrone Town Council Minutes**

March 5, 2009

## **Present:**

Mayor Don Rehwaldt  
Councilman Tracy Young  
Councilman Eric Dial  
Councilwoman Grace Caldwell  
Councilwoman Gloria Furr  
Town Manager Chris Venice  
Town Attorney Dennis Davenport  
Town Clerk Nancy J. Goedker

## **Call to Order, Invocation and Pledge of Allegiance**

Invocation was given by Retired Pastor David Hamilton followed by the Pledge of Allegiance.

## **Public Comments**

None

## **Approval of Agenda**

Motion to approve agenda with the addition of adding an Executive Session for one item of threatened and one item of pending litigation was made by Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

## **Approval of Minutes: January 15, 2009**

Motion to approve minutes was made by Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

## **PRESENTATIONS/RECOGNITION:**

None

## **OLD BUSINESS:**

### **1. Consideration of Conceptual Plan for the State Route 74 North Corridor as proposed by Fayette County.**

Mr. Peter Frisina, Fayette County Community Development, updated Council on the State Route (SR) 74 North Corridor land use study. He stated that the concept is to have Fayette County, and with the Town of Tyrone's endorsement of the study, work together to control the future development in this area. He further stated that the County has approved the study and at some point the land use study amendments will be sent to Atlanta Regional Commission (ARC) and Department of Community Affairs (DCA) for review.

Mr. Frisina stated that the study area contains approximately 480 acres and encompasses an area along the SR74 North Corridor from the intersection of Sandy Creek Road north to the Fulton County line/Fairburn City limits. He added that this is a mix of parcels within the corporate limits of the Town of Tyrone and unincorporated Fayette County. A significant amount of

acreage is accounted for in a few large parcels with several areas of smaller residential parcels that are potential areas for redevelopment. He further added that in recent years most of the area has been shown as residential on future land use plans and zoned as such in the unincorporated Fayette County and Tyrone. However, recently Tyrone approved a rezoning of a 45 acre parcel located between two large unincorporated parcels on the west side of SR74, north of Kirkley Road from residential to office and light industrial zoning.

Mr. Frisina stated that the County is looking at two proposals. The west side of SR74 from Kirkley Road north to the county line is proposed for a land use designation of a Business Technology Park that would encourage a planned development pattern consisting of high-tech scientific research and development, manufacturing, and professional offices with a limited amount of commercial. This land use designation would be implemented through a new Business Technology Park zoning district. He further stated that the business technology park concept and development potential is made possible by the availability of the three large parcels north of Kirkley Road. Mr. Frisina added since these parcels are contiguous, the potential exists for a continuous development pattern, linked by an internal roadway and pathway network. To promote this continuous development pattern, a connecting road from SR74 North, south through these properties to Kirkley Road, north to Fulton County, will be required. The purpose of the access road is to allow internal circulation through these properties. The road would be aligned with Thompson Road where a median break exists on SR74 North. This will serve as the curb cut for the 72-acre parcel, and as noted will run south through the three properties to Kirkley Road. Another median break is located where Kirkley Road intersects SR74 North. Mr. Frisina further added that the other two larger parcels will be allowed on a curb cut that will be right in/right only, as no median break on SR74 North is located in this area. Curb cuts for individual properties created in the development of these parcels would not be allowed on SR74 or Kirkley Road. In addition, a multi-use path system will be required to facilitate pedestrian, bicycle, and golf cart circulation access to all buildings in the Business Technology Park.

Mr. Frisina stated the second proposal involves the area along the east side of SR74 North. This area is proposed for a planned office development along the frontage of SR74 to a depth of approximately 800 feet. A service drive located approximately 400 feet east of and parallel to SR74 will be required to be built in conjunction with development of this area. This service drive will connect to a service drive in Fairburn, running south from Milam Road, and proceed south to the golf recreational facility in Tyrone. As an incentive for the assemblage and development of this area, the Office-Institutional Zoning classification will allow a limited amount of commercial uses through a SR74 North-East Side Special Development District in conjunction with office uses when the minimum requirements of acreage (ten acres) and road frontage (600 feet) are met. If the land can be assembled some commercial uses that would be allowed would be limited to small restaurants or snack bars, small stores, personnel services, office supplies and communication services. He added that there would not be any drive through windows, or stand alone restaurants.

Mr. Frisina stated that the County is aware of a conservation area that fronts along Bohannon Road and skirts along the County's boundaries. He added that most to the conservation area is in Fulton County.

Councilman Young asked if the Department of Transportation (DOT) will review this study. Mr. Frisina confirmed that a copy of the study was sent to DOT.

Councilman Young asked how this development will impact the natural traffic flow that currently exists on SR74, adding that traffic will still have to access SR74 to go south to Peachtree City or north to I-85. Mr. Frisina stated that the concept of this development is to pull cars off of SR74 that were traveling north to work in Atlanta but are now working in this area and by using the access roads, this would alleviate traffic congestion.

Councilwoman Furr shared her concern with the water that would be coming off both sides of the road, and with a big development, where the water will end up. Mr. Frisina stated that all stormwater will be handled on site. He added that the County has requirements similar to the Town's in handling stormwater detention, water quality and velocity and that the water would go into detention ponds.

Councilwoman Furr further shared her concern with the wetlands in this area. Mr. Frisina stated that the County is aware of the wetlands and the floodplain in this area. He added that the County's ordinances preclude any development in a floodplain. He also added that the County has a watershed ordinance requirement which is greater than the State minimum requirements. He further added that depending on the stream, the setbacks could be anywhere from 150' from the floodplain, whereas the State maintains a buffer set back from the stream bank.

Councilman Dial asked if there was a set beginning and end date for this development. Mr. Frisina stated that he really could not make a prediction at this time.

At this time Mayor Rehwaldt opened the floor for public comments.

Mr. Dennis Chase with the Line Creek Association expressed his concerns with the SR74 North Corridor development. Mr. Chase stated his first concern was with the environment in regards to the Clean Water Act. He stated that any drainage going into a stream needs to be taken into consideration because the Clean Water Act presumes there is a need for a project and Fayette County has no basic need to develop commercial property in this area; therefore Line Creek Association would recommend denial of any wetland disturbance permits if Fayette County is involved.

The seconded concern Mr. Chase addressed was with a 2004 County Land Use Plan in which he had been involved. He stated that the County Commission was very specific to select an option that had the least amount of commercial development; it was clearly stated that it was not the County's business to develop commercial property. He added this is for cities and towns to handle and manage; the County is not equipped to handle it and will create a lot of problems. He further added that there are several empty buildings and empty space in this community. If the County wants to help the Town, they should help fill these empty buildings.

Mr. Chase expressed that it would be a mistake for the Town of Tyrone to agree to this plan and recommended that the Town not go along with this development.

A motion to approve the endorsement of the Conceptual Plan for State Route 74 North Corridor was made by Councilman Dial, seconded by Councilwoman Caldwell. When called for a vote it was split 2-2 with Councilman Young and Councilwoman Furr voting in opposition. Mayor Rehwaldt broke the tie voting in approval. Motion passed 3-2.

Mayor Rehwaldt thanked Mr. Frisina and Mr. Williams, City of Fairburn, for their cooperation and guidance in this matter. Mayor Rehwaldt thanked the Council for endorsing this plan that will add assurances that the SR74 North Corridor meets the needs of the public through better traffic management and a more aesthetically pleasing environment. Mayor Rehwaldt added by working together, this corridor will meet the Town's requirements for years to come.

**2. Discussion of Founder's Day activities by Jennifer Patton, Recreation Department.**

Jennifer Patton, Recreation Department, addressed Council with two new proposals from the Founder's Day Committee. Ms. Patton stated that the first proposal, plan A, is to continue having Founder's Day as it has been in the past. It would be held the third weekend in September on Friday, Saturday and Sunday with an art show, pageant, parade, ice cream contest, carnival, entertainment and vendors. The carnival and most of the activities would be held at Handley Park; other activities would be held at Shamrock Park. Jules and Beck Carnival Rides have verbally agreed to this time frame. Ms. Patton stated that a patriotic theme was agreed upon by the committee. She further added that the Recreation Department would handle all incoming monies from the carnival and vendors to cover insurance, employee overtime and other Town financial responsibilities. Other expenditures would be covered by a sponsorship dinner which would be handled by the committee and a sponsor. She added that the revenues from the previous Founder's Day would be used as seed money to help with start up costs. This was approximately \$6000.

Ms. Patton stated that the second proposal, plan B, is to have the Founder's Day Committee take over the festival. She added that spokesperson, Chip Young, suggested that the committee take over the financial aspect of the festival, but the Recreation Department will still help from the organizational standpoint. She added that the committee is asking for the seed money from the previous two years. Ms. Patton stated that the concern with this proposal was that the majority of the committee did not agree to take over the entire festival. A couple of members did state that if the Tyrone Recreation Department was not presiding over the festival they would resign from the committee. Those in opposition of this proposal felt that without the Town's involvement Founder's Day would not be as organized as it has been in the past and the festival would fall by the way-side.

Councilwoman Caldwell clarified that the committee is not requesting any funds from the Town. Ms. Patton confirmed that the committee would like to use the seed money as start up costs. Councilwoman Caldwell further clarified that the committee is not expecting Founder's Day to be put in the budget with a line item. Councilman Young stated that if the committee is asking for seed money, there needs to be a line item. Councilwoman Caldwell asked if a private enterprise was going to take over Founder's Day or is the Town still going to be involved. She further added that if the carnival or any event did not make enough money, who would pay the expenses. Councilman Dial added that there should be a line item in the budget with appropriated funds in the event of a shortfall. Mayor Rehwaldt added that the Town has

obligations with insurance and liabilities. Councilman Young clarified that with what has been presented, is the committee taking over the majority of the details. Ms. Patton stated that the Recreation Department would be overseeing the event but would not be involved with getting sponsorships; the committee would take full responsibility. Ms. Patton added that a sponsorship dinner was being planned instead of going door-to-door. All sponsors from the previous two years along with any new sponsors will be invited. Councilman Dial asked to clarify how much was the seed money. Councilwoman Caldwell stated that there is \$2,424.76 in the current budget.

After further discussion concerning the seed money, a motion to adopt Founder's Day Proposal, Plan A, was made by Councilman Dial, seconded by Councilman Young, with the following stipulations: Jennifer Patton and Linda Owens are not to do fund raising, add more volunteers to help with other responsibilities, and carryover as seed money \$2,424.76. The motion was approved 3-1. Councilwoman Caldwell voted in opposition.

Councilman Young thanked the committee for putting together the plans and for their efforts and that he is looking forward to this year's Founder's Day.

**3. Discussion of contractors and contracts for waterproofing and foundation repair on the Police Department basement by Chief Perkins.**

Chief Perkins updated Council on the recent approval of Olshan Foundation Repair to perform waterproofing and foundation repair work on the basement for \$18,050 contingent upon the contractor agreeing to change the dispute clause in the agreement from an arbitration provision to a provision that would allow disputes to go before a court of competent jurisdiction. Chief Perkins stated that Olshan has refused to change this clause.

Chief Perkins presented a new contract from AquaGuard for \$31,014. He stated that the scope of the Aqua Guard project is much larger than Olshan. AquaGuard would anchor up three walls versus one and AquaGuard will apply a poly coating to the walls once the waterproofing is complete. This will cause any water that does come through to flow down into the under ground drainage system. Chief Perkins added that Mr. Davenport, Town Attorney, reviewed this proposal and added that any disputes would default to court. He further stated that AquaGuard guarantees their work for the life of the structure and that there is a five year warranty on the pump.

After a brief discussion, a motion to have AquaGuard Basement Systems complete the waterproofing and foundation repairs at the Police Department in the amount of \$31,014 was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 4-0.

**NEW BUSINESS:**

None

**CONSENT AGENDA:**

Motion to approve the Consent Agenda was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

4. Approval to waive the rental fee for Shamrock Park to the Way of Life Community Church on April 11, 2009 to provide a community wide Easter Egg Hunt

**Public Comments**

Sybyl Stanek, 155 Wildwood Court, commented that she has never known the County to do anything that is not in their best interest and that the project on North SR74 is not in Tyrone's best interest.

Heather Trompke, Way of Life Community Church, thanked the Town and Council for their continued support for letting the Church do things for the community.

Gordon Furr, 565 Laurelwood Drive, stated that the County said they would stay 150' from the floodplain and wanted this in the minutes.

**Staff Comments**

None

**Council Comments**

None

**Executive Session**

Motion to adjourn into Executive Session for one item of threatened litigation and one item of pending litigation was made by Councilman Young, seconded by Councilwoman Furr, approved 4-0. Those in attendance: Mayor Rehwaldt, Councilman Young, Councilman Dial, Councilwoman Caldwell, Councilwoman Furr, Town Manager Chris Venice, Town Attorney Dennis Davenport and Town Clerk Nancy Goedker.

Motion to reconvene to Regular Session was made by Councilman Young, seconded by Councilman Dial, approved 4-0.

Motion to authorize legal to proceed with the one item of threatened litigation was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

No action was taken on the pending litigation.

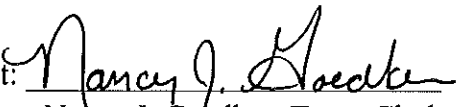
**Adjournment**

Motion to adjourn was made by Councilman Young, seconded by Councilman Dial, approve 4-0.  
Meeting adjourned at 8:32 pm.

By: \_\_\_\_\_

Don Rehwaldt, Mayor

Attest: \_\_\_\_\_

  
Nancy J. Goedker, Town Clerk