

Tyrone Town Council Minutes

April 16, 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
Finance Manager Penny Hunter
Town Clerk Nancy J. Goedker
Administrative Assistant Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Reverend Phil Edge of Crestwood Christian Church followed by the Pledge of Allegiance.

Approval of Agenda

Motion to approve the agenda was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

Approval of minutes: March 5, 2009 and March 19, 2009.

Motion to approve the minutes for March 5, 2009 and March 19, 2009 was made by Councilwoman Furr, seconded by Councilwoman Caldwell, approved 4-0.

Public Comments

Mr. William Spezzano, 260 Chimney Springs, expressed his concern with the new sign ordinance in regards to restricting a-frame signs. He stated that most of his customers frequent his store because of the a-frame signs located in front of his business. He stated that if a-frame signs are restricted his business would not thrive. Mr. Spezzano also asked Council if a directional sign could be erected on SR74 indicating downtown Tyrone. He added that this would not only benefit shop keepers but would generate more revenue for the Town.

Ms. Venice stated that erecting a directional sign on SR74 was briefly discussed at the retreat and staff was directed at that time not to add any directional signage on SR 74. Mayor Rehwaldt asked staff what it would take to get a directional sign erected on SR74. Ms. Venice stated it is a process that has to go through the Georgia Department of Transportation (GDOT). Mayor Rehwaldt told Mr. Spezzano that staff would look into this.

PRESENTATIONS/RECOGNITIONS:

Proclamation for Confederate History and Heritage Month.

Mayor Rehwaldt read the proclamation for the Confederate History and Heritage Month.

Proclamation Declaring "Fayette County Board of Education 2009 Retirees Day" in Tyrone.

Councilman Dial read the proclamation for the Fayette County Board of Education 2009 Retirees Day.

PUBLIC HEARING:

- 1. Consideration of Petition No. V 2009-001, Mr. Roland Castro requests a variance of the front yard setback from 100' to 90' and rear yard setback from 50' to 30' for a parcel consisting of approximately 2.192 acres located in Land Lot 82 of the 7th District. The property fronts on Coastline Road and is bordered to the east by CSX Railroad.**

Mr. Castro approached Council with the request to be granted a 10' front yard variance and a 20' rear yard variance. He stated he would like to build a three bedroom house of no more than 2,000 square feet. Councilman Young asked if the zoning for this lot stayed the same as when the Town acquired the property from the County. Ms. Venice stated that this lot was a nonconforming three acre lot zoned AR.

Councilman Dial stated he is aware that the neighbors are concerned with the train noise once the land is cleared and the trees are removed. He asked that if approved would Mr. Castro be willing to plant 10' Leland Cyprus trees and install a 6' wooden privacy fence as a noise buffer. Mr. Castro agreed to Councilman Dial's request.

Councilwoman Furr stated Ms. Jackson, a nearby property owner, is concerned with where the power lines will be placed. Mr. Castro stated that the power lines will be installed underground and before any digging can be done on Ms. Jackson's property, EMC would have to have permission.

Councilwoman Caldwell agreed with Councilman Dial's request to have trees planted and a fence installed.

After a brief discussion, Mayor Rehwaldt opened this item up for public comments. There were no public comments.

Motion to approve the 10' variance for the front yard setback from 100' to 90' was made by Councilwoman Caldwell, seconded by Councilman Young, approved 3-1. Councilwoman Furr voted in opposition.

Motion to approve the 20' variance for the back yard setback from 50' to 30' with the following stipulations: 10' Leland Cyprus trees, planted 8' apart and a 6' wooden fence to be installed in the disturbed area, at the rear of the property was made by Councilman Dial, seconded by Councilman Young, approved 3-1. Councilwoman Furr voted in opposition.

2. Consideration of proposed Sign Ordinance.

Attorney Dennis Davenport addressed a number of items in regards to the sign ordinance; a-frame signs, the appeals process, and conflicts with political signs. Council and Attorney Davenport discussed these items and several other points including prohibiting signs on canopies.

After a lengthy discussion of the revised sign ordinance, Mayor Rehwaldt asked Planning Commission Chairman Gordon Shenkle for the views from the Planning Commission in regards to signs on canopies.

Chairman Shenkle explained that when the Planning Commission was discussing awning/canopy signs, the commissioners took into consideration restaurants and/or businesses and how to be consistent. One point that was discussed was how can the Town prohibit a restaurant from placing an awning across the front of their entire business with 8' high lettering, which the commissioners did not want to see, and allow another business to place an awning over a gasoline pump with smaller lettering. He added to stay neutral, the wording for this ordinance could not be written for content, and therefore the commissioners felt it was best to prohibit all awning/canopy signs. He added that the Planning Commission wanted to maintain the image they saw for the Town when putting this ordinance together.

After further discussion between Council, Attorney Davenport and Chairman Shenkle regarding the sign ordinance, Mayor Rehwaldt opened this item up for public comments. There were no public comments.

Motion to table this item to May 21, 2009 for consideration was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

3. Consideration of proposed Traditional Residential Zoning District Section 5.22.

Chris Venice, Town Manager, stated that this item was a continuation from the March 19, 2009 meeting. She added that at the March 19th meeting the discussion was centered on how this proposed Traditional Residential Zoning District related to the existing residential zoning districts. Ms. Venice provided Council with a document containing basic information on the residential categories including minimum acreage, minimum lot width, house size, etc., showing how the proposed Traditional Residential Zoning District fits in with the existing districts.

Councilwoman Caldwell stated that Section 4, Zoning District Established: Comprehensive Land Use Plan; Zoning Map did not list Multi-Family Zoning and she believed that the Town had this zoning district. Ms. Venice stated that staff would check into that. Councilwoman Caldwell asked in reference to the definition of the Traditional Residential if the Town had a historic downtown area and what was accepted as historic. Ms. Venice stated that the Traditional Residential Zoning District would emulate a typical historic area in architect, colors, and design. Councilwoman Caldwell asked if the definition could be rewritten to leave out "historic."

Councilwoman Furr asked Ms. Venice what is the significance of the Traditional Residential Zoning District. Ms. Venice stated that when the August 2007 Comprehensive Plan was adopted one of the land use categories identified was a Traditional Residential Zoning District. She added this is an area surrounding the core of downtown Tyrone. It is a land use category that is described as offering walking distance to downtown, smaller residential areas having a comprehensive look with front porches, architectural detail and color scheme. Currently the Zoning Ordinance does not reflect a zoning district to identify this land use category. The Comprehensive Plan suggests that a Traditional Residential Zoning District be created. Therefore, if someone wanted to develop in this category this would be a district that was compatible.

Councilwoman Caldwell stated that a Traditional Residential Zoning is a more favorable zoning category than a DR-15, or Multi-Family Zoning. These are one acre rectangular shaped lots, with septic tanks and the houses will be closer together.

Councilman Young clarified that the minimum lot area shall be one acre and asked to have the word "buildable one acre lot" be written into this district.

Councilwoman Furr expressed her concerns with the side yard set backs of 10' which only leaves 20' between houses.

After a brief discussion, Mayor Rehwaldt opened this item up for public comments. There were no public comments.

Motion to adopt the TR Traditional Residential District Section 5.22 and to make the following changes to Section 4 of the Zoning Ordinance; add RMF Multi-Family Residential District as item "w" and to change the description of the TR Traditional Residential to read "a district for residential development designed to provide for an open, leafy, low-density area with a network of paths/trails and preserved open areas" was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 3-1. Councilman Young voted in opposition.
(Ordinance # 2009-004)

NEW BUSINESS:

4. **Consideration of Project Framework Agreement (PFA) between the Town of Tyrone, CSX Transportation Inc., and the Georgia Department of Transportation (GDOT) for project CSSFT- 0008-00 (456) Town of Tyrone-Fayette County, PI 0008456 at 551 East Crestwood Road @ 480 Senoia Road & CSX crossing # 63949V: includes Valleywood Road crossing closure and Park Drive extension.**

Chris Venice, Town Manager, stated that the Project Framework Agreement (PFA) is the next step in the process that was started when the Town approved a Memorandum of Understanding (MOU) with CSX and GDOT in February 2007. The funds have become available to GDOT and they are prepared to proceed. She added that in order for GDOT to proceed the Town will need to approve the PFA.

Councilwoman Furr clarified that the MOU Council had received in 2007 was nothing like the PFA. She added that the PFA states that the Town is responsible for everything. Ms. Venice

stated that the MOU was the original document between Council and GDOT to proceed with the conceptual plan. She added that the conceptual plan is complete and the PFA allows GDOT to proceed with a detailed engineering study.

Councilwoman Furr made reference to a letter dated July 13, 2007 to David Castleberry with the Department of Transportation, that the Town had been denied the request of a limited access break on SR74 to allow a connector road from SR74 to Valleywood Road. She added that at that time the Town's costs were only going to be \$5,000 and under this new PFA the cost is considerably higher. Ms. Venice stated that the letter from Mr. Castleberry had to do with a different project on SR74 not the railroad project. Ms. Venice added from her understanding there was talk of having a new curb cut on SR74 to access Valleywood Road and GDOT said they were not willing to grant a new curb cut.

Councilman Young asked Ms. Venice to highlight what the Town's financial and other responsibilities were. Ms. Venice stated that the Town is responsible for four different areas; acquisition of the right-of-ways, utility relocation, construction of the Park Drive extension and the disposition of Valleywood from Senoia. She added that the estimated cost of this project is unknown at this point. She went on to state that the concept plan does list some costs but they are preliminary. She added that she spoke with GDOT and they did not have any specific costs on this project as the engineering study has not been done. It is also unknown at this time how much right-of-way will be required and what utilities will be involved.

Councilwoman Caldwell asked where the Town's money would come from. Ms. Venice stated that the Park Drive extension is identified as an approved SPLOST project. Other than that, there are no other designated funds for this project. She added that this is a good example for the need to develop a Capital Improvement Program. Councilwoman Caldwell asked if this could be delayed until a Capital Improvement Program was implemented. Ms. Venice confirmed it could, but this is not going to change whether or not to proceed with this project.

Councilman Furr asked who would pay for the design for the bridge and the hydraulic and hydrological studies. She added according the PFA the "local government" is responsible for the majority of the project.

After further review of the PFA Councilwoman Furr stated that this agreement is not at all what was agreed upon back in 2007 and was not willing to go into an agreement not knowing the actual costs. She added that she was not willing to put tax payers in jeopardy to pay for this project. She also added that if the Valleywood Road crossing was not up to safety standards then the railroad should be responsible not the Town.

After further discussion, a motion to table this item to May 7, 2009 and invite Mr. Key Philips from GDOT to the meeting was made by Councilwoman Caldwell, seconded by Councilman Dial, approved, 4-0.

5. Consideration of Animal Ordinance, subsection (d) of Section 9-3-8 of Chapter 3 of Title 9, pertaining to Enforcement.

Attorney Dennis Davenport briefed Council that staff had received a request from the Fayette County Animal Control Department to change the wording to the Town's Animal Control Ordinance, Section 9-3-8, subsection (d) to read: "All citations shall be transferred to the State Court of Fayette County, which shall be designated as the Municipal Court of Tyrone for violations of this chapter." This request is in reference to the May 4, 2005, Animal Control Agreement between the Town and Fayette County.

Motion to accept the change in language to the last sentence of subsection (d) of Section 9-3-8 of Chapter 3, Title 9, Enforcement was made Councilwoman Caldwell, seconded by Councilman Young, approved 4-0. (Ordinance #2009-005)

6. Consideration to re-appointment Mary Sturm, to Commissioner #2, for one (1) year to expire on January 31, 2010 and appointment of Jesse Nasianceno, to Commissioner #3, for two (2) years to expire on January 31, 2011 to the Planning Commission.

Mayor Rehwaldt stated the Planning Commission is currently short two commissioners. With the appointment of these two individuals the Planning Commission will meet the requirement of five commissioners, as stated in the Town Ordinance. He added that the Town received a request from Mary Sturm and Jesse Nasianceno asking to be considered for appointment to the Planning Commission. He stated that Ms. Sturm resigned from the Planning Commission to temporarily fill the Finance Manager position for the Town.

After no discussion, Mayor Rehwaldt asked for a motion.

Councilwoman Caldwell made a motion to approve Mary Sturm and Jesse Nasianceno to the Planning Commission, there was no second; motion did not carry.

Councilman Young asked Mayor Rehwaldt how many people applied for these positions and if these positions were advertised. Mayor Rehwaldt confirmed that staff received three applications and the positions were advertised on the Town web site and in the Fayette Daily News.

Mayor Rehwaldt added that there is a possibility that two more candidates will be presented for Council's consideration at the May 7, 2009 meeting.

OLD BUSINESS:

7. Reconsideration of All South Robertson Sanitation agreement with proposed changes.

Attorney Dennis Davenport stated that Council approved the All South Robertson Sanitation agreement at the March 19, 2009 meeting. After All South's review, All South returned the

agreement with proposed changes in regards to rates. Mr. Davenport asked Council if they wanted to reconsider the new language or stay with the original agreement.

Councilman Young asked for clarification of the rates and what was included in the original language. He added that in his opinion the Town would want to revise the cost for the fuel surcharge every year or every quarter. He stated that these proposed changes looked good for All South and okay for the Town, but there needs to be more of a common ground. Mr. Davenport stated that there are two sides to the equation. The easier it is for fuel charge fluctuations to occur, the more difficult it is for the Town to budget and the easier it is to budget the more difficult it is for the vendor to put the numbers together. Under the current language if All South has any issues that necessitate a revision to the rate, All South can come to the Town and the Town can consider All South's request. That is the way the agreement is currently set up. The new language provides for a more automatic fluctuation and anything that fluctuates multiple times in a year is very difficult not only for the Town to budget but for the individual citizen to budget. Councilman Young shared his concerns with the fuel rate increases in regards to the extraordinary fluctuations in fuel costs. He asked who defines this and how will it be defined? Mr. Davenport explained that All South cannot tell the Town that All South's definition is right, and the Town must follow it. The Town is the one in the contract. If All South Robertson says to the Town, this is extraordinary; the Town can say it is not. He further added in the current agreement, the Town is in control. If the Town should choose to go with All South's proposed changes the Town's discretion is being eroded by All South's formula. If the Town buys into All South's formula it becomes more advantageous for them to have fluctuations on a regular basis.

After further discussion, a motion to deny the proposed changes from All South Robertson agreement was made by Councilman Young, seconded by Councilwoman Furr, approved 3-1. Councilman Dial voted in opposition.

CONSENT AGENDA:

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

8. Approval of appointment of Arthur Bernard to fill the part-time Housekeeping position with a start date of April 27, 2009.
9. Approval of the following Tyrone citizens to be appointed to the Library Board: Diana Gaskins, for three (3) years, Georgia Weagle, for two (2) years, and Diane Whitman, for one (1) year.
10. Approval of appointment of Brandon Perkins as Director of Emergency Management.

Public Comments

Jesse Nasianceno thanked Council for their consideration regarding his request for appointment to the Planning Commission.

Gordon Shenkle stated that with Planning Commission having a hard time filling vacancies; he requested that Council consider reducing the Planning Commission from five members to three. Mayor Rehwaldt stated that if Council is unable to fill these two positions at the next Council meeting, staff will look into Mr. Shenkle's request.

Staff Comments

Chief Perkins stated that Countywide Mortgage is moving and was advised to donate their office furniture to the local government. Chief Perkins stated that he was contacted and the Police Department was able to acquire five desks, sixteen chairs, and six filing cabinets. He stated this furniture will be useful when remodeling the basement. He added that the Town Administration office was invited to get replacement desks for the Town Hall. Chief Perkins stated that all items must be out by Friday, April 17, 2009 and that Public Works will move the items. Chief Perkins further stated that the furniture will be temporarily stored in the empty space behind the Council Chambers until the Police Department basement is ready.

Motion to accept the donation from Countywide Mortgage and allow Public Works to move the furniture was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

Chief Perkins stated that Synergistic Software, Inc. (SSI), the Tyrone Police Department's new records management system and mobile data system vendor, approached him about becoming a flagship agency for SSI in the Metro Atlanta area. Chief Perkins stated that SSI selected the Tyrone Police Department for several reasons: the Town's close proximity to Atlanta, the fact that the Tyrone Police Department currently operates all of SSI's available modules, and that the Tyrone Police Department has been able to offer useful inputs to SSI on how they can further improve their software and technology. Chief Perkins added that as a flagship agency the Tyrone Police Department will receive new system implementations for field testing in real time. The Tyrone Police Department will also serve as a "go to" location for other agencies in the area wanting to view the InterOp System. He added that the caveat is that the Tyrone Police Department's current network structure and hardware will not operate SSI's system with full efficiency. SSI has offered to replace the Tyrone Police Department server, two older laptops, and two older desktops with new Dell products, complete with a three year on-site warranty. SSI has also offered to install the new hardware and to setup the network at no cost. Chief Perkins added that SSI asks in return, that the Tyrone Police Department fulfill their end of the offer by providing feedback to SSI on their system, testing future modules, and allowing other agencies the opportunity to experience the system at work. Chief Perkins asked Mayor and Council to consider allowing the Tyrone Police Department to accept SSI's offer and proceed.

Motion to allow the Tyrone Police Department to be a flagship agency for Synergistic Software, Inc. was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

Council Comments

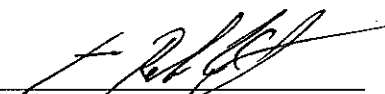
Councilman Young stated that over the last several months staff and legal have been reviewing the employee handbook and asked that this item be brought back before Council for review. Councilwoman Furr asked staff to contact Mayor and Council prior to the development of the Town's quarterly newsletter in the event that someone from Council may have anything to add.


Executive Session

No executive session.

Adjournment

Motion to adjourn was made by Councilman Young, seconded by Councilman Dial, approved 4-0. Meeting adjourned at 9:32pm

By: 
Don Rehwaldt, Mayor

Attest: 
Dee Baker, Administrative Assistant