

Tyrone Town Council Minutes

August 20, 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 Goedker
Finance Manager Penny Hunter
Administrative Assistant Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Pastor Greg Mallett, Way of Life Community Church followed by the Pledge of Allegiance.

Public Comments

Girl Scout Troup #19337 of Tyrone requested the use of Shamrock Park's greenspace on September 12, 2009 from the hours of 8:00 a.m. to 5:00 p.m. to organize a community recycling event called Trash-2-Treasure. This event is designed to accomplish the following: initiate recycling efforts with the Town of Tyrone; share the importance of community involvement and outreach; exercise leadership qualities with the community and to live by the Girl Scout Law of making the world a better place. The Trash-2-Treasure event will redistribute donated items to other families who can find value and functional use of the recycled items. This event will bring awareness to the need of recycling more than bottles, newspapers, glass and plastics. Troup #19337 encourages the community to share unused resources with others and support this initiative. Mayor Rehwaldt stated the park cannot be reserved, however they are welcome to use the greenspace, and if they set up early there should not be a problem.

Greg Mallett, with the Veterans Park Committee, presented Council with a check of \$35.74 to reimburse the Town for Public Works time and expenses in helping with the park. Mr. Mallet stated that there is an area in the park that needs sodding. He added that the committee is aware that the Town receives money from the County for parks and recreation and would like to request using some of these funds to purchase sod. Mr. Mallett added that the committee received two bids from Andy's Nursery to lay 29,520 square feet of sod for \$10,332 which includes the labor. The second option would be to have the Town lay the sod, with the help of volunteers, and have Andy's Nursery deliver 59 pallets of sod for \$5,015.

Mr. Mallett also addressed Council about the lighting of the Christmas tree and asked if a decision was made to keep the tree lighting at Veterans Memorial Park or move it to Shamrock Park. He added that the Veterans Memorial Park Committee would like permission to decorate the tree at the park.

Councilman Young asked if the Committee had looked into seeding the park. Mr. Mallett stated that it is currently seeded and there is grass but it doesn't match the rest of the park.

Chris Venice, Town Manager, stated that the money the Town receives from the County is deposited into the parks maintenance fund and is used to offset that budget. General park maintenance and laying

sod is scheduled through Public Works. She added if the \$5,000 is allocated it to this project, there may be other park maintenance that would not be accomplished.

Mayor Rehwaldt asked if the Town allocated the \$5,000 and not the \$10,000, would there be volunteers to help. Mr. Mallett affirmed that they would get volunteers to help.

Councilwoman Furr added that the park does need sod. There are a lot of rocks, no top soil and a little grass here and there.

Councilwoman Caldwell added that there is already a sprinkler system in the park.

Mr. Mallett added that about 85 percent of the park already has sod. The corner behind the gazebo has a lot of red clay and having the sod laid would enhance the beauty of the park.

Councilwoman Caldwell added that in the fall the Veterans Park Committee will be planting white azaleas.

Councilman Young asked if there was a list of priorities that were needed at each park and if these two bids were acceptable or does the Town need to get a third bid. Ms. Venice stated that there is normal maintenance; mowing, fertilizing, and re-planting at each park and the money allocated to the park fund is for maintenance. She added that if money is taken out of Town funds there has to be three bids.

Motion to allow staff to solicit three bids for landscaping to lay sod at Veterans Memorial Park and to schedule Public Works and volunteers to lay sod either in the fall or spring, with volunteer labor, was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

Mr. Mallett asked about the Christmas tree lighting. Jennifer Patton, Recreation Department, stated that from her understanding the tree lighting is still going to be held at Veterans Memorial Park. Shamrock Park does not have electricity. Mr. Mallett asked if the Veterans Park Committee could decorate the tree at Veteran Memorial Park. After a short discussion this item was asked to be put on hold until the Town decides on a location for the Christmas celebration.

Judy Jefferson, 2235 Castle Lake Drive, Chairperson for Shamrock Restoration Committee, stated that the Veterans Memorial Park is a very special quiet place and she asked Council, staff and the community to think about what is appropriate for this type of setting. She added that her concerns are some events occurring at Veteran Memorial Park are not appropriate for what the Veterans Memorial Park Committee had in mind when this park was created. She added that she did not feel that the Veterans Memorial Park is a place for a lot of activity. Ms. Jefferson stated that the Town has a park system and would like to create some kind of organization for taking care of all Tyrone Parks. The reasoning behind this is to restrict inappropriate events at certain parks and that the County monies for parks and recreation be distributed prudently and not neglect Shamrock Park's tennis courts. She ended by asking for Council's assistance in getting new park benches and other equipment out of storage.

Councilwoman Caldwell thanked Ms. Jefferson for the pooper scoopers at Shamrock Park.

Hank Sanak, 2035 Castle Lake Drive, addressed the issue in regards to having a release of liability drawn up for volunteers who assist with Town projects to use Town equipment. Mayor Rehwaldt stated that staff would have Attorney Davenport look into this type of a release.

Councilwoman Furr thanked Mr. Sanak for the work he did at Shamrock Park.

Dwan Taylor, 485 Castlewood Road, stated that it has been a great privilege to be a part of the community for the past 14 years. He also recognized the Police Department for doing a fantastic job. Mr. Taylor stated that his concern is with a broken pipe, near his driveway, that is leaking underground. When cars drive pass his house, a ditch is being created. Another issue of concern is whenever it rains, all the water from the walking/cart path across the street runs down his driveway, filling up his septic drain field. He has to pay \$250 every two weeks to pump out his septic tank. He believes the problem may be coming from the fire hydrant. He added that he is not looking for any money; his main concern is for the safety of the citizens here in Tyrone. He asked Council if someone from the Town will look into the drainage problem. Councilwoman Furr asked Ms. Venice to have the Town Engineer assess the situation.

Approval of Agenda:

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

Approval of Minutes:

There were no minutes to approve.

PRESENTATIONS/RECOGNITION:

There were no presentations or recognitions.

OLD BUSINESS:

1. Consideration of two new banners for Founder's Day to be displayed over Senoia Road.

Jennifer Patton, Recreation Coordinator, asked Council to consider approval of two new Founder's Day banners. She stated that presently there is a Founder's Day banner displayed over Senoia Road that was grandfathered in with the adoption of the new sign ordinance restrictions. The Founder's Day committee is asking Council to waive the sign size restrictions of 32 square feet for two new banners that are 4'x40'. She stated the one banner will be displayed at the four way stop on Senoia and Palmetto Roads and another banner displayed at the intersection of Senoia and Castlewood Roads. She added that the committee voted to take \$1,200 out of the Founder's Day account to purchase these two new banners. Ms. Patton added that since the committee met, a sponsor has come forward and has offered to provide two new banners at no cost. The banners will be made of a dark green durable mesh netting with white lettering that says, "Tyrone Founder's Day Festival Third Week in September." Ms. Patton added that the sponsor's name will not be on the banners.

Motion to waive the sign ordinance size restrictions for two new banners for the Founder's Day Festival to be displayed over Senoia Road was made by Councilman Young, seconded by Councilwoman Furr, approved 4-0.

NEW BUSINESS:

2. Discussion of gated communities by Charlie Bostwick of John Wieland Homes and Neighborhoods.

Charlie Bostwick, with John Wieland Homes and Neighborhoods, thanked the Town for the continued relationship. He added that John Wieland Homes would like to volunteer their time to help lay sod at Veterans Memorial Park, and if any of their equipment is available, they would be glad to help with that as well. Mr. Bostwick approached Council with the possibility of River Crest subdivision becoming a gated community. He stated that this has proven beneficial to both the local jurisdictions and residents throughout Metro Atlanta. He stated that most jurisdictions where John Wieland Homes has gated communities there is no separate zoning, just a set of rules. He added that when a neighborhood becomes gated, the streets become private and the maintenance is up to those who live within the gated community. This is a cost savings for the jurisdiction. There is key pad that comes with the gates and most neighborhoods keep their gates open during daylight hours to facilitate school buses, mail carriers and other utilities. He added that emergency vehicles would have access through a standardized code. Councilman Young asked why John Wieland Homes wanted a gated community now versus when the subdivision was originally being built. Mr. Bostwick stated that they did not think about it at that time. Councilman Young asked what the main purpose is in having a gated neighborhood. Mr. Bostwick stated that it protects property values. He added several informal meetings were held with the 12 current residents in regards to making this a gated community and they are in support of this concept. Councilwoman Caldwell asked if John Wieland Homes has an outside management company that will handle the streets and street lights. Mr. Bostwick stated that it was just the streets and not the street lights that they manage. He added that the streets are maintained by a management company, but because John Wieland Homes is still building in River Crest they would continue to take care of the streets. Councilwoman Caldwell clarified that the gated community would only take over the streets and not the street lights. Mr. Bostwick affirmed that was correct, only the streets, but this could be changed to include the street lights. Councilman Young asked if the Town was to consider this there would be a lot of hurdles to get past. One will be to change the plats and the rights of way belonging to the Town. Mr. Bostwick stated that the plats will have to be changed and re-recorded, and there will be legal fees, which John Wieland Homes will take care of. He added that the process will not be easy but it can be done. Councilman Young asked if the infrastructure would be handed over to John Wieland Homes, for example the sewer. Mr. Bostwick stated that the sewer would stay with the Town. Councilman Dial asked how many subdivisions have become gated communities after being developed. Mr. Bostwick stated that one was done about a year ago. He added that it took time to get through the process but it went fairly smoothly. Councilman Young stated from a philosophical standpoint, if you gate a community that is already in place, you are creating an exclusive area in Tyrone and he is not in favor of this. He added that there is too much involved and too many details that would have to be worked through. Tyrone is a community of inclusiveness, the Town wants people involved and a gated community would create a barrier. Councilwoman Furr added that it does not feel like Tyrone. Councilman Dial stated that he had no objections into looking into this further. Councilwoman Caldwell added that she has a lot of concerns but she too would like to explore this further. Councilwoman Furr added that there are pros and cons. She added that in the worst case scenario, if this gated neighborhood

is approved and at some point down the line these streets became impassable, who will repair them. Councilwoman Caldwell added that one of her concerns is the streets but she is also concerned with issues of safety. Mr. Bostwick assured Council that with the reserve being built into the Home Owners Association (HOA) their reserve would take care of any unforeseen circumstances. He added that as long as John Wieland Homes was still building in the neighborhood it was their responsibility to make sure everything is complete before turning this subdivision over to the HOA. Councilman Dial stated that gated communities involve the private property rights. If individuals own these properties and if it is what these individuals want, the Town has to be careful not to inhibit their right. Councilman Furr asked Attorney Davenport to explain the private property rights. Mr. Davenport stated that there is a private property component but by doing this retroactively there is also a public property right component. He added that the Town does own the streets in this subdivision and the Town also owns the sewer lift station. So there is a mixture of public and private property. If you are doing this proactively there is not the public/private mixture, it is starting out with it all being private. Once you go back to try to untangle the public/private mixture is where the difficulties start. This is not impossible to do, it is just more difficult to try and separate.

Mr. Bostwick was directed by Council to gather further information for their consideration.

CONSENT AGENDA:

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

3. Approval to adopt the **Resolution # 2009-009** for a referendum to place the question of Sunday Sales of Alcoholic Beverages by the drink on the November 3, 2009 ballot.
4. Acceptance of the street lights on Castle Lake Drive and Castle Lake Court.
5. Approval of contract with Pyrotecnico to provide fireworks for Founder's Day.

Public Comments

John Woody, 215 Chimney Springs Road, asked if the current zoning allowed for a gated community or does there have to be modification to the zoning. Ms. Venice stated that staff would have to create a gated community ordinance that would include street construction, criteria and other requirements. Mr. Woody stated that a gated community would be the elite versus the common people and this is not the image Tyrone presents.

Heather Trompke, with Way of Life Community Church, thanked Council and appreciates the relationship they have with the Town. She added that they had another successful Back to School Bash celebration at Veterans Memorial Park.

Staff Comments

Nancy Goedker, Town Clerk, asked for Council's approval to cancel the September 3rd meeting due to no agenda items. Motion to cancel the September 3rd meeting was made by Councilwoman Furr, seconded by Councilman Dial, approved 4-0.

Penny Hunter, Finance Manager, thanked the Mayor and Council for hiring temporary help in preparation for the audit.

Chris Venice, Town Manager, stated that the County is applying for stimulus money to resurface five streets in the County. One of the streets in Tyrone is Senoia Road. Ms. Venice asked Council to approve of the GDOT Right of Way Certification to use stimulus money for the resurfacing of Senoia Road from Castlewood to East Crestwood Road. Motion to approve the Right of Way Certification pending legal review and approval was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

Council Comments

Councilwoman Caldwell reminded everyone to attend the public hearing for setting the millage rate on August 27th at 6:30pm.

Executive Session

There was no executive session.

Adjournment

Motion to adjourn was made by Councilman Young, seconded by Councilwoman Furr, approved 4-0. Meeting adjourned at 8:00pm.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Nancy J. Goedker, Town Clerk