

Town of Tyrone Council Minutes

August 5, 2010

Present:

Mayor Don Rehwaldt
Councilman Tracy Young
Councilman Eric Dial
Councilman Ken Matthews
Mayor Pro Tem Gloria Furr
Town Manager Richard Newbern
Town Attorney Dennis Davenport
Police Chief Brandon Perkins
Finance/HR Manager Penny Hunter
Town Clerk Pamela Megill

Absent

Call to Order, Invocation and Pledge of Allegiance

Mayor Rehwaldt called the meeting to order at 7:00 p.m. The invocation was given by Mr. Doug Barclay, member of Operation Mobilization. The invocation was followed by the Pledge of Allegiance.

Public Comments

Mr. Will White, 165 E. Crestwood Road, Tyrone.

Mr. White stated he was seeking permission from the Town Council to build and place 8 bird houses in Shamrock Park. Mr. White said this was a project he wished to accomplish in order to earn the "Eagle Scout" award.

Council Member Matthews made a motion to allow Mr. White to build and place 8 Blueberry bird houses in Shamrock Park as part of his Eagle Scout project. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Approval of Agenda

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

Approval of Minutes: July 1, 2010 Regular Town Council Meeting

Mayor Pro Tem Furr made a motion to approve the minutes. Council Member Young seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION: None.

PUBLIC HEARING:

1a. Public Hearing on Petition SE 10-002 for a Special Exception to operate an auto restoration for classic car facility at 363 Senoia Road. *Richard Newbern, Town Manager*

Town Manager, Richard Newbern, stated the Town Council is asked to approve a Special Exception in an M-1 zoned district at 363 Senoia Road; the site has been used in the past as a business location for classic car restoration. The applicant is Clark Properties and Investments, Inc. The Planning Commission, at their July 22, 2010 meeting voted to recommend approval.

Mayor Rehwaldt opened the Public Hearing at 7:08 p.m. and asked for those wishing to speak in favor of the petition to step forward, state name and address and address the Town Council.

Speaking in favor:

Owner Agent - Mr. Mike White, 211 Smokeville Trail Peachtree City, GA.

Mr. White stated that in 2001 a Special Exception was approved by the Tyrone Town Council, to allow an auto restoration business to be located at the premises. Mr. White stated that the special exception has now lapsed and that is why they are asking again for approval. Mr. White stated that all painting would be done off-site, and there is no painting booth in this facility. Mr. White stated that the business operator, Mr. Eric Esparza, was available to answer any questions the Town Council members may have.

Mr. Eric Esparza, 203 Double Trace Lane, Peachtree City, GA.

Town Attorney, Dennis Davenport, stated that a letter had been received at Town Hall from Mr. Jeff Embrey of Embrey's Customotive Inc., Tyrone; wishing to express speaking against the Special Exception. Mr. Davenport provided a copy of the letter to Mr. White.

Mayor Pro Tem Furr asked if they were planning on occupying the "front" building. Mr. White stated that was correct. Mayor Pro Tem Furr stated the "back" building was where painting had occurred by the prior business occupant. Mayor Pro Tem Furr asked if there would be any painting on site. Mr. Esparza stated that it is very expensive to paint on site, and all painting work would be contracted outside. Mayor Pro Tem Furr stated she believed the application for a special exception was a little misleading, and asked if dashboards would be pulled from old cars during operations, and if so, how would they take care of any asbestos they may find. Mr. Esparza stated he did not usually find asbestos in old cars. Mr. White stated they keep a large air filtration system in the shop. Mr. Esparza stated they recycle a lot of car parts but 75% of the time we re-condition parts and re-install them. Mr. Esparza said this was basically a "Mom and Pop" operation and we work on maybe three or four cars per month. Mayor Pro Tem Furr asked what materials were used to remove paint from vehicles. Mr. Esparza stated they did not do any paint removal. Mayor Rehwaldt asked where Mr. Esparza was operating currently. Mr. Esparza stated he was operating in Peachtree City, and now looking to expand the business. Mayor Rehwaldt asked if Mr. Esparza had any violations with the City, to which Mr. Esparza replied, none whatsoever. Mayor Pro Tem Furr asked how often the Fire Department would come by to inspect for correct storage of chemicals etc. Mr. Esparza stated they normally inspected two or

three times per year. Mayor Pro Tem Furr stated she was concerned about potential noise levels due to using how powered tools and machinery. Mr. Esparza stated he followed normal business hours for operation. Council Member Young asked how quickly Mr. Esparza wanted to take occupancy. Mr. Esparza stated he would like to estimate the month of September, provided the Special Exception is granted. Town Manager, Richard Newbern stated that before improvements and remodeling could take place at the building the correct building permits would have to be acquired and site plans and landscaping plans would need to be submitted. Inspections would be required from the building inspector and the fire inspector.

Mayor Rehwaldt asked for those wishing to speak against the petition to step forward, state name and address and address the Town Council.

No one at the meeting spoke in opposition. Mayor Rehwaldt asked the Town Council to keep in mind that Mr. Jeff Embrey had written in opposition.

Mayor Rehwaldt closed the Public Hearing at 7:25 p.m.

1b. Consideration and action on Petition SE 10-002 for a Special Exception to operate an auto restoration for classic car facility at 363 Senoia Road. *Richard Newbern, Town Manager*

Council Member Dial made a motion to approve Petition SE 19-002 for a Special Exception to operate an auto restoration for classic car facility at 363 Senoia Road. Council Member Young seconded the motion. Motion approved 3-1.

Council Members voting for the motion: Dial, Young, Matthews

Council Members voting against the motion: Furr

2a. Public Hearing on a Moratorium of 120 days for Package Stores, Adult Businesses, and new Cell Tower locations. *Richard Newbern, Town Manager*

Town Manger, Richard Newbern stated the Town staff is asked to consider approving a 120-day moratorium on building permits and business licenses for package stores, adult businesses and new cell tower locations. Mr. Newbern stated the package store requirements need to be reviewed because there is not now a zoning district that regulates the location or operation of package stores. Staff proposes the 120-day moratorium on these three types of establishments to allow sufficient time to review these types of activities and update their respective ordinances. Presently, there have been no relevant inquiries from the owners of cell towers, adult businesses or package stores to locate in Tyrone. There have been no recent inquiries, however; the Town needs to have reliable ordinances in place in case the owners of any of these activities choose to apply for a building permit or business license.

Mayor Rehwaldt opened the Public Hearing at 7:30 p.m. Mayor Rehwaldt asked for those wishing to speak in favor of the moratorium to step forward, state name and address and address the Town Council.

Speaking in favor: None.

Mayor Rehwaldt asked for those wishing to speak against the moratorium to step forward, state name and address and address the Town Council.

Speaking against: None.

Mayor Rehwaldt closed the Public Hearing at 7:31 p.m

2b. Consideration and action of a Moratorium of 120 days for Package Stores, Adult Businesses, and new Cell Tower locations. *Richard Newbern, Town Manager*

Council Member Dial asked if 120 days was the shortest amount of time for the moratorium, and asked if it could be done any quicker, and asked how the 120 day time frame was determined. Mr. Newbern stated he did not want to get into a situation where staff would need to return to the Town Council to request an extension of time, which may have been possible if the request was for only 90 days. Mr. Newbern stated there were enough compelling reasons to bring this item to the Planning and Zoning Commission and the Town Council's attention, due to the lack of regulations.

Council Member Matthews made a motion to approve of a Moratorium of 120 days for Package Stores, Adult Businesses, and new Cell Tower locations. Council Member Dial seconded the motion. Motion approved 4-0.

OLD BUSINESS: None.

NEW BUSINESS:

3. Renewal of Fulton Communications Service Agreement. *Kathy Bright, Municipal Court Clerk*

Town Manager, Richard Newbern, stated Fulton Communications provides maintenance for the telephone system used by Municipal Court and Police Department. The current contract expires on August 20th, 2010. This contract provides repairs and system upgrades. The maintenance contract is a budgeted item, and there is no increase in cost from the previous year.

Council Member Young made a motion to approve the renewal of the Fulton Communications Service Agreement. Council Member Matthews seconded the motion. Motion approved 4-0.

CONSENT AGENDA: None.

Public Comments

There were no public comments.

Staff Comments

Town Manager, Richard Newbern

Mr. Newbern stated at the next regular Town Council meeting to be held on August 19th will be in the form of some official business for taking action, and there will also be a work session. The meeting will be begin at 6:00 p.m., rather than the normal 7:00 p.m. This will give us an opportunity to discuss many of the retreat items from six months ago, and see what progress has been made. For official business there will be among others the proposed millage rate adoption; this information has been advertised.

Council Comments

Council Member Dial

Council Member Dial thanked the Planning and Zoning Commission for the oversight of the three categories, and expressed appreciation for being on top of it.

Council Member Young

Council Member Young expressed thanks to the Way of Life Church for hosting the “Back to School Bash” this past weekend.

Mayor Rehwaldt

There were no further comments from the Mayor.

Executive Session

Town Attorney, Dennis Davenport stated there were no items for Executive Session.

Adjournment

Council Member Matthews made a motion to adjourn. Council Member Young seconded the motion. Motion carried 4-0.

The Town Council Meeting adjourned at 7:40 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

