

**Tyrone Town Council
Meeting Minutes
September 19, 2019**

Present:

Mayor, Eric Dial

Mayor Pro Tem, Gloria Furr

Council Member, Ken Matthews

Council Member, Linda Howard

Council Member, Ryan Housley

Town Manager, Brandon Perkins

Planning & Zoning Coordinator, Phillip Trocquet

Engineer/Public Works Director, Scott Langford

Police Chief, Randy Mundy

Library Supervisor, Patty Newland

Finance Manager, Sandy Beach

Court Clerk, April Spradlin

Town Clerk, Dee Baker

Approval of Agenda:

Council Member Howard made a motion to approve the agenda with the addition of moving new business item #3 prior to the public hearings and to reverse the two public hearing items.

Council Member Matthews 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, September 5, 2019

Consideration to approve the surplus of the Environmental Department's 2005 Ford Escape

Council Member Furr made a motion to approve the consent agenda.

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

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1. Consideration to approve the Sandy Creek High School JROTC Veterans Park Statue donation.
Brandon Perkins, Town Manager

Mr. Perkins shared that JROTC student, Elliott Ewen, reached out to him and Mayor Dial a few weeks ago wanting to donate a new memorial statue to the Town for placement in Veterans' Park. Due to the cost which was approximately \$5,000, the group needed Council's approval in order to begin fund raising. Mr. Perkins recommended approval and added that the placement had not yet been decided. He then invited Mr. Elliot Ewen and fellow Sandy Creek JROTC Cadets to speak. They all shared five project points: approval from the Town, raise at least \$6,000 (\$1,000 for any additional costs), obtain a permit from the Town, order the statue from The Large Art Company and publicize. The Cadets shared that they would reach out to the late 1st Lt. Robert W. Collins' mother, various veteran organizations, local businesses, and possibly place an ad in the newspaper for donations. The Cadets added that they met with the local American Legion on Tuesday night and that they have their support as well. They described the statue as 44 inches tall and 22 inches wide. They shared that they chose bronze for many reasons. Two reasons were that bronze did not appeal to thieves and that it would take ten people and a truck to haul the statue away. It would also have a concrete base and would be a permanent structure.

Mayor Dial thanked everyone and added that there were many people involved with the project. Council Member Furr requested that the rose bushes not hinder the sight of the statue.

Council Member Housley made a motion to approve the Fallen Soldier Battle Cross statue for placement in Veterans Park.

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

Public Hearing:

2. Consideration of a petition from applicant Brent Brownlee for the rezoning of a 3.76- acre tract with parcel number 0727 018 at property address 926 Tyrone Road, the proposed rezoning will be from R-12 (Residential 1,200 s.f. min.) to AR (Agricultural Residential). ***Phillip Trocquet, Planning & Zoning Coordinator***

Mr. Trocquet shared that the intent of the applicant was to rezone the property to match the surrounding AR zoning, to eventually be combined with property directly to the south owned by Bethel Church. He added that Bethel Church owned approximately one hundred acres within that area. The surrounding zoning categories were Office Institutional (O-I), Agricultural Residential (AR), and R-12 (residential 1,200 s.f. min.). Mr. Trocquet stated that the property was consistent with the future development map and the comprehensive plan.

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He stated that AR zoning has a three-acre requirement, making it a less dense zoning district. The comprehensive plan character area was Estate Residential, which was consistent with the proposed rezoning.

Mr. Trocquet gave a brief history of the item. He stated that last July Mr. Brent Brownlee, along with Bethel Church, petitioned to rezone the property to AR and was subsequently denied. There were traffic concerns regarding a curb-cut onto Tyrone Road and overall impact on the surrounding neighborhood. Mr. Trocquet stressed the purpose for the public hearing. He stated that the public hearing was not to approve the location of the church, or curb-cut. The public hearing was exclusively for the compatibility of the future land use for that particular property, from R-12 to AR. He added that the church was allowed on AR property and their curb-cut was also allowed. He explained that last year the church went through a lengthy process regarding the site plan, and they also acquired a traffic study. He added that traffic study assesses the levels of service, impact, and safety concerns as it pertained to line of sight distances. Mr. Trocquet shared that the traffic study results reflected that there would be no decrease in the level of service and the line of sight was not deemed unsafe. He reiterated that the public hearing was not for the church site plan nor the curb-cut. He ended by stating that staff and the Planning Commission recommended approval.

Council Member Furr clarified that the rezoning was only for the churches' request to rezone their R-12 property to AR. Mr. Trocquet agreed and added that there would be no replatting process if approved, it would however, go before the Planning Commission only for approval. He added that currently the code did not allow properties to be combined when there were two different zoning districts.

Mayor Dial asked everyone that wished to speak to try and keep the topic focused on the rezoning only. He added that if they had additional concerns, they could bring them to Council later during the meeting and they would be addressed. Try to remain on the rezoning topic. He understood that there were concerns regarding traffic and that Council was prepared to discuss everyone's concerns, and offered to stay after the meeting to speak with everyone.

Mayor Dial opened the public hearing for anyone that wished to speak in support of the rezoning of the 3.76-acre tract.

Mayor Dial asked for clarification regarding time to speak for the applicant. Mr. Davenport stated that according to state law, the applicant was given a minimum standard of ten minutes to speak.

Steve Hale, a Peachtree City resident and current Senior Pastor of Bethel Church spoke. He stated the purpose of the application was to down-zone the property to match the other one hundred acres.

He added that there were six or so church members in attendance to answer any questions or concerns that anyone may have. Pastor Hale added that by not having the acquired zoning has added restrictions and caused additional problems and has added delays to the project.

Mayor Dial opened the public hearing for anyone that wished to speak in opposition of the rezoning request.

Mr. Kevin McCormick, who lives on Brookfield Court spoke. He stated that he has been a real estate general contractor for over twenty years. He stated that he could not find any legal interest from Brent Brownlee. Most areas that he has dealt with states that you must have legal interest. He added that at the last public hearing the church wanted an access road. According to the site plan, there was no simple access road. He made reference to the tax map and stated that most of the property was zoned AR, which required a one-hundred-foot buffer if it abuts residential property. He did not see that listed. Mr. McCormick stated that the traffic study was paid for by the church. He was concerned that the traffic study showed at least four-hundred cars would be going to and from the property on Sunday mornings. He added that the study did not indicate the cars that would be reflected on Monday nights or Wednesday nights. He indicated that the church was planning on adding a school and college with up to one-hundred students, which would generate up to one-hundred and fifty cars a day. Mr. McCormick ended by stating that the Town Manager and Planner stated that, legally, the church needed access to Tyrone and Handley roads. His allotted time ended.

Mr. Wayne Slaton, who lives on Tyrone Road, spoke. He stated that his son had planned on building a house next to his but the Town told him he could not place his driveway on Tyrone Road. He added that the developer had already cut down three tractor trailer loads of trees. He added that no one had located a permit on the site. Mr. Perkins stated that the church had a permit and would make sure that it would be posted. Mr. Slaton asked if the Town would have another meeting regarding traffic if the property would be zoned AR. Mayor Dial reiterated, that as he stated earlier in the meeting, if anyone wished to discuss traffic further, Council would answer any questions after the meeting. Mr. Slaton stated that he did not understand why the church needed the property rezoned, they do not pay taxes on the property. Why should they worry about rezoning the property, they do not pay taxes, we pay taxes? Mayor Dial stated that Council would be happy to answer any separate questions after the meeting.

Ms. Joy Belyeu, who lives on Brookfield Court spoke next. She stated that after the meeting would be too late because Council would have already voted. She added that her cul-de-sac had five homes that were zoned residential. Within residential zoning, you are allowed a driveway.

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Ms. Belyeu stated that they were confused, even if the church did not receive their rezoning, the Town would still approve their site plan. We were also told that we would know about the site plan. One morning, they took down hundreds and hundreds of trees. We were told that we would be made aware. She added that she knew that the Town had approved the land disturbance permit and at the last meeting they were told that the permit would be placed on the property. She asked if the land disturbance permit was for both lots, even though they were not joined. Mr. Trocquet replied, yes, the permit was site based, not lot based. She stated that Mr. Hale told the residents that the church would be very conscientious when taking down only a few trees, now the site was cleared. We were also told by the church that the curb-cut would be on Hwy 74, it is hard to trust them. She added, if the lot was changed from residential to AR, a lot could happen. If the church does not receive their permit, the land could be used as a group home or school. It would open the door to a lot of things. She ended by stating that she hoped Council would listen to the people of Tyrone.

Mr. Noah Garrett, who lives on Michael Road, spoke next in opposition. He stated that he had the highest respect for Council. He added that the last time the item was on the agenda, it was denied. He added to please deny the item again. He asked that traffic be discussed before the vote, not after the vote.

Ms. Judy Jones, who lives on Branch Bend spoke. She stated that she had attended four meetings regarding the item and only one person spoke in favor. She added that many were in opposition. The Pastor does not live in Tyrone. The majority have spoken, two meetings and no one showed. Ms. Jones added that if the site was rezoned to AR, the permitted uses would be: parks, riding stables and single- family dwellings. The conditional uses would be: a bed and breakfast, child caring institutions, community living, day care services, group homes, kennels, livestock, outdoor rifle, pistol range, personal care homes, pet cemeteries, plant nurseries, public utility, religious institutions and telecommunication. She stated that the church had misspoken in the past and could change the use. She added that the question had been asked in the past; other than the church, what benefit would it be to change the zoning to AR. They do not pay taxes. The people that have spoken against the rezoning pay Council's salaries. Ms. Jones ended by stating that the church was told they had to adhere to certain rules regarding their tent, have they? She addressed Council Member Furr and stated that Mr. Perkins spoke against the curb-cut in the past and now he was speaking in favor of it. I smell rotten eggs.

Discussion ensued regarding those that wished to speak in favor of the rezoning after the allotted section of the public hearing had passed. Mr. Davenport stated that if the petitioner had no objection to sharing his rebuttal time with the public, he could do so.

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Pastor Hale spoke next. He stated that the church brought six people that were available to answer questions the public may have. He added that, in regards to deceiving the neighborhood as it pertained to the Hwy 74 curb-cut, the church spent over \$100,000 to make it work. In the eleventh hour, the church found out that it did not have the curb-cut it thought they did. It was a great expense, delay, and disappointment to the church. He added that was why they returned to the Tyrone Road location. Pastor Hale stated that the scale was much smaller because the bids came back 50% higher due to the cost of steel. He added that in regards to the cutting of trees, there were four or five specimen trees that needed to be saved and have stopped road construction. We are fighting to save them. There has been an access road cut and trees have been taken down. It has not been cleared. There needs to be a buffer maintained. We do not want Tyrone Road to see the church as much as Tyrone Road does not want to see the church. He added that the property was the fourth property they considered. When the church is finished, the community will find that we are trying to preserve the property. The three previous properties were too close to residential areas. We have been fighting to keep the property as close to the original horse farm it was. We plan on building a mile-long trail, open to the community. This would impact the community much less than anything else that would be allowed, such as a mega church, subdivision, or a multi-use development. We are leaving the development less touched than anyone; we are a small church on one-hundred acres. Pastor Hale added that it may take time to win over the community, but when they see the quality of our building and how much we care about the community, we will change minds. We care about traffic and safety. He added that the church did not want to spend additional money to gain further access to the property, but it would take the burden off the Farr Road entrance. He addressed the concern of Brent Brownlee. He stated that he was a member of the church and he purchased the property as an investment. The church paid him what he bought it for, including interest, there was no deception. He added that church members were available to answer any questions.

Mayor Dial informed everyone that there was one minute and forty-four seconds left on the clock to speak.

Mr. McBride, who lives on Castle Hill spoke next. He stated that he was in favor of the rezoning and development as a whole. He added that the church would be a very positive place and an asset to the Town.

Mayor Dial addressed everyone. He stated that the reason why he wished to discuss the traffic issue later, was that Council's decision would have no bearing on Tyrone Road traffic. He added that the church had a right to build on that property and to have their curb-cut, regardless of Council's decision.

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Mayor Dial asked Mr. Trocquet to explain the reason why the church requested a rezoning and to also address the question regarding the tent. Mayor Dial also clarified that the church's "road" was not a road, it was a driveway into the property.

Mr. Trocquet stated that, according to emails shared, the applicant wanted to rezone their property in order to match and combine the other parcels also owned by the church. This would allow the same zoning across their property lines. He added that state statutes allow churches within residential zoning districts. They also have strict conditions, being a non-residential use. Among the conditions are larger setback requirements, such as fifty-foot setbacks and if a church has outdoor uses, it is one hundred feet. The separate property/zoning lines creates a hardship for the church. The typical reason to rezone would be to match the zonings to alleviate the property lines for more flexibility.

Mr. Trocquet stated that in regards to the tent, the Town regulations were very minimal and defers to the Fire Marshall for approval. The Fire Marshall has specific standards in regards to how long the structure would remain, among other requirements. The Town does require permits if there are any electricity or plumbing on the property.

Pastor Hale stated that, along with matching the different zonings, the setbacks would also remain the same. Currently, the church would like to build an overhang out front for their parishioners in the case of rain; with the current setbacks, this was not an option.

Council Member Housley clarified that the public hearing was not for the development of the property but only to match the surrounding properties. Mr. Trocquet agreed and stated that it was consistent with the land use of the town.

Council Member Furr addressed Ms. Jones and stated that she was correct, she did ask Mr. Perkins for his opinion regarding the traffic on Tyrone Road and the driveway in relation to the hill. She added that she was only asking his opinion, prior to the traffic study. He gave his opinion; the traffic study came out and the location of the driveway was not found dangerous. Mr. Trocquet stated that, in regards to any skepticism about the traffic study, it was based on a lot of objective measures. The study was treated similar to an audit, it does not matter who pays for the study. The main objective of the study was the level of service a road receives. The study reflected that the level of impact was consistent with what the Town had planned for that road.

Council Member Housley made a motion to approve the rezoning at the property located at 926 Tyrone Road from R-12 to AR.

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

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3. Consideration to amend section 113 of Article V of the Zoning ordinance to add provisions for a new zoning district entitled “Town Center Mixed-Use (TCMU) and succeeding conditions and regulations. ***Phillip Trocquet, Planning & Zoning Coordinator***

Mr. Trocquet stated that the Town Center District as outlined in the Comprehensive Plan had been a major focus of the Town planning efforts and citizen engagement especially over the past two years since the re-adoption and update of the Comp Plan in 2017. He added that as a result of the engagement, the Town had pursued assistance from a variety of organizations such as the UGA Carl Vinson Institute as well as the Atlanta Regional Commission (ARC). Both of these organizations have assisted staff and citizens in visualizing the potential of the TCD and helped develop steps to achieve the Town’s Vision. The ARC Community Development Assistance Program (CDAP) was awarded to the Town to help further engage the community and provide a framework for updating our ordinance. Mr. Trocquet added that through the coordination of ARC and a citizen-led downtown steering committee, specific goals and standards were identified that best achieved the development pattern outlined in the Comprehensive Plan for the Town Center District. He added that the major standards of the TCMU zoning district are: the allowance of mixed-use structures/developments, a limited increase in residential density to sustain business growth (maximum four units per acre) and the reduction of the Town’s one-acre minimum lot size for commercial and residential properties. He stated that staff and the Planning Commission recommended approval.

Mayor Dial thanked Mr. Trocquet for his hard work and asked if anyone from the Citizen Steering Committee were in attendance. Mr. Trocquet recognized, Mr. Billy Campbell, Adam She, David Millican, Council Member Housley and stated that Planning Commissioner, Jeff Duncan was also a member.

Council Member Howard asked, in accordance with the development plan, does the Town have many properties that exceeded three-acres? Mr. Trocquet pointed out a few, the owners were Jan Ford (Hornbuckle), Mr. Mundy and a few more. Most that front Tyrone Road were under one-acre and were non-conforming.

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.

Mayor Dial stated that Council was taking initiative on improving our downtown area, whether it be the new municipal complex or bringing sewer to downtown businesses or perhaps the former Tyrone Elementary School.

Council Member Housley made a motion to approve the text amendment to add the new Town Center Mixed Use (TCMU) zoning district to Section 113 of Article V of the Zoning Ordinance. Council Member Matthews seconded the motion. Motion was approved 4-0.

New Business:

4. Consideration to replace two HVAC units at the Library.

Scott Langford, Engineer/Public Works Director

Mr. Langford shared that the units were approximately fifteen years old, had major leaks and the Freon that was used had been phased out by the US Environmental Protection Act. It made no sense to repair them. Reese Services was the lowest bidder and currently holds the work contract for annual HVAC maintenance. He added that staff recommended approval.

Council Member Matthews made a motion to award the contract for the ac units to Reese Services for the amount of \$14,326.00.

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

Public Comments

Mr. Wayne Slaton returned and asked how the traffic survey was administered. He stated that he did not see anyone counting cars. Mr. Slaton then asked Chief Mundy if the sign placed on the road from the Police Department clocked cars traveling over thirty-five miles an hour. Mayor Dial restated that the SMART trailer was going to be included in the traffic discussion. Mr. Slaton asked if the driveway on Tyrone Road was going to be a one lane driveway. Mr. Trocquet stated that the traffic study was for a two-lane access point. One lane for an entrance, one for an exit. Mr. Slaton shared his opinion that two lanes was not a driveway; it was a road. He added that Tyrone Road was a two-lane road, a two-lane driveway was a road also. Mr. Trocquet stated that, yes, that was what was depicted on the plan. The term driveway was not used as a home driveway, it was an access point. He added that if the church wished to place a private road on the property, they could do that as well. Mr. Trocquet added that the Town was not allowed to tell the church they cannot have access points on their property, outside of reasonable extent. We asked the church to provide a traffic study for the site plan approval process, as to what the access drive looked like. The one they provided seemed appropriate. The traffic study confirmed what they provided to be

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appropriate. Mr. Slaton's time had ended. Mayor Dial restated that he and Council would be available after the meeting to answer any further questions he may have.

Mayor Dial asked Mr. Trocquet to explain what exactly goes into a traffic study, for public knowledge. Mr. Trocquet gave the following foundations which may be in a traffic study: small site work to access line of sight issues, a traffic count, which does not always include a person, it could include a SMART Trailer or a small black box. He also stated that GDOT could also supply data. Mr. Trocquet added that the main components were safety, line of sight, and what impact the traffic would have on particular intersections. Mr. Langford added that accident reports assist as well.

Mayor Dial then asked Mr. Perkins to report on the speed study that was performed on Tyrone Road in the past. Mr. Perkins stated that the most recent study on Tyrone Road was completed from October 17th – 24th, 2013. He added that out of 84,000 vehicles, the average speed was 38 miles per hour, and the 85th percentile speed was 45 miles per hour. He stated that engineers often use the 85th percentile to set speed limits, if that was the case, Tyrone Road could be set at 45 miles per hour. He added that there were 58,596 over the speed limit. He clarified that officers running radar cannot stop cars traveling less than ten miles per hour over the limit. He gave the example of 48,000 of the cars studied were traveling at 35-45 miles per hour, those cars would not have been stopped. He ended by stating that the 2013 study clearly signifies, no major speeding issues existed on Tyrone Road, however, a study was currently being conducted on Tyrone Road to compare. Chief Mundy added that the study should be available to the public the following week. Mayor Dial invited everyone that would be interested to follow-up with the Police Department.

Mayor Dial asked Mr. Trocquet to indicate on a map the line of sight to the east and west on Tyrone Road from the church curb-cut. Mr. Trocquet indicated that where the church planned to place their access, there would be a line of sight of approximately 900-1,000 feet in either direction. He also shared that the church had indicated that during peak-times, they would hire a traffic cop for that area and that the Town may place church zone signs in the near future if the need should arise.

Council Member Furr asked if the drive was going to exist where the temporary drive was currently. Pastor Hale stated that the permanent drive would be more toward the peak of the hill for better sight in both directions, closer to the fire hydrant. Council Member Furr asked what would happen to the temporary drive after construction of the new driveway. Pastor Hale stated that the church would landscape over the temporary drive.

Mayor Dial stated that there had been a few noise complaints. He understood that the church was operating outside but could the church bring the noise level down until their building was built.

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Chief Mundy clarified that regarding the ten mile over the speed limit discussion earlier, that did not pertain to school or construction zones.

Staff Comments

Ms. Baker reminded everyone that early voting begins October 14th through November 1st, Monday through Friday, 8:00 am to 5:00 pm and the last week, 7:00 am to 5:00 pm.

Mr. Perkins announced that Founders Day this year was on October 5th and he expected everyone to have a great time.

Mr. Perkins recognized the Police Department for another 3rd party publication naming Tyrone as the 4th Safest City in the State. He thanked Chief Mundy and stated that this was also in-part to our citizens and the Town itself for its rating.

Mr. Perkins shared that Lieutenant Nelson had obtained his Bachelor's Degree and had applied for the Founders Scholarship at Columbia Southern for his Masters Degree. Only one was awarded each year, and Lieutenant Nelson was recently awarded the scholarship, which would pay for books and tuition. Mr. Perkins ended by stating that Lieutenant Nelson was truly an asset to the Town and his education would take him to a higher level.

Mayor Dial recognized Library Assistant, Katie Rees for completing her Master's degree as well, "we appreciate her diligence and hard work".

Adjournment

Council Member Furr made a motion to adjourn. Motion was approved 4-0. The meeting adjourned at 8:27 pm.

Eric Dial, Mayor

Dee Baker, Town Clerk

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