The Lyerly Town Council met for their regular monthly meeting on Tuesday, September 12 at Lyerly Town Hall. Those in attendance were:

Josh Wyatt, Mayor

Ellen Wyatt

Gwen Fisher

SEPTEMBER 12, 2017

The meeting was called to order by Mayor Wyatt at 7:00 pm.

Everyone welcomed by Mayor Wyatt.

***New Business:***

*Financial Reports –* No Discussion

*Approval of Minutes –* Mayor Wyatt said that Robert Thompson had to work and could not attend the meeting tonight so the minutes will be approved at the next meeting.

*Robby White**–* Mayor Wyatt said that we have Mr. Robby White here to address the council. Mr. White asked if we had any other business. Mayor Wyatt said no. Mr. White said that he would like to start off on a positive note, The City of Lyerly, what you have done with the park and community center, it is great. The guys that you have in the maintenance crew, they do a top notch job. They keep the water on and the easements mowed and they do a good job. And whoever was responsible for cleaning up his neighbor, Jan’s yard from the mess that the contractors left, that was a commendable thing. He just wanted to say thank you and he knows that Jan does too. He added that Miss Sally, he doesn’t know what you are paying her but it isn’t enough. She has to deal with all the rednecks coming in City Hall complaining about him and he has had a lot of contact with her and he appreciates all the information that she has given him.

Mr. White said that he doesn’t know where to start with this deal, except for the beginning. He said that he came home one day and Wayne Gilliland and Mr. Hartline were walking down the street and they were at his driveway and were looking at the tree right off of his driveway. He said that he went and parked his car and went over to them. Mr. Gilliland introduced him to Mr. Hartline. He said that he told them that the Town of Lyerly owns that tree. He said that he told them how the property line runs close to the left of some trees and to the right of a big pine tree on his lot. He also showed them where the water meter was and sewer. Mr. Hartline said that he was going to build six tiny homes. Mr. White said that that was the last time that he would refer to them as tiny. What he is building out there is cracker box homes. Mr. White said that he said something un-politically correct but he asked Mr. Hartline if he was going to fill them with Mexicans. Mr. White said that time goes by and he comes home one afternoon and the surveyors have been there. Randy Patty had already been out there and pushed stuff up and started the process of cleaning up the lot. He said he saw a stake with a flag on it and he walked up there and right off the bat, he knew that wasn’t right. He went to the back of the property and it was six or seven feet off on Mr. White’s side. He gets up the next morning and calls the surveyor, Carl Morrison. He said he explained to Mr. Morrison that it had been surveyed wrong. He has lived there his whole life and that he knows where his property line is. He said that Mr. Morrison was real busy and didn’t know when he could get it surveyed. In the meantime, he stopped by City Hall to see if we had any maps. Harold Dean Ragland was in there and he had the plots for the cemetery and he took him back to the meeting room and showed him a map on the wall. The lots are 50’ x 145’. His deed says that he has half of the northern side of lot ten and all of lot eleven. That is 75’ x 145’. Someone told him that the tax office has an aerial photograph so he went to the tax office and a gentleman up there, pulls Lyerly up. Mr. White pulled out a piece of paper and said it showed the plot that they sent out when they built the sewer system. He showed the mayor and council his property and the adjoining property, what Mr. Hartline bought. He said 105’ x 145’. He said that it shows how the property line is supposed to be and he showed how they have cut it off. He said that he came back by City Hall and asked Michael if they had a metal detector because he knows that there is a stob in the ground. He said Harold Dean came by his house with a metal detector and they couldn’t find anything. He said he remembered where there was another stob so they went and found it. Mr. White asked the council what happens when two surveyors disagree over a survey. He said that he talked to lawyers but they want $300-$400 an hour and he said he would be looking at about $1500 to solve this. He said that he doesn’t have $1500 to spend on something he knows. He said he knows that property lines from 1937 are still the same now. He pulled out some more papers. He said that on the 28th of May, Mr. Hartline came to his house. He said that they shook hands and greeted and Mr. Hartline said that he was going to have to change his plans for the lot. Mr. White said good and Mr. Hartline asked when the other surveyor would be done. Mr. White explained that he wasn’t sure because he was real busy. The next day, Mr. White went to LaFayette to talk to Mr. Hartline’s surveyor. Mr. White pulled out the plat and showed the mayor and council and said that it doesn’t show allies and that is what the problem is. He showed them what he believed was the problem. Mr. White said that back to the 28th, he took Mr. Hartline to the front of the property, Jan’s side of the property. He said he measured 75’ off and put a paint stick. He went to the middle of the property and as they are going up the driveway, Mr. White tells Mr. Hartline to be aware, there is a gas line that comes right down the middle of Mr. White’s driveway and it tees off to his house and to Mr. Hartline’s property. Mr. White did more measuring and it matched up like it is supposed to be. He said Mr. Hartline was worried about a pine tree on Mr. White’s property and Mr. White said after he had seen how much it was going to cost to have the property resurveyed and to fight Mr. Hatrtline, he conceded the tree. He said that they came out there on the 2nd and started cleaning the lot up. When he got home, they had hit the gas line. Mr. White said that he knows that on June 15th, it was in the paper that the council approved cracker box houses but he didn’t know it until after the fact because he doesn’t read the news. He said he came home on August 23rd and there were 12 loads of dirt on that property. He said he walked up there and there were two foundations scratched out, 24’ x 24’. The next morning, he went to City Hall and Sally told him that the council granted Mr. Hartline a variance. He said it seemed like everyone knew about this but him. He said he went to council member Robert Thompson’s house. He told Mr. White that there was no zoning in Lyerly and that you can build whatever you want on your property and that Mr. White should have been at the meeting. Mr. White said that if he had known about this, he would have been there. He said that if he was on the council, he would have wanted to know what Robby White thought about it. He said he’s here now and he’s mad as hell. The State of Georgia has rules and regulations about situations like this. He pulled out a copy of the Official Code of Georgia. He said he knows it’s a little out dated but they don’t change much, if anything, they add stuff. Title 33, chapter 66, paragraph 4A, he asked Gwen Fisher to read it to everyone. “A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place and purpose of the meeting.” Mr. White said that is the code of Georgia. Mayor Wyatt said that we don’t have zoning. Mr. White asked, what is the difference in a zone and an ordinance of the Town of Lyerly? Mayor Wyatt said that there is a difference. We don’t have zoning so we aren’t required to have those meetings. To have zoning, you have to have a zoning board and we don’t. Mr. White said he wished that his attorney was here. It says local government. Are you a local government? Mayor Wyatt said it says on zoning decisions. He said it wasn’t a zoning decision. Mr. White asked “What the hell is the difference?” Mayor Wyatt said “Mr. White, I know you are upset but I’m not going to tolerate that language.” Mr. White said he is sorry and yes he is upset and he has just begun. Mr. White pulled out an official ordinance of Lyerly. He said title 7.4 says “No residential lot may have more than one principal structure.” Ellen Wyatt said yes, and that is what the variance was for. Mr. White said that he is ignorant and he had to go to the library to see what a variance was. Jim Gilliland, in the audience, asked what the reason for the variance was. Mayor Wyatt said it was to allow him to build four structures on the lot because the ordinance says you can only have one structure per lot and he wanted to build four small one bedroom houses. Dave Johnston, in the audience, said that they may be small houses but they will have regular sized people and regular sized families in them. Mayor Wyatt asked how many people can live in a one bedroom house. Mr. White said “about eight mexicians.” Dave Johnston said that this should have never happened. Mr. White said that he has thought about nothing but this since the 23rd of August. He said he will watch football games and someone will score and he doesn’t even know what the hell is going on. He then read more from the ordinance. “Applications for a variance shall be made to the Town Clerk located at the Town Hall.” He said that he read through the minutes from the meeting and it said that we don’t have an application so he wants to know the difference between an application for cracker box houses and a mobile home. Mayor Wyatt said that tiny houses have never been brought up before so we consulted our attorney and then he was interrupted by Mr. White saying that he knows and not to tell him that it was in the paper on the 15th of June because he knows. Mr. White then read “applications for a variance shall be submitted within 15 days prior to the regular scheduled meeting.” “What about that?” Mayor Wyatt said that is pertaining to a mobile home. Mr. White said “Hell, it don’t say mobile homes.” Mr. White then said,” let’s go down to the next paragraph, 9.4A property plans, structural plans and related items may be required to be submitted before a variance.” Mayor Wyatt said “may be required.” Mr. White then asked, “So you don’t require anything. I’m thinking about getting into the hog business; do I have to come before the council to get permission to put hogs in my back yard?” Mayor Wyatt said no. Mr. White said that several people had suggested that. Mr. White then said he wanted to get to the public interest. He then asked Jan Kilgoe what she had to say since she’s the only one besides him who gives a crap about this. Jan then said that she lives at 105 Chattooga Avenue and that’s one house down from these little houses. She doesn’t understand why Mr. Hartline couldn’t have talked with any of them, but he didn’t. She said that it seems like to her that the council would have thought that it was a little more important and it should have been tabled. Mayor Wyatt said that he thought that they would be glad to have the burned house gone. Mr. White said that it didn’t bother him once it quit stinking. He said he is spoiled because he has had complete privacy for six or eight years. All that he has had to worry about is people walking through his driveway. Jan then said that she isn’t complaining about the burned house being torn down at all but when you go from no neighbors to possibly one neighbor, ok, but four? She said she doesn’t want four cars. She then pulled out pictures of her and Mr. Whites yard from last night, standing in water. She said she didn’t know how much rain had feel but it wasn’t much. She said that it went under her house and out the front. She had to back her van out. Mr. White then said that water runs down hill and he and Jan are downhill. Jan then added that you can see it is muddy water so it did come from Mr. Hartline’s place. She said “if he puts four there, where is he going put four more or who else is going to move in here and put four more or five more?” Jim Gilliland, in the audience, asked has this come before the City attorney. Mayor Wyatt said that we spoke with the attorney about granting the variance for the tiny houses. Clerk Sally Kerce added that we are in the process of updating our ordinance. Jan then said she wished that it would have been tabled for a public meeting. Mr. White added “Yes, yes, Amen for a public meeting.” He said to Jan that he has talked to everyone in the neighborhood and he thought someone would be upset about it and they are upset, face to face, but don’t have the guts to be here. Jim Gilliland then said that it would put the responsibility on the Town of Lyerly if there is a water problem. Mayor Wyatt said no it wouldn’t. Sally Kerce said that he has tiles down there; he just hasn’t gotten them installed yet. Mayor Wyatt said that he has square bales of hay there to stop the water and he has seen water standing in Jan’s yard before. Jan said they have come out there and worked on it several times and she doesn’t have a front yard anymore, she has a ditch. But he has built that property up with all that dirt, it’s going to continue. Mr. White asked what Mr. Hartline is going to do with twelve loads of dirt. Jan said that where Mr. Hartline put the hay, it made the water go down Mr. White’s driveway, under his house and out and under her house. Mr. White said that Mr. Hartline came yesterday and put the straw but he went out this morning and its running around the hay. He had red mud running down his driveway. Jan added that she had the privilege to meet Mr. Hartline the other day. She was sitting in her yard and he and his wife pulled up. She said he asked what she thought about the tiny houses. She said she thinks they need to take the damn things down there somewhere. Mr. White said that Mr. Hartline owns eight acres. If he wanted tiny houses, he could have a tiny house village down there but no he comes up here and is building one of them right in my back door. Jan said that there is a four way stop at her house but most people don’t abide by it. She said that will be four more cars on that street, if they only have one car per family. Mr. White said if they have company, it will be more than that. Jim Gilliland said that he knows that there is no zoning, but what about occupancy? Has that been discussed, how many can live in one of these little houses? Dave Johnston said that before sewer came in, he thinks that you had to have 15,000 square feet to put in a septic system. And that was to keep the space between houses and everyone not living on top of each other. He doesn’t see how the health department would approve that many people living on this small of a lot. Mayor Wyatt said that the health department wouldn’t have to approve it because they are all each going to have their own sewer hookup and water meter. Mr. Johnston said that they are still on top of one another. Ellen Wyatt said that she considered it like duplexes or apartments, they just aren’t connected. Mayor Wyatt said that Mr. Hartline could have built a 12 story high apartment building without getting a variance. Mr. White said that would be great, he likes that idea. He then asked Mayor Wyatt what is the cost for sewer hookup. Mayor Wyatt said it is $500. Mr. White asked if there would be four separate hookups. Mayor Wyatt said yes. Mr. White asked what the cost for a water meter is. Mayor Wyatt said $350 for inside residential. Gwen Fisher asked when Mr. Hartline put up the bales of hay. Mr. White said, yesterday morning about 11:00. Gwen Fisher said she thought you were supposed to have silk screens before you do any construction, especially bringing in red clay. She added that Mr. Hartline needs to do something to keep the water off of Jan and Mr. White. Jan said that we have a good town and the Mayor and council have done wonders and this probably doesn’t bother you but would you like four tiny houses next to you, four neighbors instead of one? Mr. White said that “I feel like I’ve been tricked and ran over.” He added that this is going nowhere in here tonight but he is going to ask the council to reverse this variance, on behalf of himself and Jan. Dave Johnston added, hold it to two houses. Jim Ferguson, in the audience, asked if there is not a compromise. Mayor Wyatt said that they can’t legally reverse the variance. Mr. White said he is willing to take this as far as he can. As far as he is concerned, you have broken the state law and your own local law. He then asked if that means that the variance is not going to be overturned. Mayor Wyatt said that is isn’t tonight. We don’t have a quorum. Sally Kerce said that they can’t vote on anything without a quorum. Mr. White asked when the next meeting will be. Jim Gilliland asked if we could call a special meeting. Ellen Wyatt said that we need to talk to Holley, the town attorney, to see if it is even an option to reverse the variance. We have already voted to grant it. Mayor Wyatt said that they cannot reverse the variance. He said that if you reverse the variance, Mr. Hartline will then sue the City because he has two house foundations and he is out money now. Dave Johnston said that maybe the city needs to reimburse him for what he has spent. Jim Gilliland asked if there is not any way to compromise to help. Mr. White loudly said “Nobody gives a hoot about a toothless redneck.” Jim Ferguson said that he does agree that something more reasonable and less of an intrusion on the neighbors could be done. Mr. White said that he has talked to the neighbors on the street and they don’t like it and several in the town don’t like it either. He said that is public interest. He said that there isn’t any public interest here; you are in the water and sewer business. He said he is sorry but he has been mad about this since it all came up and he hasn’t thought about anything else. “I can’t enjoy the stock car races; I can’t enjoy the baseball or the football.” Jan added that she feels like that since Lyerly has always been single dwellings that it would have been in the interest of everyone to have an open meeting to announce it. Mr. White said “I’m starting a hog lot and kennel. I’m going to be the worst neighbor in the neighbor and Jan I’m sorry.” Jan said she just feels like Mr. Hartline just came in and took advantage of the council. Mr. White said “you better tell him to quit construction up there because I’m taking this as far as I can take it.” Mr. White said that he thought that it was over with. He felt tricked until he got to the bottom of it. He said then he found out and he mockingly said “We ain’t got no zoning and the laws of Georgia don’t apply. We don’t need no application to do some bull crap like this.” Mayor Wyatt stopped him and said that they have heard enough from him tonight. Mr. White said “Yes sir, yes sir and you will hear more” as he shook everyone’s hand. Mayor Wyatt said that he will talk to Mr. Hartline about the silk fence to help stop the water. Mr. White left. Mayor Wyatt said Mr. Hartline does need to put silk fence where he has the bales of hay. Gwen Fisher asked if we could make the builder put up a privacy fence. Mayor Wyatt said that we can’t make him. Gwen Fisher said that she mentioned a privacy fence to Mr. White once before and he seemed pleased with the idea. Jim Gilliland said he would like to make the suggestion that something be passed before anyone moves into the houses that we have a limit on occupancy. Mayor Wyatt said that usually that falls on the fire marshal or fire chief that can come in and have the certification to do that. Sally Kerce said that the health department does limit occupancy if you are on a septic tank but she’s not sure about commercial sewer. She said that Holley is in the process of redoing the ordinance to include more specific circumstances. It is a 2002 ordinance. Jan then asked since Mr. Hartline has done this, does it mean that just anyone can come forward and ask to build multiple houses on a lot. Mayor Wyatt said that they can ask. He said that he thinks that the reason this variance was granted is because that house had sat there for so long, looking terrible and something would be done with it. And it has. Mr. Hartline cleaned it up and there will be four new homes there. It will be better than what was there. Dave Johnston said that they will have to look at those for the next 30 or 40 years. Mayor Wyatt asked what is wrong with four new homes. Ellen Wyatt said that there is a lot worse that they could be looking at. Mayor Wyatt said that there are a lot worse looking houses around here than four new homes. Jan said it still bothers her to have four new cars or eight new cars on her street. She said that the storage buildings already cause more traffic. Jim Ferguson added that if Mr. White gets an attorney, it is quite possible to tie up that construction project for who knows how long and we would end up with a dirt lot. He said Mr. White seems very serious. It is an emotional thing for him. Jan said that she doesn’t want the council to get her wrong; she is thankful for everything that they have done. She said she rode in her wheelchair all the way to City Hall tonight and she can go in it to the park but she doesn’t want multiple houses on a lot. She added that she hated that burned house and she hates the lots across and beside her. She doesn’t want more houses on them but she is afraid that we have opened the door for that. Jan then asked if there is something that we can do so in the future before decisions like this are made, that a public hearing has to be held and published in the paper. She said that if she had known that Mr. Hartline was going to attend that meeting, she would have been there. Mayor Wyatt said that the attorney is working on an updated ordinance which will include tiny houses and mobile home laws that have changed. We can no longer limit the age of a mobile home. Holley is working on revamping the entire thing to fit the times now. Jim Ferguson asked if the attorney could add to the ordinance that there has to be a public hearing before a variance is granted. Mayor Wyatt said she could possibly add it. Dave Johnston said that any variance should be posted in the paper so that the citizens know what is going on. Jan said that the people in town that she had talked to said there was no point to come to this meeting because it had already been done. If they would have known about it, they would have come. Juanita Baker asked if the council even knew about it, before that night. Mayor Wyatt said that he had come by city hall several weeks before wanting to know about the ordinance and he got a copy of it. Dave Johnston asked if there was any discussion or was it just done that night. Was it tabled to the next meeting or what? Mayor Wyatt said that he came into the meeting and explained what he was going to do. Sally Kerce said yes, the decision was made that night. Dave Johnston said that it was a hasty decision. Gwen Fisher said that as far as the variance goes, one of the reasons she thought it was ok was the fact that it is next to commercial property. Juanita Baker said she thought there was an ally that ran between the properties. Mayor Wyatt said that Mr. White is confused about that. What he showed is not an ally. It is a 10’ construction easement. Jim Gilliland said there has always been an ally back there. Mayor Wyatt said that there is an alley behind Lucky’s but that is not what Mr. White was saying. Jim Gilliland asked if we are talking about between where Mr. White lives and the new property. Mayor Wyatt said between the mini storage and the new property there is no alley. Dave Johnston said that there is one across the street beside his property. Jim Gilliland said that the thing is, they have already approved it and granted the variance. Dave Johnston said that they have set precedence and you can’t say no to anyone else. Ellen Wyatt said that it is up to the council to grant the variance and if the council says no, then its no, no matter what has happened in the past. We will have a new council coming in and they can do whatever they like. Sally Kerce brought in a print off from the tax assessors website and it did show the alley beside Dave Johnston’s property but there is no alley beside Mr. Hartline’s property.

Mayor Wyatt asked is anyone had anything else. With no response, the meeting ended at 8:02.

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Mayor Town Clerk