

Tyrone Town Council Minutes

July 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
Town Clerk Nancy Goedker
Finance Manager Penny Hunter
Administrative Assistant Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Councilman Eric Dial, followed by the Pledge of Allegiance.

Public Comments:

There were no public comments.

Approval of Agenda:

Motion to approve the agenda with the exception of moving item # 4 from the Consent Agenda to New Business for discussion was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

Approval of Minutes: June 18, 2009

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

PRESENTATIONS/RECOGNITIONS:

There were no presentations or recognitions.

OLD BUSINESS:

- 1. Discussion of the revised Project Framework Agreement (PFA) between the GDOT and the Town of Tyrone concerning the Valleywood Road railroad crossing closure and Park Drive extension.**

Attorney Dennis Davenport addressed Council in reference to an updated PFA with the response from GDOT on the Town's proposed changes. Attorney Davenport stated that GDOT incorporated some changes proposed by the Town but there are still some significant differences

in what the Town is looking for and what GDOT was willing to change. For example, when the Town pointed out to GDOT that the Town had no part in the preconstruction engineering, GDOT agreed but neglected to change the language in the PFA to reflect this. Mr. Davenport added that he was uncomfortable with the fact that GDOT agreed with the Town's position but did not change the language which does the Town no good. He added that the Town needs the language to be changed to reflect a true relationship.

Councilwoman Caldwell stated that GDOT did not accept the Town's cap of \$225,000 for funding all or certain portions of the projects.

Councilman Young stated that it is probably not worth resubmitting this agreement again with the Town's proposed changes. He added that it seems that the Town is at crossroads at this point. Attorney Davenport suggested resubmitting the agreement, emphasizing on the Town's concerns, what the Town's responsibilities are, and asking to reinsert the \$225,000 cap, in writing.

Councilman Dial stated his concern is GDOT's unwillingness to put the cap of \$225,000. Councilwoman Caldwell stated her concern is that GDOT does not have any money and the Town will be held responsible for paying more than they should.

Attorney Davenport and Council discussed paragraph three on page three in regards to the Town's responsibility for repayment of any expended federal funds if the project does not proceed forward to completion due to a lack of available funding in future project phases. Mr. Davenport emphasized that this language does not mean if the Town does not have the funding, it means if there is a lack of funding by any party at any phase of the project. He added that this is one area that GDOT brought back in that the Town took out.

Mayor Rehwaldt shared his concern about the monies GDOT has already spent on the project, and if the Town backs out of the agreement entirely, the Town may be responsible for what funds GDOT has already spent.

Mr. Davenport added that for GDOT to say that there is no significant difference between this agreement and the Memorandum of Understanding (MOU) is not an accurate statement and the Town's proposals need to be brought back to GDOT's attention.

Councilwoman Furr stated that she has not been comfortable with this agreement from the beginning. She added that there were several issues in the agreement that she does not agree with and is afraid the Town is going to be responsible for more than the Town anticipates.

Councilman Young asked if the Town is still considering doing the project. He added that he is aware that there is Special Purpose Local Option Sales Tax (SPLOST) fund going into this project but if the cap is at \$225,000 where is the money going to come from.

Chris Venice, Town Manager, stated that the Valleywood Road railroad crossing closure and Park Drive extension is identified as a SPLOST project.

Councilman Dial asked if the funding wording is changed and the cap is reinserted, should we return the agreement back to GDOT.

Attorney Davenport added that there is one more significant issue in regards to the preconstruction engineering. The cap of the \$225,000 is probably a way to handle this, but if GDOT refuses to yield there, the Town does not want to have any interpretation that makes the Town liable for any preconstruction engineering. He added that this is GDOT's responsibility. Mr. Davenport suggested that this language be changed to emphasize that the Town is not responsible for preconstruction engineering.

Councilwoman Furr asked Mr. Davenport to share his thoughts about the clean water act permits on page eleven. Mr. Davenport stated it would be good to know if there are any clean water act issues on this project before the Town signs the agreement. If there are any issues or if there are legal problems to take care of, the \$225,000 is not going to be the cap; it is going to be significantly beyond that amount.

After further discussion, a motion to resubmit the PFA to GDOT with the \$225,000 cap, modification of funding on page 3, specific language for project schedules, and deletion and/or confirmation of any "Clean Water Act", was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

NEW BUSINESS:

2. Presentation and consideration of Building Inspection services.

Pete Frisina, Fayette County Community Development Division, and Joe Scarborough, Interim Director of Fayette County Building Permits and Inspections, presented Council with a brief outline of the County's building inspection program. Mr. Frisina stated that the County currently provides building and inspections services for Brooks and Woolsey. He added that they have meet with the Town's staff to get an understanding of the Town's building permit process and what the Town already has in place. Although the process is not actually the same, the differences are not that great and both parties should be able to adapt to make it work. If the Town is interested in working with Fayette County this is a good time as the County is implementing a new building permit software. Mr. Scarborough stated that his staff consists of three (3) full time certified inspectors, one plan examiner, one office manager, a permit tech and a director. He stated that all their inspectors are certified and specialists in their field and they are qualified to provide inspections for any type of project. Mr. Scarborough stated in regards to the software, it is fully automatic, state of the art, building permit software. He added that the County has seven licenses and Tyrone would be given one license. This would create a common data base between the County and the Town for real time access. He added that permit scheduling is provided by the County's 24 hour call in line and the Town would not have to take any calls. He stated that there is an automatic tracking feature on all the building permit information that will simplify any generated monthly reports. If the Town chooses to move forward with the County's program, the employee training for this new software program will be free to the Town. Mr. Scarborough stated that August 17th will be the implementation date for the new software.

Jon Walker, Director of Operations for SAFEbuilt, Inc. Georgia, stated that their company has been around since 1992 and is a national company. SAFEbuilt has been working with the Town of Tyrone for the past year. He stated that SAFEbuilt was established because several local governments expressed the need to have local control over their building processes. He added that SAFEbuilt guarantees the service levels the Town receives. They guarantee next day building inspections, a five day turn around on residential plan reviews and a ten day turn around on small commercial reviews. Mr. Walker stated that they have over sixty qualified and certified inspectors throughout the nation. They have twelve inspectors in the Metro Atlanta area and three certified inspectors in the Tyrone office. Mr. Walker stated that he works with every inspector and every building official to make sure they are properly trained. He ensures that every employee receives their certification and that there is a continuous growth program. Mr. Walker stated that they have their own support for their permit software that is provided to the Town at no charge. SAFEbuilt can provide the Town with as many licenses, logins or user names as the Town desires. The Town currently has three user licenses for their software. Mr. Walker added that SAFEbuilt has made suggestions to the Town on how to improve the process but ultimately it is the Town's building department, the Town's process and the Town's decision. He added that SAFEbuilt will do what it takes to perform all of the functions of the building department: administration, inspections, plan review and software support. He stated that they also provide community feedback and education opportunities. He added that they have also provided the Town with building guides. SAFEbuilt wants everyone to know the process and what SAFEbuilt is looking for. He added that when there are code amendments SAFEbuilt works with builders to make sure they understand the changes. Mr. Walker stated that everything SAFEbuilt does is based on their core values: integrity, improvement, respect, teamwork and service. Mr. Walker stated that David Mundt, the Town's Building Official, is one of only forty-one Master Code Professionals in the state of Georgia. Mr. Walker concluded by saying that SAFEbuilt is very pleased with their relationship with the Town and with the location SAFEbuilt has here in Tyrone.

Councilwoman Furr expressed concern regarding the wording of paragraph 2.4 on page two of the proposed agreement in regards to waiving a permit fee and asked for an example as to when the Town would waive a fee for anyone. Ms. Venice stated that it is possible that something would come up; an oversight on the Town's part or there could be something that may have fallen between the cracks with an ordinance change. Ms. Venice added that the Town would certainly want this option available.

Councilwoman Caldwell stated the County has a twenty-four hour inspection line and asked Mr. Walker if Safebuilt offers one as well. Mr. Walker replied they have a dedicated inspection line that is available twenty- four hours.

Councilman Dial asked if Safebuilt maintained a healthy communication with the County in regards to fire and water. David Mundt, Chief Building Official, affirmed that Safebuilt is in constant contact, when reviewing plans, with the Fire Marshall, water department and with the health department.

Councilman Young asked if the County is implementing a new software program on August 17th, is the County currently doing everything manually. Mr. Frisina stated the new software will be replacing an old program. Councilman Young shared his concerns regarding the short transition

time for training and how this will impact staff. Ms. Venice stated that staff is prepared to handle the training. It will be a matter of coordinating with the County and having staff trained. Councilman Young added that if the Town is considering going with the County he would prefer that staff does not have any training until the County has implemented the new software and all the kinks are worked out. He added that staff is not only talking about changing companies; staff is looking at a complete process change in this particular area. Mr. Young stated that he is very concerned with the entire process. Ms. Venice stated that the County's program would be fairly seamless for staff. She added that the reason for this discussion now is that if the Town participates at this point the County can enter the Town into the system instead of going back later and having an additional software fee.

Councilman Dial asked if staff was upset with SAFEbuilt. He added in this economy staff is talking about possibly taking business away, not only from a business, but a Tyrone business and giving this process to the Government and making the Government bigger.

Mayor Rehwaldt stated that the Town is not unhappy with SAFEbuilt but having the County possibly take over the building inspections services is about continuity, with the same exact type of inspections being provided throughout the County.

Councilwoman Furr asked why would the Town care if a permit is done a certain way by the County or by SAFEbuilt if they are done correctly to start with. She added that the inspector is out there to do his job regardless what the builder thinks. The inspector has an obligation and no builder should be given any slack just to get by.

Councilwoman Furr asked Attorney Davenport to clarify the terms of the contract on pages four and five of the agreement in reference to changing the permit fee. Mr. Davenport stated that if a request to change the permit fee is received, it is at the Town's discretion to accept the change or not.

A motion to continue with SAFEbuilt as the Town's Building Inspection Services was made by Councilman Young, seconded by Councilwoman Furr. The motion passed 3-1. Councilwoman Caldwell voted in opposition.

3. Discussion of adding the Citizen of the Year recognition to Founders Day activities.

Lynda Owens, Recreation Department, proposed that a Citizen of the Year recognition be brought back to the Founder's Day activities. This is to recognize the hard work of all Town volunteers. She stated that the focus is that the Town cares about the people who volunteer. She added that volunteers are precious and they do enormous things for the community. The Town needs to nurture them and show how much the Town appreciates what they do. She added without volunteers many things would fall by the way-side. Ms. Owens proposed that the Citizen of the Year be honored during Founder's Day with a plaque. She stated that the Founder's Day Committee has developed a nomination form to nominate an individual and provide a brief description as to why this person should be the Citizen of the Year. She stated that there will be three judges not associated with the Town; Dr. Carol Ann Taylor, Fayette County Teacher of the Year, Becky Smith, head of several Fayette County programs, and Reverend Dan McFarland. These individuals bring in a wealth of knowledge and experience

with volunteers to judge this event. Ms. Owens stated that the forms will be placed at Town Hall, Library, Police Department, community businesses, Comcast, Newnan Utilities and on the Town's web site.

Councilwoman Caldwell asked what the specific standards were for someone to be nominated. Ms. Owens replied that this is mostly subjective. There is not a criteria that you have had to live in Tyrone for twenty years or that you have done this or that. It is going to be the judges sitting down and asking; what has this person done for the community, how has the Town benefited from this volunteer and how many hours has this person contributed.

Motion to approve the Citizen of the Year for Founder's Day was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

4. Approval for TYBA to purchase Playground equipment with money they have raised and approval for Renee' Holt to be the supervisor of this project.

Ms. Venice stated she wanted to ensure that the playground equipment meets all standards for municipal playgrounds and that it will be professionally installed. Ms. Venice added that she will like to clarify the definition of Renee' Holt's supervisory position in the project. Ms. Venice stated that Ms. Holt will be locating underground utility lines and marking off the area for the playground only. She added that the Recreation Department will assume supervision of the remainder of the project.

Tammy Proctor, with Tyrone Youth Baseball Association (TYBA), presented information regarding the playground equipment. Ms. Proctor stated the association has carried out several fund raisers for this much needed playground. Ms. Proctor added that she was not asking for any funds from the Town.

Councilwoman Caldwell asked if the company installing the playground is bonded. Ms. Proctor affirmed that they were bonded and that they come highly recommended.

Motion to approve TYBA to purchase and install the playground equipment at Handley Park was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

CONSENT AGENDA:

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

5. Approval of changes to the Police Department's search and seizure policy pursuant to a new ruling by the U.S. Supreme Court.
6. Approval to fully fund Public Works regular and part-time salaries, a budget amendment carrying \$14,558 forward from salary savings and \$9,442 from regular to part-time salaries in the current FY 10 fiscal year.
7. Approval of the Town's Fallen Tree Policy.

Public Comments

There were no public comments.

Staff Comments

Penny Hunter, Finance Manager, stated that currently the FY2009 budget has a positive balance of \$450,000. She added that budget amendments and journal entries still need to be booked and that the last large revenue receipt, when received from the telephone franchise fee, for \$30,000 will need to be added to the budget. Ms. Hunter stated that cash receipting and cash pool has been implemented. Staff is now able to pool all cash and write checks from one central location.

Chris Venice, Town Manager, handed out a list of proposed Special Purpose Local Option Sales Tax (SPLOST) projects for the Town. She added that this list of projects needs to be sent to the County to be put on the ballot. Ms. Venice stated that there is also a list of several projects that are a carryover from the current SPLOST that have not been completed, totaling about \$1million. She stated that she has also included a list of additional projects that staff is aware of for Council's review.

Councilwoman Caldwell stated she would like to have SPLOST designated as transportation only. Ms. Venice stated that staff will keep the Town SPLOST projects strictly for transportation. After further discussion Ms. Venice stated if Council wanted to make any changes to the proposed projects now is the time to do this. The proposed project list will be submitted to the County for the 2010 SPLOST projects.

Lynda Owens, Recreation Department, stated that the Rinnai Corporation has offered to donate two banners for Founder's Day. She stated that Rinnai will be advertised on the banners as the sponsor. Ms. Venice stated the Town has just approved a new sign ordinance and the banner size will exceed the size allowed. However, the Town is exempt if they so choose. The second concern is having the sponsors name on the banners; this is considered advertising on public property.

After further discussion a motion to accept two Founder's Day sponsorship banners from Rinnai Corporation, was made by Councilman Dial, seconded by Councilwoman Furr. When called for a vote, the vote was 2-1. Vote did not carry. Councilwoman Caldwell voted in opposition. Councilman Young reclused himself from the vote, he is an employee of Rinnai Corporation.

Council Comments

Councilman Dial asked to revisit the issue concerning the donations of the Founder's Day banners from Rinnai. He asked if Rinnai's name was removed and given recognition in other areas can the Town accept the \$1,200 contribution.

After a brief discussion, a motion to explore the options of getting two banners for Founder's Day that would comply with the Town's sign ordinance, exclude the advertisement from Rinnai Corporation and give Rinnai recognition at another location was made by Councilman Dial,

seconded by Councilwoman Furr, approved 3-0. Councilman Young secluded himself from the vote.

Councilwoman Furr congratulated the Tyrone Xtreme 10 & under Baseball team for winning the World Series for their age group. She added that she would like to get congratulatory certificates signed by the Mayor and present one to each child on the team, invite Citizen newspaper to take a picture of the Mayor with the team and with their trophy, and ask that the Citizen write an article on the Tyrone Xtreme 10's achievement. She stated that she would like the Town to erect a permanent road sign acknowledging the team's achievement and for staff to get a price for the sign. She also added that she would like the team to ride in the Founder's Day parade and that the parade entrant fee be waived. Ms. Furr added that these children worked very hard to get where they are and she is very proud of them.

A motion to get congratulatory certificates for each team member signed by the Mayor, have a sign erected on Hwy 74 with GDOT's approval and invite the team to ride in the Founder's Day parade and waive the fee was made by Councilwoman Furr, seconded by Councilman Dial, approved 4-0.

Executive Session

There was no executive session.

Adjournment

Motion to adjourn was made by Councilwoman Furr, seconded by Councilman Dial, approved 4-0. Meeting adjourned at 8:45 pm.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Dee Baker, Administrative Assistant