

# **Tyrone Town Council Minutes**

September 17, 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

## **Call to Order, Invocation and Pledge of Allegiance**

Invocation was given by Mr. Ross McAfee, Operation Mobilization followed by the Pledge of Allegiance.

## **Public Comments**

Connie Thomas, 480 Lees Lake Rd, Fayetteville, spoke on behalf of Fayette County Earth Day. She requested that the Town of Tyrone host the Fayette County 2010 Earth Day. Ms. Thomas stated that Rawls Whittlesey will be directing the 2010 Earth Day and that the committee felt that Tyrone would be a great fit. She added that Peachtree City hosted the 2009 Earth Day with co-sponsors from other Fayette County Municipalities. Ms. Thomas stated that there were over 600 attendees. She stated that Tyrone would provide the park and the other Fayette County Municipalities would assist as needed. Ms. Thomas stated that on October 1, 2009 at the Peachtree City Council meeting the Earth Day committee will be announcing where the 2010 Earth Day event will be held and the committee will need to know before that date if Tyrone is willing to host this event. Councilwoman Caldwell stated that the Town did not budget anything for Earth Day but according to Ms. Whittlesey's email, the Town would only need to provide the location, police coverage and publication on the Town's website.

Motion to host Earth Day in April 2010 was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0.

Ms. Connie Thomas also invited Council to the dedication for the Fairburn Nature Preserve to be held on October 17, 2009 from 4:00pm – 6:00pm.

Linda Howard, associated with the Tyrone First Baptist Church, requested the use of Veterans' Memorial Park to host their annual Fall Festival on Saturday, October 31<sup>st</sup>. Councilwoman Caldwell asked the church not to use any part of the park where the Veterans' bricks are laid. Ms. Howard stated they would be using the gazebo and the grass area. Motion to approve Tyrone First Baptist Church to use Veterans' Memorial Park to host their Fall Festival was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

Mary Sturm, 155 Brentwood Rd, expressed her concern with Tyrone First Baptist Church using Veterans' Memorial Park to host the Fall Festival. Ms. Sturm stated that the church has adequate parking space and facilities and that the church could use their own property. Ms. Sturm opined that the

park should be used for honoring and remembering all veterans. Ms Sturm asked for Council to reconsider the use of the park.

### **Approval of Agenda**

Motion to approve agenda with the exception of adding the appointment of Dee Baker as the interim Town Clerk to the Consent Agenda was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0.

### **Approval of Minutes: July 16, August 6, August 20, August 27, 2009**

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

### **PRESENTATIONS/RECOGNITION:**

There were no presentations or recognitions.

### **OLD BUSINESS:**

1. Consideration of the bid for sod for Veterans' Memorial Park.

Motion to table this item to October 15, 2009 was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

### **NEW BUSINESS:**

2. **Consideration of amendments to the Sewer Agreement with Fairburn regarding rate increases and clarification of capital contribution obligations.**

Dennis Davenport, Town Attorney, stated that the current sewer agreement between the City of Fairburn and the Town of Tyrone does not address future rate increases. Mr. Davenport added that the amended agreement identifies the circumstances under which the City of Fairburn may raise sewage rates for sewer treatment. Also addressed is the amount of advance notice to Tyrone from Fairburn that would be required for these rate changes. Mr. Davenport further stated that other areas of clarification included. The circumstances when, and in what amount, capital contributions would be required of Tyrone if Fulton County increased Fairburn's rates. Currently, Tyrone is allocated 25% of Fairburn's allotment from Fulton County. If Fairburn's allocation from Fulton County increases and Tyrone's decides it wants no increase the percentage of Tyrone's allocation would decrease; thus reducing the amount of capital contributions from Tyrone.

Mr. Davenport presented another scenario where changes in Federal or State Regulations could increase cost to Fulton County's Treatment Plant requiring Tyrone to bear its proportionate share.

There was no further discussion on this item.

Motion to approve the amendments to the Sewer agreement with Fairburn regarding rate increases and the capital contribution obligations was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

**3. Consideration and approval of using the 505 Fund Balance funds for the early retirement of the outstanding sewer loan balance with the City of Fairburn.**

Penny Hunter, Financial Manager, stated that according to the February 2006 sewer agreement with the City of Fairburn, the Town agreed to fund part of the sewer infrastructure. Several weeks ago staff met with Jim Williams, City of Fairburn Town Manager, to discuss the outstanding sewer loan balance. Mr. Williams stated that outstanding balance owed on the sewer loan was \$217,755.20. Ms. Hunter stated that staff agreed to this amount and recommends paying off this loan. She added that the Fund 505 Sewer CD currently has a balance of \$217,618.62 and is only earning 1.45% interest. When it renews on October 7<sup>th</sup> the potential for the interest to go higher is not very good. Councilwoman Furr recommended that staff cash in the Fund 505 Sewer CD, add it to the Sewer Fund Cash Account balance and pay off the sewer loan. She stated that with the Town paying 6% interest on the sewer loan over a 12 month period this is almost \$13,000 in interest. Councilwoman Caldwell agreed and added that the Town would be saving around \$69,000. Councilwoman Furr's concern was that once this loan is paid off, can the City of Fairburn come back to the Town and say they made a mistake and the Town owes the City of Fairburn more money. Mr. Davenport stated that when staff met with the City of Fairburn it was agreed that the outstanding balance owed for the sewer loan is \$217,755.20.

Motion to pay off the outstanding sewer loan balance with the City of Fairburn was made by Councilwoman Furr, seconded by Councilwoman Caldwell, approved 4-0.

**CONSENT AGENDA:**

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

4. Approval of using 505 Fund Balance funds for the current payment of the sewer rate increase to the City of Fairburn.
5. Approval to accept the \$50.00 donation from John Scarbrough (Scarbrough Management LLP) to the library and to move the donation from the general funds to line item 65.53.1005 – Special programming.
6. Approval of a letter of support of the Fayette County Mitigation Plan 2010 update to Chief Allen McCullough, Director of Emergency Management.
7. Approval to designate twelve (12) expired and/or unused ballistic vests as zero-valued surplus property and to donate same to Vest for Life.
8. Approval to update the Town's Vehicle Operations policy to include a new points system.
9. Approval to appoint Dee Baker, Administrative Assistant, as the interim Town Clerk.

Mayor Rehwaldt thanked Nancy Goedker, Town Clerk, for the great job she did for the Town this past year. Records and documents are now at the point where staff is able to retrieve documents quickly. The computer files are at the point where Ms. Goedker's replacement will be able to step right in and the documentation for the upcoming election is in order. Mayor Rehwaldt added that he, Council and staff will miss Ms. Goedker and appreciate her and all the work she has done.

### **Public Comments**

There were no public comments.

### **Staff Comments**

Penny Hunter, Financial Manager, requested approval for a portable PPO Health Benefit plan to be added as an option for Town employees. This plan will be for employees who have dependents out of state to be covered under insurance. She added that there would be no increase in cost to the Town; any increase would be at the employee's expense. Motion to add the portable PPO Health Benefit plan as an option to Town employees was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

Nancy Goedker, Town Clerk, asked for Council's approval to cancel the October 1, 2009 meeting due to a lack of agenda items. Motion to cancel the October 1, 2009 meeting was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

Chris Venice, Town Manager, stated that Council needs to look at where the Christmas tree lighting will be held this year. She added that the choices are; Veterans' Memorial Park, Shamrock Park or the Town Hall. She stated that staff is of the opinion that given Veterans' Memorial Park's change in function this park may not be ideal. If it was held at Town Hall there would be parking issues, the electrical circuits would have to be upgraded and the tree has grown so large that a crane would have to be hired to decorate it. Shamrock Park makes the most sense but this park would require electricity as well, plus an artificial tree that could be used annually would have to be purchased. Renee' Holt stated that she spoke with an electrician about putting electricity at Shamrock Park and with EMC about installing a meter. She added that a 21' artificial tree would cost about \$3,000 and the electricity would cost about \$2,500 to \$3,000. She stated that there would be a box behind the tree with 10 outlets and on the side of the park where the steps are another box with 10 additional outlets would be installed. She added that staff is looking at having a 200 amp meter and a couple of 20 and 30 amp breakers installed. Councilman Young asked how long it would take to have the electricity installed. Ms. Holt stated that EMC could install a meter in one day. Councilwoman Caldwell added that with electricity movie nights could be held at the park. Councilwoman Furr asked how high off the ground would the outlets be. Ms. Holt stated that they would be 2' to 3' off the ground. Councilman Dial asked where the funds would come from to purchase the artificial tree and install the electricity. Penny Hunter stated that there is money available in the budget.

Motion to have the Christmas tree lighting at Shamrock Park and to have Renee' Holt get with electricians to have electricity installed and to purchase a 21' artificial tree was made by Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

### **Council Comments**

Councilwoman Caldwell addressed the issue of the property on Tyrone-Palmetto Road and how the weeds can be cut on one side of the road and not the other. Chris Venice stated that staff was not cutting the weeds on the one side of the road. She added that it could be the County cutting the weeds. This is a prescriptive easement and not Town property. If directed by Council, staff could cut this area but this is a curb and gutter area with trees and would have to be done by hand. Ms. Venice stated that a letter has been sent to the owner of the property in regards to excessive grass. The next step will be to send out a certified letter and if staff does not receive a response, the owner will be cited. Ms. Venice added that once this goes to court, depending on the decision, staff could mow the weeds and then charge the owner. She added that staff could not just go out and mow this area and then bill the owner without going through the proper procedure. Councilwoman Caldwell asked if the owner was in violation of any Town ordinance. Ms. Venice stated that this is an undeveloped piece of property and no Certificate of Occupancy (CO) has been issued. Councilwoman Furr asked if there was an ordinance for cutting grass. Ms. Venice stated that the excessive weeds ordinance states that weeds need to be cut within 40' from a structure. She added that in this case these two buildings do not have a CO and therefore do not meet this criteria. Councilwoman Furr stated that something needs to be done to clean this area up. Ms. Venice stated that staff is hoping the letters will resolve this problem. Councilwoman Furr asked what time frame is expected get a response back from the owner. Ms. Venice stated that there is a 10 day response time for the certified letter and if staff receives no response a citation will be issued. The court day is usually 30 days from the date of citation. After further discussion concerning to this property and the prescriptive easement, staff was directed to proceed with the process currently being pursued and if this does not resolve the problem staff will have to look into another solution.

Councilwoman Caldwell congratulated Ms. Patsy Couch for winning Citizen of the Year.

Councilwoman Furr stated that she has pictures that she would like the Town Engineer to look at in regards to the Briarwood Road water problem. The water is completely washing out a resident's yard.

Councilman Dial asked if the problem with Mr. Taylor had been taken care of. Ms. Venice stated that the Town Engineer was researching the situation.

### **Executive Session**

There was no executive session.

### **Adjournment**

Motion to adjourn was made by Councilwoman Furr, seconded by Councilwoman Caldwell, approved 4-0. Meeting adjourned at 7:45 pm.

By: \_\_\_\_\_

Don Rehwaldt, Mayor

Attest: \_\_\_\_\_

Pamela J. Megill, Town Clerk

