

# **Town of Tyrone Council Minutes**

May 6, 2010

## **Present:**

Mayor Don Rehwaldt  
Councilman Eric Dial  
Councilman Ken Matthews  
Mayor Pro Tem Gloria Furr  
Town Manager, Richard Newbern  
Town Attorney Dennis Davenport  
Town Clerk Pamela Megill  
Finance/HR Manager Penny Hunter

## **Absent:**

Councilman Tracy Young

## **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 Pastor Larry Sisk of Operation Mobilization, and was followed by the Pledge of Allegiance.

## **Public Comments**

### Mr. Dwan Taylor, 485 Castlewood Drive, Tyrone

Mr. Taylor stated that he had addressed the Town Council on the issue of drainage problems on several occasions, and had met with Town Manager, Richard Newbern and previous Town Managers, and stated his problems had still not been resolved. Mr. Taylor stated that the drainage problems began after the golf cart path was installed. Mr. Taylor said he had dropped off copies of receipts totaling eight hundred and fifty-five cents (\$800.55) from repairs he has had to make to his property as a result of damages from the drainage problems. Previously, repairs that had been necessary due to damages to the sum of over eleven thousand dollars (\$11,000) were paid by the insurance company, but these latest expenses have all been paid out of pocket. Mr. Taylor stated he felt that he had been placed on the 'back burner' and was tired of it, and wanted to know who he should contact to get this issue resolved.

Mr. Newbern stated that he had met with Mr. Taylor and watched the video tape he provided and that the Town Engineer had looked at it also, in terms of the ditch itself; the Town is responsible for the flow of water down the ditch, but we do not have evidence that the ditch has risen to a level to crest the road and the water is running down into his yard and across his yard and entering the septic tank. When the drainage ditch is full and if at that time that it crests over the road and into Mr. Taylor's road then we could do something about that.

Mayor Rehwaldt stated he had visited Mr. Taylor's address with Ms. Vaughn, Environmental Technician during a very strong rainfall, and the only place they noticed water coming from that flowed onto Mr. Taylor's property was from a neighboring house across the street that has a high driveway.

Mr. Taylor stated that the rain water from the drain flowing onto his property is the problem, and this problem has been ongoing for years.

Mayor Pro Tem Furr asked Mr. Newbern if the Town Engineer had conducted a study of this issue. Mr. Newbern stated he had, and their findings were that the ditch water does fill up, but it does not crest over the road. Mayor Rehwaldt stated that Mr. Newbern would be contacting our Town Engineer to look at this issue one more time.

## **Approval of Agenda**

Mayor Pro Tem Furr made a motion to approve the agenda. Council Member Dial seconded the motion. Motion approved 3-0.

## **Approval of Minutes: April 15, 2010 Regular Meeting.**

Council Member Dial made a motion to approve the minutes. Council Member Matthews seconded the motion. Motion approved 3-0.

## **PRESENTATIONS/RECOGNITION:**

### **1. Proclamation – Peace Officers’ Memorial Day, Police Week.**

Mayor Rehwaldt read and presented a proclamation for “Peace Officers’ Memorial Day, Police Week” to Sgt. Eric DeLoose, Sgt. David Murphy, Officer Shawn Albea, and Officer Philip Nelson. Mayor Rehwaldt and Council Members stated appreciation to the Town of Tyrone Police Department and all gave a round of applause.

### **2. Proclamation – Municipal Clerks Week.**

Council Member Dial read and along with Mayor Rehwaldt presented a proclamation for “Municipal Clerks Week” to Town Clerk, Pamela Megill. Pamela Megill thanked the Mayor and Council for the proclamation and also expressed thanks to Town Manager, Richard Newbern for placing the proclamation on the agenda.

## **PUBLIC HEARING:**

There were no public hearings.

## **OLD BUSINESS:**

There was no old business.

## **NEW BUSINESS:**

### **3. Systematic Alien Verification for Entitlements (SAVE) Program. *Mayor Rehwaldt***

Mayor Rehwaldt stated the SAVE program is used to verify that applicants for certain “public benefits” are legally present in the United States. To participate in the program, the Town must enter into a Memorandum of Agreement with the Federal Government. Mayor Rehwaldt stated that the SAVE program is a Federal program, mandated by the State.

Council Member Dial made a motion to approve participation in the SAVE program. Council Member Matthews seconded the motion.

Motion approved 3-0.

**4. Consideration of response to Fayette County's request for a sewer extension to support the relocation of Fire Station No. 3 to Jenkins Road. *Richard Newbern, Town Manager***

Town Manager, Richard Newbern reported the following: The Town Council is asked to consider approving Fayette County's request for a sewer line extension to a proposed site for the relocation of Fire Station No. 3. The site is located on the southeast section a parcel located at the corner of Ga. Hwy. 74 and Jenkins Road in northern Tyrone. This would be the first approved sewer line extension in Tyrone beyond the existing service areas of Southhampton Commercial on Hwy. 74, and the Southhampton and River Crest subdivisions. The County is requesting a relocation of Fire Station No. 3 from Senoia Road for two reasons: (1) the septic system at the existing station is failing; and (2) the existing station does not meet current structural fire standards. It was originally built as a station for fire volunteers. Despite being rehabilitated for full-time fire personnel, it still does not meet current structural standards for local fire stations. The County's preferred choice for relocating their fire station is on the parcel located near Hwy. 74/Jenkins Road. The County is eager to proceed with the necessary land acquisition and construction as soon as a decision is made regarding the sewer extension. The County is aware of the limited sewer capacity in Tyrone and is requesting that the Town reallocate 1,000 gallons per day of capacity for the new fire station. The 1,000 gallons per day reallocation would come from the 45,000 gallons per day (gpd) capacity that is allocated to the Board of Education. The Board of Education has expressed a willingness to reduce their reserved sewer capacity from 45,000 gpd to 35,000 gpd, thus freeing up at least a 1,000 gpd for the proposed new fire station. Indeed, it appears that the Board of Education is making a 10,000 gpd sewer capacity gift back to the Town. However, the Town's current contract with the Board of Education requires that the Board's 45,000 gpd reserved capacity drop to their sewage use as of March 2012. So, in March 2012 the Town is on schedule to negotiate sewer capacity from the Board of Education and may have to use some of that recovered capacity to meet peak flows from the Board of Education.

Sewer in Tyrone is a limited resource with virtually no prospect for expansion. Tyrone's sewer source is the City of Fairburn in Fulton County, which provides 250,000 gallons per day of sewer capacity to Tyrone. Present and obligated sewage flows for Tyrone is 192,530 gpd, which constitutes 77.0% of capacity. Tyrone cannot expand its 250,000 gpd sewer capacity without Fairburn's involvement. The Fairburn City Manager has stated that there is no prospect for Tyrone being granted any more than the 250,000 gpd that it is already receiving. Both Fairburn's and Tyrone's sewage is treated by Fulton County at the County's Camp Creek Plant. Tyrone has no treatment plant of its own or any prospect for one. The 250,000 gpd sewer capacity now provided to Tyrone is finite and there is no prospect for increase. Sewer lines were originally extended to Tyrone from Fairburn beginning in 2001. Sewage was developer driven. John Wieland Homes and Phil Seay, under separate contracts with the Town, assisted the Town with sewer extensions from Fairburn. Fairburn supported the sewer extensions as a tool for economic development in the south Fulton/north Fayette County area. Since 2001, John Wieland Homes has received from the Town a sewer allocation of 190,000 gpd and Phil Seay received 60,000 gpd, which comprises the Town's entire 250,000 gpd capacity. John Wieland Homes's allocation was for sewer lines to be served to the Southhampton Subdivision (350 lots) and the River Crest Subdivision (155 lots). The Southhampton Subdivision is built-out, but the River Crest subdivision only has 13 of 155 lots with homes on them. The Town is contractually obligated to John Wieland Homes to provide sewer service to both subdivisions. The Town's contract with John Wieland Homes was amended in 2006 to allow for 45,000 gpd of John

Wieland Homes's allocation to be assigned to the Board of Education, thus reducing John Wieland Homes's allocation to 145,000 gpd. Since 2001, Phil Seay developed the Southhampton Commercial area which includes thirty-three existing commercial establishments and two commercial parcels that are undeveloped. The Town is contractually obligated to provide 60,000 gpd to Southhampton Commercial.

Over the last year, the peak daily sewer flow in Tyrone occurred in June 2009, when 110,006 gpd was sent to Fairburn. The peak average residential sewage flow in Tyrone for June 2009 was 242 gpd, which is less than the national standard estimate of 300 gpd for an average household. The Town is committed to providing sewer to the remaining 142 houses to be built in River Crest and any vacant houses in Southhampton. Using the 242 gpd figure, the Town can expect to provide an additional 37,510 gpd to River Crest and the vacant homes in Southhampton. Furthermore, Southhampton Commercial presently uses 14,986 gpd of sewer, and the contract is for 60,000 gpd, leaving 45,014 gpd remaining for new developments in the two outparcels. The Town must also have a contingency for neighborhoods that have community septic systems. Millbrook Subdivision (66 houses) and Swanson Valley (25 houses or lots) have community septic systems that could fail someday. Naturally, they would appeal to the Town for community sewer service. The Millbrook septic system also supports the nearby Legacy Theater, the vacant office building, dancing school and radio station. The estimated additional sewer flows from the two community sewer systems would be 23,264 gpd. The Town's current sewer commitments are as follows: 110,006 gpd- current sewer usage, 37,510 gpd- obligated to John Wieland Homes, 45,014 gpd- obligated to Phil Seay for Southhampton Commercial, 23,022 gpd- contingency in case community septic systems fail making a total of 215,552 gpd. The Town's sewer obligations of 215,552 gpd represent 86.2% of the current 250,000 gpd capacity. This represents an average daily residential peak use of 242 gpd in Tyrone, which may or may not increase in the future. Also, there is some uncertainty regarding the future use estimated for Southhampton Commercial. Indeed, there is 45,014 gpd remaining in Phil Seay's 60,000 gpd contract, but there is no certainty as to what sewer users may locate on the two vacant outparcels. Additionally, there is a possibility that any existing business could sell their location to a high sewer user at any given time. The 215,552 gpd figure is an estimate. There is risk that the Town's sewer commitments could be at 250,000 gpd in the near-term future. In that event, the Town would have to pay Fairburn sewer surcharges for exceeding the 250,000 gpd flow. If the County's requested extension is approved, the Town must have in place a sewer extension policy. The Town must be in a position to consider other extension requests from other enterprises. Approval of the County's request would be the first sewer line extension in Tyrone. There is risk that the sewer flows in Tyrone would exceed the 250,000 gpd contracted flows and prompt sewer surcharge payments. Regarding the proposed sewer line, the County has agreed to pay for the line so there would be no cost to the Town. Mr. Newbern thanked Finance Director, Penny Hunter for all of her assistance with preparing these figures and estimates.

Mayor Pro Tem Furr stated she remembered attorney, Mr. Whealan cautioning that a certain percentage of the capacity needed to be kept in reserve and asked Town Attorney Dennis Davenport what the percentage of capacity was, as she was concerned that we were getting very close to meeting the maximum. Council Member Matthews also commented on the same concerns regarding reaching capacity and leaving a safe percentage in the reserve.

Council Member Dial questioned what the School Board gains by not amending the contract? Mr. Davenport responded that he did not have an answer at this time. Council Member Dial stated that his decision on this subject and fact that they (the School Board) have not been willing to amend the contract makes it difficult for him to make a decision on granting a request for a sewer extension.

Mr. Davenport stated that he had several conversations with representatives from the School Board, the most recent being about six months ago, and that at that particular time, they (the

School Board) suggested the idea of giving back to Tyrone 10,000 gallons; and it was agreed amongst all to come back to the table with the historical information necessary and amend the contract. Council Member Dial stated that as much as he would like to see a new Fire Station in the proposed location, it was hard for him to make a decision based on the School Board not amending the contract.

Mayor Pro Tem Furr made a motion to not approve the County's request for a sewer line extension. The Town will work diligently with the County to identify an alternative location in the Town for the new Fire Station, particularly a location that has sewer service already available. Council Member Matthews seconded the motion.

Motion approved 3-0.

#### **5. Consideration and action on Ordinance 2010-02; amending Section 2-4-6 of the Code of Ordinances and approval to hire a part-time Code Enforcement Officer. *Mayor Rehwaldt***

Mayor Rehwaldt stated this position is critical to the health and well being of the Town and its citizens, research has shown there is no town of this size in the State of Georgia that is without a full time Code Enforcement officer. A part-time Code Enforcement officer will suffice until a later time. Mayor Rehwaldt invited discussion from the Town Council. Council Member Matthews stated that this subject had been discussed at the Annual Retreat, and also at other times. Council Member Matthews stated that if the Town were to spend approximately seventeen thousand dollars (\$17,000) he would rather see those funds go to other employees that have served the town well and not seen a pay increase in almost three years. In addition Council Member Matthews stated that just earlier this week a new system was brought on line to track code enforcement data. Mayor Rehwaldt stated that current funding is available for this position. Council Member Dial asked Mayor Rehwaldt how funding was available. Mayor Rehwaldt responded that we had reserves sufficient to pay for this. Mayor Pro Tem Furr asked if the Mayor could provide her with the amount of money the previous Code Enforcement officer had brought in. Mayor Rehwaldt responded he could not. Mayor Rehwaldt stated that staff assigned to other job duties were taking time from their regular duties to respond to Code Enforcement issues. Council Member Dial asked if these employees were working overtime, to which Mayor Rehwaldt responded, they were not. Mayor Rehwaldt stated that hiring a code enforcement officer was necessary. Council Member Matthews stated that once he sees data stating exactly how many code enforcement issues there are, and give the new system time to work, so we can evaluate the statistics, then the Council will have sufficient information to make a decision.

Council Member Matthews made a motion to deny the request to hire a code enforcement officer. Council Member Furr seconded the motion. Motion approved 3-0.

**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.

There were no Consent Agenda items.

## **Public Comments**

There were no public comments.

## **Staff Comments**

### Town Manager Richard Newbern

Mr. Newbern stated that a draft proposed budget for FY 2010-11 had been provided to the Mayor and Council Members, to include a cover letter, and suggested a Budget Workshop be held on Thursday May 13<sup>th</sup>. Additionally a Public Hearing on the budget was tentatively set for June 3, 2010. Mr. Newbern thanked Police Chief Perkins, Finance Director, Penny Hunter and the entire staff for their hard work on this item over the past few months.

## **Mayor Rehwaldt**

There were no further comments from Mayor Rehwaldt.

## **Council Comments**

### Council Member Dial

Council Member Dial questioned the status of parking lot security lighting at Handley Park. Mr. Newbern said he would be able to further address the question at the next Council meeting.

### Council Member Matthews

Council Member Matthews thanked the Fayette Daybreak Rotary Club for the “Paws for a Purpose” fund raising event, and gave additional thanks to the Mayor, Town Council and staff for their participation and support.

### Mayor Pro Tem Furr

Mayor Pro Tem Furr asked Mr. Newbern for the status on the Briarwood Road drainage problem. Mr. Newbern responded that he would have some cost estimates available and place the item on the next agenda. Mayor Pro Tem Furr also commented that there is a street light at Briarwood and Laurel intersection that burns all the time. This item will be referred to appropriate staff.

## **Executive Session**

There was no Executive Session.

## **Adjournment**

Council Member Matthews made a motion to adjourn. Council Member Furr seconded the motion. Motion carried 3-0.

The Town Council Meeting adjourned at 8:03 p.m.

By: \_\_\_\_\_  
Don Rehwaldt, Mayor

Attest: \_\_\_\_\_  
Pamela J. Megill, Town Clerk