

Town of Tyrone Council Minutes

June 3, 2010

Present:

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

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 Howard Dial of Berachah Bible Church. The invocation was followed by the Pledge of Allegiance.

Public Comments

Ms. Brenna Shaffur, 409 Wynfield Drive, Tyrone.

Ms. Shaffur thanked the Town Council for the way Veterans Park looks nice. Ms. Shaffur expressed concerns regarding tall grass and weeds at the corner of Tyrone Road and Spencer Drive.

Mr. Hank Sanak, 2035 Castle Lake Drive, Tyrone

Addressed the junk tires that are located in a couple of areas within the Town, and stated concerns that the tires are a fire hazard, health hazard and are unsightly. Mr. Sanak stated concerns regarding abandoned houses and overgrown weeds, and stressed the need for the Town to have a code enforcement officer to address these issues. The street in question for the junk tires and abandoned houses is Spencer Drive, which was formerly Swanson Road; located South of Publix grocery store.

Dwan Taylor, 485 Castlewood Drive, Tyrone

Mr. Taylor asked who he needed to contact to find closure on his issue of the drainage and flooding problems he has experienced at his residence and stated he has asked the Town repeatedly for reimbursement of the sum of eight hundred and fifty-five cents (\$800.55) and submitted receipts identifying the expenses he has incurred as a result of the water damages. Mr. Taylor thanked Mayor Pro Tem Furr and Council Member Matthews for spending considerable time with him addressing the problem.

Mayor Rehwaldt asked Mr. Newbern if he had a response to Mr. Taylor's questions. Mr. Newbern stated that the Town Engineer was preparing a report and once he receives the report he will share the findings.

Approval of Agenda

Mayor Pro Tem Furr made a motion to approve the agenda. Council Member Dial seconded the motion. Motion approved 4-0.

Approval of Minutes: May 13, 2010 Workshop Meeting, and May 20, 2010 Regular Town Council Meeting

Council Member Matthews made a motion to approve the minutes. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION:

There were no presentations or recognitions.

PUBLIC HEARING:

1a. Public Hearing on a request for a Special Exception to operate an auto restoration for classic car facility at 363 Senoia Road. The subject site is situated on the southeast corner of Crabapple Lane and Senoia Road. *Richard Newbern, Town Manager*

Mayor Rehwaldt opened the Public Hearing and asked for citizens wishing to either speak in favor or against the request for a Special Exception to operate an auto restoration for a classic car facility at 363 Senoia Road to approach the podium and address the Council.

No one spoke either in favor or against the request.

Mayor Rehwaldt closed the Public Hearing.

1b. Consideration and action on a request for a “Special Exception” to operate an automobile restoration for a classic car facility at 363 Senoia Road. The subject site is situated on the southeast corner of Crabapple Lane and Senoia Road. *Richard Newbern, Town Manager*

Council Member Young stated he had a concern that making a special exception for an area that is not zoned for this type of activity would set a precedence when there are already areas of Town that are zoned for this activity. Mayor Pro Tem stated that ordinances are put in place for a reason and to provide a special exception is delineating from the original intention of the ordinance. Council Member Dial asked if the petitioner had attended the Planning and Zoning Commission meeting when this issue was addressed by the Commission. Ms. Judy Jefferson, Planning and Zoning Commissioner, stated that the petitioner (Mr. White) had attended the meeting, and presented a very good case. Ms. Jefferson stated that the Commission had unanimously voted to approve the request. Ms. Jefferson stated that many questions were asked by the Commission and Mr. White had provided very good answers. Ms. Jefferson stated she did not believe there would be an increase of traffic, and continued that she would like to see a

business in the building as the building is in a bad state. Mr. White has promised to clean up the premises. Ms. Jefferson said she believed the type of business requesting the special exception was a very tasteful type of business.

Mayor Pro Tem Furr stated that when a special exception was granted for this area several years ago, there were no residential homes in the vicinity, but this is not the case now. Council Member Matthews asked if the petitioner was here tonight. Mr. Newbern stated he was not.

Council Member Dial made a motion to approve the special exception request. No one seconded the motion. Motion died for lack of a second.

Council Member Matthews made a motion to deny the request for a special exception, and maintain the current zoning. Mayor Pro Tem Furr seconded the motion. Motion approved 3-1.

Council Members voting in favor: Furr, Matthews, Young.

Council Member voting against: Dial.

2. Public Hearing on the Proposed Budget FY 2010-2011. *Richard Newbern, Town Manager*

Mr. Newbern gave an overview of a memo he had provided to the Council members dated May 28, 2010. Mr. Newbern stated that department heads had cooperated by reducing their budgets by 3% overall. The millage rate will stay at 2.89 mills. One (1) mill in Tyrone generates approximately \$368,000 in revenue. The budget reflects an anticipated 8% reduction in property tax revenue. The County has advised that the Town will get 7.76% less. The County is expected to decrease their usual \$30,000 contribution for Parks maintenance to as little as \$10,800. This budget the Sewer and Sanitation funds will begin supporting employee time spent on these Town functions; both funds are strong enough to support their due for employee time. Projects included in the draft budget are as follows: \$11,500 for Ordinance Codification update, \$6,500 for a file server for Town Hall to replace the one that is obsolete, \$65,000 for paving the Valley wood Road Rail Road crossing; if the paving does not occur this year, then the funds can be spent on Senoia Road and Farr Road sidewalks, \$15,000 is in the Parks budget to address erosion at Handley Park. The Police department has \$29,844 in capital, including \$8,000 for carpeting, \$16,844 as a final lease payment on two cars, and the standard \$5,000 for the insurance claim deductible contingency. The Town is spending \$96,000 per year on street lighting, which is a growing expense. The Town has \$524,748 of SPLOST funds on deposit. Mr. Newbern stated the proposed budget is available for review by the public at Town Hall.

Mayor Rehwaldt opened the Public Hearing. Mayor Rehwaldt asked that anyone wishing to speak in favor or against the proposed budget to approach the podium and address the Council.

Ms. Judy Jefferson 233 Castle Lake Drive, Tyrone

Ms. Jefferson stated she believed the Town was in need of a trained code enforcement officer, as the Town has many code enforcement issues. Ms. Jefferson stated Shamrock Park does look very nice, and she appreciated the money in the budget for Shamrock Park, and stated she hoped that sufficient money would be placed in the budget to allow for regular spraying. Ms. Jefferson stated her third item were the tennis courts, which she believes look awful; and hoped that funding would be placed in the budget for tennis court repairs.

Mayor Pro Tem Furr asked if the \$15,000 in the budget for Parks to address the erosion in Handley Park was only for the banks, or if there was funding for the low spots on the field. Mr. Newbern stated there was probably not enough funding for the low spots, and stated there maybe some funds left over to address the soccer fields.

Council Member Matthews asked Mr. Newbern if there was any additional information from the County regarding Park Maintenance funding. Mr. Newbern stated that he had attended the County Commissioners budget planning work session and had been told that the County was having to cut their own budgets due to revenue shortfalls, and as a result have to reduce appropriations to the municipalities.

Mayor Pro Tem requested a copy of the SPLOST referendum from the Town Manager.

Mayor Rehwaldt closed the Public Hearing.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

3. Consideration and action on Ordinance No. 2010-02; Scrap Tires. *Don Rehwaldt, Mayor*

Mayor Rehwaldt stated that the Town of Tyrone lacks a direction regarding the issue of scrap tires and there has been recent activity with illegal dumping of tires. Violations and current visual inspections reinforce the need for Tyrone to adopt this ordinance. Health and fire hazards associated with poor storage practices are also a major consideration.

Council Member Young asked for the item be tabled until the first meeting in July to provide the Council an opportunity to further review the ordinance, and stated he wanted to ensure that the ordinance was not targeting just one specific company. Mayor Rehwaldt stated the ordinance followed State law to the letter, with the exception of the quantity of tires. Council Member Dial asked what the quantity of tires was. Mayor Rehwaldt responded the State specifies 3,000 tires, and this ordinance dictates one hundred.

Council Member Young made a motion to table the item until the first meeting in July. Council Member Matthews seconded the motion. The motion was approved 3-1.

Council Members voting in favor: Young, Dial, Matthews

Council Member voting against: Furr

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.

4. Approval to seek a minimum of three bids to replace one single steel door, one steel double door, and two exit devices in the Police Department basement and to proceed with the lowest responsible bidder at a cost not to exceed \$3,500 from the Federal Drug fund. *Brandon Perkins, Police Chief*

5. Consideration and action on authorizing the use of Shamrock Park and waiving the rental fee for the Bicycle Ride Across Georgia (BRAG) event on June 12, 2010.
Richard Newbern, Town Manager

Council Member Dial made a motion to approve the Consent Agenda. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Public Comments

Mr. Hank Sanak, 2035 Castle Lake Drive, Tyrone

Mr. Sanak expressed his frustration with the Council Members regarding the outcome of the voting on the issues of the proposed tire ordinance and the requested special exception item.

Tonya Miller, 100 Crestmoor Court, Tyrone

Ms. Miller asked when the tract of land designated for re-zoning would be discussed. Mr. Newbern stated that the issue was still with the Planning and Zoning Commission, and the Commission would be further discussing this item on June 10th.

Staff Comments

Richard Newbern, Town Manager

Mr. Newbern stated he had received notification from Georgia D.O.T. specifying that the LARP program would fund the resurfacing of Westwood Court, Glenwood Drive, and Laurel Circle. The Town will have to allocate the money to provide for the patching. When the contracts have been reviewed they will be brought before the Town Council.

Council Comments

Mayor Pro Tem Furr asked Mr. Newbern if the large hole adjacent to the Dollar Store could be repaired as it is a danger and a hazard. Mr. Newbern stated he had spoken with the Public Works Director earlier this week, and next week cement will be poured to permanently solve the problem.

Council Member Matthews asked Mr. Newbern if he had received any further information regarding the individual that was arrested for illegally dumping tires in the Town. Mr. Newbern stated this was a criminal case that was being adjudicated in the courts, and it was doubtful that the tires would be cleaned up any time soon.

Mayor Rehwaldt

There were no further comments from Mayor Rehwaldt.

Executive Session

Council Member Matthews made a motion to adjourn into Executive Session for one item of Real Estate Acquisition and a second item of Threatened Litigation. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Council adjourned into Executive Session at 7:50 p.m.

Pursuant to O.C.G.A. § 50-14-4 (b) of the Open and Public Meetings Act, Council will meet in Executive Session to deliberate:

1. Threatened Litigation

Town Attorney, Dennis Davenport briefed the Town Council on a matter of threatened litigation. Council Member Dial made a motion to allow the Town Attorney to proceed. Council Member Young seconded the motion. Motion approved 4-0.

1. Real Estate

Town Attorney, Dennis Davenport briefed the Town Council on a matter of Real Estate. No action was taken.

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session

Council Member Dial made a motion to reconvene into regular session. Council Member Matthews seconded the motion. Motion carried 4-0. The Town Council reconvened into Open Session at 8:52 p.m.

Mayor Rehwaldt announced Executive Session contained a legal matter and the Town Council directed the Town Attorney to proceed.

Adjournment

Council Member Dial made a motion to adjourn. Council Member Matthews seconded the motion. Motion carried 4-0.

The Town Council Meeting adjourned at 8:56 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

