

Town of Tyrone Council Minutes

July 1, 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
Police Chief Brandon Perkins
Town Clerk Pamela Megill

Absent

Finance/HR Manager Penny Hunter

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 Scott Pickering of Hopewell United Methodist Church. The invocation was followed by the Pledge of Allegiance.

Public Comments

There were no public comments.

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: June 3, 2010 Regular Town Council Meeting

Council Member Young made a motion to approve the minutes. Council Member Dial seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION:

- 1. Proclamation – “To Honor United States Army, Lt. Robert Collins” will be presented to the parents of Lt. Robert Collins. *Don Rehwaldt, Mayor***

Mayor Rehwaldt read the proclamation and presented it to Mrs. Sharon Collins. Everyone in attendance at the meeting stood and applauded. Mrs. Collins and her family members expressed thanks and appreciation to the Mayor, Council Members and staff.

Council Member Young expressed his condolences to the Collins family and stated that during the forthcoming Founder’s Day events T-shirts bearing the image of Lt. Collins would be on sale, and the proceeds from the sales would go to the Collins family for the scholarship fund they have established in their fallen sons’ honor.

- 2. Proclamation – “Let Freedom Ring” will be presented to representatives of the Marquis de Lafayette Chapter, Sons of the American Revolution. *Don Rehwaldt, Mayor***

Council Member Young read the proclamation and presented the proclamation to Chapter President Lewie Dunn and Chapter Member Ernie Kearns. Mr. Dunn thanked the Mayor and Town Council for the proclamation and stated that freedom is not free; it is the many sacrifices that have been made and continue to be made that give us our freedoms.

NEW BUSINESS:

- 3. Consideration and action on Ordinance No. 2010-03; Soil Erosion and Pollution Control. *Beth Vaughn, Environmental and Planning Technician***

Mr. Newbern stated that the Council is asked to adopt Ordinance No. 2010-03; per the Georgia Erosion and Sedimentation Act, local issuing authorities such as the Town of Tyrone, must amend their ordinances within 12 months of any state amendments to the Act. Mr. Newbern stated that the amendments minimally change the enforcement of our ordinances.

Council Member Dial made a motion to approve Ordinance No. 2010-03; Soil Erosion and Pollution Control. Council Member Young seconded the motion. Motion approved 4-0.

- 4. Consider allocating funds to repair drainage structures along Castlewood Road. *Richard Newbern, Town Manager***

Mr. Newbern introduced Town Engineer Mr. David Jaeger to make the presentation to the Town Council. Mr. Jaeger provided the Town Council with a written report on the Castlewood Road Drainage. The purpose of the report is to investigate the storm water drainage system along Castlewood Road, immediately east of the intersection with Castle Hill Road, and to make recommendations regarding improvements to the existing system. Mr. Jaeger stated that the lack of a ditch in some areas, along with an insufficient cross-slope (crown) on the roadway, prevents storm water from easily flowing off of the westbound roadway surface and into the shallow ditch line along the northern shoulder. The performance of the ditch is also limited due to the elevations of the existing drainage pipes at the driveways and cart path crossings. These pipes are at a high enough elevation, relative to the roadway surface, that they are unable to flow at full capacity before the storm water will overtop the crest of the roadway and flow to the southern shoulder. Additionally, storm flows have been observed flowing from the driveways on the north side, onto the travel lanes of Castlewood Road. Mr. Jaeger recommended that improvements be made to aid in removing storm water flows from the westbound land and to improve performance of the ditch line along the northern shoulder. These improvements should include installation of new storm drainage structures, piping and curb and gutter. Mr. Jaeger provided the Town Council with 4 options of varying levels of improvements. The favored option was to facilitate both option 2 and 3. Option 2 reads as follows: To add new storm drainage inlet structure within the northern ditch, add new piping to carry flow from the new structure to a point on the south side of the Castlewood Road, to tie to existing piping on the south side of Castlewood Road at an approximate cost of \$30,000. Option 3 reads as follows: Add new storm drainage inlets along curb and gutter at turn lane to Castle Hill Road, and add new trench drain along northern edge of pavement where there is currently no ditch at an approximate cost of \$30,000. For a total estimated cost of \$61,000.

Council Member Young made a motion to approve of allocating funds to repair drainage structures along Castlewood Road, choosing options 2 and 3 at an estimated cost of \$61,000. Council Member Matthews seconded the motion. Motion approved 4-0.

5. Consideration and action on an Investment Policy. *Richard Newbern, Town Manager*

Mr. Newbern stated the Town Council is asked to adopt the attached investment policy, and stated that the Town would soon solicit proposals from investment firms to manage the Town's cash reserves. This is to ensure that the Town gets the most return on its cash assets while keeping investments secure. This is the first investment policy for the Town of Tyrone, and it can be amended in the future as investment requirements or conditions change. Council Member Young stated: Page 3 "Delegation of Authority", gives full authority to the Finance Director to move forward, could we change this to read "the authority resides with the Town Manager and they can choose to delegate as they see fit". Mr. Newbern stated that was fine. All Council Members said they agreed to the change. Council Member Young stated the last sentence in the same section reads the "Investment Officer will establish a series of controls", and asked if the Town has any documentation currently for those controls. Mr. Newbern stated there were controls. Council Member Young asked if those controls should be included in the investment policy. Mr. Newbern stated that we could include that. Mayor Pro Tem Furr asked if the required auditing would be performed by our regular auditors and if there would be additional costs for performing the service. Mr. Newbern stated our regular auditors would be the company providing the audit at no additional cost. Council Member Matthews stated a housekeeping issue on the background/history section of the agenda cover sheet and asked if the section that reads "the Finance Manager will develop a Request for Proposals consistent with policy" Could be replaced to read, "Town Manager and/or his designee". Mr. Newbern stated that would be fine. Mayor Pro Tem asked who made up the Investment Committee, Mr. Newbern stated that wording should have been changed to read "Town Manager" and stated that some towns and cities do have Investment Committees.

Council Member Dial made a motion to adopt the Investment Policy for the Town of Tyrone, as amended. Council Member Matthews seconded the motion. Motion approved 4-0.

PUBLIC HEARING:

6. Public Hearing on proposed FY 2010-2011 Budget. *Richard Newbern, Town Manager*

Mr. Newbern gave a brief overview of the proposed budget for FY 2010-2011.

Mayor Rehwaldt opened the Public Hearing and asked for citizens wishing to speak for the proposed budget to please step forward, state name and address for the record and address the Council. No one stepped forward or spoke. Mayor Rehwaldt asked for any citizens wishing to speak against the proposed budget to please step forward and address the council. No one stepped forward or spoke in opposition to the proposed budget for FY 2010-2011. Mayor Rehwaldt closed the public hearing.

7a. Public Hearing to consider the Planning Commission recommendation to rezone 55.8 acre tract along HWY 74 from AR to M-2 zoning. The property is owned by Hobgood, G.P. Inc. *Richard Newbern, Town Manager*

Mr. Newbern stated the Town Council is asked to hold a Public Hearing on the rezone of 55.8 acre tract along HWY 74 fro AR to M-2 zoning. Once the Public Hearing has been conducted and the Public Hearing has been closed, the Town Council will then be asked to consider taking action on the recommendation of the Planning Commission. On February 26, 1992, the Town Council annexed 479.214 acres along HWY 74 that belongs to Hobgood, G.P. Inc. At the time of annexation, there were heavy industrial uses already in operation, and the Town Council minutes references that the Town wanted to complete the Comprehensive Plan process prior to approving zoning for the property. Town Attorney Dennis Davenport stated this was an issue brought to the Town's attention by the property owner. The property owner has owned the property ever since the annexation into Tyrone 1992, and had never petitioned the Town to have the property rezoned to AR. Mr. Davenport stated that the Town has no records to show that this property was ever rezoned to AR. Mr. Davenport stated that every parcel of property in the Town has one zoning district, with the exception of this one, which has two. There are also uses on the property for example the quarry and so the property is already encumbered with M-2 uses. Due to these conditions the Town has concluded that we have an error on the zoning map, and to rectify the problem we need to follow our zoning procedures and advertize for a public hearing and alert the public, and let the elected public officials take the lead in taking care of this issue.

Mayor Rehwaldt opened the Public Hearing and asked for anyone wishing to speak in favor of the rezoning, to please step forward.

Melissa Griffis, (Rosenweig, Jones, Horne & Griffis)
32 South Court Square, Newnan, GA 30263

Ms. Griffis thanked the Town staff for all the time spent on review of records. Ms. Griffis stated on behalf of Hobgood Family she was asking the Town Council to clarify what is believed to be a clerical error on the zoning map. Ms. Griffis stated the Hobgood family had not petitioned for a rezoning since the 1992 annexation, M-2 uses were already operational, and no town records can be found to show that the property was ever re-zoned after the annexation.

Ed Wyatt
362 Lees Mill Road, Fayetteville, GA 30214

Mr. Wyatt thanked the Town for being a petitioner to straighten this clerical error.

Mayor Rehwaldt closed the section of the public hearing allowing for those speaking in favor.

Mayor Rehwaldt asked for those wishing to speak in opposition to the rezoning to step forward.

Paul Oppenheim
101 Power Chase, Tyrone, GA 30290

Mr. Oppenheim thanked the Town for providing the Public Hearings and sending out notices of the meeting times was much appreciated. Mr. Oppenheim listed four courses of action he would like to see further discussion of.

Tony Merryweather
100 Brunswick Drive, Tyrone, GA 30290

Mr. Merryweather stated he had been working with a correlation of neighbors in the Southampton subdivision to determine what had happened in the past regarding the zoning designation. Mr. Merryweather stated that he hoped the Town in the future would keep better and more accurate information.

Mr. James Bell

209 Brunswick Drive, Tyrone, GA 30290

Mr. Bell stated he believed the rezoning would tear down the value of the homes in the Southampton subdivision. Mr. Bell stated that many of the residents in the subdivision are retired and the homes they have invested in have turned out to be a “turkey shoot”.

Mr. Roy Bell

102 Musford Court, Tyrone, GA 30290

Mr. Bell stated he had attended a lot of productive meetings regarding the rezoning. Mr. Bell stated he was concerned about the property values.

Mayor Rehwaldt closed the opposition portion of the Public Hearing and asked if the favoring citizens wished to provide rebuttal.

Ms. Melissa Griffis, (Rosenweig, Jones, Horne & Griffis)

32 South Court Square, Newnan, GA 30263

Ms. Griffis stated thanks to the homeowners for coming forward at the meeting tonight, and appreciated their willingness to work with the property owners.

Council Member Matthews asked what was going to be done with the property. Ms. Griffis stated that the item for discussion was the request for a rezoning and not what the property owner planned to do with the property, and requested that Mr. Rick Sewell address questions and concerns regarding development.

Mr. Rick Sewell

105 W. Broad Street, Fairburn, GA

Mr. Sewell stated that the Hobgood family would not be making any firm decisions on what options they will follow until after the zoning has been established.

Town Attorney Dennis Davenport stated this was a zoning issue and any motions to be made were to address the zoning of the property. Mayor Pro Tem Furr stated she had contacted the Tax Office, and they did confirm that the land owners had been paying taxes on a M-2 designation and not an AR designation. Council Member Young asked for clarification of whether the Council decides to rezone to M-2 or leave it as AR, the property owner is going to proceed with development regardless. Mr. Sewell responded that the Hobgood family are not developers, but they are land owners. Council Member Dial asked how laborious would it be to ask staff to look at the zoning map and not have the Town embarrassed like this again. Mr. Newbern stated that a review of the zoning map is already underway.

7b. Consideration and action on a rezoning of a 55.8 acre tract along HWY 74 from AR to M-2 zoning. The property is owned by Hobgood, G.P. Inc. *Richard Newbern, Town Manager*

Council Member Dial made a motion to rezone the 55.8 acre tract along HWY 74 from AR to M-2 zoning. Council Member Young seconded the motion. Motion approved 3-1.

Council Members voting for the rezoning: Dial, Young, and Furr.

Council Member voting against the rezoning: Matthews.

Council Member Young thanked and expressed appreciation to the homeowners in the Southampton subdivision for their civility and participation in the meetings and public hearings,

and stated he hoped that if in the future there is development in that area, the Town would protect the residents as best they can.

OLD BUSINESS:

8. Consideration and action on Resolution No. 2010-05; adopting the budget for FY 2010-2011. *Richard Newbern, Town Manager*

Mr. Newbern stated that by adopting the Resolution it would be in turn adopting the budget.

Council Member Matthews made a motion to adopt Resolution No. 2010-05; adopting the budget for FY 2010-2011. Council Member Young seconded the motion. Motion approved 4-0.

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

Mayor Rehwaldt stated this item has come before the Town Council several times in the past and as some members of council requested additional information, this information was furnished to council. Mayor Rehwaldt stated that a review of other government entities was made and it was confirmed that this ordinance is required for the health and safety of our citizens.

Council Member Young stated that the Council Members had spent an inordinate amount of time on this issue, and acknowledged that the Mayor had also; and stated the Council Members had spent a lot of time with the Tire Business owners/operators. Council Member Young stated all Members had taken a lot of time talking to the folks that re-cycle tires and the many problems they encounter and stated that the system is broken, and this ordinance as it is written puts the cost and burden on the small business owners. Council Member Young stated he could not support this ordinance as it is written. Mayor Pro Tem Furr stated she had called everyone from the list of businesses that pick up tires and deliver them to the recycling facility. The list was provided by the EPD and only five of the 30 companies listed are in operation. These tire pick-up businesses will only pick up tires if they know they can unload them at the recycling facility, and there are only two in operation in the region, and both of these facilities are frequently not functional. Mayor Pro Tem Furr stated she was not willing to vote on this ordinance if there is a chance it will put small companies out of business. Mayor Pro Tem Furr stated that Mr. Adams of Tyrone Tires showed her a document that showed that he had indeed had tires picked up from the business, but getting them collected was not always possible. Mayor Rehwaldt stated his main concern was for the citizens and their safety.

Mr. Mark Clounie – Tri-Star
100 Powers Way, Tyrone, GA

Mr. Clounie stated it takes several months (eight to ten) to accumulate enough tires for a pick-up company to come out and collect the tires. Mr. Clounie also stated that the health and safety of the employees was the number one concern, and the tires at his place of business were sprayed for mosquitoes on a regular basis.

Mr. Robert Stokely
1264 Minix Road, Sharpsburg, GA 30277

Mr. Stokely stated he was appearing as an interested investor of Tyrone Tire Company. He stated that the Tyrone Tire company stores tires correctly, and the problem they have is that people are criminally trespassing and illegally dumping tires on their property, and Tyrone Tire

has been absorbing the cost of having these illegally dumped tires hauled away. Mr. Stokely stated he was aware of Town employees taking photographs of the abandoned tires on their property without seeking permission, and stated he would like copies of those photographs and for this to be considered an open records request.

Council Member Young requested that the Town Manager follow up with Mr. Stokley regarding his concerns about drainage issues at the Tyrone Tire Company.

Council Member Dial made a motion to deny adoption of Ordinance No. 2010-02; Scrap Tires. Council Member Matthews seconded the motion. The motion was approved 4-0.

10. Financial Report for the month ended May 31, 2010. *Richard Newbern, Town Manager*

Mr. Newbern gave the Financial Report for the month ended May 31, 2010. Mr. Newbern stated for the month ended May, 2010 the Town has realized nearly 95% of its budgeted revenue. As the Fiscal Year is 91.6% complete, the Town has done quite well in collecting revenue during this economic downturn. Mr. Newbern stated that the current over-all expenditures compared to budget are at 80.46%. Mr. Newbern stated that the Town would possibly hold a Work Session during the month of August to discuss spending priorities. Council Member Young stated he would like to discuss capital improvements project funding at the work session.

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.

11. Approval of Towing Contract between the Police Department and Fayette Wrecker Services, Inc. *Brandon Perkins, Police Chief*

12. Approval of the Police Department to purchase Guardian Tracking software for the purpose of implementing an employee early warning system at a cost of \$661.00 per year out of Drug Funds. *Brandon Perkins, Police Chief*

13. Approval of posting the vacant position of Public Works Department - Maintenance I (part-time, 20 hours per week). *Renee Holt, Public Works Director*

Council Member Matthews made a motion to approve the Consent Agenda. Council Member Young seconded the motion. Motion approved 4-0.

Public Comments

There were no public comments.

Staff Comments

There were no staff comments.

Council Comments

Council Member Dial asked if a staff member could call sanitation customers when service is scheduled to be terminated.

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. Council Member Young seconded the motion. Motion approved 4-0.

Council adjourned into Executive Session at 8:45 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. Real Estate

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

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

Council Member Young made a motion to reconvene into regular session. Council Member Dial seconded the motion. Motion carried 4-0. The Town Council reconvened into Open Session at 9:00 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 Young seconded the motion. Motion carried 4-0.

The Town Council Meeting adjourned at 9:01 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

