

Town of Tyrone Council Minutes

August 19, 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
Finance/HR Manager Penny Hunter
Town Clerk Pamela Megill
Environmental Technician Beth Vaughn

Call to Order, Invocation and Pledge of Allegiance

Mayor Rehwaldt called the meeting to order at 6:00 p.m. The invocation was given by Mr. David McBride, a member of Operation Mobilization. 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 Matthews seconded the motion. Motion approved 4-0.

Approval of Minutes: August 5, 2010 Regular Town Council Meeting

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

PRESENTATIONS/RECOGNITION: None.

PUBLIC HEARING:

1a. Public Hearing on Resolution No. 2010-06; a Resolution to establish the millage rate of the Town of Tyrone, Georgia for fiscal year 2010-2011. *Richard Newbern, Town Manager*

Mayor Rehwaldt opened the Public Hearing at 6:02 p.m. and asked for those wishing to speak in favor of Resolution No. 2010-06 to step forward, state name and address and address the Town Council.

Speaking in favor: None.

Mayor Rehwaldt asked for those wishing to speak against Resolution No. 2010-06 to step forward, state name and address and address the Town Council.

Speaking against: None.

Mayor Rehwaldt closed the Public Hearing at 6:04 p.m.

1b. Consideration and action on Resolution No. 2010-06; a Resolution to establish the millage rate of the Town of Tyrone, Georgia for fiscal year 2010-2011. *Richard Newbern, Town Manager*

Council Member Matthews made a motion to approve Resolution No. 2010-06; a Resolution to establish the millage rate of 2.889 of the Town of Tyrone, Georgia for fiscal year 2010-2011. Council Member Dial seconded the motion. Motion approved 4-0.

NEW BUSINESS:

2. Consideration of Police Department purchase of new equipment for its officers with drug funds. *Brandon Perkins, Police Chief*

Chief Perkins stated he with the assistance of other officers had identified three specific items to purchase with drug money for use by the Tyrone Police Department: Nylon duty gear, a traffic laser, and rechargeable flashlights. Chief Perkins provided the Mayor and Council members with a detailed memorandum on the proposed purchases. The first item Chief Perkins stated the current issue 'Clarino' style leather duty belts and equipment holders have been in place for many years. The Clarino finish wears easily and cracks, they are heavy and uncomfortable, and they are expensive to replace. Chief Perkins said that he wanted to outfit all of the officers with new nylon belt gear which is less expensive, more durable, much lighter, and recommended by doctors to alleviate lower back pain in officers associated with long term wear of gun belts. The second item requested was the Traffic Laser replacement. Chief stated, the Police Department had purchased and deployed its first traffic laser unit in 2001. The unit has performed well, but has reached the end of its service life and no longer provides optimal ranging and battery life. Laser units are extremely useful tools when conducting traffic enforcement, especially during times of heavy traffic on the highway. A laser unit allows the officer to aim and lock on to a specific vehicle. The third purchase, Chief stated was for flashlights. Currently the Police Department uses a standard non-rechargeable flashlight. Chief stated he wanted to purchase and install new rechargeable flashlights and chargers in each of the police vehicles. In addition throughout the remainder of the year drug funds will be used to purchase items such as replacement of worn items, tint meters, slings and cases for shotguns. Chief stated that \$50,000 was approved in the Police Department FY 2010-11 Federal Confiscated Assets budget for the equipment purchases and the following listed items represent \$6,076.38 from that figure: Nylon Gear \$2,223.04, Traffic Laser \$2,428.00, Flashlights and Chargers \$1,425.34. Chief concluded by stating that the Police Department has been working extremely hard over the last couple of years to improve the professionalism, efficiency, and response capabilities of the department and much progress has been made. These purchases fall in line to further these goals and to improve the safety and comfort of each officer.

Council Member Young made a motion to authorize the purchase of new equipment (nylon gear, traffic laser, and flashlights) for the Police Department with the use of drug funding. Council Member Matthews seconded the motion. Motion approved 4-0.

3. Finance Report for the year ending June 30, 2010. Penny Hunter, Finance/HR Manager

Ms. Hunter stated for the month ended June, 2010 the Town has realized 104.03% of its budgeted revenue. As the fiscal year is nearly 100% complete, the Town has done quite well collecting revenue during this economic down-turn. Revenue is \$121,854 over budget and \$128,186 over last fiscal year end revenue. Property tax collections have been better than expected as they have surpassed budget by 9.75% or \$96,700. Local Option Sales Taxes are currently above budget at 113.02% or \$91,652. Franchise Taxes are budgeted at \$468,466 and have ended the fiscal year at \$460,386 which is 98.28% of budget. Current over-all expenditures compared to budget are at 90.13%. Total expenditures to date are at \$2,727,553 compared to \$2,734,991 for the same month last year. Ms. Hunter concluded by stating that the Town's expenditures are under budget partially due to the fact that the Town does not normally tap into its \$100,000 contingency fund and the legal fees are budgeted in the "high range" for a worse case scenario. Mayor Rehwaldt thanked Ms. Hunter for her presentation.

4. Discussion of storm water utility. Beth Vaughn, Environmental Technician, Richard Newbern, Town Manager, and County Consultant Rick Gruel, P.E., Integrated Science and Engineering

Mr. Newbern stated that the Town Council is asked to begin considering a Stormwater Utility to encourage stormwater control and generate construction/maintenance funds. Many of our surrounding communities, such as Peachtree City, Fayetteville, Fairburn and Griffin have stormwater utilities. Presently, stormwater construction projects (also called drainage projects), are paid from the Town's \$100,000 Public Works line item. The Town has high-cost drainage deeds. The most recent emergency drainage projects were Valley View (\$36,600) and Laurel Circle (\$14,400). The Town has many drainage pipes that are rapidly deteriorating and need replacement. Also, the Town will soon need to address a variety of pond maintenance issues, which could cost the Town approximately \$100,000 per year.

Environmental Technician, Beth Vaughn gave a power point presentation entitled "Repairs Needed to Tyrone's Storm Sewer System". Ms. Vaughn presented many photographs of rusted out metal pipes that carry stormwater under Carrowmore subdivision, Strandill Road, Pendleton Subdivision, and East Crestwood. Also included in the presentation were photographs of detached concrete headwall, and separated headwalls. In addition examples of catch basins in need of repair were identified and erosion problems at a detention pond in Ashpark were pointed out. Ms. Vaughn concluded by stating that Tyrone has approximately 35,000 ft. of drainage pipe in the Town, and at a minimum, 70% of the Town's drainage system is corrugated metal pipe which has a life expectancy of 25 to 30 years; as such, Tyrone needs to plan for replacement of these pipes in the near future.

County Consultant Rick Gruel, P.E. gave a power point presentation entitled "Stormwater Funding Feasibility Study". Mr. Gruel stated that the purpose of the Feasibility Study was to evaluate the existing Stormwater Management Program (SWMP), to identify SWMP needs,

identify funding options and to evaluate the feasibility of implementing a stormwater utility, and identify a multi-jurisdictional opportunities for working with the municipalities in Fayette County. Mr. Gruel listed the areas of concern as being the age of the drainage system, known drainage improvements needed, lack of a drainage system map, a lack of knowledge of the drainage system condition, limited resources for drainage system maintenance, limited planning for infrastructure replacement, and being behind schedule on floodplain mapping. Mr. Gruel cited recommended funding levels and funding recommendations, in addition to providing an overview of what a Stormwater Utility is and how a Stormwater Utility User Fee System would operate.

Mr. Newbern thanked Ms. Vaughn and Mr. Gruel for their respective presentations. The consensus of the Town Council was for Town staff to continue consulting with the County and continue to make reports back to the Council.

5. Briefing on accomplishments since February 27, 2010 Retreat. *Richard Newbern, Town Manager*

Mr. Newbern provided a summary on the progress of each of the items that were discussed during the February 2010 Town Council Retreat.

Discuss FY 2010/11 expenditure/revenue projections – We estimated a revenue shortfall and agreed to draw on the reserves to fund the 2010/11 budget.

Discuss options concerning proposed Valleywood Road Railroad crossing closure – this issue has been settled.

Purchasing Manual/Procedures – This item will be discussed later this evening.

Format for Monthly Finance Reports – The monthly reports have now been updated.

Possibility for using ADP for Payroll and Accounting – This has not been a high priority and we are currently working with the Paychex system.

Reducing Sewer Charges, if affordable –We have maintained the current rates due to budgeting for the time being.

Tax Billings for Town Property – We are still continuing to monitor this.

Job Descriptions/Pay Ranges – This is something we plan to work on this fiscal year.

Employee Morale/Encouragement – This is an ongoing project, we are looking at ways to improve morale.

Records Management/Retention and Destruction – We have accomplished a purge of the attic.

Codification – We have received solicited proposals and we will probably have this item on the September 2, 2010 Town Council agenda.

Systematic Alien Verification for Entitlements (SAVE) – We are working on this item.

Mr. Newbern deferred to Chief Perkins for the summary of the Public Safety Retreat items.

Fire Station No. 3 possible re-location – No further update on this issue.

Code Enforcement Rehire – This is an item for discussion later in the meeting.

Unfinished Lots – This is an ongoing project that is a challenge.

Shamrock Park Improvements – This will be discussed under a later item for construction projects.

Gated Communities – This is a settled issue.

Mayor Rehwaldt thanked Mr. Newbern for providing the summary.

6. Discussion of priorities for spending SPLOST funds. *Richard Newbern, Town Manager*

Mr. Newbern stated direction was needed from the Town Council to provide the “go ahead” for the spending of these funds. Mr. Newbern provided an overview of each of the seven (7) suggested SPLOST projects listed in the memorandum he provided to the Town Council:

1. Valleywood Road paving from Park Drive to Creek. This includes right-of-way, appraisal and acquisition, engineering, drainage and paving, 1,200 linear feet.
2. Path along Senoia Road from Magnolia Drive to Winfair Drive, 1,000 linear feet.
3. Palmetto Road resurfacing from Senoia Road west to the Town limits, 1.4 miles.
4. Autumn Trace resurfacing, 1.5 miles.
5. East Crestwood NE road paving, approximately 1,000 linear feet.
6. Turn Lane at SR 74 (east side), 500 linear feet.
7. Two other Multi-use paths: a) Path along Briarwood Road from Castlewood Road to Strawberry Lane b) Path along Laurelwood Road from Briarwood Road to Ridge Road.

A discussion ensued amongst Council and staff regarding the listed options.

Mayor Pro Tem Furr stated that Valleywood Road was a top priority for her. Council Member Matthews stated Valleywood and Tyrone turn lane were his priorities. Council Member Dial suggested that options 1, 2, 3 and 6 with item 4 as an alternate priority be pursued. Mr. Newbern stated he would obtain more accurate cost estimates. Council Member Dial asked Police Chief Perkins if from a Public Safety standpoint that if a path was laid up to Winfair Drive would it increase the temptation to go to Maple Shade. Chief Perkins stated he did think it would be a safety concern, and said he thought we were better off by not extending the path (item #2). Council Member Dial suggested the Council go with items 1, 3, 4, and 6. Mayor Pro Tem stated she would rather have a road re-surfaced over building a cart path.

Council Member Matthews made a motion to prioritize SPLOST items 1, 3, 4, and 6. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Mayor Rehwaldt stated that he would like to introduce agenda item #10 next, as there were people in the audience waiting to speak on that item. A consensus from the Council was given to change the order of the item.

10. Veteran’s Park – Discussion on retaining or eliminating the Committee. *Richard Newbern, Town Manager*

Mayor Rehwaldt stated that the Veterans Park Committee has done a great job and the park looks wonderful, and the efforts of the Committee are to be applauded; however, the continuing maintenance of the grass cutting, bush trimming, laying of bricks is now the responsibility of the Public Works department. It was noted that the Public Works Director was laying the bricks on her own personal time. Mayor Rehwaldt introduced Major Van Brock, Veterans Committee Chairman. Mr. Brock explained that he has a hard time getting many of the volunteers to actually show up to help out with projects and the work was falling on the same individuals. Mr. Brock also stated that the Committee has almost \$4,000 in funds for the purchase of shrubs and plants. Mayor Rehwaldt asked if Mr. Brock thought it would be in the best interests of the park to transfer the maintenance to the Town and end the 501(c)(19), transferring the funds to the Town to be deposited in a dedicated account. Mr. Brock along with Ms. Patsy Couch, Mr. Ruddy Norris all agreed it would be in the best interest of the Park to dissolve the Committee. Mr. Brock stated the Town would be able to maintain the park because the level of participation from the Committee at this time was not sufficient. Mayor Pro Tem Furr stated she thought the Committee was currently dysfunctional with too many issues, and would like to see the situation resolved. Mayor Rehwaldt stated that Mr. Brock would need to write a letter to the Town, asking the Town to take over the operation of Veterans Park. A discussion of how many eligible

voting members' signatures would be required ensued. The Mayor stated that the Town's goal was to have the Park maintained to the best level possible.

Mayor Rehwaldt stated the Council would take a short recess. The Council recessed at 7:45 p.m. The Town Council resumed the meeting at 8:05 p.m.

7. Capital projects to be funded with a budget amendment. *Richard Newbern, Town Manager*

Mr. Newbern stated the Town has approximately \$190,000 under its general fund expense budget for FY 2009/10, and there had been some discussion regarding the allocation of a portion of these funds being utilized for capital improvement projects. Mr. Newbern stated that the Town is expecting to use approximately \$197,100 in reserves during FY 2010/11 to balance the budget. Mr. Newbern also stated that health insurance premiums are liable to be higher than presently budgeted and matching of the TC grant (assuming the Council desires to keep it) would require up to a \$127,840 match.

A discussion ensued regarding various capital improvement projects that could potentially be addressed.

Council Member Young made a motion to amend the FY 2010-11 budget to support the transfer the sum of \$50,000 for the purposes of the enhancement of Shamrock Park. Council Member Matthews seconded the motion. Motion approved 4-0.

8. Discussion of \$511,360 Transportation Enhancement (T.E.) Grant project. *Richard Newbern, Town Manager*

Mr. Newbern stated the Council is asked to consider redirecting funds from an existing T.E. project to other T.E. eligible activities. Mr. Newbern stated that the Town presently has a \$511,360 T.E. Grant to help construct an 8-foot bike path from Handley Park down Handley Road and then down Tyrone Road to Anthony Drive. The local matching requirement is \$127,840, for a total project cost of \$639,200. The local match meets the 20% grant matching requirement. There have been problems with the proceeding right-of-way acquisition of the Handley Park project and abandonment of the project has previously been discussed. The Council can revise the work scope for other eligible T.E. projects; these have to be new projects and not repairs or maintenance projects, they are for off road improvements.

A discussion ensued regarding possible T.E. projects in the Town. Mayor Pro Tem Furr asked Mr. Newbern to provide the Council with a complete list of all possible T.E. projects. Council Member Matthews stated that several years ago there was discussion between the Developer and the Town regarding the landscaping of HWY 74 and suggested this could be further researched.

Consensus of the Council was to direct Mr. Newbern to contact Mallet Engineering and request a quote for the cost of replacing Shamrock Bridge and to contact the Georgia Department of Transportation to ask for a list of acceptable projects.

9. Update on Zoning Ordinance and Land Development Regulation changes. *Richard Newbern, Town Manager*

Planning and Zoning Commission Chairman, Gordon Shenkle, stated the Commission was making great progress on the revising the Zoning Ordinance, and that these proposed revisions, hopefully will be presented to the Council during the month of October. Mr. Shenkle stated there would have to be two public hearings prior to the adoption of the Zoning Ordinance. Mr.

Shenkle stated the Commission planned to begin on the revision of the Land Development Regulations, once the Zoning Ordinance project has been completed. Mayor Rehwaldt thanked Mr. Shenkle and Commission Members for all of their hard work on this project.

11. Employee Handbook revision. *Don Rehwaldt, Mayor*

Mayor Rehwaldt stated the Employee Handbook revision provides for discussion of a multitude of areas including handling of hazardous waste, reporting injuries, expanding the section of weapons in the workplace and personnel administrative procedures. The addition of mandatory e-verify procedures, adding an employee suggestion program, bring FMLA requirements up to date, addressing 30-hour part time employees on the long term insurance policy, use of safety equipment, and waste prevention. Mayor Rehwaldt invited comments from the Town Council. A discussion took place regarding the proposed changes to the Employee Handbook. Council Member Young commented on the current handbook of 52 pages being increased to the proposed handbook with 84 pages, and stated he did not have a problem with a legal review of the E-Verify and FMLA sections. Mayor Pro Tem Furr questioned the sections pertaining to weapons in the workplace, the sick leave policy, running in the workplace and floating holidays.

Council Member Young made a motion to have the Town Attorney provide a legal review of the E-Verify and FMLA sections only of the proposed revisions to the Employee Handbook. Council Member Dial seconded the motion. Motion approved 3-1.

Council Members voting for the motion: Young, Dial, Matthews

Council Members voting against the motion: Furr

12. Purchasing Ordinance. *Don Rehwaldt, Mayor*

Mayor Rehwaldt stated he was requesting the adoption of a purchasing manual which more meets the needs of the Town and which upgrades a current version that was adopted in 2000. This manual has been reviewed by the Town Manager and the Finance Director and it meets their expectations and criteria. Mr. Newbern stated that this item was discussed at the February 2010 Town Council retreat. Mr. Newbern stated the Town does have a purchasing ordinance, which is inadequate particularly with regards to bidding and contracting and the purchase order procedure. Mr. Newbern stated he did ask the Mayor not long after the retreat to begin working on a revised document. This is now a much more workable document, and suggested the Council review the item and then pass it onto legal for review. Council Member Dial asked Town Attorney, Dennis Davenport how many hours he thought it would take for him to review the document. Mr. Davenport replied it could be anything from 4 to 10 hours depending on exactly what needs to be reviewed. Council Member Matthews stated he would have liked to have seen the proposed changes highlighted and the proposed deletions with strikeout notations. Council Member Dial asked Mr. Newbern if he felt this revised manual is necessary. Mr. Newbern stated it was, and suggested the Council take more time to review it or pass it onto legal for review. Council Member Dial asked if the Council wanted two more weeks to further review. Council Member Young stated he would like to address it again at the next council meeting. Mayor Pro Tem said she had reviewed the revised manual four times and it was time consuming and complex to read and understand.

The consensus of the Council was to take two additional weeks to review the proposed revised purchasing ordinance.

13. Code Enforcement. *Don Rehwaldt, Mayor*

Mayor Rehwaldt stated this item is a request for Council to consider the rehiring of a Code Enforcement Officer. I would again like to point out that we have numerous ordinances that require enforcement and by being reactive in lieu of proactive, many violations exist until a complaint is received. Tyrone is almost unique by not having a code enforcement officer. Mayor Rehwaldt asked Mr. Newbern to make comments. Mr. Newbern stated this was a council decision, and said there was no doubt that the Town would benefit from a code enforcement officer, but looking at the budget, we are already drawing on the fund balance cash reserves to meet the existing budget, so I am leaving this to the Council to make the decision. Mayor Rehwaldt responded that the Town had 3.3 million dollars in reserves. Planning and Zoning Commission Chairman, Mr. Gordon Shenkle stated that the Commission had recently approved a new sign ordinance for the Town, and several businesses are in violation or non compliance of that ordinance, and stated he believed that current staff should not be taking time from the office to address these matters, nor did he believe this was a task for the police department. Mr. Shenkle stated he believed that the Town needs a full time Code Enforcement Officer. Council Member Dial asked Mr. Newbern if staff were over burdened from dealing with code enforcement issues. Mr. Newbern stated the code violations have not caused any staff to incur over-time, although it does detract from the work that the staff are assigned to perform. Council Member Dial asked if staff have asked him (the Town Manager) to hire a Code Enforcement Officer. Mr. Newbern replied, that yes, he had heard that request. Council Member Young stated that the Council has also heard the request a lot, but at the same time the new software program has been implemented and we have consistently asked for the data to support the request.

Mayor Pro Tem Furr made a motion that the Town Council does not hire a Code Enforcement Officer at this time. Council Member Young seconded the motion. Motion approved 4-0.

Council Member Dial stated he wanted to discuss this item further with Mr. Newbern. Mayor Pro Tem said for the most part she believed business owners were in compliance with the sign ordinance, and that in these economic times we ought not to be too hard on the Towns' businesses. Council Member Young stated he was not against hiring a Code Enforcement Officer; it was that he has not seen enough proof or evidence to justify the hiring. Council Member Dial thanked Mr. Shenkle for his input.

14. Other items: What to do with vacant office space at Town Hall; what to do with Tire pile on Seymour property; how to properly celebrate Tyrone's 100th Birthday on August 19th 2011.

Mr. Newbern stated we have some empty space at Town Hall and there has been discussion of bringing Public Works to relocate to Town Hall. We are also in discussions of where to store records; we will probably use both the attic and the vacant office. Mr. Newbern stated he did not think it was necessary at this time to move either Public Works or the Recreation staff into the vacant area, as this would increase traffic at Town Hall considerably, and stated he had not been able to identify any benefits from moving either of those departments.

Mr. Newbern asked that the illegally dumped tires be addressed by Chief Perkins. Chief Perkins stated there is an indictment against the accused and it will probably take a while before this issue actually goes to court. It could be a significant amount of time before a clean up will take place, and stated this is a really difficult situation and a rare case.

Mr. Newbern stated that discussions have begun for the preparation of the Town's 100th Birthday next year. Mr. Newbern suggested we research how other cities have celebrated their centenaries. Council Member Young suggested we research our heritage also. Council Member Matthews stated that the Founder's Day committee had been working on this item for the past four years.

Public Comments

There were no Public Comments

Staff Comments

Town Manager, Richard Newbern - provided the Mayor and Council Members with a draft program of events for the forthcoming Founder's Day celebrations.

Mayor Rehwaldt

There were no further comments from the Mayor.

Council Comments

Mayor Pro Tem Furr – gave thanks to the Public Works Department on behalf of Mrs. Lewis Pollard and stated that the Public Works Department did a great job!

Executive Session There was no Executive Session.

Adjournment

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

The Town Council Meeting adjourned at 9:30 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

