

Town of Tyrone Council Meeting Minutes

October 7, 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

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 Reverend Danny Stovall of the Living Proof Baptist Church. The invocation was followed by the Pledge of Allegiance.

Public Comments

There were no public comments.

Approval of Agenda

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

Approval of Minutes: September 2, 2010 Regular Town Council Meeting

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

PRESENTATIONS/RECOGNITION:

- 1. Proclamation – A proclamation will be presented to Ms. Debbie Britt, Executive Director for the Fayette Senior Center. *Don Rehwaldt, Mayor***

Mayor Rehwaldt read the proclamation and presented it to Ms. Debbie Britt, Executive Director for the Fayette Senior Center. Ms. Britt thanked the Mayor and Council Members for the proclamation and stated it was a privilege to serve the citizens of Tyrone and Fayette County.

PUBLIC HEARING: None.

Council Member Young arrived at 7:10 pm and apologized for his tardiness, which was due to air travel and commute delays.

OLD BUSINESS:

2. Consideration and action on adopting the Employee Handbook update. *Richard Newbern, Town Manager*

Mr. Newbern stated, at the Thursday, August 19, 2010 work session, the Employee Handbook was presented to the Council for an update. The new August 19 document was an update from the Employee Handbook that was adopted by the Council last March. The August 19 document included additional requirements regarding employee safety, employee military benefits, E-verify, FMLA language, and other suggested provisions. At the August 19 work session, the Council took action on the update that was presented to them. However, there is a difference of opinion among the Town staff on exactly what the Council decided to do on August 19. One version of the Council's intent on August 19 is that the Council approved the new update as presented, but that the Town Attorney would only be asked to review the provisions regarding E-verify (page 28), and the Family Medical Leave Act (FMLA), which is on page 38. Another version of the Council's intent on August 19 is that the Council decided to stick with the Employee Handbook that was adopted in March (our current handbook), and only add the new E-verify and the FMLA language, subject to the review of the Town Attorney. The Attorney has reviewed these two sections for the Council's consideration. In your packet, both the (1) update that was presented at the August 19 work session, and the (2) original document that was approved in March are enclosed for your review. The Council is asked to decide exactly how it wants to update the current March 2010 Employee Handbook. Any additional provisions will be added to the current handbook and any October 7 amendments will be duly noted.

Mayor Rehwaldt stated it was unclear as to what changes were requested, and so would like for any requested changes to be clearly stated. Council Member Young stated he was confused to why there was an issue, as the motion that was made at the previous meeting was to have legal review the two sections (FMLA and E-Verify) and have those sections incorporated into the existing employee handbook. Mayor Pro Tem Furr asked if Mr. Davenport had found any concerns with the FMLA and E-Verify sections. Mr. Davenport stated both items seemed to be in order. A discussion ensued regarding weapons in the workplace, but as the existing employee handbook does not make reference to weapons in the workplace it was concluded not to address weapons in the workplace in the employee handbook at this time. Council Member Young stated he would like to clarify that the Council Members wanted to incorporate the FMLA and E-Verify into the employee handbook that was adopted in March. Mayor Pro Tem suggested that the weapons in the workplace could be addressed and maybe included at a later date and asked Mr. Davenport if he thought weapons in the workplace should be included in the handbook. Mr. Davenport stated he could do some research and provide proposed language for the Council to review.

Council Member Young made a motion to approve the E-Verify and FMLA sections that have been reviewed by Mr. Davenport and include those in the employee handbook that was approved in March of this year. Council Member Matthews seconded the motion. Motion approved 4-0.

NEW BUSINESS:

3. Consideration and action on entering into an agreement with Mid South Planning and Blue Cross, Blue Shield for the provision of employee health insurance benefits from November 1, 2010 thru October 31, 2011. Karen Larkin, Vice President Midsouth Planning

Ms. Larkin stated The Council is asked to approve changing insurance policies from Aetna to Blue Cross and Blue Shield for the period from November 1, 2010-to-October 31, 2011. The Town will continue its relationship with Mid-South Planning, which serves as consultant to the Town for health, life, dental, vision, and short- and long-term disability insurance. Last year, Mid-South Planning arranged for the Town to contract with Aetna for health insurance coverage for 30 full-time employees. When Aetna offered to renew the Town's coverage for FY 2010-11, their rates went up 27%. The Town knew that health insurance rates were likely to increase, but not at 27%. For FY 2010/11, the Town Council had budgeted a 15% increase for health insurance. In response to Aetna's proposed 27% increase, the Town solicited group health insurance options from Mid-South Planning and the Georgia Municipal Association. Many of the proposals included either high increases and/or reduction in benefits for employees. The best proposal that fits the needs of the employees is a Blue Cross and Blue Shield option offered through Mid-South Planning. The standard benefit package is the Blue Cross/Blue Shield POS 2010ax policy, which offers the same major medical and prescription drug benefits that employees now receive. This proposal meets the Town's budget and there is still no employee contribution for employees who do not include dependents (21 of 30 employees). However, employees who have dependent-only coverage (4 employees) will experience a \$15 increase per pay period, and employees with family coverage (5 employees) will experience an increase of \$25 per pay period. Ms. Larkin stated that dental coverage expenses would be an increase of 3%. Council Member Dial questioned why we did not operate on our (the Town's) fiscal year. Ms. Larkin stated that she would check to see with the insurance companies if it was possible to operate within the Town's fiscal year. Council Member Dial stated he would be remiss if he did not make sure to take this opportunity to let everyone know who is adversely affected by this or any other health care provider problem, that it is the Obama Administration and leadership in the House and in the Senate that are to blame for what we are going through right now. Ms. Larkin stated that one of the good things is that preventive medicine is now 100% coverage with no deductible.

Council Member Dial made a motion to approve of the switch to Blue Cross Blue Shield and the plan that Ms. Larkin has presented. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

4. Consideration and action on Resolution No. 2010-09, 2010-10, and 2010-11; setting a Public Hearing date pertaining to the removal of three (3) sub-standard houses. Richard Newbern, Town Manager

Mr. Newbern stated The Council is asked to set a date for a public hearing at which time the owners of three dilapidated houses in Town can come and state what they intend to do with their houses. The Town Building Inspector, who is David Mundt of SAFEbuilt, has issued a report stating that the houses are dilapidated. The homeowners will have the opportunity to state if they plan to demolish or improve their structures. This process is in accordance with the Town's demolition ordinance. Enclosed in your packet are Resolutions for each house that must be

approved by the Town Council. The houses are one (1) house on Rosewood and the two (2) dilapidated houses on Spencer/Old Town. The owners are entitled to a public hearing before the houses are torn down. Hopefully the owners will agree to either repair or remove their houses at their expense. If the Town removes the houses, the costs that the Town incurs can be reimbursed back to the Town when the properties sell. A lien with the full cost to the Town will be placed on the properties until they sell. David Mundt, the Town's Building Inspector, has provided reports on the three houses. A copy of his report on each house has been included in your packet for review. Mr. Mundt gave an overview of the condition of each of the three houses located at 147 Rosewood, 688 Swanson Road, and 706 Swanson Road. Mr. Davenport stated that a separate motion and vote would be required for each resolution independently. Council Member Young clarified that all the Council would be acting on at this meeting was to set the date for a Public Hearing (December 2, 2010). Council Member Dial asked what would happen if any economical development would take place on one of these properties after the Town had condemned them, and further stated he wanted to avoid a pitfall of being accused of condemning these properties for economic development. Mr. Davenport stated that condemnation was the phraseology use when using eminent domain; taking someone's property for just compensation. This process is stating these structures are uninhabitable and so we are just ordering to have them torn down; we are not taking anything, we are just making the property owners live up to the codes of the community. Mr. Davenport stated the zoning would not be changed and that we are just forcing the property owners to demolish the structures or clean them up and bring the properties up to code; this is more nuisance abatement than it is condemnation.

Council Member Mathews made a motion to set a Public Hearing date, December 2, 2010; for the property located at 706 Swanson (also known as Spencer). Mayor Pro Tem Furr seconded the motion. Motion approved 4-0. [Resolution No. 2010-11]

Council Member Mathews made a motion to set a Public Hearing date, December 2, 2010; for the property located at 688 Swanson (also known as Spencer). Council Member Dial seconded the motion. Motion approved 4-0. [Resolution No. 2010-10]

Council Member Mathews made a motion to set a Public Hearing date, December 2, 2010; for the property located at 147 Rosewood. Council Member Young seconded the motion. Motion approved 4-0. [Resolution No. 2010-09]

5. Consideration of charging Building Permit Fees at the time of construction and eliminating "foundation only" permits. *Richard Newbern, Town Manager*

David Mundt, Chief Building Official, SAFEbuilt Inc. The Council is asked to approve the removal of the \$50 foundation-only permits from the Town of Tyrone building permit fee schedule for residential and commercial projects. Builders will then be required to pay the full cost of a building permit up-front. This is an administrative matter that will not affect the cost of building permits, nor will it affect the Town's revenues. Presently, a builder can pay \$50 for a foundation-only permit, and then the rest of the cost of the building permit when the builder is ready to begin construction. This fee structure allows builders to install a foundation, or slab, and then never follow-up with a building permit.

This causes the problem of new slabs getting left with no building on them. A builder may pay an inexpensive \$50 to lay a slab, and then never build the building until the economy improves. By requiring the building permit fee to be charged up-front, the builder would have more of an

investment in seeing that the project be completed in a reasonable time. Furthermore, by abolishing the foundation-only permits, the Town can improve its tracking and inspection of new residential and commercial structures. This proposal would abolish foundation-only permits for residential and commercial structures. Foundation-only permits would still be allowed for gazebos and patios, which consist mostly of foundations. Council Member Young asked if the Town has any foundation only permits out right now, Mr. Mundt replied there were several. Council Member Young clarified that any foundation only permits would remain the way they are presently and follow the old pattern, and all future permit applications would be processed under the new system. Mayor Pro Tem Furr asked if there was a time limit from receiving a foundation permit to applying for the building permit. Mr. Mundt stated this was part of the problem and that tracking was an issue. The new system will alleviate this problem.

Council Member Dial made a motion to remove the \$50 foundation-only permits from the Town of Tyrone building permit fee schedule for residential and commercial projects. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

6. Discussion and consideration of the purchase of a “SMART” Trailer for the Police Department with Federal Drug Funds. *Brandon Perkins, Police Chief*

Chief Perkins stated that citizen reports of speeding in neighborhoods and on the streets/highway within the jurisdictional limits of the Town in general remain to be one of our primary complaints. Our primary method for responding to these complaints at this time consists of issuing a special watch to the officers requiring them to increase patrols in the area in hopes that the increased presence, combined with enforcement where legal, will reduce these incidents. One big problem is that we cannot enforce speed limits with radar or laser on most residential streets because of legal restrictions. Another issue is that we do not always know when to deploy officers to these areas, so it's usually hit or miss. Our research into this matter reveals that methods such as increased signage do not work and speed bumps create more problems and complaints than they solve in addition to being expensive to install and maintain. One of the most recommended and effective methods involve a combination of traffic study/analysis and officer presence at those times prescribed by such studies and analysis. Building on that, traffic studies can be conducted manually by deploying officers to the area simply to observe the volume of vehicles over a given time compared to their speeds as measured by radar or they can be conducted automatically by electronic devices. Enter the SMART (Speed Monitoring Awareness Radar Trailer) Trailer. They are generally small and contain an electronic screen that displays the speed of oncoming vehicles and may flash when a vehicle is in excess of the speed limit. What many do not know is that these devices contain a computer that performs vehicle counts, time of day, and speed which can all be exported to Excel for detailed study. The results of these studies can then be used to tell the police department 1. If a problem truly exists and 2. when most of the violations occur. If a problem is detected, we could then deploy officers at the right time when they would be most effective at slowing people down. Chief Perkins stated that he did receive three quotes and Stalker Radar met all of the feature requests and they offered to deliver the device in black to match the fleet at no additional cost. Chief Perkins stated he was seeking Council approval for the Stalker Radar at a cost of nineteen thousand, two-hundred and fifty-five dollars (\$19,255) from the Federal Drug Fund. Council Member Dial asked in what ways this purchase would be advertised to the community. Chief Perkins responded Nixle and the Town web site.

Council Member Young made a motion to approve the purchase of the SMART trailer for \$19,255 from the Federal Drug Fund. Council Member Matthews seconded the motion. Motion approved 4-0.

7. Consideration and action on the purchase of the replacement of five (5) police vehicle camera systems. *Brandon Perkins, Police Chief*

Chief Perkins stated, the Tyrone Police Department has utilized in-car video technology for over a decade, beginning with VHS units in the 90's and we began to use digital units a few years ago (approximately 2006). The first digital system we purchased was from ICOP and we are now using Digital Watch Guard. The ICOP cameras have been problematic from the start – partially due to the agency's lack of a proper server for storing the videos. The officers are required to remove the hard disk from the camera once it is full and then come into the office to download their videos. This process can take over an hour and, if an error occurs, Maj. Brock must manually download each video. We have had multiple issues with hard drives, the ICOP software, and with the cameras themselves and ICOP has been unable to rectify them for us. They have honored their warranty, but many of these issues have occurred once the warranty has expired. If we were having sporadic issues with one or two units, this would not be an issue, but we have had problems with each and every unit we own. The 3 new vehicles we purchased earlier this year were equipped with Digital Watch Guard cameras, which are listed on the State contract, and we have not had a single issue with any of them. One big advantage of these cameras is that they record directly to a DVD, so downloads and digital archiving is not required. The system alerts the officer when the disk is full and he or she can then remove it and replace it with a blank DVD. If a blank is not available, the system records to an internal hard drive until it detects a new DVD and then it will automatically archive the stored data. The DVDs are then stored in protective sleeves inside a cabinet here at the office. State contract pricing for the Digital Watch Guard system is \$4,682.00 each plus \$35.00 for one mounting bracket for our oldest Dodge (a mounting kit for the Ford comes standard) for a total of \$24,670.00. This price includes installation. I would like to have the 5 ICOP cameras deemed surplus once replaced and then move to sell them at auction as-is. These were purchased with drug money, so the proceeds would go back into the drug fund. Council Member Young asked where the tapes are stored. Chief responded right now they are placed in a locked metal cabinet, and stated ideally he would like to store them in a fire-proof cabinet and off-site storage.

Council Member Dial made a motion to approve the purchase of five police vehicle camera systems at a cost of \$24,670.00 from federal drug funds. Council Member Young seconded the motion. Motion approved 4-0.

8. Consideration and action on making a request for the Softball Association to purchase and install two additional lights for the parking area of the Dorothea Redwine Field. *Jennifer Patton, Parks and Recreation Director*

Mr. Newbern stated the Tyrone Softball Association has requested additional security lights for Red Wine Parking lots for safety reasons. The parking lot is very dark and unsafe for participants to walk through during the evening/night time hours. The Tyrone Softball Association has agreed to pay for the purchase and installation of the lights. The only expense to the Town will be the usage of power for the security lights to run.

Council Member Dial made a motion to approve of the Tyrone Softball Association purchasing and installing additional security lights at Redwine Park parking lots. Council Member Young seconded the motion. Motion approved 4-0.

9. Consideration and action on authorizing the Tyrone Soccer League permission to install a fence at Handley Park. *Jennifer Patton, Parks and Recreation Director*

Mr. Newbern stated the Town has requested that the Tyrone Soccer League provide funding to purchase a fence to install at Handley Park on the left side of the stairs to prevent participants from going up and down the hill, causing erosion to the hill. The Tyrone Soccer League has agreed to provide the necessary funding for the purchase of the fencing materials. Council Member Matthews asked if the left over fencing materials that were stored could be used for the fence. Mr. Newbern stated he would check the left-over fencing.

Council Member Dial made a motion to approve the Tyrone Soccer League purchase of fencing materials and installation for Handley Park, unless we can use the left-over fencing to compensate. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

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.

10. Consideration and action on Budget Amendment/transfer to clear FY 2010 over-budget items. *Penny Hunter, Finance/HR Director*

11. Consideration and action on authorizing Tyrone First Baptist Church permission to host a “Fall Festival” on Sunday, October 31, 2010 at Shamrock Park. *Pamela Megill, Town Clerk*

12. Consideration and action on authorizing Cycle for Life – Wheels in Motion to Cure Cystic Fibrosis Foundation to utilize the Town Hall parking lot on Saturday, November 13, 2010 for rest and refreshment purposes. *Pamela Megill, Town Clerk*

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

Public Comments

There were no public comments.

Mayor Rehwaldt

There were no further comments from the Mayor.

Council Comments

Council Member Young

- Thanked all of the staff and volunteers for all of their hard work during the Founder's Day events.
- Stated 175 T-Shirts had been sold in an effort to raise funds for the Lt. Robert Collins scholarship fund. \$2,200 was raised from the sale of the shirts during the Founder's Day events.

Staff Comments

Town Manager, Richard Newbern

- The Town will be soliciting "Request for Proposal" (RFP) for a Masterplan for Shamrock Park improvements; and it would be beneficial to appoint five or six persons to serve on a "Shamrock Park Committee".
- The Town would like to solicit interested parties from the community to submit suggestions for planning the Centennial celebration for the Town of Tyrone, and to possibly serve on a "Centennial Committee".
- The appointments for both committees could be placed on the November 4th, 2010 Town Council agenda.

Executive Session

There was no Executive Session.

Adjournment

Council Member Young made a motion to adjourn. Mayor Pro Tem Furr seconded the motion. Motion carried 4-0.

The Town Council Meeting adjourned at 8:10 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

