

Town of Tyrone Council Meeting Minutes

November 18, 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
Town Clerk Pamela Megill
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 Mr. Richard Sharp of Operation Mobilization. The invocation was followed by the Pledge of Allegiance.

Public Comments

There were no public comments.

Approval of Agenda

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

Approval of Minutes: November 4, 2010 Regular Town Council Meeting

Mayor Pro Tem Furr made a motion to approve the November 4, 2010 Council meeting minutes. Council Member Matthews seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION: None.

PUBLIC HEARING:

- 1. Consider Planning Commission recommendation to extend the moratorium on business licenses and building permits for adult businesses, package stores and new cell tower locations. Proposed extension would be for 90 days from December 3, 2010 to March 3, 2011. *Richard Newbern, Town Manager***

Mayor Rehwaldt opened the public hearing, and asked if persons wishing to speak for or against the item to step forward, state name and address for the record and address the Town Council.

Speaking For: None.

Speaking Against: None.

Mayor Rehwaldt closed the public hearing.

Mr. Newbern stated, the Council is asked to approve a recommendation by the Town Planning Commission to extend the moratoria on adult businesses, package stores and cell towers for another ninety (90) days, or through March 3, 2011 at 5:00 p.m. specifically, this would prevent the issuance of business licenses and building permits for these enterprises. The purpose of the extension is to give the Planning Commission and staff sufficient time to complete the review and upgrade of the ordinances pertaining to these enterprises. The Planning Commission has made progress on review and changing the ordinances. Each ordinance must be amended through an advertised Public Hearing before the Planning Commission and Town Council. Because these requirements will likely push the final adoption dates past the original expiration date of December 3, the Planning Commission is requesting that the moratoria be extended for ninety (90) days, or through March 3, 2011 at 5:00 p.m. Currently, it appears that the Adult Business ordinance is closest to being ready for advertisement and recommendation by the Planning Commission, followed by the Package Store ordinance and the ordinance for new cell tower locations. Extending the moratoria will ensure enough time to properly advertise the needed public hearings and adoption by the Planning Commission and Town Council. At their regular meeting on November 11, 2010, the Planning Commission unanimously recommended that the Town Council extend the moratoria for these enterprises for ninety (90) days, or through March 3, 2011 at 5:00 p.m.

There were no comments from the Town Council.

Council Member Dial made a motion to extend the moratorium on business licenses and building permits for adult businesses, package stores and new cell tower locations through March 3, 2011. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

OLD BUSINESS:

2. Consideration and action on Ordinance No. 2010-06; providing for an advisory committee to be known as the Shamrock Park committee. *Dennis Davenport, Town Attorney*

Mr. Davenport stated this was an item discussed at the last meeting and the draft ordinance was circulated, and I believe the draft ordinance is consistent with Council's expectations. The only remaining issue on the ordinance is "Exhibit A" listing five persons to serve. Council Member Matthews stated that as we only have three applicants at this time, maybe we should appoint these three people and continue to look for additional volunteers to serve on the committee. Mr. Davenport stated with three members it would be a valid committee. Mayor Pro Tem suggested only appointing members to the Centennial committee, and not initiating a Shamrock Park committee, as there were already several plans in place for Shamrock Park. Mr. Newbern stated it was always beneficial to have public input, but agreed there were several projects underway with the park. Council Member Matthews stated he thought the ordinance should be adopted, listing the three applicants as members, and then if other volunteers came forward, they could be added at a later date.

Mayor Pro Tem Furr made a motion that the Shamrock Park Committee Ordinance be placed on hold, until future notice. Council Member Young seconded the motion. Motion approved 3-1.

Members voting for the motion: Furr, Dial, Young.

Members voting against the motion: Matthews.

3. Consideration and action on Ordinance No. 2010-07; providing for a temporary advisory committee to be known as the Tyrone Centennial committee. *Dennis Davenport, Town Attorney*

Mr. Davenport stated the general comments are the same as they were for the prior ordinance just discussed, with the exception that this committee terminates at the end of 2011. Council Member Young questioned the amount of members to appoint. Consensus of the Council was to appoint seven members. Council Member Matthews asked if it was permissible to appoint members who are not Tyrone residents. Consensus was to allow non-residents to serve.

Council Member Dial made a motion to adopt Ordinance No. 2010-07, as amended and appointed seven members to the Centennial committee.

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

The following Centennial Committee Volunteer Applicants were appointed to the committee: John Monk, Tina Carroll, Linda Howard, Nicole Roy, Kathy Winton, Chip Young and Heather Trompke.

4. Consideration and action on amending the Procurement Manual. *Richard Newbern, Town Manager*

Mr. Newbern stated On Thursday, September 2, 2010, the Town Council approved a new Procurement manual to guide Town bidding and purchasing for the foreseeable future. This was the first update of the procurement procedures for the Town in several years. The new manual added needed language concerning purchase orders, bidding, contracting, credit card purchases and other needed provisions. Since the September 2 meeting, the Town Attorney's office has reviewed the new manual and has made several suggestions for improving it. Attorney Patrick Stough's suggested changes are listed on his attached 09/24/2010 memo. Also attached is a staff memo entitled "Synopsis of Changes to the Procurement Manual" that lists the changes that have been incorporated into the enclosed document. Taken together, the Attorney's 09/24/2010 memo and the staff memo entitled "Synopsis of Changes to the Procurement Manual" should be approved as the amendment to the original Procurement Manual adopted on September 2nd. Mayor Rehwaldt stated that all the proposed amendments had already been incorporated into the manual.

Council Member Young questioned what the time frame would be for processing a purchase order, and stated it would be beneficial to have some kind of idea of how quickly to expect the purchase order. Mr. Newbern stated staff will process purchase orders in a timely manner.

Council Member Matthews made a motion to adopt the amended Procurement Manual. Council Member Dial seconded the motion. Motion approved 4-0.

5. Report on Road Projects. *David Jaeger, Town Engineer, Mallet Consulting Inc.*

Mr. Jaeger gave a status report on road projects. Mr. Jaeger stated regarding the Valleywood Road drainage and paving from Senoia Rd. to the Creek project, the Town has requested that the County expand their work beyond providing manpower and equipment for drainage they have been asked to pave the road after the drainage is installed. This is mostly funded by SPLOST and partially the General Fund. The design work is expected to be completed by February 28, 2011. Construction is to begin (hopefully by the County) on March 1, 2011, and project completion (drainage and paving) is expected to be completed by June 30, 2011. This schedule could be slowed down by CSX, because they will want to review the plans. For the resurfacing Palmetto Rd. (1.4 miles), Autumn Trace, Lynwood, Wildwood Court and Laurel Circle, the resurfacing project will be advertised for bids by December 15th. The bids will be opened on February 1, 2011, execute the contract by March 15, 2011, and project completed by June 30, 2011. This will be funded by SPLOST, LARP, and the General Fund. LARP is only granting the Town \$32,000 this year due to DOT cutbacks. So, for Lynwood, Wildwood Ct. and Laurel Circle (all LARP-funded projects), the Town may have to delete one of the roads from the list *or* possibly transfer funds from reserves to complete the total resurfacing. This would take a budget amendment. The Town will hope for low bids on February 1 to minimize any transfers from reserves. The Castlewood Drainage project was funded at \$61,000 in the General Fund. The schedule is to advertise for bids on December 15, 2010, open the bids on February 1, 2011, begin drainage installation on March 1, 2011, and the construction completion by June 1, 2011. The Valleywood Road and Palmetto Road projects are not expected to have any funding challenges because they are funded largely by SPLOST. However, the LARP program is only financing \$32,000 of the resurfacing of Lynwood, Wildwood Court and Laurel Circle. The resurfacing may cost approximately \$100,000, which would exceed the amount that can be funded by the General Fund. The Town would then have to transfer funds to complete the project or perhaps delete one of the roads from this project cycle. Council Member Matthews asked if the County had been contacted to assist with this project. Mr. Newbern stated they had not. Council Member Matthews asked Mr. Newbern to contact the County regarding the resurfacing. A discussion then ensued regarding the Shamrock Park bridge. Mr. Jaeger stated that the replacement bridge has not been designed to support golf carts.

No action was taken.

NEW BUSINESS:

6. Consideration and action on Ordinance No. 2010-09; providing for outdoor watering restrictions as required by SB 370. *Dennis Davenport, Town Attorney*

Mr. Davenport stated at this year's legislative session, the General Assembly enacted Senate Bill 370, which placed new restrictions on outdoor watering statewide. This bill also requires local governments in the state to adopt certain provisions to become effective no later than January 1, 2011.

Council Member Matthews made a motion to adopt Ordinance No. 2010-09; providing for outdoor watering restrictions as required by SB 370, to be effective January 1, 2011. Council Member Young seconded the motion. Motion approved 4-0.

7. Consider approval of a franchise application by Next G Networks of New York to access public rights of way in Town for the provision of cellular phone service.
Richard Newbern, Town Manager

Mr. Newbern stated The Town Council is asked to approve a non-exclusive franchise application submitted by NextG Networks to erect approximately thirteen (13) microcellular node sites in Town. The franchise fee to be paid to the Town would be 3% of NextG's adjusted gross income derived from the node sites. The microcellular node is approximately four (4') feet tall and it is normally placed on the side or on top of an existing telephone pole. Mr. Christopher Sinclair of NextG Networks is requesting to improve cell phone reception by placing microcellular node sites on existing telephone poles in Town. NextG Networks may also lay underground or aerial fiber optic cable between the telephone poles. NextG Networks estimates that thirteen (13) node sites would have to be connected to existing telephone poles. NextG Networks will seek EMC's permission to use their telephone poles to have the node sites connected to the 13 telephone poles. If they cannot secure EMC's permission, then Next G may have to erect 13 additional poles in Town to improve cell phone service for their customers. After the franchise application is approved, the Town can request from NextG a specific engineering design of where the microcellular nodes will be located. NextG Networks will be fully responsible for the installation and maintenance of the node sites and there will be no cost to the Town. Mr. Davenport and I had a conference call with Mr. Sinclair to discuss their franchise application, the schedule for installation of the microcellular nodes and how the franchise fees will be calculated. The microcellular node sites are proposed as an alternative to cell towers. It allows a cellular utility to expand cell phone coverage using existing telephone poles. However, it is not clear that NextG will be able to secure permission from EMC to use existing poles, which would mean that NextG could erect as many as thirteen pole sites in Town. There would be no cost to the Town. The Town would benefit from the receipt of the 3% franchise fee proposed by NextG, or the maximum fee allowed by law. Mayor Rehwaldt stated the Town was under a cell tower moratorium, and questioned if the nodes were part of the cell tower enhancement. Mr. Davenport stated that NextG are not a network of cell towers, they are using existing telephone poles. Photographs of the nodes were distributed to the Town Council. Mr. Davenport stated that their business model is premised on cooperation with the owners of the existing infrastructure, they have an economic incentive to do so; as it would cost a lot more to install a pole. Council Member Young asked what did we anticipate our revenue to be from the 3% franchise fee. Mr. Davenport stated the 3% was a state law cap, but he did not know what anticipated revenue would yield. Mr. Davenport stated NextG was not a cell provider, they enhance the signals.

Council Member Dial made a motion to approve the franchise application by Next G Networks for the provision of cell enhancement. Council Member Young 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.

8. **Consideration and action on filling the vacant Public Works Department position - Maintenance I (part-time, 20 hours per week). *Renee' Holt, Public Works Supervisor***
9. **Approval to promote Officer Nelson to the rank of Detective. *Brandon Perkins, Police Chief***

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

FINANCIAL REPORT:

10. **Financial Report for the month ending October 31, 2010. *Penny Hunter, Finance/HR Manager.***

Ms. Hunter provided the Town Council a Founders Day 2010 spreadsheet, and reported the total cash balance was \$8,650.57 and the profit on this year is \$3,749.48. Council Member Dial said, thank you to the Founder's Day Committee for doing this and showing how this has been done so well and fiscally responsible. Council Member Matthews thanked Council Member Dial for his comments and stated he would pass them onto the Committee members.

Ms. Hunter gave a financial report for the month ending October 31, 2010. For the month ended October, 2010 the Town has realized 19.39% of its budgeted revenue. We are now 33.33% into our Fiscal Year. We received our Insurance Premium Tax this month in the amount of \$210,805.34. This is an annual revenue item direct-deposited by the State Insurance Commissioner's Office for our share of insurance premium tax. Property tax collections have begun for this fiscal year and we are currently ahead of where we stood this same time last year, \$71,335 versus \$30,375. Local Option Sales Taxes collections are flat at \$128,729.82. Municipal Fines in the amount of \$73,386.01 have been booked to date. This puts Municipal Court Revenue ahead of budget to date at 43.17% or \$73,386.01. Current over-all expenditures compared to budget are at 27.99%; Total expenditures to date are at \$880,782.52 compared to \$887,017.84 for the same period last fiscal year. Expenditures will increase with the hiring of a part-time Maintenance Worker I in Public Works. As of October 31, 2010, the Town's Money Market Account balance was \$3,652,287, SPLOST had \$499,409, Sewer had \$546,947, and Sanitation had \$191,179. The total cash balance, including the Town's pooled cash, money market, enterprise and special revenue funds, was \$4,888,118.

COMMENTS:

Mayor Rehwaldt

11. **2010 project Love Holiday Meal Campaign to benefit "Meals on Wheels" *Don Rehwaldt, Mayor***

Mayor Rehwaldt stated, each year Fayette Senior Services, Inc., a non-profit 501.c.3 organization delivers more than 40,000 meals to homebound senior citizens through its Meals On Wheels program. The general funding they receive for Meals On Wheels only covers the cost of weekly meals and does not provide for additional holiday meals. The annual Project Love

Holiday Meal Campaign bridges that gap. Mayor Rehwaldt encouraged citizens to donate towards this most worthy cause.

Public Comments

There were no public comments.

Staff Comments

Richard Newbern, Town Manager

- Christmas Tree Lighting will take place on December 3, 2010, beginning 6 p.m. at Shamrock Park.

Council Comments

Council Member Young

- HB 122 – providing for submitting our adopted budget every year to the Carl Vinson Institute. Council Member Young asked staff to check into this, and make sure we are in compliance.
- GMA Contest for all sixth graders across the State, the title of the essay is “If I were Mayor I would...” no more than 350 words. Request the Town recognize this competition and encourage participation from our sixth graders.

Executive Session

There was not an executive session.

Adjournment

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

The Town Council Meeting adjourned at 8:04 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

