

Town of Tyrone Council Meeting Minutes

December 2, 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. Michael Kasper 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. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Approval of Minutes: November 18, 2010 Regular Town Council Meeting

Council Member Matthews made a motion to approve the November 18, 2010 Council meeting minutes. Council Member Young seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION: None.

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.

1. **Consideration and action on cancelling the regular scheduled second meeting in December (December 16, 2010).** *Pamela Megill, Town Clerk*

- 2. Consideration and action on the re-appointment of Ms. Lisa Richardson to the Fayette County Library Board. *Pamela Megill, Town Clerk***
- 3. November 2010 Budget Amendment. *Penny Hunter, Finance/HR Director***

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

PUBLIC HEARING:

- 4a. Public Hearing to allow owners to show cause why subject property located at 706 Swanson Road, Tyrone, GA 30290 aka. Spencer Lane, should not be demolished. *Richard Newbern, Town Manager, & David Mundt, Chief Building Official SAFEbuilt inc.***

Mr. Mundt gave a report of his findings regarding the property located at 706 Swanson Road, Tyrone, GA 30290. Mr. Mundt stated the estimated cost to bring the property into compliance with building codes would be \$31,416.00, this is based on \$42.00 per square foot. The major deficiencies are: windows missing, large hole in the roof, electrical service is unsafe, rodents are habituating the property, termite damages, wood rot, mildew and there is no working plumbing. The structure is dilapidated and has not been maintained for a number of years. Mr. Mundt made the recommendation to demolish the property and have all debris removed and disposed of in the proper manner, and all areas that are disturbed must be stabilized to prevent erosion.

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.

- 4b. Consideration on whether or not to demolish subject property located at 706 Swanson Road, Tyrone, GA 30290 aka. Spencer Lane. *Richard Newbern, Town Manager, David Mundt, Chief Building Official SAFEbuilt inc.***

Mr. Davenport stated that if the Town Council was in agreement with the recommendation provided by Mr. Mundt the next step would be to provide a time frame for the property owner to demolish the structures, using perhaps a 30 day time frame; if the property owner does not demolish the structures and fill the well, and stabilize the land within the 30 day time frame, then the Town would go in, and demolish the structures, clear the debris etc., and then the Town would place a lien against the property for the cost of performing all of that activity. It is important to give the property owner time to take care of these issues. Mr. Davenport stated that the official act would be by way of an ordinance, which would state exactly what the property owner needs to do, and the time frame in which to accomplish these steps.

Mayor Pro Tem stated she was concerned about lead and asbestos and asked that the property be checked for these substances. Mr. Davenport stated that task would be part of the process of the demolition, and would be taken care of before the buildings were torn down.

Council Member Dial asked Mr. Davenport to detail what steps have been taken to this point. Mr. Davenport stated that the deed records of the County had been culled and anybody with an ownership interest had been notified in writing by certified mail return receipt requested, in addition all properties were posted with signage, and all properties were published in the Fayette County Newspaper on two occasions prior to this hearing during the month of October. Council Member Dial asked if any of the persons contacted had responded back. Mr. Davenport stated he had no knowledge of any of the property owners contacting his office regarding any of the three properties. Mr. Davenport stated that if the Council was in agreement with Mr. Mundt's recommendation they would make a motion stating the terms, and those terms would be put in writing in the form of an ordinance and that ordinance along with a letter of explanation would be sent to the property owners. Council Member Young asked if it was an option for Mr. Davenport to prepare the ordinances and then proceed at the next Town Council meeting. Mr. Davenport stated that it was an option. Council Member Young stated he would like to read the ordinances before he adopted them. Council Member Dial stated he thought that additional time should be added for the property owners to comply with the ordinance due to the Holiday season approaching.

Council Member Dial made a motion to require the property owner to demolish both structures, to fill the well, to clean up the property and to stabilize the property within 60 days or the Town will follow up and cause those actions to be taken and a lien will be filed against that property for the cost of those actions. Council Member Young seconded the motion. Motion approved 4-0.

5a Public Hearing to allow owners to show cause why subject property located at 688 Swanson Road, Tyrone, GA 30290 aka. Spencer Lane should not be demolished. Richard Newbern, Town Manager & David Mundt, Chief Building Official SAFEbuilt Inc.

Mr. Mundt gave a report of his findings of the property located at 688 Swanson Road, Tyrone, GA 30290. Mr. Mundt stated the appraised value of the structure is \$24,000.00, the estimate of cost to repair and bring the structure into compliance with the present building code is \$44,268.00 based on \$42.00 per square foot. The major deficiencies are: windows missing, copper plumbing pipes have been removed, the electrical system has been removed, floors need supports, termite damage to sills and joist, no heating equipment, bathroom fixtures are missing, roof needs replacing. This home was found in very poor condition, it is infested with rodents and unfit for human habitation. Mr. Mundt also recommended the removal and proper disposal of any asbestos. Mr. Mundt stated he recommended the demolition of the structure and the play house in the rear, fill the well to the State of Georgia standards and the stabilization of any disturbed areas.

Mayor Pro Tem Furr stated that she believed the property had a septic system, and if so, those septic tanks needed to be pumped out, if they were not already dry, and a hole knocked in the bottom and have them filled. Mr. Mundt stated that would be part of the demolition process.

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.

5b. Consideration on whether or not to demolish subject property located at 688 Swanson Road, Tyrone, GA 30290 aka. Spencer Lane. *Richard Newbern, Town Manager & David Mundt, Chief Building Official SAFEbuilt inc.*

Council Member Young made a motion to require the property owner to demolish both structures, to fill the well, to clean up the property and to stabilize the property within 60 days or the Town will follow up and cause those actions to be taken and a lien will be filed against that property for the cost of those actions. Council Member Matthews seconded the motion. Motion approved 4-0.

Mr. Mundt stated he would follow up regarding Mayor Pro Tem Furr's requests on the septic tanks and would get the specifications from the County.

6a. Public Hearing to allow owners to show cause why subject property located at 147 Rosewood Drive, Tyrone, GA 30290. *Richard Newbern, Town Manager & David Mundt, Chief Building Official SAFEbuilt inc.*

Mr. Mundt stated this structure was built in 1944, is 748 square feet and valued at \$12,464. Mr. Mundt stated he found this property to be a nuisance. The major deficiencies are: windows missing, large hole in the roof, electric service unsafe, rodents are present, termite damages, rot and mildew and there are no working plumbing facilities. Mr. Mundt recommended the demolition of the structure and all debris removed and disposed of in the proper manner, and all areas that are disturbed must be stabilized to prevent erosion.

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: Ms. Patricia Brand, 2020 Castle Lake Road, Tyrone, Georgia.

Ms. Brand stated her Mother and Aunt owned the property. The Aunt is now deceased and as of Tuesday the County Court informed Ms. Brand that the property was still in probate, and stated that the actual address for the property is 155 Rosewood, not 147. There was concern Ms. Brand was talking about another structure or property. Council Member Young provided Ms. Brand with several photographs of the structure. Ms. Brand confirmed it was the same property, but maintained the address is 155 Rosewood. Mr. Davenport stated he would further research and if there were any discrepancies they would be brought to the Council's attention. Council Member Dial asked if Ms. Brand was opposing the demolition of the building. Ms. Brand responded that when the probate was complete she wanted to buy the property and make repairs to it.

Mayor Rehwaldt closed the public hearing.

6b. Consideration on whether or not to demolish subject property located at 147 Rosewood Drive, Tyrone, GA 30290. *Richard Newbern, Town Manager & David Mundt, Chief Building Official SAFE*

Council Member Young made a motion to defer this item to the January 6, 2011 Town Council meeting. Council Member Matthews seconded the motion. Motion approved 4-0.

OLD BUSINESS: None.

NEW BUSINESS:

7. Consideration and action to grant permission for the annual “Paws for a Purpose”, Charity Dog Walk – Shamrock Park, April 16, 2011. *Carol Stallings, Fayette Rotary Club*

Ms. Carol Stallings stated the Rotary Club of Fayette Daybreak was sponsoring this event, and all proceeds would benefit the Fayette County Humane Society, Reading PAWS, The Good Shepherd Pet Rescue and Canines for Combat Veterans. Registration for the event begins at 9:30 a.m. and the Dog Walk begins at 10:30 a.m. There will be contests, demonstrations, prizes and awards!

Mayor Pro Tem Furr made a motion to grant permission for the Paws for a Purpose Charity Dog walk at Shamrock Park on April 16, 2011. Council Member Matthews seconded the motion. Motion approved 4-0.

FINANCIAL REPORT: None.

COMMENTS:

Mayor Rehwaldt

None.

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.
- A purchase order has been signed for Innovative Irrigation for the purchase and installation of a new fountain for Shamrock Park,

- All Centennial Committee members have been contacted, and we will be setting a date for the first meeting in the near future.
- ARC have agreed to update the Town's job descriptions and pay plan classifications at no cost to the Town. This project should be completed by the end of March 2011.
- Later in December we are planning to bid out the re-surfacing of Palmetto, Autumn Trace and Laurel Circle, and plan to have the bid opening in early February 2011 for those projects.
- The Castlewood drainage project will be bid out in mid December with a bid opening date of February 1, 2011.
- The County has agreed to assist with the manpower and equipment for the Valleywood Road drainage and paving project. Hopefully, this project can be conducted in early spring.

Council Comments

Mayor Pro Tem Furr

- Asked the Town Manager when the Veterans Park Christmas tree would be lit. Mr. Newbern responded it would be lit on Friday, December 3, 2010 at 3 p.m.

Executive Session

Council Member Matthews made a motion to adjourn into Executive Session for one item of potential litigation. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

Council adjourned into Executive Session at 7: 40 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. Potential Litigation.

Mr. Davenport briefed the Town Council on a matter of potential litigation

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

Council Member Matthews made a motion to reconvene into regular session. Mayor Pro Tem Furr seconded the motion. Motion carried 4-0.

The Town Council reconvened into regular session at 8:18 p.m.

Mayor Rehwaldt announced that Mr. Davenport had presented to the Town Council on potential litigation and no action was taken.

Adjournment

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

The Town Council Meeting adjourned at 8:20 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

