

# **Town of Tyrone Council Meeting Minutes**

January 6, 2011

## **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 by Mr. David Eckleberger of Operation Mobilization. The invocation was followed by the Pledge of Allegiance.

## **Public Comments**

There were no public comments.

## **Approval of Agenda**

Mayor Rehwaldt stated that New Business items 19, 20, and 24 had been removed from the agenda to allow time for more research.

Council Member Young made a motion to approve the agenda with the removal of the items the Mayor listed. Council Member Dial seconded the motion. Motion approved 4-0.

## **Approval of Minutes: December 2, 2010 Regular Town Council Meeting**

Council Member Matthews made a motion to approve the December 2, 2010 Council meeting minutes. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

## **PRESENTATIONS/RECOGNITION:**

### **1. Proclamation – Sandy Creek Football Patriots Celebration. *Don Rehwaldt, Mayor***

Mayor Rehwaldt stated the two following proclamations were to recognize the accomplishments of the Sandy Creek Football and Volleyball Teams, and said that the actual ceremony of

presenting the proclamations will take place on Saturday, January 15<sup>th</sup>, at Shamrock Park at 10:00 a.m.

Council Member Dial read the Sandy Creek Football Patriots Celebration proclamation.

**2. Proclamation – Sandy Creek Volleyball Patriots Celebration. *Don Rehwaldt, Mayor***

Mayor Pro Tem Furr read the Sandy Creek Volleyball Patriots Celebration proclamation.

**3. Presentation by Atlanta Regional Committee (ARC) staff on their recommendations pertaining to the pay/job classification update. *Ashley Rivera, Senior Program Specialist Local Government Services Division Atlanta Regional Commission***

Mayor Rehwaldt welcomed and introduced Ms. Rivera. Ms. Rivera thanked the Mayor and Council for the opportunity to provide them with an overview of the two studies the ARC staff will be conducting for the Town. Ms. Rivera stated that each employee will receive an individual questionnaire; once completed these questionnaires will help towards updating the job descriptions. Pay comparisons are based on surrounding municipalities and trend setters. Municipalities with similar populations are not normally used in the comparisons. Salary will show lowest to highest ranges. Mayor Rehwaldt asked with the current economic market, if salaries were decreasing. Ms. Rivera stated they had not seen salary decreases. Council Member Young asked how long the interview process and evaluating the salary range will take. Ms. Rivera stated the project should be completed by the end of March. Council Member Dial asked if benefits other than salary would be taken into consideration. Ms. Rivera stated benefit packages were difficult to compare, and they did not take them into consideration when they conduct the market survey. Council Member Dial asked if the results of the survey and pay/classification comparisons would be presented to the Council during a Town Council meeting. Ms. Rivera stated she did plan on presenting the findings at a future meeting. Mayor Rehwaldt thanked Ms. Rivera for her presentation.

**4. Presentation - Fayette County Transportation Plan; Consideration and action on Resolution No. 2011-03. *Philip Mallon, P.E. Fayette County Public Works Director***

Mayor Rehwaldt introduced Mr. Philip Mallon to the Town Council, and thanked Mr. Mallon for attending. Mr. Mallon provided handouts and gave an overview of the Fayette County Transportation Plan. Mr. Mallon stated that since 2008, Fayette County has been reviewing transportation mode options, submitting revisions to these plans and gaining consensus on what transportation projects would be most applicable to the County, towns and cities within the County. The final plan was approved by the County, Fayetteville, Peachtree City and Tyrone on December 20, 2010. This plan will be submitted to the Georgia Department of Transportation for their consideration, review and recommendations. Funding for the projects is contingent upon passage of H.B. 277 which will be presented to the Georgia residents on a ballot, July 12, 2012. The County in an effort to gain credibility of the County's project list, is asking Fayetteville, Peachtree City and Tyrone to submit a resolution to the County for forwarding to the Georgia Department of Transportation. Council Member Young asked if the other municipalities had passed resolutions in support of the plan. Mr. Mallon stated that both Peachtree City and Fayetteville had passed similar supportive resolutions. Mr. Mallon stated that if additional projects came to light and it was decided that they should be included in the plan, they can be

incorporated into the plan, and the same for projects that may need to be removed from the plan. Mayor Rehwaldt stated his concerns for having a two year gap in funding available for any transportation projects if HB 277 does not pass, and perhaps consideration of a Fayette County SPLOST is in order.

Council Member Dial made a motion to adopt Resolution No. 2011-03; supporting the Fayette County 2010 Comprehensive Transportation Plan. Council Member Young seconded the motion. Motion approved 3-1.

Council Members voting in favor: Young, Dial, Matthews  
Council Members voting against: Furr

**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.**

5. **Approval of re-appointing Sharon Pierce as the Municipal Judge. *Kathy Bright, Municipal Court Clerk***
6. **Approval of re-appointing Rhonda Kreuziger as the Town Solicitor. *Kathy Bright, Municipal Court Clerk***
7. **Approval of re-appointing Dennis Davenport as the Town Attorney. *Don Rehwaldt, Mayor***
8. **Approval of re-appointing Mallett Consulting Inc., as the Town Engineer. *Don Rehwaldt, Mayor***
9. **Approval of the “Fayette County News” as the legal organ for the Town of Tyrone. *Don Rehwaldt, Mayor***
10. **Approval of a new revenue sharing agreement between the Police Department and Open Portal Solutions for the electronic distribution of Accident Reports. *Brandon Perkins, Police Chief***
11. **Adoption of the 2011 Town Holidays. *Penny Hunter, Finance/HR Director***

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

#### **PUBLIC HEARING:**

- 12a. **Public Hearing on Resolution No. 2011-01; approving the Fayette County 2010 Annual Report on Fire Services Impact Fees. *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.

**12b. Consideration of Resolution No. 2011-01; approving the Fayette County 2010 Annual Report on Fire Services Impact Fees. *Richard Newbern, Town Manager***

Mr. Newbern stated the Council is asked to approve Resolution 2011-01 so that the County can remain in compliance with ARC requirements. The County must submit the Resolution to the Atlanta Regional Commission.

Council Member Young made a motion to adopt Resolution No. 2011-01: approving the Fayette County 2010 Annual Report on Fire Service Impact Fees. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

**13a. Public Hearing on a Text Amendment to the Zoning Ordinance. *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.

**13b. Consideration and action on Text Amendment to the Zoning Ordinance. *Richard Newbern, Town Manager***

Council Member Matthews made a motion to approve the text amendment to the zoning ordinance. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

**OLD BUSINESS:**

**14. Consideration on whether or not to demolish subject property located at 147 Rosewood Drive, Tyrone, GA 30290. *Dennis Davenport, Town Attorney***

Mayor Rehwaldt stated this item had been tabled from the previous Council meeting due to confusion over the actual address of the property and Ms. Brand speaking in opposition at the Public Hearing held on December 2, 2010. Mr. Davenport stated that he had verified that the address listed, 147 Rosewood Drive is correct. Mr. Davenport stated that the second issue; regarding property value had been further researched and even if taking the fair market price of

\$22,000 as opposed to the tax assessor's office sum of \$12,000. The higher figure still meets the threshold for the Town Council to be able to make a decision on demolishing the property. Mayor Rehwaldt asked if Ms. Brand was in attendance at the Council meeting. Ms. Brand was not present at any time during the meeting. Mr. Davenport stated that he had spoke with Ms. Brand and she had relayed to him that she would like to have an opportunity to repair the property. Mayor Rehwaldt stated he believed it was necessary to state that Ms. Brand is not currently the owner of the property. Mr. Davenport confirmed that statement, and stated the property owner was deceased and the property is now in probate with Ms. Brand listed as one of the heirs to the property.

Mr. Steve Bowers introduced himself as the property owner adjacent to the property being considered for demolition. He stated he was very concerned about the condition of the property and said it was an eye sore, and the property had been abandoned and neglected for at least the past eight years. Mr. Bowers stated he was currently trying to sell his property and having this type of structure and safety hazard next door is having a negative impact on trying to sell his property.

Mayor Pro Tem Furr stated she had also spoken with Ms. Brand and said that the mother of Ms. Brand is the owner and her deceased sister was the prior joint owner, and Ms. Brand was currently working with one of her cousins (second heir to the property) to work on the probate issue. Ms. Brand had asked Mayor Pro Tem Furr if there was any way the Council could allow her six months to have sufficient time to work through the probate.

Council Member Young asked Mr. Davenport how long this probate could take. Mr. Davenport stated there were a lot of factors to weigh in, but if everything went smoothly and there were no delays it could take 30 to 60 days, but if there are any obstacles it could go on for a number of years. Council Member asked how long it had already been in probate. Mayor Pro Tem stated she did not believe it had been officially entered into probate yet.

Mayor Pro Tem Furr suggested allowing a time frame of three months. Council Member Young stated his concern was the safety issue, and the fact that the property had been left to deteriorate for over eight years. Mr. Davenport reminded the Council that the motion should be to require the property owner to take action to demolish the house and clean up the property within a certain amount of time, and if the property owner fails to do so, the Town will cause that to occur and a lien will be placed on the property for the cost of the demolition and clean up. Mr. Davenport said this action would be in the form of an ordinance. Council Member Dial asked if the Council specified a certain number of days to the home owner, and then the home owner asked for additional time, would that be possible? Mr. Davenport stated it would be possible with a majority vote from the Council. Council Member Dial suggested a 120 day time frame.

Council Member Young made a motion to ask Mr. Davenport to notify the owner to demolish the home at the subject property within 120 days and encourage Ms. Brand to attend a Council meeting and address the Council. Council Member Dial seconded the motion. Motion approved 4-0.

## **NEW BUSINESS:**

### **15. Election of Mayor Pro Tem 2011. *Don Rehwaldt, Mayor***

Mayor Rehwaladt stated he would like to entertain a motion to re-appoint Ms. Gloria Furr to the position of Mayor Pro Tem.

Council Member Young made a motion to appoint Council Member Gloria Furr to the position of Mayor Pro Tem for 2011. Council Member Dial seconded the motion. Motion approved 4-0.

Mayor Rehwaladt requested the Council consolidate items 16, 17, and 18 into one motion.

**16. Approval of re-appointing David Nebergall to the Planning Commission, Post 1 for a two year term (2011-2013). *Don Rehwaladt, Mayor***

**17. Approval of re-appointing Chris Wigginton to the Planning Commission, Post 3 for a two year term (2011-2013). *Don Rehwaladt, Mayor***

**18. Approval of re-appointing Judy Jefferson to the Planning Commission, Post 5 for a two year term (2011-2013). *Don Rehwaladt, Mayor***

Mayor Pro Tem Furr made a motion to re-appoint David Nebergall (Post 1), Chris Wigginton (Post 3) and Judy Jefferson (Post 5) to the Planning Commission for a two year term (2011-13). Council Member Young seconded the motion. Motion approved 4-0.

**19. Discussion and consideration of proposed changes to the Police Department's clothing allowance and procedures for investigators. *Brandon Perkins, Police Chief***

This item was pulled from the agenda.

**20. Consideration and action on revisions to the Employee Handbook policies on Adverse Action and Promotions. *Richard Newbern, Town Manager & Brandon Perkins, Police Chief***

This item was pulled from the agenda.

**21. Consideration and action on approval of a contract with Tyrone Youth Baseball Association. *Richard Newbern, Town Manager***

Mr. Newbern stated the contract was basically the same as last year, and the fee will remain at \$5,000. Mr. Newbern stated that additional wording had been incorporated into the contract: *"All tournaments and events other than regularly scheduled games shall be approved by the Town of Tyrone. To host such tournaments or events, sponsored by organizations other than the Tyrone Youth Baseball Association, Tyrone Baseball Association shall also pay the Town of Tyrone a rental fee that shall be in accordance with a schedule of fees adopted by the Town"*. Council Member Dial asked if there had been an issue or problem that made adding the additional language to the contract, and asked if the Tyrone Baseball Association were in agreement with the wording. Mr. Newbern confirmed that there had been discussions with the Association, and they (the Association) were in agreement with the additional wording.

Council Member Dial made a motion to approve of the contract with the Tyrone Youth Baseball Association. Council Member Young seconded the motion. Motion approved 4-0.

**22. Consideration and action on approval of a contract with Tyrone Soccer League.**  
***Richard Newbern, Town Manager***

Mr. Newbern stated the only change from this past year is that the soccer association will turn the lights off at night activities are completed, and they shall make every reasonable effort to lock the gate. In the event that the Association cannot lock the gate due to a person's refusal to leave the Park, it is understood that the Soccer Association will call the police. Council Member Dial stated it was important to understand that the police would not be called to remove the person (s) they would be called to lock the gate, after the people left; and this should be presented in a friendly manner. Mr. Newbern asked Police Chief Perkins if all officers had a key for the gate. Chief Perkins stated that was correct and the Association just need to notify the police if they are needed to lock the gates. Council Member Matthews asked for the police to also check the lights were turned off.

Council Member Young made a motion to approve the contract with the Tyrone Soccer League. Council Member Matthews seconded the motion. Motion approved 4-0.

**23. Consideration and action on approval of a contract with Tyrone Softball Association.**  
***Richard Newbern, Town Manager***

Mr. Newbern stated the Tyrone Softball Association contract has no changes from the previous years' contract.

Council Member Dial made a motion to approve of the contract with the Tyrone Softball Association. Council Member Matthews seconded the motion. Motion approved 4-0.

**24. Discussion and consideration of a proposal to setup the Police Department's Shop with a Cop program as a stand alone 501(c)(3) corporation.** ***Brandon Perkins, Police Chief***

This item was pulled from the agenda.

**FINANCIAL REPORT:** None.

**COMMENTS:**

**Mayor Rehwaldt**

**25. Annual State of Tyrone Address.** ***Don Rehwaldt, Mayor***

Mayor Rehwaldt stated per charter the Mayor is required to issue an annual State of Tyrone Address. Mayor Rehwaldt read the following statement:

*This year; i.e. 2011, will again prove to be more financially challenging to Georgia's counties, cities and town than the year we faced in 2010. This includes Tyrone! State expenditures are projected to increase by approximately \$1 billion each year due to teacher and state employee*

salary increases with a corresponding increase in revenues. However, ARRA, or stimulus funds, from the Federal Government are expected to be fully phased out by FY 2012, creating a statewide deficit of \$823 million in this fiscal year and a \$1.9 billion deficit in FY 2012. Comparatively, I find Tyrone is in a satisfactory financial position. As of this date, Tyrone has no outstanding bond debt or long term capital debt and we have an ample cash reserve that will enable us to continue to provide basic services with no anticipated reduction in peripheral services. I am sure that most of you are aware of the many budget shortfalls being experienced across the country, state and county. These budget shortfalls are not likely to dissipate any time soon. Unemployment is still at 10% level and today, there are an increasing number of homes in foreclosure in Tyrone. Businessmen continue to find difficulty in obtaining loans to either start new ventures or to continue in their current business. Commercial foreclosures, coupled with the reduced values of residential property, will cause property tax revenues to lessen. The failure of the Fayette County Special Local Option Sales Tax (SPLOST) last year will also reduce our ability to plan or initiate any capital projects by approximately a quarter of a million dollars. This translates to reduced revenues to maintain the services residents have come to expect. For years, economists lamented about the high debt obligations of the average American. These debt obligations are continuing to be reduced, either voluntarily or reluctantly, as jobs and homes are lost. Additionally, Americans are reducing their credit card spending on non-essential items. While these cut-backs do stabilize the individual family's financial posture, it does little for the cities and towns who depend on sales and property tax revenues to provide essential services to their citizens. The above is not meant to cause you undo concern. It is meant to allow those unaware of the very real problems Tyrone is facing and to, hopefully become more aware of some of the elements facing Tyrone and its citizens and to again state that Tyrone, even with its budget shortfall, is in a relatively satisfactory position. Development in Tyrone continues to wane. There were 31% fewer residential building permits issued in 2010 versus 2009 and 10% fewer commercial projects. Note of that number only eight new houses were constructed and the majority of projects consisted of alterations. Will the Town be able to provide services over and above the essentials such as maintaining our infrastructure; i.e. providing public safety and sanitation services? Probably! Will non-essential services, such as library and recreation services be curtailed? Probably not at this time; but, unless revenues increase, maintaining these services at their current level may diminish. Will Tyrone be able to expand any non-essential services? Probably not! Steps taken in the past two years, i.e. reducing expenditures, curbing salary increases, delaying replacement hiring and staff volunteering to reduce hours, etc. have helped Tyrone maintain a relatively stable posture. Some of the accumulated funds in excess of our required reserves are to be used to fund capital projects such as repair and repaving of roads, restoring crumbling culverts, storm water mitigation, etc. A review of these capital projects, as currently identified, can be viewed by logging onto Tyrone's web site. To recap some of the more significant accomplishments, improvements and changes made in calendar year 2010: Acquired a Smart Trailer to better monitor traffic flows, upgraded tactical weapons for the town's police, negotiated with the County for an additional emergency warning siren, the Town's procurement procedures have been updated, records disposition procedures and actions are now up to date, the Town's ordinances are being codified, and of special interest to our citizens is the fact that major crimes are down 26% from the previous year and thefts are down by 44% while DUI arrests are up from 18 in 2009 to 44 in 2010. Total incidents are down 8% and again, we have had no accidents with a fatality. So, in closing I would like to thank the Council, the staff, department heads and volunteers for their continued interest in the Town and for their hard work. When the current Council and Mayor were elected, the promise was to retain a small town, rural character and we have not lost sight of this goal. Hopefully, our efforts meet your expectations. If not, please let us know and we will continue to attempt to meet your desires and requirements – within our financial and ability constraints.



## **Public Comments**

There were no public comments.

## **Staff Comments**

### Richard Newbern, Town Manager

- The “Parade of Champions” to honor the Sandy Creek Football and Volleyball teams will take place on Saturday, January 15, 2011 at 10 a.m. The parade will begin at Handley Park and conclude at Shamrock Park, at this time the proclamations will be presented.
- On Saturday, January 8, 2011 beginning at 8 a.m. until 10 a.m. at Redwine Park, the “Christmas Tree Chipping” event will take place.
- A date for the annual Town Council retreat needs to be established, a suggested date is Saturday, February 26.
- The County is asking for citizen representatives/volunteers to serve on the Stormwater Utility working group.
- The bid openings for road resurfacing will be January 20, 2011 @ 2 p.m. at Mallet Engineering, in Fayetteville, and the bid openings for the stormwater project on Castlewood will be at 3 p.m.

## **Council Comments**

### Mayor Pro Tem Furr

Mayor Pro Tem Furr made a motion to have the Public Works Supervisor furnish the Mayor and Council a work schedule of January thru April, May thru August, and September thru December; which would be a schedule every four months, and provide the Mayor and Council a weekly report on the work that was accomplished and work not accomplished. Council Member Young seconded the motion. Motion approved 4-0.

## **Executive Session**

Mr. Davenport stated there was no need of 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 8:24 p.m.

By: \_\_\_\_\_  
Don Rehwaldt, Mayor

Attest: \_\_\_\_\_  
Pamela J. Megill, Town Clerk

