

Town of Tyrone Council Meeting Minutes

January 20, 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 Greg Mallett, Way of Life Community Church. 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 Young seconded the motion. Motion approved 4-0.

Approval of Minutes: January 6, 2011 Regular Town Council Meeting

Council Member Matthews made a motion to approve the January 6, 2011 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. None.

PUBLIC HEARING: None.

OLD BUSINESS: None.

NEW BUSINESS:

- 1. Consideration and action on authorizing the use of Shamrock Park on April 23, 2011, for the Way of Life Community Church “Easter Egg Hunt”. *Heather Trompke, Way of Life Community Church Community Outreach Director***

Ms. Trompke stated this would be the third annual Tyrone Easter Egg hunt. The event is held with no financial cost to the Town, and everyone is invited to attend.

- 2. Consideration and action on authorizing the use of Shamrock Park on July 30, 2011, for the Way of Life Community Church “Back to School Bash”. *Heather Trompke, Way of Life Community Church Community Outreach Director***

Ms. Trompke stated for the past four years, Way of Life has planned, sponsored and hosted the Annual Tyrone Back to School bash at no cost to the town. We are requesting use of Shamrock Park to present the 2011 Bash. This event involves moonwalks, many give-a-ways including school supplies, bikes, scooters, limo rides and more. There is no cost to the community to be involved in the fun. The only cost is food that is sold at a nominal fee with a portion of that income going to support of the event. We acquire sponsors from local businesses and individuals to cover the costs in addition to the funds provided by the church. We do this as a service to community and appreciate the continued support of the Town.

Council Member Dial made a motion to approve authorizing the use of Shamrock Park on April 23, 2011, for the Way of Life Community Church “Tyrone Easter Egg Hunt” and approve authorizing the use of Shamrock Park on July 30, 2011, for the Way of Life Community Church “Tyrone Back to School Bash”. Council Member Matthews seconded the motion. Motion approved 4-0.

- 3. Consideration and action on Resolution No. 2011-02; a resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax. *Don Rehwaldt, Mayor***

Mayor Rehwaldt stated it was apparent to the Georgia Department of Revenue, counties and cities and towns that there was no cross-checking of tax receipts from businesses with occupation tax permits issued locally. Last year, a few cities took part in a test program to identify the magnitude of the problem. As a result of the test program, the Department of Revenue agreed to design and implement a program to capture the data required to match occupational tax permits with tax receipts from businesses authorized to conduct business but failed to remit sales taxes collected to the DOR. The Georgia Municipal Association encourages municipalities to participate in the program and to pass a resolution agreeing to same. Each municipality’s financial impact will vary; depending on the number of occupational tax receipts (business licenses) issued and the relative integrity of the business owners. Conversely, if businesses are submitting collected sales taxes to the DOR and we, the town, have not issued an occupational tax receipt to that business, the town would be notified. At this point, the business would be notified. Council Member Young asked when the program would go into effect. Mayor Rehwaldt responded it would probably be in another few months time.

Council Member Dial made a motion to adopt Resolution No. 2011-02. Council Member Young seconded the motion. Motion approved 4-0.

4. Consideration and action on Resolution No. 2011-04; a resolution establishing date for Town election for purpose of electing a Mayor and Council Members for Post 1 and Post 2; establish fees and date for qualifying of candidates; establish date for voter registration and for other purposes. *Pamela Megill, Town Clerk*

Ms. Megill stated the information contained in the resolution would be published in the legal section of the legal organ newspaper before February 1, 2011, and the executed resolution would be forwarded to the Fayette County elections administrator. Council Member Young asked why there was a Run-Off date listed in the resolution. Ms. Megill stated that if the election resulted in a tie-vote, a run-off would be required. Mayor Rehwaldt stated the qualifying fees for Mayor will be two hundred and eighty-eight dollars, and one hundred and forty-four dollars for the Council Member posts.

Council Member Young made a motion to adopt Resolution No. 2011-04. Mayor Pro Tem Furr seconded the motion. Motion approved 4-0.

5. Consideration and action on Memorandum of Understanding (MOU) with Georgia Department of Transportation (DOT) for TE federal funding for Shamrock Bridge and Town Entrances. *Richard Newbern, Town Manager*

Mr. Newbern stated The Council is asked to approve a Memorandum of Understanding (MOU) with Georgia DOT for funds from the Transportation Enhancement Program. These funds are for replacing the Shamrock Park Bridge and improving the entrances (signage/landscaping) to Town. This grant was originally going to be spent on a pedestrian path from Handley Park to Anthony Drive. This project was redirected to be spent on a new pedestrian bridge at Shamrock Park and new entrance signage and landscaping at the Town's entrances on Palmetto Rd., Tyrone Road, Hwy. 74 and Castlewood Rd. The Town's original grant for the walkway was \$512,000, but Georgia DOT is likely to reduce the grant amount to \$200,000 to finance the pedestrian bridge and Town entrances. The Town's match for a \$200,000 grant would be \$50,000, which can be budgeted through the 2011/12 budget process. Approving this MOU will allow the Town to charge its engineering fees to the grant match. The next step for this project is the engineering/design phase. Approving the MOU would allow the Town to move to the engineering design phase. The Town intends to complete this project by the end of calendar year 2011. Mayor Pro Tem Furr asked which fiscal year budget would the funding come from. Council Member Young stated the funding would come from FY 2011/12. Mayor Pro Tem stated that the document reads the funds have been budgeted and that if the document is submitted now, the funds will not have been budgeted. Mr. Davenport stated the document would need a cover letter to explain that issue, and that the Town is committed to follow through with the projects, although the funds will not be committed until FY 2011-12. Mayor Pro Tem asked if Mallet was the pre-qualifying consultant. Mr. Newbern confirmed that Mallet is the pre-qualifying consultant. Mayor Pro Tem Furr questioned the wording of section XVII of the agreement pertaining to timing. Mr. Davenport stated that the two year time frame was the maximum amount of time allowed for having the project ready to bid from the date of the award of the funds. Mayor Pro Tem Furr also stated that the document needed to read "Town of Tyrone" as opposed to City of Tyrone.

Council Member Young made a motion to approve the MOU and for it to read Town of Tyrone, not City of Tyrone, and to have a cover letter prepared to accompany the MOU agreement. Council Member Matthews seconded the motion. Motion approved 4-0.

6. Consideration and action on proposed updates to the Town's Alcoholic Beverage Ordinance. *Brandon Perkins, Police Chief*

Chief Perkins stated, Mrs. Megill, Mr. Newbern, and I have been working together for a few months now on preparing some necessary updates to the Town's Alcoholic Beverages ordinance. These updates became necessary, in part, after we noticed several issues over the course of our duties in issuing licenses and permits and in light of recent changes that Peachtree City and Fayetteville made to their ordinances which provides for reciprocity for employees of licensed establishments. Chief Perkins asked, "Does the town want to allow for an appeals process at all? If so, does it want to use the process outlined above, or allow for appeals to the Mayor and Council?" Again, this decision rests with you as a governing body, but we submit that this is the best method. The ordinance grants me the authority to grant or deny a permit depending on a review of the application and the applicant's criminal history. If I deny a permit based on my interpretation, I believe that person should have the right to appeal that decision and have their side heard by a panel that is familiar with this ordinance, with criminal law, and with criminal histories. A board made up of the police chiefs from Tyrone, Peachtree City, and Fayetteville would take care of that in a diplomatic process. Chief Perkins provided scenarios of how the appeals process could advantageous and disadvantageous. Chief Perkins stated that at any time, the appeals process part of the ordinance could be removed at a later date, if the process was not working out. Council Member Dial suggested the ordinance updates should be left in place. Mayor Rehwaldt asked for clarification that the Town would be expanding the requirement of server permits to grocery clerks that were selling alcohol. Chief Perkins stated this was correct, and that most cashiers in the State have a type of alcohol sales permit. Chief Perkins provided a complete overview of all the additional proposed updates and changes to the alcohol beverage ordinance. Mr. Davenport stated that on page 75 – Table of Fees; in addition to adopting the ordinance, the Council will need to adopt the fees.

Council Member Young made a motion to approve the alcohol ordinance as presented, and with a table of fees that is consistent with what is presented in section 2-8-21. Council Member Dial seconded the motion. Motion approved 4-0.

FINANCIAL REPORT: None.

COMMENTS:

Mayor Rehwaldt

Public Comments

There were no public comments.

Staff Comments

Richard Newbern, Town Manager

- The Town performed very well during the snow/ice storm, January 9-12. I have received nothing other than compliments for the Public Works staff and the Police Department. Thank you to the Finance Department for working on a Sunday, to ensure the employees got paid on time and thank you to Kathy Bright, Court Clerk for her working at the department to reschedule court dates. Overtime and out of pocket expenses as a result of the snow storm have been submitted to the County for possible reimbursement of these expenses. Council Member Young asked for a copy of the document that detailed the snow storm expenses be provided to the Council Members. Ms. Hunter stated she would e-mail the document the following day.
- The “Parade of Champions” to honor the Sandy Creek Football and Volleyball teams will take place on Saturday, January 22, 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.
- The bids on the road resurfacing and drainage projects were received today, and so we will be reviewing those bids.
- Monday, January 24, 2011, I will be visiting Fire Station No. 3. Council Members are invited and welcome to join the visit.
- The Annual Retreat will be held on Saturday, February 26, 2011. If Council Members have ideas for topics of discussion, please send those to me as soon as possible.

Council Comments

Council Member Dial

- Asked the status of Liam Devlin’s presentation of the skateboard park. Mr. Newbern stated he had been working with Liam, and there is a grant deadline approaching, and decisions would need to be made regarding location. Mayor Rehwaldt suggested this item be discussed as a Retreat item.

Mayor Pro Tem Furr

- Asked if anyone had approached the Town to request package stores. Mr. Newbern stated there had not.

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 7:44 p.m.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J. Megill, Town Clerk

