

Town of Tyrone
Council Meeting Minutes
January 19, 2012

Present:

Mayor Eric Dial
Mayor Pro Tem Gloria Furr
Council Member Ken Matthews
Council Member Linda Howard
Council Member Ryan Housley
Police Chief, Interim Town Manager Brandon Perkins
Town Attorney Dennis Davenport
Finance/HR Manager Penny Hunter
Town Clerk, Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Mayor Dial called the meeting to order at 7:00 p.m. The invocation was given by Grant Blair from Operation Mobilization. The invocation was followed by the Pledge of Allegiance.

Public Comments

Judy Jefferson- 2235 Castle Lake Drive thanked Council for beginning the construction of the Shamrock Park Tennis/Basketball courts. Mayor Dial thanked Ms. Jefferson for her efforts in making many improvements to the park as well.

Ruddy Norris- 155 Foxford Run offered volunteered services to the Mayor and Council.

Approval of Agenda

Council Member Matthews made a motion to approve the agenda with a change; item 2 will be moved to the February 2, 2012 meeting due to a schedule conflict. Council Member Howard seconded the motion. Motion was 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.

Approval of Minutes: January 5, 2011

1. Appointment of Dee Baker as the Town Clerk. *Brandon Perkins, Police Chief, Interim Town Manager*

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

PROCLAMATION/RECOGNITION:

2. Proclamation- Sandy Creek High School, Lady Patriots Volleyball team. ***Eric Dial, Mayor***

Item was moved to the February 2, 2012 meeting.

OLD BUSINESS:

3. Budget Amendment for Sewer Mapping. ***Brandon Perkins, Police Chief, Interim Town Manager***

Mr. Perkins stated that \$4,000 was initially budgeted for the sewer mapping project. On January 5, 2012 Council voted to amend the budget and use \$14,500 for this project for technical services.

Council Member Furr made a motion to approve the amendment to the budget for the sewer mapping project. Council Member Howard seconded the motion. Motion was approved 4-0.

NEW BUSINESS:

4. Castle Lake Homeowners Association's presentation on issues regarding Castle Lake Dam. ***Brandon Perkins, Police Chief, Interim Town Manager***

Judy Jefferson- 2235 Castle Lake Drive briefed Council on behalf of the Castle Lake Homeowners Association (HOA). She stated that the dam is owned by three families, Mr. Guy Wilcox at 2270 Castle Lake Drive, the Bacon family at 189 Castlewood Road, and the Loggins family at 185 Castlewood Road. She stated that the dam is approximately 50 years old and the homeowners have taken responsibility thus far. She stated that in 1978 Georgia passed the safe dam law. In 2005 Mr. Wilcox received a letter from the Department of Natural Resources (DNR). She stated that the letter informed the owners that if the dam were to break it would present a danger to the neighborhood below. She stated that the findings were presented to the Town at that time and that Council was willing to help. In 2005 the HOA hired Milam Construction to inspect the dam and follow through with needed repairs. A 12-inch siphon system was installed. Each lake owner incurred a cost of \$650. A fund then began for the cost of silt in the lake.

Ms. Jefferson stated that in 2011 the dam owners received another letter from DNR informing them that the dam needed to be updated again. The homeowners had three options; 1) hire an engineer to inspect the dam and follow through with any improvements. 2) purchase the two houses downstream that are at risk or 3) drain the lake. Ms. Jefferson stated that with the help of

Mr. Dial and Town staff it was discovered that the two houses in question were built in the 1980's and 1990's, after the Safe Dams Act was in effect. There was no indication on either permits for the houses justifying why they were built in a flood plain. According to the research by the HOA, if the dam were to break, two houses would be in peril. The HOA then hired another engineer. Ms. Jefferson stated that before Jack Tiernan speaks she would like to emphasize the importance of this issue and high sense of responsibility of the Town. One of the houses was built after the amendment to the laws was added. Ms. Jefferson asked for the Town's support stating it is the ethical thing to do.

Jack Tiernan- 2275 Castle Lake Drive. He stated that he is the resident engineer for the HOA. He stated that because the houses were built downstream from the dam, DNR classified the dam as a hazard, or Class 1. After a visual inspection, DNR provided a list of concerns; a) ascertain that the old discharge pipe is properly plugged. b) remove existing vegetation from the toe of the dam slope on the downstream side, c) fill any animal holes or burrows, d) check that the emergency overflow is not activated until a storm event is in excess of a 50 year event, e) provide structures which will control erosion due to wave action, f) confirm that there is enough freeboard above the normal lake level to handle a major storm, g) confirm that seepage at the downstream toe is low enough not to lead to a failure, h) ascertain whether the existing siphon structures can be utilized to empty the lake in 10 days or less, and i) current requirements are that the dam face slopes be 3 on 1. Mr. Tiernan stated that through proposals, Florence and Hutcheson, Inc. has offered their services for approximately \$25,000 perform the required engineering study. Mr. Tiernan stated that the request of the HOA is for the Town to provide the funds to cover the expenses they are incurring.

Mayor Dial stated that he understood the engineering study bid amount to be different from the \$25,000. Mr. Tiernan stated that the two bids acquired were \$10,000 and \$60,000. The \$10,000 bid was chosen. However, Mr. Tiernan reviewed the bid and suggested that other items be addressed in the study which caused the cost to increase to approximately \$25,000.

Bob Koermer- 2075 Castle Lake Drive. Mr. Koermer stated that Arco Engineering was contacted because of the presence of silt in Castle Lake. The initial study showed 82% of the silt was from the runoff of Redwine Park and the Operation Mobilization property. He stated that silt robs the lake of needed nutrients. He stated that Arco discovered that Redwine's discharge pipes were causing the channeling of discharge to flow into Castle Lake. Mr. Koermer stated that the Tyrone Town Manager and the Environmental Protection Agency (EPD) were contacted. He stated that EPD recommended that the HOA apply for a section 319 Grant under the Federal Clean Water Act, under which Georgia received an allocation of 4.4 million dollars. Mr. Koermer stated that the terms required that the proposal flow through a governmental entity such as the Town. Due to a lack of available time, Mr. Richard Newbern sent a letter withdrawing the Town from any further involvement with the grant application. Mr. Koermer stated that after considering all options an attorney was retained and a notice of intent to sue was sent to the Town. A meeting then took place with Castle Lake representatives, Attorney Scott Hitch, Engineer Mr. Johnson the Town Manager Mr. Newbern, Mayor Rehwaldt and Town Attorney, Mr. Davenport. The HOA then, under the direction of their attorney, agreed to fund a second silt study. He stated that due to the dry summer the study has not been completed. When the study is complete the Town will be contacted with the findings.

Council Member Housley asked Mr. Davenport if the Town has access to the initial study results. Mr. Davenport confirmed that we have all the documentation.

Mayor Dial asked Mr. Wilcox if the second meeting in February would be a sufficient date to receive a reply from the Town. Mr. Wilcox agreed to the date and thanked Council for their consideration.

Council Member Housley made a motion for Council to consider the Castle Lake Dam project and return with an answer at the February 16, 2012 Council meeting. Council Member Furr seconded the motion. Motion was approved 4-0

FINANCE REPORT:

5. Finance Report for the month of December, 2011. *Penny Hunter, Finance/HR Director*

Ms. Hunter reported the December, 2011 monthly finance report.

Revenue:

The Town is now half way through our Fiscal year and for the month ended December, 2011 and the Town has realized 52.29% of its budgeted revenue; this equates to realized revenue of \$1,833,301 compared to total budgeted revenue of \$3,506,255, which now includes \$297,436 of carry-over from fund balance. Budget amendments have been completed to reflect budget changes which were approved during the November Council meeting. The overall budget has increased from 3,438,265 to 3,506,255 for a total increase of \$67,990. Property tax collections for the month ended December, 2011 were \$892,636 compared to 938,067 for the same period one year ago, which roughly equates to a 5% decrease. Local Option Sales Tax (L.O.S.T) receipts this month for collections from September sales were at \$66,141. L.O.S.T receipts to date are \$14,213 ahead of December 2010.

Franchise tax collections are at \$55,409, which is \$31,301 less than a year ago for the same month in 2010. Business taxes are up \$109,164 from a year ago due to the additional collection of insurance premium taxes based upon our current census population figure. Municipal Fines are down \$21,087 from last December and 14% below budget for this fiscal year. As of December 31, 2011, our total revenue is ahead of the same month one year ago by \$43,556.

Expenditures:

Current overall expenditures compared to budget are at 41.51%; Total expenditures to date are at \$1,455,402 compared to \$1,294,687 for the same period last fiscal year. All Departments, other than the Library are running ahead of where they were one year ago, but all are still under 50% of budgeted expenditures. \$92,271 has been expended to date on budgeted Capital Improvement Projects.

Available Cash:

As of December 31, 2011, the Town's Money Market Account balance was \$2,261,132 and the Town had long term investments in the amount of \$2,000,000. S.P.L.O.S.T. had \$216,426, Sewer had \$780,330, and Sanitation had \$197,966. The total cash balance, including the Town's pooled cash, money market, long term investments, enterprise and special revenue funds, was \$5,819,264.

Public Comments:

None.

Staff Comments:

Mr. Perkins stated that Public Works Director Renee' Holt recommends the termination of one of her employees. He stated that David Arrington was hired in October 2011, and is still on probation. Ms. Holt has given Mr. Arrington three written reprimands and several verbal reprimands. Recently there was also \$500 worth of damage caused by negligence to a Town vehicle. He stated that the results from the required post-accident drug test are not yet in. He added the recommendation has nothing to do with the drug test. The drug test is required after any accident for all Town employees. Mr. Perkins stated that according to Ms. Holt's report, he will also recommend termination of the employee.

Mayor Dial stated that the issue would be discussed during executive session.

Council Comments:

Council Member Howard displayed the new Centennial Book. She stated that the book should be ready in 2 weeks. It is 325 pages and will cost \$29.00 each. She stated that Town Hall will be a sales center for the book.

Executive Session:

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. Threatened Litigation, and 2. Personnel Matter.

Council Member Furr made a motion to adjourn and enter into Executive Session. Council Member Howard seconded the motion. Motion was approved 4-0.

Attorney Davenport briefed Mayor and Council on an item of threatened litigation. Council member Housley made a motion to authorize Mr. Davenport to proceed. Council Member Matthews seconded the motion. Motion was approved 4-0. The Mayor and Council discussed and deliberated a personnel item. No action was taken.

Council Member Furr made a motion to reconvene. Council Member Howard seconded the motion. Motion was approved 4-0.

Council Member Furr made a motion to terminate David Arrington from Public Works, effective immediately. Council Member Matthews seconded the motion. Motion was approved 4-0.

Adjournment

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

The Town Council Meeting adjourned at 8:11 p.m.

By: _____
Eric Dial, Mayor

Attest: _____
Dee Baker, Town Clerk