

Tyrone Town Council Minutes

June 18, 2009

Present:

Mayor Don Rehwaldt
Councilman Tracy Young
Councilman Eric Dial
Councilwoman Grace Caldwell
Councilwoman Gloria Furr
Town Manager Chris Venice
Town Attorney Dennis Davenport
Finance Manager Penny Hunter
Town Clerk Nancy J. Goedker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Deacon Billy Richardson, Tyrone First Baptist Church followed by the Pledge of Allegiance.

Public Comments

There were no public comments.

Approval of Minutes: April 16, 2009, April 21, 2009, April 30, 2009, May 7, 2009 and May 21, 2009.

Motion to approve minutes was made by Councilman Young, seconded by Councilman Dial, approved 4-0.

Approval of Agenda

Motion to approve agenda with the exception of moving item 11 "Approval of the Background Check Protocol and Procedures for the Coaches and Sports Associations" from the Consent Agenda to New Business, item 5A was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

PRESENTATIONS/RECOGNITION:

There were no presentations or recognitions.

OLD BUSINESS:

1. Consideration of the Town's proposed Annual Budget for FY 2010 beginning July 1, 2009 and ending June 30, 2010.

Penny Hunter, Financial Manager, stated that the budget as presented has not changed since the Public Hearing held May 21, 2009. Councilwoman Caldwell commented on this year's budget, stating that at that end of May the revenues were \$2.64 million and the expenditures were \$2.5 million. She added going into June, the Town is looking at revenues of \$2.8 million and expenditures of \$2.75 million, which leaves an excess of \$50,000, which looks very good. She added that looking at the real figures in revenues and expenditures in this year's budget it looks like the Town will carry over approximately \$50,000 into the FY2010 budget. Ms. Hunter stated she is estimating that the Town will carry over

approximately \$100,000. Councilwoman Caldwell asked if the actual revenues for year end would be \$2.8 million. Ms. Hunter stated that she predicts the year end estimate at approximately \$3 million. She added that the revenues currently are at \$2.7 million. The Homeowners Tax Relief Grant (HTRG) for \$40,000 and three months of Local Options Sales Tax (LOST), at \$60,000 per month, have not been posted to this year's budget. Councilwoman Caldwell asked why there was such a jump in expenditures in April from \$137,000 to \$295,000 in May. Ms. Hunter stated that the Risk Insurance payment at approximately \$100,000 was posted in May.

Councilwoman Furr addressed the proposed revenue budget. She stated that under line item 33.6000, Local Government Grant, a letter was received stating that the grant was going to be \$28,800 not \$30,000. Chris Venice, Town Manager, stated that Fayette County has not adopted their budget, so the Town does not yet know what the actual amount will be.

Councilwoman Furr addressed line item 36.1100, Interest Revenues, stating since the Town will be cashing in a CD for Capital Improvements, will there be any effect on the interest received. Ms. Hunter stated there will be a small change in interest earned.

Councilwoman Furr addressed line item 53.1700, Other Supplies under Administration, in reference to the computer software upgrade for the Accounting System. She stated from a detailed outline presented by Ms. Hunter at an April budget workshop, the cost for the first year would be \$11,313. She stated that this line item only shows \$10,296. She asked if this line item needed to be adjusted. Ms. Hunter stated that most of the software upgrade was purchased out of this year's budget. What is remaining under this line item is the upgrade for the GIS Mapping System and a portion of the accounting software will be appropriated out of the FY2010 budget.

Councilwoman Furr addressed line item 54.2300, Furniture and Fixtures at \$2,500. She stated that \$1,500 was discussed at an April workshop for a desk. Councilman Furr asked if this line item was going to be reduced. Ms. Hunter stated that she left the amount at \$2,500 because she has not received an estimate or a quote. Councilwoman Furr stated that she would like this line item to be reduced to \$1,500. Ms. Hunter asked to what line item is the \$1,000 to be transferred. Councilman Young suggested putting the \$1,000 in the contingency fund. Councilman Dial stated that Council received notice that the Town was now responsible for paying additional street lights. He asked staff if the amount presently proposed in line item 53.1233, Electricity/Street Lights, at \$72,500 should be increased or is staff comfortable with this amount. Ms. Venice stated that it is difficult to know when street lights will be added and suggested that the \$1,000 be moved into the electricity/street light line item. After a brief discussion, Councilman Dial directed staff to move \$1,000 from line item 54.2300, Furniture and Fixtures to line item 53.1233, Electricity/Street Lights, changing these two line items to \$1,500 and \$73,500 respectively.

Councilwoman Furr addressed line item 51.1100, Regular Employees under Public Safety. She stated that Chief Perkins had asked for a \$3,000 increase in this line item. She stated that this increase is not reflected and asked if this line item needed to be increased. Ms. Hunter stated that there are more costs involved than the one time cost of \$3,000. Chief Perkins addressed Council and explained the reason for the \$3,000 increase. He stated in February he demoted a sergeant down to corporal, which left a vacant sergeant position. He stated that the \$3,000 increase would be enough to fill the sergeant position that had already been approved. He added that this is not a raise; it is a position within

the Police Department's chain of command, which is a supervisory position. After a short discussion between staff and Council, Councilman Young suggested that this matter be addressed at a later date.

Councilwoman Furr addressed line item 51.1100, Regular Employees, under Public Works. She asked if the amount of \$127,442 included the full time position being considered under item 10 of the consent agenda. Ms. Hunter confirmed that it did include the full time position.

Councilwoman Furr addressed line item 52.3106, Lakes and Dams Insurance, at \$2,066. She asked if staff found has any additional information concerning the Pendleton Lake Dam. Ms. Venice stated that staff was still researching why the Town was paying this insurance.

Councilwoman Furr addressed line item 51.1100, Regular Employee under the Library, at \$104,071. She stated that she did not understand why the proposed budget increased from \$97,987 to \$104,071, when there are only six part time employees. She added that it was her understanding that the Town had three thirty hour and three fifteen hour employees. Councilman Young stated in regards to the hours, in the December 4, 2008 meeting concerning re-opening of the Library on Mondays, it was presented at that time that there were three thirty hour, two fourteen hour and one twenty-one hour employees. Ms. Hunter stated in regards to the increase, that when she was putting the FY2010 budget together she used actual expenditures and the expenditures for this line item in FY2009 were approximately \$129,000 and not the \$97,987. Ms. Venice stated that the \$97,987 was an adopted budgeted amount from FY2009, and cannot be changed. She added that the with the actual FY2009 expenditures of \$129,000 the \$104,071 is actually a decrease.

Councilwoman Furr addressed line item 34.4110, Refuse Collection under Sanitation. She asked why this line item increased from \$265,723 to \$328,000. Ms. Hunter stated that the \$328,000 is based on actual collection and based on what the projected revenues are for sanitation.

A motion to approve the Annual Budget for FY2010 with the amendment to move \$1,000 from line item 54.2300, Furniture and Fixtures to line item 53.1233, Electricity/Street Lights, changing these two line items to \$1,500 and \$73,500 respectively was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0. (Resolution #2009-005)

NEW BUSINESS:

2. Consideration to adopt an Ordinance to establish due compensation applicable to any Telegraph and Telephone company chartered by the laws of this or any other state.

Attorney Dennis Davenport briefed Council that recent legislation provides a mechanism for the Town to receive due compensation from telegraph and telephone lines in the Town's rights-of-way. The compensation is three percent of all revenues, or if there are no revenues, by the linear mile based on how much line is in the Town's rights-of-way. He added that this is an opportunity for the Town, pursuant of state law, to collect all available franchise fees from these sources.

Motion to approve the Ordinance to establish due compensation applicable to any Telegraph and Telephone company chartered by the laws of this or any other state, was made by Councilwoman Furr, seconded by Councilwoman Caldwell, approved 4-0. (Ordinance #2009-007)

3. Consideration to adopt an Ordinance to regulate the public right-of-way in the public interest and to provide for the issuance and regulation of right-of-way permits.

Attorney Dennis Davenport briefed Council that recent legislation allows municipalities a way to better manage their rights-of-way. With the approval of this ordinance, utilities providers, current and future, utilizing the Town's rights-of-way will need to register with the Town.

Motion to approve the Ordinance to regulate the public right-of-way in the public interest and to provide for the issuance and regulation of right-of-way permits was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 4-0. (Ordinance #2009-008)

4. Consideration of raising the sign permit fee as presented by Dina Rimi, Zoning and Planning Coordinator.

Dina Rimi, Zoning and Planning Coordinator, briefed Council that during the review of the sign ordinance, a discussion ensued within the Planning Commission in regards to the sign permit fee. Ms. Rimi stated that her research found that the Town's fee of \$25 was considerably lower than the surrounding municipalities. Ms. Rimi stated that this was brought before the Planning Commission and an increase to \$60 per permit was recommended. She added that if this fee had been in place for calendar year 2008 the Town would have brought in an additional \$1,750.

Motion to approve the raising of the sign permit fee from \$25 to \$60 was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0. (Resolution #2009-006)

5. Consideration of a First Amended and Restated Animal Control Agreement with Fayette County.

Attorney Dennis Davenport briefed Council that since 2005 the Town has an Animal Control agreement with Fayette County to have animal control violations prosecuted at the State Court of Fayette County. He stated that legal issues have risen with respect as to how citations should be prosecuted, not only with Tyrone, but with all municipalities within Fayette County. The amended agreement addresses these issues making it very clear that, although citations from Tyrone are being prosecuted in the State Court of Fayette County, the State Court of Fayette County will be sitting as the Tyrone Municipal Court for such violations. He added that the State Court Judge will be the Tyrone Municipal Court Judge for animal control violations and the Solicitor General will also be operating on behalf of Tyrone. He added that these changes were made to the agreement to better clarify the relationship between the State Court of Fayette County and the Town of Tyrone.

Motion to approve the First Amended and Restated Animal Control Agreement with Fayette County was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

5A. Approval of the Background Check Protocol and Procedures for the Coaches and the Sports Associations.

Councilman Dial stated that the Recreation Department recently went through the background check process for all coaches and that several individuals failed their background check. He stated that of those who failed, 75 percent appealed their denial. Some individuals were 19 years removed from an act

that disqualified them. He stated that several drafts from the Recreation Department, Police Department, Town Attorney and Town Manager were reviewed. This new policy closely models the National Youth Sports and Coaches Associations recommendation. He added that the appeals process to the Town was removed in favor of more definitive qualification standards. Councilman Young asked why the appeal process was removed. Attorney Davenport stated that the direction chosen by the Town was to have the Youth Sports Associations stand alone and be self sufficient. The Town would not have any supervisory authority over what the Associations do in this regards except for providing qualification standards. The Town provides the facilities, but the Associations have full responsibility for meeting the standards with the Town reserving the right to review background checks submitted to the Associations. He added having an appeals process outside of the affected Associations puts all the responsibility back on the Town. The Associations need to follow establish procedures and criteria and if any felony outlined in the policy is revealed from a background check, the applicant will not be permitted to coach. Mr. Davenport stated that if approved, this policy would take effective January 2010 at the time of renewal of the Youth Associations contracts.

Motion to approve the Background Check Protocol and Procedures for the Coaches and the Sports Associations with an effective date of January 2010 was made by Councilwoman Caldwell, seconded by Councilwoman Furr, approved 4-0.

CONSENT AGENDA:

Councilwoman Furr directed staff to provide her with a list of Public Works positions and who was filling them.

Motion to approve the Consent Agenda with the exception of item 11 was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 4-0.

6. Approval to require a Release of Liability and Waiver Agreement for Volunteer services.
7. Approval of Engagement Letter from Post and Associates for auditing services for years ended June 30, 2009, 2010 and 2011.
8. Approval to accept the Safety and Training Policy.
9. Approval of new Town Vehicle Use Policy pursuant to recommendations 09-04-1 and 09-04-2 from Local Government Risk Management Service (LGRMS).
10. Approval to fill Public Works one vacant full-time position with a current part-time employee as well as move a current full-time employee into the same full-time position as a part-time employee – creating a job-share arrangement of one full-time position with no benefit accrual. Further approval to fill the vacated full-time position created by moving the current full-time employee into the shared position. This realignment will fill one currently vacant full-time position, fill one vacated full time position and will keep one full-time and one part-time position open for future hiring consideration.

Public Comments

Mary Sturm, 155 Brentwood Road, clarified the earlier discussion concerning the library stating that the overage was due to the unexpected opening the library for early voting and the adjustment of the employee hours.

Staff Comments

There were no staff comments.

Council Comments

Councilwoman Caldwell stated that she had received an email from Councilman Young concerning Veterans Memorial Park. She stated the Councilman Young asked seven questions and that Al McWilliams, Chairman, Veterans Memorial Park Committee, will address these questions. Councilwoman Caldwell stated that she appreciated Marvin and Patsy Couch, Gordon and Gloria Furr, Mike Caldwell and all the volunteers who helped with the Veterans Memorial Park. The committee and volunteers spread mulch, planted flowers and laid brick pavers. She stated that the Veterans Memorial Park committee received an email for Columbiaville, MI after they saw Chief Perkins' slides on the Town web site, asking for input on how the committee accomplished what was done. She stated that she also received an email from a local business person who will be using pictures of the park to advertise their business. Councilwoman Caldwell added that she has heard only positive things about the park.

Al McWilliams, 494 Ellison Rd, updated Council on the status of Veterans Memorial Park. He stated that the park is coming along very well. Approximately 441 pavers have been sold and requests are still being received. He added that all the work that has been done has been at no cost to the Town.

Executive Session

Motion to adjourn into an executive session for one item of threatened litigation and one item of pending litigation was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

Motion to reconvene to regular session was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

Mayor Rehwaldt stated in the executive session Council authorized legal to take action regarding the one item of threatened litigation. No action was taken on the pending litigation.

Adjournment

Motion to adjourn was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 4-0. Meeting adjourned at 8:32pm.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Nancy J. Goedker, Town Clerk