

Tyrone Town Council Minutes

January 15, 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 Mary Sturm
Town Clerk Nancy Goedker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Pastor Philip Johnson, Sandy Creek Baptist Church, followed by the Pledge of Allegiance.

Public Comments

Mr. Bob Swenson of 217 Castlewood Road thanked the town for striping the center and outer boundary lines on Castlewood Road and painting stop signs on Tyrone-Palmetto and Senoia Roads.

Approval of Agenda

Motion to approve the agenda with the exception of moving item I, "Approval of Annual Council Retreat, February 28, 2009," under Consent Agenda to New Business, item 7, for discussion was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

PRESENTATIONS/RECOGNITION:

OLD BUSINESS:

1. Discussion of improvements to Trickum Creek Road.

Mr. David Jaeger, Mallett and Associates, briefed Council on the Trickum Creek Road improvements and temporary ditch repairs stating that ditch erosion had widened and steepened the ditch slopes, resulting in narrowing of the gravel driving surface. He said the contractor has completed the temporary repairs to the ditch and has widened the road back to a safe driving surface. He further added that with the intense rainfall event that occurred the week of December 8, storm water was observed flowing over Trickum Creek Road in two places. As a result, additional temporary measures are needed to help further protect the road and ditch line. He said Trickum Creek Road is scheduled for permanent improvements by Fayette County in Fiscal Year 2010. These improvements will include additional clearing, widening and paving the travel lanes, installation of new storm sewer piping and structures, and ditch upgrading. Mr. Jaeger further stated that he reviewed the Southampton development plan and found it to provide adequate design for storm water detention.

Councilman Dial shared his concern that if the Town pays for any additional work and the problem continues then the town is only putting a band aide on the problem. Mr. Dial further stated that he had spoken with Mr. Mallett and learned that the right of way acquisition and the permanent improvements would be funded via construction funding. It was Mr. Mallett's desire to secure a state grant to help with the Trickum Creek Road construction. Mr. Dial asked Mr. Jaeger how confident he was that Trickum Creek Road would be paved if the County did not get the state grant. Mr. Jaeger stated that the paving of Trickum Creek Road was a matter for the Fayette County Board of Commissioners. He also stated that he could try to get more information as to where Trickum Creek Road was on the County's list of priorities. Mr. Dial asked in regards to the right of way acquisition in the spring, could the Town hold off for another year rather than spending the extra money now for temporary measures. Mr. Jaeger confirmed the Town could hold off but added the additional measures he is recommending is additional protection from any further damage and is for the general maintenance of Trickum Creek Road. Mr. Dial asked about one cross drain being installed. Mr. Jaeger stated that no cross drain was installed. Mr. Dial then asked if there would be three cross drains installed if the Town went forward with this plan. Mr. Jaeger stated that the cross drain Mr. Dial was referring to was outside of Town limits, therefore there was only a need for the two additional drains within the Town.

Councilman Young asked if the County has looked at these cross drains to see if they fit into the long term plan or if this just a temporary fix for the Town. Mr. Jaeger stated this is just a temporary fix; there were no current plans by the County. Mr. Young asked if the study of the Southampton plan included a hydrology report. Mr. Jaeger confirmed it did.

Councilwoman Caldwell asked about the ponds and water runoff from Southampton. Mr. Jaeger stated there was runoff from Southampton flowing to Trickum Creek Road and that the ponds were designed to slow down the runoff. He added that the overall runoff from South Hampton is ten percent less than it was prior to Southampton being built.

Councilwoman Furr shared her concerns about Trickum Creek Road being flooded. She asked once the cross drains are installed where will the water go? Mr. Jaeger agreed that the ditch is currently inadequate and that the cross drains will not solve that problem. He further added the idea of cross drains was to eliminate the water running over the road to the point where the ditch can handle it.

No action taken.

2. Discussion of line item disbursement for sanitation fund monies and subsequent budget amendment.

Chris Venice, Town Manager, stated this item was a continuation from the November 6, 2008 Council meeting. She stated staff was seeking direction from Council to determine the appropriate use of \$80,000 currently in the sanitation fund. Council directed staff to make an official recommendation as to what fund to place this money. Ms. Venice noted that with the constant use of the heavy sanitation trucks contributing to the deterioration of the Town roads, staff proposes that this money be expended to Public Works Road Repair line item 100-40-52-2005.

Councilwoman Furr asked how much was currently in this line item. Ms Sturm, Financial Manager, stated there was \$50,000.

Mayor Rehwaldt asked Renee Holt, Director of Public Works, if this \$80,000 was given to Public Works how could it be used. Ms. Holt stated it could be used for more striping, needed repairs on Crestwood Road and Shamrock Industrial Park and other needed repairs.

Ms. Venice stated with six months left in the budget year staff has been very judicious with the use of the money under Public Works Road Repair line item.

Motion was made by Councilwoman Caldwell to move the sanitation fund monies from the money market to Public Works Road Repair line item 100-40-52-2005, with a condition not to move funds until needed, seconded by Councilman Dial, approved 3-1. Councilman Young opposed.

NEW BUSINESS:

3. Discussion of the results of a six month trial period of 12 hour shifts for police patrol personnel.

Chief Perkins briefed Council on the analysis of the six month trial period and how the 12 hour patrol shift schedule affects the Police Department. Chief Perkins shared a comparison of the department's sick/over time use as well as their crime statistics over the past year. He stated that there was a 55 percent reduction in sick time and 44 percent reduction in overtime. He further stated that crime statistics were also down: burglaries went from 18 to 2, UCR crime rate had a 25 percent decrease, officer initiated calls were down by two percent due to the increase of fuel prices and cutting down on patrol mileage, citations increase by 14 percent, warnings increased by 29 percent, misdemeanor arrests which result from traffic stops were only down by 35 percent as a result of the mileage restriction. Chief Perkins stated that felony arrests were down by 30 percent and from his observation, this was due to the department's overall decrease in crime. Two written surveys were conducted; one from the officers and one from the supervisors. Overwhelmingly the officers and supervisors felt positive about the shifts. Ninety one percent of the officers and 100 percent of the supervisors, including Chief Perkins stated they would like to remain on the 12 hour shifts. Chief Perkins concluded by proposing to Council that the Police Department remain on 12 hour shifts. Council concurred that the 12 hour shifts continue.

4. Election of Mayor Pro Tem.

A nomination was made by Councilman Dial to elect Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

5. Discussion of workers compensation pay difference.

Mayor Rehwaldt briefed the Council that currently workers compensation reimburses an injured employee two-thirds of the employee's salary for a period of up to 90 days. Therefore, it is being requested that if an employee suffers an injury or disability while performing services for

the Town that the Town supplement disability pay to bring the employees pay up to their normal pay. After 90 days the employee may use their sick, vacation or compensatory times to supplement their pay.

Mary Sturm, Financial Manager, stated that this issue came about due to a very unfortunate situation and a miscommunication from AFLAC that if an employee was injured while on duty AFLAC would pay the employees bills. Unfortunately, AFLAC does not pay the employees bills if the injury is a work related incident. She further stated out of the two-thirds of an employee's salary, at a maximum of \$450 per week, the employee still has to reimburse the Town for health insurance, and all other normal deductions, which brings an employees weekly salary down considerably. Currently, there is nothing in the Employee Handbook that addresses the issue of supplementing an employee's pay.

Ms. Sturm and Chief Perkins proposed to Council that, effective immediately, a Town paid supplement to the workers compensation policy be added to the Employee Handbook and that the affected employee be reimbursed the two pay periods missed. Ms. Sturm further noted that this would not increase any budget amount.

Councilman Young asked if the employee was currently using any sick or vacation time. Ms. Sturm stated that the individual was using vacation time. Mr. Young clarified that staff wanted to supplement prior to an employee using sick or vacation time.

Ms. Sturm concurred that the Town supplement is prior to an employee using sick or vacation time.

Councilwoman Caldwell further clarified that this was already budgeted and there would be no extra cost to the Town and the Town was not going to hire anyone to replace this employee.

Councilwoman Furr clarified that this meant all employees, not just the Police Department.

Ms. Sturm verified this applied to any employee in the performance of their duties.

Councilman Dial asked if there would be an increased cost to the Police Department to cover the employee's shift.

Chief Perkins stated that this was another benefit of the 12 hour shifts as currently there are enough officers on duty to cover the work schedule.

Motion was made by Councilman Dial to add a Town paid supplement to the workers compensation policy in the Employee Handbook and to make it retroactive, seconded by Councilwoman Furr, approved 4-0.

6. Discussion of rescinding Ordinance 483 – Tyrone Library Board.

Mayor Rehwaldt briefed the Council on the Tyrone Library Board established by Ordinance 483. He stated that the board was to consist of three people: one member from the Council, one member from Town Hall and one member from the community. These three individuals were to

meet and establish a criteria for the library, but this board has never met. He further stated that Fayette County Library has a local library board for the region and the Town has a representative on this board, Lisa Richardson. Mayor Rehwaldt stated that Walter Murphy, Executive Director, Flint River Regional Library System, stated that if the library board has never met, no one has ever been assigned duties and no action has taken place then the Town does not need a library board. Mayor Rehwaldt stated he spoke with Julie Digby, Library Branch Supervisor, and she confirmed that the library board has never met.

Mayor Rehwaldt made a recommendation before Council to rescind Ordinance 483, Tyrone Library Board.

Councilwoman Furr asked for legal opinion.

Attorney Davenport stated that from the research done two years ago on library boards; the issue addressed is what makes up a regional library system, in particular the Flint River Library system. Mr. Davenport further stated that all libraries in a particular county are part of the County system with the County being a member of the regional system and everyone being a part of that County system. The County board would have a constitution and bylaws which would mimic the regional board's constitution and bylaws. Rather than being a member of the County system, Peachtree City and Tyrone are independent members of the Flint River Library system. In order to have that type of interface the Town has to have a library board set up as a member of that system with constitution and bylaws. As independent members the Town should have a body to exercise those rights and responsibilities. Mr. Davenport agreed that the Town does have a member of the Fayette County Library board but this is separate and set apart from the Flint River Library system. Mr. Davenport further stated that the Town probably had to establish this ordinance as a procedure to have the library built to be a part of the Flint River Library system.

Councilwoman Caldwell clarified that the Town is a part of the Flint River Library system and not the Fayette County system. She further added that she would rather the Town be part of the County system.

Mayor Rehwaldt asked that if the library board has not met in two years and if he appointed three people for this board, when will they meet and what will they discuss.

Councilman Young asked that if Peachtree City is independent like Tyrone does staff know how Peachtree City is set up.

Councilwoman Furr stated that if the Library board has not met in two years she recommends rescinding this ordinance.

Councilman Dial asked if legal would be comfortable with the Town rescinding this ordinance. Mr. Davenport stated that he would like to be allowed to do the research before he gave an opinion.

Motion was made by Councilman Young to table this item to February 5 and have staff contact Peachtree City's Library Board, seconded by Councilwoman Caldwell, approved 4-0.

7. Discussion of Annual Council Retreat, February 28, 2009.

Councilman Dial stated he would be out of Town from February 26 through February 28. A suggestion was made to have the retreat set for February 14, 2009. Chris Venice, Town Manager, stated staff was currently working on the agenda. Depending on how extensive the agenda was staff would consider the Council's consideration of a retreat in place of a meeting. After reviewing the final agenda staff will come back to Council with a suggestion.

CONSENT AGENDA:

Motion was made to approve Consent Agenda by Councilman Young, seconded by Councilwoman Caldwell approved 4-0.

- A. Approval of minutes from December 4, 2008 meeting.
- B. Approval of a resolution to adopt the Fayette County 2008 Annual Report on Fire Services Impact Fees (FY2009), including Comprehensive Plan amendments for updates to the Capital Improvement Element and STWP (FY2009-FY2013). (Resolution #2009-001)
- C. Approval of resolution establishing date for Town Election for purpose of electing Council members for Post 3 and Post 4; Establish fees and date for qualifying of candidates; Establish dates for voter registration and for other purposes. (Resolution #2009-002)
- D. Approval of April Spradlin to fill the Police Assistant position.
- E. Approval of reappointment of Town Attorney.
- F. Approval of reappointment of Municipal Judge.
- G. Approval of reappointment of one member of the Planning Commission: David Nebergall.
- H. Approval to retain Fayette County News as Legal Organ.

Public Comments

None

Staff Comments

Attorney Davenport, briefed Council on an item, "Approval of Coweta-Fayette EMC Franchise agreement" from the December 18, 2008 Consent Agenda. Mr. Davenport stated that there was one major change in the language. He stated in referring to a project where the Town has determined that Coweta-Fayette EMC's facilities are interfering with the project and a facility has to be relocated, it will be at the Town's expense. He further stated in the original proposal if facilities had to be relocated, it was at Coweta-Fayette EMC's expense. Mr. Davenport communicated to Council a clear understanding of this change and how it could affect other franchise agreements. After a brief discussion a motion was made by Councilman Dial to have

legal send proposed Franchise agreement back to Coweta-Fayette EMC in the original state, seconded by Councilman Young, approved 4-0.

Council Comments

Councilwoman Furr had received some phone calls from Town citizens thanking Renee Holt, Director of Public Works, and her crew for cutting limbs on the sides of the road.

Councilwoman Caldwell thanked Renee Holt and Chris Venice for the striping on East Crestwood and Castlewood Roads. She also thanked Chief Perkins for handling the Railroad crossing issue.

Councilwoman Furr asked Tom Drake, US Department of Transportation, Crossing/Trespasser Regional Manager, for any comments. Mr. Drake stated that he spoke with the previous administration and Peachtree City on the issue of quiet zones.

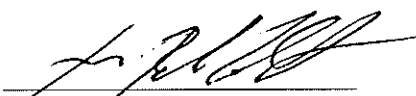
Councilman Dial clarified the financials on the November – December Revenue & Expense Report where it showed the Town had gone from a 10 month to a 13 month reserve. Ms. Sturm concurred this was accurate. Council Dial thanked staff for tightening their belts and for the good decisions they are making.


Executive Session

None

Adjournment

Motion to adjourn was made by Councilman Dial, seconded by Councilman Young. Meeting adjourned at 8:02 p.m.

By: 
Don Rehwaldt, Mayor

Attest 
Nancy J. Goedker, Town Clerk