

# **Tyrone Town Council Minutes**

May 7, 2009

## **Present:**

Mayor Don Rehwaldt  
Councilman Tracy Young  
Councilman Eric Dial  
Councilwoman Grace Caldwell  
Councilwoman Gloria Furr  
Town Manager Chris Venice  
Town Attorney Bill McNally  
Finance Manager Penny Hunter  
Town Clerk Nancy Goedker  
Administrative Assistant Dee Baker

## **Call to Order, Invocation and Pledge of Allegiance**

Invocation was given by Deacon Henry Dowell of Crestwood Christian Church followed by the Pledge of Allegiance.

## **Public Comments**

No public comments.

## **Approval of minutes**

No minutes to approve.

## **Approval of Agenda**

Motion to approve the agenda with the exception of tabling item #5 "Approval of the Jules & Beck Combined, Inc. contract" to May 21, 2009 was made by Councilman Young, seconded by Councilwoman Furr, approved 4-0.

## **PRESENTATIONS/RECOGNITIONS:**

### **Proclamation for Operation Mobilization's 50 years of service.**

Councilman Young presented a proclamation of appreciation to Andrew Scott, Associate Director, Operation Mobilization (OM). Mr. Scott thanked the Town and expressed his gratitude on behalf of Operation Mobilization. He added it is a great privilege to be a part of this community and since OM has been in Tyrone they have felt very welcomed.

### **Proclamation for Peace Officers' Memorial Day.**

Mayor Rehwaldt presented a proclamation for Peace Officers' Memorial Day to Officer Drew Moorman and the Tyrone Police Department. Mr. Rehwaldt informed everyone that Friday May 15, 2009 is National Peace Officers Memorial Day.

**OLD BUSINESS:**

- 1. Consideration of Project Framework Agreement (PFA) between the Town of Tyrone, CSX Transportation Inc., and the Georgia Department of Transportation (GDOT) for project CSSFT-0008\_00(456) Town of Tyrone-Fayette County, PO 0008456 at 551 East Crestwood Road at 480 Senoia Road & CSX crossing #63949V; includes Valleywood Road crossing closure and Park Drive extension.**

Key Phillips with the Georgia Department of Transportation (GDOT) and Tom Drake with the Federal Railroad Administration (FRA) approached Council with the Project Framework Agreement (PFA) to close the Valleywood Road crossing, extend Park Drive and establish a new protected crossing at East Crestwood. Mr. Phillips provided a brief background stating that in 1994 and 1997 the Town appealed to GDOT & CSX for assistance in improving the safety at the this crossing. When a double fatality occurred in November 2001 the Town again appealed to GDOT for a diagnostic evaluation into closing Valleywood crossing. He added that this project has been discussed many times through the years and in 2006 the project was initiated. Mr. Phillips stated a Memorandum of Understanding (MOU) was signed between GDOT and the Town in February 2007 beginning the preliminary engineering phase. He added that GDOT is now ready to move forward. Mr. Phillips stated that he would answer any questions Council had in regards to the PFA.

Councilwoman Caldwell asked Mr. Phillips how many cars currently travel on Crestwood Road. Mr. Phillips stated currently that the traffic volume for Crestwood Road is approximately 1,800 cars per day. Councilwoman Caldwell asked what right-of-ways were necessary to complete this project. Mr. Phillips stated the properties in question are: Crestwood Baptist Church, East Crestwood Road to align with West Crestwood Road, the Handley property, the CSX property and the Town property. Councilwoman Caldwell asked who is responsible for the payment of these right-of-ways. Mr. Phillips stated that the Town would be required to obtain the necessary right-of-ways. Councilwoman Caldwell asked if there were any federal monies in the project. Mr. Phillips confirmed there were federal funds currently available and included in the project. Mayor Rehwaldt asked Mr. Phillips approximately what the total cost would be to the Town to complete this project. Mr. Phillips stated the Town would be responsible for 15% of the total cost or approximately \$245,000. The estimated cost for the project is about \$1.5 million dollars. Councilman Young asked how much of the \$1 million is federally funded. Mr. Phillips replied that it was totally federally funded.

Councilwoman Furr asked if federal funds would be included in any of the 15% the Town is responsible for. Mr. Phillips stated that 85% of the project is federally funded and the Town is responsible for the remaining 15%. He added that a short roadway, which is part of Fabon Brown Park and the Park Drive extension, is included in the 15%.

A discussion then ensued between Councilwoman Furr and Mr. Phillips regarding the agreement. Councilwoman Furr stated the reading of the agreement puts a lot of responsibility on the Town. Mr. Phillips stated the agreement is a "cookie cutter" agreement that the GDOT often uses.

Councilman Dial asked Mr. Phillips if all avenues have been exhausted in regard to obtaining more funding. Mr. Phillips stated that in regard to the State and CSX, there is an incentive of \$7,500 for closure for CSX and the State would match that amount.

Councilman Young clarified that if the Town had to purchase the right-of-ways would that be included in the 15%. Mr. Phillips confirmed that it does include the right-of-ways.

Councilwoman Caldwell asked Chris Venice, Town Manager, how much money is in the SPLOST fund for the Park Drive extension. Ms. Venice stated that there is approximately \$232,000 allocated in SPLOST for the Park Drive extension. She added that staff is not aware of any other funds that have been put aside for property acquisitions or utilities relocations.

Council continued to discuss their concerns with Mr. Phillips, stating that the agreement places most of the responsibility on the "local government." Councilwoman Furr and Councilwoman Caldwell agreed that the new agreement amounts are much higher than what they understood from the MOU. Councilman Young added that the PFA is completely different from what is being presented.

Councilwoman Furr clarified that if the Town was to proceed with this agreement, would a quiet zone be created? Mr. Phillips confirmed that it would not create a quiet zone but it does establish a criteria for one.

Mr. Drake explained that a quiet zone is one or more public crossings in a half mile rail where the horn is not routinely sounded. He added that the five supplementary safety measures for establishing a quiet zone are; permanent closure, medium separator, four quadrant gates, temporary closure and one way streets. Closing Valleywood Road qualifies as a supplementary safety measure and it takes approximately 81 days from the time Valleywood Road is closed and the new Crestwood Road is opened to establish a quiet zone.

After further discussion of quiet zones, the PFA and funding for this project, Council directed staff to review the agreement, make recommended changes and send the PFA back to GDOT.

Motion to have legal review the Georgia Department of Transportation (GDOT) Project Framework Agreement (PFA) and return to Council with recommendations was made by Councilman Young, seconded by Councilman Dial, approved 4-0.

#### **NEW BUSINESS:**

- 2. Consideration of appointment of Michael Sanak, to Commissioner #2, for one (1) year to expire on January 31, 2010 to the Planning Commission.**

There was no discussion on this item. A motion to approve Michael Sanak to Commissioner #2 for one (1) year to expire on January 31, 2010 was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0.

- 3. Consideration of appointment of Chris Wigginton, to Commissioner #3, for two (2) years to expire on January 31, 2011 to the Planning Commission.**

There was no discussion on this item. A motion to approve Chris Wigginton to Commissioner #3 for two (2) years to expire on January 31, 2011 was made by Councilman Dial, seconded by Councilman Young, approved 4-0.

**4. Consideration of additional Development Fees as presented by Dina Rimi, Zoning and Development Coordinator.**

Dina Rimi, Zoning and Development Coordinator, approached Council with a request for additional development fees. Ms. Rimi stated most municipalities are currently charging additional fees for development. She also stated if the fees had been implemented in 2008 the Town would have generated approximately \$8,000 in additional funds. Ms. Rimi asked if the fees could be implemented July 1, 2009.

Motion to approve additional Development Fees effective July 1, 2009 was made by Councilman Young, seconded by Councilwoman Furr, approved 4-0.

**CONSENT AGENDA:**

**This item was tabled to May 21, 2009 Council meeting.**

**5. Approval of the Jules & Beck Combined, Inc. contract.**

**Public Comments**

There were no public comments.

**Staff Comments**

Chris Venice, Town Manager, presented a request from Fayette County Board of Commissioners in regards to participating in a stormwater utility feasibility study, at no cost to the Town. Ms. Venice stated that this study would include a review of level of service, funding and organization of the utility. She stated there is no obligation to join a Fayette County stormwater utility system after the study is complete.

Motion to allow Fayette County to prepare a Memorandum of Agreement (MOA) for a stormwater utility feasibility study was made by Councilman Dial, seconded by Councilwoman Caldwell, approved 4-0.

**Council Comments**

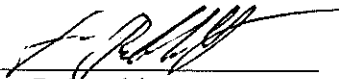
Councilwoman Furr asked if the Town would investigate a tree hanging over Swanson Road near the Railroad Tracks. She added it is an older tree, and believes it is the right of way. Mayor Rehwaldt stated he would have staff look into it.

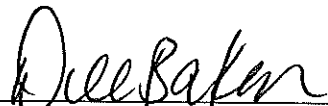
**Executive Session**

There was no executive session.

**Adjournment**

Motion to adjourn was made by Councilwoman Furr, seconded by Councilman Dial, approved 4-0. Meeting adjourned at 8:20 pm.

By:   
Don Rehwaldt, Mayor

Attest:   
Dee Baker, Administrative Assistant