

Tyrone Town Council Minutes

May 21, 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
Administrative Assistant Dee Baker

Call to Order, Invocation and Pledge of Allegiance

Invocation was given by Pastor Scott Smith of Living Proof Southern Baptist Church followed by the Pledge of Allegiance.

Public Comments

Hank Sanak, 2035 Castle Lake Drive, complemented Councilwoman Furr, Councilwoman Caldwell and the Public Works crew for an outstanding job at Veterans Memorial Park. He added that the park looks great and he really appreciates all their hard work.

Approval of Agenda

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

Approval of minutes

No minutes to approve

PRESENTATIONS/RECOGNITION:

PUBLIC HEARING:

1. Discussion of proposed FY 2009-2010 budget.

Mayor Rehwaldt stated that there have been two workshops conducted to refine the budget as closely as possible to meet the levels of service desired by the Town citizens.

Mayor Rehwaldt opened this item up for public comments. There were no public comments. Mayor Rehwaldt opened this item up for Staff Comments. There were no staff comments.

This item was then opened up for Council comments. Councilman Young asked Penny Hunter, Finance Director, to review any changes since the last budget meeting. Ms. Hunter stated that the Sanitation line item was taken out of the general budget and is now a stand alone budget. She stated that there were no salary increases for any Town positions. The budget was increased for health insurance, dental insurance and long term disability insurance premiums. She added

that these premiums are paid by the Town on behalf of the employees and the respective increases are 15%, 10% and 10%. She added that the Town is currently at 87% of the 2008/2009 budget in revenues and expenditures. Currently the property tax revenue is budgeted at \$977,500 and to date the Town has brought in \$990,652. Last year the Town received \$1,001,590 in property taxes, with a difference to date of \$10,938.12. She added that the Town will be receiving the \$40,000 Homeowners Tax Relief Grant (HTRG) refund in July 2009 which will be retroactive for this fiscal year, which brings the Town property tax higher than what the Town received last year. She added that she reduced the FY2010 budget by the \$40,000 as the Town is not expected to receive the HTRG in the next fiscal year. Ms. Hunter added that the current expenditures were at \$2.498 million which is 75.89 percent of the budget, showing that the expenditures are down. Last year the Town's budget was \$3.2 million for expenditures and actual expenditures was \$2.8 million. She added that a Capital Improvements Budget was added as a separate line item. She stated that Council will need to look at different funding sources for the Capital Improvements projects when voting on the budget.

Councilwoman Caldwell clarified how the Town had a carryover of \$485,248 in SPLOST. Ms. Hunter stated that there was a carryover from the previous year of \$330,662 and the projected revenue for FY2009 is \$189,620, with expenditures of \$35,035 leaving a balance of \$485,248. Councilwoman Caldwell shared her concern with the revenue for SPLOST. Ms. Hunter stated that revenues were dropping in comparison to the revenues from FY2008 and FY2009. She added that the projected revenues for SPLOST for FY2010 will probably be higher than the projected \$32,000.

Councilwoman Caldwell asked if the Town is expected to collect \$25,000 more in franchise fees for line item 31.1710 Electric and \$31,000 more in Local Option Sales Tax (LOST), line item 31.31000. Ms. Hunter stated that she based the Electric on historical data, as this has been increasing, and for the LOST she is optimistic that the economy will be turning around.

Councilwoman Caldwell asked in reference to line item 52.3106 Lakes and Dams Insurance, how many dams and lakes does the Town insure. Chris Venice, Town Manager, confirmed that there two (2); Shamrock and Pendleton Dam. Councilwoman Caldwell asked why the Town has insurance on Pendleton Dam. Ms. Venice stated that the staff was still researching the history of why Pendleton Dam was added. Councilwoman Caldwell directed staff to continue to research Pendleton Dam, as this a private lake and dam and the homeowners should be paying for this insurance not the tax payers.

Councilwoman Caldwell stated her concern about line item 53.1235, Electricity/Parks, for \$18,500. She stated that the Town of Tyrone and employees have done there best to cut this line item down and if individuals cannot take responsibly to turn the lights out in the daylight hours she would like to see the lights be turned out completely until something can be done. Councilman Dial asked about installing timers. Ms. Venice stated that a new timer is being installed inside the electrical panel. Ms. Holt stated that Public Works has ordered the timer and parts for \$350. Once the timer is installed it can be set so the lights will not come on after 10:00 pm and can only run at 30 minute increments during the day.

Councilman Young asked about line item 52.3700 Education and Training from each department and why it was considerably higher in Administration compared to other departments.

Ms. Hunter stated that at the Town Mangers request, staff was trying to gather a list of all organizations that the employees belonged to and what the true cost was. She added that Admin was pretty proactive in figuring out what classes they wanted to attend and the true cost of these classes. Councilman Young stated that he would like to see some type of funds going to other departments so they can receive additional training. From his prospective it looked like Admin is a little top heavy. Ms. Venice stated that the budget was submitted by each department, so what is presented is what was requested.

Councilwoman Furr questioned that under the five year Capital Improvements Program what is the proposed method for funding these projects? She asked if staff was proposing to increase the millage rate for FY2010. She added that she was not in favor of a millage rate increase. Ms. Hunter stated that the methods listed were options for Council to consider when looking at funding these projects. Councilwoman Caldwell asked about the priority list for the Capital Improvements project in regard to East Crestwood at Senoia Road, Valleywood Road – Park Drive Extension with an estimated cost of \$600,000. She understood the cost to be \$225,000. Councilwoman Furr stated that the cost listed in the Project Framework Agreement (PFA) states that the Town is responsible for most of the projects and the Town is probably looking at \$600,000 to \$1 million. She added that the Town really needs to have a more accurate figure to make a reasonable decision. Councilwoman Caldwell asked for clarification of the \$15,000 for the Handley Park soccer Fields – Drainage/Stabilization and what the problem is at the park. Ms. Holt stated that there is a lot of erosion on the embankments around the fields and all four fields need to be reseeded and thin matted.

Councilwoman Caldwell stated that in reference to the five year Capital Improvements Program, she is in agreement with Councilwoman Furr and is not in favor of a millage rate increase. She added that the Town has CD's and proposed that one of the CD's be designated for Capital Improvement projects. Councilman Dial and Councilman Young both agreed and stated that they do not support a millage rate increase.

Motion to dedicate the CD from account number 2860901996 to the five year Capital Improvement Program was made by Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

Mayor Rehwaldt noted that the millage rate will be set upon receipt of the data from the County and this information is not expected until the end of June.

OLD BUSINESS:

2. Consideration of contract with Green Forest Construction to complete the remodeling project in the Police Department basement.

Chief Perkins presented a proposed contract with Green Forest Construction on the remodeling project of the Police Department basement. Chief Perkins stated that the Police Department received three bids ranging from \$36,000 to \$89,000. The bid from Green Forest is for \$48,500 that covers the entire scope of the work required to be completed. He added that the low bid did not cover the entire scope of work. He stated that the scope of work included: reinstalling the

stairwell, renovation of the two bathrooms, frame and sheetrock walls to create an evidence locker, a storage/office, a sergeant's office, a Lieutenant's office and a utility room. Chief Perkins asked for Council's approval to present the contract to Attorney Davenport for review and approval and to subsequently proceed with this contract.

Motion to have the Green Forest contract sent to legal for review; upon review if there are no further changes, approval to proceed was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0.

3. Consideration of proposed Sign Ordinance.

Attorney Davenport presented Council with the revised sign ordinance. Mr. Davenport briefly reviewed the changes that were discussed at the April 16, 2009 meeting to ensure he had captured what Council had proposed. In reference to Section 5-32, paragraph E, "Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this Section 5-32. The limitation on aggregated maximum square feet for temporary signage applies to sidewalk, sandwich and A-frame signs," Councilwoman Caldwell asked to have "to be displayed during normal business hours only" added to this verbiage.

Mr. Davenport stated that this has been a very arduous process for both the Planning Commission and the Council. He added that many suggestions were provided to make this a good sign ordinance for the Town of Tyrone and he appreciates all the help and time that was given through this process.

Motion to approve the Sign Ordinance to include an amendment to add new language "to be displayed during normal business hours only" to Section 5-32, Freestanding signs, paragraph E, Temporary signage, with the date of adoption as May 21, 2009 was made by Councilman Dial, seconded by Councilman Young, approved 4-0. (Ordinance #2009-006)

4. 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, PI 0008456 at 551 East Crestwood Road @ 480 Senoia Road & CSX crossing #63949V; includes Valleywood Road crossing closure and Park Drive extension.

Attorney Davenport stated that at the May 7, 2009 meeting Council reviewed the Project Framework Agreement (PFA) as presented by the Georgia Department of Transportation (GDOT) in regards to the Valleywood Road crossing closure and the Park Drive extension. He stated that Council executed a Memorandum of Understanding (MOU) in 2007 which started this process. The MOU had general language, whereas the proposed PFA more fully represented the responsibilities. What appeared to be GDOT responsibilities are now the Town's responsibility. An example is that the Town would acquire the right-of-ways and relocation of utilities at substantial cost. The costs that are listed on the attachments with the PFA are in excess of \$500,000 to \$600,000 for these two items alone. The PFA's language also has the Town responsible for significant design issues, environmental issues and several other issues that were not included in the MOU. Mr. Davenport stated from his understanding Council would like the PFA to read more like the initial MOU that was signed in 2007. Mr. Davenport stated that he

put together a proposed PFA with comments showing what corrections are being made and why. He added that that goal was to return the Town's responsibilities back to the right-of-way acquisitions and relocating utilities and maxing out the cost of the Town's involvement at a certain dollar amount. He added that he left the dollar amount blank on the document and it was up to Council to determine this amount.

Councilwoman Furr asked if the revised PFA still had the Town responsible for hiring all the primary consulting firms. Mr. Davenport stated that what the revised PFA clarifies is that in the event the Town does hire a consulting firm, it has to be a firm approved by GDOT. However, the Town is not required to hire a firm.

Councilwoman Caldwell stated that the revised PFA is a counter proposal back to GDOT and that the Town should counter because the PFA received from GDOT makes the Town responsible for everything.

Councilman Dial queried that if the Town says "no" to this agreement, is there any chance of the responsibility falling back on the Town to pay for the preliminary work done by GDOT, and if so, what work was done and at what cost. Mr. Davenport stated that if the Town does turn down the project completely, the Town will run the risk of having to pay if there are any expenditures by GDOT. He added that in 2007 the Town did sign a document agreeing to go forward with this project and that he has attempted to revise the PFA to be more consistent with what the Town wanted to do and what the Town thought they were approving in 2007. He added if the revised PFA reflects the Council's intent in 2007 Council should send the revised document to GDOT for their consideration. The key is, the Town is still showing their willingness to do the project and honor the 2007 commitment.

Councilman Dial asked for a figure as to what the preliminary costs were. Ms. Venice confirmed that staff does not know all the work that has been done. Mayor Rehwaltdt added that staff knows work has been done based on the documents that have been prepared, but to what extent and how much is unknown.

After further discussion Councilwoman Furr opined that this agreement does not create a quiet zone.

A motion to send the revised Project Framework Agreement (PFA) as prepared by legal to GDOT and to include under Section one of the agreement, "the Local Government shall contribute to the Project by funding all or certain portions of the project costs, not to exceed \$225,000, etc." was made by Councilwoman Caldwell, seconded by Councilman Dial, approved 4-0.

NEW BUSINESS:

No new business.

CONSENT AGENDA:

Motion to approve the consent agenda was made by Councilwoman Caldwell, seconded by Councilman Young, approved 4-0.

5. Approval of Steadham Grading in the amount of \$36,118.54 to repair the storm drain at Valley View Drive from line item 52.2205.
6. Approval for Public Works to purchase a bucket loader for the 4 wheel drive tractor in the amount of \$5,080.98 from line items 53.1600 and 53.1700.
7. Approval to transfer from line item 52.1200 to line item 53.1700 of up to \$10,000 for an upgrade to the Incode Accounting Software for a cash receipting and pooled cash program.
8. Ratification of the Jules & Beck Combined, Inc contract.

Public Comments

No public comments.

Staff Comments

Chris Venice, Town Manager, presented Council with bids for resurfacing three Town roads. She stated that at the retreat in February, the upcoming SPLOST projects were discussed. The top priorities were to surface Shamrock Industrial Blvd and West Crestwood. She added that Fayette County will partner with the Town to help with labor and equipment. She added that there is money in the SPLOST account to surface Shamrock Industrial and West Crestwood. Clover Lane is not a SPLOST project, but this is a short cul-de-sac off of Shamrock Industrial and staff would like to have the entire subdivision resurfaced. She stated that staff will come back to Council with alternative funding sources for Clover Lane. Ms. Venice added to be included in the bidding process, staff needs approval to proceed.

Motion to be included in the County's bidding process for upcoming SPLOST projects was made by Councilman Young, seconded by Councilwoman Caldwell, approved 4-0.

Ms. Venice stated that currently there are two items on the agenda for the June 4, 2009 meeting and asked Council to consider cancelling this meeting.

Motion to cancel the June 4, 2009 meeting was made by Councilwoman Furr, seconded by Councilman Young, approved 4-0.

Councilman Young asked to consider cancelling the July 2, 2009 meeting for the holiday weekend.

Motion to cancel the July 2, 2009 meeting was made by Councilman Young, seconded by Councilman Dial, approved 4-0.

Council Comments

Councilwoman Furr invited everyone to the dedication of Veterans Memorial Park on Monday, May 25, 2009 at 1:00pm.

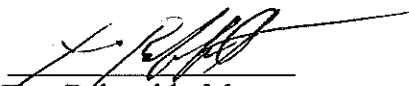
Executive Session

There was no executive session.

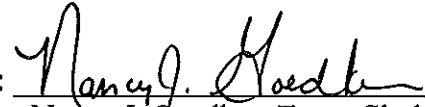
Adjournment

Motion to adjourn was made by Councilman Young, seconded by Councilman Dial, approved 4-0. Meeting adjourned at 8:12pm.

By:


Don Rehwaldt, Mayor

Attest:


Nancy J. Goedker, Town Clerk