

Town of Tyrone Council Minutes

October 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
Town Clerk Pamela J. Megill
Finance Manager Penny Hunter
Dee Baker Administrative Assistant

Call to Order, Invocation and Pledge of Allegiance

The invocation was given by Councilman Dial, and was followed by the Pledge of Allegiance.

Approval of Agenda:

Councilman Young made a motion to approve the agenda, Councilwoman Furr seconded the motion. Motion approved 4-0.

Approval of minutes: September 17, 2009

Councilman Young made a motion to approve the minutes from the September 17, 2009, Town Council Meeting. Councilwoman Caldwell seconded the motion. Motion approved 4-0.

Public Comments: There were no public comments.

PRESENTATIONS/RECOGNITIONS:

1. Proclamation for “Lights On After-School” presented to Robert J. Burch Elementary and Tyrone Elementary Schools.

The proclamation was read by Councilwoman Furr. Mayor Rehwaldt presented the proclamation to Tyrone Elementary and Robert J. Burch Elementary Schools. Representing the two schools were Ms. Vinson and Ms. Keisler. Students Thomas Farr and Jessica Green shared their appreciation for the program with the Mayor and Council. Ms. Vinson, from Tyrone Elementary School, shared Governor Sonny Purdue’s appreciation toward Fayette County’s program.

2. Proclamation for “Retired Educators Day” presented to Jim Haymans.

Councilman Dial read the proclamation. Mayor Rehwaldt presented the proclamation to Mr. Haymans. Mr. Haymans shared his appreciation and thanked the Town on behalf of other retired educators.

3. Discussion of proposed improvements for Valleywood Road.

Town Engineer David Jaeger reviewed the water run-off issue on Valleywood Road. He stated the gravel on the road is minimal and when a heavy rain occurs the rain water has no place to go due to the lack of ditches on the south side of the road bed. He stated Valleywood is in dire need of a drainage system, including ditches, pipes, headwalls, riprap and possible future paving of the road.

Mr. Jaeger asked Public Works Director Renee' Holt, how much is spent in a year maintaining the road. Ms. Holt stated on average the cost over the past nine years has been \$5,000 a year. Mr. Jaeger stated that in order to correct the issue, several repairs needed to take place. Mr. Jaeger provided a printed break-down of estimated expenses to the Council that addressed the three different area proposals.

The north side ditch improvements were estimated at a cost of \$45,000, with an unknown additional factor of the cost to control groundwater during the proposed construction. The south side ditch improvements were estimated at a cost of \$45,000. The road improvements were estimated at a cost of \$85,000; bringing the total of the whole improvements project proposal to the sum of \$175,000.

Councilwoman Caldwell asked if the septic tank problems that pertained to three duplexes had been addressed. Town Manager Chris Venice responded that the latest tests of the water found that the water did not rise to the level of septic use and was possibly diluted due to the rain; and that the original high fecal count was possibly due to the tank being replaced and materials stirred up. Once the area has stabilized, the Town does want to do one more additional test.

Councilwoman Furr stated that she thought this was a lot of money for the project, and acknowledged that something did have to be done, and suggested that the lake owner should contribute to the cost of the repairs. Councilwoman Furr stated that in the past the County had scraped the road down to the dirt and the culverts would then be visible, whereas now the County grading just fills in [the road], and further stated she had been in conversation with Fayette County Commissioner, Lee Hearn, regarding this issue. Councilwoman Furr commented that she had concerns about making repairs to one section of the road and not another.

Councilwoman Furr asked if there were monies available for this project. Town Manager Chris Venice stated that Valleywood Road is on the SPLOST list, but what remains of that money is rapidly being depleted to other projects. If the SPLOST is renewed by the voters next April, that (money) would be another major source of funding; otherwise, money dedicated to road improvements and/or other capital improvement monies would have to be used.

Councilman Young asked the Town Engineer if he thought the asphalt paving was necessary. Mr. Jaeger responded that there was not much of a crown in the road, and as a result the water runs down the road and use of asphalt would create a crown that would remain in the road and therefore the water would shed left and right and this would be helpful towards ongoing maintenance. Mr. Jaeger also stated that the biggest issue is the lack of ditching essentially on the south side, causing storm waters to flow over the driveways. Councilman Young asked if on the western side of the dam spillway that instead of running a ditch the whole way down that side, if it were possible to put a culvert underneath the road to capture that water and pull it to the south side. Councilman Young also stated that acquiring 20 feet of right-of-way from the lake owner would not be cheap and secondly, it is his [the lake owner]lake that is causing the problem. Mr. Jaeger stated he would have to look at that area again, and stated that he thought it is possible, but not necessarily simple.

Councilwoman Furr questioned that if we put the improvements on the roadway and the owner of the lake makes no attempt to stop the waterflow from the lake what good will this do us? Mr. Jaeger responded that the lake has no outflow other than the spillway, and there is no storage capacity in the lake at all.

Councilwoman Caldwell asked if the Town could require the lake owner to install a new overflow pipe. Town Attorney Dennis Davenport responded that this is an unregulated dam, and on private property and there is nothing we can do to require the lake owner make improvements. Mayor Rehwaldt asked Mr. Jaeger what it would take to get the dam regulated. Mr. Jaeger responded that he did not think the lake would ever qualify as a regulatory dam; the lake is lower than the height requirement, and the volume is smaller than the standards of those two criteria for making it regulatory.

Councilman Dial asked if it would be appropriate for the Town to send a letter to the lake owner alerting him to his possible liability exposure. Town Attorney Dennis Davenport stated that he had already sent a letter with such dialogue included. Councilman Dial asked if the lake owner had responded to the letter, to which Town Attorney Dennis Davenport replied, that the lake owner had responded and attended meetings, but the Town was hoping for a donation of right-of-way in good faith, but the end result was that the lake owner wanted payment for the right-of-way. Also, an appraisal would be necessary and the cost of that would be added to the cost of the right-of-way.

Councilwoman Furr asked if it would be possible for the Town to communicate with the County and see if they could help, and let them ditch the road and scrape it down, as this may save us some money. Town Manager Chris Venice responded that we could certainly communicate with the County and let them know of our dilemma. Ms. Venice also noted that the County does assist periodically with the grading and scraping. Councilwoman Furr asked when was the last time the County performed those tasks, to which Public Works Director Renee' Holt replied, June.

Mr. Jaeger stated that the action of scraping has resulted in the ditches not being re-established and further stated that it's in the Town's best interest to have the County help and have the ditches re-established.

Councilman Young stated that he thought that the south side ditches are the real issue and stated he would agree with Councilwoman Furr to see if the County could help us.

Councilwoman Furr made a motion to direct staff and Town Attorney Dennis Davenport to draft a letter requesting the County to trench the Valleywood Road ditches. Councilman Dial seconded the motion. Motion approved 4-0.

PUBIC HEARING:

- 4. Consideration of a resolution to approve the Short Term Work Program and Capital Improvement Element of the Comprehensive Plan relating to Impact Fees (Fire Services, Library, Recreation and Public Safety) for FY 2009, and to approve the transmittal of same to the Department of Community Affairs and the Atlanta Regional Commission for coordination of regional and state review prior to adoption.**

Town Manager Chris Venice stated that the public hearing was on the annual report to the Department of Community Affairs and the Atlanta Regional Commission regarding the impact fee program. Ms. Venice stated that there were two resolutions included in this item, one for Fire Impact program for the County and the second were for the Towns' Impact for public

safety, recreation and the library. Ms. Venice stated that the Town has terminated its' participation in the Impact Fee Program, however; the town does need to keep making these annual reports until all the funds have been accounted for or refunded.

Mayor Rehwaldt opened the Public Hearing and asked for any public comments. There were no public comments.

Councilwoman Caldwell made a motion to approve this item. Councilman Dial seconded the motion. Motion approved 4-0.

OLD BUSINESS:

5. Consideration of the bid for sod for Veterans' Memorial Park, tabled from the September 17, 2009 meeting.

Councilwoman Caldwell made a motion to table this item until January, 2010. Councilman Dial seconded the motion. Motion approved 4-0.

6. Consideration and adoption of Employee Handbook.

Mayor Rehwaldt stated that the Town of Tyrone Employee Handbook was an ever changing document and as laws and policies changed, so would the handbook.

Councilwoman Caldwell commended Mayor Rehwaldt for his efforts in making changes to the Town Employee Handbook. Councilwoman Caldwell made a motion to approve the handbook as written.

Councilman Young asked what changes had been made to the document. Mayor Rehwaldt replied that several changes had been made including the equal opportunity section, goals and the merit system as well. Mayor Rehwaldt stated that the added changes were changes were given out ten days prior.

Councilwoman Furr stated her concern with the accumulated vacation and sick time. She said vacation time was meant as a breather and that it should be taken in order to not get burnt out.

Councilman Young commended the Mayor for the time he has taken to work on this project.

Due to lack of a second for the original motion, Councilwoman Caldwell withdrew her motion.

Councilman Young made a motion to table the item until the November 5, 2009, meeting. Councilwoman Furr seconded the motion. Motion approved 4-0.

7. Update of Project Framework Agreement with Georgia Department of Transportation(GDOT) regarding railroad crossings at Valleywood Road and East Crestwood.

Town Attorney Dennis Davenport updated the Council regarding recent crossing alternatives proposed by GDOT. Town Attorney Dennis Davenport confirmed that per GDOT there were no wetlands in Fabon Brown Park. Mr. Davenport also stated he is waiting to hear back from GDOT regarding the cost of the project, and should have the information for the November 19th meeting. He reminded Council they put a cap on the project of \$225,000.

NEW BUSINESS:

8. Consideration of uses listed in Ordinance # 473 (regarding rental of parks, recreational areas, recreational facilities and other town facilities).

Town Manager Chris Venice approached Council for clarification and direction to amend Ordinance # 473. Ms. Venice stated organizations and residents continue to request to rent the pavilion and utilize the great lawn at Shamrock Park. She stated the rules and regulations in Ordinance # 473, particularly (30) and (31), require clarification. For example; the wording currently could be construed to not allow any fundraisers by any group. Ms. Venice added that the Republican Party is requesting to rent the facilities and the current wording could be construed to not allow rental of facilities to political parties. Councilman Dial stated (30) and (31) should be removed.

The Town Council directed staff to clarify the ordinance and bring it back for their approval, and gave permission to allow the Republican Party to rent the Shamrock facilities on October 31st.

CONSENT AGENDA:

Councilman Young made a motion to adopt the Consent Agenda. Councilman Dial seconded the motion.

Motion approved 4-0.

9. Approval of the appointment of Pamela J. Megill to fill the position of Town Clerk.
10. Approval to implement a \$10 restart fee for sanitation.
11. Approval to move book sale money in the amount of \$483.00 from the general fund to line item 65.53.1401, book purchase.
12. Approval of the revised Background Check Program Procedures for the Town of Tyrone Background Check Program for Volunteers.
13. Approval of systematic Alien Verification for Entitlements (SAVE) Program Memorandum of Agreement (MOA).

Public Comments

There were no public comments

Staff Comments

Town Attorney Dennis Davenport - presented changes made to the Town of Tyrone and the City of Fairburn sewer agreement. Mr. Davenport stated that he had discussed the changes with the Fairburn Town Manager.

Councilwoman Caldwell made a motion to approve the amended sewer agreement with the City of Fairburn, with changes. Councilman Dial seconded the motion. Motion approved 4-0.

Police Chief Brandon Perkins – approached the Council with a request for approval to transfer a budget line item. Chief Perkins stated that the Municipal Court has \$1,000 budgeted for a new sound system, and added that the Court is already slotted to receive a sound system with the remodeling of the Police Department basement due to mold. Chief Perkins asked Council to move the court funds to a new I.D. card program that would have several additional uses other than the current program.

Councilwoman Furr made a motion to approve the transfer of funds. Councilman Young seconded the motion. Motion approved 4-0.

Town Manager Chris Venice - welcomed the Town's new Town Clerk Pamela J. Megill. Ms. Megill came from Copperas Cove, Texas, and Ms. Venice stated that Pamela had more than ten years municipal government experience.

Administrative Assistant Dee Baker - thanked the Council for allowing an outside printer to assist in the quarterly sanitation billing process.

Council Comments

Mayor Rehwaldt – Stated that Town Manager Chris Venice would be leaving the Town of Tyrone employment at the end of December, and went on to state that the Town had received a total of 46 resumes for the forthcoming vacant position, and that the resumes had been reviewed by himself, the Town Manager and the Human Resources Manager.

Mayor Rehwaldt also responded to 'free speech' in a local newspaper regarding Tyrone sewer. He stated the early payoff of the capital improvement debt to Fairburn was \$217,755. The early payoff saved Tyrone's sewer users \$69,000. He stated that when Fulton County raised their sewer rates of 25% rather than raise Tyrone's sewer rate, Tyrone decided to absorb this additional cost from the remaining reserves. He ended by stating the Town's desire is to make the best financial decisions available for the sewer users of Tyrone. Councilwoman Furr stated she does not agree with government getting involved with bloggers. Mayor Rehwaldt stated the Systematic Alien Verification for Entitlements (SAVE) Program for cities and towns will be an expensive program. He also stated the program currently has several issues that need to be addressed prior to compliance.

Councilman Young - thanked everyone that participated and helped out with the rainy, yet successful "Founder's Day" celebration.

Councilman Dial - stated he is representing the Tyrone Soccer Association. He stated he has had several conversations with the Soccer President Ed Barcala regarding missed games and practices due to the recent ongoing rain. Councilman Dial stated a short term resolution is to request the Public Works Department to cut the upper field at Handley once or twice before the end of the current season. He added the larger issue is the long term development of the upper field.

Public Works Director Renee' Holt stated the estimated cost to irrigate the upper field would be \$30,000. Ms. Holt stated she has kept the upper field mowed all summer with the tractor. The field has no Bermuda grass which makes it difficult to mow with other types of mowers without damaging the equipment.

Councilwoman Furr expressed her concern with players being on the fields in high water. She stated it is not a safe environment for the children and didn't want to see it happen again in the

future. She asked Town Attorney Davenport if the Town could construct a waiver for the use of the upper field. Attorney Davenport stated a waiver for this situation would not be 100% protection. Councilwoman Furr stated the fields should be closed due to rain for the safety of the children.

Mr. Barcala stated he and the parents of the association would comb the upper field for rocks and debris to make it easier to mow. He added he would like to enter into a partnership with the Town for the funding of the upper field irrigation. Mr. Barcala stated since 2007 the Tyrone Soccer Association has doubled its memberships. He added the Association is running out of space and the lighting is insufficient. He noted that if the upper field could be mowed on a regular basis, it would put less stress on the existing fields.

Councilwoman Furr again stated her concerns with children playing on unsafe and wet fields.

Town Attorney Dennis Davenport was asked to draft a liability waiver for the Town stating liabilities that could occur by utilizing an unprepared field.

Councilman Dial made a motion to have the Public Works Department mow the upper field at least one more time through November, 2009. The motion was seconded by Councilwoman Caldwell. Motion approved 4-0.

Executive Session

There was no executive session.

Adjournment

Councilman Young made a motion to adjourn, Councilman Dial seconded the motion. Motion approved 4-0.

The Town Meeting adjourned at 8:56 pm.

By: _____
Don Rehwaldt, Mayor

Attest: _____
Pamela J Megill, Town Clerk