

# **Town of Tyrone Council Minutes**

January 7, 2010

## **Present:**

Mayor Don Rehwaldt  
Councilman Tracy Young  
Councilman Eric Dial  
Councilman Ken Matthews  
Councilwoman Gloria Furr  
Town Manager Richard Newbern  
Town Attorney Dennis Davenport  
Town Clerk Pamela Megill  
Finance Manager Penny Hunter

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

Mayor Rehwaldt called the meeting to order at 7:05 pm. The invocation was given by Andrew Scott, Operation Mobilization Ministry and was followed by the Pledge of Allegiance.

## **Public Comments**

There were no public comments.

## **Approval of Agenda**

Town Attorney, Dennis Davenport requested that item # 5, consideration and action of Ordinance 2010-01 pertaining to Park and Recreational facilities be removed from the agenda, and considered at the next meeting.

Council Member Furr made a motion to approve the agenda, with the removal of item # 5. Council Member Dial seconded the motion. Motion approved 3-0.

## **Approval of minutes: December 3, 2009, and December 8, 2009.**

Council Member Dial made a motion to approve the minutes. Council Member Young seconded the motion. Motion approved 3-0.

## **OATHS OF OFFICE:**

1. a) **Gloria Furr, Council Member Post 4**  
b) **Ken Matthews, Council Member Post 3,**  
c) **Richard Newbern, Town Manager,**  
d) **Pamela Megill, Town Clerk.**

*Sharon Pierce, Municipal Judge*

Sharon Pierce, Municipal Judge administered the Oath of Office to Gloria Furr, Council Member Post 4, Ken Matthews, Council Member Post 3, Richard Newbern, Town Manager, and Pamela Megill, Town Clerk. Judge Pierce thanked the Town Council for the opportunity to serve the Town for the past 22 years as Municipal Judge.

## **PRESENTATIONS/RECOGNITION:**

There were no presentations or recognition.

## **PUBLIC HEARING:**

There were no public hearings.

## **OLD BUSINESS:**

**2. Consideration and action on Resolution No. 2010-01; Capital Improvement Element (CIE) and Short Term Work Program (STWP) of the Comprehensive Plan relating to Library, Public Safety and Recreation Impact Fees for FY 2010-14. *Dennis Davenport, Town Attorney***

Town Attorney, Dennis Davenport, stated that this item was a basic housekeeping order of business to comply with State regulations.

Council Member Dial made a motion to approve Resolution No. 2010-01. Council Member Young seconded the motion. Motion carried 4-0.

**3. Consideration and action on Resolution No. 2010-02; Adopting the Fayette County 2009 Annual Report on Fire Service Impact Fees FY 2009, including Comprehensive Plan Amendments for updates to the Capital Improvement Element (CIE) and Short Term Work Program (STWP) for FY 2010-14. *Dennis Davenport, Town Attorney***

Town Attorney, Dennis Davenport, stated that as with the previous item this item was also a basic housekeeping order of business to comply with State regulations, and it was the same resolution but for different impact fees; those being Fire Service.

Council Member Young made a motion to approve Resolution No. 2010-02. Council Member Furr seconded the motion. Motion carried 4-0.

**4. Consideration of an agreement between the Department of Transportation, State of Georgia and the Town of Tyrone for Transportation Facility Improvements. *Dennis Davenport, Town Attorney***

Town Attorney, Dennis Davenport, gave a briefing of the December 3, 2009, presentation by the Department of Transportation, State of Georgia (GDOT) to the Town Council, stating that GDOT announced to the Town Council that they had resolved their funding issues, but the Right-Of-Way acquisition and utilities relocation would be the responsibilities of the Town. Mr. Davenport referred to the memorandum he provided to the Town Council and stated that one of his biggest concerns pertained to "potential mitigation". If there are mitigation issues they would be the responsibility of the Town. GDOT is stating that federal funding can not be used for Right-Of-Way (ROW) or utilities relocation. Mr. Davenport cautioned that the \$225,000 the Council has budgeted for this project could turn out to be a drop in the bucket if mitigation became a reality.

Council Member Furr asked if the Town had made any attempts to purchase right-of-way, Mr. Davenport stated the Town had not. Council member Furr asked if a property owner does not

want to sell or donate right-of-way, what would happen. Mr. Davenport stated the procedure to follow would be condemnation. Council Member Furr stated she was not in favor of taking any property from property owners. Council Member Young stated that if the railroad would be benefitting from closing this crossing, they (CSX) should be sharing the cost. Mr. Davenport stated that if the Town does not go through with the project, then the railroad (CSX) would most likely petition to have the crossing closed. Council Member Dial questioned traffic congestion that would result from closing the crossing. Council Member Young stated he thought the Town should contact CSX and discuss the issue with them. Council member Matthews asked if we (the Town) are required to change the crossing to line up or can we use existing crossing East Crestwood to West Crestwood? Town Attorney replied that GDOT had given two alternatives that did not require them to line things up.

Council Member Young stated he believed there were still two issues here: the involvement of CSX and the fact that the Council was not in favor of condemning anyone's property. Mr. Davenport stated that GDOT was requesting a response to the proposed agreement during the month of February, 2010. Council member Young asked if anyone in the audience was a property owner that would be affected by the proposed project. Mr. Hanley stated that he was. Mr. Hanley stated that the agreement with GDOT, extending Park Drive and closing the railroad crossing would be beneficial to the community; as the crossing is currently a danger to the community as it now exists. Mr. Hanley stated that he did not know the views of the other potentially affected property owners. Council Member Furr stated that she had received an e-mail from a resident requesting the Council to not approve entering into the said agreement. Council member Young asked if it would be feasible to host a Town Hall meeting to meet with all the affected property owners. Mr. Davenport suggested that the Town contact GDOT and provide them with the current concerns and issues.

Council Member Young made a motion to defer making a decision on the agreement between GDOT and the Town of Tyrone until the February 4<sup>th</sup>, 2010 Town Council Meeting. Council Member Dial seconded the motion. Motion carried 4-0.

**5. Consideration and action on Ordinance No. 2010-01; to amend the Code of Ordinances, to revise provisions pertaining to Park, Recreational areas, recreational facilities and other town facilities. *Dennis Davenport, Town Attorney***

This item was pulled from the agenda.

**NEW BUSINESS:**

**6. Election of Mayor Pro Tem. *Don Rehwaldt, Mayor***

Mayor Rehwaldt stated he was nominating Council Member Eric Dial to serve as Mayor Pro Tem for the period January 7, 2010 thru January 6, 2011. Council Member Dial thanked the Mayor for his nomination, but deferred. Council Member Dial nominated Council Member Furr as Mayor Pro Tem. Council Member Dial made a motion to appoint Council Member Furr as the Mayor Pro Tem.

Council Member Young seconded the motion. Motion approved 4-0

**7. Consideration of adoption of Titles I thru IV of the Code of Ordinances as consolidated. *Don Rehwaldt, Mayor***

Mayor Rehwaldt stated that the Council had received a letter from him with a copy of the draft Code of Ordinances as consolidated in early December, 2009. Council Member Young asked for an overview of what transpired through the process of the consolidation. Mayor Rehwaldt stated he had worked with Attorney, Bill McNally at the onset of this project and basically the continued work had taken in excess of a year and a half to complete.

Council Member Dial made a motion to adopt Titles I thru IV of the Code of Ordinances as consolidated. Council Member Furr seconded the motion. Motion carried 4-0

**CONSENT AGENDA:** All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

Council Member Young made a motion to approve the consent agenda. Council Member Dial seconded the motion. Motion carried 4-0.

**8. Approval of Sharon Pierce to be reappointed Municipal Judge. *Kathy Bright, Municipal Court Clerk***

**9. Approval of Rhonda Kreuziger to be reappointed Town Solicitor. *Kathy Bright, Municipal Court Clerk***

**10. Approval of Dennis Davenport to be reappointed Town Attorney. *Don Rehwaldt, Mayor***

**11. Approval of Mallett Consulting Inc. to be reappointed Town Engineer. *Don Rehwaldt, Mayor***

**12. Approval of the appointment of Michael Sanak to the Planning and Zoning Commission, Post 2, for a two year term (2010 – 2012). *Don Rehwaldt, Mayor***

**13. Approval of the appointment of Gordon Shenkle to the Planning and Zoning Commission, Post 4, for a two year term (2010 – 2012). *Don Rehwaldt, Mayor***

**14. Approval of the appointment of Judy Jefferson to the Planning and Zoning Commission, Post 5, for a one year term (2010 – 2011). *Don Rehwaldt, Mayor***

**15. Approval of the re-appointment of John Woody to the Fayette County Development Authority for a three year term (2010 – 2013). *Don Rehwaldt, Mayor***

**16. Approval of the “Fayette County News” as the legal organ for the Town of Tyrone. *Don Rehwaldt, Mayor***

**17. Approval of a transfer for the sum of \$500.00 from the Library general fund to the Special Programs line item. *Julie Digby, Library Supervisor***

- 18. Approval of “Paws for a Purpose”- Charity Dog Walk to be held at the Shamrock Park on May 1, 2010. *Carol Stallings, Rotary Club of Fayette Club***
- 19. Ratification of four thousand, eight hundred, twenty-three dollars and ninety-seven cents (\$4,823.97) used for repair of termite damage at the police department. *Brandon Perkins, Police Chief***
- 20. Approval of “Run for the World”- Charity run to be held in Tyrone on May 8, 2010. *Michael Renie, Event Coordinator***

### **Public Comments**

Gordon Shenkle, Planning and Zoning Board Chairman, thanked the Town Council for his re-appointment to the Planning and Zoning Board, and also expressed his views regarding safety issues and the potential agreement between the Town and the Department of Transportation, State of Georgia. Mr. Shenkle stated that should CSX decide to close the crossing we will have a huge public safety issues, as we would be unable to get fire and police units into both ends of that area.

### **Staff Comments**

Town Attorney, Dennis Davenport, thanked the Town Council for the re-appointment for another year serving as the Town Attorney. Mr. Davenport also stated he had a personnel item for Executive Session this evening.

Pamela Megill, Town Clerk reminded the Council that a date needed to be planned for the annual Town Council Retreat. Council Member Dial made a motion to plan the retreat for Saturday, February 27, 2010. Council Member Matthews seconded the motion. Motion approved 4-0.

### **Mayor Rehwaldt**

Mayor Rehwaldt read the Annual Library Board Report. The Library Board had reported that they had held an initial meeting on December 15, 2009. The Library Board report also stated that the library had seen an increase in all areas of service, with an overall increase of 60% for circulation.

Mayor Rehwaldt gave the Annual State of Tyrone Address. Mayor Rehwaldt stated that 2010 will prove to be more financially challenging to Georgia’s counties, cities and towns than the year we faced in 2009. Mayor Rehwaldt state that the Town of Tyrone is in a satisfactory financial position, and at the present time has no outstanding bond or long term capital debt, in addition, the Town also has a nine month cash reserve, and stated that some of the accumulated funds in excess of our required reserves are to be used to fund capital improvement projects such as repair and repaving of roads, restoring crumbling culverts, and stated that review of currently identified capital projects can be viewed on the Town web site. In closing the Mayor stated that when he and the current Council were elected the promise to retain a small town, rural character was made and stated that hopefully the efforts of the Town Council are meeting the expectations of its’ citizens.

## **Council Comments**

There were no Council comments.

## **Executive Session**

Council Member Young made a motion to adjourn into Executive Session. Council Member Dial seconded the motion. Motion approved 4-0.

Council adjourned into Executive Session at 8:10pm.

**Pursuant to O.C.G.A. § 50-14-4 (b) of the Open and Public Meetings Act, Council will meet in Executive Session to deliberate:**

### **1. Personnel matters.**

**Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session**

Council Member Young made a motion to reconvene into regular session. Council Member Dial seconded the motion. Motion carried 4-0. The Town Council reconvened into Open Session at 8:30 pm.

Mayor Rehwaldt announced that Executive session had been for information purposes only, and no action would be taken.

## **Adjournment**

Council Member Young made a motion to adjourn. Council Member Dial seconded the motion. Motion carried 4-0.

The Town Council Meeting adjourned at 8:35 p.m.

By: \_\_\_\_\_  
Don Rehwaldt, Mayor

Attest: \_\_\_\_\_  
Pamela J. Megill, Town Clerk

