

Town of Tyrone Council
Action Minutes
April 1, 2010

Present:

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

Absent:

Town Manager, Richard Newbern

Call to Order, Invocation and Pledge of Allegiance

Mayor Rehwaldt called the meeting to order at 7:00 p.m. The invocation was given by Associate Pastor, John Dollar of Southern Crescent Church of Christ and was followed by the Pledge of Allegiance.

Public Comments

There were no public comments.

Approval of Agenda

Mayor Rehwaldt announced that the Town had received an e-mail from Mr. Jim Rummell, Site Acquisition Specialist, AT & T; requesting the AT&T Easement agenda item be postponed and removed from the April 1, 2010 agenda.

Council Member Dial made a motion to approve the agenda, with the removal of item number two; AT & T Easement item. Council Member Young seconded the motion. Motion approved 4-0.

Approval of minutes: March 18, 2010 Regular Meeting.

Council Member Dial made a motion to approve the minutes. Council Member Furr seconded the motion. Motion approved 4-0.

PRESENTATIONS/RECOGNITION:

There were no presentations or recognitions.

OLD BUSINESS:

1. **Decision on Valleywood Rail Road Crossing Options.** *Richard Newbern, Town Manager*

Mayor Rewaldt announced that Town Manager, Richard Newbern was on emergency leave, and had asked Town Attorney, Dennis Davenport to introduce this item. Mr. Davenport gave a recap of the three options the Town has considered regarding the Valleywood Rail Road crossing:

1. Implement the MOU (Memorandum of Understanding), close the existing Valleywood Road Crossing and extend Park Drive south to connect to the unpaved N.E. Crestwood Road, and improve N.E. Crestwood Road to East Crestwood Road; and close East Crestwood Road crossing and construct a new East Crestwood between West Crestwood Rd. at Senoia Road and N.E Crestwood Rd. equipped with automatic gates, lights, and bells. The Town's liability for this project could exceed \$225,000, or it could be lower. Georgia DOT has stated that they could help finance the utility relocations if the Town's right-of-way/utility relocation total exceeded \$225,000.
2. Close Valleywood Rd. RR crossing, and extend Park Drive south to connect to the unpaved N.E. Crestwood Road, and improve N.E. Crestwood Road to East Crestwood Road East Crestwood Rd. Don't "realign" the East Crestwood RR crossing. This would leave the East Crestwood Rd. crossing as it is, but would allow residents with an alternative outlet down Park Drive to East Crestwood Rd. There would be right-of-way associated with Park Drive extension, but minimal utility relocation. However, the Town would still be responsible for any wetlands mitigation on the site.
3. Don't close Valleywood RR crossing. Don't extend Park Drive or relocate East Crestview. Put gates, lights and bells at Valleywood RR crossing. Ga. DOT would be fully responsible for the cost of the gates, lights, bells and striping, and CSX would provide maintenance in perpetuity. The Town's cost would be to pave the Valleywood RR crossing from Senoia Rd. to Park Dr. (approx. 500') to AASHTO standards. Mallett Consultants estimates the cost of paving at \$55,000, with an additional \$30,000 for storm drains and Engineering design/inspection.

Mr. Davenport reported that GDOT was requesting direction from the Town, and stated that the Town had held both a Public Information Session and a Public Hearing, and asked if Council Members had any questions regarding this item.

Council Member Dial asked if he could confirm to what degree would GDOT or CSX pay for the arms, bells, lights, and who exactly would pay for that, and to what extent? Mr. Davenport responded that he had not engaged in conversation with either GDOT or CSX and further stated from conversing with Mr. Newbern that he did know CSX is going to donate what ever is needed for the paving of the right-of-way on the crossing, and stated he believed there would be a level of contribution from GDOT, but he was not sure what that level of contribution will be.

Mayor Rehwaladt stated that speaking with Mr. Newbern he believed that the arms, bells and lights are the responsibility of CSX and they would contribute that portion.

Mr. Davenport said that the Town was definitely looking at the cost of paving from old Senoia Road to East Park Drive. Council Member Dial clarified, with less the cost of Right-of-Way.

Council Member Young asked if there was any Right-of-Way needed on the northern side, east of the rail road tracks. Mr. Davenport stated it would be on the southern side, and said there was a small portion.

Council Member Matthews stated that from his understanding the property was a prescriptive easement Mr. Davenport stated that was correct, and Council Member Matthews stated that we (the Town) do not have a simple deed on that property.

Council Member Dial stated that the Council had heard from residents and property owners at both the informational meeting and the public hearing, and he believed the wise thing to do both financially and would respect the “will of the people” would be to select option number three. Council Member Matthews asked what would be the Town’s responsibility of getting out of the MOU (Memorandum of Understanding) with Georgia DOT, and asked if there was any cost impact. Mr. Davenport responded that most likely there would be no cost associated with that, and stated that a formal written response to GDOT informing them of the decision made tonight would be required.

Council Member Dial made a motion to select option three; to improve the crossing and pave from old Senoia Road to Park Drive. Council Member Furr seconded the motion. Motion carried 4-0.

PUBLIC HEARING:

There were no public hearings.

NEW BUSINESS

There was no new business

Public Comments

There were no public comments.

Staff Comments

Penny Hunter, Finance/Human Resources Manager

Ms. Hunter stated that Art Bernard, Maintenance Worker had submitted his resignation letter to be effective April 9, 2010, and Public Works Director, Renee’ Holt would like permission to post notice of the 20 hours per week position as soon as possible.

Mayor Rehwaldt asked for a motion to approve the posting of the position. Council Member Young stated so moved, Council Member Dial seconded the motion. Motion approved 4-0.

Mayor Rehwaldt

Mayor Rehwaldt made no additional comments.

Council Comments

Council Member Young

Council Member Young expressed thanks and gratitude to the Way of Life Church and Pastor Greg Mallett for the Easter Egg Hunt event this past weekend; the kids had a great time, it was safe, it was fun, and they did a phenomenal job, and I am very appreciative of all of their efforts.

Executive Session

Council Member Young made a motion to adjourn into Executive Session for one item of Real Estate; Council Member Dial seconded the motion. Motion approved 4-0.

Council adjourned into Executive Session at 7:10 p.m.

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. Real Estate

Council Member Dial made a motion to authorize Town Attorney, Dennis Davenport to proceed with the Real Estate acquisition. Council Member Young seconded the motion. Motion approved 4-0.

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 7:30 p.m.

Mayor Rehwaldt announced that Executive Session had been for one item of Real Estate and stated the Town Council had authorized Town Attorney, Dennis Davenport to proceed with the Real Estate acquisition.

Adjournment

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

The Town Council Meeting adjourned at 7:32 p.m.

Pamela J. Megill, Town Clerk

