

**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, AUGUST 22, 2016  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Paul Wendelken  
Reese Browher  
Levi Scott – 7:04 PM  
James Dasher  
Christi Ricker  
Ann Daniel

**Present:**

Ken Lee, Mayor  
Wanda Simmons, Interim City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Tim Bowles, Public Works Director  
LaMeisha Kelly, City Planner

The meeting was called to order at 7:03 PM. Councilmember Dasher gave the Invocation and the Pledge to the Flag was recited.

**Approval of the agenda:**

Motion to approve: Councilmember Daniel  
Second: Councilmember Ricker  
Vote: Unanimous

Mayor Lee recognized resigning Planning and Zoning Board members Pastor Gregory Brunson and Heath Lloyd.

**Approval of the August 8, 2016 minutes:**

Motion to approve: Councilmember Scott  
Second: Councilmember Dasher  
Vote: Unanimous

**Public Hearings:**

*Turn meeting over to public hearing officer, Raymond Dickey:*

**Public Hearing on petition from Hodges Management Company requesting a variance to Article 11, Section 7 to subdivide a 2.050 acre property into two (2)**

**parcels (1.04 acre and 1.01 acre parcel). The property is owned by the Kroger Company and located at 459 South Columbia Avenue, Rincon, GA. The property is zoned GC (General Commercial) Map# R2120017.**

Open public hearing: 7:10 PM

Chuck Perry and Inman Hodges were present. The property has now been purchased by Hodges Management and is no longer owned by Kroger Company. Hodges Management intent is to separate the tracts for a standalone KFC and standalone Taco Bell. Mrs. Kelly said this meets guidelines and conforms to the zoning ordinance.

Close public hearing: 7:13

*Turn the meeting back over to Mayor Lee.*

**Vote on petition from Hodges Management Company requesting a variance to Article 11, Section 7 to subdivide a 2.050 acre property into two (2) parcels (1.04 acre and 1.01 acre parcel). The property is owned by the ~~Kroger Company~~ Hodges Management and located at 459 South Columbia Avenue, Rincon, GA. The property is zoned GC (General Commercial) Map# R2120017.**

Councilmember Browher asked Mr. Hodges if he owned the current KFC/Taco Bell, he said yes. Mr. Hodges said he is not sure what he would do with the current building, he may do another concept, or he could lease it.

Motion to approve: Councilmember Daniel

Second: Councilmember Scott

Vote: Unanimous

*Turn meeting over to public hearing officer, Raymond Dickey:*

**New Business:**

**1. Murphy Express requests approval of the final site plan for the 0.712 acre property located at 102 Lisa Street. The property is owned by Murphy Express and is zoned GC General Commercial (Map#R2570042).**

Grant Dennis, representing Murphy Express was present. Alec Metzger said EMC recommended approval of the site plans. Mayor Lee asked Mr. Dennis what is the time line, Mr. Dennis said they will start around October or November and it will take around three months to build.

Motion to approve: Councilmember Ricker

Second: Councilmember Daniel

Vote by Council: 5 to 1 Councilmember Dasher abstained

**2. Ernest Communities LLC requests approval of the preliminary site plan for the Williamsburg Townhomes. The Property is owned by Ernest Communities LLC and is zoned MXU (Planned Unit Developments) Map# R2440001C00.**

CJ Chance, with Hussy, Gay and Bell was present. He stated that this project originally started in 2007, and was supposed to have approximately 140 units. At that time the Planning and Zoning Board approved the project but Council denied. The developer has come before Planning and Zoning and Council with revised plans, which will include 54 units that meet requirements. The City Engineer had issues about easements for a right turn decel lane into the property and drainage. Councilmember Scott informed Mr. Chance this is a growing community and the decel lane will be necessary, due to the excessive traffic from new elementary school. Mr. Chance said if a decel lane is required he thinks the city needs to have this in an ordinance, so builders know beforehand.

Mike Mahan, resident in Williamsburg, said Williamsburg has a right turn and the developers issue is money over safety, the turn lane is necessary.

Tina Tirey, resident in Lost Plantation, said since the trees have been removed she sees the line of traffic, and would like for the developer to consider putting something up to keep the foot traffic down.

Marcia Dykes, Williamsburg, stated her home backs up to where everything was cleared, she does not like it and is concerned for children and access in and out. The developer destroyed trees that made the neighborhood beautiful. She now has 30 foot buffer of bushes, when she moved to Williamsburg there were beautiful trees. Mayor Lee asked Mrs. Kelly if trees been removed from the buffer, Mrs. Kelly said no.

Karen Marx, Williamsburg, talked about traffic coming home from the direction of Augusta Road; she cannot get onto a center lane due to all the traffic, and is concerned about safety.

Cathy Atkins, Williamsburg, said the subdivision was the best kept secret in Rincon.

Kirbi Ratner, Williamsburg, said she is concerned about safety of residents. There has been vandalism in the neighborhood, and increase foot traffic. She wants a separate entrance, right turn lane (decel lane) and a fence along the back end. Mrs. Kelly said the plans have a separate entrance but no decel lane.

Kelly Neffendorf, Williamsburg, said a fence will be a great addition, as there are four homes that do not have a fences. She would also like to see a fence along the golf course, to keep people from crossing there to go to Wal-Mart. They do not want to share an entrance.

It was mentioned that the gravel road around pond will be an easement for emergency access.

Mr. Chance said when the original master plan was approved it was one entrance, and the developer has added a second entrance, the current decel at Williamsburg was put in

because there was only supposed to be one entrance for the homes and townhomes, according to the master plan, but residents didn't want that.

Ms. Dykes said the back of her house faces the apartment complex and she hears two people on second floor cussing and arguing.

Kimberly Rogers, Williamsburg, said the selling point for her was the single entrance.

Gloria Braswell, Williamsburg, said she was not told the beauty and elegance would be taken away by removing the trees. She wants the 30 foot buffer to be built up.

Robin Hearnshaw, Williamsburg, said she chose this property because it was so beautiful. Now it is an eyesore. The property is so open to apartments and Fort Howard and it looks appalling.

Mrs. Neffendorf, wanted to know how long the build will take, Mr. Chance said he was not sure, the units will be built as sold, and it is market driven. The units will be 28 feet wide, three bedrooms and 2 ½ bath with a garage.

Doug Smith, Williamsburg, asked if the left side of the entrance is zoned commercial, Mr. Chance said there are no plans to build on that parcel. Mr. Smith said he would like for a berm structure to be put there for the safety of kids in future. He said the fire was burning for a month and he wants the entrance and sod (landscaping) done before they build. Mr. Chance said to meet requirements of the State and City, the site has to be stabilized. All the streets will be built and the grass will be laid at one time.

Patricia Navia, Lost Plantation, said she is disappointed with the open area and concerned about the foot traffic and self.

Richard Levy, Lost Plantation, wanted to know why no one was here representing the golf course. The course is wide open to the townhomes and apartments.

Ms. Tirey, said the Cove is a prime example, the builder went bankrupt, and now it is not managed correctly.

Councilmember Scott said we are getting a little ahead of ourselves. We can't control what people do with their land but we want to be good neighbors. We can control safety, and we have to prepare for the future and try to work and improve damage. Mr. Chance said the developer has gone above and beyond.

Councilmember Dasher mentioned the issue of removing pine trees on the golf course property still has to be addressed.

Councilmember Wendelken addressed Mr. Levy's question about someone from the golf course being present and said the city is here representing the course. Councilmember Wendelken told Mr. Chance if there is no decal lane he will vote no, it needs to be aesthetically pleasing.

Mayor Lee said we will table the item and meet with staff and make a list of what we would like to see. The list will include the decal lane, a berm and a fence along the back of the Stephanie Avenue homes. Mrs. Neffendorf will generate a list from the residents and get it to Mrs. Kelly.

Motion to table until next meeting on September 12<sup>th</sup>: Councilmember Scott  
Second: Councilmember Ricker  
Vote by Council: Unanimous

**3. Griffin Contracting requests approval of Pay Request #4 in the amount of \$7,791.02, for work completed on the 9<sup>th</sup> Street 2015 LMIG project.  
LI# 10.4430.4421**

Alec Metzger informed Council he looked at the quantities in the field, reviewed and approved.

Motion to approve: Councilmember Ricker  
Second: Councilmember Browher  
Vote by Council: Unanimous

**4. Griffin Contracting requests approval of Pay Request #5 (Final and Release of Retainage) in the amount of \$31,009.22, for work completed on the 9<sup>th</sup> Street 2015 LMIG project. LI# 10.4430.4421**

Mr. Metzger explained this is for the final retainage on the project; they had the final inspection on March 23<sup>rd</sup> and looked at it again on May 19<sup>th</sup>, he recommends approval.

Motion to approve: Councilmember Scott  
Second: Councilmember Wendelken  
Vote by Council: Unanimous

**5. Griffin Contracting requests approval to begin one year maintenance and warranty period for work completed on the 9<sup>th</sup> Street 2015 LMIG project.  
LI# 10.4430.4421.**

Mr. Metzger said Griffin Contracting completed the work and the punch list and would like the one year warranty to start today.

Motion to approve: Councilmember Wendelken  
Second: Councilmember Scott  
Vote by Council: Unanimous

**6. Associates in Local Government Assistance, Inc. requests approval of Pay Request #1 in the amount of \$13,750.00 for administrative services for Kroger EIP grant.  
LI# 70.4430.4411**

LaMeisha Kelly said this is payment for the grant writer, the EIP grant pays for this service.

Motion to approve: Councilmember Ricker  
Second: Councilmember Scott  
Vote by Council: Unanimous

**7. Approval of financial support to the Live Oak Public Library approved in the 2016 budget in the amount of \$12,000.00.**

Mrs. Simmons said the line item for this is 10.4101.4500. We did support the local branch last year and it is in the budget. Councilmember Dasher got update on the library; they now have longer hours, story time, and several special programs.

Motion to approve: Councilmember Ricker  
Second: Councilmember Scott  
Vote by Council: Unanimous

**8. Administrative Reports:**

**City Manager** – Mrs. Simmons informed Council they have been invited to the Effingham Branch NAACP banquet. Councilmember Browher asked what have we done in the past, Mrs. Kelly said last year we did a full page advertisement. Mrs. Simmons recommends a corporate ad for \$100.00. Councilmember Dasher recommended a sponsorship. Mrs. Simmons also reminded Council about meeting at IDA tomorrow with John Henry.

**City Engineer** – No written report. Councilmember Browher asked about the status of Fort Howard Rd and 21, Mr. Metzger said DOT wants to adjust the turning lane by shortening it. They are still going back and forth to see if that is possible. R.B. Baker will remobilize and fix all the issues, even on Ft Howard Road.

**Building/Zoning Dept.** – Mrs. Kelly told Council that a workshop is needed as soon as possible, that they need to get back on the roads issue, the workshop will be next Monday 8/29 at 7:00 PM. Councilmember Wendelken said he received a code enforcement call about a property at Richland Avenue and E. 8<sup>th</sup> Street. Councilmember Browher said there is also a tree on Richland Avenue and 8<sup>th</sup> Street that leans. Mrs. Kelly said she will have Travis Grubbs look at these issues.

**Water/Sewer/Public Works** – No written report.

**Mayor and Council**- Councilmember Ricker thanked Mrs. Kelly for handling a concern. Councilmember Browher said he texted Chief Scholl about several houses that were egged, the Chief said he will have additional patrols; he asked Mrs. Simmons if she would look into it

**9. Executive session to discuss personnel, pending litigation, attorney client privilege, and real estate.**

Motion: Councilmember Dasher  
Second: Councilmember Ricker  
Vote by Council: Unanimous

Motion to return to meeting: Councilmember Ricker  
Second: Councilmember Scott  
Vote by Council: Unanimous

**10. Follow the statutes of executive session, to put on file an executive session affidavit and resolution.**

Motion to approve: Councilmember Browher  
Second: Councilmember Dasher  
Vote by Council: Unanimous

**11. Take any action that is needed on the items from executive session.**

No action taken.

**Adjourn:**

Motion to adjourn: Councilmember Scott  
Second: Councilmember Ricker  
Vote by Council: Unanimous