



**CITY OF RINCON  
OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
THURSDAY, JANUARY 31, 2019  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Paul Wendelken  
Reese Browher  
Levi Scott, Jr.  
James Dasher  
Ann Daniel

**Councilmembers Absent:**

Kevin Exley

**Present:**

Ken Lee, Mayor  
John Klimm, City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Corey Rahn, Fire Chief  
LaMeisha Hunter Kelly, City Planner  
Tim Bowles, Public Works Director

The meeting was called to order at 7:04 PM. The Invocation was given by Councilmember Browher and the Pledge to the Flag was recited.

**Approval of the agenda with the addition of new business item 6A:**

6A. A request for the City of Rincon to sign a Health Department Waiver for the 2019 Gears and Grub Food Truck Festival and Car Show sponsored by the Effingham Health Foundation.

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

**Approval of the January 14, 2019 minutes:**

New business item 3 needs to include the amount of the contract, which is \$7,000.00.

Motion to approve: Councilmember Scott  
Second: Councilmember Daniel

Councilmember Wendelken said he wanted to make sure Council was comfortable on how item 9 read. He wanted the record to show that nothing was added; we just moved some thing around and clarified the language. Attorney Dickey said part about appeal was clarifying the procedure that was written, it was already there.

Both motions were withdrawn. A motion was made to table.

Motion to table: Councilmember Scott  
Second: Councilmember Daniel  
Vote by Council: Unanimous

### **New Business**

**1. Spatial Engineering, Inc. requests approval of pay request in the amount of \$10,161.69, for engineering services associated with the Stormwater Update Grant. LI# 100.7400.523600**

Mrs. Kelly said we are working on adding the layers as outlined in the storm water utilizes grant and there has been a lot of progress in Right Spot.

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

**2. Request to accept the Franchise Agreement between the City of Rincon, Georgia and Comcast of Georgia/South Carolina, LLC.**

Mrs. Kelly said this is the new franchise agreement. This agreement means more money. One thing we asked for but was not able to get was free service to the city building at no charge. Councilmember Daniel said she had questions about page 6 the trimming trees and shrubbery, should this be done under the supervisor of the City. Mrs. Kelly said this is the same as Georgia Power. Her second question was under new developments we are to provide them with new developments, does staff have the capabilities of doing this. Mrs. Kelly said they are always invited to the pre-construction meetings. Attorney Dickey said there is another requirement that he thinks will be more of a problem, trenches. Councilmember Browner asked how this will positively affect our revenue; Mrs. Kelly said it will be an additional \$3,400.00, we are going from 3.5% to 5%.

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

**3. Request to accept the following utility easements for the 7<sup>th</sup> Street water and sewer upgrade project:**

- .05 acre (2128 square feet) utility easement on property owned by Peter Johnson, Sr. and Linda Marie Johnson (Map# R214-0015);
- .02 acre (995 square feet) utility easement on property owned by Deborah Groover (Bradley) (Map# R214-0011);
- .07 acre (3031 square feet) utility easement on property owned by Annette Fields (Map# R214-0011A);
- .04 acre (1,875 square feet) utility easement on property owned by Anthony Jaudon (Map# R214-17);
- .06 acre (2,426 square feet) utility easement on property owned by God's Properties & Investments, LLC. (Map# R215-003); and
- .02 acre (880 square feet) utility easement on property owned by God's Properties & Investments, LLC. (Map# R214-0011B).

Mrs. Kelly said this is the majority of the utility easements that we need for the project. She should have the rest by the next meeting.

Motion to approve: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

**4. Request approval to Repair Fire Engine #12 in the amount of \$17,225.10.  
LI# 216.3500.522220**

Chief Rahn said they had a transmission that went south on Engine 12 last week. He is asking for approval for up to \$13,000 to replace the transmission not \$17,225.10. There will be a two year warranty for parts and labor. A motion was made to approve up to \$13,000.00 to repair Engine 12.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

**5. Discussion of Plantation Drive.**

Councilmember Browher said we haven't been able to come up with a resolution for Plantation Drive and he has continued to receive complaints. The holes are massive, it has been an eyesore and out of control. He has spoken to resident Mr. Bazemore. We are at a point where we need to get a concrete plan of action. We spent \$5,000 on a survey, Attorney Dickey has researched it. He wants to discuss this so he can tell the residents what is going on and move forward. Councilmember Scott said we need to see what can we do to acquire the property. Mayor Lee asked what the family's response is; Attorney Dickey said their response is they are reviewing it and this has been going on since March. Councilmember Daniel asked can we share the owner's information with the residents and they can approach the owner's themselves. Councilmember Browher said Mr. Bazemore

said he is willing to call; we are at the point now where we need to decide if we are going to move forward with condemnation, it is becoming a public safety issue. Councilmember Scott said why don't we look at seeing if Mr. Bazemore and the residents can contact the owners and give him 30 days and if they don't do anything we look at condemnation. Councilmember Wendelken said the perception is it is a City street so we look like we are not maintaining it, we need some resolution. Councilmember Wendelken said maybe we should go ahead and send the letter saying we require action within 30 days. Mayor Lee said in other words send a letter from us saying on behalf of the residents we serve and their interest we require action within 30 days. Councilmember Browner said Mr. Bazemore will be relieved that we are seeking a resolution. Staff was directed to send a letter on behalf of the residents that live on Plantation Drive

## **6. Discussion of Washouts on Highway 21.**

Councilmember Dasher said with all the rain some of the shoulders have gotten washouts specifically south of Rutland Tires. He said he knows it is a DOT problem and not a Rincon problem but wanted to see if the City could do anything like back fill the washouts until the State can fix them. Mr. Bowles said DOT has been notified on several occasions and no one has responded. Councilmember Dasher asked can we put dirt in them, Attorney Dickey said we are not supposed to. Mayor Lee said he will call Ann Purcell the Georgia DOT Board Member.

## **6A. A request for the City of Rincon to sign a Health Department Waiver for the 2019 Gears and Grub Food Truck Festival and Car Show sponsored by the Effingham Health Foundation.**

Mrs. Kelly said she spoke with the Health Department and in the past we thought nonprofits can sign off but the local governing bodies have to sign off on the waivers. What this is doing is waiving the requirement that the Health Department inspect the food trucks. Most of the trucks are mom and pop setups and are not set up to go through the tedious Health Department process and that is the only reason she is recommending Council sign this, if it was any other type of food event she would say no. Councilmember Dasher asked what risks do we put the City in, Attorney Dickey said the City is taking on the liability. There was discussion on if food trucks are licensed and permitted through the Health Department. Mrs. Kelly said all food trucks are not licensed the Health Department process difficult and the Health Department is holding an information session for the municipalities to help people navigate through the process. Councilmember Dasher said are we putting the City at risk and is there any way to protect us; Attorney Dickey said leave liability with the Health Department. Josh Forbes with Effingham Health said with the trucks that they have lined up they are actual food trucks and not tents. Councilmember Wendelken asked was there something that can be provided by the Health Department, Mr. Forbes said the inspection process is the same as a restaurant inspection and they don't have food truck inspections. There are eight food trucks signed up and they are limiting it to twelve. They are only allowing food trucks and not tents.

Motion to approve: Councilmember Scott  
Second: Councilmember Daniel

Councilmember Wendelken said the fact that they have had some type of inspection makes him feel more comfortable. Councilmember Browher said we need to get something in writing quick because we are setting precedent.

Vote by Council: Unanimous

## **7. Administrative Reports:**

**City Manager** – Mr. Klimm said every year the City is supposed to meet with County he has drafted a letter to the board of commissioners to meet about the fire budget, but the chairman will not be back until February; he and the Mayor went to Chatham County to look at the golf course they own and they said on two occasions they have put it out to bid and allowed a private entity to manage it, their experience has not been rosy; he attended with Mayor, the GMA Golf Course group meeting; he attended the annual GMA Mayor's Day Conference meeting, took twelve hours of courses and went to Effingham Day on Monday.

Mr. Klimm said he has tried to deal with day to day issues so not to bother Council but a resident came to him about a grinder pump issue. The resident was notified in writing that their proposed building was being built too close to the grinder pump, it is a safety risk and now they want the City to work on their grinder pump. It is an electrical hazard. The resident came to him to appeal; he would like to issue a letter stating we cannot work on the grinder pump because of the safety concern and wanted to get Council's thoughts. Council is ok with Mr. Klimm issuing the letter.

Mayor Lee said he and Mr. Klimm have gathered information and hopefully it will be helpful. They met with Chatham County about their golf course and went to the GMA golf course advisory meeting. At the GMA luncheon they sat with Donald Toms and Winder has golf course and he has a success story there. He has asked Mr. Klimm to make that a part of the presentation from the National Golf Foundation.

**Fire Department** – Chief Rahn informed Council that tomorrow from 10:00 AM until 2:00 PM, the City of Savannah will have a manned engine at the station so they can attend to funeral of Matt Kicklighter. Councilmember Dasher asked if the Fire Department is fully staff, Chief Rahn said they are down three firefighters, two are workman's compensation.

**Building/Zoning Dept.** – Mrs. Kelly said the Health Department has scheduled training for municipalities so they can go over the process; she is a part of the new business relation committee with Chamber of Commerce and they have also asked the Health Department to hold a training session with restaurants; Mrs. Kelly thanked Mark Lastinger with Effingham Herald for publishing an article about the Comp Plan.

**Water/Sewer/Public Works** – Mr. Bowles told Council that they assisted with the filming of a movie scene at Big South Barbeque on Monday, staff was there until 8:45 PM; Mrs. Kelly said she will be working on a film permit soon; Councilmember Browher asked were we compensated for Public Works and Police, Mrs. Kelly said we were for Police.

**Mayor and Council** – Councilmember Dasher asked Mrs. Kelly how we are doing with building inspections; Mrs. Kelly said they are doing well. They have someone from Pooler is doing building plans and she has two qualified applicants that she responded to today. Councilmember Scott thanked the City for their participation in the MLK festivities.

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

Motion: Councilmember Scott  
Second: Councilmember Browher  
Vote by Council: Unanimous

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

**9. 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

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

A motion was made to deny the anti litem notice claims of Maria Leal-Bowden, Eva Bowden and Leannah Bowden.

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

**Adjourn:**

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