

**CITY OF RINCON**  
**OFFICIAL MINUTES**  
**RINCON CITY COUNCIL MEETING**  
**MONDAY, NOVEMBER 27, 2017**  
**COUNCIL CHAMBERS**  
**107 W. 17<sup>TH</sup> STREET**  
**7:00 PM**

**Councilmembers Present:**

Reese Browher  
Paul Wendelken  
Levi Scott, Jr.  
James Dasher

**Councilmembers Absent:**

Christi Ricker  
Ann Daniel

**Present:**

Ken Lee, Mayor  
W.E. Smith, Jr., City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
LaMeisha Kelly, City Planner  
Tim Bowles, Public Works Director  
Mike Osborne, Recreation Director

The meeting was called to order at 7:01 PM. The Invocation was given by Mayor Lee and the Pledge to the Flag was recited.

**Approval of the agenda with the following:**

At the conclusion of the meeting there will be a brief workshop.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

**Approval of the November 13, 2017 minutes:**

Motion to approve: Councilmember Scott

Second: Councilmember Wendelken

Vote by Council: Unanimous

**New Business:**

**1. H & H Food Services, Inc. requests preliminary approval of site plans for Taco Bell & KFC restaurants to be located on S. Columbia Ave. The property consists of 2.047 acres total and is zoned GC-General Commercial; the property is owned by Bradley Creek Properties, LLC. (Map # R2120017C01 and #R2120017C00)**

Jeremy Hart with EMC is representing H&H Food Services. Mr. Hart said his client is wishing to build two separate buildings on the lot; one will be a KFC, the other a Taco Bell. The existing site has all utilities stubbed out and is construction ready. Mrs. Kelly said because this project was engineered by EMC we used a third party, Parker Engineering, to review the plans. They have no outstanding issues, so the Planning and Zoning Board granted preliminary and final approval. Councilmember Wendelken asked if the parking in the middle was common parking, Mr. Hart said yes. Mrs. Kelly said but if the building were to be sold off there is enough parking for each building.

Motion to approve: Councilmember Wendelken  
Second: Councilmember Scott

Mrs. Kelly asked Council if they were approving both preliminary and final site plans. Both motions were amended to include final site plan approval also.

Vote by Council: Unanimous

Mayor Lee asked about sidewalks in that area. Mrs. Kelly said we did not require any sidewalks in the internal area. Councilmember Browher, asked Mr. Hart what was the owner going to do with the current building, Mr. Hart said he is not sure.

**2. Titan Townhouses, LLC requests the subdivision of 28 townhomes in Carlisle Village, located on Karima Circle. Property is zoned R-11 (residential townhomes); property is owned by Titan Townhouses, LLC. (Map# R267-4, R267-17, R267-19, R267-20, R267-23)**

Tim Welting, said the property is actually owned by Karima Group, LLC. There will be five buildings with 28 townhomes. Mrs. Kelly said this is a straight forward subdivision and Planning and Zoning and staff recommends approval.

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

**3. Paul Kersey of K7 Properties, LLC requests approval of the As-Built Drawings for Hickory Knob Phase 11, a single-family subdivision comprised of 36 lots, to be located off Lexington Avenue behind Warrenton Subdivision. The property is 16.59 acres and is zoned R-5 (single-family residential); the property is owned by K7 Properties, LLC. (Map #R263-2, R263-2A)**

Mrs. Kelly said there was some question during the Planning and Zoning Board meeting and they need to get with the engineer. Planning and Zoning tabled this item and she is asking Council to do the same.

Motion to table items 3, 4 and 5 until January 8th: Councilmember Dasher  
Second: Councilmember Scott  
Vote by Council: Unanimous

**4. Paul Kersey of K7 Properties, LLC requests approval of a one year maintenance and warranty period and acceptance of letter of credit for Hickory Knob Phase 11. (Map #R263-2, R263-2A)**

Tabled until January 8, 2018.

**5. Paul Kersey of K7 Properties, LLC requests approval of a subdivision plat for Hickory Knob Phase 11, a single-family subdivision comprised of 36 lots, to be located off Lexington Avenue behind Warrenton Subdivision. The property is 16.59 acres and is zoned R-5 (single-family residential); the property is owned by K7 Properties, LLC. (Map #R263-2, R263-2A)**

Tabled until January 8, 2018.

**6. PINCO requests approval of Change Order #2 for a 36 day increase to the contract, extending the contract deadline to March 27, 2018, due to rain days. LI# 40.6260.4418.**

Ryan Willoughby, said this actually incorporates the rain delay as well as a 36 day extension; it is a delay to allow Caldwell to come on the site and erect the tank. They didn't both want to be on the site for safety reasons, it is really tight. Mr. Willoughby said the 36 days will be added to the 37 days for abnormal weather for a total of 73 days. Councilmember Dasher asked about the finish date; Mr. Willoughby informed Council that the ground water withdrawal permit has been extended to 2027, the end of the project is May 20, 2018.

Motion to approve: Councilmember Browher

Second: Councilmember Dasher

Vote by Council: Unanimous

**7. Caldwell Tanks, Inc. requests approval of Change Order #2 for a 37 day increase to the contract, extending the contract deadline to May 20, 2018, due to rain days. LI# 40.6260.4419**

Motion to approve: Councilmember Dasher

Second: Councilmember Wendelken

Vote by Council: Unanimous

**8. PINCO requests approval of Pay Request #7 in the amount of \$125,383.05, for Lower Floridan Wellhouse and Main project. LI# 40.6260.4418**

Mr. Willoughby said this is for work that was completed up to November.

Motion to approve: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

**9. Caldwell Tanks, Inc. requests approval of Pay Request #1 in the amount of \$234,209.70, for Lower Floridan Wellhouse and Main project. LI# 40.6260.4419**

Mr. Willoughby said this is for the foundation that was completed a long time ago and Caldwell did not send a final bill until now.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

**10. Caldwell Tanks, Inc. requests approval of Pay Request #2 in the amount of \$88,732.12, for Lower Floridan Wellhouse and Main project. LI# 40.6260.4419**

Motion to approve: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

**11. Caldwell Tanks, Inc. requests approval of Change Order #3 in the amount of a \$50,000.00 contract increase, for a total contract cost of \$982,000, to be paid out of SPLOST funds in 2018.**

Mr. Smith said this was brought to Council earlier to provide the foundation for an antenna farm that was to be installed at a later date. They only did work on the tank that would have been potentially damaging to do at a later date.

Mr. Willoughby said the way he had it set up is to have Caldwell send over a standalone invoice so that it would not be included in the state funded contract. It is not a change order but a standalone proposal for \$50,000.00. Attorney Dickey asked if the item was incorrect. He said we do not want to run afoul with the auditors, where work was done now and we pay next year. Attorney Dickey said why don't we do it all in 2018, Mrs. Kelly said they have already done the work. Attorney Dickey asked is there enough money in 2017, Mrs. Kelly said yes. Attorney Dickey will need to review the contract and it will come back before Council with the proper wording.

No action taken.

**12. Request approval to pay P.C. Simonton & Associates, Inc. \$850.00 for Engineering Services associated with the renewal of the Wastewater Permit. LI# 50.7280.2204**

Marcus Sack said this is for the permit renewal that has been submitted to EPD. He did hear from EPD and it might be next year before we hear something back from them about the permit.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

**13. M.C. Rahn Services requests approval of Pay Request #1 in the amount of \$6,500, for emergency work completed on the Larenwood Darinage project. LI#10.4430.4415**

Mr. Bowles said this is for emergency work that was done before the hurricane to make sure the pond would drain.

Motion to approve: Councilmember Scott

Second: Councilmember Wendelken

Vote by Council: Unanimous

**14. Request approval of Budget Amendment 2017-18 to reclassify original 2017 revenue budget line from tank rental to tower rental.**

Mr. Smith said we have budget the revenue stream in the General Fund when it should be in Water Fund.

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

**15. Discussion of the Firefighter's Cancer Benefit Program proposal.**

Mr. Smith said the State of Georgia changed the law and we must provide a cancer policy for firefighters. We had two quotes and the lower of the two is GMA. Attorney Dickey said this is one of the mandates by the State. The motion was made to approve the Firefighter's Cancer Benefit Program with GMA in the amount of \$5,210.00 premium per year.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

**16. Discussion of the City limits sign proposal.**

Mr. Bowles said a picture of proposed sign from Edwards Interior was in the packet. The quote is for the sign and installation. Councilmember Scott asked about clearance and width of the sign, Mr. Bowles said it would be 4 feet off the ground. Councilmember Wendelken asked if it would be vinyl, it is the same material as the signs we have now. The contract amount is \$9,524.48 for four signs.

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Councilmember Browher asked about the locations of the signs and would this include Fort Howard. Mr. Bowles said no he has a temporary sign for that area. There was discussion and two signs need to be on Old Augusta Road. The motions were amended to include two additional signs for a total of six signs at a cost of \$14,286.72.

Vote by Council: Unanimous

## **17. Administrative Reports:**

**City Manager** – Mr. Smith said when EPA and EPD came in and reviewed the Wastewater Treatment Plant one of the findings was there was some damage to the liner in the pond. It needs to be replaced and we have budgeted \$200,000. Mrs. Kelly asked when would this work be done, Mr. Sack said we have to go through the bid process but sometime in early 2018. Councilmember Browher asked if it was normal wear and tear, Mr. Sack said he thinks it is a little bit; somewhere sub surface there is a breach and water is going under the liner leaching into the ground. Mrs. Kelly asked about an O&M annual, Mr. Sack said they can put that together.

The Solar project only received one proposal. The proposal has two different elements, a small program, the revenue stream is smaller or an energy exchange. There is another program that comes out in the Spring that is significantly larger and the revenue is more. Mr. Smith said he will come back before Council and recommended rejecting the bid for the small program. Attorney Dickey said whatever decision that Council makes they need to be sure because they will be tying up property for 30 years.

**Building/Zoning Dept.** – Mrs. Kelly said she wanted to remind Council that due to the holiday we are scheduled to meet the 2<sup>nd</sup> and 3<sup>rd</sup> Monday in December; the Employee Appreciation is December 8<sup>th</sup>; and on December 9<sup>th</sup> the County is having a Josh Reddick Parade and she is asking for resources for the City to participate.

**Recreation Dept.** – Mr. Osborne said they will have Senior Christmas Lunch on December 4<sup>th</sup> at 11am; basketball numbers are up, they are using Rincon Elementary, South Effingham Elementary and Ebenezer Elementary for practice, the games will be held at Rincon Elementary and regular season is January 2<sup>nd</sup> through February 5<sup>th</sup>; 12 and under district soccer team came in 2<sup>nd</sup> place. Councilmember Browher informed Council that we are getting the rocket ship refurbished for free and he asked Mr. Osborne about the trees that will need to be removed for the pad. Mr. Osborne said the one tree will be taken down next week sometime. Councilmember Dasher congratulated Mr. Osborne on the concession sales.

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

**Mayor and Council** – Councilmember Dasher said he received a call about Mr. Mungin's Shop and asked what is going on, Mrs. Kelly said Mr. Mungin came before Council and asked for a rezoning to light industrial and was denied. Council approved a conditional use variance with 6 or 7 conditions which included, that it is for his operation of his vehicles, the vehicles can be no larger than a dump truck and there should be no more than three vehicles on the outside. Without the City's knowledge Mr. Mungin rented the building out to two tenants. They have been in business for at least three months; they have had nine vehicles and even a bus outside. So a cease and desist and stop work order was done because he violated the conditional use variance. Mr. Mungin was aware of the conditional use, she is not sure if the tenants knew, but if they would have come and gotten a business license they would have been informed. Mr. Mungin has submitted his application to do another variance to release him of those conditions, in the mean time we did give the current tenants until the end of the week to get rid of the vehicles or citations would be issued. Councilmember Wendelken said one of the gentlemen,

Mr. McBride called him several times and he is willing to meet any conditions. Councilmember Wendelken said we need to be very careful with conditional uses.

Councilmember Dasher said he had folks reach out to him about the amount of pedestrian traffic on Lexington Avenue and asked if the City would look into sidewalks. Mrs. Kelly said when we looked at sidewalks before, Lexington Avenue was not on the sidewalk plan. Councilmember Scott said Lexington has never been a heavy walking area, you have a lot of kids out there but the parents drop them off. Mrs. Kelly said with the budget the earliest we can do any work would be 2019. Councilmember Browher asked where on Lexington they requested the sidewalks, Councilmember Dasher said they did not say anything about a particular area; they just talked about the pedestrian traffic.

Councilmember Wendelken said the red light at Wal-Mart stays red on the Walgreens side for several rotations and asked staff to look into that.

Councilmember Browher said several people that went to the Country Carnival said there was poison ivy on the bank property where you park, Mr. Bowles said it is not poison ivy and the Bank has the property cut once a month. He also asked staff the status on 136 Ridgewood Circle and 442 Keller Road. Mr. Bowles said he talked to Savannah River Utilities and Rahn's Service to get a price on draining the pond, Rahn's said \$5,000 to keep it open and drain it, provided the City Attorney can get us access. Mayor Lee confirmed the price was to drain the pond so someone else could go in there to maintain the pond. Mr. Bowles said after you drain it, it would take several months for it to dry out enough for someone to clean. Councilmember Dasher said unfortunately the guy that owns the pond is not the one with problem, does the owner want it emptied out. Kevin Exley said the owner of the pond works for him and he would do whatever needs to be done. Mr. Bowles said the owner said he would give them permission to go across his property, Councilmember Scott said giving permission is not good enough, people could sue us we need to have proper easements. Councilmember Browher asked what the next step was; Mrs. Kelly said getting a quote and easement. Councilmember Wendelken asked is this going to solve the problem. Mayor Lee said we can't spend that kind of money unless someone is committed to doing the repairs on the pond. Mr. Bowles said a third of the pond is full of trees. Kevin Exley said the owner is Richard Davis and he told Mr. Davis that he has equipment that will pull out the trees for him. Councilmember Wendelken asked Mr. Bowles if he wanted to get with Mr. Exley to see what kind of equipment he has, Mr. Exley said that he only has equipment that would clear out the trees but the pond would need to be drained and dug out. Mr. Exley said those two guys are headed in the wrong direction.

Councilmember Browher asked Mr. Bowles has he been to Keller Road. Mr. Bowles said he couldn't see anything wrong. Councilmember Dasher said all the runoff water runs down Roberts Way and to the storm drain which is right next to 442 Keller Road, so all the water from the neighborhood washes behind his house, the design drains the water right behind his fence to the wetlands.

Councilmember Scott said he is concerned about the canal on 9<sup>th</sup> Street, Mrs. Kelly said it is being bid out. There was discussion about the outfall canal. Councilmember Scott said we need to clean the canal because it is the City's; the County designed it to draw water out the City. The residents use to clean it but now they are too old to do so, the City needs to do something about it.

## **Motion to enter into budget workshop:**

Motion: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

Mr. Smith went through the budget and changes. There have been very few changes; we have elected to do carryover from the Sanitation Fund; Sewer has been changed to \$765,000 where we had to add \$200,000 for the liner in the pond; and money was put in the budget as a place holder for getting Public Works faster internet.

As a reminder in the Utility Fund we have the GEFA loan monies that are coming in for the Wastewater Tank Wellhouse and Wastewater Treatment Plant. He noted a couple of things: the revenue for 2018 in SPLOST is set at 1,000,000, the tower rental is now in the water account where it should be, we do have the required GEFA loan payments budgeted, fire fees for commercial needs to be brought back before Council, adjustments were made in Golf it is at a 50,000 deficient instead of the 70,000 or 80,000. Patrick Kirkland asked Mr. Smith when the storage rental facility at the Lost Plantation Golf Course would be open, Mr. Smith said to his knowledge Attorney Dickey is working on a rental agreement. Councilmember Dasher asked what is the total amount we are pulling from reserves to make the 2018 budget work; Mr. Smith said the amount we are pulling from the Sanitation Fund is \$612,997. Mrs. Kelly said we are not pulling it from General Fund reserves but from Sanitation. The General Fund reserve is 1.1 million.

Mr. Smith said he approached Dewitt Insurance on the way we handle the Mayor's insurance since he has the capacity to go to Medicare. There is a way he can be kept whole and the City can save \$6,000 a year. If he goes to Medicare and the City funds part B and D we would save \$491 per month. We would reimburse him the \$407 that he would pay out of pocket. Attorney Dickey said he did not know about that, he will have to do some research. It is much cleaner if we didn't pay private insurance.

Attorney Dickey said there is a major problem in the budget with real estate transfer taxes and they are drastically wrong. We should have more money since the Kroger property was sold they would have paid \$1 per \$1000, Fort Howard Square was sold, and the homes that had been sold in the city limits.

Patrick Kirkland asked if they are planning to approve this budget before the next meeting, the answer is no, we have to have public hearing that takes at least two readings. He is concerned about bringing in revenue, and hope we can come up with something. Councilmember Browner and that is why we are going up on fees, which we don't like to do but if we gradually go up we can generate thousands over time. We are trying to avoid property taxes.

Mrs. Kelly said we don't need to look at SPLOST monies as a reserve, that money is being spent on street, drainage and water/sewer projects already on the books.

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

Motion: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

Motion to return to meeting: Councilmember Browher

Second: Councilmember Scott

Vote by Council: Unanimous

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

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

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

No action taken.

**Adjourn:**

Motion to adjourn: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous