

**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, APRIL 10, 2017  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

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

**Councilmembers Absent:**

Christi Ricker

**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  
Phillip Scholl, Police Chief  
Corey Rahn, Fire Chief

The meeting was called to order at 7:05 PM. The Invocation was given by Councilmember Dasher and the Pledge to the Flag was recited.

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

Removal of item 7 and the addition of item 9A, approval of a pay request to MR Systems, Inc. in the amount of \$10,501.83 to repair to the booster station, four lift stations and well number 4 due to damages from hurricane Matthew. LI #40.6260.2202

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

**Approval of the March 27, 2017 minutes with the following corrections:**

On old business number 2 there were two spelling errors; should be billed not built and should be tractor not tracker. On new business number 10, it should be noted the ladder fell off truck during Hurricane Matthew.

Motion to approve: Councilmember Scott  
Second: Councilmember Browher  
Vote: Three yes votes, Councilmembers Daniel and Wendelken abstained

## **New Business:**

### **1. Maegan Hakes request to appear before Council to discuss the streets in Bent Tree Crossing Subdivision.**

Ms. Hakes addressed Council. She said if the street is not maintained the value of the homes will go down. Mrs. Kelly said the streets were built to be private streets. Bill Gammon, Crossing Circle, said he would like to give some history; there was a bankruptcy filed on the subdivision by Al Trimm. Mr. Gammon said he thinks the subdivision was in the city when it was built and there has to come to a point where we have to do something because it is not going to go away, innocent people are trying to find out what to do, and there has to be a solution. The fear is the streets will go bad and people are not going to buy in a subdivision where the streets are bad. Attorney Dickey said developer developed the roads to remain private, money was supposed to be collected by homeowners, through the homeowners Association, to maintain the streets. Mike Hakes 112 Crossing Circle, said they thought it was a homeowner's association but they couldn't find one. Linda Reese, 121 Crossing Cir, said her house was built in 2007, there is one street coming into the neighborhood, if the streets are messed up that will fall on the neighbors to fix, she never knew there was a homeowners association. Mrs. Kelly said there are two subdivisions with the same developer and he has told the neighbors that he has deeded the streets to the City, but there is no record of this. Councilmember Daniel said she thinks maybe long term the developer planned for the homeowners association to own the streets, the city has to be presented with a request to take the streets, they just can't take over streets owned by someone else. Mrs. Kelly said allowing developers to put in private streets was common during that time and she has spoken with Mr. Trimm over the years and we will gladly work with him to take over the streets. Councilmember Browher said the problem will not go away with Bent Tree and Plantation Drive and we will have to figure out what to do. Mayor Lee said we need to make Al Trimm a part of this conversation also.

No action taken, this will be discussed at a workshop.

### **2. Request from Tammy Newton to maintain the temporary enclosed grill area for the business located at 319A South Columbia Avenue.**

Mrs. Kelly included copies of the minutes, when Mr. Howard was granted temporary status for the structure to grill his meat. The new owner said they were not aware of the agreement between Mr. Howard and the City. Mrs. Kelly explained it is temporary for the use of the building and if it becomes something else then Council can say no they don't want the structure there anymore and the structure would have to be removed. Ms. Newton owns the barbecue side only, not the seafood building. Mrs. Kelly recommends leaving it temporary for that use. Mayor Lee asked if it was temporary because it didn't meet the setbacks, Mrs. Kelly said yes and it is in the DOT right of way. A motion was made to approve and then amended to include; as long as Ms. Newton is the owner, and if they sell the building to notify the City.

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

**3. Request to refund \$80 to Charles Callaway for his variance request at 206 E. Myrtle Street, due to the destruction of his building by fire.**

Mrs. Kelly said it was discussed that Mr. Callaway would receive a refund for the administrative cost. Mrs. Kelly said the ordinance will be amended to waive the building permit fees and variance application fee, to replace a like structure due to natural disasters.

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

**4. Approval of Budget Amendment 2017-04 to provide from additional revenues in fines and funding for the approved two additional police officers positions.**

Chief Scholl said they will have 22 officers once these positions are filled.

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

**5. P. C. Simonton & Associates recommends awarding the Headworks Construction project contract to BRW Construction Group, LLC, in the amount of \$911,970.00. LI# 50.7280.4411**

Marcus Sack was present. He said there were four bids and BRW Construction Group, LLC was the low bidder. Their recommendation is to award the contract to the low bidder BRW. Council asked Mr. Sack questions about the other companies; he gave history on the bidders, Southern Champion, P.F. Moon and RTD.

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

**6. P. C. Simonton requests approval of Pay Request #15 in the amount of \$4,600.00, for engineering services associated with the WWTP Headworks replacement. LI# 50.7280.4411**

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

**7. HHNT Consulting Engineers requests approval of pay request #10 in the amount of \$2,807.38, for engineering services associated with the Lower Floridan Well project. LI# 40.6260.4418**

This item was removed from the agenda.

**8. Request to approve payment of \$8,113.80 to Palmetto Fire Apparatus for the rebuilding of the fire pump on Engine No. 8.**

Chief Rahn said he only received one bid. The line item is 60.4750.2220.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

**9. Discussion of the purchase of portable radios for Council to use during severe weather events.**

Chief Scholl said after the hurricane the realization is cellular is only as reliable as the towers. There were instances where they had to go to Council houses to get in touch with them. Council will maintain a designated channel when they are using the radios. Chief Rahn said Motorola will bring in portable towers if the towers go down. Mayor Lee asked if this would require a budget amendment, Mr. Smith said yes, he wants to check and see if Motorola offers interest free financing before the radios are purchased. A motion was made to approve the purchase of ten radios in the amount of \$37,546.50

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

**9A. Approval of a pay request to MR Systems, Inc. in the amount of \$10,501.83 to repair to the booster station, four lift stations and well number 4 due to damages from Hurricane Matthew. LI #40.6260.2202**

Mr. Bowles said the damages were fixed by MR Systems and we were holding on to the bill waiting for the FEMA monies.

Motion to Approve: Councilmember Dasher

Second: Councilmember Scott

Councilmember Daniel asked would this affect the budget, Mr. Bowles said hopefully when we get the FEMA money; it will be put back in the budget.

Vote by Council: Unanimous

**10. Administrative Reports:**

**City Manager** – Mr. Smith said the Omni tracks letter has been written and Mrs. Kelly and Attorney Dickey did a good job with it. He reminded Council that he sent an email about the house being under contract for \$79,000.00; he has to appear at the magistrate court about a bad check that was received; Mr. Smith told Council a note was found taped to flag at the Hinely Center, a gentleman wrote he had replaced the flag because it was in need of replacement.

Councilmember Browher asked has the flag been checked at the Jaycee Park; Councilmember Daniel said to ask Mike to check the restrooms at Giles Park a little more often, Councilmember Browher said the ones at the ball park also.

**Chief of Police** – Chief Scholl said the probation report was included in the packet; the guys are learning the new Tyler Software; Councilmember Wendelken asked what happens when the probation is incomplete, Chief Scholl said a bench warrant is issued.

**Fire Department** – Chief Rahn said a report was included in the packet and the rebuilding of the pump was not a budgeted item.

**Building/Zoning Dept.** – Mrs. Kelly said this Wednesday they will have the last visit with FEMA; she informed Council the census is coming up; and she is working on the Laurenwood Subdivision easements to get the ditch cleaned out.

**Water/Sewer/Public Works** – Mr. Bowles said on Middleground Road right at the creek, there is a sink hole on the bridge, the bridge will stay closed until the sink hole is fixed; he asked Council for approval to fix the hole now and put it on an agenda, there is money in his budget to do the fix. Council gave preliminary approval to fix the hole.

**Finance** – A written report is included in packet.

**Mayor and Council** – Councilmember asked about the status of refurbishing of the golf carts, Mr. Smith said they are working on it but haven't started.

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

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

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

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

Motion to approve: Councilmember Dasher

Second: Councilmember Daniel  
Vote by Council: Unanimous

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

A motion was made to pay \$300.00 to Stephen Grisson/Taylor Ray for a damaged cell phone.

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

**Adjourn:**

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