

**CITY OF RINCON**  
**OFFICIAL MINUTES**  
**RINCON CITY COUNCIL MEETING**  
**MONDAY, JULY 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.  
Christi Ricker

**Councilmember Absent**

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  
Phillip Scholl, Police Chief  
Pete Smith, Asst. Fire Chief  
Linda Rahn, Finance Officer  
Tommy Kee, WWTP Director  
Michael Osborne, Recreation Director

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

**Approval of the agenda with the following correction and additions:**

Old business #2 the project amount was corrected to \$15,575.00 and LI #50.7280.3312 needs to be removed; additions of new business 14A, Appearance of Solomon Smith for update on a code violation; 14B, Approval of budget amendment #11 to adjust the salary line items to reflect correct 2017 department allocations; and 14C, request to accept drainage easements for the Laurenwood Subdivision drainage project.

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

**Approval of the June 26, 2017 minutes with the following correction:**

New business item 11 owner of the property is Solomon Smith not Richard Solomon.

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

**Old Business:**

**1. P. C. Simonton requests approval of Pay Request #17 in the amount of \$3,400.00, for engineering services associated with the WWTP Headworks replacement. LI# 50.7280.4411 (Tabled at the June 12, 2017 meeting)**

Motion to remove from the table: Councilmember Ricker  
Second: Councilmember Scott  
Vote by Council: Unanimous

Marcus Sack said this request is for bidding, shop drawing review, GEFA coordination, and equipment purchase coordination. Mr. Sack said that he will come back to Council with a construction brief at the next meeting.

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

**2. EMC Engineering Services requests approval of updated Work Order for the Lost Plantation Golf Course Drainage Ditch Restoration project, in the amount of \$15,575.00. LI# 10.4430.4416 (Tabled at the June 27, 2016 meeting)**

Motion to remove from the table: Councilmember Scott  
Second: Councilmember Ricker  
Vote by Council: Unanimous

Alec Metzger, said Mrs. Kelly informed him that they are only going to be working on the out fall ditch and golf cart path improvements. He told Council the pond over flows and the water runs across the cart path causing it to wash out and erode the ditch. Mr. Metzger showed pictures of the wash out and erosion of the ditch. He said Mrs. Kelly told him the out fall structure at the pond and the pipe from the pond to the cart path will not be done at this time. Councilmember Wendelken said he spoke to Tommy Kee and Mr. Kee has the reuse set at the same level, and maybe if he knows a rain event is coming he could adjust the setting and that might help. Mr. Metzger said that might help. He said they will be working on surveying from the ditch to the swamp, plan preparation, bidding assistance, construction observation, they will review shop drawings and prepare an as-built survey.

Councilmember Dasher said he went to look at the ditch that Tim Bowles had barricaded and noticed the box in the pond is floating during heavy rains; Mrs. Kelly said that needs to be a separate project and before we proceed with it we will have come back to Council for a budget amendment. This needs to be separate from the drainage ditch because the drainage ditch is a Hurricane Matthew project.

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

**New Business:**

**1. Lewis Taylor requests consideration for approval of a Resolution to Recognize Ebenezer Creek as an Outstanding Natural Area of Local, State and National Value.**

Mr. Taylor said he is a resident of Chatham County, but a frequent visitor of Effingham to paddle Ebenezer Creek; Effingham County is blessed with a wide range natural resources. He drafted this resolution as a preface to start a group called Friends of Ebenezer Creek.

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

**2. Effingham County Recreation Director, Clarence Morgan request to appear before Council to acknowledge the month of July as Park and Recreation Month for all Effingham County Parks.**

Mr. Morgan said July has been recreation month for years and years; he just wants added recognition. He will have events starting tomorrow and is hosting an eleven and twelve year old boy's baseball tournament. There will be ten teams coming to Effingham County and he is sure they will be in Rincon at the eating establishments.

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

**3. Request approval to surplus a Public Works 2005 F-350 Ford Truck for a minimum bid of \$5,000.00.**

This is one of the trucks that was replaced by the two trucks purchased this year.

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

**4. Request approval to purchase a K-9 for the Police Department in the amount \$14,500.00. LI# 10.4210.3355**

Chief Scholl said he has found a dog that they can purchase immediately. The dog will be guaranteed; if there are any issues it can be returned and replaced. The fee will include the canine, a handlers training course, canine obedience course and twelve days lodging for the trainer. This is a dual purchase dog, tracking and narcotics; it will not be a bite dog. The funding is available from condemn funds; there is \$39,000.00 in that fund. The balance left after the purchase will go towards fixing the air conditioner at the police department.

Motion to approve: Councilmember Ricker  
Second: Councilmember Scott

Councilmember Browher asked if Webb Animal Clinic is handling the care of the dog, and asked about giving them a letter acknowledging their services and time. Chief Scholl said this is being done, he was not aware the Corporal Giaquinto has been giving the animal hospital a letter annually. Councilmember Scott asked when we will get the dog, there are a lot of dementia patients and we are in need. Mayor Lee asked what the expected service life on the dog; Chief Scholl said 7 or 8 years.

Vote by Council: Unanimous

**5. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 46 Rachel Court.**

Mrs. Kelly asked Council to approve the ten day notice to move forward. They have been dealing with this property over a year; the gentleman that the letter was addressed moved a year ago and just sold the house a month ago. Attorney Dickey asked to table this and get back to Council at the next meeting.

Motion to table until the next meeting: Councilmember Scott  
Second: Councilmember Ricker  
Vote by Council: Unanimous

**6. PINCO requests approval of Pay Request #3 in the amount of \$87,603.30, for Lower Floridan Wellhouse and Main project. LI# 40.6260.4418**

Brant Lane, informed Council this is for the utility line contractor. Most of the 12 inch water main is done, between the well site and Highway 21 and they are almost finished with the bore under Highway 21, it should be complete in a day or two. Also 50% of the structural fill has been done. This request is mainly for the fill and the water main. Councilmember Dasher asked about the access due to all the rain, Mr. Lane said it is a little muddy and if it continues to rain it may hold up the project. If they get the site built up enough to get good drainage the rain shouldn't bother them much. We are ok for now.

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

**7. Request approval to purchase a new reuse pump for the WWTP. LI#50.7280.3311**

Tommy Kee said this is the pump that we depend on to take the water from the holding pond to the golf course, right now we are depending on the backup pump. The new pump will come with an 18 month replacement and five year prorated. Councilmember Ricker asked the age of the pump that we are having issues with; Mr. Kee said he is not sure but it was put in whenever the reuse system was installed, about six years old. A motion was made to approve the purchase of a new reuse pump in the amount \$12,797.65.

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

Mr. Smith noted they will try to budget in 2018 for a new pump to replace the old.

**8. Discussion of the future of 3<sup>rd</sup> Street Extension, east of Lexington Avenue, per Councilmember Reese Browher.**

Motion to table until next meeting: Councilmember Browher  
Second: Councilmember Dasher  
Vote by Council: Unanimous

**9. Discussion of water billing issues per Councilmember Dasher.**

Councilmember Dasher said we have still been getting complaints about the water billing, and he wanted allow the citizens to come before Council to state their concerns.

Jerry Swafford, St Andrew Road said his bill is the same every month, 3,500 gallons, but in October 2016 he received a bill for \$92,374.44. The representatives at the front said they would fix it, but just a couple of months ago his usage went from 3,500 gallons to 40,000 gallons and it is just him, his wife and daughter, nothing has changed. He doesn't use a sprinkler system because it has been raining every other day. He went into City Hall and was told they would get water usage report. He cannot get a satisfactory answer, and something needs to be done, his meter was replaced in March 2016. Mr. Swafford said you can get a good bill for three or four months then you get an outrageous bill. Wes Smith said he does not have answers now but will personally make sure to follow up with all issues.

Councilmember Browher asked if flooding could affect the meters; Mr. Bowles said the meters are water proof.

Linda Rahn said a lot of the \$99,000 bills and higher were not due to equipment errors; there was a calculation problem within our system and we have caught those. There was equipment that was faulty and we did not know. These were replaced but during this time the system was charging a minimum bill. When the calculations came back, it showed people were using more than the minimum amount and the customers got accustomed to the minimum bill. We use a usage report to show people what they use. She said we are trying to help the customers and will continue to work on any problems.

Ken Boyd, Stephanie Avenue asked if the equipment is working properly what is causing the minimum usage. Mrs. Rahn said it is the way the system calculates the usage.

Mr. Swafford asked if the meters are submersible, his meter was under water for two or three hours and his next bill was high, so was his neighbor's. Mr. Bowles said the register on the meters are sealed. Mr. Bowles said some of the old register went dead, but they were replaced with new registers and then they picked up the correct read. Councilmember Browher asked when we do re-reads do we check the register, Mr. Bowles said yes.

Councilmember Dasher asked if there was process in place when someone calls in about a \$500 bill. Mr. Smith said there are steps they follow on the front to see if there is something wrong. They send out for water usage reports and re-reads and give to Mrs. Rahn to check. Councilmember Dasher asked if a bill is disputed do you give them the water usage report, Mr. Smith said yes.

Kelly Neffendorf, Stephanie Avenue said she has not personally had a problem with her water bill, but as payer of the front entrance water bill, they did get a new meter and she was told they were under paying, but this is what you really owe. Since then the bill has dropped down to normal. They have a neighbor that could not attend, she filled up her pool and her water bill has been much higher in the last three months than when she filled up the pool. She called the city they said it was her sewage. The residents feel like there is nothing being done. Mrs. Neffendorf said she feels that there needs to be a better answer for the residents. Mr. Smith asked better customer service? Mrs. Neffendorf said Lauren Moore is the only one she primarily deals with and Ms. Moore has done everything she possibly can. Management needs to come up with a better answer.

Marsha Dyches, Stephanie Avenue said she has been to the water department about three or four times and just in the last four months her bill has fluctuated and now it has dropped down.

Linda Boyette, Stephanie Avenue said her bill went up more than double. Her daughter came to visit in June and July, there were 5 extra people in her house, but her October bill went up double. She said she was told she had a leak but apparently the leak fixed itself because nothing was ever done to fix it. Mr. Smith said we do find because of the way the bill cycles out, you will not see July's usage until August.

Councilmember Dasher asked about reimbursements. Mrs. Boyette asked if you find a mistake, will she get reimbursed. Mrs. Rahn said if there is an over charge, she will be reimbursed.

Councilmember Wendelken said if the meter is now showing the correct usage your bill can be accurate and higher.

Richard Williams, Lost Plantation, asked the cost of a replacement meter, Mr. Bowles said \$400.

Jennifer Norton, Chimney Road, asked if there was a process where you don't have to pay until the bill is corrected, is there a timeline the City will correct the problem.

Laura Wentz, Lockner Drive, said last October she had a \$400 water bill; she called to complain about it, someone up front told her to pay something while they looked into it and she wouldn't get turned off. When she called back to check the status they said her water would be turned off tomorrow.

Councilmember Browher told Mr. Smith they really need to start pushing the irrigation meters. He also asked how much an irrigation meter cost; Mr. Bowles said \$400 plus a tap and impact fee, total cost about around \$2,500. Councilmember Scott said maybe we need to reduce the fees on irrigation. Mr. Bowles said the only thing is; more irrigation meters put a strain on your water withdrawal permits.

There was a discussion on water usage and water withdrawal. Mr. Bowles said on a daily average we draw 850,000 gallons of water from the wells.

Mrs. Boyette asked if the total cost for an irrigation meter is \$2,500, Mrs. Kelly said around \$2,500. Mrs. Boyette asked about the rates for the irrigated water, Mr. Bowles said the water will be the same rate it just won't have sewage on it. Council Browher said you would have \$750 tap, \$400 for meter, \$1350 for impact. He said he would like to see the impact fee lower if we could do so, as long as we break even. He thinks it would be beneficial to send out an educational flyer to help people understand their water bill.

Mr. Boyd said just because someone gets an irrigation meter, they may use it more is a bad assumption, and treating the public as if they are being wasteful if they don't use sewage is wrong. Attorney Dickey stated he would like to clear up the misconception, the rate increase per gallon when you use it that is not something Council can set, Georgia EPD in order protect the ground water requires that of every City. Attorney Dickey said impact fees do not mean you are using more water; they are calculations allowed by law to pay back infrastructure cost. The city is building a well in north Rincon and they have to take out loans for millions of dollar and it is paid back through impact fees. You have to show them you are able to pay back this money from the impact fees or they have a right to make you tax everybody's property via millage rates. Impact fees have nothing to do with misuse of water, they are estimates on how many meters are going to be purchased and the impact of those meters have on the system.

Mayor Lee said we need to resolve the issues, and we need to offer reasonable answers. Councilmember Dasher asked Mr. Smith to get personally involved.

Councilmember Browher said he would like to have staff send out general information and education with the next water bill, how we charge and why we charge.

**10. Approval of Budget Amendment #6 to provide from available General Fund Balance Carryforward additional fund for roof replacement needed due to damage from Hurricane Matthew.**

Mrs. Kelly said we talked about this at the last Council meeting; it is for a project we needed to do that was not budgeted.

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

**11. Approval of Budget Amendment #7 to provide from Old Augusta Rd Roundabout for Laurenwood Drainage Project.**

Mrs. Kelly said this project has been bid out and awarded; we just need to put it under the correct line item.

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

**12. Approval of Budget Amendment #8 to provide from available General Fund Balance Carryforward additional funds for Lost Plantation Ditch Restoration.**

Mrs. Kelly said this is for the work order that was approved tonight; we have an estimated project budget. She informed Council that in the future projects will not be grouped together because they need to have their own line items.

Motion to approve: Councilmember Ricker  
Second: Councilmember Scott

Councilmember Browher asked what is the overall effect because this is a loan from the general budget, how is it going to be accounted. Mrs. Kelly said this is a balance carry forward and we are projected to get 85% reimburse from FEMA, but we have to do the work first. We can bill this back to Lost Plantation, we just hadn't done that.

Vote by Council: Unanimous

**13. Approval of Budget Amendment #9 to provide from available General Fund Balance Carryforward additional funds for Lost Plantation Pond Reuse Improvements.**

Mrs. Kelly asked Council to take no action, because staff needs to get together to see how to proceed.

**14. Approval of Budget Amendment #10 to transfer 2017 budget from Special Revenue fund to General fund.**

Mrs. Kelly said they have been doing a lot of work with the auditors, and needed to clean up the budget for 2017. Line item 10.3500.2200 is the Intergovernmental Revenue category, there is money in the 70.3600.4200 but it needs to be moved 10.3500.2200. Also we need to add the FEMA and GEMA 10.3500.3200 line item and when we get in our money from FEMA/GEMA it will go into that revenue line item.

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

**14A. Appearance of Solomon Smith for update on a code violation.**

Mrs. Kelly said Mr. Smith came before Council two weeks ago and there has been work done. Mrs. Kelly showed Council pictures; Mr. Smith said he does have pictures taken this afternoon after 4:00 PM the ones Mrs. Kelly had were taken at 10:00 AM. There was significant progress. Mayor Lee asked how he was able to get that accomplished, Mr. Smith said they put out a trash tub and the tenants put their stuff in the tub. And he will send out letters and be more diligent with the upkeep. Mr. Smith also thanked Travis Grubbs, the City Building Inspector and Mrs. Kelly.

**14B. Approval of Budget Amendment #11 to adjust the salary line items to reflect correct 2017 department allocations.**

Mrs. Rahn said this is a true up for some of the departments; it won't affect the bottom line.

Motion to approve: Councilmember Browher

Second: Councilmember Dasher

Vote by Council: Unanimous

**14C. Request to accept the following drainage easements for the Laurenwood Drainage Project:**

- **.071 acre permanent drainage easement on property owned by Neftali Magallanes (Map #R236-0018);**
- **.072 acre temporary construction easement on property owned by Naftali Magallanes (Map #R236-018);**
- **.073 acre permanent drainage easement on property owned by Neftali Magallanes (Map # R236-0018A);**
- **.073 acre temporary construction easement on property owned by Neftali Magallanes (Map # R236-0018A)**
- **.34 acre permanent drainage easement on property owned by David E. Lane and Jan T. Lane (Map #R236-0018B); and**
- **.493 acre temporary construction easement on property owned by David E. Lane and Jan T. Lane (Map #R236-0018B)**

Mrs. Kelly said they have finally got the last easement signed; it includes a permanent easement and a drainage easement.

Motion to approve: Councilmember Ricker

Second: Councilmember Dasher

Vote by Council: Unanimous

**15. Administrative Reports:**

**City Manager** – Mr. Smith said he will be going to Richmond Hill tomorrow to a DCA meeting. We are anticipating have a workshop next Monday night, one of the things that need to be discussed is the house with easement and fence. He did have success with the IT in a Box; he did get with three wrecker representatives and should have that on the next agenda; he sent Council a letter from Omni Trax. Attorney Dickey said the changes on wrecker agreement have been done and should be distributed to the business owners this week so there shouldn't be any more question except what Council has. Council Browher asked about the City limits sign, Mr. Bowles said he was thinking about contacting someone at Georgia Southern and getting them to redesign the sign. Mayor Lee said he mentioned the Giles Park sign and it still needs some attention and probably just needs a good cleaning.

**City Engineer** – Mr. Metzger said work continues on the Fort Howard Road water and sewer extension, the line work is actually complete. They will start testing on lines and is scheduled to be complete around September.

**Chief of Police** – Chief Scholl said after the previous Council meeting the microphones were lost, and nothing was recorded. We have new equipment and there shouldn't be any more problems.

**Building/Zoning Dept.** – Mrs. Kelly said we have now received all of the FEMA and GEMA money; this does not include money for buildings. She wanted it on the record that Mr. Bowles was very accurate in keeping activity logs; if we can all be that detailed we can get more money back for the City. She needs a workshop and wanted to know if Council was available, there will be a workshop on Monday. Councilmember Browher asked about the Bent Tree Subdivision roads and wanted to make sure staff was working on it.

**Mayor and Council** – Councilmember Ricker thanked Mr. Smith for planning the 4<sup>th</sup> of July picnic, it went well. She said she attended a water management class and in the class they discussed Water First, which we are in the process of getting certified with. If we get certified before we close out on the GEFA loan we can save 1% interest on that loan. Councilmember Scott said he would like to see a plan on the completion of the drainage issue on 7<sup>th</sup> Street, Mr. Bowles said we can discuss this in a workshop on Monday, he has some numbers. Councilmember Browher asked about the sidewalks on 9<sup>th</sup> Street, Mr. Metzger said they have prepared the preliminary plans and easements and dropped them off for Mr. Bowles and Mrs. Kelly to review. Councilmember Scott asked if we looked at the wash out on Howard Avenue, Mr. Bowles said it has been fixed.

Bernard Martin asked about the old post office. Mayor Lee said it has been moved to the Historical Society in Springfield, it will be more utilized at that location.

Councilmember Dasher asked about the bathroom on sixth hole at the golf course, Mr. Bowles said it has been moved to the cart barn, and Mr. Smith said we are looking into where it should be moved permanently. Mayor Lee said the idea location would be hole number five, if we could do it without it being a greater expense. Mr. Bowles said the biggest expense would be putting in a septic tank. Mr. Kelly informed Council they would have something for them to look at on Monday.

Councilmember Dasher thanked Mrs. Kelly for all she did on Freedom Rings; Bernard Martin told Council they should look into a rain date. Mrs. Kelly said we are looking into a plan, this is the first year that we had heavy rain, the fireworks did get wet and they had to pop them. Attorney Dickey wanted to clarify, the contract does have an alternate date, but you have to give the company notice.

Councilmember Browher asked about the fence on the waterline at Lost Plantation, Mrs. Kelly said that will be discussed at workshop; he also mentioned the mud pit that needed to be fixed at Williamsburg, it is not draining and needs to be addressed.

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

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

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

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

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

**18. 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