

**CITY OF RINCON  
CITY COUNCIL MEETING  
OFFICIAL MINUTES  
MONDAY, MAY 22, 2017  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Reese Browher  
Paul Wendelken  
Christi Ricker  
Ann Daniel

**Councilmembers Absent:**

James Dasher  
Levi Scott, Jr.

**Present:**

Ken Lee, Mayor  
W.E. Smith, Jr., City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
LaMeisha Kelly, City Planner  
Corey Rahn, Fire Chief  
Pete Smith, Assistant Fire Chief

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:**

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

**Approval of the May 8, 2017 minutes with the following corrections:**

Under public hearing, public input: Jacob Peavey and Patrick Kirkland last names were misspelled; under old business #2 Councilmember Wendelken comment should read not so much and the vote should read Vote by Council.

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

**Approval of the May 15, 2017 minutes with the following correction:**

Mayor Lee was on time for the meeting.

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

**Public Hearing:**

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

**Public Hearing on a petition filed by Justin Sowers requesting a variance to Article III, Section 12 (A) to place an accessory building within the required 5 foot setback at 4 Lauren Way. The property is owned by Justin Sowers; the property is zoned R-6 (Residential). (Map #R2460540)**

Open public hearing: 7:06 PM

Attorney Dickey asked Mrs. Kelly if property was marked and surrounding owners notified, she said yes.

Public input: Mr. Sowers, handed out a map of his home that his neighbors signed stating there was no objection to him placing the storage unit in that location. He had the pad built years ago in his backyard, and started building the structure in mid-March, it never crossed his mind that he needed a building permit. Mr. Grubbs came out on the May 13<sup>th</sup> and told him it was too close to the property line. Mr. Sowers said it was an honest mistake and since then he has turned in a variance application and paid the \$120.00 fee. The building will be nice, it will match the neighborhood and it is anchored into the concrete. He doesn't understand what benefit it would be to anybody for him to tear down the building and move it 6 inches. Mrs. Kelly did say that the Planning and Zoning Board's denial was based on the ordinance. Council Browher asked staff was there any solution, Mrs. Kelly said the options are a hardship, he could alter the building, or move the building. Mr. Sowers did mention the slab is 260 square feet. Attorney Dickey asked if the building intruded on any easements, Mrs. Kelly said no; Councilmember Ricker asked has he had any prior violations, no. Councilmember Daniel said considering the fact that the building is pretty much built; she can see it being a hardship having to tear it down.

Close public hearing: 7:15 PM

*Turn the meeting back over to Mayor Lee.*

**Vote a petition filed by Justin Sowers requesting a variance to Article III, Section 12 (A) to place an accessory building within the required 5 foot setback at 4 Lauren Way. The property is owned by Justin Sowers; the property is zoned R-6 (Residential). (Map #R2460540)**

Mrs. Kelly wanted to point out that there is a \$250.00 penalty fee in addition to the building permit fee if you neglect to apply for a permit. Mayor Lee stated he didn't feel like there was any ill intent on Mr. Sower's part.

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

**Old Business:**

**1. Second Reading of an ordinance for a Zoning Map Amendment to rezone a 27.53 acre parcel located on Highway 21 from AR1-Agricultural Residential to R4-Single Family Residential; the property is owned by Marlene Penton, Gloria M. Wood, and Stephen H. Murphy. (Map #4470015)**

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

**2. Second Reading of an ordinance for a Zoning Map Amendment to rezone a .71 acre parcel located on Highway 21 from B2-General Commercial to GC-General Commercial; the property is owned by Silverwood Partners. (Map #465A008)**

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

**3. Second Reading of an ordinance for a Zoning Map Amendment to rezone a 12.19 acre parcel and a 5.53 acre parcel located on Fort Howard Rd from R3-Multifamily Residential to R4-Single Family Residential; the properties are owned by Construction Development Investors, LLC. (Map #4750063 and #4750007C)**

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

**New Business:**

**1. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 805 Rosalie Court.**

Ms. Noelle Sheffield, the home owner, was present. She said the pictures show there is lawn equipment on her porch and she doesn't know why all of a sudden it is a problem. She can't put the equipment in the garage because it is used as a gaming room, and she has a pool table in there. Councilmember Daniel asked if she could put it in her backyard, she said her backyard doesn't have a cover to protect and house the equipment. Mrs. Kelly said the neighbors have been complaining and they have sent three letters starting in August 2016, she also has a car in the driveway with flat tires that need to be addressed. Ms. Sheffield said her intention is to fix the car when she has the money. Mayor Lee explained to Mrs. Sheffield that the issues need to be corrected and it is up to her to determine what to do.

Mrs. Kelly said they could work with Ms. Sheffield but she needs to address the car. Councilmember Wendelken told Ms. Sheffield maybe she can put the equipment in the backyard and cover it with a tarp. Ms. Kelly said she would call Ms. Sheffield tomorrow to go over a plan of action.

Motion to approve: Councilmember Browher

Second: Councilmember Daniel

Vote by Council: Unanimous

## **2. Administrative Reports:**

**City Manager** - Mr. Smith said there was damage to SCADA system and it might not be fixed until next Tuesday. The two way radios for Council will be in soon and a time needs to set up for training; this can be done in a workshop. Mr. Smith said he still needs to set up a meeting with the wrecker service companies, Councilmember Wendelken said maybe we need to remove the recovery fee altogether. Mr. Smith said the roof on the library is in very bad shape, and it needs to be fixed. Mrs. Kelly said they are asking for an emergency bid, Attorney Dickey said a bid is not required by Georgia law if the project is under \$100,000.00. Council approved and agreed to waive advertising. Mr. Smith also reminded Council about the joint meeting tomorrow night at 6:30 PM.

**City Engineer** - Alec Metzger said they have received Kroger acceptance from DOT and he is waiting on the contractor to give his final paperwork to close out the project; the Fort Howard extension has made it out to Old Augusta Road; the 2017 LMIG pre-bid meeting was held last week, an addendum needs to be issued tomorrow and it will bid on June 1<sup>st</sup>.

**Building/Zoning Dept.** – Mrs. Kelly said she sent the Chamber of Commerce banquet notice out to Council; she had another site visit with FEMA, they had additional questions about Golf Course and Recreation, but they will recommend payout.

**Mayor and Council** – Councilmember Wendelken said Les Delapenia at 206 Savannah Avenue had a tree fall on his property and it damaged a swing set; Councilmember Wendelken thinks the City should remove the tree because it is our lane. Mr. Delapenia is not asking for any damages to his property. Mr. Delapenia said Mr. Bowles went out there and said it was a Georgia Power easement and for him to contact Georgia Power. Councilmember Wendelken told him to call Mr. Smith; the owner is not happy. Councilmember Wendelken said there needs to be some discussion on what we do in situations like this and maybe we need to go through and research all city property.

Assistant Fire Chief Pete Smith said utilities have to sign an easement agreement with someone that owns the land and that is a good way to start the research. Attorney Dickey said most easements requires the utility companies to maintain the property if they have an easement agreement. Attorney Dickey also said generally, if it is a lane it is owned by the City. Councilmember Daniel said can we research and in the mean time if we spot something that is potentially a danger we can correct it and figure out the rest as we go. Mayor Lee asked Mr. Smith to follow up.

Otis Tyler, Laurenwood Subdivision, wanted to address the issue with drainage in his subdivision. He said runoff water is running into the woods and the Culvert the city put in is not working. Councilmember Browher said we need to give staff directive to move on this, it needs to be at the top of the list. Mrs. Kelly said as soon as we get the easement plats back the residents need to sign, so we can start the project immediately. Someone had made changes to the detention pond and water is backing up, also the ditches need to be re-graded so water can drain better.

Tom McIlvaine, Laurenwood Subdivision, doesn't understand what is taking so long. Mrs. McIlvaine addressed Council and showed them pictures on her phone.

Josh Trent, Weisenbaker Rd also addressed Council about the drainage in the area.

Mrs. Kelly informed Council that some of the drainage work will need to be bid out; the bull gang and public works are not able to handle all the drainage issues in the City. Councilmember Browher said he would like to see Mr. Smith take some of the burden off Mrs. Kelly.

Misty Sowers said the water has backed up even worse at the last rain.

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

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

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

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

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

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

No action taken.

**Adjourn:**

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