

**CITY OF RINCON**  
**OFFICIAL MINUTES**  
**RINCON CITY COUNCIL MEETING**  
**MONDAY, JULY 24, 2017**  
**COUNCIL CHAMBERS**  
**107 W. 17<sup>TH</sup> STREET**  
**7:00 PM**

**Councilmembers Present:**

Reese Browher  
James Dasher  
Paul Wendelken – Arrived at 7:10 PM  
Levi Scott, Jr.  
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  
Pete Smith, Asst. Fire Chief  
Linda Rahn, Finance Officer

The meeting was called to order at 7:04 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 Dasher  
Vote by Council: Unanimous

**Approval of the July 10, 2017 minutes with the following corrections:**

Under new business item 6, Brant Lane's last name was spelled incorrectly; new business item 12 should say 85% reimbursement from FEMA; and under new business item 10 there was a reference to surface water and it should say ground water.

Motion to approve: Councilmember Scott  
Second: Councilmember Ricker  
Vote by Council: 5 yes votes, Councilmember Daniel abstained

**Old Business:**

**1. Recommendation for revision to Wrecker Contract. (Tabled at March 27, 2017 meeting)**

Remove from table: Councilmember Daniel  
Second: Councilmember Scott  
Vote by Council: Unanimous

Attorney Dickey said the changes were distributed to the interested providers and he did not hear back from anybody. The rate for the recovery of hazardous materials was removed and the recovery fees were removed, also the rates will cover the first hour not the first two hours. Attorney Dickey said he will get a copy of the wrecker contract to Council and asked Council if we could advertise for wrecker services.

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

**2. Discussion on Bent Tree Subdivision warranty deed submitted by Al Trimm. (Tabled at June 26, 2017 meeting)**

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

Mrs. Kelly said the detention ponds were included in the deed. Attorney Dickey said the deeds were sent back to Mr. Trimm's legal counsel to remove the detention ponds and were not returned.

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

Meghan Hakes, Bent Tree Crossing, said she would like more information on detention ponds, who will take care of them if they are taken off the deed. Mayor Lee said it is in the hands of Mr. Trimm's attorney. We have no problem with taking the streets, but we have never been responsible for detention ponds. Councilmember Browher asked how long it has been in the attorney hands, Mrs. Kelly said about a week. Bill Gammon, Crossing Circle, wanted to confirm that there was not an entity that would come in and inspect the area on a regular basis, Mayor Lee said primarily that has been a developer, homeowner's association responsibility.

**3. Discussion of the future of 3<sup>rd</sup> Street Extension, east of Lexington Avenue, per Councilmember Reese Browher. (Tabled at the July 10, 2017 meeting)**

Item to remain on the table.

**4. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 46 Rachel Court. (Tabled at July 10, 2017 meeting)**

Motion to remove from the table: Councilmember Daniel

Second: Councilmember Scott

Vote by Council: Unanimous

Mrs. Kelly said the new owners of the property are cleaning up and no further action is needed.

No action taken.

**New Business:**

**1. Discussion of purchase agreement for GMA's IT in a Box.**

Jerry Mims, with Sophicity was present. He said with GMA's IT in a Box they will address the website and email needs of the City. The City will get a custom new website; they will design, host and migrate exiting content from the current website. We will also get enterprise first class email, with 52 gigabytes of email storage. Along with the website and email we will get document records management for the Clerk and Finance Officer at a fixed cost and no long term contract. Mr. Mims also handed out a folder which included the agreement.

Councilmember Dasher asked has staff reviewed this, Mrs. Kelly said she did not know. Councilmember Ricker wanted to know if every employee in the city has email, the answer was no. Mr. Mims said the cost could go down with less email addresses. Councilmember Daniel asked if this interacted with Tyler Technologies, Mrs. Kelly said they have spoke with them and from her understanding it has been done in another city. Mr. Mims said they will integrate the City's current bill pay with their website or they also could use different software.

Councilmember Dasher made a motion to table until Mr. Smith was available.

Motion to table: Councilmember Dasher

Second: Councilmember Scott

Mrs. Kelly asked Mr. Mims what other City is using their services; he said Guyton, Pembroke, Hazelhurst, Lyons and Twin City. Councilmember Dasher asked if they use a template, Mr. Mims said it is complete custom design.

Vote by Council: Unanimous

**2. Lee Talton of ROC Enterprises requests approval to subdivide a 1.9 acre tract into two lots located on Lexington Avenue. The property is owned by ROC Enterprises and zoned R6 - Duplexes. Map #R228-1A.**

Mrs. Kelly wanted to note this is zoned R6, and when the Ordinance was changed pre 2007, R6 was no longer allowed in a single family subdivision but these lots are part of Madison Oaks and are preexisting lots. Mr. Talbot asked if he could build duplexes, Mrs. Kelly said duplex is the

description, it is single family. Mr. Talton said his intention is to sell the two lots, but if he has to he will build single family homes.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

### **3. Request approval of Budget Amendment 2016-13 to adjust 2016 General Fund budget.**

Linda Rahn said this is to reclassify.

Motion to approve: Councilmember Ricker

Second: Councilmember Daniel

Vote by Council: Unanimous

### **4. Request approval to purchase 146 meter registers from Delta Municipal Supply in the amount of \$17,220.00. LI #40.6260.4410**

Mr. Bowles said this is to replace meter register, he will get a trade in and only pay three quarters of the cost and they come with a ten year guarantee. Mayor Lee asked if they have radio read, Mr. Bowles said yes. They are the new e-coders and can do meter usage reports; people will be able to see how they are using their water when requested.

Motion to approve: Councilmember Dasher

Second: Councilmember Ricker

Councilmember Daniel asked Mr. Bowles if these will last the rest of the year; he said it is hard to tell.

Vote by Council: Unanimous

### **5. Request approval of a change order in the amount of \$27,400 for Tyler Technologies.**

Mrs. Kelly told Council they may want to table this. She was not involved in the beginning review, and once she reviewed the information, realized her department wasn't considered. Because of the needs of the Building and Zoning department they will need the change requested. Councilmember Daniel said there was a module for building and zoning, Mrs. Kelly said that module wasn't included in the contract.

Attorney Dickey mentioned there are some issues with the probation module. Tyler doesn't have the minimum reporting required by law; we are the only ones that are on the probation software with Tyler. Attorney Dickey's concern is Tyler will try to charge the City for something they should have been doing all along.

Mrs. Kelly said the implementation process should have been better; we need an implementation committee to bring this all together. Mayor Lee asked, if we delay this will it cause any issues or problems in her department, Mrs. Kelly said it will be a further delay. This may delay the contract by six months, and finance will not be finished until June 2018. The

longer you wait; they will not assign their team to the implementation. If we don't get on their schedule by the end of October we will have to wait until February or March. Mrs. Kelly mentioned she has not heard anything negative about Tyler. Councilmember Scott said if we move forward maybe someone from Council needs to head this up and someone from each to department needs to sit down and look at Tyler, it should be a joint effort. Councilmember Browner said he doesn't want this to be the start of change orders. Councilmember Daniel said we don't want Building and Zoning to miss their window and get pushed back. Councilmember Scott said just because we approve it; doesn't mean we have to give Tyler the check. Councilmember Wendelken said if it is a contractual issue that is where Attorney Dickey will come in. A motion was made to approve and have a workshop to further discuss the Tyler Technologies contract.

Motion to approve: Councilmember Daniel  
Second: Councilmember Scott

Councilmember Wendelken asked Attorney Dickey if the approval would put us in a worse position; Attorney Dickey said we would be a lot deeper in. Mayor Lee said if we are the first venture into this area how do they price us for probation, we don't want to get in the situation where Tyler will say we didn't know it would be this involved and time consuming. Councilmember Dasher asked Attorney Dickey what was his recommendation, he said he would put it on hold.

Both motions were withdrawn and a motion was made to table.

Motion to table: Councilmember Dasher  
Second: Councilmember Ricker

Mrs. Kelly asked who is going to be the point person with Attorney Dickey to get the issues resolved. Attorney Dickey said according to what he was told Tyler is working on probation problems. Councilmember Scott said Tyler needs to come back before Mayor and Council, everybody involved needs to sit down and see if they have everything they need. Attorney Dickey suggested all department heads need to meet on an individual basis with the City Manager and him to go over the modules and see if Tyler meets their needs. Councilmember Wendelken asked if there was a backup for probation, Attorney Dickey said he did not know. He said the old system, Courtware, had reporting that worked, but there was not support from them. Councilmember Browner asked if the \$27, 400 is budgeted, Mrs. Kelly said no.

Vote by Council: Unanimous

## **6. Request approval of Budget Amendment 2016-14 to reverse Budget Amendment 2016-10.**

Mayor Lee confirmed this is based on the audit. Mrs. Kelly said last year when we did this, project funds were allocated for Headworks the City has had a practice in the past that if we didn't have enough SPLOST money or water fund money, we booked it to utility projects. The auditors said this is a bad practice, we are to no longer do it and we had to clean it up. This is reversing that charge and putting it back where it needs to be.

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

**7. Request approval of Budget Amendment 2016-15 to adjust 2016 General Fund budget.**

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

**8. Request approval of Budget Amendment 2016-16 to include additional funds received/accrued for 2016.**

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

**9. Administrative Reports:**

**Fire Department** – Assistant Chief Smith said they had a lot of action this past weekend, and helped Springfield with a house fire.

**Building/Zoning Dept.** – Mrs. Kelly said we have ideas thrown out about the City doing an Oktoberfest or some type of event, she needs thoughts so we can get to planning. She also reminded Council about the workshop tomorrow at 7:00 PM. Councilmember Ricker asked about Chick fil A, Mrs. Kelly said it would be June 2018. Councilmember Dasher asked about Popeye's, she said we don't know we are still waiting on them.

**Water/Sewer/Public Works** - No report.

**Finance** – Mrs. Rahn said she is still progressing with bank accounts, and will need signatures from Council. She is also working with Tyler every Thursday; Councilmember Dasher asked has she seen a decline in water calls, Mrs. Rahn said yes but it is due to the time of the month.

**Mayor and Council** – Councilmember Browher thanked Mr. Bowles for taking care of a drainage issue in Madison Oaks. Councilmember Browher also said having something for people to do would be nice, maybe we can have a winter fair; he thinks that will be well received. Mayor Lee said the Giles Park sign looks good now. Mr. Bowles said he has reached out to people about the City Limits sign and no one has called him back.

Bernard Martin said there are a lot of streets that have potholes. Councilmember Scott asked Mr. Bowles has anyone identified any potholes, he said no, other than the ones on private roads. Mr. Martin did identify a pothole by Burger King, Mr. Bowles said we cannot legally work on private property and that is private property. Councilmember Ricker asked Attorney Dickey what can be done, he said out of safety concerns the city has filled them in the past. Councilmember Daniel said we would go broke keeping up with everybody else's property. Mr. Martin said we have the means to entice the owners to correct this problem; Attorney Dickey said if a pothole on private property damaged his vehicle he could sue. Mr. Martin said the City

has turned a blind eye. Councilmember Dasher said we have not turned a blind eye to this, we have worked with Fort Howard Square and they have resurfaced their parking lot before. Mayor Lee said from experience you have to get on the persons that are ultimately responsible and the owners have to shell out money. Mr. Martin said the City should expect the business owners to take care of their place, just like residents. Mayor Lee said we can ask the owners to address these concerns. Councilmember Browher asked Mrs. Kelly if she is going to send a letter to the owners, she said yes.

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

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

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

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

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

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

No action taken.

**Adjourn:**

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