

**CITY OF RINCON**  
**OFFICIAL**  
**RINCON CITY COUNCIL MEETING**  
**MONDAY, AUGUST 28, 2017**  
**COUNCIL CHAMBERS**  
**107 W. 17<sup>TH</sup> STREET**  
**7:00 PM**

**Councilmembers Present:**

Reese Browher  
James Dasher  
Levi Scott, Jr.  
Christi Ricker  
Ann Daniel

**Councilmembers Absent:**

Paul Wendelken

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

The meeting was called to order at 7:02 PM. The Invocation was given by Councilmember Daniel and the Pledge to the Flag was recited.

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

12A, Approval of the Georgia Tax Refund Intercept Program participation Memorandum of Understanding.

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

**Approval of the August 14, 2017 minutes with the following correction:**

The motions after executive session were not recorded; under new business 15, County's was misspelled; under Mayor and Council reports health and tractor were misspelled.

Motion to approve: Councilmember Daniel  
Second: Councilmember Dasher  
Vote by Council: 4 yes votes, Councilmember Scott abstained

**Old Business:**

**1. Discussion of purchase agreement for GMA's IT in a Box. (Tabled at the July 24, 2017 meeting)**

Motion to remove from the table: Councilmember Ricker

Second: Councilmember Browher

Vote by Council: Unanimous

Mr. Smith asked Council not to move forward with this item, he found a couple of options that are better and likely less expensive.

No action taken.

**2. Request approval of a change order in the amount of \$27,400 for Tyler Technologies. (Tabled at July 24, 2017 meeting)**

Motion to remove from the table: Councilmember Scott

Second: Councilmember Ricker

Vote by Council: Unanimous

Mr. Smith said he spoke with Tyler Technologies repeatedly. He does not have the changed number but is expecting a reduction in the price.

No action taken.

**3. Second Reading of a petition to annex a 465.36 parcel located on Old Augusta Road; the property is owned by Effingham County Board of Commissioners. (Map #047500058A)**

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

**4. Second Reading of a petition to annex 3,015 LF (8.882 acres) of Fort Howard Road; the property is owned by Effingham County Board of Commissioners.**

Motion to approve: Councilmember Ricker

Second: Councilmember Daniel

Vote by Council: Unanimous

**5. Second Reading of a petition to annex 2,537 LF (+/- 10.6 acres) of Old Augusta Road; the property is owned by Effingham County Board of Commissioners.**

Motion to approve: Councilmember Scott

Second: Councilmember Ricker

Vote by Council: Unanimous

**New Business:**

**1. Compassion Church and First Baptist Church of Rincon requests approval to host a community-wide Country Carnival at Freedom Park on October 22, 2017.**

Bill Whitaker, Andy Lamon, Gary Lewis were present. Pastor Whitaker said they are hoping to host the Country Carnival at Freedom Park, which they hosted last year. There will be three other additional churches joining them this year. They are hoping to have the same stipulations as last year, with them covering the water, electricity and security. Mayor Lee noticed the fee was incorrect for security, Mrs. Kelly said the dollar amount is not correct but the number of officers are correct, she would like Council to approve the number officers and she will correct the fee. Councilmember Ricker asked whether they were asking to waive the rental fee, the special event permit fee and issue a Health Department waiver letter. Mrs. Kelly said yes. A motion was made to approve the agenda item and waive the rental and special event permit fees and issue a waiver to the Health Department.

Motion to approve: Councilmember Daniel

Second: Councilmember Scott

Vote by Council: Unanimous

**2. Manna House and First Baptist Church of Rincon requests a Special Events Permit for a Thanksgiving Meal Give Away on Saturday, November 18, 2017.**

Mrs. Kelly said this is on the agenda because it involves streets. The event was well organized last year and there weren't any issues. Just in case there is an incident she wanted to make sure the event was approved by Council.

Motion to approve: Councilmember Dasher

Second: Councilmember Browher

Mrs. Kelly asked Council if they wanted to waive the special events fee because this is a non-profit. Both motions were amended to waive the special events fee.

Vote by Council: Unanimous

**3. ABIFEM Investments, LLC requests approval of preliminary site plans for the proposed Horizon Behavior Health Rincon site located at 595 Town Park West Dr. Property is zoned GC (General Commercial) and is owned by Charles R. Shearouse and Rhonda Kieffer. (Map # R264-2)**

Matthew Barrow with PC Simonton & Associates said they are requesting preliminary and final site plan approval because there were no outstanding issues. This is for two proposed buildings on the lot behind Dairy Queen. They will primarily consist of medical related businesses, the primary and first tenant will be Horizon Behavior Health. Mrs. Kelly said staff and Planning and Zoning recommends preliminary and final approval.

Motion to approve preliminary and final site plans: Councilmember Daniel

Second: Councilmember Scott

Councilmember Dasher stated for the record that the property has changed ownership. Mr. Barrow confirmed since the application was submitted the new owners have taken ownership on the property.

Vote by Council: Unanimous

**4. Daniel Moore requests approval of the combination of three lots containing a total of 2.77 acres on Giles Avenue for the construction of a single family home. Property is zoned R-4 (single family residential) and is owned by Daniel R. and Betty S. Moore. (Map # R214-7C, R214-7D, R214-7E)**

Mr. Moore said the lots are narrow so they decided to buy three and combine the lots. The home will be built on the center lot; they did decide to move the existing driveway because it is in a bad location and will disturb the neighbors. Mrs. Kelly said the Planning and Zoning Board and staff recommends approval.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

**5. Shore-Blanton Construction, Inc. requests approval of preliminary site plans for the Shops at Kroger GA-625 in Rincon located at 449 S Columbia Ave. Property is zoned GC (General Commercial) and is owned by Ramp G. Partners, LLC. (Map # R212-17A01)**

Harry Shore was present. Mr. Shore said this is a 12,000 square foot building that will be located to the west of the Kroger parking lot. Mrs. Kelly told Council they approved the building last year but there were some changes with the property lines. Staff, the engineers and the Planning and Zoning Board recommends approval of the preliminary and final site plans

Motion to approve preliminary and final site plans: Councilmember Daniel

Second: Councilmember Scott

Vote by Council: Unanimous

**6. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 0 S. Columbia Avenue. (Map# R212-4A)**

Mrs. Kelly said the property owner is not here. This is for the pothole going into the entrance of Burger King. She has not had any correspondence from the owners.

Motion to approve: Councilmember Browher

Second: Councilmember Dasher

Vote by Council: Unanimous

**7. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 102 Weisenbaker Road.**

Mrs. Kelly said Travis has been visiting Randy and Rhonda's Automotive and sending certified letters without a response from the owner in terms of addressing some of the vehicles. They also have a problem with tires and some debris. She said we understand the property and the condition of the property has been years in the making and to be fair we need to work with them to come up with a plan of action, but cannot get a response from them.

Motion to approve: Councilmember Daniel  
Second: Councilmember Dasher

Councilmember Daniel said she is hoping once this is issued, they can get with the owner and come up with a plan of action and he will be more responsive to the City's request. Councilmember Browher asked has he been told specifically and in writing what to do; Mrs. Kelly said yes, but she can do it again. She also explained to Council again that the condition of the property is years in the making and thinks it would be unrealistic for him to cleanup overnight. Councilmember Dasher asked is there something in the ordinance on how many vehicles can be on the property, Mrs. Kelly said no Rincon has a general parking requirement. She has researched to present to Council, when someone has a certain business they will be required to have a certain number of parking spaces for that type of business. Councilmember Scott said when you get into Commercial and Auto businesses you might get in a jam trying to get an ordinance to cover that, he thinks it should be regulated by the setbacks. Mayor Lee said possibly looking at fencing also and still allow them to store. Councilmember Browher asked if the owner has anything in the right of way, Mrs. Kelly said no, as far as setback the biggest issue is in the rear.

Vote by Council: 4 yes votes, Councilmember Browher voted no

Councilmember Browher said he thinks we need to look at everybody equally and if that calls for us going around in a van to look then we need to do that, he strongly suggest we do that. He knows some places that have not been cited for issues, business as well as residential. Councilmember Scott said he agrees with Councilmember Browher. Mayor Lee said we are focusing more on these kinds of issues; we do need to be consistent and have the same expectations for all businesses in the City.

**8. Requests approval to pay P & H Supply Co., Inc for a main line inspection camera in the amount of \$11,688.04. LI #40.6260.4408 and 50.7270.4408**

Tim Bowles said this is to replace the old sewer camera. It is a budgeted item and will be split between water and sewer.

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

**9. Request approval to pay MR Systems for SCADA repairs in the amount of \$8,039.69. LI #40.6260.2202 and 50.7270.2202**

Mr. Bowles this is for two or three different lift stations, water tower radio that operates the SCADA system and the wind 911 alarm system. Mayor Lee asked if it was due to lightning strike, Mr. Bowles said it is surges.

Councilmember Daniel asked if there was something to protect the equipment from these surges, Mr. Bowles said if you get a surge it will blow out the backup also.

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

**10. Request approval of Budget Amendment 2017-12 to adjust the Hero Fund for 2017.**

Mr. Smith said we did not budget the income for the Hero Fund and this creating a line item to do so.

Motion to approve: Councilmember Ricker  
Second: Councilmember Daniel

Councilmember Scott asked Chief Scholl to explain. Chief Scholl said the Hero Fund is money donated by the community; it was earmarked for tactical vests. Mr. Smith said the Fire Department has such a fund also. Councilmember Ricker asked Attorney Dickey if the motion needed to be amended to include tactical vest, he said Council is approving a line item for revenue and you don't need to be that specific.

Vote by Council: Unanimous

**11. Appoint Dulcia King the Elections Superintendent and Absentee Ballot Clerk for City of Rincon Election on November 7, 2017.**

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

**12. Discussion to amend the ordinance for lot sizes with more than 2 acres not to be required to have a fence around swimming pools, per Councilmember James Dasher.**

Councilmember Dasher said a couple of years ago, as we started annexing larger parcels of land and we amended the shooting ordinance to allow shooting within a certain distance of other homes, he would like to see the City do this for swimming pools on large lots as well. One property has 65 acres of land and they have a small swimming pool in their front yard, we are requesting a fence and the owner doesn't want to put a fence around the front of the house. He would like Council to consider not requiring a fence on larger tracts of land. Attorney Dickey said lot size does not matter for the State law, people come to the home to visit and they require a fence for that purpose. The fence is not just for those that are trespassing but for people that visit also. This is a national life safety building code, it is a

national standard and it requires fencing around pools. Attorney Dickey said he has to do more research to see if the City creates a City Life Safety Code, will it be a liability.

No action taken, staff is directed to look into the options.

### **12A. Approval of the Georgia tax refund intercept program participation memorandum of understanding.**

Attorney Dickey said this is a new program created in 2016, it allows court systems to submit to the State Court administration office any judgment that is not paid. The State would submit it to the Revenue Department and if that person is entitled to a tax return from the State they can seize the refund to pay the fees and fines.

Motion to approve: Councilmember Ricker

Second: Councilmember Browher

Vote by Council: Unanimous

### **13. Administrative Reports:**

**City Manager** – Mr. Smith talked about the rocket ship for the playground he has a quote for \$12,000 and the money is budgeted; he attended one day of the County Community Retreat and learned a lot; BITCO the day to day operator of our worker’s compensation has provided a catalog of safety classes; last week there was an interesting visit to the WWTP from EPD. An inspector came to inspect the plant and a Federal Agent came to inspect the inspector, Tommie came through with flying colors. Mr. Smith said it is his intent to bid out insurance brokerage services; on Wednesday GIRMA is coming to talk about property insurance; he and Mr. Bowles met with Neptune and found out they can do an hour by hour water usage report for a three day period. Councilmember Ricker said someone from Lost Plantation approached her about having a forum with Neptune to explain their equipment, Mr. Smith said he will check with Neptune; he is also checking with Tyler about the hotel rates and informed them we will not pay the kind of rate they had the last time; a budget amendment will be needed for chemicals at the Golf Course, we are at 100% for chemicals.

Councilmember Browher asked about the age range for the rocket ship. He said the old rocket ship was more horizontal and this is vertical. Mr. Smith said he is not sure; he will email Council the answer.

Councilmember Ricker asked why the Golf Course chemicals usage is up; Mr. Smith said it is because of the rain.

**Chief of Police** – They have completed Tyler implementation for issuing citations on the handheld devices and it will be a tremendous time saver.

**Fire Department** - No written report.

**Building/Zoning Dept.** – No written report.

**Water/Sewer/Public Works** - No written report. Mr. Bowles said he is still waiting to hear from another sign design company.

Marie A. Scott, resident that lives at the corner of Middleground and Hardy Roads she said she had the County dig a ditch for her so the water would drain out. When someone comes to scrape the road they fill the ditch instead of digging from the side and the water can't run out. Edith Fields, Hardy Road said she is being accused of flooding the road and that is untrue, it has been raining and she pumps her pond water into the ditch. The scrapper is coming in and covering the ditches, she has put in work orders with the City and she was denied. Mrs. Fields said she is requesting help from the City or Effingham County for someone to come in and dig the ditches deeper. They keep saying it is private property. Councilmember Daniel explained to Mrs. Scott and Mrs. Fields, that from what she knows the road is a private road, Mrs. Scott said it is not a private road; Councilmember Scott said what Councilmember Daniel is saying is that it is a private road but the County had the scrapper ditch the road, the County is also having a problem with going on private property. Councilmember Scott said we can't just come in unless the residents sign off and approve for us to take part of that road, we have to have a certain width to work on the streets. Councilmember Daniel said the problem that we have is, it is not the City's responsibility, it is in the deeds that it is the resident's property; the only thing we can do is deed the property to the City and let them have the road, and unless all the property owners can agree that is not going to happen.

Johnny C. Scott, Jr. said the ditch is now a foot lower than it was, the grader would come and scrape the dirt into the ditch. They need help trying to keep the ditch open. He asked if the County sends a grader into the City can we tell them how to do it. Mayor Lee said if we did that they may stop completely. Mayor Lee said there may still be options in the future.

Councilmember Browher asked about 3<sup>rd</sup> Street lane. Attorney Dickey said the information was passed out at the workshop. There are three property owners and all would have to grant permission.

**Adjourn:**

Motion to adjourn: Councilmember Ricker

Second: Councilmember Daniel

Vote by Council: Unanimous