



**CITY OF RINCON
OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, APRIL 9, 2018
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmembers Present:

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

Councilmember Absent:

Kevin Exley

Present:

Ken Lee, Mayor
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Phillip Scholl, Police Chief
Corey Rahn, Fire Chief
LaMeisha Hunter Kelly, City Planner
Tim Bowles, Public Works Director
Mike Osborne, Recreation Director
Tommy Kee, WWTP Director

The meeting was called to order at 7:06 PM. The Invocation was given by Mayor Lee and Pledge to the Flag was recited.

Approval of the agenda:

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

Approval of the March 26, 2018 minutes with the following correction:

New business item 9 should say \$1,000 per month.

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

Public Hearing:

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on a variance request filed by MC Sign Company on behalf of Murphy's USA requesting to Article IV, Section 90-129 to request an increase in the height of a freestanding marquee sign at 102 Lisa Street from 20 feet to 80 feet. The property is owned by Murphy's Oil USA; the property is zoned GC (General Commercial). (Map# R257-42)

Open public hearing: 7:09 PM

Attorney Dickey asked Mrs. Kelly has all the legal requirements been met, she said yes.

Close public hearing: 7:11 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by MC Sign Company on behalf of Murphy's USA requesting to Article IV, Section 90-129 to request an increase in the height of a freestanding marquee sign at 102 Lisa Street from 20 feet to 80 feet. The property is owned by Murphy's Oil USA; the property is zoned GC (General Commercial). (Map# R257-42)

There was no representation from Murphy's USA. A motion was made to table until the next meeting.

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

New Business:

1. Sponsorship request for Olde Effingham Days Festival.

Mrs. Kelly said she did speak with someone from the Historical Society and in the past Council has provided a \$500 sponsorship. A motion was made to sponsor Olde Effingham Days for \$501.00, Double Gold Sponsor level.

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

2. Request approval for Goforth Williamson, Inc. to rebuild digester blower #3 at the WWTP for the amount of \$6,220.00. LI #50.7280.3311

Mr. Kee said this is blower that he took out of service four weeks ago. He asked around about getting it rebuilt and everyone said the same thing that it would need to be taken apart to discover the problem. He said Goforth Williams is who they have been working with in the past. They came and got it and this is the quote. Councilmember Dasher made the motion to approve. Mrs. Kelly wanted it stated for the record that this is an emergency, and that the bid process was not done because Mr. Kee could not wait for the repairs. The motion was amended to include this was an emergency request.

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

3. Request approval to purchase new bulbs for the WWTP UV disinfection system from Templeton and Associates in the amount of \$12,320.00. LI #50.7280.3311

Mr. Kee said this is for 32 bulbs that he would like to purchase at one time. The current ones are coming up on the 10,000 hour life cycle. He would like to have them on hand when the time comes so he could replace them all at one time. Councilmember Daniel mentioned it was a budgeted item, Mr. Kee said yes.

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

4. Request to approve the Third Amendment to the Contract between the City of Rincon and Waste Management of Georgia, Inc.

Mayor Lee said the agreement seems to be what Council requested. He did mention the backdoor service and asked Mrs. Kelly was he correct in thinking Mr. Hightower said it was already place. She said yes it is in place, it is not in the amendment but it is a part of the agreement.

Motion to approve: Councilmember Wendelken
Second: Councilmember Dasher

Backdoor service is for the disabled and elderly whom are not physically able to get there cart to the street. Mayor Lee said we need to make this information available to the residents on the website and bills.

Vote by Council: Unanimous

5. The Kroger Co. requests a reimbursement of \$474,898.09 from the unexpended Kroger Hwy 21 Improvements project.

Mrs. Kelly said included in the packet is breakdown of the costs. She said Kroger per the development agreement had to give the City 1.9 million. With the grant, cost and fee for services the remaining balance from the project is \$474,828.09.

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

6. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 509 West 9th Street (Blandford Village).

Owner Troy Davis was present. Mrs. Kelly said for the past year we had to send notices to the townhomes because the residents don't pull their trash cans back. We have tried to reach the residents but the responsibility is to the owner. Mr. Davis said this is the second notice that he has gotten, he did have one several years back. He asked Council if this was strictly enforced, then proceeded to show Council pictures of carts left at a City owned park on a Saturday. Councilmember Scott said we need to address the issue of Mr. Davis' property. Mr. Davis said he does not issue the cans and he has no control or authority to remove the trash cans and there is no legal way for him enforce it. He does include the dates of trash pickup in the leases, he then quoted the ordinance section 34 and said he has no legal way to impose that, he also said he spent last Saturday driving around taking pictures of trash cans on the curb. Mayor Lee asked does he have a resident manager he said he is the manager, and he tries to go there at least once a week. Attorney Dickey said you can change your lease and put in a charge if they don't pull there cans in. Councilmember Wendelken said he understands where Mr. Davis is coming from, he is not by there regularly and it is the tenant causing the problem. Mrs. Kelly said we have sent out numerous letters in the past two weeks, there are other letters that have not been picked up. This has been an issue off and on for a couple of years the trash cans are never pulled back and they sit on the road for weeks at a time. It is a safety hazard for that area. Mayor Lee said we recognize this is an issue in the City and we are trying to address it in the right way, Mr. Davis' issue is a little different because there are so many and it stands out, but to come in here to point out other people, that is inappropriate. Councilmember Dasher said in the time it took to take pictures, the mess could have been cleaned up. Mr. Davis said he has health issues and could not move a chair. Councilmember Browher asked what the next step is, Mrs. Kelly said Council could issue a 10 day notice and if he cleans it up this will be closed out. The issue is not the cans on the curb for one or two days, if they are out there for weeks the case will be opened again. Councilmember Daniel told Mr. Davis there is an amount of responsibly that he carries. Mayor Lee asked could we legal stop trash service to the residents if they don't pull the trash cans back, Attorney Dickey said we could look into that. Attorney Dickey said they can put the cans in a common area. Mayor Lee said he believes Mr. Davis has some leverage, and could come up with a solution; Councilmember Scott said there is a management issue here. Councilmember Browher would like to see staff work with Mr. Davis, and come up with a common area to place the cans. Councilmember Wendelken would like to see staff get with him to see what markings are on the cans.

The motion is to issue a ten day notice and for staff to communicate with Mr. Davis to get cans marked and put the responsibility onto the tenants.

Motion to approve: Councilmember Daniel
Second: Councilmember Scott

Councilmember Wendelken asked what would happen if we didn't issue the notice, Attorney Dickey said we would have to start the process from the beginning and discussed the

violations. Councilmember Browher asked have we put notice in the water bills that you need to pull your trash cans back. Councilmember Scott mentioned a hand out to residents about pick up days.

Vote by Council: Unanimous

7. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 115 Sterling Drive.

Joshua Ball, owner was present. Mrs. Kelly said the last letter was sent April 2017, the HOA notified staff about Mr. Ball operating an automobile repair business at his home. She spoke with Mr. Ball and told him you can't have that type of business at his home. Mr. Ball said he does not run a business but from time to time he does get paid to work on vehicles. He thought everything was fine since the last letter and didn't know it was still an issue. Mrs. Kelly said the ordinance said if you have another violation with in a year it will count as the same violation. Mayor Lee said apparently the neighbors have an issue with it; it is an activity that is not acceptable in your neighborhood. Attorney Dickey said the ordinance is very clear you cannot work on anybody's vehicle in a residential zone. Mayor Lee asked if he is working on any other vehicles at this time and has no problem complying, he said just one that is fixed now. He has four vehicles that he owns. This ten day notice does start another one year period.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

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

Mrs. Kelly said they have been working this for more than a year; it is the private access road by Burger King.

Motion to approve: Councilmember Dasher

Second: Councilmember Browher

Vote by Council: Unanimous

9. HHNT Consulting Engineers requests approval of pay request #19 in the amount of \$2,007.50, for engineering services associated with the Lower Floridan Well project. LI# 40.6260.4418 and #40.6260.4419

Mrs. Kelly said there was no representation from HHNT present. Mayor Lee asked staff did they feel comfortable with the request, staff has no concerns.

Motion to approve: Councilmember Wendelken

Second: Councilmember Scott

Vote by Council: Unanimous

10. Potter Construction, LLC requests approval of Pay Request #1 in the amount of \$27,041.71, for work completed on the drainage ditch near Dresler Road (Lost Plantation). LI# 10.4430.4415

Alec Metzger said they have checked the quantities and recommends approval. The project is mostly finished and they are working on a punch list.

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

11. Custom Metal Works requests approval of Site Plan for metal shop addition on property located at 1220 Patriot Drive. Property is zoned GC- General Commercial and consists of 1.14 acres; property is owned by TLP Investment Properties LLC. (Map #R2180011)

Jerald Motz was present representing Terry Proctor. Mr. Proctor wants to construct a 1,200 square foot expansion on the back side of the existing metal building. They will also construct and additional nine parking spaces as required by the ordinance. Mrs. Kelly said this is an existing metal building; Council had stopped allowing metal structures in General Commercial, because this is an addition to the existing building she is asking Council to allow the structure. Mrs. Kelly said there are no outstanding items with this request and would like Council to grant final approval also. The motion was for preliminary and final site plans.

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

12. Edge Air Conditioning and Refrigeration LLC requests approval of Site Plan for office and warehouse development on property located at Lot 5 Northridge Drive. Property is zoned GC- General Commercial and consists of 1.12 acres; property is owned by Edge Air Conditioning and Refrigeration LLC. (Map #R2570005b00)

Jason Waters, owner was present. Mr. Waters said this will be a 4,300 square foot building. Mrs. Kelly said they have met all the requirements and had no outstanding items. She asked Council to grant preliminary and final site plan approval. The motion was for preliminary and final approval.

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

13. Memorandum of Agreement with S & T Midways for Rincon Spring Fair at Freedom Park, scheduled for May 3-6, 2018.

Mr. Osborne said he has met with Mrs. Kelly, Attorney Dickey and Chief Scholl, and they came up with a figure about what the upfront cost would be. He presented to Council the emails that were sent back and forth on what they would charge and the hours of operation. Mr. Osborne

negotiated where the City will get 25% of the first \$60,000 in sales and 20% after that, no concession sales. Mayor Lee said we are trying to entertain these events and encourage them, but he had question about the agreement item four, things they are looking for from us. They are asking a lot of the City, is Mr. Osborne thinking that the revenue we get back will cover that. Mr. Osborne said yes, he would like Council's guidance since we have never done this. Mayor Lee asked about the events licenses and permits are they asking for these at no cost. Attorney Dickey said we can't do the Health Department or State permits. Details of the contract were discussed, we will provide ten regular bathrooms and two ADA accessible ones, provide a dumpster for them to dump the trash, provide water only for their campers, provide security and advertising. Councilmember Browher asked about a gate fee; Mr. Osborne said there are so many entrance points to cover it would be hard to manage. Councilmember Wendelken said he thinks we will have to have some kind of gate fee up to \$3; everybody that comes in will not buy a bracelets. Councilmember Daniel agreed with Councilmember Wendelken and said it may be that it is too late for us to have one this year. Mr. Osborne asked Council to approve and he will charge the gate fee. Mayor Lee mentioned item six, percentage on revenue will need to be changed. Attorney Dickey said we have addressed several issue. Mayor Lee asked were we covered on liability, Attorney Dickey said they will provide that. Councilmembers Dasher and Browher thanked Mr. Osborne and staff.

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

14. Approval of a Resolution to update the signature cards for the City of Rincon Ameris Bank accounts.

This is for removing and adding people.

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

15. Administrative Reports:

City Manager/Building and Zoning – Mrs. Kelly said she submitted a written report and the revenue is better than 2017; she has talked with the Chick fil a representatives and they had to redesign their site, we should have the plans within the next three weeks, she will expedite the process in order for them to break; and she had a group meeting follow up for the food trucks. Councilmember Dasher asked about lights on Fort Howard, Mr. Bowles said we can put a light on every pole. Councilmember Dasher said we need some from Williamsburg to Lisa Street because we have a lot of foot traffic in that area. Mr. Bowles asked how far down past Lost Plantation did he want to go, he said we might want to price lighting up to The Abbey Subdivision.

City Engineer – Alec Metzger showed Council pictures of the drainage projects, they are working on punch list items for these projects and will be finished up pretty quickly.

Mayor Lee said we need to be more proactive in getting the message out to residents about improvements in the City. We are doing some good things in our City. Councilmember Browher said we need to put this information out there.

Chief of Police – Chief Scholl said a lot of cities employ Public Information Officers to do sporadic news releases; all officers are on active duty and there are two vacancies at this time.

Councilmember Dasher asked Williams Street, Attorney Dickey said they are working on that. He also asked about computers in the cars, Chief Scholl said two are working and two are functional, but need cradles. They are looking into funding now; the cost is \$2,800 per unit.

Fire Department – Chief Rahn submitted a report. He has one employee out on workers comp and one vacancy.

Mayor Lee asked about the volunteer status, Chief Rahn said they are at 18 volunteers and he would like to have 40 they average 25. Patrick Kirkland asked about criteria for volunteers, Chief Rahn said they do on the job training to get volunteers certified.

Recreation Dept. – Bernard Martin asked about water fountains at Veteran’s Park, he said there is no running water. Mr. Osborne there was a leak and it was fixed and they did not turn the water back on, he is going to make sure it is back on tomorrow. Councilmember Browher said we need to look at the placement of the water fountain and getting a new one.

Water/Sewer/Public Works – Mr. Bowles said he will have his report at the next meeting.

Wastewater – A written report was submitted.

Mayor and Council – Councilmember Wendelken mentioned Lost Plantation’s request for equipment and said maybe the need to buy a couple of things for Lost Plantation instead of a lot of equipment at once, we need to see where the budget is. Mrs. Kelly said she asked Tim to ride with her to look at the equipment and right now he is piecing some of the things together. Councilmember Wendelken said we might not be able to get it done all at one time. Councilmember Daniel talked about the Go365 incentive Melissa Stille talked about and said she thinks we need to go ahead with the gift cards for employees that reach a certain level. Councilmember Dasher asked about Plantation Drive, Mrs. Kelly said the quote was for \$2,900 and the surveyor is working on it. They are still working on Plantation Way. Councilmember Browher asked about City Limits sign, Mr. Bowles said the boundaries have been marked and emailed for them to proceed. He also asked about a City of Rincon flag at City Hall, staff will get on up. Councilmember Dasher asked when did we start patrolling on Old Augusta Road, Chief Scholl said we do patrol there, we don’t allow radar. There was mention of the speed limit at that intersection and the process of getting the speed limit reduced. Councilmember Browher asked about the Tyler Technologies, Mrs. Kelly said they were here Monday – Thursday of last week. The confusion before was that the word training was be used but we are in the configuration and set up phase. They will me here at the workshop on Monday to do a presentation.

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

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

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

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

Approval of a separation agreement for William E Smith, Jr.

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

Adjourn:

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