



**CITY OF RINCON  
OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, SEPTEMBER 24, 2018  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

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

**Present:**

Ken Lee, Mayor  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Corey Rahn, Fire Chief  
Pete Smith, Asst. Fire Chief  
LaMeisha Hunter Kelly, City Planner  
Tim Bowles, Public Works Director  
Alyx Pitts, Recreation

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

**Approval of the agenda:**

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

**Approval of the August 13, 2018 minutes with the following change:**

The motion for new business item 4 was made for the approval of a contract with the National Golf Foundation in the amount of \$21,000.00

Motion to approve: Councilmember Scott

Second: Councilmember Wendelken

Vote by Council: 5 yes votes, Councilmember Daniel abstained

**Approval of the August 27, 2018 minutes with the following correction:**

Councilmember Dasher was not present.

Motion to approve: Councilmember Browher

Second: Councilmember Exley

Vote by Council: 4 yes votes, Councilmembers Dasher and Daniel abstained

**Public Hearing:**

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

**Public Hearing on a petition filed by Louis Manchisi requesting a variance to Article III, Section 90-94 to place a fence on the entire front of the property (.61 acres) which is located at 121 North Howard Avenue. The property is owned by Josanna Manchisi; the property is zoned R-4 (Residential) (Parcel # R2140024).**

Open public hearing: 7:10 PM

Attorney Dickey stated those opposed or for the variance will have a minimum of 15 minutes to respond. Attorney Dickey asked was the property marked, an advertisement made in the legal organ and were the property owners in the required footage notified by mail, Mrs. Kelly said yes. Mr. Manchisi was present. He said his son who is autistic and tends to take off running. He is looking for compromise and did initially file a complaint under the American Disability Act with the Department of Justice. Attorney Dickey asked Mr. Manchisi to explain what he is requesting. Mr. Manchisi said he requesting a fence in the front yard. Planning and Zoning recommended approval with stipulations, a 4 feet fence, the fence will remain as long as they own the property and to revisit the need every five years. He is requesting a 6 feet chain link fence for along as his sons resides there. Attorney Dickey informed Council that Mr. Manchisi has already filed a complaint against them, so they needed to be careful how the issue is address. Attorney Dickey also said on a public safety issue they don't normally recommend a front fence because the child will be able to get out when the gate is opened to park the vehicle on the property. Mrs. Kelly said according to the minutes Planning and Zoning recommended three conditions: a 4 foot chain link fence, the fence should not enclose the meter, and this be reviewed in five years as the child gets older. Councilmember Dasher asked what size fence has been permitted for the back yard; Mrs. Kelly said 6 foot privacy fence the Growth Management code does not allow fences on the front of the yard.

Resident Alisa Davis, who lives across the street from Mr. Manchisi said maybe he should do something else. She is against the fence going up in the front of her house. Loretta Mydell Barnes said if it is going to be a wooden privacy fence in the foot yard she is against it. She would be alright with a chain link fence. Mr. Bowles said he is on a grinder pump and the City will need to have access to the pump unless Mr. Manchisi wants to maintain it.

Close public hearing: 7:35

*Turn the meeting back over to Mayor Lee.*

**Vote on a petition filed by Louis Manchisi requesting a variance to Article III, Section 90-94 to place a fence on the entire front of the property (.61 acres) which is located at 121 North Howard Avenue. The property is owned by Josanna Manchisi; the property is zoned R-4 (Residential) (Parcel # R2140024).**

Councilmember Scott made the motion to approve a 4 foot chain link fence as long as he makes the utilities accessible. Councilmember Daniel said she knows we have codes for a specific reason but she understands the cost of putting one fence in and doing it again she. She would like to approve a 6 foot fence. Councilmember Wendelken said he agrees with Councilmember Daniel. He thinks this is a hardship and made a motion to approve a 6 foot chain link fence outside of the water meter and revisit in five years. Councilmember Scott said he does not think a 6 foot fence will deter the child his motion stands. Councilmember Browher said he would like to look at some other options. The Manchisi's could move in a year or two and he would hate for the fence to be up and it is not needed. He would like to see a conditional use and asked Attorney Dickey could they do that. Attorney Dickey said this is a variance, the only way you can do that is to put a time limit on that variance.

A motion was made to approve a 4 foot chain link fence, all utilities to be accessible to staff, the variance will expire in 5 years (sunset provisions) and the parking should be isolated.

Motion to approve: Councilmember Scott  
Second: Councilmember Browher

Vote by Council: 5 no votes, Councilmember Scott voted yes; the motion failed

Another motion was made to approve with 6 foot chain link fence, all utilities to be accessible to staff, the variance will expire in 5 years (sunset provisions), and the parking should be in an isolated area outside the fence.

Motion: Councilmember Wendelken  
Second: Councilmember Exley  
Vote: 5 yes votes Councilmember Scott voted no

### **Old Business**

#### **1. Approval of the FY2017 Audit by Caines Hodges & Company, PC.**

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 17, 2018.**

A motion was made to approve and also to waive the special events permit fee.

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

**3. Southern Telecom, Inc. requests approval of the following easements on City of Rincon property:**

- **6.59 acre telecommunications easement on property located at 500 Ackerman Road (Map# R269-0002);**
- **7.51 acre telecommunications easement on property located at 500 Ackerman Road (Map# R269-0001).**

Mrs. Kelly said she has mentioned this several months ago. Southern Telecom, Inc. has agreed on the fee requested by Council and the City attorney has looked at the easement.

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

**4. Request to approve contract with Swingin Medallions for the Rhythm and Food Truck Festival. LI# 100.1110.523300**

Mrs. Kelly said members of the committee were present, Patrick Kirkland and Alyx Pitts. She thinks this will be a good draw to the City having the Swingin Medallions and Tell Scarlet. Some of the excess fair money will be used to feed this event, but they will charge a gate fee to cover the cost. Councilmember Wendelken asked how much are we projecting expenses to be. Mr. Kirkland said roughly about \$19,800.00. If we bring in 500 people at the cost of the gate they should bring in at least \$1,500.00, but they are expecting 3,000 and that will bring in about \$9,000.00. They will charge for alcohol bands at \$5.00, food truck vendors at \$100 and craft vendors at \$90.00. Mr. Kirkland said they are putting out a lot in the beginning but will probably bring in \$5,000.00 or 10,000.00 dollars. They will have a car show, bounce houses and possibly the helicopter again. Councilmember Exley asked about advertisement, Mr. Kirkland said plan on advertising at the digital sign at Highway 21 and McCall Road, send flyers to the school, they will also put it on Facebook and plan on going on Mid Morning Live. There was discussion on the price of the gate fee the plan is \$3.00 at the gate and \$5.00 for alcohol drinking bands. Council suggested \$5.00 at the gate. Mr. Kirkland informed Council that the parade is that day, the Thanksgiving Meal giveaway

and the Josh Reddick Home Run Derby are all happening that day and hopefully we will draw a big crowd. Mrs. Kelly said this was the directive from Council to plan an activity. Councilmember Wendelken said he was surprised by the \$20,000.00 budget. Attorney Dickey asked about the bands. ID's for the wrist bands will not be checked at the gate they will be checked at a separate table near the beer tent. The gate fees are \$3.00 for ages 2-12, and \$5.00 for ages 13 and above.

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

#### **5. Request approval to amend the Personnel Policy Manual to include Section 085, Secondary Employment.**

Attorney Dickey said something's needed to be clarified. Councilmember Wendelken had concerns about denying liability for a police officer working off duty but in their City of Rincon uniform and using the City equipment. Councilmember Wendelken said we will be liable, Attorney Dickey said they are not on duty, they are not on payroll. Attorney Dickey said if we don't have insurance that cover them then we have sovereign immunity and they can't sue us. There was discussion on liability insurance. Attorney Dickey suggested discussing this at a workshop.

Motion to approve: Councilmember Browher  
Second: Motion died due to lack of a second

Motion to table until next meeting: Councilmember Daniel  
Second: Councilmember Exley

Councilmember Browher asked is this to tighten up the language, we trust Attorney Dickey on everything else. Attorney Dickey said there is complete exposure in the policy. Councilmember Wendelken said he wants to make sure everything is covered.

Vote by Council: 5 yes votes, Councilmember Browher voted no

#### **New Business**

#### **1. Compassion Church and First Baptist Church of Rincon request approval to host a community-wide Country Carnival at Freedom Park on October 28, 2018.**

Pastors Whitaker and Lewis were present. This is the third year that they have come before to host this event. It will be the same as the last couple of years. Mrs. Kelly said Council has previously waived the deposit, the permit fee and cost of the park for a total of \$1,300.00. The cost will be for the police and water. The Pastors will come back before Council if a letter is needed for a Health Department waiver.

Motion to approve: Councilmember Scott  
Second: Councilmember Daniel

Councilmember Browher thanked Pastors Whitaker and Lewis for telling their parishioners that the City waived some fees. He had several residents thank him for waiving the fees.

Vote by Council: Unanimous

**2. First Reading of Ordinances to annex the following properties:**

- **1 acre located off of Hwy 21 S; property is owned by Melanie L. Rahn (Map# 04300022);**
- **1 acre located off of Hwy 21 S; property is owned by Melanie L. Rahn (Map# 04300020);**
- **1.25 acres located at 3512 Hwy 21 S; property is owned by Mark and Annette Bryant (Map# 04300025); and**
- **1 acre located at 3510 Hwy 21 S; property is owned by William Bohannon, Jr, Jack Bohannon, and Richard Bohannon.**

Mrs. Kelly said these petitions have been signed by the property owners.

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

**3. Administrative Reports:**

**Building/Zoning Dept.** – Mrs. Kelly reminded Council that they are still planning for strategic planning workshop; also on October 8<sup>th</sup> there will be a full agenda because of the Williamsburg Public Hearing.

**Water/Sewer/Public Works** – Mr. Bowles gave an update on well 5. He contacted Marcus Sack to get his opinion and had him look at the three videos that he had. Mr. Sack contacted Sapp Well Drilling and they want to do their own video of the well; also the inmate transport bus caught fire on Ackerman Road and it will probably be a total lost. He is in the process of looking for a new van.

Sergeant Thompson introduced new Police Officer Griffin. He said Officer Griffin has been with us for a week and came from Springfield.

**Mayor and Council** – Councilmember Browher asked about Plantation Drive, Attorney Dickey said we are waiting on their attorneys; Councilmember Scott asked about the next phase of the grinder pump project, Mrs. Kelly said we will probably start around the first of the year; Councilmember Scott wants staff to address fences in front yard; Councilmember Dasher asked about the Williams Street house proceeds, Attorney Dickey said they are at the DA's office. Mrs. Kelly said Detective Wood heard from the attorney today and the

check is ready to be picked up; Councilmember Wendelken asked about the 10 day notices that have been issued and it is beyond the 10 days, Mrs. Kelly said they have been sent to the court.

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

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

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

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

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

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

No action taken.

**Adjourn:**

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