



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, JANUARY 24, 2022
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

Jesse Blackwell, Jr.
Reese Browher
Patrick Kirkland
Damon Rahn
Levi Scott, Jr.
Michelle Taylor

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathan Murrell, Police Chief
Lou Reed, Interim Fire Chief
Jason Stewart, City Planner – Present by phone
Tm Bowles, Public Works Director

The meeting was called to order at 7:00 PM. The invocation was given by Councilmember Taylor and the pledge to the flag was recited.

Approval of the agenda:

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

Approval of the January 3, 2022 minutes:

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

Approval of the January 10, 2022 minutes with one grammatical correction:

Motion to approve: Councilmember Blackwell

Second: Councilmember Scott

Vote by Council: 5 yes votes Councilmember Kirkland abstained

Update on the Live Oak Public Library - Rincon Branch by Rincon Representative Caren Blackwell.

Caren Blackwell was present. Mrs. Blackwell said the board meets quarterly and the last meeting was January 12, 2022. She gave an update on the activities offered at the Rincon branch. Mrs. Blackwell said she is here tonight to ask for help with an expansion of the current library or a new building. Mayor Lee said as far as the future and as to what is needed that is going to be something that requires some collaboration with the Library Board, the County and us. We need to continue that conversation. Councilmember Scott said he thinks we need to make this a workshop item then we will be able to know what we can do.

Recognition of employees by Chief Murrell

Chief Murrell recognized two employees, Kurtis Smith and Lawrence Harris. Kurtis Smith took it upon himself to take on the role of training coordinator. He was promoted to sergeant. Lawrence Harris was hired five years ago at that time we lost our whole CID and he took over and has grown investigations. He was promoted to sergeant.

Mayor Lee said it means a lot that we are promoting from within our departments. Another thing is your fellow officers always come when there is recognition and he is thrilled about that, it says a lot for the department and the camaraderie.

Old Business:

1. Vote on a request filed by Stop 'N Store requesting a Conditional Use Permit for 3 parcels located on 0 Ft. Howard Rd to procure use of property as a self-storage facility. The property is zoned GC (General Commercial); the parcels are owned by Jerry McNair. (Map and Parcel # R2570018 at 0.92 acres, R2570019 at .92 acres, and R2570020 @ 6.18 acres) (Tabled at the 1/10/2022 meeting)

Motion to remove from the table: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

Jason Stewart said the Planning and Zoning Board recommended approval of this use with conditions as it relates to shielding the residential neighborhood from lighting, opaque screening being placed around the property, and following the Fort Howard Corridor Overlay guidelines and the applicant is proposing an additional condition to preserve existing vegetation. Jay Maupin, Maupin Engineering said they are proposing 15 foot buffer

across the front which is more than what Overlay requires. The larger pines trees in the front will stay. Mr. Klimm publicly recognized the property owner they have been most cooperative. Councilmember Kirkland asked about the paving, it will be concrete and asphalt.

Motion to approve: Councilmember Taylor
Second: Councilmember Rahn
Vote by Council: Unanimous

2. Vote on the first reading of a petition filed by Greenland Developers requesting a Zoning Map Amendment for a 1,016.856 acre parcel located on 0 Hwy 21 to amend the zoning from PUD (Planned Unit Development) to LN (Limited Industrial); the parcel is owned by Greenland Developers Inc.. (Map and Parcel # R2610001) (Tabled at the 1/10/2022 meeting)

Motion to remove from the table: Councilmember Browher
Second: Councilmember Scott
Vote by Council: Unanimous

Mayor Lee said when this was tabled there needed to be discussion with the developers and the City Attorney. Attorney Dickey said they are still working on the development agreement and have a meeting this coming Thursday. He recommends Council go forward with the first reading and hold the second until we can get the development agreement and look into any other issues.

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

New Business:

1. Vote on the second reading of a petition filed by Chiragkumar Patel requesting a Zoning Map Amendment for a 4.46 acre parcel located at 0 Fort Howard Road to amend the zoning from R1 to GC (General Commercial); the property is owned by Kenneth P Rule. (Map and Parcel # 04750061A00)

Charles Way representing Mr. Rule the property owner was present. Mr. Way said Mr. Patel did not realize until after both of the annexation readings that the Overlay District extended to this parcel and would restrict the uses of gas station, convenience store and car wash, which were three specific reasons that were listed on the application to annex. Everyone is concerned that even though it is General Commercial his specific use would not be allowed. So there was some discussion with Mr. Stewart and Attorney Dickey about possibly doing a text amendment, or somehow addressing this parcel being within it because it is on the corner and there are no other gas stations or convenience stores along the Fort Howard Road corridor. It seems like that provision is out of character with being

on a major corner. They don't want to finalize the zoning unless there is an amendment in place to address the corridor issue.

Attorney Dickey said the owners took the property to the County Commissioners to get it subdivided for the purpose of putting in a convenience store, now it is before the City on an annexation. When the first reading occurred for General Commercial the application did have for a convenience store on it. Then it was realized that the Overlay District for Fort Howard prohibits convenience stores. The options we discussed with Mr. Way concerning this property was one you could let it be subject to the Overlay District and a convenience store would not be allowed there or we can stop the process, we will bring back an ordinance to void what we have done which will allow this particular property to remain in the County and get approval for a well and septic tank. The other option would be they can have an Old Augusta Road address and not be subject to the Fort Howard Overlay District. Mr. Way said when they got it subdivided in the County there was no use petition involved. The owner, Mr. Rule and the applicant's desire is to not have the zoning finalized while being in the Overlay District. They don't want to push anything through that is not desirable and want to be very transparent about what is going on.

Attorney Dickey said we are at a spot where we need guidance, are we going to amend the Overlay District, go with the Old Augusta address, or are we going to let the property stay in the unincorporated area. If we are going to discuss this further we will need to have a workshop.

Motion to table until February 14: Councilmember Scott
Second: Councilmember Blackwell
Vote by Council: 5 yes votes Councilmember Kirkland abstained

2. Vote on the second reading of a petition filed by Kenneth P. Rule requesting a Zoning Map Amendment for a 67.95 acre parcel located at 1360 Fort Howard Road to amend the zoning from R1 to R4 (Residential); property is owned by Kenneth P Rule. (Map and Parcel # 04750061)

Mr. Stewart said nothing has changed since the last meeting.

Motion to approve: Councilmember Rahn
Second: Councilmember Scott

Councilmember Kirkland asked whether this property is owned by Simcoe Investments. Mr. Way said application was signed by Mr. Rule and Simcoe Investments, but Simcoe has owned it since December 28th.

Vote by Council: 5 yes votes Councilmember Kirkland abstained

3. Towne Park 82, LLC request approval of a name change at Towne Park East, Elizabeth Court to Legacy Court.

Mr. Stewart said Towne Park 82, LLC is in the process of applying for permits to complete the development and there was a conflict with another Elizabeth Court that was developed in the City. This is simply changing the name of that street to Legacy Court.

Motion to approve: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

4. Griffin Contracting request approval of pay request # 3 in the amount of \$81,234.81 for the 2021 Rincon TSPLOST – Middleground Road. LI #320.4100.549104

Doug Morgan with EMC Engineering was present. Mr. Morgan said this is for the box culvert and waterline. Mayor Lee said he knows this is for work that has already been done, but he is not going to let this time pass without some conversation about where the project is at now and the difficulty we are having. Mr. Morgan said the issue is combination of base shortage and the railroad providing rail cars for transport of materials. It is supposed to be coming they are sending smaller loads down, even though he has prepaid for it, it is first come first serve bases. Mayor Lee said he hears what he is saying but he knows we have had three other projects going on at the same time as this project and they got done. It sounds like to him poor planning on their part. Mr. Klimm said it is hard for him to think about approving this when they have not preformed, why would we pay them right away and he hopes that Council would table this until we get clarity from Mr. Morgan.

Motion to table until February 14: Councilmember Kirkland

Second: Councilmember Scott

Vote by Council: Unanimous

5. Request approval to pay Geosyntec Consultants \$15,953.24 for the City of Rincon Watershed Protection Plan Long Term Monitoring - 2021. LI# 505.4440.522330

Mr. Klimm said this is an annual request that is budgeted. They do a good job and it something that has to be done. Councilmember Rahn asked could we put this out to bid. Mr. Klimm said he would suggest if this was council desire that we do it early on because if we stopped this right now it could be problematic. Councilmember Browher said we should make a decision tonight so Mr. Klimm would know what to do next year. Councilmember Scott said all of these should be on an annual bid process. Councilmember Browher made the motion to approve and direct staff to put this out to bid next year.

Motion to approve: Councilmember Browher

Second: Councilmember Rahn

Vote by Council: Unanimous

6. Consideration to accept transfer of sanitation services agreement from Waste Pro of South Carolina, Inc. to Capital Waste Services, LLC.

Jim Cinelli with Waste Pro was present. Mr. Cinelli said Waste Pro has been entertaining a possible acquisition from Capital Waste out of Columbia South Carolina. As part of due diligent and the contract they are here tonight assuming that if the deal goes through that Capital Waste assume the contract. Mr. Klimm said there has been ongoing issues, will quality of service go up, down or stay the same, are we going to keep getting calls from citizens that are not happy. The representative with Capital Waste said the customer service is what they were built on. Making sure the customers are happy. Mr. Klimm said in terms of Waste Pro will the staff stay in place, Mr. Cinelli said yes. Mayor Lee said we began to see a noticeable change, in a bad way, about six months ago. Mr. Cinelli said he has only been in this position for about six weeks. He met with Mr. Klimm to discuss the issues and he plans on having weekly staff meetings to address issues. Councilmember Scott said the biggest issue is recycling and the company has discouraged people from recycling. Mr. Cinelli said he has been in the field to make sure the service is being run and he will have calendars sent to residents with the recycling dates. There as discussion about recycling days, Track EZ, the online service request, reporting, the contract and rates. Attorney Dickey said what Council is here for is an assignment from Waste Pro to Capital Waste. Council can authorize Mayor Lee to execute an assignment document. If there is an addendum to the contract now is the time to do it. The addendum would be recycling is every other week instead of twice a month. Waste Pro and Capital Waste will move forward with an addendum and come back before Council.

No action taken.

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

This will add the new Council members as signers for checks.

Motion to approve: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

8. Consideration to approve Juneteenth as a City of Rincon Holiday.

Mayor Lee asked Mr. Klimm to put this on the agenda. The State is moving forward, the Governor has recommended Juneteenth as a holiday.

Motion to approve: Councilmember Scott

Second: Councilmember Rahn

Vote by Council: Unanimous

9. Request approval to award the bid for Lost Plantation Golf Club Food and Beverage Services.

Mr. Klimm said he wanted to keep this on the agenda to keep it on the front burner. He has met with the interested parties and has transmitted Council's issues; every one of them was satisfactory to the interested party. Attorney Dickey has drafted a lease that he will forward to the interested party and hopefully we can finalize this. Councilmember Browner said he thinks this is a great opportunity for the City. Mr. Klimm asked if there was any reason that he couldn't forward the draft lease to the interested party and Council for them to review so we can try and expedite this to get it going.

No action taken.

10. Request approval to purchase three 2022 Chevrolet Tahoes from Brannen Motor Company in the amount of \$114,000. Outfitting by West Chatham Warning Devices in the amount of \$83,102.94. Graphics from Edwards Interior in the amount of \$1,606.02. Window tint from JP Window Tint in the amount of \$600. Three outfitted vehicles totaling \$199,308.96. LI #320.3200.542216.

Chief Murrell said back in 2019 the fleet was in shambles. The plan was to purchase three this year and three next year. Councilmember Kirkland asked is it budgeted, yes. Councilmember Browner asked have you gotten any indication when they will be available, they were ordered in August but he is not sure. These will be black. Councilmember Browner asked will these put us in a rotation, yes.

Motion to approve: Councilmember Rahn

Second: Councilmember Scott

Vote by Council: Unanimous

11. Administrative Reports:

City Manager – Mr. Klimm said we have talked about workshops and we need to get back to a series of workshops, we need to get to the next iteration of the Zoning Ordinance, we have the library issue, commercial alarm ordinance, and Blue Line Solutions, so we need to have at least a couple of workshops. Mayor Lee said we will have an extra Monday between meetings he would like to see us have a workshop on the 7th. We can have a strategic planning workshop on a Saturday. There will be a workshop on February 7th and February 12th; Mr. Klimm said he has 25 – 26 applications for Fire Chief, he is finalizing plan for interviews; February 8th they will have a meeting with the beautification committee; we will start back having staff meeting starting next week; they had the tractor trailer ordinance meeting, 50 people showed up. Every one there was opposed to the change, the purpose was not to substitute the Council meeting but to discuss alternatives, if we do restrict parking what is the alternative for small business. So we came up with a centralized solution and they were not in favor. Fundamentally it will negatively impact families and small businesses. Mayor Lee said he would like to see this in workshop and hear what was talked about. Mr. Klimm said the consensus was if there is an issue deal

with that problem and not them. Mayor Lee said one of the things he picked up on in Atlanta is there is money available for parking for tractor trailers from the federal government. Mr. Klimm said this will be included at the workshop.

City Engineer – Councilmember Browher asked about Weisenbaker Road the stripping is faded, it is very sloppily done. Mr. Morgan said they will take a look at it but we have not released the final retainage yet.

Chief of Police – Chief Murrell said they had minor fender bender with one of our new pickup trucks, it was not our fault.

Fire Department – Interim Chief Reed said they have had a busy ten days with fires, there are three people who don't have homes. The County has come together for all of the families. He has four perspective employees that will take the written test and the physical agility test.

Mayor and Council – Councilmember Scott thanked Council for supporting the MLK parade. Mayor Lee informed Council John Klimm has completed 120 hours of education and received his GMA Certificate of Excellence and completed the Robert E. Knox Leadership Institute.

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

Motion: Councilmember Kirkland
Second: Councilmember Browher
Vote by Council: Unanimous

Motion to return to meeting: Councilmember Rahn
Second: Councilmember Blackwell
Vote by Council: Unanimous

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

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

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

No action taken.

Adjourn:

Motion: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous