



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, FEBRUARY 14, 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
Mike Osborne, Recreation Director
Tm Bowles, Public Works Director

The meeting was called to order at 7:04 PM. The invocation was given by Councilmember Kirkland and the pledge to the flag was recited.

Approval of the agenda:

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

Approval of the January 24, 2022 minutes with the following:

One grammatical error and Councilmember Kirkland made the motion on new business item 7.

Motion to approve: Councilmember Browher
Second: Councilmember Scott
Vote by Council: 5 yes votes, Councilmember Kirkland abstained

Public Hearing:

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 7:05 PM

Public Hearing on a petition filed by Donut Development, LLC requesting a Zoning Map Amendment for a 1.057 acre parcel located on Twelfth Street, Lot 3 to amend the zoning from OC (Office Commercial) to GC (General Commercial); the parcel is owned by Donut Development, LLC. (Map and Parcel # R2780003)

Attorney Dickey asked Mr. Stewart was the property marked, advertisement placed in the legal organ and nearby property owners notified, yes.

Close public hearing: 7:10 PM

Turn the meeting back over to Mayor Lee.

Vote on the first reading of a petition filed by Donut Development, LLC requesting a Zoning Map Amendment for a 1.057 acre parcel located on Twelfth Street, Lot 3 to amend the zoning from OC (office Commercial) to GC (General Commercial); the parcel is owned by Donut Development, LLC. (Map and Parcel # R2780003)

The owner has three ten year leases. One is for T-Mobile and it is considered a retail business that does not fall under the current zoning. The Planning and Zoning Board did recommend approval.

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

Old 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) (Tabled at the 1/24/2022 meeting)

Motion to remove from the table: Councilmember Scott
Second: Councilmember Browner
Vote by Council: 5 yes votes Councilmember Kirkland abstained

Mayor Lee said they had talked about a development agreement in the workshop and that it seemed like an appropriate action, something they can easily do. Mr. Stewart said that he had talked to Charles Way and he is fine with that. A motion was made to approve on the condition of a development agreement between the petitioner and the City.

Motion to approve: Councilmember Rahn
Second: Councilmember Scott

Dianna Williams, 1494 Fort Howard Road said she has seen the Overlay Plan and wanted to know how far up Old Augusta Road would the Overlay Plan exist because this will greatly impact residents of the community. It clearly states in the Overlay Plan that this is not allowed. Mr. Stewart said the Overlay does not affect Old Augusta Road. She wanted to know when the development agreement would be approved. She will be added to the list of residents that receive an agenda.

Vote by Council: 5 yes votes, Councilmember Kirkland abstained

2. 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 (Tabled at the 1/24/2022 meeting)

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

Mr. Klimm said there were some questions at the retreat and asked Council to table this again. A motion was made to table until the next meeting on February 28th.

Motion to table: Councilmember Kirkland
Second: Councilmember Taylor
Vote by Council: Unanimous

3. Second reading for proposed amendments to the City of Rincon Ordinances Sections 78-7 Traffic and 18-52 Home Occupations and Home Business Offices to amend said ordinances related to the keeping and storing of tractors, trailers, and heavy duty vehicles for personal or business use within residentially zoned property within the City. (Tabled at the 12/20/2021 meeting)

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

Mayor Lee said this has been going on for some time, Council has had several meetings. There was a public meeting two weeks ago and a lot of good information was presented. Council feels like we still need to move forward in some fashion to address the issue but there were some valid points brought up. What we would like to do tonight is table this again, because what we would like to do now based, on the information we received at the public meeting is have a smaller group that might address the other options that we would like to consider in regards to this ordinance. We don't want to vote on this ordinance as it is, we feel like there is another option that we can continue to work on to make it better for everyone concerned. Mr. Klimm said he appreciates the folks that came to the meeting and passed their comments on. What is being discussed now is how we legitimately address community issues going forward without killing someone's livelihood. Mr. Klimm said this Mayor and Council have done nothing to hurt you, they had an issue that was raised a year ago, and Council wants to address those issues without hurting anyone.

Michael Edwards, 136 Ridgewood Avenue, wants to know how he can help Council. He would like to be a part of the smaller group.

Garrett Carr, 203 Savannah Avenue said she appreciates the changes that were made to the original document. Her husband does not own his own truck, he is an operator. She thinks this is something that needs to be brought up considering on the changed document it says that the owner of the tractor must be the owner of the property or tenant must lease the entire property. That would imply that only owner/operators would benefit from this. Not all of us are owner/operators and she would not want to be excluded based on that. Councilmember Kirkland said from his perspective the intent is we don't have trucks taking up more parking spots. We are trying to make sure we are doing the best for the city and the streets. Councilmember Rahn said if you are working for a business it seems the business would want to provide for you since you are taking it away from them having to store it somewhere.

Councilmember Scott said the original ordinance was based on people that had proper places to put those trucks. His concern is protecting those that have had these businesses and had proper places to put them without interfering with their neighbors. He is not for having a subdivision or any area where anybody can put a truck. We are not going to open an ordinance that says you can go buy a truck and park it in your driveway. That is his thought. He is trying to support those that own their trucks. If someone works for a company, the company should have ample parking for their trucks. He is not going to approve an ordinance that says you can park a truck in your driveway. Those who have ample parking he will keep fighting for.

Michael Mydell, 111 Howard Avenue said his daddy has been driving truck all his life. This will shut his neighborhood down because they originated from that.

No action taken.

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

Mr. Klimm said he has had numerous conversations with Waste Pro and the buyers asked for this to be postponed.

Motion to table: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

New Business:

1. Vote on a request filed by Sampson and Janever Mainor for approval of a Recombination of a 0.41 acre parcel located at 317 Middleground Road, with 0.514 acres being split from a 1.58 acre parcel located at 315 Middleground Road. Making the 0.41 acre parcel 0.924 acres that is owned by Sampson and Janever Mainor and the parcel that is 1.58 acres will be 1.071 acres that is owned by Sampson Manior Sr. (Map and Parcel # R2030005D00 & R2030005)

Mrs. Mainor said they want to take acreage from the Sampson Senior lot and add to the front of the 317 Middleground Road property. This will make the lot larger and there will be frontage. The Planning and Zoning Board recommended approval.

Motion to approve: Councilmember Browher

Second: Councilmember Scott

Vote by Council: Unanimous

2. Request approval of the annual maintenance contract with Utility Service Co. Inc. for Well #5. LI #505.4440.521200

Mr. Bowles said this is for the well pump maintenance. This pump has an annual maintenance contract because the well had a problem with sucking sand. They had to drop it down another 150 feet, and then put a filter system in there. So this contract maintains the filter system and pump. A motion was made to approve the annual maintenance contract in the amount of \$6,745.00.

Motion to approve: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

3. Request approval of water tank maintenance on the Lisa Street Tank and Well #5 Tank. LI #505.4440.522200

Mr. Bowles said this is the tank maintenance that is required by EPD. They will drain the tank, one tank at a time and put the SCADA system in pressure mode so city wide pressure

will be maintained. A motion was made to approve the contract with Utility Services Co. in the amount of \$5,000.00.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

4. Request approval to purchase 30 grinder pumps from Grainger in the amount of \$27,158.40. LI #506.4325.542107

Mr. Bowles said this is the usual request to purchase inventory of grinder pumps.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

5. Request approval to purchase a replacement pump for the Pine Manor Lift Station from Pro Pump Solutions, Inc in the amount of \$8,156.50. LI #320.4325.541401

Mr. Bowles said this is for the replacement of one of the worn out pumps. Councilmember Blackwell asked how long has this one has been in service, Mr. Bowles said six years.

Motion to approve: Councilmember Scott

Second: Councilmember Taylor

Vote by Council: Unanimous

6. Request approval to purchase Baseball/Softball equipment from Thompson's Sport Shop in the amount of \$23,813.00.

Mike Osborne said that they really are in need of all of this gear.

Motion to approve: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

7. Request approval to purchase backstop padding from The Windscreen Factory in the amount of \$24,970.00.

Mr. Osborne said this is on the newer side of park, fields 5, 6, 7 and 8. It has been right at seven years and the padding has rips and in some places it is dry rot.

Motion to approve: Councilmember Browher

Second: Councilmember Rahn

Vote by Council: Unanimous

8. Request approval to contract with All American Petting Zoo and Pig Races in the amount of \$20,500.00 for the Rincon Spring Fair.

Mr. Osborne said the Spring Fair is coming up. He would like to have it on April 8 -17. Councilmember Browher asked about rides. Mr. Osborne said we will have a new vendor, Modern Midway, and they will have more rides.

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

9. Request approval to contract with the Fearless Flores for the Rincon Spring Fair.

Mr. Osborne said it is cheaper without getting them a hotel, so the cost will be \$9,900.00.

Motion to approve: Councilmember Scott
Second: Councilmember Blackwell

Councilmember Browher asked what Fearless Flores was; Mr. Osborne said they do stunts on motorcycles.

Vote by Council: Unanimous

10. Request approval to Purchase a 2021 Ford F-150 from Brannen Motor Company in the amount of \$33,400.00. LI #100.3200.541107

Chief Murrell said this is a CID vehicle and will be paid out of condemned funds account.

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

11. Request the approval to contract with Blue Line Solutions to install Automated Speed Enforcement Technology (ASET) in the Rincon Elementary school zone on Fort Howard Road and the Rincon Learning Center school zone on North Columbia Avenue.

Ryan Moore with Blue Line Solutions was on the phone. Chief Murrell said last year this was presented to Council, it was approved but contingent upon the contract. Attorney Dickey has reworked the contract, sent it to Blue Line for them to review, we received it back and we are ready to move forward. Citations will be issued an hour before school and one hour after school ends at the reduced limit and all throughout the day at the regular speed limit, drivers will be ticketed at 11 miles over. Councilmember Kirkland asked do we have the capabilities to change once it is in place, Mr. Moore said you can change it. Councilmember Browher asked if this was a year contract, Attorney Dickey said the

contract is set for three years, you can terminate but you will owe money for equipment. Councilmember Browner asked why there was no radar sign on Highway 119, Mr. Moore said that is offered for free. It could be a problem with backlog.

Motion to approve: Councilmember Taylor
Second: Councilmember Rahn

This should be up by next school year. Councilmember Kirkland asked can we modify the warning period; instead of 30 days can we do 60 days, yes. Councilmember Scott said he thinks 30 days is enough time. Councilmember Rahn asked about real time data of the tags, Mr. Moore said if a car comes through and it robbed a gas station Kingsland, Georgia in real time it will let you guys know. Chief Murrell said given the fact that the original department put it in the GBI system. Councilmember Rahn asked did they sell data, Mr. Moore said they do not. The data is stored at NCIC. There was discussion about tractor trailers. The trailer blocks the tag on the truck and the tag on the trailer is not attached to the driver. Councilmember Browner asked has there been any lawsuits challenging whether this is constitutional, targeting one group of motorist and not another, Mr. Moore said no. Councilmember Browner said we need to have a policy in place for City vehicles getting these tickets, employees need to be educated.

Vote by Council: 5 yes votes Councilmember Browner voted no

12. Request approval to surplus vehicles from the Fire Department.

Interim Chief Reed said they would like to surplus five Crown Victorias and a 1989 tanker and send them to Lane Brothers Auction on March 19. Also the trucks for surplus, to be put on websites, such as Municibid, will be Engine 10, a 2006 pumper; Engine 11, a 2002 Ferrara; and rescue 4, a 2006 Kenworth. These can be put on Municibid or any other government site with most of the equipment still on them. Municibid will get their money up front. Councilmember Blackwell asked about the percentage, Chief Reed said most of these have a buyer's premium. Some other items are old turn out gear that is over ten years old and needs to be destroyed, there are 40 sets that cannot be used; light bars and cages that came off of cars, VHF cameras, there is a lot of metal that can go. A motion was made to surplus vehicles and equipment.

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

13. Request approval of a resolution requesting the Georgia Legislature to create one or more Community Improvement Districts within the City of Rincon.

Attorney Dickey said this has been sent to the legislator and an advertisement set to run in Wednesday's newspaper.

Motion to approve: Councilmember Rahn
Second: Councilmember Browher

Attorney Dickey said just for the record Representative Hitchens is presenting this.

Vote by Council: Unanimous

14. Administrative Reports:

City Manager – Mr. Klimm said he is requesting a zoning workshop next Monday; the Beautification Committee met and they will start meeting monthly. Councilmember Taylor said they will get together to set priorities; Mr. Klimm thanked Council for the Retreat it was very productive.

Chief of Police – Chief Murrell said they have two applicants that they are excited about; they held a press conference today because of the 20th anniversary of the Allyson Romney disappearance, it will be airing on the February 28.

Fire Department – Interim Chief Reed said they have interviewed and have sent three of four applicants for physicals and drug screening. They still have one vacancy left.

Building/Zoning Dept. – Councilmember Browher asked about the Gate Convenience Store, he said there needs to be a right in and right out on Fort Howard Road. It is an extremely dangerous intersection and asked are they getting close to starting their project. Mr. Stewart said they still need to come back to the City with site plan approval. They have submitted a concept. Councilmember Browher said he imagines there are a lot of accidents there.

Recreation Dept. – Mr. Osborne thanked Council; basketball tournaments started tonight; baseball/softball practice started tonight. Councilmember Kirkland asked about the ice skating, Mr. Osborne said he is still in contact with the vendor; also he has checked on the play ground equipment at the old elementary school and he will meet with Yancy Ford.

Water/Sewer/Public Works – Mr. Bowles said Middleground Road is back open while they wait for the rock; the street light on Highway 21 near 9th Street is out and he requested a repair from Georgia Power. Councilmember Browher asked about the old water tower, Mr. Bowles said it is getting in pretty bad shape you will either have to restore it or get rid of it for safety reasons.

Mayor and Council – Councilmember Scott said as far as the truck ordinance once you open up something like that, people will move to Rincon because they can park their trucks here.

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

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

Motion to return to meeting: Councilmember Kirkland
Second: Councilmember Taylor
Vote by Council: Unanimous

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

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

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

No action taken.

Adjourn:

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