



**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, APRIL 10, 2023  
COUNCIL CHAMBERS  
107 W. 17<sup>th</sup> STREET  
7:00 PM**

**Councilmember Present:**

Reese Browher  
Levi Scott, Jr.  
Patrick Kirkland  
Jesse Blackwell, Jr.  
Michelle Taylor  
Damon Rahn – present by phone

**Present:**

Ken Lee, Mayor  
Jonathan Lynn, City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Jonathon Murrell, Police Chief  
Lou Reed, Interim Fire Chief  
Terri Lewis, Planning and Development Director  
Mike Osborne, Recreation Director  
Tm Bowles, Public Works Director

The meeting was called to order at 7:05 PM. The Invocation was given by Councilmember Taylor and the Pledge to the Flag was recited.

**Approval of the agenda:**

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

Mr. Lynn introduced Aaron White, the new full-time IT Technician.

Chief Murrell recognized K9 Officer Snitch who is retiring. He will be turning 10 this year and has 8 years of service with the City of Rincon.

**Approval of the March 27, 2023 minutes with the following:**

The dates under City Manager report for the fair, spring training in Athens needs to be corrected and notice was misspelled.

Motion to approve: Councilmember Kirkland

Second: Councilmember Taylor

Vote by Council: 5 yes votes Councilmember Scott abstained

**Public Comments** - Comments shall pertain to the agenda items only.  
**Should you wish to appear before Council forms can be found at Rincon City Hall.**

**Public Hearing #1:**

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

Open public hearing: 7:15 PM

**Public Hearing on a petition filed by Salvador Figueroa requesting a variance to leave a constructed fence beyond the front setback line; located at 507 East Ninth Street. The property is owned by Salvador Figueroa. The property is zoned R4 (Residential). (Parcel #R2360045)**

Attorney Dickey asked was the property marked with signage, and ad placed in the legal organ, and required property owners notified Mrs. Lewis said yes. Salvador Figueroa and Whitney Figueroa, property owners were present. Mr. Figueroa said they are requesting to leave an already built fence in place. He thought he used the right setbacks for the fence. Councilmember Taylor asked if he got a fence permit. City Inspector David Mattos said the permit was not pulled when the fence went up. Mr. Mattos said because of the way his house is situated it faces the wooded area, but 9<sup>th</sup> Street is still considered his frontage. The code says the fence cannot be beyond the front setback line of the house. He put it up to the property line like a normal fence, so when he went there to tell him he needed a permit he realized the fence was in the wrong place. Mr. Mattos said there is no other configuration he would have to push the fence way back passed the front entrance. The code says no fences in the front yard area. His house is way back to the fence would have to go way back. Mr. Figueroa said he didn't mean to upset anybody he put the fence 4 feet back to be safe. They built the fence because they have dogs not to upset anybody. Mr. Mattos did mention that there is no easement in front of his property. Mrs. Figueroa asked since the house does not face 9<sup>th</sup> Street where does the fence have to be, the house does not face the street. Mr. Mattos said the side of the house faces the street so if he has to comply you would have to bring that wooden fence all the way back to at least the side of the house. Mayor Lee asked about the entrance at the back and is it fenced, Mr. Figueroa said yes. Councilmember Scott said the old ordinance did allow fences in the front no higher than 4 feet, we got away from that. We need to come to a median, but he cannot see a fence that high there. Councilmember Browner asked did we receive a request for a permit prior,

Mr. Mattos said no he told Mr. Figueroa not to pull the permit until we went to Council to see if it would be allowed. Councilmember Kirkland asked what is back there. Mr. Figueroa said a skid steer, an excavator, trailers, four wheelers and boats. Councilmember Kirkland asked what is the middle ground, if there is one. Councilmember Scott said prior discussion has been that we would allow four foot fences in the front, from the sides of the house to the back would be higher. Mr. Figueroa asked what he needs to do. Council Browner said a variance is for a hardship. His main concern is putting our staff in a bind, if that permit would have been gotten before construction began, we would not be here right now. If we are not consistent and holding everyone to the same standards we could be sued.

James Daniel, 108 North Wendell Street said how can he put a fence with the current configuration. There is no other configuration. How will he be able to fix it without making it an eyesore. How it is, it doesn't look wrong.

Melissa Calhoun, North Wendell said her concern is, if you noticed, he created and decided where to place his house, he decided he was not going to ask for a permit, it looks like a compound. There was a comment that it was for the dogs, she has never seen those gates closed. The ordinance is clear you have to have a hardship. If you create the hardship, you are in effect asking not for permission but for forgiveness. Now you are setting a precedent that everyone is allowed to do it.

Lynn Wilson, 103 South Boyd Street, said she does not have a problem with the fence at all.

Danny Wilson, 103 South Boyd said he has seen a lot of things happen around the City, but Salvador Figueroa has built a nice place and a nice fence. Personally he would like to see it stay.

Mr. Figueroa said since he has brought this property he has been targeted by Ms. Calhoun.

Close public hearing: 7:47 PM

*Turn the meeting back over to Mayor Lee.*

**Vote on a petition filed by Salvador Figueroa requesting a variance to leave a constructed fence beyond the front setback line; located at 507 East Ninth Street. The property is owned by Salvador Figueroa. The property is zoned R4 (Single Family Residential). (Parcel #R2360045)**

Attorney Dickey said we may need to review the code section, because he is not sure what section it was pulled from. Mr. Figueroa asked if he cuts his fence down to four foot will Council approval that.

Councilmember Scott asked if we table this he can come back for a variance. Mayor Lee said he would like to see us table it. A motion was made to table until the next meeting.

Ms. Calhoun said she does not have anything against Mr. Figueroa personally.

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

Mayor Lee told Mrs. Lewis and said she had provided some of the best information he has seen. She has given them detailed information to make a decision.

**Public Hearing #2:**

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

Open public hearing: 7:55 PM

**Public Hearing on a petition filed by Lawrence Alexander Homes, LLC., requesting a Zoning Map Amendment for a 19.05 acre parcel located at 1678 Fort Howard Road to amend the zoning from R4 (Single Family Residential) to R5 (Residential–One Unit Detached (Conventional House)); the property is owned by Maui Plaza LLC. (Parcel #04630029)**

Attorney Dickey asked if the property was marked with the proper signage, an advertisement placed in the legal organ and proper property owners notified. Mr. Lynn said yes. Alex Long, Red Bluff Run was present. Mr. Long said this property has come before Council several times, mostly requiring high destiny multifamily townhomes. He is proposing a 35 lot subdivision under the current R4 zoning, however there is wetlands in the middle of the property, and he is trying not to impact the wetlands, in doing so it will drop the lot capacity to 30 to 31. He went back to Jason Stewart, City Planner at the time, and asked would it be possible to get a variance under the current R4 for the road frontage lots so he could keep the 35 lots. He is asking for R5 zoning to maintain the same number of lots (35) so they don't impact the wetlands. Attorney Dickey said this is the same property that came before Council last year with 70 or 80 townhomes. Councilmember Scott asked about a second entrance. Mr. Long said there is no way to get a second entrance and at 35 lots he did not see where it was warranted. Attorney Dickey said 74 homes is our requirement for a second entrance. Councilmember Browner asked when you brought this land it was R4. Councilmember Blackwell asked if he rezones to R5 and keep the same number of lots will he have to reduce the lot size, Mr. Long said yes some as low as 85 feet. Mr. Long explained 35 lots under the R4 would be 100 foot road frontage lots, in order to not impact the wetlands in R5 some of those will have to be as low as 85 which is what is permitted under the R5. The hardship for him is that they are not trying to impact the wetlands. Teri Lewis said staff's concerns is the spot zoning. Right now, it would be an isolated zone and it could make it that much easier for the next person to request a R5 rezoning. The other concerns she had was you can't condition a zoning district, (35 lots on under R5) he would be entitled to build the density allowed on that parcel. Attorney Dickey said that is generally true, but we done development agreements which bind them to what could be constructed there. That is one tool that can help if you don't put something in place that they agree with, Mr. Long said they are willing to sign

something. Councilmember Scott said we are in the process of reworking our Ordinance and getting things under hand so we can be consistent, this Planning Board is trying to put things in place that we have let get out of place. He is not going to sit here tonight just because we feel that we can do this and negate everything that they have done for a last month. We need to stick to the plan, there are concerns. Councilmember Browher said how many lots can he get on the property at R4, Mr. Long said 35 lots but would have to mitigate wetlands. Mrs. Lewis said the Planning and Zoning Board recommended denial.

Mona Underwood, 310 Kessler Street said one of the big concerns is not just the zoning but the traffic issues. Fort Howard Road is becoming a major corridor. She thinks council needs to step back from some of these developments, there are a lot of issues around Fort Howard Road.

Close public hearing: 8:24 PM

*Turn the meeting back over to Mayor Lee.*

**First Reading on a petition filed by Lawrence Alexander Homes, LLC., requesting a Zoning Map Amendment for a 19.05 acre parcel located at 1678 Fort Howard Road to amend the zoning from R4 (Single Family Residential) to R5 (Residential–One Unit Detached (Conventional House)); the property is owned by Maui Plaza LLC. (Parcel #04630029)**

A motion was made to deny based on staff and the Planning and Zoning board's recommendation. Councilmember Browher said it is zoned R4 and he thinks any increase in density would not be wise to do at this time.

Motion to deny: Councilmember Browher  
Second: Councilmember Scott

Councilmember Kirkland asked Attorney Dickey if we deny this how long will he have to wait. Attorney Dickey said he could build as R4 right now but if you deny, it would be six months before he could come back for zoning change. Mr. Long formally withdrew his request for a zoning amendment. Councilmember Browher said he doesn't want to give Mr. Long false hope and say we are going to do a variance and he gets the same results.

Both motions were withdrawn due to Mr. Long withdrawing his petition.

### **New Business:**

**1. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 202 Weisenbaker Street and to pay all assessed fees.**

David Mattos, Building Inspector, said this is the Eddie Coleman case there was a snag when they went to court so he had to redo everything under Mableton LLC.

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

**2. Vote on an application filed by Coleman Company Inc., requesting Final Site Plan approval of a 15-unit townhouse project. The 1.93 acre property is located at 0 Blandford Road and is zoned R-8 (Residential- Multi-unit Attached (townhouse or rowhouse)); the property is owned by CHGC Holdings LLC. (Parcel # R2130013)**

Neil McKenzie, with Coleman Company was present. The Planning and Zoning Board did approval. Councilmember Blackwell asked about the emergency access, Mr. McKenzie said it will be not controlled.

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

**3. Vote on an application filed by Greenland Developers, Inc., requesting a Final Site Plan approval for a 504,000 square foot warehouse facility. The 44.44 acre property is located at 1100 Heritage Way and is zoned LN (Limited Industrial); the property is owned by J&W Landholdings LLC. (Parcel #R2810003)**

Chad Zitterour, with Kern Company was present. Everything is in compliance with the development agreement. Planning and Zoning Board did recommended approval.

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

\*\*\*At this point Councilmember Rahn disconnected from the phone.

**4. Mike Osborne request to appear before Council.**

Mr. Osborne said being in the position of the Recreation Director he wanted to make sure there was not issue with him renting the recreation facilities. He has come before Council in the past, but with the new Councilmembers he wanted to come back to before Council. Councilmember Taylor asked would any City staff be involved, Mr. Osborne said no. Mayor Lee said he is not requesting any specific date and is not requesting anything tonight other than Council's consensus that in the future he will have the opportunity to request the use of the facility like anyone else, Mr. Osborne said that is correct. If he requests a specific date, he will come before Council. Mr. Lynn said if Mr. Osborne rents the facilities, he will come to him first and then it would go before Council.

**5. Request approval to contract with Goodwyn Mills & Cawood, LLC for administration and implementation of the Watershed Protection Plan (WPP) in the amount of \$39,475.00.**

Mr. Lynn said it is typical item you would normally see this every year. Back in December Council approved an agreement with Wade Burchem, with Geosyntec. Mr. Burchem is no longer there so he bid out the proposal for quality testing. This is the only responsive bid that was received. Being able to bid this out has dropped the cost \$30,000. Last year's agreement with Geosyntec was \$70,642.15. This is yearly.

Motion to approve: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

**6. Request approval to purchase 5 portable radios from Loudoun Communications in the amount of \$18,215.20. LI #320.3200.542537**

Chief Murrell said this should say 5 portable radios, not mobile. This is a cheaper product that is proven, this will be the first batch portable. Councilmember Blackwell asked about the warranty, Chief said three years. They are transferring to a Harris product from Motorola.

Motion to approve: Councilmember Taylor

Second: Councilmember Scott

Vote by Council: Unanimous

**7. Authorize the Mayor to sign a Letter of Support for the Effingham County Industrial Development Authority's Grant Application to the Economic Development Administration (EDA).**

Mayor Lee said this came out of the meeting last week with IDA in regard to the Sewon Project.

Motion to approve: Councilmember Scott

Second: Councilmember Browner

Vote by Council: Unanimous

**8. Approval of payment in the amount of \$9,048 to be paid to Total Phase for repairs of electrical system at cart barn at the Rincon Golf Course, replacement of 28 4' light fixtures with 28 4' LED strip fixtures, and replacement of 4 existing flood lights with LED wall packs.**

Mr. Lynn said the biggest need for the Golf Course is lack of lighting in the cart barn. This is a complete rehaul of the electric in the building. They can't charge all of the golf carts at once so this will fix that issue. Total Phase was the quickest people to get out there. Mayor

Lee said we have an issue with adequate power to charge the carts will this address that, Mr. Lynn said yes. Council approved the amount up to \$12,000.00.

Motion to approve: Councilmember Kirkland

Second: Councilmember Taylor

Vote by Council: Unanimous

## **9. Administrative Reports:**

**City Manager** – Mr. Lynn said he spoke to the new Parker’s Construction Manager and they will partner with City to replace the 3 benches and trash cans for 100% of the cost; the TSPLST meeting is tomorrow at 10:00 AM at the Effingham Administrative Annex; we have a scheduled workshop tomorrow at 6:00 PM at City Hall; Wednesday morning at 8:30 the IDA is hosting a breakfast with Sewon at the Bistro at the Golf Course; migration has started to rinconga.gov; and lastly today is Liz Cartwright’s Birthday.

**Chief of Police** – Chief Murrell said the printers are here, they have a one year warranty; they had an interview Friday and will move forward with hiring process; the SSI software is installed, they are still working on data migration.

**Wastewater** – Mayor Lee said looking at our treatment numbers we are getting high, we are pushing the numbers. He would like to hear from Tommy Kee on where we are and what he is doing to keep us in the allowed amount; Mr. Lynn said we are on target to finalize the construction plans for the Plant as soon as EPD signs off; Councilmember Browner asked about the 0 gallons reuse, there has been a lot of rain, so reuse was down.

**Rincon Golf Course** – Mr. Lynn said they are still getting applications for Manager; Mayor Lee asked did we have anyone running the beverage cart on the weekend, Mr. Lynn said no.

**Mayor and Council** – Councilmember Taylor asked about sidewalks there was discussion on sidewalks. Councilmember Scott said we have been struggling with zoning issues, there is a disconnect. We need to set up a meeting with Mrs. Lewis and the Planning Board and discuss some of these issues. We need to look at what we want the City to look like. we need to shut down these zoning changes until we get there. Mayor Lee said he would like to see Mrs. Lewis bring us back some recommendations. Attorney Dickey said we were in the process of going over a completely new zoning ordinance, that new ordinance contained provisions that have already went to the Georgia Supreme Court and have been upheld. It has come from cities that have had cases that have gone to the GA Supreme Court.

Thanked Mr. Lynn had a team building day, it was a great thing.

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

No executive session.



**Adjourn:**

Motion: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous