



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, APRIL 12, 2021
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

Reese Browher
Ann Daniel
Patrick Kirkland
W. Frederick Long
Michelle Taylor – Present by phone

Councilmember Absent:

Levi Scott, Jr.

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathon Murrell, Police Chief
Jason Stewart, City Planner
Mike Osborne, Recreation Director
Tim Bowles, Public Works Director
Monica Woods, Finance Director – Present by phone

The meeting was called to order at 7:01 PM. There was a physical quorum present in Council Chambers. The Invocation was given by Councilmember Browher and the Pledge to the Flag was recited.

Approval of the agenda:

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

Approval of the March 22, 2021 minutes with the following:

The correction of two grammatical errors, remove city clerk and stripeing was misspelled.

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

Public Hearing #1

Turn meeting over to public hearing officer, Raymond Dickey:

Attorney Dickey said it was his understanding that the petition has been withdrawn by the owner, Jason Stewart confirmed.

Public Hearing on a petition for a Zoning Map Amendment has been filed by Simcoe Investment Group, LLC to rezone 19.05 acres located at 1678 Fort Howard Road from R4 (Single Family Residential) to R5 (Single Family Residential); the property is owned by Rheta Braddy. (Map and Parcel # 04630029)

Public Hearing #2:

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 7:05 PM

Public Hearing on petition for a Zoning Map Amendment filed by Jake Arnsdorff to rezone 1.03 acres located at 139 Ackerman Road (Parcel 3) from GC (General Commercial) to R4 (Single Family Residential); the property is owned by Jacob Jerry and Kimberly D Arnsdorff. (Map and Parcel # R2710005B00)

Jake Arnsdorff, Union Springs Rd, he wants to rezone this back to residential. Mr. Stewart said Planning and Zoning and staff recommend approval. Attorney Dickey asked was an advertisement placed in the legal organ, was a sign placed and were the surrounding properties notified, Mr. Stewart said yes. Mayor Lee asked was parcel 1 (which is not on the agenda) going to be rezoned also. Mr. Arnsdorff said he sold that property about two weeks ago, he imagines the new owners may want to rezone it. Resident Robert Hall, Rosemont Drive had questions about which property was being rezoned and wanted to know if drainage would affect his residence. Mr. Stewart said there is nothing on the site right now.

Close public hearing: 7:13 PM

Turn the meeting back over to Mayor Lee.

First Reading on a petition for a Zoning Map Amendment has been filed by Jake Arnsdorff to rezone 1.03 acres located at 139 Ackerman Road (Parcel 3) from GC (General Commercial) to R4 (Single Family Residential); the property is owned by Jacob Jerry and Kimberly D Arnsdorff. (Map and Parcel # R2710005B00)

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

Public Hearing #3:

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 7:14 PM

Public Hearing on petition for a Zoning Map Amendment filed by Jake Arnsdorff to rezone 1.03 acres located at 139 Ackerman Road (Parcel 2) from GC (General Commercial) to R4 (Single Family Residential); the property is owned by Jacob Jerry and Kimberly D Arnsdorff. (Map and Parcel # R2710005)

Mr. Arnsdorff said there is a family that lives on one lot and they want to buy this one. Mr. Stewart said the Planning & Zoning Board and staff recommend approval.

Close public hearing: 7:16 PM

Turn the meeting back over to Mayor Lee.

First Reading on a petition for a Zoning Map Amendment has been filed by Jake Arnsdorff to rezone 1.03 acres located at 139 Ackerman Road (Parcel 2) from GC (General Commercial) to R4 (Single Family Residential); the property is owned by Jacob Jerry and Kimberly D Arnsdorff. (Map and Parcel # R2710005)

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

Presentations

Damon Rahn, Rincon representative on the Effingham County Industrial Development Authority and Brant Herndon executive director of IDA were present to give an update on the IDA.

Chief Murrell recognized Corporal Kurtis Smith and Office Marquise Parker for their response to a call on March 23 for a gun on Bayberry Lane. They received letters of accommodation for showing control and officer safety. Mayor Lee thanked both for what they did and what they continue to do for the City.

Old Business:

1. Request the approval for 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. (Tabled at the 3/22/2021 meeting.)

Remove from table: Councilmember Kirkland

Second: Councilmember Daniel

Vote by Council: Unanimous

Mayor Lee said there were some questions and clarification needed on a few things. Mr. Klimm said we had a workshop to discuss the proposal; the representatives from Blue Line Solutions are here to answer some of the concerns and any additional questions. Ryan Moore and Cam Reed were present. Councilmember Kirkland asked has the city attorney had a chance to review the contract. Attorney Dickey said a draft contract was sent over and we need to discuss some things. He needs to know if Council is willing to go forward tonight so we can bring the contract back for final approval. Mr. Reed explained the Gerard Ohio Lawsuit that was brought up at the last Council meeting. This was in reference to construction zones in the city not school zones. Some of the things we do to make sure there are no problems in a Georgia school zone are: all of the permits go through GDOT, they do site surveys and make sure the speed limits are correct. There are warning signs coming into the school zone, then flashing school zone lights and in addition they do radar speed sign showing how fast you are going. Also they do not process citations until the next day, because something may come up where the school was closed due to an emergency then the Chief can call and let them know not to issue the citations. Councilmember Taylor asked are the other municipalities participating in this, yes.

Matthew Spaccarelli, resident read a letter that he wrote against this proposal. He had a chance to speak to Chief Murrell agrees that what he is trying to do is a good thing and he supports it, the thing is something of this magnitude if not done correctly has the potential to harm thousands of Rincon residents. He wanted to know if the City followed the competitive bid process; he asked about the sample contract; he submitted an open records request to Blue Line Solutions and has not received a response; the biggest problem he sees is Blue Line Solutions considers themselves as a technology company they don't owe a constitutional right to anyone because they are a private company. He thinks there are better ways of making school zones safer if a problem exist.

Councilmember Taylor said this is good information, she thinks speeding on Highway 21 are ridiculous and that is why she thinks we need it. Councilmember Kirkland agreed with Councilmember Taylor and thanked Mr. Spaccarelli. Councilmember Kirkland said these are the things that they have talked about. The speeds on Highway 21 and Fort Howard Road we cannot control. The Chief is trying and he is getting the officers out there but we are not going to catch all of those speeders on Fort Howard Road, he sees it all the time. We have to have faith in staff to get the contract to where it needs to be for us.

Motion to approve subject to contract finalization: Councilmember Kirkland
Second: Councilmember Taylor

Attorney Dickey said we will supply Mr. Spaccarelli with the final document that is going to be proposed, the only thing we have at this point is a draft agreement. Draft agreements are not subject to open records. Councilmember Long asked how long the contract term was. Mayor Lee said two years, Attorney Dickey said that is something we will have to address. Councilmember Browher asked how do we enter into a two year agreement, Attorney Dickey said that is the point, that is what we need to bring back to them. Councilmember Browher also asked how Blue Line Solutions approached us, Chief Murrell said he approached Blue Line at a chief's conference. He said he has an uneasy feeling about how the citations will morph from a civil matter into a criminal matter when every resident that starts getting these civil citations in the mail start complaining and asked will we have to have two separate court sessions. Attorney Dickey said yes that is generally what most courts have done. We will probably set a time during our court for civil tickets to be heard. Councilmember Browher asked how often do you calibrate the cameras, Mr. Reed said they calibrate yearly like GA law require, but it does an internal check every day. Chief Murrell said it is the same way with their in car cameras. Councilmember Browher asked about the bidding process, Attorney Dickey said it is a service provided not goods we are not purchasing any items. Mr. Reed said they are the only company that uses LIDAR technology, they are a sole source. Mr. Spaccarelli said the code does include services. Attorney Dickey said we are not buying anything there is no money being exchanged. Chief Murrell said LIDAR is specific to Blue Line Solutions. Mayor Lee asked would all the municipalities and the County come on board at the same time, they are hoping so. Councilmember Long asked how long would this process take for a City employee, Chief Murrell said he would not know until we start issuing the citations. Councilmember Long said he understood that we were only issuing citations during the time when the lights are flashing yellow; Mr. Reed said the tickets will be issued all day during school hours but at the higher speed when the lights are not flashing. Mayor Lee said he did not understand that the tickets will be issued all day. Mr. Reed said this can be done at the City's discretion, if you don't want do it when the lights are not on it is your program. Mr. Spaccarelli informed Council of the times that the lights are flashing according to GDOT and also wanted to let them know he does support what the Chief is trying to do, he didn't want any miscommunications he just wanted to dot the I's and cross the T's. Councilmember Browher asked did the County approve this, yes; did the City of Springfield, not yet; and Guyton, they just signed the contract last week. Councilmember Browher asked Chief Murrell was there a letter from the Sheriff expressing support for this, Chief Murrell said he has talked to the Sheriff and the Chief Deputy and they are in support.

Councilmember Browher said he doesn't mean to drag this out but we are about to enter into something and he hopes we are making the right decision. When people approach him he will tell people to come to the meeting and express their opinions. He asked Attorney Dickey about the civil matter to criminal matter. Attorney Dickey explained it. Councilmember Browher asked at what point will the registration be suspended, Mr. Moore said after the third warning, they have 60 days to pay the first 30 days to pay the second and 30 days to pay the third or contest. Attorney Dickey said they get multiple

notices and if they don't do anything they send it in for registration suspension, once it is sent in, the State of Georgia will send you another letter before suspension. Councilmember Long asked what is the fine for speeding in a school zone, Mr. Reed said it is set by Georgia law \$75 plus \$25 processing fee for the first occurrence. Attorney Dickey said a traffic offense is a criminal charge and normally in a school zone it is an enhanced fine around \$300. Councilmember Browher asked is the tag reader running 24/7, yes. Councilmember Kirkland said yes we want to protect our children and he understands everyone being apprehension but a lot of larger cities have been doing this for years. He is all for keeping our children safe, let the City Attorney and Manager hash out the details with this we want to move forward with trying to keep our children safe. Councilmember Browher said he wants it on the record that his concerns are the civil matter and sending tickets in the mail. This is a huge deal he is concerned about public input, the civil vs. criminal matter, we haven't conducted an independent study, the tag readers running 24/7, the bidding process. He has talked to the Chief, he would rather put two more officers on the street solely dedicated to school zones, he thinks that would be just as effective. Councilmember Kirkland said he does understand all of those, they are valid concerns that we can control. This particular vote was to get the contract so we can start to look at it we don't have to do anything with Blue Line. Attorney Dickey said this is not approval of a contract, but we need something to move forward.

Vote by Council: 4 yes votes, Councilmember Browher voted no

2. Request approval of the Service Delivery Stipulation Agreement between the City of Rincon, City of Springfield, City of Guyton and Effingham County. (Tabled at the 3/22/2021 meeting.)

Remove from the table: Councilmember Daniel

Second: Councilmember Long

Vote by Council: Unanimous

Mr. Klimm said they have been discussing and negotiating with the county for almost two years. He thanked Attorney Dickey. The document has been reviewed and it is a document that we can support. The remaining issue is the level of service and we need to make sure we receive the same level of services, GIS and emergency medical service, as the county residents and we will continue to be vocal in that regard. Mr. Bowles said we have not been treated on the same level at the County dump, and he has been promised that that would be corrected. We need to include the water and sewer map as it now exist along side of the document. Attorney Dickey said it is a matter of taking the map that was in the existing service delivery and attaching it to this. Councilmember Daniel how long before this is approved. Attorney Dickey said we have gone through an evolution with this thing. There was a push by Springfield; they needed something done for downtown development and we went back and readopted the current service delivery that was forwarded to DCA and they think we have already one but this one accurately reflects what is going on with the County.

Motion to approve: Councilmember Daniel

Second: Councilmember Browher

Attorney Dickey reminded Council that this is a 1.8 mil rollback difference from the incorporated taxes and the City taxes.

Vote by Council: 4 yes votes, Councilmember Kirkland voted no

New Business:

1. Request approval to renew property and liability insurance with Georgia Interlocal Risk Management Agency (GIRMA) for 2021 in the amount of \$148,394.

Mr. Klimm said renewal last year was \$136,043 and this year \$148,394.

Motion to approve: Councilmember Browher
Second: Councilmember Kirkland

Councilmember Browher asked what other company is out there. Attorney Dickey said there are some that do similar things, but there are some things that GIRMA, because they are a pool, gives more coverage.

Vote by Council: Unanimous

2. Request approval to purchase a 2022 F-750 Dump Truck from O.C. Welch Ford in the amount of \$75,613.00. LI# 320.4100.549000

Mr. Bowles said he has three quotes and O.C. Welch is the lowest bidder.

Motion to approve: Councilmember Long
Second: Councilmember Browher

Council Daniel asked was this the correct line item. Mr. Bowles said all capital improvement items are lumped into one line item.

Vote by Council: Unanimous

3. Request approval to purchase a 2021 F-250 from O.C Welch Ford in the amount of \$37,795.00. LI# 320.4100.549000

Mr. Bowles said he has run into a brick wall when it comes to vehicles. Ford has stop making these vehicles and the only dealer that had one was O.C. Welch.

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

4. Request approval to purchase two pumps for the Windsong Lift Station from Pro Pump Solutions, Inc. in the amount of \$13,416.00.

Traditionally we have gone with Flygt Pumps but it is more feasible to go with Pro Pump Solutions. The price of these two from Pro Pump is less than one Flygt.

Motion to approve: Councilmember Browher

Second: Councilmember Daniel

Vote by Council: Unanimous

5. Request approval to amend Council General Policies.

Mr. Klimm said this resulted in conversations that we had during a workshop. it actually morphed into two changes, one dealing with financial policies and the other with the personnel policy. There lacks discipline in turns of when we do certain things that have a financial impact on the budget. New item 34 means we will only entertain items that impact the budget once a year during the annual budget process with the exception of emergency items.

Motion to approve: Councilmember Kirkland

Second: Councilmember Daniel

Vote by Council: Unanimous

6. Request approval to amend the City of Rincon Personnel Policy, Probationary Period and Separation to add section 30.15 Upgrade and Promotions.

Mr. Klimm said this issue came out of our conversation about the general policies change. Councilmember Kirkland noted that we don't have any basic standards for upgrades and promotions. When management recommends upgrades or promotions that someone meets minimum standards having been evaluated and exceeding expectations in that evaluation and has held a position for a minimum of one year.

Motion to approve: Councilmember Daniel

Second: Councilmember Kirkland

Vote by Council: Unanimous

7. Administrative Reports:

City Manager – Mr. Klimm recognized the Recreation Department and the job they pulled off over the last week, it was stellar; City Hall staff is participating in the Effingham County Victim Witness Protection Program fundraiser; He is asking that Council consider a workshop on the first Monday in May, there will be an update on the Wastewater Treatment plant expansion, and the Storm water Ordinance; Mr. Stewart and Attorney Dickey are working on the Zoning Ordinance; Mr. Bowles needs to add water update to the workshop agenda.

Building/Zoning Dept. – Councilmember Browher asked about Jersey Mike’s and Dunkin Donuts coming to Rincon, Mr. Stewart said he has not been approached by any developer; Councilmember Browher asked about Fort Howard Road and Willowpeg Way, Mr. Bowles said he has seen someone working on the property. Mr. Stewart said he has not heard anything about development; Mayor Lee told Mr. Stewart he appreciates how he is guiding the Planning and Zoning Board and their decisions. He appreciates his recommendation at the Council meetings because he gets a good sense that he has clear direction about what he wants to see us do in the City.

Recreation Dept. – Mr. Osborne gave an update on the fair, we took in \$238,291 overall but he has not factor in the expenses; Councilmember Taylor commented she had complaints about port a potty’s being full and lack of water, we need to plan better for next year; Mr. Osborne said he also had a tournament this past weekend; the hosted an Easter egg hunt; Councilmember Browher thanked Mr. Osborne for coordinating this event.

Water/Sewer/Public Works – Mr. Bowles said Georgia Power contractors have finally called on the locates for the Fort Howard Road roundabout; Councilmember Kirkland asked about stripeing on the road by the Golf Course, he said he is waiting on quote; Councilmember Browher asked have we had any complaints about lighting by Dollar General and JMS electrical at the roundabout, it is pretty bright. Chief Murrell said he has not heard anything, Mr. Bowles said the store lights are bright. Attorney Dickey said that is not in the City.

Finance – Councilmember Daniel noted Worker’s Compensation numbers for each department were high, Mr. Klimm said right before Derrick Cowart left he felt we should be charging each department for worker’s compensation and not one central line item number. The auditors are on site and everything is going as planned.

Mayor and Council – Councilmember Kirkland asked were there any updates from the TSPLOST projects, Mr. Klimm said he just received an email and he will forward it Council tomorrow; Councilmember Browher asked how Lost Plantation was doing, Mr. Klimm said he will get with Jimmy Powell sometime this week to come up with a format for a monthly report, his biggest challenge is how to control the Bistro. Also they have had some complaints about one of the ponds and they are working on cleaning it; Mayor Lee said the course is looking good right now, he mentioned the Rotary Club tournament being at Black Creek and not supporting the local golf course and he doesn’t understand why they are not using us.

Councilmember Browher said on Blue Line Solutions, these are all policies we need to hold everyone equally responsible, including employees. We need to make sure we have a policy in place before the tickets are mailed to our residents.

Councilmember Long said the Governor has lifted mask mandates are we still requiring employees to wear mask, Mr. Klimm said that would be up to Council. Councilmember Browher said we can reevaluate this at a later time.

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

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

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

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

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

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

No action taken.

Adjourn:

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