



**CITY OF RINCON  
OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, JUNE 10, 2019  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Paul Wendelken  
James Dasher  
Levi Scott, Jr.  
Ann Daniel

**Councilmembers Absent:**

Reese Browher  
Kevin Exley

**Present:**

Ken Lee, Mayor  
John Klimm, City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Mark Gerbino, Police Chief  
Corey Rahn, Fire Chief  
LaMeisha Hunter Kelly, City Planner  
Tim Bowles, Public Works Director

The meeting was called to order at 7:03 PM. The Invocation was given by Mayor Lee 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 May 29, 2019 minutes:**

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

## **Public Hearing #1**

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

**Public Hearing for a petition filed by J & W Land Holdings, LLC and Greenland Developers, Inc. to rezone 77.740 acres located off Highway 21 as follows: 51.450 acres from GA-(General Agriculture) to LN-(Limited Industrial Use), 25.118 acres from GA-(General Agriculture) to LN-(Limited Industrial Use), and 1.172 acres from PUD-(Planned Unit Development) to LN-(Limited Industrial Use). The property is owned by J & W Land Holdings, LLC and Greenland Developers, Inc. (Map and Parcel #'s R2190001, R2190002, R2610001)**

Open public hearing: 7:05 PM

Attorney Dickey said each side will have a minimum of 15 minutes.

Chad Zitterour with Kern and Company and Wilson Burns were present. Mr. Kerns said this property is behind the City's well site. The rezoning will provide more marketability to different tenants that may want to come in and utilize warehouse space. There is some LN use now.

Close public hearing: 7:10 PM

*Turn the meeting back over to Mayor Lee.*

**First Reading of an Ordinance to rezone 77.740 acres located off of Highway 21 as follows: 51.450 acres from GA-(General Agriculture) to LN-(Limited Industrial Use); 25.118 acres from GA-(General Agriculture) to LN-(Limited Industrial Use); and 1.172 acres from PUD-(Planned Unit Development) to LN-(Limited Industrial Use). The property is owned by J & W Land Holdings, LLC and Greenland Developers, Inc. (Map and Parcel #'s R2190001, R2190002, R2610001)**

Mrs. Kelly said the Planning and Zoning Board recommended approval.

Motion to approve: Councilmember Wendelken

Second: Councilmember Scott

Vote by Council: Unanimous

## **Public Hearing #2**

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

**Public Hearing for a petition filed by J & W Land Holdings, LLC to rezone 3.23 acres located at 1349 Highway 21 North from R-4 (Single Family Residential) to LN - (Limited Industrial Use). The property is owned by J & W Land Holdings, LLC. (Map # R2170010)**

Open public hearing: 7:11 PM

Attorney Dickey said each side will be given a minimum of 15 minutes. Mrs. Kelly said the Planning and Zoning Board recommends approval.

Close public hearing: 7:12 PM

*Turn the meeting back over to Mayor Lee.*

**First Reading of an Ordinance to rezone 3.23 acres located at 1349 Highway 21 North from R-4 (Single Family Residential) to LN - (Limited Industrial Use). The property is owned by J & W Land Holdings, LLC. (Map # R2170010)**

Motion to approve: Councilmember Daniel  
Second: Councilmember Scott

Mayor Lee asked is will the house on this property be an office building. Mr. Burns said the entrance to the warehouse area will be through this parcel and for the time being they envision using it as an office and sales center. Attorney Dickey said for clarification this property is surrounded on three sides by Industrial already zoned property. We are not be inconsistent.

Vote by Council: Unanimous

### **Public Hearing #3**

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

**Public Hearing for a petition filed by Elliott Giles, Sr. for a variance to place a 24 ft. x 30 ft. carport on the property located at 630 West Seventh Street. The property is 1 acre and zoned R-4 (Single Family Residential). The property is owned by Elliott Giles, Sr. (Map # R2030007D00)**

Open public hearing: 7:15 PM

Mrs. Kelly said Planning and Zoning Board recommended approval. This was advertised as a variance but the language needs to be cleaned up for accessory building because this is not a hardship but Mr. Giles has plenty of property for an accessory building. The ordinance said you can have no more in total accessory building square footage than 100

percent of you principle structure, he has three buildings but he has a large lot. Councilmember Scott said this is an open shed.

Close public hearing: 7:17 PM

*Turn the meeting back over to Mayor Lee.*

**Vote on a petition filed by Elliott Giles, Sr. for a variance to place a 24 ft. x 30 ft. carport on the property located at 630 West Seventh Street. The property is 1 acre and zoned R-4 (Single Family Residential). The property is owned by Elliott Giles, Sr. (Map # R2030007D00)**

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: 3 yes votes Councilmember Wendelken abstained due to a business relationship with Mr. Giles.

#### **Public Hearing #4**

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

**Public Hearing for a petition filed by Rickay Graham requesting a variance to place twenty (20) cars for T & C Towing, LLC, on the property located at 620 Jaudon Avenue. The property is owned by Rickay Graham, and is zoned R-4 (Single Family Residential). (Map # R2150005A00)**

Open public hearing: 7:19 PM

Mr. Graham said he is requesting this variance to store twenty cars on his property. Mr. Graham said this will be temporary storage, strictly storage no working on cars. Mayor Lee asked if it was fenced, Mr. Graham said there is temporary fence now but he will be putting in permanent fencing. Councilmember Dasher asked why the variance was needed, Mrs. Kelly said R-4 does not allow any type of outside storage or vehicle storage. Councilmember Wendelken asked will this meet the requirements of State Patrol when they come out to look at wrecked vehicles, Mr. Graham said once he gets the guidelines it will. Councilmember Wendelken said in the past Ma Graham has desired to be on our contract and one of our guidelines is commercial zoned with proper fencing and lighting and easily accessible. Is that going to be a problem if Mr. Graham request to be on our tow contract when the other providers are required to do these things. He doesn't want us to do something now and Mr. Graham wants to be on the contract and he doesn't meet the requirements. Councilmember Dasher said his concern is that a variance is for a hardship. Councilmember Scott asked how the tower was zoned. Mr. Graham said it is zoned R-4 but for the County the 2.14 acres is class commercial which mean he is paying taxes for commercial property. Councilmember Scott asked Mr. Dickey if there were future problems or petitions do we have the right to revisit this, Mr. Dickey said once this is approved he will be granted twenty cars no matter what but you can bring him back if there are more than twenty cars. Attorney Dickey clarified that we don't regulate cell

towers on zoning that was taken away from cities and counties by federal act. Attorney Dickey said we can make him comply and that would be a violation of the ordinance.

Mr. Elliot Giles said he would be in agreement with it you have requirements and he meets the requirements.

Close public hearing: 7:29 PM

*Turn the meeting back over to Mayor Lee.*

**Vote on a petition filed Rickay Graham requesting a variance to place twenty (20) cars for T & C Towing, LLC, on the property located at 620 Jaudon Avenue. The property is owned by Rickay Graham, and is zoned R-4 (Single Family Residential). (Map # R2150005A00)**

Councilmember Daniel asked about if the property commercial now, Mrs. Kelly it is class commercial for tax purposes but zoned R-4. Councilmember Dasher asked can Mr. Graham request a zoning change, Mrs. Kelly said that would be spot zoning. Cell towers do not respect zoning, cell towers can be placed in any zoning. A motion was made to table until the next meeting.

Motion to table: Councilmember Dasher

Second: Councilmember Wendelken

Vote by Council: Unanimous

**New Business:**

**1. Request to accept a .06 acre (2,780 square feet) utility easement for the 7<sup>th</sup> Street water and sewer upgrade project on property owned by J and W Landholdings, LLC. (R2190002)**

This is an easement needed for the 7<sup>th</sup> Street water and sewer upgrade project. We have been working on this project since 2015 when it was owned by another company but after J and W Landholdings acquired the property they still agreed to grant the easement. This will be the location of the new lift station.

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

**2. Second Reading of an Ordinance to Protect Groundwater Recharge Areas, Chapter 82, Article VI of the City of Rincon Code of Ordinances.**

Mrs. Kelly said the first reading was some time ago and this is part of the Watershed Protection requirement.

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

**3. Request to approve a contract with Geosyntec Consultants to provide water quality and biological monitoring and reporting for the City of Rincon Watershed Protection Plan in the amount of \$44,290.**

Mrs. Kelly said the funds are in the budget. As required by the Watershed Protection Plan we have to do the yearly testing and report it to the state. Wade Burchem is the engineer at Geosyntec.

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

**4. Lamar Smith Signature Group requests approval to begin the one-year maintenance and warranty period and acceptance of the letter of credit for Picket Fences, Phase 4.**

Mrs. Kelly said this phase has been inspected and signed off on by EMC Engineers and Mr. Bowles.

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

**5. Request approval of Amendment #3 to the Fire Services Agreement between the Effingham County Board of Commissioners and the City of Rincon.**

Chief Rahn said this is the renewal for the Station 4 contract.

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

**6. Request to renew the Agreement between the Board of Commissioners of Effingham County and City of Rincon for the use of County Inmates on City and County Property for FY 2019 (July 1, 2019 through June 30, 2020)**

Mr. Bowles said this is the annual contract for the inmate crew and with a guard. Attorney Dickey said there is an outstanding issue with the amount that has been raised. What this approves is the previous contract. They want a renewal; it is under the terms of the old contract so hopefully we will be able to straighten out the discrepancy in the amount they want to charge. The contract is under the old amount it doesn't have the new amount and we are renewing it.

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

**7. Approval of the reappointment of Mr. Herb Jones to serve as the non-public representative of Effingham County and the cities of Guyton, Rincon and Springfield for the Coastal Regional Commission Council.**

Mayor Lee said Mr. Jones has served many years. He is a good representative.

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

**8. Administrative Reports:**

**City Manager** – Mr. Klimm congratulated Mayor Lee on being elected President for GMA District 12; at tomorrow staff meeting there will be discussion about next year’s budget, we will need goals and budget parameters from Council and would like to schedule a workshop in July; and he would like to have a workshop on concept of the City becoming more flexible with their benefits.

**Chief of Police** – Chief Gerbino said he has two new officers Kelly Powers and Stephen Hutchinson and property and evidence specialist Tom Sexton; he has two perspective new hires; and he is supposed to receive they tag readers by June 19.

**Building/Zoning Dept.** – Mrs. Kelly said she will email the monthly report we to Council; and she attended the Chamber of Commerce Banquet, it was a nice event.

**Water/Sewer/Public Works** – Councilmember Dasher said he has picture of a drainage issue from 524 Dresler Avenue. Mrs. Kelly said she has already spoken to the resident.

**Mayor and Council** – Councilmember Daniel thanked Mr. Bowles for the cones at Weisenbaker Road.

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

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

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

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

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

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

No action taken.

**Adjourn:**

Motion to adjourn: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous