



**UNOFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, JULY 13, 2020
COUNCIL CHAMBERS
107 W. 17TH STREET
6:00 PM**

Councilmember Present:

Reese Browher
James Dasher
Patrick Kirkland
W. Frederick Long
Levi Scott, Jr.

Councilmember Absent:

Ann Daniel

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Daniel Thompson, Police Lieutenant
Pete Smith, Asst. Fire Chief
Tim Bowles, Public Works Director
Tommy Kee, WWTP Director
LaMeisha Hunter Kelly

The meeting was called to order at 6:05 PM. The Invocation was given by Councilmember Long and Pledge to the Flag was recited.

Approval of the agenda:

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

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

Motion: Councilmember Long
Second: Councilmember Browher

Vote by Council: Unanimous

Motion to return to meeting: Councilmember Scott

Second: Councilmember Kirkland

Vote by Council: Unanimous

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

Motion to approve: Councilmember Browher

Second: Councilmember Scott

Vote by Council: Unanimous

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

A motion was made to approve the City Manager's recommendation to promote to Officer Brad Hayes to Sergeant and Officer Daniel Thompson to Lieutenant.

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

A motion was made to approve the City Manager's recommendation to hire Jason Stewart as the City of Rincon's new city planner.

Motion to approve: Councilmember Browher

Second: Councilmember Scott

Vote by Council: Unanimous

Approval of the June 22, 2020 minutes with the following corrections:

The motion to adjourn the meeting was made by Councilmember Daniel, the second was Councilmember Scott and the vote was unanimous. On old business item 1 Monica Griffin Johnson's name was incorrect.

Motion to approve: Councilmember Scott

Second: Councilmember Kirkland

Vote by Council: 4 yes votes Councilmember Dasher abstained

Swearing in of Police Chief Jonathon Murrell.

Chief Murrell said he appreciates Council and he could not have done this without all of the men and women in the department.

Public Hearing #1

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on petition filed by Lucinda Shosan requesting a 15 ft. rear setback variance to Article VI, Section 90-176 (H) to place a back porch on her property located at 211 Mikal Drive. The property is zoned R-6 (Residential); the property is owned by Lucinda Shosan. (Map# R2540045B00)

Open public hearing: 7:13 PM

Ms. Shosan was present. Attorney Dickey asked was an ad placed in the legal organ, was the property marked and were the property owners notified; Mrs. Kelly said yes. Mrs. Kelly said Ms. Shosan applied for a variance. Our building inspector contacted her to let her know she needed a variance and had to go before the Planning and Zoning Board. After the meeting Ms. Shosan notified us that she had already constructed the deck and it was finished. So what we did was re-advertise the variance because it was more of a setback variance that was needed than originally requested, she needed a 15 ft setback after measurements. The patio areas comes out 16 feet and that would only leave 15 feet in the rear, for this subdivision the rear setback is 25 feet. Ms. Shosan said she was told she could do a 12 x 12 without a permit, a 12x12 was not big enough, she needs it so big so she can get a table that would accommodate her family and a wheel chair for her brother. Mrs. Kelly said the original variance was a 4 foot variance but then she notified us that she had built a larger structure. Mr. Long asked Ms. Shosan did she have a contractor do this, she had what she thought was a licensed contractor, but found out he did not have a license with the City. Mr. Long told her the contractor should have gotten this permitted before he started. Mayor Lee asked was it complete; she said it not quite complete. Councilmember Long asked was there a plan, Mrs. Kelly said the plan keeps changing. Councilmember Scott asked Mrs. Kelly if we have any way of keeping up with variances like this, his problem is right now it is an open structure but a year or two later someone will close it in, how do we make sure it remains open. Mrs. Kelly said this identifies many issues, working without a permit and working without a license. Right now the ordinance reads there would be a penalty placed on Ms. Shosan because she continued the work, but the contractor should pay the fine. Councilmember Dasher said his problem is they had to turn down someone for this same thing 4 or 5 years ago they backed up to trees. Ms. Shosan said when she was asked to stop work she did. Councilmember Long said he doesn't think they can make a decision unless they see the finished plan. Mayor Lee asked was the base all wood, yes there is no concrete. Ms. Shosan asked for an explanation for why she couldn't have a flat deck up to the fence when there are buildings along property lines. Mrs. Kelly said her structure is attached to the home and it could become a part of the primary structure, accessory buildings are temporary you can pick them up and move them at anytime. Ms. Shosan said there will not be a roof because she does not want to block the sun from the windows. It is a 24 x 16 deck.

Close public hearing: 7:32 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by Lucinda Shosan requesting a 15 ft. rear setback variance to Article VI, Section 90-176 (H) to place a back porch on her property located at 211 Mikal Drive. The property is zoned R-6 (Residential); the property is owned by Lucinda Shosan. (Map# R2540045B00)

Motion to table: Councilmember Scott
Second: Councilmember Long

Councilmember Long said he would like to see a proper plan. He told Ms. Shosan that Council is trying to work with her to get this approved and needs to make sure it is structurally sound. Mayor Lee said the variance is a portion of it but Council has other concerns with it complying with the building code, it needs to be built according to code. This will be tabled until the first meeting in August.

Vote by Council: Unanimous

Public Hearing #2

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on petition filed by Carrie Davis requesting a 5 ft. rear setback variance to Article VI, Section 90-176 (H) to place a back screened in porch on her property located at 18 Michelle Court. The property is zoned R-5 (Residential); the property is owned by Carrie Davis. (Map# R2520084)

Open public hearing: 7:37 PM

Ms. Davis was present. Attorney Dickey asked was an advertisement placed in the legal organ, nearby property owners notified, yes. Mrs. Kelly said the office was notified that Ms. Davis had a structure in the rear of her home, it is a screened in porch that she built over her patio. Once she got to the Planning and Zoning Board meeting we realized her fence was not on her property line so she will not need a 5 feet variance only 3. Planning and Zoning wanted more information because there are some personal reasons that she need this variance so they tabled it. Because the public hearing was already scheduled it could not be cancelled, so there is no vote tonight because Ms, Davis will go back before Planning and Zoning. Mrs. Kelly did mention that Ms. Davis' boyfriend did the work. Councilmember Long asked if she understood that if we grant the variance she will still have to comply with the building codes. Ms. Davis said yes.

Close public hearing: 7:41 PM

Turn the meeting back over to Mayor Lee.

Attorney Dickey said the proper procedure is to table because the public has a right to know when it will come back to council

Motion to table until July 27: Councilmember Long

Second: Councilmember Scott

Vote by Council: Unanimous

Old Business:

1. K7 Properties, LLC requests an extension until November 15, 2020, to pave the road to the lift station in Hickory Knob Subdivision, Phase XI. Property is zoned R-5 (Single family residential). (Map #R2630001A) (Tabled at the June 8, 2020 meeting)

Motion to remove from table: Councilmember Browher

Second: Councilmember Dasher

Vote by Council: Unanimous

Neil McKenzie with Coleman Company was present. Mr. McKenzie said if the final plan is approved for new business item 2 this will be paved also. If they are moving earth for phase 12 construction by the end of the month then this paving should be done sometime in the fall. Councilmember Kirkland asked wasn't this discussed in June; Mayor Lee said it started back in September of last year. Mayor Lee asked Mr. McKenzie if he was saying this will be paved as part of phase 21, but the certainly as to when that might occur is questionable. Mr. McKenzie said speaking on behalf of his client the work will be done. In the interim they could do crush and run to level out the potholes. Councilmember Scott asked why not pave the road now so they don't have to go back. Mr. McKenzie said to keep this moving forward if they get approved for final site plan they will make it an immediate action. Councilmember Long said why wasn't it paved when it was put it, he is not for extending this he thinks they should pave the road.

Motion to deny: Councilmember Scott

Second: Councilmember Long

Mrs. Kelly asked would Council except crush and run right now or would they have to pave it. Councilmember Scott said pave it. Mr. McKenzie said they are about to pave for the upcoming project and asked if they can wait to pave and do crush and run. Councilmember Kirkland said they were going to do it 30 day ago. Mrs. Kelly informed Council that there was a change of ownership since this all began and Mr. McKenzie was not here for that. Councilmember Long said he could be ok with crush and run, Council was not aware there was a change of ownership. Both motions were withdrawn. The motion will be crush and run will be installed within 30 days and the road will be paved by November 15th.

Motion to approve: Councilmember Long

Second: Councilmember Scott

Vote by Council: Unanimous

2. Y-Delta requests approval of Pay Request #6 in the amount of \$106,280.51 for the 7th Street Utility Improvements project. LI# 320.4325.541204 and #320.4440.541425 (Tabled at the June 22, 2020 meeting)

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

Alex Metzger said they have looked at this and recommend approval. At the last Council meeting there was some concerns about laterals locations on Howard Street, the contractor is going to adjust some of the cleanouts and make them flush, the other they are going to investigate how much it will cost to move the laterals that will not be easy to do. Councilmember Scott said they met all concerns except that one lateral, they moved it from what was on the original plan, it needs to be removed and put where the original plan said it should be. He said he knows sometimes you have to adjust plans but on a City contract thinks they should make sure the City knows. Councilmember Scott said that is too many 45's. Mr. Metzger said he feels confident that it will work because it is a 6 inch lateral instead of a 4 inch later.

Motion to approve: Councilmember Scott
Second: Councilmember Browher

Councilmember Browher said he doesn't want this to lead to any change orders. Mr. Metzger said he will probably request a change order because it is not something that is easy to do. Councilmember Browher said if they didn't follow the original plan and didn't notify the City why would we pay extra money, it is not our money it is the tax payer's money. Mayor Lee said if they are making change orders without the proper authorization that should be on their evaluation.

Vote by Council: Unanimous

New Business:

1. Ready2CONNECT requests a Special Events Permit for a Mobile Back2School Blowout on Friday, July 31st from 6-8 pm.

Destiny Bradshaw, with Ready2Connect was on the phone. Ms. Bradshaw said they usually have this event at Effingham County High School but due to COVID-19 they will host a mobile touch less event. She went over the route, they will be starting at 9th Street from Highway 21 then turn left on Lexington Avenue to Macomber Ball Park where they will register and go to Johnson Avenue then down Richland Avenue to the school. Mayor Lee said he can envision a lot of traffic backing up before the start time, Ms. Bradshaw said if they have people in line and the volunteers are in place that they could start earlier. Mayor Lee said one of his concerns is getting the people out onto Highway 21; Lieutenant Thompson said they will have 2 patrol officers to get them out of there. Councilmember

Browner has concerns about how this will impact the residents in the area. This is the most populated area around any school why can't they use one of the other schools with a big parking lot. Lieutenant Thompson asked Ms. Bradshaw why couldn't she use Effingham County High Schools parking lot, she said usually they have to get into the High School and she is not sure what their policy is because of COVID-19. She chose this location because she has access to the Rincon Learning Center, she was trying to work with the access she had. Lieutenant Thompson said the high school would be a better location because it is big enough to hold a staging area and a route, it would be safer. Mrs. Kelly asked about moving it to the middle of the day, similar to what the Manna House does, they serve 700 to 800 families. Councilmember Browner said that is another concern having it for a short time period, increasing the time could be a solution. Ms. Bradshaw said she was advised that a shorter period of time would encourage people to come and not wait to stagger in. Ms. Bradshaw said they did consider Saturday but there was an event at the ball field.

Motion to approve: Councilmember Kirkland

There was no second.

Motion died due to lack of a second motion.

2. Request filed by Lamar Crowell with Keystone Homes, Inc., for Final Site plan approval for Hickory Knob Subdivision, Phase 12. The property is owned by K7 Properties, LLC. The property is zoned R-5 (Residential – One unit detached conventional house). (Map and Parcel # R2630002A00)

Mr. Neil McKenzie, with Coleman Company was present. One of the concerns at the last meeting was the impact on the Kate's Cove pond. Mr. McKenzie said he did reach out to the Rincon and asked the engineer to weigh in on the request and he feels like it would have no impact on the Kate's Cove pond. They are going add additional volume to the pond on site.

Motion to approve: Councilmember Long

Second: Councilmember Scott

Vote by Council: Unanimous

3. Vote on the first reading of an ordinance to annex 19.05 acres located at 1678 Fort Howard Road; property is owned by Rheta B. Braddy (Map# 04630029).

Mr. Snooks the realtor was present. Mrs. Kelly said the Planning and Zoning Board recommend approval. The property is zoned AR-1 and it will be rezoned to R4.

Motion to approve: Councilmember Scott

Second: Councilmember Browner

Vote by Council: Unanimous

4. Request approval of pay request #1 from Potter Construction in the amount of \$80,238.15 for the Omni Trax Utility Extension. LI #510.9501.541490

Mr. Metzger said they have been making quite of bit of progress. They are basically almost complete with their work except for the boring. CSX has to have a flag man on site, but Potter has the boring machine set up and ready to go. They have reviewed the work and recommend approval.

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

Attorney Dickey reminder Council that OMNI Trax is paying for this, their impact fees and capital cost recovery fee.

5. WWTP request approval to purchase a blower for the digester from GoForth Williamson, Inc in the amount of \$11,385.00. LI #506.4335.531125

Tommy Kee was present.

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

6. Administrative Reports:

City Manager – Mr. Klimm said the insurance survey is ongoing; he is proposing a budget workshop on Monday coming, they will also be reviewing 2019 audit; he wants make sure Council is aware we have been contacted by the County Administrator to approve a resolution for TSPLOST referendum; on July 23rd the firm that is conducting operational audit on the fire department will be conducting zoom interviews, they will also be visiting in August; Councilmember Dasher asked about the fire audit, do they have a copy of our agreement with the County, Mr. Klimm said yes.

City Engineer – Alec Metzger gave an update on projects: the 2020 LMIG Lexington Road and box culvert replacing bid will be held on July 24th; the Highway 21 and Towne Park East pump station bid is on July 24th; the lighting plan for Fort Howard roundabout he contacted Georgia Power they should have something by the end of the week.

Mayor Lee asked Mr. Klimm what has been the observation of our service with Waste Pro. Mr. Klimm said they have received some complaints which would happen during a changeover.

Police – Lieutenant Thompson said they added a new team member last week; the pickup trucks they ordered should be here next week. Councilmember Kirkland asked about a book program that the chief was looking into. Lieutenant Thompson explained the program to Council. He spoke with a representative from Us Born, they will provide books to the police department to distribute to children while on patrol. The program is called Stuff the Cop Cars.

Water/Sewer/Public Works – Mayor Lee asked where we are with the inmate crew, Mr. Bowles said they are on lock down.

Mayor and Council – Councilmember Dasher thanked Mrs. Kelly for being here and asked about the gun store. She said they are open.

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

No executive session.

Adjourn:

Motion: Councilmember Scott

Second: Councilmember Kirkland

Vote by Council: Unanimous