



**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, JULY 24, 2023  
COUNCIL CHAMBERS  
107 WEST 17TH STREET  
7:00 PM**

**Councilmember Present:**

Levi Scott, Jr.  
Reese Browher  
Patrick Kirkland  
Michelle Taylor  
Jesse Blackwell, Jr.

**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  
Tm Bowles, Public Works Director  
Elizabeth Cartwright, Finance Director  
Bryan Bessinger, Golf Course Manager

The meeting was called to order at 7:00 PM. The Invocation was given by Pastor Don Davis of Oak Grove Church of Christ and Pledge to the Flag was recited.

**Approval of Agenda with the following:**

Removal of the approval of minutes of June 26, 2023 and new business 9, which was withdrawn at the request of the petitioner.

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

Chief Murrell introduced a new hire James Sloan. He started the academy on June 5, this is the second recruit that they have sponsored through the academy. He will graduate the academy September 22.

**New Business:**

**1. Vote on the Second Reading of a petition filed by BKB Properties, LLC., requesting a Conditional Use to utilize the property as a self-storage facility. The property, located at 0 Magnolia Drive, is zoned GC (General Commercial) and is owned by BKB Properties, LLC. (Parcel # R2090006)**

Teri Lewis went over the conditions that were recommended. Left in right out only access to the property; Magnolia Drive shall be widened and repaved between Weisenbaker Road and the entrance; a minimum of a 15 foot vegetated buffer and associated fences along Magnolia Drive; clear safety signage to include 18 wheelers are not allowed to service or visit the site; no exterior storage such as boats, cars, RV's; the dumpster shall be located as far away from Magnolia Drive as possible; the building shall be a neutral or earth tone color; any site lighting shall be contained within the site; if the business has a free standing sign any lighting shall be ground mounted; and the approval of this application does not constitute approval to use the adjacent R4 property as part of the self-storage project. Those are specific to this conditional use placed on the applicant. Additionally, we would such that the City would take any necessary steps to improve drainage on Magnolia Drive and add a no outlet sign near the intersection of Magnolia Drive and Weisenbaker Road. Mayor Lee asked about the widening on Magnolia Drive, Mrs. Lewis said the applicant felt that that condition would be hard to meet. Staff recommended approval with conditions before Council today.

John Paul Moore with Thomas and Hutton, said after meeting that they had, he doesn't remember the 18 wheelers or the road widening being discussed at the meeting and they did not agree to that. He understands that they are asking for a conditional use on the GC parcel but, the R4 property would be needed from a stormwater standpoint. Ms. Lewis said it has not been fully decided if they can or can't use that property, but they did to want to tie this approval to the use of that property. There are legal things that we have to look into to see whether a property that is separately zoned can be used as part of this. Mayor Lee said he doesn't think Council is prepared to make any commitment to this R4 piece of property. We don't want to give you any indication that there is a possibility. Mr. Moore asked could this condition be removed from this approval, we are not here to discuss the R4 property. They have to have 18 wheelers or this self storage facility will not work. People move from out of the State all of the time and they are not moving in a box truck they are moving in an 18 wheeler. They can't widened a city road for such a small project. If those are non-starters for the City then they are just going to go back and development this under the by right commercial uses. They are asking for Council to remove those three items. Tim Bowles said that road is not graded for 18 wheelers. Mr. Moore said they can have a geotechnical engineer evaluate the road. If there is a weight issue, they would have to deal with that no matter what. It is not that many trips, a couple of truck per month. Mayor Lee said he has an issue with removing the separation of the R4 property. This doesn't say you can't do it, they want to make it real clear that if you are thinking that piece of property is going to be for retention or detention they are telling him don't assume that. Mr. Moore said they are here tonight after a discussion with staff, the conversation was can they come back with a conditional use for the GC, obviously if the stormwater is a problem then they

would have to rezone that or they would be asking for both tonight. He hopes that they have not wasted a lot of time. Attorney Dickey said legal research would have to be done. Normally you would have a R4 meaning that if you have a subdivision detention or retention is usually secondary to the R4 use itself, but once again that would have to be researched. Mr. Lynn said what Attorney Dickey touched on is what was discussed. Residential uses do have separate areas, specifically for a detention pond that is why they had Attorney Dickey weigh in about that because this is the first one that he has seen that doesn't have the residential uses associated with it, keeping the commercial and residential separate. If it is not being developed commercial, can it still be a retention pond because you see that dedicated area within subdivision. Mr. Moore said they have already discussed with their attorney on how to restrict both parcels so one cannot be sold without the other. If the pond can be on the R4 to serve the commercial that here would be a deed restriction put on both properties.

Mayor Lee said to the other point about the 18 wheelers, you are saying you issues with repaving and widening Magnolia but you heard from staff that Magnolia is not adequate enough to handle an 18 wheeler. What are we going to do to address that. Mr. Moore said they can evaluate the road and make an engineering and financial decision for the project. Mayor Lee said if the road is not adequate to handle an 18 wheeler then that makes it automatic that you can't allow them on there. Mr. Moore said they will have the road section studied as part of their engineering study and if the road can't handle the loading, then they will have to deal with it or do something different with that parcel. What would Council do on any other property that is zoned commercial that butting up to a City street. Councilmember Taylor asked would the stormwater run off into the pond, Mr. Moore said yes.

Charlene Reynolds, 208 Mrytle Street, read a letter that she sent by email to Council earlier in the day, against the project.

Councilmember Scott said he thought this would be the best use for that area, but the only concern he has is the assumption that that lot next door can be used and the weight restriction on that road. Councilmember Kirkland said he would ok with making a conditional use that if the road can support 18 wheeler and if not then we need to keep the 18 wheelers condition in there. Councilmember Browher said if there is a motion to approve, he will vote no. They have tried to make it work but not every project will work. Councilmember Taylor said we cant keep doing this to this gentleman. He is spending a lot of money. This is the second time he has been to us. She was abstaining because she has neighboring property. Mayor Lee said there is some question from the audience and because she is recusing herself that means that would prevent her from having any discussion on the item, Attorney Dickey said he is correct. Mr. Lynn said he did confirm with the City Attorney and reminded Council that this is a zoning action so if there is a denial the property owners would have to wait at least 6 months to come back to Council. Mr. Moore said he can see here this is going and they are formally requesting this application be removed and they will withdraw this application.  
No action taken.

**2. Vote on First Reading on a petition filed by Alejandro Gamarra on behalf of Mahanaim Shipping Line, LLC requesting a Rezoning for a 5.08-acre parcel located at 801 Old Augusta Road South to amend the zoning from B-3 (Highway Commercial District) to LN (Limited Industrial Use); the property is owned by Mahanaim Shipping Line, LLC. (Parcel # 04750057A00)**

Mrs. Lewis said the rezoning came to Council two meeting ago for a public hearing. There were some comments related to hours and to the use itself. Somebody on behalf of the applicant spoke to the fact that they can still do this use within the County. There is an annexation that is going along with this as well. Steve Rushing, representing the applicant was present. Mr. Rushing said when they acquired the property in 2019 the County zoning did permit terminal operations and warehousing. At that time, they believed they needed a little higher water pressure to operate. When the Development Authority was annexed into the City that gave them opportunity to become contiguous to the City. That gave rise for their ability to connect to the City water and sewer system, and achieve the higher water pressure levels that would operate a small warehouse about 67,500 sq ft.

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

**3. Vote on second reading of a petition filed by Lawrence Alexander Homes, LLC, on behalf of Maui Plaza, LLC, requesting a variance to reduce the minimum width of each lot within a proposed 35-lot subdivision. The property is located at 1678 Fort Howard Road and is zoned R4 (Single Family Residential). (Parcel #04630029)**

Alexander Long was present. He reminded Council that they are not changing the overall size of the lots they are just trying to reconfigure to make this work around the wetlands.

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

**4. Vote on the First Reading of an ordinance to annex a 5.08-acre parcel located at 801 Old Augusta Road South; the property is owned by Mahanaim Shipping Line, LLC. (Parcel # 04750057A00)**

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

**5. Vote on an application filed by Jacob Lang on behalf of Rincon Express, LLC requesting Final Site Plan approval to construct a car wash facility on the site of a former fast-food restaurant located at 450 South Columbia Avenue. (Parcel # R2570051)**

Mrs. Lewis said the Planning and Zoning Board recommended approval. They were all very excited to see the former building was going to be removed. Jacob Lang, property owner said the property had food restrictions so he was limited on what could do with it. There was discussion on the service road there. Mr. lang said he will repair that section of his property. There was discussion on the layout of the building.

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

**6. Request to accept the Letter of Credit for grass maintenance, infrastructure and required tree planting. Request to accept the deed of dedication.**

Mrs. Lewis asked that this be table until August 14.

Motion to table until August 14: Councilmember Scott  
Second: Councilmember Browher  
Vote by Council: Unanimous

**7. Vote on First Reading on a petition filed by Neil McKenzie with Coleman Company on behalf of Keystone Homes requesting a Zoning Map Amendment for a 20.22-acre parcel located at 0 Ninth Street Extension to amend the zoning from R4 (Single-Family Residential) to R8 (Residential – Multi-unit attached); the property is owned by Peter Johnson, Jr. and Franklin Lamond (Parcel # 2130001)**

Mrs. Lewis said the Planning and Zoning Board voted 5 to 2 recommended to deny this request. Their concerns were related to traffic on 9<sup>th</sup> Street and precedence this rezoning could set. Mrs. Lewis said there was a very lengthy discussion on this item. There was discussion on the R8 properties in the City.

Neil McKenzie said they are asking to rezone from R4 to R8 in response to the housing needs. We have to solve this problem. What this project offers is low cost low maintenance living. With the density you have to have the density to offer homes at an affordable price. The density is there to offset the cost of the project. They did do a concept plan to show what it can be. It will be an HOA maintained property. They did do a traffic study it was a positive outcome for this project. The two access points, one on Howard and one on 9<sup>th</sup> Street, does mitigate a lot of the onsite impact this might have. West 9<sup>th</sup> Street is busy, one of the concerns was bus stops and he did add a bus pull off area on Howard Street. They met with residents heard their concerns a lot of which they can address when they prepare the construction plan. They are committed to providing a walkway around their project. They are willing to do site plan specific conditions around this project. They are willing to have workshops with Council and staff to talk about conditions that they might want to have. There will be 102 units, which the density equates to less than 8 per acre. Council Browher mentioned the wastewater capacity. Mr. Lynn said we are still at 2025 at the earliest for the expansion. Councilmember Browher said that is a lot of impact. Councilmember Blackwell asked about the build out, Mr. McKenzie said they will phase it.

A typical timeframe for a project like this you are looking at 18 months from today. Mayor Lee said he appreciated Councilmember Browher for bringing that up because this is something they need to be concerned about from this point forward. We are pushing our limit on our permit right now and he would suggest to staff that any new development before it comes to Council has a projection on the impact on our system and a projected date. So he would say from this day forward we need to make sure we see the impact of any new development on our system. Mayor Lee said the housing needs are forever changing, there is definitely a need for affordable housing and that needs to be a part of the discussion. Councilmember Taylor asked about greenspace, they will have greenspace a dog park and playground. Councilmember Blackwell said it would be a little impact on the traffic but most of the traffic is going through 9<sup>th</sup> Street. The traffic is coming from the subdivisions past McCall Road to Rincon to shop and go back. Councilmember Scott said that is why we can't just be concerned about the traffic count in the City limits our worst traffic is the through ways. Mr. McKenzie said their analysis did show that West 9th Street and McCall Road failed. They can put a limit on how many of these townhomes can be turned over during an amount of time. Councilmember Browher said a decel lane is important and needs to be taken into account.

Alexander Long, with Lawrence Alexander Homes said Council has made a precedent of turning down R8 homes. His property was turned down for a rezoning, they are at a 35 units with a R4 variance and they are making it work for affordable housing for our community. What makes this property any different. He doesn't see a way that they can deny his property and say this is a great R8 property. If this is considered he thinks it would open a door, if this is approved at R8 then he would be back here for an R6. It sets precedent that they are willing to go with a higher density. He doesn't think that it is fair. Mr. McKenzie density is relative, this is low density for what they are asking. The R8 asks for 30 per acre they are asking for less than 8.

Motion to deny: Councilmember Kirkland  
Second: Councilmember Scott

Daveeda Argrow spoke for this project.

Vote by Council: Unanimous

**8. Vote on an application filed by Tim Kinsey with CORE Design and Architecture, Inc. on behalf of Prannath, Inc. requesting Final Site Plan approval for an expansion to an existing convenience store building. The parcel is located at 801 South Columbia Avenue and is zoned GC (General Commercial). (Parcel #R2720010)**

Mr. Lewis said the applicant is not here. At the Sunoco they are requesting to do an addition to the side of it to add a Baldinos sandwich shop. Mayor Lee said he does not feel comfortable going forward without the applicant being there.

Motion to table until Aug 14: Councilmember Kirkland  
Second: Councilmember Blackwell  
Vote by Council: Unanimous

**9. Vote on First Reading on a petition filed by Michael Gilder, on behalf of Premier Advertisements, LLC, requesting a variance to construct a billboard 188 square feet larger than permitted by the code. The property, which is located at 0 N Columbia Avenue, is zoned GC (General Commercial) and is owned by Archie T. Mungin, Jr. (Parcel # 2180004)**

This item was withdrawn.

**10. Daniel Kirkland request to appear before Council.**

Mr. Kirkland said he wanted to talk about money and revenue. He sees a need for revenue, a need for money to do things. Where does the Council want the City to be in the future. He is proposing we think of some innovative ideas to raise funds. Annex of more land, public funding or voluntary property tax, special events, dinners with prominent public figures, you could look for more funding from the State or County, promote Rincon. Maybe Council could appoint a person to develop and research these ideas.

**11. Request approval to Surplus three old fire apparatus.**

Lou Reed said these are over 20-year-old apparatus'. One Bush truck 2008 F550; Engine 7, a 2001 Seagrave; and Engine 8, a 2001 Seagrave. They will have minimum bids on them.

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

**12. Request to approve Cloud Permit to provide updated Planning and Development Software. LI #100.7400.521200**

Mrs. Lewis said they have had a lot of issue with EnerGov. She did a bid request and two companies submitted bids Cloud Permit was the least expensive over a three year time period. It will do planning and development, building permits, business license, and code compliance. The reporting capabilities are much easy to use and they will be able to provide better information. Aaron White has looked over this. The initial set up and the first year fee is \$32,500 and year two and three it will be a yearly fee of \$14,000.

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

**13. Request approval pay Current Edge Solutions \$7,924.00 to replace the fuel tank at the Silverwood Well. LI #320.4440.541257**

Tim Bowles said this is the fuel tank for the generator. They have had it cleaned and polished, and it keeps coming back full of water. He thinks there is a hole in the inner liner. They will need to replace this to keep it running. It was put in in 2006.

Motion to approve: Councilmember Browher

Second: Councilmember Blackwell

Vote by Council: Unanimous

**14. Request approval of Meter Reading Upgrade from Delta Municipal Supply in the amount of \$17,600.00. LI #505.4440.541440**

Mr. Bowles said there is a presentation in the packet with information on the upgrades and the equipment. It is a cloud base storage, and this includes training. Aaron White did look over this.

Motion to approve: Councilmember Scott

Second: Councilmember Kirkland

Vote by Council: Unanimous

**15. Request approval of Amendment #2 of the Effingham County Inmate Labor Agreement.**

Mayor Lee said the change is in the amount of money paid yearly which will be \$54,825.00.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

**16. Approval of a Resolution to update the signature cards for the City of Rincon Ameris Bank accounts.**

Ms. King said this would be to remove Damon Rahn from the accounts.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

**17. Request approval for Effingham County Board of Elections to conduct the City of Rincon 2023 Elections.**

Mayor Lee said is just for the one year and it is tied to the TSPLOST vote to be taken in November. Along with this there has been some changes in voting locations. Mayor Lee said this would be a break for us for at least one year. Mr. Lynn said there is no charge for the City. Councilmember Kirkland said lets start looking at this now for this to be the regular. He doesn't want to go back to the machines.



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

**18. Motion to set the special election date to fill the vacated seat of Councilmember Damon Rahn.**

Mayor Lee said there are two options on setting an election date, September and November. Attorney Dickey said the dates available would be September 19 or November 7. Ms. King said she did speak with Director at the Board of Elections and she said it would be easy to add that on to the ballot (for the November election) and it would be clear that the seat would only be for two years. Ms. King is for the November Election date. Attorney Dickey said that would be confusing there is no way around it. They can say that they would make it clear but the people come in an vote for three seats and then turn around and vote for another seat. Councilmember Scott said he thinks we should do it in September. Councilmember Blackwell asked do we have enough time for the qualification period. Attorney Dickey said we have those dates worked out, Council needs to determine the date they want to have the election. Mayor Lee said to Mr. Scotts point no matter how you try to explain it, it will be confusing. Ms. King said if you vote in September then you have to turn around and vote in November. It is confusing. She doesn't know if the equipment that we have to run an election is good equipment. The person that works on the equipment, at the last election was not in good health. Councilmember Browher said he knows for convenience sake that that would be easier but he also understands we are down one Councilmember and it is important, if we have an election in September that person can go ahead and start. The people need a representative. He thinks the sooner we can have it the better, if it is a little in convenience it may be, but he thinks it is important to get someone started. Councilmember Taylor said she agrees, she will be out of town at the end of September. Councilmember Scott said he thinks we need to see what we can do to get it done in September. Councilmember Kirkland said he thinks we should go with September and made the motion to set the election date for Sept 19, 2023.

Motion to approve: Councilmember Kirkland  
Second: Councilmember Scott

Councilmember Taylor said she thinks people will come out twice.

Vote by Council: Unanimous

**19. Motion to set the qualifying fee at \$90.00 for the special called election.**

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

## **20. Motion to set the qualifying period for the special election.**

Attorney Dickey read the law on this. The qualifying period has to be 2 ½ days. Mayor Lee asked the Ms. King what days would be better, she said it was Councils decision. Mr. Lynn said he would say Tuesday, Wednesday, and Thursday. Attorney Dickey asked when this could be advertised, Ms. King said she could do it tomorrow. A motion was made to set dates to August 15, 16 and 17, 2023 for 2 ½ days.

Motion to approve: Councilmember Taylor

Second: Councilmember Blackwell

Vote by Council: Unanimous

## **21. Administrative Reports:**

**City Manager** – Mr. Lynn said there was a request from Mr. Ceasar, former operator of the Bistro, there is equipment there that he does not have use for anymore and gave the City a price if they are willing to buy it. Mr. Bessinger said we would not need all of the equipment. Mr. Ceasar came up with something he is willing to leave everything like it is and turn everything over to the City in exchange for utilizing the Golf Course for a couple of years. It is a little over \$4000 worth of equipment and he wants two years of golf. Attorney Dickey said he would have to do some research; the Rodeo is coming up August 12, they did get rain insurance; registration for football, soccer and cheerleading ends August 1; the police and fire did an active shooter training; they are waiting on concrete for Patriots Park; Corporal Estes contacted Georgia Power to get power to the shooting range the quote was Zero; and he had a death in family and will not be available Thursday and Friday. There was some discussion on the park in front of the library.

**Chief of Police** – Chief Murrell said they had a very successful training; four guys, two from Fire and two from the Police to Alert Level 2 training. This was quality training; there was discussion on renovating the shooting range.

**Fire Department** – Chief Reed said ISO will be here August 2.

**Building and Zoning** – Councilmember Scott said can staff look at the best time to set up a workshop with Council.

**Public Works Department** – Councilmember Taylor asked is there any way to spray the parking lot on Thursday, Mr. Bowles said if it doesn't rain he will get it done.

**Finance** – Mrs. Cartwright said the auditors came in today.

**Rincon Golf Course** – Mr. Bessinger said the course is closed on Thursday and they are getting ready to ramp up for the busy season.

**Mayor and Council** – Councilmember Taylor said she is getting Mr. Lynn to put bids out for painting the golf course; Councilmember Scott talked to Mr. Lynn and Mrs. Lewis about the

last phase of 7th Street. Staff needs to get back on it and complete that project; Councilmember Browher asked about the potholes in front of Rutland Tires, have we had any dialogue with the business. Mrs. Lewis said no we have not but will look into it. Councilmember Browher also asked about Burger King, staff said both are closed Rincon and Springfield. Councilmember Scott asked about the old Food Lion building, Mrs. Lewis said she will reach out to Ace to see if they are still coming; Councilmember Taylor asked about cut ins in the Kroger parking lot, Mr. Lynn said they will ask them to put plates over them. Councilmember Blackwell asked about Picket Fences. Mr. Lynn said in August 20 they are having an HOA meeting and they will put us first on the agenda.

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

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

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

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

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

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

No action taken.

**Adjourn:**

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