



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, AUGUST 8, 2022
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

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

Present:

Ken Lee, Mayor
Jason Stewart, Interim City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathon Murrell, Police Chief
Lou Reed, Interim Fire Chief
Mike Osborne, Recreation Director
Tm Bowles, Public Works Director
Elizabeth Cartwright, Finance Director

The meeting was called to order at 7:04 PM. The Invocation was given by Councilmember Scott and the Pledge to the Flag was recited.

Approval of the agenda with the following:

Addition of new business it 5A.

Motion to approve: Councilmember Kirkland

Second: Councilmember Scott

Vote by Council: Unanimous

Interim Fire Chief Reed recognized Gary Kocher for this 35 years of service and dedicated Fire Engine One to Mr. Kocher.

Approval of the July 25, 2022 minutes with the following corrections:

Councilmember Scott arrived at 6:35 PM. The meeting was called to order at 6:07 PM.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

Public Hearing #1

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 7:16 PM

Public Hearing on a petition has been filed by BKB Properties, LLC to rezone 2.06 acres located at Magnolia Drive to amend the zoning from GC (General Commercial) to R8 (Residential/Multi-unit attached) and 1.18 acres at Magnolia Drive to amend the zoning from R4 (Single Family Residential) to R8 (Residential/Multi-unit attached). The properties are owned by BKB Properties, LLC. (Parcel # R2090006 and R2090006F00)

Attorney Dickey said the petitioner and proponents and those opposed will have no more than 10 minutes. Attorney Dickey asked Mr. Stewart was an ad placed in the legal organ, was the property properly marked and were the property owners within the proper distance notified. Mr. Stewart said yes. John Moore with Thomas and Hutton Engineering, 50 Park of Commerce, was present on behalf of the petitioner. Mr. Moore said the owner of this property also owns the stone house (on Highway 21) and is currently leasing it. The back parcel is zoned commercial since it does not have access to Highway 21 it is not conducive to commercial use. The intent is to rezone it and the adjacent parcel to allow for detach townhomes to be built. The plans will come back to Council and the Planning Board for review. Mayor Lee asked would all entrance and exits be on Magnolia Dr, yes. Councilmember Blackwell asked did they have four building proposed, Mr. Moore said yes. Councilmember Taylor said her property is adjacent to this will there be a fence. Mr. Moore said he is not sure. The Planning and Zoning Board did recommended approval. Councilmember Kirkland asked about the size of the units, Mr. Moore said all they have is a sketch plan. Councilmember Scott asked have they thought about making sure there is enough room to make a turn around, Mr. Moore said they will.

Curtis Phillips, 208 Pineland Drive asked how many apartments will go in there and if they are government funded or private. The only access they have is that neighborhood. He is not in favor of this. That neighborhood does not need that many apartments. He thinks there should be a traffic study. This is all residential housing. They have a great little neighborhood.

Melissa Doss, 110 Pineland Drive said she is opposed to putting anything on that property other than single family homes. It is very unsafe to have that many people in a residential neighborhood. People often cut through Myrtle Street and Pineland Drive, they are often criss-crossing the neighborhood. She counted the number of apartment complexes. Why

do we have to have so many apartment buildings, we have enough. This area is over developed we need to cut it down a little bit. Why can't we have a little land left to enjoy.

Matt Harper, 211 Weisenbaker Road, said he has concerns with traffic.

Justin Doss, 110 Pineland Dr, said he was just made aware that there used to be a lake there and it is probably more wetlands than anything and he wants that addressed. Traffic is also a big issue.

Mr. Moore said they had a wetland scientist come out, there is an isolated non jurisdictional wetland on the property and they already have a permit to impact that. It will be impacted for the stormwater area. There was discussion on the pond that was once there. Councilmember Rahn asked would the townhomes be subsidized, no it is privately funded.

Jason Carangelo, 211 Magnolia Dr, said he does not agree with this proposal. He is worried about the crime. They already have problems on his property cars are turning around down there and parking there. He thinks having apartments a higher destiny so close to his home is detrimental to his property. Mr. Carangelo asked how the water will be dealt with. He has the lower pond and when it rains he gets run off from Ale House, Rhonda and Randy's, and the dentist office, he wants it protected. Building something new with more pavements will wash into his pond. Apartments are not managed very well they don't care as much as the people that live in the homes he doesn't want that kind of people living there. Also the noise, light pollution and traffic.

Mr. Moore pointed out that these are not apartments; they are townhomes, single family townhomes. They have 15 proposed, but this zoning does not guarantee 15 townhomes and they will have to come back for development plan approval. This is just for the zoning. They are not putting 40 or 50 apartments there. Today the property is zoned commercial; they feel like a commercial entrance would be more detrimental to the area. The wetlands were delineated; we will deal with that during the engineering process.

Close public hearing: 7:41 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition has been filed by BKB Properties, LLC to rezone 2.06 acres located at Magnolia Drive to amend the zoning from GC (General Commercial) to R8 (Residential/ Multi-unit attached) and 1.18 acres at Magnolia Drive to amend the zoning from R4 (Single Family Residential) to R8 (Residential/Multi-unit attached). The properties are owned by BKB Properties, LLC. (Parcel # R2090006 and R2090006F00)

Councilmember Browner asked what were staff comments. Mr. Stewart said the Comprehensive Plan calls for the property to remain commercial but also calls for a variety of mixed housing. The issue for Council is, would you find this proposal out of character for the neighbor. Councilmember Browner said it is an R4 neighborhood. Councilmember

Kirkland asked did Mr. Stewart know when a traffic study done was last done in that area. Mr. Stewart said he does not. Councilmember Scott said you will have concern there because that parcel is general commercial so it could be any kind of business. Councilmember Rahn said that is his conflict because it could be very intrusive. Mayor Lee said as Councilmember Rahn indicated we are looking at R8 but it is currently zoned commercial and it could be a lot of things that the residents don't like. His question is could this project work with just one piece of property changing the commercial to R8. Mr. Moore said the pond needs to be where they have the wetlands impact, even if all of the development was on the commercial property if they use that pond to serve that development they would still have to rezone. Because they would use that R4 property for their stormwater it still had to be rezoned. Councilmember Taylor asked why 15 townhomes and asked about parking.

Joy Woods, the property owner, said she owns the stone house on Highway 21 and is very proud of it and wants to preserve it. They considered this better than a commercial property; she owns the property and has the right to use it. She does not want to jam pack this property and making it any less attractive.

Mr. Doss said he thinks the last three buildings will take out the stone house. Councilmember Rahn explained that this is zoned general commercial the impact could be five times more than townhomes. As Ms. Woods stated she has a right to build on her property. We are at the dilemma as to what is least impactful to the area. Councilmember Kirkland said he does not feel comfortable with approving an R8 without some form of a traffic study. Councilmember Rahn asked what the mandate on total number of units is before a study needs to be done. Councilmember Kirkland said he thought it was every ten years or when it changes by 15%. Mr. Stewart said it is by number of units from his understanding and this would be well below the threshold. A motion was made to table until the second meeting in September for staff to come up with a plan to address the traffic for that area.

Motion to table until September 19: Councilmember Kirkland **
Second: Councilmember Scott

Councilmember Rahn asked about the Planning and Zoning Board. Mr. Stewart said there was discussion with about traffic, but it was felt that this is a smaller development and it would be less impactful. His suggestion would be to handle it the same way as the previous development we had last month.

Vote by Council: 4 yes votes, Councilmember Rahn voted no and Councilmember Taylor abstained

Public Hearing #2

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 8:02 PM

Public Hearing on proposed amendments to the City of Rincon Ordinances Sections 78-7 Traffic and 18-52 Home Occupations and Home Business Offices and Section 90-67 of the Growth Management Ordinances to amend said ordinances related to the keeping and storing of tractors, trailers, and heavy duty vehicles for personal or business use within residentially zoned property within the City. The complete text of the proposed amendments will be on file at Rincon City Hall, 302 S. Columbia Avenue, and may be viewed by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Attorney Dickey said this will be the second public hearing on this issue. Mr. Stewart said we have been involved in discussion how to address tractor trailers in residential areas. Council directed staff to work with interested parties. They had a committee that met in the Spring and this is what was discussed in the committee meetings. It allows parking of tractors or commercial vehicles in residential areas. If you have less than two acres it sets up a permitting procedure where you can apply to have it documented and approved by the City. There is a setback requirement of 50 feet; no commercial vehicles shall be parked on the street. There is a section that addresses some of Council's concerns about size of property. What we haven't done is set a permit fee, we decide to leave the fee up to Council.

Garrett Carr, 203 Savannah Avenue, said her husband is truck driver, they have about ½ acre and he parks on the driveway. None of the neighbors have a problem with this. She wanted to know if the 50 foot buffer applied to the driveway. Councilmember Rahn asked was her husband an owner operator, Mrs. Carr said no he is a company driver. Councilmember Rahn asked Mr. Stewart did he take in to account owner operator versus company driver and permitting, Mr. Stewart said it is addressed in the ordinance.

Veronica King, 118 Howard Avenue, said Section C states it should be unlawful for any vehicle in excess of 15,000 pounds to use the City streets except for delivery or pickup, that she is concerned with because a semi truck can weigh more than that. Councilmember Scott asked did Council think they should go back to a workshop. Mr. Stewart said this is a complicated issue and by no means the final project.

Close public hearing: 8:18 PM

Turn the meeting back over to Mayor Lee.

First reading on a proposed amendments to the City of Rincon Ordinances Sections 78-7 Traffic and 18-52 Home Occupations and Home Business Offices and Section 90-67 of the Growth Management Ordinances to amend said ordinances related to the keeping and storing of tractors, trailers, and heavy duty vehicles for personal or business use within residentially zoned property within the City. The complete text of the proposed amendments will be on file at Rincon City Hall, 302 S. Columbia Avenue, and may be viewed by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

Motion to table until September 12: Councilmember Scott
Second: Councilmember Rahn
Vote by Council: Unanimous

****At this time, there was a motion to reconsider the vote on a petition filed by BKB Properties, LLC to rezone, Councilmember Kirkland said September 19, which is not a regular meeting date. Both motions for the vote to table the petition filed by BKB Properties, LLC to rezone were amended to table until the second meeting in September, September 26th.**

New Business:

1. Vote on the first reading of an ordinance to annex a 388.21 acre parcel located at 923 South Old Augusta Road; property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058)

Attorney Dickey said the petitioner is requesting to table. Lexye L. Shockley said they would like to table until the next meeting to allow time to get more finalization on the development agreement.

Motion to table until August 22: Councilmember Browher
Second: Councilmember Blackwell
Vote by Council: Unanimous

Public Hearing #3

Turn meeting over to public hearing officer, Raymond Dickey:
Open public hearing: 8:26 PM

Public Hearing on a petition filed by Lexye L. Shockley as attorney in fact for William Exley, CEO of Mill Creek Hunting Preserve, Inc. requesting a Zoning Map Amendment for a 213.121 acre parcel located at 923 South Old Augusta Road to amend the zoning from B-3 to GA (General Agricultural); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058)

Due to the previous item being tabled Council can hold the public hearing but will not be able to take action. Attorney Dickey asked if an advertisement was placed in the legal organ of the county, signage placed on the property and required property owners notified, Mr. Stewart said yes.

Lexye Shockley, 1575 GA Highway 21S, they are currently asking for annexation and rezoning, the 213.121 acre they are asking that it goes from the B3, Highway Commercial to General Agricultural, the total acreage involved is 388.21 acres.

Leonard Bacon, 806 Old Augusta Road S, is there any way they can see a plat of what is going on. He would like to see something clearer.

Close public hearing: 8:36 PM

Turn the meeting back over to Mayor Lee.

Vote on the First Reading of a petition filed by Lexye L. Shockley as attorney in fact for William Exley, CEO of Mill Creek Hunting Preserve, Inc. requesting a Zoning Map Amendment for a 213.121 acre parcel located at 923 South Old Augusta Road to amend the zoning form B-3 to GA (General Agricultural); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058)

Motion to Table until August 22nd: Councilmember Kirkland
Second: Councilmember Rahn

Attorney Dickey said these are on file at the city to review.

Vote by Council: Unanimous

Public Hearing #4

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 8:39 PM

Public Hearing on a petition filed by Lexye L. Shockley as attorney in fact for William Exley, CEO of Mill Creek Hunting Preserve, Inc. requesting a Zoning Map Amendment for a 175.024 acre parcel located at 923 South Old Augusta Road to amend the zoning from B-3 to LN (Light Industrial); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058)

Attorney Dickey asked if an advertisement was placed in the legal organ of the county, signage placed on the property and required property owners notified, Mr. Stewart said yes.

Ms. Shockley said currently we have plans for a warehouse project in this 175 acre tract, it is in the preliminary stages and they have a conceptual plan. It is not ready for site plan approval at this time. The B3, Highway Commercial zoning in the County does allow the development of warehouses as a conditional use. Attorney Dickey said she is saying the County's current zoning allows warehouse as a conditional use so when it moves into the City we have the Light Industrial, which is strictly for warehouse and does not allow for any smoke stacks or manufacturing. Ms. Shockley said she believes this tract will be a benefit to the residents and the City of Rincon. This is adjacent to the IDA and development in this area is going to happen. Attorney Dickey said the IDA property is 300 plus acres and it is zoned as a Planned Unit Development, which includes industrial.

Joann Wilson, 915 Old Augusta Road, is opposed to the warehouse, it is pretty much right in the middle of a residential area. They are dealing with traffic in area and this will bring in

even more traffic. This is not good for them, their family has been there for hundreds of years.

Deborah Ned, 919 Old Augusta Road, said she is opposed to any kind of warehouse coming in that residential area. She does not want all that traffic coming in, right now they have a problem going to their mailboxes. They don't want warehouse right next door to their homes.

Cirincione Bacon, 802 Old Augusta Road, said heirs property of his parents is right across the street at 922 Old Augusta Road S. The warehouses are coming we are being invaded by warehouses. We are constantly disrupting communities. Eventually they get closer and closer until you cannot get a good night's rest. He is about 180 feet from Old Augusta Road and he can feel the vibrations from the trucks. It is not a good thing he knows big businesses want to make their money but don't think about the people that live there. He was born and raised there and a lot of them do not have any other place to go. How can you ask somebody to move from their home so someone else can make money. He is asking for them, the residents, to be considered. He doesn't think the road is developed for this heavy equipment when it was designed. He knows this is going to be a business, are they going to be closing at 6:00 PM or running for 24 hours. What does Council say just deal with the noise and truck pollution. This is what the people in the community will have to deal with. You need to consider the citizens. What about the folks right next door, can they live a peaceful life with this type of activity. He knows we can't stop progress but you have to look at other people's lives, the small people.

Pastor Delmons White, 1021 S Old Augusta Road, they live on heirs property, property that belonged to her great grandfather. Pastor White read a letter from his neighbor Larry Vincent who could not be present. Mr. Vincent's letter voiced his objections to the zoning changes and state he thinks further zoning changes need to be delayed for at least three years. After reading the letter Pastor White said Old Augusta Road is turning into a Grange Road (in Port Wentworth). Grange Road was once a residential area. People are being misplaced. On Old Augusta Road there are several properties that are being developed for warehouses. Why do we need so many warehouses. His point is, when is enough, enough. He is not opposed to Mr. Exley doing business; he is opposed to the type of business. At this point he would love Council to consider not approving this annexation and rezoning for the use of warehouses. Councilmember Rahn said presently if they go to the County they would get a conditional use considering the IDA is next to the property. That traffic circle and everything around is going to be industrial. Bringing this into the City will allow for more control on potential buffers and things like that. Pastor White said with all due respect nothing Council would implement will save their community from becoming industrial, except to vote it down. He understands the IDA he was on the board. Councilmember Kirkland asked did he not want to see anything to go there, Pastor White said he does not see the need for the community to be disturbed anymore for warehouses.

Hezekiah Akins III, 984 Old Augusta Road said he agrees with everyone that spoke, but Baker Hill residents are 30 years too late, the trucks are there, this right here is not going to stop truck traffic. If this was 30 years ago he would have been opposed. Does he think not

approving this change in zoning will stop it from being a bypass no, does he think it is going to hurt the Blake family, as far as them being close to the project, yes. They are directly affected. Voting this down is not going to change anything.

Florida Hunt said he is speaking on behalf of the Blake family and had one thing to say vanity, all is vanity.

Close public hearing: 9:17 PM

Turn the meeting back over to Mayor Lee.

Vote on the First Reading of a petition filed by Lexye L. Shockley as attorney in fact for William Exley, CEO of Mill Creek Hunting Preserve, Inc. requesting a Zoning Map Amendment for a 175.024 acre parcel located at 923 South Old Augusta Road to amend the zoning form B-3 to LN (Light Industrial); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058)

Motion to table until August 22: Councilmember Browher
Second: Councilmember Kirkland
Vote by Council: Unanimous

Old Business:

1. Request approval to accept the bid from Lanier Plan, Inc dba KorKat for playground equipment in the amount of \$331,761.36. LI # 320.6100.549001 (Tabled at the 7/25/2022 meeting)

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

Mike Osborne said he met with Liz Cartwright the Finance Director and he does have the money for this project. He also spoke with Doug Morgan with EMC and the space is up to what they need.

Motion to approve: Councilmember Taylor
Second: Councilmember Kirkland

Councilmember Browher asked when will they start, Mr. Osborne said it will take about eight weeks they should be finished by Christmas.

Vote by Council: Unanimous

2. Request approval to create three Lieutenant Positions for the Rincon Fire Department. (Tabled at the 7/25/2022 meeting)

Motion to remove from the table: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

Chief Reed asked that no action be taken on the item.

No action taken

New Business:

2. Request approval to purchase two 72" zero turn mowers from Georgia Equipment Company in the amount of \$32,581.40. LI #320.4100.542535 and LI #100.4100.542528 (Approved at the 6/13/2022 meeting for \$30,811.80)

Tim Bowles said he will need a little over \$2000. By the time he got this approved by Council on June 13th they had already sold the two mowers that they had in stock.

Motion to approve: Councilmember Browher

Second: Councilmember Scott

Vote by Council: Unanimous

3. Request approval to pay Georgia Environmental Protection Division \$12,200.00 for the Annual Drinking Water Testing Fees. LI #505.4440.521200

Mr. Bowles said this is for annual testing fees that are required by EPA and EPD. We do use a local company for monthly testing.

Motion to approve: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

4. Request approval to pay Southeastern Tree Service \$6,000.00 for the removal of (7) trees along Highway 21. LI #100.4100.521200

Mr. Bowles said this is for the sight inhibited trees at W 5th Street and Highway 21. Seven trees will need to come down to open that line of sight up. This will be a three day job and contingent upon DOT setting up traffic control.

Motion to approve: Councilmember Taylor

Second: Councilmember Browher

Councilmember Browher thanked Mr. Bowles and Mr. Stewart for working on this and thanked Council for looking at it.

Mayor Lee mentioned a tree on Middleground Road that needs to be taken down, it is dead and leaning over the street.

Vote by Council: Unanimous

5. Consideration of application for a Planning and Zoning Board member.

Mona Underwood has submitted an application for consideration. A motion was made to approve Mona Underwood for the Planning and Zoning Board.

Motion to approve: Councilmember Kirkland

Second: Councilmember Scott

Vote by Council: Unanimous

5A. Approval of an additional cost of 380.80 for the replacement of two air conditioning units at the Recreation Department.

Motion to approve: Councilmember Scott

Second: Councilmember Rahn

Vote by Council: Unanimous

6. Administrative Reports:

City Manager – Mr. Stewart said he would like to suggest a workshop to get back to the Growth Management Ordinance. A workshop was scheduled for August 29th.

Chief of Police – Chief Murrell said they had a total of \$1,000 donated by the end of July; they hosted the regional training for law enforcement; Councilmember Kirkland asked how the search was coming for two new officers, he has one that is interested. He is down four officers; Councilmember Browher said good job getting the resource officers in the schools.

Recreation Dept. – Mr. Osborne said he would like to get something made to let people know that we are moving the park to Patriots Park.

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

Motion: Councilmember Scott

Second: Councilmember Rahn

Vote by Council: Unanimous

Motion to return to meeting: Councilmember Scott

Second: Councilmember Taylor

Vote by Council: Unanimous

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

Motion to approve: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

9. 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