



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, AUGUST 9, 2021
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

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

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathon Murrell, Police Chief
Corey Rahn, Fire Chief
Pete Smith, Asst. Fire Chief
Jason Stewart, City Planner
Tim Bowles, Public Works Director
Monica Woods, Finance Director

The meeting was called to order at 7:05 PM. The Invocation was given by Mayor Lee and Pledge to the Flag was recited.

Approval of the agenda with the following:

New business item 7 should read discussion and approval of SPLOST funded projects and SPLOST Intergovernmental Agreement. A motion was made by Councilmember Kirkland and amended to include the correction.

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

Approval of the July 26, 2021 minutes:

There was one grammatical error.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

Presentation of the FY2020 Audit by Caines, Hodges and Company.

Matthew Caines was present. Mr. Caines said presented the uncorrected misstatements and walked through the independent auditor's report. It explained the Caines, Hodges and Company did the audit of the City's financial statements. Mayor Lee said our staff and City has done an outstanding job. These audits have become timely now, and he wanted to thank Matthew and everybody that had a part in this. He noted the \$2,000,000 increase in funds. The General Fund last year increased by 1.5 million dollars; the Fire Fund has increased \$265,000; the SPLOST Fund has increased by \$250,000, a total of over \$2,000,000 in our fund revenue.

New Business:

1. Second reading for proposed amendments to the City of Rincon Ordinances Sections 78-7 Traffic and 18-52 Home Occupations and Home Business Offices 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.

Mayor Lee said we have been working on this for quite some time. We have addressed this the best we could as a Council. We did the first reading 90 days ago to give those who were impacted time to make arrangements so they would not be in violation. If approved tonight then it will go in affect in 10 days.

Janice Mydell asked could they hear the reading so they would know what to comment on. Jason Stewart said essentially it is keeping tractors in a residential area and heavy vehicles for business uses. Councilmember Scott said the question will be the enforcement period, he has had a few calls about it and it is the time of movement. Jason Stewart read the changes to the Ordinance. Mayor Lee explained the changes. Ms. Mydell asked did this mean no tractor trailers should be at any residence, does this take into consideration the amount of land that a person has. Mayor Lee said, no it is not part of the Ordinance change. Councilmember Scott said he knows something has to be done but his concern is EPD, we have to get a hold of servicing tractors in residential areas. Councilmember Scott said this was done because of an accident from a trucks being parked in subdivisions and on the sidewalks and this is affecting all. The policy will have to cover the whole City to be effective. The ones that have property are being punished because people are parking trucks in subdivisions, sidewalks and at businesses. Mayor Lee said we are trying to address an issue that has been with us for many years. We are trying to do it reasonably

but it has to be done, we have to address this issue some way. We have to move on this, we did 90 days to give people a chance to address their issues and concerns. Janice Mydell said on behalf of people that have acres of land and this has been their livelihood and long time investments, could Council review this so people would not have to pay for storage. Mayor Lee asked was she asking that Council make an exception for people with large parcels of property. She said yes for people that are able to keep their trucks safely off the roads and will not impeach the streets, highways or the sidewalks. Councilmember Scott said he does believe we addressed that before and we are not allowed to create a district, we have to do everything across the board. Councilmember Kirkland said he asked about allowing people to have one tractor if they had two plus acres of land. Attorney Dickey said Council could put those limitations on but we would have to word it very carefully. Councilmember Long said that is not going to solve our problems the trouble is Rincon is growing. It is not fair to the neighbors around. Janice Mydell said if you have the property it won't be where you can see the trucks and you will only hear it when they leave and when they come home, that is the only thing that they are doing. Councilmember Taylor asked why Ms. Mydell wasn't at the first meetings to talk about this, she said she was ill. Councilmember Browher asked how many people are we talking about, Zack Mydell said you are basically talking about one area of the City with the most land. Roughly nine families with no more than two trucks. Councilmember Long said there are also people working on their trucks. Janice Mydell said they have been doing this for their livelihood all of their lives and know how to fix their trucks. It is expensive to take them elsewhere and when they are working on them it is to get them back on the road, it is only being worked on if it is broke. Mayor Lee said we have had discussion about two acres and we talked about an identified zone, Attorney Dickey said you will not be able to do a zone, that is not allowed. James Heyward said his house does not come with a lot of land, so are you saying when he comes home he has to leave his truck out of Rincon. Mayor Lee said not necessarily out of Rincon but you can park it at a truck stop in the City limits. Mayor Lee said Council is not trying to be difficult. Mr. Heyward said what are his options. Councilmember Long said we have warehouses coming to Effingham County all over and a lot of people are pulling for those. We have to ask why they can't provide parking for trucks. Corey Rahn said developers are starting to offer spaces to rent because this is a problem all over, there are spots in Effingham. Port Wentworth has also done the same thing they are towing them out of the Publix parking lot and places like that. Councilmember Scott said it is twofold we are not just talking about parking, people are complaining and EPD. They are changing oil and if we say ok, then we would have to monitor that. The oil is going into the ground, he knows we have a responsibility to the residents. The days of old are gone people are moving in and getting close. We have to talk about the streets and the weight of the trucks on the streets, his concern is it is not going away but we need to give everybody time to make the transition. Tracy Mydell, 122 Giles Avenue, said he knows Rincon has property, can Rincon create a spot for people that stay in subdivisions. For those that have more than one acre you can make provisions for them. Councilmember Browher asked Attorney Dickey is it an option to say that you can have x number of acres than you can have this minimal number of trucks. Attorney Dickey said the constitution has an equal opportunity clause, but acreage can be accomplished. We would have to do some research. Councilmember Browher, if we look at that would it have a timeframe put on it. Attorney Dickey said if he is going to make a recommendation, acreage would be it. Veronica King, 118 Howard Avenue said that is all

they are asking for the acreage. You are not going to have somebody in a subdivision with five acres. It can be done, all they are asking for is to try. She doesn't have a truck but her dad and uncles are affected by this. Ms. King said she doesn't understand why if they have the acreage they can't park there. Put stipulations so that it does not affect the neighbors. Councilmember Browner said he doesn't have a problem looking at acreage, but as far as working on the vehicles there has to be some regulation on that. If you work on a truck that needs to be worked on in some type of setting that is zoned for that. Mayor Lee said we can't make something that we can't reasonably enforce and trying to meet everybody's need as far as acreage and what you can do on your property, we can't monitor and enforce all of that. Councilmember Scott said once you create an Ordinance you have to be able to regulate it. Councilmember Kirkland said it sounds like we still have some work to do and we need the input of the residents to get that work done. He recommended getting a working group of staff and residents, but he needs them to understand that we have to do something. A motion was made to table.

Motion to table: Councilmember Kirkland

Second: Councilmember Scott

Vote by Council: 5 yes votes Councilmember Long voted no

2. Request approval to award the bid for the 2021 Rincon TSPLOST – Middleground Road in the amount of \$918,737.06 to Griffin Contracting, Inc.

Alec Metzger with EMC Engineering was present. He said the bid was held on July 29th with two bidders Griffin Contracting and Apex. Griffin was the lowest bidder. We had a couple of issues with Griffin on a previous project but they have been checking on some of their other projects, so they think it is time to give them another try. They have the desire to work in the City again. Councilmember Scott said we since we have set standard retainers he made the motion to allow them to do this project.

Motion to approve: Councilmember Scott

Second: Councilmember Long

Mayor Lee said this is a pretty good size project, because about \$300,000 is related to drainage and culverts not just the roads. Mr. Bowles said it includes the water main also.

Vote by Council: Unanimous

3. R.B. Baker Construction, a division of Reeves Construction request approval of a final pay request for the 2020 Rincon LMIG – Lexington Avenue project in the amount of \$13,929.45. LI# 320.4100.541416 and #100.4100.541246

Mr. Metzger said this pay request got a little out of order. The project has been completed and the warranty period has started. They did not bill 100%.

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

4. R.B. Baker Construction request approval of pay request #2 in the amount of \$172,701.12 for the 2021 Rincon TSPLOST - Georgia and Savannah Avenues.

Mr. Metzger said this is for the majority of the work. They will be coming back for one final request.

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

5. Request approval to purchase ten (10) Taser 7's from Axon Enterprise Inc in the amount of \$34,202.02. LI #302.3200.542528 and LI #100.3200.542528

Chief Murrell said the dollar amount needs to be corrected. This was the first quote he received. He asked the Axon representative if he could trade in the old Tasers to get a discount. The new amount would be \$32,970.76. Axon Enterprise is sole proprietor for the Taser brand. Next year he will request 11 more and that would outfit the whole department.

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

6. Request approval to surplus Police Department seized vehicles and one patrol vehicle.

Chief Murrell said there are eight seized vehicles and one patrol vehicle. The vehicles were seized for drug offenses and one for a burglary offense. The auction will be at Honey Ridge Agricenter in September and held by Lane Brothers Auctions.

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

7. Discussion and approval of SPLOST funded projects and SPLOST Intergovernmental Agreement.

Mr. Klimm said this is two items, the intergovernmental agreement that Attorney Dickey has reviewed thoroughly and came up with some recommended change that Springfield and Guyton agreed to. If Council chooses to agree to the intergovernmental agreement there are benefits. One is it will allow for a six year SPLOST as opposed five years. The County has to make a decision by August 17 as whether to go ahead with the ballot

question so they need an answer from us. And also we have to provide an exhibit of expenditures. The major issue is a continuation of the discussion on how we would spend the money. Councilmember Kirkland said he thinks some of the money needs to go towards sidewalks. There was discussion on using monies for sidewalks, the Fire Department and City Hall.

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

8. Administrative Reports:

City Manager – Mr. Klimm said he sent Council a letter he received from Cristina Lawson, she is resigning; he attended the annual conference for the Georgia Municipal Association; also his evaluation is supposed to be done in September.

City Engineer – Mr. Metzger gave an update. Georgia and Savannah Avenues are about completed. Weisenbaker Road and 4th Street have been awarded to Sikes Brothers and they issued a notice to proceed for September 2nd. They will have 90 days to complete that project; Middleground Road was approved tonight so they will get started in September and that one has 120 days completion; it looks like we are on track to finish all of the projects this year; Lockner Drive should be completed in 30 days.

Chief of Police – Mayor Lee asked about staff, Chief said they are two people short; Councilmember Kirkland asked about Blueline Solutions, Attorney Dickey said he reviewed the document and it was not favorable. He will get with Chief Murrell about it.

Building/Zoning Dept. – Jason Stewart gave Council a hand out for Article 6 the draft of the proposed Zoning Ordinance, architectural standards. Attorney Dickey said this is getting into the meat of it and Council needs to take some time. Mr. Stewart asked Council to look at this so he could get their feedback; Mayor Lee asked Mr. Stewart to have David Mattos look at the Dollar General. They have a lot of carts and cardboard outside of their building. Councilmember Kirkland asked about the property on Fort Howard Road and if they are going to do something with it. Councilmember Browher mentioned the retention pond by Tractor Supply and how it was overgrown. There was more discussion about tractor trailers parking in residential areas.

Mayor and Council – Councilmember Browher mentioned the back door at the Hinely Center, it needs to be repaired. Also the road at railroad track headed north on Highway 21 needs to be repaired; Councilmember Long brought up the City's polling place, it is too small we need to look at moving it to Macomber Park; Mayor Lee thanked Monica Woods and Mr. Klimm for the midyear review; Mayor Lee asked about Hotel Motel tax that was not used last year. He also commended Mr. Klimm for achieving 72 hours of training with Georgia Municipal Association.

Adjourn:

Motion: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous