



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, AUGUST 10, 2020
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

Reese Browher
Ann Daniel
James Dasher
Patrick Kirkland
W. Frederick Long
Levi Scott, Jr. – **present by phone**

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathan Murrell, Police Chief
Pete Smith, Asst. Fire Chief
Tim Bowles, Public Works Director
Lucinda Whatley, Planning Permit Technician
Tommy Kee, WWTP Director
LaMeisha Hunter Kelly

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

Approval of the agenda:

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

Approval of the July 27, 2020 minutes:

Motion to approve: Councilmember Dasher

Second: Councilmember Daniel

Vote by Council: 5 yes votes, Councilmember Browner abstained

Let it be known for the record, Councilmember Scott was present by phone but there was a physical quorum present in Council chambers.

Presentation of the 2019 audit from Canady Hodges.

Matthew Caines presented Council with the audit findings. The audit was done in accordance with government auditing standards. All significant mistakes have been corrected.

Public Hearing

Turn meeting over to public hearing officer, Raymond Dickey:

Each side will have a minimum of 15 minutes.

Open public hearing: 7:14 PM

Public Hearing on petition filed by Construction Development Investors, LLC for a Zoning Map Amendment for a 2.015 acre parcel located on West 9th Street and Blandford Road to amend the zoning from R4 (Single Family Residential) to R8 (Residential – Multi-unit attached) (townhouse or row house); the property is owned by Construction Development Investors, LLC. (Map and Parcel # R2130009A00).

Attorney Dickey asked was an ad placed in the newspaper, was the property mark and residents notified, yes. Warren Ratchford, attorney for Construction Development Investors, PO Box 1810 Springfield Georgia was present. Mr. Ratchford said they had a meeting in front of the Planning and Zoning Board a few weeks ago and they approved the plans and now it is before Council. Prior to that they had a meeting with the neighbors, their concerns were trespass and they have addressed that with fencing around the property. The residents were also concerned with what would happen to the town homes over time, so they have increased the level of vinyl to the second highest grade, added brick columns and skirting and decorative detail at the top. The final thing is they reduced the number of townhomes they are seeking to build, from 32 to 16. They are asking Council to proceed with the rezoning. They have tried to do the best they could and met with everybody to address their concerns.

Council Dasher asked what are we doing for trash with this project, Mrs. Kelly said they will have dumpsters.

Close public hearing: 7:21 PM

Turn the meeting back over to Mayor Lee.

Vote on the first reading on petition filed by Construction Development Investors, LLC for a Zoning Map Amendment for a 2.05 acre parcel located on West 9th Street and Blandford Road to amend the zoning from R-4 (Single Family Residential) to R-8 (Residential Multi-unit attached) (townhouse or row house); The property is owned by Construction Development Investors, LLC. (Map and Parcel # R2130009A00).

Motion to approve: Councilmember Dasher

Councilmember Scott said his concerns were law enforcement having incentive to rent or own from the developers and he would rather see compactor instead of a dumpster. Attorney Dickey said a compactor would need to be done through a water sewer infrastructure agreement between the City and the developers. If you plan on moving forward with the rezoning it needs to be amended to include this master plan as part of the rezoning. The dumpster issue can be resolved during the development process. Councilmember Scott said the desire is when we are doing a large development like this we need to have a compactor instead of a roll off container.

The motion was amended to include a water and sewer agreement between the developers and the City, and to include the site plan and master plan.

Second: Councilmember Daniel
Vote by Council: Unanimous

Old Business:

1. 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 remove from table: Councilmember Browher
Second: Councilmember Daniel
Vote by Council: Unanimous

Ms. Shosan was present. Mrs. Whatley said that David Mattos, inspector has reached out to Ms. Shosan twice and the builder but did not hear anything back. Ms. Shosan said that is not true, nobody has contacted her. She said she called Mr. Mattos to ask if she could put her fence back up and that is the only contact she had with Mr. Mattos. He did give him the builders name and number. Mr. Klimm said we are waiting for a plan, we need a plan to allow Council to approve this and Ms. Shosan was present when Council asked for a plan. As of this date we do not have one. Ms. Shosan said she had submitted plans twice. Mr. Mattos was called on the phone, he said the only plans that were turned in were the original plans turned in with the application. He said he explained to Ms. Shosan what was

needed, a detail structural plan or stamped engineer letter. He also called her contractor to see if he would help her explain to council what is going on. Mr. Mattos also said he had told her not to build the deck and she had the deck built anyway without a permit, which she knew she needed. Mayor Lee said the Council is trying to do everything they can to work with her. Ms. Shosan said she would like to tear it down. Attorney Dickey explained to Ms. Shosan that she needs a statement from the builder as to what has already been done, if she can't get her builder to do that, as an alternative she can get an engineer to make sure it meets the minimum standards that are required by law and put that in a letter for her. He told her she constructed a structure without a permit or plans to show the City it met the building requirements. A motion was made to table until the August 24th meeting.

Motion to table: Councilmember Dasher
Second: Councilmember Long
Vote by Council: Unanimous

New Business:

1. Vote on the first reading of an ordinance to annex 155.662 acre parcel and a 208.458 acre parcel located at Hwy 21; property is owned by J and W Landholdings LLC. (Map and Parcel # 04300031 and 04310001)

Attorney Dickey said the notice was sent to the County and we are clear to proceed with the annexation. Wilson Burns was present. Mr. Burns said they own the property to the northwest of this that is in the City and the piece on the other side is owned by the City.

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

2. Vote on the second reading on petition filed by Simcoe Investment Group, LLC requesting a Zoning Map Amendment for a 19.05 acre parcel located on 1678 Fort Howard Road to amend the zoning from AR-1 (Single Family Detached) to R4 (Single Family Residential); the property is owned by Rheta Braddy. (Map# 04630029)

Mr. Snooks was present representing the property owner.

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

3. EMC Engineering, Inc. recommends awarding the OmniTrax Utility Extension Pump Station Upgrade to Southern Civil, LLC in the amount of \$199,750.00. LI #510.9501.541490

Alec Metzger, EMC Engineering said there were four bidders reviewed and Southern Civil was the low bidder. He called the references given and there were no problems. Southern Civil has done projects with the cities of Riceboro, Jesup, Pembroke, Kingsland and Statesboro. These two projects will be pulling out pumps and putting larger ones in. Mayor Lee asked where is this company located, they are out of Glennville.

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

4. Request approval to pay Georgia Environmental Protection Division \$9,040.00 for the Annual Drinking Water Testing Fees. LI #505.4440.521200

Mr. Bowles said this is the annual contract to process our water samples.

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

5. Request approval to amend the City of Rincon Personnel Policy section 25.18 Recruitment, Selection & Appointment.

Mr. Klimm said there has been a lot of work in the past year with updating the personnel policy. This policy did allow employees in the same department to have a relationship. The proposed change will be consistent with the ICMA national model and that is what is before Council. It prohibits employees in the same department from having a romantic relationship. Councilmember Daniel asked about the roommates, Attorney Dickey said roommates could play favoritism. Councilmember Browher noted a spelling correction, aunt should be aunts. Councilmember Kirkland asked do we have someone in the City that this would affect, no we do not.

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

6. Request approval to purchase equipment to upgrade the Aqua Disk Filters from Aqua- Aerobic Systems, Inc in the amount of \$65,960.44. LI# 320.4335.541451

Mr. Kee said this is a piece of equipment that is in desperate need of an upgrade. The POC part is obsolete, and it has gone out.

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

7. Request approval to purchase a Exmark Lazer Z zero turn mower from Gnann' Fix It Shop, Inc. in the amount of \$10,114.00. LI# 320.4335.542533

Motion to approve: Councilmember Dasher

Second: Councilmember Daniel

Vote by Council: Unanimous

8. Request approval of Budget Amendment BA 2020-06.

Mr. Klimm said this is a result of the workshop from weeks ago. The proposal before you is a mid course correction, so we can end the year in a fiscally sound position. Revenues in certain areas have gone down through the reality of the impacts of the virus. We are asking to adjust the budget to reflect that our revenues are down. Additionally we looked at the expense side to make sure we end the year in a healthy financial position we have proposed some cuts. We have proposed that we freeze some open positions and defer some expenses to next year, this represents the almost \$300,000 worth of cuts that we are recommending. It is financially responsible thing to do. Councilmember Kirkland asked how many positions will be frozen, Mr. Klimm said we have seven positions frozen and we are recommending not filling the 3 and ½ positions that are currently open.

Councilmember Scott said he knows in certain areas we can get by but he has concerns and wonders what would happen if we had two officers go out with COVID-19, Mr. Klimm said that is the challenge that we face, he suspects we would pay overtime. Councilmember Scott said public safety is a concern of his.

Motion to approve: Councilmember Browher

Second: Councilmember Dasher

Mayor Lee said he appreciated Mr. Klimm and Mr. Cowart, what gets measured gets managed and that is what we are doing here. Councilmember Browher said he appreciated Mr. Klimm taking a lead on this, it is critical that we had the correct numbers this year. He appreciates staff understanding that we have to do this to manage the budget.

Vote by Council: Unanimous

9. Approval of a Resolution for the CARES Act Funding.

Mr. Klimm said this resolution is the standard resolution that cities in Georgia are being asked to endorse which sets the parameter for the CARES Act funding.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

10. Consideration of a reappointment of Deborah Lanier Scott as the City of Rincon representative to Effingham County Hospital Authority.

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

11. Vote on the second reading on a petition filed by WMNH, LLC. requesting a Zoning Map Amendment for 27.53 acres located off Hwy 21 to amend the zoning from R-4 (Single Family Residential) to LN-Limited Industrial Use; the property is owned by Marlene Penton, Gloria M. Wood, and Stephen Murphy. Map #R2700011

Mrs. Kelly said this is the Murphy property behind Habitat for Humanity and evidently when they came before Council there was some confusing about the access road. Time went on and they are still working on the access road. Councilmember Daniel asked was there a time limit of readings. Mrs. Kelly said they have been going back and forth on an access since 2018.

Motion to approve: Councilmember Dasher

Councilmember Daniel asked is there a time limit. Attorney Dickey said he would have to research this, but Council could approve it the worst that could happen is void and we would have to do it all over again. Councilmember Kirkland said he would like to see the plat. Councilmember Dasher withdrew his motion and made a motion to table until August 24th. Mrs. Kelly said the property is being marketed as limited industrial there is no set plan for the property.

Motion to table: Councilmember Dasher
Second: Councilmember Browher
Vote by Council: Unanimous

12. Administrative Reports:

City Manager – Mr. Klimm said he was asked to bring up the subject of the access road in front of Rutland Tire to BB&T Bank, we have not been effective in coming up with a long term strategy. It is private property and they don't take care of it. Attorney Dickey said that road is part of the commercial development. There are agreements as part of that development and the property owners have to maintain that road. Councilmember Kirkland suggested suspending their license. Mr. Klimm said he will work with Attorney Dickey to explore some options. Attorney Dickey recommended putting up a private road sign.

Fire Department – Asst. Chief Smith said on Thursday there were 20 calls within an hour and half.

Recreation Dept. - Mayor Lee said Mike Osborne sent out an email about the fireworks and it doesn't look like it will happen in September. He wants to know if Council wanted to hold off and just plan for next year. Council said yes.

Mayor and Council – Councilmember Daniel thanked Mr. Bowles for fixing some signs. Councilmember Browher said he appreciated Mrs. Kelly for working with Mr. Klimm and asked what success she had with fixing the roads. She said the only thing that will work is enforcement, the citation and once they hear that they will have to appear before Council.

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

No executive session

Adjourn:

Motion: Councilmember Kirkland

Second: Councilmember Dasher

Vote by Council: Unanimous