



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, AUGUST 28, 2023
COUNCIL CHAMBERS
107 WEST 17TH STREET
7:00 PM**

Councilmember Present:

Ben Blackwell
Michelle Taylor
Patrick Kirkland
Levi Scott Jr
Reese Browher

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
Mike Osborne, Recreation Director
Tim Bowles, Public Works Director
Tommy Kee, WWTP Director
Bryan Bessinger, Golf Course Manager

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

Approval of Agenda with the following:

Addition of new business items 15, 16 and 17.

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

Approval of the June 29, 2023 minutes. (Tabled at the 8/14/2023 meeting)

Motion to remove from table: Councilmember Browher
Second: Councilmember Scott

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

Approval of the July 24, 2023 minutes with the correction of grammatical errors.

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

Approval of the August 3, 2023 minutes.

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

Old Business:

1. Vote on the Second 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) (Tabled at the 8/14/2023 meeting)

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

Steven Rushing, representing Mahanaim Shipping Line, LLC said their desire to annex into the City is for a business that will be a logistic operations.

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

2. Vote on Second 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) (Tabled at the 8/14/2023 meeting)

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

Mr. Rushing this is the zoning that it will fall into the best zoning with the County. Councilmember Blackwell asked about the development agreement. Mr. Rushing said that is what the holdup was. There was discussion on if this should be approved without the agreement. Attorney Dickey said they can't get water and sewer unless they come back to the City.

Pastor Delmons White, 1021 Old Augusta Road S wanted to know is this abutting any other property that is in the City now, is it spot zoning. Mrs. Lewis said if it is annexed into the City it has to meet approximate requirements. The property is adjacent to the IDA property which is in the city limits.

Cirincione Bacon, 802 Old Augusta Road, said he lives across the road from this property, he wanted to know what type of business is going to be here. This company deals with wrecked cars and ships them overseas. We don't need that in the community.

Mr. Rushing said that is incorrect, about wrecked cars he is not sure where he is getting his information from. This is not going to be a part of any wrecked cars that is not their business. With the plant coming in they know that they will need warehouse space. What has changed is that they are tied to the City through the development authority property that is being used for industrial use and they are capitalizing on that. They are looking to tie into the City utilities and it will benefit the City by providing revenues from those utilities as well as the additional taxes. It is mutually beneficial. Again, they have nothing to do with the wreck car business but warehouse and logistics.

Mayor Lee said tonight we are dealing with annexation and zoning. It is basically the same zoning as the county. Mrs. Lewis the next step will be site plan approval.

Attorney Dickey said there is a 4mil tax that will be levied on this property that will come to the City.

Councilmember Browher wanted to make sure the statement about the wreck cars is in the minutes.

Motion to approve: Councilmember Browher
Second: Councilmember Blackwell
Vote by Council: 4 yes votes Councilmember Taylor voted no

New Business:

1. Vote on a petition filed by Jacqueline Bitoun requesting a variance to construct a fence within the front setback area. The property is located at 505 E Williams Street, is owned by Jacqueline Bitoun and is zoned R4 (Single Family Residential). (Parcel # R2100043)

Ms. Bitoun said her property is 3/4 of the way fenced. It is a four-foot chain link fence. Mrs. Lewis said this will meet the new provisions of the fence regulations.

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

2. Vote on a petition filed by Belinda Hunt, requesting a variance to reduce the minimum width of each lot from 100 linear feet to 90 linear feet. The property is located at 706 Seventh St. Ext. and is zoned R4 (Single Family Residential). (Parcel# R2140032C00)

Joseph Rowe, representing Ms. Hunt was present. Mrs. Lewis said there was question about if this property has access to Jaudon Street and it does. They have found recorded plats and this property does have access on to Jaudon Street.

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

3. Dean Danosh request to appear before Council.

Josh Yellin is representing Mr. Danosh. Mr. Yellin said they are asking for a proposal to see if Council will entertain changes to the zoning ordinance and the alcohol license process to permit a package store in the City of Rincon. They have seen the changes in Guyton and in Springfield. Mr. Yellin said he knows that Rincon has the process in place and there is a robust alcohol ordinance already that does define package store as a use, but that use is not corresponding to the Zoning Ordinance place. They have seen the change in other municipalities and know that change is coming.

Mayor Lee he would say that he has a legitimate request and Council would need to have a workshop to see the possibilities.

4. Pinholster Construction, LLC request approval of Change Order #1 for a deduct in the amount of \$9,771.00 for the Sanitary Pump Station Improvements project.

Tim Bowles said this is part of the East and West Towne Park and Wadley Circle lift station.

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

5. Pinholster Construction, LLC request approval of Pay Request #3, final pay request and retainage, for the Sanitary Pump Station Improvements in the amount of \$6,764.00. LI #320.4325.541401

This is the retainage and final payment for the three projects. Mr. Bowles said they done a real good job in a timely manner, and he would recommend Pinholster for any project.

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

6. Approval to pay invoice from EMC in the amount of \$5,682.50 for Rincon Water Main Extension project. LI#506.4325.541218

Mr. Lynn said this is for the design work for the Watermain Project down Chimney Road.

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

7. Request approval to pay Goforth Williamson, Inc \$16,625.00 for a Wilo Mixer for the Wastewater Treatment Plant. LI #506.4335.531125

Tommy Kee said this needs to be fixed. Right now the phosphorus is being controlled by chemicals and it will take three weeks to fix.

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

8. Vote on a request to terminate the moratorium on the acceptance of fence applications.

Teri Lewis said Council adopted the moratorium on June 12. Now that we have gotten through the public hearing and made a few changes based on the comments from Council, she is suggesting the moratorium be lifted now instead of waiting for the second reading.

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

9. Vote on the first reading of an ordinance to consider proposed amendments to the City of Rincon Ordinances, specifically Section 90-94, Perimeter Fence and Wall Standards and Requirements.

Mrs. Lewis said the changes that were made as a result of the public hearing were to change the minimum height of fences in the front yard from 42 inches to 48 inches because that is the standard size, remove the requirement prohibiting chain link fences in the front yard and to change City Manager to Building Inspector in the section where it deals with the type material used if it is not on the list.

Motion to approve: Councilmember Blackwell

Second: Councilmember Scott

Vote by Council: Unanimous

10. Approval of an Intergovernmental Agreement (IGA) and Rincon project list with Effingham County for the purposes of the TSPLOST renewal referendum.

Mr. Lynn said this is the IGA to initiate the renewal of our existing TSPLOST. This will be on the November General Election ballot. There were some changes. Attorney Dickey said the way it was worded was that the money would be put towards the County bond, but Rincon needs their money up front because they are not participating in the bond. The way it will work now, Rincon would receive their share and then the money would go to retire the County bond. Attorney Dickey said on the project list the East/West Corridor is not on the list. Councilmember Kirkland asked could we add that back to the list, Mr. Lynn said yes. A motion was made to approve with the changes.

Motion to approve: Councilmember Kirkland

Second: Councilmember Scott

Vote by Council: Unanimous

11. Approval of a Mutual and Automatic Aid Agreement between the City of Rincon and Effingham County Fire Rescue.

Chief Reed said this is very agreeable for both parties. Attorney Dickey asked if this is with the limitations that Chief Reed wanted, he said yes and explained the limitations. The County wanted them to cover the entire County, but they went back and said they would only cover 5 road miles from the city limits. Attorney Dickey said under the service delivery agreement there is a constitutional provision that doesn't allow the City to provide services in the County nor does it allow the County to provide services in the City unless each party agrees. The County in this particular situation refuses to allow the City to service their fire district as a result of that constitutional provision the City has no choice but to come back into the City. What this amounts to is they were asking for Auto Aid which is different than Mutual Aid. Auto Aid means you receive the call at the same time, and you respond, Mutual Aid means they make a request for additional services. They

wanted the entire County for Auto Aid. Chief Reed said this will only be for structure fire within 5 road miles.

Motion to approve: Councilmember Taylor

Second: Councilmember Scott

Vote by Council: Unanimous

12. Consideration and Adoption of a Policy Concerning Criminal History Checks for Volunteers and Coaches.

Mr. Lynn said that Council asked them to draft something on how to proceed with criminal checks on volunteers and coaches. He sent Council and email on what was discussed between Chief Murrell, Mike Osborne and himself and provided a draft to Council to consider. Councilmember Kirkland said he would like to have the PD portion removed unless someone is disapproved through the NAYS online certification. We set what is in the NAYS so there is no reason to do NAYS and have the Chief do the same exact check.

Mike Osborne said he wishes we would have had a workshop. Some of the wording is doing away with people that had a misdemeanor but yet they haven't had anything for 15 plus years. You want to say a repeated pattern, on one of the things that was listed, but they also have shown a pattern that they have changed. There are some serious things that you can't let individuals coach. He feels they should have had a workshop so everyone could voice their opinions.

Chief Murrell said he believes it is our duty as a City to be the standard not go with the standard. He has given his opinion and his opinion has not changed. The best reliable source that you have is GCIC/NCIC. He does not care what their decision is he is kind of alarmed on how hard this process is, it doesn't have to be this hard. We have used GCIC for background checks for the Recreation Department since he began working with this City. His opinion is that it works in conjunction with NAYS. Last Council meeting staff was directed to come up with a policy for Council's consideration and he feels like they came up with a quality policy.

Mayor Lee said we need to have a workshop. He does not know if all of the questions were answered tonight to approve a process. Councilmember Browher said they did give direction and staff did do that. He thinks with something this important we need to get everyone together in a room. But staff did what Council asked them to do and he thanked them for getting this done. He wishes Council would have been clear. Chief Murrell said we should do our best effort and the best effort is to use the system that we have been using. Mr. Lynn said we do have a work shop next Tuesday night with Planning and Zoning. This will be added to the workshop.

Rob Collum said looking at this criteria, it says repeated offense no matter how long ago it was, you are not qualified. Other agencies go back ten years. Normally after ten years if nothing has happened these guys are coaching. Mayor Lee said maybe that needs to be

part of the workshop discussion. What is common around us, not that we necessarily that we want to model ours after anybody else but it is important to know what is the standard.

Kevin Exley said he believes what Councilmember Kirkland said is fair. If you can set the parameters to the GCIC, you are not talking about all of the coaches. If you have three guys that questionable, then you have a panel. You have the Chief, Recreation Department, City Manager or you bring it before Council then you make those decisions.

Mona Underwood said there is also a moral turpitude factor that the State uses that you could factor in.

No action taken.

13. Authorize InterDev to initiate Phase II of city's technology upgrades and complete the SharePoint Data Migration process at a cost not to exceed \$36,944.00. LI #100.1300.542415

Mr. Lynn said this is approving them to initiate the second phase. It is a budgeted item. Councilmember Kirkland said it will allow the servers to be back upped to the cloud.

Motion to approve: Councilmember Taylor

Second: Councilmember Blackwell

Vote by Council: Unanimous

Administrative Reports:

City Manager – Mr. Lynn reminded Council that Monday is Labor Day; the tropical storm Idalia will have some impact and should hit us Wednesday Morning; there will be a Joint meeting Tuesday with Planning and Zoning; there are two vacancies for the Planning and Zoning Board; and he got notice today that Nancy Head turned in her resignation.

Councilmember Scott asked about blind spot at Savannah and Georgia Avenues, Mr. Bowles said that is private property. Mr. Lynn said he would get David Mattos involved.

Councilmember Browher asked about the last phase of 7th Street. Mr. Bowles said he thinks that is one that has easement issues and EMC may have put it out to bid. Mr. Lynn said EMC has already bid this out and Mrs. Lewis has worked on letters.

Councilmember Browher asked about the park, he wishes the contractor would see more of an urgency. Mr. Lynn said he just got an email this afternoon, there is a nationwide shortage on turf pads, and they will be here Friday. He will ask them to be at the September 11 meeting.

Recreation – Mr. Osborne said he did receive his GCIC certification. Councilmember Taylor asked if he was fully staffed, he is waiting for one screen to come back and then will have one more to fill.

Public Works – Mr. Bowles said they started on his parking lot. Councilmember Browher thanked Mr. Bowles repairing a pothole on 4th Street.

Laura Eichmann asked do contractors have to have background checks, and would like to suggest that Council does checks on contractors and employers. Mr. Exley asked how do you handle umpires, they are contracted out, but they are still on the same field. You have to do the same thing as with the coaches. Mr. Osborne said we use Kenny Williams, he has an umpire association, several of them are certified. They have to take the background check. He will get with Mr. Williams.

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

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

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

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

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

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

No action taken.

Adjourn:

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