



**CITY OF RINCON
OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, SEPTEMBER 9, 2019
COUNCIL CHAMBERS
107 W. 17TH STREET**

Councilmembers Present

Reese Browher
Paul Wendelken
James Dasher
Kevin Exley

Councilmembers Absent

Ann Daniel
Levi Scott, Jr.

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Cristina Lawson, Minutes
Corey Rahn, Fire Chief
LaMeisha Hunter Kelly, City Planner
Tim Bowles, Public Works Director

The meeting was called to order at 7:03 PM. The Invocation was given by Mayor Lee and the Pledge to the Flag was recited.

Approval of the agenda with the addition of an executive before the Public Hearing:

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

Approval of the August 26, 2019 minutes:

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

Mayor Lee introduced Michael Sims with Effingham Master Gardeners. Mr. Sims gave an update on the pollinator garden at Lost Plantation Golf Course.

Council presented former employee Joey Pilat with a recognition award. Mayor Lee said he always appreciated Mr. Pilat's help with the Mayor Motorcade and he made the City look good. Mr. Pilat said it has been a pleasure working here.

Presentation by the Effingham County Industrial Authority.

Brad Herndon and Damon Rahn were present. Mr. Herndon talked about property tax abatements. He doesn't think they should be used in all projects or counties that are affluent. In order to be competitive this is something that Effingham County will need to offer. IDA will incentivize any and all projects. He wants to make sure they are chasing projects that are good for Effingham County. Mayor Lee said he appreciated Mr. Herndon and what the IDA is trying to do for the County.

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

Motion: Councilmember Dasher
Second: Councilmember Wendelken
Vote by Council: Unanimous

Motion to return to meeting: Councilmember Dasher
Second: Councilmember Exley
Vote by Council: Unanimous

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

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

Public Hearing #1

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on a petition filed by Vipul Kumar Patel requesting a Zoning Map Amendment for 6.58 acres located at 500 Blue Jay Road to amend the zoning from R-4 (Single Family Residential) to GC-General Commercial; the property is owned by Vipul Kumar Patel. (Map# R2730001E)

Open public hearing: 7:54 PM

Catherine Bulger, McCorkle and Johnson council for Mr. Patel was present. He is requesting a zoning map amendment from residential to commercial. Attorney Dickey asked Mrs. Kelly if the property was properly marked, if an ad was placed in the legal organ and was the required property owners notified.

Dan Burkhalter said he represented Mr. Patel in the purchase of this property but he is here today as a concerned citizen. The City of Rincon was the seller of this property. They presented the potential buyers with a survey, it showed this 6.58 acres was going to be surrounded on one side by Blue Jay Road, on one side McCall Road and then the planned Effingham Parkway was going to make a curve on the back side which rendered this property an island and makes it unfit in his opinion for anything but commercial. The City in its auction brochure listed this property as commercial potential, the propose of what Mr. Patel brought it for was to serve the traffic that comes through the area, he wants to build a convenience store there. The property was represented as being commercial potential.

Ms. Bulger said the auction price, the value of the property was inflated by making the representation that it had commercial potential and Mr. Patel relied in the representation that it did serve as a commercial purpose. Now if the zoning amendment is denied that property would be worthless.

Councilmember Dasher said when you buy a piece of property you put in a due diligent period and go through the zoning process before you close.

Mrs. Kelly said the Planning and Zoning Board recommended denial based on traffic concerns.

Attorney Dickey asked if anyone wanted to speak in opposition. Mrs. Karen Durkin, 3899 McCall Road said she has lived at this address for 43 years. She and her husband own a little over twenty acres across from the property being asked to be rezoned. They are third generation of the Kessler family that has lived on these properties. She feels this zoning request fails on the criteria outlined in Rincon's standard for rezoning, 90-3-40 because it would be spot zoning. She is concerned about traffic, lighting, noise, litter and police protection for the commercial property.

James Ronald Keesler, 3991 McCall Road said he also owns the farm house on the corner and he owns five acres there. The area is residential there is over 50 people that live in the area. That is the community that is getting disrupted by spot zoning and will end up with more traffic. The traffic will be worse going in and out of a gas station. He thinks Council should deny this request until we find out more information about the parkway and what the traffic situation will be.

Craig Ambrose 3688 McCall Road said he lives near the corner. He showed Council pictures of the traffic on his phone. Mr. Ambrose said a convenience store will make it worse. Councilmember Exley asked Mr. Ambrose what he perceived going there; he would like it to stay as it is.

Councilmember Wendelken asked Attorney Dickey to explain what will happen with that area. Attorney Dickey said the City deeded the road for the parkway to the County at no cost; a section will be blocked off because the County does not want another entrance to the parkway.

Wyleen Long, 436 Blandford Road, she said there are not enough rooftops in a file mile radius to support retail in that neighborhood other than a convenience store and there are convenience stores gas stations a mile down the road. It seems as if that triangle would provide great access for the fire department to get to three different directions. A better use would be a firehouse to better access the community.

Geraldine Rowland, 581 Blue Jay Road said she does not want to see that commercial, it will be too much going on at that corner. She does not want it.

Close public hearing: 8:22 PM

Turn the meeting back over to Mayor Lee.

First Reading on a petition filed by Vipul Kumar Patel requesting a Zoning Map Amendment for 6.58 acres located at 500 Blue Jay Road to amend the zoning from R-4 (Single Family Residential) to GC-General Commercial; the property is owned by Vipul Kumar Patel. (Map# R2730001E)

Councilmember Dasher said he has been in Rincon a lot of years and has watched it changed. Like it or not it will continue to change. There is a power plant to the north and a planned industrial park to the south of you. The proposal tonight is for a zoning request, six months ago he denied it and he has asked himself why. He can't think of a reason that it shouldn't be a commercial property other than we may not want it to be commercial property.

Motion to approve: Councilmember Dasher
Second: Councilmember Exley

Councilmember Browher asked Attorney Dickey for a recommendation on buffers. Attorney Dickey said you can make it part of the motion if you would like. There was discussion on buffers between the residential home and the roads being the buffer. Councilmember Wendelken said like Councilmember Dasher said there are plots going

close to this area that are industrial he disagrees with Ms. Bulger that the property would be worthless. He feels that the best use for the property would be commercial; he would not like to see a 25 home subdivision there. He hopes some of the traffic will be alleviated whenever the County does the parkway. This is not an easy decision.

Vote by Council: Unanimous

Public Hearing #2

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing For the 2019 Water and Sewer Development Impact Fee Update

Open public hearing: 8:34 PM

Mrs. Kelly said according to our impact fee ordinance we are to do updates yearly. Mrs. Kelly informed Council that the Planning and Zoning Board did recommend a 3% increase to the water and sewer impact fees because they have not been increased in years. Currently we assess restaurant sewer impact fees by seat, we need to assess them by square footage. Also we talked about Industrial, right now we do it by process water we are looking at our neighbors on how they assess impact fees.

Alec Metzger and Ben Lockhart with EMC were present to discuss impact fees. Mrs. Kelly said based on the inventory we have right now our impact fees for water will be \$5,634.00 and for sewer \$21,891.00 per ERU. Mayor Lee asked when would the recommended increase go in effect, January 1. Mrs. Kelly said he increases would go in effect with a sixty day notice. This is just a public hearing but she will bring it back for a reading.

Close public hearing: 8:41 PM

Turn the meeting back over to Mayor Lee.

New Business:

1. Y-Delta requests approval of pay request #1 in the amount of \$144,920.66 for the 7th street utility improvements project. LI# 320.4325.541204 and #505.4440.541201

Mr. Metzger said he has reviewed this pay request and recommends approval.

Motion to approve: Councilmember Wendelken
Second: Councilmember Exley

Mayor Lee asked how they were on the schedule; Mr. Metzger said they have been making good progress. The wet well is in the ground and they have installed some of the force main. They have to work around some of the utilities it should be complete sometime around February. Chief Rahn asked when are we looking at getting 7th Street back open, his concern is safety issues. Mr. Metzger said we can talk to them about opening part of the road, open it and close it back up. Mr. Metzger said they can include fire on the weekly updates. Mrs. Kelly asked how often do they have site meetings, almost every week.

Vote by Council: Unanimous

2. Administrative reports:

City Manager – Mr. Klimm said on Thursday at 9:00 AM he has a meeting with Windstream; there has been progress with painting City Hall; the deadline for the bids on the golf carts ends Friday and we only have one bid; and on September 17th we will have a joint meeting with the County at 7:00 PM. Councilmember Wendelken asked Council to try to make this meeting because it is going to take a show of force.

Councilmember Exley asked where we are with the fees if we wanted to be industrial, Mrs. Kelly said she will have to bring that back to Council. Councilmember Browher asked about the website, Mr. Klimm said it is going good but it is something that we will have to continuously improve. Councilmember Exley said when we talked about the trash contract we talked to backdoor service and tracking for residents and none of these have been brought back to Council. Staff needs to look into that. We also need to discuss with Waste Management a call blast. Councilmember Dasher said we need to communicate and the call blast would be good.

Mayor Lee reminded staff about the trash at Blandford Village and asked them to address that issue.

Chief of Police – Lieutenant Murrell informed Council that office Hackle saved a life today.

Fire Department – Chief Rahn said station 2 was hit by lightning on June 30. The breathing air compressor got fried by lightning. The electrical repair for that was \$1,500. The air compressor repair is \$6,400 the unit is 10 years old and a new unit \$29,000. Chief Rahn wants to know if he should file an insurance claim. Councilmember Wendelken recommended replacing it. Councilmember Exley suggested getting more quotes. Also there are some issues with Engine 8.

Building/Zoning Dept. – Councilmember Browher asked about the ten day notices. Mrs. Kelly said some are scheduled to go to court. Mrs. Kelly said they did look at the lane behind Ms. Jackson's property and she wanted to know are we going to get it surveyed and deeded to the property owners. Mayor Lee said from his understanding she is worried about getting the trees cut more. Dasher we are creating extra work and time for staff. Mr. Bowles contacted Georgia Power before the hurricane but he has not heard back from them. Attorney Dickey said we have a franchise agreement with Georgia Power. Councilmember Dasher recommended fixing the problem that the resident brought to us, which is cutting the tree. Councilmember Wendelken said we can clean it but the problem is it would not be maintained. There was discussion on deeding lanes to property owners. Mrs. Kelly said we can send notices to the residents that they need to clean the lanes or we will clean them. Mrs. Kelly said Georgia Power is going to cut the tree on 10th Street. Councilmember Browher said the light on Carolina and 9th Street is back on also we need to put a request in to have Georgia Power put a light on the pole at Georgia Avenue and 9th Street. Mr. Bowles said there is not any power at that pole. Mr. Bowles said he can submit a request.

Water/Sewer/Public Works – Mr. Bowles said they gave out 120 sand bags for Hurricane Dorian; Friday there was a water main break that they worked on until 6:30 PM.

Mayor and Council – Councilmember Dasher asked about the siren at Lost Plantation. Chief Rahn said it was hit by lightning. There is not a maintenance contract on those sirens. Councilmember Dasher thanked staff for preparation for the storm.

Councilmember Browher confirmed what was going to happen with the lane off Georgia Avenue, we are waiting on Georgia Power to contact us back and what they don't clean up we will and also staff will get with Georgia Power about a pole on 9th and Georgia Avenue. Mrs. Kelly said she will send a letter to the property owners about the cleaning of the lanes.

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

Motion: Councilmember Wendelken
Second: Councilmember Dasher
Vote by Council: Unanimous

Motion to return to meeting: Councilmember Dasher
Second: Councilmember Browher
Vote by Council: Unanimous

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

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

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

No action taken.

Adjourn:

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