



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, SEPTEMBER 26, 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
Jonathan Lynn, 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 7:03 PM. The Invocation was given by Councilmember Rahn and the Pledge to the Flag was recited.

Approval of the agenda with the following:

Addition of new business item 6A.

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

Mayor introduced new city manager Jonathan Lynn. Mr. Lynn started last Monday and has come to the City of Rincon from Hogansville.

Approval of the September 12, 2022 minutes with the following correction:

On Public Hearing number 2 the motion was made to table until October 10 not 26.

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

Approval of the September 14, 2022 minutes with the following correction:

New Business Item 4 vote was 5 yes votes and two no votes.

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

Public Comments - Comments shall pertain to the agenda items only.
Should you wish to appear before Council to speak on a non agenda item, forms can be found at Rincon City Hall.

Old Business:

1. 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 R2090006Foo) (Tabled at the 8/8/2022 meeting)

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

Mayor Lee said this item was tabled because Council wanted more information about the wetlands and the traffic impact. John Paul Moore with Thomas and Hutton was present. Mr. Moore said they had a couple of things that were mentioned, the wetlands, traffic, a fence, parking and dumpster. They submitted the wetlands permit and submitted a traffic memo, basically it compares a commercial use being developed on that property versus a townhome use being developed on that property. The townhomes zoning with 15 units on the property will generate 101 new trips per day. A commercial use similar to a restaurant will generate 1,145 new trips per day. The revised plan also indicates a fence on the south side of the property and a potential gate to get to 108 Ale House. The other thing is parking; they added some on street parking to the property and added a dumpster.

Melissa Doss, 110 Pineland Drive, said she has a signed petition from over 100 people every one was against this rezoning. She is not sure who did the traffic study, they should be here, and she does not feel comfortable with the traffic report. Also she is concerned about parking; she talked about the parking along Weisenbaker Road. She is requesting a crime study because she is concerned about the crime; if you double the neighborhood you will double the crime, noise and pollution. There are kids playing all over the street and the people will be cutting through all of the different side streets. She also believes the land is contaminated and is highly concerned about it being dug up and not remediated properly.

Trent Eichmann, 212 Pineland Drive, said why would we want to go from single family to multifamily in the neighborhood. They have a small community, it is quiet. He is also concerned if these are going to be subsidized houses or for sale homes. Because if they are going to be subsidized housing he already know what we are going to get in there and he doesn't want that kind of trouble in his neighborhood. He would like the area to be crime free. We are going to put more rentals in now we will have more problems.

Mr. Moore said it is not going to be subsidized housing and it is not apartments. They are townhomes that will be for rent or for sale.

Curtis Phillips, 208 Pineland Drive, said he grew up in that neighborhood. Are they planning to sell everyone of them or is this an excuse to get apartment rentals for their financial gain, that question was never answered. He thinks until they have a definite answer it needs to be tabled or done away with.

Elizabeth Keith, owner of 108 Ale House said she does support this growth is inevitable.

Charlene Reynolds, 208 East Myrtle Street, said her concern is, the only exit that they have from that neighborhood is Weisenbaker Road. To go south on Highway 21 you have to go over two lanes and contend with all of that traffic. To go south she has to take an alternate route.

Brad Cowan, 210 Byrd Avenue, said he is for it. Mr. Wood brought homes in Westwood Subdivision and took a drug neighbor and cleaned it up. He said you also need workforce housing around there is none.

Laura Davis, 212 Pineland Drive, asked would the rules be the same if they did something commercial versus residential, she does not think they would allow the commercial traffic on Weisenbaker. Also we have our property values to think about.

Jason Carangelo, 211 Magnolia Drive, said he is not against development but in this case he is. There will be more traffic, noise and light pollution. Just because you can do this does not mean you should.

Christopher Stotts, 213 Pineland Drive, said he like the quiet area and likes that hi kids can play outside.

Rhonda Barlow, 202 White Bluff Circle, Guyton, said she does not live in Rincon she is here because of traffic. And wanted to know if there was a rule to let these people know they are buying a house near a landfill. She said the infrastructure need to be gotten under control.

Keith Woods the property owner said he brought the property a few years ago it was already zoned commercial when he brought. When he brought it was not sure what he wanted to do. Two parcels are already commercial and they are going to develop the property no matter what. All they were asking for is the less impact. If the residents wanted a park with a fountain they could have brought it when it was for sale and they did not. What he is asking for is the townhomes and not commercial. Councilmember Kirkland asked would he be willing to meet with the community, Mr. Woods said he does not think he will make them happy. That is what tonight is for. He is trying to do something that has less impact.

Councilmember Taylor said she can't vote but she would rather have townhomes than anytime type of commercial.

Nikki Carangelo said her main concern is crime and statistics. Most violent crimes happen in apartments and townhomes, thefts occur in townhomes and apartments. She talked about a homeless camp behind the trailer park, rusty barrels on the property and the health risk of disturbing anything on the property.

Andy Nester, 432 Roberts Way, said the only way to clean up the property is to develop the property. He thinks that there needs to be a traffic light at Highway 21 and Weisenbaker Road.

Mr. Moore said you talk about meeting in the middle, a R8 zoning allows for 30 units per acre and they are only doing 15 units. He thinks this is the best plan before Council. He hopes to get approval to move forward, if not they will be back before Council with a commercial project.

Matt Harper, 211 Weisenbaker Road, said rezoning this will be a non-conforming use for what is going on right there.

Councilmember Rahn said hypothetically what if he develops a Chuck E Cheese there, and you have 100 vehicles cycling in and out, the traffic issue is what the traffic issue is, we are on a State Highway. If he could pass an ordinance on the highway right now, he would do it. We can't put a red light there, DOT has to mandate red lights. Our biggest issue with traffic is we are a bedroom community, everybody leaves and everybody comes back. Hopefully the Industrial Development Authority and development up the road will alleviate that with more jobs. Right now I think everyone thinks this is a done deal, this is only the zoning portion. When it comes to the planning stage that is where we have more control on working with the developer on what to put there.

Mr. Woods said at the last meeting someone followed his wife out and made her uncomfortable. He is trying to make it a better place and they are happy for it to stay as is. Councilmember Kirkland said he thinks he supports this because bringing a commercial entity will have a big impact to that area with more traffic, however he does understand that you don't want your neighborhood impacted. The second why he supports it is because he thinks those 15 townhomes will bring more working class to the City of Rincon.

Councilmember Scott said yes we need more rental units and housing but we also have a traffic problem. The concept here, we are talking about an impact of rezoning from commercial. We are talking about commercial they will not have a 24 hour impact, with that subdivision we will have a 24 hour impact. We are talking about a whole big change of impact we need to look at our planning. Once we change this to a new zoning, that is it. There is no going back. He thinks it is real important that we listen to the residents. Mr. Woods brought it commercial and the residents would like to see commercial.

Councilmember Browner said he is all about property rights and a person being able to put on their property what it is zoned for. Councilmember Browner informed the audience that if there was a business that we may not like or may not think we need another one of them, as long as they met the parameters of that zoning we could not stop them. However, we the Council have the discretion, as to whether or not the property is rezoned. But he hears the residents and respect what they say and agree with them. He does not think the townhomes are right for this property.

Motion to deny: Councilmember Browner
Second: Councilmember Scott

Councilmember Kirkland said Councilmembers Browner and Scott's have been on Council the longest and he respects their decisions and he can support it.

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

2. 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) (Tabled at the 8/22/2022 meeting)

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

Lexi Shockley, representing the owner, asked for this matter to be tabled until November 14th.

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

3. 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 from B-3 to GA (General Agricultural); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058) (Tabled at the 8/22/2022 meeting)

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

Ms. Shockley asked for this to be tabled until November 14th.

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

4. 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 from B-3 to LN (Light Industrial); the property is owned by Mill Creek Hunting Preserve, Inc. (Parcel # 04750058) (Tabled at the 8/22/2022 meeting)

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

Ms. Shockley asked for this to be tabled until November 14th.

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

New Business:

1. Vote on the second reading of an ordinance to annex a 1.00 acre parcel located at 0 Frederick Street; the property is owned by Macomber Concentrations, Inc. (Parcel #: 04470001A00)

Neil Mckenzie with Coleman and Company was present.

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

2. Vote on the second reading of a petition filed by Coleman Company, Inc. for a Zoning Map Amendment, for a 1.00 acre tract located at 0 Frederick Street, to amend the zoning from R-1 (Residential) to R-5 (Residential); the property is owned by Macomber Concentrations, Inc. (Parcel #: 04470001A00)

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

3. Effingham Heroes request the use of Freedom Park to hold a Back the Badge Rally.

Susie Davis with the Effingham Heroes was present. Mrs. Davis said this is now called Back the Badge Rally. A motion was made to waive fees.

Motion to approve and waive all associated fees: Councilmember Browher
Second: Councilmember Scott
Vote by Council: Unanimous

4. Request approval to change the Utility Bills dues dates.

Elizabeth Cartwright, Finance Director, said she wants to take it back to original date and get it back to one month. Right now the bills appear to be two months behind instead of one. Mayor Lee said to get on the new schedule you will have two bills that are close together and he would ask that you probably need to be very aware in regards to being a little more lenient until we get them acclimated. Councilmember Browher asked if there was any way we can spread this over three to four months. Mrs. Cartwright said that is doable.

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

5. Vote on an application filed by Greenland Developers, Inc. for a Minor Subdivision for the following acres and locations; 1018.02 acres at 0 Hwy 21 and 281.91 acres at 0 Hwy 21. The properties are owned by Greenland Developers Inc. and J & W Landholdings LLC. (Parcel #'s R2610001 and R2170008)

Chad Zittrouer with Kern and Company, also present was Brett Bennett and Wilson Burns with Greenland Developers. Mr. Zittrouer said they would like to request to combine a portion of each parcel into one for a minor subdivision.

Motion to approve: Councilmember Rahn
Second: Councilmember Browher

Angela Scruggs, Grace Lane, she disapproves of all these warehouses, we as a whole need to sit down with GDOT because these warehouses are infringing on our territory.

Vote by Council: Unanimous

6. Vote on an application filed by Greenland Developers, Inc. requesting a Preliminary Site Plan approval for 6 Coastal Trade Center Warehouses. The properties are located on Hwy 21; the properties are owned by J & W Landholdings LLC and Greenland Developers Inc. (Parcel #'s R2170008 and R2610001)

Mr. Zittrouer this property went through a series of rezoning in addition to that there is a Development Agreement was done in March 2022.

Motion to approve: Councilmember Rahn

Second: Councilmember Scott

Vote by Council: Unanimous

6A. Approval of a Cadet Reimbursement Contract.

Chief Murrell said he is looking to attract more applicants.

Motion to approve: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

7. Administrative Reports:

City Manager – Mr. Lynn said this is his first full week being here; he has technology on hand; they are still advertising for the Planning Director position; the Fire Chief is doing well; he will get with Mrs. Cartwright this week to get a budget calendar together; he is working on a newsletter. Councilmember Rahn said Mark Lastinger with the Effingham Herald will carve him out a section in the paper also.

Chief of Police –Chief Murrell said they are prepping for the hurricane.

Recreation Dept. – Mr. Osborne said the percentage from the Circus sales was \$3000; they finally got everything they needed for the Tennis Court Grant and is just waiting to hear back; he is short on staff right now and wanted to know if he could offer the Tournament Directors to pay a rate to use the Concession Stand. They will not use any of our inventories. Mayor Lee asked could he get a civic organization or charitable organization, run concession and get a portion of the sales; Councilmember Taylor said also in your budget make sure you put in for new employees and raises; Councilmember Browner asked about new park. Mr. Osborne said they are looking to set up the last week of October; Councilmember Taylor asked when are we dismantling the library park, Mr. Osborne said he is not sure.

Water/Sewer/Public Works – Mr. Bowles said the trees have been removed on Highway 21 at 6th; Mayor Lee said a resident at 505 East Williams asked about a light pole. Mr. Bowles said there is no record of a light pole being there. The resident said an accident took it out about 9 years ago. Councilmember Rahn said he will check on that. Mayor Lee said someone also asked him about the ditching along Middleground Road. Mr. Bowles said he usually cleans them out in the fall.

Finance – Mrs. Cartwright said Mrs. Herbert will be going out and Lauren Markum will come in and work part-time.

Mayor and Council – Councilmember Browher asked Mr. Lynn was he aware of the Picket Fences problem; he just wanted to bring it. Mayor Lee said he sent an email about a workshop on Thursday night 6:00pm at City Hall about the JAG property; also there will be a workshop with the County Commissioners and IDA on Monday at 6:00pm at the County Administrative Complex.

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

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

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

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

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

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

No action taken.

Adjourn:

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