

**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, OCTOBER 9, 2023
COUNCIL CHAMBERS
107 WEST 17TH STREET
7:00 PM**

Councilmember Present:

Ben Blackwell
Michelle Taylor
Patrick Kirkland
Levi Scott Jr
Reese Browher
Kevin Exley

Present:

Ken Lee, Mayor
Jonathan Lynn, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Daniel Thompson, Police Lieutenant
Lou Reed, Fire Chief
Mike Osborne, Recreation Director
Tim Bowles, Public Works Director
Elizabeth Cartwright, Finance Director
Bryan Bessinger, Golf Course Manager

The meeting was called to order at 7:01 PM. The Invocation was given by Councilmember Taylor and the Pledge to the Flag was recited.

Approval of Agenda:

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

Approval of the September 25, 2023 minutes.

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

New Business:

1. Nicholas Auber request to appear before Council.

Nicholas Auber said he has been coaching since 2015. He was requested to get a background check and when it came back there was a felony on his background check. Mr. Osborne explained to him that because it wasn't a sexual offense or a violent crime that he was eligible to coach.

Mike Osborne said Mr. Auber has been with us for a while and he did not know the policy about the felony being in place. He is here to speak for Mr. Auber. They have been working on the policy, Mr. Lynn himself and Chief Murrell and hopefully it will be completed and get it to Council as soon as possible. He wants it to be known that they have never had an issue with Mr. Auber. He has not had any complaints, he is reliable and passionate about what he does. He represents us very well. Mr. Osborne said Mr. Auber was 19 and now is 39, he wishes we could come up with something, he made a mistake in the past and has moved on. He wishes we could come up with something that would give someone like Mr. Auber a chance.

Mr. Auber said he was asked to coach this year and halfway through the season he was told that he would not be able to coach because of his background, it is the same thing that was on there eight years ago and he has coached football, baseball, basketball and now soccer. He is just asking for a little mercy on the mistake he made when he was 19 years old.

Councilmember Exley said he does not think it is our position to make this decision, and asked staff isn't there a panel. Mr. Osborne said if there is something that is in question, he and Chief Murrell will get together look at it and then he will call Mr. Lynn. Councilmember Exley asked did he call Mr. Auber after the appeal hearing for the other volunteer coach, Mr. Osborne said he spoke to Mr. Auber after that appeal. His point is we are having appeal hearings for things that we should not have appeal hearings for. We should not be having appeal hearings for volunteers that should be done by staff, we couldn't do it for a part time employee we should not be able to do it for a volunteer coach. It is not our position, that is staffs call. Councilmember Kirkland asked about the policy. Mr. Lynn said we should hopefully have a draft form at the next meeting. Attorney Dickey said there is an ordinance that was passed in 2005. If there is a policy that conflicts with a City ordinance then you have to change the ordinance or the policy is void.

Mayor Lee said there is not anyone up here that is not sympathetic to Mr. Auber's situation, but he doesn't see how we can violate our own ordinance.

Mr. Osborne said that he didn't know this was in place, no one has ever said anything to him about this policy and no one has ever questioned him. We have always done background checks and he has gone off of what he looks for.

2. Request approval to contract with Coastal Sports Turf, LLC to apply Pre-Emergent Herbicide to the golf course- 70 acres. LI #580-6140-531130

Bryan Bessinger said he has some good news. He had to act on this pretty quickly because they had to put down some preemergent and this was one of the first quotes. He did keep

working and a current vendor, Chattahoochee Turf Products, has offered to do this for \$3200.00, a \$6000.00 savings. So, he will not go with Coastal Turf.

Mr. Lynn said this amount does not require Council approval.

No action taken.

3. Request to surplus property of +/- 17.43 acres located at 6755 Prosperity Drive with Parcel #R2570007B00.

Mr. Lynn said we have discussed this a few times following some interest from real estate developers and property owners adjacent. This is on the agenda for surplus so that we will have the option to list this with an agent or put it out for seal bids to receive prices. He knows there has been some misinformation went out to the public and we do have EMC looking at alternative site to shift our events to a larger site that the City owns. There is no intention of removing special events from the City. We are looking at alternatives on where to have future events, we are not stopping the events.

Councilmember Exley said he has gotten bombarded with calls over this. There are two things people want to know, they want to know what is going in that spot, they want to make sure we control what is going in that spot and also where the dollars are going to go that we are claiming off that. Mr. Lynn said as the property is listed or put it out to bid Council can put the requirements in there, selling it with the following uses allowed. In terms of the dollars coming from it that would be up to Council to decide. As far as he knows there is nothing earmarked.

Mayor Lee said this kind of came up because we had an inquiry about the property and then he gave history of the purchase of the property. This all happened when the economy had a downturn and the City had a great opportunity to get that property at a very good price. We saw it as opportunity to control our own destiny to have a little more control, everybody was looking for options as far as sit down restaurants and entertainment we saw we had a little more control over making that happen. Since that time, we have used it as a venue and we have had some great events. It is just in the beginning stages of talking. This is just an initial inquiry. To pursue it in any way we have to surplus the property which means nothing until this Council takes action.

Councilmember Taylor said the property we use for parking the owners are getting ready to build on it and that is going to cause a problem, so that is another reason we are looking at another area.

Mona Underwood said what is the plan, what is the master plan for recreation. We need a master plan for parks and recreation and for the City.

Councilmember Browner said it is not just we are going to sell this property and make millions of dollars we realize that we have to have a plan in place. We have several pieces of property that have been identified but we have to have boots on the ground there, because

when we close, we want it to be a seamless transition. It is a major undertaking; we want this to be seamless. Mayor Lee said even if we consider selling this property, he would not want it to happen until we have a firm plan, a plan that we are committed to.

Brandy Riley said she understands the want to sell the property, her problem is nothing happens without a plan.

Melissa Doss, 110 Pineland Drive spoke.

Motion to approve: Councilmember Scott

Second: Councilmember Blackwell with the understanding that this is exploratory in nature

Vote by Council: Unanimous

4. Discussion of Councilmember term limits per Councilmember Kevin Exley.

Councilmember Exley said he talked to a lot of people about term limits and he went over his reasons. He gets calls about trust issues and gave examples, transparency is a word you will hear over and over and we can't leave the citizens in the dark. There was a disagreement about the City Attorney invoices and Councilmember Kirkland asked could we get back to term limits. Mr. Exley said his point is term limits is something that is important, our president has two terms, nobody is saying we can't adjust it. He doesn't know whether it is a Charter item, something we can vote on, or if it's something that goes on a ballot. He thinks it is important to have. I see there is a lot of over reach out there from not having it. Councilmember Taylor agrees there should be term limits, it needs to be done.

Mayor Lee said term limits is a valid discussion. There is a process and Councilmember Exley is initiating that conversation by presenting this tonight. We need to do a study or evaluation about what is out there, what are the parameters that may establish whether term limits are the right thing to do. He is not opposed to it. Councilmember Exley said he brought it up as a discussion because it was brought to his attention. Mayor Lee said if we determine we want to move forward then it would require a Charter change, which would require taking it to the legislation to change.

Councilmember Blackwell said he did research on this. Our Charter does not state term limits. The City of Savannah just instituted term limits, they have three consecutive terms or twelve years total service as an elected official and that goes into effect January 2024. It is a process, twelve years might be a good number. It might take us two years to get it done and then we give it to the legislators and it might take them two years. That is how slow it works some time.

Mayor Lee asked Mr. Lynn to get us some guidance from GMA that will tell us what you typically see in the state of a City this size. Councilmember Browner said it does takes a Charter change, but we talked tonight about citizens committees, let them work with us and give their ideas. Mayor Lee said maybe we can do a referendum, that is the greatest public input.

Councilmember Kirkland said he also did research as well, it took Savannah two and 1/2 years to finish this process.

5. Administrative Reports:

City Manager – Mr. Lynn gave Council an update on the survey between 9th and 8th Streets and EMC is wrapping up the survey; last day to register to vote is October 10; reminder we will be having budget workshops with Department Heads on Friday and Saturday.

Councilmember Scott said the letters for the 7th Street Project have some issues about the requirements. We need to identify whether it is a construction easement, the letters say a 20 foot easement. It should say construction easement because once that project is done they put everything back in place and it reverts back. Everyone thinks they are giving up 20 feet of their property. Mr. Bowles said the reason it needs to be classified as a construction easement is because once they get put on gravity sewer we will only maintain up to the property line. Councilmember Scott said you don't need a permanent easement. There was a discussion on grinder pumps.

Councilmember Kirkland asked about updates on Picket Fences, Mr. Lynn said he has a draft letter prepared for the owners of the property they want to use.

Councilmember Exley asked about Mrs. Estelle property, Mr. Lynn said they are working with Mrs. Lewis. Lamesha Estelle said it is the City's burden of proof showing that the City has a deed.

Councilmember Blackwell asked about KorKat. Councilmember Kirkland said if they are not done on the 16th he wants to take legal action.

Police – Councilmember Blackwell asked about the police report

Fire Department – Chief Reed said we are in the 90 to 100 day window to know about the ISO, so he is expecting that any day; he will be October 27 to walk in his graduation.

Recreation – Mr. Osborne said the contract for Giles restroom has been signed.

Councilmember Kirkland asked about the cameras, Mr. Lynn, said they have ordered cameras from Verizon; they do clean the restrooms and they are trying. The bidding for the Macomber bathrooms have ended and they received no sealed bids and they will rebid again; they are now accepting bids for the resurfacing of the tennis courts, they are still trying to get the grant; they are accepting bids to seal and restripe Macomber Park parking lot.

Mr. Osborne said he wants it to be known there has been a lot going on with him this last couple of months, a lot has been said and it is hard. It has been brought to his attention that his phone is being tracked, he doesn't have anything to hide. He is tired of being attacked. He has been in a hostile environment, he has been harassed, he has been targeted and

defamed, if it doesn't stop his attorney will handle it. Councilmember Kirkland asked are all City phones tracking turned on, Mr. Lynn said no he does not know anything about phones being tracked. Mr. Osborne said he would like an executive session to discuss an issue that was already brought up.

Councilmember Exley asked about an email he read that came from the County Manager and he would like to talk about that. He thinks it needs to be addressed, it came from our County Manager. He asked Mr. Lynn to read the email. Mr. Lynn said he did forward the email to Council today. Mr. Lynn said he received an email from Tim Callanan regarding an incident that Effingham County had with Rob Collum on September 28th. Councilmember Kirkland said as Mr. Exley had stated isn't that something the staff would handle, does Council need to get involved in that. Mr. Osborne said he wanted it to be on the record that no one from the County has contacted him and the staff that was there did not mention it to him. Councilmember Kirkland said he thinks Mr. Lynn and Mr. Osborne needs to handle that.

Public Works – Mr. Bowles gave an update on LMIG, they are stock piling crush and run; sidewalks went out for bid and there was only one bidder, at a high price so they will re-bid for another 20 days.

Rincon Golf Course – Mr. Bessinger said he is interviewing applicants for the superintendent position. He received 8 applications of the 8 four were good applicants; the club championship is this weekend; the bid is going out for the grill room; he has two full time and one part time maintenance staff that are stepping up; Christie Holt is going full time; September was really good; and the new carts will come in, in November.

Mayor and Council – Councilmember Kirkland asked about the sprinkler head, Mr. Bessinger said he is working on that. It is an extension process; Councilmember Kirkland asked when the EZ carts come are you about ready to start advertising, Mr. Bessinger said they will have to play with the system first.

Councilmember Browher asked what is our plan if we have a derailing or spill on the railroad tracks. Chief Reed said the emergency evacuation plan for Picket Fences is on foot. Councilmember Browher asked about 9th Street or other homes near the tracks, Chief Reed said they will have to go around.

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

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

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

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

Motion to approve: Councilmember Blackwell

Second: Councilmember Browher

Vote by Council: Unanimous

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

No action taken.

Adjourn

Motion: Councilmember Browher

Second: Councilmember Taylor

Vote by Council: Unanimous