



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, OCTOBER 11, 2021
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

Patrick Kirkland
W. Frederick Long
Levi Scott, Jr.
Michelle Taylor

Councilmember Absent:

Reese Browher
Jesse Blackwell, Jr.

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Daniel Thompson, Police Lieutenant
Corey Rahn, Fire Chief
Jason Stewart, City Planner
Tim Bowles, Public Works Director
Mike Osborne, Recreation Director

The meeting was called to order at 7:04 PM. The Invocation was given by Mayor Lee and the Pledge to the Flag was recited.

Approval of the agenda:

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

Approval of the September 27, 2021 minutes with one grammatical error:

Motion to approve: Councilmember Kirkland
Second: Councilmember Taylor
Vote by Council: 3 yes votes Councilmember Scott abstained

Public Hearing:

Turn meeting over to public hearing officer, Raymond Dickey:

Open public hearing: 7:06 PM

Public Hearing on petition filed by CS Martin, Inc. requesting a variance on the lot width requirements for 82.42 feet located at 110 Barnwell Ave. The property is owned by Scott Martin of CS Martin, Inc. The property is zoned R-4 (Single Family Residential). (Map and Parcel # R2110003)

Toss Allen, Allen Engineering and Scott Martin, 107 Mallard Crossing were present. Mr. Allen said this is conjunction with a ten lot subdivision located between Barnwell Avenue and Smith Avenue. The Barnwell side of the property is 510.59 feet which would give them enough room to do five lots if the house was not where it is sitting, there is an existing structure on the property. The property line to the south of that house is set by the location of that house in doing so only leaves 84 Feet on that side. They want to keep the house and have a total of five lots. They meet the overall size of the lot but they don't meet the width requirement for the fifth lot. Councilmember Taylor asked would each lot have its own driveway off the existing street, Mr. Allen said yes. Councilmember Kirkland said he was concerned about the drainage. He asked Tim Bowles are there any issues; Mr. Bowles said there is normal drainage, it should run in the ditch along the street. Councilmember Kirkland asked about the wetlands on one of the properties, yes but it is non jurisdictional it can be filled in. Jason Stewart said the Planning and Zoning Board recommended approval due to the hardship of the existing home being there. Attorney Dickey asked was this advertised, were the proper property owners and was the property marked, Mr. Stewart said yes.

Jimmy Seckinger, 306 E. Seventh Street said there was a misspoken record there is a ditch and it is on his property. He does not want anything going on, on his property. Mr. Seckinger said he does have a drainage issues on his property, it is a very wet area. He is against the variance.

Frank Owens, corner of Lexington Avenue and 7th Street, asked about the one lot; Councilmember Long said all of the other lots meet the requirements, it is just the front of the one of the lots that does not meet the requirements. Mr. Stewart said this is for the one item the subdivision is the next item. Mr. Owens was not sure if all of the lots required a variance.

Anthony Roccapriore, 107 Smith Ave said he has concerns because there are flooding issues. He is concerned with ten houses going in there what that is going to do to those culverts and ditches. Councilmember Scott said the lot size meets the standards, he talked about the swells and said we need to keep the water moving. Councilmember Kirkland said he is worried about the ditches they look a little overgrown.

James Lockhart 207 E. Seventh Street, asked what was the width of the properties, they are 100 feet. He said he is against the variance.

Jim Smith 109 Smith Avenue, said if he did not know he couldn't build a house without a variance than that is his problem. He is against the variance.

Mr. Seckinger said he hopes they have shown unified support against the variance. They are not thrilled that a subdivision is coming in as it will be a significant impact to the neighborhood. This is an established neighborhood with established norms.

Matt Viar 109 Smith Avenue, said his concern is drainage and there are properties that flood.

Mr. Owens said when all of this new drainage comes to light who is going to foot the billed, the City. All of this new drainage who is going to pay for it all, it should be shared by whoever is going to screw it up. Usually when someone asked for a variance all they have on their minds is making more money, so do it right. Mr. Owens said he is against it.

Close public hearing: 7:33 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by CS Martin, Inc. requesting a variance on the lot width requirements for 82.42 feet located at 110 Barnwell Ave. The property is owned by Scott Martin of CS Martin, Inc. The property is zoned R-4 (Single Family Residential). (Map and Parcel # R2110003)

Councilmember Scott said the only concern he has is the drainage. He knows that one lot wouldn't hurt but until they can look at it he made a motion to deny.

Motion to deny: Councilmember Scott

Councilmember Kirkland asked are there other plans for the property, what would he do if he doesn't get the variance. Mr. Martin said he will tear the house down, he wanted to leave the existing house there because it is a part of the neighborhood. Mr. Martin said there would be a tree buffer 75 to 100 feet between the lots it will not be completely cleared. There will be drainage through the center.

Second: Councilmember Kirkland

Councilmember Scott said he denied due to drainage, he would like to see a work study. We realize it is a problem there. Attorney Dickey said if you deny, it would be six months before it can come back. The biggest issue, based on what he talked to Planning and Zoning about, is they meet the requirements for the subdivision so you can't stop them from doing a subdivision it is just that particular one lot.

Toss Allen said essentially they have two options, they can lose a lot and move forward with nine, which is allowed by right or Mr. Martin demolishes the entire house or a portion of it and slide that lot 25 feet over and they still have ten. There was a hydrology report put together and submitted through Planning and Zoning, reviewed by your reviewing engineers and approved for ten lots. Mr. Allen said on the drainage the water will never touch Mr. Seckinger's property because it goes uphill to Highway 21. The drainage has been looked at and addressed. The variance does not stop the subdivision. A

Both motions were withdrawn until there is a drainage study presented to Council. A motion was made to table.

Motion to table: Councilmember Scott

Second: Councilmember Kirkland

Vote by Council: 3 yes votes, Councilmember Long voted no

New Business:

1. Vote on a petition filed by Toss Allen of Allen Engineering for Preliminary/Final approval on a Major Subdivision Site Plan. The property is located at 110 Barnwell Avenue. The property is 6.12 acres and is zoned R-4 (single family residential); the property is owned by Scott Martin of CS Martin, Inc. (Map and Parcel # R2110003)

Jason Stewart said this subdivision was contingent upon the variance he asked Council to table.

Motion to table: Councilmember Scott

Second: Councilmember Taylor

Vote by Council: 3 yes votes, Councilmember Long voted no

2. Vote on a petition filed by Travis Bazemore of EMC requesting a final plat and bond acceptance for the Dasher Creek Commercial Site Development, located at 251 Highway 21 Dasher's Creek. The property is owned by Joseph Burns; the property is zoned OC (Office Commercial). (Map and Parcel # R2090001)

Travis Bazemore and Mr. Burns were present. Mr. Burns said the project went smooth and they need the final plat approved and the bond accepted. Councilmember Taylor asked about a curbing collapsing. Mr. Burns said there was a small drainage issue at the handicap ramp. Mayor Lee said it appears that there is going to be five parcels, and they already created a new road, however he does not see any curb cuts. Mr. Bazemore said each tenant will submit their own site plan, each curb cut on 12th Street will be reviewed by Planning and come before Council to get approved.

Motion to approve: Councilmember Scott

Second: Councilmember Long

Vote by Council: Unanimous

3. Sikes Brothers, Inc request approval of pay request #1 in the amount of \$500,145.48 for the 2021 TSPLOST Rincon-4th Street Project. LI #320.4100.549103

Doug Morgan with EMC was present. Mr. Morgan said this is the first pay request and it is for all the milling and base from the City limits all the way to Lexington Avenue. Councilmember Taylor said the transition from the County to the City is not good. Mr. Morgan said it is not and they will address that when they do additional paving. Councilmember Kirkland asked about traffic control and possibly having them itemize it better.

Motion to approve: Councilmember Kirkland
Second: Councilmember Scott

Mayor Lee said this is one of our TSPLOST projects and we appreciate the citizens of Effingham County recognizing this is a need. He knows this is an inconvenience for people that have to travel but he hopes we will have a better road for them to ride on.

Vote by Council: Unanimous

4. Effingham Heroes request waiver of fees for the use of Freedom Park to hold a benefit concert on October 23, 2021.

Mayor Lee recused himself from discussion and Mayor Pro Tem Kirkland presided. Susie Davis, Effingham Heroes said one of the reasons for them to fund the Teal house this year, the State will take over next year, is whenever there is a child that is the victim of sexual assault, currently the officer will have to go with the child to Statesboro which makes it more confusing and traumatic for the child and it also takes the officer off the street so if they could stay in Effingham, it would keep the officers here. The concert will raise funds for this. Councilmember

Motion to approve: Councilmember Scott
Second: Councilmember Taylor

Dulcia King asked if Council could also approve the assemblage permit letter that goes to the Department of Revenue. Councilmember Kirkland said the language needs to be changed to Mayor Pro Tem. Both motions were amended to include the approval of an assemblage permit and the waiver of fees that the City charges.

Vote by Council: Unanimous

5. Request approval of an Ordinance to change the annual flat fee amount for insurance companies transacting business within the City limits.

Mr. Klimm said because of new census data that puts our population over 10,000 we can now charge \$75 instead of \$50 for the insurance company license fees.

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

6. Request approval to accept the Firehouse Public Safety Grant valued at \$14,529.00.

Chief Rahn said they have submitted for this three times since Firehouse got here. Mayor Lee said he gives credit to Firehouse not just for what they are doing for us but for fire stations all over the country.

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

7. Administrative Reports:

City Manager – Mr. Klimm gave update on unemployment insurance. He said we were not allowed to have our appeals hearing and the Mayor took it upon himself to contact the governor's office, they responded quickly and now we have one or two hearings left; the second item is an update on TSPLOST projects, we continue to see progress. 4th Street will be completed soon and they just started on Weisenbaker Road; they have heard from a private landowner who is interested in creating a parking area for tractor trailers in the City in a very ideal area. Hopefully Planning will be receiving a plan soon; the Governor has announced a program to recognize our first responders. It is a grant program that the City applies for and then is reimbursed.

Mayor Lee asked about budget schedule. Mr. Klimm said he is working with Monica Woods and she has sent out forms to Department Heads for their expense request. Mayor Lee asked do you have a target date for us to meet. Mr. Klimm said there will be workshops in November.

Councilmember Kirkland asked about benefits for employees, have we done any type of climate survey overall, how they feel about everything. Mr. Klimm said he would like to work on that with Councilmember Kirkland's help.

City Engineer – Mr. Morgan said 4th Street will be completed by Friday; they have already started on Weisenbaker Road; Middleground Road is a three part project, it will be shut down for thru traffic; and the TSPLOST signs will be picked up Wednesday and posted.

Chief of Police – Lieutenant Thompson informed Council that one of our officers did get recognized by MADD. Officer Daniel Nicholson has had 35 arrests in a year's time.

Fire Department – Chief Rahn said he wanted to bring up one thing on Governor's Kemp safety grant. He is very gracious however he is disappointed on singling out the volunteers

versus the paid staff because the volunteers run just as many calls. He can't change Governor's Kemp grant but he has money in his budget to bump the \$700 to the even \$1000 for the volunteers. He would like for Council to think about it.

Building/Zoning Dept. – Mr. Stewart said he is pleased to announce that they are transitioning back to full staff, Sheri Swagert is transitioning to the frozen Planning position.

Recreation Dept. – Mike Osborne said football and soccer are underway; basketball sign up starts on Wednesday; they have had tournaments every weekend and they had a disc golf tournament this weekend. Mayor Lee said he is excited about us using the big movie screen.

Doug Morgan said at one of the Council meetings they talked about the football field, he has revised the layout and was able to get 72 more parking spaces to fit. There still is no drainage out there, it doesn't run off. they have a plan and he will send it to Council.

Mayor and Council – Councilmember Taylor said she would like to go around to each department to get to know the people; Councilmember Kirkland said he got invited by Habitat for Humanity to their annual conference. It was a great conference and he learned some great things.

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

No executive session.

Adjourn:

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