



CITY OF RINCON
OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, OCTOBER 28, 2019
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM

Councilmembers Present:

Reese Browher
Paul Wendelken
James Dasher
Ann Daniel
Kevin Exley

Councilmembers Absent:

Levi Scott, Jr.

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Interim Police Chief, Jonathan Murrell
Corey Rahn, Fire Chief
Pete Smith, Assistant Fire Chief
LaMeisha Hunter Kelly, City Planner
Tim Bowles, Public Works Director
James Jefferson, Finance Director

The meeting was called to order at 7:08 PM. The Invocation was given by Councilmember Wendelken and Pledge to the Flag was recited.

Approval of the agenda with the following additions:

New business item 7A, request approval change of credit card processor from Authorize.net to Open Edge; new business item 7B approval of resolution to adopt the 2020 -2040 Effingham County and City's of Springfield, Rincon and Guyton Joint Comprehensive Plan; new business item 7C second reading of 2019 water and sewer impact development fees update; and new business item 11A discussion of utility services to tract B.

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

Approval of the October 14, 2019 minutes:

Motion to approve: Councilmember Dasher
Second: Councilmember Browner
Vote by Council: 4 yes votes, Councilmember Exley abstained

New Business:

1. Second Reading of a petition to annex a 1-acre parcel located at 1654 Fort Howard Road; the property is owned by Johnnie M. and Mary V. Bryant. (Map #04630028)

Mr. and Mrs. Bryant were not present. Mrs. Kelly said this is part of the annex.

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

Public Hearing #1

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing for a petition filed for a Zoning Map Amendment for a 1-acre parcel located at 1654 Fort Howard Road, to amend the zoning from AR-1 (Agricultural Residential) to R-4 (Single Family Residential); the property is owned by Johnnie M. and Mary V. Bryant (Map #04630028)

Open public hearing: 7:13 PM

Attorney Dickey said this is part of the annexation process where we have to rezone annexed property.

Close public hearing: 7:14 PM

Turn the meeting back over to Mayor Lee.

First Reading of an Ordinance for a Zoning Map Amendment to rezone a 1-acre parcel located at 1654 Fort Howard Road, to amend the zoning from AR-1 (Agricultural Residential) to R-4 (Single Family Residential); the property is owned by Johnnie M. and Mary V. Bryant (Map #04630028)

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

Public Hearing #2

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing for a petition filed for a Zoning Map Amendment for a 2-acre parcel located on West Ninth Street, to amend the zoning from R-4 (Single-Family Residential) to R-8 (Duplexes and Townhomes). The property is owned by Construction Development Investors. (Map #R2130009A)

Open public hearing: 7:15

Attorney Dickey asked Mrs. Kelly has the property been marked, an ad placed in the legal organ and property owners notified by mail; Mrs. Kelly said yes. Mrs. Kelly said they did not have a quorum for the Planning and Zoning Board. There were two members present, one recommended approval with conditions that the buffer is part of the requirements, and the other had some concerns about density in the area.

Jake Patrick and Jeffery Wardell owners of Construction Development were present. They plan on putting 24 townhomes on the property there will be a total of six units with four single family residences. They have also discussed putting in a centralized dumpster trash area. Councilmember Dasher asked if the dumpster was something we would require, Mrs. Kelly said they talked about some of the concerns, but this is only the preliminary site plan. Councilmember Daniel asked is this spot zoning, Mrs. Kelly said no there is a similar project down the street and even with the mobile homes this would be similar in terms of density. Mr. Wardell said the plans are preliminary but they were drawn to scale.

Benita Young Giles, 721 W. 9th Street, said she lives right next door to where they want to put this. Her property is 1 $\frac{3}{4}$ acre and she can't see putting an apartment building on that small acreage. This is a residential area; most of the people that live here are senior citizens so why would you want to put this in the middle of a black neighborhood. It is going to cause a lot of rift raft and there is going to be a lot of drugs, anybody know white people are not going to come in that area it will only be black people and when you get a bunch of black people in that area it is going to cause a lot of problems. Her concern is it is going to bring a lot of problems for the black neighborhood, cops stay out there on 7th Street, we have one little part that is not messed up and if you put that there it will mess everything up.

Betty Outlaw, she lives across the street at 726 W 9th Street. Mrs. Outlaw said she has lived here 60 something years, there are a variety of people that live on 9th Street and this area it is mostly black. She works and right now it is hard to get out of her driveway, she does need all of this now, she likes peace and quiet. What types of people will this draw to the neighborhood.

Katie Smart, Blandford Road, said she is 76 years old and the traffic is terrible. Where she lives there is peace and quiet. Don't put this subdivision in the black folk area. If all these new people come that is where the problem will come in.

Mrs. Smart also talked about the sidewalks. She said they did not vote for the sidewalks, now when it rains all of the water comes on here property, she is too old for all of that. Councilmember Browher asked staff to look into the drainage issue.

Linda Roberts 718 W 9th Street, said she doesn't care for this project. She pays property tax and she doesn't want her property all messed up.

James Roberts, 718 W 9th Street said the police have sat beside the road and see what has been going on. Mr. Roberts said it took him 30 minutes to get on 9th Street, if you get that apartment complex over there it will be more traffic. It is not going to work. It will be trouble. It is best to stop it before it happens, you can always stop trouble if you start in time.

Mr. Wardell said the units will be two and three bedrooms units. Mr. Patrick said he knows they can't control everything but keep in mind that they will be the ones leasing the units. He will do background checks and they will have a strict leasing policy, he doesn't want to get calls in the middle of the night. Councilmember Browher asked have they already purchased this property, the answer was yes.

Close public hearing: 7:40 PM

Turn the meeting back over to Mayor Lee.

First Reading of an Ordinance for a Zoning Map Amendment to rezone a 2-acre parcel located on West Ninth Street from R-4 (Single-Family Residential) to R-8 (Duplexes and Townhomes). The property is owned by Construction Development Investors. (Map #R2130009A)

Councilmember Dasher said he would like to table the item because he wants to hear the information about the variance. Attorney Dickey said he would suggest that Council come back to this item after the other public hearings.

Councilmember Browher said he has said in the past that he is not a fan of multifamily. He understands property development but there is a traffic issue in that area. Also the density if it is zoned R8 or R12 and they put it in we can't tell them because it is already zoned that, but whenever we willfully rezone we are creating problems for ourselves. Councilmember Exley said he looks at the people that have been living there for so long. We say we can put things in place to make it right but there is no guarantee.

The vote took place after public hearing number 3.

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

Public Hearing #3

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing for a petition filed for a variance to Article 6, Section 6 (R-8 Residential Districts) to allow 24 townhome units on 2 acres located on West Ninth Street; the property is owned by Construction Development Investors. (Map #R2130009A)

Open public hearing: 7:46 PM

Mr. Patrick and Mr. Wardell their request is to go from 16 to 24 units. Mrs. Kelly said it seems with the 1989 ordinance something changed with density, when you go back to look at other multifamily units and the mobile home parks they have greater density. So now the ordinance say you can only do eight units to an acre but those developments have 12 units to .75 acres that is why the variance will be more in line to what is already out there. Councilmember Dasher said wouldn't we look at change the ordinance instead of a variance. Mr. Wardell said they have grown up in the county, have seen a lot of good things come to Rincon that would not have come without growth. Councilmember Wendelken said we are not saying growth is bad, but we need to plan for the growth we have to make sure we are ready for what you want to do. Councilmember Exley said growth is a timing issue, no one is opposing your project but the timing is an issue because we are not prepared for it. Mayor Lee said all we have to look at is the information before us now; we need to plan and be ready. In the years to come the dynamics of the area may change.

Alice Copper, 723 W. 9th Street, said right now she does not see this, because what will happen to her property value would it depreciate or increase. Her property is right next to the property.

Close public hearing: 7:59 PM

Turn the meeting back over to Mayor Lee.

Attorney Dickey reminded Council that they have to vote on the zoning and if they move forward with the zoning request at this point and it is not passed there is a six month prohibition.

Vote on a petition filed for a variance to Article 6, Section 6 (R-8 Residential Districts) to allow 24 townhome units on 2 acres located on West Ninth Street; the property is owned by Construction Development Investors. (Map #R2130009A)

No action.

Public Hearing #4

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on the 2019 Millage Rate for the City of Rincon.

Open public hearing: 8:03 PM

Attorney Dickey said this is required by state law to read in a public hearing what the millage rate will be. The millage rate of 4.58 will be rolled back through LOST to 0. Councilmember Wendelken said it has been since 1998.

Close public hearing: 8:05 PM

Turn the meeting back over to Mayor Lee.

Vote on the request to approve the 2019 Millage Rate for the City of Rincon.

A motion was made to rollback the 4.58 millage rate to zero mils.

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

New Business:

2. Request approval of Budget Amendment 2019-11 to amend FY 2019 Budget for the purchase of a patrol vehicle and related equipment.

Sergeant Hayes, said they are requesting to move \$7,000 from SPOLST to patrol cars that will give them enough to purchase the Chevy Tahoe that was already approved and a 2020 Dodge Charger.

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

3. Request approval to purchase a 2020 Dodge Charger from Akins Ford and the related equipment for a total amount of \$37,985.12. LI #320.3200.542216

Sergeant Hayes said this will be their second purchase this year. The price is for the vehicle and all of the outfitting. They will be refurbishing a few items to cut that price down.

Motion to approve: Councilmember Daniel
Second: Councilmember Exley

Councilmember Dasher asked would it be in this year, Sergeant Hayes said no. Councilmember Exley asked about the surplus vehicles, Interim Chief Murrell said Lieutenant Thompson is working on that they have been in touch with Liberty Auction they wanted to do 20% of the sale price and they have gotten them down to 15%.

Vote by Council: Unanimous

4. Request approval to change the water bills special instructions.

Mr. Jefferson said this is a request to change the wording on the bills from interruption fee to administrative fee, and the due date from the 15th to the 20th, in assistance with the City Attorney, to allow the customers to have a better paying period. There was discussion on the due dates.

A motion was made to leave the due to the 15th and penalty on the 21st, change the interruption fee to administrative fee and the cutoffs (administrative fee) on the 1st. Councilmember Wendelken did mention that there will be a decrease in revenue because the extension of the cut off due date.

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

5. Request approval to pay Tyler Business Forms \$5,643.00 to change the water bills from letter form to post cards. LI #505.4410.521200

Mr. Jefferson said this will also be part of the lock box change over. The saving will be anywhere from \$10,000 to \$20,000 savings.

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

This will start either February or March 2020.

6. Request approval to purchase 30 Grinder Pumps from Grainger in the amount of \$24,997.80. LI #506.4325.542107

Mr. Bowles said this will replenish his stock of grinder pumps. We have maintained the same cost for the grinder pumps through Grainger for the past several years.

Motion to approve: Councilmember Daniel
Second: Councilmember Wendelken

Councilmember Browher asked how many does he like to keep on hand, Mr. Bowles said he is down to seven right now. Councilmember Exley asked when was the last time he replaced them, back in July.

Vote by Council: Unanimous

7. Geosyntech Consultants, Inc. requests approval of pay request #4 in the amount of \$11,125.03, for engineering services associated with the Coastal Incentive Grant. LI# 505.4440.531750

Mrs. Kelly said this work has been completed. We will get a partial reimbursement through a grant to pay for these services.

Motion to approve: Councilmember Browher

Second: Councilmember Exley

Vote by Council: Unanimous

7A. Request approval to change Credit Card Processor Authorize.net to Open Edge.

Mr. Jefferson said Tyler Technologies will no longer support Authorize.net and this change will also put us in compliance with our credit card process. The water department is the only department that is not compliant as far as being able to read the credit cards with chips in them. This does not cost anything.

Motion to approve: Councilmember Daniel

Second: Councilmember Wendelken

Vote by Council: Unanimous

7B. Request approval of a Resolution to adopt the 2020 -2040 Effingham County and City's of Springfield, Rincon and Guyton Joint Comprehensive Plan.

Mrs. Kelly said the resolution was approved at the last meeting but after that date the plan was submitted to the State and the State had some comments that the CRC addressed, so the plan had to be resubmitted.

Eric Landon with CRC was present, he said that is the standard language used with all submittals, they are required to be updated every five years.

Motion to approve: Councilmember Wendelken

Second: Councilmember Exley

Vote by Council: Unanimous

7C. Second reading of the 2019 Water and Sewer Development Fees.

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

8. Administrative Reports:

City Manager – Mr. Klimm said he is seeking guidance from Council. He was notified by Waste Management that they intended to increase our fees for recycling. Mr. Hightower said all recycling processing have increased the cost, Mr. Klimm said he referred back to the contract and there is language that says Waste Management shall be entitled to an increase. The question he has in terms of guidance is, is this something that should cause us to reflect on our recycling policy or should we move ahead. Mr. Klimm asked should he ask for additional documentation on the increase, yes; he wanted to remind Council about a budget workshop; he also provided letter from the Chamber of Commerce about Effingham Day at the Capitol; he attended a meeting at the County about TSPLOST, his recommendation to Council is to urge the County to bring some finalization to the Intergovernmental Agreement.

Councilmember Exley said if Waste Management does substantiate the cost then they should move that into our budget year starting 2020.

Chief of Police – Interim Chief Murrell said previously he was told the 15%, to auction the vehicles at Liberty Auction, would be paid by the buyer and he found out it would come out of the sale price. He said that we can go with the Lane Brother's Auction which is in March or we can send them now to Liberty Auction. Council said wait for the auction in March.

Building/Zoning Dept. – Councilmember Daniel asked how many vacancies do you have on the Planning and Zoning Board, Mrs. Kelly said she has three names to bring to Council but they will still be down one.

Councilmember Wendelken, said maybe someone needs to call Construction Development Investors to explain the options that they have, if they want to come back with a different plan in six months. Mrs. Kelly said she thinks Council should talk about widening the street because the larger parcels are in that area.

Mayor and Council – Councilmember Browher asked about the trees in the lane on Georgia Avenue, Mr. Bowles said we have gotten to all that we can get to. The lane is clean. Councilmember Browher said there were a few trees still there, Mr. Klimm said there is a question with getting access to the trees. Council said we need to clean it off and deed the property, Mr. Klimm said he will get with Mr. Bowles.

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

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

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

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

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

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

No action taken.

Adjourn:

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