



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, JUNE 26, 2023
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmember Present:

Levi Scott, Jr.
Reese Browher
Patrick Kirkland
Michelle Taylor
Jesse Blackwell, Jr.

Present:

Ken Lee, Mayor
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Jonathon Murrell, Police Chief
Lou Reed, Interim Fire Chief
Terri Lewis, Planning and Development Director
Tm Bowles, Public Works Director
Elizabeth Cartwright, Finance Director
Bryan Bessinger, Golf Course Manager

The meeting was called to order at 7:02 PM. The Invocation was given by Councilmember Kirkland and Pledge to the Flag was recited.

Approval of the agenda:

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

Approval of the May 24, 2023 minutes with the following:

Two corrections in spelling and on the second executive session Councilmember Scott made the second motion.

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

Approval of the June 1, 2023 minutes:

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

Approval of the June 12, 2023 minutes with the following:

Councilmember Browher was not present and Councilmember Rahn was not present.

Motion to approve: Councilmember Kirkland
Second: Councilmember Scott
Vote by Council: 4 yes votes Councilmember Browher abstained

Mayor Lee said at the last meeting there was question about our Charter as it pertains to Special Called Meetings. Attorney Dickey addressed the questions. He read from Section 2.19 and read the complete ordinance. There was no Charter violation on the Special Called Meeting, it met all of the conditions for the meeting.

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing #1

Open public hearing: 7:10 PM

Public Hearing on a petition filed by Neil McKenzie with Coleman Company on behalf of Keystone Homes requesting a Zoning Map Amendment for a 20.22-acre parcel located at 0 Ninth Street Extension to amend the zoning from R4 (Single-Family Residential) to R8 (Residential – Multi-unit attached); the property is owned by Peter Johnson, Jr. and Franklin Lamond (Parcel # 2130001)

Attorney Dickey asked was this property mark, were the required property owners within the correct distance notified and was an advertisement placed in the legal organ. Mrs. Lewis said yes.

Neil McKenzie with Coleman Company was present. Mr. McKenzie said Keystone homes is asking to rezone this property from R4 to R8. This is in response to the need for housing, and they feel this application is in line with needs for this area. They are asking for R8 and the reason is they are trying to get the density needed to make this a financially appropriate project. There will be 102 townhomes. He presented a concept plan. There will be two access points, one on West 9th Street and one on Howard Street. There are four

acres of wetlands that they plan to preserve. The plan is to do an amenity package on this site, mail kiosk, trash collection, they propose buffering along the site perimeter. There will be two parking pads per townhome and there is space for overflow parking. Stormwater will be managed on site. There are some wetlands that bound the edge of the property and they will have two large detention ponds that will collect the stormwater from the site, treat it and release it to that wetland. In the Planning meeting there were some concerns about the wetlands. That wetlands does have a ditch that drains through Broome Lane and drains to Dasher Creek. They have capacity for water and sewer. They had a neighborhood meeting one of the main things was traffic and they 100% agree. They employed a traffic study that was sent to staff today. Mr. McKenzie briefly went through the traffic study and what it covered. Mr. McKenzie said he feels like they have a good plan in place, and they are responding to a need. They had a neighborhood a meeting, had a traffic study done what they would like to do is have a workshop with staff to work pass some of these items. A lot of the concerns they can address during the site plan. Attorney Dickey asked did Mrs. Lewis have any recommendations. She said the Planning and Zoning Board voted 5 to 2 to recommend denial their concerns where generally related to traffic and any kind of precedence it will set in that area. Lamar Crowell, Keystone Homes, said they are after workforce housing and these will be sold. They are trying to get into the price range of \$250,000.00. They will have a park amenity. The landscape will be HOA maintained they are trying to make it as practical as possible. They did have the town hall meeting and about 30 to 35 people attended. They primary concern was traffic and road safety. Councilmember Kirkland is there any overflow parking, yes, Mr. McKenzie said there is overflow parking. Councilmember Scott asked Mrs. Lewis what the change in R6 versus R8 is. Mrs. Lewis said density would be the big thing. R6 the only residential you could do is attached duplexes. Mayor Lee asked will the streets accommodate our fire trucks, Mr. McKenzie said yes. Councilmember Scott we know we have a demand for housing. You need to make sure the drainage is good and his main concern is the traffic. In the conceptual plan they need to show what they are willing to do about these issues. He knows what the needs are, we need to sit down to make sure we have that drainage covered and traffic. There is a need, and it is coming fast. Mr. McKenzie said they do have space to do a right-hand turn lane in. Councilmember Blackwell asked about the HOA, they hire a third party. There was discussion on owners versus renters. Mayor Lee confirmed that when people buy you have no control over what they do, Mr. Crowell said yes.

Dale Douberley, 503 Broome Lane, said the drainage comes across his property he wants to know where they are going to put the canals and he wants a privacy fence.

Mona Underwood, 310 E Kessler Street said there are some key issues, this is spot zoning and there are kids right now sitting on 9th Street every morning waiting to get on the bus. We can't build and then fix the problem.

Bob Vanderark, Old Dixie Highway, is opposed to this. He said the average citizen cannot afford this property.

Close public hearing: 7:43 PM

Public Hearing #2

Open public hearing: 7:43 PM

Public Hearing on a petition filed by Michael Gilder, on behalf of Premier Advertisements, LLC, requesting a variance to construct a billboard 188 square feet larger than permitted by the code. The property, which is located at 0 N Columbia Avenue, is zoned GC (General Commercial) and is owned by Archie T. Mungin, Jr. (Parcel # 2180004)

Attorney Dickey asked was the property marked, was the property owners surrounding notified and was an advertisement placed in the legal organ, Mrs. Lewis said yes. She said the Planning and Zoning Board recommended denial because the hardship was not met. Michael Gilder, 108 Sugarland Blvd, Brooklet was present. Mr. Gilder said he has always been interested in real-estate and was attracted to billboards because of the lower price point. He saw there would be a major development happening here so he thought it would be a great place to start his first billboard advertising sign. The point of his billboard would be to advertise local businesses. If this was to go through, he would have to cut down a tree. Another thing he looked at there is no other billboard within 3,185 feet of the proposed billboard. Another benefit of the billboard is it would support a retired Rincon resident. The sign will be kept well aesthetic, it would be a static billboard.

Close public hearing: 7:55 PM

Public Hearing #3

Open public hearing: 7:55 PM

Public Hearing on a petition filed by Alejandro Gamarra on behalf of Mahanaim Shipping Line, LLC requesting a Zoning Map Amendment for a 5.08-acre parcel located at 801 Old Augusta Road South to amend the zoning from B-3 (Highway Commercial District) to LN (Limited Industrial Use); the property is owned by Mahanaim Shipping Line, LLC (Parcel # 04750057A00)

Attorney Dickey asked was the property marked, advertisement placed in the legal organ, and the surrounding property owners notified Mrs. Lewis said yes. Stephen Rushing, representing Mahanaim Shipping was present. Mr. Rushing said this property has been owned by Mahanaim right at four years, it was already zoned R3. It is a limited warehousing and logistics operation that is being proposed. It was determined that it would be appropriate if they can connect to water and sewer owned by the City of Rincon and in order to do that it was encouraged for them to annex into the City. The property owners are seeking to be entitled to an initial zone classification comparable to the zone that they are currently in the incorporated area of the County. It has been B3 in the County since 2016. They will meet all the rules and regulations of the City. They are looking at buffering and protection of the current use of the adjacent church property.

Cirincione Bacon, 802 Old Augusta Road said he does not think this is a good idea for the community, it is already congested in the area.

Delmons White, 1021 Old Augusta Road South was opposed and said just say no to this annexation.

David Pierce, with Pierce Building Systems, said Mahanaim Shipping purchased this land four years ago. To the community this is zoned B3 so they can build a warehouse there now. What they are seeking annexation for is water supply, so they can get water for a high output sprinkler system. They can do that on site with holding tanks for what it is zoned now. They are not asking to do anything that they can't do now. They are trying to annex into the City, which will bring taxes to the City, to get the water flow they need for sprinkler systems. They are trying to get more water faster.

Close public hearing: 8:17 PM

Turn the meeting back over to Mayor Lee.

Old Business:

1. Vote on the First Reading of a petition filed by BKB Properties, LLC., requesting a Conditional Use to utilize the property as a self-storage facility. The property, located at 0 Magnolia Drive, is zoned GC (General Commercial) and is owned by BKB Properties, LLC. (Parcel # R2090006) (Tabled at the 6/12/2023 meeting)

Motion to remove from table: Councilmember Scott

Second: Councilmember Blackwell

Vote by Council: Unanimous

Mayor Lee thanked everyone involved in this for their patience and thanked staff. Mrs. Lewis said in 2022 the owner requested rezoning on two adjacent properties to R8 to build townhomes and that request was denied. In March 2023 the property owners requested a conditional use for the GC parcel for self storage use. On June 1 they held a meeting with residents, owners and staff. Mrs. Lewis shared the reasonable conditions, left in right out only access to the property, Magnolia Drive widened and repaved between Weisenbaker Road and the entrance to the subject property, a minimum of a 15 foot vegetated buffer and associated fencing along Magnolia Drive, clear safety signs to include 18 wheelers are not permitted to service the site, no exterior storage, dumpster to be located as far as possible from Magnolia Drive, the building to be a neutral earth tone color, any site lighting to shall be contained within the site, and if the business has a free standing sign any lighting shall be ground mounted and concealed by vegetation. Those are what staff would suggest are reasonable conditions if Council were to approve this. Mrs. Lewis said the applicant still has to go through the site plan process, this process is public.

Keith Woods said he thought we had a productive meeting they do not have an issue with extending the buffer on Magnolia Avenue within their set back. As far as the in and out, that is not an issue, additional signs are not an issue, the dumpster is not an issue. Mayor Lee asked about the widening from Weisenbaker Road to the entrance of the property, he doesn't see an issue but his engineer is on vacation. Councilmember Kirkland asked about the site plans, Mrs. Lewis said she would make sure these things are in the site plan. Councilmember Browher thanked Mr. Woods for working with Council, the residents, and staff. He appreciates everyone coming together on this.

Ben Southerland, on behalf of Jason and Nikki Carangelo, 211 Magnolia Drive spoke and his clients are against this. If Council moves forward his clients would ask the access goes through the property off Highway 21.

Charlene Reynolds, 208 E. Mrytle Street is against this, and she is very concerned.

Nikki Carangelo, 211 Magnolia Drive, said the community meeting was not productive.

Jason Carangelo, 211 Magnolia Drive said the meeting was not productive.

Motion to approve: Councilmember Browher
Second: Councilmember Scott

Councilmember Scott said we don't take anything like this lightly. This is less intrusion on what they could put there. There is something that will be built there and this is less intrusive.

Both motions were amended to include the conditions presented by Mrs. Lewis.

Vote by Council: 4 yes votes Councilmember Taylor recused herself

New Business:

1. Chistopher Ward requests approval to appear before Council to discuss waiving permit fees to install a handicap ramp.

Mayor Lee said he is familiar with this, it is an organization that works through the United way and they are putting a wheel chair ramp at a home on Zitterour Drive. A motion was made to waive all permit fees.

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

2. Vote on a petition filed by Lawrence Alexander Homes, LLC, on behalf of Maui Plaza, LLC, requesting a variance to reduce the minimum width of each lot within a

proposed 35-lot single-family subdivision. The property is located at 1678 Fort Howard Road and is zoned R4 (Single Family Residential). (Parcel # 04630029)

Attorney Dickey said this will be the first reading. Mr. Alexander said he is keeping the property R4. With the variance they will have minimal impact to the wetlands only the .09 acres will be impacted for the road. They will be reducing the frontage at each individual lot but not the lot size.

Motion to approve: Councilmember Kirkland
Second: Councilmember Blackwell

Trent Eichmann, 212 Pineland Drive, had something to say.

Vote by Council: Unanimous

3. Second reading of an Ordinance to amend Chapter 42 of the Rincon Code of Ordinances.

Mrs. Lewis said these are changes requested by the County as part of the Hazard Mitigation Plan.

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

4. Request approval to purchase an Overhead Rolling Garage Door from Advanced Door Systems in the amount of \$7,500.00. LI #580.6140.522217

Bryan Bessinger said he wants to remove this from the agenda, there are other things that have come to his attention that are more important. Councilmember Taylor said this is very important. We have expensive equipment and kids are getting back there. Can she take this out of the beautification line item. Mr. Bessinger said this is regarding an overhead garage door for the maintenance shed that has all our tractors and mowers. Councilmember Browner said the question is, is it budgeted, no. Is it needed, yes. It takes one child to get injured. We know it is an issue we need to address it now.

Attorney Dickey said the proper procedure is to have the budget amended to approve what ever it is, so you don't have that action tonight. Mrs. Cartwright said the money would come from the beautification line item.

Justine Doss asked a question about the previous funds for the door.

Motion was made to move funds from the beautification line item to purchase the door for \$7,500.00.

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

5. Request approval to purchase a 2023 F -150 from OC Welch in the amount of \$32,595.00. LI #320.4100.542222

Tim Bowles said this was advertised in the local paper and nobody bid. It was run on the state contract website and nobody bid.

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

6. Request approval of a Maintenance Agreement with Hach for Chlorine and Chloramine Analyzers in the amount of \$17,630.00. LI #505.4440.521200

Mr. Bowles said this is the annual renewal. They do maintenance and calibrate them and if anything goes wrong, they have a tech line to call. If they send a tech to come out and take care of it there is no additional cost.

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

7. Request approval to pay Georgia Environmental Protection Division \$13,469.50 for the Annual Testing Fees for wells. LI #505.4440.521200

Mr. Bowles said this covers the EPD required samples for the withdrawal permit other than the chloroform samples.

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

8. Setting of the hearing date for Jonathan Lynn and procedures to be followed at the hearing.

Mayor Lee said he would propose the motion to set the appeal hearing of Jonathn Lynn and procedures for the hearing. This appeal hearing is governed by the City Charter and not the personnel policy. A motion would be in order to set the appeal date for Thursday, June 29, 2023 at 6:30 PM and the following procedures: Mayor and the majority of Council will provide a statement outlining the reason for termination. Jonathan Lynn will have an opportunity to respond to the reasons for termination and convince Mayor and Council not to continue with termination by correcting the issues raised by Mayor and Council. Mayor

and Council and Jonathan Lynn will have the opportunity to respond with any further information.

Councilmember Kirkland asked was this a public hearing and would the public be allowed to speak. Attorney Dickey said it is not a public hearing, it is an appeal hearing but the public is entitled to be here.

Motion to approve: Councilmember Scott
Second: Councilmember Browher

Mona Underwood, 310 Kessler Street asked could the public speak. She thinks it is unfair not to give Jonathan the opportunity to have his people here to speak on behalf of the work they have seen him do. Attorney Dickey said that is in there. He can respond to those charges, he would have to present the people.

Vote by Council: Unanimous

9. Administrative Reports:

Police Department – Chief Murrell said he will be on vacation from July 6 – July 11; he asked did Council get his reverse evaluation that he gave to his department. 15 out of the 23 employees responded. It was anonymous. He thinks it went really well; Councilmember Kirkland asked about Freedom Rings, Chief Murrell said everything went well. The parade was flawless. Mayor Lee said it was a great event. Councilmember Blackwell said they did a great job getting the traffic out.

Fire Department – Councilmember Kirkland asked about the tornado sirens, Chief Reed said they are manually operated by the 911 Center. It was an issue with manpower. Mona Underwood said the siren at Macomber Park was not working, Chief Reed said they are working to correct that. Councilmember Browher asked when will they be able to look at the one at Macomber. Chief Reed said next week.

Finance – Mrs. Cartwright said she has started to put together a budget calendar. She is moving the budget date up, because she goes on vacation in August.

Rincon Golf Course – Mr. Bessinger said the whole issue is there has been a lot of neglect at the course; the weather has been an issue; they need to have a sit down chat to talk about some things for the future.

Councilmember Browher asked could we have a budget workshop at the golf course. Since Mr. Bessinger is new he can show them firsthand what his concerns are.

Mayor and Council – Councilmember Taylor said she got several phone calls about Recreation Department fall ball. Mayor Lee said we are challenged with staff but he believes we can reach out to resources that will allow us to have our fall sports.

Bob Vanderark, one of the coaches for the Rincon Colts wanted to speak on this. They have concerns about football being canceled, they have deep passion for football and don't have problem stepping up to keep this program going. All the need are the pads, Pooler Recreation does all of the scheduling. Councilmember Kirkland said he is not sure where the rumor came from that they were going to cancel fall sports.

Mona Underwood said registration has been halted until they know what is going on. She told Council what she has found out about registration. Mr. Vanderark said you can probably cut out the fall baseball/softball. There was discussion on fall baseball/softball. Mrs. Underwood said she thinks we need an citizens advisory board for the ball park.

There was discussion on the conditions of the park facilities.

Mayor Lee said proceeds from the fair and circus in the past have been designated directly to recreation, not all of the money but some. Also someone said registrations should be going on now (the only registration open is baseball/softball) and he said why is it not. Mrs. Underwood said it was halted. She said that Alyx Pitts sent an email to the City Clerk (no email was sent to Alyx Pitts) and was told to halt registration until Council could discuss it.

Mayor Lee said everyone knows that Sewon is coming to Rincon. They presented the City of Rincon with a plaque and \$10,000.00.

Councilmember Browher asked about the access road in front of KFC, he knows it is not our road but can we contact the property owners so they can get something done about it.

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

No executive session.

Adjourn:

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