



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, AUGUST 14, 2023
COUNCIL CHAMBERS
107 WEST 17TH STREET
7:00 PM**

Councilmember Present:

Ben Blackwell
Reese Browher
Patrick Kirkland
Michelle Taylor

Councilmember Absent:

Levi Scott, Jr.

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
Terri Lewis, Planning and Development Director
Mike Osborne, Recreation Director
Tm Bowles, Public Works Director
Tommy Kee, WWTP Director
Elizabeth Cartwright, Finance Director

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

Approval of Agenda:

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

Mayor Lee acknowledged Herb Jones for his 16 years of service on the Coastal Regional Commission. Allen Burns Executive Director Coastal Regional Commission, Dan Cody, Reggie Loper, and Rebecca Boston were present.

Approval of Minutes:

Approval of the June 26, 2023 minutes.

Motion to approve: Councilmember Kirkland

Second: Ben Blackwell

Vote by Council: Unanimous

Approval of the June 29, 2023 minutes.

Motion to table until August 28: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing #1

Open public hearing: 7:13 PM

Public Hearing on a petition filed by Jacqueline Bitoun requesting a variance to construct a fence within the front setback area. The property is located at 505 E Williams Street, is owned by Jacqueline Bitoun and is zoned R4 (Single Family Residential). (Parcel # R2100043)

Attorney Dickey asked was this advertised in the paper, the property owners surrounding notified, and the property marked. Mrs. Lewis said yes.

Ms. Bitoun said she would like to continue the fence around her property. It is already 3/4 of the way and she would like to put it straight across the front. For her protection she would like to continue fence with two sets of 6-foot gates. The height would be 4 feet and it is a chain link fence. Straight across the front of her property. Councilmember Blackwell said he drove the whole length of Williams Street and there were approximately 7 properties that have fences in the front yard.

Mrs. Lewis said the Planning and Zoning Board voted 4 to 2 for the variance.

Close public hearing: 7:18 PM

Councilmember Browher said we talked about amending the ordinance to allow fences in the front yard. Mrs. Lewis said he is correct. Councilmember Blackwell mentioned the moratorium. There was discussion on the possible changes. Councilmember Browher asked Mr. Bowles to look at putting the street signs up. Mr. Bowles said as fast as he puts them up someone steals them. Councilmember Kirkland asked about requirements. David Mattos said the owners can put up their own fence if they wish but most hire a fencing

contractor. They pull a permit, do a site plan and he does two inspection now instead of one

Public Hearing #2

Open public hearing: 7:21PM

Public Hearing on a petition filed by Belinda Hunt, requesting a variance to reduce the minimum width of each lot from 100 linear feet to 90 linear feet. The property is located at 706 Seventh St. Ext. and is zoned R4 (Single Family Residential). (Parcel# R2140032C00)

Attorney Dickey asked was the property marked, owners surrounding notified by mail, and advertisement placed. Mrs. Lewis said yes.

Joseph Rowe, representing Belinda Hunt was present. Mr. Rowe is requesting the variance to be reduced to 90 feet so they can construct a new home on that property. Mrs. Lewis said this is a long narrow piece of property, so it is already less than 100 feet. This wouldn't make it any less wide. They want to subdivide and build another home at the other end. We can't let them do this without this variance because it would not meet the lot width requirements. As it stands today, the existing house that stands there does not meet the lot width requirements. It is about 92 feet wide.

Shenellia Estelle, 604 Jaudon Street and Lameisha Estelle, 604 Jaudon Street spoke against this. They had questions about the access point for the new home. Mrs. Lewis said it would be off Jaudon Street. Mr. Bowles said as far as he knows the City own the roads from property line to property line. Mrs. Lewis said at the first reading they can have research done. Attorney Dickey said there is two ways this could work; the City owns all of that property where the road is or it could be an easement that the City owns which means the property owners would own to the center of the road. The City would still have authority to grant easements because it would still be considered a public thoroughway.

Close public hearing: 7:34 PM

Public Hearing #3

Open Public hearing: 7:34 PM

Public Hearing to review proposed amendments to the City of Rincon Ordinances, specifically Section 90-94, Perimeter Fence and Wall Standards and Requirements.

Mrs. Lewis said we have moratorium on fences right now that was adopted by Council back in early June. As a result of that we have drafted new language for fence regulations. The Planning and Zoning Board recommended some changes. In addition to those changes, we also have a couple of other changes. Mrs. Lewis read the changes suggested by staff. They are trying to make it a little more specific in terms of what types of fences are allowed and where they be allowed.

Mayor Lee said these changes are part of our ordinance change and asked will the moratorium remain in place. Mrs. Lewis said if Council is ok with the changes proposed tonight and if the fences meet the proposed requirements can we process the permits. Mayor Lee said the point he is trying to get to is, this would address most of the issues to the point that we can probably soon remove the moratorium. Mrs. Lewis said that is correct. Councilmember Blackwell asked was this just for residential fences, Mrs. Lewis said this is for all fences. Mrs. Lewis asked what Council thinks about them reviewing fence permits with the moratorium in place when we know they will meet the proposed regulations. Councilmember Taylor said she thinks we should allow it. Mr. Mattos the code the way it is read is very inadequate. This is the best that we can figure out for the City. He is not on board with the moratorium. People need to build fences as long as they follow the code. We need something desperately to follow. Mrs. Lewis said she can bring up the removal of the moratorium at the next meeting.

Trent Eichmann, 212 Pineland Drive, had questions about the 4 foot fence for commercial properties and talked about his property values.

Attorney Dickey said there is an ordinance that says when you have zoning residential abutting commercial that you have to have a privacy fence. It is in a different area of the code because that is in the zoning part this is the development part. There is a requirement for a fence in the buffer when you have those two different zones.

Close public hearing: 7:51 PM

Turn the meeting back over to Mayor Lee:

Old Business:

1. Request to accept the Letter of Credit for grass maintenance, infrastructure and required tree planting for Hickory Knob Phase 13. (Tabled at the 7/24/2023 meeting)

Motion to remove from table: Councilmember Kirkland

Second: Councilmember Blackwell

Vote by Council: Unanimous

Neil McKenzie with Colemand Company as present.

Motion to approve: Councilmember Browher

Second: Councilmember Taylor

Vote by Council: Unanimous

2. Request to accept the deed of dedication for Hickory Knob, Phase 13. (Tabled at the 7/24/2023 meeting)

Motion to remove from table: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

Motion to approve: Councilmember Taylor

Second: Councilmember Browher

Vote by Council: Unanimous

3. Vote on an application filed by Tim Kinsey with CORE Design and Architecture, Inc. on behalf of Prannath, Inc. requesting Final Site Plan approval for an expansion to an existing convenience store building. The parcel is located at 801 South Columbia Avenue and is zoned GC (General Commercial). (Parcel #R2720010) (Tabled at the 7/24/2023 meeting)

Motion to remove from table: Councilmember Browher

Second: Councilmember Blackwell

Vote by Council: Unanimous

Tim Kinsey said this is an expansion of a convenience store to add a Baldino's Sandwich Shop. Planning and Zoning did approve the design. They will demolish the current enclosure for trash and move the enclosure to the opposite side of the driveway. Three parking spaces will be added to the front. There will be no internal access from the convenience store. There will be no other changes, it will be an extension of the building. Mrs. Lewis said staff recommended approval and Planning and Zoning recommended approval.

Motion to approve: Councilmember Blackwell

Second: Councilmember Taylor

Vote by Council: Unanimous

New Business:

1. Vote on Second Reading 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)

Mayor Lee said this is the second reading and reminded Council at the first reading the vote was to deny. Attorney Dickey said this is coming back because there was a change in Georgia law, you are no longer doing these things through a legislative process you are now doing it through a quasi-judicial process and that includes ordinances that effect zoning. That means any zoning change, any variance, any conditional use. These steps need to be

followed with first and second reading either way. You need to list the reasons. Neal McKenzie this application is a request to rezone from R4 to R8. The intended use is for 102 townhomes. It is about 20 acres 4 ½ will be preserved wetlands. The site will be just under 15 acres. That brings the density of the site to just above 7 townhomes per acre. There is precedence in the area. There are townhomes in the area. There is R8 in the area. They have agreed to site specific conditions, amenities on the site, perimeter buffers, additional parking on the site, right turn lane off West 9th Street, a bus pull of area on South Howard. All of these they are will to do.

Lamar Crowell with Keystone Homes said what they are after is workforce housing. One key factor is these home are for sale there is no intention to rent. They are expecting these to be starter homes. Starting prices they are expecting to be around \$250,000.00

Adrian Weber, market direct for Realty Companies was present. She spoke on behalf of this project.

Councilmember Browher said we have a responsibility to the current residents in that area. There are traffic concerns. Approving this would be one more step down a slippery slope. We have issues we need to take care of in that area before we start rezoning to R8.

Motion to deny: Councilmember Browher
Second: Councilmember Kirkland

Councilmember Kirkland said he challenges them to come back with something that is a little better for them.

Neil McKenzie made a request to withdraw this application.

TJ Harmon spoke against growth and warehouses

Both motions were withdrawn.

2. Vote on the Second Reading of an ordinance to annex a 5.08-acre parcel located at 801 Old Augusta Road South; the property is owned by Mahanaim Shipping Line, LLC. (Parcel # 04750057A00)

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

3. Vote on Second Reading on a petition filed by Alejandro Gamarra on behalf of Mahanaim Shipping Line, LLC requesting a Rezoning 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)

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

4. Vote on an application filed by Stephanie Harris with Trammell Crow Company on behalf of CTC Phase 1 Owner LP requesting Site Plan approval for Phase 1 of Coastal Trade Center Warehouses which includes the roadway and Buildings 3, 4 and 5. The property is located on Hwy 21; the parcel is owned by CTC Phase 1 Owner, LP and is zoned LN (Limited Industrial). (Parcel # R2830001)

Chad Zittour Kern and Company said this is a site plan is for three buildings and a roadway to the northside of Polly Creek. It is in compliance with the development agreement. All of staff comment have been addressed. Attorney Dickey said the development agreement is with Greenland and this property is part of that tract. This company purchased 400 acres from Greenland and the agreement covers this property. There were questions about sidewalks and the light.

Mrs. Lewis said they met the requirements of the ordinance. The Planning and Zoning Board voted 5 to 1 for approval.

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

5. An application has been filed by MarHop Properties, LLC, requesting Site Plan approval to construct a one-story commercial daycare with fenced in playground. The property is located at 615 Towne Park Loop; the parcel is owned by Marhop Properties LLC and is zoned GC (General Commercial). (Parcel # R2640015)

Brianna Durrence, representing MarHop Properties was present. Ms. Durrence said they want to construct a single story childcare center. They will hold approximately 120 – 240 students depending on the age group. They will have three separate playgrounds for the age group and the appropriate fencing. Everything is laid out by the State. Councilmember Taylor thanked her for bringing this to the City. The name will be Small World Learning Center. Councilmember Blackwell mentioned the detention pond near the property and the fencing. Ms. Durrence the State is very specific about what you can use.

Mrs. Lewis said they have met all of the requirements. The State has strict requirements above and beyond of what we require. The Planning and Zoning Board recommended approval.

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

6. Request to modify the contract with Spatial Engineering, Inc. for RightSpot Services to increase the monthly budgeted amount from \$3,000 per month to \$3,800 per month.

Rick Truluck with Spatial Engineering was present. Mr. Truluck said what they are looking at is the on call support which would vary depending on the needs. Basically we set the budget at \$3000 per month on average, but this year there has been a lot of activity and right now the City average \$3,800 a month so that is why he is requesting a contract mod to move it from the \$3000 to \$3800 to cover whatever request that is needed.

Motion to approve: Councilmember Kirkland
Second: Councilmember Browher

Attorney Dickey asked is this a motion to amend the budget or increase the budget amount. Mr. Lynn said there is money in the budget line item for this. Attorney Dickey said the line item that pays for this, there is enough money to cover this increase then you don't have an issue, this is just changing the amount. Mayor Lee said so the motion is to actually increase the monthly amount the word budgeted should be removed.

Both motions were amended to modify the contract with Spatial Engineering, Inc. for RightSpot Services to increase the monthly amount.

Vote by Council: Unanimous

7. Request to modify the contract with Spatial Engineering, Inc. for RightSpot Services to extend the contract end date and budget from August 31, 2023 to December 31, 2023.

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

8. Charline Reynolds request to appear before Council.

Charline Reynolds, 208 E Myrtle Street, wants to set an ordinance, if one doesn't exist to prohibit an entrance to a commercial property from a residential/subdivision street. This would apply to all subdivision in the City of Rincon. If we don't address this now it will keep rearing its ugly head. It creates to many problems. This is a thought, whatever Council can do.

9. Laurie Eichmann request to appear before Council.

Mrs. Eichmann said we as the citizens feels like there is not full disclosure, so she feels it is only fair to give Council full disclosure. We have made some complaints to the State and to the Inspector General's Office and to GMA over how the meetings are run and over some specific Council people. One in particular, is it was inappropriate to have the special

meeting called for Mr. Collum. The City ordinance states that only fulltime employees get special called meetings and Rob Collum isn't. Then to not let the public speak, violates GMA. She is asking for there to be some oversight with the meetings. There needs to be a policy in place. We don't have policies, that should be basic policies.

Councilmember Kirkland asked Mrs. Eichmann if she could talk about the bid process that she had requested to appear before Council about. Mrs. Eichmann said when she sent an open records request for the City Attorney contract she got one from 2002. We are way behind on Raymond's billing, she is trying to understand how Raymond's position became no longer a bid out service in 2017. She would like for it to be on the table to have the City Attorney service bid out.

10. Request approval to pay Go Sports USA, Inc \$6,155.00 for sublimation of Baseball/Softball Allstar Uniforms. LI #100.6100.531116

This is for the Baseball/Softball Allstar uniforms.

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

11. Pinholster Construction, LLC request approval of Pay Request #1 in the amount of \$40,629.00. LI #320.4325.541205

Mr. Bowles said this is for the lift station work done at East Towne Park, Wadley Circle, and West Towne Park. They had to replace the fences and gates.

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

12. Pinholster Construction, LLC request approval of Pay Request #2 in the amount of \$144,516.00 for the Sanitary Pump Station Improvements. LI #320.4325.541206 and LI #320.4325.541401

Mr. Bowles said this is also for lift stations and also included some manhole repairs at the Keller Road lift station. They were in bad shape, taking in more ground water than sewer.

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

13. Request approval to purchase 30 grinder pumps J. H. Wright 7 Associates in the amount of \$26,718.00. LI #506.4325.542107

Mr. Bowles said Grainger's price has tripled, nearly \$2,000 a pump. The last time we spent \$56,000 on 30 pumps from Grainer. This is half the price, same size and same set up.

Motion to approve: Councilmember Taylor

Second: Councilmember Blackwell

Vote by Council: Unanimous

14. Request approval of a bid from APAC- Atlantic, Inc. for TSPLOST projects along E 5th Street, Mottweiler Street, Smithfield Drive, and Zitterour Drive in the amount of \$851,590.00

Doug Morgan with EMC was present. Mr. Morgan said there were three bidders. The last time APAC did work for the City was in 2018 or 2019. Mr. Bowles said they are a reputable company and have been in business for 40 years. Mr. Morgan said they will provide a traffic control plan before they go to work.

Councilmember Browher asked about East 7th Street. He said it is really bad.

Motion to approve: Councilmember Taylor

Second: Councilmember Blackwell

Vote by Council: Unanimous

15. Approval of the purchase in the amount of \$18,500 for Coastal Comfort Systems to install a new HVAC system at the Wastewater Treatment Plant.

Tommy Kee said this was a lightning strike or some sort of surge. Mr. Lynn said we are getting a damage report from the repairman to file an insurance claim.

Motion to approve: Councilmember Kirkland

Second: Councilmember Browher

Vote by Council: Unanimous

16. Administrative Reports:

City Manager – Mr. Lynn reminded Council that qualifying starts tomorrow for the special election and next week for the general election; he appreciates everyone who helped with the Rodeo; he has an update on Patriots Park, they are supposed to be out there today to finish curbing; and he has a request for a workshop.

City Engineer – Mr. Morgan said in a few days they will have a meeting with the contractor for the Public Works shop paving job that was awarded; they are going to bid the three sidewalk projects, Fort Howard, 9 Street and Highway 21; and staff is working on the easement for 9th Street.

Police Department – Chief Murrell said the first time since 2016 they are fully staff. That us short lived because August 25 will be Detective Vance's last day; the last two Tahoe's are complete; Councilmember Kirkland asked about Blueline. Chief Murrell said they are in the process of installing cameras and they will be working by September; there was discussion on the school zone cameras on Hwy 21, Rincon Learning Center. They have to have 350 population or higher in the school to have the cameras there.

Fire Department – Chief Reed said that ISO went very well, we should be able to keep what we have or even approve to a Class 2. They have a hiring test on the 18th.

Planning - Development – Mrs. Lewis said Rincon Shadow which is the development by Kroger has been contacted about the potholes and they are staying on top of them; the old Food Lion site will definitely be an Ace Hardware; with the 9th Street Sidewalk project they did send out 4 letter for easements. She has received one signed and another had question, she has not heard from the other two; there was discussion about the access road in front of Rutland Tire, Huddle House, and Truist Bank. David Mattos said he has brought this before Council and the conversation about the issue of how can we make them fix the road if it is private. That road does not meet road standards. Attorney Dickey said the issue is all of that is private property, it was a self-contained development, they were never meant to be roads dedicated to the City, there are reciprocal easements with Walmart and all of the other businesses there. Each of those businesses are responsible for the whole access road. Mr. Mattos said he does not know where to go as far as enforcement. Councilmember Browher told Mr. Mattos he is doing a good job. He has been working on this for years and there is no easy answer you just stay on top of them. Mrs. Lewis said because Council asked about it she just wanted to follow up with them and let them know they are not ignoring it but it is not an easy fix. They are trying to find a solution.

Recreation – Mike Osborne said fall sports are coming up and they are at crunch time. They need the uniforms and he is asking Council if they can purchase those uniforms. Football is \$8,700 and Soccer and Cheer will probably be around \$6,000 to \$7,000. Mr. Lynn said if Council approves this budgeted amount is there. Not to exceed \$17,000; Mr. Osborne asked where do we stand on background checks, who is reviewing them, so far his opinion has been right and he has not had any issues. Councilmember Kirkland said once we get a policy down we should move forward with the policy. Mr. Lynn said he does not need to be involved unless there is an issue that comes up. He thinks that every department head should be responsible but the central point would be having GCIC run through the Police Department and get with the department heads from there. Councilmember Kirkland said if we have a policy why does the Police Chief have to be involved. He thinks the department head should get the checks from the volunteer and it goes back to the department head to make the decision based on the criteria that Council sets. That is the quickest. Councilmember Browher said everyone wants to do the right thing. You have kids safety at stake. There are national organizations where you can pay a fee and that would take it out of the chief's hand. If you don't get an approval from this national organization, they have access to everything and have professionals that look at it, you can't coach. Councilmember Blackwell asked how it was done last year. Mr. Osborne

said they brought them to the Police Department and received a call when they were ready to pick up and he and staff reviewed them. Mr. Osborne said what does he do now. Councilmember Kirkland suggested they figure out which site they want to use and proceed. They will work on a policy.

Wastewater – Councilmember Blackwell asked about how much reuse was used. Mr. Kee said there is meter that has failed, and they are working to get it fixed.

Finance- Mrs. Lewis said the auditors are still working; and she reminded Council she will be on vacation for 13 days but will still be working on the budget.

Council – Councilmember Taylor asked inmates for Recreation and was wondering about the grass in the back. Mr. Osborne said he has not had a regular crew and he will get the grass cut, they are only there two days a week; Councilmember Kirkland asked Mr. Osborne about open positions; Councilmember Kirkland asked about the HR position, Mr. Lynn said we are very close.

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

No executive session.

Adjourn:

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