



**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, OCTOBER 23, 2023  
COUNCIL CHAMBERS  
107 WEST 17TH STREET  
7:00 PM**

**Councilmember Present:**

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

**Present:**

Ken Lee, Mayor  
Jonathan Lynn, City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Jonathon Murrell, Police Chief  
Lou Reed, Fire Chief  
Teri Lewis, Planning and Development Director  
Tim Bowles, Public Works Director  
Bryan Bessinger, Golf Course Manager

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

**Approval of Agenda with the following:**

Add new business number 6A administrative report.

Motion to approve: Ben Blackwell  
Second: Patrick Kirkland  
Vote by Council: Unanimous

**Approval of the October 9, 2023 minutes with following:**

Correction of grammatical errors.

Motion to approve: Reese Browher  
Second: Levi Scott Jr  
Vote by Council: Unanimous

Corporal Matthew Estes informed Council that the Police Department applied for a grant through GEMA for a Homeland Security Program and they will receive an award for \$73,248.

Chief Murrell said Corporal Estes took this on himself and did 100% of the work.

*Turn meeting over to public hearing officer, Raymond Dickey:*

### **Public Hearing #1:**

Open Public Hearing: 7:07 PM

**Public Hearing on a petition filed by Bobby Bagwell for a Zoning Map Amendment for 3 parcels, located at 0 Towne Park East to amend the zoning from GC (General Commercial) to R8 (Residential-Multi-Unit attached) (duplex, townhouse, or row house); the parcels are owned by CMCK, LLC. (Parcel Numbers: R2570033 at 1.20 acres, R2570034 at 0.85 acres, and R2570035 at 0.78 acres)**

Attorney Dickey asked Teri Lewis if the proper advertisement was placed in the legal organ, has the property been marked with the signage, and have the property owners surrounding been notified by mail. Mrs. Lewis said yes. Cody Rogers, EMC was present. Mr. Rogers said the property is currently zoned general Commercial and they are proposing to rezone to R8. They are proposing 23 total units in three separate buildings. They anticipate Having gravity sewer. There will be sidewalks throughout the development, fencing all around the property, landscape buffers, and two parking spaces in the driveway and one in garage. Mrs. Lewis said the Planning and Zoning Board recommended approval.

Councilmember Exley said we are converting commercial, which we would make money off of over to R8-residential. What are we adding for the City, we are adding rooftops, more traffic for a water sewer bill. At least commercial you have the potential for a CID. Councilmember Kirkland said you bought this property and now you want to change it to R8, this will create a lot of density and traffic. Councilmember Scott said that will be creating a heavy impact in that area. Councilmember Taylor asked what is the price point, Mr. Rogers said \$250,000, Councilmember Taylor said that is expensive for the average person. Councilmember Exley we are in a catch 22, rooftops are giving us the numbers that we need to get restaurants and family type things here. CID's has given us the money to do those things. What's going to end up happening is we're not going to have the rooftops to do this. We need to use the rooftops and propose that what we have throughout the County. He feels like the CID is much larger. Councilmember Scott said he feels like we do need the residences. They need to be in an area where it's workful, traffic, controlled traffic, designing traffic, in that area we don't have it. Over there right now, it is what it is. There are not a lot of changes we can do to eliminate that impact.

Mr. Rogers said the existing development to the north is townhomes so this will fit right in. As far as traffic goes with commercial zoning you would expect commercial zoning to generate a higher amount of traffic throughout the day than you would a residential development of this size. Mayor Lee said the property is currently zoned GC, you heard concerns about changing it from general commercial, have you looked at office commercial as an option. Mr. Rogers said his client may have thought of that. Councilmember Browner said one thing we need to be careful of is being consistent in how we rule on similar situations, and we have been pretty consistent in denying rezoning to R8, you can go back and look at the minutes. Also when it comes to impact, it's a lot more impact on wastewater treatment, water police and fire.

Mona Underwood, 310 Kessler Street spoke against this. She said we need to really consider what this is doing to our kids.

Close public hearing: 7:24 PM

### **Public Hearing #2:**

Open public hearing: 7:24 PM

**A petition has been filed by David Burns, for a Zoning Map Amendment for a 21.29-acre parcel located at 1350 N Columbia Ave. to amend the Zoning of 2.79 acres from LN (Limited Industrial) to GC (General Commercial) and 18.5 acres from LN (Limited Industrial) to R8 (Residential-Multi-unit attached) (duplex, townhouse, or row house)); the parcel is owned by Zipperer Family Limited Partnership. (Parcel Number: R2170011)**

Attorney Dickey asked was this advertised, was the property posted with signage, and the proper property owners notified, Mrs. Lewis said yes.

Ben Johnson, who is representing the buyers, was present. Mr. Johnson said they are looking to rezone to R8 and general commercial. They do not have an plans drawn up they just want to see what the zoning is first. Mrs. Lewis said the Planning and Zoning Board recommended approval.

Councilmember Exley asked why would we not have limited industrial there. Mr. Johnson said they figured the City was maybe tired of Industrial. Councilmember Exley said he would like to see more commercial there, it would be important for the City.

Councilmember Exley asked about waterline, Mr. Bowles said it runs right in front of the property and the force main too. Councilmember Scott said he thinks that would be an attraction for that end and would also like to see more commercial. He would feel better with R6 instead of R8. Councilmember Scott asked would they have a problem lowering the density. Councilmember Blackwell said R6 might work better and reduce the density.

Mr. Jonson asked what is the difference between R6 and R8. Mrs. Lewis said the way the ordinance is written, R6 district you can only do attached duplexes, R8 is the only district that will allow townhomes. Councilmember Kirkland said R8 is a lot in his opinion.

Mr. Lynn said we will have workshop and can add this to the agenda. Mayor Lee said he knows we have had discussion about the R6 and R8 and the impact that it has on the City. Some areas are more conducive to that than others, in his mind this is a good area. It is not impacting other residential around. Councilmember Browner that area has very little if any residential so there would be a balance.

Tim Milner said he lives in the LP District and we have an issue with Picket Fences' one entrance, will this pose the same issue.

Mr. Lynn said 74 homes or less we do not require two entrances.

Wendy Water, said she lives on Victory Lane said she is concerned about this.

Mona Underwood said this is really dangerous there, traffic congestion and trains. We need to be really careful with this. They need a true second entrance.

Close public hearing: 7:46PM

### **Public Hearing #3:**

Open public hearing: 7:46 PM

### **Public Hearing to review proposed amendments to the City of Rincon Ordinances, specifically Section 90-21, Planning and Zoning Board language.**

Mrs. Lewis said the Planning and Zoning has adopted rules of procedures. They did find in looking at the language there is a lot of duplications, this ordinance will take out the duplications. Councilmember Kirkland asked do you think one person from Council should join these meeting or will it be a distraction. Mrs. Lewis said the ordinance already provided that a member of the Council should be appointed as an ex-officio member of the board and she left it in there. There was discussion on ex-officio member and quarterly joint meeting. Mrs. Lewis said it sounds like before the first reading Council would like for her to delete the section about the ex-officio member and add quarterly joint meetings.

Close public hearing: 7:53 PM

#### **Public Hearing #4:**

Open public hearing: 7:53 PM

#### **Public Hearing to review proposed amendments to the City of Rincon Ordinances, specifically Section 90-122, Sign Regulations, General and Special Provisions and Section 90-129, Table 1 Allowable Sign Functions and Required Permit Fees and Table 2 List of Sign Types and Dimensions Allowed or Prohibited.**

Mrs. Lewis said this is based on a request that came before Council earlier for a gentleman that requested a variance to the sign regulations to allow a bigger sign for a billboard. She did research and out of her research came the amendments that are before Council.

Mayor Lee said these things usually happens because someone brings things to our attention. Things that happen that cause us to review our ordinances and policies. He thinks she has come up with something that is more comparable to what we have all around us and other municipalities and so he appreciates her work. Mrs. Lewis said that is often how code changes happen, it doesn't mean that every time someone doesn't get a variance that we are changing it but it gives us an opportunity to take a look at it especially when code changes haven't happened in a long time.

Councilmember Blackwell had questions about the size, is 10 feet high adequate. Mrs. Lewis said that is the standard when she looked out there.

Mona Underwood said has it occurred to anyone that the 2010 Code was correct, that we don't want honking big billboards all over our City.

Close public hearing: 8:00PM

#### **New Business:**

##### **1. Cheryl Jackson request to appear before Council.**

Mrs. Jackson thanked Council for the survey on the lane. There are things in the lane that need to be removed. The access lane to her is important. Mrs. Jackson also had questions about the trains and asked is there a safety plan for train chemical spills. Councilmember Kirkland said the Chief of Police and Fire do have contacts that they can call. There was also discussion on the speed of the trains and who would be responsible if there was a derailment.

Councilmember Exley spoke on the lane blockade and said he originally started this with Mrs. Jackson when he was on Council before and Councilmember Browner took over with it, but we never really solved her problem. This time lets really solve her problem. We need to give the homeowners that have something in the lane a time limit to remove it.

Councilmember Browher asked Chief Reed to explain the process if there was an accident. Chief Reed said an alert will go out, but in a train derailment evacuation will be door to door, getting those people out as quickly as possible.

**2. Accept the bid and contract for the Effingham County Board of Commissioners to purchase the Ebenezer Road Fire Station.**

Chief Reed said County Fire moved in on July 1, and this is the price that was agreed upon, \$250,000.00.

Motion to approve: Michelle Taylor

Second: Ben Blackwell

Vote by Council: Unanimous

**3. Vote to appoint two new members to the Planning and Zoning Board.**

This will change to three new members as one member has suggested that he would prefer to come off at the end of this year. His term would have expired December 2024. Mrs. Lewis recommendations are Trisha Boyette and Justin Doss to fill the two vacant terms. She would recommend Daniel Elliot to start January 2024, but will add this to the next agenda.

Motion to approve: Kevin Exley

Second: Michelle Taylor

Vote by Council: Unanimous

**4. Request approval to upgrade MR Systems SCADA computer and software. LI #320.4440.542415**

Mr. Bowles said this is to replace the SCADA computer, it is Windows 7. Also, to upgrade the SCADA software.

Councilmember Kirkland said is it possible to upgrade his RAM to more than 16 gigs, you will need at least a 32 gig. The motion was made to approve the amount of \$25,547 with no more than a 10% upgrade for an additional 32 gigabytes.

Motion to approve: Michelle Taylor

Second: Kevin Exley

Vote by Council: Unanimous

**5. Approval of a Resolution to update the signature cards for the City of Rincon Ameris Bank accounts.**

This is to add Kevin Exley to the City of Rincon bank accounts for signage.

Motion to approve: Levi Scott Jr

Second: Reese Browher

Vote by Council: Unanimous

**6. Request approval of a Revision to City Personnel Policy Section 5.07 (G) "Flex Time/Comp Time."**

Mr. Lynn said what is before Council is what was discussed at the workshop. Salaried employees will have the use of comp time and must use it within 30 days. Item E talks about a flexible work schedule to allow employees to do (4) ten-hour days. It will be updated in our Personnel Policy.

Motion to approve: Levi Scott Jr

Second: Ben Blackwell

Vote by Council: Unanimous

**Administrative Reports:**

**City Manager** – Mr. Lynn said Patriots Park is completed they are waiting on one gate; Parkers is doing ribbon cutting tomorrow at 11:00AM; GMA district meeting is November 11; we are scheduled to have an employee lunch November 16; and he will be at a conference this week.

Councilmember Kirkland asked about Grand Opening for the new park and a ribbon cutting. Councilmember Taylor said we need to have a designated parking area before we do that.

**Fire Chief** – Chief Reed said they have had some good applications and maybe can put together some conditional offers.

**Rincon Golf Course** – Bryan Bessinger said they have had a good weekend. Councilmember Blackwell asked if the pre-emigrant was applied, Mr. Bessinger said yes, and he asked him to take a look at Macomber Park also.

Mona Underwood said back early in the Spring she walked the park with staff and got a punch list of things that needed to be beautify Macomber. She has a background in construction, and she pulled out some things that would get Macomber up to par. It would help for Council to budget this, you would need about \$195,000.00. What she would like to do is to get some contractors in our community that could walk that park and give better budget numbers. She passed out a budget to Council so they would be aware of what was needed at the park. The other thing she saw the job description for Recreation and that

needs to be a bachelor's degree, she would like Council to look at redoing those job descriptions. She would like to see about utilizing our local contractors and businesses to see if they will come in and look at getting us a plan together.

There was discussion on flooding and Mrs. Underwood said she has a call in to Doug Morgan and will get him out there to walk it. Councilmember Scott said lets make sure we get this project back to the City Manager as it is not on the agenda. Joshua Garcia spoke and said he would love to walk with Mrs. Underwood, he owns a concrete company and lives in Lost Plantation. Mrs. Underwood said lets take a walk.

**Council** – Councilmember Exley said at the October 9 meeting he discussed past due invoices from the City Attorney and has asked that we get caught up in 30 days. He sent three emails and has not heard nothing. He demands this be done in the next 15 days. It is taxpayers dollars and it needs to be taken care of. He wants to make everybody aware of email that they got, stating that we were advising an employee while the employee was in litigation. If this is factual we need to be working on that. Councilmember Exley said that Mr. Dickey has not responded to rectify the invoices or anything else that he has requested and he feels that is insubordinate as a contractor to a current City Councilmember. If the Council does not follow a plan then he will be asked to be granted an attorney to protect himself for any retaliatory stance that may be taking against him for discussing facts.

Attorney Dickey said that he does not bill for everything that he does for the City. He tries to keep it lower so that it does not harm the budget, he has done this for many years.

There was discussion on worker's compensation settlements and if someone is injured and reach a settlement they should resign.

#### **7. Executive session to discuss personnel, pending litigation, attorney client privilege, and real estate.**

Motion to approve: Michelle Taylor  
Second: Ben Blackwell  
Vote by Council: Unanimous

Councilmember Scott had left the room.

Motion to return to meeting: Patrick Kirkland  
Second: Michelle Taylor  
Vote by Council: 5 yes votes

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

Motion to approve: Reese Browher  
Second: Ben Blackwell  
Vote by Council: 5 yes votes



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

No action taken.

**Adjourn:**

Motion: Michelle Taylor

Second: Levi Scott Jr

Vote by Council: Unanimous