

**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, JUNE 27, 2016  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
6:00 PM**

**Councilmembers Present:**

Paul Wendelken  
Levi Scott, Jr.  
James Dasher  
Ann Daniel

**Councilmember Absent:**

Christi Ricker  
Reese Browher

**Present:**

Ken Lee, Mayor  
Wanda Simmons, Interim City Manager  
Raymond Dickey, City Attorney  
Dulcia King, City Clerk  
Phillip Scholl, Police Chief  
LaMeisha Kelly, City Planner  
Tim Bowles, Public Works Director  
Alex Pitts, Recreation Coordinator

The meeting was called to order at 7:03 PM.

**Approval of the agenda with the following changes:**

No executive session held before the meeting; and the addition of new business 9A, Consideration of a donation to the Effingham Historical Society to relocate the old Rincon Post Office from its current location to their site in Springfield.

Motion to approve: Councilmember Daniel  
Second: Councilmember Scott  
Vote: Unanimous

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

No action.

**The Invocation was given by Councilmember Scott and the Pledge to the Flag was recited.**

**Approval of the June 13, 2016 minutes with noted changes:**

Councilmember Scott was absent; Second motion for the approval of agenda should read Councilmember Wendelken; and second motion for new business item 7 should read Councilmember Browher.

Motion to approve: Councilmember Daniel  
Second: Councilmember Wendelken  
Vote: Councilmember Dasher abstained

### **Old Business**

**1. Second Reading on petition filed by Richard and Michelle Taylor requesting approval of the rezoning of a 0.82 acre property from R-4 Residential to OC-Office and Commercial Use for an existing business on the site. The property is located at 110 Weisenbaker Road and is owned by Richard and Michelle Taylor (Map # R209-6D00).**

Motion to approve: Councilmember Daniel  
Second: Councilmember Scott  
Vote by Council: 3 to 1, Councilmember Wendelken abstained

Motion to withdraw first motion: Councilmember Daniel  
Second: Councilmember Scott  
Vote by Council to withdraw motion: Unanimous

**2. Second reading on petition to rezone a 64.26 acre parcel and a 27.53 parcel from I-1 (Industrial) to LN – Limited Industrial. The property is located on Hwy 21 S and is owned by Ameris Bank (Map #04470017 and #04470016).**

Jimmy Rutland from Habitat for Humanity was present. He said they would like for the City to keep in mind access to Habitats property (the driveway) is owned by the bank and not by Habitat and he is afraid they will lose access to their facility. He wants to make sure they can keep their access and would like to be kept informed. Chance Raehn with Chesterfield LLC., who is representing the new owners of the property, said he has spoken with DOT and the owners of the property are willing to provide access to Habitat for Humanity and the Murphy tract. Habitat does not have their own driveway because of how close it is to the road and it would not meet DOT separation process.

Motion to approve: Councilmember Scott with the condition that the Murphy property and Habitat for Humanity get access to their properties, as agreed to be Ameris Bank  
Second: Councilmember Daniel  
Vote by Council: Unanimous

### **New Business:**

**1. T & C Towing, LLC, is requesting to be added to the City of Rincon towing rotation.**

Rickay Graham, owner, request to be added to rotation. Councilmember Daniel asked Mr. Graham if he currently has a yard to store vehicles. Mr. Graham said he does not have one yet; he would like to make sure it meets City's criteria before he gets a yard. Councilmember Wendelken asked if we already have a contract, Councilmember Scott said we don't currently have a contract. Attorney Dickey said we had a contract that was

advertised and awarded to Smithey's, and then it was re-advertised and went to a rotation schedule. The discussion was to have the same criteria as the previous contract. Mayor Lee asked if we need to give Mr. Graham a copy of the contract to see if he wants to comply. Councilmember Daniel said we need to hold a workshop to look over the contract.

No action, Council will review procedures in a workshop and get back to Mr. Graham.

**2. MR Systems, Inc. requests payment of \$28,690.00 for RAS Control Modifications at Wastewater Treatment Plant. LI# 20.7280.4418.**

No action taken.

**3. Layne Christensen Co. requests payment of Pay Request (single request) for Lower Floridan Well test, in the amount of \$21,000.00. LI# 40.6260.4418**

Tim Bowles said this was for the test performed on the Lower Floridan Well.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

**4. Discussion on accessory roads in front of Rutland Tire and BB&T.**

Councilmember Dasher asked LaMeisha Kelly to put this on the agenda. Councilmember Dasher said the City asks business owners to keep the accessory roads up to standards, when the public destroys the property the business owner has to pay, he would like to see if we could alleviate the burden on the business owners. There was a lot of traffic during the construction of the new traffic light. Tim Bowles said DOT standards are the reason they have to put in the frontage roads. Councilmember LS we have to check with the state to see if we can apply for assistant (LMIG). Councilmember Wendelken would like to see us take over all of the streets. LK the ordinance is written that all streets are to be built to the City standards. Mayor Lee said we have had this discussion a few times and never came up with an agreement, so we need to come up with something that is more concrete.

Councilmember Dasher asked, can they deed the frontage road to the City. Attorney Dickey said he is not sure without doing a title search on the roads, the roads are what makes the property valuable. It is a private road but dedicated to the public. If the City takes over the frontage road and you can depress their business during construction, customers will not be able to get to the business

Dana Williams with Rutland Tire, said DOT has not maintained the drainage ditch, and another issue they have had multiple accidents on the property. Mr. Williams said he spoke with Travis Grubbs, building inspector and he said they could be ticketed for not maintaining the road, he would like to put a speed bump, but Mr. Grubbs said he didn't think they could do that. Mr. Williams said they would love to pave it, but he doesn't have \$30,000 to do that. Staff will do research on who owns the frontage roads in front of Rutland Tire and BB&T and see what can be done about the paving on them.

No action taken.

**5. Request to transfer the JCB Backhoe to WWTP/Golf and surplus the John Deere Backhoe that they currently use.**

Mr. Bowles told Council the JCB Backhoe is in pretty decent shape; and the John Deere needs to have a reserve of at least \$3,000.00 for the auction.

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

**6. Request to purchase an ExMark 72" Kawasaki Mower with a bag vacuum system for the Recreation Department at a cost of \$10,985.00 from Gnann's Fix-It Shop Inc. LI# 20.4650.4414**

Alex Pitts, Recreation Coordinator, was present. Councilmember Daniel asked Ms. Pitts if this was a replacement. She said no, they had two mowers but the Kubota keeps breaking, this would take the place of the Kubota.

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

**7. Approval of the Inmate Use Agreement with the Effingham County Board of Commissioners in the amount of \$46,646.00.**

Attorney Dickey said this was basically the same, just a few changes. The big difference is the price increase of \$821.00.

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

**8. Purchase of a Dell PowerEdge T430 Server (including installation) from Seimitsu for City Hall in the amount of \$11,209.00. LI# 10.4102.3320; 10.4104.3320; 40.6220.3320 and 50.7270.3308**

Mrs. Simmons informed Council this was not budgeted, she recently found out the server was not meeting the needs of City Hall. This will meet our needs; it will include pro support and onsite service.

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

**9. Approve a pre-agenda meeting at 6:30 PM on recurring basis beginning with the July 11, 2016 Council meeting.**

Councilmember Daniel requested this agenda item. She said tonight is a good example for having a pre-agenda meeting. Some of this meetings items could have been discussed before and Council could have known about some of the specifics before the meeting. Councilmember Wendelken said he could see where this could be good or bad. People could be here to hear them talk about the agenda and it would be the same as a meeting. Councilmember Wendelken also said it would be difficult for him to close his business, but did not want Council to base the vote on that. Councilmember Daniel wanted to ask Attorney Dickey's opinion, he said from his perspective the discussion with staff before the meeting seems to be the way to go. Councilmember Dasher said if self-employed people can't be here he does not want to hear the specifics twice. Mrs. Kelly said we need something that governs how people get on the agenda. Attorney Dickey said if it sponsored by a councilmember it would go on the agenda. Mayor Lee said we need to see if it is by charter or ordinance, how the agenda is set. Councilmember Wendelken said we can get the agenda items earlier and approve them. Mayor Lee asked about sending out a proposed agenda. Can staff have a proposed agenda on Wednesday?

No action, direct staff to send out a proposed agenda before the final agenda.

**9A. Consideration of a donation to the Effingham Historical Society to relocate the old Rincon Post Office from its current location to their site in Springfield.**

Councilmember Scott informed Council the building will be a loaner and Historical Society would handle upkeep of the building. Tom Hotson and Richard Loper from Effingham Historical Society were present. Mr. Hotson told Council the building is a gem, it would be greatly cared for at the site. Mr. Loper asked about the missing old mailboxes. Mrs. Kelly said we don't have them. Councilmember Scott said there was an old sorting machine and Mr. Bowles knows where one piece is located. Mr. Hotson told Council they have tons of school children every year, and visitors from all over the world. Mr. Loper said there is a liability policy on the site and asked Council for a police escort out of town.

Motion to approve contributing \$1,000.00 from Council continuance: Councilmember Scott  
Second: Councilmember Wendelken  
Vote by Council: Unanimous

**10. Administrative Reports:**

**City Manager** – Mrs. Simmons reminder Council about the meeting with Effingham County Commissioners on Thursday at 6:00 PM.

**Chief of Police** – Chief Scholl passed put a folder with information about a teen panel that would scheduled in Council Chambers and free to the public. Attorney Dickey told Council there is an issue in the court system, the young drivers have no programs, there is nothing in place that impacts them, there is a gap for young drivers. This panel was put together in Gwinnett County. It doesn't cost the City anything, Chatham County just started this program. It would be scheduled in Rincon for August 10<sup>th</sup> at 6:30 PM.

This past Friday evening, multiple agencies along with the Rincon Police set up a sobriety check point. They had three DUI, one warrant and one marijuana detection; this will make us eligible for a \$10,000.00 block grant.

Mayor Lee asked Chief Scholl if he could send someone out to patrol the golf course. Late in the afternoon there are people on the course who are not paying to play and young people driving carts and doing damage to the greens. Chief Scholl will get someone out there.

Councilmember Dasher asked how they were with staff; Chief Scholl said they are still short three officers.

**Building/Zoning Dept.** - Mrs. Kelly said PC Simonton had a letter they received that needed to be discussed. Marcus Saks informed Council they have a GEFA loan RFQ for equipment; GEFA has a new rule for every sales agreement you have to have a payment performance bond. GEFA allowed them to set up the sales agreement as follows: 60% at time of delivery and 40% at set up and this may change a little bit because they are in the negotiating stage.

Mrs. Kelly said Freedom Rings in Rincon has 45 vendors and five people on the waiting list. This year they will have music with the fireworks; the Boy Scouts will handle traffic; and Sarah has visited the business in the area.

Mayor Lee asked if we are out of our contract with Retail Strategy, Mrs. Kelly said no.

**Water/Sewer/Public Works** – Mr. Bowles informed Council the sweeper is out on the road and after only five days they have five dump truck loads. Public Works is working on getting Freedom Park ready for Freedom Rings in Rincon. Also the contract crew was on 4th Street working.

**Mayor and Council** – A workshop will be scheduled for July 5<sup>th</sup> at 7:00 PM.

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

Motion to approve: Councilmember Daniel

Second: Councilmember Scott

Vote by Council: Unanimous

Motion to return to meeting: Councilmember Scott

Second: Councilmember Daniel

Vote by Council: Unanimous

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

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

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

No action taken.

**Adjourn:**

Motion to adjourn: Councilmember Scott

Second: Councilmember Wendelken

Vote by Council: Unanimous