



**CITY OF RINCON
OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
TUESDAY, NOVEMBER 13, 2018
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmembers Present:

Paul Wendelken
Reese Browher
James Dasher
Ann Daniel

Councilmember Absent:

Kevin Exley
Levi Scott, Jr.

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Mark Gerbino, Police Chief
Pete Smith, Asst. Fire Chief
LaMeisha Hunter Kelly, City Planner
Tim Bowles, Public Works Director
James Jefferson, Finance Director

The meeting was called to order at 7:16PM. The Invocation was given by Councilmember Dasher and the Pledge to the Flag was recited.

Approval of the agenda with the removal of item 16:

Request by Roger Burdette for the City of Rincon to take ownership of the roads in Carlisle Village.

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

Approval of the October 22, 2018 minutes with the following correction:

Chief Gerbino's first name was incorrect, it should be Mark.

Motion to approve: Councilmember Daniel

Second: Councilmember Browher

Vote by Council: Unanimous

Public Hearing

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing on a petition filed by T & C Towing requesting a conditional use variance to the Zoning Ordinance and Growth Management Code (Article 6, Sec. 90-178) to allow vehicle storage on the lot located at 1226 N. Columbia Avenue; the property is owned by Archie Mungin, Jr. The property is zoned GC-General Commercial. (Map# R2180008)

Open public hearing: 7:18PM

Attorney Dickey asked Mrs. Kelly was the proper legal address, were the property owners located within 350 feet notified and was the property marked, Mrs. Kelly said yes. Mrs. Kelly explained why the conditional was needed; she said back in 2010 when Zoning Ordinance and Growth Management Code were revised, any vehicle storage became a conditional use. T&C Towing applied for Occupational Tax Certificate and they can get an office but needs the conditional use to do the storage. They have gone before the Planning and Zoning Board and the board made recommendations. Mrs. Kelly said T&C Towing will not have any crushed vehicles on site and do not plan on having any crushed vehicles. The conditions that were recommended by the Planning and Zoning Board were a 6 foot privacy fence at the entrance, stacking of vehicles are prohibited on the site and no storage near the retention area all storage will be in the front of the building, in the parking area or inside the building.

Attorney Dickey said each side will be allowed 15 minutes per side.

Andrea and Tory Rollins, 122 Howard Avenue spoke on behalf of T & C Towing. Mr. Rollins said they want to store 10 cars at the most and there will be no long term storage. Mrs. Rollins said they are on rotation for the City of Guyton and need to have an office and storage yard. This would be a good location because if they have a vehicle with the windows damaged then they can store it inside, it will not be for long term storage. Councilmember Browher asked their definition of long term storage, Mrs. Rollins said 10 days, at the most it will be 30 days. Mayor Lee asked what is road side, Mrs. Rollins said they contract with AAA. Councilmember Wendelken asked if they were cited by the police for operating out of that business, Mr. Rollins said that they actually moved to fast and started storing vehicles at the property and when they were moving them the City thought they were still working there. They are now being stored at a sub lot. Mayor Lee said according to what was turned in is their desire to do repairs out of the building, the Rollins' said maybe in the future. Mayor Lee asked should that be addressed, Mrs. Kelly said not at this time. Councilmember Browher asked about conditional use and should there be a log

on how long each car is in there and asked Attorney Dickey to explain the conditional use if ownership changed. Attorney Dickey said if they change ownership it will still be valid, but if they close it down the next person will have to apply again. Councilmember Wendelken said this is the third time that we have dealt with a conditional use on this property. Maybe it is not zoned the right way. Wouldn't it be better if we rezone the property, so they won't keep coming before Council. Wendelken asked what would the zoning need to be for this use, Mrs. Kelly said Limited Industrial. Mrs. Kelly said she thinks the owner did come before Council for a rezoning to Limited Industrial and Council denied it, that is why the ordinance was changed, to allow for certain uses as conditional use in general commercial. Rickay Graham said he is the owner of T & C Towing and it is hard to figure out what Council wants, he did not hide his intentions on what he was trying to do. Most cities have a seminar on what you have to do, but here it is like a moving target, you do one thing and then it is something else. It seems like he could have been told from the start, also Archie Mungin has nothing to do with T & C Towing they lease the building from him. Councilmember Wendelken said he feels for Mr. Graham and he shouldn't have to jump through hoops. He said most people don't want Limited Industrial in the middle of general commercial. Mr. Graham said they are not reinventing the wheel they are not trying to do anything that is not already done in this area.

Deetra Thomas from Wiley's Home Center, 1220 N. Columbia Avenue said she is not opposed to the business. She is opposed to what is going on in their parking lot, there are semi-trucks going through their property. Mayor Lee said it is probably the other businesses that have tractor trailers and asked Mr. Graham would they have any, he said no. Ms. Thomas said that is her only opposition is the semi-trucks.

Kim Dennis with the Effingham Herald, 1204 N. Columbia Avenue said she is not in opposition but has some comments. They will be renovating the building for office and event space and wants to keep the barrier of trees up. She is supportive of this business but doesn't want crushing of cars, tires and stacking of cars. Mayor Lee asked is the fence already in place, Mrs. Kelly said not the entrance gate.

Joyce Shuman, owns of the property next door said her concern is who will monitor how many cars are back there and she also the safety concerns with the vermin. Mrs. Shuman stated if Mr. Mungin is aware of the zoning why does he keep leasing his property to businesses that are in violation of the zoning.

Close public hearing: 7:44PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by T & C Towing requesting a conditional use variance to the Zoning Ordinance and Growth Management Code (Article 6, Sec. 90-178) to allow vehicle storage on the lot located at 1226 N. Columbia Avenue; the property is owned by Archie Mungin, Jr. The property is zoned GC-General Commercial. (Map# R2180008)

Councilmember Wendelken addressed Kim Dennis' letter that she handed out to Council. He said asked about the number of cars. Mrs. Rollins said they will continue to keep their sub lot which will hold up to 50 cars; this property will be for people to come and pick up their cars.

Councilmember Dasher said we will never know how many cars you have or how long they will be there. Mr. Mungin was given a conditional use to operate on his personal vehicles. So the property, in his opinion, needs to be zoned either commercial or light industrial. To come before Council and get a conditional use there would be no need for zoning. Councilmember Dasher said he would not want industrial right next to property he purchased when everything was zoned commercial.

Councilmember Browher asked if Limited Industrial is what they would need to have a storage lot, Mrs. Kelly said yes because of the storage. Mrs. Kelly said similar businesses are zoned general commercial, Attorney Dickey said that is because they were grandfathered. When the zoning laws were changed that is when the storage of vehicles was moved into limited industrial. Mrs. Kelly said that conditions are actually encouraged; the courts say that is a good way to regulate businesses. Attorney Dickey said in the beginning we had a less restricted zoning, after the zoning laws were changed Council made storage and towing more restricted. Councilmember Browher said we have already placed a condition on this property and he agrees with Councilmember Dasher.

Motion to deny: Councilmember Dasher
Second: Councilmember Browher

Councilmember Dasher said he does not want to continue to look at this property as a conditional use. Attorney Dickey said we need to look at the zoning laws again.

Vote by Council: Unanimous

New Business

1. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 19 Talmadge Drive.

Mrs. Kelly said they have sent three letters with no response. The letters were sent to tenant and owners and phone calls were also made. After the 10 day notice they will be sent to municipal court.

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

2. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 503 Weisenbaker Road.

Mrs. Kelly said notifications were sent to the tenant and property owner with no response.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

3. HHNT Consulting Engineers requests approval of the following pay requests for engineering services associated with the Lower Floridan Well and Elevated Tank project:

- **pay request #21 in the amount of \$1,200.00;**
- **pay request #22 in the amount of \$3,014.35; and**
- **pay request #23 in the amount of \$2,003.75.**

LI# 505.4440.541231 and #505.4440.542113

Ryan Willoughby, with HHNT, said this is for general project management dating back to April, May and June.

Motion to approve: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

4. PINCO requests approval of Change Order #4 for a net contract increase of \$3,209.00, for a total contract cost of \$1,164,286.72, and to close out the contract. LI# 505.4440.541231

Mr. Willoughby said this is to level out the contract, it was a unit bid project, the additional pipe that was not installed, and the fill for the road. The \$13,760.00 is the amount that they are taking off the contract to keep in place to come back and start up the system, the only thing left for PINCO is the startup and to work out the SCADA system. Mayor Lee asked about the increase of \$11,000.00 Mr. Willoughby said it was for the fittings it was 3 or 4 extra fittings that went by weight.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Vote by Council: Unanimous

5. PINCO requests approval of Pay Request #14 in the amount of \$16,166.58, for Lower Floridan Wellhouse and Main project. LI# 505.4440.541231

Motion to approve: Councilmember Daniel

Second: Councilmember Wendelken

Vote by Council: Unanimous

6. PINCO requests approval of Pay Request #15 and Release of Retainage in the amount of \$58,214.34, for Lower Floridan Wellhouse and Main project. LI# 505.4440.541231

This is just releasing the 5% retainage.

Motion to approve: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

**7. P. C. Simonton requests approval of Pay Request #31 in the amount of \$3,600.00, for engineering services associated with the WWTP Headworks replacement.
LI# 506.4335.542504**

Marcus Sack said this is not for the Headworks but for the internal reuse system at the plant, trying to get that going again. They are spending the left over funds from the Headworks for this.

Motion to approve: Councilmember Browher

Second: Councilmember Dasher

Vote by Council: Unanimous

8. Request to approve Budget Amendment 2018-02 to amend the FY2018 Budget to move the purchase of two police vehicles from General Fund to SPLOST.

Mr. Klimm said the next three items are public safety related, but this item relates to the City's finances. The major concern is the status of the fund balance. The proposal that Council will be receiving will propose \$400,000 to General Fund and 2.2 million to the Utility Fund, we need to restore the fund balance. This item represent the purchase of two vehicles that were already approved, we are asking Council to considered any vehicles purchased this year and next year come out of SPLOST to protect and maintain the fund balance.

Motion to approve: Councilmember Daniel

Second: Councilmember Dasher

Councilmember Wendelken said we use to separate police and fire, Mrs. Kelly said we still do. This was money dedicated to police. Councilmember Browher said we should have been doing that all along.

Vote by Council: Unanimous

9. Request to approve Budget Amendment 2018-03 to amend the FY2018 Budget to appropriate Condemned Funds for in-car computers and other department expenditures for the Police Department.

Mr. Klimm said there is \$90,000 in the condemned fund account. He checked with the City Attorney and this is an allowable use for the funds. Chief Gerbino said he had three quotes and recommends Toughbook. Councilmember Daniel asked about the funds is there any

kind of language that would keep us from purchasing it for this purpose, Mr. Klimm said he spoke with Attorney Dickey and he said it was a considerable use.

Motion to approve: Councilmember Dasher

Second: Councilmember Wendelken

Councilmember Browher asked could these computers be taken out of the vehicles, Chief Gerbino said yes.

Vote by Council: Unanimous

10. Request approval to purchase 22 Panasonic Toughbooks for the Police Department from ARC in the amount of \$64,028.03. LI# 100.3200.541107

Mrs. Kelly noted these will be purchased per state contract.

Motion to approve purchase per State Contract: Councilmember Daniel

Second: Councilmember Browher

Vote by Council: Unanimous

Employee from Dollar General stood and said she received a letter stating that she was supposed to appear before Council. Mrs. Kelly said the property was cleaned so there was no need to appear.

11. Request to approve a contract with Spatial Engineering to provide mapping for Coastal Incentive Grant.

Mrs. Kelly said this is a part of the grant that was approved. This will be a separate agreement with Spatial Engineer to provide the mapping of the storm water system; they will be mapping all of the storm drains in detail. The grant was \$475,000, the cost of this contract is \$39,613.00.

Motion to approve: Councilmember Daniel

Second: Councilmember Wendelken

Vote by Council: Unanimous

12. Request to contract with Sophicity for the City of Rincon Website.

Mr. Klimm said this is a follow up to a lengthy conversation at the last workshop. He followed up on previous research and came up with three products. Civic Plus is a nationally recognized website designer but it is very expensive, 40,000 for the redesign and 40,000 thereafter. Sophicity is endorsed by the Georgia Municipal Association, there is a monthly charge that we can back out of at anytime and there is no upfront cost. Georgia Regional Commission, which we are a member of, is relatively new at website design, they are the least costly of the three but only have one employee. Mr. Klimm said he does not know what will happen to our service if that employee was to leave.

Motion to approve: Councilmember Daniel
Second: Councilmember Wendelken

Councilmember Dasher asked how many users have access to the website, a very small number. Dulcia King puts content on the site, but we would like to see Department Heads at least have input. Mayor Lee asked will they have onsite training yes.

Vote by Council: Unanimous

13. Request for a Resolution and Adoption of The Georgia Municipal Association 457(b) Deferred Compensation Plan.

Mr. Klimm said this was talked about at length in a workshop. Employees mentioned other cities have another pretax alternative to invest dollars. He contacted some local companies and also Georgia Municipal Association about plans. His recommendation is to go with the Georgia Municipal Association plan. This will be a win win situation because it will not cost the City anything and it is voluntary. Councilmember Daniel asked when would this start, Mr. Klimm said it could start earlier than January maybe by the end of the year.

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

14. Approval of a Request for Expression of Interest (RFEI) to operate the Lost Plantation Golf Course Grill.

Mr. Klimm said in the process of having Golf Course operation audited and they took a rare opportunity to make a recommendation for the grill and restaurant operations. So they drafted a request for expression of interest to operate the grill.

Mr. Klimm said he has also received inquiry from Council about the financial status of the Golf Course. He is pleased to announce we are now receiving weekly reports that include revenues and expenditures and he is feeling very confident with the finance of the Golf Course. There was discussion on the Golf Course operations. Councilmember Wendelken said he liked the breakdown of member rounds versus nonmember rounds.

Motion to approve: Councilmember Daniel
Second: Councilmember Dasher

Councilmember Browher asked are we giving golf lessons, Mr. Klimm said yes but the Golf Pro, Josh Williams is getting 100%.

Vote by Council: Unanimous

15. Rincon Noon Lions Club requests \$1000 sponsorship from the City of Rincon to assist with advertisement for the Rincon Christmas Parade on November 17, 2018. LI #100.1110.523300

Mrs. Kelly said this is the annual parade, it is the sponsorship for the advertiement. Councilmember Browher asked have we gotten the permit for Highway 21, Mrs. Kelly said yes Lt. Ramirez took care of it.

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

16. Request by Roger Burdette for the City of Rincon to take ownership of the roads in Carlisle Village.

Item removed

17. EMC Engineering Services requests approval of a Work Order for the 9th Street Culvert Replacement, in the amount of \$13,925.00. LI #320.4100.541420

Alec Metzger said showed pictures of the existing pipes at 9th Street pump station. He talked to Mr. Bowles about them and prepared a proposal to do the replacement. The pipes have been there for quite a while and you can see erosion. The high velocity from the water caused erosion of the shoulder. What they propose to do is survey the area, have a soil boring done to determine the foundation material, prepare engineering plans, assist the City with bidding, construction, administration, supervising and closing out the project.

Motion to approve: Councilmember Browher
Second: Councilmember Dasher

Mayor Lee asked when will the work begin, Mr. Bowles said next year.

Vote by Council: Unanimous

18. EMC Engineering Services requests approval of a Work Order for the Dressler Road Ditch Lining Improvements, in the amount of \$14,525.00. LI #320.4100.541430

Mr. Metzger said this is where one of the golf course ponds drains. It drains out to the ditch, goes under Dresler Road and out into the swamp. They will survey that area and do a plan to replace the bank stabilization. Mr. Bowles said what caused this problem was the 7 inches of rain that we received one time. Councilmember Daniel asked was this for EMC to do the prep work. Mr. Metzger said this is for EMC to survey, determine what needs to be done, do the plans, and bid documents, assist the City with bidding, observe during construction and do an as built survey when it is completed.

Motion to approve: Councilmember Daniel
Second: Councilmember Dasher

Mr. Bowles said both of these projects were in the budget.

Vote by Council: Unanimous

19. Administrative Reports:

City Manager – Mr. Klimm said at the last meeting a member of council mentioned the condition of the roof at the Hinely Center, he will have an assessment at the next meeting; over the last couple of weeks they have had some finance related meeting. Donald Caines came and spent a half of day at the office with him and Mr. Jefferson. We will be bring forward an item dealing with interfund transfers that were recommend from the 2017 audit; he had a meeting with Wesley Corbitt to get his perspective on the City finances, visited with the County to talk about when we would receive some payments; they are almost done with the budget. Mayor Lee asked about the December Council meeting schedule, Mrs. Kelly said we will have meetings on December 3rd and 10th.

City Engineer – Mr. Metzger said the 2018 LMIG to Carolina Avenue paving has been completed. They are making good progress, he saw a little stripping, they will do a punch list and final cleanup.

Chief of Police – Chief Gerbino said they are continuing with the recruitment and hiring drive; traffic enforcement on Highway 21 has picked up; Councilmember Wendelken asked about the surplused vehicles. Chief Gerbino said they have 4 vehicles taking up space, they are beyond repair. One may be in a condition to be donated, the Savannah Technical College Public Safety Advisory Board may be able to take that one vehicle but the other three are beyond repair. None of the vehicles can be used in any capacity.

Building/Zoning Dept. – Mrs. Kelly said the sent out Occupational Tax Certificate renewals; the land disturbance has started for Chic Fil La and the other building on Brentwood Drive; they have started clearing for Town Park Commons; she is working on the grant for storm water; and getting ready for the festival this weekend.

Patrick Kirkland discussed the festival. They have 15 food trucks and 13 vendors. They finally found a vendor for the beer, Rebecca Tucker worked on that. Councilmember Wendelken asked was Lost Plantation not doing the alcohol. Mrs. Kelly said we are using their license. Councilmember Wendelken asked was there a reason why they were not participating; Mrs. Kelly said there was some discussion about the proceeds. Mayor Lee asked if we were using the boy scouts for parking, yes. Councilmember Browher asked have we run any numbers to see what we would need to sell to break even, Mr. Kirkland gave an estimate of 900 people at \$5 apiece. Mayor Lee asked about police presence, Chief Gerbino said they would have the normal shift and 10 that night it should be adequate coverage.

Water/Sewer/Public Works – Mr. Bowles said the Christmas lights were hung today in time for the parade; and the mowing has been done for Freedom Park.

Finance – Mayor Lee told Mr. Jefferson he appreciates what he was doing and it looks like he is chipping away at it.

Mayor and Council – Councilmember Dasher asked when KFC would be open, Mrs. Kelly said she did not have an update from them. Mrs. Kelly informed Council that she will be grand marshal for the Christmas parade. Mr. Kirkland told Council they will need 3,000 people to attend to break even, with 1,000 buying bands. Councilmember Browher mentioned Plantation Drive and how the road is in real bad shape, he would like for us to look at it and send the owner a letter to fix it or turn it over. Attorney Dickey said you need to make sure you exhausted all your options before a letter is sent, because then they will definitely not agree. Councilmember Browher also asked about the digital sign by Rincon Chevrolet, Mrs. Kelly said we have exhausted all of our options with them, the only thing we can do is replace the whole digital panel. Councilmember Browher said as far as the placement he thinks it is not worth spending the money putting another sign at that location. Mayor Lee asked about city limit sign on the north end, Mr. Bowles said we need to get a permit from Department of Transportation; they will not approve those six foot post that the sign is put on. Or we can get an easement to set it on private property. Mayor Lee said he has been attending Georgia Municipal Association meetings about municipal golf courses. They have had three meetings already and discussed how they can help each other. They established an advisory committee and he is serving. They are working towards doing something for collaboration between all of the cities. The next meeting is December 13th in Macon and he invited Council and staff. Out of all the golf courses we had the best reason to own one, the reuse, the others did not have a good reason. And the two that he visited they could not hold a candle to ours, condition wise. Councilmember Wendelken asked how many municipal golf courses are there, Mayor Lee said he thinks there are 35 not including county owned.

Bernard Martin said we need to do something about City Hall's wallpaper. It does not look good.

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

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

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

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

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

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

No action taken.

Adjourn:

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