



**OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, DECEMBER 9, 2019
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmembers Present:

Reese Browher
James Dasher
Levi Scott, Jr.
Ann Daniel

Councilmembers Absent:

Paul Wendelken
Kevin Exley

Present:

Ken Lee, Mayor
John Klimm, City Manager
Raymond Dickey, City Attorney
Dulcia King, City Clerk
Interim Police Chief, Jonathan Murrell
Corey Rahn, Fire Chief
Pete Smith, Assistant Fire Chief
LaMeisha Hunter Kelly, City Planner
Mike Osborne, Recreation Director
Tim Bowles, Public Works Director

The meeting was called to order at 7:03 PM. The Invocation was given by Councilmember Scott and Pledge to the Flag was recited.

Approval of the agenda:

Motion to approve: Councilmember Daniel
Second: Councilmember Dasher

Attorney Dickey asked to amend new business item 5, to include notice to terminate contract, both motions were amended; Mr. Klimm asked to remove new business item 7 from the agenda, Discussion of an Intergovernmental Agreement between Effingham County Board of Commissioners and the City of Rincon for Construction and Maintenance of a Roundabout at the intersection of Fort Howard and Old Augusta Roads, the motions were amended.

Vote by Council: Unanimous

Approval of the October 7, 2019 minutes with the following correction:

The second to adjourn was made by Councilmember Daniel.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

Approval of the November 21, 2019 minutes with the following:

New business item 6, executive session the motion was made by Councilmember Dasher, the second by Councilmember Daniel; new business 7 the second was made by Councilmember Daniel; Adjournment motion was made by Councilmember Browher, and the second by Councilmember Daniel.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: Unanimous

Approval of the November 25, 2019 minutes:

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: 3 yes votes, Councilmember Browher abstained

Interim Chief Murrell introduced three new hires Josh Myers, Devonte Boddie, Marquise Parker; Chief Rahn informed Council that Chris Stachera just graduated from the Fire Academy and received his Georgia certification.

Public Hearing #1:

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing for a petition filed by Peter Johnson, Sr. requesting a variance to Article 6, Section C to operate a commercial trucking and repair business at 719 C West 7th Street. The property is owned by Peter Johnson, Sr.; the property is zoned R-4 (Single family residential). (Map #R2140015)

Open public hearing: 7:13 PM

Public input:

Peter Johnson Sr. and Franklin Johnson 719 C West 7th Street were present. Mr. Franklin Johnson said he has his own business and works on his own private trucks and his father

has done this on the property since he was a kid. Mrs. Kelly said her Mr. Mattos went to investigate a code complaint nearby and found this business; he saw several trucks and tires and determined they were operating without a business license. They sent letters and had some communications. Mrs. Kelly said the owners said they have had a business there for over 20 years. Because we did not have it permitted, it went through the process and went to the Planning and Zoning Board. Because of the longevity, the Planning and Zoning Board felt like it should be grandfathered with conditions; they should get a business license going back, limited vehicles and periodic visits to the property. Mr. Mattos said he had concerns about the amount of tractors; there were ten to twelve, the tires and oil changes. They should have some type of restrictions. Pictures of the property were shown to Council. Councilmember Daniel asked how many of the trucks do they own. Mr. Franklin Johnson said a total of seven. Councilmember Scott said he went to look at the property yesterday. His concern is the disposal of the oil and tires. He found that Colonial pumps the oil. Another concern was putting a fence on the Howard Street side. Planning recommended a five year review; he thinks they need more inspections.

Corey Rahn said he is aware of the situation but did not know it grew that large. He counted 15 to 18 trucks in a residential area that cannot be there.

Zack Mydell, 115 Howard Avenue said he doesn't have a problem with it and thinks the more the community is changing the more problems we have. Mr. Mydell said he doesn't think just because one or two people move in they should change the area.

Veronica King, 118 Howard Avenue does not have a problem with and she has small kids. The trucks don't affect anything and they are behind her house. She has had the house since 2008.

Pam Barfield, 709 West 7th Street said the roads are small and passing the trucks on the road worries her and the trucks are loud and the City does have a noise ordinance. If she tries to resell her home and they pass this property they are not going to want to buy it. The main thing is, is the city prepared to repave the roads every year these trucks are heavy.

Alyssa Davis, 120 Howard Avenue, she is concerned about value of her property, will it lower the value of her home to have a business there. Councilmember Scott said the value won't change, that building was there and it is not a commercial business, the property will always remain R4, this is a variance for him to work on his own trucks.

Close public hearing: 7:39 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by Peter Johnson, Sr. requesting a variance to Article 6, Section C to operate a commercial trucking and repair business at 719 C West 7th Street. The property is owned by Peter Johnson, Sr; the property is zoned R-4 (Single family residential). (Map #R2140015)

Councilmember Dasher says he would like to figure out a way to allow Mr. Johnson to work on his trucks but address the safety concern of having too many trucks on the property. Councilmember Scott his concern is safety as well. He thinks we should establish a time to inspect and see how many vehicles are on the property. Councilmember Daniel said she agrees to tabling the item until we feel like some of this is being addressed. Mayor Lee asked was there something Mr. Johnson could do with the number of trucks on the property, Mr. Franklin Johnson said yes. Mrs. Kelly said to be clear they are going to work on a fence, periodic visits, removing the cars and the debris, work on getting it down to three to five operational trucks and the ones that are inoperable remove the fuel tanks. Councilmember Browner asked was this a variance or a conditional use. Mrs. Kelly said it could be a conditional use, we just wanted to memorialize this business. Attorney Dickey said from a legal point there is no conditional use for light industrial in residential this will require an ordinance with two reading so it will not be ready by the next meeting. Mrs. Kelly asked could we do a variance with conditional use for this one.

A motion was made to table until the January 13th meeting.

Motion to table: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

Public Hearing #2:

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing for a petition filed by Salvador Figueroa requesting a variance to Article 3, Section 12 to install a 2,688 square foot accessory structure on a 16.55-acre parcel located at Ninth Street Extension. The property is zoned GA (General Agriculture); the property is owned by Salvador Figueroa. (Map# R2360045)

Open public hearing: 7:50 PM

Public input:

Attorney Dickey asked has the property been marked an ad placed in the paper and the required property owners been notified, Mrs. Kelly said yes. Mrs. Kelly said Mr. Figueroa came in to get a permit for an accessory building, but did not have a plan for his house with the size. Since then he has the house plans and he does not need the variance because the storage building does not exceed the size requirement. Attorney Dickey asked was the variance no longer required by City law to have this variance, Mrs. Kelly said yes. The variance is being withdrawn from consideration.

Linda Crews, 508 East 9th Street, said she does not necessarily oppose what he is doing but there is big area that is wetlands is he going to be able to put two structures there and not encroach on the wetlands. Attorney Dickey said that is controlled by the Army Corp of

Engineering and someone intrudes into the wetlands they will fine you until you mitigate. Ms. Crews said also this is a flood zone.

Ronny Jones, 106 South Wendell Avenue, said one of the reasons he brought the property is it is quiet and secluded. His concern is, is the building going to be used to store commercial equipment. Attorney Dickey said that would be a violation of the City Ordinance.

Angela Walls 106 North Boyd Street said she is wondering what is going to be built there because this is a tiny community, there is nobody running the street and there is no riff raff, we have small houses and she doesn't want a big mansion built back there. Councilmember Scott said we cannot tell an individual what size house to build on their property as long as it is in the legal zoning area and they are meeting the City standards, we can't control the size we have no right as long as it is legal.

Mr. Figueroa said he has six kids that is why his house is a little bigger and he is not running a business at his home.

Close public hearing: 8:03 PM

Turn the meeting back over to Mayor Lee.

Vote on a petition filed by Salvador Figueroa requesting a variance to Article 3, Section 12 to install a 2,688 square foot accessory structure on a 16.55-acre parcel located at Ninth Street Extension. The property is zoned GA (General Agriculture); the property is owned by Salvador Figueroa. (Map# R2360045)

No action taken.

Public Hearing #3:

Turn meeting over to public hearing officer, Raymond Dickey:

Public Hearing to discuss the proposed FY 2020 City of Rincon Budget.

Open public hearing: 8:04 PM

Public input:

Mr. Klimm submitted the 2020 budget proposal. With the exception of a significant number of SPLOST capital projects this is the same budget as our existing year. Also he is proposing cost of living adjustment for our employees, but it is not included in this budget yet. The general fund budget proposal has expenses of \$4,056,371 and revenues of \$4,182,888. A snapshot of the recent history of the general fund is as follows: the 2017 approved budget was 5.4 million, the 2018 budget was 5 million, the 2019 budget was 3.9 million and the proposal for 2020 is 4 million. He has also requested \$1,086,155 for the fire department, \$6,500 from hotel motel tax fund. The biggest increase is SPLOST where we have 1.8 million worth of proposals to make. The water fund proposal is at 1.5 million,

sewer 1.9 million, sanitation \$595,000 and golf at \$810,000 that is with funding for the Fairway Bistro. The total budget for 2020 is 11.8 million, but that is almost entirely made up of additional request for capital projects in our SPLOST fund. In 2019 Council approved a total budget of 9.9 million, 2018 16.5 million, 2017 15 million, historically the 2020 budget is still significantly less than what has been approved in the past. The major accomplishments over the past year was the completion of the state comprehensive plan update, Mr. Klimm thank the Planning and Zoning board, City Planner and her staff and Council. There were numerous building renovations, we were able to implement an employee compensation plan, and we completed the golf course operational audit and implemented many of the recommendations, desiring to turn a profit in the restaurant. We applied for and received a new waste water discharge permit; there are a number of construction projects that were completed, recreation rentals have increased and the Police Department instituted measures. The major challenges will be to plot a strategy for the future of the Fire Department, we need to complete the transformation of golf course operations, continue to hire permanent staff in critical areas, make a decision on where we are headed with sanitation services, conclude our service delivery negotiations with the County and think about the future of several city buildings. He discussed the SPLOST analysis. The budget before Council is the first reading this budget and will appear on the website.

Interim Chief Murrell said they would like to purchase three additional vehicles for 2020 and equipment cost will go up.

Chief Rahn said with rollover from the 2019 money and 2020 money they will have \$375,000 for a down payment of two fire engines. He will look into financing or lease to purchase. A lot of the equipment will flip.

Mr. Bowles said they have the 2020 LMIG projects, which will include the reminder of Lexington Avenue, drainage on Lexington Avenue, and also drainage from Dresler Avenue to hole 15 that was damaged due to the seven inch rain. Both of these projects were bid out this year and came in way over budget, we will advertise them again for 2020. Last is 1/3 cost of mini excavator, which will be split up three ways. Mrs. Kelly said in water and sewer there are two vehicles and they will be at City Hall to replace the 2008 Colorado and the Expedition also the Ford Taurus is having problems, we will get rid of three and replace two. Mr. Bowles said the last item on the sewer side is the trailer mounted six inch by pass pump.

Mrs. Kelly said we are facing time limits with the money allocated to recreation so Mr. Osborne has to spend money this year. Mr. Osborne said they need an addition to the maintenance building, an addition of an umpire room by the new fields, tournaments have increased this year, shade covers at the new fields, disc golf baskets, batting cages and an addition of chain link fences that will help with safety issues at the batting cages. At Freedom Park he would like to add a concession stand and restrooms using a modular building; John Deere Gator and a mower. Playground equipment at Giles Park and Veterans Park and lastly landscaping.

Mr. Klimm said he wanted to review the SPLOST projects because that represents 2 million dollars. The budget does not request property tax and there is no fee increase he would like Council to consider in the second reading if they would consider fee increases. The request is for 11.8 million but we are showing 13 million in revenue.

Councilmember Daniel said she thought we had look at fire fees with a small increase, it was discussed in a workshop but no decision was made. Councilmember Dasher thanked staff and Mr. Osborne for always looking into new ways to increase revenue.

Councilmember Dasher said it is important to understand where we are when we come back into the City; he wants to make an educated decision based on a study of where we stand with fire when we come back into the City. What would it cost this City to operate a fire department.

Close public hearing: 8:55 PM

Turn the meeting back over to Mayor Lee.

First reading of the proposed FY 2020 City of Rincon Budget.

Motion to approve: Councilmember Scott

Second: Councilmember Daniel

Councilmember Browner asked Interim Chief Murrell and the dates of the availability of the Dodge Charges, did he say 2021. Inter Chief Murrell said yes. Mr. Klimm said he did have two more things. One was a request for a new position and he did not put money in the budget for the library. Councilmember Daniel said she would like to see the 2% cost of living increase added to the budget.

Vote by Council: Unanimous

New Business:

1. Salvador Figueroa requesting approval to install a 2,688 square foot accessory structure on a 16.55-acre parcel located at Ninth Street Extension. The property is zoned GA (General Agriculture); the property is owned by Salvador Figueroa. (Map# R2360045)

Mrs. Kelly said we would still need the official approval of the site plan.

Motion to approve: Councilmember Dasher

Second: Councilmember Browner

Vote by Council: Unanimous

2. Request approval of an Ordinance to adopt the restated GMEBS Defined Benefit Master Plan Adoption Agreement and General Addendum.

Attorney Dickey said the requirement is that every seven to ten years the IRS reviews the retirement plan and come up with slight changes. Everybody that is part of that retirement plan has to amend the plan to include these changes.

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

3. Request appointment of a City of Rincon representative to fill the vacant seat on the Effingham County Library Board.

Mayor Lee said he has reached out to Caren Blackwell and she is willing to serve, but she wanted to know the dates of the meetings. Mayor Lee will check with Mrs. Blackwell. No action taken.

4. Request approval of Georgia Emergency Management Agency- Homeland Security Statewide Mutual Aid and Assistance Agreement.

Chief Rahn said this is basically the generic mutual aid agreement that we had last time and it covers five years. It will carry over five more years.

Motion to approve: Councilmember Scott
Second: Councilmember Daniel

Councilmember Daniel asked Attorney Dickey has he looked at this, he said yes.

Vote by Council: Unanimous

5. Request approval to bid the City of Rincon residential and commercial solid waste and recycling collection and disposal and send termination notice to Waste Management.

Mr. Klimm said are we acting in the interest of our citizens by not putting this out to bid, from time to time to truly know to whether we are getting the best deal is to put it out to bid. We are coming to the end of the lasted amendment and he can't think of a reason why we shouldn't put it out to bid.

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

6. Request approval to cancel the December 23, 2019 regular scheduled City Council Meeting.

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

8. Administrative Reports:

Councilmember Dasher asked why new business item 7 was removed from the agenda; Mr. Klimm said that Attorney Dickey wanted an opportunity to discuss it in executive session,

City Manager: Mr. Klimm said we are continuing to work with Omnitrax; he reminded Council about the Employee Appreciation dinner on Friday; and the County has forwarded a draft truck ordinance to us.

Chief of Police: Interim Chief Murrell said he had a great time at the Lost Plantation Golf Cart parade. Mayor Lee asked did he follow up on the information about the lease law, Chief Murrell said yes. Mayor Lee thanked him.

Fire Department: Written report provided.

Building/Zoning Dept.: Mrs. Kelly provided a capital project report to Council.

Recreation Dept.: Mr. Osborne said they had a good turnout for Breakfast with Santa.

Water/Sewer/Public Works:

Mayor and Council: Councilmember Browher said he would like the sign at the Hinely Center to say Merry Christmas and Happy Holidays. Mayor Lee asked about the flag at the Hinely Center, Mr. Osborne said he needs to get with the fire chief about that because there is no rope. Councilmember Browher asked about lights on the sign at City Hall, Mr. Mattos said he is working that. He is meeting with the electrician to work on all of the buildings that are having electrical problems. Mayor Lee said we had discussion about traffic on Brentwood Drive and he reached out to Ann Purcell, now we have a turn signal at that light; also Eggs and Issues with the State Legislators is Wednesday morning.

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

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

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

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

Motion to approve: Councilmember Browher

Second: Councilmember Daniel

Vote by Council: Unanimous

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

No action taken.

Adjourn:

Motion to adjourn: Councilmember Dasher

Second: Councilmember Daniel

Vote by Council: Unanimous