



**CITY OF RINCON
OFFICIAL MINUTES
RINCON CITY COUNCIL MEETING
MONDAY, JUNE 24, 2019
COUNCIL CHAMBERS
107 W. 17TH STREET
7:00 PM**

Councilmembers Present:

Reese Browher
Paul Wendelken
James Dasher
Levi Scott, Jr.
Ann Daniel
Kevin Exley

Present:

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

The meeting was called to order at 7:04 PM. The Invocation was given by Councilmember Scott and the Pledge to the Flag was recited.

Approval of the agenda:

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

Approval of the June 4, 2019 minutes:

Motion to approve: Councilmember Scott

Second: Councilmember Daniel
Vote by Council: Unanimous

Approval of the June 10, 2019 minutes:

Motion to approve: Councilmember Wendelken
Second: Councilmember Dasher
Vote by Council: 4 yes votes, Councilmembers Browher and Exley abstained

A motion was made after Administrative Reports to add item 6A to the agenda, reschedule the July 8, 2019 Council Meeting.

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

Old Business:

1. Vote on a petition filed Rickay Graham requesting a variance to place twenty (20) cars for T & C Towing, LLC, on the property located at 620 Jaudon Avenue. The property is owned by Rickay Graham, and is zoned R-4 (Single Family Residential). (Map # R2150005A00)

Remove from the table: Councilmember Daniel
Second: Councilmember Scott
Vote by Council: Unanimous

Mayor Lee said at the last meeting some Councilmembers indicted they want a little more time to look at the situation so we could make the best decision possible.

Motion to approve: Councilmember Scott
Second: Councilmember Dasher

Councilmember Browher said every time we consider a variance we are required to make sure it is a hardship, what was the Planning and Zoning Board recommendation. Patrick Kirkland, Planning and Zoning Board member said they were a little concerned because it was too close to being spot zoned. They did not see a hardship and he doesn't think they recommended approval. Mrs. Kelly said staff does not have a recommendation, Council has seen this around six or seven times. The issue is the city does not control how the County classes a property; the property owner sees it as a hardship because it is classed commercial even though it is zoned residential. Councilmember Browher asked about the environmental impact and was it a paved surface Mr. Graham was towing to. Mrs. Kelly said it is not paved. Mr. Graham said once he gets approved for a variance he will get the guidelines for a tow yard and what it needs to be, but he hasn't done anything yet because he doesn't know the standards for a tow yard. Councilmember Scott said the impact on the environment is not substantial because of the cleanup of the cars at the accident site.

Councilmember Exley said the cars are not pressure washed before they are towed, when they sit you will have an environmental impact. Councilmember Wendelken said the concern he raised was the fairness issue, we require tow companies to be in a commercial area, he is sure Smithey's and Rahn's would like to store cars to their residence as well. In the past Mr. Graham has been desirous of being on the wrecker contract for the City and how would that be affected, are we going to allow that. Councilmember Exley asked Mr. Graham was there a reason why he didn't look for another piece of commercial property. Mr. Graham said he has tried that with two other commercial properties and was denied twice for storing vehicles. One of the properties was across the street from a tow yard and he was denied a variance there. Councilmember Exley asked was this the property beside the YMCA, Mrs. Kelly said yes. Councilmember Exley asked was it a zoning issue, Mrs. Kelly said Council has considered all of the requests several times. The project was approved as a special conditional use for the owner of the property but Mr. Graham came back to ask for change so he could have outdoor storage and it was denied. Councilmember Browher asked Attorney Dickey to explain a hardship. Attorney Dickey said normally it is something that is unique to the property that can't be rectified in some other means or measure. Councilmember Dasher asked if this was all family property, Mr. Graham said he owns the property and there are different lots on the property. He understands the role of the local government is to protect the people and none of the property owners have a problem with this business, the people that are affected don't have a problem. Councilmember Exley said that is one thing he kind of agrees with Councilmember Wendelken about, other people that had to get the commercial property and set that up at what point do they come back to ask for a hardship to put 20 cars on their property. Councilmember Wendelken said also the future, does this set a precedent for the next person to put 20 to 30 cars on their property. Councilmember Browher what concerns him is opening a can of worms, the next person that comes before council would say Council told him he could do it and then we are in litigation because we weren't consistent. Councilmember Wendelken said the Mungin property would be a perfect spot if we could figure out the proper way for that to be handled zoning wise.

Mrs. Kelly said Planning and Zoning made motion to deny based on the ordinance. Councilmember Browher said his concern is we have several code violations on the agenda tonight and he agrees with the Planning and Zoning Board, he does not see where this is a true hardship. Councilmember Dasher said he appreciates Councilmember Wendelken for bringing up the other property because it sounds like there is at least some opportunity.

Vote by Council: Councilmember Scott voted yes because of the uniqueness in zoning; 5 no votes

New Business:

1. Christy Thayer request approval a secondary use of Retail Trade and Personal Services at an office building located at 107 B West Fifteenth Street. The property is owned by Dale and JoAnn Duff. The property is zoned OC-Office Commercial. (Map and Parcel # R2090027)

Mrs. Kelly said Ms. Thayer owns Paint and Possibilities and wants to move to the building that was occupied by JMS Electrical. She sells art pieces and would also like to do the refurbished furniture and clothes. The ordinance says that is allowed as a secondary use, but she has to come before Council for approval. Councilmember Wendelken abstained from discuss and voting to due relationship with Ms. Thayer.

Motion to approve: Councilmember Scott

Second: Councilmember Browher

Vote by Council: 5 yes votes, Council Wendelken abstained

2. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 122 Fox Trace.

Mrs. Kelly said they have sent three letters. One that said they will need to be at the meeting tonight, but no one showed up. If they do not clean up within 10 days a citation will be issued. The fees incurred are conservative, we are at \$139.00.

Motion to approve: Councilmember Exley

Second: Councilmember Dasher

Vote by Council: Unanimous

A second motion was made to collect fees incurred: Councilmember Wendelken

Second: Councilmember Dasher

Vote by Council: Unanimous

3. Request for Council to issue a 10 day notice according to the ordinance for nuisance on property located at 461 S. Columbia Avenue.

Mrs. Kelly said there has been notification sent to the manager Mr. Reynolds and the assistant manager. Mrs. Kelly said what is disheartening this is one of our local partners. Even the manager from Tractor Supply said he would cut the grass because it is making his business look bad. Kroger said they were not responsible but the owners of Kroger Shoppes produced the deeds that said Kroger is responsible for the storm drainage systems for the access roads. No one from Kroger was present. Mrs. Kelly said if Council issues the 10 day notice that Kroger be assessed the fees due to staff time that has incurred. Mayor Lee said Mr. Reynolds is no longer there, unless you have a good store manager the only way to get something done is to go to Corporate or Real Estate.

Motion to approve and assess fees incurred: Councilmember Daniel

Second: Councilmember Exley

Councilmember Browher said if we are starting a policy to assess fees, we should do this for everybody. Councilmember Browher asked Attorney Dickey was it alright to access fees. Attorney Dickey said if they are cited we try to get all of the expenses in court. Mayor said Kroger has always been a good neighbor and he believes if the proper people were notified they would have taken action.

Vote by Council: Unanimous

4. Second Reading of an Ordinance to rezone 77.740 acres located off of Highway 21 as follows: 51.450 acres from GA-(General Agriculture) to LN-(Limited Industrial Use); 25.118 acres from GA-(General Agriculture) to LN-(Limited Industrial Use); and 1.172 acres from PUD-(Planned Unit Development) to LN-(Limited Industrial Use). The property is owned by J & W Land Holdings, LLC and Greenland Developers, Inc. (Map and Parcel #'s R2190001, R2190002, R2610001)

Motion to approve: Councilmember Browher

Second: Councilmember Daniel

Vote by Council: Unanimous

5. Second Reading of an Ordinance to rezone 3.23 acres located at 1349 Highway 21 North from R-4 (Single Family Residential) to LN - (Limited Industrial Use). The property is owned by J & W Land Holdings, LLC. (Map # R2170010)

Motion to approve: Councilmember Daniel

Second: Councilmember Scott

Vote by Council: Unanimous

6. Request approval to surplus Public Works 2009 F-350.

Mr. Bowles said it costs too much to replace the engine in this truck. He is requesting to surplus it and he will remove the service body and crane and budget for a cab and chassis the next year.

Motion to approve: Councilmember Daniel

Second: Councilmember Exley

Councilmember Scott asked how often they use the crane, Mr. Bowles said quite often.

Vote by Council: Unanimous

6A. Cancel the July 8, 2019 Council Meeting and reschedule to July 15, 2019.

Motion to approve: Councilmember Dasher

Second: Councilmember Daniel

Vote by Council: Unanimous

7. Administrative Reports:

City Manager – Mr. Klimm requested an executive session.

Chief of Police – Chief Gerbino said monthly report will be submitted at the next meeting; he has had positive feedback with the Stonewalk Subdivision investigation and positive results at Starbuck; Mr. Klimm asked Chief Gerbino to provide an update on the Police Department building improvements, Chief said the estimate is \$12,600 for the floors, they also are ready to move forward with the other project, it will cost \$4,800 for surveillance.

Councilmember Dasher asked how are they doing with staffing. Chief Gerbino said they are two down and had a great looking applicant this week; Councilmember Browher asked about the tag readers, they have come in two are working perfectly and one has a computer glitch that he hopes will be fixed soon.

Building/Zoning Dept. – Mrs. Kelly said Freedom Rings is Friday and parking passes will be in the mailboxes. Councilmember Browher thanked Mrs. Kelly for helping Mr. Osborne through his first year of Freedom Rings.

Water/Sewer/Public Works- Mr. Bowles said the last quote he got from Rowe Well Drilling to drop the well 50 feet, which will not improve water, was \$9000. He asked for a quote to drop it 100 feet and they are figuring out a price.

Mayor and Council – There was discussion on whether there would be a quorum at the next meeting, should it be rescheduled or cancelled. The agenda was amended to add new business item 6A.

Councilmember Scott asked staff to look into some street lights that were out on Savannah Avenue and 7th Street.

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

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

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

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

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

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

No action taken.

Adjourn:

Motion to adjourn: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous