

**OFFICIAL MINUTES  
RINCON CITY COUNCILMEETING  
MONDAY, APRIL 27, 2015  
COUNCILCHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Paul Wendelken  
Scott Morgan  
Christi Ricker  
Reese Browher  
Levi Scott Jr.  
James Dasher

**Present:**

Ken Lee, Mayor  
Wesley Corbitt, City Manager  
Raymond Dickey, City Attorney  
Wanda Hendrix Simmons, City Clerk - Minutes

The meeting was called to order at 7:10 PM by Mayor Lee.  
Mayor Lee gave the invocation and the pledge to the flag was recited.

**Approval of the agenda:**

Motion to approve: Councilmember Dasher  
Second: Councilmember Ricker  
Vote: Unanimous

**Approval of the minutes of April 13, 2015:**

Motion to approve with no corrections: Councilmember Browher  
Second: Councilmember Wendelken  
Vote: All votes were yes with the exception of Councilman Scott who abstained from voting due to his absence at that meeting.

**Old Business:**

**1. Request to enter Property & Liability Insurance Contract with J. Smith Lanier in the amount of \$118,947. (Tabled at the April 13, 2015 meeting)**

Remove from table: Councilmember Scott  
Second: Councilmember Ricker  
Vote: Unanimous

Mr. Corbitt addressed the questions council had from the previous meeting. Mr. Corbitt said he spoke with several cities that J. Smith Lanier represented. He noted that he received good responses including the one that had an EEOC litigation and an EPD litigation. All spoke very highly of the staff of J. Smith Lanier and the services of the group. He noted that unless the city did something illegal or criminal that each person would have a defense. He also noted that 68 cities were using this firm. They did say we could increase the deductible if we so desired, Mr. Corbitt noted.

Mayor Lee asked Mr. Dickey if his concerns had been addressed. Mr. Dickey said basic coverage was governed by Georgia Law. He said Wesley had done a lot of work on tracking down information to find out the information council wanted. He said the references all sounded pretty good. He said they would give a \$50,000 rider in the event of something they would not cover. Councilmember Ricker asked about the exclusions listed in the policy and asked if they were the same exclusions as GIRMA. Mr. Dickey said exclusions are allowed under Georgia Law. He said this company has an additional rider and if we claim an exclusion and send a reservation of rights letter notifying of an exclusion with no coverage, the rider (additional benefit) they will provide a defense for you up to \$50,000.00. He noted that he was not aware if GIRMA had that rider / benefit, but also noted that even if a reservation of rights was provided by GIRMA it has always be covered. Wesley noted that if the reservation of rights came up the only time it would not be covered would be if someone performed acts of criminal nature or of an illegal nature directly or indirectly in the course of business. Councilmember Wendelken said the reservation of rights payment only came after it had been proven, he said they needed coverage upon allegation. Wesley said for allegations they would have coverage.

Councilmember Wendelken asked about local defense attorneys. Wesley said the city may have some say in that but the company would have the overall say. He noted that each attorney selected locally would specialize in that. Councilmember Wendelken also noted that we are not currently making EEOC claims through GIRMA because Mr. Dickey has been handling those. Wesley said he believed the coverage was equal and was a great savings.

Mayor Lee said this was an opportunity to save \$37,000.00 and he heard nothing that would send up red flags to him. Wesley said the policy could be cancelled at any time without penalty. Councilmember Browher asked if we had bid this out. Wesley said this was given to J. Smith Lanier and they bid it out for us since they are our Workers Comp. agent. We also gave the opportunity to bid to two local agents.

Councilmember Wendelken said Pat O'Connor was an attorney that GIRMA had working for the city on previous claims and he did a great job. He said there is a certain level of comfort working with people you know and he did not know who the new company would use locally. Councilmember Wendelken said he had concerns over this and noted his concerns about the exclusions. Councilmember

Wendelken noted that GIRMA had previously sent a reservation of rights but GIRMA still covered it. Councilmember Wendelken said that once someone hits the \$50,000.00 mark then the city and council is responsible. Councilmember Scott also noted that once that \$50,000.00 is hit what happens then is that it becomes the city or councilmembers direct responsibility.

Councilmember Scott asked when we are up for the renewal with GIRMA. Wesley said it is May 1, 2015. Councilmember Morgan suggested renewing with GIRMA, then bidding it out. Even though sometimes something is cheaper, the knowledge and comfort level is important. Councilmember Morgan said if management wanted to bid it out in 6 months, then we could do that then. He noted that there are concerns over the differences of the GIRMA and this policy.

Motion to reject the recommendation: Councilmember Browher  
Second: Councilmember Scott  
Vote: Unanimous

Councilmember Wendelken said the GIRMA policy could be reviewed for ways to save money on the premium. Councilmember Browher said we need to make sure we are following our own bid policy. He said he would like Mr. Dickey to review that and make sure what we are doing what we need to do.

**New Business:**

**1. Y-Delta, Inc. requests approval of Change Order #2 for a deduct in the amount of \$763.19 for the Lisa Street sewer project. LI# 20.7270.4418.**

Alex Metzger was present to address this request.

Motion to approve: Councilmember Morgan  
Second: Councilmember Dasher  
Vote: Unanimous

**2. Y-Delta, Inc. submits the Final Pay Request in the amount of \$30,579.68 for the Lisa Street sewer project. LI# 20.7270.4418.**

Alex Metzger said this is the final pay request and the project was complete.

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

**3. Resolution to authorize the submission of the 2015 Employment Incentive Program (EIP) application to DCA.**

LaMeisha Kelly addressed this request. She said this is the EIP Grant we are working on for Kroger. She said they are awaiting traffic information from the engineer.

Motion to approve: Councilmember Ricker  
Second: Councilmember Browher  
Vote: Unanimous

**4. Georgia Barn and Metalworks requests final payment in the amount of \$1,395.83 for the steel shed at the WWTP. LI# 50.7280.4410.**

LaMeisha Kelly addressed this request. She said on items 4 and 5 both buildings were up and Travis had inspected them. She noted this was the final payment.

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

**5. Georgia Barn and Metalworks requests final payment in the amount of \$3,392.29 for the pole barn at WWTP. LI# 50.7280.4410.**

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

**6. Consideration of a request from Rincon First Baptist Church to add crosswalks on 6<sup>th</sup> St. and Richland Ave.**

LaMeisha Kelly said representatives from First Baptist were here. She said staff needed approval to move forward.

A representative for First Baptist Church was present to address this request. She noted that there is so much traffic and said their youth center is on the other road and we want cross walks at corners and signage. She noted where the crosswalks were being requested and noted that they were asking for signage. She noted that they would be fencing the field in and have the opening where the crosswalk would be so they would have to enter and exit there. She said the Chief actually recommended the additional crosswalk.

LaMeisha said last time we had something similar with the Church roads, we set a meeting date and sent letters out to surrounding residents notifying them of the meeting.

Council agreed for staff to move forward. No vote was taken.

## **7. Request approval of Mutual Aid Agreement between Rincon Police Department and Guyton Police Department.**

Chief Scholl said this agreement strictly referred to training. This way they can train with us and if their officer is injured then they are responsible. Mr. Dickey noted that he, Chief Scholl and Mr. Corbitt had worked together on this.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote: Unanimous

## **8. Approval of rental of Freedom Park to Carlton Summers for tethering of his hot air balloon.**

Mr. Corbitt addressed this request and noted that Mr. Summers was here to answer questions. Mr. Corbitt said Mr. Summers had contacted the city about tethering his balloon at Freedom Park. He is licensed and has his liability insurance.

Mr. Summers said a balloon is the same as a aircraft. He said he just moved to Rincon, and he was referred to the city for use of the property. That conversation led to the possibility of partnering with the city for the ability to use it as an attraction. The hot air balloon is very weather dependent. He said he has been flying aircraft for 25 years and ballooning for 3 years. He said he is very safety oriented; safety will be the top priority.

Mayor Lee asked how long or how often this would be done. Mr. Summers said possibly on the weekends when not in use or maybe possibly in the afternoons on weekdays if permissible. He said this would be weather dependent. He said he had discussed with Wesley ideas such as a link to check on the website to see when the balloon would be up. Even if we advertise it being available if the weather is not permitting safety would trump public expectation.

Mayor Lee asked if he had relationships with other balloonists that could turn into an event for the future. Mr. Summers said yes he had discussed this with Wesley. Councilmember Dasher asked how many balloons could be put on 20 acres. Mr. Summers said that size could accommodate 30 balloons, but normally you only start with about 10 or so until the event grows. Wesley mentioned the balloon glow possibility in the future.

Wesley said this would set a fee for a \$1.00 rental rate and fee, with all of the appropriate insurance and other requirements. Councilmember Browher asked if we are setting a precedent renting the park for \$1.00 down the road. Wesley said we would need to take this on a case by case basis. Mr. Summers said this was a tethered balloon ride that goes up 50 to 100 feet.

Motion to approve the rental rate lease for \$1.00 and a partnership with the city for tethering of the hot air balloon: Councilmember Dasher  
Second: Councilmember Scott  
Vote: Unanimous

**9. Approval of the addendum to the January 23, 2014 Probation Services Agreement.**

Chief Scholl said this increased the number of probationers from 100 to 200 probationers. We will approach this with caution to make sure the probation officer is able to manage the probation load. Average probation officer manages around 325 probationers. Chief Scholl said our audit falls where it should and our record of compliance allows this change.

Motion to approve: Councilmember Browher  
Second: Councilmember Ricker  
Vote: Unanimous

**10. Acceptance of a letter of engagement with Caines, Hodges & Company P.C. to perform the city's audit for the year ended December 31, 2014.**

Mr. Corbitt addressed this request. This is our standard engagement letter, this is \$27,000.00 cost. Since 2008 it has only gone up \$3,000.00.

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

**11. Administrative Reports:**

(a) City Manager- Mr. Corbitt sent a management letter out to council. The work team that could address a lot of our drainage and work issues, we could look into starting that.

The Rotary Club wants to use the Hinely Building for a couple of hours weekly and wanted to check on a reduced rate of \$50.00 to \$75.00 instead of the \$185.00 rental fee.

Siren completion should be soon.

Councilmember Scott said he thought it was a good idea to fill spots, if it did not interfere with Senior Citizen events. Wesley said this would not apply to any activities for them other than their lunch meetings. Mayor Lee said parking could be an issue. Councilmember Scott just said to address the parking up front with them so they could carpool if they wanted. Mayor Lee said he did not mind making special arrangements for consistent meetings of a group. Councilmember Browher

said he was fine as long as the same protocol was followed for everyone. Council gave Wesley the ok to work with an agreement with them on this.

Wesley discussed the work team and noted that the work team takes their orders from the guard. Wesley said we are making a list of projects and it would be 5 days a week for a year. He said they would be here every day as long as the guard is here and weather permitting. The \$45,000.00 cost would be for a full year, with no less than 8 no more than 12 on the work team. I can discuss further with the Warden and have an agreement for Raymond to review. Wesley said this could be painting, repairs, ditches, etc.

Councilmember Wendelken asked if each department goes to get their own inmates each day. Wesley said that they were. He said we may need to go buy a van to pick them all up and take them all back at one time. Tim said inmates have to be back by 4:30, and the WWTP and Recreation have different hours. Council discussed the issues of having all inmates picked up and taken back by one person to save time away from the workplace. Councilmember Scott said for Wesley to work this out and set it up for one person to pick up and drop off.

Mr. Wendelken said move the rug to the inside of the building and get a scrape off rug for the outside.

(b) City Engineer- Alex Metzger noted that the Lisa St. sewer project completed. CDBG project completed. 9<sup>th</sup> St sidewalk and LMIG out for bid. Macomber Parking is being used. Some fencing and shrubbery to be completed, bathrooms have been started on.

Councilmember Wendelken said we were told 30 to 45 days for completion on the concession stand. They haven't really started construction but we will be lucky to have it for fall ball. Maybe we aren't actually asking the right questions, because we thought it would be done by this season. Alex said they were probably thinking 30 to 45 days to set up the building, not including the paperwork, etc. Tim said we need to ask for the expected completion date.

Councilmember Morgan said he had walked the parking lot and it connects into the subdivision. He asked if we are going to put a fence up and asked if we are going to block that up. Wesley said he had talked to Doug about putting up a fence and shrubbery to snug the fence close so they couldn't come thru. He said this was not part of the contract and may have to be a change order. Wesley also mentioned a pole gate chained and locked to close and shrubbery around the ends.

(c) Chief of Police- Chief Scholl said he had submitted a written report. He reviewed the report with council. Premise checks have went up 78%, warrant service is up due to bench warrants, and burglaries' are down. Mr. Dickey noted that violation of city ordinances was up, and some of this was due to plea negotiation against state law violations. Chief Scholl noted what was coming off of the license plate reader.

Councilmember Scott thanked Chief Scholl for his participation in the NAACP meeting with all officials. They noted he addressed the questions in a professional manner.

(d) Fire Department

(e) Building / Zoning Dept.- LaMeisha Kelly one council meeting scheduled for May and one workshop in May with a called meeting on June 1, with a regular meeting on June 8 then the 2<sup>nd</sup> meeting in June. Mayor Lee mentioned the June 15 with the municipalities. Councilmember Browher mentioned that he was excited about the monumental rating of the City of Rincon being at the top of the list. He said maybe we should send a letter to the hospital, school board, etc. thanking them for helping us meet that challenge. LaMeisha said a professional PR person to put together this flyer and send it out to the builders, people wanting to do business here, etc. Councilmember Ricker noted it should be put on the water bills, and Councilmember Browher said it could be put on the sign.

(f) Recreation Dept.

(g) Water / Sewer / Public Works- Tim Bowles said his report was submitted and available for questions. Mayor Lee said he did not see any grinder pumps replacements, Tim said that was correct.

Councilmember Browher said they had talked about getting the street sweeper. Where do we stand on this? Tim said the best thing would be to put it out for bid. Wesley asked if we were talking about having a contractor sweep the streets. Tim said most of what was for lease is a parking lot sweeper. Councilmember Browher said nothing has been done and council was waiting for information. He said they needed to get information in order to make a decision. Councilmember Scott said we use to have a company that had a contract to sweep our streets. He said a street sweeping company would give you their rates as their standard rates.

(h) Wastewater

(i) Finance- Elise said she had given reports through March. She said it was brought to her attention that the total percentages by line item were not correct, the synopsis however, she noted were correct. She told council if they had any questions she was always available.

(j) Lost Plantation- Paul Johnson – Golf Course revenues are slightly down. From a golf industry standpoint from PGA of America this quarter golf courses on the coast are down about 20% we are only down 3%. Revenue is about the same as last year but we did not meet our benchmark hopes. One of our major competitors in S. Carolina will be closing their doors at the end of May and we have picked up a couple of new members from that. Started a Ladies Partee (beginners group) which have been averaging 6 ladies per event at 4 different times. He also mentioned another event called “Dog Fight” which encompassed 16 people per time for 6 weeks.

Councilmember Ricker mentioned that the back room carpet was stained, and asked about getting the carpet cleaned. Paul Johnson said he would look into it. Wesley said it was a water stain and Seth was renting a carpet cleaner. Councilmember Ricker also asked if we could get some curtains or a valance for the windows. Paul Johnson said that what was took down looked like it came from the 70's. He said they would like to do some interior work to modernize but there was nothing in the budget for it. Councilmember Browher said the food and setting for the meeting held with the other elected officials was very nice. He said he would not have a problem adjusting the budget to do some sprucing up, pressure washing, painting, etc., at the golf course. He said he would like to see a proposal on what needs to be done and its cost.

(k) Mayor and Council- Councilmember Dasher asked where we are with the website. Wesley asked if they would like a final review from David Harris on May 11<sup>th</sup> or May 18<sup>th</sup>. Wesley said it is done but needs a final review. Wesley said he would have David here on May 11th.

Councilmember Morgan said a parent called and said the spurs were all over their child's socks. Councilmember Wendelken said he had spoken with Mike and he was waiting on Seth to come and spray for that problem. Councilmember Morgan had a realtor call him on the area between 21 and Richland and asked about the lot behind the Curiosity Shop. He said he was told they had received offers for a residential purchase in lieu of commercial. LaMeisha said she had received a call on it. She said Rincon's ordinances are unique and is very distinct. She said usually it is tiered in most cities. She said her suggestion would be to leave it office commercial and have the ordinance changed to allow residential as a mixed use so you can have more than one type of use in a zoning district.

Councilmember Wendelken stated he had received a call regarding on street parking in subdivisions and he said he did not believe that was allowed. LaMeisha said this was not allowed and Councilmember Wendelken said this was in Madison Oaks. Councilmember Browher asked if complaints are made should they call the police department. LaMeisha said yes they could. Mr. Dickey said they are working on a parking ordinance. Councilmember Wendelken asked if it would be a city code violation. Mr. Dickey said if a vehicle is blocking the street the police department can tow it. LaMeisha said can they be given a ticket for parking on the street. Wesley said at this point we do not have an ordinance for a ticket or a warning. Wesley said we are working on a parking ordinance to handle this situation.

Councilmember Browher asked if the city was getting closer for activities for Freedom Park. LaMeisha said what she has to present requires money. She said she would email it to council.

Councilmember Browher with the Waste Management cans that Waste Management hasn't been picking up cans with lawn clippings. Waste Management has not sent out a letter regarding trash not being picked up with clippings in it. Wesley said that

sheets are passed out at city hall everyone gets telling them what can go in the trash carts. It says you cannot put yard debris in your can because it increases their weight and load. We can put it on the water bill, maybe it is time to bid it out. Councilmember Browher asked when the contract was up. Wesley said it was up January 1st.

Councilmember Browher asked what our policy is to pick up yard debris. Wesley said there is a certain minimum with a fee schedule. Councilmember Browher asked Wesley to get him a copy of that fee schedule. Councilmember Ricker asked for a copy of the list of what can go into the can.

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

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

Motion to return to meeting: Councilmember Scott  
Second: Councilmember Morgan  
Vote: Unanimous

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

Motion to approve: Councilmember Browher  
Second: Councilmember Ricker  
Vote: Unanimous

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

No action taken.

**Adjourn:**

Motion to adjourn: Councilmember Dasher  
Second: Councilmember Wendelken  
Vote: Unanimous

The meeting adjourned.

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Ken Lee, Mayor

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Wanda Hendrix Simmons, City Clerk

