

**OFFICIAL MINUTES  
RINCON CITY COUNCIL MEETING  
MONDAY, AUGUST 10, 2015  
COUNCIL CHAMBERS  
107 W. 17<sup>TH</sup> STREET  
7:00 PM**

**Councilmembers Present:**

Paul Wendelken  
Levi Scott Jr.  
Christi Ricker  
Reese Browher – Arrived at 7:40 PM  
James Dasher

**Present:**

Ken Lee, Mayor  
Wesley Corbitt, City Manager  
Raymond Dickey, City Attorney  
Dulcia King – Minutes

**Absent:**

Scott Morgan, Councilmember

The meeting was called to order at 7:09 PM by Mayor Lee. Councilmember Scott gave the invocation and the pledge to the Flag was recited.

**Approval of the agenda with the addition of new business item #11A:** Thomas & Hutton requests approval of Final Site Plans for the construction of St. Joe's Immediate Care Facility at 5629 Hwy 21 S.; property is owned by Risop, LLC. The property is zoned GC (General Commercial) and consists of 4.08 acres. Map #R272-01

Motion to approve with the addition of item # 11A: Councilmember Scott  
Second: Councilmember Dasher  
Vote: Unanimous

**Approval of the minutes of July 27, 2015:**

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

**New Business:**

**1. Request from Jerry and Christina Kessler for the City to deed to them the unopened section of Shaw Street. This was originally given to the City of Rincon by Mr. Kessler's father, Clarence Kessler.**

Christina Kessler owner of adjacent lots 9, 10, 11 & 12 spoke. The family would like the property deeded back to their family for security and personal reasons. If Shaw Street

were to open it would be a burden because the street will come close to the house on the back bedroom side. Her grandfather deeded property with the idea that it would be open to the public and since it was never done they would like it back.

Mr. Jerry Kessler spoke about property and how his father was a fair man and practically gave property away. He said the neighbor on the other side threatened to take the right of way legally. Mr. Kessler believes the neighbor will try to build apartments, and his family deserves the property instead of the neighbor. Mr. Kessler also stated that the creek on the property floods and has always flooded.

Ms. Kessler showed council the area, it is wooded and not accessible. It was noted that there were two different plats, one showing the street as Wall Street and one show as Shaw Street. Attorney Raymond Dickey spoke, he said it is not as easy as just giving the road back there will need to be a deed search, an advertisement to let nearby property owner know of intention to abandon or sell. Councilmember Scott suggested taking this item to a workshop. Mayor Lee stated we will have to do more research and follow up.

Councilmember Wendelken, stated the first question is do we ever intend opening the street? Attorney Dickey stated the neighbor could not get the property unless the property was abandoned and became surplus property. This item will be discussed in a workshop.

No action taken.

## **2. Approval of an assemblage permit for the Annual Oktoberfest Festival held on September 25 and 26, 2015, to include sale of beer and wine.**

Rick Lott with the Effingham Chamber of Commerce was present. He stated the chamber appreciates working with the city, and the location works great for the event. All vendors are lined up and there will be several food vendors. There will also be a bull ride. Councilmember Wendelken suggested Mr. Lott coordinate a meeting with police and fire, to see how to dismiss people quickly. He will gladly speak to police about traffic and stated they will use the same procedure as previous year.

Motion to approve: Councilmember Wendelken

Second: Councilmember Scott

Vote by Council: Unanimous

## **3. Presentation by Lost Plantation about geese nuisance, removal and cost.**

Seth Zeigler with the Lost Plantation Golf Course spoke, he stated number of gees have increased dramatically over time. He stated there were two solutions to get rid of the geese. The USDA could capture them for \$800 but only will capture geese that are there when they come, but this solution will not be very economical. The second solution would be to purchase a Border collie that will live at the golf course and scare the geese off. Councilmember Ricker wanted to know how many geese there were, Mr. Zeigler said there could be up to 70 at one time.

Mayor Lee wanted to know more about the Border collie. Mr. Zeigler said the collie will chase them away and they will not come back when they feel threaten. Councilmember

Ricker wanted to know was there any laws protecting the geese, so we could not pursue getting rid of them. Mr. Zeigler has letter from Lost Plantation HOA stating they would donate money for the purchase of dog to patrol. A lot of people would love to get rid of the nuisance.

George Pauls, a resident of Williamsburg subdivision, who uses the golf course, stated this was a top notch facility but looks a mess because of the geese feces. He stated it gets on your shoes and golf carts. Jose Ramirez, Rincon Police Department, mentioned that they have bird bombs that could scare the birds away as a temporary means. Councilmember Scott stated we will have to look at what we need to do to house the dog. Councilmember Wendelken agrees, and stated we may want to get a puppy which would cost less than \$2000, the cost of a Border collie. Councilmember Dasher wanted to know if the dog would chase the geese to another person's property. Item was tabled and will be discussed at next workshop.

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

#### **4. Recommendation of LaMeisha Kelly for appointment to the MPO Citizen Advisory Council.**

Mayor Lee wanted to know why would there be a need to appoint someone to the council since we are not a member. Mrs. Kelly stated the MPO is asking all cities to give a recommendation and she may not get selected. The council meets every other month, and if she were selected she could bring information back to the city and county.

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

#### **5. Approval of Rincon's letter of intent to participate in the Hazard Mitigation Grant planning process.**

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

#### **6. Approval of EMC Engineering Work Order for Surveying, Bidding, and Construction Administration for the 9<sup>th</sup> Street Watermain Extension Project.**

Alec Metzger spoke about the project. Councilmember Scott wanted to know the size of the main, it is 6 inches.

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

**7. Request to add Macomber Park ball field #4 to the lighting bid.**

Mrs. Kelly stated the project will add lights to the existing poles and it is in the budget to do so.

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

**8. Approval of a quote for the Trojan UV system repair in the amount of \$33,657.00.**

Tracy Gunter, Waste Water Treatment, spoke. He said this is for repairs to UV system. He has the money from an insurance claim when the system was damaged last year from a lightning strike. The system is 10 years old. A new system will cost approximately \$200,000.

Motion to approve: Councilmember Dasher

Second: Councilmember Ricker

Vote by Council: Unanimous

**9. Eagle Excavation, Inc. requests approval of Pay Request #8 in the amount of \$20,725.47, for the Macomber Park Expansion, Phase 3. LI #10.4650.4413**

Alec Metzger stated this is the last pay request for this project and they are working on the punch list.

Motion to approve: Councilmember Wendelken

Second: Councilmember Browher

Vote by Council: Unanimous

**10. ALGA Request approval of Pay Request #6 in the amount of \$5,000.00, for the 2013 CDBG project (9<sup>th</sup> Street Water and Sewer Ext). LI #40.6260.4412 and 20.7270.4404**

Motion to approve: Councilmember Scott

Second: Councilmember Dasher

Vote by Council: Unanimous

**11. Request to surplus a 23 horse power Hustler Z Mower.**

Tim Bowles stated this was a mower from the Fire Department and would cost too much to repair.

Motion to approve: Councilmember Dasher

Second: Councilmember Scott

Vote by Council: Unanimous

**11A. Thomas & Hutton requests approval of Final Site Plans for the construction of St. Joe's Immediate Care Facility at 5629 Hwy 21 S.; property is owned by Risop, LLC. The property is zoned GC (General Commercial) and consists of 4.08 acres. Map #R272-01**

Nathan Long from Thomas & Hutton and the owner of the proposed facility Brian Cornblack were present. Mr. Long talked about the proposed sidewalk along Highway 21, he provided an estimate that was for \$5,000, and the City's estimate was \$38,000. Mr. Long stated an additional study would need to be done before and actual price can be quoted. He stated there were no sidewalks on Highway 21 and felt it would be a burden for the project owner to add sidewalks to the wetlands area. Mayor Lee stated that anytime there new buildings we look at that as an opportunity to get sidewalks put in.

Mr. Cornblack spoke and said he is very interested in being here in the City of Rincon and wants property to be a blessing to the City. Mr. Long talked about curbing and DOT regulations for sidewalks. Attorney Dickey stated because of the cost factor it would be better for the builder to install the sidewalk, since there would already be a crew there and the City would have to bid the project. Mrs. Kelly stated what was done in the past was to require sidewalks across the entire length of property but they could contribute to the LMIG fund to help with the installation on sidewalks in the future. Mr. Long said they would need wetlands permits and need to extend the head walls. Mr. Cornblack would be happy to put a sidewalk in front of the building or would sit some money aside to help with sidewalks in future. Mr. Metzger explained \$38,000.00 estimate that EMC provided. He spoke with DOT and hoped not to get in the wetlands, just move the guardrail back. Councilmember Dasher asked could we come back later and look at a board walk where the guard rails starts. Councilmember Wendelken said it would be unreasonable to ask them to build a sidewalk to the middle of the creek. Attorney Dickey said the City could do a developmental agreement that everybody signs and they could get approval to move forward.

Motion to approve: Councilmember Browher, with the condition of signing a developmental agreement for the installation of sidewalks and easement.

Second: Councilmember Scott

Vote by Council: Unanimous

**12. Administrative Reports:**

City Engineer – No report

Chief of Police – No report. Councilmember Ricker wanted to know if there were any problems in the Abbey subdivision. Sergeant Ramirez stated there was a report of a theft.

Building / Zoning Dept. – No Report

Water/Sewer/Public Works – No Report. Mayor Lee wanted to know if they were starting the work detail on next week. Mr. Bowles said they are supposed to but do not have anyone to drive the bus as of yet. Councilmember Wendelken thanked Mr. Bowles and his

team for the hard work and dedication. Councilmember Browher also stated how much he appreciated the team for fixing problems quickly.

Wastewater – No report.

Lost Plantation – No report.

Mayor and Council – Councilmember Browher appreciated the comment from Mr. Pauls about the golf course looking good. Mayor Lee acknowledged Councilmember Scott and his wife on being recognized in Effingham Magazine as Effingham’s most fabulous couple.

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

No executive session.

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

No executive session.

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

No action taken

**Adjourn:**

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