

Bryan County Board of Commissioners – September 13, 2022

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, September 13, 2022, in Pembroke. The following members were present: Chairman Carter Infinger, Commissioner Andrew Johnson, Commissioner Dallas Daniel, Commissioner Noah Covington, Commissioner Wade Price and Commissioner Gene Wallace. Also present: County Administrator Ben Taylor, Acting Clerk Charlene Butler and County Attorney Lea Holliday.

Chairman Infinger called the meeting to order at 5:30 p.m. Commissioner Covington gave the invocation, and everyone joined in the Pledge of Allegiance.

A motion was made by Andrew Johnson and seconded by Gene Wallace to approve the proposed agenda. Motion carried unanimously. Vote 5:0

A motion was made by Gene Wallace and seconded by Noah Covington to approve the minutes of the August 2022 meetings as presented. Motion carried unanimously. Vote 5:0

A motion was made by Noah Covington and seconded by Wade Price to approve the Consent Agenda. Motion carried unanimously. Vote 5:0

A motion was made by Andrew Johnson and seconded by Wade Price to close the regular meeting and go into the Public Hearing. Motion carried unanimously. Vote 5:0

Sara Farr-Newman and Amanda Clement met with the Commissioners on the following Public Hearing Items.

* Samuel Brown, New Church of Christ of the Apostolic - Conditional Use Permit for a Church - Parcel 0311-098; Ezra Mutcherson spoke in opposition.

* Judy Mingleorff – Conditional Use Permit for a Rural Event Venue - Parcel - 032-003

* Clarence Hill – Second Reading of an Ordinance to Amend the Zoning Map for 1.20 acres - Parcel 0311-188

* Deatra Eaton – Conditional Use Permit for a Home Bakery - Parcel 0615-033

A motion was made by Andrew Johnson and seconded by Wade Price to close the Public Hearing and return to the regular meeting. Motion carried unanimously. Vote 5:0

* **Samuel Brown, New Church of Christ of the Apostolic - Conditional Use Permit for a Church - Parcel 0311-098** - CUP#182-22, Samuel Brown requesting a Conditional Use Permit for a church to be located on Black Creek Church Road, PIN# 0311-098. The property is zoned “RR-1”, Rural Residential Zoning District, and the applicant plans to build a church on the property. Religious Institutions are a conditional use in the “RR-1” zoning district. A motion was made by Wade Price and seconded by Andrew Johnson to table the item for sixty (60) days for plan review to be submitted. Motion carried unanimously. Vote 5:0

* **Judy Mingleorff – Conditional Use Permit for a Rural Event Venue - Parcel - 032-003** - Project 20220491, Judy Mingleorff requesting a Conditional Use Permit for a rural event venue to be located at 370 Bird Smith Cemetery Road, PIN# 0311-098. The property is zoned “A-5”, Agricultural Zoning District, and the applicant plans to hold events for under 100 people on the property. The

applicant also resides on the property and plans to utilize approximately 8.5 acres of the property for this CUP. A motion was made by Noah Covington and seconded by Andrew Johnson to approve the Conditional Use application, subject to the following conditions: 1. All events are a maximum of 99 attendees. 2. Should the use expand to larger events in the future, the applicant must apply for an amendment to the CUP. Motion carried unanimously. Vote 5:0

*** Clarence Hill – Second Reading of an Ordinance to Amend the Zoning Map for 1.20 acres - Parcel 0311-188** - Clarence Hill, requesting to rezone 1.29 acres from the "RR-1" Rural Residential Zoning District to "B-2" General Commercial. Property is located at 217 Ellabell Loop Road. PIN# 0311-188. A motion was made by Andrew Johnson and seconded by Gene Wallace to deny the ordinance to amend the zoning map for parcel 0311-188. Motion carried unanimously. Vote 5:0

*** Deatra Eaton – Conditional Use Permit for a Home Bakery - Parcel 0615-033** - Case CUP#181-22, Deatra Eaton requesting a conditional use permit for a home service business at 525 Kelsall Drive, PIN# 0615-033. The applicant is requesting the CUP to run a bakery out of her home. This is required for any home service business located in a "R-15", Single Family Residential, Zoning District. A motion was made by Andrew Johnson and seconded by Dallas Daniel to approve CUP#181-22 Conditional Use for Parcel 0615-033. Motion carried unanimously. Vote 5:0

Audra Miller brought the following Non-Public Hearing Items before the Commissioners.

*** First Reading of an Ordinance to Amend Sec. 114-521 "Industrial District Development Standards" and Sec. 114-807(c) "Building Design" of the Unified Development Ordinance** - This ordinance revises Section 114-521, Exhibit 521, of the UDO, which will increase the maximum height of structures in the General Industrial (I-2) Zoning District to 100 feet. It will also revise Section 114-807, subsection (c); paragraph (1) to remove metal panels below 10 ft. as a prohibited building material. The ordinance is being presented for a first reading only with no official action to be taken. The item will be scheduled for a Public Hearing with the Planning and Zoning Commission on September 20th, and a Public Hearing and 2nd Reading of the Ordinance with the Board of Commissioners on October 11th.

*** Adoption of Annual Update to Capital Improvement Element** - Bryan County ("County") adopted a Capital Improvement Element ("CIE") to the Bryan County 2018 Comprehensive Plan Update ("Comp Plan") January 8, 2019, and amended the CIE March 13, 2019 (officially adopted May 9, 2019). A second amendment to the CIE was adopted October 13, 2020. The CIE addresses transportation-related capital improvements and includes, as part of the CIE, the Impact Fee Analysis Report for the Unincorporated South Bryan County Transportation Impact Fee District. Per state law regarding CIEs and Impact Fees, the County is required to prepare an annual update and submit the update to the Georgia Department of Community Affairs ("DCA"). The DCA approved the Annual Update on August 8, 2022. The County is required to formally adopt the Annual Update, and upon doing so, the County will maintain its qualified local government status. Staff is presenting the formal resolution adopting the Annual Update. A motion was made by Gene Wallace and seconded by Andrew Johnson to approve the Resolution Adopting the Annual Update of the Capital Improvement Element, as presented. Motion carried unanimously. Vote 5:0

*** First Reading of an Ordinance to Amend the Zoning Map for 1.5 acres** – Parcel 002-046 - Project 20220625, Valerie Dober Conner, requesting the rezoning of approximately 1.5 acres of land located at 201 DeLoach Road, PIN# 002-046. The applicant is requesting the property be rezoned to

the "RR-1.5", Rural Residential District, from its current "A-5", Agricultural district zoning. This ordinance is being presented for a first reading only, with no official action to be taken. The item will be scheduled for a Public Hearing with the Planning and Zoning Commission on September 20, 2022, and a Public Hearing and 2nd Reading of the Ordinance with the Board of Commissioners on October 11, 2022.

Ben Taylor, County Administrator, met with the board on several issues.

* **Richmond Hill Soccer Club MOU** - RHSC is a nonprofit organization that has been organizing soccer in Bryan County for more than 20 years. They operate under the umbrella of the Georgia Soccer which is the state affiliate of the United States Soccer Federation which provides licensing courses for coaches and certification courses for referees. The club operates Recreational, Academy, and Select levels of soccer in Bryan County. RHSC has provided recreational soccer programming at DeVaul Henderson Park for the Bryan County Parks and Recreation Department for many years. To date, there has been no formal agreement solidifying the arrangement. The MOU not only solidifies the relationship between Bryan County and RHSC, but also clearly defines the expectations of each party to the agreement. A motion was made by Andrew Johnson and seconded by Dallas Daniel to approve the Memorandum of Agreement between Bryan County and Richmond Hill Soccer Club to provide recreational soccer programming for the Bryan County Parks and Recreation Department. Vote 5:0, motion carried unanimously.

* **2nd Reading of an Amendment to BC Ordinance Chapter 30 "Utilities"**- With the continued development in South Bryan and recent development in North Bryan, Bryan County is expanding public water and sewer infrastructure and adding users. In order to maintain the quality of the system and comply with federal, state, and local laws regarding water quality and treatment and discharge of wastewater, Bryan County requires sufficient financial resources. In order to ensure financial resources are available, Bryan County has been charging capital recovery fees. The proposed amendments codify the capital recover fee program. Additional minor amendments are being presented to clarify certain County procedures, rename a section, and remove redundant provisions. A motion was made by Noah Covington and seconded by Andrew Johnson to approve and Adopt the Ordinance Amending Chapter 30 "Utilities" as presented. Vote 5:0, motion carried unanimously.

* **2nd Reading of an Amendment to BC Ordinance Chapter 4 "Alcoholic Beverages"**- Bryan County adopted Chapter 4 "Alcoholic Beverages" in 1996 and subsequently adopted minor amendments. The Board of Commissioners has requested certain amendments. Due to this request, amendments to state law since 1996 and growth in the County over the last two decades, staff undertook a thorough review of Chapter 4 and is now presenting comprehensive amendments for Second Reading and Adoption. A motion and was made by Andrew Johnson and seconded by Gene Wallace to approve Second Reading and Adopt the Resolution Repealing and Replacing Chapter 4 "Alcoholic Beverages" as presented. Vote 5:0, motion carried unanimously.

* **Parks & Recreation Concessions Contract Award** - Staff did an RFP for Parks & Recreation Concessions. This RFP had 3 scoring criteria. The first was qualifications and experience of the company and/or staff (40 points). The second was food service menus, ability to service all locations, and food prices (30 points) and the third was the gross revenue % fee (30 points). Staff only received one bid. After reviewing the menu items and tasting some of the food options along with a 10% gross revenue fee, staff is recommending awarding the contract to First Lady Kitchen LLC dba Henderson Café based out of Savannah, Georgia. A motion that was made by Noah Covington and seconded by Dallas Daniel

authorizing staff to award a 6-month contract to First Lady Kitchen LLC dba Henderson Café for Bryan County Parks and Recreation Concessions. Vote 5:0, motion carried unanimously.

*** Amended Brisbon Road and Pedestrian Bridge Cost Sharing Agreement** - This amended Intergovernmental Agreement with the City of Richmond Hill is for the sharing of costs and expenses incurred pursuant to improvements made to Brisbon Road and the construction of a Harris Trail pedestrian bridge. A motion and was made by Andrew Johnson and seconded by Dallas Daniel to approve the Amended Cost Sharing Agreement with the City of Richmond Hill, as presented. Vote 5:0, motion carried unanimously.

*** Bryan County I-16 Water & Sewer Improvement Change Order** - As a result of changing the water supply from City of Savannah to Bulloch County, the water main size has been reduced from 30-inch to 24-inch. This resulted in a net deduct in the project. This change has been reflected in Change Order 1. A motion and was made by Gene Wallace and seconded by Andrew Johnson to approve Change Order #1, allowing the substitution of 24-inch PVC pipe, for a decrease in contract price in the amount of \$1,419,123.99. Vote 5:0, motion carried unanimously.

*** Megasite Engineering Task Order #87** - In conjunction with the State of Georgia and the Savannah Harbor-Interstate 16 Corridor Joint Development Authority (JDA), Bryan County is committed to the design, permitting and construction of regional water and sewer improvements to serve the I-16 Mega-Site. The regional infrastructure includes a new groundwater supply system within Bulloch County, large diameter water transmission mains, and a new MBR Water Reclamation Facility. In addition, the infrastructure improvements include a new Floridan aquifer well, a 2-million-gallon elevated water storage tank, 30-inch water main, wastewater pump station, and sewer collection system within the Mega-Site. This Task Order No. 87 is the second allotment of funds to keep the engineering and survey for the project moving forward until State Fiscal Recovery Funds (SFRFs) become available. Thomas & Hutton has provided engineering including master planning, survey, design, permitting and other professional services for this project for over 3 years. Thomas & Hutton has commenced environmental permitting, watershed assessment, antidegradation review, and 30% design services on the MBR Water Reclamation Facility, completed survey of the MBR site, completed partial survey of the Old Cuyler Road alignment for the transmission water main, and set survey control along the Bulloch County (Highway 80/Eldora Road) water transmission main routes. In addition, Thomas & Hutton on behalf of the JDA, has conducted numerous boundary, wetland, and site surveys of the Mega-Site. A motion was made by Noah Covington and seconded by Dallas Daniel to approve Task Order Number #87 with Thomas & Hutton in the amount of \$755,100.00. Vote 5:0; motion carried unanimously.

*** Savannah Land Holdings Release of Sewer Letter of Credit & Reimbursement of Water & Sewer Fees** - Savannah Land Holdings (SLH) provided a Letter of Credit (LOC) for the wastewater treatment facility at Waterways Township which was used to secure a GEFA loan for Bryan County. As the facility has been completed and in operation for several years staff is recommending the release of the LOC. In addition, in accordance with the terms of the SLH Agreement, SLH was obligated to cover any debt service costs on a yearly basis not paid through tap fees generated by development. The Agreement requires that the County reimburse SLH for those costs which total \$279,720. SLH has agreed to be reimbursed in two payments the first of which is \$140,000. A motion was made by Noah Covington and seconded by Wade Price authorizing staff to execute the release of the Letter of Credit and reimburse Savannah Land Holdings \$140,000. Vote 5:0; motion carried unanimously.

*** TSPLOST Bond RFP Authorization Resolution** - A special election was held in Bryan County on May 24, 2022 where the qualified voters of the County approved a one percent transportation special purpose local option sales and use tax (TSPLOST) which tax will be imposed in the County on or around October 2022. The results of the Election also provided authorization for the County to issue general obligation debt of the County to fund the transportation projects as approved in the Election. Both Bryan County and the Mayor and Council of the City of Richmond Hill have requested that the County issue its Bryan County General Obligation Transportation Sales Tax Bond, Series 2022, for the purposes of providing the proceeds for certain transportation projects for both the County and the City. This Resolution allows the staff to issue an RFP for Bond Financing for the above transportation projects whereas funding for the bond will be derived from TSPLOST proceeds for both the County and the City. A motion was made by Andrew Johnson and seconded by Gene Wallace authorizing the Chairman to execute the Intent TSPLOST Bond Resolution, as presented. Vote 5:0; motion carried unanimously.

*** Budget Amendment – Pavement Condition Evaluation and Priority Study** - Bryan County contracted with Thomas & Hutton to provide a recommendation of pavement assessment management software to aid in the County’s management of the paved roadways. After evaluation of software, the team determined a firm to provide both pavement evaluations and management software would be most efficient. Thomas & Hutton selected four firms to interview and make a recommendation to the County from. Based on these interviews and analysis Thomas and Hutton has recommended Infrastructure Management Services for this contract. A budget amendment for this project is necessary in the amount of \$58,850. A motion was made by Gene Wallace and seconded by Andrew Johnson authorizing the County Administrator to execute a contract with infrastructure Management Services in the amount of \$58,850 for pavement evaluation. Vote 5:0; motion carried unanimously.

*** Board of Elections Appointment** - Bryan County recently introduced local legislation to increase the number of members on the Board of Elections by two members. In order to satisfy this new membership number, additional members need to be appointed. A motion was made by Dallas Daniel and seconded by Gene Wallace to appoint Keith Spitznogle to the Bryan County Board of Elections and Registration.

A motion was made by Noah Covington and seconded by Dallas Daniel to adjourn. Vote 5:0, motion carried unanimously.

The meeting was adjourned at 6:07 p.m.

County Clerk

Chairman