

Bryan County Board of Commissioners – February 14, 2023

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, February 14, 2023, in Richmond Hill. The following members were present: Chairman Carter Infinger, Commissioner Patrick Kisgen, Commissioner Dallas Daniel, Commissioner Gene Wallace, Commissioner Noah Covington and Commissioner Wade Price. Also present was County Administrator Ben Taylor, County Clerk Lori Tyson, and County Attorney Aaron Kappler.

Chairman Infinger called the meeting to order at 5:30 p.m.

Commissioner Kisgen gave the invocation, and **Jake Shasky** of Troop 400 led the Pledge of Allegiance.

A motion was made by Gene Wallace and seconded by Dallas Daniel to approve the proposed agenda. Motion carried unanimously. Vote 4:0

A motion was made by Dallas Daniel and seconded by Wade Price to approve the minutes of the January 2023 meetings, as presented. Motion carried unanimously. Vote 4:0

A motion was made by Wade Price and seconded by Patrick Kisgen to approve the Consent Agenda. Motion carried unanimously. Vote 4:0

A motion was made by Patrick Kisgen and seconded by Gene Wallace to close the regular meeting and open the public hearing. Motion carried unanimously. Vote 4:0

Audra Miller met with the Commissioners on the following Public Hearing Items.

* Request to Abandon a ±2.72-acre portion of Jernigan Road on the southwest side of Interstate 16

*** Request to Abandon a ±2.72-acre portion of Jernigan Road on the southwest side of Interstate 16** - Savannah Harbor Interstate 16 Corridor Joint Development Authority (“JDA”) has submitted a request to abandon a ±2.72-acre portion of Jernigan Road, a County-owned and maintained public right-of-way (“ROW”). The JDA, in conjunction with Hyundai, Bryan County, and the state of Georgia, is developing the Megasite for an automobile manufacturing facility. The portion of Jernigan Road subject to the abandonment only provides legal access to the four parcels comprising the Megasite and an existing cell tower. Access to the Megasite will be provided by two new roads to be constructed, and this section of Jernigan Road is proposed to be removed to accommodate the proposed site development layout. Since access via Jernigan Road will no longer be needed, this ±2.72-acre section of road no longer serves a substantial public purpose and abandoning the ROW and removing it from the County road system is in the best public interest. A motion was made by Gene Wallace and seconded by Dallas Daniel to approve the request to abandon the 2.72-acre portion of Jernigan Road on the southwest side of Interstate 16 and authorize the Chairman to execute all necessary conveyance documents. Motion carried unanimously. Vote 4:0

Audra Miller met with the Commissioners on the following Non-Public Hearing Items.

*** First Reading of An Ordinance to Amend Chapter 104 “Derelict Property” of the Bryan County Code of Ordinance** - During the 2022 legislative session, the Georgia legislature amended OCGA 41-2-9(d) “County or municipal ordinances relating to unfit buildings or structures.” The amendment clarified the

emergencies, by the closest county responding. A motion was made by Gene Wallace and seconded by Patrick Kisgen authorizing the Chairman to execute the Bryan-Bulloch County Mutual Aid Agreement for emergency services, as presented. Motion carried unanimously. Vote 4:0

*** Authorize the Chairman to enter into an Intergovernmental Agreement with McIntosh County for Law Clerk Services** - During the 2023 budget process State Court Judge, Judge Tomlinson, requested to hire a full-time law clerk with the intention of sharing this position with other counties through intergovernmental agreements. McIntosh County would like to utilize the services of the new law clerk position. McIntosh County will reimburse Bryan County \$25,000.00 annually, payable on a monthly basis for 2023, as payment for the services of the law clerk. The agreement is to be effective January 1, 2023. The agreement may be terminated by either party upon 90 days written notice. In absence of such termination, the agreement shall extend for one calendar year. A motion was made by Dallas Daniel and seconded by Wade Price authorizing the Chairman to execute the Intergovernmental Agreement with McIntosh County, as presented, for the purpose of payment for the utilization of law clerk services. Motion carried unanimously. Vote 4:0

*** Phase II – Mill Creek Road Paving Project** - Thomas and Hutton has recently completed Phase I (conceptual Design) of the paving plan for Mill Creek Church Road. Once completed, staff along with engineers from Thomas and Hutton met with the residents along Mill Creek Church Road to discuss the scope and timeline of this proposed project. Hearing no objection from the residents, staff asked T&H to provide a proposal for Phase II (surveying and preliminary design) of the paving plan for Mill Creek Church Road. A motion was made by Wade Price and seconded by Gene Wallace authorizing the Chairman to execute Task Order #93 in the amount of \$214,100.00 with Thomas and Hutton, for Phase II of the Mill Creek Church Road paving project. Motion carried unanimously. Vote 4:0

*** Purchase 10 Stryker Power-LOADs for Bryan County EMS** - Bryan County EMS would like to purchase 10 Stryker Power-LOADs for its ambulances. These Power-LOADs help EMS staff load patients into our ambulances. The Power-LOADs are \$26,931.10 each and the warranties are \$8,067.48 each (for 6 years). The total cost of these 10 Power-LOADs with the warranties are \$349,985.80 with installation of an addition \$16,000. Bryan County EMS budgeted \$360,000 for these in the 2023 budget. Stryker's price will increase for the above by almost \$30,000 on 2/1/23; however, they held the price for Bryan County thru February. This is a sole source purchase with Stryker. A motion was made by Patrick Kisgen and seconded by Gene Wallace authorizing the County Administrator to execute the contract with Stryker for 10 Power-LOADs with warranties and installation. Motion carried unanimously. Vote 4:0

Commissioner Noah Covington arrived at the meeting (traffic delay).

*** Approve 6 Additional Belfor Tornado Rebuilding Contracts** - On April 5, 2022, a devastating F4 Tornado hit Bryan County. Since then, the County has been working with Belfor Property Restoration and ACCG Insurance to rebuild the County's facilities. During these first 5 months, the County has worked daily with Belfor and ACCG Insurance to mitigate the initial damage, then to restore operations, and now to begin the rebuilding of the County Facilities. These 6 contracts have been negotiated and agreed upon by the County, Belfor, and ACCG Insurance. The legal language and the scope of services has been reviewed and ACCG has agreed to pay for everything in this contract. A motion was made by Gene Wallace and seconded by Wade Price to approve staff to sign 6 additional contracts in the amount of \$606,090.37, and allow Belfor to continue rebuilding Bryan County's Facilities. Motion carried unanimously. Vote 5:0

*** Resolution to Approve a Private Development Agreement between Bryan County and SJC Properties, Inc.** - SJC Properties, Inc. is a Georgia corporation seeking to develop a medical office and related use facility within the Rayonier Planned Unit Development boundary, which is within the city limits of Richmond Hill. This project will have access on Belfast Keller Road. Bryan County, the City of Richmond Hill, and Rayonier have been working together to develop a funding mechanism for the required Belfast Keller Road Improvements. One of the methods for funding these improvements is to require developers seeking access onto Belfast Keller to mitigate their impacts to this road by contributing a proportionate share of the required funding. SJC Properties, Inc. has agreed to mitigate the impacts from their development, and the Private Development Agreement memorializes the terms and conditions. SJC Properties, Inc. proportionate share is \$816,000.00. A motion was made by Dallas Daniel and seconded by Patrick Kisgen to adopt a resolution approving a Private Development Agreement between Bryan County and SJC Properties, Inc. Motion carried unanimously. Vote 5:0

*** Intergovernmental Contract - Natural Gas Funding Agreement** - The Savannah Harbor-Interstate 16 Corridor Joint Development Authority was created by Bryan County, Bulloch County, Chatham County, and Effingham County to attract an economic development project of regional significance to locate on the megasite in Bryan County. In order to achieve that goal, the JDA, the State of Georgia and Hyundai Motor Group Metaplant America, LLC, entered into an Economic Development Agreement dated July 21, 2022 which provides for the development by the Company of a state-of-the-art electric vehicle manufacturing facility, multiple affiliate supplier facilities and a joint venture battery manufacturing facility. The EDA provides that the JDA shall construct certain on-site and off-site roadway improvements at its sole cost and expense to provide a Second Access Road for the Project. The EDA also states that Bryan County will provide \$2.5 million for the road's construction. Since the original agreement, a state grant has been obtained to fund that road. The EDA provides that the JDA will use its commercially reasonable efforts to cause the City of Claxton to provide natural gas distribution lines to the site and Claxton and the Company have negotiated a "Natural Gas Facilities Agreement" whereby Claxton will design, construct and the Company will provide the lesser of 65% of the actual cost of the Gas Infrastructure Project or a lump sum payment not to exceed \$10,000,000 to reimburse Claxton for a portion of such construction. The JDA has determined that it is in the best interests of the parties to the EDA to redirect the costs of the construction of the South Access Road to the costs of the construction of the Gas Infrastructure Project. This means that the construction of the South Access Road will be paid from a state grant and that the construction of the Gas Infrastructure Project will be paid by the JDA to Claxton. The JDA are requesting that the South Access Road was to be funded from \$2,500,000 from Bryan County and \$7,500,000 from Effingham County, and that those funds should now be allocated to the Gas Infrastructure Project. If this is an acceptable plan of action to the Commission, Bryan County has requested that Chatham County provide the \$2,500,000 needed for the Gas Infrastructure Project and through this Contract will allocate certain receipts due to Bryan County from the RSA during the Phase II Payout. A motion was made by Gene Wallace and seconded by Dallas Daniel authorizing the Chairman to execute the Natural Gas Funding Agreement with Chatham Count, as presented. Motion carried unanimously. Vote 5:0

*** Approve Option Agreement to Purchase Easement with Effingham County Industrial Development Authority** - It is necessary to purchase an easement from the Effingham County Industrial Development Authority for the purpose of setting the location of the regional sewer force main associated with the Bryan County Megasite. Attached is an option to purchase the easement for that purpose for the ECIDA and the easement document itself. This easement is vital to the success of the regional sewer force main project. A motion was made by Dallas Daniel

and seconded by Wade Price authorizing the Chairman to enter into the Option Agreement for purchase of an easement from Effingham County, and execute the final easement documents, as presented. Motion carried unanimously. Vote 5:0

Dee Dee Williams addressed the Commissioners about the developments in North Bryan and has setback questions surrounding the Conley/Davis Tract.

Commissioner Kisgen applauded the fact that there were over 20 applications for the Planning & Zoning Board and encouraged the public to continue seeking public service on these boards, because it is to be commended and is appreciated.

Commissioner Covington apologized for being late to the meeting, due to two traffic accidents.

A motion was made by Noah Covington and seconded by Wade Price to go into Executive Session for litigation matters at 5:56 p.m. Motion carried unanimously.

A motion was made by Dallas Daniel and seconded by Noah Covington to adjourn. Motion carried unanimously.

The meeting was adjourned at 6:13 p.m.