

Bryan County Board of Commissioners – March 14, 2023

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, March 14, 2023, in Pembroke, at the J. Dixie Harn Center. The following members were present: Chairman Carter Infinger, Commissioner Patrick Kisgen, Commissioner Dallas Daniel, Commissioner Noah Covington, Commissioner Wade Price and Commissioner Gene Wallace. Also present: County Administrator Ben Taylor, Assistant County Administrator Kathryn Downs, County Attorney Aaron Kappler and County Clerk Lori Tyson.

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

A motion was made by Commissioner Covington to approve the proposed agenda, with the amendment of deferring Community Development Public Hearing Items 1-3 to the May meeting, per a request by the applicant. Commissioner Daniel seconded this motion. Motion carried unanimously. Vote 5:0

A motion was made by Gene Wallace and seconded by Wade Price to approve the minutes of the February 2023 meetings as presented. Motion carried unanimously. Vote 5:0

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

Amanda Clement and **Brett Kohler** met with the Commissioners on the following Public Hearing Items.

* Approval of a Master Development Plan submitted by Silverman Land Holdings, LLC for the “Conley” and “Davis” Tracts. Scott Allison spoke as applicant. Dee Dee Williams and Patricia Wilson spoke in opposition to the request.

* Hussey Gay Bell Engineering, Sketch Plat Approval for Waterways PD Development

* Conditional Use Permit for a Tattoo Studio for 6320 Hwy 17

* Richard and Michelle Veale, Conditional Use for Home Occupation Parcel # 0471-103

* **Approval of a Master Development Plan submitted by Silverman Land Holdings, LLC for the “Conley” and “Davis” Tracts** - The Board of Commissioners adopted Ordinance No. 2021-5 on January 12, 2021, which rezoned parcel 028-031 (“Conley Tract”) and Ordinance No. 2021-6, which rezoned parcel 033-024-01 (“Davis Tract”) to the “I-2” General Industrial Zoning District subject to certain conditions. The property owners intend on developing the property as an industrial development. Per Condition Number One under the “General Conditions” listed in Ordinance No. 2021-5 and 2021-6, the Board of Commissioners must approve the Master Development Plan and conduct a public hearing. The Developer has therefore submitted their Master Development Plan for approval. This master plan includes a specific request to increase the maximum parking that may be permitted. A motion was made by Noah Covington and seconded by Wade Price to approve the “Conley-Davis Industrial Park” Master Development Plan, subject to the following conditions: 1. Applicant will need to request formal abandonment of Willie Road. As part of the abandonment process, the County will determine which property owners receive the conveyance of abandoned area. Request to abandon application must be received prior to any land disturbance/building permits being issued. If the Board of Commissioners does not approve the abandonment, the applicant/developer will need to submit updated information on minimum spacing

requirements between curb cuts and Willie Road for review and approval. 2. A traffic improvement agreement will need to be entered into prior to any land disturbing permits being issued. 3. The county is currently studying improvements to Eldora Road; this development will be required to mitigate impacts to Eldora Road based on the final study and will be required to pay their proportionate share to the improvements for the Highway 80 / 280 intersection. 4. Any increase in parking should be requested at the time a specific developer is identified for a building(s) and justification that the parking is necessary to accommodate the use on a typical day can be provided. Motion carried unanimously. Vote 5:0

*** Hussey Gay Bell Engineering, Sketch Plat Approval for Waterways PD Development** - Hussey Gay Bell Engineering, representing Savannah Land Holdings, LLC, requesting preliminary plat approval for Development located within the Waterways PD. The plat is for 201 single-family lots with open/common space on a 94.54-acre portion of property. The development is located on parcels 16 and 17 of the Waterways PD. A Motion was made by Patrick Kisgen and seconded by Dallas Daniel to approve Sketch Plat Approval, with the following conditions: 1. The 911 Address Coordinator shall approve all road names prior to the recording of the final plat; 2. The 911 Address Coordinator shall approve the final subdivision name prior to the recording of the final plat. Motion carried unanimously. Vote 5:0

*** Conditional Use Permit for a Tattoo Studio for 6320 Hwy 17-** Ronald Rivera, requesting a Conditional Use Permit (CUP) for a Tattoo Studio in a "B-2", General Commercial, Zoning District. The property is located at 6320 Hwy 17, PIN# 0471-103. The existing building will be used. No site or building modifications are proposed. A motion was made by Gene Wallace and seconded by Wade Price to approve the Conditional Use Permit for a Tattoo Studio located at 6320 Hwy 17, Parcel # 0471-103. Motion carried unanimously. Vote 5:0

*** Richard and Michelle Veale, Conditional Use for Home Occupation Parcel # 0471-103-** Project 20230035, Richard and Michelle Veale, requesting a conditional use permit for a home service business at 40 Alex Drive, PIN# 0263-082. The applicant is requesting the CUP in order to run a dog grooming business out of their home. This is required for any home service business located in a "R-15", Single Family Residential, Zoning District. A motion was made by Wade Price and seconded by Gene Wallace to approve the Conditional Use Permit for a Tattoo Studio located at 6320 Hwy 17, Parcel # 0471-103. Motion carried unanimously. Vote 5:0

Brett Kohler, Sara Farr-Newman and Audra Miller met with the Commissioners on the following Non-Public Hearing issues.

*** First Reading of an Ordinance to Amend the Zoning Map for 2381 Bill Futch Road, PIN# 024 013** - Virginia Spell, requesting to rezone 4.042 acres of an approximately 21.9 acre property from the "A-5" Agricultural Zoning District to the "RR-2.5" Rural Residential 2.5 Acre Zoning District. The property is located at 2381 Bill Futch Road, PIN# 024 013. The applicant plans to subdivide the rezoned property from the remaining acreage. 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 March 21, 2023, and a Public Hearing and 2nd Reading of the Ordinance with the Board of Commissioners on April 11, 2023. No action was required.

*** First Reading of an Ordinance to Amend the Zoning Map for 215 Fox Road, Parcel# 0601-123** - Scott Allison of Coleman Company, representing property owner Johnny Young, is requesting to rezone

a 6.12 acre property from the "RR-1", Rural Residential Zoning District, to the "A-5", Agricultural Zoning District. The property is located at 215 Fox Road, Parcel# 0601-123. The owner plans to continue living on the property and run a dog kennel, which will be reviewed via a related Conditional Use Permit application. 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 March 21, 2023, and a Public Hearing and 2nd Reading of the Ordinance with the Board of Commissioners on April 11, 2023. No action was required.

*** Second Reading of an Ordinance Amending Chapter 104 "Derelict Property" of the Bryan County Code of Ordinances** - 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 appeals process for municipal and county abatement actions. Effective July 1, 2023, the appeals process in an abatement action shall be a de novo proceeding in the superior court instead of by direct appeal. County ordinance Sec. 104-6(k) needs to be amended to be consistent with state law. County ordinances require two readings of an ordinance. No public hearings are required for this ordinance amendment. The Board of Commissioners had first at their February 14, 2023, meeting, and this ordinance is being presented for second reading and adoption. A motion was made by Gene Wallace and seconded by Patrick Kisgen to approve an ordinance amending Chapter 104 "Derelict Property" of the Bryan Code of Ordinances. Motion carried unanimously. Vote 5:0

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

*** Motorola Radio Upgrade for Sheriff's Office** - The Sheriff is requesting to upgrade 108 radios from Motorola. The total cost of this radio upgrade is \$634,640.95 and can be financed over 7 years at 4.65%. The annual payment is \$108,291.45 per year for 7 years. The Sheriff budgeted \$158,000 in 2023 for this purchase. This is a sole source purchase with Motorola since all the equipment is Motorola and they are the original equipment manufacturer (OEM). A motion was made by Patrick Kisgen and seconded by Gene Wallace authorizing the Chairman, Sheriff, and/or County Administrator to sign any paperwork necessary to execute the contract with Motorola pending final changes to the terms and conditions in the contract by the County Attorney. Vote 5:0, motion carried unanimously.

*** 2023 ROW Mowing Contract Award**- Staff did an RFP for ROW Mowing, which includes approximately 115 miles of right-of-way mowing. Staff received multiple bids that ranged from \$455,400 to \$1,409,900 as show on the Final Bid Tabulation worksheet. Amazing Scapes was the lowest bidder; however, they were nonresponsive. Servus Land Management was contacted, and they agreed to match Amazing Scapes Bid Price. Therefore, staff is recommending award of the contract to Servus Land Management based out of Collins, Georgia for \$455,400. A motion was made by Wade Price and seconded by Dallas Daniel to award a contract to Servus Land Management based out of Collins, Georgia in the amount of \$455,400. Vote 5:0, motion carried unanimously.

*** First Lady Kitchen LLC Contract for Concessions** - Staff did an RFP for Parks & Recreation concessions in 2022. First Lady Kitchen based out of Savannah, Georgia was awarded a 6-month contract. Staff and customers seemed happy with the service and food quality, so staff would like to extend the contract 1 year until March 15, 2024. A motion and was made by Noah Covington and seconded by Dallas Daniel to award a 1-year contract amendment to First Lady Kitchen LLC. Vote 5:0, motion carried unanimously.

*** Vehicles Transfers to 4-H** - The UGA Extension program is funded and budgeted by Bryan County, which includes providing transportation and/or vehicles. Staff, in order to mitigate liability to the County, is looking to transfer a 15-passenger van and a pickup truck to the UGA Extension program. A motion that was made by Noah Covington and seconded by Dallas Daniel authorizing the Chairman and/or the County Administrator to sign any paperwork necessary to execute the transfer of vehicles to the UGA extension program pending legal review of the documents by the County Attorney. Vote 5:0, motion carried unanimously.

*** Richmond Hill Soccer Club Contract** - 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. 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 six-month MOU was approved by the Board of Commissioners in September of 2022. The MOU currently under consideration is the approval of a one-year contract with the option to renew annually for up to four years. A motion and was made by Dallas Daniel and seconded by Gene Wallace to approve the Memorandum of Agreement between Bryan County and Richmond Hill Soccer Club (RHSC) to provide recreational soccer programming for the Bryan County Parks and Recreation Department. Vote 5:0, motion carried unanimously.

*** Mega-Site Regional Water & Sewer Improvements Bid Award**- 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 on-site water and sewer improvements to serve Hyundai. Bryan County engaged Thomas & Hutton (T&H) Engineering to design and permit the Bryan County Mega-Site (BCMS) Regional Pump Station, Force Main, Water Main, and Gravity Sewer. T&H prepared contract bid documents and associated plans for the construction of the BCMS Regional Pump Station, Force Main, Water Main, and Gravity Sewer and upon approval of the documents the project was subsequently advertised for construction bids. Bids were received for the project on February 28, 2023, and evaluated by T&H. Two bids were received and evaluated. T&H has prepared the attached letter of recommendation. A motion was made by Gene Wallace and seconded by Wade Price to award construction contract for the Bryan County Mega Site Regional Pump Station, Force Main, Water Main, and Gravity Sewer to McLendon Enterprises, INC., in the amount of \$38,174,714.95, and authorize staff to execute the necessary contract documents to initiate the project. Vote 5:0; motion carried unanimously.

*** IGA with City of Pembroke for Fire Services.** - In an effort to reduce emergency response times for citizens along the Bryan County – City of Pembroke boundary lines, the proposed Mutual Aid Agreement is presented. Because the neighboring department may have a fire station that is closer to the location of a call, this Agreement will ensure that all citizens can expect a timely response for their medical or property emergencies, by the closest department responding. A motion was made by Wade Price and seconded by Noah Covington authorizing the Chairman to execute the Bryan County-City of Pembroke Mutual Aid Agreement, as presented. Vote 5:0; motion carried unanimously.

*** MOU with Atlanta Hume Society – Grant Award** - Bryan County Animal Control (BCAC) applied for a Capital Improvement Grant with the Atlanta Humane Society for Prevention of Cruelty to Animals,

Inc. Out of 25 finalists across the state, BCAC was selected as recipient of an approximately \$25,000 grant which will be used to re-do the kennels and the floors in the Richmond Hill shelter. A motion was made by Noah Covington and seconded by Dallas Daniel authorizing the appropriate staff to execute the Memorandum of Understanding between Bryan County and the Atlanta Humane Society for Prevention of Cruelty to Animals, Inc. for the purpose of providing shelter consultation services and distribution of funds for capital improvements. Vote 5:0; motion carried unanimously.

*** T&H Task Order #92 Hwy 280 Utility Relocations Engineering Services** - In conjunction with the Georgia Department of Transportation (GDOT), Bryan County is committed to the design, permitting and construction of water and sewer relocations near the intersection of US Highway 280, Oracal Parkway, and Interstate Centre Boulevard. The proposed task order includes planning, design, permitting, bidding, and construction phase services for the US Hwy 280 Utility Relocations. The project includes relocations of 8" gravity sewer main, 12" water main, and 6" force main outside of the future GDOT roundabout. Thomas & Hutton has exclusive expertise and institutional knowledge linked directly to the Interstate Centre development and of Bryan County's regional infrastructure planning for all North Bryan County. Their prior work on the project, coordination with GDOT and GDOT's engineers, expansive database of survey, previous design, and planning efforts makes Thomas & Hutton uniquely capable of providing the required engineering design, permitting, and construction administration within the required timelines. Given the critical nature of the project, and in order for the County to meet its commitments regarding the relocation of water and sewer utilities prior to GDOT's construction of the new intersection, it is imperative that Thomas & Hutton continue to provide the necessary engineering services for the project without interruption. A motion was made by Noah Covington and seconded by Wade Price to approve the Thomas & Hutton Scope of Services and authorize the Chairman to execute corresponding Task Order #92 in the amount of \$378,800.00, for Hwy 280 Utility Relocations Engineering Services. Vote 5:0; motion carried unanimously.

*** GDOT Utility Relocation MOU – Hwy 280** - In conjunction with the State of Georgia, the Savannah Harbor-Interstate 16 Corridor Joint Development Authority (JDA), the Georgia Department of Transportation (GDOT) is committed to the design and construction of the US Highway 280 improvements to serve Hyundai. GDOT plans for their project to be design-build in order to meet their required delivery date. As such, they have requested that all Utility Owners in the project limits relocate existing facilities ahead (pre-let) of the proposed road improvements. GDOT is requesting Bryan County design, permit, and construct the necessary relocations ahead of the road improvements and GDOT will pay 100% of the costs via reimbursement. The Memorandum of Understanding sets the basis of this agreement. A motion was made by Patrick Kisgen and seconded by Gene Wallace to approve the Memorandum of Understanding with Georgia Department of Transportation and authorize staff to execute the necessary documents to initiate the project. Vote 5:0; motion carried unanimously.

*** Urban Redevelopment Agency Establishment** - In preparation for an FY23 CDBG application, and in order to obtain the greatest opportunity for award, the County needs to submit a Redevelopment Area Strategy to DCA which requires the establishment of an Urban Redevelopment Agency. The Urban Redevelopment Agency of Bryan County is also required to support the development of the new senior center in Richmond Hill. O.C.G.A. § 36-61-18 creates for each county a public body known as the "Urban Redevelopment Agency" of the county. The agency may not transact business or exercise powers until the county governing body makes the findings prescribed in O.C.G.A. § 36-61-5 and elects to have the

urban redevelopment project powers exercised by the urban redevelopment agency. This resolution takes advantage of state law to establish an Urban Redevelopment Agency as a tool to assist the Bryan County Board of Commissioners to rehabilitate, conserve or redevelop or a combination of activities to undertake projects in the public interest for the public health, safety, morals, or welfare of the residents of Bryan County. A motion was made by Wade Price and seconded by Patrick Kisgen to approve a Resolution establishing the Urban Redevelopment Agency of Bryan County. Vote 5:0; motion carried unanimously.

*** Urban Redevelopment Agency Committee Appointments** - Upon establishment of the Urban Redevelopment Agency of Bryan County a Board of Commissioners needs to be appointed. In order to forgo the need to appoint another volunteer board the recommendation is to appoint the six County Commissioners as the initial Board of Commissioners for the Urban Redevelopment Agency. This appointment allows for efficiency of scheduled meetings as the meetings may be scheduled on the same day as the regular commission meeting. The initial meeting schedule will consist of two to three meetings which must be held prior to May 31, 2023. The first of the meetings will consider the adoption of the Bylaws and provide initial guidance to staff to begin drafting of the Urban Redevelopment Plan and Revitalization Area Strategy. The second and a potential third meeting will focus on refinement, further guidance and adoption of the Urban Redevelopment Plan and Redevelopment Area Strategy. There is not a need for regular meetings at this time. Beyond the two or three initial meetings, the next series of meetings will be scheduled when the Commonwealth senior center project is preparing to close which is anticipated to take place in late summer. The URA Board of Commissioners will generally meet on an as-needed basis. A motion was made by Patrick Kisgen and seconded by Wade Price to approve a resolution appointing the six County Commissioners as the Board of Commissioners for the Urban Redevelopment Agency of Bryan County. Vote 5:0; motion carried unanimously.

*** Belfor Change Order- Courthouse Components** - On April 5, 2022, a devastating F4 Tornado hit Bryan County. Since that time, 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 2 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 Noah Covington and seconded by Wade Price to approve staff to sign two Belfor contracts in the amount of \$170,695.90, allowing Belfor to continue rebuilding Bryan County's Facilities. Vote 5:0; motion carried unanimously.

The following Public Comments were made:

-Bradley Morey spoke about the growth happening in Bryan County and while he's not opposed to growth, he would like to see more explanation given to the citizens, of the decisions being made by the Board.

-Rick Wilson spoke about the dust and silk fencing at the megasite. Commissioner Covington addressed these issues and what is being done daily to combat the concern.

-Holly Young addressed the board and thanked them for reconsidering the Comp Plan.

-Mike Holcombe spoke with questions about the potential of a group rezoning for the residents of Hwy 280 and Deer Run Road. Commissioner Covington addressed this desire, and apologized for informing residents that that may a possibility in the future.

-Audra Miller introduced **Richard Fraysher** with Charles Abbot, who is our on-site inspector for the megasite. Mr. Fraysher then gave an update of the site, progress, and daily operations.

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

The meeting was adjourned at 7:02 p.m.