

Bryan County Board of Commissioners – April 11, 2023

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, April 11, 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.

Chairman Infinger gave the invocation, and everyone joined in the Pledge of Allegiance.

A motion was made by Dallas Daniel and seconded by Gene Wallace to approve the proposed agenda, but with the removal of County Administrator items 5 and 11. Motion carried unanimously. Vote 5:0

A motion was made by Noah Covington and seconded by Dallas Daniel to approve the minutes of the March 2023 meetings, as presented. Motion carried unanimously. Vote 5:0

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

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 5:0

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

* Virginia Spell – Second Reading of an Ordinance to Rezone 4.042 acres – Portion of Parcel 024-013

* Jonny Young – Second Reading of an Ordinance to Rezone 6.12 acres – Parcel 0601-123

* Jonny Young - Conditional Use for Animal Boarding - Parcel 0601-123

* Byron Lewis (Rooster's Bar-N) - Conditional Use for an Accessory Use to a Tavern - Parcel 0261-008

A motion was made by Noah Covington and seconded by Dallas Daniel to close the public hearing and reopen the regular meeting. Motion carried unanimously. Vote 5:0

*** Virginia Spell – Second Reading of an Ordinance to Rezone 4.042 acres – Portion of Parcel 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. A motion was made by Noah Covington and seconded by Dallas Daniel to approve the rezoning of 4.042 acres located at 2381 Bill Futch Road, from A-5 to RR-2.5. Motion carried unanimously. Vote 5:0

*** Jonny Young – Second Reading of an Ordinance to Rezone 6.12 acres – 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. A motion was made by Dallas Daniel and seconded by Noah Covington to approve the rezoning of Parcel# 0601-123 from RR-1 to A-5. Motion carried unanimously. Vote 5:0

*** Jonny Young - Conditional Use for Animal Boarding - Parcel 0601-123** - Scott Allison of Coleman Company, representing property owner Johnny Young, is requesting a Conditional Use Permit for Animal Boarding on a 6.12-acre property. 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, a conditional use in the "A-5" Zoning District. A motion was made by Patrick Kisgen and seconded by Wade Price to approve the Conditional Use Permit for Animal Boarding located at 215 Fox Road. Motion carried unanimously. Vote 5:0

*** Byron Lewis (Rooster's Bar-N) - Conditional Use for an Accessory Use to a Tavern - Parcel 0261-008** - Byron Lewis III, requesting a Conditional Use Permit for an accessory structure to be located at 6930 Hwy 280 (Rooster's Bar-N) and requesting a variance to reduce the front setback from 75' to 40'. PIN# 0261-008, in unincorporated Bryan County, Georgia. Motion was made by Wade Price and seconded by Noah Covington to approve the Conditional Use Permit for an accessory structure to be located at 6930 Hwy 280. Commissioner Wallace and Commissioner Daniel voted in opposition to the motion. Vote 3:2

Sara Farr-Newman and Brett Kohler met with the Commissioners on the following Non-Public Hearing Items.

*** First Reading of an Ordinance to Amend the Watergrass Planned Development, Parcel# 057-107** - Joseph Stuckey of T.R. Long Engineering, representing property owner Watergrass, LLC, is requesting to amend the Watergrass Planned Development. The amendment is proposed to remove Phase 3 from the planned development. The property is located off Brennan Dr within the Watergrass Development, Parcel# 057-107. The owner plans to rezone Phase 3 under an associated application, and combine this property with adjacent "A-5" zoned property to create large residential lots. First reading; No action required.

*** First Reading of an Ordinance to Amend the Zoning Map for Phase 3 of the Watergrass PD, Parcel# 057-107** - Joseph Stuckey of T.R. Long Engineering, representing property owner Watergrass, LLC, is requesting to rezone Phase 3 of the Watergrass PD, from the "PD", Planned Development Zoning District, to "A-5", Agricultural Zoning District. The property is located off Brennan Dr within the Watergrass Development, Parcel# 057- 107. The owner plans to combine this property with adjacent "A-5" zoned property to create large residential lots. First reading; No action required.

*** First Reading of an Ordinance to Amend the Zoning Map for 250 Roberts Rd, PIN# 028 020** - Kathleen Myers, requesting to rezone a 3.921 acre property from the "RR-2.5" Rural Residential Zoning District to the "RR-1" Rural Residential 1 Acre Zoning District. The property is located at 250 Roberts Road, PIN# 028 020. The applicant plans to subdivide the rezoned property from the remaining acreage to place an additional home for a family member. First reading; No action required.

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

*** Appointment to the Bryan County LVAP Advisory Board**- Sheriff Mark Crowe, Richmond Hill Finance Director Derrick Cowart, Executive Director of Bryan County Family Connections Wendy Futch,

and Bryan County Finance Director John Rauback all currently serve on the Bryan County Local Victims Assistance Program (LVAP) Advisory Board. All their terms will expire on March 31, 2023. All four members have expressed their interest in serving on this board for another 2-year term. All four members have been very involved and attend all meetings; therefore, we are recommending that Sheriff Mark Crowe, Richmond Hill Finance Director Derrick Cowart, Executive Director of Bryan County Family Connections Wendy Futch, and Bryan County Finance Director John Rauback all be appointed for another 2-year term, which would expire on March 31, 2025. A motion was made by Wade Price and seconded by Patrick Kisgen to re-appoint Sheriff Mark Crowe, Derrick Cowart, Wendy Futch, and John Rauback for to the LVAP Advisory Board, for a 2-year term, to expire on March 31, 2025. Motion carried unanimously. Vote 5:0

*** Resolution in Support of Fair Housing** - In preparation for an FY 2023 CDBG application, DCA requires adoption of a resolution in support of Fair Housing establishing a policy for Bryan County to encourage equal opportunity in housing for all persons regardless of race, color, religion, gender or national origin. Bryan County is committing to do the following, at a minimum, in support of Fair Housing: BRYAN COUNTY will, at a minimum: 1. Adopt and publicize the Fair Housing Resolution; 2. Post Fair Housing Posters in prominent public areas; 3. Provide Fair Housing Brochures Fair Housing information to the public; 4. Declare April as Fair Housing Month by Proclamation or Resolution; and 5. Conduct at least one (1) Fair Housing activity and document said activity. A motion was made by Noah Covington and seconded by Dallas Daniel to approve a Resolution in support of Fair Housing, as presented. Motion carried unanimously. Vote 5:0

*** Approve Belfor Tornado Rebuilding Contract** - 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 the past 12 months, the County has worked daily with Belfor and ACCG Insurance to mitigate the initial damage, then to restore operations, and now continuing the rebuilding of the County Facilities. This contract has 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 Patrick Kisgen and seconded by Wade Price authorizing staff to sign a contract in the amount of \$930,948.56 and allow Belfor to continue rebuilding Bryan County's Facilities. Vote 5:0

*** Intergovernmental Agreement to Conduct Municipal Elections with the City of Pembroke** - The City of Pembroke is seeking to contract with the Bryan County Election Board to conduct municipal elections. This agreement spells out the duties of the Elections Board and the City. The Election Board shall, at the cost to the City, be responsible for providing all election materials, supplies, personnel, and assistance to insure the proper and orderly conduct of municipal elections. A motion was made by Noah Covington and seconded by Patrick Kisgen to approve the Intergovernmental Agreement, for the purposes of conducting municipal elections with the City of Pembroke. Vote 5:0

*** Consideration to participate in Opioid Settlement – Teva, Allergan, CVS, Walgreens, and Walmart** - Numerous states and political subdivisions brought litigation against pharmaceutical distributors, pharmacy chains, and manufacturers related to the opioid epidemic. In late 2022, nationwide settlements were announced with three pharmacy chains—CVS, Walgreens, and Walmart—and two manufacturers—Allergan and Teva. The maximum settlements for these five parties total over \$18 billion, plus various non-monetary considerations, over a period of time. Georgia is one of the states that participated in the litigation. Local governments have the opportunity to “opt in”. The greater the level of subdivision participation, the more funds will ultimately be paid out for abatement. At least 85% of the funds going directly to participating states and subdivisions must be used for abatement of the opioid

epidemic, with the overwhelming bulk of the proceeds restricted to funding future abatement efforts by state and local governments. By opting in, Bryan County would be entitled to a portion of the settlement proceeds, for use in opioid abatement programs and other related matters. Additionally, by opting in, Bryan County would be precluded from bringing separate and independent litigation against the settling parties. By approving this item, the Commission will authorize the County Attorney to execute and deliver the settlement agreement(s) and all other related documentation for Bryan County to “opt in” to the settlements. A motion was made by Wade Price and seconded by Noah Covington to authorize participation in the opioid settlement on the standards terms negotiated between the states and the settling parties. Motion carried unanimously. Vote 5:0

*** Pembroke Intergovernmental Agreement Amendment** - During the 2021 SDS negotiations, Bryan County and the City of Pembroke agreed that Bryan County would conduct inspections, and issue permits, on behalf of the City of Pembroke. The City of Pembroke now desires to conduct its own inspections. Accordingly, Pembroke has now requested that the applicable Intergovernmental Agreement and SDS be amended to allow Pembroke to conduct its own inspections. A motion was made by Noah Covington and seconded by Dallas Daniel to amend the Intergovernmental Agreement and Service Delivery Strategy Agreement, subject to the City staff and County staff finalizing the implementation of said changes. Motion carried unanimously. Vote 5:0

*** Water and Sewer Access Easement - GICC-CH/SJP Development, LLC** - This item is to approve an easement from GICC to Bryan County for access and water/sewer facilities. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to accept the Access Easement and Easement for Water/Sewer Facilities, subject to final legal and engineering review. Vote 5:0

*** Hospital Authority of Savannah** - St. Joseph’s/Candler Health System, Inc. (SJC) is a Georgia non-profit corporation, tax exempt under Section 501(c)(3), that operates an integrated healthcare system in coastal Georgia, among other areas. SJC desires to finance certain new medical facilities that it intends to build in Bryan County, including a medical campus in the City of Richmond Hill and a medical office building in the Interstate Centre industrial development park. SJC has requested the Hospital Authority of Savannah, a hospital authority duly organized and existing, to issue certain revenue obligations in order to assist in providing financing for the projects. This resolution would authorize the Hospital Authority of Savannah to operate within Bryan County so that it can provide the financing requested by SJC. This authorization will not prevent Bryan County from creating its own Hospital Authority in the future, but will allow the Hospital Authority of Savannah to move forward on the planned projects for SJC in Bryan County. A motion was made by Gene Wallace and seconded by Noah Covington allowing the Hospital Authority of Savannah to operate within Bryan County, Georgia for the purposes of assisting St. Joseph’s/Candler in obtaining the necessary financing to construct medical facilities in Bryan County. Vote 5:0

*** Settlement Agreement – Jaquelin Sherlin** - This item is to approve the settlement agreement between Bryan County and Ms. Sherlin, related to the erosion and sedimentation controls on the property located at 873 Seascape. Pursuant to the settlement agreement, Ms. Sherlin will pay \$12,000.00 to settle the violations on her property. A motion was made by Wade Price and seconded by Gene Wallace to approve a settlement agreement with Sherlin in the amount of \$12,000. Vote 5:0

*** Terracon WRF Special Inspections Contract** - 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. As part of this work, Special Inspections and Testing services are needed for the newly constructed Water Reclamation Facility. The contract includes Special Inspections and Testing Services for the Water Reclamation Facility (WRF) in north Bryan County. Given the critical nature of the project, and in order for the County to meet its commitments regarding the delivery of water and sewer utilities to the Mega-Site as specified in our May 10, 2022 Water and Sewer Service Availability Letter, it is imperative that Terracon continue to provide the necessary Special Inspections and Testing Services for the project without interruption. A motion was made by Noah Covington and seconded by Wade Price to award the WRF Special Inspections Contract to Terracon Consultants, Inc., in the amount of \$363,170.00 for the WRF Special Inspections Contract. Vote 5:0

The following **Public Comments** were made:

***Thomas Seaman**, spoke on election integrity.

***Pamela Van Olstein**, spoke on Georgia law authorizing the local governing authority to determine what form of ballot is used for an election, within that governing bodies jurisdiction.

***Karen Hewitt**, spoke on voter software.

A motion was made by Noah Covington and seconded by Dallas Price to go into Executive Session for litigation, personnel, and real estate matters at 6:39 p.m. Motion carried unanimously.

The Board returned to the open meeting at 8:08 p.m.

A motion was made by Noah Covington and seconded by Gene Wallace to adjourn. Motion carried unanimously.

The meeting was adjourned at 8:10 p.m.