

Bryan County Board of Commissioners – July 11, 2023

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, July 11, 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 5:31 p.m. Chairman Infinger gave the invocation, and everyone joined in the Pledge of Allegiance.

A motion was made by Noah Covington to approve the proposed agenda, Commissioner Daniel seconded this motion. Motion carried unanimously. Vote 5:0

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

A motion was made by Noah Covington and seconded by Dallas Daniel to approve the Consent Agenda, as presented. Motion carried unanimously. Vote 5:0

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

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

* First City Associates, LLLP - Second Reading of an Ordinance to Amend the Zoning Map for ±4.02 acres – Parcels 034-014-02 and 034-014-03

* Blitchton Bryan Oaks, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcel 034-014. Pamela Baker was present to ask a question about the cemetery relocation.

* Blitchton Bryan Oaks, LLC - Second Reading of an Ordinance to Amend the Zoning Map for 104.59 acres – Parcel 034-014

* Silverman Land Holdings, LLC – Comprehensive Plan Amendment -North Bryan Future Land Use Map for Parcel 028-026

* Silverman Land Holdings, LLC – Second Reading of an Ordinance to Amend the Zoning Map for ±298.37 acres – Parcel 028-026. Mary Hamilton spoke in opposition to the project. Scott Allison spoke and said the applicant would be agreeable to the new conditions.

* Silverman Land Holdings, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcel 023-001

* Silverman Land Holdings, LLC – Second Reading of an Ordinance to Amend the Zoning Map for ±125.54 acres – Parcel 023-001

* Johnny and Pegi Walters – Second Reading of an Ordinance to Amend the Zoning Map for ±10 acres Parcel 057-004-01

* Dozier Enterprises, Inc. – Second Reading of an Ordinance to Amend the Zoning Map for ±7.72 acres – Parcels 0601-102, 0601-103, and 0601-105

* Blitchton Bryan Oaks, LLC – Request to relocate an abandoned cemetery Parcel 034-014

A motion was made by Patrick Kisgen and seconded by Gene Wallace to close the public hearing and return to the regular meeting.

*** First City Associates, LLLP - Second Reading of an Ordinance to Amend the Zoning Map for ±4.02 acres – Parcels 034-014-02 and 034-014-03**– Marc Liverman with Atlantic Coast Consulting, representing First City Associates, LLLP, requesting to rezone 4.02 acres from the “PD” Planned Development Zoning District to the “C-1” Interchange Commercial Zoning District. The property is located at 4480 Hwy 80, Parcel# 034-014-02 and 034-014-03. A motion was made by Patrick Kisgen and seconded by Wade Price to table Community Development Public Hearing items 1-3 to the August meeting, at the request of the applicant. Commissioner Daniel recused himself from voting on Items 1-3. Motion carried unanimously. Vote 4:0

*** Blitchton Bryan Oaks, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcel 034-014** - Marc Liverman with Atlantic Coast Consulting, representing Blitchton Bryan Oaks, LLC, requesting to amend the Comprehensive Plan’s Character Area and Future Land Use Map by changing the classification of property from “Low Density and Agricultural” / “Commercial Corridor” to “Industrial”. A Motion was made by Patrick Kisgen and seconded by Wade Price to table Community Development Public Hearing items 1-3 to the August meeting, at the request of the applicant. Commissioner Daniel recused himself from voting on Items 1-3. Motion carried unanimously. Vote 4:0

*** Blitchton Bryan Oaks, LLC - Second Reading of an Ordinance to Amend the Zoning Map for 104.59 acres – Parcel 034-014** Marc Liverman with Atlantic Coast Consulting, representing Blitchton Bryan Oaks, LLC, requesting to rezone 104.59 acres from the “PD” Planned Development Zoning District to the “I-2” General Industrial Zoning District. The property is located on Hwy 280, Parcel #034-014. A motion was made by Wade Price to table Community Development Public Hearing items 1-3 to the August meeting, at the request of the applicant. Commissioner Daniel recused himself from voting on Items 1-3. Motion carried unanimously. Vote 4:0

*** Silverman Land Holdings, LLC – Comprehensive Plan Amendment -North Bryan Future Land Use Map for Parcel 028-026** - Scott Allison with Coleman Company, representing Silverman Land Holdings LLC, requesting to amend the Comprehensive Plan’s Character Area and Future Land Use Map by changing the classification of property from “Low Density and Agricultural” to “Industrial”. The Property is located 1606 Warnell Farm Rd., in the northern end of Unincorporated Bryan County. PIN# 028-026 (Stubbs Tract 1). A motion was made by Noah Covington and seconded by Wade Price to approve the amendment of the Comprehensive Plan’s Character Area and Future Land Use and change the classification of Parcel 028-026 from “Low Density and Agricultural” to “Industrial.” Motion carried unanimously. Vote 5:0

*** Silverman Land Holdings, LLC – Second Reading of an Ordinance to Amend the Zoning Map for ±298.37 acres – Parcel 028-026** Scott Allison with Coleman Company, representing Silverman Land

Holdings LLC, requesting to rezone 298.37 acres from “A-5” to “I-2”. Property is located at 1606 Warnell Farm Road, in the northern end of Unincorporated Bryan County. PIN# 028-026 (Stubbs Tract 1). A motion was made by Noah Covington and seconded by Wade Price to approve the rezoning of Parcel 028-026 from “A-5” to “I-2” with the following conditions: 1. The developer shall enter into a Water and Sewer Agreement with the County prior to the issuance of any development permits. 2. The developer shall enter into a Transportation Agreement with the County prior to the issuance of any development permits 3. Final site design shall generally conform to the concept plan entitled, "Stubbs Tract 1", prepared by Coleman Company and dated 5/23/2023. Any amendment to the concept plan will be reviewed and considered under the criteria listed in Section 114-215, subsections (b) and (c) of the Unified Development Ordinance (UDO) in order to determine if such amendment is minor or major. Any amendment deemed to be major will be processed according to the public hearing procedures identified by the UDO. Motion carried unanimously. Vote 5:0

*** Silverman Land Holdings, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcel 023-001-** Scott Allison with Coleman Company, representing Silverman Land Holdings LLC, requesting to amend the Comprehensive Plan’s Character Area and Future Land Use Map by changing the classification of property from “Low Density and Agricultural” to “Industrial”. The property is located on Highway 80, in the northern end of Unincorporated Bryan County. PIN# 023-001 (Stubbs Tract 2). A motion was made by Noah Covington and seconded by Wade Price to approve the amendment of the Comprehensive Plan’s Character Area and Future Land Use and change the classification of Parcel 023-001 from “Low Density and Agricultural” to “Industrial.” Motion carried unanimously. Vote 5:0

*** Silverman Land Holdings, LLC – Second Reading of an Ordinance to Amend the Zoning Map for ±125.54 acres – Parcel 023-001** - Scott Allison with Coleman Company, representing Silverman Land Holdings LLC, requesting to rezone 125.54 acres from “A-5” to “I-2”. Property is located on Highway 80, in the northern end of Unincorporated Bryan County. PIN# 023-001 (Stubbs Tract 2). A motion was made by Noah Covington and seconded by Dallas Daniel to approve the rezoning of Parcel 023-001 from “A-5” to “I-2”, with the following conditions: 1. The developer shall enter into a Water and Sewer Agreement with the County prior to the issuance of any development permits 2. The developer shall enter into a Transportation Agreement with the County prior to the issuance of any development permits 3. Final site design shall generally conform to the concept plan entitled, Stubbs Tract 2", prepared by Coleman Company and dated 9/27/2022. Any amendment to the concept plan will be reviewed and considered under the criteria listed in Section 114-215, subsections (b) and (c) of the Unified Development Ordinance (UDO) in order to determine if such amendment is minor or major. Any amendment deemed to be major will be processed according to the public hearing procedures identified by the UDO. Motion carried unanimously. Vote 5:0

*** Johnny and Pegi Walters – Second Reading of an Ordinance to Amend the Zoning Map for ±10 acres Parcel 057-004-01** - Pegi Walters is requesting to rezone 840 Dunham Marsh Trail, Parcel Number 057-004-01, from the existing “A-5”, Agricultural Zoning District, to the “RR-2.5”, Rural Residential Zoning District in order to subdivide for an additional lot. A motion was made by Patrick Kisgen and seconded by Gene Wallace to approve the rezoning of Parcel 057-004-01 from “A-5”, Agricultural Zoning District, to the “RR-2.5”, Rural Residential Zoning District in order to subdivide for an additional lot. Motion carried unanimously. Vote 5:0

*** Dozier Enterprises, Inc. – Second Reading of an Ordinance to Amend the Zoning Map for ±7.72 acres – Parcels 0601-102, 0601-103, and 0601-105** - Dozier Enterprises LLC, is requesting to rezone Parcel Numbers 0601-102, 0601-103, and 0601-105, from the existing “R-15”, Single-Family Residential Zoning District, to the “RR-2.5”, Rural Residential Zoning District in order to keep horses and construct a home on the property. A motion was made by Gene Wallace and seconded by Dallas Daniel to approve the rezoning of Parcels 0601-102, 0601-103 and 0601-105 from “R-15”, Single-Family Residential Zoning District, to the “RR-2.5”, Rural Residential Zoning District. Motion carried unanimously. Vote 5:0

*** Blitchton Bryan Oaks, LLC – Request to relocate an abandoned cemetery Parcel 034-014** - Mike Reynolds of Brockington and Associates, representing the property owner Blitchton Bryan Oaks, LLC, is requesting to relocate an abandoned cemetery on the property to accommodate future development and infrastructure. A motion was made by Patrick Kisgen and seconded by Gene Wallace to deny the removal and relocation of the abandoned cemetery. Commissioner Daniel recused himself from voting on this Item. Motion carried unanimously. Vote 4:0

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

**Commissioner Kisgen stepped out of the meeting.*

*** Adoption of Revised Zoning and Subdivision Fee Schedule** - The Board of Commissioners approved amendments to Chapter 111 – Bryan County Soil Erosion and Sedimentation Control Ordinance – on June 13, 2023. By adopting the amendments, the Engineering Department is now allowed to impose administrative fines on individuals and/or entities that violate Chapter 111. The County may impose such fines up to \$1,000 per violation. The proposed amendments to the Zoning and Subdivision Fee Schedule establishes the fine is always \$1,000. By establishing the fine, implementation of administrative fines will not be arbitrary and capricious. A motion was made by Gene Wallace and seconded by Dallas to approve a resolution adopting the Revised 2023 Zoning and Subdivision Fee Schedule. Motion carried unanimously. Vote 4:0

*** KF Savannah (Komar) Water and Sewer Agreement** - This water and sewer agreement memorializes KF Savannah, LLC’s (Komar) obligations concerning donation of utility easements, payment of capital recovery fees, and the construction of water and sewer infrastructure. A motion was made by Wade Price and seconded by Gene Wallace to approve the Water and Sewer Agreement with KF Savannah, LLC. Motion carried unanimously. Vote 4:0

*** KF Savannah (Komar) Private Development Agreement Amendment** - This amendment modifies the existing Private Development Agreement with Komar to require Komar to extend Oracal Parkway to Jernigan Road, in lieu of making a monetary contribution. A motion was made by Dallas Daniel and seconded by Gene Wallace to approve the Amended Private Development Agreement with KF Savannah, LLC. Motion carried unanimously. Vote 4:0

**Commissioner Kisgen returned to the meeting.*

*** Annette Boney – Resolution Approving Easement Agreement** - As part of the I-16 Regional Sewer Improvements Project, Bryan County requires access through property owned by Annette Boney, for the purposes of reaching other easement areas in connection with the construction, maintenance, and operation of water and sewer facilities. This agreement purchases a perpetual access easement from Ms. Boney in furtherance of that project. The negotiated purchase price for the easement is \$25,000.00. A

motion was made by Dallas Daniel and seconded by Noah Covington to approve an easement purchase with Annette Boney in the amount of \$25,000, by way of Resolution. Motion carried unanimously. Vote 5:0

*** Rural Workforce Housing Initiative Application Consideration** - Earlier in June Bryan County received information related to a new State of Georgia funding opportunity: Rural Workforce Housing Initiative. The Rural Workforce Housing Initiative Application is due July 14. A pre-application worksheet and supporting material will be (was) transferred to the One Georgia application portal along with supporting materials and emailed to DCA on Friday, June 30. The Initiative offers Bryan County the opportunity to submit a pre-application and application to request up to the maximum amount of funding to encourage the development of workforce housing in north Bryan County. Bryan County's application proposes applying for \$2,500,000 from One Georgia and \$1,000,000 from DCA. Submission of the pre-application and the application does not make any commitment of County resources, nor bind the County to any action. The submission of a pre-application and an application open an opportunity for the County to facilitate and/or convene access to State funding in support of the development of workforce housing. A motion was made by Dallas Daniel and seconded by Gene Wallace to approve the submission of a Rural Workforce Housing Initiative Application and authorize the Chairman and County Administrator to execute all related documents to initiate same. Motion carried unanimously. Vote 5:0

*** SPLOST 2023 Intergovernmental Agreement** – Bryan County currently has a Special Local Option Sales Tax (SPLOST) in place that helps to fund capital outlay projects. In order for the (SPLOST) to run for 6 years, an intergovernmental agreement (IGA) must be executed among the County and qualified cities. The funds are then to be distributed in accordance with the executed Intergovernmental Agreement. The cities of Richmond Hill and Pembroke have indicated that they will approve the attached IGA that will distribute the 1% collection of SPLOST as follows: Bryan County: 56.5% City of Richmond Hill: 35% City of Pembroke: 8.5% A motion was made by Gene Wallace and seconded by Wade Price to approve the SPLOST Intergovernmental Agreement with the Cities of Richmond Hill and Pembroke, as presented. Motion carried unanimously. Vote 5:0.

*** Resolution for SPLOST 2023 Election** - The proposed 1% sales tax for capital projects will be imposed for a period of six years. This resolution calls for the election, specifies the purpose of the SPLOST, specifies the period of time the tax will be imposed, specifies the estimated cost if the facilities, seeks approval to issue general obligation debt, and approve the form of the ballot to be used in such an election. A motion was made by Noah Covington and seconded by Dallas Daniel to approve a Resolution calling for the SPLOST Election to be placed on the ballot of the next General Election. Motion carried unanimously. Vote 5:0

*** LVAP Funds Distribution Recommendation** - The funding for LVAP is available through the imposition of an additional penalty of five percent (5%) of the original fine imposed on any criminal ordinance violation in any court of this state or any municipality of political subdivision of the state. Staff recommends approval of the recommendations from the Bryan County LVAP Advisory Committee for 2023 to be disbursed to the following approved agencies based on the percentages (%) listed below. To recap, this allocation formula, which was recommended by Judge Balbo, takes out any subjectivity or biases and is based on the number of Bryan County residents served by each approved LVAP Certified Agency. These numbers are based on the Annual Local Victim Assistance Add-On Fines Agency Reports from the Georgia Criminal Justice Coordinating Council (CJCC) that covers from January 1, 2022, to December 31, 2022. A motion was made by Gene Wallace and seconded by Wade Price to table the item until the August meeting. Motion carried unanimously. Vote 5:0

*** Award of Belfast Keller Road Roundabout Construction Project** - In conjunction with the new South Bryan High School located on Belfast Keller Road, the Bryan County Board of Education engaged Thomas & Hutton (T&H) to prepare a Transportation Impact Analysis (TIA) for the project. The TIA identified that two of the proposed accesses from the school would necessitate significant improvements along Belfast Keller Road at those locations due to the anticipated increases in traffic volumes from the school during peak hours. In order to mitigate those impacts roundabout improvements were identified for each of the locations. One roundabout is to be located at the intersection of Cranston Bluff Road, and one at the main school entrance located to the east between Cranston Bluff Road and the roundabout at Belfast River Road. Subsequently, T&H prepared contract bid documents and associated plans for the construction of the Belfast Keller Road School Accesses and upon approval of the documents; the project was advertised for construction bids. Two bids were received for the project on June 20, 2023, and evaluated by T&H. Attached are the bid tabulation and recommendation of award prepared for the project. A motion was made by Patrick Kisgen and seconded by Gene Wallace to award the Belfast Keller Road School Accesses to Reeves Construction Company in the amount of \$13,466,950.28 and authorize staff to execute the necessary contract documents in order to initiate the project. Motion carried unanimously. Vote 5:0

*** Alcohol Ordinance – Resolution** - Bryan County adopted an amended alcohol ordinance that requires certain applications and fees to be paid by servers of alcoholic beverages, among other things. This resolution will temporarily suspend certain requirements of the alcoholic ordinance to allow staff to investigate alternative options for the servers of alcoholic beverages. The temporary suspension of those requirements will last 120 days. A motion was made by Patrick Kisgen and seconded by Gene Wallace to approve a Resolution suspending necessary conditions of the Bryan County Alcohol Ordinance for 120 days. Motion carried unanimously. Vote 5:0

*** Development Authority Board Appointment** - The Development Authority of Bryan County has several Board members whose terms are expiring in July of this year. Board members whose terms are expiring include: Derrick Smith, Jon Seagraves, Noah Covington, Billy Conley and Boyce Young. The DABC board members serve a four-year term. A motion was made by Dallas Daniel and seconded by Gene Wallace to appoint Gene Wallace, Jeff Glazer, Bradley Robinson, Andrew Johnson and reappoint Jon Seagraves to the Development Authority Board of Bryan County. Discussion on the matter was had between the commissioners. Commissioner Covington and Price do not feel that there is not equal representation of the north and south ends of the county with these appointments. Motion carried. Vote 3:2 Commissioner Covington and Price opposed.

*** Use Agreement with Bryan County School Board for Office Space** - The Bryan County Elections and Registration office is currently housed in the County courthouse in Pembroke. Due to the damage sustained from the April 15, 2022 tornado and the rebuilding efforts underway, it has become difficult to operate and serve the public adequately. The Lanier Learning Center provides a more accessible location and more productive environment in which to conduct elections related activities. This lease, at a fee of \$1490 per month, will be in place through December 31, 2024, and, thereafter, renew monthly terminating in June 30, 2025, unless terminated sooner by 30 day notice from either party. A motion was made by Wade Price and seconded by Dallas Daniel to approve the Use Agreement with the Bryan County School District for the use of the Lanier Learning Center, for Bryan County Elections and Registration office space. Motion carried unanimously. Vote 5:0

* **Magnolia Hill Settlement Agreement** - This item is a proposed settlement agreement between Bryan County, Georgia and Dream Finders Homes, LLC and Village Park Homes, LLC (collectively the "Builders"). Bryan County brought a civil action against the Builders related to the Builders' violation of certain zoning conditions on the homes built in the Magnolia Hill subdivision. The Builders have provided information to the County staff and have engaged in good faith negotiations. The result of those negotiations is a settlement agreement that requires the Builders to demolish all improvements on Lots 30, 36, 42, 60, 62, 64, 65, and 80. The County has determined that the improvements on Lots 27, 28, 37, 41, 70, and 86 are in substantial compliance with the zoning conditions, and accordingly, those improvements may remain. The settlement agreement also contains other provisions related to continued compliance and dismissal of the pending litigation. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to approve the settlement agreement with Dream Finder homes, LLC, as presented. Motion carried unanimously. Vote 5:0

The following **Public Comments** were made:

Wayne Swindell of 138 Planters Drive, spoke about issues with a neighbor and their dogs.

A motion was made by Patrick Kisgen and seconded by Wade Price to go into **Executive Session** for purposes of litigation, Real Estate and Personnel at 6:50 p.m. Motion carried unanimously.

At 6:59 the Commissioners returned to the open meeting.

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 7:00 p.m.