

Bryan County Board of Commissioners – August 8, 2023

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, August 8, 2023, in Richmond Hill. The following members were present: Chairman Carter Infinger, Commissioner Patrick Kisgen, Commissioner Dallas Daniel, Commissioner Noah Covington and Commissioner Wade Price. Also present was County Administrator Ben Taylor, County Clerk Lori Tyson, and County Attorney Aaron Kappler. Commissioner Gene Wallace was not present for the meeting.

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

Matt Campbell gave the invocation, and everyone joined in the Pledge of Allegiance.

A motion was made by Noah Covington and seconded by Dallas Daniel to approve the proposed agenda, with the removal of Community Development Hearing items 4-6, at the request of the applicant. Motion carried unanimously. Vote 4:0

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

A motion was made by Noah Covington and seconded by Dallas Daniel to approve the Consent Agenda. Motion carried unanimously. Vote 4:0

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 4:0

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

- * 2023 Capital Improvement Element Update

- * 2023 Comprehensive Plan

- * Savannah Harbor Interstate 16 Corridor Joint Development Authority – Development Agreement

A motion was made by Noah Covington and seconded by Wade Price to close the public hearing and reopen the regular meeting. Motion carried unanimously. Vote 4:0

* **2023 Capital Improvement Element Update** – 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, 2020, and July 14, 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”). As part of this process, the County must prepare the required documents, hold a public hearing, adopt a resolution, and submit the update to the DCA a minimum of 60 days prior to the County’s reporting deadline. The County’s reporting deadline is October 31, 2023. A motion was made by Patrick Kisgen and seconded by Dallas Daniel authorizing the Transmittal of the Annual Update of the Capital Improvement Element to the Department of Community Affairs. Motion carried unanimously. Vote 4:0

* **2023 Comprehensive Plan** – The Community Development Department, in Collaboration with GMC, has prepared a 5-year update to the County's Comprehensive Plan. The Coastal Regional Commission and the Department of Community Affairs must now review the draft plan to ensure its compliance with Georgia's Minimum Standards and Procedures for Local Comprehensive Planning. Once their review is complete, the Comprehensive Plan Update will be presented to the Board of Commissioners for final adoption. A motion was made by Noah Covington and seconded by Wade Price approving a Resolution authorizing the transmittal of the Bryan County 2023 Comprehensive Plan Update be submitted to the Coastal Regional Commission and Department of Community Affairs for review, with the amendment that parcels 029-028, 029-028-02, and 029-028-03 be reclassified from Emerging Suburban to Industrial on the North Bryan County Character Areas Map. Motion carried unanimously. Vote 4:0

* **Savannah Harbor Interstate 16 Corridor Joint Development Authority – Development Agreement** – The Savannah Harbor Interstate 16 Corridor Joint Development Authority (“JDA”) has entered into a long-term lease agreement with Hyundai Motor Group Metaplant America (“HMGMA”) for property located within unincorporated Bryan County, commonly referred to as the Megasite. HMGMA is constructing an electric vehicle manufacturing facility on the Megasite. The County’s design guidelines and site development regulations contained in the Unified Development Ordinance are too prescriptive, as these guidelines and regulations do not allow staff the needed discretion to address unique design considerations of a complex and large facility. The Development Agreement modifies certain guidelines and regulations related to landscaping, buffering, parking, tree canopy, signage, and building design, to address the unique nature of an auto manufacturing facility. A motion was made by Noah Covington and seconded by Dallas Daniel approving a Development Agreement with the Savannah Harbor Interstate 16 Corridor Joint Development Authority. Motion carried unanimously. Vote 4:0

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

* **Melinda Madden - First Reading of an Ordinance to Amend the Zoning Map for ±1.5 acres Parcel 026-050** - William Mark on behalf of Melinda Madden, requesting to rezone a 1.5-acre property from the "RR-1" Rural Residential Zoning District to the "RR-1.5" Rural Residential 1 Acre Zoning District. The property is located at 167 Carlos Cowart Road, PIN# 026 050. The applicant plans to complete a lot line adjustment adding acreage from another lot. First reading; No action required.

* **John and Meagan Mowry - First Reading of an Ordinance to Amend the Zoning Map for ±182.94 acres Parcel 017-005** - Jonathon Felix on behalf of John and Meagan Mowry, requesting to rezone a 182.94-acre property from the "RR-1" Rural Residential Zoning District to the "A-5" Agricultural Zoning District. The property is located at 2812 Hwy 67 S, PIN# 017 005. The rezoning will remove the size limitations on accessory structures as the applicant plans to build a detached garage. First reading; No action required.

* **Blitchton Investments 1, LLC – First Reading of an Ordinance to Amend the Zoning Conditions Adopted by Ordinance No. 2021-5 for the “Conley Tract” - Parcel 028-031** - The Board of Commissioners adopted Ordinance No. 2021-5 on January 12, 2021, which rezoned parcel 028-031 (“Conley Tract”) to the “I-2” General Industrial Zoning District subject to certain conditions. Blitchton Investments 1, LLC has purchased the tract and intends on developing the property as an industrial development. In order to facilitate the timely development of this project, Blitchton Investments 1, LLC is requesting to amend the

zoning condition adopted as a part of Ordinance No. 2021-5, by revising Condition Number Two under “Water and Sewer – General Conditions Related to Water and Sewer”. First reading; No action required.

*** Blichton Investments 1, LLC – first Reading of an Ordinance to Amend the Zoning Conditions Adopted by Ordinance No. 2021-6 for the “Davis Tract” -Parcel 033-024-01-** The Board of Commissioners adopted Ordinance No. 2021-6 on January 12, 2021, which rezoned parcel 033-024-01 (“Davis Tract”) to the “I-2” General Industrial Zoning District subject to certain conditions. Blichton Investments 1, LLC has purchased the tract and intends on developing the property as an industrial development. In order to facilitate the timely development of this project, Blichton Investments 1, LLC is requesting to amend the zoning condition adopted as a part of Ordinance No. 2021-6, by revising Condition Number Two under “Water and Sewer – General Conditions Related to Water and Sewer”. First reading; No action required.

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

*** DeVaul Henderson Park Turf Field Replacement Bid Award** - The two existing turf football fields located at DeVaul Henderson Park were opened for recreational activities on March 7, 2009. After over fourteen years of continued use these field are well into the replacement timeframe of 10-15 year and have since become a serious safety concern. On Tuesday May 30, 2023, the Public Works Department advertised a Request for Proposals (RFP) for the replacement of two turf fields and the common space located between the two fields at DeVaul Henderson Park. On June 29, 2023, six bids were received with the lowest “responsive” bid coming from Field Turf USA, Inc. in the amount of \$1,392,835. Field Turf USA Inc. has met all the requirement regarding experience and had met all the project specifications outlined in the request for proposals. The manufacturing phase for this project is expected to begin in September, with the installation beginning after the conclusion of the fall soccer season. This project is expected to be completed well in advance of the beginning of spring sports. A Motion was made by Wade Price and seconded by Dallas Daniel to award a contract to Field Turf USA, Inc. in the amount of \$1,392,835. Motion carried unanimously. Vote 4:0

*** LVAP Funds Distribution Recommendation** - The funding for LVAP is available through the imposition of an 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 Noah Covington and seconded by Dallas Daniel to authorizing staff to distribute the LVAP funds to the approved agencies, at the recommended percentages, as presented. Motion carried unanimously. Vote 4:0

*** Memorandum of Understanding – Georgia Department of Transportation – Joint Development Authority – Bryan County-** The Savannah Harbor-I-16 Corridor Joint Development Authority (JDA) has acquired approximately 2,996 acres of land in the vicinity of Interstate Highway I-16 and US Highway 280 in Bryan County, Georgia which is owned by the JDA, and has been leased through a rental agreement to Hyundai Motor Group Metaplant America, LLC (the “Project”) for purposes of constructing an electric vehicle manufacturing facility. As part of the economic development agreement with Hyundai Motor Group Metaplant America, the Georgia Department of Transportation will construct a frontage

road through the project site. That agreement states that GDOT shall deliver the Frontage Road Project by December 31, 2024. Once completed, GDOT will transfer ownership and maintenance of the Frontage Road Project to the JDA and the JDA will be responsible for the ownership and maintenance of the Frontage Road Project thereafter, unless said responsibilities are otherwise assumed by another local government entity. The attached Memorandum of Understanding between the Georgia Department of Transportation states that the parties (GDOT, JDA, and Bryan County) acknowledge that after GDOT's temporary construction easement expires when the road is constructed and the JDA takes the Frontage Road Project, the JDA may choose to transfer the Frontage Road Project to Bryan County, under terms and conditions agreed upon by the JDA and Bryan County, with no further involvement by GDOT. It also states that Bryan County and the JDA agree to negotiate a commercially reasonable dedication agreement, in good faith, that is consistent with the standards and procedures Bryan County ordinarily exercises in connection with the dedication of roads for public right-of-way. The Bryan County JDA dedication agreement shall include drainage maintenance and indemnity from the owner and/or operator of the Project for all drainage to be transported and/or processed from the right-of-way. A motion was made by Patrick Kisgen and seconded by Dallas Daniel authorizing the County Administrator to execute the Memorandum of Understanding regarding the megasite frontage road, as presented. Motion carried unanimously. Vote 4:0

*** Bryan County & Effingham County – Intergovernmental Agreement** - In furtherance of the regional sewer and water infrastructure project along I-16, Bryan County and Effingham County have negotiated an intergovernmental agreement (the "IGA") for the areas of the project within Effingham County. The IGA provides that Bryan County shall own the entirety of the Project and shall have the authority to inspect and permit the Project. The IGA further allows Effingham County to acquire sewer capacity from the Project, to the extent is available, at the same wholesale rates provided to other wholesale customers. To the extent the Project requires modifications, expansions, or improvements to accommodate Effingham County's request for sewer capacity, Effingham County will be responsible for those costs. A motion was made by Dallas Daniel and seconded by Noah Covington authorizing the Chairman to approve the Intergovernmental Agreement with Effingham County, after legal and engineering approval. Motion carried unanimously. Vote 4:0

*** Bryan County & Effingham County – Easement Agreement** - In furtherance of the regional sewer and water infrastructure project along I-16, Bryan County and Effingham County have negotiated an easement agreement (the "Easement") for approximately 5.021 acres of land owned by Effingham County. The Easement grants Bryan County exclusive and perpetual easements on certain portions of the land for the purposes of constructing and maintaining sewer infrastructure. It further provides for water easement rights contingent upon the execution of a water service agreement with Effingham County. The easement rights will be acquired for \$55,000/acre. A motion was made by Dallas Daniel and seconded by Noah Covington authorizing the Chairman to approve the Easement Agreement with Effingham County, after legal and engineering approval. Motion carried unanimously. Vote 4:0

*** Bryan County & Effingham County – Sewer Service Agreement** - In furtherance of the regional sewer and water infrastructure project along I-16, Bryan County and Effingham County have negotiated a sewer service agreement (the "Sewer Agreement"). The Sewer Agreement sets forth the terms and conditions through which Effingham County may acquire sewer capacity from Bryan County. Effingham County will be responsible for the costs associated with the acquisition of the sewer capacity and will pay the same rates/charges as other wholesale users. A motion was made by Noah Covington and seconded by Dallas authorizing the Chairman to approve the Sewer Service Agreement with Effingham County, after legal and engineering approval. Motion carried unanimously. Vote 4:0

*** Consideration of a Resolution to condemn a property interest in Tax Parcel 050-024, Bryan County, Georgia, for the Belfast Keller Road Improvement Project; Owners David and Kelly Grieninger, to authorize the Chairman to execute documents in furtherance of the same; to authorize the County Attorney to proceed with proceedings in furtherance of the same; estimated just and adequate compensation: \$16,000.00.** - The County is proceeding with the Bryan County Belfast Keller Road School Access ROW project for the purposes of constructing and maintaining public roads which will provide suitable, sustainable, and reliable access on, to, and from Belfast Keller Road for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by David and Kelly Grieninger, located at 282 Cranston Bluff Road. The appraised value for said property is \$16,000.00. A motion was made by Wade Price and seconded by Noah Covington to table the item until the September meeting for reconsideration. Motion carried unanimously. Vote 4:0

*** Consideration of a Resolution to condemn a property interest in Tax Parcel 050-032, Bryan County, Georgia, for the Belfast Keller Road Improvement Project; Owner Dilip Patel, to authorize the Chairman to execute documents in furtherance of the same; to authorize the County Attorney to proceed with proceedings in furtherance of the same; estimated just and adequate compensation: \$53,800.00.** - The County is proceeding with the Bryan County Belfast Keller Road School Access ROW project for the purposes of constructing and maintaining public roads which will provide suitable, sustainable, and reliable access on, to, and from Belfast Keller Road for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by Dilip Patel, known as Bryan County Pin No. 050-032. The appraised value for said property is \$53,800.00. A motion was made by Dallas Daniel and seconded by Patrick Kisgen to approve a Resolution authorizing staff and County Attorney to settle and resolve the threatened condemnation of parcel 7 for the Bryan County Belfast Keller Road School Access ROW project. Motion carried unanimously. Vote 4:0

*** Consideration of a Resolution to condemn a property interest in Tax Parcel 050-031, Bryan County, Georgia, for the Belfast Keller Road Improvement Project; Owners Abdullah H. and Shula Maria Clark, to authorize the Chairman to execute documents in furtherance of the same; to authorize the County Attorney to proceed with proceedings in furtherance of the same; estimated just and adequate compensation: \$600.00.** - The County is proceeding with the Bryan County Belfast Keller Road School Access ROW project for the purposes of constructing and maintaining public roads which will provide suitable, sustainable, and reliable access on, to, and from Belfast Keller Road for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by Abdullah H. Clark and Shulah Maria Clark, known as 181 Cranston Bluff Road, Richmond Hill, Georgia 31324. The appraised value for said property is \$600.00. A motion was made by Patrick Kisgen and seconded by Noah Covington to table the item until the September meeting for reconsideration. Motion carried unanimously. Vote 4:0

*** Consideration of a Resolution to condemn a property interest in Tax Parcel 050-10-033-001, Bryan County, Georgia, for the Belfast Keller Road Improvement Project; Owner Liberty Commercial Rentals, LLC, to authorize the Chairman to execute documents in furtherance of the same; to authorize the County Attorney to proceed with proceedings in furtherance of the same; estimated just and adequate compensation: \$3,200.00.** - The County is proceeding with the Bryan County Belfast Keller Road School Access ROW project for the purposes of constructing and maintaining public roads which will provide suitable, sustainable, and reliable access on, to, and from Belfast Keller Road for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by Liberty Commercial Rentals, LLC, known as Bryan County Pin No. 050-10-033-001. The appraised value

for said property is \$3,200.00. A motion was made by Patrick Kisgen and seconded by Wade Price to table the item until the September meeting for reconsideration. Motion carried unanimously. Vote 4:0

The following **Public Comments** were made:

***Karen Hewitt**, spoke on Short Term Vacation Rentals.

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

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

The meeting was adjourned at 6:34 p.m.