

## Bryan County Board of Commissioners – July 11, 2017 Regular Meeting

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, July 11, 2017 in Pembroke. The following members were present: Chairman Carter Infinger, Commissioner Brad Brookshire, Commissioner Wade Price, Commissioner Rick Gardner, Commissioner Steve Myers and Commissioner Noah Covington. Also present: County Administrator Ben Taylor, County Clerk Donna Waters and County Attorney Lea Holliday.

Chairman Infinger called the meeting to order at 5:30 p.m. Invocation was given by Commissioner Covington. Everyone joined in the Pledge of Allegiance. Visitors were recognized.

A discussion was held on the **agenda**. A motion was made by Noah Covington and seconded by Steve Myers to approve the agenda with the addition of an executive session. Motion carried unanimously.

A discussion was held on the **minutes** of the June 8, 2017 workshop, June 13, 2017 regular meeting and June 26, 2017 special called meeting. A motion was made by Steve Myers and seconded by Noah Covington to approve the minutes of the 6/8/17, 6/13/17 and 6/26/17 meetings as printed. Motion carried unanimously.

A discussion was held on the **consent agenda**. A motion was made by Noah Covington and seconded by Steve Myers to approve the consent agenda as presented. Motion carried unanimously.

The following items were listed on the consent agenda:

### **1. Approval of Tax Refunds**

\*TAVT (Motor Vehicle) Appeal Refunds - \$1,143.98

**Carrol Ann Coleman, Tax Commissioner**, met with the board to discuss the approval of a resolution allowing the Tax Commissioner of Bryan County to undertake judicial in rem foreclosures for delinquent taxes whenever circumstances warrant. Judicial in Rem is an alternative procedure for tax sale and must be enacted by enforcement of an ordinance or resolution of the governing authority of the county in which the property is located. It is another tool in the Tax Commissioner's toolbox for collecting delinquent taxes. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the resolution as recommended allowing the Tax Commissioner of Bryan County to undertake judicial in rem foreclosures for delinquent taxes whenever circumstances warrant.

### **BRYAN COUNTY JUDICIAL IN REM TAX FORECLOSURES RESOLUTION**

**WHEREAS**, the General Assembly of the State of Georgia has by enactment made the following legislative findings:

- (1) The nonpayment of ad valorem taxes by property owners effectively shifts a greater tax burden to property owners willing and able to pay their share of stock taxes;
- (2) The failure to pay ad valorem taxes creates a significant barrier to neighborhood and urban revitalization;
- (3) Significant tax delinquency creates barriers to marketability of the property;
- (4) Nonjudicial tax foreclosure procedures are inefficient, lengthy, and commonly result in title to real property which is neither marketable nor insurable; and

- (5) Putting certain tax delinquent properties back on the tax rolls and into productive use helps to eliminate health and safety hazards; and

**WHEREAS**, Bryan County Board of Commissioners desires to improve the payment of ad valorem taxes, improve the marketability and insurability of property, decrease safety hazards associated with delinquent properties, and return certain tax delinquent properties to the tax rolls and into productive use; and

**WHEREAS**, The General Assembly of this State has amended Chapter 4 of Title 48 of the Official Code of Georgia Annotated by adding Article 5 relating to tax sales, specifically providing for a method of judicial in rem foreclosures of tax executions; and

**WHEREAS**, O.C.G.A. § 48-4-76(a) provides that governing authorities of counties may proceed with judicial in rem tax foreclosures for delinquent taxes upon enacting an Ordinance or Resolution so to do; and

**WHEREAS**, Bryan County desires to enact such Resolution so that it may precede with judicial in rem tax foreclosures;

**IT IS THEREFORE RESOLVED**, that the governing authority of Bryan County, Georgia does hereby declare that it will follow the requirements of S.B. 383 as set forth in Article 5 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated relating to tax sales, regarding judicial in rem foreclosures;

**THEREFORE BE AND IT IS FURTHER RESOLVED**, that the duly elected Tax Commissioner for Bryan County shall have the authority to commence tax foreclosure and to file petition with the Bryan County Superior Court in accordance with Article 5 of Chapter 4 of Title 48 of the Official Code of Georgia Annotated relating to tax sales; and

**NOW THEREFORE BE IT RESOLVED**, that as so provided by the state law effective April 7, 1995, as amended, Bryan County, through its appropriate officials, may undertake judicial in rem tax foreclosures for delinquent taxes.

**Ben Taylor, County Administrator**, met with the board with several issues.

**\*Administrator's Monthly Report** for July 2017 included:

**-LMIG Resurfacing Projects for FY 2017** have been completed. This included Olive Branch Road, Arden Loop Road, Kelly Davis Road and Belle Island Road

**-Pembroke Animal Shelter** bids have been received. These bids came in over the anticipated amount. We had anticipated around \$300,000 and the lowest bid was \$414,000. The bids are being reviewed and will be brought back before the board.

**-Parking Lot Installation** at the new tennis courts at Henderson Park has been completed.

**-Regular Maintenance Schedule for South Bryan Parks** – Infields are mowed twice a week; cut as much as twice a week; maintenance is done by prison crews.

**-Hendrix Park Concession Stand/Bathroom** – This project will be funded out of the current SPLOST. We are finalizing the plans and then we will put this project out to bid.

**-Comprehensive Plan Update** – Kickoff session with Planning Commission is scheduled to be held on July 31 with a public input session on August 14.

Other issues discussed by the County Administrator included:

**\*Coastal Regional Commission Area Agency for Aging Contract** – Each year the Bryan County Board of Commissioners have to approve the contract for services between the CRC and Bryan County for the senior congregate meals and transportation. The term of the contract will be for July 1, 2017 – June 30, 2018 for congregate meal reimbursement and for the Senior Center member transportation. The senior congregate budgeted units/meals are increasing from 8,664 to 9,500 and the reimbursement rate is increasing from \$13.88 per meal to \$18.35 per meal. This increase in allotment and reimbursement is due to the growth of the senior center programs and more detailed accounting of actual expenses within the program. A motion was made by Steve Myers and seconded by Wade Price to approve the FY 2018 contract with the Coastal Regional Commission Area Agency on Aging for the provision of services to our region’s elderly population. Motion carried unanimously.

**\*Appointments to the Development Authority of Bryan County** – The Development Authority of Bryan County has several board members whose terms are expiring in July. The Development Authority has discussed this with each member and they are all willing to serve an additional term. The members are Sean Register, Mark Bolton, Linda Bragg & Dallas Daniel. These will be four (4) year appointments with a term of office to expire July 31, 2021. A motion was made by Noah Covington and seconded by Steve Myers to reappoint Sean Register to the Development Authority of Bryan County for a four year term. Motion carried unanimously. A motion was made by Brad Brookshire and seconded by Steve Myers to reappoint Mark Bolton to the Development Authority of Bryan County for a four year term. Motion carried unanimously. A motion was made by Wade Price and seconded by Brad Brookshire to reappoint Linda Bragg to the Development Authority of Bryan County for a four year term. Motion carried unanimously. A motion was made by Noah Covington and seconded by Steve Myers to reappoint Dallas Daniel to the Development Authority of Bryan County for a four year term. Motion carried unanimously.

**A RESOLUTION FOR THE APPOINTMENT OF MEMBERSHIP TO THE DEVELOPMENT  
AUTHORITY OF BRYAN COUNTY**

**WHEREAS**, there is a need for the reappointment of a member of the Development Authority of Bryan County,

**WHEREAS**, the Bryan County Board of Commissioners acknowledges the experience and knowledge of Mr. Sean Register,

**WHEREAS**, this reappointment will be for a one (4) year term beginning on July 31, 2017 and ending on July 31, 2021.

**NOW THEREFORE, BE IT RESOLVED**, that the Bryan County Board of Commissioners hereby reappoint Mr. Sean Register to Development Authority of Bryan County.

**A RESOLUTION FOR THE APPOINTMENT OF MEMBERSHIP TO THE DEVELOPMENT  
AUTHORITY OF BRYAN COUNTY**

**WHEREAS**, there is a need for the reappointment of a member of the  
Development Authority of Bryan County,

**WHEREAS**, the Bryan County Board of Commissioners acknowledges the experience  
and knowledge of Mr. Mark Bolton,

**WHEREAS**, this reappointment will be for a one (4) year term beginning on July 13, 2017  
and ending on July 31, 2021.

**NOW THEREFORE, BE IT RESOLVED**, that the Bryan County Board of Commissioners  
hereby reappoint Mr. Mark Bolton to Development Authority of Bryan County.

**A RESOLUTION FOR THE APPOINTMENT OF MEMBERSHIP TO THE DEVELOPMENT  
AUTHORITY OF BRYAN COUNTY**

**WHEREAS**, there is a need for the reappointment of a member of the  
Development Authority of Bryan County,

**WHEREAS**, the Bryan County Board of Commissioners acknowledges the experience  
and knowledge of Mrs. Linda Bragg,

**WHEREAS**, this reappointment will be for a one (4) year term beginning on July 13, 2017  
and ending on July 31, 2021.

**NOW THEREFORE, BE IT RESOLVED**, that the Bryan County Board of Commissioners  
hereby reappoint Mrs. Linda Bragg to Development Authority of Bryan County.

**A RESOLUTION FOR THE APPOINTMENT OF MEMBERSHIP TO THE DEVELOPMENT  
AUTHORITY OF BRYAN COUNTY**

**WHEREAS**, there is a need for the reappointment of a member of the  
Development Authority of Bryan County,

**WHEREAS**, the Bryan County Board of Commissioners acknowledges the experience  
and knowledge of Mr. Dallas Daniel,

**WHEREAS**, this reappointment will be for a one (4) year term beginning on July 31, 2017  
and ending on July 31, 2021.

**NOW THEREFORE, BE IT RESOLVED**, that the Bryan County Board of Commissioners  
hereby reappoint Mr. Dallas Daniel to Development Authority of Bryan County.

**\*Tax Digest and Inflationary Growth Guidance** – Every year the Tax Commissioner and Tax Assessor submit the tax digest which reflects the values of all properties in Bryan County. The last two years the digest has seen actual growth, both real growth (growth of new homes and structures) and inflationary growth (reassessment of existing homes and structures). Georgia law requires that revenue gained from inflationary growth be treated differently than that of real growth. Revenue gained from inflationary growth is to be either used to “roll back” the millage rate or advertised as a tax increase if accepted by the taxing authority. Last year the inflationary growth totaled to around \$70,000 and the millage rate was rolled back in the appropriate districts. However, the digest did experience real growth as well, which is not penalized and even considered necessary to fund the responsibilities associated with new citizens and “real” growth. This year mirrors last year’s tax with inflationary growth and real growth. Staff needs guidance to either accept the inflationary growth and proceed with the required public hearings & advertisements or proceed with “rolling back” the mil rates for the appropriate districts. A motion was made by Steve Myers and seconded by Wade Price to accept the roll back rate. Motion carried unanimously.

**\*ACCG Capital Lease Program for Fire Trucks** – Last month the board voted to authorize the execution of a lease purchase agreement with ACCT & GMA’s Governmental Finance Program. The financing included two fire engines at the cost of \$486,590. At the time, BB&T Bank was almost exclusively used by the ACCG Governmental Finance Program. The option of exploring local financing was also brought up during the meeting. A few days after the meeting, the County Administrator was contacted by South State Bank wanting to have the opportunity to submit a financing proposal. They were directed to ACCG and gained approval to participate in the ACCG Governmental Finance Program. They then submitted a proposal of an interest rate of 2.57% at 120 months. BB&T’s proposal was 2.58% at 120 months. This slight difference in interest produced a savings of \$256 over the life of the loan. Since South State’s submission, BB&T has countered with 12 months of deferred payments. A motion was made by Brad Brookshire and seconded by Rick Gardner to approve the resolution authorizing participation with South State Bank. Motion carried unanimously.

**RESOLUTION AUTHORIZING, AMONG OTHER THINGS, THE EXECUTION OF A LEASE PURCHASE AGREEMENT WITH ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA**

WHEREAS, the Board of Commissioners of BRYAN COUNTY, GEORGIA (the “County”) has determined that it is in the best interest of the County to lease certain equipment (the “Equipment”) from Association County Commissioners of Georgia (“ACCG”) pursuant to a Lease Purchase Agreement (the “Lease”); and

WHEREAS, in order to provide the funds needed to purchase the Equipment, ACCG will assign its interest in the Lease to South State Bank pursuant to an Assignment, Transfer and Security Agreement (the “Assignment”).

NOW, THEREFORE, be it resolved by the Board of Commissioners of the County, and it is hereby resolved by the authority of the same, as follows:

Section 1. Findings. The obligation of the County to make the payments under the Lease is annually renewable as provided therein. The obligation of the County to make such payments will not constitute a debt of the County within the meaning of any constitutional or statutory limitation on indebtedness. The Lease does

not directly or contingently obligate the County to make any payments beyond those appropriated for the County's then current calendar year.

Section 2. Authorization of Lease. The Chairman and the Vice Chairman are hereby authorized, empowered and directed to execute and deliver the Lease. The Lease shall be in substantially the form attached hereto as Exhibit A, or with such changes therein as may be deemed necessary by the person executing the same to accomplish the purposes of the transactions contemplated therein and in this Resolution. The execution of the Lease shall constitute conclusive evidence that the Lease and any and all changes thereto have been approved by the person executing the same.

Section 3. Consent to Assignment. The County hereby consents to the execution and delivery of the Assignment.

Section 4. General Authority. The Chairman, Vice Chairman, Clerk and officers and employees of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the documents herein authorized and as may be necessary to carry out the purposes and intents of this Resolution.

Section 5. Actions Ratified, Approved and Confirmed. All acts and doings of the Chairman, Vice Chairman, Clerk and officers and employees of the County which are in conformity with the purposes and intents of this Resolution are hereby ratified, approved and confirmed.

Section 6. No Personal Liability. No stipulation, obligation or agreement contained in this Resolution or in the documents authorized hereby shall be deemed to be a stipulation, obligation or agreement of any member of the Board of Commissioners, officer or employee of the County in his or her individual capacity, and no such member of the Board of Commissioners officer or employee shall be personally liable or be subject to personal liability or accountability.

Section 7. Repealing Clause. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. Effective Date. This Resolution shall take effect immediately upon its adoption.

Section 9. Bank Qualification. The Lease is hereby designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

**\*Solar Farm Ordinance** – This is the first reading on amending the Zoning Ordinance of Bryan County to create a provision for solar farms to be allowed in the A-5 zoning district as a conditional use. Over the past few months, the County has received a growing number of inquiries regarding code on solar panel zoning regulations in the unincorporated area. This has become a growing trend for many counties due to the rise in profitability of such ventures. With the proliferation of such complexes happening all around us, it is important to establish a zoning code that manages their aesthetic and environmental impact. No action is needed at this time as this is a first reading.

**Catherine Grant**, Owner of ExperCare Urgent Care, spoke about her concerns over the Emergency Services in Bryan County and the need for additional personnel and equipment.

**Brianne Yontz**, Executive Director of the Richmond Hill/Bryan County Chamber of Commerce, spoke about an overall plan on the county's spending and to offer the assistance of the Chamber in any way they can help.

**Paul Thurston** requested an update on the ordinance revisions.

A motion was made by Steve Myers and seconded by Brad Brookshire to go into **executive session** to discuss personnel and litigation. Motion carried unanimously. The board went into executive session at 7:17 p.m.

A motion was made by Steve Myers and seconded by Noah Covington to go back into **regular session**. Motion carried unanimously. The board went back into regular session at 8:24 p.m.

A motion was made by Steve Myers and seconded by Noah Covington to **adjourn**. Motion carried unanimously. The board adjourned at 8:24 p.m.