

Bryan County Board of Commissioners – October 8, 2019

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, October 8, 2019 in Richmond Hill. The following members were present: Chairman Carter Infinger, Commissioner Wade Price, Commissioner Gene Wallace, Commissioner Steve Myers, Commissioner Noah Covington and Commissioner Brad Brookshire. 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 Chairman Infinger. Everyone joined the Pledge of Allegiance. Visitors were recognized.

A discussion was held on the **agenda**. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the agenda with the addition of an executive session to discuss real estate and litigation. Motion carried unanimously.

A discussion was held on the **minutes** of the September 2019 meetings. A motion was made by Gene Wallace and seconded by Brad Brookshire to approve the minutes of the September 2019 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 submitted. Motion carried unanimously.

The following items were listed on the consent agenda:

1. Approval of Budget Amendments for Bryan County Emergency Services
2. Approval of Alcoholic Beverage License for Cassandra Liggins
3. Approval of Alcoholic Beverage License for William Culver, Jr.

A motion was made by Steve Myers and seconded by Brad Brookshire to close the regular meeting to hold **planning & zoning public hearings**. Motion carried unanimously.

1. Case Z #211-19 – Bryan County Initiated Rezoning – Several citizens spoke in favor of the rezoning for Cases Z #211-19 through Z #216-19. The Brown family is requesting the zone remain AR-1.5.
2. Case Z #212-19 – Bryan County Initiated Rezoning – The property owner spoke in favor of this request.
3. Case Z #213-19 – Bryan County Initiated Rezoning – The Brown family is requesting the zone remain AR-1.5.
4. Case Z #214-19 – Bryan County Initiated Rezoning – No one spoke on this request.
5. Case Z #215-19 – Bryan County Initiated Rezoning – No one spoke on this request.
6. Case Z #216-19 – Bryan County Initiated Rezoning – The property owner spoke with regards to the zoning being AR-2.5.

A motion was made by Steve Myers and seconded by Wade Price to close the public hearing. Motion carried unanimously. A motion was made by Steve Myers and seconded by Brad Brookshire to open the regular meeting.

Amanda Clement & Sara Farr-Newman met with the board with Planning & Zoning Issues.

***Case Z #211-19 – Bryan County Initiated Rezoning** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of the property to amend the zoning map to reflect “A-5” zoning. The Planning Commission recommends approval of the rezoning to A-5, with the condition that should the property owners decide to initiate a rezoning request in the future, the application fees be waived. A motion was made by Steve Myers and seconded by Brad Brookshire to approve the rezoning of PIN # 065-021 to “A-5”, with the condition that should the property owners decide to initiate a rezoning request within the next ten years, a one-time application fee be waived. Motion carried unanimously.

***Case Z #212-19 – Bryan County Initiated Rezoning** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021-01. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of the property to amend the zoning map to reflect “A-5” zoning. The Planning Commission recommends approval of the rezoning to A-5. A motion was made by Wade Price and seconded by Steve Myers to approve the rezoning of PIN # 065-021-01 to “A-5”. Motion carried unanimously.

***Case Z #213-19 – Bryan County Initiated Rezoning** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021-02. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of the property to amend the zoning map to reflect “A-5” zoning. The Planning Commission recommends approval of the rezoning to A-5, with the condition that should the property owners decide to initiate a rezoning request in the future, the application fees be waived. A motion was made by Steve Myers and seconded by Brad Brookshire to approve the rezoning of PIN # 065-021-02 to “A-5”, with the condition that should the property owners decide to initiate a rezoning request within the next ten years, a one-time application fee be waived. Motion carried unanimously.

***Case Z #214-19 – Bryan County Initiated Rezoning** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021-04. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of

the property to amend the zoning map to reflect “A-5” zoning. The Planning Commission recommends approval of the rezoning to A-5, with the condition that should the property owners decide to initiate a rezoning request in the future, the application fees be waived. A motion was made by Steve Myers and seconded by Noah Covington to approve the rezoning of PIN # 065-021-04 to “A-5”, with the condition that should the property owners decide to initiate a rezoning request within the next ten years, a one-time application fee be waived. Motion carried unanimously.

***Case Z #215-19** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021-05. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of the property to amend the zoning map to reflect “A-5” zoning. The Planning Commission recommends approval of the rezoning to A-5. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the rezoning of PIN # 065-021-05 to “A-5”. Motion carried unanimously.

***Case Z #216-19** – Bryan County Board of Commissioners is requesting to rezone property located on Highway 144 from AR-1.5 to A-5, PIN # 065-021-07. The property is currently depicted as being zoned AR-1.5 Agricultural Residential District on the County’s GIS and printed maps; however, the surrounding property owners believe that this is in error and that the parcel in question should be zoned A-5 Agricultural District. Regardless of this, the property owners have relied upon guidance from the planning and zoning office which referenced the “AR-1.5” zoning to suggest that the 5.52 acre parcel could be subdivided into two parcels measuring 3 acres and 2.52 acres. They have since worked with a surveyor to mark the area of these new lots; and are requesting a rezoning to AR-2.5 in order to allow them to proceed with the subdivision as proposed. This concern was presented to the Board of Commissioners at their regular meeting on July 9, 2019 and at that time, the Board of Commissioners directed the Community Development Department staff to proceed with a county initiated rezoning of the property to amend the zoning map to reflect “AR-2.5” zoning. The Planning Commission recommends approval of the rezoning to A-5, with the condition that should the property owners decide to initiate a rezoning request in the future, the application fees be waived. A motion was made by Noah Covington and seconded by Steve Myers to approve the rezoning of PIN # 065-021-07 to “A-5”, with the condition that should the property owners decide to initiate a rezoning request within the next ten years, a one-time application fee be waived. Motion carried unanimously.

A motion was made by Brad Brookshire and seconded by Steve Myers to close the regular meeting to hold **planning & zoning public hearings**. Motion carried unanimously.

7. Case Z#218-19 – Gary Baccus Rezoning – Several citizens spoke in opposition of this request.
8. Case Z#219-19 – McLendon Enterprises Rezoning – A representative for the applicant was present to speak on this request.
9. Case CUP #161-19 – McLendon Enterprises Conditional Use – A representative for the applicant was present to speak on this request.
10. Case Z#220-19 – McLendon Enterprises Rezoning – A representative for the applicant was present to speak on this request.

11. Case CUP#162-19 – McLendon Enterprises Conditional Use – A representative for the applicant was present to speak on this request.

A motion was made by Brad Brookshire and seconded by Steve Myers to close the planning & zoning public hearings and go back into regular session. Motion carried unanimously.

***Case Z #218-19 – Gary Baccus Rezoning** – Gary Baccus is requesting to rezone property located at 239 Barnard Road, PIN # 055-035 from AR-1 to B-1. Staff and the Planning Commission recommends denying the rezoning from AR-1 to B-1 because it does not meet the standards for rezoning. A motion was made by Noah Covington and seconded by Gene Wallace to deny the request of Gary Baccus to rezone PIN # 055-035. Motion carried unanimously.

***Case Z #219-19 – McLendon Enterprises Rezoning** – McLendon Enterprises, Inc. is requesting to rezone property located at 300 Power Circle Road, PIN # 0341-139 from AR-1 to A-5. Staff and the Planning Commission recommends approval. A motion was made by Steve Myers and seconded by Noah Covington to approve the rezoning of PIN # 0341-139 from AR-1 to A-5. Motion carried unanimously.

***Case CUP #161-19 – McLendon Enterprises Conditional Use** – McLendon Enterprises, Inc. is requesting a Conditional Use for the *Excavation or mining of sand, gravel or other natural materials* (borrow pit) on property located at 300 Power Circle Road, PIN # 0341-139. Staff and the Planning Commission recommends approval with conditions. A motion was made by Steve Myers and seconded by Wade Price to approve the Conditional Use for PIN # 0341-139 with the following conditions: 1) The applicant shall either obtain a state mining permit from the Department of Natural Resources, Environmental Protection Division or documentation from the state stating a mining permit is not required. A copy of the approved state mining permit or exemption therefrom, must be submitted to the Community Development office prior to commencing any excavation activities; 2) The side slopes of any excavated area must be constructed at a 3:1 slope (three feet of horizontal distance per one foot in vertical drop) from the top of the excavation to the bottom at all times during construction and at completion of the excavation; 3) The edge of the borrow pit may not be located at any one point, closer than fifty (50) feet to any property line; 4) A natural vegetative buffer within the 50-foot setback shall be maintained for the duration of the conditional use; 5) The mining activity shall be limited to Monday through Friday 7:00 am to 5:30 pm, and Saturdays 8:00 am to 5:30 pm; 6) The size of the borrow pit shall not exceed the 13 acres as shown. Any proposed expansion of the pit shall require an additional use approval; and 7) Contractor shall agree to continual maintenance of Power Circle Road related to any impacts caused as a result of mining operations. Motion carried unanimously.

***Case Z #220-19 – McLendon Enterprises Rezoning** – McLendon Enterprises is requesting to rezone property located at 711 Groveland-Nevils Road, PIN # 002-061 from AR-1 to A-5. Staff and the Planning Commission recommends approval. A motion was made by Steve Myers and seconded by Brad Brookshire to approve the rezoning request of PIN # 002-061 from AR-1 to A-5. Motion carried unanimously.

***Case CUP #162-19 – McLendon Enterprises Conditional Use** – McLendon Enterprises is request a Conditional Use for the *Excavation or mining of sand, gravel or other natural materials*, on property located at 711 Groveland-Nevils Road, PIN # 002-061. Staff and the Planning Commission recommends approval with conditions. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the Conditional Use for PIN # 002-061 with the following conditions: 1) The applicant shall

either obtain a state mining permit from the Department of Natural Resources, Environmental Protection Division or documentation from the state stating a mining permit is not required. A copy of the approved state mining permit or exemption therefrom, must be submitted to the Community Development office prior to commencing any excavation activities; 2) The side slopes of any excavated area must be constructed at a 3:1 slope (three feet of horizontal distance per one foot in vertical drop) from the top of the excavation to the bottom at all times during construction and at completion of the excavation; 3) The edge of the borrow pit may not be located at any one point, closer than fifty (50) feet to any property line; 4) A natural vegetative buffer within the 50-foot setback area shall be maintained for the duration of the conditional use; 5) The mining activity shall be limited to Monday through Friday 7:00 am to 5:30 pm, and Saturdays 8:00 am to 5:30 pm; and 6) The size of the borrow pit shall not exceed the 4.3 acres as shown. Any proposed expansion of the pit shall require an additional conditional use approval. Motion carried unanimously.

Audra Miller, Community Development Director, met with the board to discuss approval of a resolution forming a **Local Complete Count Committee for the 2020 Census**. The United States Census Bureau ("Census Bureau") has started the constitutionally required decennial census. As part of the outreach and public information campaign, the Census Bureau is encouraging local communities to form Local Complete Count Committees to assist in outreach efforts. The State of Georgia is committed to ensuring maximum participation in the 2020 Census in order for Georgia to receive its appropriate level of federal funding for such services as transportation, health care, and education. A Local Complete Count Committee would help Bryan County attain this goal. County staff has been working with staff from Pembroke and Richmond Hill to form a Local Complete Count Committee to assist in increasing the response rate for hard to reach communities within Bryan County, in addition to maintaining the historically high response rate for other communities. As part of this effort, the Census Bureau recommends each local community adopt a resolution in support of creating a Local Complete Count Committee. A motion was made by Steve Myers and seconded by Noah Covington to approve the resolution in support of creating a Local Complete Count Committee. Motion carried unanimously.

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

***Award Contract to Custom Truck & Body Works, Inc. for a Type 1 Ambulance Demo.** Staff did an RFP for a Type 1 Ambulance Remount or Demo. Custom Truck & Body Works, Inc. had the highest score with 100 points out of 100 points based on 1) Design, performance, equipment & appearance; 2) Delivery date; and 3) Fees for services. Staff is recommending award of the contract to Custom Truck & Body Works, Inc. for a Type 1 Ambulance Demo at \$189,554. A motion was made by Gene Wallace and seconded by Wade Price to approve staff to award a contract to Custom Truck & Body Works, Inc. for a Type 1 Ambulance Demo in the amount of \$189,554. Motion carried unanimously.

***Approve Reimbursement Resolution** – The Board has already approved \$4,650,000 in Reimbursement Resolutions to date for the Henderson Park Gym & Soccer Complex, Fire Station 1 & 9, and the Equipment needed to construct and equip both. The estimated budget for the total above is estimated at \$16,500,000. Therefore, staff is requesting an additional Reimbursement Resolution to cover the remaining estimated \$11,850,000 of the proposed budget until financing has been secured. A motion was made by Noah Covington and seconded by Brad Brookshire to approve the Reimbursement Resolution for \$11,850,000 to cover the remaining estimated balance of the proposed budget until financing can be secured. Motion carried unanimously.

***Bryan County Facilities Authority Bond Issuance Resolution** – Bryan County is seeking to issue a bank placed bond to finance Fire Stations 1 & 9, the proposed Henderson Park Gym & Soccer Complex, and some Equipment with an Intergovernmental Agreement with the Bryan County Facilities Authority. The bond amount shall not exceed \$16,500,000. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the resolution of the Commission to request the Bryan County Facilities Authority to consider the issuance of a bond and solicit bids from banks for a bond not to exceed \$16,500,000. Motion carried unanimously.

Robert Landers spoke under public comments with concerns on the fire and solid waste tax fees being increased and concerns with having to call several numbers to have a trash complaint handled.

A motion was made by Steve Myers and seconded by Brad Brookshire to go into **executive session** to discuss litigation and real estate. Motion carried unanimously. The board went into executive session at 6:48 p.m. The board went back into regular session at 7:23 p.m.

A motion was made by Steve Myers and seconded by Noah Covington to **adjourn**. Motion carried unanimously. The meeting adjourned at 7:23 p.m.