

Bryan County Board of Commissioners – May 12, 2020 Regular Meeting

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, May 12, 2020 at 5:30 p.m. at the Hendrix Park Gym. The following members were present: Chairman Carter Infinger, Commissioner Gene Wallace, Commissioner Wade Price, Commissioner Brad Brookshire, 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 Chairman Infinger. Everyone joined in the Pledge of Allegiance.

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

A discussion was held on the **April 2020 minutes**. A motion was made by Gene Wallace and seconded by Steve Myers to approve the April 2020 minutes as printed. Motion carried unanimously.

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

The following items were on the consent agenda:

- 1. Love's Travel Stop # 778 Alcohol License Application**
- 2. Resolution Interstate Centre II Property**

A motion was made by Brad Brookshire and seconded by Wade Price to close the regular meeting to hold **public hearings** for Planning & Zoning issues. Motion carried unanimously.

1. Case Z#224-20 – Bryan Land & Timber, LLC PUD Amendment – No one other than representative for applicant was present to speak on this request.
2. Case SD#3140-19 – Bryan Land & Timber, LLC Preliminary Plat – No one was present to speak on this request.
3. Case SD#3144-20 – Waterways Owners' Association Preliminary Plat – No one was present to speak on this request.
4. Case SD#3146-20 – Waterways Owners' Association Preliminary Plat – No one was present to speak on this request.
5. Case Z#209-19 – DHRUV Enterprises, LLC Rezoning – The applicant and representatives were present to speak on this request. One citizen was present to voice his concern over this request.
6. Case CUP#165-19 – DHRUV Enterprises, LLC Conditional Use – The applicant and representative was present to speak on this request. One citizen was present to voice his concern over this request. One citizen spoke in favor of this request.
7. Case Z#225-20 – Matt Trumps Rezoning – No one was present to speak on this request.
8. Case CUP #166-20 – Matt Trumps Conditional Use – No one other than the applicant was present to speak on this request.
9. Case Z#226-20 – Watergrass, LLC PUD Amendment – No one other than the applicant was present to speak on this request.

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

Amanda Clement, Planning Manager, met with the board with Planning & Zoning Issues.

***Case Z#224-20 – Bryan Land & Timber, LLC** is requesting a second amendment to a previously approved Planned Unit Development (PUD) to clarify requirements for lots in the Lenox neighborhood, to be located at PIN #061-065-05 and 061-066. The Board of Commissioners approved the first PUD Amendment on June 11, 2019 to allow for commercial and 86 residential lots. During the process, the text which identified the development standards for the PUD, was not revised, even though the Master Plan had been revised numerous times during the review and approval of the first PUD amendment. The applicant submitted the preliminary plat for approval of the Lenox residential lots on December 30, 2019. During the initial review, staff determined that the lots did not conform to the written text included in the first PUD amendment application packet for minimum frontage and lot size, though they did match the layout of the final Master Plan exhibits submitted for approval of the first PUD amendment. Though staff concurred with the developer that the development standards identified in the preliminary plat were consistent with the Master Plan, staff has no authority to approve development standards that are not consistent with the written development standards included with the first PUD amendment. The only resolution to the matter is to request a second PUD amendment in order to clarify the development standards for the Lenox neighborhood. Staff and the Planning Commission recommends approval of the PUD amendment. A motion was made by Noah Covington to approve the PUD amendment for Case Z#224-20 for Bryan Land & Timber, LLC for the Lenox Subdivision. Motion died for lack of a second. A motion was made by Brad Brookshire and seconded by Gene Wallace to deny the PUD amendment for Case Z#224-20 for Bryan Land & Timber, LLC for the Lenox Subdivision. Voting for: Brookshire, Myers, Price and Wallace. Voting against: Covington. Motion carried.

***Case SD#3140-19 – Bryan Land & Timber, LLC** is requesting preliminary plat approval for the Lenox Subdivision Phase I and 2, PIN #061-065-05 and 061-066. The plat purposes 86 single family residential lots. Staff and the Planning Commission are recommending approval with conditions. A motion was made by Steve Myers and seconded by Gene Wallace to deny Case SD#3140-19, preliminary plat approval for Bryan Land & Timber, LLC for the Lenox Subdivision Phase 1 and 2. Motion carried unanimously.

***Case SD#3144-20 – Waterways Owners' Association** is requesting preliminary plat approval for the subdivision of Parcel 12 located in the Waterways community, PIN #075-001. The preliminary plat proposes 151 single family residential lots. Staff and the Planning Commission recommends approval with conditions. A motion was made Brad Brookshire and seconded by Steve Myers to approve Case SD#3144-20, preliminary plat for Waterways Owners' Association for the subdivision of Parcel 12 located in the Waterways community with the following conditions: 1. The 911 Director shall approve the new road name and subdivision name, and 2. All water and sewer easements shall be shown on the final plat and approved by the Engineering Director. Motion carried unanimously.

***Case SD#3146-20 – Waterways Owners' Association** is requesting preliminary plat approval for the subdivision of Parcel 28 located in the Waterways community, PIN #075-001. The preliminary plat proposes 66 single family residential lots. Staff and the Planning Commission recommends approve with conditions. A motion was made by Steve Myers and seconded by Brad Brookshire to approve Case

SD#3146-20, preliminary plat for Waterways Owners' Association for the subdivision of Parcel 28 located in the Waterways community with the following conditions: 1. All road names and a new neighborhood name shall be approved by the 911 Director, 2. The file number of the PUD approval shall be provided in the notes, and 3. Sewer and water easements shall be shown and approved by the Engineering Director. Motion carried unanimously.

***Case Z#209-19 – DHRUV Enterprises, LLC** is requesting the rezoning of property, PIN #026-060-03. The applicant is requesting the property be rezoned to "B-1" Neighborhood Commercial District from its current "AR-1" Agricultural Residential District zoning. The applicant is seeking the rezoning to "B-1" to permit the use of the property for *Retail Stores*. In addition to this, the applicant is also seeking an associated conditional use permit (CUP#165-19) to allow for a *Service Station*. The submitted conceptual site plan shows the site to be developed with the adjacent one-acre parcel (PIN #0311-159), which is already zoned "B-1". The plan proposes a 3,600 square foot convenience store with two regular gas pumps (4 fueling positions) and 1 diesel pump, and 7,200 square feet of retail space. A single site access is proposed along State Route 204 to serve the development. Staff and the Planning Commission are recommending approve with a condition. A motion was made by Wade Price and seconded by Noah Covington to approve Case Z#209-19, the rezoning request of DHRUV Enterprises, LLC from AR-1 to B-2 with the condition that the owner/developer shall be responsible for constructing the road improvements on State Route 204 in accordance with Georgia Department of Transportation requirements and there be no access to Sadie's Kitchen Road from this site. Motion carried unanimously.

***Case CUP#165-19 – DHRUV Enterprises, LLC** is requesting the conditional use of property, PIN #0311-159 and 026-060-03. The applicant is seeking conditional use approval to allow for a *Service Station*. The submitted conceptual site plan shows a 3,600 square foot convenience store with two regular gas pumps (4 fueling positions) and 1 diesel pump, and 7,200 square feet of retail space. A single site access is proposed along State Route 204 to serve the development. Staff and the Planning Commission are recommending approval with a condition. A motion was made by Noah Covington and seconded by Wade Price to approve Case #165-19, the conditional use of property for DHRUV Enterprises, LLC with the condition: the conditional use approval for a Service Station, shall be for the use of gas pumps for the retail sale and supply of fuel, and shall not include the installation of vehicle parts or the minor repair of vehicles. Motion carried unanimously.

***Case Z#225-20 – Matt Trumps** is requesting the rezoning of property, PIN #026 32 002 001. The applicant is requesting the property be rezoned "A-5", Agricultural District, from its current "AR-1" Agricultural Residential District zoning. The applicant is planning to utilize the property as an RV campground with approximately 54 spaces. This will require a conditional use approval. A single entry point is proposed on Toni Branch Road. Staff and the Planning Commission are recommending denial. A motion was made by Noah Covington and seconded by Gene Wallace to deny Case Z#225-20, request for rezoning for Matt Trumps. Motion carried unanimously.

***Case CUP#166-20 – Matt Trumps** is requesting the conditional use of property, PIN # 026-32-002-001. The applicant is seeking conditional use approval to allow for an RV Campground with approximately 54 spaces as shown on the conceptual site plan. The campground will be accessed via Toni Branch Road and is proposed to have individual spaces for RVs with water and septic hookups located at each pad. County sewer and water are not available at this site, so a well will be installed to

provide water and one septic tank is proposed per four pads. A communal shower and laundry area is also proposed but is not shown on the site plan. No other amenities are specified at this time. Staff and the Planning Commission are recommending denial. A motion was made by Steve Myers and seconded by Noah Covington to deny Case CUP#165-19, Conditional Use for Matt Trumps. Motion carried unanimously.

***Case Z#226-20** – TR Long Engineering on behalf of **Watergrass, LLC** is requesting an amendment to update requirements for street tree planting in the Watergrass PUD, PIN #057 107 located off of Belfast River Road and south of Dunham Marsh Trail. The PUD was originally approved on April 11, 2017 by the Board of Commissioners and included a staff condition that required street trees be added with a spacing of 40' OC and root barrier installed along the street side of the verge (the grass strip between the sidewalk and the road). To date, no trees have been planted on the verge side. The trees have been planted on the individual lots. Staff reached out to the applicant to discuss and both agreed the implementation of the condition is challenging at best. Both parties agreed the trees would most likely not survive if planted in this area. More importantly from the staff perspective, the roots could potentially damage the road pavement, and without maintenance responsibility being clearly delegated to the HOA, the County would bear responsibility for future maintenance, as the trees would be located with the public right-of-way. This amendment proposes to change the tree requirement to the following: 1. Trees be planted by the builder, 2. Two trees required per lot that will be maintained by individual property owners, 3. Trees located no farther apart than 40 feet O.C. and no closer together than 20 feet O.C.; and 4. Trees planted behind the sidewalk within the individual lots. Staff and the Planning Commission recommends approval of the amended condition to revise the location of the required trees because the standards are met. A motion was made by Brad Brookshire and seconded by Steve Myers to approve Case #Z226-20 for Watergrass, LLC which is an amendment to update requirements for street tree plantings in the Watergrass PUD. Motion carried unanimously.

Audra Miller, Community Development Director, met with the board with several issues.

***Second Reading of an Ordinance to Amend Chapter 103 Article II - Building Code** – These amendments address the following: 1. Add language to each paragraph identifying the applicable code, e.g. electrical, building, plumbing, etc., is being adopted by reference; 2. Include the reference to the International Property Maintenance Code; and 3. Include a reference to the Life Safety Codes. A motion was made by Steve Myers and seconded by Brad Brookshire to approve the Amendments to Chapter 103 Article II-Building Code as presented. Motion carried unanimously.

***Second Reading of on Adoption of Chapter 102 Property Maintenance**– The addition of Chapter 102 Property Maintenance is needed to provided revisions to the IPMC, which address the following: 1. Adds the name of the jurisdiction, Bryan County; 2. Identifies the Code Official as the Community Development Director; 3. Identifies Code Enforcement as the “Department of Property Maintenance” as referenced in the IPMC; 4. Identifies the Community Development Department as the County department with the adopted schedule of fees; 5. Removes provision 107.6, which placed an obligation on the County to ensure sellers of real property provide potential buyers copies of notices of violations; 6. Removes reference to “immoral persons”; 7. Removes Section 110, as demolishing of structures is addressed in another section of the Code; 8. Clarifies the appeals process the County will use for code violations; 9. Appoints the Bryan County Construction Board of Adjustment and Appeals as the Appeals Board for certain violations; 10. Identifies the potential fines; 11. Identifies the maximum

height for grass before violation occurs; 12. Identifies the time period for window screening if windows are needed for ventilation; 13. Removes Section 507 regarding storm drainage, as the Engineering Department addresses these issues via other ordinances; 14. Identifies the dates heat must be available/provided for leased dwelling units or spaces; and 15. Identifies the dates heat must be available/provided for occupiable work spaces. A motion by Steve Myers and seconded by Brad Brookshire to approve the adoption of Chapter 102 Property Ordinance. Motion carried unanimously.

***Second Reading of Amendment to Chapter 22 Solid Waste Article II Litter Control and Solid Waste Management**– These amendments address the following: 1. Add a definition for “inoperable motor vehicle” and repeal the definition for “junked vehicles”; 2. Add a definition of IPMC; 3. Correct scrivener’s errors in definitions for dumpster, garbage, and rubbish; 4. Clarify how to address conflicts between specific and general requirements; 5. Repeal a provision for appointing a monitor; 6. Remove references to “junked vehicle” or “junked motor vehicle”; 7. Identify the violation for keeping an inoperable motor vehicle on a property; 8. Clarify how to properly dispose of landscape materials; and 9. Add a reference to the IPMC for the section addressing trash and weeds. A motion by Brad Brookshire and seconded by Noah Covington to approve the amendments to Chapter 22 Solid Waste Article II Litter Control and Solid Waste Management. Motion carried unanimously.

***Second Reading on Adoption of Chapter 104 Bryan County Derelict Property** – This ordinance is needed to consolidate the enforcement options for addressing property nuisances, providing for a formal abatement process, and ensuring the County has the legal authority to enforce property maintenance regulations by addressing violations through the civil court system. A motion was made by Brad Brookshire and seconded by Noah Covington to approve the adoption of Chapter 104 Bryan County Derelict Property. Motion carried unanimously.

***Revocable License Encroachment Agreement** – The developer of McAllister Pointe Subdivision is constructing an amenities area for the residents of the subdivision. The amenities area will have a pool, playground, and bocce court, and the amenities area will have paved parking for the residents to use, should they choose to drive to this area. During the review of the construction plans, it was noted the parking would encroach into the County’s right-of-way, Highland Circle. The Engineering Director and Community Development Director agreed to the encroachment, as public safety and traffic flow would be maintained. Both Directors, however, requested a formal agreement that would clearly identify that the right-of-way was the County’s, that if the County had to work within the right-of-way, the HOA would be responsible for repairing the parking area, and there was no liability to the County. A motion was made by Noah Covington and seconded by Brad Brookshire to approve the Revocable License Encroachment Agreement between Bryan County and McAllister Pointe Homeowners Association, Inc. Motion carried unanimously.

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

***Purchase of 53 portable radios, accessories, and a control station from Motorola** - This is a sole source purchase due to the integration with existing equipment and technology. The equipment is budgeted in the FY 2020 Budget and the cost is \$235,980.34. A motion was made by Gene Wallace and seconded by Steve Myers to approve the purchase of 53 portable radios, accessories, and control station from Motorola for \$235,980.34. Motion carried unanimously.

***Delegation of Authority of Bryan County Food Service Program** – Bryan County Food Service Program (SFSP) is a federally funded initiative that provides healthy meals at no cost for children in eligible areas during the summer months. This program has been in Bryan County for many years now. Due to federal requirements, an administrator of the program must be officially appointed by the Board to continue receiving federal funds. Ms. Wendy Sims has long served with this responsibility. A motion was made by Brad Brookshire and seconded by Wade Price to appoint Ms. Wendy Sims, Bryan County Family Connection Executive Director, to administer the Bryan County Food Service Program for Fiscal Year 2020-2021. Motion carried unanimously.

***Resolution for 2019 SAFER Grant** – The Bryan County Emergency Services would like to apply for the Assistance to Firefighters Grant, Staffing for Adequate Fire and Emergency Response Grant (SAFER). The grant is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. This grant will provide partial funding for twelve additional firefighters. The SAFER Grant is for 36 months. The grant's contribution in year one and year two is 75%, year three is 35%. The funds are directly related to the salary and benefits of a one-year firefighter. A motion was made by Noah Covington and seconded by Brad Brookshire to approve the resolution authorizing the County Administrator to execute the application for the assistance to firefighters grant application to increase staffing through the SAFER Grant. Motion carried unanimously.

***Appointment to Board of Assessors** – Lisa Ward has resigned her position on the Board of Assessors. Liz Lynn advertised for this vacancy and with the exception of Mary Todd, other applicants thought this was a paid position. The Chief Appraiser is recommending the appointment of Marty Todd to the Board of Assessors for a six (6) year term to begin May 13, 2020 and expire May 31, 2026. A motion was made by Noah Covington and seconded by Steve Myers to appoint Marty Todd to the Bryan County Board of Assessors for a six (6) year term to begin May 13, 2020 and expire May 31, 2026. Motion carried unanimously.

***GDOT North Bryan County Highway-Rail Crossing Safety Improvements Project** – The Georgia Department of Transportation (GDOT) has obtained the services of Arcadis in order to provide a safety evaluation for four at-grade railroad crossings located within unincorporated North Bryan County. The evaluation made recommendations for the closure of the Morgan Road and Coward Road crossings; and installation of upgraded warning devices at the Little Creek Road and Bacontown Road crossings. Due to lack of sufficient area to provide adequate cul-de-sac improvements for turning movements at the proposed terminus points for both Morgan Road and Cowart Road, and for considerable changes to the traveling public and emergency vehicles, road closures at these locations should not be considered at this time. The installation of safety upgrades and warning devices at the Little Creek Road and Bacontown Road crossings are in the best interest of the traveling public, emergency services, and the residents of Bryan County. A motion was made by Noah Covington and seconded by Wade Price to approve the resolution not supporting the proposed rail crossing closures at Morgan Road and Cowart Road; and fully support the proposed safety improvements at both the Little Creek Road and Bacontown Road crossings. Motion carried unanimously.

***Resolution on Facilities Authority Series Bonds** – The Bryan County Public Facilities Authority has received a bid and term sheet from JPMorgan Bank to refund \$16,500,000 of the Authority's 2019 Series Bonds. If approved and refunded, the County will see a substantial savings based on the terms of

the proposed refunding, which is subject to the preparation and approval of definitive documents as well as an interest rate maximum. A motion was made by Brad Brookshire and seconded by Steve Myers to approve the resolution as reflected in the records authorizing the Chairman to sign the term sheet on behalf of the County and take such other actions as may be necessary or desirable to facilitate the refunding of \$16,500,000 of the 2019 Series Bonds with an interest rate not to exceed 1.45%. Motion carried unanimously.

John Humphries met spoke under public comments about his concerns over the issuance and cost of a building permit.

A motion was made by Brad Brookshire and seconded by Steve Myers to **adjourn**. Motion carried unanimously. The meeting adjourned at 6:56 p.m.