

Bryan County Board of Commissioners – June 9, 2020

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, June 9, 2020 at the Timber Trail Gym in Richmond Hill. The following members were present: Chairman Carter Infinger, Commissioner Noah Covington, Commissioner Brad Brookshire, Commissioner Wade Price and Commissioner Steve Myers. Commissioner Gene Wallace was available via telephone. 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.

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

A discussion was held on the **May 2020 meeting minutes**. A motion was made by Brad Brookshire and seconded by Wade Price to approve the May 2020 meeting minutes as presented. 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 printed. Motion carried unanimously.

The following items were listed on the consent agenda:

1. **Approval of Atlantic Judicial Circuit Superior Court Judges Budget**
2. **Approval of Atlantic Judicial Circuit Superior Court Law Clerks Budget**

A motion was made by Noah Covington and seconded by Wade Price to close the regular meeting to hold **planning & zoning public hearings**. Motion carried unanimously.

1. Case Z#223-20 – VTRE Development, LLC Rezoning – No one other than a representative for the applicant was present to speak on this request.
2. Case Z#227-20 – 17 Ventures, LLC Rezoning – Representatives for the applicant were present to speak on this request.
3. Case CUP#168-20- 17 Ventures, LLC Conditional Use – Representatives for the applicant were present to speak on this request.
4. Case CUP#167-20 – Rayonier Forest Resources, LP Conditional Use – Representative for the applicant was present to speak on this request.
5. Case Z#228-20 – William Norwood, LLC Rezoning – No one was present to speak on the request.

A motion was made by Steve Myers and seconded by Wade Price to close the public hearing and go back into regular session. Motion carried unanimously.

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

**\*Case Z#223-20 – VTRE Development, LLC** is requesting the rezoning of property, PIN #034-021. The applicant is requesting the property be rezoned to the “I-1”, General Industrial District, from its current “A-5”, Agricultural District zoning. The applicant is seeking a rezoning to I-1” General Industrial to permit the use of the property for *Warehouses*. Staff and the Planning Commission is recommending

approval with the condition that the developer shall enter into a development agreement with the County to address the sewer extension and required transportation improvements. The development agreement shall be fully executed prior to the issuance of the first preliminary plat approval. A motion was made by Brad Brookshire and seconded by Wade Price to approve the rezoning of Case Z#223-20 for VTRE Development, LLC from A-5 to I-1 with the condition that the developer shall enter into a development agreement with the County to address the sewer extension and required transportation improvements and the development agreement shall be fully executed prior to the issuance of the first preliminary plat approval. Motion carried unanimously.

**\*Case Z#227-20 – 17 Ventures, LLC** is requesting the rezoning of property, PIN #048-01-017-001 and 048-01-018-001, Lots 17 and 18. The applicant is requesting the property be rezoned “I-1”, General Industrial District, from its current zoning of “I-L”, Light Industrial District. The applicant is planning to utilize the property for boat sales and service. This will require a conditional use approval, which is requested and discussed in a separate application, however, the property must be rezoned for this use as vehicle sales are only permitted under an I-1 zoning district as a conditional use. Staff is recommending denial because the criteria for rezoning are not met. However, if the board approves the rezoning to I-1, staff recommends a provisional zoning with the provision that manufactories and assembly facilities, asphalt emulsion plant, and machine shop uses generally permitted in the I-1 district shall only be considered as conditional uses under this rezoning. Planning Commission recommends approve with the condition. A motion was made by Brad Brookshire and seconded by Wade Price to approve the rezoning of Case Z#227-20 for 17 Ventures, LLC from I-L to I-1 with the provision that manufactories and assembly facilities, asphalt emulsion plant, and machine shop uses generally permitted in the I-1 district shall only be considered as conditional uses under this rezoning. Motion carried unanimously.

**\*Case CUP#168-20 – 17 Ventures, LLC** is requesting the conditional use of property, PIN #048-01-017-001 and 048-01-018-001, Lots 17 and 18. The applicant is seeking conditional use approval to allow for boat sales and service. The dealership will include an office, service bays, and outdoor boat displays/storage. Staff and the Planning Commission is recommending approval with the following conditions: Boat display areas shall not be located within any required buffer or setback area; all maintenance and service work shall be conducted within an enclosed building; the location of any overhead doors shall be designed so as not to face Highway 17. A motion was made by Noah Covington and seconded by Wade Price to approve the conditional use of Case CUP#168-20 for 17 Ventures, LLC with the following conditions: Boat display areas shall not be located within any required buffer or setback area; all maintenance and service work shall be conducted within an enclosed building; the location of any overhead service doors shall be designed so as not to face Highway 17 and any glass overhead doors that face Highway 17 shall only be used for the display area. Motion carried unanimously.

**\*Case CUP#167-20 – Rayonier Forest Resources, LP** is requesting the conditional use of property, PIN #063 001. The applicant is seeking conditional use approval to allow for *excavation or mining of sand, gravel or other natural materials* (borrow pit). The pit will be located next to an existing borrow pit on Oak Level Road. Staff and the Planning Commission are recommending approval with eight (8) conditions. A motion was made by Wade Price and seconded by Noah Covington to approve the conditional use of Case CUP#167-20 for Rayonier Forest Resources, LP 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 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 one hundred (100) feet to Oak Level Road and Carver School Road or fifty (50) feet to any other property line; (4) A natural vegetative buffer within the 100-foot setback area from Oak Level Road and Carver School Road and 50-foot setback from any other property line shall be maintained for the duration of the conditional use; (5) The mining activity shall be limited to Monday through Saturdays from 8:00 am to 5:30 pm; (6) The size of the borrow pit shall not exceed the 42 acres as shown. Any proposed expansion of the pit shall require an additional conditional use approval; (7) The applicant shall close Borrow Pit #1 prior to beginning excavation on Borrow Pit #2. Closure in this case shall constitute ending commercial mining operations, not final reclamation. Additionally, prior to the closure of Borrow Pit #1 the applicant will be permitted to clear and prep the site for Borrow Pit #2; however, no excavation or hauling can occur from Borrow Pit #2 until Borrow Pit #1 is closed per this condition; (8) The applicant shall maintain a daily record of load counts, to be made available upon the request of the County, in order to demonstrate that the average daily trip counts do not exceed 200 trips per day. If it is determined that this average daily trip threshold is being exceeded, then the applicant will be required to submit a Traffic Impact Assessment as required by the Bryan County Code of Ordinances. Motion carried unanimously.

**\*Case Z#228-20 – William Norwood, LLC** is requesting the rezoning of property, PIN #042-069. The applicant is requesting the property be rezoned “B-2”, General Commercial District, from its current zoning “AR-1”, Agricultural Residential. The applicant is planning to use the existing house on the property as an office and related business uses. Staff and the Planning Commission recommends approval. A motion was made by Brad Brookshire and seconded by Wade Price to approve the rezoning of Case Z#228-20 for William Norwood, LLC from AR-1 to B-2. Motion carried unanimously.

**Audra Miller, Community Development Director**, met with the board with a 1<sup>st</sup> reading on an ordinance to amend Chapter 103 – Building Regulations-Sections 103-90(1)-Permit Application. Bryan County Code currently requires a building permit for any building or structure greater than 120 square feet. The IRC and ICC require a building permit for a building or structure 200 square feet or greater. Over the years, the Community Development Department has implemented a variety of policies regarding the 120 square feet versus 200 square feet difference. These policies have been inconsistent and are now causing confusion and disparity in building permit. This is a first reading so no action is required at this time.

**John Rauback, Finance Director**, met with the board is discuss the restructure of the ABM/Bank of America Bond. **Tom Woodard with First Tryon** reviewed the refinancing proposal. Due to the recent economic impact of Covid-19 along with recent interest rates reductions, the County is looking into restructuring the 2018 Energy Saving Bond with Bank of America. A motion was made by Brad Brookshire and seconded by Noah Covington to authorize the Chairman to accept the proposal from Bank of America to reduce the rate on the Energy Savings Bond. Motion carried unanimously.

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

**\*Work Detail Agreement with Department of Corrections** – This agreement authorizes one offender work detail (with a maximum of 10 offenders) under the supervision of one full-time correctional officer to work on the grounds of the County’s Recreation Department. The work detail agreement is not to exceed \$49,318.00 for the period from 7/1/2020 to 6/30/2021, this is a 25% increase over last year’s agreement. Because this contract hasn’t been adjusted over the last several years, this new agreement amount correctly charges the work detail officer’s actual salary, which is still cheaper than what the County could do the work in-house for. A motion was made by Noah Covington and seconded by Brad Brookshire to authorize the County Administrator to execute the work detail agreement with the Department of Corrections for one offender work detail with the Recreation Department. Motion carried unanimously.

**\*Award Contract for 2020 Road Projects** – A bid opening was held on the 2020 Road Projects with a total of six (6) bids begin received. The work includes resurfacing, installation of paved shoulders, road repair and road construction. The roads to be included are Countryside Drive, Homestead Drive, Wayside Drive, Beautiful Zion Church Road, Eldora Road, Olive Branch Road, Belfast River Road, Harvey Drive, Lentile Drive, Miller Drive, Bashlor Street, Belfast Keller Road, Hill Road, Kilkenny Road, Lee Road and Singleton Road. The low bid was McLendon Enterprises, Inc. in the amount of \$1,466,160.30 (City of Pembroke projects will be directly billed to Pembroke by McLendon at the cost of \$54,510.10) making the County’s share \$1,411,650.20. A motion was made by Brad Brookshire and seconded by Noah Covington to award the contract to McLendon Enterprises, Inc. in the amount of \$1,466,160.30 with the understanding they will directly bill the City of Pembroke \$54,510.10 as their portion of this bid. Motion carried unanimously.

**\*Bryan Fisherman’s Coop Property** – A discussion was held on the purchase of the Bryan Fisherman’s Coop Property. A motion was made by Brad Brookshire and seconded by Wade Price to extend the contract for 120 days to allow time for additional due diligence by the Commissioners. Motion carried unanimously.

A motion was made by Wade Price and seconded by Steve Myers to go into **executive session** to discuss real estate. Motion carried unanimously. The board went into executive session at 7:00 p.m.

The meeting was declared adjourned at 7:51 p.m.