

Bryan County Board of Commissioners – August 9, 2022

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, August 9, 2022, in Richmond Hill. The following members were present: Chairman Carter Infinger, Commissioner Andrew Johnson, Commissioner Dallas Daniel, Commissioner Gene Wallace, Commissioner Noah Covington and Commissioner Wade Price. Also present: County Administrator Ben Taylor, County Clerk Lori Tyson, and County Attorney Lea Holliday.

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

Chairman Infinger gave the invocation, everyone joined in the Pledge of Allegiance and visitors were recognized.

A motion was made by Gene Wallace to approve the agenda, with the addition of County Administrator Item #10, Project Steamer. The motion was seconded by Noah Covington. Motion carried unanimously. Vote 5:0

A motion was made by Andrew Johnson and seconded by Dallas Daniel to approve the minutes of the July 2022 meetings as presented. Motion carried unanimously. Vote 5:0

A motion was made by Noah Covington and seconded by Dallas Davis to approve the Consent Agenda. Motion carried unanimously. Vote 5:0

Trey Scott with Maulden & Jenkins, CPA presented the 2021 Audit Report.

A motion was made by Andrew Johnson and seconded by Wade Price to close the regular meeting and open the Building and Construction Board of Appeals Public Hearing. Motion carried unanimously. Vote 5:0

Audra Miller and **Aaron Kapler** presented the Appeal case and the actions taken by the County. After Mr. Kapler spoke, **Mrs. Jackie Sherlin** presented her appeal to the board.

A motion was made by Noah Covington and seconded by Gene Wallace to close the Building and Construction Board of Appeals Public Hearing and reopen the regular meeting. Motion carried unanimously. Vote 5:0

A motion was made by Andrew Johnson and seconded by Noah Covington to affirm the decision of Bryan County staff, and deny the appeal made by Mrs. Sherlin. Motion carried unanimously. Vote 5:0

A motion was made by Andrew Johnson and seconded by Wade Price to close the regular meeting and open the public hearing. Motion carried unanimously. Vote 5:0

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

*Turtle Landing Investments – PUD Amendment Magnolia Hill/Wexford Planned Unit Development; Jennifer Van Buren and Michael Bell spoke in opposition.

*CUP#176-21 RMDC, Inc., Conditional Use for Multi-Family Dwellings Parcel 054-047; Eric spoke in opposition; Ashley Graves, Doug Adams, Samantha Byrd, Christy Coups, Eric Frantz, Wayne Martin spoke in opposition; Larry Galbreath spoke in favor.

*Stravinski Capital Management, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcels 028-030 and 028-027

*Z#263-22 Stravinski Capital Management, LLC – Second Reading of an Ordinance to Amend the Zoning Map for 544.84 acres – Parcels 028-030 and 028-027

*Kern & Co, LLC – Second Reading of an Ordinance to Amend Zoning Conditions (Z#237-20) - Parcel 028031; Steve Croy, Cheryl Davis Owens, Billy Conley and Donna Starling spoke in favor of the request. Patricia Wilson, Dee Dee Williams, Alan Wilson, Wayne Carney, Star Lee and Karissa Dudley spoke in opposition of the request.

*Kern & Co, LLC – Second Reading of an Ordinance to Amend to Zoning Conditions (Z#238-20) – Parcels 03302401; The same citizens spoke on the previous item.

A motion was made by Andrew Johnson and seconded by Gene Wallace to close the public hearing and return to the regular meeting. Motion carried unanimously. Vote 5:0

*** Turtle Landing Investment – PUD Amendment Magnolia Hill/Wexford Planned Unit Development** - On October 25, 2016, the Bryan County Board of Commissioners approved the Magnolia Hill Planned Unit Development (“PUD”) district and master plan. The approval allowed for 296 residential lots, subject to the following conditions: LED street lighting be used, houses to be built on elevated slabs, hardy board siding to be used, construct 2 swimming pools and install a connector trail. Turtle Landings Investments, LLC has commenced with development of the western portion of the PUD under the subdivision name of Magnolia Hill and Buckhead Lake Developers, LLC has commenced with development of the eastern portion of the PUD under the subdivision name of Wexford. The amendment that is being requested will modify the approved master plan by allowing Turtle Landing Investment, LLC to relocate one home to a previously identified “Outparcel” on the west side and will delete the requirement of both Turtle Landings Investments, LLC and Buckhead Developers, LLC to install a connector trail between the two subdivisions. A motion was made by Andrew Johnson and seconded by Dallas Daniel to deny the amendments to the PUD conditions for Magnolia Hill and Wexford Subdivisions. Motion carried unanimously. Vote 5:0

*** CUP#176-21 RMDC, Inc., Conditional Use for Multi-Family Dwellings Parcel 054-047-** RMDC, Inc. requesting a Conditional Use Permit for a multi-family dwelling (apartment) development to be located on Harris Trail Road, PIN# 054-047. Their current concept plan proposes eleven buildings, three stories in height, with a total of 220 units (net density of 13.69 units/acre). This item was originally presented to the Board of Commissioners at their meeting on April 12, 2022. The item has since been deferred twice. A motion was made by Gene Wallace and seconded by Andrew Johnson to deny the request for conditional use. Motion carried. Vote 4:1 Wade Price voted in favor.

*** Stravinski Capital Management, LLC – Comprehensive Plan Amendment – North Bryan Future Land Use Map for Parcels 028-030 and 028-027** - Thomas and Hutton Engineering, on behalf of

the applicant Stravinski Capital Management, LLC, requesting a Comprehensive Plan Amendment to amend the North Bryan County Character Areas and Future Land Use Map, by changing the classification of approximately 544.48 acres located on Warnell Farm Road from Low Density Agricultural to industrial. PIN# 028-030 and 028-027. A motion was made by Noah Covington and seconded by Andrew Johnson to approve an amendment to the Comprehensive Plan's Future Land Use Map by changing the classification of Parcel's 028-030 and 028-027 from Low Density Agricultural to Industrial. Motion carried unanimously. Vote 5:0

*** Second Reading of an Ordinance Amending the Zoning Map, parcels 028-030 and 028-027-** Thomas and Hutton Engineering, on behalf of the applicant Stravinski Capital Management, LLC, requesting a rezoning for 544.48 acres located on Warnell Farm Road. The property is zoned "A-5" Agricultural and they are requesting "I-2" General Industrial. PIN# 028-030 and 028-027. A motion was made by Noah Covington and seconded by Wade Price to approve the request to amend the zoning map for Parcel's 028-030 and 028-027, based on the following conditions: 1. A Transportation Agreement shall be entered into with Bryan County which shall address dedication of ROW and/or easements along with traffic contributions based on the percentage impacts identified in the Summary/Conclusions section of the TIA. 2. All recommended improvements along US 80 shall be submitted to GDOT for review and approval. All improvements shall be constructed and accepted by GDOT prior to the issuance of a CO. 3. All recommended improvements along Warnell Farms Road shall be submitted as part of the construction plan review and approval process. Motion carried unanimously. Vote 5:0

*** Second Reading of an Ordinance Amending Zoning Conditions for the "Conley Tract"-** The Board of Commissioners adopted Ordinance No. 2021-5 on January 12, 2021, which rezoned parcel 028-037 ("Conley Tract") to the "I-2" General Industrial Zoning District subject to certain conditions. In particular, is Condition Number Two under "General Conditions Related to Transportation" which states the following: 2. *No direct access to the development shall be permitted from Eldora Road.* This property is a part of the North Bryan Industrial Development Region (IDR), which includes a total of five tracts of land ("Warnell Farms Tract", "Herbert Warnell Tract", "Alcova / Blitchton Timberlands Tract", "Davis Tract", and the "Conley Tract"). It was originally understood that these 5 tracts under the North Bryan IDR would develop under one master plan, with primary access to the tracts being from Hwy 80 and Warnell Farms Road. As such, the "Davis Tract" and "Conley Tract" were expected to obtain their access through the adjacent "Alcova / Blitchton Timberlands Tract". The property owner is now requesting to amend the zoning conditions adopted as a part of Ordinance No. 2021-6, by deleting Condition Number Two under "General Conditions Related to Transportation" in order to allow access to Eldora Road. A motion was made by Noah Covington and seconded by Wade Price to approve the request for direct access to Eldora Road from PIN# 028 031, with the condition that the developer shall participate in the upgrades to Eldora Road, at an agreed upon amount with Bryan County. Motion carried unanimously. Vote 5:0

*** Second Reading of an Ordinance Amending Zoning Conditions for the "Davis Tract"-** 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. In particular, is Condition Number Two under "General Conditions Related to Transportation" which states the following: 2. *No direct access to the development shall be permitted from Eldora Road.* This property is a part of the North Bryan Industrial Development

Region (IDR), which includes a total of five tracts of land ("Warnell Farms Tract", "Herbert Warnell Tract", "Alcova / Blitchton Timberlands Tract", "Davis Tract", and the "Conley Tract"). It was originally understood that these 5 tracts under the North Bryan IDR would develop under one master plan, with primary access to the tracts being from Hwy 80 and Warnell Farms Road. As such, the "Davis Tract" and "Conley Tract" were expected to obtain their access through the adjacent "Alcova / Blitchton Timberlands Tract". The property owner is now requesting to amend the zoning conditions adopted as a part of Ordinance No. 2021-6, by deleting Condition Number Two under "General Conditions Related to Transportation" in order to allow access to Eldora Road. A motion was made by Noah Covington and seconded by Wade Price to approve the request for direct access to Eldora Road from PIN# 033 024 01, with the condition that the developer shall participate in the upgrades to Eldora Road, at an agreed upon amount with Bryan County. Motion carried unanimously. Vote 5:0

Amanda Clement presented the following Non-Public Hearing item to the Commissioners:

*** First Reading of an Ordinance to Amend the Zoning Map for Parcel 0311-188** - Clarence Hill, requesting to rezone from the "RR-1" Rural Residential Zoning District to "B-2" General Commercial. PIN#0311-188. This ordinance is being presented for a First Reading only, with no official action to be taken. The item will be scheduled for a Public Hearing with the Planning and Zoning Commission on August 16th, and a Public Hearing and 2nd Reading of the Ordinance with the Board of Commissioners on September 13, 2022.

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

*** Adoption of 2022** - The five-year history has been advertised on the adoption of the 2022 millage rate. The recommendation is to adopt a "roll back" millage rate of 7.377 mills for the unincorporated areas of Bryan County, as well as for the cities of Pembroke and Richmond Hill. Also adopt the millage rate of 15.075 for the Board of Education and 1.5 for the School Bond Debt Service. A motion was made by Wade Price and seconded by Andrew Johnson to and adopt the 2022 Millage Rate Resolution. Motion carried unanimously. Vote 5:0

*** MOU for the Great Ogeechee Seafood Festival** - Staff recommends approval of the MOU with The Richmond Hill Bryan County Chamber of Commerce. In this MOU, Bryan County will pay \$10,000.00 for a sponsorship to the Chamber for the "Great Ogeechee Seafood Festival" to promote tourism in Bryan County, GA. A motion was made by Dallas Daniel and seconded by Noah Covington to amend the amount to \$15,000 and authorize county staff to execute the MOU with the Richmond Hill Chamber of Commerce. Motion carried unanimously. Vote 5:0

*** 2022-2023 Service Agreement for the Motorola 911 Communication System** - Staff recommends the purchase of the annual service agreement for the 911 communications system with Motorola. This is an annual agreement that covers all the radios, the towers on both ends of the County, and the equipment in the 911 center. This year's cost is \$103,131.55. A motion was made by Noah Covington and seconded by Andrew Johnson authorizing staff to purchase the annual service agreement with Motorola for the 911 communications center. Motion carried unanimously. Vote 5:0

*** 2022 John Deere 333G Compact Track Loader with Mulching Head Purchase** - Staff recommends the purchase of 2022 John Deere 333G Compact Track Loader with Mulching Head, at a

total cost of \$128, 740.69, for the Public Works Department. A motion was made by Wade Price and seconded by Andrew Johnson authorizing staff to purchase the John Deere equipment as presented. Motion carried unanimously. Vote 5:0

*** First Reading of an Ordinance to Amend Chapter 4 “Alcoholic Beverages” of the Code of Ordinances of Bryan County** - Bryan County adopted Chapter 4 “Alcoholic Beverages” in 1996 and subsequently adopted minor amendments. The Board of Commissioners requested certain amendments. Due to this request, amendments to state law since 1996 and growth in the County over the last two decades, staff undertook a thorough review of Chapter 4 and is now presenting comprehensive amendments for First Reading. Proposed Amendments include: 1. Allowing alcohol sales at special events, i.e., temporary alcohol permits 2. Allowing alcohol sales on election day, Christmas day, Thanksgiving Day, and all other holidays as authorized/provided for in O.C.G.A. §3-3-20 3. Revising the hours for Sunday alcohol sales (on-premise, by the glass) from 12:30 p.m. to 11:00 a.m., provided voters approve the referendum 4. Establish a mechanism for creating an entertainment district(s) 5. Clarify/address microbreweries 6. Update process and procedures for alcohol licenses and bar cards 7. Institute an Excise Tax per drink for distilled spirits. No action taken.

*** First Reading of An Ordinance to Amend Chapter 30 “Utilities” of the Bryan County Code of Ordinance** - With the continued development in South Bryan and recent development in North Bryan, Bryan County is expanding public water and sewer infrastructure and adding users. In order to maintain the quality of the system and comply with federal, state, and local laws regarding water quality and treatment and discharge of wastewater, Bryan County requires sufficient financial resources. In order to ensure financial resources are available, Bryan County has been charging capital recovery fees. The proposed amendments codify the capital recovery fee program. Additional minor amendments are being presented to clarify certain County procedures, rename a section, and remove redundant provisions. No action taken.

*** Brisbon Road (Only) Cost Sharing Agreement** - This Intergovernmental Agreement with the City of Richmond Hill is for the sharing of costs and expenses incurred pursuant to improvements made to Brisbon Road and a path. Based on the direction of the Commission, approval is needed to move forward with a ‘Brisbon Road and path’ only cost sharing agreement. The project cost is \$2,800,000. The cost will be split 50-50. Richmond Hill has elected to utilize the option of the additional county support of \$500,000 based on the terms of the SDS agreement. Wade Price made a motion that was seconded by Gene Wallace to approve the Cost Sharing Agreement with the City of Richmond Hill. Motion carried unanimously. Vote 5:0

*** LVAP Funding Allocations** - The recommendation from the Bryan County LVAP Advisory Committee for the 2nd 6 months of funding for 2022 to be disbursed to the following approved agencies based on the percentages (%) is listed below. The funding recommendations, which are based on our new proposed formula, will be implemented for the 2nd 6 months of collections of the 5% add-on fees for 2022. To recap, this allocation formula, which was recommended by Judge Balbo, takes out any subjectivity or biases and is based on the certified number of Bryan County residents served which were reported and certified to the CJCC. This new funding allocation is based on the ratio of the number of Bryan County residents served by each agency. For the 1st 6 months of 2022 the 2020 numbers reported to CJCC will be used (since the 2021 reports will not be available until the 1st Quarter of 2021). Then for the last 6 months of 2022, the 2021 ratios will be used for the new funding allocations. A motion was made by Dallas Daniel and seconded by Noah Covington authorizing the County staff to

fund the approved agencies at the recommended percentages for the 2nd 6 months of 2022, as presented. Motion carried unanimously. Vote 5:0

*** Award of Oracle Parkway Traffic Signal Project** – Bids were received on July 21, 2022 at 2:00p.m. for the US Hwy 280 Signal at Oracle Parkway. Three bids were received and tabulated at the time of opening. Thomas & Hutton has prepared an abstract of the bids received, and the lowest bidder for the project was prepared by Sikes Brothers, Inc., in the amount of \$736,303.20. A motion was made by Noah Covington and seconded by Wade authorizing staff to award the construction bid of the traffic signal at Oracle Parkway and US Hwy 280 to Sikes Brothers, Inc., in the amount of \$736,303.20. Motion carried unanimously. Vote 5:0

*** MOU for Project Steamer** - The County has been asked to approve, as the same may apply to the County, a Memorandum of Understanding between the Development Authority of Bryan County, The Board of Tax Assessors, the Tax Commissioner and the Company involved. The MOU is an economic development effort to attract investment and employment in the County and outlines certain benefits available to the Company and the obligations of the Company to meet specific commitments of investment and employment within the County. A motion was made by Andrew Johnson and seconded by Noah Covington to approve the presented Resolution authorizing the Chairman to execute the MOU as included in said Resolution. Motion carried unanimously. Vote 5:0.

Kathryn Johnson thanked the Board for the generous donation to the 2022 Great Ogeechee Seafood festival.

A motion was made by Dallas Daniel and seconded by Andrew Johnson to go into Executive Session.

A motion was made by Noah Covington and seconded by Dallas Daniel to close Executive Session and return to the open meeting.

A motion was made by Noah Covington and seconded by Wade Price to adjourn. Motion carried unanimously.

The meeting was adjourned at 8:27 p.m.