

Bryan County Board of Commissioners – May 14, 2024

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, May 14, 2024, in Pembroke. The following members were present: Chairman Carter Infinger, Commissioner Patrick Kisgen, Commissioner Dallas Daniel, Commissioner Noah Covington, Commissioner Wade Price and Commissioner Gene Wallace. Also present: County Administrator Ben Taylor, County Clerk Lori Tyson and County Attorney Aaron Kappler.

Chairman Infinger called the meeting to order at 5:30 p.m. Chairman Infinger gave the invocation, and everyone joined in the Pledge of Allegiance.

A motion was made by Patrick Kisgen and seconded by Dallas Daniel to approve the proposed agenda, with the following amendments: 1) Table County Administrator items 12, 12, 15 & 16, to allow staff, the JDA and HMGMA more time to negotiate the terms of the agreements; 2) Amend County Attorney Item 1 to "Resolution authorizing the acceptance of donation of the well site and easements, and the execution and delivery of the agreements necessary for such donation."; 3) To County Attorney Items 2 & 3, add "Resolution authorizing the acceptance of donation of the well sites and easements from Southbound and the execution and delivery of the agreements necessary for such donation."; and 4) Add Executive Session for the purposes of Real Estate. Motion carried unanimously. Vote 5:0

A motion was made by Noah Covington and seconded by Gene Wallace to approve the minutes of the April 2024 meetings as presented. Motion carried unanimously. Vote 5:0

A motion was made by Patrick Kisgen and seconded by Gene Wallace to approve the Consent Agenda. Motion carried unanimously. Vote 5:0

A motion was made by Gene Wallace and seconded by Wade Price to close the regular meeting and open the Public Hearing. Motion carried unanimously. Vote 5:0

Sara Farr-Newman met with the Commissioners on the following Public Hearing Items.

* Coleman Company, Travis Burke, representative - Conditional Use Permit to Operate a Borrow Pit on 49.62± acre portion of Parcel # 063-001

* Savannah Land Holdings, LLC - Sketch Plat for a 204-lot subdivision located in the Waterways Township subdivision. Parcel number 075-001

A motion was made by Noah Covington and seconded by Wade Price to close the Public Hearing and reopen the regular meeting. Vote 5:0, motion carried unanimously.

*** Coleman Company, Travis Burke, representative - Conditional Use Permit to Operate a Borrow Pit on 49.62± acre portion of Parcel # 063-001** – Raydient, LLC, represented by Coleman Company, is requesting a Conditional Use Permit for a borrow pit on property identified by Parcel Number 063-001. The borrow pit is proposed on approximately 49.62 acres of property with access on Highway 144. A motion was made by Dallas Daniel and seconded by Gene Wallace to table this item to the June 2024 meeting. Vote 5:0, motion carried unanimously.

*** Savannah Land Holdings, LLC - Sketch Plat for a 204-lot subdivision located in the Waterways Township subdivision. Parcel number 075-001** – Savannah Land Holdings, LLC, represented by Hussey Gay Bell Engineering, is requesting approval for a Sketch Plat for Parcel 30 of the Waterways PD. The plat proposes 104 single family lots and 102 townhome lots in 2 phases. A motion was made by Patrick Kisgen

and seconded by Dallas Daniel to table this item to the July 2024 meeting, to allow staff further time to work with Savannah Land Holdings on the issues. Vote 5:0, motion carried unanimously.

Amanda Clement and Brett Kohler met with the Commissioners on the following Non-Public Hearing issue.

*** First Reading of an Ordinance to Amend the Zoning Map for 1371 I G Lanier Road, PIN# 014 019 04** – Tyler Mikell, requesting to rezone a 8.12-acre property from the "A-5" Agricultural Zoning District to the "RR-2.5" Rural Residential 2.5 Acre Zoning District. The property is located at 1371 I G Lanier Road, PIN# 014 019 04. The applicant plans to complete a subdivision and construct a single-family home. This is a first reading; no action is required.

*** First Reading of an Ordinance to Amend the Zoning Map for 514 I G Lanier Road, PIN# 014 003** – Jesse France, requesting to rezone a 10-acre property from the "A-5" Agricultural Zoning District to the "RR-2.5" Rural Residential 2.5 Acre Zoning District. The property is located at 514 I G Lanier Road, PIN# 014 003. The applicant plans to complete a lot line adjustment. This is a first reading; no action is required.

*** First Reading of an Ordinance to Amend the Zoning Map for a ±259.10-acre portion of Parcel 033-028** – Northpoint Development, Inc., represented by Thomas & Hutton Engineering, requesting to rezone a 259.10-acre portion of a 455 acre-tract from "A-5" Agricultural to "I-2" General Industrial zoning district. The property is located on Eldora Road in the northern end of Unincorporated Bryan County. PIN # 033-028 (Slater Place Farms a.k.a Williamson Tract). This is a first reading; no action is required.

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

*** Magistrate Judge Reappointment** – The Superior Court Judges of the Atlantic Judicial Circuit request that the Bryan County Board of Commissioners ratify the reappointment of The Honorable Carolyn D. Shervette-Montgomery, as the Chief Magistrate of the Magistrate Court of Bryan County, for a term beginning January 1, 2025, and expiring December 31, 2028. Judge Shervette has been serving as Magistrate Judge since July 1, 2018, and is a member of and is in good standings with the Georgia Bar Association. This ratification would also call for the appointment of Hollis Hill as Associate Judge for the Bryan County Magistrate Court. A motion was made by Dallas Daniel and seconded by Noah Covington to table this item to the June meeting. Vote 5:0, motion carried unanimously.

*** Andrew Johnson Bryan County State Court Judge Pro Tempore Appointment** – The State Court of Bryan County has one full time judge. The local legislation authorizing the judge to be full-time also authorized the judge to appoint one or more "Judge Pro Tempore". These are temporary judicial appointments to fill needs as identified by the State Court. The local legislation provided that the Board of Commissioners must ratify any such appointment and approve the compensation. The State Court has issued an order appointing Andrew S. Johnson to serve as a Judge Pro Tempore. Andrew Johnson has considerable experience and is well qualified to serve in this role. His compensation would be set as provided by state law for "Senior Judges", which is calculated by dividing the full-time judge's salary by 235 days to determine a per diem amount. A motion was made by Gene Wallace and seconded by Dallas Daniel to approve a Resolution appointing Andrew Johnson as Pro Tempore State Court Judge. Vote 5:0, motion carried unanimously.

*** Approve a Memorandum of Understanding for the Coastal Region Metropolitan Planning Organization** – The Coastal Region Metropolitan Planning Organization (“CORE MPO”) is the designated Metropolitan Planning Organization for the Savannah Urban Area. Per federal law, the CORE MPO is required to evaluate the Metropolitan Planning Area Boundary (“MPA Boundary”) after each census, and amend the MPA Boundary, as needed, to ensure the entire Savannah Urban Area and contiguous areas are included in the MPO. CORE MPO has completed their analysis, and as result, certain areas within unincorporated South Bryan County are now part of the Savannah Urban Area, and MPA Boundary has been amended to include these areas. The CORE MPO has approved the Memorandum of Understanding (“MOU”), which identifies the MPA Boundary, membership, the roles and responsibilities of the CORE MPO members, and standing committees. The CORE MPO is now requesting each member, which includes Bryan County, approve the MOU. A motion was made by Gene Wallace and seconded by Wade Price to approve a Memorandum of Understanding for the Coastal Region Metropolitan Planning Organization. Vote 5:0, motion carried unanimously.

*** Approve An Agreement Regarding Floodplain Management with the Joint Development Authority and Hyundai Motor Group Metaplant America, LLC** – Portions of the Hyundai Megasite are located within FEMA Floodplain Zone A. In order to develop the property and remain in compliance with the National Flood Insurance Program, the Savannah Harbor Interstate 16 Corridor Joint Development Authority (“JDA”) submitted two Conditional Letters of Map Revisions (“CLOMRs”) to FEMA. During the review process, Bryan County was notified certain commitments for stormwater and flood management infrastructure maintenance would be required by FEMA prior to the Letter of Map Revisions (“LOMRs”) being approved. Bryan County is requiring an Agreement with the JDA and Hyundai Motor Group Metaplant America, LLC (“HMGMA”) to ensure they guarantee their responsibilities for maintaining this infrastructure. A motion that was made by Noah Covington and seconded by Dallas Daniel to approve an Agreement Regarding Floodplain Management with the Joint Development Authority and Hyundai Motor Group Metaplant America, LLC. Vote 5:0, motion carried unanimously.

*** Agreement Regarding Painting of Elevated Tank – Hyundai Motor Group Metaplant America, LLC** – In furtherance of the development and economic growth within the region, Bryan County, Georgia (the “County”), and Hyundai Motor Group Metaplant America, LLC (“HMGMA”) have prepared an agreement regarding painting of the elevated tank (the “Agreement”) located adjacent to the Bryan County Megasite on property owned by the County (the “Property”). Pursuant to the Agreement, the County will construct an elevated water storage tank on the Property, which will serve electric manufacturing facilities constructed and operated by HMGMA and others. The Agreement details the terms and conditions of the County and HMGMA’s mutual cooperation with respect to the painting of the elevated tank. The County has determined the public interest is served by the execution and delivery of this Agreement. A motion was made by Patrick Kisgen and seconded by Gene Wallace to approve an Agreement with Hyundai Motor Group Metaplant America, LLC, for the painting of the elevated water tank. Vote 5:0, motion carried unanimously.

*** BCMS 2 MG Elevated Storage Tank and 1,800 GPM Well Change Order No. 2** – Under the subject contract, the logo design on the outside of the Bryan County Mega Site Elevated Storage Tank was to be the Bryan County logo on the tank with a white background. In September 2023, HMGMA & SCAD determined that a new design on the tank would be a full wrap logo and design instead of solely the Bryan County logo. Change Order No. 2 is attached and amounts to a total of \$138,192.37 and 60 additional calendar days on the project schedule. A motion was made by Noah Covington and seconded by Wade Price to approve Change Order No. 2, allowing for the application of the full wrap paint logo on the storage tank and cost of shipping materials to the site for an overall increase in contract price in the amount of

\$138,192.37 and 60 additional calendar days on the project schedule. Vote 5:0, motion carried unanimously.

*** Award a contract to Asphalt Paving Systems, Inc. for the 2024 Micro Surfacing Project (LMIG)**

– On March 11, 2024, staff advertised a Request for Proposals (RFP) for the 2024 Micro Surfacing Project (LMIG) which includes resurfacing 4.22 miles of Wilma Edwards Road from Hendrix Road to GA Hwy 119. On Thursday April 4, a pre-bid meeting was held with potential bidders and on April 23, 2024, one bid was received with a coming from Asphalt Paving Systems, Inc. from Brooklet Georgia in the amount of \$583,117.26. A motion was made by Gene Wallace and seconded by Patrick Kisgen to approve staff to award a contract to Asphalt Paving Systems, Inc. in the amount of \$583,017.26 for the 2024 Micro Surfacing Project. Vote 5:0; motion carried unanimously.

*** 2024 Local Road Assistance Administration Funds (LAR) Grant and the 2024 LMIG Safety Action Plan (SAP) Grant** – The Georgian Department of Transportation has announced that the Governor and Legislature has included \$250 million in Local Road Assistance Administration funds (LRA) in the amended fiscal year 2024 budget. As per the attached letter \$679,244.88 has been allocated for Bryan County. In addition, GDOT requires NO local match to receive that grant. In addition, the Georgian Department of Transportation has also allocated additional LMIG funds in the amount of \$118,200 as part of the 2024 LMIG Safety Action Plan (SAP). The Safety Action Plan Grant would require a 30% match in the amount of \$35,640. A motion was made by Patrick Kisgen and seconded by Wade Price to authorize the Chairman to execute the 2024 GDOT Local Road Assistance Administration grant application and the 2024 LMIG Safety Action Plan grant application for submittal to GDOT. Vote 5:0; motion carried unanimously.

*** Memorandum of Understanding for Maintenance of the I-16 at Old Cuyler Road Interchange**

– GDOT will procure the services required to construct certain road improvements associated with the Project and shall deliver the I-16 @ Old Cuyler Road Interchange PI 0019451 as generally bound by the proposed right of way (“ROW”) and/or easement lines (including the existing ROW lines along I-16). The Parties intend for this MOU to provide clarity and structure as to the roles and responsibilities related to the required policies, permitting, approvals, including but not limited to mitigation, Interchange ownership and maintenance, lighting, etc. A motion was made by Noah Covington and seconded by Dallas Daniel to authorize the Chairman to execute the MOU for the I-16 at Old Cuyler Road Interchange Maintenance, with the Georgia Department of Transportation. Vote 5:0; motion carried unanimously.

*** Actual Cost Utility Agreement between the Georgia Department of Transportation (GDOT) and Bryan County** – Due to the construction of a multilane dual roundabout on SR 30 at the intersection of Oracle Parkway in Bryan County, it will become necessary to make certain adjustments of the water and sewer facilities of the County in accordance with the detailed cost estimate as prepared by Bryan County. GDOT shall bear 100% of the costs and Bryan County will bear 0.00%. This Agreement outlines the terms and conditions of the contemplated work. A motion was made by Gene Wallace and seconded by Noah Covington to authorize the Chairman to execute the Actual Cost Utility Agreement for the relocation of County facilities at the SR 30 Oracal Parkway Intersection. Vote 5:0; motion carried unanimously.

*** BCMS Regional Pump Station, Force Main, Water Main, and Gravity - Change Order No. 2 –**

Under the subject contract, no drainage underneath the proposed gravel access road for the proposed pump station was included as the drainage work was meant to be a part of the south access road work.

Based on the timing of the infrastructure construction, it has been incorporated into the subject contract. To create redundancy for a critical regional pump station for Bryan County, it is proposed to add a diesel bypass pump to remain in perpetuity to aid in the event of a power outage and/or generator failure. To aid with long term operation and maintenance, alternative air release valve enclosures were required at an increased cost. An additional 10" plug valve was required to address interim conditions associated with HMGMA flow ramp ups. Portions of the 24" diameter water main and portions of the horizontal directional drilled 24" diameter water main were not required and were deducted from the overall cost of the subject contract. A motion was made by Gene Wallace and seconded by Patrick to authorize the Chairman to execute Change Order No. 2, allowing for an overall decrease in contract price in the amount of \$1,767.50. Vote 5:0; motion carried unanimously.

*** I-16 Interstate Centre Water Well Upgrades Bid** – Bryan County solicited bids for the replacement of the existing well pump with a 620 GPM well pump, electrical control upgrades, and new SCADA controls for the I-16 Interstate Centre water well upgrades. Two bids were received for the proposed work. PINCO was the apparent low bid at a total cost of \$438,470.00. Southern Civil, LLC submitted a bid at a total cost of \$485,500.00. A motion was made by Noah Covington and seconded by Dallas Daniel to authorize staff to award a contract to Southern Civil, LLC in the amount of \$485,500.00 for the I-16 Interstate Centre Water Well Upgrades. Vote 5:0; motion carried unanimously.

*** Appointments to the Bryan County Library Board** – There are currently two immediate vacancies on the Bryan County Library Board. Kathleen Wolf and David Williams have both applied to fill these vacancies, and come at the recommendation of the current board members. These appointments would begin immediately and expire June 30, 2025. There is also an upcoming vacancy of Co-Chair, John Hoskins, whose term will expire June 30, 2024. Ken Butler has applied and been recommended to fill this vacancy. This term would begin July 1, 2024 and would expire June 30, 2027. A motion was made by Dallas Daniel and seconded by Wade Price to appoint Katheen Wolf and David Williams to the Library Board of Bryan County for a term to begin immediately and expire on June 30, 2025. I also move to appoint Ken Butler to the Library Board of Bryan County for a term to begin July 1, 2024, and expire on June 30, 2027. Vote 4:0; motion carried unanimously. *Commissioner Covington recused himself from the vote.*

Aaron Kappler, County Attorney, met with the board on the following issues.

*** Weyerhaeuser Company- Resolution authorizing the acceptance of donation of the well site and easements, and the execution and delivery of the agreements necessary for such donation** – The County is proceeding with the Bryan County Highway 80 Regional Sewer Improvements project for the purposes of constructing, designing, installing, and maintaining certain water and sewer improvements for the for the benefit and use of the public at large. This item for consideration to acquire certain property owned by Weyerhaeuser Company, a Washington corporation, known as Bulloch County Pin No. 188-000037-000. A motion was made by Patrick Kisgen and seconded by Wade Price to approve the resolution authorizing the acceptance of donation of the well sites and easements, subject to final legal review. Vote 5:0; motion carried unanimously.

*** Consider approval of a Declaration of Taking, Order and Resolution to Condemn Property within Bulloch County identified as Parcel 193-000027-000 for the Bryan County Highway 80 Regional**

Sewer Improvements project – The County is proceeding with the Bryan County Highway 80 Regional Sewer Improvements project for the purposes of constructing, designing, installing, and maintaining certain water and sewer improvements for the for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by Southbound Timberlands LLC, a Delaware limited liability company, known as Bulloch County Pin No. 193-000027-000. The appraised value for said property is \$38,800.00. A first motion was made by Gene Wallace and seconded by Noah Covington to approve a Resolution authorizing the acceptance of donation of well sites and Easements from Southbound Timberlands and the execution and delivery of the agreements necessary for donation. A second motion was made by Gene Wallace and seconded by Wade Price to approve the Declaration of Taking, Order and Resolution to Condemn Property to authorize the County Attorney to initiate and maintain condemnation proceedings to acquire the property necessary for the purposes of facilitating the Bryan County Highway 80 Regional Sewer Improvements project. Vote 5:0; motion carried unanimously.

*** Consider approval of a Declaration of Taking, Order and Resolution to Condemn Property identified as Parcel 028-028 for the Bryan County Highway 80 Regional Sewer Improvements project** – The County is proceeding with the Bryan County Highway 80 Regional Sewer Improvements project for the purposes of constructing, designing, installing, and maintaining certain water and sewer improvements for the for the benefit and use of the public at large. This item for consideration is to condemn and acquire certain property owned by Southbound Timberlands LLC, a Delaware limited liability company, known as Bryan County Pin No. 028-028. The appraised value for said property is \$61,200.00. A motion was made by Gene Wallace and seconded by Noah Covington to approve the Declaration of Taking, Order and Resolution to Condemn Property to authorize the County Attorney to initiate and maintain condemnation proceedings to acquire the property necessary for the purposes of facilitating the Bryan County Highway 80 Regional Sewer Improvements project. Vote 5:0; motion carried unanimously.

*** Resolution Establishing Election Integrity and Security** – The citizens of Bryan County, Georgia, have expressed concerns regarding the integrity of local elections. The right to vote is a fundamental tenet of the American democratic republic and shall be duly safeguarded. Further, maintaining the security and integrity of local elections is of paramount importance. The Board of Commissioners of Bryan County, Georgia, has deemed it necessary and in the best interest of the public health, safety, and welfare to ensure the security of local elections, and affirms its unwavering commitment to ensuring such. The Board of Commissioners of Bryan County, Georgia, reiterates its support for the transparency and accountability in the electoral process and commits to providing regular updates to the public on efforts to enhance security of local elections. Finally, the Board of Commissioners of Bryan County, Georgia, pledges to work collaboratively with relevant officials, bodies, and agencies to assess and address any vulnerabilities in the local electoral process. A motion was made by Patrick Kisgen and seconded by Wade Price to adopt a Resolution to approve a Resolution establishing Election Integrity and Security, as presented. Vote 5:0; motion carried unanimously.

The following **Public Comments** were made:

- * Tom Burns, spoke on Election Integrity
- * Tom Seaman, spoke on Election Integrity
- * Mary Hamilton, questions about a future P&Z application
- * Scott Deloach, questions about condemnation of his property. *Audra to make contact*

after the meeting.

At 6:24 p.m. a motion was made by Patrick Kisgen to go into Executive Session for the purposes of Real Estate. Gene Wallace seconded the motion. Motion carried unanimously.

A motion was made by Noah Covington and seconded by Dallas Daniel to adjourn. Vote 5:0, motion carried unanimously.

The meeting was adjourned at 6:57 p.m.