

Bryan County Board of Commissioners – June 11, 2024

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, June 11, 2024, in Richmond Hill. The following members were present: Acting Chairman Wade Price, Commissioner Dallas Daniel, Commissioner Noah Covington, and Commissioner Patrick Kisgen. Also present: County Administrator Ben Taylor, County Clerk Lori Tyson and County Attorney Aaron Kappler. Chairman Carter Infinger and Commissioner Gene Wallace were not present for the meeting.

Acting Chairman Price called the meeting to order at 5:30 p.m. Commissioner Covington 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 removal of Community Development Public Hearing Item #1, and moving the Public Comments portion of the meeting, up to before Executive Session, to be respectful of everyone's time. Motion carried unanimously. Vote 4:0

A motion was made by Noah Covington and seconded by Dallas Daniel to approve the minutes of the May 2024 meetings as presented. Motion carried unanimously. Vote 4:0

A motion was made by Noah Covington and seconded by Dallas Daniel to close the regular meeting and open the Public Hearing. Motion carried unanimously. Vote 4:0

Sara Farr-Newman, Brett Kohler and Amanda Clement met with the Commissioners on the following Public Hearing Items.

* Savannah Land Holdings, LLC - Sketch Plat for a 204-lot subdivision located in the Waterways Township subdivision. Parcel number 075-001, Dan Diker spoke for the applicant, and indicated they would be willing to defer it to the July meeting for a decision.

* Tyler Mikell - Second Reading of an Ordinance to Amend the Zoning Map for ± 8.12 acres – Parcel 014-019-04

* Jesse France – Second Reading of an Ordinance to Amend the Zoning Map for ±10 acres – Parcel 014-003

* Northpoint Development, Inc. - Second Reading of an Ordinance to Amend the Zoning Map for a ±259.10-acre portion of Parcel 033-028, The following were present to speak on the item: Star Lee, Jim Collins with Thomas & Hutton, Attorney Herald Yellin, Jeffrey Williamson, Wayne Carney, Ben Kirsch with Savannah Riverkeepers

A motion was made by Patrick Kisgen and seconded by Noah Covington to close the Public Hearing and reopen the Regular Meeting. Motion carried unanimously. Vote 4:0

* **Sketch Plat for Parcel 30 of the Waterways PD located on Oak Level Road, Parent 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 defer this item to the July Meeting. Vote 4:0; Motion carried unanimously.

*** Second 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. A motion was made by Noah Covington and seconded by Patrick Kisgen to approve the rezoning of Parcel # 014 019 04 from A-5 to the RR-2.5 zoning district. Vote 4:0; Motion carried unanimously.

*** Second 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. A motion was made by Dallas Daniel and seconded by Patrick Kisgen to approve the rezoning of Parcel # 014 003 from A-5 to the RR-2.5 zoning district. Vote 4:0; Motion carried unanimously.

*** Second 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. A motion was made by Patrick Kisgen and seconded by Noah Covington to approve the rezoning of Parcel # 033-028 from A-5 to I-2, with the following conditions:

1. The developer shall enter into a Water and Sewer Agreement, as required by the County Engineer, prior to the issuance of any development permits.
2. The developer shall enter into a Transportation Agreement, as required by the County Engineer, prior to the issuance of any development permits.
3. The developer shall maintain a 100' wide buffer along the northern property boundary.

Vote 4:0; Motion carried unanimously.

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

*** First Reading of an Ordinance to Amend the Zoning Map for property located north of Highway 80 on the Bulloch County Line, identified by Parcel Number 028-028** – Jason Chambless of Thomas and Hutton is requesting to rezone approximately 165.2 acres located north of Highway 80 on the Bulloch County Line, identified by Parcel Number 028-028, from the existing "A-5", Agricultural Zoning District, to the "I-2", General Industrial Zoning District, for warehousing. This was a first reading, and no action was needed.

*** First Reading of an Ordinance to Amend the Zoning Map for property located at 8430 Highway 17, identified by Parcel Number 042-026** – Robert Bacot is requesting to rezone 8430 Highway 17, Parcel Number 042-026, from the existing "B-2", General Commercial Zoning District, to the "R-15", Single Family Residential Zoning District for a single-family home. This was a first reading, and no action was needed.

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

*** South Animal Control Shelter** – County staff advertised a Request for Proposals (RFP) for a design-build contractor to provide turnkey design, construction, and delivery of a new 4,400 sf building, five bids were received with the lowest bid coming from Foley Construction LLC, \$990,000.00. Foley Construction LLC meets all of the requirements for experience as established by the RFP. Approximately

half of the funding was budget in the 2024 budget as a SPLOST expense. The remaining portion is to be funded by funds from the County's American Rescue Plan Act (ARPA). A motion was made by Noah Covington and seconded by Patrick Kisgen to authorize staff to award a contract to Foley Construction LLC, in the amount of \$990,000.00 for the construction of the South Bryan County Animal Shelter. Vote 4:0, motion carried unanimously.

*** Bid Award – Mill Creek Church Road** – Staff advertised a Request for Bids for the Mill Creek Church Road Paving Project which includes making drainage improvements, widening, and paving Mill Creek Church Road in unincorporated Bryan County. On Thursday, May 23, 2024, six bids were received with the lowest bid coming from Sikes Brothers Inc. in the amount of \$1,646,593.35. Staff has vetted Sikes Brothers, Inc and has not found any reason to not proceed with awarding the Mill Creek Church Road Paving Project to them. A motion was made by Noah Covington and seconded by Patrick Kisgen to authorize staff to award a contract to Sikes Brothers, Inc. from Cobbtown, Georgia for \$1,646,593.35 for the Mill Creek Church Road Paving Project. Vote 4:0, motion carried unanimously.

*** Magistrate Court 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 Patrick Kisgen to approve a Resolution Appointing The Honorable Carolyn D. Shervette-Montgomery, as Chief Magistrate Judge, and Hollis Hill, as Associate Judge, to the Bryan County Magistrate Court, for a term to begin January 1, 2025 and expire December 31, 2028. Vote 4:0, motion carried unanimously.

*** T&H Tak Order # 108- Scoping Work Blidge Road & Church of God Road** – By request of the Commissioners, staff has asked Thomas & Hutton to prepare TO #108 for surveys along Blige Road for future paving, and Church of God Road for possible realignment. A motion was made by Patrick Kisgen and seconded by Noah Covington to authorize the Chairman to execute the Task Order 108 in the amount of \$ 92,500.00 with Thomas and Hutton for Phase I – Blige Road Survey and right-of-way plans and phase I – Church of God Road – Conceptual Plans. Vote 4:0, motion carried unanimously.

*** MOU for the Reimbursement of Funds by the Joint Development Authority (JDA) for the Genesis Drive Water and Sewer** – The Savannah Harbor I-16 JDA has agreed to reimburse Bryan County for all expenses incurred by the County in connection with the design, engineering, construction, and installation of certain water and sewer infrastructure along Genesis Drive. The MOU between the County and the JDA establishes the terms and conditions of this agreement. A motion was made by Noah Covington and seconded by Patrick Kisgen to authorize the Chairman to execute the MOU for the reimbursement of all expenses to Bryan County from the JDA. Vote 4:0, motion carried unanimously.

*** MOU for the reimbursement of funds by the Hyundai Motor Group Metaplant America (HMGMA) for various water and sewer related items** – HMGMA has agreed to reimburse Bryan County for all expenses incurred by the County in connection with various water and sewer related items in furtherance of the development of the Metaplant Property. The MOU between the County and HMGMA establishes the terms and conditions of this agreement. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to authorize the Chairman to execute the MOU for the reimbursement of all expenses to Bryan County from HMGMA. Vote 4:0, motion carried unanimously.

*** Genesis Drive Water and Sewer Extension Engineering Services Contract** – Bryan County engaged Thomas & Hutton (T&H) Engineering to design and permit the Genesis Drive Water and Sewer Extension project. The proposed task order includes design, permitting, bidding, and construction services for water and sewer extensions to serve future South I-16 development. The Savannah Harbor I-16 Joint Development Authority (JDA) has agreed that it would reimburse the County for certain expenses incurred by the County in connection with the design, engineering, construction, and installation of certain infrastructure. A Memorandum of Understanding (MOU) between the County and the JDA establishes the terms of this agreement. Thomas & Hutton has exclusive expertise and institutional knowledge linked directly to the Mega-Site property and of Bryan County's regional infrastructure planning for all North Bryan County. Their prior work in the area, expansive database of survey, previous design, and planning efforts make Thomas & Hutton uniquely capable of providing the required engineering design, permitting, and construction administration within the required timelines. A motion was made by Dallas Daniel and seconded by Noah Covington to authorize the Chairman to execute Task Order #100 in the amount of \$146,700.00, for the Genesis Drive Water and Sewer Extension Engineering Services Contract. Vote 4:0, motion carried unanimously.

*** HMGMA Meter Stations** – Bryan County engaged Thomas & Hutton (T&H) Engineering to design and permit two (2) water metering stations on behalf of Hyundai Motor Group Metaplant America, LLC (HMGMA). The proposed task order includes design and permitting for two metering stations along the Bryan County Mega-Site. HMGMA has agreed that it would reimburse the County for certain expenses incurred by the County in connection with the design, engineering, and permitting. A motion was made by Noah Covington and seconded by Dallas Daniel to authorize the Chairman to execute Task Order 105 in the amount of \$181,300.00, for the HMGMA Meter Stations in Bryan County. Vote 4:0, motion carried unanimously.

*** Adoption of Revised 2024 Building Permit Fee Schedule** – Bryan County adopted the 2024 Building Permit Fee with the FY 2024 budget. Non-residential building permit fees are based on the value of the building. The Georgia State Legislature passed House Bill 461 during the 2024 Legislative Session. Governor Kemp signed this bill into law with an effective date of July 1, 2024. House Bill 461 removes the ability of local governments to base building permit fees on value. In order to be compliant with state law, Bryan County must amend the 2024 Building Permit Fee Schedule to change the basis for calculating non-residential commercial building permit fees from value to square footage. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to approve the Revised 2024 Building Permit Fee Schedule, as presented. Vote 4:0, motion carried unanimously.

*** T&H Task Order #106 Jernigan Road Improvements** – In coordination with the State of Georgia related to infrastructure improvements for the Bryan County Mega Site, Bryan County is committed to the design, permitting, and construction of roadway improvements to Jernigan Road from Oracle Parkway Extension (under construction by others) and new Interchange roadway. The proposed Thomas & Hutton Task Order #106 includes engineering design, permitting, bid assistance, and construction services for the project. The improvements will consist of paving and drainage improvements for approximately 1,800' along Jernigan Road as well as paving at the intersection to facilitate the logical termini for the new interchange being constructed by GDOT on Interstate 16. The project will improve the existing dirt road to a two-lane facility with rural shoulders and drainage. The improvements are being completed to accommodate the coming growth in the area as well as satisfy the logical termini commitment made by the County. The project is being funded with local dollars. A motion was made by Noah Covington and

seconded by Dallas Daniel to authorize the Chairman to execute Task Order #106 in the amount of \$515,100, for the Jernigan Road Improvements. Vote 4:0, motion carried unanimously.

*** Belfast Keller Road School Accesses Change Order No. 2** – Under the current construction contract for the Belfast Keller Road School Accesses project, the eastern most roundabout did not include construction of a fourth leg which would provide access to the adjacent Raydient property. Raydient has since requested that the County design and construct the tie-in portion of the fourth leg at the roundabout in order to minimize disruption to facility in the future. Raydient has agreed to, and already has reimbursed the County for this scope of work in the amount of \$258,165.52, which is to be added to the construction contract with Reeves. By incorporating this change into the contract, future construction and traffic interruptions would be minimized. In order to complete the additional work the Contractor has requested that 30 days be added onto the contract time. Change Order No. 2 in the amount of \$258,165.52 is attached. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to authorize the Chairman to execute Change Order No. 2 for Reeves Construction Company which will allow for an overall increase to the contract price in the amount of \$258,165.52, and extend the final completion date of the project to November 27, 2024. Vote 4:0, motion carried unanimously.

*** Richmond Hill Airport – Phase II** – In furtherance of the public welfare and in the best interest of the citizens of Bryan County, the County is entering into an intergovernmental agreement (the “IGA”) with the City of Richmond Hill (the “City”), and the Development Authority of Bryan County (the “Authority”) regarding the joint funding of a comprehensive airport study (the “Study”), in order to assess the feasibility, costs, and impacts of establishing an airport in Bryan County, Georgia. The County’s portion of the costs of the Study shall not exceed \$62,000.00. A motion was made by Patrick Kisgen and seconded by Dallas Daniel to approve a resolution authorizing an Intergovernmental Agreement with the City of Richmond Hill and the Development Authority of Bryan County, regarding the joint funding of a comprehensive airport study. Vote 4:0, motion carried unanimously.

*** Easement for Water, Sewer, and Access for the property identified as Parcel 029-061 for the U.S. 80 Regional Sewer Improvements project** – In furtherance of regional sewer improvements project, Bryan County is acquiring necessary easements and other property interests. This Easement for Water, Sewer, and Access grants the County rights to access and relocate and construct utilities on property owned by Michael Jackson, Matthew Jackson, and Jeremy Shuman. This Easement for Water, Sewer, and Access is a perpetual easement. A motion was made by Noah Covington and seconded by Dallas Daniel to approve a resolution accepting real property for the purposes of Water and Sewer improvements, as presented. Vote 4:0, motion carried unanimously.

*** Easement for Water, Sewer, and Access for the property identified as Parcel 029-007 for the U.S. 80 Regional Sewer Improvements project** – In furtherance of regional sewer improvements project, Bryan County is acquiring necessary easements and other property interests. This Easement for Water, Sewer, and Access grants the County rights to access and relocate and construct utilities on property owned by Love’s Travel Stops & Country Stores, Inc. This Easement for Water, Sewer, and Access is a perpetual easement. A motion was made by Noah Covington and seconded by Dallas Daniel to approve a resolution accepting real property for the purposes of Water and Sewer improvements, as presented. Vote 4:0, motion carried unanimously.

The following citizens made **Public Comments**:

- * Jason Wilson spoke on noise and other issues on Old Cyler Road.
- * Tom Seaman spoke on election integrity.

- * Donald Smallwood spoke on election integrity.
- * Betsy Debuy spoke on pride month display at the Richmond Hill Library.
- * Chris O'Brien spoke on pride month display at the Richmond Hill Library.
- * Kathy Gregory spoke on pride month display at the Richmond Hill Library.
- * Mary Suddeth spoke on pride month display at the Richmond Hill Library.
- * Stephanie Falls spoke on pride month display at the Richmond Hill Library.

Attorney Kappler addressed some of the concerns of the public about the Richmond Hill Library display for Pride Month. He advised the Board of Commissioners appoints the members to the Library Board, but that they do not have the authority to govern the rules and regulations of the library, and that all complaints should be brought to the attention of the Library Board.

At 7:17 p.m. a motion was made by Noah Covington and seconded by Dallas Daniel to go into Executive Session for personnel. Vote 4:0; motion carried unanimously.

At 7:24 p.m. Noah Covington made a motion to reopen the Regular Meeting, and Dallas Daniel seconded the meeting.

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

*** Termination Appeal- Bradbury** – Sarah "Sam" Bradbury was terminated from her employment at the Bryan County Fire and Emergency Services. Ms. Bradbury has requested the Board of Commissioners consider whether to permit an appeal of her termination to the Board of Commissioners. Ms. Bradbury does not have a legal entitlement to an appeal. Whether to permit the review is within the Board of Commissioners' discretion. A motion was made by Noah Covington and seconded by Dallas Daniel to deny the request to permit review of the Appeal of Termination for Samantha Bradbury. Vote 4:0, motion carried unanimously.

A motion was made by Noah Covington and seconded by Patrick Kisgen to adjourn. Vote 4:0, motion carried unanimously.

The meeting was adjourned at 7:26 p.m.