

Bryan County Board of Commissioners - October 5, 2004

The regular meeting of the Bryan County Board of Commissioners was held on Tuesday, October 5, 2004. The following members were present: Chairman Brooks Warnell, Commissioner Blondean Newman, Commissioner Ed Bacon, Commissioner Toby Roberts, Commissioner Rick Gardner, Commissioner Al Dixon, Jr., County Administrator Phillip Jones, County Clerk Donna Waters and County Attorney Charles Brown.

Chairman Warnell called the pre-agenda meeting to order at 1:30 p.m. The agenda items were discussed and the agenda was accepted as presented.

Chairman Warnell called the regular meeting to order at 1:35 p.m. Invocation was given by Jimmy Burnsed. Everyone joined in the Pledge of Allegiance. Visitors were recognized.

A discussion was held on the *minutes* of the September 7, 2004 regular meeting. A motion was made by Al Dixon and seconded by Toby Roberts to approve the minutes of the September 7, 2004 as presented. Motion carried unanimously.

A discussion was held on the *consent agenda*. A motion was made by Toby Roberts and seconded by Blondean Newman to approve the consent agenda as presented. Motion carried unanimously.

The following items were listing on the consent agenda:

1. ***Approval of New Occupational Tax Certificates***
 - *Shrimp Docks - Marcus Lyle
 - *Hair Unlimited Beauty Supply - Michelle Harris
 - *Pembroke Fence Company - Joseph McIntosh
 - *Anderson Home Inspection - Dennis Anderson
 - *William D. Enterprises - Douglas W. Ratledge
 - *Black Creek Café - Ronald Williamson

2. ***Denial of Tax Refund***
 - *Cindy J. Hulsey - \$35.47

Bill Tyson of the Extension Service introduced our new 4-H Educational Program Specialist, **Lauren Wendelken**. Ms. Wendelken was welcomed by the board.

Steve Messinger, Indigent Circuit Defender for the six county area, met with the board to discuss the new indigent defense program. The state provides four attorneys and three other personnel positions for this circuit. Mr. Messinger will be the director, as well as an attorney, for the indigent defense program in this circuit. He indicates the case load for this circuit will

require more staff than is currently funded by the state. Mr. Messinger is requesting office space from the county to house one attorney and a secretary. The main office will be located in Hinesville. He also presented a budget request for this program with Bryan County's share being \$77,698.81. This program needs to be in place by January 1, 2005. The board accepted the proposal and indicated the need to contract with the public defenders office for state court and deprivation cases. The county will be working with Mr. Messinger to identify office space in Pembroke for some of his staff.

Tara Jennings of the **Family Connections** Program, met with the board to discuss several issues.

*The Children and Youth Coordinating Council is requesting the case manager position for the **Juvenile Diversion Program** be made a full time employee. The position will be funded by grant(s) and will not require county funds. A motion was made by Al Dixon and seconded by Rick Gardner to make the Juvenile Diversion Case Manager position full time effective November 1, 2004. Motion carried unanimously.

*Notification was received from the Governor's office that the Children and Youth Coordinating Council (**Juvenile Diversion Meditation Program**) is funded at \$44,992; this represents \$14,210 less than previously received. The Family Connections board is working to make up that shortfall with legislation that will have a 10% add-on to all state and municipal court imposed fines. It was the consensus of the board to write a letter of support for the 10% add-on to all state and municipal court imposed fines.

*Notification was received from the Governor's office that the Children and Youth Coordinating Council (**Family Fulfillment Program**) is funded at \$14,700; this represents funding for a new program.

***Bonnie Dixon** of the **United Way** made a presentation on the Helping Hands Project where they assisted Mr. Obie Brown on renovations to his home.

Michele Henderson met with the board to discuss **land acquisition for recreational needs** in the Richmond Hill area. Rayonier will be ready to close on the 20+ acres for greenspace before November 30, 2004. The closing on the balance of the property will be January 19, 2005. A discussion was held on how the county wants to buy directly from Rayonier. Bryan Land & Timber would have the contract with Rayonier and Bryan Land & Timber would need to have a contract with the county for whatever site it is we determine we want to purchase. At the closing, Bryan Land & Timber will assign a portion of its contract (the site agreed upon) to the county and then the transaction will take place between the county and Rayonier. The blended price for the land is \$6270 per acre. The County Attorney expressed his concerns over moving this transactions along. It was the consensus of the board for the county attorney and county administrator to meet with Michele Henderson to move this transaction along.

Chairman Warnell called the *planning & zoning public hearings* to order and stated the purpose of the public hearings was to receive public input on the following items.

1. ***Brookwood Properties/Brett Turner Rezoning*** - Case Number Z#270-04 - No one was present to speak on this issue.
2. ***Willard Lee Rezoning*** - Case Number Z#271-04 - Several citizens were present to speak against this rezoning request.
3. ***Kathy Marie Heery Rezoning*** - Case Number Z#272-04 - No one was present to speak on this issue.
4. ***Roger & Susan Clark Rezoning*** - Case Number Z#273-04 - No one was present to speak on this issue.

Chairman Warnell declared the public hearings closed.

Christine Stringer, Zoning Administrator, met with the board with planning & zoning issues.

1. Case Number Z#270-04 - ***Brookwood Properties/Brett Turner*** makes ***application to rezone*** 200 acres located off of Dunham Swamp Trail Road and Belfast Keller Road approximately two miles from the intersection of Belfast Keller Road and Highway 144 from A-5 to PUD. The proposed development is residential development. The property is tax parcel number 056-14. The requested PUD zone would allow for Mr. Turner to develop a community of 298 homes with a density of 1.49 homes per acre. The community will be constructed in phases with an estimated buildout of 7-8 years. 35% of the property will be reserved for open space. The Planning Commission recommends approval with conditions. A motion was made by Ed Bacon and seconded by Toby Roberts to approve the rezoning request for case number Z#270-04, Brookwood Properties/Brett Turner from A-5 to PUD, residential development with a maximum of 298 homes with the conditions of 35% open space, Dunham Swamp Road be paved from one property line to the other property line, a minimum of a five foot walking trail be placed in the 40' buffer on this road, the recommendations of the county engineer's memorandum be added and that the minimum road width throughout the project be not less than 20 feet. Motion carried unanimously.
2. Case Number Z#271-04 - ***Willard Lee*** makes ***application to rezone*** 34.3 acres bordering on Sims Road and Harry Hagan Road from A-5 to R-1. The property includes a 4.64 acre land fill. The proposed development is residential development. The property is tax parcel number 015-052.02. The Planning Commission recommends approval. Commissioner Bacon stated that due to the

encroachment of the City of Pembroke into the rural areas of Bryan County and with this being within their water and sewer territory and at the entrance of this property at Harry Hagan Road, the city has installed a lift station for sewage, they have the capacity to support this subdivision for sewage, it is only within our rights to help the city grow. A motion was made by Ed Bacon and seconded by Blondean Newman to approve the rezoning of case number Z#271-04, Willard Lee from A-5 to R-1. Voting for: Bacon & Newman. Voting against: Roberts, Dixon & Gardner. Motion failed.

3. Case Number Z#272-04 - ***Kathy Marie Heery*** makes ***application to rezone*** a 5.2 acre lot at 315 George Edwards Road from AR-5 to AR-1.5. The proposed development is a subdivision so owner can put a mobile home on the lot. The property is tax parcel number 015-032.01. The Planning Commission recommends approval. A motion was made by Ed Bacon and seconded by Blondean Newman to approve the rezoning of case number Z#272-04, Kathy Marie Heery from AR-5 to AR-1.5. Motion carried unanimously.
4. Case Number Z#372-04 - ***Roger and Susan Clark*** make ***application to rezone*** a 5 acre tract located at 1077 Belfast Keller Road from AR-5 to AR-2.5. The proposed development is a subdivision for another residence. The property is tax parcel number 062-040. The Planning Commission recommends approval. Commissioner Dixon abstained. A motion was made by Rick Gardner and seconded by Toby Roberts to approve the rezoning request of case number Z#273-04 from AR-5 to AR-2.5 with condition of only one driveway. Motion carried unanimously.
5. Case Number SD#484-04 (***East Chastain Subdivision***) - ***D.B. & B., LLC*** makes ***application for a preliminary plat approval*** for approximately 26.69 acres located off Crosswind Drive in Buckhead. The applicant requested the application be withdrawn.
6. Case Number SD#489-04 (***River Oaks a/k/a Barge Landing***) - ***North Point Real Estate*** makes ***application for an Article XI preliminary plat approval*** for approximately 28.3 acres off Highway 144. The tax parcel number is 060-1-63, currently zoned PUD. The proposed development is condominiums. A motion was made by Toby Roberts and seconded by Ed Bacon to approve the Article XI preliminary plat and construction plans for case SD#489-04 pending the approval of the nationwide permit for storm water discharge into the Ogeechee River. Motion carried unanimously.

7. Case Number SD#490-04 (*Genesis Point Phase I*) - *Fountain Head Development* makes *application for an Article XI preliminary plat approval* for approximately 17 acres at the end of Oak Level Road. The proposed use of this property is for road right-of-way. Commissioner Bacon had a concern over the care and maintenance of the median vegetation on this road. He feels as though the county should only be responsible for the maintenance of the asphalt portion of the road. It was stated the application approval would be pending the approval of a nationwide permit for wetlands crossing, the integration of the county engineer comments into the plans, the main entrance road will ultimately be a four lane road with divided median, and the developer and home owners association will be responsible for maintenance of the ground around and between the roadways. The county will be responsible for the care, maintenance, and upkeep of the road bed after the one year warranty period expires. A motion was made by Toby Roberts and seconded by Ed Bacon to approve the Article XI preliminary plat and construction plans for case number SD#490-04, Genesis Point Phase I, pending the approval of the wetlands permit, NRCS review and review by the county engineer and also include the comments by Commissioner Bacon. Motion carried unanimously.

Dan Rollf, Chief Tax Appraiser, met with the board to give an update on appeals made after the land revaluation. Approximately 10,000 notices were sent to land owners with changes. As of today, October 5, 2004, 517 appeals were received. The threshold needed to keep the digest from moving forward is 640 appeals. Appeals must be postmarked by October 4, 2004 in order to be considered.

Neil Smiley, Director of Engineering & Inspections, met with the board to give an update on projects in his department.

*Mr. Smiley introduced *Franklin Swain* as the new *building inspector*.

**Harris Trail/Port Royal Deep Patching Overlay Project* - These roads were done under a Georgia DOT contract. Since completion, the roads have continued to deteriorate. The DOT inspected the roads and found the base material to be defective in many locations. The county participated in the original contract by providing 35% of the funds for the project. We are in the process of asking for State Aid on this project. DOT is likely to ask for county participation.

**Dunham Swamp Road* - Verbal agreement has been given by Rayonier to make the tie-in at Dunham Swamp Road, but he is waiting for a follow up letter from Jesup before starting.

**Bridge Replacement* - The Harris Trail and Bacontown bridge replacements are scheduled for the October letting. They will probably be let on October 22, 2004 and work could start within 45 days of that time.

***Pine Ridge Road** - We have been granted permission by the DOT to pave Pine Ridge Road on the existing fifty (50') foot right-of-way. A letter has been written requesting a county contract for base and paving to assist in the construction of this project. The public works director has added the road to his special projects list and we should be able to move forward with this project in the next few months.

***Lighting Interchange at I-95 and Highway 144** - DOT has notified the county that the lighting contract and design have been approved for this project. Georgia Power has stated they are ready to start work as soon as a notice to proceed is received from the Georgia DOT.

***Groover Hill Project** - This project has basically been completed. A final inspection has been done. The contractor is doing some final re-dressing of the road shoulders. There will be some money left over on this project. These funds will have to be used in this neighborhood. Some suggestions included additional piping and cleaning up the neighborhood (moving out dilapidated trailers and moving out junk vehicles).

Derrell Newman, Director of Public Works, met with the board to give an update on several projects in his department.

***Maintenance Schedule** - An updated work schedule for the next ninety days was given to the board members.

***Special Projects** - Mr. Newman is scheduling time to work on the Ft. McAllister State Park Boat Ramp; Pine Ridge Road and the replacement of the wooden bridge over Otter Hole Branch.

***Hendrix Road** - This road is 4,300 linear feet in length and approximately 22 foot wide. It took 236 loads of fly-ash to complete the project, each load of fly-ash cost \$48.00. The project was topped off with millings, 17 dump truck loads. The cost for the project was \$14,749.08 with \$10,000 of that cost being provided by a grant from the RC&D Council. Paving the same road would have cost \$130,432.50.

***Mosquito Control** - A discussion was held on the pay for the drivers for mosquito control. Mr. Newman was asked to work with the county administrator on a resolution.

A discussion was held on the **leave bank committee**. Section 5-810 of the personnel policy call for the board of commissioners to appoint a leave bank committee. The recommendation is to appoint the following appointments: Phil Jones, County Administrator - 3 year term to expire October 2007; Rebecca Crowe, Elected Official - 3 year term to expire October 2007; Jim Anderson, Department Head - 2 year term to expire October 2006; Pratt Lockwood, Department Head - 2 year term to expire October 2006 and Sandra Fields, Hourly Employee - 1 year term to expire October 2005. A motion was made by Al Dixon and seconded by Blondean Newman to approve the leave bank committee as presented. Motion carried

unanimously.

A discussion was held on a **broker assignment** to Bryan County's Blue Cross Blue Shield Program. Commissioner Dixon abstained. It was the consensus of the board to appoint Ike LaRoche as the broker assignment to Bryan County's Blue Cross Blue Shield Program.

A discussion was held on a request from the **City of Pembroke** for **SPLOST funds**. The request is for \$100,000 for the city's streetscape project. In addition, the city is requesting the remaining funds (\$475,315) be allocated over the next five quarters at \$95,063 per quarter with payments being the last day of each quarter beginning December 31, 2004. A motion was made by Ed Bacon and seconded by Blondean Newman to approve the request of \$100,000 for this year and make it payable as soon as we can. Motion carried unanimously. In regards to the second request, the city will turn in a request for these funds, along with supporting documentation, on a quarterly basis.

Charles Brown, County Attorney, met with the board with several issues.

***Dutchtown Court** - According to a plat, this road is dedicated as a public road. This road is currently obstructed and counsel for the citizens on this road will be notified that the obstructions will be removed.

***Brookwood Properties Inc. (BPI) Contract** - A contract has been given to the board for review. Under this contract, the developer will put in the water and sewer system and they will ultimately convey it to the county. They would be responsible and guarantee it for twelve months before it is ours. They will front all the cost. The board will decide whether they wish to enter into a contract that anticipates we accept this system for no money, which will put us in the water and sewer business in the particular area. We will be giving up one thing, an allotment of water. If the developer does not use the water within a reasonable amount of time, the water will revert back to the county.

***Zoning Public Hearings** - Only one (1) public hearing is required under the zoning ordinance.

***Ethics** - Our standard is not only avoiding conflict but avoiding the appearance. Advise would be it does not matter if you have a conflict or not, if it appears or perceives you have one, do the safe thing and step aside. There are three areas where conflicts arise and they are: relatives, financial interest in the matter and if you have a direct or indirect investment interest in the matter.

A motion as made by Al Dixon and seconded by Rick Gardner to go into **executive session** to discuss pending litigation. Motion carried unanimously. The board went into executive session at 6:05 p.m.

A motion was made by Toby Roberts and seconded by Al Dixon to go back into **regular**

session. Motion carried unanimously. The board went back into regular session at 6:15 p.m.

It was the consensus of the board to hold a *water workshop* on October 26, 2004 at 8:30 a.m. in the Commissioners Meeting Room.

Phillip Jones, County Administrator, met with the give to give an update on the Interstate Justification Report (IJR). Rayonier has requested additional information from the Georgia Department of Transportation. The DOT has responded and the data has been forwarded to Rayonier. Mr. Jones and Paul Sakaloski of Rayonier, will keep this project on tract and hopefully have the agreement signed during the first quarter of FY 2005.

A motion was made by Toby Roberts and seconded by Blondean Newman to adjourn. Motion carried unanimously.

The meeting adjourned at 6:25 p.m.