



BALDWIN COUNTY REGULAR MEETING

September 3, 2024

1601 N Columbia St, Suite 220

6:00 PM

MINUTES

MEMBERS PRESENT

John Westmoreland
Kendrick Butts
Henry Craig
Emily Davis
Sammy Hall

OTHERS PRESENT

Brandon Palmer
Carlos Tobar
Dawn Hudson
Cindy Cunningham

CALL TO ORDER

Chairman John Westmoreland called the September 3, 2024 Regular Meeting to order at 6:00 p.m.

INVOCATION

County Manager Carlos Tobar delivered the Invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Kendrick Butts led the Pledge of Allegiance.

PRESENTATIONS

Central Georgia Technical College Executive Vice President Jeff Scruggs expressed his appreciation for the opportunity to come before the Board of Commissioners to present an update on the CGTC. He introduced Ms. Terri Dietrich, Milledgeville Campus Director. Mr. Scruggs discussed the mission and accomplishments of CGTC. He presented statistical information and comparison figures related to number of teachers, students, graduates and different credential programs. Mr. Scruggs expressed the importance of the Hope Career Grant which provides programs to enable Georgia to be competitive with a well-trained workforce. Mr. Scruggs urged everyone to visit the CGTC campus to see what they have to offer the Central Georgia region.

APPROVAL OF MINUTES

Commissioner Henry Craig made a motion to approve the minutes of the August 6, 2024 Work Session, August 6, 2024 Regular Meeting, and the August 6, 2024 Executive Session as submitted. Commissioner Sammy Hall seconded the motion and it passed unanimously.

Commissioner Emily Davis amended her motion to state authorization for the hiring of a part time deputy coroner through December 31, 2024 and revisit the approval of the position every 30 days thereafter pending possible legislation related to Coroners. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

ADMINISTRATIVE/FISCAL MATTERS

Bids for Golf Course

County Manager Carlos Tobar reported the County solicited bids for an irrigation pump station at Little Fishing Creek Golf Course. He stated a bid opening was held on August 14, 2024 and the following two bids were received: ProPump & Controls in the amount of \$273,244.00 and Central Turf and Irrigation Supply in the amount of \$287,326.88. Mr. Tobar recommended awarding the bid to low bidder, ProPump & Controls in the amount of \$273,244.00.

Commissioner Sammy Hall made a motion to award the bid to ProPump & Controls for \$273,244.00. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

Workforce Investment Opportunity Act (WIOA) Grants

Assistant County Manager Dawn Hudson presented two grant awards under the Workforce Investment Opportunity Act program. The Adult Program award is in the amount of \$144,830.00 and the Dislocated Worker Program award is in the amount of \$153,241.00. Ms. Hudson stated is no local match required for the grants, and the grant period for both grants is July 1, 2024 through June 30, 2016.

Commissioner Emily Davis made a motion to accept both grant awards as presented and to authorize the Chairman to execute grant documents. Commissioner Henry Craig seconded the motion and it passed unanimously.

Short Term Vacation Rentals Ordinance

County Attorney Brandon Palmer presented an amendment to Chapter 16-75 – Short-Term Vacation Rentals - of the Baldwin County Code of Ordinances entitled “Land Development Code” to provide for codification to repeal conflicting provisions; to provide an effective date; and for other purposes. He stated the Short-Term Vacation Rentals Ordinance includes the latest revisions based on comments from Commissioners, staff and the public which address expiration dates of certificates, violations, penalties and revocation of certificates.

The following citizens addressed the Board expressing their appreciation to Commissioners for their efforts to assist property owners by considering the adoption of the Short-Term Vacation Rentals Ordinance. They stated their endorsement and urged Commissioners to adopt the Ordinance: Greg Brown, Jim Wellman, Cindy Walton, Charlotte Williams, Linda Brown, Davis Morris, Harriett Morris and Pam Peacock.

Commissioner Henry Craig made a motion to adopt the amendment to Chapter 16-75 of the Baldwin County Code of Ordinances as presented. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

A copy of the Ordinance is herewith attached and made an official part of the minutes at pages 274 and 275

Extend Moratorium on Commercial Development and Residential Subdivision Development

County Manager Carlos Tobar reported updates to the Land Use Code are being reviewed with final edits being made. A draft will be submitted to the Board for their review. Once this has been completed, a Public Hearing will be scheduled to present proposed revisions and to receive public comments on the Code. Mr. Tobar reported this will be placed on an upcoming agenda for the Commissioners consideration.

County Manager Tobar presented a Resolution extending the moratorium on commercial development and residential subdivision development for an additional period not to exceed sixty days while the County considers changes to its Land Development Code.

Commissioner Sammy Hall made a motion to adopt the Resolution to extend the moratorium for the period not to exceed sixty days as presented. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

A copy of the Resolution is herewith attached and made an official part of the minutes at pages 274 and 275

Sinclair Water Authority Funding Request

County Manager Carlos Tobar reported Baldwin County and Putnam County jointly own the Sinclair Water Authority Water Plant located on Lake Sinclair in Putnam County. In 2019, Putnam County applied for a grant to purchase a generator for the plant. However, no action was taken on awarding a grant. In 2023, Senator Ossoff became involved in securing funding for the generator. The cost estimate was prepared in 2019, and since that time there has been an increase in price. Sinclair Water Authority has asked both Baldwin and Putnam Counties to provide \$100,000.00 to cover potential cost overruns.

Commissioner Sammy Hall stated he serves as the County representative on the Sinclair Water Authority, and this potential overrun could be less or more than anticipated; however, each of the two counties are being asked to provide funding in the amount of \$100,000.00.

Commissioner Sammy Hall made a motion to approve the Sinclair Water Authority funding request in the amount of \$100,000.00. Commissioner Henry Craig seconded the motion and it passed unanimously.

Vice Chairman Kendrick Butts asked where the funds would come from to pay this? Assistant County Manager Dawn Hudson stated the money would come from Special Purpose Local Option Sales Tax (SPLOST).

HUD Housing Grant Application

County Manager Carlos Tobar reported Commissioners received information from Senator Ossoff regarding a new grant opportunity, titled ProHousing, through the Housing and Urban Development. He stated the Land Bank Authority, at their August 20th meeting, recommended Commissioners approve the submission of the grant application for \$1,500,000.00. Mr. Tobar stated the local match would be \$9,000.00 for the consultant to prepare the application as well as County owned parcels for construction of ten houses. He stated this would return these parcels back to the digest once the houses have been completed.

Commissioner Sammy Hall asked which County parcels are being considered as match for the grant application. Mr. Tobar responded he sent Commissioners a list of the County owned parcels that could be used, and the Board would have to approve the parcels. Commissioner Hall stated he could not support the submission of the ProHousing application at this time. He stated he needs more information on this matter before voting to approve submitting it. Mr. Tobar stated a Public Hearing must be held prior to submitting the application and stressed the deadline of October 15th. Commissioners discussed possibly having a Called Meeting in order to review additional information.

Commissioner Henry Craig made a motion to authorize the submission of the ProHousing application to the Department of Housing and Urban Development. Commissioner Emily Davis seconded the motion and it passed by the following vote:

Aye: Craig, Davis, Butts Nay: Hall, Westmoreland

Central State Hospital Local Redevelopment Authority (CSHLRA) Reappointments

Chairman John Westmoreland stated Central State Hospital Local Redevelopment Authority notified the County requesting County representatives on the CSHLRA Board be reappointed. The County's representatives are Dr. George Martinez and Dr. Nolan Stevens.

Vice Chairman Kendrick Butts made a motion to reappoint Dr. George Martinez and Dr. Nolan Stevens to serve as County representatives on the CSHLRA Board. Commissioner Henry Craig seconded the motion and it passed unanimously.

OLD BUSINESS

There was no Old Business to come before the Board.

NEW BUSINESS

Commissioner Sammy Hall referenced properties owned by the County that County Manager Tobar had discussed earlier in the meeting. He recommended properties that the County has acquired through tax sales be advertised for sale by either sealed bids or public auction in order to get these parcels back on the tax digest. Commissioner Henry Craig stated he supports this recommendation.

Discussion was held regarding various ways of receiving bids for these properties. Mr. Tobar stated he was aware of another county that advertised properties on Gov.Deal, and asked if the County should pursue that avenue. County Attorney Palmer reported there are two ways the County can solicit bids – sealed bids or public auction, and he would have to research whether listing the properties on Gov.Deal would meet the legal requirements. Mr. Palmer stated the County has the option to reject all bids received and the properties could be re-advertised if the Board chooses.

Commissioner Sammy Hall made a motion that surplus property belonging to the County be advertised for sale by either sealed bids or public auction and that a minimum bid be set for each property to recoup the taxes that were owed on the property. Commissioner Henry Craig seconded the motion and it passed unanimously.

Vice Chairman Kendrick Butts asked isn't there is a County policy regarding leaving trash cans by the road for a period of time. He stated he had received a call from a citizen who had hit a trash can by the road because they had to dodge another vehicle.

COUNTY MANAGER'S REPORT

County Manager Carlos Tobar stated he posted the County Manager's report and emailed it to Commissioners. Mr. Tobar presented highlights of his report on County projects to include the following: awaiting release of funds on the Memorial Library; new sound system at government building is now operational; 2024 CDBG multi-activity award in the amount of 1,250,00.00 was received for sewer line rehab and housing; preconstruction conference was held and the road resurfacing will begin in next few weeks; additional documents on the Oconee Heights Streetscape project were submitted; Walter B. Williams trail has been completed; Harrisburg Park improvements permit received and project will be advertised; last house under 2022 CHIP grant will be complete this week; \$550,000.00 CHIP grant received and county is waiting on contracts from DCA; Scrap Tire Amnesty Grant event will be held September 29th at 311 Linda Drive; Middle Georgia Regional Commission received a grant for EV charging stations, and the County will have 2 charging stations.

PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS

The following citizens addressed the Board:

Deonia Cumming, 605 Sarah Hunter Lane, addressed the Board regarding use of fields and concession stand at the Recreation Department.

Christopher Binns – left and did not address Board.

Gerald McBride, 170 Emmanuel Harris Road, addressed the Board asking who would handle damage claims from County roads. Commissioners responded Bobby Brown Insurance handles the County's liability issues.

Cindy Humphrey, 158 Simpson Proctor Lane, stated the Coopers Park should be completed before Pickle Ball Courts because it has been on the County's project list a much longer time.

Tina Behne, 160 Pine Drive, thanked County Manager Tobar for getting the new sound system installed. She addressed the Board regarding dumping that she discussed at the last meeting at the end of Pine Drive. She stated dumping continues at this location and now old tvs as well as other waste is being put there. She requested assistance; however, no camera has been put there. She also stated there is another site about 200 yards from the convenience center in East Baldwin #5 at the intersection of Minor Road and Lovers Lane that is being used for dumping. She reported both these dumping sites are on the County right-of-way. She again requested assistance.

Jessica McQuain, 1955 Twin Oaks Drive, addressed the Board regarding personnel and labor union organization. She stated she felt the development of grievance procedures and termination guidelines would assist organizations in addressing certain issues prior to unionization. She felt a personnel advisory board would be of assistance in addressing such matters.

Melissa Smith, 614Hwy 22W, addressed the Board regarding transparency in hiring and grievance policies. She distributed a handout to Commissioners showing examples of counties with personnel boards and published employment rules and procedures.

Clarence Hall, 136 Nature Creek, addressed the Board regarding transparency in recruitment and retention of employees. He stated everyone should be treated fairly and with respect.

Cynthia Edwards, 75 Mariners Drive, stated the NAACP wants clarity of their request to the County Commissioners and County Manager to establish a personnel advisory committee as well as the response they received from the County Manager. She expressed concern regarding inconsistencies and transparency of the County in their procedures.

EXECUTIVE SESSION

Commissioner Sammy Hall made a motion to adjourn into Executive Session at 7:22 p.m. to discuss personnel. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

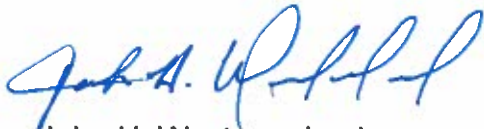
RECONVENE REGULAR MEETING

Commissioner Henry Craig made a motion to reconvene the Regular Meeting at 7:55 p.m. Commissioner Emily Davis seconded the motion and it passed unanimously.

ADJOURNMENT

Commissioner Sammy Hall made a motion to adjourn the Regular Meeting at 7:55 p.m. Commissioner Emily Davis seconded the motion and it passed unanimously.

Respectfully submitted,



John H. Westmoreland
Chairman



Cynthia K. Cunningham
County Clerk

TO AMEND CHAPTER 16 OF THE BALDWIN COUNTY CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT CODE"; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE BALDWIN COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS

SECTION 1. That section 16-75 of the Code of Ordinances, Baldwin County, Georgia is hereby amended to read as follows:

Sec. 16-75. Short-term vacation rentals.

- (a) As used in this section "short-term vacation rental" means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Short-term vacation rental shall not include any residential dwelling unit not regularly offered for rental, which shall be defined as any residence offered for rental less than 14 days in any given calendar year. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living or other lodging uses.
- (b) *Certificate Required.* A separate short-term vacation rental certificate shall be required for each residential dwelling operating as a short-term vacation rental. No person shall rent, lease, or otherwise exchange for compensation all or any portion of a residential dwelling as a short-term vacation rental, as defined in this section, without first obtaining a short-term vacation rental certificate and complying with the regulations contained in this section. No short-term vacation rental certificate under this ordinance may be transferred, assigned, or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.
- (c) *Expiration.* All short-term vacation rental certificates shall expire annually on December 31. Short-term vacation rental certificates shall not automatically renew. Instead, new applications for a short-term vacation rental certificate, accompanied by a fee as set forth by the county board of commissioners' fee schedule, must be submitted annually. Applications to renew will be prioritized over new applications.
- (d) *Application; fee.*
 - (1) An application for a short-term vacation rental certificate shall be submitted, under oath, on a form specified by the chief building official, or his/her designee, accompanied by a fee as set forth by the county board of commissioners' fee schedule, which shall include at a minimum the following information or documentation:
 - a. The name, mailing address, telephone number, and email address of the owner(s) of record of the residential dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers, members, and/or directors of any such entity, including personal contact information;

- b. The address of the unit to be used as a short-term vacation rental;
- c. The name, address, telephone number and email address of the short-term vacation rental agent, which shall constitute the owner's 24-hour contact information and who shall:
 - 1. Keep his or her name and emergency contact phone number posted in a readily visible place in the short-term vacation rental;
 - 2. Be reasonably available to handle any problems arising from use of the short-term vacation rental;
 - 3. Appear at the short-term vacation rental within two hours following notification from the chief building official, code enforcement officer, law enforcement officer, or his/her designee, of issues related to the use or occupancy of the property;
 - 4. Be designated by the owner as the person authorized to accept service of process on behalf of the owner of any notice of violation or citation related to the use or occupancy of the property; and
 - 5. Monitor the short-term vacation rental for compliance with this section.
- d. The owner's sworn acknowledgment that he or she has received a copy of this section, has reviewed it and understands its requirements;
- e. The owner's agreement to ensure that occupants abide by the restrictions and regulations set forth in this section;
- f. The maximum occupancy for the residential dwelling which shall be two persons per bedroom plus two additional persons;
- g. A vehicle parking plan specifying the number and location of parking spaces allotted to the property and indicating designated parking areas. The vehicle parking plan shall be sufficient to allow adequate parking for the maximum occupancy of the rental unit, but in no event shall the vehicle parking plan provide for a parking capacity of more than one vehicle per bedroom plus two additional vehicles;
- h. If the property has a dock on a lake, a docking plan specifying the number of boats or vessels allowed and location where such boats or vessels may be parked and tied to the dock. The docking plan shall be sufficient to ensure that no boats or vessels block water access to or otherwise interfere with another property owner's dock;
- i. A copy of a sample rental agreement between the owner and occupant(s) which obligates the occupant to abide by all of the requirements of this section, and other Baldwin County ordinances, state and federal law, and providing that a violation of any applicable laws may result in the immediate termination of the agreement and eviction from the property, as well as potential liability for payment of fines levied;
- j. Proof of the owner's current ownership of the short-term vacation rental unit; and

- k. Proof of homeowner's insurance.
- (2) Registration under this code section is not transferrable and should ownership of a short-term vacation rental change, a new application shall be required, including application fee. In the event of any other change in the information or facts provided in the application, the holder of the short-term vacation rental certificate shall amend the filed application without payment of any additional application fee.
- (e) *Review of application.* Review of an application shall be conducted by the chief building official, or his/her designee, in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this chapter, or otherwise fails to demonstrate the ability to comply with local, state, or federal laws. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. A short-term vacation rental certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.
 - (f) *Payment of taxes.* Short-term vacation rentals may be offered to the public for rental following issuance of a short-term vacation rental certificate, receipt of an occupation tax certificate, and payment of any and all applicable state and county taxes. Any taxes owed to the county relating to the lodging of individuals shall be paid to Baldwin County Board of Commissioners at the business services department and any failure to remit the same or to register pursuant to this section shall be subject to the penalties included in Chapter 50 Article II of this Code of Ordinances. Should an owner fail to pay any taxes owed to the county by the date such taxes become due, the chief building official shall revoke the owner's short-term vacation rental certificate and reject all applications for a short-term vacation rental certificate submitted by the owner for a period of 12 consecutive months.
 - (g) *Regulations for short-term vacation rentals* Owners, short-term vacation rental agents, and occupants shall adhere to the following requirements:
 - (1) Owners and short-term vacation rental agents shall not allow occupants to violate any federal state, or local law, statute, rule or ordinances, including, but not limited to, sections 10-51, 25-19 and Chapter 34-31 of this Code;
 - (2) Owners and short-term vacation rental agents shall ensure occupants do not disrupt or interfere with rights of adjacent property owners to quiet enjoyment of their property;
 - (3) Owners and short-term vacation rental agents shall ensure that occupancy of the short-term vacation rental never exceeds two persons per bedroom plus two additional persons per residential dwelling;
 - (4) Owners and short-term vacation rental agents shall ensure that vehicle parking is consistent with the vehicle parking plan submitted with the short-term vacation rental certificate application. Owners and short-term vacation rental agents shall not allow occupants to park vehicles on any street or road in a manner which could cause safety issues, hinder access to such roadways, or be in violation of any laws, regulations, or ordinances. No person occupying a short-term vacation rental shall park on any other person's property or block the driveway of any other person or

property owner without permission to do so. Any law enforcement officer may impound any vehicle found parking in such a manner;

- (5) Owners and short-term vacation rental agents shall ensure that there are never more vehicles on the property of a short-term vacation rental than the maximum number specified in the parking plan. Any law enforcement officer or code enforcement officer may order the owners or operators of the excess number of vehicles to remove them from the property and any person refusing to do so may be cited for violating this ordinance;
- (6) Owners and short-term vacation rental agents shall ensure that all boats and vessels are docked in a manner consistent with the docking plan submitted with the short-term vacation rental certificate application. Owners and short-term vacation rental agents shall not allow occupants to dock or otherwise tie any boat or vessel to the dock of any other property owner without the permission of the property owner, or to block water access to another property owner's dock. Any law enforcement officer or code enforcement officer may order the owners or operators of the boats or vessels docked or moored in violation of this ordinance to move their boat or vessel and any person refusing to do so may be cited for violating this ordinance;
- (7) Owners and short-term vacation rental agents shall ensure that there are never more boats or vessels docked or moored on a body of water adjacent to the property than the maximum number specified in the docking plan. Any law enforcement officer or code enforcement officer may order the owners or operators of the excess number of boats or vessels to remove them from the dock and any person refusing to do so may be cited for violating this ordinance;
- (8) Owners and short-term vacation rental agents shall ensure that no occupant goes upon any adjacent property without permission to do so;
- (9) Owners and short-term vacation rental agents shall ensure that any and all pets present at the property are leashed or contained at all times;
- (10) Owners and short-term vacation rental agents shall ensure that no occupant sublets the property or any rooms in the residential dwelling unit during rental;
- (11) Owners and short-term vacation rental agents shall ensure that all external lighting is directed within the parcel and does not impact adjacent properties;
- (12) Owners and short-term vacation rental agents shall ensure that all garbage and trash is stored in a trash container or appropriate receptacle and not be placed within or adjacent to any private or public right-of-way for a period of time greater than 48 hours;
- (13) Owners and short-term vacation rental agents shall place the short-term vacation rental certificate near the front door of the residential dwelling in a conspicuous place; and
- (14) Owners and short-term vacation rental agents shall ensure that occupants do not use the property for any event typically held at an event venue including, but not limited to, weddings, concerts, and large parties.

(h) *Enforcement*

- (1) Complaints regarding a short-term vacation rental may be provided in writing, by email, through the online code enforcement system, or by telephone to the code enforcement officer, which shall include a description of the complaint and the property address.
 - (2) Complaints shall result in a notice of the complaint being directed to the short-term rental agent and owner. The short-term rental agent shall be responsible for contacting the short-term rental occupant to correct the problem.
 - (3) If non-compliance with the provisions of this section occurs, the code enforcement officer or law enforcement officer shall conduct an investigation whenever there is reason to believe that an owner, short-term rental agent, and/or occupant has failed to comply with the provisions of this section. Should the investigation support a finding that a violation occurred, the code enforcement officer or law enforcement officer shall issue a citation providing written notice of the violation and intention to impose a penalty to the owner and short-term rental agent. The citation may be served on the owner and/or short-term rental agent by personal service on the owner and/or short-term rental agent, and shall specify the facts which, in the opinion of the code enforcement officer or law enforcement officer constitute grounds for imposition of the penalties.
 - (4) Citations resulting from the enforcement of this section shall be heard in the Magistrate Court of Baldwin County.
- (i) *Violations; revocation.*
- (1) A short-term vacation rental that is determined to be operating without the necessary short-term rental certificate shall subject the owner to a penalty of \$500.00. Each day the short-term rental is rented for accommodation without a certificate shall constitute a separate violation.
 - (2) Each day a violation of the provisions of this section continues, after the code enforcement officer or law enforcement officer notifies the owner and/or short-term rental agent of a complaint, shall constitute a separate violation.
 - (3) The penalties for violations of the provisions in this section shall be as follows:
 - a. For the first violation within any 12-month period, the penalty shall be a fine of not less than \$500.00, nor more than \$1,000.00;
 - b. For the second violation within any 12-month period, the penalty shall be a fine of \$1,000.00;
 - c. For the third violation within any 12-month period, the penalty shall be a fine of \$1,000.00; and
 - d. For any violation that occurs when more than a 12-month period has transpired, it shall start again as a first violation.
 - (4) Upon a conviction of violation, the chief building official may revoke the owner's short-term vacation rental certificate and reject all applications for a short-term vacation rental certificate submitted by the owner for a period of 12 consecutive months.

- (5) Upon conviction of a third violation within any 12-month period, the chief building official shall revoke the owner's short-term vacation rental certificate and reject all applications for a short-term vacation rental certificate submitted by the owner for a period of 12 consecutive months.
 - (6) Notice of revocation of the short-term vacation rental certificate shall be provided by the chief building official to the owner and/or short-term vacation rental agent by personal service, certified mail, or by statutory overnight delivery.
 - (7) This code shall not apply to prevent new property owners from submitting an application for a short-term vacation rental if the property is in compliance with all applicable ordinances and all code violations related to the property have been resolved.
 - (8) Nothing in this section shall be construed to limit any action by the county health department to seek the remediation of any dangerous condition at the short-term vacation rental or to take any action seeking to protect and preserve against any threat to public safety.
- (j) *Appeal rights.*
- (1) A person aggrieved by the chief building official's decision to revoke, suspend or deny a short-term vacation rental certificate may appeal the decision to the county manager.
 - (2) The appeal must be filed with the county manager's office in writing, within 10 days after receiving notice of the adverse action and it shall contain a concise statement of the reasons for the appeal. The county manager shall hold an administrative hearing in consideration of the appeal and issue a decision within 30 days of receipt of the appeal.
- (k) *Conflicts.* Any ordinances or resolutions as adopted by this board which are in conflict with the ordinance from which this ordinance is derived are hereby repealed and rendered ineffective.

SECTION 2.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 3. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

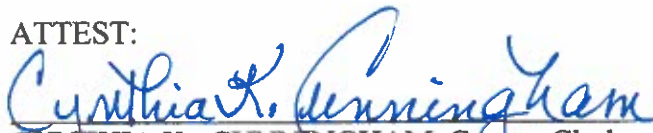
SECTION 4. Effective Date. This ordinance shall become effective immediately upon its adoption by the Chairperson and Board of Commissioners of Baldwin County.

SO ORDAINED this 3 day of September, 2024.



JOHN H. WESTMORELAND, Chairman

ATTEST:



CYNTHIA K. CUNNINGHAM, County Clerk
(Seal)



A RESOLUTION EXTENDING A MORATORIUM ON COMMERCIAL DEVELOPMENT AND RESIDENTIAL SUBDIVISION DEVELOPMENT FOR AN ADDITIONAL PERIOD NOT TO EXCEED SIXTY (60) DAYS WHILE THE COUNTY CONSIDERS CHANGES TO ITS LAND DEVELOPMENT CODE; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS OF FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WITNESSETH:

WHEREAS, Baldwin County (the “County”) is a duly formed political subdivision of the State of Georgia;

WHEREAS, Baldwin County has been vested with substantial powers, rights and functions under Article IX, Sec. II, Par. I to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the County;

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other developmental approvals where exigent circumstances exist to warrant the same, pursuant to case law found at City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); Taylor v. Shetzen, 212 Ga. 101 (1955); Lawson v. Macon, 214 Ga. 278 (1958);

WHEREAS, the Middle Georgia Regional Commission has worked with County staff to develop District-Based Land Use Codes;

WHEREAS, County staff is in the process of reviewing and preparing recommended changes to the County’s Land Development Code;

WHEREAS, the Board of Commissioners of Baldwin County, Georgia (“the Board of Commissioners”) is, and has been, interested in developing a cohesive and coherent policy regarding development in the County, and has intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the County as a whole;

WHEREAS, the Board of Commissioners has always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, and the general welfare of the community and other public requirements;

WHEREAS, it is the belief of the Board of Commissioners that the concept of “public welfare” is broad and inclusive and includes, but is not limited to, the valid public objectives of aesthetic conservation, preservation of the value of existing lands and buildings within the County, making the most appropriate use of resources, preserving existing neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the County;

WHEREAS, the Board of Commissioners' desire to review and revise its Land Development Code necessitates a limited cessation of commercial and residential subdivision development and finds that such limited cessation is reasonable and in the public interest;

WHEREAS, on July 2, 2024, the Board of Commissioners imposed a moratorium on development permits, variances, or licenses or other permits of any kind pertaining to commercial or residential subdivision development; and

WHEREAS, the Board of Commissioners have determined that it is necessary to extend the moratorium for an indefinite period not to exceed sixty (60) days from the effective date of this Resolution, to allow the County Manager and staff to continue to study, review, evaluate, and devise a recommendation to the Board of Commissioners and for the Board of Commissioners to adopt revisions to the County's Land Development Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Baldwin County, Georgia, and it is hereby resolved by authority of the same, as follows:

1. **Incorporation of Recitals.** The above stated recitals are true and correct and are incorporated as though fully set forth herein.
2. **Findings of Fact.** The Board of Commissioners hereby makes the following findings of fact:
 - a. It appears that the County's Land Development Code is in the process of being reviewed and revised by the County;
 - b. The County's ongoing revision of its Land Development Code requires a limited cessation of the application and issuance of any development permits, variances, or licenses or other permits pertaining to commercial or residential subdivision developments;
 - c. It is necessary and in the public interest to delay, for a reasonable time, the processing of applications for and the issuance of any development permits, variances, or licenses or other permits pertaining to commercial or residential subdivision developments to ensure that the same are consistent with the long-term planning objectives of the County.
3. **Moratorium on Commercial Development and Residential Subdivision Development.** The County does hereby extend the moratorium for an indefinite period, not to exceed sixty (60) days from the effective date of this Resolution, to allow the County Manager and staff to adequately study, review, evaluate, and devise a recommendation to the Board of Commissioners regarding revisions to the County's Land Development Code. The duration of this moratorium shall be until the Board of Commissioners adopts a revision of the County's Land Use Code or until the expiration of sixty (60) days from the date of adoption of this Resolution, whichever first occurs; or until such time as may be later set by the County.

During the moratorium period, no applications for any development permits, variances, or licenses or other permits of any kind shall be accepted by the County or any of its

Departments, Boards, or Committees pertaining to commercial or residential subdivision developments to be located or operated on any property located within the unincorporated area of Baldwin County, Georgia. Any such applications tendered and/or submitted to the County or any Department, Board, or Committee during this moratorium period shall not be accepted, considered, nor acted upon by the County, nor any Department, Board, or Committee thereof. Should an application be accepted, in error, during the moratorium period, such application shall be deemed null and void and have no effect whatsoever and shall constitute no assurance of any right to engage in any act or action related to the development of commercial or residential subdivision developments. Reliance on any such permit shall be unreasonable.

This moratorium shall have no effect upon approvals of permits for commercial or residential subdivision developments previously issued or as to development plans previously approved by the County prior to the effective date of this Resolution. Property owners who claim to have a vested right, pursuant to the laws of the State of Georgia, to obtain a permit for commercial or residential subdivision development must submit a written application for exception to the County Manager for submission and consideration by the County Land Use Committee. The written application for exception must include verified supporting documentation of the facts and data that support their claim of vested right, and request for exception to the moratorium.

4. **Severability.** In case any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution, but this Resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.
5. **Repeal of Conflicting Resolutions.** Any and all resolutions in conflict with this Resolution this day passed be and they are hereby repealed.
6. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

SO RESOLVED, this 3 day of September, 2024.

BALDWIN COUNTY, GEORGIA



Honorable John H. Westmoreland, Chairman
Baldwin County Board of Commissioners

ATTEST:

Cynthia K. Cunningham
Cynthia K. Cunningham
Baldwin County Clerk

DATE ADOPTED September 2, 2024

[SEAL]

