



BALDWIN COUNTY REGULAR MEETING

September 03, 2024

1601 N Columbia St, Suite 220

6:00 PM

AGENDA

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Central Georgia Technical College - Jeff Scruggs, Executive Vice President

APPROVAL OF MINUTES

2. August 6, 2024 Work Session
August 6, 2024 Regular Meeting
August 6, 2024 Executive Session

ADMINISTRATIVE/FISCAL MATTERS

3. Bids for Golf Course - County Manager
4. Workforce Investment Opportunity Act (WIOA) Grants - Assistant County Manager
5. Extend Moratorium on Residential and Commercial Development - County Manager
6. Short Term Vacation Rentals Ordinance - County Attorney
7. Sinclair Water Authority Funding Request - County Manager
8. HUD Housing Grant Application - County Manager
9. Central State Hospital Local Redevelopment Authority Reappointments - Chairman

OLD BUSINESS

NEW BUSINESS

COUNTY MANAGER'S REPORT

10. County Managers Report for September 3, 2024

PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS

EXECUTIVE SESSION

Personnel

RECONVENE REGULAR MEETING

ADJOURNMENT

REMINDERS

September 17, 2024, Tuesday, 6:00 p.m., Regular Meeting, 1601 North Columbia Street, Suite 220.

October 1, 2024, Tuesday, 6:00 p.m., Regular Meeting, 1601 North Columbia Street, Suite 220.



BALDWIN COUNTY
WORK SESSION
August 06, 2024
1601 N Columbia St, Suite 220
5:00 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 August 6, 2024 Work Session to order at 6:00 p.m.

ADMINISTRATIVE/FISCAL MATTERS

Short Term Vacation Rentals (STVR) Ordinance

County Manager Carlos Tobar stated a Public Hearing has been held on the proposed amendments to the STVR Ordinance, comments from Commissioners and citizens have been received, and the Ordinance has been revised by the County Attorney to reflect those comments and recommendations. Mr. Tobar stated County staff has confirmed that sample agreements from STVR property owners have been requested and received. He reported the County works with the Convention and Visitors Bureau in monitoring sites to determine the number of STVR area. The CVB keeps track of the rentals, and there are approximately 51 properties in the County with 4 pending applications.

Ms. Rebekah Snider of the CVB explained that the CVB partners with a marketing firm to monitor STVR sites and currently there are approximately 80 year-round properties countywide. She stated that there has been growth of 5% to 9% over the past five years which equates to 4 new properties coming online each year. She stated that through the work of the CVB and the marketing firm she can be sure that the number of STVR properties is as accurate as can be determined. She also reported that properties are cross referenced with Q Public and some properties that show up are actually located in Hancock and Putnam Counties rather than Baldwin County. Ms. Snider reported that the marketing firm only provides pictures of the properties, not the physical address. However, CVB staff who are familiar with the city and county, can determine proximity and actually cross with Q Public to obtain an address. She stated information is provided to the County on an annual basis and it assists the County in determining more information about the properties. Ms. Snider reported that Georgia Power has told them that the number of short-term rentals of properties on Lake Sinclair in Baldwin County is less than 1%.

County Attorney Brandon Palmer discussed revisions made to the proposed ordinance based on the public hearing, comments and suggestions from Commissioners and citizens. He discussed revisions pertaining to following: valid time period for STVR certificates being the calendar year with all STVR certificates expiring annually on December 31st; regulations shall apply to property owners, STVR agents and occupants; enforcement and violations; procedures for filing complaints, service of complaints to STVR owners, agents and occupants; process for providing notice of violation of non-compliance and service of citations. Mr. Palmer

stated citations will be handled through the Magistrate Court of Baldwin County. He discussed Subsection (i) penalties for violations and revocation of STVR certificate outlining penalties for first, second and third violations. Commissioners discussed whether the certificate should be revoked on the 2nd or 3rd violation and that the fine for 1st violation be increased to \$500.00. Commissioners recommended that Attorney Palmer revise fines to reflect fine for 1st violation to be no less than \$500 and no more than \$1,000; 2nd violation fine of \$1,000 and 3rd violation certificate to be revoked.

Discussion continued on various proposed amendments to include parking, number of occupants, revocation of certificate for non-payment of property tax and no use of property for venues for weddings, parties, etc. Comments were heard from members of the audience.

Attorney Brandon Palmer stated he will make revisions to the ordinance based on recommendations from Commissioners and will distribute the revised ordinance to Commissioners for their review and further consideration.

ADJOURNMENT

Commissioner Henry Craig made a motion to adjourn the Work Session at 6:56 p.m. Commissioner Emily Davis seconded the motion and it passed unanimously.

Respectfully submitted,

John H. Westmoreland
Chairman

Cynthia K. Cunningham
County Clerk



**BALDWIN COUNTY
REGULAR MEETING**
August 06, 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 August 6, 2024 Regular Meeting to order at 6:00 p.m.

INVOCATION

County Manager Carlos Tobar delivered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Henry Craig led the Pledge of Allegiance.

PRESENTATIONS

Mr. James Lunsford and Mr. Clarence Hall addressed the Board and expressed appreciation to the County for allowing the youth group, We Care, to use the gym at the Recreation Department for a free basketball camp. Mr. Lunsford stated approximately 60 kids participated in the program. Mr. Lunsford and Mr. Hall again thanked the County for making this possible.

APPROVAL OF MINUTES

Commissioner Henry Craig made a motion to approve the minutes of the July 16, 2024 Public Hearing, the July 16, 2024 Regular Meeting, the July 16, Executive Session and the July 29, 2024 Called Meeting as presented. Commissioner Emily Davis seconded the motion and it passed unanimously.

AMENDMENT TO AGENDA

Commissioner Sammy Hall made a motion to amend the Agenda to allow the Coroner to address the Board. Commissioner Emily Davis seconded the motion and it passed unanimously.

Coroner John Gonzalez addressed Commissioners requesting authorization to hire one additional part-time deputy coroner. He stated the reason another deputy coroner is needed is due to the fact that all deputy coroners have fulltime jobs, and he would like to add someone that is retired to be on call. Mr. Gonzalez reported there will be no additional cost to County except for training, dues, and per call payment.

Commissioner Henry Craig expressed concern about the possible legislation that would set minimum salaries for coroners as well as provide them with benefits.

Commissioner Emily Davis made a motion to approve hiring an additional part time deputy coroner. Vice Chairman Kendrick Butts seconded the motion.

Commissioner Henry Craig stated if such legislation is approved, there will be additional costs to the County for salaries and benefits. Commissioner Hall suggested approval of the part time deputy coroner through December 31, 2024 at which time the matter would be re-evaluated in order to determine impact, if any, of possible legislation.

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

Local Maintenance Improvement Grant (LMIG)

County Manager Carlos Tobar reported the bid opening for the LMIG road paving project was held July 15th, and four bids were received. He presented a bid tabulation of proposals received. Mr. Tobar stated it is the recommendation of staff to award the bid to low bidder, Surface Masters in the amount of \$3,658,185.85.

Commissioner Sammy Hall stated since the company has never been used by the County previously and is not currently GDOT certified has the County checked all qualifications and references. County Manager Carlos Tobar responded GDOT certification is not a requirement in the bid specifications, and County staff did check qualifications, and the company has applied for GDOT certification. County Attorney Brandon Palmer stated the County went through the public bid process as required. Commissioner Sammy Hall recommended that future bid documents include the requirement to be GDOT certified

Vice Chairman Kendrick Butts made a motion to award the LMIG bid to Surface Masters in the amount of \$3,658,185.85 as presented. Commissioner Henry Craig seconded the motion and it passed unanimously.

Firehouse Subs Public Safety Foundation Grant Award

County Manager Carlos Tobar reported the Sheriff's Office has been awarded a Firehouse Subs Public Safety Foundation Grant Award in the amount of \$24,598.96. He stated the grant will be used to purchase four dive suits, four full face masks, four communication systems, one surface station and accessories for the department.

Fire Chief Victor Young stated the Sheriff's Office and Fire Department are working together to move forward with the dive team, and the grant award will allow the purchase of necessary gear to perform essential duties in cold water conditions as well as be able to communicate with surface support while performing underwater operations.

Commissioner Henry Craig made a motion to accept the grant award as presented. Commissioner Emily Davis seconded the motion and it passed unanimously.

Revisions to Drug and Alcohol Testing Policy for Transit Program

County Manager Carlos Tobar stated in order for the County to participate in the 5311 Transit Program, the County must adopt the federal Drug and Alcohol Testing Policy for Transit Program employees even though the County has its own Drug and Alcohol Testing Policy. He discussed changes to the drug and alcohol policy as required by the federal transit authority which included oral fluid specimen, conditions considered as test refusals, and pre-employment testing.

Commissioner Henry Craig made a motion to approve the revisions to the Transit Program Drug and Alcohol Testing Policy as presented. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

Surplus Property 136 Felton Drive

County Manager Tobar and County Attorney Palmer reported on County surplus property located at 136 Felton Drive. Mr. Tobar stated nothing can be built on the lot, and the Health Department Environmental office has said it will not perk. He recommended the property be declared surplus property and sealed bids be solicited or a public action be held to sell the property.

County Attorney Brandon Palmer stated that State policy regulates this matter when you can't make independent use of the property.

Commissioner Henry Craig made a motion to declare the property at 136 Felton Drive as surplus property and to solicit sealed bids for the proper. Commissioner Emily Davis seconded the motion and it passed unanimously.

OLD BUSINESS

Commissioner Henry Craig reported Commissioners held a Strategic Planning meeting and the Sheriff's crime center was the top priority as a result of the meeting. He stated he would like to ensure this is included in upcoming budget discussions.

NEW BUSINESS

There was no New Business to come before the Board.

COUNTY MANAGER'S REPORT

County Manager Carlos Tobar presented highlights of his report on County projects to include the following: some of the new signs have been installed at the Courthouse and the County is waiting on delivery of the last set of signs; HUD has approved the environmental document for the Memorial Library, and the County is waiting on release of funds; installation of new sound system in the Commission Chambers will be complete by the September 3rd meeting; staff registered for mandatory webinar on galvanized waterline replacement project; permit received and work has resumed on Log Cabin waterline replacement project; documents have been submitted to DNR on the Fishing Creek Trail project and engineer has begun work on bid documents; waiting to receive contract from Federal Highway Administration on Oconee Heights Streetscape Project; bid documents are approximately 75% complete for the Crime Center; bids will be opened on August 14th for the pump at the Golf Course; evaluation continuing on construction of pickleball courts; waiting on Georgia Soil and Water Authority permits on Harrisburg Park improvements; a scrap tire amnesty day will be held September 28th from 7:00 a.m. – 4:00 p.m. at the Road Department, 311 Linda Drive; public meeting to be held with homeowners on Rocky Creek Court after we get engineering report and recommendations to look at options for this situation.

PUBLIC COMMENT PERIOD FOR NON-AGENDA ITEMS

The following citizens addressed the Board:

Tina Behne - 160 Pine Drive NE, stated the end of Pine Drive has become a dumping ground. She took pics and sent to County Manager. She requested signage to be placed there to deter illegal dumping.

Ed Powelski, 121 Tara Place, again discussed the water problem at 130 Tara Place. He stated he has heard nothing from County Engineer Wood. He presented a petition of residents in his neighborhood. He stated there are 57 homes there, and 37 additional homes are being proposed in the area. The residents do not want egress through Plantation Chase

Bobby Chester, 125 Muscadine Trail, speaking in support of Ed Powelski. He also does not want a lot more traffic in his neighborhood. Neighbors want another road to access those 37 homes.

Karley Lance, 131 Scarlett Way, Vice President of Plantation Chase Home Owners Association. The main concern is more traffic. She stated the HOA is asking that more options be looked at instead of putting access through private neighborhood.

She also stated she had been told that striping of roads in their neighborhood was at the top of the list. Now they are being told it is not necessary for roads to be striped since there are only certain number of houses.

William Mosley, 3694 Sussex Drive, expressed concern regarding property reassessments. He provided information on 2023 property sales and assessments. He stated neighborhoods not on the lake have much higher percentages of assessed value than actual sales price of property; where lake property is assessed at a much lower percentage of sales price; If proposed legislation is approved next year, there will be a cap at 3% which will have a large impact on tax collections.

EXECUTIVE SESSION

Vice Chairman Kendrick Butts made a motion to adjourn into Executive Session at 7:05 p.m. to discuss property acquisition. Commissioner Emily Davis seconded the motion and it passed unanimously.

RECONVENE REGULAR MEETING

Commissioner Henry Craig made a motion to reconvene the Regular Meeting at 7:40 p.m. Commissioner Emily Davis seconded the motion and it passed unanimously.

ADJOURNMENT

Commissioner Henry Craig made a motion to adjourn the Regular Meeting at 7:40 p.m. Vice Chairman Kendrick Butts seconded the motion and it passed unanimously.

Respectfully submitted,

John H. Westmoreland
Chairman

Cynthia K. Cunningham
County Clerk

Golf Course Irrigation Pump Station Proposal Opening

08/14/2024

3:00 PM

1601 N Columbia Street, Suite 230

Milledgeville, GA 31061

Firm Name	Price
ProPump & Controls	\$273,244.00
Central Turf & Irrigation Supply	\$287,326.88

Technical College System of Georgia, Office of Workforce Development
GEORGIA WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

STATEMENT OF GRANT AWARD

RECIPIENT: Baldwin County

LOCAL WORKFORCE AREA: 011 REGION: 06

GRANT NO: 11-24-24-06-011
FAIN: 24A55AT000060

GRANT PERIOD:
FROM: 07/01/2024 THRU: 6/30/2026

GRANT YEAR: PY2024

PROGAM TITLE/TYPE: I Adult Program

CFDA NO: 17.258

TOTAL FUNDS: \$ 144,830
Admin not to exceed: \$ 14,483

This award is hereby made, in the amount and for the period shown above, from a grant under the Workforce Innovation and Opportunity Act (P.L. 113-128), as amended, to the above mentioned recipient, and in accordance with the Workforce Innovation Plan project application. This award is subject to any attached assurances, revisions, special conditions, or waivers.

This award is subject to all applicable policies, rules and regulations, and conditions as prescribed by the Technical College System of Georgia's Office of Workforce Development (OWD) and the United States Department of Labor. It is also subject to such further laws, rules, regulations and policies as may be reasonably prescribed by the State of Georgia or the Federal Government under Public Law 113-128, as amended.

This grant becomes effective on the beginning of the grant period, provided that within thirty (30) days of the award execution date (below), the properly executed original Statement of Grant Award and any of the attached properly executed revisions, waivers and special condition statements are returned to OWD.

- This award is subject to Certification Regarding the Role of the Local Grant Recipient
- This award is subject to Subrecipient Designation (if applicable)
- This award is subject to Liability Waiver
- This award is subject to Certification on Nondiscrimination and Equal Opportunity Requirements
- This award is subject to Certification Regarding Drug-Free Workplace Requirements
- This award is subject to Certification Regarding Debarment and Suspension
- This award is subject to Certification For Lobbying
- This award is subject to Statement of Assurances
- This award is subject to special conditions (attached)

Technical College System of Georgia
Title I Executive Director, Office of Workforce Development

8/6/2024

Date Executed

I, John Westmoreland (typed) acting under my authority to contract on behalf of the recipient of the above described grant on the terms and conditions stated above or incorporated by reference therein, do hereby accept this Grant Award.

8/6/2024

Date of Acceptance

John Westmoreland

Chairperson

Authorized Signature

Chair

Title (typed)

Technical College System of Georgia, Office of Workforce Development
GEORGIA WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

STATEMENT OF GRANT AWARD

RECIPIENT: Baldwin County
LOCAL WORKFORCE AREA: 011 REGION: 06
GRANT NO: 31-24-24-06-011
FAIN: 24A55AW000059
GRANT PERIOD:
FROM: 07/01/2024 THRU: 6/30/2026
GRANT YEAR: PY2024
PROGAM TITLE/TYPE: I Dislocated Worker Program

TOTAL FUNDS: \$ 153,241
Admin not to exceed: \$ 15,324

CFDA NO: 17.278

This award is hereby made, in the amount and for the period shown above, from a grant under the Workforce Innovation and Opportunity Act (P.L. 113-128), as amended, to the above mentioned recipient, and in accordance with the Workforce Innovation Plan project application. This award is subject to any attached assurances, revisions, special conditions, or waivers.

This award is subject to all applicable policies, rules and regulations, and conditions as prescribed by the Technical College System of Georgia's Office of Workforce Development (OWD) and the United States Department of Labor. It is also subject to such further laws, rules, regulations and policies as may be reasonably prescribed by the State of Georgia or the Federal Government under Public Law 113-128, as amended.

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Technical College System of Georgia
Title I Executive Director, Office of Workforce Development

I, John Westmoreland (typed) acting under my authority to contract on behalf of the recipient of the above described grant on the terms and conditions stated above or incorporated by reference therein, do hereby accept this Grant Award.

Date of Acceptance
John Westmoreland
Chairperson

Date Executed

Authorized Signature
Chair
Title (typed)

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 ____ day of September, 2024.

BALDWIN COUNTY, GEORGIA

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

ATTEST:

Cynthia K. Cunningham
Baldwin County Clerk

DATE ADOPTED _____

[SEAL]

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 ____ day of September, 2024.

JOHN H. WESTMORELAND, Chairman

ATTEST:

CINDY CUNNINGHAM, County Clerk
(Seal)

CSHLRA
Board Member Contact Information

Name	Address	City	State	Zip	email	Cell	Appointment
Johnny Grant	116 Old Sarasota Rd., NW	Milledgeville	GA	31061	jwgrant@windstream.net	(478) 451-7234	Governor
Bill Jones	184 Spurgeon Drive	Milledgeville	GA	31061	bjones@cbots.com	(478) 456-8849	Gov/Legislator
Calvin McMullen	P.O. Box 1111	Milledgeville	GA	31059	calvinmcmullen58@gmail.com	(478) 457-4337	Gov/Legislator
Randy Peters	101 Pebble Hollow Drive	Milledgeville	GA	31061	rpeters@medlakelab.com	(770) 241-6286	Gov/Legislator
Brian Robinson	109 Louise Lane	Milledgeville	GA	31061	brianrobinson@centurybankonline.com	(478) 414-8920	Gov/Legislator
George Martinez	P.O. Box 1415	Milledgeville	GA	31059	georgemartinezmd@aol.com	(478) 457-7774	County
Nolan Stephens	131 Tara Place	Milledgeville	GA	31061	drcnolan@yahoo.com	(478) 491-0955	County
Joycelynn Nelson	P.O. Box 671	Hardwick	GA	31034	joycelynn.nelson@gmail.com	(850) 251-6154	City
Owen Pittman	156 Sandy Beach Road	Milledgeville	GA	31061	owenpittman1421@gmail.com	(478) 251-5886	City

Baldwin County Projects		Next Phase
Public Buildings		
Courthouse Renovation	Some new signs installed. Awaiting last set of signs.	Completion expected by mid-September.
Memorial Library	HUD released funds.	Design to begin shortly.
Government Building	System installed and tested.	System will go live September 3, 2024.
Construct Basement Courtroom	Public building staff working to purge and relocate files to old jail.	Basement courtroom to be constructed by 2030.
Sewer & Water Infrastructure		
Galvanized Water Line Inventory Project	Received \$150,000 grant to inventory galvanized water lines. Mandatory webinar on August 15, 2024.	Project is expected to start by fall 2024.
Water Line Replacement	Cobb Rd completed. Log Cabin Rd 4.5 mile water line replacement under construction. Permit received. Work continues.	Expect completion by end of 2024.
Smith-Sibley Sewer Extension	EPA meeting held. Environmental underway.	Awaiting environmental process to be completed before design is completed.
Sewer Line Replacement/Housing Rehabilitation	Grant awarded for \$1.25 million; One million is for sewer rehabilitation; \$250K for housing rehabilitation.	Contract documents will be provided to BOC.
Sewer Lift Station Conversion to Gravity Conveyance	BOC submitted \$1.8 million request to Senator Ossoff. Senator Ossoff submitted to Senate Appropriations Committee.	Did not make it into the appropriations bill. Staff will look for other funding opportunities.
Transportation		
Road Resurfacing	Board awarded contract to Surface Masters for \$3,658,185.85.	Preconstruction meeting held 08/27/24.
Fishing Creek Trail Completion	DNR awarded Oconee River Greenway \$200,000 to pave 0.57 miles of Fishing Creek Trail.	Staff submitted second level application on 05/30/24.
Oconee Heights Streetscape	Submitted additional documents requested by USDOT on 03/04/24.	Awaiting FHWA contract.
Bridge Replacement	Preparing Federal Highway Administration grant to replace four bridges.	Application to be submitted in 2025.
Terminal Apron Expansion	Archaeological studies to take place first week of September.	Public Hearing to be scheduled late fall/early winter 2024.
Lower Ramp Expansion	Archaeological studies to take place first week of September.	Public Hearing to be scheduled late fall/early winter 2024.
Public Safety		
Flock Cameras	23 additional Flock cameras installed. 4 more to go.	Awaiting GDOT permit for remaining four.
SO Real Time Crime Center	Design/Build Solicitation Prepared; Project has been advertised for construction.	Bids due September 26, 2024 at noon.
SO Training Equipment	Final budget approved by Governor's Office of Planning & Budget.	Sheriff's Office to prepare requisition.
Cooper's Station Storm drain Relocation & Floor Repair	Road Department to relocate pipe by end of 2024.	After pipe relocation contractor needs to repair truck parking bay.
Recreation		
Walter B Williams Trail Phase 1	Project complete.	First race is September 7-8.
Walter B Williams Ballfield Lights	\$900,000 Grant application submitted to Department of Energy (DOE).	Awaiting DOE response summer 2024.
Little Fishing Creek Golf Course	Golf Course Irrigation Pump Station	BOC votes to award contract on 09/03/24.
Water Park/Aquatic Center	Pool and lazy river concrete being poured; building plumbing is underway; excavation is completed. No artifacts were found.	Completion expected by Memorial Day 2025.
Pickleball Courts	Three bids were opened August 1, 2024.	Staff looking for way to fund project.
Harrisburg Park Improvements	Georgia Soil & Water Conservation approved plans; advertisement for construction being prepared.	Bids will be due October 2024.
Oconee Heights Park at 123 Coombs Ave	Road Department to grade parcel late summer 2024.	GCSU continues to raise funds and seek donors.

Government Park	Design paused.	TBD.
Cooper's Park	Some park improvements to be completed early 2025.	Full park improvements to be completed by 2030.
Broadband Infrastructure		
Windstream & County Partnership	250 houses connected. 48 miles of fiber deployed.	433 more households to be connected by end of 2024.
Housing		
2022 CHIP Grant	Five houses completed; last one is under construction.	All six homes should be completed by September 2024.
Rural Housing Initiative	County readvertised	No bids received.
2024 CHIP Grant	Received \$500,000 CHIP rehab grant; only county in state.	Await contracts from DCA.
2023 Habitat for Humanity CHIP Grant	Land Bank Authority gifted lots to Habitat for Humanity on 08/20/2024.	County obligations met.
Administrative		
Personnel Handbook	More edits being made to personnel handbook.	Board to approved updated Personnel Handbook.
District Based Land Use	Staff is reviewing recommended edits.	Land Use Committee meets Sep 5 to review document.
Fire House Subs Grant	BOC accepted the grant on 08/06/2024.	Purchase order issued 08/29/24.
Short Term Vacation Rental Ordinance	Draft prepared; public hearing on July 16 at 5 PM.	BOC to vote Sep 3, 2024
Scrap Tire Amnesty Grant	Grant Awarded.	Event to be held at 311 Linda Dr on 09/28/2024.