



# **BALDWIN COUNTY COMMISSIONERS PUBLIC HEARING AND REGULAR MEETING**

**January 05, 2021**

**1601 N Columbia St, Suite 220**

**6:00 PM**

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## **AGENDA**

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC HEARING**

1. Ordinance for Broadband Ready Community
2. Timber Harvesting Ordinance
3. Short-Term Vacation Rental Ordinance - Chair
4. Alcoholic Beverage Ordinance - Chair

### **APPROVAL OF MINUTES**

5. December 15, 2020 Work Session
6. December 15, 2020 Regular Meeting

### **ADMINISTRATIVE/FISCAL MATTERS**

7. Ordinance for Broadband Ready Community - Chair
8. Timber Harvesting Ordinance - Chair
9. Short-Term Vacation Rental Ordinance - Chair
10. Alcoholic Beverage Ordinance - Chair
11. Bids for 2019 CDBG Sewer Project - County Manager
12. Resolution for 2021 CDBG Application - County Manager
13. Employment Agreement for County Manager - Chair
14. Contract for County Attorney - Chair

### **OLD BUSINESS**

**NEW BUSINESS**

**COUNTY MANAGER'S REPORT**

**PUBLIC COMMENT PERIOD FOR NON - AGENDA ITEMS**

**ELECTION OF CHAIR AND VICE-CHAIR**

**ADJOURNMENT**

**REMINDERS**

**Sec. 16.75. - AN ORDINANCE FOR A BROADBAND READY COMMUNITY**

As used in this ordinance, “broadband network project” means any deployment of broadband services.

As used in this ordinance, “political subdivision” means a county, municipal corporation, consolidated government, or local authority.

As used in this ordinance, “applicant” means a person applying for a permit for a broadband network project.

As used in this ordinance, “permit” means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(a) Single Point of Contact.

Baldwin County, Georgia shall appoint a single point of contact for all matters related to a broadband network project:

- (1) The single point of contact documentation shall include;
  - a. Chief Building Official
  - b. Steve Owens
  - c. Baldwin County
  - d. Office: 478-445-4205; Cellular: 478-456-0433
  - e. sowens@baldwincountyga.com
  - f. <https://www.baldwincountyga.com/business-services/>
- (2) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
- (3) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

(b) Application Completeness Review.

- (1) Baldwin County shall determine whether an application is incomplete and notify the applicant, by email, of the determination by Baldwin County within 10 calendar days of receiving an application.

- (2) If Baldwin County does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.
- (c) Notification of Incomplete Application.
- (1) If Baldwin County determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered 'incomplete';
  - (2) Baldwin County's response shall include a checklist of sequenced items that resulted in the application being deemed 'incomplete' and the review timeline shall be as follows:
    - a. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
    - b. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
  - (3) If within 10 calendar days Baldwin County does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
  - (4) Baldwin County shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.
- (d) Approval or Denial Notification.

If, on or before the 11th day as described in 2 (b), an application is deemed complete, Baldwin County shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and Baldwin County is deemed as necessary.

- (1) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
  - a. Where applicant is going to conduct work,
  - b. When the work will be conducted,
  - c. What type of work will be done,

- d. Who Baldwin County can contact for specific details or related questions, and
  - e. Any permit seeking approval under application.
  - f. Following a joint meeting between the applicant and Baldwin County, Baldwin County shall deny or approve the application within 10 calendar days.
- (2) Upon final approval, any required permit permitted shall be deemed issued.
- (e) Related Fees.
- (1) Any fee imposed by Baldwin County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
  - (2) Any application fee that exceeds \$100.00 shall be considered unreasonable unless Baldwin County can provide documentation justifying such fee based on a specific cost.
- (f) Other Information.
- (1) Double Fee: Baldwin County shall not require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact at Baldwin County prior to access of right-of-way within Baldwin County's unincorporated area.
  - (2) Application Validity Timeline: Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
  - (3) Single Service Drop: Baldwin County shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a deminimis portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

- (g) Baldwin County acknowledges:
  - (1) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
  - (2) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of Baldwin County’s Broadband Ready Certification, should the certification be granted.
- (h) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

**SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**BALDWIN COUNTY BOARD OF COMMISSIONERS, GEORGIA**

\_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
County Clerk

## BALDWIN COUNTY TIMBER HARVESTING ORDINANCE

WHEREAS, timber harvesting operations occur in the unincorporated portions of Baldwin County on a recurring basis; and

WHEREAS, timber harvesting is an important component of the local economy in Baldwin County, providing revenue to landowners, business opportunities, and jobs for local residents; it is the intent of the Governing Authority of Baldwin County to facilitate this industry while at the same time protecting county infrastructure and the safety of the community; and

WHEREAS, timber harvesting in many instances requires the use of county-maintained roads in order to transport the product to market; and

WHEREAS, it is in the public interest to protect the county road system from damage caused by timber harvesting operations to the extent allowed by state law; and

WHEREAS, O.C.G.A. §12-6-24 authorizes and establishes the terms and conditions under which this Ordinance may be adopted and enforced; and

WHEREAS, it is the intent of the Governing Authority of Baldwin County to preserve and exercise where appropriate all powers and authority granted to it under state law, including but not limited to O.C.G.A. §32-4-42 and O.C.G.A. §40-6-371, that are not in conflict with O.C.G.A. §12-6-24, in order to protect the health, safety and welfare of the community.

NOW, THEREFORE, it is hereby ORDAINED by the Governing Authority of Baldwin County as follows:

## I.

All persons or firms harvesting standing timber in any unincorporated area of Baldwin County for delivery as pulpwood, logs, poles, posts, or wood chips to any woodyard or processing plant located inside or outside this state shall provide Notice of such harvesting operations to the Baldwin County Governing Authority or the designated agent thereof prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give Notice of cessation of cutting within 24 hours after the job is completed.

## 2.

The Notice of harvesting operations required by this Ordinance shall be provided for each separate tract to be harvested. Such Notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:

- a. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or egress will be used, all such points shall be identified;
- b. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. §48-5-7.5;

- c. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
- d. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

3.

Subject to the provisions of Section 5 of this Ordinance, the Notice required by this Ordinance may be submitted in person, by transmission of an electronic record via telefacsimile or e-mail, or by mail.

4.

Subject to the provisions of Section 5 of this Ordinance, upon notification published by the Director of the Georgia Forestry Commission that a state-wide notification website or platform is available for public use, persons or firms wishing to utilize said website or platform to provide the Notice required by this Ordinance may do so at their option, and Baldwin County will accept notifications submitted in this manner.

5.

On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the state-wide notification website or platform shall be mandatory and shall be the sole means of providing the Notice required by this Ordinance; on and after said date submission of the Notice by any of the means listed in Section 3 above shall cease and will no longer be deemed acceptable or in compliance with this Ordinance.

6.

The Notice required by this Ordinance shall not be or remain effective unless and until the person or firm providing such Notice has delivered to the Governing Authority of Baldwin County or its designated agent a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Baldwin County against any damage caused by such person or firm in the amount of \$5,000.00; provided, however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. §7-1-4, in the amount of \$5,000.00 may be provided in lieu of a surety bond. Such bonds or letters of credit shall be subject to the conditions set forth in Sections 7 and 8 of this Ordinance. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number of tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered. [Note to county attorneys: The maximum bond amount is set by statute at \$5,000.00 and may not be increased at the local level.]

7.

The bond or letter of credit required by Section 6 of this Ordinance shall protect Baldwin County against any damage requiring re-ditching or repair of existing ditch structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights of way caused by such person or firm tendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights of way. The



proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Baldwin County to call such bond or letter of credit in accordance with the provisions of Section 8 of this Ordinance shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights of way.

8.

When damage results from a person or firm's harvesting activities, the Governing Authority of Baldwin County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the Governing Authority becomes aware of the damage. Such claim may be given in person, by telefacsimile, email or mail. The claim shall describe the damage in detail and, in compliance with Section 9 (a) of this Ordinance, give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the Governing Authority or its designee determines the conditions present a threat to public safety, health or welfare and, upon making such repairs, shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this Section the Governing Authority of Baldwin County or its designee shall notify the issuer of the bond or letter of credit that a claim has been made and will be resolved or adjudicated according to the terms of this Ordinance.

9.

Within 30 days of receipt of the written claim described in Section 8, the person or firm against whom the claim is submitted may:

- a. Repair such damage at his or its own expense with the approval and supervision of the Governing Authority of Baldwin County or its designee. When repairs are completed to the satisfaction of the governing authority or its designee, the governing authority or its designee shall provide a written notification of satisfactory completion within five business days to the responsible person or firm and to the surety issuing the bond or the bank issuing the letter of credit, thereby terminating the claim.
- b. In the event of inclement weather or other factors preventing repair of the damage, request a 30 day extension to repair the damage from the Governing Authority of Baldwin County, provided that no extensions shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the Governing Authority of Baldwin County or its designee.
- c. Appeal the claim to the Magistrate Court of Baldwin County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the action and shall have the right to appear. The Magistrate Court will hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30 day period, or any extension thereof, required by Section 8 of this Ordinance. If the Magistrate Court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgment shall be entered against the county. If the Magistrate Court rules in favor of the county the court shall determine the amount of damages

to which the county is entitled to recover and enter judgment accordingly; the Governing Authority of Baldwin County shall be authorized to call the bond or letter of credit and recover from the proceeds thereof an amount equal to the judgment entered by the court, up to the total amount of the bond or letter of credit. The portion of any judgment entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity.

d. In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (a), (b) or (c) of this Section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.

10.

If the person or firm tendering a bond or letter of credit pursuant to the requirements of this Ordinance continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm continuing the timber harvesting operation shall tender a new bond or letter of credit within five (5) business days after the first day of the new calendar year.

11.

In the event a bond or letter of credit tendered pursuant to the requirements of this Ordinance is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the Governing Authority of Baldwin County within five business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be increased to \$7,500 after the first revocation, and \$10,000 after a second revocation caused by the person or firm tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed \$10,000.

12.

Submission of the Notice required by this Ordinance shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the Notice and shall remain in effect until such time as the person or firm gives Notice that the harvesting operation is complete; provided, however, that any change in the facts required to be provided for purposes of such Notice, including but not limited to a change in the scope or extent of the operation, must be reported to the Governing Authority of Baldwin County within three business days after such change.

13.

Any person or firm that engages in a timber harvesting operation in the unincorporated portion of Baldwin County without complying with the Notice requirements of this Ordinance shall be subject to a citation and trial, and upon conviction shall be fined in an amount not to exceed \$1,500.00 for each violation.

14.

This Ordinance applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. §12-7-17 (5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set forth in O.C.G.A. §12-7-17 (6).

15.

Consistent with O.C.G.A. §12-6-24:

- (a) no fee shall be charged to provide and submit the Notice required by this Ordinance; and
- (b) no permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons and firms providing the Notice required by this Ordinance may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights of way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the forgoing, the person or firm conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this Ordinance shall preclude the Governing Authority of Baldwin County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

16.

The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, section or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

**SOORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**BALDWIN COUNTY BOARD OF COMMISSIONERS, GEORGIA**

\_\_\_\_\_  
Chairman

**ATTEST:**

\_\_\_\_\_  
County Clerk

## Sec. 16.75. - AN ORDINANCE FOR SHORT-TERM VACATION RENTAL

As used in this ordinance “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.

### (a) Regulations for Short-Term Vacation Rentals.

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 as a result of any hotel/motel tax 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 Ordinance shall be subject to the penalties included in Chapter 50 Article II of these Code of Ordinances. Owners shall also insure occupants do not disrupt or interfere with rights of adjacent property owners to quiet enjoyment of their property and shall adhere to the following requirements:

- (1) Owners shall not allow occupants to violate any federal state, or local law, statute, rule or ordinances, including, but not limited to, Sections 25-19 and Chapter 35 Article II.
- (2) Owners shall not allow overnight occupancy to exceed the maximum capacity specified in the rental certificate.

### (b) 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 Baldwin County Board of Commissioners fee schedule, which shall include at a minimum the following information or documentation:
  - a. The name, address, telephone and email address of the owner(s) of record of the dwelling unit for which a certificate is sought. If such owner is not a natural person, the application shall identify all partners, officers 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 his or her 24-hour contact information and who shall:
    1. Be reasonably available to handle any problems arising from use of the short-term vacation rental unit;

2. Appear on the premises within 24 hours following notification from the Chief Building Official, or his/her designee, of issues related to the use or occupancy of the premises.
  3. Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
  4. Monitor the short-term vacation rental unit for compliance with this chapter;
- 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 shall state the maximum occupancy for the residence, which shall be the same number as advertised and marketed to potential renters by or on behalf of the owner.
  - f. The owner's agreement to use his or her best efforts to assure that use of the premises by short-term vacation rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
  - g. A copy of an exemplar agreement between the owner and occupant(s) which obligate the occupant to abide by all of the requirements of the chapter, and other Baldwin County ordinances, state and federal law, and that such a violation of any of these rules may result in the immediate termination of the agreement and eviction from the premises, as well as potential liability for payment of fines levied;
  - h. Proof of the owner's current ownership of the short-term vacation rental unit; and
  - i. 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 is 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 rental certificate shall amend the filed application without payment of any additional application fee.

(c) 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 certificate shall not be issued unless the owner demonstrates compliance with the applicable codes.

(d) Violations; revocation.

- (1) In any instance in which use of the short-term rental by a guest results in a violation of these ordinances, or any other ordinance of Baldwin County, notice of such violation shall be provided to the short-term vacation rental agent. Failure to remedy any notice of violations may result in the issuance of a citation, which shall be prosecuted pursuant to this Code. Upon a conviction of violation, the Chief Building Official may revoke the short-term vacation rental certificate and reject all applications for the subject premises for a period of 12 consecutive months.
- (2) Short-term rentals occurring on or after January 1, 2021 without a valid rental certificate shall constitute a violation of this Chapter and shall be subject to a minimum fine of \$250.00. Each occurrence shall constitute a separate offense.
- (3) Nothing in this Ordinance shall be construed to limit any action by the Baldwin 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.

(e) 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 30 calendar days after the adverse action and it shall contain a concise statement of the reasons for the appeal. A decision from the County Manager shall be rendered within 5 business days of receipt of the appeal, and may hold any administrative hearing deemed necessary in consideration of the appeal.

(f) Conflicts.

Any ordinances or resolutions as adopted by this Board which are in conflict with these ordinances are hereby repealed and rendered ineffective.

**SOORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_ January, 2021

**BALDWIN COUNTY BOARD OF COMMISSIONERS, GEORGIA**

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

