

Baldwin County Commissioners
Public Hearing and Regular Meeting
January 5, 2021
6:00 p.m.

A Public Hearing on amendments to the Baldwin County Ordinances and the Regular Meeting of the Baldwin County Commissioners were held Tuesday, January 5, 2021, at 6:00 p.m., Suite 220, Baldwin County Government Building, Milledgeville, Georgia with Chair Henry Craig presiding.

Members Present: Henry Craig
Emily C. Davis
Kendrick Butts
Sammy Hall
John Westmoreland (Remote)

Also Present: David McRee
Carlos Tobar
Dawn Hudson
Jill Adams
Cindy Cunningham

Call to Order

Chair Henry Craig called the January 5, 2021 Public Hearing and Regular Meeting to order at 6:00 p.m.

Public Hearing on Proposed Amendments to the Baldwin County Code of Ordinances

Chair Henry Craig opened the Public Hearing on He stated notice of the public hearing was published as required, and the purpose of the hearing is to receive public comments and input on proposed amendments to the Code of Ordinances.

County Manager Carlos Tobar presented a proposed Ordinance for A Broadband Ready Community. He reported the Adoption of an ordinance is a requirement for applying to the Department of Community Affairs for a Broadband Ready Community Designation. He stated the purpose of the Broadband Ready Community Designation is for the local government to show that it has taken steps to reduce obstacles to broadband infrastructure investment. The County would already have rules in place for broadband infrastructure investors. This Designation would encourage economic development and attract technology.

Commissioner Sammy Hall recommended that a change in wording be made to Section (a) (2). He recommended that the word "use of" be added to the section to read and "use of" right-of-way

Chair Craig opened the floor for public comments.

Cindy Humphrey of Simpson Procter Lane stated she lives in an area with no broadband service and she was in favor of expanding broadband.

County Manager Carlos Tobar presented a Timber Harvesting Ordinance. He stated this is a result of State legislation, and the County Ordinance must be updated to include these State provisions. The State requirements outline the process of providing notice of timber harvesting operations. Notice shall not become effective until a valid surety bond in the amount of \$5,000, executed by a surety corporation authorized to transact business in Georgia, has been delivered to the County to protect / reimburse the County against any damage to ditch structures or removing harvesting residue placed on County's rights of way. The harvesting individual / firm may provide a \$5,000 valid irrevocable letter of credit issued by a bank or savings & loan association in lieu of a surety bond. He stated the Ordinance further outlines the process of calling the bond or letter of credit and penalties for not complying with the Notice of requirements of the Ordinance.

There were no public comments on the Timber Harvesting Ordinance.

County Manager Tobar presented an Ordinance for Short-Term Vacation Rentals. He reported there are a number of short-term rental properties in the County, and Commissioners have received calls about disturbances to neighborhoods as a result of these type rentals. There is concern about the effect on neighborhoods due to the number of people / vehicles on the property, sanitation and noise. He stated discussion was held at a Work Session regarding this matter and how to protect our neighborhoods. This ordinance is being presented for the Board's consideration.

Mr. Tobar stated the owner must obtain a short-term vacation rental certificate from the County indicating contact information of owner, address of property to be used as rental, information for a 24-hour contact for the property. The ordinance outlines further regulations such as maximum occupancy for the residence, no interference with rights of neighboring property owners and agreement to abide by County ordinances, state and federal laws. Violation to any specified rules may result in immediate termination of agreement and eviction, as well as potential liability for payment of fines levied.

Commissioners stressed their concern about the effect of short-term rentals on neighborhoods, as well as their intent to protect our citizens and also to ensure the County is paid tax that should be collected on these type rentals.

Discussion was held regarding the Certificate obtained from the County being displayed in a conspicuous place near the front door of the property. It was recommended that this be included in the ordinance.

A property owner on Admiralty Way addressed the Board about his situation. He stated his residence is located between two such rentals and it is very disruptive to the neighborhood. He cited examples of many cars parked on the property and along the road, loud noise from so many people being on the property, loud music, obscene language, lack of concern for other residents' safety on the water. He asked for the Board to adopt this ordinance to help with such undesirable situations.

Chair Craig reported a service will be used to monitor short-term vacation rentals; the Chief Building Official will handle complaints and the approved Certificate will be posted in a conspicuous place near the front door of the property.

Commissioner Hall asked if there is enough included in the ordinance for enforcement. County Attorney McRee responded the Certificate will be revoked if the ordinance is not

followed. County Manager Tobar stated the Solicitor General has reviewed the ordinance.

Chair Craig stated he felt this is a good start in addressing this issue, and the ordinance can be amended in the future as other issues arise.

Commissioner John Westmoreland stated he felt the Board should activate the ordinance now and not put this off any longer. He stated it is a much-needed policy.

Alcoholic Beverage Ordinance

County Manager Tobar presented information on changes to the Alcoholic Beverage Ordinance that are mandated by the State. He stated new regulations allow salespersons of a manufacturer or wholesaler to provide sampling of an alcoholic beverage product to a retail dealer or its employees for consumption on the licensed premises in areas closed to the public, and the salesperson must remove from the premises any packages brought onto licensed premises in order to provide samples of alcoholic beverage products. State regulations now the delivery of malt beverages and wine in “unbroken packages” purchased by an individual for personal use and not for resale. Stipulations for the delivery of alcoholic beverages is detailed in the ordinance. He stated all alcoholic beverage licenses will be submitted through the State; Baldwin County will continue to collect the fees as we did before the change.

Chair Craig opened the floor for any further comment on the ordinances presented at the public hearing. There was no further public comment.

Commissioner Emily C. Davis made a motion to close the Public Hearing at 6:35 p.m. The motion was seconded by Commissioner Sammy Hall, and it passed unanimously.

Approval of Minutes

Commissioner Sammy Hall made a motion to approve the minutes of the December 15, 2020 Work Session and the December 15, 2020 Regular Meeting as submitted. Commissioner Emily C. Davis seconded the motion and it passed unanimously.

Ordinance for Broadband Ready Community

Chair Craig stated that during the public hearing an addition was recommended to the proposed Ordinance for Broadband Ready Community. The addition was adding the words “use of” in a (2) to read “use of right-of-way”.

Commissioner Sammy Hall made a motion to adopt the Ordinance for A Broadband Ready Community as presented and with the addition as stated. Commissioner 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 _____ and _____.

Timber Harvesting Ordinance

Commissioner Sammy Hall made a motion to adopt the Timber Harvesting Ordinance.

Commissioner 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 _____ and _____.

Ordinance for Short-Term Vacation Rentals

County Manager Tobar presented recommended changes to the proposed Ordinance for Short-Term Vacation Rentals as discussed at the public hearing. He stated an addition of a(3) to require that the Certificate be placed near front door of property in a conspicuous place.

Mr. Tobar discussed section (b) application fee. He reported the ordinance references a fee schedule, and he recommended a fee in the amount of \$110.00 to cover cost to the County.

Commissioner Sammy Hall made a motion to adopt the Short-Term Vacation Rental Ordinance as presented with the addition of a (3) requiring posting of Certificate and to have the County Manager and County Attorney evaluate the Ordinance for further recommendations in 90 days. Commissioner John Westmoreland 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 _____ and _____.

Commissioner Sammy Hall made a motion to approve a Certificate fee of \$110.00. Commissioner John Westmoreland seconded the motion and it passed unanimously.

Alcoholic Beverage Ordinance

Commissioner John Westmoreland made a motion to adopt the Alcoholic Beverage Ordinance as presented. Commissioner 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 _____ and _____.

Bids for 2019 Community Development Block Grant (CDBG) Sewer Project

County Manager Carlos Tobar presented a bid tabulation and letter of recommendation from Carter / Sloope Engineers for the 2019 CDBG Sewer Rehab project. He reported six bids were received, and IPR Southeast, LLC was the low bidder for a total base bid of \$777,271.00. Mr. Tobar stated since the bid amount is over budget, engineers have worked with the contractor to revise the quantities to reduce the proposed contract amount to \$719,471.00. He further discussed the specific reductions.

Commissioner Emily C. Davis made a motion to award the bid to IPR Southeast, LLC in the amount of \$719,471.00 as presented. Commissioner Kendrick Butts seconded the motion and it passed unanimously.

Resolution for 2021 CDBG Application

County Manager Tobar presented a Resolution supporting the application for FY 2021 Community Development Block Grant (CDBG) funds for sewer improvements. The Resolution outlines the commitment of the County to provide the required cash match for the project; \$1,000.00 for required audits; and cash and/or in-kind services needed to complete the project over the grant amount. Resolution also authorizes the Chair to

serve as official representative of the County, to enter into an agreement for engineering and grant administration if grant is funded and to execute the application and other required documents. Resolution outlines requirements of compliance for Section 3. Title VIII of Civil Rights Act, ADA and other applicable laws.

Commissioner Emily C. Davis made a motion to adopt the Resolution as presented. Commissioner 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 _____ and _____.

Employment Agreement for County Manager

Commissioner Sammy Hall made a motion to approve the Employment Agreement for County Manager Carlos Tobar. Commissioner Emily C. Davis seconded the motion and it passed unanimously.

A copy of the Agreement is on file in the Commissioners' Office.

Contract for County Attorney

Chair Henry Craig presented a contract for County Attorney McRee. He stated this is the same contract as last year with an adjustment in the compensation amount.

Commissioner Kendrick Butts made a motion to approve the County Attorney Contract as presented. Commissioner Sammy Hall seconded the motion and it passed unanimously.

A copy of the Contract is on file in the Commissioners' Office.

Amendment to Agenda

Commissioner Sammy Hall made a motion to amend the Agenda to include an application for an alcohol license. Commissioner Emily C. Davis seconded the motion and it passed unanimously.

Alcoholic Beverage License

Commissioner Emily C. Davis made a motion to approve the alcoholic beverage license application for a retail package beer and wine store at 1300 North Columbia Street. Commissioner Sammy Hall seconded the motion and it passed unanimously.

Old Business

Chair Craig stated the COVID virus continues to become worse in Baldwin County. He asked everyone to please remember to take necessary precautions to help stop the spread.

Commissioner Westmoreland requested an update on Nelson Road.

New Business

Commissioner Davis asked County Attorney to provide information on the appropriate use of County letterhead. County Attorney McRee responded that the matter being sent on County letterhead should be related to County business.

County Manager's Report

County Manager Carlos Tobar reported on the following items: Nelson Road culver construction; airport runway pavement rehab project options being reviewed by GDOT; requesting a West Apron Phase II expansion with excess grant funds with no county funds for match required; surveys being done in target area for 2021 CDBG sewer project; requesting state to extend Walter B. Williams lease; discussions with school district about equipment to be re-purposed at fire stations; COVID vaccines for public safety personnel scheduled to begin January 11th.

Public Comment for Non-Agenda Items

Cindy Humphrey asked when the Commission meetings will be streamed. She also requested update on Manufactured Home ordinance.

Election of Chair and Vice Chair

Chair Craig opened the floor for nominations for Chair for 2021.

Commissioner Sammy Hall nominated and made the motion for Henry Craig to serve as Chair for 2021. Commissioner John Westmoreland seconded the nomination and motion.

Commissioner Kendrick Butts nominated and made a motion for Emily Davis to serve as Chair for 2021. Commissioner Emily Davis seconded the nomination and motion.

Chair Craig called for a vote for the first motion; Henry Craig to serve as Chair. The motion passed by the following vote:

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

Commissioner Sammy Hall nominated and made the motion for John Westmoreland serve as Vice Chair for 2021. Commissioner John Westmoreland seconded the nomination and motion.

Commissioner Emily Davis nominated and made a motion for Kendrick Butts to serve as Vice Chair for 2021. Commissioner Kendrick Butts seconded the nomination and motion.

Chair Craig called for a vote on the first motion; John Westmoreland to serve as Vice-Chair. The motion passed by the following vote:

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

Adjournment

Commissioner Kendrick Butts made a motion to adjourn the Regular Meeting at 7:15 p.m. Commissioner John Westmoreland seconded the motion and it passed unanimously.

Respectfully submitted,

Henry R. Craig
Chair

Cynthia K. Cunningham
County Clerk