



Agenda
City Council Meeting
March 25th, 2024
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

Consent Agenda

- a. Approval of Minutes: Executive Session 2/12/24 and Council Meeting 3/11/24.

Public Comments

Public Hearings

Reports

Public Works – Scott Barnhart

Old Business

New Business

1. Consideration/Approval of 1st Reading of Otter Zoning Variance Ordinance
#2024-03140Z
2. Consideration/Approval of Habersham County Animal Control Contract
3. Discussion of Purchasing Policy

Executive Session

Announcements

- a. City Offices will be closed March 29th in observance of Good Friday.
- b. Homestead exemption affidavits for city property taxes are due April 1st. Please stop by City Hall with your driver's license or other government-issued ID to complete the affidavit.
- c. Join us for the 25th Baldwin Clean Up Day on Saturday, April 20th from 9:00 am – 12:00 pm at the Baldwin Farmers' Market! Celebrate Earth Day by cleaning up Baldwin roads and planting a tree. Free T-shirt and lunch provided for pre-registered participants. Register with your T-shirt sizes at baldwinevents@cityofbaldwin.org by April 5th!
- d. The April 9th Work Session will take place in the Baldwin PD Training Facility directly behind the Baldwin Police Department.

Adjournment

***The City of Baldwin will provide reasonable accommodations whenever needed for those participating in a City Council meeting. Please notify the City Clerk as early as possible prior to a meeting to ensure such accommodations can be made in a smooth and timely fashion.*



3/11/24
Date Received

Application for Variance or Zoning Change

Application Creation Date 3/11/24

First Reading Date 3/25/24

Published Date 3/20/24

Second Reading Date 4/15/24

Applicant Information

| | |
|----------------|----------------------|
| Name | Danny Otter |
| Address | 640 Hunters Run |
| City/State/Zip | Demorest Ga. 30535 |
| Phone | 706-499-3790 |
| Fax | |
| Email | danny@dannyotter.com |

Property Owner Information

| | |
|----------------|-----------------------|
| Name | Winslow H Verdery Jr. |
| Address | 305 Trotters Glen |
| City/State/Zip | Baldwin Ga 30511 |
| Phone | 706-778-1800 |
| Fax | |
| Email | wink@verderylaw.com |

Status of Applicant

| | |
|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Current Property Owner |
| <input type="checkbox"/> | Option to Purchase |
| <input type="checkbox"/> | Area Resident |
| <input checked="" type="checkbox"/> | Other (Explain) Agent for Seller |

Variance Request(s)

| | |
|-------------------------------------|---|
| Describe Type Variance(s) Requested | Allow upstairs office to be converted to a 1 bedroom apartment. |
| Vary From | Office Space |
| Vary To | 1 Bedroom Apartment |

Zoning Information

| | |
|----------------------------------|------------|
| Current Zoning Classification(s) | Commercial |
|----------------------------------|------------|

Parcel Information

| | | | |
|-----------------------------|--------------------------------------|---------|-----|
| Tax Parcel Number(s) | 089 C002 | Acreage | .59 |
| Location (Street Address) | 134 Professional Dr | | |
| Existing Structure(s) | 5,874 sqft office Bldg. | | |
| Description of Proposed Use | Convert top floor to 1 bed Apartment | | |

Fee Information

| | | |
|--------------|---------------------------|-----------|
| Variance Fee | If work not in progress | \$ 625.00 |
| | If work in progress | \$ |
| Amount Due | Include all fees required | \$ 625.00 |

Supporting Documents Required

| | |
|-------------------------------------|--|
| <input type="checkbox"/> | Concept Plan - Prepared by a Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect. One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size |
| <input type="checkbox"/> | Plat One full scale and One reduced to 8.5 x 11 size |
| <input type="checkbox"/> | Statement of Hardship |
| <input checked="" type="checkbox"/> | Architectural Rendering One full scale (folded to 8.5 x 11 size) and One- 8.5 x 11 size |
| <input type="checkbox"/> | Other Explain |

Method of Payment

| | | | |
|-------------------------------------|---------------|-------------|--------|
| <input checked="" type="checkbox"/> | Paid by Check | Check No. | 1269 |
| <input type="checkbox"/> | Paid Cash | Receipt No. | 175076 |

Applicant's Certification: I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.

Signature of Applicant Danny Otter

Date 3/11/24

Application Taken By [Signature]

Date 3/11/24

Application WITHDRAWAL Notification: I/we hereby withdraw the above application.

Signature of Applicant _____

Date _____

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

NOTE: This form is required for all annexation and/or zoning actions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

- (c) When any opponent of a rezoning action had made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

APPLICANT'S CERTIFICATION

I hereby certify that I have read the above campaign disclosure information and declare that (select have or have not)

| | |
|-------------------------------------|---|
| <input type="checkbox"/> | I have within the two years immediately preceding this date (See * below) |
| <input checked="" type="checkbox"/> | I have not within the two years immediately preceding this date |

made any campaign contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

***NOTE:** If you are an applicant and you have made any such contribution(s), you must provide the information required in subsection (a) above within ten (10) days after the rezoning action is first filed. If you are an opponent and you have made a contribution, you must provide the information required in subsection (c) above at least five (5) calendar days prior to the first hearing by the City Council or any of its agencies on the rezoning application.

- (1) _____
(Name and official position of the City Council Member and/or Planning or Zoning Commission of the City of Baldwin, Georgia to whom campaign contribution was made)

- (2) Amount: \$ _____ Date: _____

PUBLIC NOTICE REQUIREMENTS

City of Baldwin zoning regulations require public notice be given on all zoning applications, as follows:

1. A legal advertisement shall be published no less than fifteen (15) days and no more than forty-five (45) days prior to the public hearing. (This requirement is covered by the Planning Department staff.)
2. A public notice sign shall be placed in a conspicuous location on the property which is subject to the zoning application. The original public notice sign will be posted by Planning Department staff.

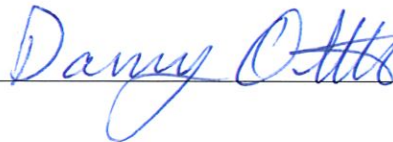
As the applicant, you are responsible for ensuring the public notice sign remains on the site during the entire zoning process. The Planning Department staff will prepare and place a sign (or signs) for you. If any problem arises with regard to the sign, notify the City of Baldwin Department of Planning and Development immediately by calling 706-778-6341 so the sign can be replaced. Failure to report problems with the sign during the entire period of the hearings will also result in a delay.

The purpose of the public notice sign is to inform the surrounding property owners that an application has been filed. Placement of the sign in a manner that is not clearly visible violates the requirements. Failure to place the sign in a conspicuous location will result in your request being tabled until the sign s posted as required. Failure to ensure the sign remains posted on the site during the entire zoning process means there will be a delay in the hearing date set for your request. Legally, the City cannot consider a request until proper notice has been given. If it is determined at any time during the zoning process that the sign is not properly placed on the site, the City Council has no choice but to table the request, even if there is no opposition to the application. Many of the board members, as well as the planning staff, visit the sites and will be looking for the sign. Additionally, local citizens, particularly those who receive notice letters, often report when a sign is not visible. The City will not consider your request until it is satisfied that proper public notice has been given.

Multiple sign posting on a site may be required if it is so determined by the Planning Department staff to be necessary. Signs should be placed as near to the road as possible so they are clearly visible. The sign(s) cannot be obstructed by vegetation, etc.; may not be placed at an inappropriate distance from the road; or placed on something in such a manner so as to blend into the scenery.

Applicant's Certification: *I hereby certify the above information, and all attached information, is true and correct; and that I have read, understand, and have received a copy of the Public Notice Requirements.*

Signature of Applicant



Date

3-11-24

STATEMENT OF HARDSHIP

Where the Mayor and Council find that strict compliance with the provisions of this ordinance would result in practical difficulty or unnecessary hardship, the Mayor and Council may, upon application from the property owner, grant a variance from the terms of this ordinance so that the spirit and intent of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon consideration by the Mayor and Council of the standards for considering zoning decisions as set out in Article VXIII of the City of Baldwin Zoning Ordinance and finding that one or more of the following conditions exist:

Describe how each situation listed below relates to your application.

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
would like to have someone living on property for economic & security reasons
- 2) The application of this ordinance to the particular piece of property would create an unnecessary hardship;
Having a resident on site would add to security + value of neighborhood.
- 3) Such conditions are peculiar to the particular piece of property involved;
Located at entrance to office park. No additional buildings needed.
- 4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

The procedure by which the Mayor and Council will consider any request for a variance shall be governed by the provision of Article VXIII.

I hereby certify that the above information and all attached information is true and correct.

Signature of Applicant *Danny Bettis* Date *3/11/24*

PROPERTY OWNER AUTHORIZATION

Instructions: Each property owner must complete and sign a Property Owner Authorization page and provide the information requested under the Owner Information Certification section. In the event there is more than one property owner, a separate Property Owner Authorization page must be completed by each property owner.

OWNER INFORMATION CERTIFICATION

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Habersham or Banks County, Georgia:

| | |
|---------------------------|-----------------------|
| Name of Owner | Winslow Verdery |
| Owner's Address | 305 Trotters Glen |
| City / State / Zip Code | Baldwin Ga 30511 |
| Owner's Phone Number | 706-778-1800 |
| Owner's Cell Phone Number | 706-499-5698 |
| Print Owner's Name | Winslow H Verdery Jr. |

As the owner of the subject property I hereby authorize the person named below to act on my behalf as Applicant in the pursuit of this Variance request to be heard by the City of Baldwin Planning and Zoning Board during public hearing.

NOTARY PUBLIC CERTIFICATION

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

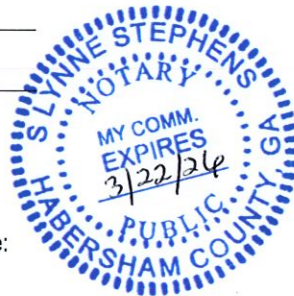
Personally appeared before me the following

[Signature]
Signature of Owner

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

[Signature]
Notary Public

3/11/24
Date



Please describe briefly your reason for requesting this variance:

APPLICANT INFORMATION CERTIFICATION

Instructions: If the Owner and the Applicant are the same, the Applicant Information Certification section of this document is not required. If the Owner and the Applicant are not the same, each applicant must complete and sign the Applicant Information Certification section of a separate Property Owner Authorization page. The signature of each applicant must be notarized.

| | |
|-------------------------------|--------------------|
| Name of Applicant | Danny Otter |
| Applicant's Address | 640 Hunters Run |
| City / State / Zip Code | Demorest Ga. 30511 |
| Applicant's Phone Number | |
| Applicant's Cell Phone Number | 706-499-3790 |
| Print Applicant's name | Danny Otter |

NOTARY PUBLIC CERTIFICATION

Instructions: All Property Owner Authorization sheets must be complete, signed and duly notarized.

NOTARY PUBLIC CERTIFICATION

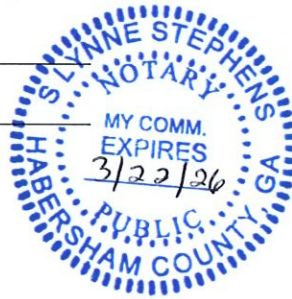
Personally appeared before me the following


Signature of Applicant

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.


Notary Public

Date 3/11/24



PLEASE RETURN TO:

York Law, LLC
P.O. Box 38
Cornelia, Ga. 30531
File #: 21-007

Filed Feb 01, 2021 at 04:30:18 PM
Book 1249 pg(s) 89
David C. Wall, Clerk of Court
Habersham County, GA

Habersham County, Georgia
Real Estate Transfer Tax

PAID 145.00

DATE 02/01/2021

David C. Wall
Clerk of Superior Court

068 2021000198

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HABERSHAM

THIS INDENTURE, made this 27th day of January, in the Year of Our Lord Two Thousand Twenty One, between **WILLIAM R. OLIVER**, of the first part, and **WINSLOW H. VERDERY, JR.** of the second part.

WITNESSETH:

That the said party of the first part, for and in consideration of sum of TEN DOLLARS AND 00/100 (AND OTHER GOOD AND VALUABLE CONSIDERATIONS), in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto the said party of the second part, his successors and assigns, the following described property to-wit:

ALL MY ONE-HALF (1/2) UNDIVIDED INTEREST IN AND TO:

TRACT ONE: ALL THAT TRACT OR PARCEL of land, together with all improvements thereon, situate, lying and being in Land Lot 151 of the 10th Land District of Habersham County, Georgia, and being shown and designated as Lot 1, containing 25,588 square feet, more or less, according to that certain plat of survey by Russell N. Bartlett, dated July 18, 1985, recorded in Plat Book 22, Page 74, Habersham County records, said plat being referred to and incorporated herein for a more complete description.

TRACT TWO: ALL THAT TRACT OR PARCEL of land, together with all improvements thereon, situate, lying and being in Land Lot 151 of the 10th Land District of Habersham County, Georgia, being shown and designated as Lot 7, consisting of 37,138 square feet, more or less, according to that certain plat of survey by Russell N. Bartlett, dated July 18, 1985, recorded in Plat Book 22, Page 74, Habersham County records, said plat being referred to and incorporated herein for a more complete description.

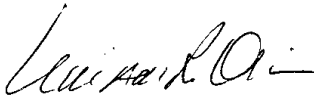
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said party of the second part, his successors and assigns, forever, in Fee Simple.

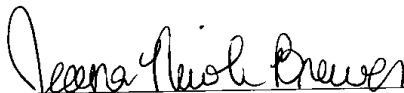
AND THE SAID party of the first part, for himself, his heirs, successors, and assigns will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his successors and assigns, against the claims of all persons whomsoever.

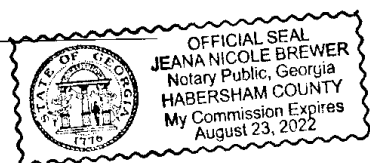
IN WITNESS WHEREOF, the party of the first part has hereunto set his hand(s) and seal(s), the day and year above written.

Signed, sealed and delivered in the presence of:

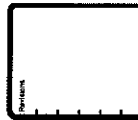

Unofficial Witness


William R. Oliver

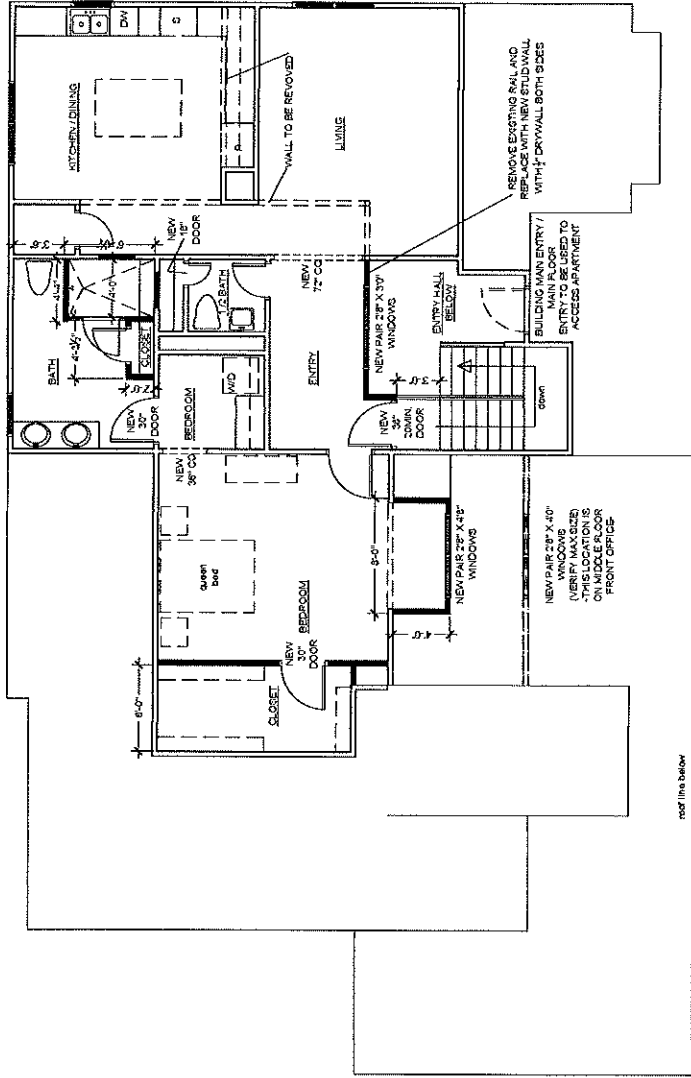

Notary Public
Commission Expires:



[SEAL:]



| | |
|--------------|----------|
| Drawn By | THW |
| Checked By | THW |
| Date | 03/20/24 |
| Project | 24.014 |
| Sheet Number | A-1 |



NOTE:
THICK CONCRETE WALL
THIS INDICATED WALL TO BE
REMOVED

FLOOR PLAN UPPER LEVEL APARTMENT
SCALE: 1/8" = 1'-0"

Zoning Change Checklist

✓ Zoning application, legal description of property and Non-refundable zoning change application fee of \$ 625.00, at least thirty (30) days in advance of the next regularly scheduled public hearing of the City Council.

✓ Upon the filing of the application the Zoning Administrator shall schedule a Public Hearing upon said application for review and final action by the Mayor and Council.

Date of Public Hearing: 4/9/2024

✓ Zoning request will be published in a local newspaper at least fifteen (15), but no more than forty-five (45) days prior to the date of the public hearing.

Date of Publication: 3/20/2024

✓ If application is submitted by a party other than the Mayor and Council, the Zoning Administrator shall place or cause to be placed on the subject property, a Public Notice Sign in a conspicuous location not less than fifteen (15) days prior to the Public Hearings.

Date Sign is Posted: 3/25/2024

✓ First Reading Scheduled:

First Reading: 3/25/2024

✓ Second Reading Scheduled:

Second Reading: 4/15/2024

✓ Public Hearing results:

 Adopted as presented.

 Adopted as revised or supplemented by conditions of approval.
 See attached Conditions.

 Denied.

 Proposal tabled.

The decision by the Mayor and Council regarding the proposed amendment shall be deemed to be final. * No amendment, supplement, change or repeal of the final action shall become effective unless said amendment, supplement, change or repeal is approved after a Public Hearing.



Building and Zoning Department City of Baldwin

P. O. Box 247
186 Hwy 441 Bypass, Baldwin, GA 30511

Staff Recommendations

Date: 3/21/2024

Ordinance NO.: #2024-03140Z

Location: 134 Professional Drive, Baldwin, GA 30511

Applicant: Danny Otter

Owner: Winslow H. Verdery, Jr.

Total Area: .59 Acres

Current Zoning: Highway Business (HB): “The purpose of this Zoning District is to provide for those business activities which are larger users of space than commercial uses serving the Neighborhood Commercial District and to provide for those business activities which cater to the needs of individual neighborhoods, and highway business areas.”

Scenic Corridor Overlay: “The purpose of the scenic corridor overlay district is to protect and preserve the vistas of natural scenic beauty that lie along the State Route designated as the “441 Bypass,” and which is within the municipal limits of the City of Baldwin, Georgia.”

Requested Zoning/Variance: Convert office space in commercial building to residential dwelling.

Proposal: “Allow upstairs office to be converted to a 1 bedroom apartment.”

Water and Sewer: No concerns from this department.

Public Works: Public Works Director Scott Barnhart stated that the proposed septic field will need to maintain (at minimum) a 10’ buffer from the water main. Based on the submitted site plan for the proposed septic field, Public Works will need to verify the offset from the water main.

Police: No concerns from this department.

Fire: While the Fire Department does not have any direct concerns regarding granting this request, Chief Roy did make note of several Life Safety Codes that will need to be followed in the construction process and clearly listed on the building plans if the variance is granted (see attached).

Summary Recommendations: Based on the Highway Business district zoning regulations, which do not contemplate residential dwellings outside of commercial use (2006 Zoning Ordinance, Section 706.2[a] [58] Hotel [68] Motel [81] Rooming House) either by right or by special use permit, City Staff does not recommend granting this variance request.



Fire Department City of Baldwin

PO Box 247
165 Willingham Avenue, Baldwin, GA 30511

Ref: 134 Professional Drive
Application for Variance
March 20th, 2024

Listed below is a set of Life Safety Codes that will need to be followed in the construction of this location, if the requested variance is granted. This location falls under the New Apartment Codes in Mixed Occupancy.

6.1.14.4.3 – Table 6.1.14.4.1(a)

A 2-hour Fire Wall protection between all parts of the Apartment and the Commercial part of the building.

30.2.6.3.1

*Exits cannot be any further than 100 ft from the farthest part of the building.
The exit and/or entrance cannot be part of the commercial part of the building.*

30.1.3.2.2

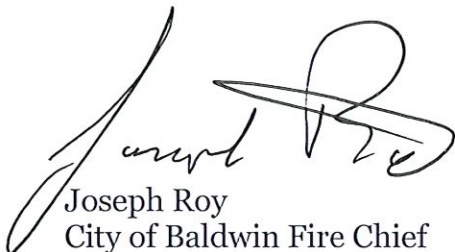
Stairwells must have a 1-hour rating.

30.3.4.5

Smoke alarms need to be in every bedroom and outside each bedroom.

30.3.5.13

10 lb ABC Fire Extinguisher must be installed.



Joseph Roy
City of Baldwin Fire Chief

FIRST READING: 03/25/2024

PUBLISHED: 03/20/2024

ZONING HEARING: 04/09/2024

PASSED: _____

AN ORDINANCE NO. 2024-03140Z

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BALDWIN, GEORGIA, BY GRANTING VARIANCES TO ONE TRACT OR PARCEL OF LAND WITHIN THE CITY OF BALDWIN, GEORGIA, AND APPLICATION SUBMITTED BY DANNY OTTER FOR PROPERTY OWNED BY WINSLOW H. VERDERY, JR., AND BEING PARCEL 089 C002 OF HABERSHAM COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON PLATS, WHICH ARE ATTACHED HERETO AND, WHICH ARE INCORPORATED BY REFERENCE INTO THIS ORDINANCE, AND PROVIDING THAT THE ZONING CLASSIFICATION UPON SAID PROPERTY SHALL BE SUBJECT TO CERTAIN VARIANCES; REPEALING CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the City Council of Baldwin, Georgia as follows:

Section 1. VARIANCE ALLOWED.

(a) That from and after passage of this ordinance, the following described lands within the City of Baldwin shall be granted to the variances, as hereafter specifically described within this ordinance, and shall be so designated on the zoning map of the City of Baldwin as having said variance regarding the property.

(b) The following variance is hereby granted to said property, after the City Council has considered the factors for the grant of the variance pursuant to the zoning ordinance of the City of Baldwin, Georgia, and the City Council having found that said factors have been met:

(1) a single-family residential dwelling is permitted for the top floor of the commercial building located on this property.

(2) any and all modifications required to convert this office to a residential dwelling must comply with the most recent ICC standards.

(c) The legal description for the subject property that has been granted a variance or variances pursuant to this ordinance as follows:

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in Land Lot 151 of the 10th Land District of Habersham County, Georgia, being shown and designated as Lot 1, containing 25,588 square feet, more or less, according to that certain plat of survey by Russell N. Bartlett, dated July 18, 1985, recorded in Plat Book 22, Page 74, Habersham County records, said plat being referred to and incorporated herein for a more complete description.

Section 2. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 4. AMENDMENT TO THE ZONING MAP.

This ordinance is enacted as an amendment to the zoning map of the City of Baldwin.

Section 5. EFFECTIVE DATE.

The effective date of the variances imposed by this ordinance shall be on the date the ordinance is approved by the City of Baldwin, by and through its City Council.

SO ORDAINED this 15th day of April 2024.

BALDWIN CITY COUNCIL

By: _____
Mayor Stephanie Almagno

Council Member Erik Keith

Council Member Joseph Satterfield

Council Member Kerri Davis

Council Member Maarten Venter

Council Member Alice Venter

Attest:

City Clerk Erin Gathercoal

Animal Control History
City of Baldwin
3/25/2024

| Fiscal Year | Service Provider | Contract Date | Contract Length | Fee Calculation | Contract Amount | Renewal Terms | Contract Termination | Comments |
|-------------|--------------------|---------------|-----------------|--------------------------------------|-----------------|--|----------------------|---|
| FY16 | City of Cornelia | NA | Monthly \$600 | \$ 7,200.00 | | Annual | | |
| FY17 | City of Cornelia | NA | Monthly \$600 | \$ 7,200.00 | | Annual | 10/31/2016 | *11/1/16 \$9314 to County |
| FY17 | Habersham County | 11/1/2016 | Annual | NA | \$ 13,971.00 | Auto Renewal | 11/13/2018 | *2/21/17 \$13,971 to County per agreement |
| FY18 | Habersham County | 11/13/2018 | Annual | 4.16% of AC Budget | \$ 13,971.00 | Auto Renewal with 3% cap on YOY increases | 6/30/2023 | * did not pay 4.16% but the year priors fee |
| FY19 | CANCELLED SERVICES | | | | | | | |
| FY20 | CANCELLED SERVICES | | | | | | | |
| FY21 | Habersham County | 7/1/2020 | Annual | 7.5% of AC Budget less Co. Rev. | \$ 27,940.81 | Auto Renewal without 3% cap on YOY increases | | |
| FY22 | Habersham County | 7/2/2020 | Annual | 7.5% of AC Budget less Co. Rev. | \$ 28,779.03 | Auto Renewal without 3% cap on YOY increases | 11/30/2022 | *Cancelled with the goal to address the notion of double taxation |
| FY23 | Habersham County | 4/1/2023 | 4 months | NA | \$ 4,200.00 | NON-RENEWAL | 6/30/2022 | *Temporary Agreement based on 3/14/23 Conversation |
| FY24 | Habersham County | TBD | Annual | actual cost less digest contribution | \$ 18,455.58 | Auto- Renewal with recalculation of fees | | Meetings: 3/14/23,1/4/24, 2/12/24, 2/20/24 |

FY2024 Budget Estimates for Animal Control

TOTAL COST TO THE COUNTY

956,989.00

| City | Percentage Based Upon Population | Actual Cost per Agreement Percentage | Old Invoice Amount | |
|--------------|----------------------------------|--------------------------------------|--|----------------------------------|
| | | | Amount due to be Invoiced at the 3% Increase Cap | Diff. Actual Cost vs. 3% MOU Cap |
| Alto | 1.35% | \$ 12,871.50 | \$6,125.38 | \$ 6,746.12 |
| Baldwin | 6.46% | \$ 61,829.75 | \$30,531.67 | \$ 31,298.08 |
| Clarkesville | 4.15% | \$ 39,729.88 | \$16,111.57 | \$ 23,618.31 |
| Cornelia | 9.78% | \$ 93,617.81 | \$38,651.50 | \$ 54,966.31 |
| Demorest | 4.39% | \$ 42,037.58 | \$16,925.29 | \$ 25,112.29 |
| Mt. Airy | 3.02% | \$ 28,919.03 | \$11,920.94 | \$ 16,998.09 |
| | | \$ 279,005.55 | \$120,266.36 | \$ 158,739.19 |

See calculation on next tab...

Updated Calculation based Upon Tax Digest Collections (Countywide)

| City | Percentage Based Upon Population | Actual Cost per Agreement Percentage | Amount Collected from Countywide from Tax Digest | Invoice Amount | |
|--------------|----------------------------------|--------------------------------------|--|----------------------------------|--------|
| | | | | Diff. Actual Cost vs. Tax Digest | |
| Alto | 1.35% | \$ 12,871.50 | \$6,531.46 | \$ 6,340.04 | |
| Baldwin | 6.46% | \$ 61,829.75 | \$43,374.17 | \$ 18,455.58 | |
| Clarkesville | 4.15% | \$ 39,729.88 | \$53,974.99 | \$ (14,245.11) | \$0.00 |
| Cornelia | 9.78% | \$ 93,617.81 | \$134,894.60 | \$ (41,276.79) | \$0.00 |
| Demorest | 4.39% | \$ 42,037.58 | \$26,483.58 | \$ 15,554.00 | |
| Mt. Airy | 3.02% | \$ 28,919.03 | \$21,008.61 | \$ 7,910.42 | |
| | TOTAL | \$ 279,005.55 | \$286,267.41 | \$ 48,260.04 | |

Unincorporated \$ 676,343.47 \$ 676,343.47
 Tallulah Fall (Not participating) \$ 8,796.14 \$ 8,796.14

\$ 964,145.16 \$971,407.02

Amount collected from Countywide taxes for Animal Control is netted against Actual Cost estimates for Animal Control based upon Population Percentages as calculated in Original Agreement.

INTERGOVERNMENTAL AGREEMENT FOR ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL PROVISIONS BETWEEN HABERSHAM COUNTY, GEORGIA AND THE CITY OF BALDWIN, GEORGIA

This Intergovernmental Agreement (“Agreement”) is made and entered into with an effective date of the 1st day of July, 2023 (“anniversary date” as used herein), by and between Habersham County, through its Board of Commissioners (hereinafter “Habersham County”), and the City of Baldwin through its City Commission (hereinafter the “City”).

WITNESSETH:

WHEREAS, the City of Baldwin has determined that adoption and enforcement of an Animal Control Ordinance, identical to that Animal Control Ordinance adopted by Habersham County (the “Ordinance”), is in the best interests of the citizens of the City of Baldwin; and

WHEREAS, the City’s size is such that it is not cost-effective for the City to provide the services necessary for enforcement of the Ordinance through its own staff; and

WHEREAS, Habersham County has already adopted and has staff to enforce the Ordinance in the unincorporated portion of the county; and

WHEREAS, it would not be an undue burden on Habersham County to provide those same services in the City provided that the City adopts an identical Ordinance and provides financial support to the County to subsidize the additional expenditures incurred by the County in providing animal control services within the incorporated areas of the County; and

WHEREAS, Article IX, Section III, Paragraph I of the Georgia Constitution of 1983 authorized any county and any public corporation to contract with each other for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; and

WHEREAS, an intergovernmental agreement providing for Habersham County to provide inspection and enforcement of the Ordinance at the City’s expense in the City would promote the general health, welfare, and safety of all citizens of the City and County;

NOW THEREFORE, for and in consideration of the premises and mutual covenants and agreements hereinafter set forth, and by and through the authority of the County and the City, it is hereby agreed by and between the parties hereto as follows:

ARTICLE I: ADOPTION OF IDENTICAL ORDINANCE PROCEDURES.

- A. The City hereby warrants that it was previously adopted an Animal Control Ordinance identical to that of Habersham County as of the effective date hereof.
- B. Habersham County shall provide written notice to the City of any changes or, in its discretion, anticipated changes, in its Animal Control Ordinance.

- C. City shall take all steps necessary to enact identical changes within sixty days of any such notice given within or subsequent to the provisions of the County-adopted version and shall also require that the numbering system be maintained so that Habersham County Animal Care and Control (hereinafter, "HCACC") is authorized to cite any section by use of the County's numbering system alone. City's failure to do so shall operate to terminate this Agreement without the necessity of further action by or notice to any party or person.
- D. The Board of Commissioners will be responsible for all personnel compensation, benefits equipment, training, liability insurance and will be responsible for all proper care and humane disposal of any animals taken into the possession of animal control.

ARTICLE II: ENFORCEMENT

Commencing with the effective date hereof, Habersham County shall be responsible for the enforcement of the within ordinance by HCACC. HCACC shall be fully authorized to issue citations pursuant to the within ordinance within the corporate limits of the City with said citations returnable to the Magistrate Court of Habersham County. Such Court is hereby delegated and authority and jurisdiction to hear and decide such violations and shall be able to impose such fines and/or penalties to the maximum amount allowed herein or by state law and as determined within the discretion of the court.

ARTICLE III: COMPENSATION

All fees, fines, and other revenue attributable to enforcement activities within the City shall be paid directly to Habersham County and all offenses shall be adjudicated in the Magistrate Court of Habersham County.

City shall pay to County the sum of \$18,455.58 reflecting the net value of actual cost less tax digest contribution from the 2023 Tax Digest. Said sum shall be recalculated annually as of June 30 and billed by County to City by August 31 of each year and shall be due and payable by City no later than September 30 each year.

ARTICLE IV: TERM

The term of this Agreement shall begin, and this Agreement shall constitute a binding obligation on the parties hereto from and after its execution by the last party to execute the same. This Agreement shall automatically renew on the yearly anniversary of the effective date unless sooner terminated as provided herein.

ARTICLE V: TERMINATION OR AMENDMENT OF AGREEMENT

- A. This Agreement may be amended only by mutual agreement of the parties hereto executed in writing with the same formality as the execution of this Agreement.

B. This Agreement may be terminated by either party upon sixty days written notice to the other.

ARTICLE VI: SERVICE DELIVERY STRATEGY

The Service Delivery Strategy for Habersham County is hereby revised in accordance with this Agreement.

ARTICLE V: INDEMNIFICATION

County will indemnify and hold the City Harmless as to all claims regarding the actions of animal control negligently taking possession of and/or disposing of any animal.

IN WITNESS WHEREOF, Habersham County Board of Commissioners and the Baldwin City Council, have caused this Agreement to be executed and each party has caused its seal to be hereunto impressed and attested and delivery hereof is hereby acknowledged, as of the day and year above written.

Approved by the Habersham County Board of Commissioner on the 1st day of July 2023 and executed this ____ day of _____, 2023, in witness whereof the said party hereto has set its hand, affixed its seal and delivered these presents.

BOARD OF COMMISSIONERS OF
HABERSHAM COUNTY, GEORGIA

By: _____
Ty Akins, Chairman

Attest: _____
Brandalin Carnes, County Clerk

Approved by the City of Baldwin, Georgia on the 1st day of July 2023 and executed this ____ day of _____ 2024, in witness whereof the said party hereto has set its hand, affixed its seal and delivered these presents.

CITY COUNCIL OF
BALDWIN, GEORGIA

By: _____
Stephanie Almagno, Mayor

Attest: _____
Emily Woodmaster, CAO