



Agenda
City Council Meeting
January 9th, 2023
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

Economic Development Discussion (maximum 20 minutes)

Consent Agenda

- a. Approval of Minutes: Council Meeting 11/28/22, Work Session 12/8/22, Council Meeting 12/12/22, and Work Session 1/3/23.
- b. FD Revenue Recognition for Cornelia Turnout Gear Reimbursement \$3,308
- c. FD Expense Approval of Turnout Gear \$3,308
- d. FD Expense Approval for Ladder Truck Maintenance \$6,400.00

Citizen Comment

Public Hearings

Reports

Old Business

1. Consideration/Approval of SAFER GRANT

New Business

2. Consideration/Approval of Qualifying Fees Ordinance #2023-01118

Executive Session

Announcements

- a. City Offices will be closed on January 16th in observation of Martin Luther King, Jr. Day.

SAFER Grant Application

Certification and Authorization for JMCM Consulting to Prepare SAFER application	Please initial
1. I understand because of the highly competitive nature of this grant, JMCM Consulting requires a \$1,500 grant application fee to be paid by the grant submission date. This fee will not be included in the grant for FEMA reimbursement.	___ X ___ Yes ___ NO
2. The governing body of the fire department (city council, board of directors, etc.) understands the financial obligation of a SAFER grant. They have agreed officially to support this application by a resolution, or vote at an official meeting. A copy of minutes, resolution or other written documentation is attached.	___ X ___ Yes ___ NO
3. I understand if the SAFER application is awarded, the department will owe JMCM Consulting \$5,000 payable within 30 days of the funded grant. For this fee, JMCM Consulting will assist the department during the first 180 days only after the grant award with setting up the processes to manage the grant. Due to the personnel information involved in this project, JMCM Consulting will not manage the grant or closeout the grant.	___ X ___ Yes ___ NO
4. I certify that the information I am providing to JMCM Consulting is true and correct as of the day the application is submitted.	___ X ___ Yes ___ No

Name of Fire Department	
Printed Name and Title	Signature

By signing this document, I certify I have the authority to contractually obligate the fire department for the professionally services set forth in this agreement. If this statement is determined to be untrue, the person signing this contract understands they will be held personally responsible for all fees associated with this agreement.

FIRST READING 01/09/2023

ADVERTISED 01/27/2023

PASSED 01/23/2023

AN ORDINANCE NO. 2023-01118

AN ORDINANCE PROVIDING FOR THE 2023 GENERAL ELECTION FOR THE CITY OF BALDWIN, GEORGIA; TO PROVIDE FOR A TITLE FOR SAID ORDINANCE; TO ESTABLISH AND SET THE DATE AND TIME OF THE 2023 GENERAL ELECTION FOR THREE COUNCIL SEATS UPON THE CITY COUNCIL OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; TO PROVIDE FOR THE OPENING AND CLOSING OF THE QUALIFYING PERIOD FOR SAID POSITIONS; TO PROVIDE FOR THE APPOINTMENT OF ELECTION OFFICIALS, INCLUDING THE ELECTION SUPERINTENDENT, THE CHIEF REGISTRAR, THE ABSENTEE BALLOT CLERK, THE CUSTODIAN OF VOTING MACHINES, THE CHIEF POLL MANAGER, THE ASSISTANT POLL MANAGERS, AND THE DEPUTY REGISTRAR; TO PROVIDE FOR THE LAST DATE OF VOTER REGISTRATION; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by Art. IX, § II, ¶ II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. § 21-2-131 et seq., to enact ordinances for the holding of elections of public officials of the municipality;

WHEREAS, the City of Baldwin, Georgia desires to conduct its elections, openly and fairly for all duly qualified and registered electors of the City of Baldwin, Georgia;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by authority of same, as follows:

38 **Section 1. TITLE.**

39 This Ordinance shall be known as the "2023 General Election Ordinance for the City of
40 Baldwin, Georgia."

41 **Section 2. GENERAL ELECTION.**

42 The City of Baldwin, Georgia will conduct a General Election on Tuesday, November 7,
43 2023, from 7:00 a.m. until 7:00 p.m., with the place of said election being the authorized voting
44 precinct and being the Habersham South Precinct, located with the Habersham County Elections
45 & Voter Registration Building located at 403 Habersham County Shopping Center, Cornelia, GA
46 30531.for the public positions as indicated in Section 3 of this Ordinance.

47 **Section 3. EACH CANDIDATE SHALL DESIGNATE THE SPECIFIC**
48 **OFFICE BY POST AND INCUMBENT THAT THE CANDIDATE**
49 **IS SEEKING.**

50
51 (A) O.C.G.A. § 21-2-135 allows the governing authority of a municipality by ordinance
52 to require, regarding elections involving two or more public offices, each having the same title
53 and to be filled at the same election by the vote of the same electors, candidates to designate the
54 specific office the candidate is seeking by incumbent or post, or both. The City Council of the
55 City of Baldwin, Georgia, by prior ordinance duly passed on June 14, 1999, and approved by the
56 U.S. Department of Justice on June 17, 1999 pursuant to the Voting Rights Act (42 U.S.C. §
57 1973c), found that it is in the best interests of the citizens and electors of the City of Baldwin, for
58 candidates to designate the specific office the candidate is seeking.

59 (B) In order to facilitate the procedure by which each candidate shall designate the
60 specific office the candidate is seeking, each seat of a general City Councilmember shall be
61 designated by a specific post number, which will create five specific posts for each of the seats of
62 the general City Councilmembers, and held by the following incumbents:

63

64 1. Post 1 of the City Council of the City of Baldwin, being a general
65 Councilmember, and with the current term of the seat being Post 1 expiring on December 31,
66 2023, and with said office being filled by a election at-large by the General Election on
67 November 7, 2023, and having a term of four (4) years beginning on January 1, 2024 through
68 December 31, 2027, with said post currently held by Larry Lewallen.

69 2. Post 2 of the City Council of the City of Baldwin, being a general
70 Councilmember, and with the current term of the seat being Post 2 expiring on December 31,
71 2023, and with said office being filled by a election at-large by the General Election on
72 November 7, 2023, and having a term of four (4) years beginning on January 1, 2024 through
73 December 31, 2027, with said post currently held by Theron Ayers.

74 3. Post 3 of the City Council of the City of Baldwin, being a general
75 Councilmember, and with the current term of the seat being Post 3 expiring on December 31,
76 2023, and with said office being filled by a election at-large by the General Election on
77 November 7, 2023, and having a term of four (4) years beginning on January 1, 2024 through
78 December 31, 2027, with said post currently held by Stephanie Almagno.

79 4. Post 4 of the City Council of the City of Baldwin, being a general
80 Councilmember, and with the prior term of the seat being Post 4 expiring on December 31, 2024,
81 and with said office being filled by an election at-large by the General Election on November 2,
82 2021, and having a current term of four (4) years beginning on January 1, 2022 through
83 December 31, 2025, with said post currently held by Maarten Venter.

84 5. Post 5 of the City Council of the City of Baldwin, being a general
85 Councilmember, and with the prior term of the seat being Post 5 expiring on December 31, 2021,

86 and with said office being filled by an election at-large by the General Election on November 2,
87 2021, and having a term of four (4) years beginning on January 1, 2022 through December 31,
88 2025, with said post currently held by Alice Venter.

89 In that there is only one public office upon the City Council of the City of Baldwin of
90 Mayor, said public office does not need a Post number, but this ordinance recognizes that the
91 term of the seat of Mayor will expire on December 31, 2021, and said office shall be filled by an
92 election at-large by the General Election on November 2, 2021, and having a term of four (4)
93 years beginning on January 1, 2022 through December 31, 2025, with the public office of Mayor
94 being currently held by Joe Elam.

95 (C) For the General Election to be held by the City of Baldwin, Georgia, in November
96 2023, and for each General Election hereinafter to fill the public offices of Councilmembers
97 upon the City Council of the City of Baldwin, Georgia, until changed or modified by proper
98 ordinance of the City Council of the City of Baldwin, Georgia, each candidate for the public
99 office of Councilmember and Mayor upon the City Council of the City of Baldwin, Georgia,
100 shall designate the specific office the candidate is seeking, by title and incumbent in the case of
101 the seat of Mayor, and by Post and incumbent as to each seat of a Councilmember of the City
102 Council of the City of Baldwin, Georgia.

103 **Section 4. COUNCIL SEATS OPEN FOR ELECTION AND THE TERMS**
104 **THEREOF.**

105 The General Election to be held on the date established by Section 2 hereof this
106 Ordinance is to fill the following offices:

107 (A) The office of City Councilmember of the City of Baldwin, Georgia, being Post 1,
108 which will be elected at large for a term of four (4) years beginning on January 1,
109 2024 through December 31, 2027, with said seat currently held by Larry Lewallen.

111 (B) (A) The office of City Councilmember of the City of Baldwin, Georgia, being Post
112 2, which will be elected at large for a term of four (4) years beginning on January 1,
113 2024 through December 31, 2027, with said seat currently held by Theron Ayers.

114 (C) (A) The office of City Councilmember of the City of Baldwin, Georgia, being Post
115 3, which will be elected at large for a term of four (4) years beginning on January 1,
116 2024 through December 31, 2027, with said seat currently held by Stephanie
117 Almagno.

118

119 **Section 5. QUALIFYING PERIOD.**

120 The qualifying period for the election set by Section 2 of this Ordinance to qualify for the
121 offices set by Section 3 of this Ordinance, shall open on Monday, August 21, 2023, and will
122 continue from day-to-day through Friday, August 25, 2023. The hours of qualifying each day
123 shall be from 8:30 a.m. until 4:30 p.m. (except for a one hour lunch break beginning at 1:00 p.m.
124 each day), except that qualifying will end at 12:00 noon on August 23, 2023. The place of
125 qualifying shall be the administrative office of the Election Superintendent being Habersham
126 County Office of Elections and Registration, Habersham County Elections & Voter Registration
127 Building located at 403 Habersham County Shopping Center, Cornelia, GA 30531.

128 **Section 6. QUALIFYING FEE.**

129 (A) The qualifying fee for the positions open for election as provided by Section 4 of this
130 Ordinance shall be \$35.00 for each Council seat. Such fee shall be paid to the Election
131 Superintendent at the time a candidate files the candidate's application and notice of candidacy.

132 (B) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise
133 required by this Ordinance in Section 6(A). A candidate filing a pauper's affidavit instead of

134 paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's
135 resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be
136 as prescribed by the Georgia Secretary of State and shall include a financial statement which lists
137 the total income, assets, liabilities, and other relevant financial information of the candidate and
138 shall indicate on its face that the candidate has neither the assets nor the income to pay the
139 qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has
140 neither the assets nor the income to pay the qualifying fee otherwise required. The following
141 warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to
142 wit: "WARNING: Any person knowingly making any false statement on this affidavit commits
143 the offense of false swearing and shall be guilty of a felony." The Election Superintendent shall
144 place on the ballot the name of any candidate who subscribes and swears to an oath that such
145 candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

146 **Section 7. ELECTION APPOINTMENTS.**

147 (A) The following persons are hereby appointed to act as election officials for the 2023

148 General Election:

149 Election Superintendent By intergovernmental agreement with
150 Habersham County.

151
152
153 Chief Registrar By intergovernmental agreement with
154 Habersham County.

155
156
157 Absentee Ballot Clerk By intergovernmental agreement with
158 Habersham County.

159
160
161 Voting Machines Custodian By intergovernmental agreement with
162 Habersham County.

165	Chief Poll/Precinct	By intergovernmental agreement with
166	Manager	Habersham County.
167	Assistant Poll/Precinct	By intergovernmental agreement with
168	Manager	Habersham County.
169		
170	Assistant Poll/Precinct	By intergovernmental agreement with
171	Manager	Habersham County.
172		
173	Assistant Registrar	By intergovernmental agreement with
174		Habersham County.
175		

176 (B) The administrative office of the Election Superintendent shall be set by Section 5 for
177 the purpose of candidates qualifying for the offices open for election as provided by Section 4 of
178 the Ordinance, and also as an office of the Absentee Ballot Clerk. The City Council of the City
179 of Baldwin, Georgia, by proper resolution passed in a regularly scheduled public meeting of the
180 City Council, is authorized to set the compensation that each election official shall receive.

181 **Section 8. LAST DAY FOR VOTER REGISTRATION.**

182 The last day that an elector/voter may register to vote in the 2023 General Election shall
183 be Tuesday, October 10, 2023, by 5:00 p.m. at the administrative office, as set out hereinabove,
184 unless said date is a Georgia legal holiday, and then the last day for voter/elector registration
185 shall be the next day by 5:00 p.m.

186 **Section 9. QUALIFYING AFFIDAVIT AND FINANCIAL DISCLOSURE**
187 **STATEMENT.**
188

189 (A) Each candidate qualifying for the seat of Mayor or a Council seat of the City Council
190 of the City of Baldwin, Georgia shall accompany the candidate's notice with an affidavit stating:

191 (1) The candidate's residence, with street and number, if any, and the candidate's
192 post office address;

193 (2) The candidate's profession, business, or occupation, if any;

194 (3) The Post or seat of Mayor and incumbent of the office sought for election and

195 precinct, if applicable;

196

197 (4) That the candidate is an elector of the municipality of the candidate's
198 residence and is eligible to vote in the election in which the candidate is running for office;

199 (5) The name of the office that the candidate is seeking;

200 (6) That the candidate is eligible to hold such office;

201 (7) That the candidate has never been convicted and sentenced in any court of
202 competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office,
203 or felony involving moral turpitude under the laws of this state or any other state or of the United
204 States, or that the candidate's civil rights have been restored and that at least ten years have
205 elapsed from the date of the completion of the sentence without a subsequent conviction of
206 another felony involving moral turpitude; and

207 (8) That the candidate will not knowingly violate any provisions of the "Georgia
208 Election Code" or any rules and regulations adopted under the "Georgia Election Code".

209 (B) Each person qualifying as a candidate will file a financial disclosure statement
210 prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the
211 fifteenth day following the last date of qualifying with the Election Superintendent of the City of
212 Baldwin.

213 **Section 10. WRITE-IN CANDIDATES.**

214 (A) In the general municipal election, no person elected on a write-in vote shall be
215 eligible to hold office unless notice of the person's intention of candidacy was given no later than
216 seven (7) days after the close of the municipal qualifying period in accordance with O.C.G.A. §
217 21-2-133(a) by the person to be a write-in candidate or by some other person or group of persons

218 qualified to vote in the election, to the Election Superintendent and by publication in the official
219 gazette of the City of Baldwin, Georgia (and currently being The Northeast Georgian).

220 (B) In addition to the requirements contained in subsection (A) of Section 10., the person
221 or persons giving notice of intention of candidacy for a write-in candidate shall also file, with the
222 Election Superintendent, a copy of the notice as published with an affidavit stating that the notice
223 has been published, with the name of the newspaper and the date of publication, not later than
224 the fifth day after the deadline for filing and publishing such notice. The affidavit may be made
225 by the person giving notice of intention of candidacy or by the publisher of the newspaper in
226 which the notice was published or by an employee of the newspaper designated by the publisher.

227 **Section 11. ADVANCE VOTING.**

228 Advance voting shall begin on Monday, October 16, 2023 and continue until Friday,
229 November 3, 2023 and shall be done at the Ruby C. Fulbright Aquatic Center located at 120 Paul
230 Franklin Road, Clarkesville, GA 30523. The hours for advance voting shall be 8:00 a.m. until
231 5:00 p.m. Regular absentee ballots may be acquired beginning on October 16, 2023 at the Office
232 of Habersham County Elections and Registration.

233 **Section 12. SEVERABILITY.**

234 If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance
235 should be declared invalid or unconstitutional by any court of competent jurisdiction or if the
236 provisions of any part of this Ordinance is applied to any particular situation or set of
237 circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed
238 to effect the portions of this Ordinance not so held to be invalid, or the application of this
239 Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent

240

241 of the City Council of the City of Baldwin to provide for separate and divisible parts, and it does
242 hereby adopt any and all parts hereof as may not be held invalid for any reason.

243 This _____ day of _____, 2023.

244
245
246 BALDWIN CITY COUNCIL

247
248
249
250 By: _____
251 Mayor, Joe Elam

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253
254 _____
255 Theron Ayers, Council Member

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257 _____
258 Alice Venter, Council Member

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260 _____
261 Larry Lewallen, Council Member

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263 _____
264 Stephanie Almagno, Council Member

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266 _____
267 Maarten Venter, Council Member

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274 Attest:

275 _____
276
277 Emily Woodmaster
278 CAO, City Clerk
279