



Agenda
City Council Work Session
August 8th, 2023
6:30pm

Baldwin PD Training Facility, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Economic Development Discussion (max. 20 minutes)

Public Hearing

Old Business

1. Cemetery Rules and Regulations

New Business

2. Replacement of Lift Station Sewer Pumps
3. Budget Adoption Resolution #2023-06126R
4. Reauthorize Special Election Resolution #2023-07129R

Announcement

- a. Join us for our first ever Movie In the Market on August 25th at 7:30 pm! Bring your chairs and blankets to the Baldwin Farmers' Market for a free screening of The Super Mario Bros. Movie. Light concessions will be available with all proceeds going to our "Shop With a Hero" program!
- b. The City of Baldwin is now accepting vendors for our Sixth Annual Fall Festival on October 21st! We welcome food trucks, crafters, and non-profits to sign up for a booth and be a part of our yearly celebration of Baldwin and our surrounding community. The vendor application is available online at www.cityofbaldwin.org or by emailing baldwinevents@cityofbaldwin.org.

Adjournment



Cemetery Rules & Regulations

Office of the City Clerk

P. O. Box 247

186 Hwy 441 Bypass, Baldwin, GA 30511

Statement of Policy:

The Rules and Regulations for Baldwin City Cemetery are reviewed and approved by the Baldwin City Council to govern the operations and functions of the Baldwin Cemetery. These rules and regulations were created in order to maintain the Cemetery in a condition wherein individual solace and memory may be sought and to accommodate, to the greatest degree possible, the memorial intent of those who care for the interred.

The Cemetery is not one of perpetual care and the City of Baldwin is under no obligation to maintain any set standard for its care and upkeep. The City does, however, endeavor to provide general maintenance and care to the Cemetery in keeping with its purpose of the reverent interment of the dead.

The City shall not be held liable for errors or damages which may occur from misinterpretation of telephone instructions from lot owners, their legal representatives, or funeral directors acting on behalf of the owner or their heirs.

The City has the right to change, modify, or re-plate any part of the Cemetery. Cemetery patrons who have questions or concerns may contact Baldwin City Hall at 706-778-6341.

Map and Development Plans

City maintains a cemetery map and development plan defining available, purchased, and occupied cemetery lots, as well as future development.

The Mayor and City Council shall establish rules and regulations for the use of the Baldwin Cemetery relating to:

- Subdividing the Cemetery into lots,
- Capacity of each lot,
- Location of graves, and
- Types of plants, monuments, and markers permitted for the proper and most attractive development of the City Cemetery.

Said rules shall be kept in the office of the City Clerk and are available to the public.

Entry to Cemetery

Visitors to the cemetery enter at their own risk. While every effort is made to ensure the safety of the public, cemeteries can be dangerous places due to uneven ground, unstable headstones, etc. Members of the public should not go near open excavations or soil heaps, as the ground is unstable. The City is not liable for any injuries sustained while visiting the Cemetery. It shall be unlawful for any person to be on the premises of the Cemetery between the hours of sunset and the following sunrise.

Notification Required for Grave Digging

It shall be unlawful for any person to dig a grave in the Baldwin Cemetery without first notifying the City Clerk or Chief Administrative Officer during normal business hours within 24 hours of digging at the site. Failure to notify could result in a fine.

Notice of Interment

A written Notice of Interment and appropriate payment must be delivered to Baldwin City Hall as soon as possible prior to any interment in any grave. All funeral home directors should contact City Hall in sufficient time to ensure that our records reflect the information given to them and to make sure full payment was made for the burial site.

Baldwin City Hall is open Monday – Friday, 8:30 am – 4:30 pm and is closed on weekends and the following official City Holidays:

New Year's Day, Martin Luther King, Jr. Day, President's Day, Good Friay, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, the day after Thanksgiving, Christmas Eve, and Christmas Day.

Human Burials Only

Only the remains of human beings shall be buried at Baldwin Cemetery.

Rules for Interment

No deceased person shall be interred in the Baldwin Cemetery until it has been verified that:

1. The lot in which burial is to be made has been paid in full.
2. The person arranging for such burial has the right to the use of such lot.
3. Such lot is not used beyond its capacity.
4. Proper record is made of the name and age of the deceased person and of the exact location of the grave.
5. All state and local health laws are in full compliance.
6. All caskets must be in vaults.

Exhumation Notification Required

No person shall exhume or remove any corpse from the Baldwin Cemetery without written notice to the Chief Administrative Officer and City Clerk, a court order authorizing exhumation, and a notice from the county coroner. Any exhumations must be conducted in the presence of the coroner (or respective agent) and a city official.

Purchasing Cemetery Lots

Any person desiring to purchase lots in Baldwin Cemetery may contact City Hall by phone at 706-778-6341. All lots shall be sold subject to the rules and regulations now in force or which may be adopted. Such lots shall be used for no other purpose than the burial of human remains.

All 5' x 10' burial plots currently cost \$600.00 each and these plots are only available in

the new section of Baldwin Cemetery. There are currently no plots available for purchase in the old section of the Baldwin Cemetery.

Only one body shall be buried in any one grave space. Cemetery deeds for a grave space, however, may be equally divided into two 5' x 5' grave spaces to allow for the burial of cremation urns. Only one urn may be buried in each 5' x 5' grave space.

Restrictions

The planting of flowers, trees, shrubs, or any other effort to improve or beautify any lot within the Baldwin Cemetery shall not be allowed. No signs, notices, or advertisements of any kind shall be allowed in the cemetery, except those by the City.

All remains to be buried shall be placed in a coffin or casket that meets all State of Georgia requirements. Said coffin or casket shall then be placed in a rigid outer receptacle made of metal, concrete, fiberglass, plastic, or similar water-resistant material. The City maintains the right to approve all outer receptacles to be used in the cemetery.

Removal of Trees and Shrubbery

If any tree or shrub (by means of its roots or branches) becomes detrimental in any way to the adjoining lot, avenue, or walk, it shall be the duty and privilege of the City of Baldwin to enter the lot and remove the tree(s), shrub(s), or any part thereof. No tree growing in any lot or border shall be pruned or removed without the consent of the City of Baldwin.

Authority to Remove Items

The City of Baldwin shall have the authority to remove all flowers, weeds, trees, shrubs, or other plants of any kind from the Cemetery in the event they become unsightly, dangerous, detrimental, or diseased as determined by the Chief Administrative Officer. The City shall not be liable for damage to floral pieces, baskets, or picture frames in/to which floral pieces are attached.

Improvements or Alterations

It shall be unlawful for any person to build or erect any wall, coping, or curbing around or on any lot in the Baldwin Cemetery without first obtaining written permission from the City at least 24 hours prior to its installation. The form requesting coping around a cemetery lot may be obtained at City Hall or by calling 706-778-6341. The measurements and corners of the cemetery lot must be verified by the City Clerk or Chief Administrative Officer before permission is granted to the lot owner or their heir(s) to erect any coping or similar improvement.

Written consent from the City Clerk or Chief Administrative Officer is required for any other improvements or alterations of deeded lots within the Cemetery. Such improvements or alterations are subject to the satisfaction and approval of the City upon completion. The City of Baldwin reserves the right, at the expense of the lot owner, to remove or change improvements made without the City's written approval or in the event that the improvements become unsightly in the City's judgement.

Malicious Intent

It shall be unlawful for any person do the following:

1. Disturb any grave.
2. Deface, disturb, or remove any monument or marker/ornament from any grave.
3. Destroy or damage any tree, shrub, or flowers planted or placed within the Cemetery.
4. Commit any other trespass within the cemetery.
5. Be on the Cemetery premises from sunset to the following sunrise.

Those found in violation shall be fully prosecuted.

Cemetery Care

The responsibility of Baldwin Cemetery's general care is assumed by the City of Baldwin, including the cutting of grass at reasonable intervals, raking and cleaning of the grounds, and pruning shrubs and trees placed by the City. General care provided by the City shall not include the maintenance, repair, or replacement of any marker, monument, or memorial. The City shall not be responsible for any special work in the Cemetery, including but not limited to, any work caused by the impoverishment of the soil or reconstruction of any marble or granite work within the Cemetery.

Family Plots Inalienable

Reversion to City. Whenever an interment of the remains of a member or a relative of a member of the family of the record owner, or the remains of the record owner, is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in their will by a specific device, or by a written declaration filed and recorded in the office of the City Clerk, the cemetery plot thereby becomes inalienable and shall be held as the family plot of the owner, with title to the same reverting to the City for protection of those who may be interred therein.

Right to burial without consent. In a family plot, one grave, niche, or crypt may be used for the owner's interment; one for the owner's surviving spouse, if any, who by law has a right of interment in it; and in those remaining, if any, the parents and children of the deceased owner, in order of death, may be interred without the consent of any person claiming any interest in the plot.

Order of right of interment. If no parent or child survives, the right of interment goes in the order of death, first, to the spouse of any child of the record owner, and second, in the order of death, to the next heir at law of the owner or the spouse of any heir at law.

Interment right waived in favor of other relatives. Any surviving spouse, parent, child, or heir with the right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative, of either deceased owner or of their spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

Vested Right of Spouse & Joinder Prerequisite

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

Plots with Multiple Owners/Designated Owner

If a cemetery plot has several owners of the rights of interment, they may designate one or more persons to represent the plot, lot, or space and file written notice of designation with the City Clerk. In the absence of such notice or of written objection to its so doing, the City is not liable to any owner for interring or permitting an interment or refusing an interment in the plot upon the request or direction of any co-owners of the plot.

Cope of Vested Right

No vested right of interment gives to any person the right to have their remains interred in any interment space in which the remains of any deceased having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space.

Delay of Interment, Liability, and Right of the City

The City shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where these rules and regulations are not in compliance. The City reserves the right, under such circumstances, to place the body in a funeral home or a receiving vault until the full rights have been determined. The City may require any protest to be in writing and to be filed in the office of the City Clerk.

CITY COUNCIL
 Alice Venter, Acting Mayor
 Larry Lewallen, Post 1
 Theron Ayers, Post 2
 Dr. Stephanie Almagno, Post 3
 Maarten Venter, Post 4
 Vacant, Post 5



Emily Woodmaster, City Clerk CAO
 Bubba Samuels, City Attorney

186 Hwy 441 Bypass
 Baldwin, GA 30511
 706-778-6341~Cityofbaldwin.org

Council Action Form

Meeting Date: 08/08/2023

Submitted By: Scott Barnhart

Agenda Item: Item #2: Replacement of Lift Station Sewer Pumps

Classification (City Attorney must approve all ordinances, resolutions and contracts):

- Ordinance (No.____)
 Contract
 Information Only
 Public Hearing
 Resolution (No.____)
 Ceremonial
 Discussion/Action
 Other

Background (Includes description, background, and justification)

(2) NEW LIFT STATION Sewer Pumps To Replace (2) Failed Pumps.
 @ PRISON LIFT STATION

Budgeting & Financial Impact (Included project costs and funding sources)

SEWER System CONNECTION FEES

Capital Asset
 Cost \$225,000
 Useful Life 10 Years
 (NOT TO EXCEED INCLUDES LABOUR & PUMPS.)

Staff Recommendation (Include possible options for consideration)

REPLACE PUMPS ASAP

Department Head Approval Date 8/8/23

City Attorney Approval _____ Date _____

City Clerk, CAO Approval Date 8/8/2023

Council Denial _____
 Council Tabled Until _____
 Council Approval _____

PASSED: _____

A RESOLUTION NO. 2023-06126R

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BALDWIN, GEORGIA TO ADOPT A BUDGET FOR THE GENERAL OPERATING FUND AND THE ENTERPRISE FUND FOR THE CITY FOR THE CALENDAR YEAR 2024 AND FOR THE FISCAL YEAR OF 2023-2024; TO ADOPT THE BUDGETS ATTACHED TO THIS RESOLUTION AND INCORPORATED BY REFERENCE HEREOF INTO THIS RESOLUTION AND WITH SAID BUDGET FOR THE GENERAL FUND AND THE ENTERPRISE FUND INDICATING THE SUM OF ESTIMATED REVENUES, AS WELL AS THE SUM OF EXPECTED EXPENDITURES; TO PROVIDE FOR A BALANCED BUDGET FOR THE 2024 FISCAL YEAR; TO PROVIDE THAT NOTHING CONTAINED WITHIN THIS BUDGET RESOLUTION, AS WELL AS THE ATTACHED PROPOSED BUDGET, SHALL PRECLUDE THE CITY COUNCIL OF THE CITY OF BALDWIN FROM AMENDING ITS BUDGET DURING THE 2024 FISCAL YEAR SO AS TO ADAPT TO CHANGING GOVERNMENTAL NEEDS DURING THE BUDGET PERIOD; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 1-3 of the Baldwin City Charter, the City has adopted a fiscal year beginning July 1 and ending June 30 of the following year;

WHEREAS, O.C.G.A. §36-81-3 provides that the governing authority of each local government shall adopt and operate under an annual balanced budget for the General Operating Fund and the Enterprise Fund of the entity;

WHEREAS, the City Council does hereby desire to adopt a General Operating Fund budget and Enterprise Fund budget by this resolution for the calendar year of 2024 and the fiscal year of 2024; and

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED BY THE ABOVE-REFERENCED AUTHORITY, as follows:

SECTION 1. BUDGET FOR THE GENERAL OPERATING FUND AND ENTERPRISE FUND OF THE CITY OF BALDWIN.

The City Council of the City of Baldwin, Georgia, as the governing authority of the City, does hereby adopt a balanced budget for the General Operating Fund and Enterprise Fund of the City for the calendar year of 2024 and the fiscal year of 2024, and being as more specifically described by the attached ledger sheets comprising the budgets, and which indicate the following:

- (1) Administration, operation and maintenance expenses of each department or office of the City;
- (2) Interest and debt redemption charges;
- (3) Proposed capital expenditures, detailed by departments and offices when practicable;
- (4) Cash deficits of the preceding year;
- (5) Contingent expenses; and
- (6) Such reserves as may be deemed advisable by the City Council;

and which are all incorporated by reference into this budget resolution and comprising the budget for the on-coming fiscal year.

SECTION 2. BALANCED BUDGET.

As indicated by the incorporated budget, the proposed budget for fiscal year 2024 is balanced in that the sum of estimated revenues and appropriated fund balances is equal to appropriations, and in accordance with O.C.G.A. § 36-81-3(b)(3).

SECTION 3. AMENDMENT TO THE BUDGET.

Nothing within this budget resolution shall preclude the City Council of the City of Baldwin, Georgia from amending its budget for the 2024 fiscal year so as to adapt to changing governmental needs during the budget period, being said fiscal year for the City of Baldwin. The City Council of the City of Baldwin retains full and complete authority to amend said budget at

any time during the budget period due to a change in anticipated revenues or through a transfer of appropriations among departments, so long as said budget amendments are approved by the City Council of the City of Baldwin. All changes in the budget, budget appropriations, or transfers of appropriations within the departments of the City of Baldwin, Georgia shall be in accordance with such policies as are adopted by the City Council of the City of Baldwin, Georgia.

SO RESOLVED this 30th day of June 2023.

BALDWIN CITY COUNCIL

By: _____
Acting Mayor Alice Venter

Council Member Maarten Venter

Council Member Theron Ayers

Council Member Larry Lewallen

Attest:

Council Member Stephanie Almagno

Emily Woodmaster
City Clerk, CAO

STATE OF GEORGIA

COUNTY OF HABERSHAM

RESOLUTION #2023-07129R

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BALDWIN TO CALL AND AUTHORIZE A SPECIAL ELECTION TO FILL THE VACANT SEAT FOR MAYOR OF THE BALDWIN CITY COUNCIL; TO FIX AND PUBLISH QUALIFYING DATES AND FEES; AND FOR OTHER PURPOSES

WHEREAS on February 7, 2023, Mayor Joe Elam resigned from his seat on the Baldwin City Council, Mayor, effective immediately; and

WHEREAS on February 7, 2023, Baldwin City Council voted Council Member Alice Venter, Post 5, to serve as acting mayor under Section 215 of the City's Charter; and

WHEREAS Section 5-3 of the City's Charter provides that a vacancy in the office of a council member shall be filled for the balance of the unexpired term by a special election if such vacancy occurs more than 90 days prior to the expiration of the term of that office; and

WHEREAS the term of office for Mayor of the Baldwin City Council is set to expire on December 31, 2025; and

WHEREAS pursuant to O.C.G.A. § 21-2-131 (a) (1) (A), the City Council shall fix and publish a qualifying fee for each municipal office in the amount of three percent (3%) of the total gross salary of the said office paid in the preceding calendar year; and

WHEREAS pursuant to O.C.G.A. § 21-2-132 (c) (3), each candidate for a nonpartisan municipal office shall file a notice of candidacy in the office of the Baldwin City Clerk during the qualifying period as set by the City; and

WHEREAS pursuant to O.C.G.A. § 21-2-540 (c) (1) (A), in odd-numbered years, a special election may be held the third Tuesday in March; and

WHEREAS the Acting Mayor and remaining Council Members of the Baldwin City Council wish to call for said special election and set the qualifying requirements as allowed by law.

NOW THEREFORE BE IT RESOLVED by the Mayor and the Baldwin City Council that:

1.

The City of Baldwin, Georgia Special Election is hereby called in order to fill the vacancy for the balance of the unexpired term of Mayor Seat of the Baldwin City Council.

2.

Said Special Election shall be held on Tuesday, November 7, 2023.

3.

The qualifying period for each candidate to file a notice of candidacy regarding said Special Election shall be Monday, August 21, 2023 through and including Friday, August 25, 2023, between the hours of 8:30 a.m. and 4:30 p.m. (except for a one hour lunch break beginning at 1:00 p.m. each day), except that qualifying will end at 12:00 noon on August 25, 2023.

4.

Notices of candidacy regarding said Special Election shall be filed with the Baldwin municipal superintendent, Habersham County Elections & Voter Registration at 130 Jacob's Way, Suite 101, Clarkesville, Georgia, 30523, and candidates must meet the qualifications as set forth in the Charter of the City of Baldwin, Georgia, as well as all other applicable laws.

5.

The qualifying fee will be \$35.00.

6.

Pursuant to Section 5-1(2) of the Baldwin City Charter, elections for Mayor and Council members shall be by plurality vote. ~~In the event no candidate receives a majority of the votes cast in said Special Election, a Run-off Election shall be held on Tuesday, December 5, 2023, between the candidates receiving the two highest number of votes cast.~~

Swood
8/1/2023

7.


The Elections Superintendent for Habersham County is hereby authorized and directed to

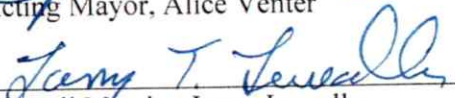
execute all necessary documents to call and proceed with said Special Election.

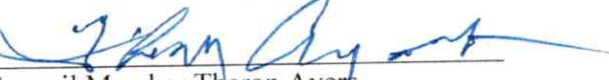
BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption by the Mayor and City Council.

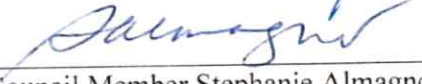
Adopted and approved this 24th day of July, 2023.

BALDWIN CITY COUNCIL

By: 
Acting Mayor, Alice Venter

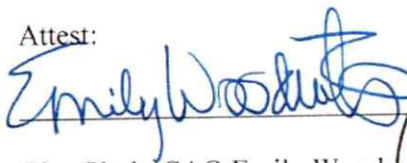
By: 
Council Member Larry Lewallen

By: 
Council Member Theron Ayers

By: 
Council Member Stephanie Almagno

By: 
Council Member Maarten Venter

Attest:


City Clerk, CAO Emily Woodmaster

