



Agenda
City Council Meeting
January 23rd, 2023
6:30pm

Baldwin Courtroom, 155 Willingham Avenue, Baldwin, GA 30511

Call Meeting to Order

Invocation and Pledge

State of the City Address

Economic Development Discussion (maximum 20 minutes)

Consent Agenda

- a. Authorization of Surplus Firetruck
- b. Recognition of Firetruck Donation
- c. Approval of Water Treatment Plant Expenses for Raw Water Pump and Filter Improvements - \$80,000

Citizen Comment

Public Hearings

Reports

Financial Report

Old Business

1. Consideration/Approval of Verkada Security Camera Contract
2. Consideration/Approval of Fire Truck Purchase & Warranty Program
3. Consideration/Approval of Digitize Habersham Donation
4. Consideration/Approval of NGN Connect Account Update
5. Consideration/Approval of 2nd Reading of Qualifying Fees Ordinance #2023-01118

New Business

6. Consideration/Approval of Public Works Purchase of Dump Truck/Snowplow

Executive Session

7. Executive Session for Land Acquisition
8. Executive Session for Potential Litigation

Announcements

Adjournment

AdaptToSolve Quotes

City of Baldwin, GA

| <i>Quote #</i> | <i>Cameras + Quote Longevity</i> | <i>Contract Duration</i> | <i>Total Cost</i> |
|----------------|--|--------------------------|--------------------|
| 36866 | 13 Cameras (City Hall) - valid thru 1/31/23 2 cameras WTP 1 camera WWTP | 3 years | \$30,423.42 |
| 36865 | 13 Cameras (City Hall) - valid thru 1/31/23 2 cameras WTP 1 camera WWTP | 5 years | \$33,335.42 |
| 36867 | 13 Cameras (City Hall) - valid thru 1/31/23 2 cameras WTP 1 camera WWTP | 10 years | \$43,085.42 |
| 36860 | 13 Cameras (City Hall) - valid thru 2/10/23 2 cameras WTP 1 camera WWTP | 10 years | \$43,806.02 |
| 36857 | 12 Cameras (PD) - valid thru 1/31/23 | 10 years | \$39,219.06 |
| 36855 | 12 Cameras (PD) - valid thru 2/10/23 | 3 years | \$29,331.06 |
| 36856 | 12 Cameras (PD) - valid thru 2/10/23 | 5 years | \$32,019.06 |
| 36861 | 12 Cameras (PD) - valid thru 2/10/23 | 10 years | \$41,540.86 |



VIA EMAIL TO: MAYOR JOE ELAM, CITY OF BALDWIN

Re: Appalachian Broadband Technologies' Franchise Agreement with Your Municipality

Dear Mayor Elam:

Appalachian Broadband Technologies, LLC (“ABT”) is entering into an asset purchase agreement with Point Broadband Fiber Holding, LLC (“PBBFH”). The relationship provides additional capital to use, invest, and accelerate our fiber-to-the-home network expansion. The management, operational, and technical abilities of PBBFH shall continue with additional resources provided by PBBFH to advance the broadband deployment.

ABT and PBBFH both share the core values of customer service and community engagement. PBBFH has a proven track record of building state-of-the-art broadband networks. We shall continue to maintain a strong focus on best-in-class service supported with a localized presence as we serve the growing demand for broadband.

We request your consent below to the assignment and transfer of our Broadband Service Agreement to PBBFH. Additionally, your signature below acknowledges the municipality is waiving its option and first right of refusal to purchase ABT’s system. Please kindly execute and return by e-mail to me at paul.belk@ngnfiber.com and cc: donna.unger@ngnfiber.com

I am available to answer any questions you may have. Please feel free to contact me at paul.belk@ngnfiber.com and/or (762) 230-0104.

Respectfully submitted,

Appalachian Broadband Technologies, LLC City of Baldwin

Name: Paul Belk
Title: Chief Executive Officer

Name: Joe Elam
Title: Mayor

241 Larkin Street, Suite B, Cornelia, GA 30531

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

- 190 (1) The candidate's residence, with street and number, if any, and the candidate's
- 191 post office address;
- 192 (2) The candidate's profession, business, or occupation, if any;
- 193 (3) The Post or seat of Mayor and incumbent of the office sought for election and
- 194

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

252
253
254 _____
255 Theron Ayers, Council Member

256
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

CITY COUNCIL
 Mayor Joe Elam
 Larry Lewallen, Post 1
 Theron Ayers, Post 2
 Dr. Stephanie Almagno, Post 3
 Maarten Venter, Post 4
 Alice Venter, 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: 1/23/23

Submitted By: SCOTT BARNHART

Agenda Item: 6

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)

Purchase - New 19,500GVW 4X4 Dump Truck
 up-fit with - New meyer 9'6" SNOWPLOW AND SALT Spreader
 THIS PURCHASE WOULD ADD A LARGER SNOWPLOW TO THE FLEET AS WELL AS
 A TRUCK THAT IS LARGE ENOUGH TO PULL EQUIPMENT TRAILERS.

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

NOT TO EXCEED TOTAL FOR TRUCK AND UP-FITTING - \$ 120,000. - BANKS COUNTY T-SPLOST
 Capital Asset Cost 120,000 Useful Life 10 +

Staff Recommendation (Include possible options for consideration)

Department Head Approval [Signature] Date 1/23/23
 City Attorney Approval _____ Date _____
 City Clerk, CAO Approval [Signature] Date 1/23/23

Council Denial _____
 Council Tabled Until _____
 Council Approval _____

BALDWIN PUBLIC WORKS

RAM 5500 4X4 DUMP TRUCK / SNOWPLOW & SALT SPREADER

Truck cost \$ 89,980.00
Snowplow \$ 9,000.00 (Est.)
Salt Spreader \$ 8,000.00 (Est.)
Emergency Lights \$ 1,200.00 (Est.)

Total \$ 108,180.00 (Est.)

- This adds a larger plow truck/Salt Spreader to the fleet that would be able to work more efficiently on the larger roads freeing up the (2) smaller plow trucks to work on the secondary streets.
- This truck would also serve as the primary dump truck that would pull the equipment trailer as well as the sewer jetting trailer.

2022 RAM 5500 TRADESMAN For Sale In Morrisville, Pennsylvania



For Sale Price: \$89,980

Contact Information

TRUCKSMART ISUZU

📍 Morrisville, Pennsylvania 19067

📞 Phone: (833) 823-4259

💬 Messenger: Message

📱 WhatsApp: Message

📺 Video Chat With This Dealer

👤 Contact: Knowledgeable Sales Staff



Description

4X4, SH Truck Bodies DB 4000-20-11.3 11 Foot Long Mason Dump, 20 Inch High Sides, 26 Inch High Tailgate, 5-6 Cubic Yard Capacity, 18 Inch Cab Shield With Tarp Cover, Double Acting Tailgate, Upgraded Champion CS620T Electric Double Acting Hoist, Underbody Tool Box, Pintle Plate, Trailer Brake Controller, Trailer Light Check, Electric Shift-On-The-Fly Transfer Case, Heavy Duty Snow Plow Prep Group, Tradesman Level 1 Equipment Group, Chrome Appearance Group, Cold Weather Group, Power Take-off Prep, 40/20/40 Bench Seat, Black Tubular Side Steps, Fog Lamps, Backup Camera With Uconnect3 5 Inch Touch Screen Display, Push Button Start, Remote Keyless Entry, Power Windows, Power Locks, Power Mirrors, Cruise, Bluetooth, Overhead Console, Cummins ISB 6.7L Diesel Engine, Aisin AS69RC HD 6-Speed Automatic, 168.5 Inch Long Wheel Base, 84 Inch Cab To Axle Length, 19,500 Lb GVWR, 7,250 Lb Front Axle, 13,500 Lb Rear Axle. Under CDL. Ask About Our Financing and Extended Warranty Options. We are located in Morrisville, Pa near Philadelphia, Trenton and New York. Close to NJ, NY, DE, MD. We deliver throughout the US. Seasonal rates apply. Notice: Dealer not responsible for typographical or photo errors. *Prices include all applicable rebates and incentives.

Specifications