



CITY OF BROOKLET

104 CHURCH ST. BROOKLET, GA 30415 \*(912) 842-2137 \*FAX (912) 842-5877

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Joe Grooms III, Mayor  
Nicky Gwinnett, Mayor Pro-Tem  
Bradley Anderson, Councilman  
Rebecca Kelly, Councilwoman  
James Harrison, Councilman  
Johnathan Graham, Councilman

City Attorney  
Hugh Hunter

City Clerk  
Lori Phillips

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**CITY COUNCIL**  
**February 17, 2022**  
**7:00 PM**  
**MINUTES**

*Before the meeting was called to order, Mayor Grooms, III made the following announcement that he would like to inform everyone of his decision to resign from his position as Mayor of Brooklet, Georgia effective February 17, 2022. Due to personal reasons, he will be unable to fulfil his responsibilities, and feel it best to vacate his position.*

*No action was taken at this time.*

1. **Call to order and welcome - Mayor Pro-Tem Gwinnett**
  - a. Invocation - Mayor Pro-Tem Gwinnett
2. **Pledge of Allegiance to the United States Flag - Mayor Pro-Tem Gwinnett**
3. **Amend or approve Proposed Agenda**

MOTION TO AMEND THE AGENDA TO ADD UNDER RECOGNITION OF GUEST #3a. PROJECT UPDATES PRESENTED BY WESLEY PARKER, CITY ENGINEER AND TO ADD UNDER NEW BUSINESS 11.2. APPROVAL OF THE SKID STEER EQUIPMENT RENTAL.

**MOTION:** Brad Anderson  
**SECOND:** Johnathan Graham  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and Brad Anderson  
**NAYES:** None

Motion carried 4-0

**a. Wesley Parker, Parker Engineering - Project Updates**

  - Cotton Gin Lane Improvements - Design complete, submittal to GDOT, advertise to bid next week.

- **Cromley Road Improvements - Design complete, submittal to GDOT, waiting for GDOT comments.**
- **Warnock Street Repairs - Complete**
- **Joiner Road Resurfacing (LMIG PROJECT) - Cost estimate complete. (\$88,000.000)**
- **Brooklet to Statesboro Septic to Sewer Grant - Awaiting news from Governor's office.**
- **Brooklet Community Sewer Grant - Preliminary design complete, discussions with council.**

*Opinion from the City Attorney, Hugh Hunter regarding the sewage issue in the downtown area: It is my opinion that whatever action Council takes to remedy the problem should result in a substantial public benefit, and not primarily benefit one business only, and that a good option to accomplish this purpose would be the formation of a City Business Improvement District as authorized by state statute, whereby the cost of providing a sewage disposal system could be recouped by the City from the property owners benefiting from such system.*

#### **GRATUITIES**

*The gratuities clause of the Georgia Constitution provides, inter alia, that "The General Assembly shall not have the power to grant any donation or gratuity." Art. III, Sec. VI, Par. VI(a). The Georgia Appellate Courts have construed this provision to also be applicable to cities and counties. Grand Lodge & c. v. City of Thomasville, 226 Ga. 4, 7(3)(b), 172 SE 2d 612 (1970); City of Lithia Springs v. Turley, 241 Ga. App. 472, 475, 526 SE 2d 364, 367 (1999). In analyzing transactions under the gratuities clause, one (1) of the questions that must be asked is whether the municipality (public) obtains a substantial benefit. City of Lithia Springs v. Turley, Supra, 241 Ga. App. at 475, 526 SE 2d at 367. Therefore, whatever approach the City of Brooklet takes to deal with this problem, there must be a substantial public benefit. If the benefit flows totally or mostly to a private business without substantial public benefit, it is my opinion that the transaction would violate the gratuities clause of the Georgia Constitution.*

#### **GENERAL POWERS OF THE CITY REGARDING SEWER RELATED SERVICES**

*The City of Brooklet does have under its Charter the authority to acquire, lease, construct, operate, etc., public utilities, including sewage disposal systems. Brooklet Charter Section 1-4(20). The City also has the right to provide for the acquisition, construction, building, operation and maintenance of, among other things, public improvements. Brooklet Charter Section 1-4(26). Furthermore, the City has the power to make contracts for public utilities and public services, and to prescribe the rates and regulations therefore. Brooklet Charter 1-4(29). Additionally, the City has the authority to levy a fee, charge, or sewer tax necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending for a sewage disposal plant and sewage system, and to levy on those to whom sewers and sewage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers, etc.,*

*Finally, the City has the authority to levy and provide for the collection of special assessments to cover the costs for any public improvements.*

*CITY BUSINESS IMPROVEMENT DISTRICTS Chapter 43 of Title 36 with the Georgia Code provides authority to create City Business Improvement Districts. Brooklet would have the authority under that Act to create a business improvement district for the purpose of serving some or all of the*

downtown businesses with some type of sewage treatment system, and charge fees, taxes or both to recoup the cost of providing this service. O. C. G. A. § 36-43-1 et. seq. Under the Act, the boundaries of the

special district would have to be defined, and could include those businesses in need of the service. If this route is taken, it could be implemented by a written petition signed and acknowledged by either: (1) 51% of the municipal taxpayers of the district proposed for creation; or (2) municipal taxpayers owning at least 51% of the taxable property subject to ad valorem real and personal property taxation in the proposed district. The petition must be accompanied by a district plan, budget and formula for imposing assessments on the taxpayers within the district. If approved, the city could impose ad valorem taxes within the district, and/or add-ons to occupational taxes to recoup the monies spent. O. C. G. A. § 36-43-4 (2) & (5). A couple of ideas come to mind for apportioning the cost of any sewage disposal system. Perhaps the fairest would be to apportion costs based upon usage of the system. A second idea would be to apportion costs based upon the number of employees. There would have to be a public hearing and notice of that hearing advertised in the newspaper at least ten (10) days prior to the date of the hearing. If any of the costs are financed, we would need to look at any requirements for financing. Depending upon the source of financing, it is possible that there would have to be a special referendum held for qualified voters within the special district vote on any such

financing, and the debt could not exceed, along with other debt of the city, 10% of the assessed value of all property taxes within the City. Georgia Constitution Art. IX, Sec. V, Par. II; Georgia Constitution Art. IX, Sec. V, Par. VI.

#### **EXISTING DRAIN FIELD**

The restaurant appears to have the most immediate need for sewage disposal. Apparently, there is a city-owned drainage field that could possibly be used with a modified lift station. If Council likes the City Business Improvement District concept, it might be possible to include allowing the restaurant to utilize that particular drainage field and recoup that cost from the restaurant, as part of the overall plan for the district for sewage disposal. Of course, the requisite number of property owners would need to approve the overall plan.

#### **Other Possibilities**

There may be other possibilities to remedy the problem. But as stated at the outset, whatever option is chosen should have a substantial public benefit, and not the primary benefit accruing to one business only.

**COUNCILMAN ANDERSON MADE THE MOTION FOR MAYOR PRO-TEM GWINNETT TO DETERMINE AND PROVIDE A PROPOSAL TO COUNCIL AS TO WHAT IT WILL COST SPECIFICALLY FOR THAT PROJECT.**

**MOTION: Brad Anderson**

**SECOND: James Harrison**

**AYES: James Harrison, Johnathan Graham, Rebecca Kelly, and Brad Anderson**

**NAYES: None**

**Motion carried 4-0**

**4. Amend or approve the minutes of the following City Council meetings & Called meeting:**

- a. February 10, 2022 Work Session
- b. February 17, 2022 City Council

**MOTION TO APPROVE**

**MOTION:** James Harrison

**SECOND:** Johnathan Graham

**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson

**NAYES:** None

**Motion carried 4-0**

**5. Motion to approve the February financial reports as presented**

**MOTION TO APPROVE**

**MOTION:** James Harrison

**SECOND:** Brad Anderson

**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson

**NAYES:** None

**Motion carried 4-0**

**6. Recognition of guest**

**1. Paul Collins - Assured Partners - 2022 Employee Health Insurance**

The current Plan for the employees is currently \$786.87 per month, the renewal, effective April 01, 2022, will increase to \$904.66 per month per employee.

**2. Milton Williams - Delight in the Lords Ministry 5K Run**

The 5K is scheduled for January 7, 2023 from 7:30 AM to 9:30 AM and is sponsored by the Brooklet Kiwanis Club. Mr. Williams will complete the Special Event Application and return it to Brooklet City Hall.

**7. Reports from committee members**

**a. Mayor Pro-Tem Gwinnett**

- The well control system is up and running.
- Public Works has been clipping the road shoulders and are asking for everyone's patience while they continue to work through the city.
- We will begin digging the ditches in the next couple of weeks.

**b. Councilman Anderson**

- Everyone received an expenditure report as of January 31, 2022; expenditures projected out through June 30<sup>th</sup>; we have two departments that are going to significantly overspend. The PO process is not working or not working well. It appears each department that have their own PO numbers get excited and just buy, buy, buy. Therefore, if a purchase does not have a purchase order tied to it, City Clerk Lori Phillips has been advised to not pay that purchase until it comes in front of city council to be voted on. We have to get in check. The only place that is making money is the water fund. Streets and Police need to slow down due to being over budget.

- c. Councilwoman Kelly
    - Currently working on a beautification project and now has a long-range plan for the downtown area and Brooklet City Hall.
  - d. Councilman Harrison
    - Currently working on a few items with Chief Roberts and has been looking into the budget for the Police Department to figure out what areas need to be improved in order to stay within the budget.
    - Currently working on pay scales for the Police Department.
    - Provided the monthly PD report.
  - e. Councilman Graham
    - Clarify certain responsibilities among the council members.
    - Currently working on street signs being replaced, with Mr. Jim standoff's help, they will prepare a list of all the signs that need to be replaced.
    - Working on getting together quotes for speed bumps/rumble strips.
8. **Report from Police Chief**
- a. Gary M. Roberts - Absent
9. **Report from City Marshall**
- a. Bobbie Hoch
    - 20 inspections
    - 1 CO issued
    - 7 code enforcement letters issued
10. **Old business**
- 10.1. **Motion to approve a quote for installing a fence around Well# 2.**
- 1. Eagle Fence Company = \$2,750.00
  - 2. Central Fence Company = \$5,389.00
  - 3. Middle Ground Construction = \$2,980.00
- MOTION TO APPROVE EAGLE FENCE COMPANY in the amount of \$2,750.00 and to be paid from the water fund.**
- MOTION: Brad Anderson**
- SECOND: James Harrison**
- AYES: James Harrison, Johnathan Graham, Rebecca Kelly, and Brad Anderson**
- NAYES: None**
- Motion carried 4-0**
- 10.2. **Motion to approve a bid to repair the Gazebo downtown.**
- 1. Howell Home Solutions = \$1,860.00
  - 2. Woodcock Builders = \$6,200.00
- MOTION TO APPROVE HOWELL HOME SOLUTIONS IN THE AMOUNT OF \$1,860.00 TO BE PAID FROM STREETS.**

**MOTION:** Rebecca Kelly  
**SECOND:** James Harrison  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

**10.3. Motion to approve a quote for the beautification project to the downtown area and Brooklet City Hall.**

1. Southern Scrapes Nursery = \$10,563.00 (downtown) \$14,894.98 (city hall)
2. Denmark's Lawn & Landscape = \$11,114.00 (downtown) \$13,982.00 (city hall) plus turf pro spraying (please see attached quote)
3. Ninja Lawns = \$17,267.68

Discussion: Councilman Graham stated that at this time he feels like this item can wait until the next fiscal year due to the importance of the sewer system project at this current time. Councilman Anderson suggested maybe splitting it between the two fiscal periods for the time being. Councilwoman Kelly stated that when the departments were shared out among the five city councilmembers, there are five departments and there are five city council members, there were three white male incumbents, there was one white male, one black male, one white female that were added to city council. The way the departments were assigned is that all of the white males were assigned a department, the black male was not given a department, nor was the female, that looked like it might be a little off therefore the council decided to give the black male a co-chair for each of Mayor Pro-Tem three departments and the female got the secretarial job, the job that the clerk has in the front office and no budget but the rest of the guys did and she feels resentful of that to put it mildly, it also opens up this city council for a lawsuit for discrimination because she has nothing to work with. Councilman Graham stated that the immediate conversation was finding relief for the sewer project, building a pipe having it done by public works and so if we are going to be tearing up the streets for the sewer pipe, then why would we start planting trees and bushes and nit wait until the project is completed.

**MOTION TO TABLE TO THE MARCH WORK SESSION**

**MOTION:** Brad Anderson  
**SECOND:** Johnathan Graham  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

**11. New business**

**11.1. Discussion and possible motion to approve the 2022 renewal for the employee health insurance.**

**MOTION TO APPROVE**

**MOTION:** Brad Anderson  
**SECOND:** Rebecca Kelly  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson

**NAYES:** None  
**Motion carried 4-0**

- 11.2. Motion to approve the equipment rental of a skid steer to scrape the edges of the rights-of-way in the amount of \$1,870.00.**

**MOTION TO APPROVE**

**MOTION:** Brad Anderson  
**SECOND:** Rebecca Kelly  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

- 12. Consent agenda**

- 13. Motion to close the Regular Session and move to Executive Session for the purpose of discussing Personnel Matters.**

**MOTION TO APPROVE**

**MOTION:** Brad Anderson  
**SECOND:** Rebecca Kelly  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

- 14. Motion to close the Executive Session and return to the Regular Session.**

**MOTION TO APPROVE**

**MOTION:** Brad Anderson  
**SECOND:** Rebecca Kelly  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

- 15. Motion to approve the hire of a new full-time police officer, Brandy Hewett at \$15.05 per hour effective March 14, 2022; her 90-day probation will end June 12, 2022.**

**MOTION TO APPROVE**

**MOTION:** James Harrison  
**SECOND:** Brad Anderson  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

- 16. Motion to adjourn**

**MOTION TO ADJOURN**

**MOTION:** Brad Anderson

**SECOND:** James Harrison  
**AYES:** James Harrison, Johnathan Graham, Rebecca Kelly, and  
Brad Anderson  
**NAYES:** None  
**Motion carried 4-0**

**Approved this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

\_\_\_\_\_  
**Joe A. Grooms, III, Mayor**

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**Lori Phillips, City Clerk**