

CITY OF BROOKLET
104 CHURCH ST. BROOKLET, GA 30415 PHONE (912) 842-2137 FAX (912) 42-5877

L.W. (Nicky) Gwinnett, Jr. Mayor
Rebecca Kelly, Mayor Pro-Tem
Bradley Anderson, Councilman
Hubert Keith Roughton, Councilman
James Harrison, Councilman

Hugh Hunter, City Attorney
Lori Phillips, City Clerk
Melissa Pevey, Assistant Clerk

SPECIAL CALLED
COUNCIL MEETING
MARCH 6, 2024
6:30 P.M.
MINUTES

❖ *All members were present.*

1. **CALL TO ORDER: MAYOR PRO-TEM REBECCA KELLY**
2. **INVOCATION: MAYOR PRO-TEM KELLY**
3. **PLEDGE OF ALLEGIANCE**
4. **MOTION TO APPROVE THE AGENDA**
Motion to Approve
MOTION: Rebecca Kelly
SECOND: Brad Anderson
AYES: Rebecca Kelly, Brad Anderson, James Harrison, and Keith Roughton
NAYES: None
Motion carried 4-0
5. **MOTION TO CLOSE THE CALLED MEETING AND ENTER INTO AN EXECUTIVE SESSION AS PER O.C.G.A. §50-14-3(b)(2) - PERSONNEL.**
Motion to Approve
MOTION: Keith Roughton
SECOND: James Harrison
AYES: Rebecca Kelly, Brad Anderson, James Harrison, and Keith Roughton
NAYES: None
Motion carried 4-0
6. **MOTION TO COME OUT OF THE EXECUTIVE SESSION AND BACK INTO THE CALLED MEETING FOR DISCUSSION OF CLARIFICATION AND MODIFICATION OF THE SUPERVISORY ROLE OF MAYOR.**

Motion to Approve

MOTION: James Harrison

SECOND: Brad Anderson

AYES: Rebecca Kelly, Brad Anderson, James Harrison, and Keith Roughton

NAYES: None

Motion carried 4-0

7. DISCUSSION:

Brooklet City Council issued a directive, limiting and defining Mayor Gwinnett's role in supervising city employees while the council looks toward hiring a city manager.

This follows the resignations last week of Post 5 Councilmember Johnathan Graham and Brooklet Municipal Court Solicitor Cain Smith, both from that position he held for more than a decade and the role of city attorney he held for less than a month. Graham submitted a resignation letter Friday, March 1, alleging "a disturbing pattern of behavior by Mayor Gwinnett," including what Graham asserted, without giving details, were "questionable actions regarding water well usage and business licenses, and the complete disregard for the well-being and morale of the city staff."

The directive also comes while Brooklet has a proposed new City Charter pending before the Georgia General Assembly that would remove the mayor's day-to-day supervisory authority and provide for the mayor and council to hire a city manager.

After approving the agenda, the council members voted to go into closed session to discuss "personnel" and sent reporters and the rest of the audience, including city staff members, out of City Hall. Hugh Hunter, who had retired as city attorney at the end of 2023, was back in that role and remained in the room with the council and Gwinnett.

A little over two hours later, the council returned to open session, letting the audience back in, for what the agenda indicated would be a "discussion of clarification and modification of the supervisory role of mayor."

Councilwoman Kelly said the council had had a discussion and called on Attorney Hunter to deliver the result.

"So, there have been some issues with chain of command that have arisen since the new mayor has been elected and come into office, and I've been asked to – well, let me back up," Hunter began.

"The mayor has supervisory powers under the City Charter over the daily operations of the city, et cetera. However, it is not clear how those supervisory powers are to be exercised.

"The city is also in the process of changing its charter," he noted.

"There's (legislation) before the Georgia Legislature that will change its form of government to a city manager form of government, and so hopefully soon there will be a city manager and these will not be issues anymore, but in the meantime, the council wishes to adopt ... this policy. ... As authorized under the City Charter, this is a written directive to the mayor."

He then read the directive, which followed, before the council voted to issue it. Printed copies were available Thursday from Brooklet City Hall.

'Written Directive to Mayor Gwinnett'

"Under the authority outlined in Brooklet Charter § 3-2, the Brooklet City Council issues the

following written director to Mayor L.W. (Nicky) Gwinnett Jr.:

"The mayor has the following power under § 3-1(8) of the current city charter: to 'supervise the administration of the daily operations of the city and to see that all ordinances, resolutions, regulations, and policies of the council are faithfully executed and enforced.'

"The mayor is directed that in exercising the foregoing powers, he shall not have the power or authority to give directives or orders to city employees unless the department head provides written delegation of such authority to the mayor. Rather, unless so delegated, his supervisory powers regarding any actions or duties concerning any city employee shall be discussed with the department head only and not directly with any city employee. The mayor is prohibited from engaging in any retaliatory behavior against any city employee who, in good faith, raises any concerns to the appropriate department head or the city council."

"Respectfully, Brooklet City Council."

This was followed immediately by a motion to adjourn, and Gwinnett left without public comment or speaking to reporters. A member of Brooklet City Council for the past four years as well as for a previous term years earlier, he ran unopposed for mayor last fall and was sworn into that office on Jan. 4. His term began while officials in the town of about 2,300 residents are moving forward with plans to build a sewer system, upgrade the water system and make other preparations for growth.

The council expects to deal with the council member and lawyer resignations during the next regular meeting at 7 p.m. March 21, said Hunter and Anderson. Hunter said he has returned as city attorney only temporarily.

Graham, who holds an MBA and works as a plant manager in Savannah, was the only African American member of Brooklet's five-member council. All members are elected at large, so there are no council districts.

Lawyer's resignation

Smith, who is also Statesboro's city attorney, had served as Brooklet's Municipal Court solicitor, essentially the prosecutor, for more than a decade when he was hired by Brooklet's elected officials, with action during a Jan. 31 called meeting, to serve as their city attorney. But he resigned both as Brooklet's attorney and its court solicitor on Feb. 28. Phoned March 7, Smith cited continued attorney-client privilege and declined comment on the situation.

But in his resignation letter, addressed to Gwinnett and obtained from Brooklet officials, Smith wrote, "I am more than willing and able to handle the official City business, but I am both unwilling and unable to be involved in personal disputes."

He wrote that the "final straw" had been an email from a council member asking how to go about holding a grievance hearing regarding Gwinnett and two staff members, what "sanctions" might be brought against the mayor, and if he could be excluded from the hearing. That, Smith wrote, told him "How toxic the atmosphere is there."

"I would advise everyone there to put the past in the past and move forward in the best interest of the city and quit wasting time and resources on fighting each other," he concluded.

Pending new charter

The council had voted 3-2 during a Dec. 21, 2023 meeting to amend the City Charter to adopt a city manager form of government. Anderson made the motion, Graham seconded it,

and Kelly joined in voting for it. Harrison and Gwinnett, at that point still a council member, voted "nay."

City charters require state approval. Rep. Lehman Franklin III, R-Statesboro, introduced the new charter as House Bill 1451, and the General Assembly's online listing shows it was placed in the House hopper on March 5, awaiting action.

8. MOTION TO ADJOURN

Motion to Approve

MOTION: Rebecca Kelly

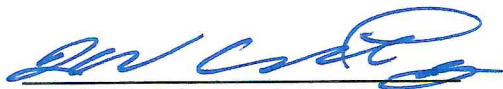
SECOND: Brad Anderson

AYES: Rebecca Kelly, Brad Anderson, James Harrison, and Keith Roughton

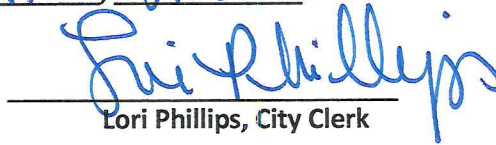
NAYES: None

Motion carried 4-0

Approved this 21 day of March, 2024.



L.W. (Nicky) Gwinnett, Jr., Mayor



Lori Phillips, City Clerk