



CITY OF BROOKLET

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

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

**CITY COUNCIL
MEETING
OCTOBER 20, 2022
7:00 PM
MINUTES**

Members Present: Mayor Joe Grooms, III, Mayor Pro-Tem Nicky Gwinnett, Brad Anderson, Johnathan Graham, and City Clerk Lori Phillips.
Councilman James Harrison was absent.

1. **Call to order and welcome** - Mayor Grooms, III
 - a. Invocation
2. **Pledge of Allegiance to the United States Flag** - Mayor Grooms, III
3. **Consideration of a Motion to Approve the Consent Agenda**
 - a. Tentative FY 23 Budget
 - b. The quote received from Public Software QS/1 – Digital Payments (via web, or credit card terminal) and via centralized collections (utility billing, taxes, business license, etc.) in the amount of \$4,922.00 was approved at the September City Council meeting, however due to the time the quote was received verses the time it was approved, there has been a 10% increase in the amount. The new quote is for \$5,800.00.
 - c. Bid Proposal for Brooklet Chamber Replacement in the amount of \$6,550.00
 - d. Purchase of a License Plate Reader Camera for Police Department

City Attorney Hunter recommends that the Mayor and Council do not enter into a three-year agreement with OmniQ, he thinks it will be permissible under the current law to purchase a license plate reader, but entering into a contract with this company to collect or enforce the uniform rules of the road through civil citations, without the legislature addressing it as they did with these cameras at red lights, they specifically addressed that and allowed for a fine to be imposed, they have not done that with respect to license plate readers and it is his opinion that the Mayor and Council would be guinea pigs in this venture. There are a couple of cities

that have already done it and he can't say with 100% certainty that it wouldn't fly but he can say that there is a very good argument that the state has preempted this area and unless they make an exception, for enforcing these laws through misdemeanor fines, where the state gets its portion, the city gets its portion, etcetera, that there would be an argument that one of these plaintiff firms can make with a class action suit, that these monies would be illegally collected, that has happened with some of the fees that probation companies were imposing, that were not allowed by law and there were some civil suits and people got tagged that did that improperly. He thinks there is a potential for this happening unless, the legislature comes in and says, this is a permissible way to enforce the uniformed rules of the road, which the council has adopted. If the Mayor and Council passes this, he just wants it to be known that it is not his recommendation that they do that.

Councilman Anderson asked Attorney Hunter, "if there is a class action law suit, obviously, we would have gone against the advice of our city Attorney, his legal recommendation, do we become personally liable, since we go into this, knowing that that's an opportunity, possible ground for a law suit?" Attorney Hunter replied, "it would be the potential there."

Per Councilman Anderson, "from a personal stand point, I am all in favor of the police department having additional revenue to help support them, however, I am in opposition of me becoming individually and or collectively, sued."

Per Attorney Hunter, "without the legislature addressing it, it is my opinion now, that the city can purchase a license plate reader and the police can use the information collected from the license plate reader and enforce the laws as it is in the state code through a misdemeanor citation."

Per Councilman Anderson, "the real issue is that this is going through a third party, but it is also, escaping the state portion of this."

Per Attorney Hunter, "yes, that's part of it, because they specifically summarized doing something similar, with these cameras at red lights, and there is a specific section in the traffic code that addresses specifically that situation, so you can do that other than through misdemeanor citations like all the other laws are done, and until they do that, with respect to this, I think it is risky at best, to enter into an agreement. If this company would go to the legislature and try to get something passed through the legislature, that authorizes this procedure, like the redlight thing, I would feel comfortable with it, and again, I can not say with 100% certainty, that it is illegal, but I can tell you, it appears to me that it has been preempted by the state, and until the state addresses it in the state code, it is a very risky venture to do this."

Councilwoman Kelly asked, "so are you guys willing to go to the legislature to do that?"

Trace Kendig with Sector Technology Group, replied, "yes, OmniQ, the company that produces this, already has been working with Watkinsville, and talking with legislators for preparation with this next session in Georgia State Senate. I would like to point out, the red-light cameras were in place, long before the legislation was there, and there were no law suits from it, and it was legislative because they set the fine for it as well, because some cities were putting an absorbent fine on it, and there's complaints to senators and representatives, so they put a cap on the fine."

MOTION TO AMEND THE AGENDA TO REMOVE ITEM D FROM THE CONSENT AGENDA AND ADD IT AS A SINGLE MOTION UNDER #4.

MOTION: Brad Anderson

SECOND: Nicky Gwinnett

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

MOTION TO APPROVE THE CONSENT AGENDA ITEMS A-C.

MOTION: Nicky Gwinnett

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

4. **Motion to approve entering into a three-year agreement with OmniQ for a license plate reader camera system with enforcement of civil fines for the Police Department.**

MOTION: Nicky Gwinnett

SECOND: Johnathan Graham

AYES: Nicky Gwinnett and Johnathan Graham

NAYES: Brad Anderson and Rebecca Kelly

Motion carried 2-2

Motion is a tie: Mayor Grooms voted in favor of the motion. The motion is approved.

Councilman Anderson and Councilwoman Kelly took the legal recommendation from Attorney Hunter, and voted nay.

5. **Consideration of a Motion to Approve the Minutes for the following Meetings:**

a. September 8, 2022 Work Session

b. September 15, 2022 Public Hearing and City Council Meeting

MOTION: Brad Anderson

SECOND: Nicky Gwinnett

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

6. **Consideration of a Motion to Approve the September Financial Reports as presented**

MOTION: Brad Anderson

SECOND: Johnathan Graham

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

7. Recognition of guest

8. Reports from committee members

a. Mayor Pro-Tem Gwinnett

- Transportation Alternatives Program (TAP) application for 5' sidewalk connecting Brooklet Elementary to the Bulloch County Recreation Department was selected to be awarded for fiscal year 2023 funding. This award is for PE funds only in the amount of \$600,000 (80% federal: \$480,000 & 20% local match: \$120,000). Cheers to Wesley Parker for applying for this grant.
- The fire hydrant on Cone Street has been replaced; the next hydrant to be repaired will be at Baker and Cromley.
- American Tank Maintenance came and did the Washout Inspection of the water tank.
- 2018 Tier 2 T-SPLIST received in the amount of \$38,126.32

b. Councilman Anderson

- Asked Mayor Grooms for an update from Brett Bennett, Councilman Anderson would like to get information about where he is with the project information and what he is thinking. Mayor Grooms stated he would contact him.

c. Councilwoman Kelly

- Councilman Anderson's wife is helping with the employee handbook, next week she will send the last sections for all to review, she is on target to provide this to Attorney Hunter in November, for him to get it back to us to vote on in December.
- We will be working on the Christmas Dinner invitations tomorrow and ordering any supplies that are needed and Shannon Anderson will be helping with the decorations.

d. Councilman Harrison

- ABSENT

e. Councilman Graham

- No reports currently.

9. Report from Police Chief

a. Gary M. Roberts

- Chief Roberts presented Detective Hewitt with a Life Saving Award and a medal, for saving the life of a Brooklet resident while on duty.
- Gave the monthly PD report.
- Introduced the new Officer to all, Officer Lennie Reolegio.

10. Report from Safety Coordinator

a. Jim Stanoff

- ABSENT

11. DISCUSSION ITEMS:

- 11.1. **Second Reading and Adoption:** AN ORDINANCE TO PROVIDE FOR THE LOCATION OF TRAFFIC CONTROL SIGNS, MARKINGS AND DEVICES, AND TO AUTHORIZE THE CHIEF OF POLICE TO DESIGNATE AND MAINTAIN APPROPRIATE TRAFFIC CONTROL SIGNS, MARKINGS AND DEVICES, TO ADDRESS IMPROPER PARKING AND TEMPORARY TRAFFIC REGULATIONS.

MOTION: Brad Anderson

SECOND: Nicky Gwinnett

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.2. **Second Reading and Adoption:** AN ORDINANCE TO AMEND SECTION 26-152(c) OF BROOKLET'S SPECIAL EVENTS ORDINANCE TO PROVIDE THAT THE CHIEF OF POLICE SHALL APPROVE OR DISAPPROVE PRIVATE SECURITY TO BE PROVIDED FOR THE EVENT WHEN IT IS TO BE PROVIDED OTHER THAN OFF-DUTY CERTIFIED GEORGIA PEACE OFFICERS, BASED UPON TRAINING AND EXPERIENCE

MOTION: Rebecca Kelly

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.3. Motion to accept the roads and the water system at Leefield Preserve Station.

MOTION: Nicky Gwinnett

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.4. Discussion and possible motion to add a penalty/consequence to the rental agreement for not paying rental fees for use of the Randy Newman Community Center.

NO MOTION WAS MADE.

- 11.5. Discussion and possible motion on quotes received for water material supplies.

Quotes received are as follows:

1. Core & Main in the amount of \$7,773.29

2. Consolidated Pipe and Supply in the amount of \$7,861.40

MOTION MADE TO ACCEPT THE QUOTE FROM CORE & MAIN IN THE AMOUNT OF \$7,773.29.

MOTION: Nicky Gwinnett

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.6. Motion to approve raising the water rates for the Brooklet Schools and Brookhaven Apartments.
NO MOTION WAS MADE; MOVE TO NOVEMBER CITY COUNCIL AGENDA

- 11.7. Water Committee Appointments - Motion to appoint Councilman Graham, Councilwoman Kelly, and City Clerk, Lori Phillips.

MOTION TO APPROVE

MOTION: Nicky Gwinnett

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.8. Motion to hire Lennie Reolegio as a full-time Police Officer to begin Monday, October 17, 2022 with a beginning pay rate of \$16.05 per hour.

MOTION TO APPROVE

MOTION: Nicky Gwinnett

SECOND: Brad Anderson

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

- 11.9. Motion to approve the resignation of Officer John Dailey, effective October 30, 2022.

MOTION TO APPROVE

MOTION: Brad Anderson

SECOND: Nicky Gwinnett

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

12. Consideration of a Motion to adjourn

MOTION: Rebecca Kelly

SECOND: Nicky Gwinnett

AYES: Rebecca Kelly, Nicky Gwinnett, Brad Anderson, and Johnathan Graham

NAYES: None

Motion carried 4-0

Approved this _____ day of _____, _____.

Joe A. Grooms, III, Mayor

Lori Phillips, City Clerk