



CITY OF BROOKLET

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

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

City Attorney
Cain Smith

City Clerk
Lori Phillips

**SEPTEMBER 21, 2023
CITY COUNCIL
MEETING
MINUTES
7:00 pm**

❖ *Absent from the meeting was Councilman Bradley Anderson.*

1. **Call to order and welcome - Mayor Grooms, III**
 - a) **Invocation**
2. **Pledge of Allegiance to the United States Flag - Mayor Grooms, III**
3. **Planning & Zoning Public Hearing Items(s):**
 - a) **APPLICATION RZ2023-012:**

C & J Rentals, LLC. has requested to rezone .23 acres from R-1 (single-family residential district) to C-2 (general commercial district) to place a small metal building on the property to be used for an office. The property is located at 16980 US HWY 80 East, Brooklet, GA.

Discussion from the Mayor and City Council.

There was some discussion concerning if this would be considered a spot zone. City Attorney Hugh Hunter stated that in this situation, it would not be spot zoning. Six factors in the Brooklet Zoning Ordinance must be considered when deciding on a zoning request and one of the factors is that Brooklet has a comprehensive plan, and in that comprehensive plan, Hwy. 80 is designated as an urban corridor and it contemplates in the comprehensive plan future growth along that urban corridor is going to be commercial. But that is not determined above the issue, it is surrounded by residential and when you

consider all of those factors that are set forth at the top of the page, as far as spot zoning, these are not always black-and-white issues, but he thinks under these circumstances where you have a comprehensive plan with an urban corridor that it wouldn't be spot zoning, that doesn't mean you necessarily vote for or against it on that sole factor because you have the other factors to consider.

Councilman Graham asked, "How does this request differ from the one we had a couple of months ago?"

City Attorney Hunter replied, "That one was not on the urban corridor, it was not on Hwy. 80 and we had talked about it is likely future development along Hwy. 80 is going to be commercial, and if it were done in a comprehensive manner, where some of the property on Hwy. 80 was zoned commercial and then you had abutting properties behind that, then that would not be spot zoning, but that was not the way it was done, it was an isolated lot that was surrounded by residential properties."

Legally, the council is supposed to consider all those factors and then make the best decision based upon those factors and that is just one of them in the comprehensive.

Discussion and questions from the Public who have requested to speak. Ricky Lee lives next to the property and he asked how much traffic will be coming and going. Charles Walker stated that the traffic would be very minimal, this will be an office where his clients can come by to pay their rent for the storage units that he owns in Brooklet.

Ricky Lee also asked, "If it is approved for a commercial zone, can it be changed to another business?"

Councilman Gwinnett stated, "Yes, commercial is commercial."

Another concern was a buffer, in the city ordinance under Sec. 3-20. - Required buffers in C-1 and C-2 districts - In a C-1 or C-2 district where a lot abuts any residential district, a ten-foot-wide buffer shall be provided with screening and under Sec. 3-15. - Screening required - Wherever screening is required by this ordinance, a durable masonry wall, or fence and hedge of sufficient capacity to provide a visual blind designed to be compatible with the character of adjoining properties, shall be provided. Such fences and walls shall be at least five feet in height measured from the ground along the common lot line of the adjoining properties. Hedges or comparable natural plantings shall be of such variety that an average height of at least five feet could be expected by normal growth within no later than three years from the time of planting.

Another concern was parking, off-street parking associated with such uses shall be governed by this same provision.

Motion to Close the Public Hearing and go into the Regular Session.

Motion to Approve

Motion: Johnathan Graham

Second: Nicky Gwinnett

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham

Nays: None

Motion carried 4-0

4. Consideration of a Motion to Approve or Amend the Agenda

Motion to Approve

Motion: James Harrison

Second: Johnathan Graham

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham

Nays: None

Motion carried 4-0

5. Consideration of a Motion to Approve the Consent Agenda

- a) Invoice# W3023 from RCR Services received on 08/19/2023, in the amount of \$1,866.81 to repair the 2008 Ford F-650
- b) Invoice# PF00842 from Low Country JCS received on 08/18/2023, in the amount of \$3,018.09 to repair the Hydro Dig
- c) Quote received for purchasing a laptop for the Court Clerk to be used in court for viewing body camera videos from Georgia Technologies in the amount of \$975.00

Motion to Approve

Motion: Rebecca Kelly

Second: Nicky Gwinnett

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham

Nays: None

Motion carried 4-0

6. Consideration of a Motion to Approve the Minutes of the following City Council Meetings:

- a) July 20, 2023, City Council Meeting
- b) August 10, 2023 Work Session
- c) August 17, 2023 City Council Meeting

Motion to Approve item a. July 20, 2023, City Council Meeting minutes and table item b. August 10, 2023 Work Session minutes and item c. August 17, 2023 City Council Meeting minutes.

Motion: Johnathan Graham
Second: Rebecca Kelly
Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham
Nayes: None
Motion carried 4-0

7. Consideration of a Motion to Approve the August Financial Reports as presented

Motion to Approve

Motion: James Harrison
Second: Rebecca Kelly
Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham
Nayes: None
Motion carried 4-0

8. Recognition of guest

9. Recognition of guests who signed in to speak

10. Reports from committee members

- **Mayor Pro-Tem Anderson**
(Absent)

- **Councilman Gwinnett**

Councilman Gwinnett, City Clerk Phillips, and Bill Powell with Georgia Rural Water had a phone conference with Midgard Storage and there is a good possibility that they will annex into the town, which is technically, one of the requirements to get the water, so he thinks they will be agreeable to that, he will have more information for the October work session. He also thanked everybody who came out and helped with the cleanup downtown for the Brooklet Peanut Festival on Wednesday morning. Soon, we are going to have to purchase more mxu's and water meters. Other than that, everything is going along as normal and we are starting back on our ditch cleaning projects so if anybody has an area that needs a ditch cleaned out, please call City Hall, and turn in the work order and we will take them as we can get to them.

- **Councilwoman Kelly**

It was reported that one of the sprinkler heads was broken on the irrigation downtown but has been repaired.

- **Councilman Harrison**

A couple of citizens have contacted Councilman Harrison requesting to have yard debris picked up, he advised them to call city hall to put in a work order.

- **Councilman Graham**
Councilman Graham started by apologizing to the Council and all our city employees and citizens for bringing up the walking trail discussion last month.

11. Report from Police Chief

- **Gary M. Roberts**
Not a lot to report, thankfully, because there are no real crime patterns to speak of. Everything looks good with in the city. As far as that goes, I will say it was a very successful peanut festival. We only had a couple of tempers flare and we got that under control quick. Again, a thank you to everybody at public works and all who helped. The homecoming parade at went off nice, there were many excited young people out there, so that went great.

12. Report from the Safety Coordinator

- **Jim Stanoff - Absent**

13. New Business

- a) Motion to Approve or deny Application RZ2023-012 from C & J Rentals, LLC.

Motion to Approve

Motion: Rebecca Kelly

Second: Nicky Gwinnett

Ayes: Rebecca Kelly and James Harrison

Nays: None

Abstain: Johnathan Graham and Nicky Gwinnett

Mayor Grooms YES due to the motion being 2/2

Motion carried 3-2

14. Old Business

- a) **FIRST READING:** AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF BROOKLET TO REZONE A 1.565 ACRE LOT HAVING FRONTAGE ON BOTH CROMLEY ROAD AND ON PARKER AVENUE OWNED BY JENNIFER HORTON QUICK, AND BEING A PORTION OF TAX PARCEL 136 000039 000, AND BEING DEPICTED AS LOT NO. IA ON A PLAT OF SURVEY BY WILLIAM MARK GLISSON, SURVEYOR, DATED OCTOBER 27, 2022, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A-1" THROUGH "A-2", AND IS MADE A PART HEREOF.

Motion to Approve the First Reading

Motion: Nicky Gwinnett

Second: Rebecca Kelly

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and Johnathan Graham

Nays: None

Motion carried 4-0

- b) A resolution of the city of Brooklet, Georgia declaring its official intent to issue its water and sewer revenue bonds in the aggregate principal amount of up to \$4,700,000 to finance the acquisition, construction, and equipping of additions and improvements to its water and sewer system; and for other purposes.

Motion to authorize Mayor Grooms to sign the Resolution

Motion to Approve

Motion: Nicky Gwinnett

Second: James Harrison

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and Johnathan Graham

Nayes: None

Motion carried 4-0

Discussion followed motion: *The Mayor and Council are authorizing City Attorney Hunter to associate Grape Panel and Woodward LLP as Bond Council and to retain Stifled Nicholas and Comfort Company as the underwriter.*

Councilwoman Kelly asked, "OK, so this is my question. We are going to have to meet again in two weeks to set the mileage rate. So, my thing is we get bids on everything else we do and we meet again in two weeks. Why cannot we get a second bid on the amount for that and then we can decide which of the two companies or three companies or whatever we want to do, they must get it back to us in time for us to meet in that two-week timeline. We are not putting it off indefinitely. We are not going off on a tangent, but we get bids for everything else and we did not get bids for this and I think we should. I think we ought to do what is best for the citizens, and it only sounds right that you get the best deal that you can and we do not know what the best deal is because we are just gladly taking the first one, we get."

The resolution is not being put off indefinitely, there will be a special called meeting October 5th, and if we get the information in a timely manner then we get the chance to look at it and if we do not, then we go with what we have.

Mayor Grooms called the vote.

Motion to authorize Mayor Grooms to sign the Resolution.

Motion: Nicky Gwinnett

Second: James Harrison

Ayes: Nicky Gwinnett and James Harrison

Nayes: Rebecca Kelly and Johnathan Graham

Motion carried 2-2

Mayor Grooms YES due to the motion being 2/2

Motion carried 3-2

- c) **APPLICATION SE2023-010:** Mae L. Smith applied for a Special Exception to allow for a Modular Home to be placed on the property located at 504 Railroad Street, Brooklet, GA. The property is 0.25 acres and is zoned R-1 (Single-Family Residential).

The Council tabled this matter from the August City Council meeting to allow time for Ms. Smith to submit a picture of what type of modular home she was looking at constructing on this property.

Discussion: Mayor Grooms wants to make it clear that a modular home and a manufactured home are two different things because we have been through to the state and local rules. Mrs. Smith will have a solid foundation for the home to be anchored to. Councilwoman Kelly stated that she went to the website for Clayton Homes and looked up a picture of the home Mrs. Smith presented, it is called the Rocket Man, and on the website, it states that it is a beautifully designed manufactured home. Mrs. Smith stated that they told her that they have both modular and manufactured homes on the lot, and the customer can order certain ones that are considered modular homes which would be placed on a solid foundation. Councilman Gwinnett commented that the lot is a small quarter-acre lot, and is zoned R-1, which is not correct. City Attorney Hunter stated that it appears to be a manufactured home, it is not what he talked about at the last meeting, those DCA homes, where they build them off-site and assemble them on the property. Manufactured homes are prohibited in an R-1 zone. Mayor Grooms stated Mrs. Smith, "When we say solid foundation, this is a concrete top foundation, in other words, you have block, dirt, and then you got concrete and that is where the home would be anchored to. That is the understanding." Mrs. Smith answered, "Yes." Mayor Grooms informed Mrs. Smith if it is not, the zoning being incorrect is the city's deal, not hers, and we must take care of that, but if the home is anchored to a solid foundation, that means it is not going anywhere. City Attorney Hunter's opinion is that this is a manufactured home, and regardless if you put it on a solid foundation, it is still a manufactured home. There is a difference between a manufactured home and these Department of Community Affairs stamped homes that they build it off-site, but they do not roll it in on wheels as you do with a manufactured home.

Discussion: Per City Attorney Hunter, "Y'all are asking for my opinion and this is all it is, is an opinion, this current request is to locate a manufactured home in an R1 zone which is prohibited by your ordinance, you should not approve something illegal under your ordinance, but you can change your ordinance. You can change the ordinance so she could apply to have that rezoned or y'all on your motion can say we want this lot and adjoining lots if you think it is appropriate to be rezoned from R1 to R, whatever, it is still

residential and if you do that then if it is approved, she will be allowed to put a manufactured home on an R-3 and R-4 zone.

Motion to Approve or Deny the Request for Application SE2023-010.

Motion to Approve

Motion: Johnathan Graham

Second: James Harrison

Ayes: Nicky Gwinnett, James Harrison, Johnathan Graham, and
Rebecca Kelly

Nayes: None

Motion carried 4-0

- d) Bids were received and opened for the 2023 Brooklet Street Improvements (PE23190) on September 14th, 2023 at 11:00 AM. Since the low bidder has adequate experience and technical ability to complete this project, Parker Engineering recommends the project be awarded to McLendon Enterprises, Inc. in an amount equal to the base bid amount of \$571,586.97.

Motion to Approve McLendon Enterprises, Inc. for \$571,586.97.

Motion to Approve

Motion: Nicky Gwinnett

Second: Rebecca Kelly

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham

Nayes: None

Motion carried 4-0

- e) Bids were received and opened for the 2023 Brooklet Street Improvements (PE23193) on September 14th, 2023 at 11:15 AM. Since the low bidder has adequate experience and technical ability to complete this project, Parker Engineering recommends the project be awarded to Peak Pavement Markings, LLC. in an amount equal to the base bid including Alternate #1 amount of \$40,075.00.

Motion to Approve Peak Pavement Markings, LLC. in an amount equal to the base bid including Alternate #1 amount of \$40,075.00.

Motion to Approve

Motion: Nicky Gwinnett

Second: Rebecca Kelly

Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham

Nayes: None

Motion carried 4-0

- f) Discussion and possible motion for reviewing the quotes received for the location and menu for the 2023 Employee Christmas Party.

Quotes received:

1. The Round About Café to cater at the RNCC = \$1,449.60

- 2. Uncle Shugg's Statesboro location = \$927.52(three meats/two sides)
- 3. Uncle Shugg's Statesboro location = \$687.52 (two meats/three sides)
- 4. The Saucy Shrimp = \$1,092.00
- 5. The Club House with three hours of bowling = \$1,319.24
- 6. The Bull and Barrell = \$2,828.00

Motion to Approve Uncle Shugg's in Statesboro for \$927.52(three meats/two sides)

Motion: Nicky Gwinnett
Second: Rebecca Kelly
Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and Johnathan Graham
Nayes: None
Motion carried 4-0

- g) Discussion of the quote approved at the August 17th City Council meeting for purchasing a new John Deere tractor, loader, root grapple, and a fixed pallet fork in the amount of \$44,758.94.

Councilman Gwinnett takes full responsibility for this one because when he got the quote last minute before the meeting in August, he did not have a chance to look it over and he did not realize the salesman had left off on the implements. So, what they did is they asked him to give them a trade-in value on our John Deere Tractor as opposed to putting it on Gov Deals. The trade-in value will be \$9000.00 and once you include all the attachments that he left out the first time and then deduct what the trade-in value is, it changes the quote to \$46,110.

Motion to Approve the new quote at \$46,110 with the \$9000 trade-in.

Motion: Nicky Gwinnett
Second: James Harrison
Ayes: Nicky Gwinnett, James Harrison, and Johnathan Graham
Nayes: Rebecca Kelly
Motion carried 3-1

- h) Discussion and possible motion to approve waiving the facility rental fee of \$1500 for Brooklet Community Development Association to co-sponsor the 2023 Brooklet Peanut Festival as allowed in Brooklet City Charter 1-4(40)

Motion to Approve

Motion: Nicky Gwinnett
Second: Johnathan Graham
Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and Johnathan Graham
Nayes: None
Motion carried 4-0

**14. Consideration of a Motion to adjourn
 Motion to Approve**

Motion: Nicky Gwinnett
Second: Johnathan Graham
Ayes: Nicky Gwinnett, Rebecca Kelly, James Harrison, and
Johnathan Graham
Nays: None
Motion carried 4-0

Approved this ___ day of _____, _____.

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

Lori Phillips, City Clerk