



CITY OF KINGSLAND, GEORGIA

CITY COUNCIL

AGENDA • JULY 13, 2015

Regular Meeting

City Council Chamber

6:00 PM

107 South Lee Street - City Hall, Kingsland, GA 31548

I. CALL TO ORDER AND WELCOME GUESTS

II. INVOCATION AND PLEDGE TO THE FLAG

III. ROLL CALL

Kenneth E Smith Sr
Alex Blount
Jim McClain
Charles Grayson Day Jr
James Ham

Mayor
Mayor Pro Tem
City Councilman
City Councilman
Councilman

IV. CONSENT DOCKET

- A. Approve the Council Minutes of the last regular Council Meeting
- B. Approve the Agenda as Presented
- C. Approve the Payments of Accounts Payable as Due and Funds Available

V. GRANTING AUDIENCE TO THE PUBLIC

VI. OLD BUSINESS

VII. PLANNING AND ZONING

- 1. APPLICATION FOR HOME OFFICE – Jaclyn Genest -

Jaclyn Genest, 505 Caney Heights Ct is requesting a Home Office Permit for “Wheel Be Right There” a delivery/courier service using personal vehicles. Zoning is PD/R-3. No one was present for the second month. Planning Commission recommends denial.

- 2. APPLICATION FOR HOME OFFICE – Kim Rust -

Kim Rust, 172 Huntington Dr is requesting a Home Office Permit for “The Cottage Wall” a home craft business. Zoning is R-1. No one was present to represent the applicant for the second month. Planning Commission made a recommendation to deny.

3. APPLICATION FOR HOME OFFICE – William Matthew Coots -

William Matthew Coots, 209 Chestnut Ct is requesting a Home Office Permit for “Bay Painting”. Zoning is PD/R-1. Applicant has no employees and will store his supplies in a work van. Planning Commission made a recommendation for approval.

4. APPLICATION FOR YARD VARIANCE – David Henery -

David Henery, of 120 Summerfield Dr. is requesting a variance in Section 70.1 dealing with yard setbacks to allow him to construct a garage/workshop facing Wood Hollow Rd. Front yard requested reduction is from 17’ to 12’. Zoning is R-1. Applicant is returning because he discovered that the road right-of-way widths in his subdivision were 60' not 50' resulting in the loss of 5' on each road frontage from what he thought he had petitioned previously for. By taking advantage of his house not being true with the road, he can get by with this further request. Planning Commission recommends approval.

5. APPLICATION FOR VARIANCE – Roy Zeigler -

Roy Zeigler, 202 Fern Ct is requesting a variance in Section 58.2 relating to placement of boats, trailers, and RVs behind the front yard line. Zoning is R-1. Applicant owns a wedge lot on a three lot cul-de-sac. He can reach his backyard only by infringing on his neighbor's yard. There are no safety issues since it is at the end of a cul-de-sac. Planning Commission recommends approval.

VIII. NEW BUSINESS

1. Approval Of: Resolution #2015-09, Qualifying Dates and Times for General Election - City Clerk Linda Oshaughnessy
2. Kingsland Police Department SOP - Body Worn Camera Policy -
3. Bid Award: Financing of Five (5) Dodge Charger Police Cars with Equipment -
4. Approval Of: Resolution #2015-10, Resolution for Supplemental Leases - Finance Director Filiz Morrow
5. Discussion: Medic Units - Mayor Pro Tem Alex Blount

IX. MAYOR AND COUNCIL ANNOUNCEMENT

X. ADJOURNED

Resolution # 2015-09

A RESOLUTION ESTABLISHING THE 2015 QUALIFYING DATES AND TIMES FOR CERTAIN CITY OFFICES IN THE CITY OF KINGSLAND

Whereas, O.C.G.A. §§ 21-2-132; 21-2-153 requires City Council to fix and publish qualifying dates and times in the upcoming General Election;

NOW, THEREFORE BE IT RESOLVED by the City Council, acting as the governing authority of the City of Kingsland, Georgia that the 2015 qualifying dates and times for certain city offices are established as follows:

Hours of 8:30 A.M. – 4:30 P.M., Monday, August 31, 2015 – Friday, September 4, 2015. Qualifying fee for Mayor - \$253.50, Qualifying fee for City Council Posts #3 and #4 - \$180.75.

ADOPTED, this _____ day of _____, 2015. **CITY OF KINGSLAND, GEORGIA.**

Kenneth E. Smith, Sr., Mayor

Alex Blount, Mayor Pro-tem

C. Grayson Day, City Councilman

James Ham, City Councilman

James M. McClain, City Councilman

ATTEST: _____

Linda M. O'Shaughnessy, City Clerk

CITY OF KINGSLAND POLICE DEPARTMENT
POLICE OPERATIONS MANUAL

Chapter 27 – Body Worn Camera (BWC) Policy

EFFECTIVE DATE:

NUMBER OF PAGES: 5

REVISED DATE:

DISTRIBUTION: All

SPECIAL INSTRUCTIONS:

Note: This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **Body Worn Cameras (BWC)** as well as directing how video will be utilized as a quality control mechanism and evidence.

- II. **Policy:** The policy of this department is to provide officers with body worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWC system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWC and the integrity of evidence and related video documentation.

- III. **Procedure:** It is the intent of this policy that all officers who will be using BWC equipment shall be trained on the manner in which the BWC shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.

- A. It shall be the responsibility of each individual officer to test the BWC equipment at the beginning of each tour of duty. Officers equipped with the BWC will ensure that the batteries are fully charged prior to the beginning of their shift or special event.
 - B. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.
- IV.** Uniformed officers assigned Body Worn Video cameras will wear them at all times while on duty in any type of uniform.
- A. BWC will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device.
 - B. Officers are authorized to overtly record any law enforcement event when the officer is a party to the conversation
 - C. Uniformed officer who are assigned BWC are required to record with audio and video the following incidents:
 - a. All calls for service in which citizen contact is made
 - b. All traffic stops
 - c. All citizen transports (excluding ride-alongs)
 - d. All investigatory stops
 - e. All foot pursuits
 - f. Arrests of any persons
 - g. Searches of any kind
 - h. Seizure of any evidence
 - i. Requests for consent to search
 - j. Miranda warnings and response from in custody suspect
 - k. Statements made by citizens and defendants
 - l. K-9 searches of vehicles
 - m. Issuance of written violations
 - n. When arriving at law enforcement events and/or citizen contacts initiated by other officers
 - o. Other incidents the officer reasonably believes should be recorded for law enforcement purposes

- D.** Officers will make every reasonable effort to ensure that the BWC recording equipment is accurately capturing events. A reasonable effort includes:
 - a. Activating the video/audio recording as soon as the officer makes citizen contact or the law enforcement event begins
 - b. Activating the video/audio when the officer arrives at a street encounter, or citizen contact initiated by another officer
 - c. Positioning and adjusting the BWC to record the event to the extent this can be accomplished without compromising officer safety.
 - d. Officers shall not erase, alter, modify or tamper with BWC recordings
- E.** The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer, who is recording the event through a BWC discontinues his or her participation in the law enforcement event.
- F.** If an officer deems it necessary to stop recording during the event, he will make a verbal statement citing his intentions to stop the recording and his reason.
- G.** When a BWC recording is being entered into the property and evidence storage and management area of the agency the chain of custody log shall include, but need not be limited to:
 - a. Case tracking number
 - b. Date recorded
 - c. Date submitted
 - d. Officer submitting the media
 - e. Hold for evidence indication
- H.** If an officer assigned BWC equipment, participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWC equipment, the officer shall notify the supervisor as soon as practical.
- I.** No officer is authorized to disseminate the contents from a department audio/video system unless directed by the Chief of Police or their designee.

V. Issues Related to Privacy:

- A.** The BWC should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
- B.** For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.

- C. Undercover contacts or plainclothes contacts are exempt from this policy where utilizing a camera may create a dangerous situation or otherwise diminish the investigative success of the operation.
- D. BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.
- E. When entering a residence, there is a heightened degree and expectation of privacy. Officers should normally inform the resident that he or she is being recorded.
- F. The purposeful-intentional activation of BWCs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited by this policy unless all parties present agree to be recorded.

VI. Electronic storage

- A. Original digital files from BWC will be downloaded and stored on a designated network server or other electronic storage.
- B. Officers shall download video/audio files before the end of each shift.
- C. Non-evidentiary video/audio recordings will be maintained in the network server for a period of time as designated by the chief of police unless it has been determined that such video/audio constitutes a public record in which case the video/audio shall be maintained in accord with the state records retention act.
- D. Video/audio recordings determined to be evidentiary in any criminal or civil proceeding shall be copied to DVD or other media and handled in accordance with agency regulations regarding electronic evidence or work product. Recordings will be maintained until the case is adjudicated and the time for all appeals has been exhausted. If the case is declined for prosecution, the media will be maintained as part of the case file in keeping with laws related to records retention.
- E. This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.
- F. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency is strictly prohibited without specific authorization of the Chief of Police or their designee.
- G. Malicious destruction or deletion of video and audio files is prohibited.
- H. All video and audio files are subject to open records request as allowed by state law.
- I. Electronic media will be stored in a manner designated by the agency.

- J. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- K. Electronic Media is subject to review by the Chief of Police or their designees.
- L. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or their designee.
- M. First line supervisors should review at least one BWC recording every 90 days for each officer supervised for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual Officers to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures as the need arise. When corrective action is taken, a special review may be implemented for that particular officer for a set duration in order to ensure compliance with the corrective action.

VII. BWC Evidentiary/Administrative Procedures:

- A. When an officer becomes aware that a BWC recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.
- B. In an incident involving a death or serious injury, the BWC will immediately be returned to the police department where the data will be uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this department.
- C. When a BWC related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminate per department procedures.
- D. Where there is any indication that the BWC may contain “Brady” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this department.
- E. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or proper public records request.

City of Kingsland
Bid Tabulation

Financing of Police Cars and Equipment
Thursday, July 2, 2015 @ 2:00PM

Financial Institution	Principal (not to exceed)	Prepayment Penalty	Interest Rate	Fixed/Variable	Other Fees	Term	Monthly Payment
Ameris Bank*	\$200,000	None	2.75%	Fixed	\$0	5 Year	\$3,571.56
Citizens State Bank*	\$200,000	None	6.00%	Fixed	\$490	5 Year	\$3,869.69
Coastal Bank of GA	No Response						
BB&T via GMA	\$200,000	None	1.91%	Fixed	\$0	5 Year	\$3,497.68
Southeastern Bank	No Response						

* Bid received late

Staff recommends BB&T through GMA Master Lease program.

Resolution #2015-10**RESOLUTION FOR SUPPLEMENTAL LEASES**

A RESOLUTION TO AUTHORIZE AND
DIRECT AN OFFICER OF THE CITY
TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE
OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO DESIGNATE
SUCH LEASES AS QUALIFIED TAX- EXEMPT OBLIGATIONS;
TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City has entered into a Master Lease (the "Master Lease") dated as of May 22, 2001, with Georgia Municipal Association, Inc. for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases:

NOW THEREFORE, BE IT RESOLVED OR ORDAINED AS FOLLOWS BY THE GOVERNING BODY OF THE CITY:

1. The City Manager of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for Five (5) Police Interceptors with installed equipment (the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby: the aforesaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.
2. ☒ An appropriation in the City's current operating budget has previously been made, which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements; or

(check box if applicable)

- ☐ An appropriation from unappropriated and unreserved funds in the City's current operating budget is hereby made for the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements, and the budget of the City is hereby amended to reflect such appropriation to the extent necessary.
3. The lease or leases contemplated by the said Lease Supplements are hereby designated "Qualified Tax-Exempt Obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, and said officer shall be authorized to confirm such designation by execution of appropriate documents in connection therewith.
4. This authorization shall be effective immediately.

Clerk's Certificate

The undersigned hereby certifies that he or she is the Clerk of the City of Kingsland, Georgia (the "City"), and that the foregoing is a true copy of the ☒ Resolution or, ☐ Ordinance [Check One] adopted by the governing body of the City at a meeting duly held on the July 13, 2015, at which a quorum was present and acting throughout, and that the same has not been rescinded or modified and is now in full force and effect. Given under the seal of the City, this _____, 2015.

(SEAL)

City Clerk

