

OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
RECESSED MEETING
5:00 P. M., December 27, 1989

PRESENT: His Honor Mayor Paul Warwick, Jr., Commissioner James A. Stephens, Thomas P. Williams, and Larry Credle.

ABSENT: Commissioner Ken Tollison

INVOCATION

The invocation was given by Commissioner James A. Stephens.

PUBLIC HEARING

Mayor Warwick stated that he had discussed the issue with the Commissioners and that each member was reluctant to endorse amending the Cable TV Ordinance. Mayor Warwick then read a letter from Commissioner Tollison who was absent from meeting urging the Commission to vote their belief. Commissioner Credle stated that Star Cable entered into a contract with ESPN knowing that if they entered into contract ESPN had a legal right to black out certain programs. The Commission should not fight the issue with taxpayer's money it should be fought in court. Commissioner Williams stated that the Commission should not get involved. Commissioner Stephens stated that everyone should have equal opportunities and he hoped that Star Cable and Rentavision would work out their problems. Mayor Warwick stated that he would be in favor of voting for the Ordinance.

Leonard Pickens was in attendance at meeting and read a statement requesting the Commission to support Star Cable in adopting the Cable TV Ordinance.

Robert Wall, representing Star Cable appeared before the Commission to request that the City adopt the Cable TV Ordinance. He stated that the City have the right to govern programs. In concluding he stated that he hoped the Federal Laws change and that all citizens should be treated fairly.

The Director of Water and Wastewater was present to give an updated report on the water pressure. The Director pointed out that because of increased demand caused by the Winter Storm the pressure was very low. The Goodyear Park Well is back on line and the City's Water system has pumped over 8 million gallons per day over the holiday weekend. State Representative Willou Smith was in attendance at meeting and stated that her business suffered because it was closed. She urged the Commission to deal with the water problem and find a solution.

Michael Blackburn, administrator of the Glynn-Brunswick Memorial Hospital appeared before the Commission to point out the seriousness of the water pressure problem. The Hospital could not operate properly without water. Mr. Blackburn urged the Commission to improve the system to allow the Hospital and businesses the water they need. He further stated that the Hospital is in the process of drilling an auxiliary well that will be used as back up for low water conditions.

Mayor Warwick read this statement and requested that it be a part of the official minutes:

"I think the unfortunate weather that we had over the weekend points out, once again, the weaknesses in our water and sewer systems. While I realize that we cannot and need not have water, sewer and Public Works systems like those in constantly severe weather cities like New York, Chicago or Detroit, and while I realize that severe weather like we have had will cause inconvenience to our citizens, there is no excuse for the extent of the inconvenience caused this weekend. I might remind you that we had a similar problem this past spring when our system got overloaded in warm weather.

You have heard the recommendations of staff as to what we need to do to minimize these types of inconveniences. It's time we stopped the penny-wise and pound foolish philosophies of the past. It's time for us to bite the bullet and spend the money necessary to build the new wells and storage, projects you probably have enough additional bonding capacity to absorb and then make long range plans for the more expensive line improvements and extensions. And there are other sources of funding. You can't afford to wait three years for another sales tax referendum. You probably can't wait until some sort of joint City/County

water sewer organization is formed, although had we had such a vehicle in place quite some time ago, we probably wouldn't be facing this today.

I think sometimes we underestimate the taxpayers and system users. If they see they are getting value received for what they are paying, they will be happy to pay what it takes to accomplish the goal. Right now, they are not getting value received, and they are mad as HELL and justifiably so.

Gentlemen, I won't be here, but the future is NOW. Let's get with it! --PLEASE"

The Director of Water and Wastewater recommended that the City invite bids for a 20 inch well for Goodyear Park to replace the existing 8 inch well at Goodyear Park. On recommendation of EPD a 20 inch well would better serve the City. Following discussion Commissioner Stephens moved that staff recommendation be approved to invite bids on a 20 inch well in Goodyear Park. Motion was seconded by Commissioner seconded by Commissioner Williams and was unanimously carried.

The Director of Water and Wastewater submitted plans for improving the water system. The improvements would cost 1.5 million to 2 million to place a well at Burroughs Mollette School and an elevated storage tank at Perry Park. Plans also include a 20 inch line at J and Martin Luther King Boulevard.

Commissioner Credle moved that the City explore ways of improving the City of Brunswick's Water System. Motion was seconded by Commissioner Williams and was unanimously carried.

Mayor Warwick read a statement praising City employees for their performance in serving and protecting the citizens of Brunswick during the Winter Storm. Commissioner Stephens moved that a resolution be presented to City employees and that this statement be a part of the official minutes. Motion was seconded by Commissioners Credle and was unanimously carried.

"This was a tough weekend as was the-day-and-a-half vigil over Hurricane Hugo. Once again, our department heads and employees came through like the troopers they are and went way above the call of duty in serving and protecting the

citizens of both the City and the County. I know I was in touch with Police and Fire Chiefs and the heads of Public Works and Water and Sewer and know that they themselves worked around the clock with little or no rest as did the City employees working for them. They all did the absolute best they could possibly do with our limited resources. I would like to see this Commission pass a resolution of praise and gratitude for all City employees and department heads for the tremendous job they did for all of us.

I would also like for this Commission to pass a similar resolution, or direct me to write a letter, praising the employees of the County as well. The cooperation between City and County in both of these emergencies was splendid, the best it has ever been.

I would also like to see copies of the resolution to the City employees be posted on the employees bulletin board or other conspicuous places and ask that department heads and superintendents make them all aware of how we feel about them."

SHIPS FOR VICTORY

On the matter of allocating funds to be used by the Ships for Victory Committee to restore the Liberty Ship. Following discussion Commissioner Stephens moved that the City contribute \$3,000.00 to the said Committee to be issued in increments of \$1,000.00 by the authority of the City Manager. Motion was seconded by Commissioner Credle and was unanimously carried.

ORDINANCES

The City Attorney submitted Unfit Buildings Ordinances. Following discussion Commissioner Credle moved the adoption of the following Ordinance subject to review. Motion was seconded by Commissioner Williams and was unanimously carried:

AN ORDINANCE ENTITLED AN ORDINANCE TO DEFINE UNFIT BUILDINGS; TO DECLARE UNFIT BUILDINGS TO BE A PUBLIC NUISANCE; TO ESTABLISH A STRUCTURAL FITNESS ADVISORY BOARD; TO PROVIDE FOR THE INSPECTION OF UNFIT BUILDINGS; TO ESTABLISH A PROCEDURE FOR THE ADMINISTRATION AND

ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR THE REPAIR OR DEMOLITION OF UNFIT BUILDINGS; TO FIX A LIEN FOR THE COST THEREOF TO THE CITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Commission of the City of Brunswick, in Regular Meeting lawfully assembled, and it is hereby ordained by authority of the same, as follows:

SECTION 1. The following definitions shall apply to words used in this Ordinance:

Building regulations shall include the building regulations and standard codes adopted by reference by Ordinance No. 880, adopted September 20, 1989, building regulations in effect in the City of Brunswick prior to said date, and fire regulation in effect in the City of Brunswick.

Closing means securing and causing a dwelling, building or structure to be vacated.

Dwelling, buildings, or structures means any building or structure or part thereof used and occupied for human habitation, commercial, industrial, or business uses, or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Inspector means the Fire and Structural Inspector of the City of Brunswick, appointed by the City Manager.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means persons in possession of said property and all individuals, associations, and corporations who have an interest of record in Glynn County in a dwelling, building or structure, including executors, administrators, guardians, and trustees.

Repair means closing a dwelling, building, or structure or the cleaning or removal of debris, trash,

and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Unfit building means any dwelling, building or structure described as follows:

(a) Any building which is in violation of any of the provisions of the building regulations.

(b) Any building in which a load bearing wall or other vertical structural member lists, leans or buckles to such extent as to weaken the structural support of such wall or member below the minimum required by the building regulations.

(c) Any building having an improperly distributed load on the floor or roof so as to create a danger of collapse of the floor or roof or some portion thereof.

(d) Any building in which there is damage or deterioration of thirty-three (33%) per cent or more of the supporting members or fifty (50%) per cent or more of the nonsupporting enclosing or outside walls, exclusive of the foundation.

(e) Any building with any part thereof so attached as to create a danger that it will fall and cause injury to person or property.

(f) Any building which is so dilapidated, decayed, deteriorated or damaged from any cause or in any manner as to create a danger of injury to person or property.

(g) Any building likely to cause injury to person or property because it contains weakened, defective or deteriorated footings, foundation, flooring, floor supports, ceilings, ceiling supports, roof or chimney.

(h) Any building which has visible soil erosion adjacent to or under any structural support.

(i) Any building in which any means of egress or portion thereof including for example, but not

limited to, fire doors, closing devices, stairways, fire escapes - is in disrepair or is in a dilapidated or non-working condition or of not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.

(j) Any building in which there exists any of the general conditions itemized in Official Code of Georgia Annotated 41-2-10.

SECTION 2. Unfit Buildings are hereby declared to be public nuisances and are hereby prohibited. The same shall be abated by repair and rehabilitation or by demolition, in accordance with the provisions of this Ordinance. It shall be a violation of this Ordinance for any person to maintain an unfit building as defined herein within the City of Brunswick.

SECTION 3. The provisions of this Ordinance and the method and procedure prescribed herein may also be applied to any private property in the City of Brunswick where an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions create a public health hazard or general nuisance to persons in the vicinity thereof. Such conditions are hereby prohibited as public nuisances, and it shall be a violation for any person having control of premises to maintain such conditions or permit them to exist within the City of Brunswick.

SECTION 4. The municipal officer charged with primary responsibility for the enforcement of this Ordinance shall be the Fire and Structural Inspector, hereinafter referred to as "Inspector," who shall be appointed by the City Manager and who shall have such additional responsibilities as shall be prescribed by the City Manager or by Ordinance.

SECTION 5. There is hereby created and established a board comprised of five adult citizens of the City of Brunswick which shall be known as the Structural Fitness Advisory Board, hereinafter referred to as the "Board." The members of said Board shall be initially appointed at the first meeting in January, 1990. Three members shall serve for initial terms of four calendar years, and two members shall serve for initial terms of two calendar years, and their successors shall be chosen for terms of four calendar years.

SECTION 6. Any person may register a complaint against a building or premises with the Inspector or with any member of the Board, who shall bring the complaint to the attention of the Inspector. It shall be the duty of the Inspector to investigate all such complaints, to examine all buildings and premises which he has reason to believe may be in violation of this Ordinance and to report the results of his investigations to the Board.

SECTION 7. The Inspector shall have authority at all reasonable times of the day or night to enter in or upon any buildings or premises for the purpose of making such investigations. In the event the owner or person in possession of the building or premises refuses permission to enter, the Inspector may request an administrative search warrant from the Municipal Court and the Judge of said Court shall be authorized to issue the same upon showing of probable cause.

SECTION 8. Legal proceedings against a building or premises shall be commenced pursuant to this Ordinance only if a majority of the Board concur. If the Board so directs, the Inspector shall file a petition to abate the nuisance in the Municipal Court, setting forth a legal description of the property in issue, enumerating the defects or conditions complained of, identifying the owner and parties in interest, if known, and specifying the appropriate means of service. Upon the filing of a petition in the Municipal Court, the Judge shall issue an order setting the same down for a hearing within not less than ten (10) days nor more than thirty (30) days to determine whether the building or premises described in the petition is a public nuisance.

SECTION 9. Said order scheduling a hearing shall state that the owner and any parties in interest shall be given the right to file an answer to the petition and to appear in person, or otherwise, and give testimony at the place and time fixed in the order.

SECTION 10. Said petition and order shall be served upon each person in possession of the property in issue, each owner, and each party in interest. Said persons shall be served personally if they reside within the City of Brunswick or if they can be found within the City. If such persons do not reside within the City and cannot be found within the City, they shall be served by publishing a copy of the petition and order, addressed to them, in the

newspaper having general circulation in Glynn County, Georgia, in which Sheriff's advertisements appear, once a week for two weeks immediately preceding the date of such hearing, and a copy of the petition and order shall be mailed to such parties at their last known address as shown by the tax records of the City of Brunswick, at least fifteen (15) days prior to such hearing, by registered or certified mail.

SECTION 11. After hearing evidence the Judge of the Municipal Court shall issue an order determining whether the building or premises is a public nuisance in violation of this Ordinance. If the building or premises is found to be a public nuisance, the order shall specify that remedial action be taken as follows:

(A) If the repair, alteration or improvement of the building or premises can be made at a reasonable cost in relation to the value of the property, the order shall require the owner or parties in interest to repair, alter or improve the building or premises within a specified time, stating specifically the action required.

(B) If the repair, alteration or improvement cannot be made at a reasonable cost in relation to the value of the property. the order shall require the owner or parties in interest to remove or demolish the building or structure.

(C) In no event shall the order require removal or demolition of any building or structure except upon a finding that the cost of repair, alteration or improvement would exceed one-half the value which the same would have upon completion of the work.

SECTION 12. If the owner or parties in interest fail to comply with an order of the Municipal Court requiring remedial action, such failure shall constitute a violation of this Ordinance, and the Judge shall be authorized (1) to enforce the order by contempt proceeding (2) to direct the Inspector to close the building or premises and post an appropriate warning sign or signs thereon and (3) to direct the Inspector to carry out the remedial action required.

SECTION 13. The cost of remedial action taken by the Inspector shall constitute a lien against the real property

upon which such cost was incurred. Said lien shall attach to the real property upon payment of the costs of the remedial action and the recording of an itemized statement of such costs on a lien docket maintained by the Secretary of the City Commission. The Secretary shall be authorized to issue execution for the same.

SECTION 14. In addition to other sanctions authorized hereinabove, a violation of this ordinance may be punished in the Municipal Court by fine or imprisonment as permitted by the City Charter.

SECTION 15. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or other governmental authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 16. Ordinance No. 843, adopted August 20, 1986, is hereby repealed. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 17. This ordinance shall be in full force and effect from and after the date of its adoption.

The City Attorney submitted House moving Ordinance. Following discussion Commissioner Williams moved adoption of the following Ordinance subject to review. Motion was seconded by Commissioner Credle and was unanimously carried:

AN ORDINANCE TO ESTABLISH STANDARDS FOR THE ISSUANCE OF PERMITS FOR MOVING AND RELOCATION OF HOUSES AND OTHER STRUCTURES WITHIN THE CITY OF BRUNSWICK; TO PROVIDE FOR PUBLIC NOTICE OF APPLICATIONS FOR SUCH PERMITS; TO PROVIDE FOR OBJECTIONS AND APPEALS AND FOR HEARINGS BEFORE THE CITY COMMISSION; TO IMPOSE REQUIREMENTS FOR STRUCTURAL RENOVATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Commission of the City of Brunswick, in Regular Meeting lawfully assembled, and it is hereby ordained by authority of the same, as follows:

SECTION 1. Any person, firm or corporation desiring to move or relocate any house or structure to any location within the City shall be required to receive approval from the Building Official. An application and fee shall be filed with the Building Official at least two weeks prior to the proposed move.

SECTION 2. The structure shall be required to meet all current building regulations prior to receiving a certificate of occupancy, and if extensive rehabilitation is necessary to the structure to be moved, a performance bond, letter of credit or cash bond in favor of the City of Brunswick shall be required to insure satisfactory compliance.

SECTION 3. A sign shall be posted on the property where the house or structure is to be relocated at least ten (10) days prior to the scheduled move. The sign shall list the date of the proposed move, telephone number of the Building Inspector, and advise that any citizen has the right to object to or to appeal the proposed relocation.

SECTION 4. Aggrieved citizens or those adversely affected by such an application for the relocation of a house or structure shall have the right to appeal in writing the grant of a house moving permit to the City Commission. The applicant may appeal the denial of a permit by the Building Official to the City Commission. In the event of an appeal, a sign shall be posted on the property advising of the time, date and location of the hearing.

SECTION 5. The Building Official shall have the option in exercise of his discretion to refer any application to the City Commission for action. In such an event, a sign shall be posted on the property advising the time, date and location of the hearing.

SECTION 6. The following shall be grounds for denial of a permit by either the Building Official or the City Commission.

(1) Finding that the house or structure when relocated would not comply with the building regulations, the

Zoning Ordinance, any other ordinance of the City of Brunswick, or any rule or regulation promulgated by the Building Official.

(2) Finding that the house or structure when relocated would depreciate the value of adjacent and nearby property.

(3) Finding that the relocation of the house would create significant risk of damage to public property or the property of others while in transit.

SECTION 7. The Building Official shall be authorized to promulgate reasonable regulations to ensure the safety of public and private property during the relocation of a house or other structure and to specify reasonable conditions for that purpose as a part of any permit issued, including but not limited to conditions as to the route, date, time and supervision of transit.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or other governmental authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 10. This ordinance shall be in full force and effect from and after the date of its adoption.

In response to the Unification of City and County Governments Commissioner Credle stated that he voted against the proposal for the reason that he objected the way the proposal was brought up. It should have been discussed in a Work Session with the Commission and it was wrong to bring it up at the last minute and thrown on the table. He stated that he was not totally against consolidation or unification and felt like it would be something that will eventually come up in the future.

MEETING ADJOURNED.

—

Mayor

Attest: _____
Secretary of the City Commission