

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., July 15, 1992**

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners Otis Herrington, Roosevelt Lawrence, Doris A. Davis and Rev. G. E. Darrisaw.

INVOCATION: The invocation was given by Commissioner Otis Herrington.

APPROVAL OF MINUTES

Commissioner Lawrence moved that the minutes of the Called Meeting of June 23, 1992 and meeting of July 1, 1992 be approved subject to the necessary corrections. Motion was seconded by Commissioner Davis and was unanimously carried.

DELEGATIONS

The City Manager stated that after researching last years minutes he found that the same piece of property that Mr. Hall is acquiring about was advertised by request for sale last year. One bid was submitted and accepted by the Commission however, that person never actually consummated the sale. He never made payments for the property. So it was never transferred. Another person has brought the surrounding property and he wants an opportunity to acquire the property. The City Manager recommended that the City advertise the property again for sale and allow people who has an interest in it to bid on it.

Commissioner Herrington offered the motion to go through the same procedure and advertise the property for bids. Motion was seconded by Commissioner Lawrence and was unanimously carried.

Willie Harris and Clifton Daniels was not in attendance to discuss collecting and disposing of trash in the City.

SUBURBAN DRIVE RESIDENTS

Tim Woods, resident of 221 Suburban Drive was present to discuss traffic patterns in the area for the proposed Kingdom Hall Church. Mr. Woods stated that his property was located in the City along with 3 other homes ad 16 residents in the subdivision. Kingdom Hall has purchased two pieces of property in the City to build their church hall and one adjacent piece of property in the County. The church requested a rezoning permit in the County to have the adequate parking spaces. The 16 homes are on a horseshoe shape road which has two in's and out on Altama Avenue, which the front is City property and the back section is County. The church is suppose to have 200 or so members which adequate parking spaces should be about 64. Suburban Estates Subdivision is not even a block and there is only one entrance way in and one turning lane on Altama Avenue. When driving North on Altama and you miss the road that turns into the subdivision you would have to do across the spur pass Piggly Wiggly and turn around to get to the subdivision. There have been numerous wrecks where they want to put the church the road and intersection is dangerous. According to the City's Zoning Ordinance R-9 you can place a church there without having a rezoning. The Kingdom Hall Church members did not approach anyone in the subdivision to see what their thoughts were or anything. The County did contact the property owners stating that the church did apply for a special permit to allow parking on the County piece of property adjoining the two city properties. Mr. Woods further stated that out of 16 homes in the subdivision only one

home approved of the church and the other 15 homes did not want their way of life interrupted with traffic hazards and rush hour traffic. He then told the Commission that the property owners just want to know what the City plans to do in handling the traffic that will be flowing into their subdivision.

Mayor Wilson stated that he certainly understood their concerns and asked the City Manager if he had a sketch of the proposed Kingdom Hall.

The City Manager submitted the plans for the Kingdom Hall Church showing an outline of what the church is proposing. Mayor Wilson asked will the traffic from the church create congestion in the area.

The City Manager explained that if a turn is missed the person would have to go up and turn around to get in the subdivision. The church can be allowed as a conditional use in R-9 providing that the building official approve it, but there is a condition that says that the church, synagogue,

temple and other places of worship provided that such use is not located on a lot fronting a minor street or alley designated on the zoning map. The City Manager stated that he talked with the Building Official Vernon Lewis late this afternoon and he told him since the entrance and exit to the property will come out on Suburban Drive that is considered a minor street, therefore the matter would be required to go before the Zoning Board of Appeals to have them hear the matter and the property owners would be notified about the hearing and the notice would be posted on property and advertised for a hearing by the City's Zoning Board of Appeals.

Mayor Wilson asked the City Manager if the church chose not to come out on the Suburban Drive and elect to come out on Altama Avenue by revising their plans then what recourse would the City have.

The City Manager stated that under the City's Zoning ordinance any person grieved by the decision of the Building Official has a recourse to have an appeal before the Zoning Board of Appeal in an event of changing plans.

Mayor Wilson asked how many parking spaces will the church have for 4 individuals or 200 members. The City Manager stated that the building would be constructed to handle 225 persons and 60 parking spaces @ 4 per space. Mayor Wilson asked if the church had a district meeting where would everyone park. The City Manager stated he guess they would be all over the place.

The City Manager stated that the matter will be heard by the Zoning Board of Appeals and the advertisement will be posted and persons would be able to appear before the board to state their case.

Commissioner Herrington asked the City Attorney was it anything illegal about the matter as far as it being rezoned as it is now, because the stipulations he heard state that it is no problem with a church going in the area.

The City Attorney stated not if it's approved by the Building Official. He said Mr. Mitchell mentioned to the Commission about the restriction on having any entrance access on a minor street. He stated that he would have to look at the Zoning Ordinance in order to determine whether the church could apply for a rezoning in order to put the church there. Commissioner Herrington said, "I don't follow you. You would have to do what?"

The City Attorney stated that he would have to look at the Zoning Ordinance to determine what is needed for a church as a permitted use rather than a conditional use.

Commissioner Herrington stated that it will be going before the Zoning Board of Appeals. He further stated with a problem of this magnitude he was sort of baffled why the opposition was not present.

Other property owners arrived at the meeting and said they thought the meeting started at 7:30 P. M. and that's why they arrived late.

Glynn Howard stated that he lived on Suburban Drive and discussed the 16 homes in the area with only one being owned by the church. He stated that 14 out of 16 were opposed strictly because of the traffic conditions and possible other problems. The subdivision has a restricted covenant and the property owners are checking to see whether it is legal or not.

Commissioner Herrington stated that's one of the reasons why he needed to know where the City as a whole stood on this matter.

Commissioner Darrisaw arrived at meeting.

Commissioner Davis stated that the City should follow through and let it go to the Board and see what happens there.

Commissioner Lawrence stated that one of the things that he has always tried to suggest here about the rezoning and anything else that the Commission is doing, there should be public hearings at all times so the people that will be affected by it will have some input or some say on what direction they feel that it should go in. He stated that he still feels that way and suggested before any decision made here public hearings should be held one in the morning and one in the afternoon.

Mayor Wilson explained to Commissioner Darrisaw that a delegation from Suburban Drive were present and questioning about the Jehovah Witness Church relocating out there from Kay Avenue and G Streets and they are questioning the traffic that would be generated in the area and the homeowners are concerned about the adverse affects it would have on them.

Commissioner Darrisaw stated that he did have some previous knowledge on the matter and in fact he followed it closely. He stated that he was concerned and understood that some of the property is owned by the City and some in the County. He asked if the matter should be addressed by the Zoning Board first before coming to the Commission.

The City Manager explained that the matter will go before the Zoning Board of Appeals.

Mayor Wilson stated that he is questioning the matter and it will go before another board. These people are concerned and the very hour the church is in the process of cleaning up the property and they are going on the assumption that all is well and the final analysis of this Commission is going to make a decision and its not far down the road that the Commission is going to have to do this if the Joint Planning Commission comes back and say they thing they are in favor of it and its not going to go away. To be honest with the Commission, we must be pondering what we are going to do, because as pointed out earlier already with absolutely no feeling at all against the church. Mayor Wilson next explained a situation where a church located on Tara Lane, between a school had a difficult time of getting out on Altama Avenue. It became so difficult that they finally gave up and moved. The building is now a chiropractor office, because they realized that was a problem. Mayor Wilson further stated that he felt that unless DOT would tolerate another egress and ingress that it was going to be horrendous. So close to a traffic signal. This is questionable but it still is something that the Commission can't make a decision on now because we have been informed that the Joint Planning Commission would like to take a look at it. Mayor Wilson stated that he felt that the people living on Suburban Drive should know that we are weighing this and whatever action the Joint Planning Commission take would address itself back to the Commission.

Commissioner Darrisaw stated was it that they did not post any signs out there announcing this if they did or did not. He supposed the zoning would have a lot to do with it.

The City Manager explained that the property was posted at the County Planning Commission, but no building permit have been issued yet. The Building Official just informed

him that he was going to tell the property owners they didn't have to go before the Zoning Board of Appeals it will be posted now before the Public Meeting of the Zoning Board of Appeals. Commissioner Darrisaw asked if the church was clearing property. The City Manager confirmed that they were. Commissioner Darrisaw stated that they would have time to go before the Zoning Board. He further stated that the resident people wanted assurance that no construction would start.

Mayor Wilson asked the City Manager if the church came out on the North side of Suburban Drive how would the residents in there get in and out and the general public. The City Manager stated that those are the things that the Planning Board of Appeals needs to consider.

Commissioner Herrington asked the City Manager if the church was properly informed as to what the intent of the Community or the City. The City Manager stated whether they have been informed yet, the matter will have to go to the Zoning Board of Appeals. He didn't know. The Building Official has not indicated that he had talked with the them. Commissioner Herrington stated that he thought they should be informed as to what is happening from the City and give them a letter or something of their intent from the City and also from the Building Department.

Commissioner Darrisaw asked if the church cleared the land for Parking in the County. The City Manager stated that one portion is in the County. The matter was deferred and they asked the property owners and church people to get together and work something out. A decision was not made on the matter at the meeting.

Commissioner Darrisaw asked if any of them indicated that there was an effort to try and resolve the matter. One of the residents stated that they talked with one of the spokesmen from the church, but there are no changes from either side. Everyone is set in their own ways. A property owner asked if the Commission would like to know if a few more people from Suburban Drive were present. Mayor Wilson asked them to point out why they felt that it would not be in the best interest of the residents of Suburban Drive.

Mr. Shurling stated that there were two areas that have not been mentioned and that is a 15 foot easement between two of the lots the church plan to put their parking lot on. If that happens some people will be waist deep in water, hopefully someone would thing about this problem before the church starts construction. Another thing he stated that concerned him was the subdivision immediately to the Northwest that Parker-Kaufman own. The land has been partially cleared and he understood that plans are to construct a housing development. If they do that then the street that is dead-end would continue through to support the new Subdivision and if that happens there would be traffic, traffic, traffic on Suburban Drive. Mayor Wilson asked about the 15 foot easement whether it was functional and would it pose a problem. Mr. Shurling stated that it was being used at the present time as a temporary drain.

Commissioner Herrington asked if the proposed subdivision would affect the residents whether the church is built there or not. Mr. Shurling stated the traffic would affect everyone on Suburban Drive.

The City Manager stated that he has gone over everything that was said again and the matter would have to go before the Zoning Board of Appeals. Mayor Wilson stated that before anything is granted the recommendations of the Zoning Board of Appeals will come back to the Commission. The city Attorney stated that the Zoning Board of Appeals make their decision autonomously from the Commission they have the final say on the matter. Commissioner Darrisaw stated that he had some questions with that 10 years and 12 years ago. The Commission heard from the people and their decision was overturned. He then asked was that illegal or something new that took place 10 years ago. The city Attorney stated that the ordinance is different now from what it use to be. The City and county shared a Joint Planning Commission. The Joint Planning Commission no longer exists. There is only a County Planning Commission now. In the past when the old ordinance was in place a

rezoning application matter had to go before the Joint Planning Commission before it went to the City Commission, but the City no longer use the Planning Commission. The City has a Zoning Board of Appeals. Commissioner Darrisaw stated that he had come problems with a board that operates under the administration of the Commission having final decisions. In fact he stated that he would like to look at the policy and asked the City Manager if he had it. The City Manager stated that he did and it was adopted April of 1989. Mayor Wilson stated that if the Commission could recall he questioned giving powers to any other agency in the Government and it was Mayor Warwick here when he questioned it. He further stated that something tell him that he was voting illegal. The City he felt had the final say and stated he would question why the City granted these powers to another Government Agency.

The City Attorney stated that the City Commission appoints the members of the Zoing Board of Appeals and its not a county agency. Whenever the City adopted the new ordinance there were changes made in the appeals procedure. Commissioner Darrisaw stated that the problem he is having is the City Commission appointed the board with that type of authority and this does not give the citizens any recourse. He stated he had real problems with that.

Commissioner Herrington stated that it is not really a Zoning Board it is an Authority Board, he stated that the City did not need to waste anymore time on this matter.

Commissioner Lawrence stated that all these things that were said pertaining to that, the Commission might need to look at how they can alter that. Commissioner Darrisaw asked to hear the ordinance first. The City Manager read Section 24-3, 24- 4, Section 24-5 and 24-6.

Sec. 24-3. Appeal Procedure.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer, department or agency of the City of Brunswick affected by any decision of the Building Official or other City official based on this Ordinance. Such appeals shall be taken within ten days from the date of such decision by filing with the Building Official a written notice of appeal specifying the grounds thereof. Appeals shall be submitted on application forms furnished by the Building Official or in such form as may be acceptable to the Board. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board of Zoning Appeals. Appeal applications shall be accompanied by an application fee of \$50.00 to be utilized for the incidental costs of administration and advertising. Action shall not be initiated on the same appeal by the same applicant more often than once every twelve months.

Sec. 24-4. Powers and Duties.

The Board of Zoning Appeals shall have the following powers and duties:

- (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance.
- (b) To hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass under the provisions of this Ordinance. When acting upon such application for special exceptions, the Board shall give consideration to the following factors, where applicable:

- (1) The proposed design and location of the particular development.

(2) The possible traffic-generating characteristics of the proposed development.

(3) The effects of the proposed development on the present or intended character of the area in which it is proposed for location.

(4) The availability of public utilities, facilities and services.

(c) To authorize upon appeal in specific cases, so that the spirit of the Ordinance shall be observed, public welfare and safety secured and substantial justice done, such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship in the individual case. Such variances may be granted in individual cases of unnecessary hardship upon findings being made by the Board of Zoning Appeals as follows:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

(2) Such conditions are peculiar to the particular piece of property involved.

(3) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance, provided however, that no variance may be permitted for a land use that is prohibited by this Ordinance in the Zoning District within which the property is located.

Sec. 24-5. Action on Appeals.

In exercising the above powers, the Board of Zoning Appeals, in conformity with the provisions of this Ordinance, may reverse or affirm wholly or partly or may modify the order, requirement or decision of the Building Official or other administrative official, and to that end the Board shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

Sec. 24-6. Stay of Proceedings.

An appeal automatically stays all legal proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board of Appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certification, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by order of the Board of Zoning Appeals or by a court of competent jurisdiction.

Commissioner Darrisaw asked the City Attorney if he interpreted all the power there as

completely independent and out of the hands of the Commission and asked if he was present when the ordinance was drawn up. Commissioner Darrisaw stated that the ordinance was incomplete and did not leave any appeal there. The City Attorney stated that the only appeal is to the Superior Court. Commissioner Darrisaw stated that the ordinance by passes the City Commission and goes to Superior Court. The city Attorney stated that it was correct and the Commission could change the ordinance.

Commissioner Darrisaw moved that the Commission start immediately to take steps to change the ordinance. Motion was seconded by Commissioner Lawrence and was unanimously carried.

GEORGIA-SEA ISLAND FESTIVAL

Frankie Quimby was present to request that the City allocate \$500.00 for the Annual Georgia Sea Island Festival to be held on August 15th and 16th at Neptune Park. Commissioner Lawrence moved that the City grant \$500.00 to the Georgia-Sea Island Festival. Motion was seconded by Commissioner Herrington and seconded by Commissioner Herrington and was unanimously carried.

TITLE III CONTRACT

The Director of Community Development submitted contract for Title III Services between RDC and the City of Brunswick for a period of one year, July 1, 1992 thru June 30, 1993 in the amount of \$87,122.00. Commissioner Darrisaw moved that the contract be accepted. Motion was seconded by Commissioner Lawrence and was unanimously carried.

Commissioner Lawrence moved that an extension be granted to S & W Enterprises for transportation services for Title III aging program. Motion was seconded by Commissioner Darrisaw and was unanimously carried.

BIDS

The following bids were received on Rehab property for Community Development:

Contractor	1600 London St	908 Stonewall St
Bey Construction James Bey	\$22,500	\$16,900
Moses Construction Robert Moses	16,500	11,500
Johnson Construction Kent Johnson	26,250	15,950
A & L Construction	48,000	39,500
L. & H Construction David Hines	19,700	15,300 *

In house bids were also submitted

16,400	14,900
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Mayor Wilson question the low bid of Moses Construction on 908 Stonewall Street in the amount of \$11,500.00. The Director of Community Development explained the bidding process and according to the figures received by his staff the bid was too low. The bid of \$48,000 from A & L Construction was questioned. The Director stated that the bid was too

high because the first floor of 1600 London Street will be repaired and not both floors. Commissioner Herrington moved that the low bid and best bid as submitted be accepted. Motion was seconded by Commissioner Davis and was unanimously carried.

BOND ISSUE AGREEMENT

Mayor Wilson asked the City Attorney was it anything that the Commission should know about the agreement that was submitted by Tribble and Richardson. The City Attorney stated that he found several problems with the agreement and listed them. The City Manager stated that he did receive a series of documents prepared by Tribble and Richardson. The City Attorney stated that he did not have an opportunity to review the documents. Commissioner Lawrence moved that the City Attorney have an opportunity to look at the agreement and bring it back to the Commission no later than October. Motion was seconded by Commissioner Herrington and was unanimously carried.

EXECUTE DOCUMENTS FOR SALE OF FARMER'S MARKET

The City Attorney stated that documents for the closing of Monck Street have been prepared, but are not completed. He stated that the plan for placing a small park in the area by GPA has been rejected by the Attorney General to watch the ships when they pass by. The City Attorney explained the problems about the property. He stated that a title problem exists. Security deeds was not satisfied when taken by the City. An agreement should be executed on lost title insurance property, and most of the wording have been worked out to replace existing storm line on Monck Street. He next asked the Commission to go ahead and approve the Mayor and City Clerk to execute the document. Commissioner Lawrence moved that the Mayor be authorized to execute the documents excluding the stipulations that was outlined. Motion was seconded by Commissioner Darrisaw. On call for the question the motion carried by vote of 4 to 1 Commissioner Herrington voting No.

Commissioner Lawrence moved that the following resolution be adopted on closing Monck Street. Motion was seconded by Commissioner Darrisaw and was unanimously carried. On call for the question the motion carried by vote of 4 to 1. Commissioner Herrington voting No.

MONTHLY REPORTS

The following reports for the month of June, 1992 were submitted and ordered filed as information: (1) General Fund (2) Water and Wastewater Fund (3) Community Development (4) Metro Squad (5) Recorder's Court and (6) Uncollectible Water Accounts. On motion of Commissioner Herrington seconded by Commissioner Davis the reports were unanimously approved.

CEMETERY DEEDS

The following petitions on cemetery deeds were submitted and Commissioner Lawrence moved that petitions be granted, which motion was seconded by Commissioner Darrisaw and was carried by unanimous vote:

- (1) From Chuck Rigdon, to return for resale Plot No. 25, Section B-10 in Palmetto Cemetery. Original deed surrendered.
- (2) From Bill Rayburn, to return for resale S-1/3 of Lot No. 1, Section No. 200 in Palmetto Cemetery. Original deed surrendered.
- (3) From John w. Cox to transfer Plots A and B of Lot No. 4, Section No. 9 in East

Palmetto Cemetery to George B.

Aycock. Petitioner to retain Plots C and D of Lot No. 4,
Section No. 9. Original deed surrendered.

OTHER CITY BUSINESS

Commissioner Herrington reported that a resident has been asked to clean up her property on Lee and Gordon Street. The resident has received letters twice from the Sanitation Inspector about cleaning the property. He stated that the City should clean their lot and asked when will the matter be taken care of. He next reported that a house located at 2213 Albany Street has been burned and residents are complaining he asked the City Manager to mail a letter to the property owner. The City Manager stated that a letter will be mailed today.

Commissioner Lawrence reported that the matter on Hill Place has not been taken care of. The City Manager stated that the Inspector will meet with the resident next week.

The City Manager reported that a hearing was held on London Street properties.

Commissioner Darrisaw moved that the Mayor be authorized to execute the agreement for the City's right-of-way on Martin Luther King Jr. Blvd. Motion was seconded by Commissioner Herrington and was unanimously carried.

A citizen requested that she be allowed to purchase a license to operate a concession stand at the Farmer's Market. Commissioner Herrington moved that the license be granted subject to approval by the Health Department. Motion was seconded by Commissioner Lawrence and was unanimously carried.

A concerned citizen appeared before the Commission to complain about free service the Cable Company stated they gave him for four years. He asked the Commission to check into the matter to see if the cable company is violating Anti-Trust Laws by imposing rate hikes in the City. The City Attorney was advised to look into the matter.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk