

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., April 21, 1993**

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

ABSENT: Commissioner G. E. Darrisaw.

INVOCATION: The invocation was given by Commissioner Otis Herrington.

APPROVAL OF MINUTES

Commissioner Davis moved and Commissioner Lawrence seconded the motion that the minutes of the meeting of April 7, 1993 be approved. The motion passed unanimously.

PROCLAMATION

Mayor Wilson presented a proclamation to Bobbie Patrick proclaiming week of April 21, 1993 as Crime Victim Week in the City of Brunswick.

Mayor Wilson presented a proclamation to Missy Poppell proclaiming May as Mental Health Month in the City of Brunswick.

Mayor Wilson presented a proclamation to Tiki Lloyd proclaiming May 6, 1993 as National Day of Prayer in the City of Brunswick.

ALCOHOLIC BEVERAGE LICENSE RENEWAL

Petition received from Alan Cody to retail beer and wine for consumption off premises at Eckerd Drugs, 4535 Altama Avenue, and being approved by the Chief of Police and the City Manager, Commissioner Lawrence moved and Commissioner Davis seconded the motion to grant petition. The motion passed unanimously.

ALCOHOLIC BEVERAGE LICENSE

Petition received from Lawrence E. Walker, Jr., Daniel N. Napoleone and John Dante Vara to retail liquors including beer and wine for consumption on premises at Harbor Lights Cafe', 1404 Newcastle Street.

The City Manager stated that the application has been checked and approved by the Police Department. Commissioner Herrington questioned the number of applications submitted by this business. The City Manager pointed out that the Ordinance stated that if the business is owned by a partnership all of the names must be listed on the application. Commissioner Herrington asked if any businesses in the area objected to the opening of the Cafe'.

Cuffy Hise, Main Street Director was present and stated that she talked with merchants in the area and all of them expressed excitement about the cafe' and quality club in the downtown area. She pointed out that the building had been vacant for four years and everyone is happy a new viable business would be located in the downtown area.

Commissioner Herrington asked if this location was the same place that the City was having problems with teenagers. Ms. Hise stated that there was another club called the Hop that was closed because of severe problems with management of the club.

Mayor Wilson asked if a church was located next to the Cafe' and questioned the legality of the business being located there. The City Attorney stated that the City does not have a prohibition in the local ordinance against located near a church building; however, state law prohibits location within a certain number of yards from a church building. He construed that a retail store building is not a church building. The state law does not prohibit the location of a place that sells alcoholic beverage within that distance because the meeting place was not designed as a church. The City Manager stated that he had an opportunity to speak with the pastor of the congregation that meets at the location and the pastor indicated that he did not have problems with the business. The pastor stated that they are planning to look for another location that would be suited to their needs and chose not to attend the meeting because they did not find problems with the business.

Commissioner Lawrence questioned what would happen if the owners of the cafe' were granted a license from the City and the state refused to issue a license based on their law and the distance a business was located from a church.

The City Manager stated that the state would not issue a license to purchase alcoholic beverages from a wholesaler until the owner has a City alcoholic beverage license.

Lawrence Walker, Jr. stated that he talked with the State Revenue Agent and the Agent saw no problems with the business obtaining a state license. Commissioner Herrington asked what kind of security the business would have on the premises. Mr. Walker stated that in house security staff would be available at all times and a uniform police officer would be there on weekends or special events.

Commissioner Herrington stated that his main concern was the business working closely with the Police Department.

Mayor Wilson asked if there would be drinking on the premises and if persons would be able to leave the premises with bottles. Mr. Walker stated that no beverages of any kind would leave the premises.

Mayor Wilson next gave his personal opinion about the business located on a front street and warned that if the business poses any problem there would not be any reluctance on his part of closing the business down. Commissioner Herrington moved and Commissioner Davis seconded the motion to grant the petition. The motion passed unanimously.

CEMETERY DEED

On motion of Commissioner Herrington seconded by Commissioner Davis the following petitions were unanimously granted:

- (1) Transferring Lot No. 5, Section No. 103 in Palmetto Cemetery to Newton Lynn from Hazel Lynn. Original deed lost but City records verify ownership.

REDEMPTION DEEDS

On motion of Commissioner Herrington seconded by Commissioner Davis the mayor authorized to execute redemption deeds as petitioned for:

- (1) Petition received from Michael Patrick as Attorney for George Rowell the present owner of T/C Stonewall and

Lee, NE-1/4 of Lot No. 129, SE-1/4 and NE-1/4 of Lot No. 131. All taxes, interest and costs in the amount of \$481.02 have been paid and account is clear.

- (2) Petition received from Charles G. Spalding for quit claim deeds in favor of the Estate of Bernard Grossman to New Town Lots 2110, 2111, 2112 (including alley), 2113, 2114 and 2115 to clear title record of tax deed taken by the City, which was subsequently redeemed, but was lost, misplaced or destroyed without being recorded. 1980, 1983, 1987 and 1988.

DEPARTMENT OF TRANSPORTATION

Ricky McCoy representing the Department of Transportation appeared before the Commission to discuss state contracts programs available through the Department of Transportation. Mr. McCoy described the street paving program, curb and gutter program, and the Drainage Program offered through DOT.

Commissioner Herrington asked about the sidewalk program. Mr. McCoy explained the program and pointed out that pedestrian traffic would be taken under consideration for building sidewalks.

COMPOSTING FACILITY BID

Elmo Richardson representing Tribble and Richardson appeared before the Commission to recommend that Bates and Associates the low bidder for the Composting facility be considered. Mayor Wilson questioned the references of Bates and Associates. Mr. Richardson stated that he checked eight references for Bates and Associates and all the references were excellent. Commissioner Herrington asked if subcontractors located in the City would be used for constructing the composting facility. Mr. Richardson stated that he encourage bids from local subcontractors. Commissioner Lawrence stated that he would like to see most of the materials purchased locally to build the Composting Plant. Mr. Richardson stated that he would make a recommendation to the contractors to purchase material locally and to use local subcontractors. Mayor Wilson stated that he would oppose any change orders. Mr. Richardson recommended that the contract be awarded to Bates and Associates in the amount of \$2,563,026. subject to the company submitting a list of subcontractors and materials that would be purchased locally to build the composting facility.

Commissioner Herrington moved and Commissioner Davis seconded the motion to accept the low bid of Bates and Associates in the amount of \$2,563,026. subject to receiving a list of local subcontractors and a list of materials that could be purchased locally. The motion passed unanimously.

MONTHLY REPORTS

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

MUNICIPAL COURT

Judge William Ligon was present to request that the City approve the probation services for the Municipal Court for 1 year. Judge Ligon talked briefly about the program and how it

would alleviate much of the load off of municipal court. Judge Ligon stated that he visited Athens to look at their probation system and found them to have an excellent probation program. Judge Ligon stated that Community Corrections program would use a desk and telephone for their probation services, and the cost of the program would be \$30.00 per month to offenders. Mayor Wilson asked if the City could rescind the contract if service was not satisfactory. The City Manager stated that the City could void the contract at any time. Commissioner Lawrence questioned the added cost that offenders would have to pay for probation service for a six month period. Judge Ligon explained that community service would be considered if the offender could not afford the probation cost. Commissioner Herrington requested a 60 or 90 day progress report from the municipal court.

Commissioner Herrington moved and Commissioner Davis seconded the motion to adopt the following resolution for a period of one year. The motion passed by vote of 3 to 1. Commissioner Lawrence voting No.

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF BRUNSWICK TO ENTER INTO A CONTRACT WITH COMMUNITY CORRECTIONS CORPORATION PROVIDING FOR THE PROVISION OF PROBATION AND REHABILITATION SERVICES TO MISDEMEANOR OFFENDERS; TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, City of Brunswick, is required by O.C.G.A.-42-8-102 to provide general probation supervision, fine collection services, counseling and other probation services for persons convicted of misdemeanors in the Court of Georgia; and

WHEREAS, Community Corrections Corporation is uniquely qualified and experienced in providing such comprehensive professional services and such corporation is willing to contract with the City of Brunswick in an effort to comply with the legislative enactment; and

WHEREAS, the City of Brunswick deems it in the best interest of the citizens of Brunswick who will best be served by entering into said Contract with Community Corrections Corporation for the provision of such services,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF BRUNSWICK, GEORGIA AND IT IS HEREBY RESOLVED,

Section 1. The City Council hereby authorizes the City of Brunswick to enter into a Contract with Community Corrections Corporation for the provision of general probation supervision, fine collection services, counseling and other probation services for persons convicted of misdemeanors in Municipal Court. Further the Council hereby authorizes the Mayor to execute the Contract together with any other document necessary to further the intent of this Resolution. A copy of such Contract is attached hereto.

Section 2. The effective date of this Resolution shall be when approved by the City Council of Brunswick, Georgia.

PERSONNEL POLICY

Commissioner Davis moved and Commissioner Herrington seconded the motion to adopt the City's new personnel policy. The motion passed unanimously.

OTHER CITY BUSINESS

J. Wray Avera appeared before the Commission to request Non-Conforming Use of his property located at 3314 Altama Avenue to operate his Real Estate office and other businesses. Mayor Wilson asked if the Commission granted conditional use of that same property. Mr. Avera explained that conditional use was granted to him in 1980 and presently the ordinance has no Conditional use in General Residential Zones and he would have to request non-conforming use. The City Manager explained the permitted uses in the current Zoning ordinance for Non-conforming Use. He stated that a grandfathering clause was put in the ordinance to allow those things that were lawful under the old ordinance to continue under the new ordinance. He stated the minutes do not reflect that Mr. Avera was granted a Conditional use in 1980. The City Attorney explained what happened at the rezoning hearing in 1980 and stated the Commission granted Mr. Avera Conditional use of his property.

Commissioner Herrington moved and Commissioner Lawrence seconded the motion to grant Mr. Avera Non-conforming use of the property located 3314 Altama Avenue for Real Estate, Insurance, Securities and Collections that is operated by Mr. Avera. The motion passed unanimously.

Bob Torras was present to request that the Corps of Engineers be granted ingress and egress to Andrews Island.

Commissioner Herrington moved and Commissioner Davis seconded the motion to grant ingress and egress to the Corps of Engineer to Andrews Island. The motion passed unanimously.

Julius James Gammage appeared before the Commission to request that the City work with applicants on testing for the Police Department and check qualifications before extensive testing. Mayor Wilson asked Mr. Gammage to talk with the City Manager.

Mr. Scott reported that the paving on Altama & R Street need repairs. The City Manager stated that he would report it to Southern Bell.

Commissioner Davis reported that the lights in downtown are on every night. The City Manager stated the lights are on a timed schedule.

Commissioner Davis thanked the Police Department for reducing the speeding in Windsor Park.

Commissioner Lawrence mentioned placing a slow sign around Burroughs Mollette School on I and Cleburne Street.

Commissioner Lawrence asked in the house had been repaired on Gordon Street. The City Attorney stated that a hearing was scheduled three times and the owner was not present. Commissioner Lawrence recommended that the court make a decision on the house and precede immediately and raze the house. The City Attorney stated that he would make the judge aware of the City's concern.

The City Attorney requested that the City issue a deed of correction to Mr. Thomas McNeil on Old Town Lot No. 155. It was the consensus of the Commission to authorize the Mayor to execute a deed of correction.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk