

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., May 19, 1993**

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

INVOCATION: The invocation was given by Commissioner Rev. G. E. Darrisaw.

APPROVAL OF MINUTES

Commissioner Darrisaw moved and Commissioner Lawrence seconded the motion to approve the minutes of the meeting of May 5, 1993. The motion passed unanimously.

DOWNTOWN DEVELOPMENT AUTHORITY

Appointment to the Downtown Development Authority was deferred until the next Commission meeting.

ALCOHOLIC BEVERAGE LICENSE

Bob Torras, Sr. Requested an alcoholic beverage license for 1829 Newcastle Street. The City Manager stated that Mr. Torras application for a license to retail beer and wine on premises at this location was approved by the Police Department.

Commissioner Lawrence asked if a building was presently on the property at 1829 Newcastle Street. The City Manager stated that it was his understanding that Mr. Torras plans are to place a building at that location, but there is not a building at that location Mayor Wilson asked if all requirements were met by Mr. Torras. The City Manager stated that should a building be placed there it would meet all requirements.

Bob Torras, Sr. stated that the Brunswick Landing Development which is the property immediately adjacent to this Marina did not have a place to sell beer and wine for tournaments and festivals and other types of entertainment on the property. Mr. Torras stated that he checked with Corporal Dickerson about the design of the building so that it would meet the requirements of the City's Building Code. Mr. Torras stated that it was understood that the building would meet the requirements for this sort of application.

Commissioner Lawrence stated that he had some minor problems with passing a vote to have a license with no building established. He further stated that he would like to see a building placed on the site then submit an application for a license. Mr. Torras stated that he understood Commissioner's Lawrence interest in wanting to handle it that way. Mr. Torras stated that the reason he is approaching it in this manner is because the location is an open field and he would like to be well advised before building a special purpose building and apply for a permit and not receive it. Mr. Torras described the type of building he would be constructing. Commissioner Lawrence stated that he had no problem with this type of building. He stated that his concern was if the Commission grant a license to Mr. Torras then the City will open the door to any and everyone to apply for a beer and wine license without having an adequate place to sell it, and once the door is open everyone could do the same identical thing. Mr. Torras agreed, and added that a building would be constructed before the license would go into effect.

The City Manager stated that the license could be granted on a provisional basis and it would not be actually issued until the building has been completed and a certificate of occupancy issued certifying that the building has met all the requirements.

Commissioner Lawrence repeated his concerns again.

Commissioner Herrington stated that it was his understanding that the license would not be utilized until the building was erected. The City Manager agreed. Commissioner Herrington asked if all the requirements have been met for the Issuance of a beer and wine license. The City Manager stated that they have been met. Commissioner Herrington stated that if someone else applies for a license in the same manner and all the requirements are met in the area in which they chose to erect a building then that would mean the same thing as if the building was there when they applied for a license and all requirements are met. The Commission would still have an opportunity to reject the license if a building was already erected and they did not meet all the requirements. Commissioner Lawrence stated that he hoped the requirements for anyone that so wishes to get a beer or wine license would be the same identical way it is with Mr. Torras.

Commissioner Darrisaw stated that he understood Mr. Torras saying that he did not want to spend a lot of money and find out later on he would not be granted a license.

Commissioner Darrisaw moved and Commissioner Lawrence seconded the motion to study the matter further and bring back to the next meeting. Commissioner Herrington stated that he would like to reiterate that he did not see any reason why the license could not be issued if all the requirements have been met and utilized after the building is in place.

Commissioner Darrisaw asked Mr. Torras if two weeks would delay him. Mr. Torras stated that it would not be a problem. On call for the question the motion carried unanimously.

DELEGATIONS

Andy Kroscavage resident of 2334 Willet Street appeared before the Commission to discuss the rezoning of property owned by Dr. Flournoy. Mr. Kroscavage stated that he was concerned with the spot rezoning in his neighborhood. Mr. Kroscavage stated that he had a few questions in regards to the rezoning. Mr. Kroscavage asked the following questions: How would the zoning effect his property? How much would their property tax change? How would the rezoning enhance the security of their neighborhood? Will the area have increased automobile traffic? Where would these cars park? Would a Doctor's Office contribute to the Health and well being of the neighborhood. Mr. Kroscavage stated that he firmly believed that his rights as a citizen have been violated. Mr. Kroscavage concluded by asking the Commission if they would halt the construction of a Doctor's office in their neighborhood.

James Moran appeared before the Commission to discuss the rezoning of a resident into a Doctor's office in his neighborhood. Mr. Moran stated that he lived in a very diverse neighborhood and cities need neighborhoods like that. Mr. Moran stated that he voted as a citizen for the Commission to represent him and other people of Brunswick. Mr. Moran asked the Commission to save his neighborhood.

Commissioner Lawrence stated that he was under the impression that Mr. Moran came to a Commission meeting in 1991 about the same situation. Mr. Moran stated that he had no recollection of coming to a meeting about the same problem in 1991, however he did remember attending all the meetings held about the Hospital's Master Plan. Commissioner Lawrence stated that he was concerned because he remembered after he was elected a delegation came to the Commission meeting about the same location. Mr. Moran stated that the last time he remembered coming to a meeting about this problem was in 1989. Mrs. Kroscavage stated that she and her husband attended a meeting in 1991 about the same

rezoning. Commissioner Lawrence stated that he voted against the spot rezoning in 1991 and he was under the impression that the matter was closed and it would not be brought back to the Commission. Commissioner Darrisaw asked Mr. Moran if he was appealing to the Commission to do something about the rezoning. Mr. Moran agreed. Commissioner Darrisaw asked Mr.

Moran if he knew that the Judge made a ruling and that ruling is on record. Mr. Moran stated that he was asking the Commission to go to court to get a stop order on the rezoning. Commissioner Darrisaw pointed out that the Commission does not have the authority to overturn the law and ask to hear from the City Attorney.

Commissioner Herrington stated that he did ask for support when he ran in the election, and certainly appreciated everyone's support. He stated that he would hate to think that because of one bad decision he would not receive the same support. Commissioner Herrington stated that he represent all people and work for the people. Commissioner Herrington stated that the Commission is trying to clear up the matter and asked that the term I voted for you not be used.

The City Attorney updated the Commission on the history of the Flournoy property and the numerous rezoning requests that were denied. The City Attorney stated that Dr. Flournoy filed a lawsuit in 1989 and the suit was settled out of court. Dr. Flournoy's site plans were brought to the Commission in an Executive Session and the Commission indicated that they could settle the case provided that the court order required Dr. Flournoy to comply with the site plan and as a result the Commission and Dr. Flournoy were willing to settle the case. An order was entered by Judge Tuten. The City Attorney stated that there was no news article written about the court order. The City Attorney stated that he could ask Dr. Flournoy to post a no right turn sign to keep traffic off of Willet Street. Mayor Wilson stated that the City Attorney was the best Research Attorney in the State of Georgia and he gave the Commission legal advise and they took it.

The City Attorney stated that the decision is not appealable by the Commission or the citizens. After substantial discussion regarding the rezoning Commissioner Darrisaw moved and Commissioner Lawrence seconded the motion acknowledging the fact that there were no records of the settlement and this action was taken without any knowledge of the residents and the news media. The Commission disapproves of this type of action and insists that this does not happen again. The motion passed unanimously.

BID

The following bids were submitted for 2 - 4 Wheel Drive Lawn Mowers for the Public Works Department:

Vendor	Bid
Industrial Tractor Jacksonville, FL	\$26,481.46
Stovall Atlanta, GA	24,990.00

The Director of Public Works stated that he received only two bids for the Lawn Mowers which was advertised in the Local News Paper. Of the two bids received only one met the specifications. Commissioner Davis asked the Director what was his bid specifications. The Director submitted a picture of the Lawn Mower and the specifications to the Commission. Commissioner Lawrence asked Mr. Torras did he submit a bid. Commissioner Darrisaw asked if the Lawn Mower could be found locally and asked if the City could send a bid list to local businesses. Commissioner Lawrence stated that all local businesses should have an opportunity to bid. Commissioner Darrisaw moved and Commissioner Lawrence seconded the motion to reject all bids until it could be bided as instructed by the Commission to meet

the June 30, deadline. Mr. Torras stated that his company does not sell diesel engines but Kut Kwick does sell lawn mowers.

On call for the question the motion passed unanimously.

PROPERTY INSURANCE BID

The Director of Finance submitted bids for Property Insurance renewals. The Director of Finance recommended that the City accept the low bid of Hartford Steam Boiler Insurance Company in the amount of \$54,467. Commissioner Darrisaw moved and Commissioner Herrington seconded the motion to accept the Director of Finance recommendation of Hartford Steam Boiler Insurance Company in the amount of \$54,467. for 1 year for the renewal of the City's property insurance. The motion passed unanimously.

CEMETERY DEED

On motion of Commissioner Darrisaw seconded by Commissioner Herrington the following petition was unanimously granted:

- 1) Returning for resale plots 91 and 92 of Block 102 in Palmetto Cemetery from Lester Lovell. Original deed surrendered.

MONTHLY REPORTS

The following reports for the month of April were submitted and ordered filed as information:

- (1) General Fund
 - (2) Water
 - (3) Recorder's Court
 - (4) Metro Squad
 - (5) Community Development and
 - (6) Uncollectible Water Accounts.
- On motion of Commissioner Lawrence seconded by Commissioner Darrisaw the reports were unanimously approved.

OTHER CITY BUSINESS

Mr. Torras made the following requests: (1) Participation of the City in funding of the Marina. (2) Participation of the City in the construction of an alternate road to Andrews Island. (3) Correction of the title to property obtained from the City. (4) Enacting an Ordinance allowing no-anchoring or mooring in the river near Andrews Island. (5) Deletion of personal property taxes on all residential boats in the City. (6) Exemption from taxes on Marina property for seven years.

Mr. Torras asked the City if they could begin moving dirt to create the access road. It was the consensus of the Commission to authorize the Mayor to contact the County to assist with the road project.

On motion of Commissioner Herrington seconded by Commissioner Lawrence Commissioner Davis was appointed to serve as the Delegate for the GMA Business Session and Commissioner Darrisaw was appointed to serve as alternate. The motion passed unanimously.

Commissioner Lawrence moved and Commissioner Herrington seconded the motion to authorize the City Attorney to clear up Mr. Torras property title problems on property conveyed to him from the City and bring back to the Commission before a decision is made. The motion passed unanimously.

Commissioner Herrington moved and Commissioner Lawrence seconded the motion to place a partition in the Recorder's Court Office where fines are collected. The motion passed unanimously.

On motion of Commissioner Darrisaw seconded by Commissioner Davis the following Resolution was adopted to divide two parcels of land in the Brunswick Mall. The motion passed unanimously:

RESOLUTION

BE IT RESOLVED, by the City Commission of the City of Brunswick, that a variance from the Subdivision Regulations is hereby granted with respect to that certain tract of land identified and described according to the attached revised plat of survey prepared by Robert N. Shupe, Georgia Registered Surveyor No. 2224, dated January 14, 1993, revised on March 24, 1993, so as to approve and permit the proposed subdivision of said tract subdividing the western one-half (1/2) of said parcel from the eastern one-half (1/2). Be it further resolved that said described tracts of land shall be deemed to each be a separate "lot of record" and that the easements described in the attached "Exhibit A", applicable to each one-half (1/2), shall be deemed to satisfy all access, parking, and setback requirements with respect to the use of said tracts of land.

Commissioner Lawrence moved and Commissioner Herrington seconded the motion authorizing the Mayor to execute the contract for equipment for the compost plant with International Process Systems in the amount of \$1,339,400. subject to the removal of the arbitration clause. The motion passed unanimously.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk