

**OFFICIAL MINUTES  
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA  
REGULAR MEETING  
7:00 P. M., March 16, 1994**

**PRESENT:** His Honor Mayor Homer L. Wilson, Commissioners Roosevelt Lawrence,  
Doris A. Davis and Dr James  
MacLeod.

**ABSENT:** Commissioner Rev. G. E. Darrisaw.

**INVOCATION:** The invocation was given by City Manager, Mark Mitchell.

**APPROVAL OF MINUTES:**

Commissioner Lawrence moved and Commissioner Davis seconded the motion to approve the minutes of March 2, 1994. The motion passed unanimously.

**APPOINTMENT TO THE HOSPITAL AUTHORITY**

The following persons were nominated to fill the expired term of Lavern Carter on the Hospital Authority Board: Lavern Carter, Mary C. Harris and William R. Parker, Jr. Commissioner Lawrence moved and Commissioner Davis seconded the motion to forward the three names for consideration to the Hospital Authority. The motion passed unanimously.

The following persons were nominated to fill the expired term of Dr. Eric Segerberg, Joint City-County Appointee on the Hospital Board: Dr. Eric Segerberg, Charles Rogers and Dr. Edward Kaszans. It was the consensus of the Commission to submit the three names for consideration.

**ZONING BOARD OF APPEALS**

The City Manager reported that the appointment for the Zoning Board of Appeals was advertised in the Brunswick News and the City Clerk did not receive any letters or resume's from citizens wishing to serve on the Board.

The Commission unanimously appointed Mr. Carl Outlaw to serve on the Zoning Board of Appeals until the Commission releases him.

**BIDS**

The following bids were received for purchase of the Shipyard well:

Karen Maxwell	\$5,200.00
King & Prince Seafood	\$4,000.00

Commissioner Lawrence asked if the ad in the Newspaper stated that something had to be done to the property after the bid was accepted. The City Manager stated that the ad stated that the City would sell the real property and convey to the highest bidder a quit claim deed and the minimum bid to be considered was \$3,000.00.

Commissioner MacLeod moved and Commissioner Davis seconded the motion to accept the bid of Karen Maxwell in the amount of \$5,200.00. The motion passed unanimously.

A representative of King and Prince Seafood asked the Commission to table the bid and open it at a later date because the only property owner in the adjacent area that would have any use for the land would be King and Prince Seafood.

Mayor Wilson stated that he questioned why any one individual would want that particular property with the well on it.

#### **ALCOHOLIC BEVERAGE LICENSE RENEWAL**

Petition received from Robert Cooke to retail beer and Wine for consumption off premises at Kroger's Grocery Store, 4980 Altama Avenue, having been approved by the Chief of Police and the City Manager, were on motion of Commissioner Davis seconded by Commissioner Lawrence unanimously granted.

#### **ADOPTION OF 1993/94 WATER AND WASTEWATER BUDGET**

The City Manager reported that the City have been working with the bonding Company on the Water and Wastewater Budget. The City Manager stated that he would like to recommend a budget that did not require a rate increase in the City. Mayor Wilson stated that he was opposed to any water rate increase. He further stated that he was delighted, but regrets that it took so long. Commissioner Davis moved and Commissioner MacLeod seconded the motion to adopt the 1993/94 Water and Wastewater Budget. The motion passed unanimously.

#### **WATERFRONT IMPROVEMENTS**

Larry Evans appeared before the Commission to give an overview of the Waterfront project. Mr. Evans explained his goals for the Waterfront project. Mr. Evans thanked the Engineering Department and Community Development for the information he received.

Mayor Wilson asked Mr. Evans the status of the Farmer's Market. Mr. Evans stated that they are looking for a temporary site for the Farmer's Market. Mayor Wilson asked if the area on Newcastle Street in front of Old City Hall could be used as a temporary site. The City Manager stated that the site of a temporary Farmer's Market will have to be discussed. Mayor Wilson thanked Mr. Evans for his presentation.

#### **ALCOHOLIC BEVERAGE LICENSE**

Petition received from Nelson Hart to retail alcoholic beverages including beer and wines for consumption on premises at the Keg located at 3101 Johnston Circle. The City Manager stated that Mr. Hart met the requirements as set forth regarding distances from churches, schools and etcetera and all those conditions have been met and approved by the Police Department.

Mayor Wilson asked the City Attorney to give the Commission any reason or any violation on part of Municipal or State Law that prohibits the Commission from granting a pouring license to Mr. Hart to operate his business.

Attorney Joe Ferrier representing Eleanor Brooks School of Dance asked Mayor Wilson if he could address the Commission.

Mayor Wilson clarified his position on granting the pouring license to Mr. Hart to operate his business. Mayor Wilson stated that he could understand if it was a church school or public school, but this place was a bottle club for many years. Mayor Wilson expressed his personal

opinion. He further stated that he will respect citizens who meet conditions set forth under the statute of Georgia Laws.

Commissioner Lawrence stated that since there is a committee present he would like for them to express their concerns before the Commission votes on the application.

Attorney Joe Ferrier stated that he has been before the Commission and all members were present at that time except for Commissioner MacLeod. Attorney Ferrier stated that he was not aware that Commissioner MacLeod knew the details about the application that was presented at the last Commission meeting for the sale of alcohol at a package store and a lounge for consumption on premises. Attorney Ferrier stated that a petition with 316 signatures on it was presented to the Commission and gave a copy of the petition to Commissioner MacLeod. Attorney Ferrier explained that the petition states that the undersigned are not only concerned citizens of the City of Brunswick, but, they are also adjacent property owners and parents. The petition states that the undersigned are aware of the business formerly known as the Keg and they are opposed to not only the sale of alcohol from the package but, also on the premises.

Attorney Ferrier stated that the same petition was used because they want the Commission to understand and realize how many of these people are involved in the decision the Commission would have to make. Attorney Ferrier stated that he was requesting again for the Commission to consider the responsibilities that they have to follow in making a decision. Attorney Ferrier stated that the Alcoholic Beverage License Ordinance is crystal clear about the sale and consumption on premises, whether it is a private club or a lounge. Attorney Ferrier reminded the Commission that the City Manager made a statement in reference to the application meeting all requirements. Attorney Ferrier asked the City Manager if the petition was for a lounge purpose or private purpose. The City Manager stated that the license did not indicate the purpose and the application simply states that the owner is seeking an alcoholic beverage license for consumption on premises. Attorney Ferrier asked the Commission to consider the article that states specifically that Alcoholic Beverages shall not be sold at retail for consumption on the premises, except in the following types of businesses:

1) Restaurants, other than fast food restaurants, serving prepared food which is offered, to the General Public.

Attorney Ferrier pointed out that he had no knowledge or was made aware from anyone that this was any type of restaurant situation. The owner has a package store and is trying to open up an adjacent vacant building for consumption on premises.

2) Hotels and Motels. The owner does not have these circumstances or conditions at that location.

3) Lounges where seating accommodations are provided for not fewer than (12) persons; whether or not the owner has met this requirement, this is a responsibility of the ordinance that needs to be met.

4) Private Clubs or bona fide associations of individuals organized for fraternal purpose conducted solely for the use and benefit of their members and their beneficiaries. As used in this section. The owner has not made this a part of the article on his petition before you today.

Attorney Ferrier stressed that the owner has not met responsibilities in providing that information in his application. Attorney Ferrier asked the Commission to refer to the same article II of the Brunswick Code which states that the application should have an accurate sketch or diagram drawn to scale to accompany his initial application showing the location of the building, the area to be used, and the property lines of the real property where the

business of manufacturing or selling alcoholic beverages. The diagram shall also show the location of any church buildings, school building or campus any alcoholic treatment centers as measured in accordance with State Law. Attorney Ferrier asked if these requirements have been met by the application filed by Mr. Hart.

The City Manager stated that the information is not attached to the application however, the information may have been provided to Corporal Dickerson to allow him to make his determination.

Attorney Ferrier asked the Commission to consider Section III of the article Processing an Application:

C) The City Commission shall have full power to determine whether the applicant for a license is a fit and proper person to operate the type of business involved and whether the location of such business is proper and in the best interest of the general public, and the decision of the Commission shall be final. Attorney Ferrier stated that the General Public is each and everyone of those persons who signed the petition.

Attorney Ferrier submitted a diagram of the property to give the Commission a general idea of the location. Attorney Ferrier stated that the Commission denied consumption on the premises at that location and circumstances have changed. There is now a church located directly across the street, and the church falls between the school and the laundromat. There is now a school and church, this should be taken into consideration along with other factors that may affect general health and welfare and the effect the license would have on schools, churches and the public facilities in the area. The affect the license would have on existing land use in the area. The character of the area and school, and the congestion of roads and streets. Congestion would be in the area with or without the package store, but persons would have to park their vehicles while consuming on the premises.

Commissioner MacLeod asked for the name of the church.

The pastor of the church was present and stated that the name of the church was Church of the Body of Christ. Commissioner Lawrence asked the pastor of the church if the church was purchased after Mr. Hart brought his business. The pastor stated that he leased the building two weeks ago.

Commissioner Lawrence asked the Pastor if he knew an alcoholic beverage establishment was there before he purchased the property. The pastor stated that he knew the establishment was there before he leased the property.

Attorney Ferrier asked the citizens that were present who opposed the licenses Mr. Hart was trying to obtain for consumption on premises to stand.

Approximately 50 persons stood to protest the license.

Attorney Ferrier stated that the parents who came out tonight to the meeting showed a genuine concern for what was about to take place. Attorney Ferrier pointed out that it was a time bomb waiting to go off. Consumption on premises would cause persons to get outside their vehicles going in and out, and there will be young ladies outside in their dance costumes waiting on their parents to pick them up.

Attorney Ferrier further stated that it is a drinking question and a location question and not a black, white issue, The last 20 years the building was not used for consumption on the premises and the building was used formerly as Salvadores restaurant. Attorney Ferrier gave the history of the building and events that took place that led to the closing of the package store.

Billy Zane, Senior Instructor at the Federal Law Enforcement Training Center stated that he spent 20 years in the District of Columbia and holds a Master Degree in Public Administration from Valdosta State College. He stated that as a Law Enforcement Officer the location of the facility will not contribute or will not enhance the environment for these children. In the District of Columbia there are liquor stores for every housing project within the District. He further stated that everywhere the situation is found crime is associated with it. Surveys show 35% of the persons arrested for criminal offenses in the country are under the influence of alcohol or some other controlled substance. Children should not have to experience that type of situation. Mr. Zane asked the Commission to reject the application and let the owner find a more suitable location where children will not be exposed to trash.

Charles McMillan stated that he owned property in the area since 1962 and did not object to the package store. Mr. McMillan stated that the area between Second Street and T Street along Altama Avenue and Martin Luther King Blvd was the most prosperous highest tax base area. Mr. McMillan named the businesses that were located in the area in the City. Mr. McMillan further stated that Mr. Hart's history and operation of his business on Albany Street should be considered, Mr. Hart should not be blamed because it is just the nature of the beast and granting a pouring license would cause trouble whether it was black oriented or white oriented. Mr. McMillan described some mistakes that the City made in the past concerning Water and Sewer. Mr. McMillan asked the Commission not to destroy the area by granting a pouring license.

Jeanne Brooks, resident of the City stated that she was a Homemaker with two small children and traffic congestion in the area was her main concern. Mrs. Brooks asked the Commission to consider the four lounges that are already on 4th Street which creates a hazard to her family. She stated that granting another license would create another dangerous situation.

Rhonda Butts stated that she lived in the City from 1953 until 1973 on the corner of Parkwood and East Park Avenue with her parents. She stated that her husband has been in alcoholic beverage business for most of her married life. Mrs. Butts further stated that she feels strongly about the City granting a license to serve alcoholic beverages on the premises because she has a 16 year old daughter attending the dance school. Mrs. Butts stated that congestion was a main issue, but she has concerns about all the young girls who would be coming in and out of traffic and in and out of school. She stated that it would be a detriment to all those involved if a pouring license was granted.

Mayor Wilson asked if Mr. Hart was in attendance and asked if he would like to comment. Mr. Hart stated that he would like to comment.

Commissioner MacLeod stated that he would like the opinion of the City Attorney, since Attorney Ferrier stated that the application was improperly filed. Commissioner MacLeod stated that the application does not merit voting on if it does not meet the requirements of the law.

The City Attorney stated that if the application does not have all the information attached to it that the ordinance requires then the application is not complete and it should not be considered until it is complete.

Commissioner Lawrence stated that in lieu of what Dr. MacLeod said and in lieu of what the Attorney said, the mere fact that every application that has come before the Commission based on liquor through past practice has not met the requirements.

Commissioner MacLeod stated that to him it was irrelevant because it doesn't matter what the Commission has been doing in the past. The Commission would like to have all the information that is required by law to make the application legal, and not vote on an application that is improperly filed.

The City Attorney stated that this has been the first time that this has ever been brought to the Commission's attention that a sketch was not attached as required by the Ordinance. The City Attorney stated that there is a good reason for having that requirement in the Ordinance and

the Commission could either amend the Ordinance or enforce it. He further stated that Mr. Hart's application should be clarified.

Commissioner MacLeod moved and Commissioner Davis seconded the motion to defer the application until Mr. Hart submit a completed application for his pouring license as set forth in the Ordinance. The motion passed by vote of 3 to 1, Commissioner Lawrence voting No.

Attorney Ferrier stated that he would like to be notified about the meeting whenever Mr. Hart files a proper application, and requested that everyone of the Commissioners be present.

Commissioner Lawrence stated that he wants everybody that applies for a license to meet the same requirements and also submit sketches of their property with the application. Commissioner Lawrence stated that Mr. Hart has been at the meeting several times and he should have not been put through this type of agony. Commissioner Lawrence further stated that Mr. Hart did not have an opportunity to speak on his behalf and the Commission did an injustice. Commissioner Lawrence said that he thought it was totally wrong.

### **OTHER CITY BUSINESS**

Greg Horne Computer Analyst for the Police Department appeared before the Commission to request that the City purchase a new Computer system for the Police Department with the funds received from 911. Mr. Horne stated that he looked at several systems and the Vision Software System 36 system could be purchased through the GMA Lease pool program for \$224,856.00 and financed for sixty months. Commissioner MacLeod asked how many Cities have the system and are they satisfied. Mr. Horne named cities in Georgia that are presently using the system. Commissioner Lawrence recommended that the old system be sold as soon as the City receive the new computer system.

Commissioner Lawrence moved and Commissioner Davis seconded the motion approving the purchase of a new computer system in the amount of \$224,856.00 for the Police Department. The motion passed unanimously.

The City Manager reported that the Ferrel research vessel requested docking their vessel in the City on April 1 thru 7, 1994 at the City dock.

The City Manager reported that a Public Hearing on Cable Television will be held on April 5, 1994 at the Ritz Theatre.

The City Manager reported that the citizens will have to be notified about the new trash pick schedules for the new zones  
The City recommended that door hangers be printed up on how the trash should be picked up.

Commissioner Lawrence moved and Commissioner Davis seconded the motion authorizing the City Manager to distribute door hanger about the new trash route to begin on April 1, 1994.

Commissioner MacLeod stated that the City need to work on fines to enforce the law to clean up the City and Ordinances that will enforce safety and clean yards.

The City Attorney stated that he could improve the unfit building ordinance that the City adopted a few months ago to enforce the trash situation.

Commissioner Lawrence asked the City Manager about the crack in the pool at Coffin park and questioned if the pool was safe. He recommended that the City Engineer look at the safety of the pool.

The City Manager stated that he and the Public Works Director met with the Recreation

Director to discuss the repair of the Pool, which would take 3 or 4 days to repair.

Mayor Wilson stated that Mr. Leavy contributed \$1,000.00 to the Park and Tree Commission to use for the beautification of the Parks.

Jymie Herrington mentioned that she wrote the Commission a letter requesting a City building that could be used to help the homeless people.

**MEETING ADJOURNED**

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Mayor

Attest:

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City Clerk