

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
8:30 A. M., May 4, 1994**

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

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

APPROVAL OF MINUTES

Commissioner Lawrence moved and Commissioner Davis seconded the motion to approve the minutes of the Called Meeting of April 14, and the Meeting of April 20, 1994. The motion passed unanimously.

RECOGNITION OF NATIONAL DAY OF PRAYER

TiKi Lloyd appeared before the Commission to request that the Mayor present a Proclamation for National Day of Prayer on Thursday May 5. Mrs Lloyd invited citizens to pray for moral rebirth at City Hall beginning at 12:20 p.m.

REZONING APPLICATION

This being the date, time and place for Public Hearing on proposal to rezone property located off Altama Avenue south of Glynn Plaza shopping Center from Highway Commercial to Planned Development Group Housing.

Attorney Bob Cunningham, representing the owners of Gate Properties Limited was present to answer any questions about the application for rezoning.

The City Manager stated that the Agenda indicated that the application would be considered for rezoning, but this is the first public hearing and action will not be taken at this meeting and a second public hearing will be held at the next Commission meeting.

The City Manager stated that the owners are requesting that the property be rezoned to allow for the development and building of an apartment complex for the elderly at that location.

The City Manager explained that the information that the Commission received in their packets has some slight variations in the number of Parking spaces that would be required in the Zoning Ordinance. The developers predicted that the one bedroom units for the elderly would not require two parking spaces for each apartment. The City Manager submitted a copy of the site plan for the three story structure.

Commissioner Lawrence questioned the location of the exit of the apartments.

Attorney Cunningham stated that there would also be an access through Altama Avenue which is a recorded easement and most of the traffic would be directed to Tara Lane.

Commissioner Lawrence stated that his concern was for the residents who will live in the apartment complex, and the access traffic coming from the Glynn Plaza Shopping Center.

Attorney Cunningham stated that there was no right of access from the Shopping Center property and across other properties in the area. He stated that his client has developed the Department of Labor property and the apartment complex and the property across from where the service road.

Commissioner Davis questioned the use of drainage ditch in the area.

Attorney Cunningham stated that the developers acknowledges the use of the force main and a agreement with the necessary rights were put in place by the Labor Department.

The City Manager stated that the City has an easement coming from a sewer lift station out to Tara Lane.

Commissioner Lawrence asked if there were any signs in the area posted about the proposed rezoning.

The City Manager confirmed that the signs were posted in the area.

Commissioner Lawrence asked the City Manager the location of the that were posted.

The City Manager stated that he would check the area today and bring the information back to Commissioner Lawrence.

APPROVING VARIANCE FOR MODULAR OFFICE

Wade Carruth appeared before the Commission to request that the City grant a variance for him to place a modular office to operate his business off the spur behind Kroger. Mr. Carruth stated that he leased a 44 x 32 modular office for two years to operate his golf practice facility. Mr. Carruth stated that if business is profitable he will build a permanent structure. Mr. Carruth stated that the Glynn County Building Inspections Office recommended that he place a modular office in the area.

Mayor Wilson stated that the City has allowed this in the past.

The City Manager asked Mr. Carruth would the vegetative buffer remain along the spur.

Mr Carruth stated that the Department of Transportation will have to give him permission to move the buffer, therefore he cannot change the buffer.

Commissioner Lawrence stated that the Commission has granted these types of variances on emergency situations, and he stated he would like to offer the motion granting the variance for two years.

Commissioner Lawrence moved and Commissioner MacLeod seconded the motion granting a variance for Mr. Carruth to place a modular office in the City for two years. The motion passed unanimously.

Mayor Wilson expressed to Mr. Carruth that he hoped his business would be a success.

CALSILITE MANUFACTURING COMPANY

The Director of Community Development updated the Commission on the Urban Development Grant that was granted to Calsilite and the City of Brunswick in 1989. The Director gave information on the closing and reopening of Calsilite Company. The Director stated that the present owner Ray Gaudin is requesting a five year deferment from the City on the payments that are due. The City was apprised of the new product the company will be bringing on line and the new jobs that would be created by this new product line.

Ray Gaudin stated that he was present to answer any questions in regards to his business and the plans for expansion in the future.

Mayor Wilson asked if the City granted a deferment in 1989 and was the first payment due the first quarter of the year.

Commissioner Lawrence questioned the deferral loan payments.

Mr. Gaudin stated that he came in as the new owner to rescue the company from foreclosure and he saw an opportunity to expand in Brunswick. He stated that he also saw an opportunity to use the deferral to purchase additional land and create 10 new jobs.

Commissioner Lawrence asked Mr Gaudin was he requesting a deferment for another five years, and stressed that the money from the recaptured funds will be used to help other businesses in the City.

Commissioner MacLeod stated that he was proud of Calsilite success and pointed out that the funds have already been committed to other businesses.

Commissioner MacLeod moved and Commissioner Davis seconded the motion to table the matter. The motion passed unanimously.

DIXVILLE GRANT CLOSE OUT

The Director of Community Development appeared before the Commission to request that the City close out the Dixville grant program because the balance of funds could not be used. The Director of Community Development stated that the Georgia Finance Programs did not interest land lords. The Director stated that the returning the funds would give the City an opportunity to receive future grants. The Director stated that \$167,000.00 of the Dixville grant would be returned and he would apply for grants for other parts of the City.

Commissioner MacLeod moved and Commissioner Davis seconded the motion authorizing the Director of Community Development to closeout the Dixville Grant Program. The motion passed unanimously.

SPLOST APPOINTMENTS

The City Commission made the following appointments to the Special Purpose Local Option Sales Tax Committee.

Commissioner MacLeod stated that he would submit the name of his appointee later to the City Manager.

Commissioner Davis appointed Robert Bradley.

Commissioner Lawrence appointed Robert Herrington and Theophilus Coley.

Mayor Wilson appointed Ken Plyman and William (Bill) Taylor.

Commissioner MacLeod recommended that a letter be written to each person explaining the function of the SPOST Committee.

Mayor Wilson requested that the City Manager check with the County to find out whether Elected Officials could also serve on the SPOST Committee.

ALCOHOLIC BEVERAGE LICENSE

Petition received from Nelson Hart to retail alcoholic beverages including beer and wines for consumption on premises at 3101 Johnston Circle. The City Manager stated that Mr, Hart's

application has been considered before and it was determined that Mr. Hart had to attach the diagram required by the Ordinance to his application. The City Manager indicated that Mr. Hart has provided the Commission with a copy of the plan which seems to meet the requirements of the Ordinance.

Commissioner Lawrence stated that since Mr. Hart has met all the requirements of the Ordinance as stated by law he would like to make a motion to grant Mr. Hart's License.

Commissioner Lawrence moved and Commissioner Davis seconded the motion granting the license to Mr. Hart.

Mayor Wilson stated that a motion has been made and seconded for discussion.

Attorney Ferrier stated that he would like to address the issue.

Commissioner Lawrence stated that he would like to address the issue.

Commissioner Lawrence reiterated that he offered a motion to grant Mr. Hart his license. Commissioner Davis seconded the motion.

Attorney Ferrier stated that he addressed the Commission sometime ago at a night meeting and the Commission realized that Mr. Hart's application was defective and he pointed out that the problems with his application dealt with the diagram he submitted. Attorney Ferrier stated that from looking at a plat this morning Mr. Hart had a survey made of his property. Attorney Ferrier asked the City Manager if he had the diagram of Mr. Hart's property to confirm whether or not the diagram conforms to the requirements of the Brunswick Code. Attorney Ferrier asked the City Manager did the diagram show the location of building.

The City Manager stated that the diagram showed a one story block building. Attorney Ferrier asked the City Manager was the diagram of the building the present location of the package store, or the building in which he would use for a lounge.

The City Manager stated that he believed the diagram was of both buildings.

Attorney Ferrier asked the City Manager was there a difference between the building where the package store is located and where the applicant plans to open his lounge.

The City Manager stated that the building for the lounge is on the plat.

Attorney Ferrier asked the City Manager did the plat show the property line of the real property where the applicant proposes to carry on his business of selling alcoholic beverages on the premises.

The City Manager stated that plat did show it.

Attorney Ferrier asked the City Manager did the plat show the location of any church building.

The City Manager stated that he was not familiar with any church building that was immediately adjacent to the property.

Attorney Ferrier stated that Rev. Rhett was present and he would like an opportunity to address the Commission. Attorney Ferrier pointed out that Rev. Rhett had a church right across the street less than 50 feet from the applicant's building, and his church was not shown on the survey.

The City Manager agreed that there was no church building shown on the plat.

Attorney Ferrier asked the City Manager if the plat showed any school building.

The City Manager stated that the plat did not show any school building and pointed out that he was not familiar with the interpretation of a school and a place of academic learning.

Attorney Ferrier asked the City Manager if he agreed that a church was across the street and a dance studio was within a hundred yards.

The City Manager stated that neither of the operations that was mentioned was noted on the plat. The City Manager further stated that his interpretation would be that the building is not a church building it is a retail building that is being used by the church and the school is not a place of academic learning and they do not qualify under the Ordinance.

Attorney Ferrier asked the City Manager if the City took a position as not recognizing the church as a church merely because it was leased opposed to the church owning the real estate.

The City Manager stated that the Ordinance indicated that the applicant should show the diagram of any church building built for the purpose of operating a church. The church across the street is not a traditional church building, but a place built for retail and office use that have been converted to a church.

Attorney Ferrier asked the City Manager did the City recognize that a church was on the premises across the street from Mr. Hart's location.

The City Manager stated that he have been made aware of the fact that Mr. Ferrier indicated that a church was there and as far as his knowledge he could not say that.

Attorney Ferrier asked the City Manager if there was any alcoholic treatment centers in the immediate area and what was the distance between the proposed place of business and the property lines of schools, churches and alcoholic treatment centers as measured in accordance with the state law. Attorney Ferrier asked the City Manager was he aware that the Department of Family and Children Services was in the immediate area.

The City Manager stated that he was aware of the location of the Department of Family and Children Services.

Attorney Ferrier asked the City Manager did the diagram show the indication of the Department of Family and Children services.

The City Manager stated that the plat did not show the Department of Family and Children Services.

Attorney Ferrier asked the City Manager did he understand that Department of Family and Children Services operates an alcoholic treatment center for people and citizens of the City of Brunswick.

The City Manager stated that he was not aware that the Department of Family and Children Services offered alcoholic treatment services.

Attorney Ferrier stated that at the last meeting he asked the Commission to notify him when Mr. Hart submitted another application and also the concerned citizens and the owners of Eleanor Brooks School of Dance. Mr. Ferrier stated that he also asked that the item be placed on the night agenda.

The City Manager stated that the Commission directed him at the last meeting to place the alcoholic beverage license application on the next agenda.

Attorney Ferrier stated that he wrote the City Manager on March 28 and requested that he be notified when the application was to be placed on the agenda.

The City Manager stated that he did not recall receiving a letter from Mr. Ferrier.

Attorney Ferrier updated the Commission on events that took place when Mr. Hart submitted his application at the last meeting. Attorney Ferrier reiterated the fact that the diagram Mr. Hart submitted was not appropriate and requested that the Commission deny Mr. Hart's application because it was not proper and in the best interest of the general public.

Intensive deliberation and discussion continued about Mr. Hart's application.

Bishop Rhett, pastor of the Body of Christ appeared before the Commission to request that the Commission deny Mr. Hart's application pointing out that the lounge will draw people that would be a danger to the neighborhood.

Commissioner MacLeod stated that he would like to make it clear that he intends to vote no for any lounge that a large group of people or reasonable number of people disapprove of placing a lounge in their neighborhood. Commissioner MacLeod further stated that he did not agree with the City Manager's definition that a church is not a church because the services are held in a retail building. Commissioner MacLeod recommended that a special exception should be made to the ordinance because drinking is going to take place.

Mayor Wilson stated that if he had the latitude he would oppose every beverage establishment in the City of Brunswick. Mayor Wilson further stated that he was sworn in to uphold the Municipal and State Law and the applicant have met all the conditions set forth by these laws.

On call for the question the motion carried by vote of 3 to 1. Commissioner MacLeod voted No.

CITY ELECTION

Mayor Wilson recommended that the vacancy on the Commission Board be filled as soon as possible by holding an Election.

Commissioner Lawrence questioned whether the Commission could fill the vacancy by appointing someone.

The Commission authorized the City Attorney and the City Manager to discuss holding a special election to fill the vacancy with the Board of Elections.

EXECUTIVE SESSION

Commissioner Lawrence moved and Commissioner Davis seconded the motion to hold an Executive Session. The motion passed unanimously.

OTHER CITY BUSINESS

Mr. Slaughter, chairman of the Structural Fitness Board appeared before the Commission to request that the members of the Board be notified by letter when houses in the City are being demolished. Mr. Slaughter stated that he have not received any information notifying him that the Board has been dissolved.

The City Attorney explained that he did not think of notifying the Board. The City Attorney stated that the Board has not been abolished, but the City did have some difficulties finding two persons to serve on the Board.

Commissioner Lawrence nominated Commissioner Davis to serve as Mayor Pro-Tem to fill the unexpired term of the late Commissioner Rev. G. E. Darrisaw. The motion passed unanimously.

The City Manager stated that he received a request from the Fire Chief to declare the 1974 Fire Engine as surplus. Mayor Wilson suggested that a minimum bid be placed on the Fire Engine. The City Manager stated that the Fire Chief recommended a minimum bid of \$20,000.00.

Commissioner MacLeod recommended that a memorial be placed in the Brunswick News for the late Commissioner Rev. G. E. Darrisaw to express the City's appreciation.

Commissioner Lawrence asked the City Manager to review the Police Officer's file that was transferred to the Recreation Department to check to see if she is qualified to apply for a position at the Police Department.

Commissioner Lawrence moved that the Mayor be authorized to execute a quit claim deed to the present owners to Urbana Lots 3, 4 and which was recorded in error. Commissioner Davis seconded the motion. The motion passed unanimously.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk