

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

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

INVOCATION: The invocation was given by Commissioner Dr. James MacLeod.

APPROVAL OF MINUTES

Commissioner MacLeod moved and Commissioner Lawrence seconded the motion to approve the minutes of the meeting of November 2, 1994. The motion passed unanimously.

PUBLIC HEARING

This being the date, time and place for Public Hearing on Proposed 1994-95 Budget for the City of Brunswick General Fund and Community Development. Mayor Wilson asked if there was anyone present who would like to discuss the proposed budget. There was no discussion on the proposed budget. Mayor Wilson stated that a Called meeting will be held on November 28, to adopt the budget.

SETTING 1994 MILLAGE RATE

Commissioner Plyman moved and Commissioner MacLeod seconded the motion adopting the following resolution:

It is hereby resolved by the Commission of the City of Brunswick that an ad valorem tax of thirty-one dollars and seventy-one cents (\$31.71) per one thousand dollars (\$1,000) of assessed valuation is hereby levied and assessed for the calendar year 1993 upon all tangible property that is subject to taxation within the City. Pursuant to Official Code of Georgia Annotated Section 48-8-91, it is further resolved that said millage rate of 31.71 mils shall be reduced by twenty and sixteen one-hundredths (20.16) mils, that being the millage rate which, if levied against the tangible amount equal to the distribution of local option sales tax received by the City of Brunswick during 1992, leaving a net millage rate of eleven and fifty-five one-hundredths (11.55) mils, which shall be the millage rate upon which each taxpayer's bill shall be based.

DELEGATIONS

Roy Boyd, representing Golden Isles Cruise Lines appeared before the Commission to discuss the Cruise ship that will be docked at the Brunswick Landing Marina on Newcastle Street. Mr. Boyd stated that the Dinner Cruise Ship would begin operation in about four months at the Marina. The ship would accommodate up to three hundred passengers and would have a staff of one hundred persons with an estimated payroll of over one million dollars. Mr. Boyd stated that the ship would open up the casino while at sea. Mr. Boyd pointed out that additional parking would be needed at the Brunswick Landing Marina, however Mr. Torras the owner of the Marina stated that adequate parking would be available.

Commissioner Lawrence pointed out that the City would have no liability because the Cruise ship would be docked on private property. Commissioner Lawrence questioned how employees would be hired to work on the Cruise Ship. Mr. Boyd stated that the Cruise Ship would promote fair hiring which would include minorities.

Commissioner Plyman welcomed the Ship to Brunswick stating that this would be great entertainment for tourist.

Mayor Wilson asked if the business license to operate the Cruise ship would be figured on revenues. The City Attorney explained that the business license would be based on gross receipts.

Mayor Wilson thanked Mr. Boyd for his presentation.

Kristi Harrison, representing the Gilbert Law Firm, appeared before the Commission to express the interest of L A Cruise Lines operating in Brunswick at the City docks. Mr. Duanne Williams, president of L A Cruise Lines, Inc., stated that the ship would accommodate approximately three hundred fifty passengers and would offer dinner and games. Mr. Williams stated that he believes in hiring locally and spending locally. Mr. Williams stated that he would like to operate his Cruise ship business at the City dock.

Commissioner MacLeod stated that he would like to study the proposal. Commissioner Plyman stated that the City would have to find room for shrimp boats that are presently tied up at the City dock.

Commissioner Lawrence stated that both cruise lines were interested in locating in Brunswick and asked whether or not they knew that both cruise lines were planning on locating in Brunswick. Mr. Williams stated that he had no indication about the other cruise line until two days ago.

Mayor Wilson asked Mr. Williams if he thought his company could succeed with another cruise ship in the area. Mr. Williams stated that he felt he could give good service and bring in customers to generate revenue. It met the consensus of the Commission to take the matter under advisement.

CHRISTMAS GIFT CERTIFICATES

Commissioner Plyman moved and Commissioner MacLeod seconded the motion approving the issuance of \$10.00 gift certificates to City employees. The motion passed unanimously.

ALCOHOLIC BEVERAGE LICENSE RENEWALS

The following alcoholic beverage petitions for 1995 license renewals were submitted, having been approved by the Chief of Police and the City Manager, were on motion of Commissioner Lawrence seconded by Commissioner Plyman unanimously granted:

To retail alcoholic beverages including beers and wine for consumption on premises:

Eddie L. West at Club 87/Fourth Street Grill, 1604 Fourth Street;

Alredo Jamie at El Potro Restaurant, 3460 Cypress Mill Rd;

Alben Yarbrough at Spanky's Marshide Inc., 1200 Glynn Ave;

Nelson Hart at the Keg Package Store, Inc./ The Keg Lounge, 3101 Johnson St;

Nelson Hart at Double Eagle Sports Center, 1621 Albany Street;

To retail alcoholic beverages including beers and wine for consumption off premises:

H. E. Bluestein at the Grog Shoppe, 1701 Norwich Street;

To retail beers and wine for consumption off premises:

James L. Gibson, Jr., at Gibson Beverage Center, 3304 Glynn Avenue;

Winford Strickland at Piedmont Petroleum Corp., Happy Mart #35;

Robert G. Cooke at Kroger, 4980 Altama Avenue;

Joe Baggerly at Lil'Champ Store #323, 2408 Newcastle Street;

Frank Davis at Lil'Champ Store #324, 803 Albermarle Street;

Monroe Pritchard at Lil'Champ Store #337, 3320 Glynn Avenue;

David Sinclair at Lil'Champ Store #371, 1409 Gloucester Street;

Cyndee Trinh at Lil'Champ Store #372, 2722 Norwich Street;

Robert Myles at Lil'Champ Store #379, 3001 Altama Avenue;

Ken Helms at Lil'Champ Store #381, 1008 Bay Street;

Lisa Hand at Lil'Champ Store #390, 1910 Newcastle Street;

Pam Raulerson at Lil'Champ #325, 2401 Gloucester Street;

To retail beers and wines for consumption on premises:

Maria Tresvant, at Chiko's Lounge, 2320 I Street;

To retail beers only for consumption on premises:

Clarence Wilkerson at Pat's Lounge, 1408 Monck Street;

D. J. Sullivan at King & Prince Seafood Corp., 100 Lanier Blvd.;

Sidney L. Cottingham at Pizza Hut #621085, 4441 Altama Ave.;

Keith M. Middleton at Pizza Inn, 2803 Cypress Mill Road;

Henry Fernandes at Brunswick Yacht Club, U. S. 17;

Nelson Hart at Hart's Restaurant, Inc., 1606 L Street;

To wholesale beer and wine:

Michael C. Carlos at Standard Distributing Co., 1725 T Street;

ALCOHOLIC BEVERAGE LICENSE

Petition received from Bashar Almasri to retail beer and wine at a Convenience Store located at 1930 Martin Luther King Blvd. for consumption off premises. The City Manager stated that he spoke with Corporal Dickerson about the application and Corporal Dickerson was concerned with the non-conforming use of the property. This property would have to be rezoned.

Billy Williams stated that he operates a janitorial service out of the building and a store was operated out of the building since 1912. Mr. Williams stated that the business was grandfathered in.

Commissioner Lawrence asked about the requirements and provisions of the State Law for granting a beer and wine license.

The City Manager stated that State law requires that businesses be within 300 feet from any church building, school building or campus and alcoholic treatment centers, however the City Ordinance does not have a provision setting out the distance. The City Ordinance simply states that the Commission should take in consideration the proximity to churches, schools and alcohol treatment centers.

Mayor Wilson asked the distance from the building located at 1930 Martin Luther King Blvd. and Jordan Grove Church.

Mr. Williams submitted a letter he received from the Pastor of Jordan Grove Church stating that he did not object to the business being located in the area.

Commissioner Plyman stated that there was a night club on Newcastle Street and a church next door and another one on the corner. He stated that there was also a lounge on F Street across the street from an alcoholic rehabilitation center.

Commissioner Plyman stated that in lieu of the fact the City have so many variances for liquor stores and bars in the City and the fact that the building was a store and did maintain the statue of the business. Commissioner Plyman moved to grant the license.

The City Attorney stated that the State Law references distance from a church building and the City have congregations worshipping in buildings that were originally designed for retail commercial. The City Attorney stated that he did not construe those buildings as being church buildings and that was the reason some business were granted licenses. Most of the businesses are located near a place that people are congregating that were not originally designed or renovated in a since of being a traditional church building.

Commissioner Plyman stated that the application was to retail beer and not for consumption on premises. Commissioner Lawrence stated that the application stated that beer and wine would be sold.

The City Attorney stated that since a church building was located 202 feet away from the business and another church was located within 228 feet, the City may have a problem with state law.

Mayor Wilson stated that the Council desires to grant the license, but he would like to make sure the City was on sound legal ground.

The City Attorney recommended that the license application be tabled until the City find out

what can actually be done. Commissioner Plyman withdrew his motion. Commissioner Lawrence moved and Commissioner MacLeod seconded the motion to table the matter until the City Attorney submit a legal opinion.

Mr. Williams stated that he would like to know exactly what he should do and requested that the City make a decision because he has been working on opening this business for several months.

On call for the question the motion passed unanimously.

The Commission scheduled a Called meeting for November to make a decision about the application to retail beer at 1930 Martin Luther King Blvd.

INCENTIVE PROGRAM FOR WORKER'S COMP

Paul Warwick, representing Comp Management Associates, Inc., was present to request that the City consider the Incentive program for Worker's Comp. Mr. Warwick stated that the cost of the program was reduced to \$87,000.00 with a money back guarantee if the program was not a success. The incentive program will be used to reduce the Worker's Comp claims for one year.

The City Manager stated that all Department Heads strongly recommend the Worker's Comp program because it will allow the City to reduce claims.

Commissioner Plyman stated that the incentive program will save the City \$768.00 and asked what other City uses the program. The City Manager stated that the City of Jacksonville was currently using the program. The City Manager further stated that the program would improve employee morale.

Commissioner Lawrence moved and Commissioner Davis seconded the motion approving the Incentive Program for Worker's Comp in the amount of \$87,000.00. The motion passed unanimously.

AMENDMENT TO PERSONNEL POLICY

The City Attorney stated that the Commission approved the Personnel Policy in 1993 that allows the decision of the City Manager to be appealed and heard by the Commission. The City Attorney recommended that the Commission delete the appeal process from the Personnel Policy to allow the City Manager's decision to be final. The City Attorney advised that the present policy allows employees to appear before the Commission to hear their grievance and the hearing would be televised and sometimes cause embarrassment.

Commissioner Lawrence stated that the appeals process was placed in the Personnel to give employees due process.

The City Attorney stated the present process makes the City Manager's form of Government weak.

Commissioner Plyman stated that employees should be able to have due process.

The City Attorney stressed that the Commission may hold an Executive Session to deliberate, but these sessions cannot be closed to hear personnel matters.

Commissioner Davis stated that she did not want to hear Personnel matters in Public.

Commissioner Lawrence stated that he had a problem removing a policy that was put in place a year ago.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion to allow the grievance procedure to remain in the Personnel Policy. On call for the question the motion failed by vote of 2 to 3. Commissioners Plyman and Lawrence voting yes. Mayor Wilson and Commissioners Davis and MacLeod voting No.

PAYMENT OF RDC DUES

Commissioner MacLeod stated that he was opposed to the City paying dues to Coastal Georgia Regional Development Center because an audit that was performed cost the taxpayers \$400,000 and there was no record stating that a vote was taken to approve paying for the audit.

Commissioner MacLeod stated that the City of Kingsland has ceased paying RDC dues and he recommended that the City also suspend paying dues.

Joe Hammil was present and gave background information on problems that the Executive Director of RDC was having with the Department of Community Affairs and the feud that was going on between him and the Mayor of the City of Kingsland.

Mr. Hammil stated that RDC has been instrumental to the City of Brunswick and has been a leader throughout the nation. He explained the CADDA Loan program was funded by the Federal Government and that program was found to have deficiencies

Mr. Hammil stated that the Executive Director of RDC should have agreed to the audit recommended by the Department of Community Affairs. At the present CADDA has been separated from the RDC and they have a new director.

Mayor Wilson stated that the audit cost taxpayers \$400,000 and the City should not support a company that did not want an audit.

Mr. Hammil stated that everything has been resolved and CADDA used no tax dollars to operate its program and the audit will be paid by CADDA loans. Mr. Hammil recommended that the City continue to support RDC.

Commissioner MacLeod read an article from the Atlanta Constitution about RDC and the overfunding of their pension fund.

After deliberation Commissioner MacLeod moved and Commissioner Davis seconded the motion to suspend RDC dues until the City is satisfied by a full investigation. Commissioner Lawrence stated that he would like to include in Commissioner MacLeod's motion that information about the RDC investigation be brought back to the Commission.

Commissioner Plyman recommended that the City find out about the benefits that the City would not receive by withholding RDC membership fees and conduct an investigation first. On call for the question the motion passed by vote of 4 to 1, Commissioner Plyman voting No.

MONTHLY REPORTS

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

(1) General Fund (2) Water and Wastewater (3) Community Development (4) Metro Squad (5) Municipal Court and (6) Uncollectible Water Accounts.

Commissioner Lawrence moved and Commissioner Davis seconded the motion to accept the monthly reports. The motion passed unanimously.

OTHER CITY BUSINESS

Mr. and Mrs. Purvis appeared before the Commission to request that the City repair the roof of their building that a tree limb fell on. Mrs. Purvis stated that she reported the dead limbs on the tree to the City Manager's Office and the insurance company stated that there was no record reporting the phone call about the limbs. The City Attorney stated that if Mrs. Purvis reported the dead limbs the insurance company should have paid the claim.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion granting Mr. and Mrs. Purvis \$220.00 to repair the roof on their building. The motion passed unanimously.

Jerry Kennedy reported that he owns six houses on the Southend of Brunswick and all six of them are experiencing sewer problems. Mr. Kennedy requested that the City set a date to take care of the sewer problems. The City Manager stated that the City Engineer suggested placing a small lift station in Mr. Kennedy's backyard to help relieve some of the problems. Mr. Kennedy stated that he did not object to the City placing the pump in his backyard.

Mr. Kennedy next reported that Palmetto Cemetery was clean and requested that the city place fill dirt in front of the cemetery. Mr. Kennedy next recommended that the City hold a work day to clean cemeteries in the City of Brunswick.

The City Manager stated that fill dirt could be brought in from Andrews Island if the birds were not nesting.

Commissioner Plyman thanked Mr. Kennedy for the work he performed in the cemeteries.

The City Manager reported that he received a memo from Kirk Schlemmer about the progress on Mr. Boone's building and he recommended that the building be braced.

The City Manager reported that he received a letter from the Department of Natural Resources requesting that the City work with Chatham County to create a ground water supply plan conservation program. Mayor Wilson stated that he did not oppose working with the City of Savannah.

Commissioner MacLeod submitted a copy of the sign for Lover's Oak to the Commission.

Commissioner MacLeod stated that the Commission should delete the grievance procedure from the Personnel policy. Commissioner MacLeod moved and Commissioner Davis seconded the motion adopting the following resolution. The motion passed by vote of 3 to 2. Commissioner Lawrence and Commissioner Plyman voting No.

BE IT RESOLVED that the City Commission hereby approves the following amendment of the City of Brunswick Personnel Management System Policies dated May 1993:

There shall be added to Section XXIII, Grievance Procedure, Par. 2, Step 3 (page 53) the following language: "The decision of the City Manager is final," and the following language

(page 53) shall be deleted: "Step 4. If the grievance is not resolved with the City Manager, an appeal should be made in writing to the Mayor and City Commissioners, and a response should be made within ten (10) business days."

BE IT FURTHER RESOLVED that said amendment shall apply to all pending as well as future grievance proceedings.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion granting a 30 day license for persons operating craft booths in the Brunswick Mall only for \$25.00. The motion passed unanimously.

Commissioner Plyman requested that the City purchase a machine to clean ditches in the City for \$52,000 under the GMA Lease program. Commissioner MacLeod stated that the City should lease the machine because it will not be used year round.

Following a discussion Commissioner Lawrence moved and Commissioner MacLeod seconded the motion to set priorities on purchasing equipment for the City. The motion passed unanimously.

Commissioner Plyman recommended that the City name St. Mark's Towers Drive after Harold J. Friedman because of his many contributions to the City of Brunswick.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion changing the name from St. Mark's Tower Drive to Harold L. Friedman, Sr. Drive. The motion passed unanimously.

Commissioner Lawrence stated that he would like to see funds from the Department of Community Development used to loan money to citizens to purchase homes in the City of Brunswick. This met the consensus of the Commission.

Commissioner Lawrence asked the City Attorney to check with contractors to find out if they hire local people to work on projects. This met the consensus of the Commission.

Mayor Wilson stated that he mentioned earlier that he would like to have Police Chief Cowan or a representative present at the meeting. Mayor Wilson stated that the City was not arresting drug dealers and the arrest that they are making are for two dollar and five dollar street dealers. Mayor Wilson stated that the Sheriff in Camden county makes arrests often and the City has a Metro Division that does not make arrest of drug traffickers.

Commissioner Davis requested the date the Code book would be updated. The City Manager stated that the Code Book would be updated the first of the year.

MEETING ADJOURNED.

Mayor

Attest: _____
City Clerk