

**OFFICIAL MINUTES  
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA  
REGULAR MEETING  
7:00 P. M., January 18, 1995**

**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 Lawrence moved and Commissioner Plyman seconded the motion to approve the minutes of the meeting of January 4, 1995.

**APPOINTMENTS TO CITY BOARDS**

Commissioner Plyman moved and Commissioner Lawrence seconded the motion reappointing Kevin Drury to the Pilot Commission for a term of 7 years. The motion passed unanimously. Commissioner Plyman moved and Commissioner MacLeod seconded the motion reappointing Rob Hicks to the Park and Tree Commission for a term of 5 years. The motion passed unanimously.

Commissioner Lawrence moved and Commissioner Plyman seconded the motion appointing Keith Collier to the Library Board for a period of two years. The motion passed unanimously.

**IMPROVEMENTS TO HANOVER SQUARE**

Commissioner Plyman reported that he submitted information to the Park and Tree Commission concerning the installation of lights and installing a sidewalk in Hanover Park. Commissioner Plyman indicated that lights would be placed in other City parks.

Brad Brown, a resident of Old Town and a member of Old Town Preservation Society stated that he was concerned about removing the old brick sidewalks and replacing them with concrete sidewalks. Mr. Brown stated that he would like to see improvements made to the original sidewalks. Mr. Brown submitted pictures taken of Hanover Park in 1970 to the Commission.

Commissioner MacLeod stated that placing cement sidewalks in the park was inappropriate and suggested that the brick sidewalks in Hanover Park be repaired. Brad Brown stated that he felt that the City should use the funds on another project in the City.

Commissioner MacLeod stated that he would like to table the matter until a study could be done by someone with a Historic background in landscaping.

Commissioner Plyman stated that he brought the matter before the Park and Tree Commission. Commissioner Plyman asked if someone could recommend a person that could design the park and give a cost estimate on the project.

Brad Brown stated that Mr. Rose could do a cost estimate. Mrs. Rachel rose was present and stated that she lived in Hanover Park and her husband would be willing to look at Hanover Park and give a cost estimate. Commissioner Plyman stated that he wanted to install lights in Hanover Park to make the park

available for persons to walk in at all times.

Commissioner MacLeod moved and Commissioner Lawrence seconded the motion to defer the improvements to Hanover Park until Historical information on the cost to repair the brick sidewalks could be obtained. The motion passed unanimously.

### **ALCOHOLIC BEVERAGE LICENCE RENEWALS**

Petition received from Herbert D. Carrol to retail beers for consumption off premises at Revco Drugs #1246, 1709 Gloucester Street, and being approved by the Chief of Police and the City Manager, Commissioner Lawrence moved and Commissioner Davis seconded the motion to grant the petition. The motion passed unanimously.

Petition received from Greg Causey to retail beer and wine for consumption off premises at Jack's Country Mall, 1001 First Avenue, and having been approved by the Chief of Police and the City Manager, Commissioner Lawrence moved and Commissioner Davis seconded the motion to grant the petition. The motion passed unanimously.

### **ALCOHOLIC BEVERAGE LICENSE**

Petition received from James Rowe to retail beer for consumption off premises at Sunstar Inc. #101, 4528 Altama Avenue, and having been approved by the Chief of Police and City Manager, Commissioner Lawrence moved and Commissioner Davis seconded the motion to grant the petition. The motion passed unanimously.

Petition received from Issac Davis to retail beer and wine for consumption off premises at Five Points Supermarket, 2802 Altama Avenue, and having been approved by the Chief of Police and the City Manager, Commissioner Lawrence moved and Commissioner Davis seconded the motion to grant the petition. The motion passed unanimously.

### **DELEGATION**

Colonel John McElvoy submitted information on the Aquamuseum to the Commission. Colonel McElvoy stated that the aquamuseum could be placed on land owned by Shell Company Trust on Lanier Boulevard that was recently donated to the City. Colonel McElvoy requested that the City lease the land on Lanier Boulevard to the Aquamuseum for ninety nine years. Colonel McElvoy stated that a feasibility study had to be done and a fee would be charged to visit the museum. He further stated that the museum could easily have a surplus the first year.

Mayor Wilson asked if the museum could operate on less land. Colonel McElvoy stated that all the land would be used for the aqua museum. Commissioner Lawrence stated that he did not have an opportunity to see the property and he was opposed to giving it away. Mayor Wilson stated that he would like to take a look at the project.

County Commissioner Gladys Lyde stated that the aquamuseum was a great project and she was opposed to the City giving away the land.

Joe Francis appeared before the Commission to report that problems are still occurring with open containers in the Dixville area. Mr. Francis stated that a general clean-up in the Dixville area would begin at 8:00 A.M. on January 28th. Mr. Francis asked the Commission to come out and look in the lanes and the abandoned buildings.

Commissioner Lawrence asked what items would be picked up at the general clean-up. Mr.

Francis stated that refrigerators and stoves would be picked up and placed near his home until the City could pick them up.

Commissioner Plyman stated that the open container law needs to be enforced in Dixville because people walk around with beer bottles and cans in their hands.

Mayor Wilson instructed the City Manager to make sure that the police Department enforces the open container law.

Robert Bradley stated that drugs are still a problem in Dixville and Chief Cowan was doing a good job. Mr. Bradley asked the Commission to help curb crime in the Community.

James Boone appeared before the Commission to request an additional fourteen months to repair his building on Gloucester Street. Mr. Boone stated that he contacted a contractor to stabilize the building and do some repairs.

Commissioner MacLeod asked Mr. Boone what would be done to the building in fourteen months. Mr. Boone stated that he would repair the building and if the building was not repaired in fourteen months then the City could do whatever they had to do with the building.

Commissioner MacLeod suggested that Mr. Boone get with the City Manager and City Attorney to draw up a contract to state clearly that the building would be repaired in fourteen months.

Commissioner Lawrence stated that Mr. Boone already stated that the building would be repaired in fourteen months and if the building was not repaired the City could tear down the building. Commissioner Lawrence pointed out that the contract was unnecessary.

Zack Lyde stated that he could get signatures from citizens that would like to see the Boone Building preserved. Mr. Lyde stated that the City should be fair to Mr. Boone as they have been with other citizens. He stated that other buildings have been preserved with funds that came from the City.

Commissioner Lawrence moved and Commissioner MacLeod seconded the motion authorizing the City Attorney and City Manager to prepare a contract stating how the building would be repaired by Mr. Boone in fourteen months.

Commissioner MacLeod stated that he would like to see the contract in writing before the Commission voted to approve it.

Mayor Wilson stated that the building needed to be repaired right now.

Commissioner Plyman asked if there was any way that the City could get a hold harmless bond on Mr. Boone's property to keep the City from being sued.

The City Attorney stated that the City does not have potential liability to the Boone building. He further stated that the City must keep the streets safe.

On call for the question the motion passed by vote of 4 to 1. Commissioner Plyman voting No.

## **GEORGIA MUNICIPAL ASSOCIATION LEASE POOL**

Commissioner Davis moved and Commissioner Lawrence seconded the motion adopting the following resolution to renew participation in the Georgia Municipal Association Lease Pool for 1995. The motion passed unanimously.

A RESOLUTION OF THE City of Brunswick (THE "LESSEE"), AUTHORIZING, INTER ALIA, THE ANNUAL APPROPRIATION OF ALL AMOUNT REQUIRED PURSUANT TO LESSEE'S PARTICIPATION IN THE POOLED PROGRAM SPONSORED BY GEORGIA MUNICIPAL ASSOCIATION DATED JANUARY 18, 1995.

WHEREAS, Lessee is participating in the Georgia Municipal Association, Inc. ("GMA") sponsored pooled lease program (the "Program") for the acquisition of equipment to be used by participating political subdivisions of the State of Georgia (the "Equipment"); and

WHEREAS, pursuant to the Program, Lessee entered into (i) a Lease Agreement Dated as of December 1, 1990 by and between GMA and Lessee (the "Lease") pursuant to which GMA leases the Equipment to the Lessee and (ii) an Administration and Servicing Agreement dated as of December 1, 1990 (the "Servicing Agreement"), among Wachovia Bank of Georgia, N.A., Atlanta, Georgia as servicer (the "Servicer") Wachovia Bank of Georgia, N.A. as Trustee, GMA and each lessee participating in the program (including Lessee), pursuant to which Servicer services the collection and transmittal of payments for the Leases for GMA and transfers the moneys collected pursuant to the Servicing Agreement; and

WHEREAS, certificates of participation ("Certificates") have been issued pursuant to a Trust Agreement dated as of December 1, 1990, by and between Wachovia Bank of Georgia, N.A., as trustee ("Trustee"), and GMA evidencing undivided interests in the Lease payments, and

WHEREAS, in connection with the issuance of the Certificates and the creation of the Program, (i) Municipal Bond Investors Assurance Corporation (the "Credit Facility Issuer") issued its financial guaranty insurance policy (the "Policy") and entered into the Reimbursement and Indemnity Agreement by an between the Credit Facility Issuer, the Trustee, the Servicer and GMA (the "Credit Facility Reimbursement Agreement"); (ii) Credit Suisse, New York Branch ("Bank"), has agreed to purchase Certificates tendered pursuant to tender rights under the Trust Agreement in accordance with the terms of a Standby Purchase Agreement dated as of December 1, 1990 by and among the Trust, GMA, the Bank, the Servicer and the Tender Agent (the "Standby Purchase Agreement"); (iii) Chemical Bank serves as tender agent (the "Tender Agent") pursuant to a tender agent agreement dated as of December 1, 1990 by and among the GMA, the Trust, the Servicer, and the Tender Agent (the "Tender Agent Agreement"); (iv) BT Securities Corporation and at such time as specified in the Trust Agreement, Chemical Securities, Inc., will serve as remarketing agents (referred to collectively hereafter as the "Remarketing Agent"), pursuant to a remarketing agreement dated as of December 1, 1990 by and among the Remarketing Agent, the GMA, the Tender Agent, the Trustee and the Servicer (the "Remarketing Agreement"); and

WHEREAS, pursuant to the Lease Agreement, Lessee is required to appropriate annually the Minimum Annual Appropriated Amount set forth on Schedule A hereof; and

WHEREAS, in order to give effect to, and comply with, the foregoing agreements and instruments, and in order to authorize payment of its obligations incurred thereunder (collectively, the "Program Obligations"), either (i) the Lessee has available to satisfy Program Obligations uncommitted and unappropriated funds in its current operating budget in an amount not less than the Minimum Annual Appropriated Amount as set forth in Schedule A or (ii) the Lessee must amend its current operating budget in accordance with Title 36, Chapter 36-81-5 of the Official Code of Georgia Annotated (the "Code") to authorize the payment of the Program Obligations; and

WHEREAS, if required, in order to amend its current

operating budget, the Mayor and Council of Lessee have heretofore taken the following actions, all in accordance with Title 36, Chapter 81 of the Code: (i) through the Lessee's budget officer, prepared a proposed amended budget providing for payment of Lessee's Program Obligations in accordance with the requirements of Code Section 36-81-5(b) (the "Amended Budget", a copy of which is attached hereto as Schedule B) which was previously submitted to the Mayor and Council of the Lessee, (ii) at the time of receipt of the Amended Budget from the Lessee's budget officer, placed a copy of the Amended Budget in a public place in the Lessee, which place is convenient to the residents of the Lessee that the Amended Budget is available for inspection; (iv) conducted a public hearing on the Amended Budget at least on week prior to the date hereof; and (v) taken all other action necessary to effect the foregoing;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section I. Confirmation and Reaffirmance of Program Obligations. The Lessee does hereby confirm, ratify and reaffirm all the Program Obligations, including, expressly, the Lease and the Servicing Agreement.

Section II. Appropriation: Amendment of Budget. In order to give effect to, comply with, and assume the liabilities associated with, the foregoing approvals, and authorize the expenditure of the amounts required to be expended pursuant to the Lease Agreement and the Servicing Agreement the Lessee does hereby adopt, ratify and approve the Amended Budget attached hereto as Schedule B or commit those portions of the current budget set forth on Schedule B to the payment of the Program Obligations and does hereby appropriate and commit moneys in an amount not less than the Minimum Annual Appropriated Amount to payment of Program Obligations for the current calendar year.

Section III. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Lease, the Trust Agreement, the Servicing Agreement, the Standby Purchase Agreement, The Tender Agent Agreement, the Remarketing Agreement, or the Credit Facility Reimbursement Agreement shall be deemed to be a stipulation, obligation or agreement of any councilman, chairman, officer, agent or employee of the Lessee in his or her individual capacity, and no such councilmember, chairman, officer, agent or employee of the Lessee shall be personally liable on the Certificates or be subject to personal liability or accountability by reason of the issuance thereof.

Section IV. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the Mayor and the Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable to document compliance with the Code.

Section V. Actions Approved and Confirmed. All acts and doings of the officers of the Lessee which are in conformity with the purpose and intents of this Resolution shall be, and the same hereby are, in all respects approved and confirmed.

Section VI. Severability of Invalid Provisions. If any one or more of the agreements or provisions herein shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Certificates authorized hereunder.

Section VII. Repealing Clause. All Resolutions or parts thereof of the City of Brunswick in conflict with the provisions herein contained are, to the extent of such conflict, hereby supersede and repealed.

Section VII. Effective Date. This Resolution shall take effect immediately upon its adoption.

### **COMPOST AWARD APPLICATION**

The City Manager requested that the City submit an application for the Compost Award from Georgia Clean and Beautiful Commission. Commissioner Davis moved and Commissioner Lawrence seconded the motion authorizing the City Manager to submit an application for the Compost Award. The motion passed unanimously.

### **REDEMPTION DEEDS AND CEMETERY DEEDS**

On motion of Commissioner Davis seconded by Commissioner Lawrence the Mayor was authorized to execute the following petitions:

(1) Redemption requested in the name of the present owner Mamie Elkins on Perry Park Lot No. G-68, property acquired at tax sale. All taxes interest and costs in the amount of \$206.04 for 1984 have been paid and account is clear.

(2) Redemption requested in the name of Heirs and Distributors of Mrs. Katie Battle on Town Commons Lot No. 47, E-28.5' of W-57' between Cochran and Stonewall Streets property acquired at tax sale. All taxes interest and costs in the amount for \$50.57 for 1984 have been paid and all taxes interests and costs in the amount of \$58.60 for 1988 have been paid.

(3) Petition received from William T. Ligon, Jr., as attorney for the Estate for Ida Clements, for quit claim deed in favor of his client, on Perry Park Lot 43-A to clear title record of tax deed taken by the City, which was subsequently redeemed, but was lost, misplaced or destroyed without being recorded.

(4) Petition received from James D. Benefield, III, for quit claim deed in favor of his client, on Old Town Lot 227, to clear title record of tax deed taken by the City, which was subsequently redeemed, but was lots, misplaced or destroyed without being recorded.

### **MONTHLY REPORTS**

The following reports for the month of December were submitted and were filed as information: (1) General Fund (2) Water and Wastewater (3) Community Development Funds (4) Metro Fund (5) Municipal Court (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**

Commissioner MacLeod stated that he would like to discuss forming a Recreation Advisory Committee at the next meeting and requested that it be placed on the agenda.

Commissioner MacLeod asked for an update on the motel near the causeway. The City Attorney stated that he would have to take the owner to Municipal Court. Commissioner MacLeod stated that he would like to have that placed on the agenda for the next meeting.

Commissioner Davis asked for an update on the location of the farmer's market. The City Manager stated that the farmer's market would be placed at the new location at the foot of Gloucester Street at the Waterfront Park. The City Manager stated that some surcharging of the property needs to be done and the City has the equipment to do the job and start the compaction process to help speed up the project. Commissioner Davis asked if the farmer's market would be completed by the summer. The City Manager stated that the farmer's market would not be open at the waterfront at the beginning of the season, but it will be finished within the season.

Commissioner Lawrence moved and Commissioner Davis seconded the motion to approve the surcharging and the use of City equipment for the compaction. The motion passed unanimously.

Commissioner Plyman stated that he spoke with the Mainstreet Director concerning the Downtown Development area and found that the area goes to L Street. Commissioner Plyman moved to extend the boundaries of the Downtown Development area to include Norwich Street north of "L" Street. There was no second to the motion. The motion died for lack of a second.

Commissioner Plyman stated that Community Corrections Corp. at the Municipal Court has ended their contract and the statute of limitations for collecting fines expires as of March 1, 1995. Commissioner Plyman stated that the City needs someone to collect the fines before the expiration date. Commissioner MacLeod stated that he would like a written report on the matter.

The City Manager stated that Community Service did move out and a local company requested that they take over the services for the Municipal Court for \$35.00 per month for each person and also a percentage of fines that is collected by the company.

Commissioner Plyman recommended that the City Marshall collect the fines. This met the consensus of the Commission.

Commissioner Lawrence stated that Commissioner MacLeod was absent from the last meeting and a motion was passed for the Commission to attend the County Commission meetings. Commissioner Lawrence stated that he voted against it because he felt that this should not be mandatory to attend those meetings.

Commissioner Lawrence requested a study to be conducted on adding an overpass on Highway 17 at Gloucester Street going North. He stated that it would be like the one on Norwich Street.

The City Manager stated that he would discuss the overpass with the Department of Transportation.

Commissioner Davis reported that a patrol officer was needed in Windsor Park after school to control the traffic. The City Manager stated that he would look into it.

Mayor Wilson reported that the City was still having problems with stray dogs barking all night. The City Manager stated that he would report the problem to Animal Control.

Mayor Wilson stated that a lot of crime was in the area and something should be done to curb crime.

Commissioner Plyman expressed his concern about restaurants serving liquor on Sunday and whether the businesses could obtain a license to serve on Sundays.

The City Attorney stated that the City must have a referendum to consider restaurant owners serving alcoholic beverages on Sunday.

**MEETING ADJOURNED.**

\_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
City Clerk