

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., April 17, 1996**

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners Roosevelt Lawrence, Ken Plyman and Harold E. Jennings.

INVOCATION: The invocation was given by Commissioner Harold E. Jennings.

ABSENT: Commission Dr. James MacLeod

APPROVAL OF MINUTES

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the minutes of April 3, 1996. The motion passed unanimously.

PROCLAMATION FOR NATIONAL PRAYER DAY

Mayor Wilson presented a proclamation to Tiki Lloyd proclaiming May 2, 1996 as National Prayer Day in the City of Brunswick. Ms. Lloyd issued an invitation to the Commission to attend the National Prayer Day ceremony and praised Mayor Wilson for his continued support.

Mayor Wilson presented a proclamation to Mickey Gowen proclaiming April 21-27, 1996 as National United Way Volunteer Week in the city of Brunswick.

DELEGATIONS

Sharon Henderson appeared before the Commission to thank Commissioner Plyman for the splendid job that he has done in creating a fence for Palmetto Cemetery. Mrs. Henderson presented a check from Mr. & Mrs. Henderson in the amount of \$100 to Commissioner Plyman to defray some of his expenses.

Mrs. Henderson stated that an annual meeting was held in Brunswick for the Georgia Trust for Historical Preservation and she was asked to place her home on tour along with Commissioner MacLeod, Jo Alice Miller and other public buildings in the city. Mrs. Henderson stated that 270 people visited her home and was delighted to hear repeatedly how beautiful the City's historical district is and how fortunate she is to have these assets available. Mrs. Henderson stated that it is important for the residents of the City to recognize that the Historic District is one of the City's biggest assets and anything that residents can do to beautify and enhance our Historic District and the cemetery would be a profound financial asset to the community.

Commissioner Plyman stated that he enjoyed putting the fence up more than making the fence and that it was a labor of love. Commissioner Plyman thanked Mr. & Mrs. Henderson for their donation.

Commissioner Plyman announced that Dixville Coalition gave him a check last week in the amount of \$200 to help with the fencing at Palmetto Cemetery. Commissioner Plyman thanked Robert Bradley and the Dixville Coalition for the donation.

Robert Bradley stated that he appreciated the work that Commissioner Plyman was doing in the City and especially with the cemetery and the south end of Brunswick. Mr. Bradley thanked Commissioner Plyman for working with the Coalition and helping them move forward. Mr. Bradley stated that Dixville Coalition was started 2 years ago and is still

reaching for higher heights. The Coalition is concerned with keeping Dixville clean and free from citizens dumping trash.

Mr. Bradley thanked the City and Commissioner Plyman for the help they received in Dixville.

Commissioner Plyman told Mr. Bradley he wished that there were more groups that took an active part in their own neighborhood. Commissioner Plyman commended Dixville Coalition for doing a great job.

Michael Thomas representing East Bay Holding Company appeared before the Commission to request the City's approval of an agreement and sublease acknowledgment to allow East Bay to continue expansion of the old DNR property and get bank financing.

The City Attorney stated that the original lease agreement provides that the lessee should have the right to assign for security purposes all or any portion of the lease agreement and what East Bay must now do is to have it clarified that they can assign separately the lease on each individual building. This information is needed in order to obtain financing from different financial institutions enabling East Coast to continue their development. This is clarification of the original agreement and it is consistent with the original agreement.

Commissioner Lawrence stated that he was concerned about what would happen in the case of a default. The City Attorney stated that the lenders and sub-lessees have certain protection against any further potential default of Lessee.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the agreement and sub-lease acknowledgment. The motion passed unanimously.

Brad Brown, representing the Old Town Preservation Association, appeared before the Commission to discuss concerns with the decision to swap one of Brunswick's historical parks for a vacant lot.

Mr. Brown stated that the decision would be detrimental to the original City plan of 1771. This original plan was laid out by George Max Hodge and designed after General James Oglethorpe's plan of Savannah, providing an adequate park system consisting of 14 public squares. Blythe Square, one of the original parks has been designated a public space for the past 225 years.

Mr. Brown stated that the Association feels that it would not be in good stewardship if the City destroyed this 225 year old public space which would deny privileges to all future generations of Brunswick.

Mr. Brown referred to a map of the area that detailed the geometric pattern in which the City of Brunswick is laid out.

Mr. Brown stated that by swapping Blythe Square with a vacant lot, the geometric design will be destroyed for all future generations. He stated that local citizens will lose a very important piece of our historic section of Brunswick and so will the thousands of tourists that visit yearly.

Mr. Brown reminded the Commission that this was the third time that the Association has appeared to stop the action of a land swap. He stated that in 1992 the Georgia Supreme Court ruled that City governments did not have the right to swap and sell public lands as in this case. Mr. Brown gave copies of the ruling to the Mayor and Commissioners.

Mr. Brown proceeded to state two points that the Association would like to make. First being, the Association would like to see the City Charter revised to protect all City parks in the future from something of this nature ever occurring again and secondly that this transaction of the land swap be stopped now and not proceed any further. Mr. Brown thanked the Commission for giving him an opportunity to discuss the matter.

Ruth Caples stated that she is a charter member of the Old Town Preservation Association

and did not know anything about the swap until she read it in the paper. She stated that she is also a retired professional photographer and if the swap is made the City would own a beautiful tree.

Ernest Craft stated that he has been a member of the Old Town Preservation Association for 15 years and one of its missions is to protect the integrity of the original plan as Brad Brown discussed. Mr. Craft stated that if the City government interrupts the original plan by approving this land swap, the next proposal of this nature would be easier to decide.

Mr. Craft appealed to the Commission asking them to seriously think about interrupting the original plan. He stated that the future of the City of Brunswick will be designed and built around tourism.

Presently, about 40 people visit Lover's Oak on a daily basis after Commissioner MacLeod had signs placed identifying the tree. Mr. Craft stated that many other places could be developed in a similar fashion.

Tourist visit the City because we have something that interest them. Mr. Craft concluded by stating that Brunswick is an old historic place and that he would not like to see the integrity of the City's original plan of 1771 destroyed.

Albert Shelander stated that looking at the City's incorporation in 1856, he could not determine if St. Marks Church was established but at about this same time St. Marks had the first school in Brunswick. Mr. Shelander requested everyone present in support of St. Mark and friends of St. Mark to please stand in recognition.

Mr. Shelander stated that the congregation of St. Mark has invested over \$600,000 in the last 10 to 11 years in preserving the building. He stated that the building is a historic building and a great example to all in the downtown Brunswick area and that St. Mark plans to keep it that way.

He shared that the church is growing and that they are blessed with a great Minister and congregation.

He called to the attention of the Commission that if St. Mark is not permitted to make the swap, a beautiful tree would be destroyed if they are forced to build in the present location. Adding that a temporary-type building would be placed in the cluster of historic buildings that surround the church's property.

Mr. Shelander mentioned that St. Mark's is not a passive institution in any form. He pointed out that St. Mark's Tower, a seven million dollar outreach of the church has a waiting list and they have plans to expand it. He stated that the church never wants to move and he asked for the blessings of the Commission.

Joy Craft stated that she appreciated the church members being in attendance and that she too is a member of a historic church, First United Methodist. She read an excerpt from the minutes of March 6, 1995 from the Board of Trustees of First United Methodist. A recommendation was made to approach the City Of Brunswick about the availability of the park next to the social hall of the church.

Ms. Craft stated that the City need not destroy the parks. She added that all of us could benefit by having more room but surely we should be able to plan within what we are able to acquire.

Robert C. Gulispie stated that he was the son-in-law of Sara Hobbs who owns property directly across from the proposed park. He shared that St. Mark's has been a wonderful neighbor for 40 years and that his mother-in-law has no objections and would love to see the swap go through.

Judge Ronald Adams stated that this is the first time he attended a meeting concerning this

issue. He stated that he too is a member of the Old Town Preservation Association.

Judge Adams stated that he yields to no man in respect for tradition and the historical significance of the City. He pointed out that he has not heard anything from any person that would suggest any use for the land. He highlighted that this is not a lost of property but an exchange of equal property adjacent each to the other which allows St. Mark the ability to enlarge it's parish hall and it will also maintain and protect a beautiful live oak tree that stands immediately behind the property that St. Mark's now owns.

Judge Adams urged the Commission to support St. Mark's on this issue quoting that some of the renovations that have been done to the historic buildings were funded with federal grants, federal loans and somebody else's monies. He stated that St. Mark's is ready, willing and able to pay its own way and maintain it's own beauty and utilities for generations to come.

Commissioner Plyman stated that he appreciated what both sides want and about two decades ago the City had a Mary Ross Park on the corner of Norwich and Gloucester which was exchanged for a park on Albany Street. There was a difference in the appraisal price of the property

Mayor Wilson stated that Coastal Chevorlet bought property outside of the City and they were ready to build on it and that is the way the City was able to retain Coastal Chevrolet.

Commissioner Plyman stated that what is being done now is ground already walked over and as much as he hate to disturb or disrupt the history of this community, prior officials have already done it.

Mayor Wilson stated that prior officials over the past fifty years have closed off streets such as Prince, Monck and Albermarle, which are included on Oglethorpe's plat.

Mayor Wilson expressed that he is for preservation but the citizens of Brunswick did not come forward to defend Oglethorpe's plan in the past 50 years during the many street closing and the moving of a 111 year old church, the oldest wooden church in Brunswick. Mayor Wilson also expressed that changes will take place.

Brad Brown stated that the reason for being present today is due to the things that have occurred in the past. He said that they have been allowed to continue and this is the reason they were present to stop the land swap.

Mr. Brown read the minutes of the last Commission meeting which states that action was taken to accept the appraisal of the properties. Mr. Brown stated that to his knowledge, approval of the swap of properties has not been accepted.

Commissioner Plyman stated that he has been informed that the State's legislative duties have changed and it is legal to swap property.

Mr. Brown stated that the decision does not give City's the right to sell public lands.

The City Attorney stated that the City of Brunswick contacted the Georgia Municipal Association in 1993 and brought to the attention of the Georgia Municipal Association the adverse decision of the Georgia Supreme Court in the case of Tuten et al vs City of Brunswick. GMA undertook to correct the problem that the Supreme Court decision created and thereafter the City of Brunswick acting under the home rule powers amended its Charter to enable it to make the exchange pursuant to the 1993 statute adjusted by the General Assembly at GMA's request and at this time he doesn't see anything in the law to prevent the City from making the change pursuant to the 1993 statute which the General Assembly adopted after the case was decided by the State Supreme Court.

The City Attorney stated in answer to question that in his opinion, in 1991 the City acted

correctly and properly in going about the procedure of exchange of the properties. He stated that we are all aware that people have different opinions about things. There were in fact two Justices that agreed with us and his opinion today is that those two Justices were right.

Counsel for St. Mark Church stated to the City Attorney that in terms of the Supreme Court decision the advice given to the City was incorrect, the Supreme Court was not on the side of legal footings which were reversed.

The Counsel stated that it should not be a legal matter and it is clear to all of us that the City Charter was changed so that a swap could occur with Coastal Chevrolet. A decision should be made for all time if the Commission has the legal authority to choose whether the old plat of parks and squares is not worth holding onto as it exist. A recommendation was made by the Counsel to carry the swap to a public referendum.

The Counsel stated that the parks and squares are not owned by the five gentlemen that serve the City as Commissioners but by each of the City's citizens. He added that the wisdom of prior Commissioners, though some streets were changed to hold on to each of the original parks and squares until a recent change of the City's Charter, was correct.

The Counsel stated the decisions should be made by a wise City body that is looking long term for the good of the City and recognize the value of this plan that has been essentially in place for many years. He stated that everyone benefits from the land swap.

Commissioner Jennings stated that he was a great believer in preservation. He stated that his understanding of the law of 1993 is that swapping can be done if it is in the best interest of the Municipal Corporation which means "an exchange for property of like or higher value to the City".

Commissioner Jennings stated that in the last meeting Mr. Shelander made it known that St. Mark would like to adopt the park next to the church. Commissioner Jennings recommended that a contract be drawn up to adopt the park and that the church take care of all legal aspects of adopting the park.

He stated that the integrity of the lay-out of 1771 has been changed a lot and we are in the arena and must make the decision. He mentioned that the needs of 1996 are totally different from the needs of 1771.

Commissioner Lawrence stated that in looking and listening, he agreed with the fact that there are some decisions that the City would make will be favorable to some and disagreeable to others. He stated that he stands firmly behind the land swap as requested by St. Mark Church.

Mayor Wilson stated that since Commissioner MacLeod is not present, it would be better for the council not to take any action. Mayor Wilson stated that he was delighted that everyone came to express themselves and that the council respects their opinions.

Debbie Brown inquired regarding other possible request for land swaps for City parks and squares. She stated that the City needs to decide what is going to happen to the parks. She reminded the Commission that their decisions regarding this one park will effect every other park in the City.

Mrs. Brown stated that the opposition is not against the Church that made the request, their opposition is against the decision to swap the park.

Commissioner Jennings commended Old Town Preservation Association for the work they have done in Old Town.

Mayor Wilson stated that the Commission would take the matter under advisement since Commissioner MacLeod was absent.

MONTHLY REPORTS

The following reports for the month of March 1996 were received and filed as information: (1) General Fund (2) Water Wastewater Fund (3) Community Development (4) Recorder's Court (5) Metro Squad and (6) Uncollectible Water accounts. Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the monthly reports. The motion passed unanimously.

Attorney Reese Summerford, representing Brunswick Glynn Development Authority appeared before the Commission to request adoption of Resolution for the issuance of a \$40 million dollar revenue bond.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion adopting the following resolution:

RESOLUTION OF THE CITY OF BRUNSWICK,
GEORGIA APPROVING THE PLAN OF FINANCE
FOR THE ISSUANCE OF INDUSTRIAL DEVELOPMENT
REVENUE BONDS BY BRUNSWICK
AND GLYNN COUNTY DEVELOPMENT AUTHORITY
FOR THE BENEFIT OF GEORGIA-PACIFIC
CORPORATION

WHEREAS, the Brunswick and Glynn County Development Authority (the "Issuer") has considered the application of Georgia-Pacific Corporation, a Georgia corporation (the "company"), requesting that the Issuer approve a plan of finance for the issuance by the Issuer of its revenue bonds to assist the Company in the financing of the acquisition, construction, installation and equipping of a certain industrial facility consisting primarily of certain additions to the Company's pulp and bleached board mill located on West 9th Street in the City of Brunswick, Glynn County, Georgia, which additions will include certain sewage facilities for use in the collection, storage, treatment, utilization, processing or final disposal of wastewater (the "Project"), through the issuance of its revenue bonds in the aggregate principal amount of approximately \$40,000,000 (the "Bonds"), and the Issuer held a public hearing on behalf of the City of Brunswick, Georgia (the "Governmental Unit"), with respect to such proposed financing of the Project on April 1, 1996; and

WHEREAS, Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of industrial development revenue bonds and over the area in which any facility financed with the proceeds of the industrial development revenue bonds is located shall approve the issuance of such revenue bonds; and

WHEREAS, the Issuer issues its revenue bonds on behalf of the City of Brunswick, Georgia, the Project is to be located in the City of Brunswick, Georgia, and the Mayor of the City of Brunswick, Georgia (the "Governing Official") constitutes the highest elected official of the Governmental Unit; and

WHEREAS, the Issuer recommends and has requested that the Governmental Unit approve the issuance of the Bonds pursuant to the plan of finance for the financing of the Project; and

WHEREAS, the Issuer has requested the approval of the issuance of the Bonds and the plan of finance for the Project, subject to terms of the financing to be agreed upon by the Issuer, the Company and the purchaser of the Bonds, and a certificate regarding the public hearing has been filed with the minutes of this meeting;

NOW, THEREFORE, BE IT RESOLVED by the Governing Official, and IT IS HEREBY RESOLVED by the authority of the same, as follows:

Section 1. The plan of finance for the issuance of

the Bonds by the Issuer for the benefit of the Company in a principal amount of approximately \$40,000,000 to assist in the financing of the Project is hereby approved to the extent required by said Section 147(f) of the Code, as follows:

(a) the Project consists of certain additions to the Company's pulp and bleached board mill, which additions will include sewage facilities for use in the collection, storage, treatment, utilization, processing or final disposal of wastewater;

(b) the initial owner, operator or manager of the Project is the Company; and

(c) the location of the Project is West 9th Street in the City of Brunswick, Glynn County, Georgia.

Section 2. Such approval by the Governing Official does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Company or the Project, and the Bonds shall not constitute an indebtedness or obligation of the State of Georgia or of any county, municipal corporation or political subdivision thereof but the Bonds shall be payable solely from the revenues derived from the Company and pledged to the payment thereof and no owner of any Bonds shall ever have the right to compel any exercise of the taxing power of said State or of any county, municipal corporation or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation or political subdivision.

Section 3. This resolution shall take effect immediately upon its adoption.

OTHER CITY BUSINESS

Commissioner Plyman asked the City Manger about the condition of Old City Hall.

The City Manager stated that the balcony over the steps was scheduled to be checked for removal of portions of the structure so that Old City Hall Will not have to be closed down.

Commissioner Plyman offered the motion authorizing the City Manager to remove portions of the structure supporting the balcony if needed. There was no second to the motion.

Commissioner Jennings stated that he was concerned about pigeon droppings being dangerous to the public. He asked the City Manager to check with the Health Department to find out whether it was a public danger.

Commissioner Plyman recommended that the City Manager send a letter to the railroad requesting the closure of Second Street.

Commissioner Plyman stated that he spoke with Mr. Bob Torras concerning holding the Harbor Fest on his property and was told that the Harbor Fest Committee turned him down he was asked to furnish only parking spaces which he objected to. Commissioner Plyman thanked Mr. Torras for the offer.

Mayor Wilson requested that samples of water be sent to Atlanta for testing. The City Manager was instructed to speak with the Water and Wastewater department.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk