

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., August 21, 1996**

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

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

APPROVAL OF MINUTES

Commissioner Plyman moved and Commissioner Lawrence seconded the motion to approve the minutes of the meeting of August 7, 1996. The motion passed unanimously.

AMENDMENT TO SOIL AND EROSION ORDINANCE

The City Attorney submitted the amendments to the Soil and Erosion Ordinance for approval.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion adopting the following ordinance:

AN ORDINANCE TO REPEAL CHAPTER 17 OF
THE CODE OF THE CITY OF BRUNSWICK;
TO ENACT A NEW CHAPTER 17 IN LIEU
THEREOF; TO PROVIDE FOR SOIL EROSION
AND SEDIMENTATION CONTROL IN THE CITY
OF BRUNSWICK; TO REQUIRE A PERMIT FOR
ANY LAND-DISTURBING ACTIVITY; TO
PROVIDE FOR THE ADMINISTRATION AND
ENFORCEMENT OF SAID ORDINANCE;
TO PROVIDE AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1. Chapter 17 of the Brunswick Code is hereby
repealed.

SECTION 2. There is hereby enacted a new chapter which
shall be designated as Chapter 17 of the Code of the City of
Brunswick. The text of said Chapter 17 shall provide as set
forth in the attachment hereto designated "Chapter 17 / **SOIL
EROSION AND SEDIMENTATION CONTROL**".

SECTION 3. This ordinance shall become of full force
and effect as of the date of adoption.

SOIL EROSION AND SEDIMENTATION CONTROL

ARTICLE I. IN GENERAL

Sec. 17-1. Title.

This Chapter will be known as the "City of Brunswick Soil Erosion and Sedimentation Control Ordinance."

Sec. 17-2. Definitions.

The following definitions shall apply in the interpretations of this chapter unless otherwise specifically stated:

Board means the Board of Natural Resources.

Buffer means an area along the course of any State waters to be maintained in an undisturbed natural condition.

Commission means the State Soil and Water Conservation Commission.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface; also known as excavation.

Department means the Department of Natural Resources.

Director means the Director of the Environmental Protection Division of the Department of Natural Resources.

District means the Satilla Soil and Water Conservation District.

Division means the Environmental Protection Division of the Department of Natural Resources.

Drainage structure means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

Erosion means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan means a plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity; also known as the "plan."

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Issuing authority means the office of the building official of the City of Brunswick, which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Control Act of 1975, as amended, O.C.G.A. 12-7-1 et seq., or the Division in those instances where an application for a permit is submitted to the Division.

Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into State water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land, but not including agricultural practices as defined in 17-3, item (5).

Natural ground surfaces means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This techniques is used to measure the extent of turbidity in water in which colloiddally dispersed particles are present.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Project means the entire proposed development project regardless of the size of the area of land to be disturbed.

Roadway drainage structure means a device such as a bridge, culvert or ditch composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without should areas, and carrying water to a release point on the other side.

Sediment means solid material, both organic and inorganic, that is in suspension, is being transported, or has been removed from its site of origin by air, water, ice or gravity as a product of erosion.

Sedimentation means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan means an erosion and sedimentation control plan approved in writing by the Satilla Soil and Water Conservation District.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the

property of a single individual, partnership or corporation.

Structural erosion and sedimentation control measures means measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

Vegetative erosion and sedimentation control practices means practices for the stabilization of erodible or sediment producing areas by covering the soil with (a) permanent seeding, sprigging or planting, producing long-term vegetative cover; (b) temporary seeding, producing short-term vegetative cover; or (c) sodding, covering areas with a turf of perennial sod-forming grass. Such practices can be found in the publication Manual for Erosion and Sedimentation Control in Georgia.

Watercourse means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Sec. 17-3. Exemptions.

This chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. 12-4-72;
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs and maintenance work and other related activities which may result in minor soil erosion;
- (4) The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy of the construction of single-family residences not a part of a larger project and not otherwise exempted

under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and that such requirements shall be enforced by the City.

- (5) Agricultural operations as defined in O.C.G.A. 1-3-3;
- (6) Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;
- (7) Any project involving one and one-tenth acre or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State waters, and for purposes of this paragraph, "State waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the City from regulating any such project which is not specifically exempted by 1 - 6, 8 or 9 of this section.
- (8) Construction or maintenance projects, or both, undertaken or financed in whole or in part by the Department of Transportation, the Georgia Highway Authority or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by the City or County; provided, however, that such projects shall conform to the minimum requirements set forth in section 17-4 (B).
- (9) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in section 17-4 (B).
- (10) Where this section requires compliance with the minimum requirements set forth in section 17-4 (B), issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

Sec. 17-4. Minimum Requirements

- (A) General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this chapter shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 17-4 (B) of this chapter. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

(B) Minimum Requirements

The property owner and/or his agents shall follow sound conservation and engineering practices to prevent and minimize erosion and resulting sedimentation consistent with the following minimum requirements:

- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.
- (2) Cut-fill operations must be kept to a minimum.
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
- (6) Disturbed soil shall be stabilized as quickly as practicable.
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this section.
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- (11) Cuts and fills may not endanger adjoining property.
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum.

(14) Erosion and sedimentation control plans shall include provisions for treatment to control any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent streams beyond the levels specified in sub paragraph 17 of this section.

(15) Land-disturbing activities shall not be conducted within 25 feet of the banks of any state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that buffers of at least 25 feet established pursuant to O.C.G.A. 12-5-440 et. seq. title shall remain in force unless a variance is granted by the director as provided in this paragraph; and

(16) Land-disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. 12-5-29 unless a variance for such activity is granted by the Director except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specification and are implemented.

(17) (A) (1) Discharges of storm-water runoff from disturbed areas shall be controlled to the extent that turbidity of the storm-water runoff shall not exceed 100 nephelometric turbidity units (NTU) higher than the turbidity level of the receiving stream immediately upstream from the storm-water runoff discharge at the time of such discharge; provided, however, that for trout streams, such maximum allowable turbidity level shall be 50 nephelometric turbidity units (NTU) higher than the turbidity level of such stream immediately upstream from the storm-water runoff discharge at the time of such discharge. Due to the various soils and hydrological and water conditions throughout the state, the division shall have the discretion to vary from the aforesaid nephelometric turbidity units (NTU).

(2) On and after July 1, 1994, the Board of Natural

Resources shall be authorized to establish the maximum allowable turbidity levels at higher or lower levels or establish an equivalent method of determining the amount of sedimentation with corresponding standards by rule or regulation, but only after the board has considered the results of a study of nephelometric turbidity unit levels and alternative stands done under the auspices of the Board of Regents. Upon the adoption of such rule or regulation, the provisions of subparagraph (1) of this paragraph shall be superseded by the provisions of this subparagraph.

(B) Nothing contained in this chapter shall prevent an issuing authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in Section 17-4 (B) of this ordinance.

(1) If during a ten-year rainfall event or a rainfall event of greater magnitude, storm-water runoff turbidity exceeds the levels provided for in Section 17-4 (B) (17) or other turbidity requirements adopted by an issuing authority, such exceeding of such levels shall not constitute a violation of the requirements provided for or authorized under this Code Section of all such requirements other than those relating to turbidity have been met.

(2) This subsection shall cease to apply upon the adoption of a rule or regulation as provided for in Section 17-4 (B) (17).

Sec. 17-5. Application/Permit Process

(A) General

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, subdivision regulations, flood damage prevention ordinance, this chapter, and other ordinances which regulate the development of land within the jurisdictional boundaries of the issuing Authority. However, the property owner is the only party that can obtain a permit.

(B) Application Requirements

(1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the Building Official to perform such activity.

(2) The application for a permit shall be submitted to the Building Official and must include the

applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 17-5 (C) of this chapter. Soil erosion and sedimentation control plans shall conform to the provisions of Section 17-4 (B) of this chapter. Application for a permit will not be accepted unless accompanied by two (2) copies of the applicant's soil erosion and sedimentation control plans.

- (3) A fee, in the amount of \$ 150.00 shall be charged for each acre of the project area or fraction thereof.
- (4) Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the district, and any variances required by Section 17-4 (B) (16 & 17) and bonding, if required as per Section 17-5 (B) (5), have been obtained. Such review will not be required if the Issuing Authority and the district have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the district.
- (5) (a) If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended within three years prior to the date of filing of the application under consideration, the Issuing Authority may deny the permit application.
(b) The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this chapter or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to alleged permit violations.

(C) Plan Requirements

(1) Plans must be prepared to meet the minimum requirements as contained in Section 17-4 (B) of this chapter. Conformance with the minimum requirements may be attained through the use of designed criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

(2) Data Required for Site Plan

- (a) Narrative or notes, and other information:
Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- (b) Description of existing land use at project site and description of proposed project.
- (c) Name, address, and phone number of the property owner.
- (d) Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
- (e) Size of project, or phase under construction, in acres.
- (f) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
- (g) Storm water and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.
- (h) Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.

(i) Detail drawings for all structural practices. Specifications may follow Guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.

(j) Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by onsite inspection."

(3) Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:

(a) Graphic scale and north point or arrow indicating magnetic north.

(b) Vicinity maps showing location of project and existing streets.

(c) Boundary line survey.

(d) Delineation of disturbed areas within project boundary.

(e) Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft.	Flat 0-2%	0.5 or 1
or larger scale	Rolling 2 - 8 %	1 or 2
	Steep 8% +	2 or 5

(f) Adjacent areas and features areas such as streams, lakes, residential area, etc. which might be affected should be indicated on the plan.

(g) Proposed structures or additions to existing structures and paved areas.

(h) Delineate the 25-foot buffer adjacent to state waters and the 35-foot buffer in MRPA areas.

(i) Delineate the 100-foot horizontal buffer along designated trout streams, where applicable.

(j) Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, Chapter 6.

(4) Maintenance of all soil erosion and sedimentation

control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(D) Permits

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- (2) No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 17-4 (B) (16 & 17) are obtained, bonding requirements, if necessary, as per Section 17-5, are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (4) The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (5) No permit shall be issued unless the applicant provides a statement by the Finance Director certifying that all ad valorem taxes levied against the property and due and owing have been paid.

Sec. 17-6 Inspection and Enforcement

- (A) The Building Official will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The

notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

(B) The Building Official shall have the power to conduct such investigations as it may reasonably deem necessary

to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(C) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the

Conservation Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 17-7 Penalties and Incentives

(A) Failure To Obtain A Permit For Land-Disturbing Activity

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

(B) Stop-work Orders

Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent of the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

(C) Bond Forfeiture

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply

within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provision of Section 17-5 (B) (5). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(D) Monetary Penalties

Any person violating any provisions of this chapter, permitting conditions, or stop-work order shall be liable for a monetary penalty not to exceed \$2,500 per day, by a sentence of imprisonment not exceeding 60 days in jail or both fine and jail or work alternative. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation.

(E) EPD Enforcement Action

Upon written request made by this issuing authority, the Director may determine that the public interest requires initiation of an enforcement action by the Division. Such request shall be accompanied by documentation that demonstrates to the Director's satisfaction that local remedy has been exhausted and that compliance with local ordinances or resolutions has not been achieved. Where such a determination is made and this Issuing Authority has failed to secure compliance, the Director may implement the Board's rules and seek compliance under provision of O.C.G.A. 12-7-12 through 12-7-15. For purposes of this subsection, enforcement actions taken by the Division pursuant to O.C.G.A. 12-7-12 through 12-7-15 shall not require prior revocation of Certification of this Issuing Authority

Sec. 17-8 Administrative Appeal, Judicial Review, and Liability

(A) Administrative Remedies

The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the City Manager within ten (10) days after receipt by the Issuing Authority of written notice of appeal.

(B) Judicial Review

Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Glynn County.

(C) Liability

- (1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

APPROVAL OF FISCAL YEAR 1996- 1997 BUDGET

Commissioner Plyman moved and Commissioner Lawrence seconded the motion to approve the General Fund Budget in the amount of \$12,077,210.00 and the Community Development Budget in the amount of \$662,397.00.

Commissioner Jennings recommended setting funds aside out of the contingency fund to purchase fencing for Greenwood Cemetery.

The City Manager met with Steve Posey and he suggested removing a section of both fences and restore them.

Commissioner MacLeod questioned whether the City would place the restored section of the fence in front of the cemetery, pointing out that the fence around Greenwood Cemetery can be restored.

Commissioner Jennings stated that the Fiscal Year Budget is a very conservative budget and recommended changing the formula used to calculate the City pension from 1.50 to 2.0. Commissioner Jennings suggested that the increase be taken out of the contingency fund.

Commissioner Plyman stated that Commissioner Jennings indicated that he wanted to replace the fence at Greenwood Cemetery and increase the City's pension formula. Commissioner Plyman pointed out that the City gave employees a 3% increase in pay and if the City do all of the things mentioned there will be no contingency fund.

Commissioner Jennings recommended that the City Manager, Finance Director, and Chief of Police meet and look at raising the salary of entry level pay of Police Officers. The City Manager recommended looking at the pay scale and report back to the Commission with a recommendation. Commissioner Lawrence stated that he would like the City to be fair about issuing raises. He pointed out that the City cannot raise one Department and not the other, the employees in the Public Works Department should also receive a raise. Commissioner Lawrence recalled that the Fire Chief appeared before the Commission to ask for an increase for employees in the Fire Department and the City could not find the money for the pay increases however the City turned around and issued raises to the City Manager and the Municipal Judge.

Commissioner Lawrence stated that he did not understand how the City lost \$900,000 when other Police Officers were recruited by other Cities and Counties. He stated that the City should be reimbursed by the companies that recruited the officers as soon as the officers leave the City.

The City Manager explained the law concerning reimbursement of Police Officers who are recruited by other companies. the City Manager stated that he would submit a list outlining the reimbursement made to the City.

Commissioner Lawrence pointed out that he was not against increasing the Entry Level Pay for Police Officers, but is concerned about Entry Level pay for employees in Public Works.

On call for the question the motion passed unanimously.

DELEGATIONS

Keith Collier appeared before the Commission to request that Commissioner Plyman step down as a Commissioner. Mr. Collier recalled that Commissioner Plyman rudely interrupted him and

zealously invited him outside when he attended a Public Hearing to address the Commission about the City's Fiscal Year Budget. He stated that the conduct used by Commissioner Plyman is not the conduct becoming of a Commissioner. He pointed out that he will take the necessary steps to issue a recall of Commissioner Plyman because the Commissioner had a bad conduct towards citizens who stand in front of the podium. Mr. Collier state that Commissioner Plyman is a danger to the job and the citizens. Mr. Collier stated that he thought the job was too strenous for Commissioner Plyman.

Commissioner Plyman stated that he would like for Mr. Collier to stay and hear his response. Mr. Collier stated that he was unavailable at this time to hear Commissioner Plyman's remarks, however; Commissioner Plyman certainly was free to address his remarks to the Commission board. Commissioner Plyman reminded Mr. Collier that he was also being rude.

Commissioner Plyman stated that he would be the first person to sign the recall petition. Commissioner Plyman recalled that he worked all day laying bricks and he excused himself and attempted to leave the Public Hearing because he missed dinner. Commissioner Plyman stated that he had done nothing wrong.

The City Manager stated that the Downtown Development Authority requested that the City complete the Streetscape in front of the Public Library and Newcastle Street which is approximately 2 blocks. He stated that funds in the amount of \$125,000.00 are still available for the Streetscape project.

Commissioner Lawrence moved and Commissioner MacLeod seconded the motion approving the completion of the Streetscape project. The motion passed unanimously.

Commissioner MacLeod stated the City is making good progress on the Waterfront project and everything in the area is looking great. He stated that the Waterfront project would enhance the downtown area and he is proud of the downtown area.

MONTHLY REPORT

The following reports were received and filed as information: (1) General Fund (2) Water and Wastewater Fund (3) Community Development Fund (4) Metro Squad (5) Municipal Court and (6) Uncollectible Water Accounts.

Commissioner Plyman moved and Commissioner Jennings seconded the motion approving the monthly reports.

OTHER CITY BUSINESS

Dan Herrin appeared before the Commission to discuss the construction of office buildings on Fourth Street. Mr. Herrin stated that in 1989 the Commission limited egress and ingress on Fourth Street and no entry on Trout and Dolphin Streets. The City Manager stated that he looked at the 1989 minutes and access was restricted only to Fourth Street.

Ed Butler resident of Trout Street reported that the contractor was leaving pipes and equipment on Trout Street and residents could not get in and out of their residences.

Commissioner Jennings instructed the City Manager to invite the developer to the meeting to discuss the concerns of the residences.

Jerry Kennedy stated that a delegation appeared before the Commission to request that sidewalks and water fountains be installed in Hanover Park. Mr. Kennedy stated that nothing has been done. Mr. Kennedy stated the fencing around Greenwood Cemetery came from Orange Park. He pointed out that a City Commissioner paid over \$38,000.00 out of his pocket for the fencing installed at Palmetto Cemetery. Mr. Kennedy recommended reimbursing the Commissioner if the City sells the old fence.

The City Manager submitted a list of certifications received by City employees. The City Manager was instructed to submit the total amount needed to start the certification program.

The City Manager recommended that the City participate with Glynn County in the Surplus Equipment Sale on October 26, 1996.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the City to participate in the Surplus Equipment Sale on October 26, 1996. The motion passed unanimously.

The City Manager stated that he received only one reply from a Funeral Director concerning the fees for opening and closing graves. Commissioner Plyman recommended that the City get out of the grave opening and closing. Commissioner Lawrence stated that the City owns the cemetery and input of Funeral Directors is needed before the City makes a decision. Commissioner Plyman stated that he would like to revisit the fees for opening and closing graves.

Commissioner Plyman questioned whether there was any prohibition for setting up a perpetual care for the cemetery. The City Attorney stated that the City would have to open up an account at the bank. Commissioner Plyman stated for the record that he waited a year and a half for this decision. He pointed out that the City could use only the interest in the perpetual care account. Commissioner Plyman stated that citizens are waiting to contribute \$50,000.00 to the perpetual care fund.

Commissioner Jennings questioned whether the City surveyed other cities concerning their perpetual care funds.

Commissioner MacLeod stated that he was in favor of restoring the old fence and if any person has been to Williamsburg or Savannah would know that the old fence is forged. Commissioner MacLeod stated that he would not be in favor of selling the fence to an antique dealer in Atlanta. He stated that the City should not sell Brunswick's History to other persons all over the State to place in their yards. He stated that it was unwise and unforward thinking. Commissioner MacLeod stated that the fence should be counted as a tourist attraction.

Commissioner Plyman stated that he rescinded his offer to build a fence at Greenwood a long time ago.

Commissioner Jennings stated that he felt that restoring the fence was the right thing to do. The City owes it to the Black community.

Commissioner Lawrence stated that a fence would have been eventually placed around both cemeteries. He felt that Commissioner Plyman did a good gesture by restoring the fence.

Commissioner Lawrence pointed out that he was never opposed to erecting a fence and did not object to building a fence. Commissioner Lawrence stated that the old fence should be restored.

Commissioner Lawrence reported that request was made to collect the City's water bill payments at Five Points on Altama Avenue. He recommended that the City Manager look at the request again.

Mayor Wilson suggested that the City cut tree limbs on Union Street to avoid citizens from walking into the limbs. He stated that citizens would protest the trimming of tree limbs; however, the vegetation should be cut. The City Manager stated that the City would trim the trees and cut everything in the low area.

Mayor Wilson invited Police Chief Cowan to give a brief report on curbing crime in the community.

Police Chief Cowan reported that tourists visiting Brunswick have been robbed twice in the same night at a hotel on Highway 17. He stated that an armed robbery was reported on Newcastle Street and the City officers stopped the burglaries in the City.

Commissioner Plyman went on record to commend the City for taking care of the burglaries on Parkwood Drive. Commissioner Plyman stated that he would like for Police Officers to drive safely.

Commissioner Lawrence stated that he would like the Police Officers to respond faster to calls. He stated that it took an officer one hour to respond to a call concerning a driver slumped over in a car. Commissioner Lawrence stated that he observed two officers that blocked the street on the corner of R and Johnston Streets and announced on the bull horns for citizens to go around the parked police cars.

Mayor Wilson stated that he would like to find a solution to the problems concerning the young people in the community. Mayor Wilson recommended that the Police Chief and Officers meet with church leaders to discuss the problems concerning young people.

Police Chief Cowan stated that the officers are still working undercover on it and getting results in the Education field. He felt that it will show a positive effect.

Commissioner MacLeod stated that he would like to see uniform officers in Lanier Plaza, the Waterfront Park and Downtown.

Commissioner Jennings recommended that the City setup a latch key program with churches in the community to help decrease the crime in the city.

Police Chief Cowan stated that he was ready and willing to try anything to make it better in the community and would meet with the church leaders to discuss the problems concerning young people.

MEETING ADJOURNED.

Mayor

Attest _____
City Clerk