

OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., July 16, 1997

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

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by the Commissioners and everyone in attendance.

ABSENT: Commissioner Roosevelt Lawrence.

The Mayor stated that the City Clerk reported that the minutes of the meetings of July 2nd and July 10th was incomplete. Mayor Wilson stated that the minutes could be approved at the next meeting.

Mayor Wilson stated that Luther Spaulding was not present to discuss flooding on the South end.

Commissioner Plyman stated that he and the Director of Public Works visited Mr. Spaulding at his residence after the City had the last heavy rainfall. He noticed that the garage was covered in water ankle deep. Commissioner Plyman stated that the City manager was asked to go by and look on Lanier Boulevard at a piece of land owned by the Ports Authority.

Commissioner Plyman stated that the land could be used as a retention pond until the City gets the draining situation don through SPLOST. The water can be pumped from Lanier Boulevard, Newcastle Street and Norwich Street into this retention pond and pumped back out. When the tide comes back in it could be pumped it into the canal. Commissioner Plyman stated that he realized that this takes some work and it will cost the City tow pumps. Commissioner Plyman pointed out that the South End area has always been under water and the City often cleans out the catch basins. A flapper valve was placed at the end of the canal to keep the tide from coming

in. When the ditch overflow during heavy rains the water flows into the resident houses.

Mayor Wilson stated that he agreed with Commissioner Plyman it is a problem. Mayor Wilson stated that the City has an elevation of nine and a half feet. Mayor Wilson stated that he visited Mr. Spaulding on numerous occasions for the past quarter of a century. He realized what Commissioner Plyman is saying certainly have a good deal of merit in it, but with an elevation of nine and a half feet there is no possible way because the water is up to the road already. When it rains the elevation increases to eleven and one half feet, which is two feet higher.

Commissioner Plyman suggested going where the flapper valve shuts off near the ditch and pump it back giving additional capacity in the ditch. He stated that New Orleans does this everything it rains there. Commissioner Plyman recommended doing something about the drainage problem now.

Mayor Wilson stated that a floodgate is no more effective if sea grass gets in mouth of it or any other object. The flood gate cannot close and someone must be there to make sure that the gate remains open at all times or else it will not serve a purpose at all. The floodgates have been used in areas to keep down flooding, but they are no better than the people who are checking the floodgates to make sure there is no obstruction.

Commissioner Plyman stated that the City have a pretty good proficient crew who works for Streets and Drains. He felt that it would not hurt them to go out once a month and make sure that the grass does not get in the flapper valve and make sure the pump is operational. The City should do whatever it takes to get the ditch in capacity.

Commissioner Plyman asked the Commission how long could they sit and let this happen. The City has the ability, technology and the desire to do it. Commissioner Plyman asked how long do the residents have to wait.

Commissioner Plyman stated that Mr. Spaulding would like to barricade the streets because cars are making waves coming down the street.

Mayor Wilson stated that it would be the right thing to do under abnormal or adverse conditions. He stated that the

City owe that to any citizen in Brunswick who is being subjected to water damage to close the streets for a short period of time until the City could get something done.

Commissioner Jennings asked how much will a retention pond cost. The City Manager stated that it is a matter of digging and what property the City digs the retention pond on. The City Manager stated that this is a project included in the SPLOST sales tax.

Mayor Wilson instructed the City Manager to meet with the City Engineer to evaluate the problem.

Commissioner Plyman stated that it would be years before the SPLOST project is completed and there will be more torrential rain storms this City is going to be confronted with. He stated that it is worth the investment of a little diesel fuel and man-hours to dig the retention pond. Commissioner Plyman stated that he hoped that the Georgia Ports Authority would allow the City to use the property and afterwards the City would return the property back to the original condition or better. This is spoil land with nothing on it just shrubs. It is in close proximity that will actually serve any purpose.

Commissioner Jennings stated that Mr. Kennedy and Mr. Ferrer have problems with sewage and he would like to have something done.

DELEGATIONS:

James Walker representing the Savannah Group Holdings Inc. appeared before the Commission to request a work session to discuss issues of providing water to city residents on a wholesale basis. Mr. Walker stated that he would like to revisit the issue and discuss what TSG is about. Mr. Walker stated that the Environmental Protection division has capped from water the Florida Acquifer and they have been looking at alternatives to find a solution to the problem. TSG have applied for a permit through the EPD and all the paper work is waiting to be approved. Mr. Walker stated that the City have expressed their desire to get a permit also. He stated that was a good idea. He knows that it is a big undertaking and a big job. He stated that he have discussed entering into a long-term agreement with the City Manager. He stated that the intent have never been to charge enormous prices for water.

Commissioner Plyman questioned how TSG would treat the water. Mr. Walker stated that TSG would treat it to drinking water quality.

The City Manager was instructed to set up a meeting with TSG Holding Inc. and the City staff.

Commissioner Plyman questioned what TSG have done that was not presented at the last meeting. Mr. Walker stated that the water would sell for 1.39 per gallon. Mr. Walker stated that he is prepared to go forward with the permitting process by presenting a draft form of an agreement. Mr. Walker stated that he would like to make it available to the City and would like to take responsibility of the billing.

Commissioner MacLeod stated that the City would schedule a work session.

Commissioner Jennings stated that he asked what experience in Georgia does TSG have in with drawing ground water. Commissioner Jennings stated that TSG have no experience in Georgia.

Greg Tate stated that he have serviced surface water plants and withdrew ground water. Mr. Tate stated that they have some experience. TSG will take over operation of the Savannah Treatment Plant for four years.

Commissioner Jennings recommended that the City and County put in for a joint permit with EPD. The City Manager stated that a request have been submitted to EPD for an application for a permit.

Commissioner Jennings stated that he was concerned about the quality of water. Commissioner Jennings stated that he took an oath for the safety of all citizens and health and safety of 16,000 citizens in the City and 60,000 people in the County. The City would have more option of controlling prices in private industries. The City does not want to destroy the four-ego system.

Mayor Wilson stated that he was concerned about the amount of chlorine in the water. He stated that cancer is as close as your kitchen sink.

Arnold Ellison stated that chlorine is used as a disinfectant and is cheap to use. Mr. Ellison stated that when they

appeared before the Commission they were hit with a lot of question. He stated that he have been working for 22 years for Dupoint in Chattanooga, Tenn. with the Tennessee Valley Authority and have not had that kind of experience with surface water. Mr. Ellison stated that the Company has experience and he also owns a utility company. Mayor Wilson stated that TSG need to discuss all their concerns at a work session with the staff.

GREENWOOD CEMETERY FENCE

The City Manager stated that Commissioner Jennings requested that the Greenwood Cemetery fence be placed back on the Agenda. The City Manager submitted a quote and drawing from Midway Fabrication for refurbishment of the existing fence for \$22,120.00.

Commissioner MacLeod stated that he would like for the Architect Larry Evans to look at the bid from Midway Fabrication. The City Manager stated that Mr. Evans did contact him after following Commissioner's MacLeod request. Mr. Evans suggested bringing the existing railing up to tie in with the top of the fence and cut off and used to finish out the top rail and extend the bottom part up to the top. The City Manager stated that he contacted the gentleman in Midway and found out that it would not create any problem at all with his design and could in fact lead to some slight reduction in his quote.

Commissioner MacLeod moved to accept the bid from Midway Fabrication for restoration of the Greenwood Cemetery Fence. There was no second to the motion, therefore the motion died for lack of a second.

Commissioner Plyman asked if it was any indication that Midway Fabrication would sand blast before priming and painting. Commissioner Plyman stated that it would rust again in four years if the fence is not sand blasted.

Commissioner MacLeod stated that he would like to contact other companies and get quotes on the fence. Commissioner Plyman stated that the quotes should be on sand blasting, painting and priming the fence. Commissioner Jennings stated that the City have been working on the fence for eighteen months. He asked the City Manager to see if the City could sand blast the fence. The City

Manager was asked to bring back a recommendation in two weeks.

ADULT ENTERTAINMENT ORDINANCE

Mayor Wilson stated that the Commission would be making modifications and discussing the Adult Entertainment Ordinance. Mayor Wilson stated that the City Attorney would advertise in the Brunswick News that amendments would be made to the Ordinance at the first meeting in August.

Commissioner MacLeod stated that the Commission was not present to discuss amendments to the Adult Entertainment Ordinance. Commissioner MacLeod stated that amendments should be given to the City Manager so that they can be discussed at the Meeting in August.

Commissioner Plyman stated that two business people were present because the City has slightly modified their businesses with one stroke of a bureaucratic pen. Commissioner Plyman stated that he was not given any opportunity to have any input concerning the Ordinance. He pointed out that the ordinances have constitutional violations. He stated that this document not only restrains a trade, but there are provisions in this ordinance where there is not one square inch in the City of Brunswick that could qualify with the constraints that is in this document.

Commissioner Plyman asked if the City was advertising for Public input for amendments to the Ordinance. The City Attorney asked Commissioner Plyman if the motion was to defer consideration of this item. Commissioner Plyman stated that he would like to make a motion requesting that the rest of the people be treated equally in this ordinance, the Red Carpet Lounge and the Sapphire Club until such time the 30 days expire. This would give them a chance for legal counsel and appeal because they were literally shut down on day one. The rest of the ordinance gives the latitude to other persons to come into compliance. Red Carpet Lounge has been in existence for 61 years and the City of Brunswick accepted money for a license and all of a sudden they are the bad guys on the block. Commissioner Plyman stated that the Chief of Police was present and was asked if there was a large amount of Police calls to that business and he said no.

Commissioner Plyman offered the motion to give the rest of the people affected by this ordinance the same courtesy and

the same latitude given the rest of the people involved in the Adult Entertainment business, thirty days that was granted to everyone else.

The City Attorney stated, "to tell you the truth I am not sure what Commissioner Plyman is talking about."

Commissioner Plyman reiterated that all other people were given thirty days to come into compliance except the Red Carpet Lounge and the Sapphire Club that was the exception. Commissioner Plyman stated that these people were not given this latitude and this is discrimination.

The City Manager stated that the portion of the ordinance that came effective was selling alcoholic beverages in an Adult Entertainment Establishment.

The City Attorney explained that he believed the Ordinance went into effect immediately with respect to existing businesses except as to Section 13-603M. Existing business were given 30 days to comply with the provision with the respect of sale combination of the sale of alcohol, specified anatomical areas and specified sexual activities.

Commissioner Plyman stated that the only person you elected to make this immediate on is the person holding liquor licenses. That is the only person according to the way the ordinance is read. The City had Police Officers go by existing businesses and told them they had to seize and desist immediately. The City of Brunswick Police Department is enforcing the Ordinance as of the 11th day of July. He stated that he was under the impression that these businesses had 30 days to comply. He stated that this is the part that needs to be amended to give due process or retaliate in Court to get an injunction.

The City Attorney stated that there is no denial of equal protection in the person governing the effective date of specific provisions in this Ordinance. The City Attorney stated let me assure you if this ordinance had not applied to existing businesses and only prospective businesses then there would have been a denial of equal protection with respective to such prospective businesses.

Commissioner Plyman stated that he did not agree with the City Attorney. Commissioner Plyman stated that he believed that these business owners should be given the same courtesy. He pointed out that a Police Officer has not visited his

business yet, but he was sure the other businesses have had Police visits. There have been no restraints levied on his business yet.

Commissioner MacLeod reiterated the point that the amendments should be given to the City Manager so that the Commission could discuss the amendments and vote on the amendments at the earliest possible time.

Commissioner Plyman questions when the City would discuss the amendments. Commissioner MacLeod stated that the City must wait until the City Advertise and then accept amendments to the ordinance from different people in the Community.

Commissioner Jennings recommended that the City amend the ordinance. There was no second to the motion, the motion died for lack of a second.

Mayor Wilson questioned whether Commissioner Plyman could make a motion.

The City Attorney stated that he was not aware of any Council member who engages in any business in the Ordinance. The City Attorney stated that under General State Law an Ethnic Violation does not apply to City Commissioners in respect to some type of penalty attached. It does not mean it is a conflict of interest.

Commissioner MacLeod moved and Commissioner Plyman seconded the motion to advertise amendments to the Adult Entertainment Ordinance. The motion passed unanimously.

Commissioner Plyman moved to advertise the amendment change, which allows everyone thirty days to come in compliance with the ordinance. There was no second to the motion, the motion died for lack of a second.

The Director of Entertainment for the Sapphire Club stated that he mislead no one because there were no laws against what they were doing. He told the Commission to see what goes on in Adult Entertainment businesses after alcohol is taken out and whatever they do will be legal in the club.

Commissioner Plyman stated that the club could be open for 24 hours seven days a week. There will be no constraint with minors.

MONTHLY REPORTS

The following reports for the month of June were submitted and were filed as information:

- 1) General fund
- 2) Water and wastewater
- 3) Community Development
- 4) Metro Squad
- 5) Municipal Court
- 6) Uncollectible Water Accounts

Commissioner MacLeod moved and Commissioner Plyman seconded the motion to accept the reports. The motion passed unanimously.

OTHER CITY BUSINESS

The City Manager reported that a covering was placed on the side of Farmer's Market.

The City Manager reported that TV Station Channel 4 would be in Brunswick on the 22nd of July at Mary Ross Park and the Council Room.

Commissioner Jennings commended the City Manager for doing a fine job with the 4th of July fireworks. He stated that it was more than 10,000 people who viewed the fireworks display in the City of Brunswick.

Commissioner Jennings stated that he would like the City Manager and Director of Finance to design an application or permit for the Adult Entertainment Ordinance. The City should have a red line application.

Commissioner Jennings moved and Commissioner Plyman seconded the motion approving an increase of \$400.00 per month for Mayor and \$200.00 per month for the Commissioners. The motion failed by vote of 2 to 2. Commissioner Jennings and Plyman voting yes and Mayor Wilson and Commissioner MacLeod voting No.

Commissioner MacLeod reported that potholes in the streets are left by the Water Department employees. Commissioner MacLeod stated that all City employees should communicate with each other to get the job completed. Commissioner Plyman stated that the Public Works Department should allow

the Water Department to use their equipment to patch up holes in the street.

Commissioner Plyman stated that the City have a moratorium placed on alcoholic beverage licenses. He stated that his business could not get a beer license.

Commissioner MacLeod stated that he would like to recess the meeting until next week.

The City Attorney stated that the reason the moratorium was issued was to stabilize the issuance of licenses to people for Adult Entertainment. Commissioner Plyman stated that the City should set a target date to adopt the budget. The only persons that the budget will affect is the City employees.

Mr. Chapman reported that he acquired property on Habersham Street. Mr. Chapman stated that he would offer containers to the City for weekly clean ups and charge fees for disposal of coaches, mattresses, appliances, and construction materials.

MEETING RECESSED.

Mayor

Attest: -----
City Clerk