

**OFFICIAL MINUTES
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P.M., AUGUST 20, 1997**

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

ABSENT: Commissioner Dr. James MacLeod

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.

APPROVAL OF MINUTES

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the minutes of the meeting of August 6, with the following correction: Commissioner Lawrence stated that if the Hospital is going to grow, then we may need to look at building another hospital some place else. The motion passed unanimously.

PRESENTATION OF PROCLAMATION

Mayor Wilson presented a proclamation to eleven-year-old Dante Lawrence in recognition of being selected as the youth speaker at the National NAACP Convention in Pittsburgh, Pennsylvania. Dante spoke during the Roy Wilkins Scholarship Luncheon about the Spirit of Education. Dante Lawrence is the grandson of Commissioner Roosevelt Lawrence.

Dante Lawrence thanked the NAACP youth advisors for the opportunity to attend the Convention in Pittsburgh. Dante thanked his grandparents for their support.

A representative of the NAACP Youth Council told the Commission about the different projects that the Youth Council is working on in the City of Brunswick. Commissioner Lawrence added that the Youth Council is working with senior citizens and helping them with yard work.

PUBLIC HEARING

This being the date, time and place for public hearing for request to rezone Lot 4, Block J in Goodyear Park subdivision from R-9 One Family Residential District to Limited Medical District.

The City Manager stated that this is the second public hearing on the zoning request for the application submitted by Charles and Angela Neugebauer.

Charles Neugebauer, owner of the property located at 3216 Jekyll Avenue stated that he wants to sell his home to a prospective buyer, a nursing service. The home will be converted into an administrative office for the nursing service. Mr. Neugebauer stated that he wanted to sell his home to the nursing service because he will be forced to sell to the hospital at a lower price if the proposed rezoning is not granted.

Charles Neugebauer requested a continuation on the rezoning issue until Commissioner MacLeod was present.

Commissioner Plyman stated that he spoke with residents about the construction taking place in the neighborhood. The plan shows six off-street parking spaces with an eleven-foot driveway and construction of a new structure. Commissioner Plyman stated that residents do not want to move out of their homes, but they are being forced out. Commissioner Plyman stated that if a continuance is granted, he will not be able to vote because his last day will be August 26th.

A concerned citizen stated that the recommendation was made according to the current land use plan. The plan that the zoning staff is currently using is out dated and another plan should be prepared for the use of the area surrounding the hospital.

Commissioner Lawrence stated that Commissioner Plyman reported that he will not be attending the next meeting. In a situation where a decision needs to be made and Commissioner Plyman will not be present for the continuance and Commissioner MacLeod is absent this will affect Commissioner Plyman's vote.

The City Attorney mentioned that it takes a majority to pass the motion and it will be in order if the Commissioner chose to vote on the issue tonight or the rezoning request could be re-advertised and heard at another public hearing.

Commissioner Jennings read a portion of the minutes of the meeting on August 6, 1997, in which Commissioner MacLeod stated that the Commission has to agree with the Zoning Board decision.

Charles Neugebauer requested to defer the matter until it could be voted on by the full Commission.

The City Attorney stated that the Commission may consider Mr. Neugebauer's request to defer the rezoning. The City Attorney pointed out that the land use plan was approved ten years ago. This plan was recommended by the zoning staff when Paul Warwick was Mayor. The present land use plan tends to de-value property to practitioners. The Commission can request the planning staff

to conduct a new review of the neighborhood. The Commission is concerned with the growth in the Community.

Commissioner Jennings stated that the Commission should ask the Zoning Staff to update the Land Use Plan.

Mayor Wilson stated that the rezoning issue should be discussed tonight. The Hospital consists of fine individuals and he was the first advocate to oppose spot rezoning in the area surrounding neighborhoods and homes are beautiful and well kept.

Commissioner Plyman moved to contact local legislatures concerning the re-zonings that were made by the hospital.

Commissioner Plyman stated that some people may not want to sell their homes.

Commissioner Lawrence asked if anyone was present who wished to speak about the re-zoning. Mayor Wilson asked if there was anyone who would like to speak in favor or against the re-zoning.

Bob Mobley spoke on behalf of his mother who was not against the re-zoning of the area, but would like to see the whole area re-zoned. He opposed spot re-zoning.

Commissioner Lawrence reiterated that it would be unfair to Commissioner Plyman as well as Commissioner MacLeod if a decision is made concerning the re-zoning.

Mr. Neugebauer requested to withdraw his application for re-zoning at this time.

Commissioner Lawrence stated that Mr. Neugebauer asked to withdraw his re-zoning application when the Commission was considering the re-zoning request. Commissioner Lawrence stressed that Mr. Neugebauer should have contacted the City Manager about withdrawing his application.

The City Attorney pointed out that the Commission re-zoned the Hospice property over his objections. Commissioner Plyman stated that the Hospice property over his objections. Commissioner Plyman stated that the Hospital re-zoned property and traded it with Dr. Gowen.

Mayor Wilson stated that everyone wants to be located next to the Hospital and he was at a loss to understand why doctors want to locate in the area.

This being the date, time and place for a public hearing for the request to re-zone Lot 7, Block M in Goodyear Park Subdivision from R-9, One Family Residential District to Limited Medical District.

Commissioner Lawrence stated that it is hard not to re-zone the first request and re-zone the second request.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion to deny the request for re-zoning.

The City Attorney stated that the Hospital does not have power of eminent domain as far as he knows. The Hospital, by purchasing property, has the power to use it as Medical property. He stated that there are provisions of the code that regulate the Hospital power. The City Attorney explained the ownership of the Hospital, which is jointly owned by the City and County.

Commissioner Plyman stated that the City must deal with the request for rezoning in the hospital area. He stated that he has nothing against either property owner.

The motion passed unanimously.

GOING-OUT-OF-BUSINESS ORDINANCE

The City Attorney submitted the Going-out-of-Business Ordinance. He stated that the purpose of the ordinance is to make sure Going-out-of-Business sales are consistent with the State's Fair Business Act. The City Attorney pointed out that once a business conducts a going-out-of-business sale they cannot continue business in the same location.

Following a discussion, Commissioner Jennings moved and Commissioner Plyman seconded the motion unanimously adopting the following Ordinance:

ARTICLE V. GOING-OUT-OF-BUSINESS SALES

"As used in this Article, the term "going-out-of-business sale" means any offer to sell to the public or sale to the public of goods, wares or merchandise on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or that the sale is being held other than in the ordinary course of business and includes, without being limited to, any sale advertised either specifically or in substance to being a sale because the person is going out of business, liquidating, selling his entire stock or 50 percent or more of his stock, selling out to the bare walls, selling because the person has lost his lease, selling out his interest in the business, selling because everything in the business must be sold, or that the sale is a trustee's sale, bankrupt sale, save us from bankruptcy sale, insolvent sale, assignee's sale, must vacate sale, quitting business sale, receiver's sale, loss of lease sale, forced out of business sale, removal sale, liquidation sale, closing out sale,

executor's sale, administrator's sale, warehouse sale, warehouse removal sale, fire sale, water damage sale, insurance sale, adjustment sale, creditor's sale, branch store discontinuance sale or defunct business sale.

Sec. 13-152. License required.

"It shall be unlawful to advertise, conduct or carry on a going-out-of-business sale of any goods, wares, merchandise, or business inventory of any kind or description without first obtaining from the City a license to conduct such sale and paying the prescribed fee thereof.

Sec. 13-153. Inventory to be filed.

"At the time of applying for a license under this Article, the applicant shall file with the Finance Department an inventory containing a complete and accurate list of all the goods, wares, merchandise and items in inventory to be offered for sale at such sale. Said inventory shall be verified by affidavit to the effect that the inventory submitted contains a full, true, complete and accurate list of all the goods, wares, merchandise, and items in inventory to be offered for sale.

Sec. 13-154. Time limitation on sale.

"The license shall be issued for a specific number of days to be specified by the applicant, not to exceed a span of ninety (90) consecutive days, including weekends and holidays, and for conduct of the sale within specific calendar dates.

Sec. 13-155. Sale of good not in inventory prohibited.

"During the progress of any sale licensed pursuant to this Article, it shall be unlawful to sell or offer for sale any goods, wares merchandise, or items in inventory other than those shown on the list of inventory filed with the Finance Director at the time of making application for the license.

Sec. 13-156. Replenishment of stock prohibited.

"It shall be unlawful to make any replenishment or additions to the stock of goods, wares, merchandise, or items in inventory of the business for which the license has been issued during continuation of any sale licensed pursuant to this Article.

Sec. 13-157. Record of articles sold.od.

“The person conducting any sale licensed pursuant to this Article shall keep an accurate record of all articles or things sold, which record shall be available at all reasonable hours for inspection by the City Marshal or his Deputy.

Sec. 13-158. Continuing business beyond license period.

“It shall be unlawful to conduct or carry on a sale licensed pursuant to this Article for a period of time in excess of the time for which the license has been issued, and it shall be unlawful to continue to do business in any manner contrary to any representations which were made regarding the nature of the going-out-business sale.

Sec. 159. License fee.

“The fee charged for a license to conduct a going-out-of-business sale shall be a flat fee of \$25.00 for the first thirty days and \$10.00 per diem for each business day on which the sale is conducted thereafter.

Sec. 13-160. Judicial sales, etc. excepted.

“Nothing contained in this Article shall apply to judicial sales or sales conducted by order of any court or to sales made or conducted by wholesalers, jobbers or manufacturers in the regular course of their business as such.”

SECTION 2. If any provision of this Ordinance or of the amended Article as set forth here-in-above, is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not affect the remaining provisions of the Ordinance or Article.

SECTION 3. This Ordinance shall be of full force and effect as of September 22, 1997.

Notice of intent published: August 16, 1997
Read and adopted: August 20, 1997

DELEGATIONS

Beth Boyd representing Bench Mark in Hinesville, Georgia appeared before the Commission to request permission to place benches on sidewalks and roadsides in the City of Brunswick. Ms. Boyd stated that the District DOT can delegate to Municipalities to issue permits to businesses wishing to place benches in their City for local advertising.

Commissioner Plyman stated that advertising is a form of littering because it crowds the streets. Ms. Boyd stated that advertising is a good tool for businesses.

Commissioner Lawrence questioned who will do upkeep on the benches. Ms. Boyd stated that Bench Mark will do the upkeep of the benches and weed around the benches.

Ms. Boyd recommended placing benches behind the sidewalks on some streets. The City Manager stated that the right of way is in different locations. The sidewalks do not indicate the right of way.

Commissioner Jennings recommended that a bench be placed in the City on a trial basis in a convenient place within the City with the approval of the City Manager. The City Manager will approve the places where benches can be placed. Ms. Boyd was instructed to meet with the City Manager to discuss the area where the bench will be placed. Commissioner Jennings stated that areas with utility lines within the City's right of way should be checked before allowing a bench to be placed in that area.

Commissioner Plyman asked if Bench Mark had anything to do with the benches that are already in the City. Mr. Boyd stated that the benches are placed on private property and the benches will be placed in City parks and on streets with advertising on them. Commissioner Plyman stated that the Downtown Development Authority should have an opportunity to look at the benches and give their approval or objection.

A representative from Bench Mark pointed out that the benches are made of recycled plastic.

Commissioner Jennings asked the amount of liability insurance they will have on the benches. Commissioner Jennings was told by the representative that the National Bill Board Association issues the insurance for Benchmark for \$50,000.00 on personal injuries.

Commissioner Lawrence stated that the City should make sure there is no liability for the City of Brunswick. Commissioner Lawrence suggested that the City authorize the amount of benches that are to be placed in the City.

The representative from Bench Mark stated that benches cannot be placed on a major thoroughfare connecting with another City. Benches can be placed on a State Highway.

Commissioner Lawrence stated that the City is not responsible for placing umbrellas on benches.

Commissioner Jennings questioned the price of advertisement for the benches. Ms. Boyd stated that it cost \$200.00 per month for a one-year contract with some discounts.

Mayor Wilson stated that the City should see if the benches meet the approval of the public. One bench will be placed in the City on a trial basis and if it is not compatible for citizens and is not in the best interest of the City the benches will not continue to be placed in the City.

This met the consensus of the Commission.

The Commission decided to use the DARE advertisement on the bench for the trial basis.

MONTHLY REPORTS

The following reports for the month of July were submitted and were ordered filed as information: (1) General Fund (2) Water and Wastewater (3) Community Development (4) Metro Squad Fund (5) Municipal Court Fund and (6) Uncorrectable Water Accounts.

OTHER CITY BUSINESS

Ken Tollison appeared before the Commission to discuss the street paving. Mr. Tollison stated that he understood that the State will participate in the street paving. The City Manager stated that the street paving will be done under a City contract.

Jim Gish appeared before the Commission to request a license to operate a town car service in the City of Brunswick. Mr. Gish stated that the cars are not marked as a town car service. The City Attorney stated that the City will be looking at amending the taxicab ordinance and have the ordinance in place at the next meeting. Mr. Gish stated that this service is not like a taxicab. It is radio operated and these cars are used to pick up people from private homes and airports.

Commissioner Jennings instructed the City Manager to set up a meeting to discuss the operation of these vehicles in the City with the Chief of Police.

The City Manager reported that the City received a letter from the County inviting the City to participate in a joint City/County Surplus Equipment Sale.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion to hold a City/County surplus Equipment Auction with the County and submit a list of surplus equipment at the next meeting. The motion passed unanimously.

Commissioner Jennings reported that a City resident received a ticket for speeding near the Catholic School. He asked the City Manager to be sure the speed limit is visible to drivers.

Commissioner Plyman recommended presenting a proclamation to Davis Love III in recognition of his significant achievement in golf in this Community.

Commissioner Plyman and Commissioner Jennings seconded the motion issuing a proclamation to Davis Love III. The motion passed unanimously.

Commissioner Plyman stated that he would like an opportunity to review and approve the water and sewer Budget before his last day the 26th of August 1997.

Mayor Wilson stated that a Called Meeting will be held on Monday August 25th at 4:00 pm to discuss the Commissioner's salary increase.

Commissioner Plyman stated that he will be leaving on August 26th and requested to be allowed to work on the weekends. Commissioner Plyman Stated that he would like the City to consider hiring him as a part-time employer. Commissioner Plyman stated that he would like to have the latitude of working with the City. He stated that he must be on the City's insurance in order to use the City equipment. Commissioner Plyman stated that his salary can be set at \$5.00 per hour. Commissioner Plyman stated that the day he resigns as Commissioner the City will cancel his insurance.

Commissioner Jennings asked what the City Code stated about this type of situation. The City Manager stated that a City employee must resign when seeking an elected office in the City. Commissioner Plyman stated that he would like to keep his insurance active until January of 1998.

The City Attorney stated that the Commissioner Plyman may continue to pay his insurance.

Commissioner Lawrence questioned who pays for the rezoning advertisements in the newspaper. The City Manager stated that an application fee is paid by the person who wishes to rezone the property.

Commissioner Lawrence reported that the traffic near Burroughs Mollette School should be slowed down. A child was hit by a car near the school. Commissioner Lawrence stated that the traffic should be slowed down in the area and taken care of.

Commissioner Lawrence recommended building up the low sidewalks in the City to prevent rain from collecting in certain low areas in the City.

The City Attorney reported that the Director of Community Development requested that an ad be prepared for the sale of the home at 1622 Stonewall Street which is owned by the City of Brunswick. The City Attorney stated the people are going in the home which is unoccupied. The person who had been renting the house from the City died and the family is not interested in purchasing the house.

Commissioner Plyman stated that Mrs. Ellen Charles asked for the use of the Friendship House for handicapped persons. Commissioner Plyman stated that Mrs. Charles may be interested in use of the house at 1622 Stonewall Street and maybe Mrs. Charles can raise funds to have the house renovated.

Commissioner Plyman instructed the City Manager to call Mrs. Charles and give her an opportunity to look at the house to see if she is interested in the house at 1622 Stonewall Street.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to advertise the house at 1622 Stonewall Street for bids. The motion passed unanimously.

Commissioner Lawrence instructed the City Manager to check the ordinances on the construction of new homes in the City to see if they are being built too close to each other.

Mayor Wilson instructed the City Manager to have the Director of Water and Wastewater to give a breakdown of lead and chlorine in the City's water supply and also the aluminum content. He stated that citizens should be alerted.

Meeting Adjourned.

Mayor _____

Attest: _____
City Clerk