

**OFFICIAL MINUTES**  
**COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA**  
**REGULAR MEETING**  
**8:30 A. M., October 1, 1997**

**PRESENT:** His Honor Mayor Homer L. Wilson, Commissioners Roosevelt Lawrence, Dr. James MacLeod, 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 Mayor and Commissioners and everyone in attendance.

**APPROVAL OF MINUTES**

Commissioner Lawrence moved and Commissioner Jennings seconded the motion approving the minutes of September 17, 1997. The motion passed unanimously.

**RECOGNITION OF RETIRING CITY EMPLOYEES**

Mayor Wilson presented a plaque and gift to the following City employees in recognition of their retirement from the Public Works Department and the Fire Department:

Barty Howard, Supervisor Public Works Department retiring after 30 years of service.

Marion Griffin, Equipment Operator Public Works Department retiring after 20 years of service.

Harold Ellis, Public Works Department retiring after 21 years of service.

Lonnie McKinzie, Engineer Fire Department retiring after 25 years of service.

**PRESENTATION OF PROCLAMATION PROCLAIMING OCTOBER AS NATIONAL ARTS AND HUMANITIES MONTH**

Mayor Wilson presented a proclamation to Brian Thompson proclaiming the month of October 1997 as National Arts and Humanities Month in the City of Brunswick.

**PRESENTATION OF PROCLAMATION PROCLAIMING OCTOBER 8-13 AS NATIONAL FIRE WEEK**

Mayor Wilson presented a proclamation to Fire Chief Lee Stewart and members of his staff proclaiming October 8-13 as National Fire Week in the City of Brunswick. Commissioner MacLeod and Commissioner Jennings commended the Fire Department for doing an excellent job of Fire Prevention in the City of Brunswick.

## **PUBLIC HEARING**

This being the date, time and place for Public Hearing on request to rezone Lot 7 Block M in Goodyear Park subdivision from R-9 One Family Residential District to LM Limited Medical District.

The City Manager stated that this is the third request to rezone this property. Commissioner Jennings stated that at the last meeting he requested that a public hearing be held on the Hospital Land Use Plan. Commissioner Jennings stated that City and County Commissioners, the Chairman of the Hospital Authority and CEO and one representative of the Planning Commission and one staff member should be present at the meeting. Commissioner Jennings stated that the City should think seriously about having a joint City/County Land Use Plan.

Rev. Zack Lyde stated that it is a conflict of interest for the County to make decisions for the City of Brunswick. He suggested that the City get rid of the County Zoning and Planning Operations and re-evaluate the Zoning and Planning situation and get back in the Zoning business for the best interest of the City. He pointed out that the City is giving the County welfare on public buildings in the City.

Deborah Taylor Director of Zoning and Planning informed the Commission that they have three members from the City serving on the Planning Commission Board. Mrs. Taylor felt that the City should hire an outside consultant to conduct the Land Use Plan and hold the Public Hearings in the City. Mrs. Taylor stated that the Planning and Zoning Department will continue to process rezonings for the City of Brunswick because the Zoning Ordinance requires the County to process applications for rezonings. Mrs. Taylor stated that the Zoning and Planning Department wishes to continue accepting applications for the City of Brunswick. She told the Commission she gave out three applications this week for rezonings.

Commissioner Jennings questioned when the City and County discontinued the Joint City/County Planning Commission. The City Manager indicated that it was dissolved a long time ago when they moved for City Hall.

Commissioner Lawrence mentioned that the City of Brunswick have fine talented people. He expressed his concerns on why the City cannot assign these people to handle rezoning requests in the City.

Commissioner Jennings recommended that the City Attorney and City Manager handle the City's rezoning requests.

Commissioner MacLeod recommended setting up a Zoning Committee to handle rezonings for the City. Commissioner Jennings suggested not setting up a Commission with anonymous people.

Rev. Zack Lyde agreed with Commissioner Jennings. He pointed out that the City does not have a comprehensive plan for the hospital. In the past, the City tried to combine City/County functions such as the Recreation

Department. Rev. Lyde asked the Commissioner to deny the rezoning requests.

The City Attorney stated that the City and County are mandated by the Future Communities Legislation to work out conflicts in these communities.

The City Attorney pointed out that the two applications for rezonings come within the existing Land Use Plan.

Commissioner Lawrence asked what the City is supposed to do about working with the County? He stated that the City made an overture to meet with the County and they refused to meet with the City.

Commissioner Jennings recommended to freeze rezonings for a length of time. He suggested sending a letter to the Hospital Authority asking them not to purchase any more property in the Hospital Area.

Rev. Zack Lyde suggested getting someone to look at the interest of the City instead of the two Attorneys from the City and County meeting at lunch to make a decision. He pointed out that the City Attorney should not be authorized to make a decision for the City because he is not an elected official. He pointed out that health; safety and welfare decisions should be made for the best interest of the citizens of Brunswick.

The City Attorney stated that he was not trying to dictate to the Commission on what to do. He stated he was giving sound legal advice.

Mayor Wilson went on record to state that he never attempted to encroach on any property owners in Goodyear Park. He stated that Commissioner Lawrence also opposed spot zoning in the area. He further stated that he did not object to any property owner request if the conditions have been met.

Rev. Zack Lyde reminded the Commission that an ordinance is in place to stop spot rezoning.

Mayor Wilson stated that he understood Rev. Lyde's point. Mayor Wilson asked if the property owners cannot sell their property to the Doctors who can they sell it to?

Commissioner MacLeod stated that the City couldn't turn to the County for help. The City needs to draw up plans on how to conduct rezonings. The City needs to try and set up something and deal with the problem.

Robert Herrington asked the names of the three members who serve on the Planning Commission. Deborah Taylor stated that the names of the persons who serve on the Planning Commission are Hal Hart, Linda Jones and Jonathan Williams.

Mr. Herrington asked what decisions the Planning Commission makes concerning the rezonings. Mrs. Taylor stated that they do not hear City rezonings; they just serve on the Planning Board.

Commissioner Jennings stated that the City under House Bill 489 must submit a plan for duplication of City Services. Commissioner Jennings questioned

whether the Land Use Plan could be used and just make the area smaller.

The City Manager stated that there is no reason to expand the area to Limited Medical. The City can leave the Plan as it is.

The City Attorney pointed out if the property owners sell their homes to the Hospital they can use the property for any purpose.

Commissioner Lawrence stated that the City should separate the two. He stated that it is not fair to blame it on the Hospital.

Rev. Lyde asked if the Hospital was going to be one big Industrial area to the Hospital. Rev. Lyde stated that he agreed with the City Attorney. He mentioned that the City must have a broader vision of where the City is going in the future. He pointed out that the citizens did not elect Mr. Highsmith they elected the Commission because of their vision for the hospital. He asked the Commission to deny the request.

The City Attorney stated he did request another Public Hearing to rezone the property again because the property owner next door requested a rezoning. He stated that he felt that it was important to have another Public Hearing on those properties that were denied.

Commissioner MacLeod stated that the City needs to rezone this property. The City needs to appoint someone to handle the Land Use Plan or Master Plan for Goodyear Park. The City should have a meeting to determine who will be on the Zoning Commission and invite residents of Goodyear Park to give input.

Commissioner Jennings moved and Commissioner Lawrence seconded the motion to approve the rezoning from R-9 One Family Residential District to Limited Medical, Lot 7, Block M in Goodyear Park subdivision. The motion passed unanimously.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to approve the rezoning from R-9 One Family Residential District to Limited Medical, Lot 6, Block M in Goodyear Park subdivision. The motion passed unanimously.

Commissioner Lawrence questioned why the Zoning staff recommended one structure for rezoning and denied the other structure. He stated that the procedure was not right to approve one and deny the other.

Commissioner MacLeod instructed the City Manager to research the information and place it in the Commission boxes on how to set up a Planning Commission.

Commissioner Jennings stated that he felt the City did not need to set up a separate Planning Commission. He would like to see the City Manager and the City Attorney at each meeting.

Commissioner Jennings recommended placing a freeze on rezonings. The City

Attorney stated six months is too long and it would worry him. Commissioner Lawrence recommended voting on how long the freeze would be in effect.

Deborah Taylor pointed out that the Land Use Plan is valid for 10 years.

Commissioner MacLeod recommended authorizing the City Attorney to do some research before the freeze is considered. Commissioner MacLeod recommended meeting with the County Commission to discuss the issue. Commissioner Lawrence asked how many times would the County slap the City in the face.

The City Manager requested that the City allow him the Opportunity to speak with the County Administrator concerning the Land Use Plan.

Rev. Zack Lyde mentioned that RUPA had the same problems with the County Zoning and Planning Department. Rev. Lyde suggested that the City have people from the City represent the City and lead them in the right direction.

Mayor Wilson went on record to state that the City did not need to bring any rezoning request for the next three months because he was not voting on any.

Commissioner Lawrence stated that the City Commissioner needs to make appointments for any citizens serving on the Zoning Commission. Commissioner MacLeod pointed out that everyone should vote on creating a Zoning Commission.

#### **ADOPTION OF RESOLUTION SETTING TAX MILLAGE RATE**

On motion of Commissioner Jennings seconded by Commissioner Lawrence the following Resolution was unanimously adopted:

It is hereby resolved by the Commission of the City of Brunswick that an ad valorem tax of thirty-four dollars and eighty-nine cents (\$34.89) per one thousand dollars (1,000) of assessed valuation is hereby levied and assessed for the calendar year 1997 upon all tangible property that is subject to taxation within the City. Pursuant to Official Code of Georgia Annotated Section 48-8-91, it is further resolved that said millage rate of thirty-four and eighty-nine one-hundredths (34.98) mils shall be reduced by twenty-three and eighty-nine one-hundredths (23.89) mils, that being the millage rate which, if levied against the tangible property in the City of Brunswick, would produce an amount equal to the distribution of local option sales tax received by the City of Brunswick during 1996, leaving a net millage rate of eleven and zero one-hundredths (11.00) mils, which shall be the net millage rate upon which each taxpayer's bill shall be based. It is further resolved that payment of 1997 ad valorem taxes shall be due no later than January 20, 1998.

#### **CEMETERY DEED**

Petition received from Marcele and Leon Sparre to return for resale Spaces A and B of Lot NO. 11, Section No. 28 in Palmetto Cemetery. Original deed surrendered. Commissioner Lawrence moved and Commissioner Jennings seconded

the motion granting the petition. The motion passed unanimously.

Commissioner Lawrence recommended that the City consider handling the rezoning.

The City Attorney pointed out that the Zoning Ordinance states that the applications may be made to the Glynn County Department of Community Development. He stated that this is a very delicate situation and using a private consultant is not unusual.

#### **DELEGATION**

Mr. Spaulding resident of the Southend appeared before the Commission to discuss a problem concerning a six grave lot in Palmetto Cemetery. Mr. Spaulding told the Commission that a City employee struck the brick coping. Mr. Spaulding stated that it cost \$800.00 to place the coping around the graves.

The City Manager stated that he would speak with the Public Works Director to get something done.

Mr. Spaulding next discussed the SPOST funds that the City collected to relieve drainage on the Southend. He reported that the City have not used any funds for drainage in the area.

Mr. Spaulding stated that he requested that the City spray the grass to keep it from growing in the Street. He stated that the City never sprayed the grass.

Commissioner Jennings instructed the City Manager to take care of the problems and report to the Commission the next two weeks.

Mr. Spaulding stated that it was only two Commissioners that came down to look at his drainage problems on the Southend. Mr. Spaulding asked the Mayor about a statement that was made concerning the 26-year old drainage problems on the Southend. He stated that the Mayor was quoted as saying, "don't worry about the drainage." Mayor Wilson stated that he never said don't worry about the drainage problems on the Southend.

Mr. Spaulding reported that he still has a hole in his yard that was reported six years ago.

The City Manager stated that he would follow up on Mr. Spaulding's request.

Mayor Wilson stated that the City would address all of the problems. The City Manager was instructed to get with Mr. Spaulding this afternoon.

Mayor Wilson thanked Mr. Spaulding.

#### **OTHER CITY BUSINESS**

The City Manager reported that the City should clarify the price of the lots that are sold to the City for refunds. Mayor Wilson stated that no one should make a profit from selling a cemetery lot.

Commissioner MacLeod moved and Commissioner Jennings seconded the motion authorizing the City to pay a person the same price they purchased a cemetery lot for in Greenwood and Palmetto Cemetery. The motion passed unanimously.

It met the concerns of the Commission to advertise for persons to serve on the Board of Trustees for the Cemetery Trust fund.

Commissioner Jennings questioned the lost of \$60,000.00 by the City for stolen checks. The Director of Finance stated that three people are on signature cards at the bank. Commissioner Jennings asked how many employees have access to blank checks?

The Director of Finance told Commissioner Jennings that the City has converted to a new computer system, which creates the checks when a check request is made. He stated that the Accounting Department issues checks.

Commissioner Jennings stated that he would like the City to come up with a policy that would protect the computer system and funds.

Commissioner Lawrence asked if any checks that leave City Hall are ever hand written. The Director of Finance stated that no checks are ever hand written.

Commissioner Jennings questioned whether the checks were in the area under lock and key. The Director of Finance explained how a bank teller tipped the City about checks coming in through the Drive-in. He further stated that the amount was confirmed through a monthly bank statement.

Mayor Wilson stated that the matter was brought to his attention and he thought restitution was made.

Commissioner Jennings stated that the City has a long good standing with Sun Trust Bank. The Director of Finance stated that the City has negotiated with the bank and insurance company. Commissioner Jennings suggested that the City go back and negotiate with the bank. The bank has the signature cards and knows that only three people can sign. Commissioner Jennings instructed the City Manager, the City Attorney and the Director of Finance to talk to the banks to continue to have a good relationship.

Commissioner MacLeod stated that in September or October of 1996 some Community Service workers were sent to work in City Hall. Somehow they got hold of the checks and forged them. These workers have been convicted and the City filed for reimbursement from the banks and the banks refused to reimburse the funds because the checks were forged. The banks have not reimbursed the City and the City does over one million dollars worth of business with these banks. Commissioner MacLeod pointed out that the City is at a tug of war.

The Director of Finance told the Commission that the request for reimbursement was made informally.

Mayor Wilson recommended that the City go to each bank to get the best rates for their funds. The City should do what is best for their citizens and employees. The City has to work with each bank.

It met the general consensus of the Commission to authorize the City Manager, the City Attorney and the Director of Finance to meet with the Banks to negotiate the reimbursement of funds to the City of Brunswick.

**MEETING ADJOURNED.**

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Mayor

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