

OFFICIAL MINUTES  
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA  
REGULAR MINUTES  
7:00 P. M., February 18, 1998

**PRESENT:** His Honor Mayor Bradford S. Brown, Commissioners Roosevelt Lawrence, Harold E. Jennings, Jonathan Williams and Doris Davis.

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

**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 to approve the minutes of the meeting of February 04, 1998.

**PROCLAMATION PROCLAIMING U.S. ARMY FIELD BAND AND CHORUS DAY**

Mayor Brown presented a proclamation to Arlie McNeill the Military Affairs Liaison on behalf of the United States Army Field Band and Chorus. Mayor Brown proclaimed February 27th as Army Field Band and Chorus Day in the City of Brunswick. Mr. McNeill stated that the Brunswick/Glynn County Chamber of Commerce and the Golden Isles Chamber of Commerce has been very successful the last several years in having this band perform in the City of Brunswick. Mr. McNeill mentioned that the United States Army Field Band is a number one band and the Soldier's Chorus is fantastic. Mr. McNeill stated that the concert is free, but everyone must have a ticket. He invited everyone to attend the concert. Mr. McNeill thanked the Mayor for the proclamation.

Mayor Brown stated that he would not be available to attend because of a prior commitment. Mayor Brown told Mr. McNeill that hopefully the Commission and City Manager would have an opportunity to come out and witness the performance.

**PROCLAMATION PROCLAIMING SEVERE WEATHER AWARENESS WEEK**

Mayor Brown presented a proclamation to Ed Able proclaiming the week of February 23-27, 1998 as Severe Weather Awareness Week in the City of Brunswick. Mr. Able submitted information on all types of severe weather to the Commission. Mr. Able invited citizens to pick up a copy of the severe weather information from the Emergency Management Office located at 2850 Altama Avenue. Mayor Brown thanked Mr. Able.

**APPOINTMENT TO THE PARK AND TREE BOARD**

Mayor Brown mentioned that Marilyn Gooche submitted a letter requesting consideration for appointment to the Park and Tree Board. Mayor Brown stated that everyone should have a copy of the letter submitted by Mrs. Gooche. Mayor Brown asked the Commission if there were anymore nominations. Commissioner Williams stated that he would like to submit a name for consideration for appointment on the Park and Tree Board.

Gill Robinson, a resident of Union Street stated that he did not have an opportunity to submit a letter requesting consideration for appointment to the Park and Tree Board. Mr. Robinson stated that he have been personally affected by a decision to remove a tree in his yard. Mr. Robinson

requested consideration for appointment to the Park and Tree Board pointing out that he would like to volunteer his services.

Mayor Brown asked Mr. Robinson to give some of his credentials that may be effective to the Park and Tree Board since the Commission did not receive a letter or any notification concerning the request for appointment to the Park and Tree Board.

Mr. Robinson stated that he was not a Horticulturist or anything like that, but he did live on the South End of Brunswick and very familiar with the trees in that area. Mr. Robinson stated that he was an Independent Insurance Broker and a Real Estate Appraiser. Mr. Robinson pointed out that he is self-employed and feels that he have the time to give to the Park and Tree Board. Mr. Robinson reiterated that he read about the appointment last week and came down to request consideration for the appointment to the Park and Tree Board.

Commissioner Lawrence questioned if this was the third discussion concerning an appointment to the Park and Tree Board. The City Manager stated that Commissioner Lawrence was correct.

Mayor Brown stated that Mrs. Marilyn Gooche submitted a request to be considered for appointment to the Park and Tree Board. Mayor Brown mentioned that Mrs. Gooche is a Georgia Master Gardner, Past President of the Windsor Park Garden Club, Past President of the Golden Isles Rose Society and recipient of the Bronze Metal from the American Rose Society. Commissioner Davis stated that John Gilbert a resident of Kay Avenue submitted a request for consideration for appointment to the Park and Tree Board at the last meeting.

Mayor Brown asked for nominations from the floor for appointment to the Park and Tree Board.

Commissioner Jennings stated that he knew B.J. Gibson, he was one of his mail carriers and also Mr. Gibson's father who retired from the Post Office.

Commissioner Jennings nominated B. J. Gibson for appointment to the Park and Tree Board. Commissioner Williams seconded the nomination.

Mayor Brown relinquished his chair to Mayor Pro-Tem Lawrence and nominated Marilyn Gooche for appointment to the Park and Tree Board. Mayor Brown stated that Mrs. Gooche was nominated because of her credentials and her expertise with flowers and shrubs. Commissioner Davis seconded the nomination. There being no further nominations, the nominations were closed.

Mayor Pro-Tem Lawrence called for the vote by a show of hands for B.J. Gibson. B.J. Gibson received 4 votes from Commissioners Jennings, Williams, Davis and Lawrence. B.J. Gibson was appointed to serve on the Park and Tree Board for 5 years.

#### APPOINTMENT OF MUNICIPAL JUDGE PRO-TEM

Mayor Brown stated that Judge Ligon submitted a letter to the Commission concerning appointment of a Judge Pro-Tem. Mayor Brown asked if everyone received a copy of the letter. Mayor Brown stated that there are several issues that should be discussed and the most particular the appointment of Judge Pro-Tem for a case involving a citation given to a local business owner. Mayor Brown stated that Judge Ligon has been advised not to hear that case and that is why the

Commission needs to appoint a Municipal Judge Pro-Tem at this time.

Commissioner Jennings stated that this might be a premature case because the City does not have a City Attorney yet and maybe the new Attorney might solve those two citations.

Mayor Brown stated that in this particular issue that may be the case, but in speaking with Judge Ligon there are times when he is not able to be in court. Mayor Brown stated that he felt that the City needs to have someone stand in for him.

Commissioner Lawrence stated he understood that Judge Ligon may be absent because of illnesses or whatever the case maybe. He stated that Judge Ligon owe an explanation to the Commission why he cannot hear the case other than stating a conflict of interest.

Mayor Brown asked the City Manager to elaborate on the issue because he spoke to Judge Ligon earlier.

The City Manager stated that he found out from Judge Ligon that he initially disqualified himself from the case because at the time Mr. Plyman was still on the Commission. Judge Ligon was informed by the Judicial Qualifications Commission since Mr. Plyman was a member of the Appointing Board that it would be a conflict of interest to hear that case.

Commissioner Lawrence stated that he needs to know where the conflict of interest exists.

The City Manager stated that he would be happy to give Judge Ligon a call asking him to explain the conflict of interest if it is the desire of the Commission.

Commissioner Lawrence stated that he felt the Commission needs to hear the conflict of interest because the Municipal Judge is suppose to hear cases in Municipal Court. Commissioner Lawrence mentioned that the Commission was involved in the case about the Boone Building. Commissioner Lawrence stated that he was adamant in trying to save the Boone Building for Historical purposes. Commissioner Lawrence stated that Judge Ligon chose not to look at issues concerning the Boone Building as a conflict of interest and passed judgement, so he needed to know the difference. The City Manager stated that if the consensus was to contact Judge Ligon and ask him to call each Commissioner and explain individually what the nature of the conflict of interest is.

Mayor Brown asked the Commission if they spoke with Judge Ligon to find out who would be an appropriate Judge Pro-Tem.

Commissioner Jennings stated that he received a call from a gentleman concerning his six years of experience in Savannah as a Judge. Commissioner Jennings stated that he did not know Andy Lakin.

Commissioner Lawrence recommended that the Commission use the same process in advertising for a City Attorney. Mayor Brown agreed.

Commissioner Lawrence asked if the person had to be a Judge in order to be appointed as Judge Pro-Tem.

The City Manager read the qualifications listed in the City's Code Book. The Municipal Court shall be presided over by a Judge who shall be a member of the State Bar of Georgia, and be at least 25 years of age, and who shall be a resident of the Judicial circuit in which the court is located. The Commission may appoint from time to time, a Judge Pro-Tempore to hold and preside over the Municipal Court in the absence

or disqualification of the Judge.

The City Manager stated that by appointing a Judge Pro-Tem he would serve as a Judge.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to advertise for a Judge Pro-Tem. The motion carried.

#### DISCUSSION OF COMPOST FEES

The City Manager stated the staff recommended the following price for compost.

\$ 5.00 Pick up Truck  
\$25.00 Dump Truck  
\$50.00 Tractor Trailer

Bags and Buckets no charge if loaded themselves.

Tipping fee \$25.00 for tractor trailers bringing debris to the site.

Commissioner Williams stated that the Commission should be careful of how the City word the fees. Commissioner Williams asked if the City was charging a loading fee and not charging for the compost. Commissioner Williams stated that the City did not want any problems later with the compost.

The City Manager stated that it could be set as a loading fee or tipping fee.

Commissioner Lawrence stated that the compost price should be reasonable so that it would sell. Mayor Brown stated that the cost is \$5.00 for a truck load.

Commissioner Jennings stated that he received a call from a resident stating that the compost was placed on his grass and it died. Commissioner Jennings stated that a sign is not posted listing what the compost is composed of. He stated that a sign should be posted.

Commissioner Jennings recommended that the compost fee be tabled because of the liability that could be associated with the sale of the compost.

Mayor Brown stated that the Commission have been thinking about this for a quite a while. He stated that the sale of compost will help with the financial condition of the Water and Wastewater Department and this would eliminate some of the financial burdens. As far as a liability problem if there is any liability with the substance being toxic the City will be liable whether the City give it away or sell it.

Commissioner Davis suggested pricing the dump trucks and and tractor trailer trucks loads lower.

Commissioner Williams recommended to try the fee for six months and if it is not selling then readjust the prices.

Mr. Hertzfield stated that he used the compost for gardening and his plants died. He suggested pricing by the scoop full.

Mayor Brown recommended reducing the trial period to three months and if the compost is not selling, readjust the prices.

Commissioner Davis moved and Commissioner Williams seconded the motion approving the sale of the compost for the fees recommended by staff. The City will review the pricing in three months and post the actual ingredients of the compost. On call for the vote the motion carried by vote of 3 to 2. Commissioner Lawrence and Commissioner Jennings voting No.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to post the price and ingredients of the compost, which is sewer, sludge and trash by March 1, 1998. The motion carried.

Commissioner Jennings recommended that the City Manager, Water and Wastewater Director and Director of Finance complete a study on Water and Wastewater.

The City Manager stated that the City is considering refinancing of the City's Bond. Information will be submitted in March.

Commissioner Lawrence stated that the Commission should draw a line some place. He stated that in eight years the City still has not accomplished their goal. He stated that Department Heads continue to waste money this is not helping at all. He stated that the City should take a serious look at the Water and Wastewater Department.

Mayor Brown stated that refinancing could save 1/2 million dollars, but it does not solve the problem completely.

Commissioner Lawrence stated that each time the bond was refinanced the City was supposed to be in better shape. The City should discuss the problems of the Water and Wastewater Department.

#### OTHER CITY BUSINESS

The City Manager stated that he was contacted by the District Office of the Department of Transportation in Jesup. There are funds available to be applied to the continuation of Martin Luther King, Jr. Blvd. project. The Department of Transportation requires the City to sign the Local Government Project agreement. The City Manager stated that the City has already set aside \$350,000.00 in SPLOST Budget for the Utility relocation. The City Manager stated that he asked Moreland and Altobelli to review the plans for the City Engineer.

Commissioner Lawrence moved and Commissioner Davis seconded the motion to authorize the Mayor to execute the agreement with the Department of Transportation for the continuation of the Martin Luther King, Jr. Blvd. project. The motion carried.

Commissioner Davis recommended that a four way stop sign be placed at the intersection at Albany and Prince Street near Lover's Oak. The City Manager stated that a traffic study would be conducted. Commissioner Davis questioned when the Commission would hold a Town Hall meeting. Commissioner Jennings stated that he would get back to Commissioner Davis about setting a date.

Commissioner Williams mentioned he received calls from citizens who are concerned about repairing streets and sidewalks in the City. He recommended that the City discuss the repairing of streets and constructing sidewalks in the City.

Commissioner Lawrence recommended that the City construct sidewalks on Tara Lane.

Willie Lewis stated that he wanted to be placed on the Agenda to request that the City stop trucks from travelling on T and Albany because the trucks are tearing up his house on Albany Street.

Mr. Lewis stated that transfer trucks and other trucks come through that area everyday. Mr. Lewis submitted photographs of the damage the trucks have made to his house.

The City Manager stated that he addressed the problems because it was brought to his attention.

Commissioner Lawrence questioned if the trucks are still traveling on T Street when there is a sign posted that reads No Trucks Allowed.

Mayor Brown instructed the City Manager to find out what businesses the vehicles is going to. Mayor Brown stated that the Business owners should be made aware of the problem.

Chuck Gonzalis stated that he was suppose to be on the agenda tonight to discuss the refusal of a business license for Star Bright Linen. Mr. Gonzalis stated that Roger Sapp is the owner and would like to speak to the Commission about it.

The City Manager stated that he understood that Mr. Sapp was going to contact him if he wanted to be placed on the Agenda. The City Manager stated that he met with Mr. Sapp and discussed the issue, but Mr. Sapp did not call asking to be placed on the Agenda.

Mayor Brown told Mr. Sapp that the protocol rules allow him to speak for five minutes if he was not on the Agenda.

Mr. Sapp stated that he was under the impression that he was supposed to be at the meeting. He stated that he could have misunderstood.

Mr. Sapp stated that he operated a business for five years at 1108 First Avenue and received a business license for each year. Mr. Sapp stated that two building permits were issued allowing him to add on to his business. Mr. Sapp stated that he had an old house and tore it down in order to put up a metal building. He stated when he did this the City mailed him a letter denying him a business license and shut him down. Mr. Sapp stated that he have probably eleven people employed and do not have a place to move into.

Mayor Brown stated that he read the memo the City Manager mailed to Mr. Sapp in regards to this. Mayor Brown stated that the Commission did have time to read it. Mayor Brown told Mr. Sapp that the business he was operating was in violation of the City's Zoning Ordinance and did not meet the requirements. Mayor Brown asked Mr. Sapp if that was correct.

The City Manager pointed out that the location was zoned local commercial and the type of Commercial laundry operation that Mr. Sap has there is not permitted in that zone.

Commissioner Jennings asked Mr. Sapp what type of business did he describe on the license application. Mr. Sapp stated that the business was listed as Star Bright Linen just like it always has been listed. Mr. Sapp stated that he never hid that fact that his business was a linen company. He stated that \$300,000.00 was probably put into his business.

Commissioner Jennings stated that he received many calls from residents who lived close to Mr. Sapp complaining about the vibration of their houses. Commissioner Jennings asked Mr. Sapp how much land do he have to move the business toward the back of his property as opposed to right on the street.

Mr. Sapp told Commissioner Jennings he was not aware of the vibration. He stated that his neighbors were asked to sign a petition. Mr. Sapp pointed out that the concrete slab is 4 feet thick and he uses a 135-pound washing machine. Mr. Sapp stated that he did not know how the washer vibrates into people houses. He told Commissioner Jennings he did not see how it is possible. Mr. Sapp stated that he paid money and

was issued a notice asking him to get out. Mr. Sapp stated that it kind of upset him and his family. He stated that people are beginning to talk and he is starting to lose his business accounts simply because people do not know whether he will be in business. He pointed out that he could not give them an answer because he does not know that answer.

Mayor Brown stated that the City Manager has given Mr. Sapp a time frame in the memo when the issue was originally addressed.

The City Manager stated that the original letter was written on December 10, 1997 and Mr. Sapp was told that his current license will not be renewed and the current license expires the end of next month. The City Manager stated that he felt from the staff's stand point that there was no alternative, but to notify Mr. Sapp when it was brought to his attention about the Zoning Ordinance violation. He felt that the Ordinance should be enforced.

Commissioner Lawrence asked Mr. Sapp did he try to comply with the zoning violation.

Mr. Sapp stated that the only thing that he was told was not in compliance was the difference between what he was doing and what a dry cleaners was doing. Mr. Sapp stated that he go out and pick up the product and bring the product in to be laundered. The Dry Cleaners or Laundromat allows people to bring in their laundry and that is the difference between a linen service and laundromat. Dry Cleaners have a delivery service too.

Commissioner Lawrence stated that Mr. Sapp told the Commission that he invested a large amount of money in his business. Commissioner Lawrence asked why did he place all of this money in a business trying to bring it into compliance. He asked if the business was being brought up to compliance.

Mr. Sapp stated that he never received a compliance notice. He just received a letter from the City Manager. He stated that he was in business at the same location for five years and has been adding on and getting ready to add on again when he tore down his house.

Mr. Sapp stated that the Building Inspector came to his business and told him if he tore down the house, a metal building could be placed on the property.

Mr. Sapp stated that he tore the house down and leveled the property and that is when he received the letter from the City Manager concerning the zoning violation. He stated that he tore down a \$450.00 a month rental house. He stated that the City is telling him that he can not be at that location. He asked why the City did not tell him that five years ago before all the money was invested.

Commissioner Lawrence asked Mr. Sapp did the Building Inspector, Joe Navarro tells him to tear down the house and it would be okay to redo it.

Mr. Sapp stated that the Building Inspector never knew anything about this. When he asked the Building Inspector if he could put up a metal building to expand, he was told to tear down the house and come back and he did exactly that. He stated that since the City Manager mailed the letter the Building Inspector is denying him a building permit.

Mr. Sapp stated that he is out of a house and does not know what to do at this point.

The City Manager stated that he believed that Mr. Sapp is

looking for another building.

Mr. Sapp stated that he is looking at another building.

Commissioner Jennings asked how long would it take Mr. Sapp to get into another building. Mr. Sapp stated it all depends on the financing. He stated the banker told him that too much money is owed. At this point, Mr. Sapp said it is going to be difficult for the bank to loan him the money. He stated that \$43,000.00 purchased the property and he owes roughly 13,000.00 or 14,000.00 on the note and other money that was used to purchase equipment for the business. He stated that South Georgia Linen was purchased about 4 months ago and \$300.00 a month is paid for storage because he can not take it to his own property.

Mayor Brown stated that he felt that the issue here is unfortunate and Mr. Sapp was not told to begin with about the zoning requirements and the violation has been caught at this point and time. He stated that the City could not allow someone to violate zoning laws although it slipped through before. Mayor Brown stated that the neighbors are complaining about vibrations. And two citations have been issued for the debris in front of Mr. Sapp's business and citizens are complaining about items that have been piled on City property.

Mr. Sapp stated that he never received anything warning him about any kind of problem.

Mayor Brown told Mr. Sapp that he may not have been issued a citation, but he knows the neighbors have complained.

Mr. Sapp stated that he spoke to his neighbors and this is the only conversation he has had about his property.

Mayor Brown stated that he feels that there is a zoning violation that is being addressed and the City need to stick with the way the property is zoned and stand by that zoning.

The City Manager stated that the property is zoned Local Commercial.

Commissioner Williams asked Mr. Sapp when he built the building the business is located in. Mr. Sapp stated that he brought the building in 1993 and built two additions in 1994 and 1996.

Mr. Sapp stated that he purchased a two-inch water meter for his business for \$60,000.00. He stated that the City knew he was a linen service 3 years ago when they charged him for the water meter.

Mayor Brown told Mr. Sapp that he can not address why the violation was not detected, but the way he sees it, Mr. Sapp have a violation of the City's zoning ordinance that was addressed in December.

Mr. Sapp asked what was the difference between a linen service and a laundromat.

Mayor Brown stated that he could no address that part of the City code.

Mr. Sapp stated that he could contract the work to other people to bring to his business, but can't personally go out and get it. Mr. Sapp pointed out that he could contract it out to drivers, but that is still doing the same thing.

Mr. Sapp asked if the City could give him more time.

Mayor Brown stated that the issue is not on the agenda and

should be tabled until the next meeting. Mayor Brown told Mr. Sapp that he could be placed on the agenda again to address this issue. Mayor Brown stated that the City do not have a City Attorney to address legal issues at this time.

Mayor Brown pointed out that a time frame has been given to Mr. Sapp. Mr. Sapp stated that five months is not enough time to move a \$400,000.00 business. The City Manager reminded Mr. Sapp that he was given notice the first week in December.

Commissioner Jennings stated that he sympathized with Mr. Sapp because eleven people are employed. He stated that he could not see why the City could not give Mr. Sapp a little bit more time.

Mayor Brown stated that Mr. Sapp should have addressed the Commission earlier. The Commission was given the letter in a timely manner and was aware of the problem and have not heard from the property owner until now. Mayor Brown stated that he did not like forestalling things and giving more time. Mayor Brown stated that the Commission needs to stick to the recommendation of the City Manager.

Commissioner Jennings asked about Mr. Sapp's investment. Commissioner Jennings pointed out that Mr. Sapp has eleven employees and the City need more businesses.

Mayor Brown asked Commissioner Jennings if he reviewed the property and heard complaints from the neighbors. Mayor Brown asked if Commissioner Jennings wanted to continue to hear the complaints from the neighbors. Commissioner Jennings stated that he looked at the property and heard complaints from the neighbors. He stated that if Mr. Sapp is given two or three more months he would continue to listen to neighbors complaints because he hate to see Mr. Sapp lose all his money.

Commissioner Lawrence stated that the Mayor recommended that the issue be placed on the Agenda and he felt that this should be done.

Commissioner Jennings asked Mr. Sapp how much land did he have behind his building to expand on. Mr. Sapp stated that it was not much land.

Commissioner Williams stated that he was trying to determine how the City issued a building permit based on the original building. He asked if the additions were made to operate the business in the present location.

Mr. Sapp stated that originally when he operated his business he had only one washer, but he is performing all of his business in that building. The other two additions were built for storage.

Commissioner Lawrence asked what kind of business could be placed in local commercial zoning.

The City Manager stated that Local Commercial allows grocery stores, jewelry stores, retail type businesses like dry cleaning or laundry pick up agencies providing that any laundry cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers. So if someone had a dry cleaning business where individuals were dropping off their personal dry cleaning the business could be allowed, but Mr. Sapp's business is different.

Commissioner Lawrence asked if customers took it upon themselves to bring their articles to Mr. Sapp would he be in compliance. The City Manager stated possibly so.

Mayor Brown stated that Mr. Sapp would have to attend the next Commission meeting to discuss this further. The City will have an Attorney hopefully in place so that he can resolve this.

Mayor Brown stated that a work session was held before the meeting tonight and part of that was setting up a fee schedule for the new City Attorney. It was recommended at that time that the Commission start with a base salary of \$60,000.00 and the Attorney would be responsible for attending all meetings, working on all information regarding ordinances and zoning issues of that nature and be available to the Commission and City Manager. The City Attorney must be able to handle any other reasonable services that are required. The base salary will not cover any litigation or court cases that will need to go into further investigation or review. In those particular cases, the Commission suggested a \$75.00 per hour charge for anything that has to go to litigation or court.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to set the Attorney pay at \$60,000.00 and \$75.00 per hour for anything that have to go into litigation or court. Commissioner Lawrence stated that a letter should be mailed to the top four applicants that have been chosen. The motion carried.

Mayor Brown read off the top three applicants who were present at the meeting.  
Lynn Frey  
Chris O'Donnell  
Joe Hammil

Mayor Brown announced that the Commission would be interviewing at 5:00 p.m. on Friday.

Dale Brousard, District Manager of Century Communications announced that the CSpan bus will be in Brunswick on Monday March 2nd at Glynn Place Mall. Mr. Brousard has been working very diligently to get the CSpan bus to stop here.

MEETING ADJOURNED.

/s/Bradford S. Brown  
Mayor

Attest: /s/Georgia E. Marion  
City Clerk