

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK
REGULAR MEETING
7:00 P. M., DECEMBER 16, 1998**

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

INVOCATION: The invocation was given by State Representative Rev. E. C. Tillman.

RESOLUTION TO THE FAMILY OF THE LATE HUBERT LANG

Mayor Brown presented a Resolution to the family of the late Hubert Lang in appreciation for his dedicated service to the Downtown Development Authority Board.

RESOLUTION TO GLYNN ACADEMY HIGH SCHOOL FOOTBALL TEAM

Mayor Brown presented a Resolution to the Glynn Academy High School Coaches and football team congratulating the team for winning the sub-region A Championship and competing in the first round play-offs.

RESOLUTION TO BRUNSWICK HIGH FOOTBALL TEAM

Mayor Brown presented a Resolution to the Brunswick High School Coaches and football team congratulating the team for winning the Sub-Region B Championship and competing in the third round playoffs in Atlanta, Georgia.

CHRISTMAS PARADE RECOGNITIONS

Mayor Brown presented a plaque to Elizabeth Harris, Sanitation Inspector and Edna Holmes, Administrative Secretary in appreciation for their work in organizing the City's Christmas parade. Mayor Brown pointed out that the parade had at least 146 entries.

ALCOHOLIC BEVERAGE LICENSE RENEWALS

The following 1999 alcoholic beverage license renewals were approved by the Chief of Police and the City Manager. Commissioner Lawrence moved and Commissioner Williams seconded the motion approving the following license renewals:

To retail liquor including beer and wine for consumption on premises:

Paul Marshall, Veterans of Foreign Wars
2100 Davis Street;

Nelson Hart, The Keg
3101 Johnson Circle;

Nelson Hart, Double Eagle
1621 Albany Street;

Lennis Miller, Green Tavern
1102 L Street;

To retail liquors including beer and wine for consumption off premises:

Paul Henry, Jr., The Fountain
2300 Norwich Street;

To retail beer only for consumption on premises:

Minh Van Qvan, New Hong Kong Restaurant
4500 Altama Avenue;

Nelson Hart, Hart's Restaurant
1606 L Street.

DELEGATION

Fred Herzfeld appeared before the Commission to request that the City authorize him to pick up commodities for senior citizens. Mr. Herzfeld stated that Darlene Wymes, Multipurpose Center Director was unavailable to pick up commodities and he asked the City Manager for permission to pick up the commodities for Mrs. Wymes in her absence. He stated that the City Manager would not allow him to pick up the items in Mrs. Wymes absence. The City Manager pointed out to him that the City would be liable if an accident occurred.

The City Manager stated that Mr. Herzfeld spoke to him about picking up the commodities and he told Mr. Herzfeld that he could not authorize him to act on behalf of the City of Brunswick. The City Manager recommended that the family of the senior citizens pick up their commodities.

Mr. Herzfeld requested that the City delegate the responsibility to someone else in the absence of Darlene Wymes.

Commissioner Williams stated that he had an opportunity to work with distributing commodities and each person must have a signed voucher authorizing someone else to pick up the commodities.

Commissioner Jennings stated legally the City will be putting themselves in a liable situation.

Mr. Herzfeld assured the Commission that his family would not sue if anything happens to him.

Commissioner Lawrence moved and Commissioner Williams seconded the motion authorizing the City Attorney to investigate the legality of Mr. Herzfeld picking up commodities for senior citizens. The motion carried.

CITY MANAGER ITEM

The City Manager reported that he will put together a financial package for the purchase of the Barnett Bank building. He stated that he will look for an alternative site. He further stated that the sale of that building should not be placed on hold.

Commissioner Lawrence stated that the Commission need to know that the City is not closing eyes on other buildings. The City Manager stated that information is being gathered on other vacant buildings in the City.

CITY ATTORNEY ITEMS

The City Attorney submitted the final version of Ordinance 937 Administration Collection and Enforcement of Taxes & Resolution and Ordinance 938 Revision of Unfit Building Ordinance. The City Attorney said "I recently attended a three day seminar for ad valorem tax collection, discussed extensively with staff and other Attorneys and reviewed what the history had been. And one of the things I learned at a couple seminars is this judicial interim tax sale auction that I have mentioned to you before, this Ordinance 937 adds that to the available means of collecting taxes. It is a very strong method for collecting taxes that are due. It

is not widely used because it is new it was not even available before 1995. I had wondered if any other areas outside of Atlanta were using it. I found out from discussions with a gentleman in Americus that they adopted this method of collecting their taxes about two years ago and what they had found is their collection rate went way up and they have had to do very few tax sales. He said at this point they don't even do the old traditional non judicial sale method at all. What I have done here is added a provision at the end of the standard non judicial sales ordinance in front of you there 937 this is a change to Chapter 20 of our Brunswick Code. It adds the judicial interim sale, the auction to be done. My recommendation on collection will be two fold, first that you adopt Ordinance 937 and the Resolution authorizing the use of the tax sale but, also give me authority to work with the Glynn Tax Commissioner to implement some discussions that a number of us have had and that is the possibility of the County Tax Commissioner's Office collecting our City taxes along with the County taxes and School Board taxes. What I have learned the Tax Commissioner's Office is willing to do that. It works well in other areas and other geographic areas in the State, some of the conversations I had with other people. If the Commissioners is willing to do this it will be an extra step from this point forward on collections. The sales is something that is looking backwards, but working with the Tax Commissioner we will be paying a commission. We discussed two and one half percent of the amount of what they recover, in order to have them bill City taxes with County taxes and collect with County taxes from this point forward. It works very well they have both of these things, but first the Ordinance 937 and Resolution and second that you all give me authorization to work with the County Tax Commissioner to develop an agreement that I can present to you for your consideration to make the billing arrangements I discussed".

Mayor Brown stated that Ordinance 937 and the Resolution is on the table, it will change the City of Brunswick tax collection method.

Commissioner Lawrence stated that as far as he is concerned he have just received the ordinances and personally he felt that the Commission need to take some time and look over the ordinances. He further stated no one else may think that way, but he certainly feel that the ordinances should be reviewed before a decision is made on whether the Commission want to adopt these ordinances.

The City Attorney said "I don't think there is anything new there beyond what I had discussed with you before, but certainly I can understand if you prefer to have enough time to review that".

Commissioner Jennings asked whether the City Attorney was going to try to get the County to collect the City taxes. The City Attorney stated that this was not involved in the ordinance. This is an entirely separate project, that will depend on if the Commission want me to negotiate with them. The City Attorney further stated that collection of taxes prevent tax sales.

Commissioner Williams suggested that the City hold a Work Session to discuss the ordinance line by line.

Commissioner Williams suggested holding a work session the 2nd meeting in January.

Mayor Brown suggested holding a work session right after the first meeting in January.

Commissioner Davis moved and Commissioner Jennings seconded the motion to hold a Work Session right after the first meeting in January to discuss the Ordinances. The motion carried.

Commissioner Williams asked that the City look at the timing of the collection of taxes. The County taxes are due in December and the City taxes are due in

January. If both taxes are due in December it will put a hardship on some people especially those on fixed incomes. He suggested that the Commission look into that.

The City Attorney stated that the payment for taxes will be due at the same. He further stated that he will discuss this with the County Tax Commissioner.

Commissioner Williams stated that the City have a tax core and if they do not have to collect the taxes then part of their jobs will be eliminated, so the City need to look at the possibility of job losses too.

Commissioner Jennings stated he was like Commissioner Williams he do not want the two taxes to come together. Right now residents pay the County taxes which are due December 20th and the City taxes which are due January 20th. The Commission want to make sure the City keep what they have and still let the County collect taxes.

Commissioner Lawrence asked the City Attorney if he stated that the City would have to pay the County Tax Commissioner two and one half percent for collecting the taxes. He further stated that is one of the things that bothers him, because every time the City have an agreement with the County with two to three years that agreement sky rocket on the City.

The City Attorney stated that his understanding is that HB489 Committee has looked at this issue and is in the process of making a recommendation on that issue and their recommendation what he understood will be to do exactly what was just discussed for the very reason that the City and County would not be doing the same thing. Commissioner Jennings suggested that the County take under consideration that they have use of the City's cemetery. He stated that the County Tax Commissioner should collect the taxes free instead of charging two and one half percent. That would help eliminate services under HB489 and it will help if the County Tax Commissioner does it for free.

The City Attorney stated that he can discuss this option. The City cannot force the County Tax Commissioner into anything. It never hurts to ask.

Mayor Brown questioned whether the City hire temporary persons during tax season. He recommended that the City Manager look at what it is costing to hire these people for this service and what the cost savings would be. The fees probably would be less than what it cost the City to hire temporary help.

Commissioner Lawrence pointed out that every joint venture the City have had with the County has almost tripled in cost for the City to continue to do services with the County. He stated that the City may start off paying two and one half percent and the next year it may increase to seven percent and the next year it will cost fifteen percent.

The City Manager stated that there need to be a contract between the City and the County.

Mayor Brown stated that the Commission need to see if there will be any cost savings and this information should be submitted at the work session.

Commissioner Williams stated that his concerns are what will happen to the persons who work with City taxes. Will they have jobs anymore? Those are the kind of things the Commission need to consider.

Mayor Brown stated that is the information the City Manager will have. He stated that no matter what occur no one will lose their jobs. It will just be a matter of not hiring new people and temporary employees.

Commissioner Lawrence asked what problems do the City have with tax collections and billing now.

The City Attorney stated that property owners do not pay their taxes.

Commissioner Lawrence asked how is the City collecting taxes and property owners paying their current taxes. What is the percentage of property owners who pay their taxes by the due date in January?

The City Clerk stated that she did not presently have the figures.

Commissioner Lawrence asked the City Clerk does the City have a problem with collections. The City Clerk stated that the City does have a problem with collections.

Commissioner Jennings asked the City Attorney if the City had to continue collecting taxes, can the way the collections is being done stay like it is and just enforce the collection of City taxes. Commissioner Lawrence stated that is exactly right.

The City Attorney stated that there is nothing that says the City have to go with any type of joint cooperative venture with the County to do this.

Commissioner Jennings told the City Attorney when he start negotiating he must tell the County Tax Commissioner that City residents pay double taxes in the City. That should take care of the County Tax Commissioner collecting taxes just that alone. The City have to fight for their taxpayers.

Mayor Brown stated that forty percent of those taxes residents in the City are paying is for the School Board and jail.

The City Attorney stated that Ordinance 938 deals with the City staff and the Structural Fitness Advisory Board which is a voluntary citizens board. They have worked over to deal with the number of unfit dilapidated, unhealthy, unsightly houses in the City. These properties are frequently the same property on which taxes has not been paid. The City is looking at potential sanitation and hygiene problems devaluation of adjoining properties. The number of properties have been identified through the work of staff and volunteers of the board. Up until now there have not been any actual results in terms of abatement which is the whole goal of the program. The City have a high breed ordinance which involves a court proceeding in Municipal Court and also involves the statue that deals with an administrative way of dealing with this. He suggested that the Commission give flexibility of having two alternative ways of dealing with ordinance 938. Both methods that are involved with this ordinance are going to court and another is going the administrative round. The key to this ordinance will be that the staff will need assistance in doing this because it is largely a legal task that for what ever reason has been put upon staff. They are not lawyers its quite simple. The revised ordinance clarifies the two paths that can be taken as mentioned either one. The end result should be abatement of a lot of nuisance properties in the City.

Commissioner Jennings questioned the administrative route. The City Attorney stated that the administrative route is the Building Official under State Law can go on the basis of citizens complaints, Advisory Board complaints, Mrs. Harris findings anybody's instigation to look at these properties and make a determination at a fresh hold level whether the property look likes it is unfit or in habitation or needs to be repaired, closed or ultimately torn down.

Commissioner Jennings asked would this give more power to Mrs. Harris. The City Attorney stated it will not give more power, this will give more authority to the Building Official.

The City Attorney stated that he needed guidance on ordinance 938.

Commissioner Jennings moved and Commissioner Lawrence seconded the motion to hold a Work Session to discuss ordinance 938. The motion carried.

Mayor Brown presented a plaque from the Mayor and Commissioners to the City Clerk in appreciation of her hard work and dedication. Received with gratitude.

CITY CLERK ITEM

Petition received to transfer Lot No. 1, Section B-8 in Palmetto Cemetery from Mrs. D. L. Conner to Levie Deleon Conner, Jr. The cemetery deed was lost, but City records verify ownership. Commissioner Lawrence moved and Commissioner Williams seconded the motion granting the cemetery petition. The motion carried.

Commissioner Lawrence reported that the drain holes around the City should be checked to avoid children falling into the drains.

Mayor Brown reminded the Commission about the first night celebration.

MEETING ADJOURNED.

/s/ Bradford S. Brown
Mayor

Attest /s/ Georgia E. Marion
City Clerk