

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
8:30 A.M., FEBRUARY 3, 1999**

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 Commissioner Harold E. Jennings.

PLEDGE OF ALLEGIANCE: The Mayor, Commissioners and everyone recited the pledge of allegiance.

APPROVAL OF MINUTES

Commissioner Davis moved and Commissioner Williams seconded the motion approving the minutes of the meeting of January 20, 1999. The motion passed.

RECOGNITIONS

Mayor Brown presented a plaque and a gift to Thomas Hall for 40 years of dedicated service in the City of Brunswick Recreation Department.

DELEGATIONS

Dee Underwood, representing C.H.A.T. Organization appeared before the Commission to request donations for the operation of a low-cost neutering clinic.

Commissioner Lawrence asked what effect opening the clinic would have on stray animals on the streets. He asked if the animals would be spayed or neutered and placed back on the streets.

Ms. Underwood explained that the clinic would serve pets of people who cannot afford to have their pets spayed or neutered.

Mayor Brown requested a copy of the clinic's business plan. He stated that the plan would allow the Commission to know how the funds will be used.

Dee Underwood explained that the \$150,000.00 budget for the clinic will be used to purchase equipment, operating expenses, volume and overhead. Some funds will be used for marketing and education.

Commissioner Lawrence questioned the method used to determine who qualifies to have pets spayed or neutered.

Ms. Underwood stated that low-income status would allow for pets to be spayed or neutered. She pointed out that it would be difficult to determine who qualifies for low income.

Commissioner Jennings suggested members of C.H.A.T. speak with Hercules and the Chamber of Commerce for donations. He also mentioned that civic clubs might want to give donations.

Ms. Underwood stated that C.H.A.T. would accept any type of contributions, money networking or in-kind services. Ms. Underwood pointed out that this is not an animal problem. It is a taxpayer problem. Ms. Underwood stated that Glynn County would allow C.H.A.T. to use their building. Ms. Underwood pointed out that C.H.A.T. must furnish their office equipment.

Commissioner Williams stated that it is everyone's problem and it is difficult to police who will use this service. He pointed out that they must have some way to control this program.

Mayor Brown stated that the Commission would look at the program in depth to determine whether the City can offer financial help or in-kind services.

Lester McDonald appeared before the Commission to request closing off property at 1923 Reynolds Street and 500 J Street and release easement to a five-foot alley adjacent to the property. He asked to close the alley and deed the five feet equally between the adjacent property owners.

Commissioner Lawrence questioned whether the lot was five feet or one hundred and fifty feet. The City Engineer stated that the lot size is 150' x 5'

Commissioner Jennings stated that he would like to make sure that the City has access to all alleys. Commissioner Jennings suggested that the City Engineer and Commission look at the property before a decision is made concerning the easement.

Mr. McDonald pointed out that the property is enclosed with a fence and a vehicle cannot get in the lot because of the size.

Commissioner Davis recommended to postpone making a decision until the Commission visits the property.

Commissioner Jennings moved and Commissioner Lawrence seconded the motion to defer taking action until the Commission visits the alley and make a decision at the next meeting. The motion carried.

Ken Neuman, City Engineer appeared before the Commission to recommend the City combine all projects, "K" Street, "L" Street, "N" Street and Lift Station 19.

Following a discussion, Commissioner Lawrence moved, and Commissioner Williams seconded the motion to combine all projects, "K" Street, "L" Street, "N" Street and Lift Station 19. The motion carried.

The City Manager stated that the widening of "L" Street is still in question and asked if the City should proceed with this project. The City Engineer advised the Commission that the City could proceed with the widening of "L" Street.

Commissioner Lawrence amended the previous motion to include the flapper value on Davis Street with the "L" Street, "K" Street, "N" Street and Pump Station 19 projects. Commissioner Williams seconded the amended motion. The motion carried.

The Commission instructed the City Manager to set up work sessions to discuss other projects.

The City Engineer stated that ten years ago cities did storm water monitoring, and in October of 1999 a report is due from the City of Brunswick. He pointed out that this study would require some fieldwork and paper pushing. He stated that the City must complete drainage surveys and prepare a master plan to determine what is going down the storm system.

QUALIFYING FEE FOR ELECTION

Commissioner Jennings moved and Commissioner Lawrence seconded the motion to adopt a resolution to set the qualifying fee for the election at three percent. The motion carried.

A RESOLUTION

WHEREAS, the City of Brunswick Board of City Commissioners has considered the 1998 gross salaries of Elected City Officials and the need for establishing fees for qualifying for each City office to be filled in the upcoming election of 1999; and

WHEREAS, the City Commission, upon motion, properly made and seconded in its regular meeting on February 3, 1999, voted unanimously to set those fees at 3 percent of the salaries in accordance with O.G.G.A. Sect. 21-2-131;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Brunswick, that 1999 Qualifying Fees for Elections of City Officials be, and hereby are, fixed at 3 percent of said salary amounts as follows:

Mayor.....	\$333.00
City Commissioners.....	\$242.00

SO RESOLVED this 3rd day of February, 1999.

/s/ Bradford S. Brown

Bradford S. Brown, Mayor
City of Brunswick

ATTEST:

/s/ Georgia E. Marion

Georgia E. Marion, City Clerk
City of Brunswick

APPROVAL OF UNFIT BUILDING ORDINANCE

Commissioner Davis moved and Commissioner Lawrence seconded the motion adopting the Unfit Building Ordinance. The motion carried.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BRUNSWICK BY REPEALING ARTICLE IV OF CHAPTER 12 THEREOF AND BY ADOPTING A NEW ARTICLE IV IN LIEU THEREOF; TO PROVIDE FOR THE REPAIR, CLOSING OR DEMOLITION OF UNFIT BUILDINGS OR STRUCTURES AND FOR THE ABATEMENT OF HEALTH HAZARDS OR GENERAL NUISANCES ON PRIVATE PROPERTY; TO ESTABLISH PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT; TO FIX A LIEN FOR THE COST INCURRED BY THE CITY FOR REMEDIAL ACTION; TO PROVIDE FOR A SPECIAL ASSESSMENT AGAINST THE PROPERTY FOR SUCH COSTS AND FOR THE ADDITION OF SUCH ASSESSMENT TO THE BILL FOR AD VALIEM TAXES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**THE COMMISSION OF THE CITY OF BRUNSWICK
HEREBY ORDAINS:**

SECTION 1. The Code of the City of Brunswick is hereby amended by striking Article W of Chapter 12 and by substituting in lieu thereof a new Article IV which shall provide as set forth in the pages attached herewith.

SECTION 2. In the event that any term, phrase, clause, sentence, paragraph, or part of this Ordinance is held to be unconstitutional or void for any reason by any court of competent jurisdiction, then such portion shall be deemed to be severable and shall not affect the validity of the remainder of the Ordinance.

SECTION 3. This amended unfit building and premises ordinance is hereby adopted by the City Commission of the City of Brunswick at its regular meeting of February 3, 1999, having been duly advertised on February 1, 1999, and shall be effective upon its adoption on February 3, 1999.

/s/Bradford S. Brown

Bradford Brown
Mayor, City of Brunswick, Georgia

ATTEST:

/s/ Georgia E. Marion

Georgia E. Marion
Clerk of the City of Brunswick, Georgia

**ARTICLE IV.
UNFIT BUILDINGS AND PREMISES**

Sec. 12-111.

The City Commission of this municipality hereby finds that dwelling, building, or structure conditions as described in O.C.G.A. § 41-2-7 exist in the City of Brunswick; that there is, in this municipality, the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and which are inimical to the welfare and are dangerous and injurious to the health, safety and welfare of the people of this municipality; that there is in existence in this City a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, and such use is dangerous and injurious to the health, safety and welfare of the public; that there exist within this municipality dwellings, buildings, or structures which are unfit for human habitation or commercial, industrial, or business uses due to dilapidation and defects increasing the hazards of fire, accidents, or other calamities, or due to lack of adequate, ventilation, light or sanitary

facilities; that there exist vacant, dilapidated or abandoned buildings or structures in which drag crimes are being committed as defined in O.C.G.A. § 41-2-8; and that there is a public necessity for the repair, closing, or demolition of such dwellings, buildings or structures.

Sec. 12-112. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building official means the building official appointed by the City Manager pursuant to Section 5-2 of this Code, or such other person as the City Manager may designate to act as such for purposes of this Article (Article IV of Chapter 12 of the Code of the City of Brunswick).

Building regulations includes the building regulations, fire regulations and standard codes currently, heretofore or hereafter in effect in the city, including state minimum standard codes now or hereafter identified in O.C.G.A. Title 8 as having statewide application.

Closing means securing (so as to prevent entry) and causing a dwelling building or structure to be vacated.

Dwelling, building or structure means any building or structure or part thereof used and occupied for human habitation, commercial, industrial or business uses or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Parties in interest means the owner of property, the persons in possession thereof, and all individuals, associations, and corporations who have an interest (of record in Glynn County) in such property, including mortgagees, executors, administrators, guardians and trustees.

Repair includes closing a dwelling, building or structure described as follows:

- (1) Any building which is in violation of any of the provision of the building regulations applicable to such building;
- (2) Any building in which a loadbearing wall or other vertical structural member lists, leans or buckles to such extent as to weaken the structural support of such wall or member below the minimum required by the applicable building regulations;
- (3) Any building having an improperly distributed load on the floor or roof so as to create a danger of collapse of the floor or roof or some portion thereof;
- (4) Any building in which there is damage or deterioration of thirty-three (33) percent or more of the supporting members or

fifty (50) percent or more of the nonsupporting enclosing or outside walls, exclusive of the foundation;

- (5) Any building with any part thereof so attached as to create a danger that it will fall and cause injury to person or property;
- (6) Any building which is so dilapidated, decayed, deteriorated or damaged from any cause or in any manner as to create a danger or injury to person or property;
- (7) Any building likely to cause injury to person or property because it contains a weakened, defective or deteriorated footing, foundation flooring, floor support, ceiling, ceiling support, roof or chimney;
- (8) Any building which has visible soil erosion adjacent to or under any structural support;
- (9) Any building in which any means of egress or portion thereof, including for example but not limited to fire doors, closing devices, stairways and fire escapes, is in disrepair or is in a dilapidated or non-working condition or not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic;
- (10) Any building determined by ordinance as provided in O.C.G.A. § 41-2-110(b) to be vacant, dilapidated and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

Sec. 12-113. Enforcement officer.

The municipal officer charged with primary responsibility for the enforcement of this article shall be the building or his designated representative. Municipal fire and sanitation inspectors, also, shall be authorized to enforce this article.

Sec. 12-114. Nuisance declared.

Unfit buildings are hereby declared to be public nuisances and are hereby prohibited. The unfit building nuisance shall be abated by repair and rehabilitation, closing, or by demolition, in accordance with the provisions of this article. It shall be a violation of this article for any person to maintain an unfit building within the city.

Sec. 12-115. Accumulations of weeds, trash, junk, etc.

The provisions of this article and the method and procedure prescribed in this article may also be applied to any private property in the city where an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions create a public health hazard or general nuisance to persons in the

vicinity thereof. Such conditions are hereby prohibited as public nuisances, and it shall be a violation for any person having control of premises to maintain such conditions or permit them to exist within the city.

Sec. 12-116. Complaints and investigations.

Any person may register a complaint against a building or premises with the building official, and it shall be the duty of the building official to investigate all such complaints and, further, to examine all buildings and premises which he has reason to believe may be in violation of this article. The building official shall have authority at all reasonable times of the day or night to enter in or upon any building or premises for the purpose of making investigations under this article. If the owner or person in possession of the building or premise refuses permission to enter, the building official may request an administrative search warrant from the judge of the municipal court, and the judge shall be authorized to issue the warrant upon a showing of probable cause. The Structural Fitness Advisory Board may, pursuant to such complaint as it may receive, or upon its own initiative, make recommendations to the building official as to the need for investigation or other action with respect to potential violations of this ordinance, and may make recommendations to the City Commission as to deposition of violations that are brought before the City Commission pursuant to Section 12-121 of this Code.

Sec. 12-117. Legal proceedings, citation for appearance at hearing.

Legal proceeding against a building or premises shall be initiated pursuant to this article by the issuance of a complaint directed to the parties in interest so far as they are known to or reasonably ascertainable by the building official, directing the parties in interest to appear at a hearing at a date, time and place certain, identifying the building or premises in issue and enumerating the charges in issue. Said complaint shall state that the hearing will be held before the building official or his designated agent not less than ten (10) days nor more than thirty (30) days after service of the complaint; that the owner and any parties in interest may file an answer to the complaint and may appear in person or otherwise and give testimony at the time fixed in the complaint; and that the rules of evidence prevailing in courts of law and equity shall not be controlling in said hearing.

Sec. 12-118. Service of citation.

A copy of the citation shall be served on the parties in interest in accordance with O.C.G.A. § 41-2-12 at least fifteen (15) days prior to the date scheduled for hearing before the building official and by publication of the citation in the newspaper having a general circulation in the county once a week for two (2) weeks immediately prior to the date of the hearing.

Sec. 12-119. Building official action.

After hearing evidence, the building official shall determine whether the building or premises is a public nuisance, that is, an unfit building, in violation of this article. If the building or premises is found to be a public

nuisance, the building official shall specify that remedial action be taken as follows:

- (1) If the repair, alteration or improvement of the building or premises can be made at a reasonable cost in relation to the value of the property, the building official shall require the owner or other parties in interest to repair, alter or improve the building or premises within a specified time, stating specifically the action required.
- (2) If the repair, alteration or improvement cannot be made at a reasonable cost in relation to the value of the property, the building official shall require the owner or other parties in interest to remove or demolish the building or structure, or the building official shall be authorized to order the closing of the same if closing would be a sufficient remedy to abate the nuisance.
- (3) In no event shall the building official require removal or demolition of any building or structure except upon a finding that the cost of repair, alteration or improvement would exceed one-half the value which the building or structure would have upon completion of the work, unless the owner or parties in interest fail or refuse to carry out repair, alteration or improvement as directed by the building official. Upon such failure or refusal, removal or demolition by the City may be authorized.

Sec. 12-120. Record of building official's order.

The municipal officer prosecuting the case shall prepare a detailed record of the building official's order and direction, in the form of a letter to the parties in interest and shall furnish copies thereof to the building official and to the parties in interest.

Sec. 12-121. Failure to comply.

If the owner or other parties in interest fail to comply with the order and direction of the building official requiring remedial action, such failure shall constitute a violation of this article, and the building official shall be authorized to:

- (1) Seek to enforce the order by presentation of the matter to the City Commission as consistent with O.C.G.A. § 41-2-9;
- (2) Upon adoption of an ordinance by the City Commission pursuant to O.C.G.A. § 41-2-9(b)(5), to close the building or premises and post an appropriate warning sign or signs thereon;
- (3) Upon adoption of an ordinance by the City Commission pursuant to O.C.G.A. § 41-2-9(b)(5), to carry out the remedial action required, including demolition or other remedial action permitted by O.C.G.A. §§ 41-2-7 through 41-2-17.

Sec. 12-122. Costs of remedial action; lien.

The cost of remedial action taken by the building official or by the city, pursuant to authorization by the City Commission shall constitute a lien against the real property upon which such cost was incurred. The lien shall attach to the real property upon payment by the City of the costs of the remedial action, and such costs shall constitute a special assessment against the property which shall be subject to collection as provided for by O.C.G.A. § 41-2-9. If there is any excess fund remaining after sale of salvage of demolished structure materials [to be offset against cost of demolition, closure or removal pursuant to O.C.G.A. § 41-2-9(b)(6)], then such balance shall be handled as provided for by O.C.G.A. § 41-2-9(b)(6) and (b)(7).

Sec. 12-123. Penalties for violation.

In addition to other remedies and sanctions authorized in this article, a violation of this article may be punished in the municipal court by fine or imprisonment as provided in Section 15-8 of this Code.

Sec. 12-124. Remedies cumulative.

The remedies provided by this article shall be cumulative and in addition to any other remedies provided by law and are not intended to limit or preclude such other remedies, including, but not limited to, proceedings in Municipal Court as contemplated by O.C.G.A. § 41-2-1 or other statute, citation of violations under Section 15-8 of this Code, or posting of a closure notice under O.C.G.A. § 41-2-9(b)(4).

APPROVAL OF AD VALOREM TAX COLLECTION ORDINANCE

Commissioner Jennings moved and Commissioner Davis seconded the motion adopting the following Ad Valorem Tax Collection Ordinance. The motion carried.

AN ORDINANCE TO AMEND THE
BRUNSWICK CODE SO AS TO PROVIDE
FOR THE ADMINISTRATION,
COLLECTION, AND ENFORCEMENT OF
TAXES AND SPECIAL ASSESSMENTS
IMPOSED BY THE CITY OF BRUNSWICK
THROUGH EXECUTION, LEVY AND
SALE; TO DESIGNATE THOSE OFFICERS
OF THE CITY CHARGED WITH
COLLECTION AND ENFORCEMENT
RESPONSIBILITIES; TO ESTABLISH A
PROCEDURE FOR ADMINISTRATION,
COLLECTION AND ENFORCEMENT; TO
REPEAL CONFLICTING ORDINANCES;
TO PROVIDE AN EFFECTIVE DATE; AND
FOR OTHER PURPOSES.

**THE COMMISSION OF THE CITY OF BRUNSWICK
HEREBY ORDAINS:**

SECTION 1. The Code of the City of Brunswick is hereby amended by striking Article I of Chapter 20 and by substituting in lieu thereof a new Article I which shall provide as set forth in the pages attached herewith.

SECTION 2. In the event that any term, phrase, clause, sentence, paragraph, or part of this Ordinance is held to be unconstitutional or void for any reason by any court of competent jurisdiction, then such portion shall be deemed to be severable and shall not affect the validity of the remainder of the Ordinance.

SECTION 3. This Ordinance shall become of full force and effect as of the date of adoption and shall apply to all taxes and special assessments whether due, delinquent, or hereafter to be levied or assessed.

This amended ad valorem tax ordinance is hereby adopted by the City Commission of the City of Brunswick at its regular meeting of February 3, 1999, having been duly advertised on January 1, 1999.

/s/ Bradford S. Brown
Bradford Brown
Mayor, City of Brunswick, Georgia

ATTEST:

/s/ Georgia E. Marion
Georgia Marion
Clerk of the City of Brunswick, Georgia

ARTICLE I. IN GENERAL

Sec. 20-1. Administration.

- (a) Except as otherwise provided in this article, the city clerk, as ex-officio tax commissioner, shall be charged with the duty to administer the imposition, collection, and enforcement of all taxes and special assessments levied or imposed by the city in accordance with the administrative procedures set forth in this article. The city clerk shall be assisted by the finance director and city marshal, who shall have specific responsibilities set forth hereinafter. In any case where this article does not specifically provide a procedure, said officers shall act in the manner established for the collection of state and county taxes under applicable state law
- (b) In determining the fair market value of property within its taxing jurisdiction, the city shall use the fair market value as determined for the property for county ad valorem ad purposes, as provided by O.C.G.A. § 48-5-352.

- (c) Following adoption of the budget for each fiscal year, the city commission shall adopt a resolution setting the mileage rate upon which property subject to ad valorem tax will be billed for the current tax year. Prior to adoption of the mileage rate, the commission shall publish notice of the proposed ad valorem tax rate, as required by O.C.G.A. § 48-5-32. Mileage rates shall be calculated using forty percent (40%) of the assessed fair market value of the property upon which the tax is levied.
- (d) The city clerk shall cause a bill to be sent to all taxpayers at the address last shown on the tax digest by regular U.S. Mail, with adequate postage thereon to assure delivery; provided, however, that failure of the taxpayer to receive a bill shall not constitute grounds for nonpayment or late payment of the tax. The bill shall state the location or description of the property taxed, the fair market value of the property (100%) and its taxable value (40% of fair market value), the net amount of tax due thereon, and the due date after which taxes shall be in default. The bill shall also state such other information as may be required by law, including the information required by O.C.G.A. § 48-8-91 with respect to proceeds of the local option sales tax if applicable.

Sec. 20-2. Due date; payment; interest on past due taxes.

- (a) All ad valorem taxes shall be due and payable in full within sixty (60) days after notice, or on such date as the commission shall establish, not less than sixty (60) days after notice, unless the due date falls on a Saturday, Sunday or legal holiday, in which case it shall be postponed until the first day following that is not a Saturday, Sunday or legal holiday. Supplemental ad valorem taxes and special assessments shall be due and payable on the date specified in the ordinance or resolution imposing the tax or assessments.
- (b) All taxes and assessments imposed by the city shall be paid in full in legal tender of the United States; except where specially authorized by law or ordinance, no partial payments shall be accepted.
- (c) Taxes and special assessments shall bear interest at the rate of one percent (1%) per month from the date the tax or assessment is due until the date the tax or assessment is paid. For poses of this section, any period of less than one month shall be considered to be one full month. The city clerk shall be authorized to waive the collection of any interest, in whole or in part, due the city on unpaid taxes or assessments whenever or to the extent that the clerk reasonably determines that the delay in payment was attributable to action or inaction of the clerk's office.

Sec. 20-3. Penalties.

- (a) All penalties imposed by this article are part of the tax or assessment and are to be collected as such. The proceedings to collect the original tax, the tax constituted from penalties imposed, and the interest shall all be conducted in the same manner. Any provision of law for criminal prosecution shall not operate to relieve any taxpayer of any tax, penalty or interest imposed by this article.

- (b) In any instance in which any taxpayer fails to pay a tax or assessment within ninety (90) days of the due date, he shall pay a penalty of ten percent (10) of the amount of the tax due, together with interest as specified herein.
- (c) The city commission may waive, in whole or in part, the collection of any amount due as a penalty under this article to the extent that said body finds and determines that the default giving rise to the penalty was due to reasonable cause and not due to willful neglect or disregard of this article.

Sec. 20-4. Executions on delinquent taxes and assessments.

- (a) After the last day for payment of taxes and assessments has arrived, the city clerk shall notify the taxpayer in writing of the fact that the taxes have not been paid and that, unless paid within thirty (30) days an execution shall be issued.
- (b) The city clerk shall issue executions for the nonpayment of taxes and assessments at any time after thirty (30) days have elapsed since giving notice as provided in subsection (a) above. The execution shall identify the defendant in fi.fa. (taxpayer), the tax year(s) for which the execution is issued and the amount thereof.
- (c) The city clerk shall cause all executions issued for delinquent taxes on real property to be recorded on the general execution docket in Glynn County prior to any tax sale. All executions issued for delinquent taxes on personal property or special assessments shall be recorded on the general execution docket in any county where any property of the taxpayer can be found.
- (d) All executions issued shall continue to bear interest and penalties at the rates established in this article for delinquent taxes and assessments.
- (d) The city clerk shall cause all executions to be placed in the hands of the city marshal for collection or levy and sale of property. The marshal shall exercise his best efforts to collect the full amount of taxes and assessments due, together with all interest, penalties, and any costs due thereon, from the defendant in fi.fa. In the event he is unable to do so, the marshal shall levy the execution on a sufficient amount of the property of the defendant in fi.fa., whether real or personal, to satisfy the obligations due at a sale to be held and conducted in accordance with this article.

Sec. 20.5. Levy of executions; sale of property.

- (a) The chief of police is hereby designated as the marshal of the City of Brunswick, and he and any deputy marshal designated by him shall be responsible for carrying out the duties specified in this article. The marshal shall be subject to being ruled for money in his hands arising from the public sale of any property pursuant to process issued by the city clerk. After first paying the city clerk the amount due on any process under which the sale was made, the marshal shall pay any surplus to any lawful claimant holding an interest subordinate to the lien for taxes, else to the defendant in fi.fa.

- (b) In all cases of levying on real property, written notice of the levy shall be given to the defendant in fi.fa. and to any tenants in possession personally or by certified mail within five (5) days of the levy. If the land is unoccupied, a copy of the notice of levy shall also be conspicuously posted on the land. In the case of personal property, the marshal shall enter the same on the execution and plainly describe the property levied on and the amount of the interest of the defendant in fi.fa. therein.
- (c) Whenever any real property is levied upon for taxes or assessments, it shall be the duty of the marshal, before proceeding to advertise the property for sale, to give twenty (20) days written notice of the levy to the record owner(s) of the property and the holder of each security deed of record. The twenty (20) day period shall begin to run from the time the notice is personally delivered or, when delivered by registered or certified mail with return receipt requested, from the date of mailing. The notice shall contain a description of the land levied upon, the name of the owner, the year or years for which the taxes were assessed, and a statement of the amount of taxes due, together with accrued costs. The marshal shall keep a copy of the notice on which he shall enter the date the notice was delivered or mailed and how, where, and to whom the notice was delivered. The marshal shall file the copy with the city clerk.
- (d) When a levy is made upon real or personal property, the property shall be advertised and sold by the marshal in the same manner as provided for executions and judicial sales; provided, however, in addition to such other notice as may be required by law, the defendant in fi.fa. shall be given at least ten (10) days written notice of such sale by registered or certified mail. The notice shall be addressed to the taxpayer at the last known address listed in the records of the county tax commissioner. In addition, if the United States has a claim or lien on the property subject to being sold and such lien was filed or recorded more than thirty (30) days before the proposed sale, the marshal shall cause written notice of the sale to be given to the Secretary of the Treasury or his delegate not less than twenty-five (25) days before the sale. Notice may be given either by personal service or by registered or certified mail, return receipt requested.
- (e) The marshal shall publish weekly for four (4) weeks in the official legal organ of the county in which the sale will be conducted an advertisement of the date, place, and hours during which the sale will be conducted, together with a full and complete description of the property to be sold, making known the names of the owner(s) of record and any person who may be in possession of the property. The notice shall state the property is being sold for collection of taxes due to the City of Brunswick and the tax year(s) for which execution has been issued.
- (f) Sales of property under execution shall be made by the marshal at City Hall, in the meeting room of the city commission, on the first Tuesday in each month between the hours of 10:00 A.M. and 4:00 P.M. eastern standard time or daylight savings time, whichever is applicable, and at public outcry to the highest bidder for cash; provided however, should the first Tuesday of the month fall on New Year's Day or Independence Day, such sales shall take place on the immediately following Wednesday. The purchaser shall look for himself as to the title and soundness of all property sold under tax executions and neither the marshal conducting the sale nor the City of Brunswick may make any representations or warranty of

title, condition, or fitness for a particular purpose, expressed or implied.

- (g) The marshal shall sell the property to the highest bidder for cash, and upon collection of the sales price, make a deed or bill of sale to the purchaser. Any person who becomes the purchaser of any property sold at the sale, who fails or refuses to comply with the terms of sale when requested by the marshal to do so shall be liable for the amount of the purchase money. It shall be the option of the marshal either to proceed against the purchaser for the full amount of the purchase money or to resell the property and then proceed against the first purchaser for any deficiency. A tax deed for real property or bill of sale for personal property, made and delivered as evidence of a sale for taxes conducted pursuant to this article shall convey the title as effectually as if the sale were made by the person against whom the process was issued. Sales of personal property shall be final; real property sold by virtue of an execution issued for the collection of taxes or for any special assessments is subject to redemption rights of the defendant in fi.fa or any person having any right, title or interest in or lien upon such property at the time of levy and sale. Recitals in a deed or bill of sale under power of sale for taxes shall be prima facie evidence of the facts recited in the instrument. The marshal shall put the purchaser in possession of the property so sold; provided, however, the purchaser of real property is not entitled to be placed in possession until after the time for redemption has expired.
- (h) Whenever no bids are forthcoming on property to be sold for taxes after the property has been offered for a reasonable time, the marshal may either re-advertise and sell the property at a later date or abandon the property. The marshal shall make a proper notation on the execution whenever property levied upon and exposed for sale has been abandoned due to lack of bids.

Sec. 20-6. Bidding by city at tax sales; disposition of property acquired.

- (a) If during any sale of property for taxes and after the property has been offered a reasonable time no one present at the sale bids an amount for the property being sold which is as much as the total of the taxes due (including any priority liens for taxes due the state, county, and school and other special districts of the state) plus the marshal's cost due on the sale, then the city manager or his designee may purchase the property for the City of Brunswick. If the city purchases property at a sale, the marshal shall make to the city a deed to the property sold and shall deliver the deed to the city manager. The marshal shall put the city in possession of the property so sold.
- (c) It shall be the duty of the clerk to cause cancellation of executions on the general execution docket upon their final payment or collection.

Sec. 20-8. Garnishments by city; reduction of executions to judgment.

- (a) Whenever the marshal can find no property belonging to a defendant in fi.fa on which to levy any tax execution in his hands, he shall make an entry to the effect on the execution. The city clerk, in the name of the City of Brunswick, may then petition any court of competent jurisdiction to issue a summons of garnishment against any person whom he or she believes to be indebted to the defendant in fi.fa or who has property, money, or effects in his

hands belonging to the defendant in fi.fa. The clerk shall enter upon the execution the names of the persons garnished and the court and file number of the action where the garnishment is filed. All subsequent proceedings shall be the same as provided by law in other cases where judgments have been obtained or execution issued.

- (b) When an execution for taxes remains unsatisfied and an entry of nulla bona has been duly entered by the marshal on the execution within the immediately preceding thirty (30) day period and the city clerk has reason to believe the defendant in fi.fa. may have or may come into ownership of assets outside the state, the clerk, in the name of the City of Brunswick, may petition the Superior Court of the county in this state in which the defendant in fi.fa maintains, place of business or agent to receive service, to reduce the execution to judgment. If the defendant in fi.fa does not maintain a known residence in this state, the action may be brought in Glynn County, where the tax obligation arose. This and all subsequent proceedings shall be brought in accordance with O.C.G.A. Ch. 48-3.

Sec. 20.9. Redemption rights of defendant in fi.fa.; vesting of title in grantee.

- (a) Whenever real property is sold by non-judicial sale for taxes or any special assessment, the defendant in fi.fa. or any person having any right, title, or interest in or lien upon such property may redeem the property from the sale by the payment of the redemption price or the amount required for redemption as fixed by O.C.G.A. § 48-5-42, at any time within twelve (12) months from the date of sale, and at any time after the non-judicial sale until the right of redemption is foreclosed by giving of the notice provided for in O.C.G.A. § 48-5-45, which code sections are incorporated herein by reference as a part of this article.
- (b) Where notice of foreclosure of the right to redeem real property sold at a non-judicial tax sale has not been given as required in subsection (a) above, title shall ripen by prescription after a period of four (4) years from the date of recording of the deed, provided the defendant in fi.fa. was not laboring under any legal disability at the time of sale. Unless the tax deed indicates a lesser interest was levied upon and sold, a fee simple title to the property shall vest absolutely in the grantee in the deed or in the grantee's heirs or assigns. In the event the defendant in fi.fa is laboring under any legal disability, the prescriptive term shall begin from the time the disabilities are removed or abated.

Sec. 20-10 Costs.

- (a) For issuing executions, the city shall receive only an amount equal to any filing fees charged by the clerk of Superior Court for recording and cancellation of the tax fi.fa.
- (b) Once a levy is made or posed on the property of a defendant in fi.fa, in addition to all taxes, interest, penalties and costs heretofore accrued, the marshal shall collect a levy administration fee shall be less than \$50.00.
- (c) In addition to the levy administration fee, after levy but prior to the sale, the marshal shall collect his actual cost for advertising the sale, postage and service fees actually incurred, and any attorneys'

fees incurred in examination of title to property, plus a commission for conducting the sale, not to exceed eight percent (8%) on sum of \$50.00 or less, six percent (6%) on sum above \$50.00 up to \$550.00, and three percent (3%) on all sums exceeding \$550.00.

- (d) The costs provided in this section shall be cumulative and in addition to any statutory premiums allowed as part of the redemption price.

Sec. 20-11. Judicial in rem tax foreclosure proceedings.

- (a) In addition to the non-judicial tax sales authorized by Sec. 20-5 above, the city clerk, with the assistance of the city attorney, is hereby authorized to proceed with judicial in rem tax foreclosure proceedings in Glynn Superior Court in accordance with the terms of Article 5, Chapter 4, of Title 48 of the Official Code of Georgia Annotated, and by resolution of the Brunswick City Commission dated February 3, 1999.
- (b) This provision for judicial in rem tax foreclosure is intended to be in addition to, and not in lieu of, all other available tax collection methods.

CITY MANAGER ITEMS

The City Manager requested to submit an application to Southeast Group, Incorporated to install a light at Wade Street and the causeway.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion authorizing the City Manager to submit an application to Southeast Group for installation of a traffic light at Wade Street and the Causeway. The motion carried.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion authorizing the City Manager to purchase garbage trucks in Raleigh, N.C. The motion carried.

The Director of Finance updated the Commission on the GMA Lease Purchase Program.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion approving the following resolution for the GMA Lease Purchase Program. The motion carried.

A resolution of City of Brunswick (THE "LESSEE") authorizing, inter Alia, The annual appropriation of all amounts required pursuant to Lessee's participation in the pooled lease program sponsored by Georgia Municipal Association.

WHEREAS, Lessee is participating in the Program, Lessee entered into (i) a Lease Agreement Dated as of December 1, 1990 by and between GMA and Lessee (the "Lease") pursuant to which GMA leases the Equipment to the Lessee and (ii) an Administration and Servicing Agreement initially dated as December 1, 1990 (the "Servicing Agreement"), and subsequently amended among First Union National Bank of Georgia, as Trustee, GMA and each lessee participating in the program (including Lessee), pursuant to which Servicer services the collection and transmittal of payment for the Leases for GMA and transfers the monies collected pursuant to the Servicing Agreement; and

WHEREAS, certificates of participation ("Certificates") have been issued pursuant to a Trust Agreement dated as of December 1, 1990, by and between

First Union National Bank of Georgia, as trustee (Trustee"), and GMA evidencing undivided interests in the Lease payments; and

WHEREAS, in connection with the issuance of the Certificates and the creation of the Program, (i) Municipal Bond Investors Assurance Corporation (the "Credit Facility Issuer") issued its financial guaranty insurance policy (the "Policy") and entered into the Reimbursement and Indemnity Agreement by and between the Credit Facility Issuer, The Trustee, the Servicer and GMA (the "Credit Facility Reimbursement Agreement"); (ii) Wachovia Bank ("Bank"), has agreed to purchase Certificates tendered pursuant to tender rights under the Trust Agreement in accordance with the terms of a Standby Purchase Agreement dated as of December 1, 1990, and subsequently amended, by and among the Trust, GMA, the Bank, the Servicer and the Tender Agent (the "Standby Purchase Agreement"); (iii) Chemical Bank serves as tender agent (the "Tender Agent" pursuant to a tender agent agreement dated as of December 1, 1990, and subsequently amended, by and among the GMA, the Trust, the Servicer, and the Tender Agent (the "Tender Agent pursuant to a tender agent agreement dated as of December 1, 1990, and subsequently amended, by and among the GMA, the Trust, the Servicer, and the Tender Agent (the "Tender Agent Agreement"); (iv) BT Securities Corporation and at such time as specified in the Trust Agreement, Chemical Securities Inc., will serve as remarketing agents (referred to collectively hereafter as the "Remarketing Agent"), pursuant to a remarketing agreement dated as of December 1, 1990 by and among the Remarketing Agent, the GMA, the Tender Agent, the Trustee and the Servicer (the "Remarketing Agreement"; and

Section III. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Lease, the Trust Agreement, the Servicing Agreement, the Standby Purchase Agreement, the Tender Agent Agreement, the Remarketing Agreement, or the Credit Facility Reimbursement Agreement shall be deemed to be a stipulation, obligation or agreement of any councilman, chairman, officer, agent or employee of the Lessee in his or her individual capacity, and no such council member, chairman, officer, agent or employee of the Lessee shall be personally liable on the Certificates or be subject to personal liability or accountability by reason of the issuance thereof.

Section IV. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the Mayor and the Clerk are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable to document compliance with the Code.

Section V. Actions Approved and Confirmed. All acts and doings of the officers of the Lessee which are in conformity with the purpose and intents of this Resolution shall be, and the same hereby are, in all respects approved and confirmed.

Section VI. Severability of Invalid Provisions. If any one or more the agreements or provisions herein shall be held contrary to any express provision of law or contrary to the policy of express law, through not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Certificates authorized hereunder.

Section VII Repealing Clause. All Resolutions or parts thereof of the City of Brunswick in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section VIII Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED this _____ day of _____.

City of Brunswick

Attest: _____
City Clerk

By: _____

CLERK'S CERTIFICATE

The undersigned Clerk of Brunswick, DOES HEREBY CERTIFY that the foregoing pages of typewritten matter pertaining to the issuance of Certificates of Participation in the Georgia Municipal Association Pool in the aggregate principal amount of \$127,635,000, constitute a true and correct copy of the Resolution adopted on February 3, 1999, by the City Council on behalf of Lessee in a meeting duly called and assembled, which was open to the public, and that the original of said Resolution appears of record in the Minute Book of the Lessee which is in the undersigned's custody and control.

WITNESS my hand and the official seal of the Lessee, this 3rd day of February 1999.

Clerk, City of Brunswick

SCHEDULE A

1. City of Brunswick's pro-rata share of the principal amount of the Georgia Municipal Association Pool is \$949,492.00.
2. City of Brunswick's Minimum Annual Appropriated Amount for the year ending December 31, 1998 is \$182,490.06, to wit:

Interest and Administrative Expense @ 11.25%	<u>\$106,817.85</u>
Basic Lease Payments due November 30, 1999	<u>\$75,672.21</u>
Total	<u>\$182,490.06</u>

SCHEDULE B BUDGET

(To Be Supplied by Lessee)

Attach either portions of existing budget indicating sufficient amounts or Amended Budget.

The City Manager reported that the HB489 Committee met and made several recommendations, such as appointing citizens to serve on the Water and Sewer Committee and merging the City and County Recreation Departments.

The City Manager recommended that the Commission listen to the proposal from the Recreation Committee.

Commissioner Jennings stated that he read an article in the news concerning the County making sure that the water rates are equalized. Commissioner Jennings pointed out that City residents should not pay County taxes.

Mayor Brown suggested holding a joint City/County meeting to discuss recommendations of HB 489 Committee.

Mayor Brown instructed the Director of Finance to provide the Commission with the amount of taxes City and County residents pay based on an assessment of \$100,000.00. He also requested the amount a family of four would pay for a water bill in the City and County.

The City Attorney reported that he had an opportunity to attend the Downtown Development Authority meeting and the Historic Preservation Ordinance was discussed at the meeting. He stated that the ordinance was in line with State proposed recommendations. He stated that his only concern was interference with the Board on what color a house in the Historical District could be painted.

Commissioner Jennings reported that he received calls concerning government interference with resident houses. He stated that citizens are concerned with intrusion of government into private sector.

The City Attorney stated that citizens have legitimate concerns and holding a work session would be a way of getting input from the public.

Commissioner Jennings recommended holding a work session at the Recreation Center or some place convenient for citizens.

Commissioner Davis recommended having more Public Hearings to get input from citizens.

Commissioner Lawrence suggested holding Town Hall meetings in each district to get input from the Public.

The City Attorney suggested scheduling a meeting with Pratt Cassidy at the Ritz Theatre to discuss the proposed Historic Ordinance.

CEMETERY AND QUIT CLAIM DEEDS

Petition received from Mr. Edward Wallen to exchange Lot 99B (2 spaces) in the Catholic Section for Lot 83AA (spaces B&C) in the Catholic Section of Palmetto Cemetery. Commissioner Davis moved and Commissioner Jennings seconded the motion granting the petition. The motion carried.

Petition received from Stephen G. Scarlett, as attorney for John Swinson, for a Quit Claim Deed in favor of his client, the present owner, to Lot No. 30, Phase I, Riverside Subdivision, Section II, to clear title record of deed taken by the City, which was subsequently lost, misplaced or destroyed without being recorded.

Commissioner Jennings stated that he was concerned about the drainage ditches. A small child or pet may accidentally fall in one. The City Manager stated that he did go out and look at the site.

Commissioner Jennings stated that he would like the City Attorney and City Manager to get the YK2000 matter taken care of and submit findings to the Commission. He asked that the City Attorney and City Manager make a report in two months.

The City Attorney stated that the City might need a Consultant.

Commissioner Davis suggested setting up a work session with the Engineer and City Manager at 6:00 p.m. at the next meeting.

Commissioner Williams stated that he had the privilege of attending a class on Municipal Services. He stated that every time he attends a session he learns something. He pointed out that there is a misunderstanding with preservation.

Commissioner Williams asked the City Manager to discuss the double water billing. The City Manager stated that problems are being solved a little faster and employees are getting comfortable with the new software. Changes are also being made in the water department.

Commissioner Williams stated that the Commission discussed in the last meeting, adding a dog patrol to the City Police Department. He stated that the City should be looking into strengthening the Police Force.

The City Manager stated that the Police Chief would appear to discuss the dog patrol at a later date.

Commissioner Lawrence reported that citizens are having a hard time understanding water and sewer usage.

Elmo Richardson stated that the rate structure is designed to operate the sewer system rather than the water system.

Commissioner Lawrence recommended that the City consider creating a Water and Sewer Authority. The City Manager mentioned that the HB489 Committee made similar recommendations.

The Director of Finance reported that the Water Department had computer diversion/sand rate increases. He stated that the department is trying to address and resolve the problems. He pointed out that problems could not be fixed overnight. He stated that there have been no double billing everyone received twelve bills in one year.

Commissioner Jennings recommended that the water Department receive cash from persons who have their water cut off.

Commissioner Jennings moved and Commissioner Davis seconded the motion accepting cash only or a cashier's check from residents who have their water cut off for non-payment.

Commissioner Lawrence pointed out that people pay by checks to keep a record of their bills. Commissioner Williams stated that putting a rule in place really hurts honest people. On call for the vote the motion carried by vote of 3 to 2.

Mayor Brown, Commissioners Davis and Jennings all voted yes. Commissioner Lawrence and Williams voted no.

The City Manager was instructed to place an ad in the newspaper and to place the check policy in effect in two weeks.

Mrs. Craft pointed out that there is a law stating that Committees cannot tell residents what color to paint their house.

MEETING ADJOURNED.

/s/ Bradford S. Brown
Mayor

Attest: /s/ Georgia E. Marion
City Clerk