

OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
8:30 A.M., APRIL 7, 1999

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

INVOCATION: Commissioner Harold E. Jennings gave the invocation.

PLEDGE OF ALLEGIANCE: The Mayor, Commissioners and everyone recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Commissioner Davis moved and Commissioner Jennings seconded the motion approving the minutes of the meeting of March 17, 1999 with necessary corrections. The motion carried.

RECOGNITIONS: Mayor Brown presented a proclamation to Adia Shaniqua Fields the winner of America's Cover Miss Pageant.

ALCOHOLIC BEVERAGE LICENSE

Petition received for Delores M. Pierce to retail distilled spirits for consumption on premises at Brendon's Bar and Grill, 1001 Martin Luther King Boulevard.

Corporal Jimmy Dickerson stated that the state law regulating the sale of alcoholic beverages near churches states **NO PERSON KNOWINGLY OR INTENTIONALLY MAY SELL OR OFFER TO SELL ANY DISTILLED SPIRITS WITHIN 300 YARDS OF ANY CHURCH BUILDING.** Measurements of distances are from the front door of the proposed location to the front door of the church. Corporal Dickerson stated that the proposed location of the bar meets the state distance requirements. Attorney Frey stated that the consideration of the Commission is a factor in issuing this license.

Robert Bradley resident of the City stated that the City do not publish the petitions for alcoholic beverage licenses in the newspaper. He pointed out that Glynn County Board of Commissioners publishes their petition for licenses in the newspaper before a license is issued. Mr. Bradley stated that the license is not a renewal it should be for new business licenses. Mr. Bradley stated that he was against the issuance of this license.

Delores Pierce owner of Brendon's Bar and Grill stated that she spoke with Rev. Mitchell and he stated that he would like to have beer bottles picked up out of his parking area. She pointed out that they were in agreement. Mrs. Pierce stated that concerns that are voiced would be taken care of.

Mrs. Pierce stated that drugs and prostitution is a problem. She stated that drugs would not be sold around her place of business.

Commissioner Lawrence stated that the Commission approved a beer and wine license at the last meeting. Commissioner Lawrence pointed out that Rev. Mitchell and Mrs. Pierce have an agreement just like Mr. Cahoon and the pastor of the Church had an agreement making sure that all the beer bottles were picked up. Commissioner Lawrence stated that the owner has a right to appeal.

Commissioner Jennings asked if the measurements satisfy the state law. Corporal Dickerson stated that he did measure the property again and it was in compliance with state law it measured 309 feet. The property was 9 feet within the required distance.

Commissioner Williams pointed out that the building is in compliance with what the state recommends. He also stated that they must do right and stick by the law.

Mayor Brown asked Mrs. Pierce to submit an agreement in writing from the pastor.

The City Attorney stated that factors must be weighed. The church can be a factor.

Commissioner Lawrence stated measurements have always been from front door to front door. He recalled that a store on Glynn Avenue had to be measured from front door to front door for a school.

The City Attorney pointed out there is a difference between church and school. Commissioner Davis stated that there is a difference between drinking on premises and drinking off premises. The City Attorney stated that there is a difference and the owner must have requested the license.

Commissioner Jennings moved and Commissioner Davis seconded the motion to table the alcoholic beverage license until the Commission hears from the pastor and allows everyone to give input. The motion carried.

Commissioner Jennings requested that the alcoholic beverage license petition be advertised in the Brunswick News.

Commissioner Lawrence asked the Commission to keep in mind the State Law requirements.

Petition received from Dixie and Thomas McCoy to retail distilled spirits for consumption on premises at Club Cache, 1824 Norwich Street.

Corporal Jimmy Dickerson stated that the building is in full compliance with State Law.

Attorney Joe Hamill, representing the owners of Club Cache stated that this will be an upscale good and clean club. It will be located in the old Firestone building at 1824 Norwich Street.

Angela Bennett, representing Christ for the End Times Church at 1910 Norwich Street stated that the pastor was not able to be present at the meeting. Mrs. Bennett stated that measurements were taken and she measured 211 feet, and it is in conflict with state law. She pointed out that there is not a front door and the measurements were taken from property line to property line. Mrs. Bennett stated that Corporal Dickerson was asked to submit copies of his measurements. She stated that the plans are supposed to be in compliance. She stated that there have not been proper notifications about the issuance of this alcoholic beverage license. Mrs. Bennett said she was on vacation and did not know about the petition requesting a license for this business. Mrs. Bennett stated that she has documentation and the property lines have not been clearly defined. She was against having a bar or lounge one block from where her church is located.

Commissioner Lawrence asked was it a problem with the property lines or a problem with the type of business.

Mrs. Bennett stated that the church already had problems with a bar down the street.

Brady Turner stated that this building has been empty for a long time and the McCoy's are willing to make it into a viable business. He pointed out that the front door is at the location it will be when the building is renovated. The

measurements are correct. He pointed out that Mrs. Bennett has a conflict of interest. She issues the business licenses. He stated that the owners of Club Cache have made jobs and there is nothing bad going on in their club. They will have good security and no smoking in the building. He stated that he worked on the Royal Cafe' in 1991. The owners would like to open on July 1st. He pointed out that ordinances are on the books to take care of nuisances.

Commissioner Jennings stated this is not a conflict of interest because Mrs. Bennett is a citizen and has rights too. Brady Turner stated that it is a conflict of interest.

Steve Hudson representing Bethel Evangel Christian Church, businesses and residents stated that there is deep concern about the area. The Church is located at 801 "I" Street. He was not sure whether measurements were taken at their church. He stated that he believed in the enterprise system. He asked will you put this business in your neighborhood? A lot of things have gone on such as prostitution. Bible study and other programs are going on from Thursday – Sunday and this will have a negative impact. The City really needs to take a hard look. He stated that he opposes this type of thing and alcoholic beverages have far reaching effects.

John Demery representing Bethel Evangel Christian Church stated that the church would have to clean up bottles. There is not ample parking and there will be competition for parking spaces. There is a lot of concerns such as prostitution and the destruction of the neighborhood. It has not been established that this church is within 300 feet.

Attorney Joe Hamill pointed out that the area on Norwich Street is a business area and people rent a storefront and set it up as a church. He stated that it has not been determined on whether this affects the zoning of the property. He stated that storefront churches come in and cause conflict for other businesses. He stated that Club Cache building will be fenced in and it will be an upscale club. A cover charge will be charged to get in the club.

Mr. Demery stated that their church is old Central Baptist Church and they have always had trouble with businesses in that area. He stated that the neighborhood is black and the church members are opposing the business license because it is an established church and not a storefront church.

Commissioner Jennings moved and Commissioner Lawrence seconded the motion tabling the alcoholic beverage license application until all churches have been measured to make sure everyone is in compliance with the State law. The motion carried.

Commissioner Williams questioned whether there is a church located on Wolfe Street and I. He questioned whether the churches have an influence on the things that happen in the community.

Commissioner Davis moved and Commissioner Lawrence seconded the motion to advertise all alcoholic beverage petitions in the Brunswick News four weeks before the Commission meeting. The motion carried.

FOURTH OF JULY FIREWORKS DISPLAY

The City Manager submitted bids for the fireworks display for the Fourth of July Celebration for the Waterfront Park from Bryan Thompson, Manager.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion to use the same fireworks display as last year in the amount of \$5,000.00 for the Fourth of July celebration. The motion carried.

RENT INCREASE CYPRESS MILL PLANTATION APARTMENTS

The City Manager stated that the Commission must approve any increase in the rent at Cypress Mill Apartments, information concerning the rent increase was submitted and approved by the Department of Housing and Urban Development. The increase for non-control units: 2 bedroom unit - \$510.00 per month
3 bedroom unit - \$570.00 per month

Commissioner Lawrence questioned the previous rent. He stated that he could not support this. The previous rent should be listed.

The City Manager stated that the Commission monitors the rent every year with representatives from HUD and if problems are found with the rent then the company must pay back the amount of the increase.

Commissioner Lawrence moved and Commissioner Davis seconded the motion to table the rent increase until the next meeting. The motion carried.

RECREATIONAL VEHICLE PLACED AT RESIDENCE

The City Manager stated that a request was made in writing by Mrs. Sara LaRoche to place a recreational vehicle on the property located at 2909 Evergreen. Mrs. LaRoche was not present.

The City Attorney stated that the Commission need to know if it is a hardship and if the parents are smokers and the child is a non-smoker and the size of the recreational vehicle.

Commissioner Lawrence stated that limitations must be based on how long the recreational vehicle will be there.

Commissioner Jennings stated that there should be a doctor's recommendation.

Mayor Brown instructed the City Manager to contact Mrs. LaRoche and ask her to attend the next meeting.

Commissioner Williams stated that Mrs. LaRoche need to include a medical reason or justification.

The City Attorney stated that it should be financial or medical and submit a site plan.

Commissioner Davis moved and Commissioner Williams seconded the motion postponing a decision until the next meeting. The motion carried.

PLAT DIVISION

The City Manager stated that he received a request to subdivide the Old Champion Building into five parcels. The owner of the lot Ken Tollison made the request to subdivide this property to provide office space for tenants.

Commissioner Lawrence moved and Commissioner Jennings seconded the motion approving the sub-dividing of the lot into five spaces. The motion carried.

CITY FLAG DESIGN

Commissioner Lawrence stated that he would like to have the children at the Elementary Schools take part in designing the City flag.

Commissioner Williams stated that the City flag would be displayed at the GMA Annual Convention Parade of flags. Commissioner Jennings moved and Commissioner Davis seconded the motion approving the blue, white and green flag as the City of Brunswick's Official flag. The motion carried.

HISTORIC PRESERVATION ORDINANCE

Commissioner Jennings stated that under the ordinance the Commission is in charge of the rules and the Historic Preservation Board by laws. The Commission will appoint five outstanding citizens to serve on the board.

Mayor Brown stated that he received comments regarding the Historic Preservation Ordinance: Citizens opposing Ordinance - 17 City residents, 15 unknown residents, 27 county residents. Total Opposing Ordinance 59. Citizens in favor of Ordinance - 75 City residents, 19 unknown residents and 31 County residents. Letters received - 16 City residents and 1 county resident. Total favoring Ordinance 142 - 9 news articles, 1 editorial and 2 letters to the editor.

Following a lengthy discussion, Commissioner Davis moved and Commissioner Jennings seconded the motion to adopt the Historic Preservation Ordinance. The motion carried by vote of 4 to 1. Commissioner Lawrence voting no.

BRUNSWICK HISTORIC PRESERVATION BOARD ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 5 ARTICLE II OF THE MUNICIPAL CODE OF THE CITY BRUNSWICK SO AS TO ESTABLISH AN HISTORIC PRESERVATION BOARD IN THE CITY OF BRUNSWICK; TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICT; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO PROVIDE FOR VIOLATIONS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COMMISSION OF THE CITY OF BRUNSWICK:

Chapter 5, Article II OF THE Municipal Code of Brunswick, heretofore "RESERVED" is hereby amended and Sections 5-6 through 5-15 are hereby enacted as follows:

Section 5-6

Purpose

In support and furtherance of its findings and determination that historic, cultural, and aesthetic resources of Brunswick are among its most valued and important assets and that preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to provide a uniform process for providing guidance to owners of historic property in making material changes through the approval of Certificates of Appropriateness;

In order to stimulate revitalization and reinvestment in the central business district and residential areas of the City of Brunswick and to protect and enhance local historical, cultural, and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for Federal Tax Relief of property owners under relevant provisions of the Tax Reform Act of 1986 (Public law 99-514) allowing tax investment credits for rehabilitation of certified historic structures;

The Mayor and Commission of the City of Brunswick hereby declare it to be the purpose and intent of this ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structure, and works of art having a special historic/aesthetic interest or value, in accordance with the provisions of the ordinance.

Section 5-7

Creation of a Historic Preservation Board

A. Creation of the Board

There is hereby created a board whose title shall be ("Brunswick Historic Preservation Board").

B. Board Position within the Brunswick Government

The Brunswick Historic Preservation Board shall be considered part of the planning functions of the City of Brunswick.

C. Board Members: Number, Appointment Terms and Compensation.

1. The Board shall consist of seven (7) members appointed by the Mayor and the City Commission, who have demonstrated special interest, expertise, education or knowledge in history or architecture. Members of the Board shall be residents of the City of Brunswick. To the extent available, the Mayor and Commission shall appoint members from the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation-related discipline such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology.
2. Members shall serve three (3) year terms.
3. Members may not serve more than (2) consecutive terms.
4. In order to achieve staggered terms the initial appointment shall be as follows:

Two (2) members for one (1) year; two (2) members for two (2) years, and three (3) members for three (3) years.
5. Members do not receive a salary although they may be reimbursed for expenses.

C. Statement of the Board's Powers

The Brunswick Historic Preservation Board shall be authorized to:

1. Prepare an inventory of all property within its respective jurisdiction having the potential for designation as historic property.
2. Recommend to the Mayor and Commission of the City of Brunswick specific places, sites, building, works of art, and districts to be designated by ordinance as historic properties or historic districts.
3. Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this ordinance.
4. Recommended to the Mayor and City Commission that the designation of any place, district, site, building, structure, or work of art as an historic property or as an historic district be revoked or removed.

5. Restore or preserve any historic properties acquired by the City of Brunswick.
6. Promote the acquisition by the City of Brunswick of façade easements and conservation easements in accordance with the provisions of the "Façade and Conservation Easements Act of 1976" (Georgia Laws 1976, p. 1181).
7. Conduct an educational program on historic properties located within its historic preservation jurisdiction.
8. Make such investigations and studies of matters relating to historic preservation as the local governing body or the Board itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.
9. Seek out State and Federal funds for historic preservation, and make recommendations to the City of Brunswick concerning the most appropriate use of any funds acquired.
10. Submit to the Historic Preservation Division (HPD) OF THE Department of Natural Resources (DNR) a list of historic properties and historic districts designated and provide the HPD whatever information is needed to nominate these to the National Register of Historic Places.
11. Perform historic preservation activities as the official agency of the Brunswick Historic Preservation Program.
12. Employ persons, if necessary, to carry out the responsibilities of the Board; the Board shall not obligate the City of Brunswick without prior authorization by the City Commission.
13. Receive donations, grants, funds, or gifts of historic property, subject to the approval of the City Commission. The Board shall not acquire or sell property or obligate the City of Brunswick without prior authorization by the City Commission.
14. Review and make comments to the State Historic Preservation Officer concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
15. Participate in private, state and federal historic preservation programs and with the consent of the Mayor and Council enter into agreements to do the same.

D. Board's Power to Adopt Rules and Standards

The Board shall adopt rules and standards for the transaction of its business and consideration of applications for designations and Certificates of Appropriateness, such as bylaws, removal of membership provisions, and design guidelines and criteria, all of which rules, standards, bylaws and guidelines shall require the prior approval, by resolution, of the City Commission. The Board shall have the flexibility to adopt rules and standards without amendment to this ordinance, subject to the foregoing requirement for approval of the City Commission. The Board shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Board shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

The latest edition of Roberts' Rules of Order shall determine the order of business at all meetings.

E. Board's Authority to Receive Funding from Various Sources

The Board shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds. The Board will not financially obligate the City of Brunswick without approval of the Mayor and Council.

F. Records of Board Meetings

A public record shall be kept of the Board's resolution, proceedings and actions.

G. Conflict of Interest

At any time the Board reviews a project in which a member of the Board has ownership or other financial vested interest, the member will be forbidden from presenting, voting or discussing the project, other than answering a direct question.

H. Removal of Board Members

If a member of the Board is absent for more than three (3) meetings in one year without written notice to the chairman of the Board, the member shall be automatically taken off the Board and a replacement appointed by the Mayor and ratified by the City Board.

Section 5-8

Designation of Historic Districts and Historic Property

A. Preliminary Research by the Board

1. **Board's Mandate to Conduct a Survey of Local Historic Resources:** The Board shall have the authority to compile and collect information and conduct surveys of historic resources within the City of Brunswick. Information gathered previously in National Register nominations and other surveys may be used.
2. **Board's Power to Recommend District and Property to City Council for Designation:** The Board shall present to the Mayor and Council recommendations for the designation of historic district and historic properties.
3. **Preparation of a Report on Proposed Historic Districts and Historic Properties:** The Board shall prepare formal reports when recommending historic district or properties for designation. These reports shall consist of three parts:
 - a. A list of property classifications as outlined in this ordinance.
 - b. A physical description.
 - c. A description of the cultural, architectural, and/or historic/aesthetic significance of the historic district/property.
2. **Boundaries of a Historic District:** Boundaries of an historic district shall be specified on tax maps and located on the official zoning map.
3. **Evaluation of Properties within Historic Districts:** Individual properties within historic districts shall be classified as:
 - a. Historic (more than 50 years old and a contribution to the district).
 - b. Non-historic (less than 50 years old yet possessing architectural character).
 - c. Intrusions (buildings of any age which detract from the historical character of the district).
 - d. Vacant
4. **Affirmation of Existing Zoning:** This Historic Preservation Ordinance is not a

Use Ordinance. Any zoning laws currently in existence in the City of Brunswick or passed in the future will not be affected by this ordinance.

B. Designation of a Landmark

1. Criteria for Selection Landmarks: An historic landmark is a structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Brunswick, Glynn County State of Georgia, or Coastal Area, for one or more of the following reasons;

- a. It is an outstanding example of a structure representative of its era;
- b. It is one of the few remaining examples of past architectural style;
- c. It is a place or structure associated with an event or person of historic or cultural significance to the City of Brunswick, Glynn County, State of Georgia, or the Coastal Area.

2. Boundary Description:

Boundaries of landmark property shall be specified on tax maps and located on the official zoning map.

C. General Matters Affecting Designation of Both Historic District and Landmarks.

1. Applications for Designation of Historic District or Landmark:

- a. Historic District – An historical society, neighborhood association, group of property owners, City council member or the Board may apply for designation.
- b. Landmark Structure – An historical society, property owner, City Council member or the Board may apply for designation.

2. Required Public Hearings: The Board and the City of Brunswick shall hold a public hearing on the proposed ordinance for designation. Notice of the hearing shall be published in a three (3) consecutive issues of the legal organ of the City of Brunswick, and written notice of the hearing shall be mailed by the Board to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more twenty (20) days prior to the date set for the public hearing. A letter sent via the United States Mail to the last-known owner of the property, as recorded on the tax rolls of Glynn County Tax Assessor's office, shall constitute legal notification under this Ordinance.

3. Notification of Property Owners of Proposed Designation: Any ordinance designating any property or district as historic shall:

- a. describe each property to be designated;
- b. set forth the names (s) of the owner (s) of the designated property or properties; and
- c. require that a Certificate of "Appropriateness be obtained from the Historic Preservation Board prior to any material change in the appearance of the designated property.

4. Requirements Regarding District Boundaries: Any ordinance designating any property or district as historic shall require that the designated property or district be shown on the official zoning map of the City of Brunswick and kept as a public record to provide notice of such designation.

5. Notification of Historic Preservation Division: Prior to designating any property or district as Historic, the Board must submit a report on the historic, cultural, architectural, or aesthetic significance of each place,

district, site, building/structure, or work of art, to the Historic Preservation Division of the Department of Natural Resources; thirty (30) days will be allowed to prepare written statements.

6. Ordinance for Designation Announcement: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made within fifteen (15) days following the Public Hearing, and shall be in the form of a resolution by the Historic Preservation Board addressed to the City Commission.
7. Notification of Adoption of Ordinances for Designation shall be as follows: Within thirty (30) days immediately following the adoption of the ordinance for designation, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notification of such designation by the Mayor and Board, which shall apprise all owners and occupants of the necessity of obtaining a Certificate of Appropriateness for undertaking any material change in appearance of a property which is part of a designated district or site.
8. Notification of Other Agencies Regarding Designation: The Brunswick Preservation Board shall notify all necessary agencies within the City of Brunswick of the ordinance for designation, including the office of the Building Official and the Zoning Official. The Board will also notify individuals, agencies, and organizations in Glynn County, State of Georgia, and coastal area likely to be interested in the ordinance.
9. Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is being considered, the Brunswick Historic Preservation Board shall have the power to freeze the status of the involved property.

Section 5-9

Application to Preservation Board for Certificate of Appropriateness

A. Approval of Alterations or New Construction in Historic Districts or Involving Landmarks.

After the designation by ordinance of an historic property or of an historic district, no material change in the appearance of such historic property, or of a structure, site, or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for Certificate of Appropriateness has been submitted to and approved by the Board. The Certificate of Appropriateness will certify that the change in the exterior architectural appearance is compatible with the historic features of the building altered and the adjoining properties.

B. Approval of New Construction within Designated Districts

The Board shall issue Certificates of Appropriateness to new structures constructed within designated historic districts. These structures shall conform in design, scale, building materials, setback, and landscaping to the character of the district specified in the design criteria developed by the Board.

C. Guideline and Criteria for Certificates of Appropriateness

When considering applications for Certificates of Appropriateness to existing buildings, the Secretary of Interior's "Standards of Rehabilitation" shall be used as a guideline along with any other criteria adopted by the Board; all guidelines or standards must be approved by resolution of the City Commission prior to their use by the Board.

D. Submission of Plans to Board

1. In order for an application for an application for a Certificate of Appropriateness to be reviewed, it must be submitted at least fifteen (15) days prior to a scheduled meeting of the Board.
2. An application for Certificates of Appropriateness shall be accompanied by such drawings, photographs, or plans, as may be required by the Board.
3. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

E. Acceptable Board Reaction to Application for Certificate of Appropriateness

1. The Board shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Board shall consider, in addition to any other pertinent factors, the historical and architectural features involved, and the relationship thereof to the exterior architectural style, and the pertinent features of the other structure in the immediate neighborhood.
2. The Board shall not base its decision to issue or deny a Certificate of Appropriateness on the choice of color of paint used.
3. The Board shall not deny a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
4. The Board may make approval of a Certificate of Appropriateness conditional upon complying with certain situations, which may be listed in the Certificate. Such stipulations are to be used only to diminish the adverse impact of the changes in the material appearance proposed in the application for a Certificate of Appropriateness.

F. Public Hearings on Applications for Certificates of Appropriateness, Notices, and the Right to be Heard.

At least seven (7) days prior to review of a Certificate of Appropriateness, the Board shall take such action as may reasonable be required to inform the owners of any property likely to be affected the reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Board deems it necessary, it may hold a public hearing concerning the application.

G. Interior Alterations

In its review of applications for Certificates of Appropriateness, the Board shall not consider interior arrangement or use having no effect on exterior architectural features.

H. Technical Advice

When dealing with difficult technical questions, the Board shall have the power to seek expert advice.

I. Deadline for Approval or Rejection of application for Certificate of Appropriateness.

1. The Board shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of an historic property within a designated district or site. Evidence of approval shall be a Certificate of Appropriateness issued by the Brunswick Historic Preservation Board.
2. Failure of the Board to act within said forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.

J. Necessary Actions to be taken by Board upon rejections of application for Certificate of appropriateness.

1. In the event the Board rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Board may suggest alternative courses of actions it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans may resubmit the application at any time after doing so.
2. In cases where the application covers material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Board shall be binding upon the Building Official or other administrative officer charged with issuing building permit and in such a case, no building permit shall be issued.

K. Undue Hardship

Where, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the Board, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variance, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historic integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Board shall impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall be a situation not of the person's own making.

L. Issuance of Stop Work Orders as Required by the Board.

The Building Official shall issue stop work orders for projects within the preservation jurisdiction of the Board upon order of the Board if:

1. Work has begun which requires a Certificate of Appropriateness without such Certificate of Appropriateness.
2. Work has begun with an expired Certificate of Appropriateness.
3. It is not done in accordance with an issue Certificate of Appropriateness. In all such cases, the owners of the projects involved may apply for a Certificate of Appropriateness and upon issuance of a Certificate of Appropriateness, the Stop Work order shall be removed immediately.

M. Certificate of Appropriateness Void if Construction Not Commenced.

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

N. Recording of Applications for Certificates of Appropriateness.

The Board shall keep a public record of all applications for Certificates of Appropriateness, and of all the Board's proceedings in connection with said application (s).

O. Authority to review Demolition and Relocation Permit Applications.

The Board may, where such action is authorized by the Mayor and Board of the City of Brunswick, and is reasonable necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

P. Appeals

Any persons (s) adversely affected by any determination made by the Board relative to the issuance or denial of a Certificate of Appropriateness, including a decision as to variance due to a contention of undue hardship may appeal such determination to the Mayor and Board of the City of Brunswick. The appeal must be applied for within fifteen (15) days after the Board sends notification. The Mayor and Board of the City of Brunswick may approve, modify, or reject the determination made by the Board if the Mayor and Board finds the Preservation Board abused its discretion in reaching its decision by violating procedures set forth in this ordinance. Appeals to the Mayor and Board of the City of Brunswick may be appealed to a Superior Court in Glynn County in a manner provided by law for appeals for conviction or ordinance violations.

Section 5-10

Demolition and Relocation Applications

A. Authority to review Demolition and Relocation Permit Applications.

The Board shall have the authority to grant or deny a Certificate of Appropriateness to demolish or relocate a structure within a historic district, or on a historic property, subject to the authority of the City Commission or a court of competent jurisdiction to order demolition of unfit structures pursuant to Chapter 12, Article IV of this Code.

B. Consideration of Post-Demolition Plans.

The Board shall not grant a Certificate of Appropriateness for demolition or relocation without reviewing at the same time the plans for the building or other development that would replace the structure.

C. Demolition or Relocation Criteria.

The Board shall evaluate the effect the demolition or relocation of a building will have on the historical character of the historic district or historic property affected. If the Board determines that demolition or relocation would have a negative effect, it will deny the Certificate of Appropriateness unless:

1. The Building in question is shown to be incapable of earning an economic return on its value after rehabilitation as determined by the Board with the advice of a qualified real estate appraiser.

2. The building in question is classified as an intrusion.
3. In the case of a non-profit organization, that organization can prove that the structure cannot be successfully rehabilitated and used by the organization.
 - (a.) Whenever a property owner (s) shows that a building is incapable of earning an economic return on its value, or be successfully rehabilitated or used, such building may be demolished or relocated, provided, however, that the issuance of a Certificate of Appropriateness shall be subject to a delay of demolition or relocation and that notice of the proposed demolition or relocation shall be given as follows:
 - (1.) for buildings rated Historic – twelve (12) month delay
 - (2.) for buildings rated Non-Historic – six (6) month delay
 - (3.) for buildings rated Intrusion – No delay
 - (b.) Notice shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation oat least three (3) times prior to the date of the permit and the first notice of which shall be published no more than fifteen (15) days after the application for a permit to demolish is filed. The purpose of this section is to further the purposes of this Ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the City of Brunswick, to allow interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such building (s). The Board may at any time during such stay issue a Certificate of Appropriateness, in which event a permit shall be issued without further delay.

D. Emergency Demolition Permits

In the event the building Official determines that a landmark or existing building in a historic district poses immediate threat to the safety of the community, he may request an emergency meeting of the Board. At such times the Board may authorized the emergency demolition of such structures(s).

Section 5-11

Maintenance of Historic Property

A. Ordinary Repair

Ordinary maintenance or repair of any exterior architectural feature in or on an existing building that does not involve a material change in design, material, or outer appearance thereof, is excluded from review.

B. Conformity to Existing Building Codes

Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City building codes, nor to prevent any property owner from making any use of their property not prohibited by other statues, ordinances or regulations.

C. Demolition by Neglect Prohibited

Property owners of historic properties, buildings in historic buffer areas or historic districts will not allow their buildings to deteriorate or be demolished by neglect. Demolition by neglect can result in the loss of valuable portions of Brunswick's heritage as well as being a hazard to public safety and a public nuisance. The Board will be charged with the following duties and responsibilities regarding demolition by neglect:

1. The Board will monitor the condition of landmarks and existing buildings in historic district and historic buffer areas to determine if they are being allowed to be demolished by neglect. Such conditions as; the existence of broken windows, doors and opening which allow the elements and vermin to enter the structure, the deterioration of existing architectural features, and the deterioration of a building's structural system shall constitute demolition by neglect.
2. In the event the Board determines a state of demolition by neglect exists, the chairman of the Board will notify the owner and/or occupant of such property of the existence of a condition and the steps which need to be taken to remedy it. The owner and/or occupant of such property shall have ninety (90) days to remedy the condition.
3. In the event that the condition is not remedied in ninety (90) days the City of Brunswick Building Official will initiate appropriate legal action to correct the state of demolition by neglect.

Section 5-12

Violation Provisions

Violations of any provisions of this Ordinance shall be punished in the same manner as provided by charter or local law for punishment of violations of other validly enacted ordinances of the City of Brunswick.

Section 5-13

Severability

In the event that any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if this section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section 5-14

Repealer

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5-15

Definitions

A. "Certificate of Appropriateness"

Means a document evidencing approval by the Historic Preservation Board of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

B. "Exterior Architectural Features"

Means the architectural style, general design, and general arrangement of

the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type land style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

C. "Exterior Environmental Features"

Means all those aspects of the landscape or the development of the site which affect the historical character of the property.

D. "Historic District"

Means a geographically definable area, which contains structures, sites works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the Mayor and City Commission.

E. "Historic Property"

Means an individual structure, site or work of art which exhibits a special historical, architectural, or environmental character as designated by the Mayor and City Commission.

F. "Demolition"

Means the complete or substantial removal or destruction of any building or structure visible from a public right-of-way in a designated district or site.

G. "Relocation"

Means the moving of all or portions of a structure visible from a public right-of-way within a designated district or site.

H. "Material Change in Appearance"

Means a change that will affect either the exterior architectural or environmental features of an historic property or any structure, site or work of art within an historic district, and may include any one or more of the following:

1. A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details;
2. Demolition of an historic structure;
3. Commencement of excavation for construction purposes;
4. A change in the location of advertising visible from the public right-of-way;
5. The erection, alteration, restoration or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavement, or other appurtenant features.

I. "New Construction"

Means the erection of any new building or structure visible from a public right-of-way within a designated district or site.

J. "Ordinary Maintenance"

Means any action which keeps a building or structure in a state of preservation and does not constitute a material change in appearance.

K. "Substantial Adverse Impact"

Means the result of a material change in appearance that diminishes the historic/aesthetic significance of an individual property or designated district or site.

THEREFORE BE IT RESOLVED, that the City of Brunswick does hereby ordain, resolve, and enact the foregoing Historic Preservation Board Ordinance for the City of Brunswick, Georgia.

Adopted:

This ____ day of _____, 19____.

Effective:

This ____ day of _____, 19____.

APPROVED:

/s/ BRADFORD S. BROWN
Bradford Brown, Mayor

ATTEST:

/s/ GEORGIA E. MARION
Georgia Marion, Clerk

The City Clerk was instructed to advertise for seven appointments on the Historic Preservation Board.

Commissioner Williams moved and Commissioner Jennings seconded the motion to adjourn the meeting.

MEETING ADJOURNED.

/s/ BRADFORD S. BROWN
Mayor

Attest: /s/ GEORGIA E. MARION
City Clerk