

**OFFICIAL MINUTES  
COMMISSION OF THE CITY OF BRUNSWICK GEORGIA  
REGULAR MEETING  
6:30 P.M., MARCH 19, 2003**

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

**ABSENT:** Commissioners Roosevelt Lawrence and Doris A. Davis.

**INVOCATION:** Mayor Bradford S. Brown gave the invocation.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited in unison by everyone in attendance.

**MINUTES:** Regular meeting of March 5, 2003.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion approving the minutes of the meeting of March 5, 2003. The motion passed.

**DELEGATION(S)**

**Mickey O'Neil to request permission to temporarily park a Mobile Home next to his mother's residence at 3426 Treville Avenue as a hardship case.**

Mickey O'Neal submitted to the Commission a letter from his mother's doctor stating that she needs someone near because of her medical condition.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion granting permission to Mickey O'Neil to place a mobile home next to his mother's residence at 3426 Treville Avenue to care for his disabled mother for one year.

Following a brief discussion the motion passed by vote of 2 to 1. Mayor Brown voted no.

**APPROVAL(S)**

**1. Bid recommendation on Sludge Hauling for the Water and Wastewater Department-Keith Morgan, Director of Water and Wastewater and Steve Belcher, Consultant from Stantec.**

The Water and Wastewater Director stated that a decision has been reached after negotiating. Steve Belcher, Consultant from Stantec recommended that the City accept the low bid of Coastal Disposal 2 for a reasonable price of \$21.80 for eighteen months.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion to accept the low bid of Coastal Disposal 2 in the amount of \$21.80 for eighteen months. The motion passed.

**2. Jimmy Bradley, Finance Director to request approval on the following:**

**a) Resolution for participation in GMA's Loan Lease Pool.**

The Director of Finance requested approval for participation in GMA's Loan Lease Pool Program.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion unanimously approving the following resolution:

RESOLUTION

A RESOLUTION OF THE 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.

DATED: \_\_\_\_\_

WHEREAS, Lessee is participating in the Georgia Municipal Association, Inc. ("GMA") sponsored pooled lease program (the "Program") for the acquisition of equipment to be used by participating political subdivisions of the State of Georgia (the "Equipment"); and

WHEREAS, pursuant to 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 Wachovia Bank, as servicer (the "Servicer"), Wachovia Bank, 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 moneys 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 Wachovia Bank, as amended, 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 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

WHEREAS, pursuant to the Lease Agreement, Lessee is required to appropriate annually the Minimum Annual Appropriated Amount set forth on Schedule A hereof; and

WHEREAS, in order to give effect to, and comply with, the foregoing agreements and instruments, and in order to authorize payment of its obligations incurred thereunder (collectively, the "Program Obligations"), either (i) the Lessee has available to satisfy Program Obligations uncommitted and unappropriated funds in this current operating budget in an amount not less than the Minimum Annual Appropriated Amount as set forth in Schedule A or (ii) the Lessee must amend its current operating budget in accordance with Title 36, Chapter 36-81-5 of the Official Code of Georgia Annotated (the "Code") to authorize the payment of the Program Obligations; and

WHEREAS, if required, in order to amend its current operating budget, the Mayor and Council of Lessee have heretofore taken the following actions, all in accordance with Title 36, Chapter 81 of the Code: (i) through the Lessee's budget officer, prepared a proposed amended budget providing for payment of Lessee's Program Obligations in accordance with the requirements of Code Section 36-81-5(b) (the "Amended Budget", a copy of which is attached hereto as Schedule B) which was previously submitted to the Mayor and Council of the Lessee, (ii) at the time of receipt of the Amended Budget from the Lessee's budget officer, placed a copy of the Amended Budget in a public place in the Lessee, which place is convenient to the residents of the Lessee, (iii) published a notice in the official organ of the Lessee advising residents of the Lessee that the Amended Budget is available for inspection; (iv) conducted a public hearing on the Amended Budget at least one week prior to the date hereof; and (v) taken all other action necessary to effect the foregoing;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section I. Confirmation and Reaffirmance of Program Obligations. The Lessee does hereby confirm, ratify and reaffirm all the Program Obligations, including, expressly, the Lease and the Servicing Agreement.

Section II. Appropriation: Amendment of Budget. In order to give effect to, comply with, and assume the liabilities associated with, the foregoing approvals, and authorize the expenditure of the amounts required to be expended pursuant to the Lease Agreement and the Servicing Agreement the Lessee does hereby adopt, ratify and approve the Amended Budget attached hereto as Schedule B or commit those portions of the current budget set forth on Schedule B to the payment of the Program Obligations and does hereby appropriate and commit moneys in an amount not less than the Minimum Annual Appropriated Amount to payment of Program Obligations for the current calendar year.

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 councilmember, 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 anyone or more of the agreements or provisions herein shall be held contrary to any express provision of law or contrary to the policy of express law, though 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 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 \_\_\_\_\_.

[SEAL]

City of Brunswick:

Attest:

By: \_\_\_\_\_

Title:

\_\_\_\_\_  
Title:

#### CLERK'S CERTIFICATE

The undersigned Clerk of the City 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 \_\_\_\_\_ 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 \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Clerk  
City of Brunswick

[Seal]

SCHEDULE A

1. The City of Brunswick's pro-rata share of the principal amount of the Georgia Municipal Association Pool is \$170,487.00.
2. The City of Brunswick's Minimum Annual Appropriated Amount for the year ending December 31, 2003 is \$19,179.79, to wit:

Basic Lease Payments due November 28, 2003	\$ 0.00
Interest and Administrative Expense @ 11.25%	<u>\$ 19,179.79</u>
Total	

b) **MONTHLY REPORTS:**

- **General Fund**
- **Community Development**
- **Sanitation**
- **SPLOST**

Following a discussion, Commissioner Williams made a motion and Commissioner Jennings seconded the motion adopting the monthly reports. The motion passed.

**ALCOHOLIC BEVERAGE LICENSE(S)**

**Citgo Food Mart, located at 3424 Cypress Mill Road to retail packaged Beer and Wine not to be consumed on premises. Owner is Shri Ambica Food, Inc. and Manager is Digesh Patel.**

Captain Chris Stewart stated that Citgo Food Mart application is in order and is in compliance with the City Ordinance.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion granting an alcoholic beverage license to Shri Ambica Food, Inc., and manager Digesh Patel at Citgo Food Mart to retail packaged beer and wine for consumption off premises. The motion passed.

**CITY MANAGER'S ITEM(S)**

**Discuss new Sidney Lanier Bridge opening.**

The City Manager reported that the new Sidney Lanier Bridge opening is scheduled for April 7, 2003 at 10:00 a.m. He mentioned that the City and County was asked to contribute three hundred twenty chairs for the ceremony. He stated that the chairs would be rented for one dollar each and the County would share the cost equally.

The Commission discussed having school children attend the historic opening of the Sidney Lanier Bridge. School Board members Tommie Herrington and Venus Holmes was asked to mention the bridge opening and request that school children be allowed to attend the historic bridge opening with transportation given by the Board of Education.

The City Manager next asked the Commission to attend a meeting scheduled for March 31, 2003 sponsored by the Department of Natural Resources concerning lighting on the new bridge.

### **CITY CLERK'S ITEM(S)**

#### **CEMETERY DEED**

**Petition of Elizabeth Jaudon for Deed to Lot No. 20, Section 55, Spaces A-H in Greenwood Cemetery in lieu of original Deed, which has been lost, misplaced, or destroyed, but City records verify ownership.**

Commissioner Williams made a motion and Commissioner Jennings seconded the motion approving the above cemetery deed petition. The motion passed.

### **CITY ATTORNEY'S ITEM(S)**

- 1. Preliminary Plat approved for sub-dividing New Town Lots 1692-1698 located at the corner of Ellis and "M" Streets, for Keith Graversen.**

The City Attorney requested approval of the preliminary plat sub-dividing New Town Lots 1692-1698 for Keith Graversen.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion approving the preliminary plat sub-dividing New Town Lots 1692-1698. The motion passed.

- 2. Billboard Moratorium.**

The City Attorney requested to extend the moratorium on billboards until the first Commission meeting in May, 2003.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion extending the moratorium on billboards until the first Commission meeting in May, 2003. The motion passed.

### **MAYOR BROWN'S ITEM(S)**

#### **Appointment to the Visitor's Bureau Board.**

Commissioner Williams made a motion and Commissioner Jennings seconded the motion re-appointing Commissioner Harold E. Jennings to serve on the Visitor's Bureau Board. The motion passed.

Mayor Brown asked Commissioner Jennings to encourage the members of the Visitor's Bureau to help fund the new lighting system on the new Sidney Lanier Bridge.

Commissioner Williams gave an update on Commissioner Lawrence and Commissioner Davis who are recovering at home.

**EXECUTIVE SESSION**

Commissioner Jennings made a motion and Commissioner Williams seconded the motion to hold an Executive Session to discuss litigation and personnel issues. All voted by standing.

Following the Executive session, Commissioner Jennings made a motion and Commissioner Williams seconded the motion to adjourn the meeting. The motion passed.

**MEETING ADJOURNED.**

/s/ Bradford S. Brown  
Bradford S. Brown, Mayor

Attest: /s/ Georgia E. Marion  
City Clerk

