

**OFFICIAL MINUTES  
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 19, 2003 AT 6:30 P. M.  
CITY HALL COMPLEX  
700 GLOUCESTER STREET, 3<sup>rd</sup> FLOOR**

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

**INVOCATION:** Commissioner Jonathan Williams gave the invocation.

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

**MINUTES**

Meeting of November 5, 2003.

Commissioner Williams made a motion and Commissioner Jennings seconded the motion approving the minutes of the meeting of November 5, 2003. The motion passed by vote of 4 to 0.

**SUB-DIVIDING, REZONING OR SELLING OF PROPERTY**

1. Final Plat approval of sub-dividing lot located at 716 Albany Street. Owner is Michael Harris – Atlantic Appraisal Services.

The City Engineer stated that he reviewed the plat and recommended approval.

Commissioner Williams made a motion and Commissioner Davis seconded the motion approving the plat sub-dividing 716 Albany Street into two lots of 8100 square feet. The motion passed by vote of 4 to 0.

2. Sell of City surplus property located at 1301 Fourth Avenue – Littleton Black.

The City Attorney reported that this property is not build able and City may sell the property to the adjacent landowner.

The representative for Littleton Black requested that the Commission allow his client to purchase the surplus property located at 1301 Fourth Aveune.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion granting Littleton Black permission to purchase property located a 1301 Fourth Avenue for the appraised price of \$4,250.00. The motion passed by vote of 4 to 0.

3. Preliminary Plat approval to sub-divide a portion of Glynn Plaza located on Altama Avenue.

Gary Nerbles requested preliminary plat approval to sub-divide a portion of Glynn Plaza to construct a Wal-Greens and rebuild McDonalds.

The City Engineer recommended approval of the preliminary plat.

Commissioner Davis made a motion and Commissioner Jennings seconded the motion approving the final plat sub-dividing a portion of Glynn Plaza. The motion passed by vote of 4 to 0.

**APPROVAL(S)**

1. ALCOHOLIC BEVERAGE LICENSE(S)

Renewals for the year 2004.

Captain David Sowell stated that all 19 applications renewals met code compliance and recommended approval and to consider Level 3 application renewal last.

Commissioner Jennings made a motion and Commissioner Davis seconded the motion unanimously granting the following alcoholic beverage license renewals:

**To retail Consumption Dealers Including Distilled Spirits:**

Scott B. Jackmore at 300 F Street Inc., d/b/a Red Carpet Lounge, 300 F Street;

Alan W. Knight, III at BPO Elks Lodge #691, 1509 Union Street;

Dixie and Thomas McCoy at Club Cache', 1824 Norwich Street;

Eddie Lee West, Sr., at Club 87 Package Store, 1604 Fourth Street;

Louis N. Dyer, Jr., at Golden Isles Cruise Line, 1701 Newcastle Street;

Brett Schmid at Level 3 Restaurant & Night Club, 1404-06 Newcastle Street;

**To retail Consumption Dealers Including Distilled Spirits and Sunday Sales:**

Julio Martinez at El Potro Mexican Restaurant, 3460 Cypress Mill Road;

Tony Gilbert and Della Riddle at Legends Sports Bar & Grill, LLC d/b/a Legends Sports Bar and Grill, 4441 Altama Avenue;

George Warwick at Spanky's, 1200 Glynn Avenue;

**To retail Package Dealers Including Distilled Spirits for Consumption Off Premises:**

James L. Gibson at Gibson's Beverage Center, 3304 Glynn Avenue;

**To retail Package Dealers Beer and Wine for consumption Off Premises:**

Beth Harden and Mary Harden at Causeway Group Food Store, Inc. and the Sommers Company d/b/a Peaches #15, Hwy 17/FJ Torras Causeway;

Anilkumar Patel at Ayush, Inc., d/b/a Bunky's 2803 Glynn Avenue;

Digesh Patel at Citgo Food Market, 3424 Cypress Mill Road;

Bill Harbison at JP's Spirits & Wines, 3304 Glynn Avenue;

Mukesh Patel at Radhakrishna, Inc., - Amerimart #1, 1001 First Avenue;

Kirit Patel at Radhakrishna, Inc., - Amerimart #2, 1008 Bay Street;

Fanil Patel at Shir Shakli Krupa, Inc., d/b/a Discount Stop #6, 2722 Norwich Street;

Fanil Patel at Sheeram & Hanumandada Inc., - Discount Stop #5, 1409 Gloucester Street;

**To retail Package Dealer Beer Only for Consumption Off Premises:**

Betty Mullino at In and Out Market, 1603 L Street;

Dipesh Patel at Shiv Sunker, Incl, d/b/a Discount Stop #1, 3001 Altama Avenue;

Captain Sowell requested that Level 3 license be renewed with a stipulation that Security officers are provided by hiring off-duty City Police Officers to patrol the outside of the Lounge.

Commissioner Jennings made a motion and Commissioner Williams seconded the motion granting Level 3 an alcoholic beverage license renewal with the stipulation that security is provided outside the Lounge by off duty City Police Officers. The motion passed by vote of 4 to 0.

2. Budget for re-dedication of Old City Hall ceremony.

Meredith Hanek requested funding in the amount 4,800.00 to 5000.00 for Old City Hall rededication ceremony to be held on Thursday December 18, 2003 by invitation only.

Following a discussion Commissioner Jennings made a motion directing the City Manager to come up with \$5,000.00 for Old City Hall rededication ceremony. Commissioner Williams added an addendum to the motion directing the City Manager and Finance Director to find the funding of \$5,000.00 for the rededication ceremony. Commissioner Jennings accepted the addendum and Commissioner Williams seconded the motion. The motion passed by vote of 4 to 0.

3. Designate one meeting date for City Commission Meetings in December 2003.

Commissioner Jennings made a motion and Commissioner Davis seconded the motion to hold one Commission meeting on December 3, 2003 at 6:30 p. m. and to cancel the regular scheduled Commission meeting on December 17, 2003. The motion passed by vote of 4 to 0.

4. Revised Department of Transportation Form-532 for Carrie Street, Hopkins Avenue and Kaiser Avenue – Burton Carter, Construction Manager.

Burton Carter, Construction Manager submitted form 532 for the Department of Transportation revisions for the above streets.

Commissioner Jennings made a motion and Commissioner Davis seconded the motion approving the revisions to the Department of Transportation form 532 as submitted. The motion passed by vote of 4 to 0.

5. Revised Department of Transportation Form-532 for Parkwood Drive and Norman Street. – Burton Carter, Construction Manager.

Burton Carter, Construction Manager submitted form 532 for the Department of Transportation revisions to the above streets.

Commissioner Davis made a motion and Commissioner Williams seconded the motion approving the revisions to the Department of Transportation form 532 as submitted. The motion passed by vote of 4 to 0.

6. Department of Transportation Right of Way Agreement on resurfacing 16 City Streets – Burton Carter, Construction Manager.

Burton Carter Construction Manager submitted the right of way agreement on resurfacing 16 City streets.

DEPARTMENT OF TRANSPORTATION  
CITY RIGHT OF WAY AGREEMENT

STATE OF GEORGIA  
COUNTY OF GLYNN  
CITY OF BRUNSWICK

The DEPARTMENT will assist the CITY in constructing a project for leveling & resurfacing, Lee Street, beginning Ocean Blvd. and ending at Dead End for a length of 0.062 miles; 1<sup>st</sup> Avenue, beginning at Albany Street and ending at Union Street for a length of 0.226 miles; London Street, beginning at Newcastle Street and ending at Union Street for a length of 0.106 miles; Dartmouth Street, beginning at MLK Blvd. and ending at Bay Street for a length of 0.526 miles; Bay Street, beginning at Albermarle and ending at 1<sup>st</sup> Avenue, for a length of 0.294 miles; I Street, beginning at Norwich and ending at Albany Street for a length of 0.110 miles; Niles Avenue, beginning at Atlanta Avenue and ending at J Street for a length of 0.428 miles; Kay Avenue, beginning at G. Street and ending at L Street for a length of 0.486; I Street, beginning at Wilson Avenue and ending at Goodyear Avenue for a length of 0.048 miles; F Street, beginning at Norwich and ending at Bay Street for a length of 0.291 miles; Q Street, beginning at Norwich and ending at Newcastle for a length of 0.224 miles; G Street, beginning at Glynn Avenue and ending at Ellis for a length of 0.815 miles; 1<sup>st</sup> Street, beginning at Norwich and ending at MLK Blvd. for a length of 0.209 miles; Cherry Street, beginning at Tara Lane and ending at Dead End for a length of 0.202 miles; Poinsettia, beginning at Pinewood and ending at Cherry Street for a length of 0.320 miles; Carpenter Street, beginning at 1<sup>st</sup> Avenue and ending at Dartmouth for a length of 0.094 miles; For a total length of 4.441 miles; as per attached sketch and designated as Project Number PRC10-S006-00 (083), hereinafter referred to as the "Project", a complete plan of said project is on file at the appropriate District Office of the Department of Transportation, on which reference is hereby made for all purposes;

WHEREAS, this Project will extend within the corporate limits of the CITY;

THEREFORE, in consideration of the mutual benefit to the parties derived from the construction, installation and operation of said improvements, the CITY agrees as follows:

The CITY agrees to furnish, at no expense to the Department of Transportation, good and sufficient title, to provide **existing right of way**, necessary for the proper construction and maintenance of the above named project in accordance with pertinent agreements and regulations, according to the plans prepared by the DEPARTMENT, including any drainage deemed necessary by the DEPARTMENT or its engineers, within the limits of said CITY.

The CITY agrees to provide for its proper maintenance after completion of said improvements, and will make ample provisions each year for such maintenance.

The CITY agrees that when the above numbered project is advertised for letting, the CITY will arrange with various utility owners to place underground facilities that are approved to remain under the pavement in a satisfactory state of repair except where this phase of work is covered by separate agreements.

The CITY further agrees to assume responsibility for and cooperate with the Utility Owners in the moving, setting back, replacing or lowering of all customers' service connections, including gas lines, telephone lines, electric power lines, water mains, and sanitary sewer connections to clear construction by one foot whether such facilities are publicly or privately owned except where this phase is covered by separate agreement. Additionally, the CITY will require stubs and headers to be installed to avoid future cutting of the pavement.

It is further agreed that after construction is completed on off-system projects, no new or additional utilities facilities will be allowed to encroach on the right of way for this project except under permit issued by the CITY in accordance with the policies of the Department of Transportation, with special emphasis on the Department's prohibition on pavement cuts in new and widened roadways.

The CITY agrees to remove any existing structures or obstructions as provided in pertinent agreements, prior to advertisement for letting and to prevent any future encroachments upon the right of way limits of said roadway not covered by permits duly issued by the DEPARTMENT or the CITY; and furthermore agrees, obligates, and binds itself in accordance with Title 40 of the Georgia Code that it will not pass any laws, rules, regulations or ordinances which penalize, hinder or otherwise obstruct the free movement of vehicular traffic on said roadway, including angle parking, or erect any traffic signals, towers or lights on the said right of way without written consent of the DEPARTMENT.

The CITY agrees that prior to, during and after completion of the construction of the above named Project, the CITY shall defend and hold harmless the Department of Transportation for any liability for direct or consequential damages resulting from personal injury, property damages, or inverse condemnation, except for that which is the result of the sole negligence of the Department of Transportation. After completion and final acceptance by the Department, of the Project, the CITY assumes complete ownership, control, and responsibility, including any liability for the above named Project.

This Agreement is made and entered into in Fulton County, Georgia and shall be governed and construed under the Laws of the State of Georgia.

This the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor of the City Council

STATE OF GEORGIA  
COUNTY OF GLYNN  
CITY OF BRUNSWICK

I, George Marion, as Clerk of said CITY, do hereby certify that I am custodian of the books and records of the same, and that the above and foregoing copy of the original is now on file in my office, and that the Mayor of the City Council was authorized and directed to execute the same for and in behalf of said City Council.

Witness my hand and official signature, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
City Clerk

STATE OF GEORGIA  
COUNTY OF GLYNN  
CITY OF BRUNSWICK

This is to certify, that in my opinion, the dedication of the streets named and described above is complete.

\_\_\_\_\_  
City Attorney

7. Revised Scope of Services and Fee Proposal for Contract Administration on Wade and TBN Streets – Stantec Representative.

The above item was not discussed, therefore no action was taken.

8. Monthly reports:

- General Fund
- Water and Wastewater Fund
- Community Development Fund
- Recreation Fund
- SPLOST III & IV Funds
- Municipal Court Fund
- Sanitation Fund

Commissioner Jennings made a motion and Commissioner Davis seconded the motion approving the above monthly reports. The motion passed by vote of 4 to 0.

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

City-County Agreement regarding Oglethorpe Conference Center.

The City Attorney submitted the Agreement regarding the Oglethorpe Conference Center.

Commissioner Davis made a motion and Commissioner Jennings seconded the motion unanimously adopting the following City/County Agreement:

#### **OGLETHORPE CONFERENCE CENTER**

#### **MEMORANDUM OF UNDERSTANDING**

The City of Brunswick and the County of Glynn have previously entered an agreement regarding a fourth Special Purpose Local Option Sales Tax (hereinafter "SPLOST IV") to be collected in Glynn County and agreed in said contract to include acquisition, construction, upgrading, replacing, renovating, equipping and improving a number of facilities, including a conference center, among the projects for which the tax was to be collected and used. The special purpose tax was approved by the voters in Glynn County and the City of Brunswick, and the one percent sales tax is presently being collected in the City and unincorporated Glynn County. In order to facilitate the conference center project, the City and County further agree as follows.

1. Glynn County hereby gives the City of Brunswick permission to selection, design, and procurement of such associated labor, materials, equipment, professional services and other matters as the City deems appropriate for the project. The County has identified SPLOST funds available to pay for the cost of the project as work is done. The first SPLOST fund payment will become available on or after the date of this agreement.
2. The City will carry out the project, and any contracts (for construction or otherwise) shall be executed by the City, not by the County. The County agrees to make payment to the City for the cost of the project on a draw basis within ten days of receipt by the County of any payment request accompanied by copies of corresponding vendor invoices. The City and not the County will be responsible for payment of any contractors on the project, and the County's liability for

the SPLOST funds shall be to the City, not to the contractors. Should the City enter a contract or contracts requiring funds in excess of those available under SPLOST IV, or approve change orders which have the same result, the City will be responsible for making up the additional cost from taxes, grants, donations or other revenue sources, but the County shall not be responsible for paying such excess. The terms and specifications of any such contracts shall be as determined by the discretion of the City governing authority and not by the County.

3. The City shall be responsible for maintenance, repair, upkeep, management and operation of the conference facility once it is completed, and the County shall have no duty to inspect, maintain, repair or operate the facility. In the event there are net operating losses from the conference center, the County shall not be responsible for such operating losses.

4. Should the City Commission elect in its discretion to locate the conference center on the county-owned site between Newcastle and Bay Streets, sometimes referred to as the "Winchester Building" site, near the intersection of those two streets, then the Glynn County Commission agrees to execute and deliver to the City a quitclaim deed to all its interest and rights to such site once construction of the center is completed.

SO AGREED.

By the Commission of the City of Brunswick upon motion duly made, seconded and approved this \_\_\_\_\_ day of November, 2003.

\_\_\_\_\_

Bradford S. Brown, Mayor

Witness: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_

Georgia Marion, Clerk

By the Glynn County Board of Commissioners upon motion duly made, seconded and approved this \_\_\_\_\_ day of November, 2003.

\_\_\_\_\_

Jerome Clark, Chairman

Witness: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_

Vanessa Mincey, Clerk

Revisions of new Truck Ordinance.

This item was not discussed.

Revisions of City Dock Regulations allowing Cruise Ships to refuel at Dock.

Following a lengthy discussion Commissioner Jennings made a motion and Commissioner Williams seconded the motion to allow the American Eagle and the Nantucket Cruise Ships to refuel at the City dock with the proper insurance guarding against a fuel leak. The City Attorney was instructed to draft a policy on ship refueling at the City docks. The motion passed by vote of 4 to 0.

**EXECUTIVE SESSION**

Commissioner Jennings made a motion and Commissioner Davis seconded the motion to hold an Executive Session to discuss pending litigation. The motion passed by vote of 4 to 0.

**MEETING ADJOURNED.**

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

Attest:/s/ \_\_\_\_\_  
Georgia E. Marion, City Clerk