

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
WEDNESDAY, APRIL 7, 2004 AT 6:30 P. M.
CITY HALL COMPLEX
700 GLOUCESTER STREET, 3rd FLOOR**

PRESENT: His Honor Mayor Bradford S. Brown, Commissioners Jonathan Williams, Doris A. Davis, Cornell Harvey and Mark S. Spaulding.

INVOCATION: Commissioner Mark Spaulding gave the invocation.

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

MINUTES

Regular meeting of March 17, 2004.

Commissioner Davis made a motion and Commissioner Harvey seconded the motion approving the meeting of March 17, 2004. The motion passed by vote of 5 to 0.

PUBLIC RECOGNITION

Proclamation presentation to Marsha Smith, Keep Brunswick-Golden Isles Beautiful, for Jazz-up Brunswick and the Golden Isles Campaign during the months of April and May 2004.

Mayor Brown presented a proclamation to Marsha Smith proclaiming April and May as Keep America Beautiful Great America Clean Up Jazz Up Golden Isles Campaign in the City of Brunswick.

Marsha Smith invited the Commission to attend Jazz Up Brunswick Kick-off Celebration on April 17, 2004 and to participate in the Community Clean Up and Beach Sweeps. She thanked the Commission for their support.

CONSIDER FOR APPROVAL

ALCOHOLIC BEVERAGE LICENSE(S)

TwoCan Café and Catering located at 1618 Newcastle Street to retail Beer and Wine for consumption on premises. Owner and Manager is Kimberly McCord.

The Chief of Police recommended that Kimberly McCord be granted an alcoholic beverage license retail beer and wine at the TwoCan Café and Catering. She stated that all requirements of the code have been met for Mrs. McCord to retail alcoholic beverages.

Commissioner Spaulding made a motion and Commissioner Davis seconded the motion granting an Alcoholic beverage license to Kimberly McCord to retail beer and wine for consumption on premises at the TwoCan Café and Catering, at 1618 Newcastle Street. The motion passed by vote of 5 to 0.

1. Rose Marie Curran, Animal Services Advisory Board, with a proposal to address the following:
 - Cruelty to animals

Rose Marie Curran Chairman of the Glynn County Animal Control Advisory Board stated that she would like to turn the floor over to Tommie Dixon, Animal Control Officer.

Tommie Dixon stated that the Glynn County Animal Control Advisory Board approved the final draft of the Animal Control Ordinance in February and presented to the Glynn County Commission for approval. Mr. Dixon stated that this Ordinance would give Animal Control Officers in Glynn County and the City of Brunswick all leverage to deal with animal cruelty and neglect. It is intended to allow him and other Police Officers to warn residents about cruelty or neglect of any animal and give them a certain amount of time to rectify the situation. An officer returns at a given time and if the situation is not changed then the officer may then confiscate the animal and present the resident with a citation and court date for municipal court.

Mr. Dixon pointed out that the Ordinance was passed unanimously by the Glynn County Board of Commission on March 4, 2004.

- Abandoned buildings.

Tommie Dixon stated that in reference to the abandoned buildings in the City of Brunswick the advisory board agrees that abandoned buildings is the source of refuge for many stray animals and he appreciates any action the Commission may take to make the owners either tear down or board up abandoned houses so that they would not be acceptable to animals.

The City Attorney stated that a Work Session was held and the Commission would be adopting the same Animal Control Ordinance.

Mayor Brown stated that in regards to the abandoned buildings the Commission is actually adopting an ordinance later in the meeting that addresses those particular issues and hopefully find some resolution to the abandoned buildings.

2. Sandra Clark requesting permission to park a temporary trailer at 2208 Ellis Street.

Sandra Clark stated that she was asked at the last meeting to bring a tag receipt for the trailer. She reported that the taxes have been paid on the trailer.

Mayor Brown stated that a memo was received from Donna Moody, Building Official regarding this particular travel trailer. She stated that this trailer is not a full size mobile home and that Georgia Power cannot connect power to the trailer unless a new temporary pole is installed. This trailer does not meet the minimum housing standards and Mrs. Moody is recommending that the Commission not approve this due to the fact that it does not meet the minimum housing code.

Mayor Brown stated that he assumed that the Building Official is relating this to the wiring or something of that nature, she does not give the detail in the memo.

Following a lengthy discussion, the City Manger stated that he would meet with the Building Official to get clarification on the inspection conducted on the trailer. Mayor Brown pointed out that the Commission at the last meeting was under the impression that this was a mobile home not a camper trailer.

3. Jo Hickson, Consultant and Project Manager for the Coastal Georgia Greenway Project, requesting adoption of a Resolution supporting the Gateway to Coastal Georgia.

Jo Hickson appeared before the Commission to present the "Coastal Georgia Alternative: developing heritage and eco-tourism on the coast" report. Mrs. Hickson requested approval of a resolution to adopt Coastal Georgia Greenway Through-Corridor Route that lies within its jurisdiction. Approval of a resolution to work with other Coastal Georgia jurisdictions and their respective legislative delegations to enact State of Georgia legislation to establish the Coastal Georgia Greenway Regional Development Authority, and also approval of a resolution to work with other Coastal Georgia jurisdictions and their respective legislative delegations to request that the state of Georgia print "prestige license tag" for the Coastal

Georgia Greenway for the purpose of raising funds for operating expenses for the CGG-RDA. No action taken by the Commission. (Discussion only)

4. A.J. Jones, III, Community Development Director, with a request for appointments to the CDBG Proposal Review Committee.

The City Manager in absence of the Community Development Director stated that a Committee of two City Commission members and two citizens would be appointed to review applications for Community Development Block Grant Proposal Review Committee.

Commissioner Spaulding made a motion and Commissioner Harvey seconded a motion appointing Mayor Brown and Mayor Pro-Tem Williams to serve on the Community Development Block Grant Proposal Review Committee. The motion passed by vote of 5 to 0.

Commissioner Spaulding made a motion and Commissioner Harvey seconded the motion to advertise for appointments to the Community Development Block Grant Proposal Review Committee. The motion passed by vote of 5 to 0.

CITY ATTORNEY'S ITEM(S)

Structural Fitness Ordinance #961

Commissioner Williams made a motion and Commissioner Davis seconded the motion unanimously adopting the following ordinance:

ORDINANCE NO. 961

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 SET FORTH THE OBLIGATION OF PROPERTY OWNERS TO CONFORM TO APPLICABLE CODES WITH RESPECT TO MAINTENANCE OF STRUCTURES AND BUILDINGS; TO PROVIDE FOR PUBLIC OFFICERS TO CARRY OUT INVESTIGATIONS AND OTHER ACTIONS PROVIDED FOR BY THISS AND RELATED ORDINANCES AND CODES; 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 PROVIDE FOR ESTABLISHMENT AND ENFORCEMENT OF A LIEN FOR THE COST INCURRED BY THE CITY FOR REMEDIAL ACTION; TO

PROVIDE FOR SEVERABILITY; TO REPEAL
CONFLICTING ORDINANCES; TO PROVIDE AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES. "

THE COMMISSION OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION ONE. The Code of the City of Brunswick is hereby amended by striking Article IV of Chapter 12 and by substituting in lieu thereof a new Article IV which shall provide as follows.

ARTICLE IV.

UNFIT BUILDINGS AND PREMISES

Sec. 12-111.

(a) The City Commission of the City of Brunswick 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 drug 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.

(b) It is the intention to make the foregoing findings so as to comply with OCGA §41-2-9(a).

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:

Applicable Codes means the optional codes or standards referred to in OCGA § 41-2-8 (1), the general nuisance law referred to therein, the fire and life safety codes referred to therein, any property maintenance standards adopted by the City of Brunswick by resolution or ordinance, and the minimum standard codes referred to therein.

Building official means the Building Official appointed by the City Manager pursuant to section 5-2 of this Code, or such other Public Officers, as defined in OCGA § 41-2-8(10), including but not limited to fire, sanitation, health, water, wastewater, public works, police or other employees, 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), and their agents or assistants.

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

Drug crime means an act which is a violation of Article 2 of Chapter 13 of OCGA "Title 16, known as the "Georgia Controlled Substances Act." *Dwelling, building or structure* means any building or structure or part thereof used and occupied *for* human habitation, or 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.

Owner means the holder of the title in fee simple and every mortgagee of record. *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 such property, including mortgagees, lien-holders of record, persons having paid an occupational

tax to the City *for* a location or office at the subject building, persons having filed a property tax return *for* the subject property, executors, administrators, guardians and trustees.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the City relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the City.

Repair means altering or improving a dwelling, building or structure so as to bring it into compliance with applicable codes in this jurisdiction, and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building or structure.

Resident means any person residing in the City on or after the date on which the alleged nuisance arose.

Unfit building means any dwelling, building or structure described as follows:

- (1) Any building which is in violation of any of the provisions of the applicable codes;
- (2) Any building in which a load bearing 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 non-supporting 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 of 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. § 41-2-1 O(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..

(11) Any building with such defects therein increasing the hazards of fire, accidents or other calamity

Sec. 12-113. Enforcement officer.

The municipal officer charged with primary responsibility for the enforcement of this article shall be the Building Official appointed by the City Manager pursuant to Se. 5-2 of this Code or his or her designated representative.

Sec. 12-114. Nuisance declared.

It is the duty of the owner of every dwelling, building, structure, or property within the corporate limits of this City to construct and maintain such dwelling, building, structure or property in conformance with the applicable codes in the City, and any City ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure or property in violation of such codes or ordinances. 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 a 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. Upon request filed by a Public Authority, or by the Structural Fitness Advisory Board, or by at least five residents of the City, the Building Official shall make an investigation of the specific structure or property. The Building Official shall have authority to investigate any building, structure, premise or property that he or she 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 or other Public Officer 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. The Board shall be made up of five persons selected by the City Commission and who are residents of the City or owners of real property within the City at the time of appointment. Board members shall serve for a

term of one year from the date of selection and may serve additional terms if reappointed by the City Commission.

Sec. 12-117. Court proceedings, Complaint *In Rem*, Service of Complaint, Hearing.

If the investigation of the Building Official identifies any building, structure, dwelling, premises or property to constitute an unfit building or other public nuisance as declared herein, the building official may issue a Complaint *in rem* against the lot, tract or parcel upon which the unfit building or nuisance is situated. The Building Official shall cause a Summons and a copy of the Complaint to be served on all parties in interest. The complaint shall set forth at least the matters provided for in OCGA § 41-2-9 (a) (3), and the summons shall notify the parties in interest that a hearing will be held before a court of competent jurisdiction, i.e., Municipal Court or Superior Court, at a date, time and place certain. Said hearing shall be held not less than fifteen (15) days nor more than forty-five (45) days after filing of the Complaint with the court unless otherwise allowed by law. The owner and any parties in interest may file an Answer to the Complaint and may appear in person or by attorney and offer testimony at the date and time fixed for the hearing.

Sec. 12-118. Service of Complaint, Filing of *Lis Pendens*.

A summons and copy of the complaint shall be posted and 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. A notice of *Lis Pendens* shall be filed with the clerk of Superior Court in accordance with OCGA §41-2-12

Sec. 12-119. Hearing decision and post-hearing action.

After hearing evidence, the court shall make a determination whether the building or premises is an unfit building or otherwise a public nuisance in violation of this article. If the building or premises is found to be a public nuisance, the court shall issue a written order as provided for in OCGA §41-2-9 (a) (4).

Sec. 12-120. Reserved.

Sec. 12-121. Failure to comply.

If the owner or other parties in interest fail to comply with the order and direction of the court requiring remedial action, such failure shall constitute a violation of this article, the Building Official shall be authorized to cause the property to be repaired, altered, or improved or to be vacated and closed or to be demolished as provided for in OCGA§ 41-2-9(a) (5) and (6).

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

The cost of remedial action taken by the building official or by the city, shall constitute a lien against the real property upon which such cost was incurred and shall be perfected and collected as provided for in OCGA § 41-2-9 (a)(7), § 41-2-9(b), and §41-2-9(c).

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, suits for injunctive or other equitable relief, 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 withholding /revoking a certificate of occupancy,

or issuing an administrative stop work order on any construction subject to the inspection jurisdiction of the Building Official or Fire Marshall.

SECTION TWO

Any City ordinance or portion of any City ordinance in conflict with this Ordinance 961 shall be and is hereby repealed to the extent of such conflict.

SECTION THREE

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

This amended unfit building and premises ordinance is hereby adopted by the City Commission of the City of Brunswick at its regular meeting of April 7, 2004, and shall be effective upon its adoption on said date.

Bradford S. Brown, Mayor

Attest: _____
Georgia E. Marion, City Clerk

MAYOR BROWN'S ITEM(S)

1. The Sidney Lanier Bridge Lighting Agreement

Commissioner Spaulding made a motion and Commissioner Williams seconded the motion to enter into a contract with Glynn County and with the Department of Transportation for the Sidney Lanier Bridge Lighting. The motion passed by vote of 5 to 0.

2. Sunken Shrimp Boat – The Ben Lee

Mayor Brown mentioned that the Department of Natural Resources would fund \$24,000.00 to assist with the project to remove the Sunken Shrimp Boat. He stated the City should look for more funding for the removal of the Ben Lee.

EXECUTIVE SESSION

Commissioner Spaulding made a motion and Commissioner Davis seconded the motion to hold an Executive Session to discuss Personnel Issues. The motion passed by vote of 5 to 0.

Following the Executive Session, Commissioner Spaulding made a motion and Commission Davis seconded the motion to adjourn the meeting.

MEETING ADJOURNED.

/s/ _____
Bradford S. Brown, Mayor

Attest :s/ _____
Georgia E. Marion, City Clerk