

**OFFICIAL MINUTES**  
**COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA**  
**REGULAR RESCHEDULED MEETING**  
**THURSDAY, MAY 20, 2004 AT 6:30 P. M.**  
**OLD CITY HALL**  
**1229 NEWCASTLE STREET, 2<sup>ND</sup> FLOOR**

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

**INVOCATION**

Commissioner Cornell Harvey

**PLEDGE OF ALLEGIANCE**

**MINUTES**

A motion was made by Commissioner Williams and seconded by Commissioner Harvey approving the minutes of the May 5, 2004 regular meeting. Unanimously approved.

**DELEGATION(S)**

1. **Robert G. Randall II, 275 Andy Tostensen Road to address proposed changes in Public Conduct Ordinance.**

Robert G. Randall came before the Commission to address the proposed changes in Public Conduct Ordinance 962.

Mr. Randall spoke briefly about changes he would like to see in the revised Public Conduct Ordinance.

Informational purposes only. No Commission action required at this time.

**CONSIDER FOR APPROVAL**

1. **John Tuten, Tuten and Associates, to address proposals for Heating and Air replacement at the Ritz Theater.**

The following bids were received for replacement of the Heating and Air Conditioning units at the Ritz Theater.

<b>Company</b>	<b>Bid Amount</b>
Owens & Pridgen of Brunswick, Georgia	\$290,823.00
Elite Services of Saint Simons Island, Georgia	\$197,210.12

Following a brief discussion Commissioner Spaulding made a motion and Commissioner Davis second the motion to accept the bid of Elite Services of Saint Simons Island, Georgia for \$197,210.12 contingent of Elite Services providing a performance bond. Unanimously approved.

2. **Water and Wastewater Rate approval by resolution – Keith Morgan, Director Water & Wastewater.**

Keith Morgan, Director of Water and Wastewater came before the Commission requesting approval of the Water and Wastewater rate approval by resolution.

Following a brief discussion Commissioner Spaulding made a motion and Commissioner Davis seconded the motion approving the Water and Wastewater rate resolution. Unanimously approved.

**CITY OF BRUNSWICK  
WATER AND WASTEWATER  
RATES AND CHARGES**

**WHEREAS** the City of Brunswick has established a water and wastewater utility to provide for supply of potable water and to provide for sewage treatment and disposal in the community; and

**WHEREAS** an updated Water and Wastewater Rate Analysis issued November 25, 2002 and revised January 6, 2003 was performed for the City of Brunswick by consulting engineers with the firm of Stantec Consulting of Macon Georgia; and was accepted by action of the City Commission on February 5, 2003, and

**WHEREAS** the Commission of the City of Brunswick has adopted a water and sewer ordinance, Chapter 22 of the Municipal Code, which provides for establishment and revision of charges for water and sewer services to be accomplished by resolution of the City Commission;

**NOW THEREFORE BE IT RESOLVED** that the scheduled rates for water and sewer service as called for by Chapter 22 of the Municipal Code shall be as follows:

Monthly Billing Rates and Charges

Water Charges

Administrative Fee	2.15 per bill	
Debt Recovery		
Residential	3.84 per REU	
Outside Commercial	6.14 per REU	
	Ratio:	1.6
Operation and Maintenance (O&M)	Residential	Outside Commercial
Quantity	\$/kgal	\$/kgal
1 to 5 kgal	1.94	3.10
6 to 10 kgal	1.99	3.18
11 to 15 kgal	2.04	3.26
16 to 20 kgal	2.09	3.34
21 kgal & up	2.14	3.42
	Ratio:	1.6

Wastewater Charges

Administrative Fee	2.41 per bill	
Debt Recovery		
Residential	4.92 per REU	
Outside Commercial	7.87 per REU	
	Ratio:	1.6

Operation and Maintenance (O&M)	All		
	Quantity	\$/kgal	\$/kgal
1 to 5 kgal		3.43	
6 to 10 kgal		3.48	
11 to 15 kgal		3.53	
16 to 20 kgal		3.58	
21 kgal & up		3.63	
		Ratio:	1.0

Operation and Maintenance charges for both water service and wastewater service shall be billed based on the rate shown for the total billing quantity for each monthly billing period.

**Industrial Users:**

The wastewater operation and maintenance charge shall be calculated as 49% for wastewater collection system operation and maintenance cost and 51% as wastewater treatment operation and maintenance cost for purposes of billing users discharging directly to the wastewater treatment facility without use of the wastewater collection system.

The concentration of Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) at which overstrength wastewater shall be subject to additional charges beyond those based on flow shall be 200 milligrams per liter (mg/L).

Wastewater Charges for any customer contributing to the system Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) in excess of the concentration stated above shall include overstrength charges as follows:

Biochemical Oxygen Demand (BOD <sub>5</sub> ), per pound	\$0.39
Total Suspended Solids (TSS), per pound	\$0.26

Industrial users contracting for reserved allocation of wastewater plant capacities shall pay for the reservation of capacities such amounts as shall be provided by contract. In the absence of an agreement by the industrial user to make specified capital expenditures for pretreatment, annual payments for reserved capacities shall be calculated according to the following annual unit charges:

Flow, per 1,000 gallons per day	\$10.25
BOD, per pound, per day	10.75
SS, per pound, per day	4.35

Industrial users shall be assessed additional surcharges if an average of all valid samples in any period of seven contiguous days in any month exceeds the reserved capacities for BOD or SS or if the user exceeds the reserved capacity for flow. For any month in which such excess usage of BOD or SS occurs, the applicable surcharge shall be assessed for each day of the month in which the user discharged industrial process wastewater. Such surcharges shall be assessed in the following amounts:

Flow, per 1,000 gallons	\$0.0309
BOD, per pound	0.0325
SS, per pound	0.0131

**Septic Tank Hauling Discharges:**

All septic tank contents discharged to the City system shall be subject to payment of a fee of twenty dollars (\$20.00) per discharge and \$0.02 per gallon discharged. This fee shall be based on the actual discharge into the plant as measured by plant equipment and staff. Payment of such fees shall not exempt haulers from complying with any provisions of the City Code or any rules and regulations promulgated under authority of the City Code.

**Other Rates, Fees and Charges:**

The charge for any overhead sprinkler systems installed in any facilities inside the city limits other than single family residences shall be four dollars (\$4.00) per month for any area up to and including ten thousand (10,000) square feet and forty cents (\$0.40) per additional one thousand (1,000) square feet.

The charge for any overhead sprinkler systems installed in any facilities outside the city limits other than single family residences shall be six dollars (\$6.00) per month for any area up to and including ten thousand (10,000) square feet and sixty cents (\$0.60) per additional one thousand (1,000) square feet.

The charge for any fire hydrant installed inside the city limits shall be six dollars (\$6.00) per month.

The charge for any fire hydrant installed outside the city limits shall be nine dollars (\$9.00) per month.

**Tap-in Fees:**

Water and wastewater tap-in fees shall be charged on the basis of residential units or residential equivalent units according to the tap-in fees listed hereinafter. Any fractional units resulting from the calculation of residential equivalent units shall be treated as a whole unit. In addition to the tap-in fees, installation fees shall be charged in accordance with schedules listed hereinafter.

Water tap-in fees shall be charged as follows:

Inside the city: Two hundred fifty dollars (\$250.00) for each residential unit or residential equivalent unit.

Outside the city: Three hundred seventy five dollars (\$375.00) for each residential unit or residential equivalent unit.

The water tap-in fee for connecting to water mains for fire protection purposes shall be as follows:

	Inside City Limits	Outside City Limits
2" Tap	\$ 600.00	\$ 900.00
3" Tap	\$ 800.00	\$ 1,200.00
4" Tap	\$ 1,000.00	\$ 1,500.00
6" Tap	\$ 1,200.00	\$ 1,800.00
8" Tap	\$ 1,400.00	\$ 2,100.00
12" Tap	\$ 1,600.00	\$ 2,400.00

Sewer tap-in fees shall be charged as follows:

Inside the city: Two hundred fifty dollars (\$250.00) for each residential unit or residential equivalent unit.

Outside the city: Three hundred seventy five dollars (\$375.00) for each residential unit or residential equivalent unit.

**Installation Fees:**

Installation fees shall cover only connection to existing mains that are adjacent to location to be served; the actual costs of any extensions necessary shall be charged in addition to tap-in and installation fees. All fees and charges shall be paid by the customer or customers at whose request the connection is made.

Water installation fees for making taps into the city water mains or water lines and installing water meters or providing water meters for plumbers to install shall be in accordance with the following schedule:

<u>Meter Size</u>	<u>Installation by</u>	
	<u>City</u>	<u>Plumber</u>
5/8"-3/4"	\$ 600	\$ 350
1"	\$ 700	\$ 425
1 1/2"	\$ 2,000	\$ 1,000
2"	\$ 2,500	\$ 1,200

Installation fees for meters larger than two-inch shall be calculated on the basis of actual work performed in making the installation.

Sewer installation fees for making connections to the city sewerage system and installing service lines shall be in accordance with the following schedule:

<u>Tap Size</u>	<u>Installation by</u>	
	<u>City</u>	<u>Plumber</u>
4"	\$ 700	\$ 150
6"	\$ 900	\$ 150
8"	\$ 2,000	\$ 150

Charges for any installation not covered in standard pricing shall be calculated in accordance with the following schedule:

<u>Type</u>	<u>Basis</u>	<u>Rate</u>
Staging	Per installation	\$ 300
Labor	Per hour	\$ 75
Vacuum Truck	Per hour	\$ 200

Backhoe	Per hour	\$ 100
Small Backhoe	Per hour	\$ 75
Trencher	Per hour	\$ 50
Dewatering Pump	Per hour	\$ 35
Air compressor	Per hour	\$ 35
Tap Water Main	Per inch of Tap diameter	\$ 100
Miscellaneous	Actual Cost	---

All hourly charges shall include travel time to and from the job location. Work performed outside regular business hours at request of customer shall be charged at 150% of the rates in the schedule. Miscellaneous charges shall include actual charges for equipment rented to perform the work. The above schedule shall also be used to calculate charges when City staff or equipment is used on private facilities. The staging charge shall be used for construction but may be waived for other types of work at the discretion of the Director.

**Charges for Miscellaneous Services**

The charge for water bacteriological sampling and analysis shall be \$50.00 per sample tested for Total Coliform Bacteria.

If any action taken by unauthorized persons inside a meter box causes damages to a curb stop or a cover or lock connected to a curb stop, the resident or customer responsible for the premises shall be charged a fee of \$50.00 for each incident in addition to other fees and charges.

**Deposits, Late Fees and Service Charges:**

Deposits shall be two and one-half (2½) times the monthly bill for all services, as estimated by the director using whatever data may be available, with a minimum deposit of one hundred dollars (\$100.00) per unit.

In the event a utility bill has not been paid by the past due date printed on the bill, the account shall be subject to an additional late fee of five dollars (\$5.00). Late fees shall be incurred whether or not the service is disconnected.

In the event that service has been cut off for nonpayment of any city utility bill or other action resulting from violation of The City Code, service shall not be restored until the unpaid bill and service fees provided by this section are satisfied. Before service is restored, the following service fees shall be paid by the user cumulatively for each action taken to prevent unauthorized use of city services:

- a. Delinquent cut-off \$ 25.00
- b. Locking meter \$ 35.00
- c. Removal of meter \$ 60.00
- d. Removal of straight line \$ 80.00
- e. Removal of unauthorized relocated meter \$ 125.00
- f. Cutting off water at main \$ 300.00

Payment of these fees shall not exempt any user from any civil or criminal action resulting from violations of the City Code.

**BE IT FURTHER RESOLVED** that the foregoing rate and fee schedules shall become effective immediately upon approval of this Resolution by the City Commission and shall be reflected in the billings to customers beginning with the bills sent out in July 2004 for June 2004 usage.

**3. Approval of final penalty payment, resulting from Environmental Protection Agency (EPA) grant.**

Keith Morgan, Director of Water and Wastewater came before the Commission to requesting approval to submit the final penalty payment from the Environmental Protection Agency (EPA) grant.

Following a brief discussion Commissioner Spaulding made the motion and Commissioner Williams seconded the motion granting Keith Morgan permission to submit the final penalty payment of \$54,152.85 to the Environmental Protection Agency. Unanimously approved.

**2. MONTHLY REPORTS**

- General Fund
- Water and Wastewater
- Community Development
- SPLOST III & IV
- Sanitation

Commissioner Davis made a motion and Commissioner Williams seconded the motion approving the above-mentioned monthly reports. Unanimously approved.

**CITY ATTORNEY’S ITEM(S)**

**Ordinance 962 revision to public conduct ordinance.**

City Attorney Frey reported to the Commission that revisions had been made to Ordinance 962, which has been advertised and is ready for the Commission approval.

Following a brief discussion Commissioner Spaulding made a motion and Commissioner Harvey seconded the motion approving the adoption of Ordinance 962. Unanimously approved.

**ORDINANCE 962**

**AN ORDINANCE TO AMEND THE CITY OF BRUNSWICK CODE OF ORDINANCES, PARTICULARLY CHAPTER 16 RELATING TO PUBLIC CONDUCT, OFFENSES AGAINST THE PUBLIC PEACE AND MISCELLANEOUS PROVISIONS, BY REVISING ARTICLE IV OF SAID CHAPTER, WHICH PROMOTES AND REGULATES THE USE OF STREETS AND OTHER PUBLIC SPACES AND FACILITIES WITHIN THE CITY OF BRUNSWICK, TO REVISE THE PERMITTING SYSTEM FOR USE OF SUCH PUBLIC SPACES, TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE SEVERABILITY, TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**SECTION ONE**

**The Commission of the City of Brunswick hereby ordains:**

Chapter 16, Article IV, of the Code of Ordinances of the City of Brunswick shall be and it is hereby amended by deleting existing City Code Sections 16-84 through 16-89 and inserting in lieu thereof new Sections 16-84 through 16-89, which shall read as follows.

**§ 16-84 Use of Public Spaces and Facilities.**

No person shall, without first being permitted by the Permitting Officer after application made according to the requirements set out hereinafter:

- a) Conduct a public assembly, meeting, march, parade, demonstration, or other like event, either fixed or processional
  - 1) in any City Park or Square involving 100 or more attendees or participants, or
  - 2) utilizing any City building or structure, or
  - 3) utilizing any City baseball/softball field or tennis court, or
  - 4) utilizing any City property in a manner which has the effect, intent, purpose or substantial likelihood of obstructing motor vehicle or pedestrian traffic; or
- b) Circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents, or papers of any kind in any indoor public facility of the City of Brunswick, except during those events regulated or sponsored by the City of Brunswick or in such areas as will be designated by posted signage as approved for distribution of literature (such area will be designated by the City Manager for the City Hall facility at 700 Gloucester Street within 20 days of adoption of this ordinance), such distribution not to occur inside any room during a meeting nor at any time so as to impede ingress to or egress from any interior space; or

- c) Bring, land or cause to ascend or descend or alight any airplane, helicopter, flying machine, balloon, parachute, or other apparatus for aviation on, over, or upon the public properties of the City of Brunswick, or facilities thereon; or
- d) Bring any non-domestic (e.g., any of the following would be considered non-domestic: poisonous, exotic, dangerous, feral, or farm animals) on, over, or upon the public properties of the City of Brunswick, or facilities thereon; or
- e) Station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure on, over or upon the public properties of the City of Brunswick; or
- f) Create or emit any electronically amplified sound (except from a radio, recorder or other device which is possessed and used by an individual for his/her own enjoyment and is operated in such a manner so as to not interfere with the use and enjoyment by any other person); or
- g) Conduct any exhibit, fair, or circus over, or upon the public properties of the City of Brunswick; or station or use any electrical or electronic device or equipment that would require outdoor auxiliary power.

**§ 16-85 Application.**

- a) Within no less than five (5) days prior to an event, the person or persons associated in fact, whether or not a legally recognized entity, who wish to conduct an event requiring a permit, as set forth herein, shall apply to the Permitting Officer for such permit. Such application shall at a minimum include:
  - 1) The name, mailing and street address, gender, birth date and social security number of the Applicant. If the application is made by or for an association of persons or other organization, the application shall set forth as to each such entity, the legal form of the entity (e.g., corporation, unincorporated association, LLP, etc.); the name of said entity, if named; the registered or recognized address of the entity, if any; the federal tax identification number of the entity; the name, mailing and street address, date of birth, and social security number of the person making the application on behalf of or as a representative of said entity; such person's relationship to said entity; and some demonstration or recitation of the authority of the person making the application to act on behalf of the entity.
  - 2) A plan to be reviewed by the Permitting Officer, which plan will include:
    - a) anticipated number of persons participating in the event;
    - b) date or dates of the event;
    - c) hours of each day the event will be conducted;
    - d) exact location of said event, or, if the event is processional or mobile, the specific route of the event;
    - e) whether sound amplification equipment will be employed, and, if so, a description of what equipment will be used sufficient to allow the Permitting Officer to evaluate the plan;
    - f) whether artificial lighting will be employed and, if so, a description of what equipment will be used sufficient to allow the Permitting Officer to evaluate the plan .
    - g) whether temporary static structures such as stages, bleachers, canopies, stands, towers, scaffolds, platforms, rostrums,

podiums, portable toilets or other temporary static structures will be constructed or employed, whether vehicles will be employed, and if so, a description of same sufficient to permit the Permitting Officer to evaluate the plan;

- h) a description of the anticipated need for safety, police, medical, sanitation, and other required personnel and equipment, with the anticipated needed numbers and suggested posting by location and time of such personnel and equipment, along with a listing of what such personnel and equipment will be provided by Applicant;
  - i) a description of provisions necessary to the safety and welfare of the participants in the event and members of the public in the area where the event will be conducted and routes of access thereto and therefrom;
  - j) whether the event will require that the public spaces or facilities to be used or burdened, or the routes and means of access thereto and therefrom, be temporarily diverted from their dedicated or customary uses, or the public or private users thereof be diverted or excluded from, or limited in their use or enjoyment of, or their access to or through, said spaces or facilities, before, during, or after the event;
  - k) whether any sign, display, flag, placard, or banner larger than two feet by three feet (2'x 3') or using any wooden, metal, or hard plastic material, support or other component will be used; and
  - l) The name, permanent street and mailing addresses, telephone numbers where the persons responsible for each of the following matters may be reached before, during and after the proposed event, and fax number and e-mail address if available: general communication with public safety and other City staff, security, peacekeeping, sanitary and toilet facilities, medical and healthcare, and trash clean-up.
- 3) A disclosure as to whether the Applicant or any entity for whom the application is being made is or has been a party to (whether or not then operating under the same or any other name) as defendant or other responding party, any legal action, civil, criminal, or administrative, arising out of any event of a nature substantially similar to the one proposed in the application, and, if so, identifying information as called for in the application;
- 4) A disclosure as to whether the Applicant or any entity for whom the application is being made has failed to satisfy or is in violation or contempt of or in arrears as to any civil, criminal, or administrative fine, penalty, judgment, order, or award (whether or not then operating under the same name) as a result of participation in any prior event(s) of a substantially similar nature to that which is the subject of the instant application, and if so, a description of said fine, penalty, award, judgment or order and an explanation for non-compliance.
- b) Untimely permit applications will be considered and may be granted if reasonably practicable and if appropriate under other provisions of this Article, but in such case the time limits for appeal of a denial, shall remain the same.
- c) Where an event conducted on, over, upon, or burdening public properties, or employing the facilities thereon, which is also to substantially involve or take place partly or wholly upon private property with the consent of

the owner(s) thereof, such owner(s) or their authorized representatives must be identified in the application and proof of such consent provided for the event.

**§ 16-86 Review by the Permitting Officer.**

- a) Within five (5) working days of the receipt of a fully completed executed, and filed application, the Permitting Officer shall review the application in light of all of the contents thereof and the goals, intentions, and presumptions of this Ordinance as set out hereinbefore, and render a decision and communicate same to Applicant either permitting the event as planned or denying a permit for same. If the permit is denied, the Permitting Officer shall provide the Applicant in writing a statement of the reasons why the application is not granted. [First class mail to the address provided by Applicant, postmarked no more than five (5) days after receipt of the fully completed, executed, and filed application, shall be sufficient for this purpose, though not the exclusive means of notice.]
- b) Nothing in this process shall prevent the Permitting Officer, at its sole option and within the five (5) day period for approval or denial, from conferring with Applicant with respect to modifications of Applicant's plan for the event, and amend the application to reflect such modifications if agreed to by Applicant. However, Applicant may neither supplement nor amend its application within said five (5) day period except at the invitation of the Permitting Officer. Any attempt to do so sua sponte shall require a separate and new application.
- c) The Permitting Officer may deny the application for permit upon any of the following reasons or combination of reasons.
  - 1) The application does not contain all required information or materials, or the information set out in the application is so incomplete, vague, or ambiguous as to prevent full and proper review by the Permitting Officer.
  - 2) The application contains material omissions, falsehoods, or misrepresentations;
  - 3) The Applicant, or any entity for which the permit is sought, is incompetent to contract, sue, or be sued;
  - 4) The person applying lacks authority to represent the entity for which the application is made;
  - 5) The Applicant or any entity for which the permit is sought has on prior occasions damaged public property, or has not paid in full for such damages, or is in arrears as to any judgment (civil, criminal, or administrative) rendered against the applicant or entity, or is in violation of any injunction or restraining order entered against the applicant or entity, whether under the same name or another;
  - 6) The Applicant or any entity for which the permit is sought has on prior occasions violated permitting ordinances in connection with events of a substantially similar nature;
  - 7) The plan of the event as proposed is likely to present an unreasonable danger to the health or safety of participants in the event or other members of the public (though not through the agency of any predicted reaction by onlookers or members of the public);
  - 8) The plan of the event as proposed is likely to substantially restrict and/or congest traffic (vehicular or pedestrian) on any of the public roads, right of ways, sidewalks, or waterways in the immediate vicinity of such event;
  - 9) The plan of the event as proposed is likely to cause a substantial disturbance of the peace as defined in State law, or is likely to intrude upon the privacy or property of citizens in the area of the proposed event in a

manner violative of State law, or is likely to burden commerce in the area of the event by obstructing entrances or exits to any retail, wholesale, manufacturing, transportation, storage, office, or professional or personal service establishment, or by obstructing parking areas, loading docks, driveways, walkways or other methods of ingress or egress to any such establishment;

- 10) The plan of the event as proposed includes activities which are prohibited by laws of the United States, the State of Georgia, or ordinances of the City of Brunswick, or activities which constitute nuisance or tortious conduct with respect to public or private property or person;
- 11) The plan of the event as proposed would conflict with previously planned programs or events organized and conducted by the City of Brunswick and previously scheduled for the same time and place;
- 12) The plan of the event as proposed is prohibited by or is inconsistent with the zoning classifications and uses of the proposed or desired location; or
- 13) A fully executed prior application for permit has been or will be granted to a prior Applicant authorizing uses or activities which do not reasonably permit multiple occupancy of that particular space;

(d) Signs, flags, placards, banners or displays (other than puppets) which exceed two feet by three feet (2'x3') in size or which include any wooden, hard plastic, or metal material, support, or other component shall not be used or carried in the event unless the item is approved by the Brunswick Police Department prior to commencement of the event (provided that evaluation of a sign may be based only upon its potential to endanger public safety, and may not be based upon content of the sign's message). No person may use or carry any firearm, spear, pointed or edged weapon, slingshot, club, bat, hammer, edged tool, or any piece of metal or hard plastic rod, pipe or tubing, or any piece of wood which is pointed or which is larger than two inches by two inches (2" by 2") in cross section or longer than six feet (6') regardless of cross sectional dimension, in any event for which a permit is required under this Article. No flag, sign, display, banner, rope, cable, wire, chain, or structure may be draped or affixed to any City of Brunswick property, including, but not limited to, the streets, sidewalks, trees, buildings or other properties of the City of Brunswick.

(e) It is the specific intent of the City of Brunswick in enacting this ordinance to regulate only the time, place and manner of events and not to regulate the content or message of any speech or expressive conduct. The factors enumerated above, which we find express and support the substantial and compelling interests of this governing body in the preservation of the rights and liberties of its citizens and the safety, health, and good order of its society, are the only bases upon which the Permitting Officer shall decide to issue or deny a permit applied for hereunder and no such decision shall be made or justified based upon the anticipated or predicted content of the speech or expressive conduct of any Applicant.

#### **§ 16-87 Revocation.**

- a) For events that have been granted a permit or events that do not require a permit, the City of Brunswick Police Department shall have the authority to terminate an event at any time, or prevent its initiation, should traffic, weather, or other conditions develop which present an imminent danger to those participating in the event or to the public at large, or if an evacuation is ordered or a curfew or state of emergency or disaster is lawfully declared. If an event is permitted and is terminated pursuant to this subsection, the permit shall be revoked for that day only except that the termination shall extend any such evacuation, curfew or state of disaster or emergency.
- b) The City of Brunswick Police Department shall have the authority to terminate the event at any time or prevent its initiation should any consideration or combination of considerations enumerated herein as a ground for denial of a permit arise or first become apparent to the City of Brunswick Police Department

after the grant of a permit. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked.

- c) If in preparation for or after the start of an event for which a permit has been issued, participants in said event violate the terms of the permit, or deviate in material fashion from the plan submitted in application for the permit, or violate any laws of the United States, State of Georgia or the City of Brunswick, the Police Department shall have the authority to terminate the event at any time or prevent its initiation. If an event is terminated pursuant to this subsection, the permit shall be permanently revoked. For purpose of this sub-section (c), exceeding the number of projected attendees/ participants shall not be considered a material deviation unless the number present exceeds the stated life safety or fire related capacity for an interior space or the maximum number of persons allowed for an exterior space as stated in the permit.
- d) It shall be unlawful for any person to violate the terms of the permit or to deviate from the plan submitted in the application for the permit.
- e) It shall be unlawful for any person or group of persons who have been permitted to conduct an event to remain on the permitted location or facility, after an event, permitted or otherwise, has been terminated pursuant to this Section.

**§ 16-88 Appeals.**

- a) Upon receipt of any decision by the Permitting Officer denying an application, an Applicant may, within five (5) business days, file an appeal of said denial with the City Manager, which appeal shall be in writing and sent to the City Manager by certified mail or hand delivery.
- b) The written appeal must state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of determination to which appeal is being made, and any other papers relevant to the denial. The written appeal shall set forth an address and day and night telephone numbers where Applicant can be reached regarding the appeal, including for notification of a hearing on the appeal.
- c) Within three (3) business days of the receipt of a written appeal, the City Manager shall schedule a hearing, which shall be set for a date and time certain not later than five (5) business days following the mailing of the notice. The City Manager shall cause notice of the hearing to be served upon the Applicant by certified U.S. mail directed to the address provided by Applicant in the appeal notice. Such notice shall include the date, time, and location of the hearing. Telephonic notice of the hearing setting may also be given and will suffice if the written notice is mailed as required.
- d) At the hearing, all parties shall be provided a fair and impartial hearing and shall be allowed to produce any and all evidence concerning the appeal.
- e) Within five (5) business days after the conclusion of the hearing the City Manager shall make a written decision on the appeal, which shall affirm, modify, or reverse the decision being appealed. The notice of the decision shall be sent to the Applicant at the address set forth on the application for permit by certified U. S. mail and shall set forth the reasons for the decision.
- f) The decision of the City Manager shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. § 5-4-1, et seq.

**§ 16-89 Time Allotment.**

- a) In order to promote the public safety and other concerns provided for in § 16-82 of this Article, and to coordinate multiple uses of limited space and to enlarge, rather than reduce, the utility of public spaces and facilities as a forum for events,

permitted events shall be limited as follows: outdoor events may not commence before eight o'clock a.m. or continue past eight o'clock p.m.; parades or processions on streets may only be held during daylight between the hours of nine o'clock a.m. and eleven thirty a.m., or between one p.m. and four-thirty p.m., or between five-thirty p.m. and eight p.m.; parades or processions shall not block any street or intersection for more than one hour; ballfields, interior spaces and park or square spaces may not be used earlier or later in the day than such hours of operation as may be established by the City Commission by written resolution. Issuance of a City permit for an activity involving use of or presence upon any State or Federally owned or regulated roadway or property for which State or Federal permit or authorization is required is not intended to constitute such State or Federal authorization in any way or at any hour of the day.

- b) At or prior to the expiration of the time allotted and permitted for an event, the permitted person or persons shall have completely vacated the permitted location or facility.
- c) Certain City owned or operated facilities are subject to reasonable usage fees which shall be charged only in accordance with rate schedules established in writing and which shall be made available to an Applicant at the time an application form is obtained under this Article.

## **SECTION TWO**

This ordinance shall become effective upon adoption. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **SECTION THREE**

Should any section, provisions, or clause of any part of this Ordinance be declared invalid or unconstitutional, or if the provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect portions of this Ordinance not so held to be invalid, nor to affect the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City of Brunswick that this Ordinance would have been adopted had any such invalid portion not been included herein.

Adopted this the 20<sup>th</sup> day of May, 2004.

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Bradford S. Brown, Mayor  
City of Brunswick, Georgia

ATTEST: \_\_\_\_\_  
Georgia E. Marion, City Clerk

## **DISCUSSION**

### **1. Water Conservation Plan**

Keith Morgan, Director of Water and Wastewater came before the Commission to request suspension of water metering.

Following a brief discussion Commissioner Davis made a motion and Commissioner Williams seconded the motion to suspend practice of water metering the fire suppression system. Unanimously approved.

### **2. G-8 Update**

Interim Chief Johnson introduced key personnel involved in the G-8 summit.

Captain Bruce, G-8 coordinator reported to the Commission an overview plan for the G-8 summit.

The Commission commended Interim Chief Johnson and her staff on the job they are doing to prepare for the upcoming G-8 summit scheduled for June 8 – 10 2004.

Informational purposes only. No Commission action required at this time

**MAYOR’S UPDATE**

Mayor Brown reported that the State is trying to negotiate a site to be utilized as gathering place for demonstrators and protestors during the G-8 summit; he asked for a vote of support for Lanier Field and Edo Miller Park as the proposed site. Mayor Brown also stated that since the area is not within the City of Brunswick no permit is required from the City.

Commissioner Spaulding made a motion and Commissioner Williams seconded the motion supporting the use of Lanier Field and Edo Miller Park as a proposed site for demonstrator and protestors during the G-8 Summit. The motion passed by vote of 4-1 with Commissioner Harvey opposed.

**EXECUTIVE SESSION**

Commissioner Spaulding made a motion and Commissioner Harvey seconded the motion to adjourn to Executive Session to discuss personnel issues and pending litigation. The motion passed by vote of 5 to 0.

Following the Executive Session Commissioner Williams made a motion and Commissioner Harvey seconded the motion to adjourn the meeting. All voted by standing.

**MEETING ADJOURNED.**

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

Attest: /s/ \_\_\_\_\_  
Naomi D. Atkinson, Acting City Clerk