

OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK
REGULAR MEETING
WEDNESDAY, NOVEMBER 3, 2004 AT 6:30 P. M.
OLD CITY HALL
1229 NEWCASTLE STREET, 2ND FLOOR

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

INVOCATION: Mayor Bradford Brown gave the invocation.

PLEDGE OF ALLEGIANCE: Everyone in attendance recited the Pledge of Allegiance in unison.

MINUTES

Meeting of October 20, 2004.

Commissioner Williams made a motion and Commissioner Davis seconded the motion approving the minutes of the meeting of October 20, 2004. The motion passed by vote of 5 to 0.

PUBLIC HEARING

Consider a variance to Article XI of Section 23-11-4 (d) of the City of Brunswick's Zoning Ordinance to allow reduction in side building setback.

Joey Carlo, Building Inspection Tech stated that the property owner of 2803 Glynn Avenue requested a 4 feet variance within 1 foot of a property line. He stated that they approved it, but there is a concern about drainage, they have a poor drainage condition now at Mack's Barbeque in the parking lot. If the new structure does not worsen the drainage problem then the Building Inspection office have no problem with it. He felt that the Building Inspection office could work with the contractor to resolve any drainage issues.

Mayor Brown stated he was concerned with the proposed building he suggested instead of obtaining a variance the owner should build on the proposed backside of the building. Commissioner Harvey questioned the conditional use of the building.

The Building Inspection Tech pointed out that the owner could not build in the back of the building because of the gas back there. He stated that they could not build on the other side of the building.

Commissioner Spaulding stated that it was obvious that the owner want as much storage as possible, the owner is asking to build something that would encroach four feet into the setback.

The City Attorney stated that it would normally be a 5 feet setback the owner would bring it up to 1 foot so he would only use 4 feet.

The Building Technician stated that actually the owner could shorten the building by 4 feet. The addition is 14-1/2 feet by 35 feet. The addition would have to be built 10-1/2 feet by 35 feet.

Commissioner Harvey questioned if the Building Inspection Tech agreed with the condition of the variance. He next asked the City Attorney if a variance could be issued with a condition.

The Building Official Tech stated that as long as they can work with the contractor and the drainage problem does not worsen in Mack's Barbeque parking lot. He felt like it was some construction methods that can be used to divert the flow of water in another direction.

The City Attorney stated that a variance could be issued with a condition subject to the Building Official being satisfied that the drainage is not made worsen. The owners would have to work with the Building Inspection office.

The City Attorney mentioned that he spoke with Mr. Middleton and he was undecided and his concern was also about drainage and that is why the City want to make sure the drainage problem does not worsen by adding the addition. He also lose a lot of parking spaces when it rains.

Mayor Brown mentioned that there was no public drainage in the area.

Commissioner Spaulding stated that he was concerned with the obvious drainage situation, and would like the contractor to work with the City. He pointed out that there was absolutely no guarantee that after the addition is built that the design would help the drainage situation. He mentioned that it is fairly a large storage shed and felt that the

owner should stay within the setback and construct the building smaller 10-1/2 feet x 35 feet. He further stated that the City have not forced the issue nor have the City allowed encroachment. The City has done way too much of that in the past.

Commissioner Davis recalled that the drainage has been a problem even before Mack's Barbeque moved there.

Commissioner Spaulding acknowledged Mr. Middleton as he waked in, the owner of Mack's Barbeque property.

Mayor Brown announced that the Commission is holding one public hearing for the proposed zoning variance and asked if anyone present would like to speak for or against the proposed variance or have questions about the issue.

Keith Middleton stated that he is the owner of the property that Mack Wilson leases for the operation of a barbeque restaurant. He understood that the City spoke about the problem with the drainage at the restaurant. He mentioned that there is some type of drain line and in the past when he worked on it there was little or not relief. He further stated that an appraiser advised him of concerns if a building was built up close to the land line it would definitely make the drainage problem worse. He stated that it was definitely a concern placing a structure one foot from the property line. He felt that this would reduce the marketability of the property. It would be a negative impact on him as the owner of the property. He felt that it is an encroachment problem with parking. He was also concerned with leaving a one foot barrier between the building and felt his building would probably depreciate. Some trees may have to be cut and a buffer installed between two pieces of property this would significantly reduce his working area. The plans for the Glynn Avenue Corridor beautification plans is adding trees and this would only be a detriment to what the City is trying to do in that area. He felt that as a neighbor of the property he was willing to submit to the City Council's good judgement.

Jerry Spencer stated he was concerned about the Board of Appeals process which address conditions that could not have been anticipated by the Zoning Ordinance that creates a hardship. He felt if the Commission started granting variances that have nothing to do with a hardship it is going to be hard to tell other business owners that they cannot encroach. He stated that a footing could get closer to the property line and the roof could go across the property line. He asked the Commission to be careful about granting variances which could create a precedence. Some other owner may request the same variance and two buildings could virtually be touching.

Mayor Brown asked for questions or comments from the City Council.

Commissioner Williams stated that he was concerned with the one foot for the fact that if something happens to the proposed addition.

Commissioner Davis stated that her concerns was the same. The building could be reduced to the size of 10-1/2 feet five feet from the building. She felt the buildings was already close to each other. She mentioned that her other concern was a fire starting in the building at night.

The contractor for the owner Mr. Patel stated that he was present because he was asked to come to the meeting for the reason that the owner could not be here tonight. He stated that they were concerned about the drainage. He stated that he spoke with Mr. Patel about the law which states that he could not let water drain off on another person's property. He pointed out that the land is higher and drains in the direction of Mr. Middleton's property. He mentioned that he did not know if the addition would cause any problems with gutters in place so that the water could drain and run on another street.

Commissioner Williams asked the contractor if it was possible to make the building smaller. Mayor Brown stated that the building size may be smaller by reducing it to 10-1/2 feet by 35 feet.

The contractor stated that the owner wanted the building to be at least 14 feet by 35 feet. The contractor stated that building could be built 10-1/2 feet by 35 feet. The owner needed the extra five feet variance if he could possibly get it.

Commissioner Spaulding stated that his concern was setting a precedence for future provisions not having to do with a hardship certainly the building could be built at 10-1/2 feet by 35 feet for the extra storage that the owner needs. The City would not have to grant a variance. He mentioned the comments from Commissioner Davis about the fire and felt he was not in favor of granting a variance just to allow the owner to build a building. The current zoning ordinance allows the owner to build a storage building with a little less storage space.

Commissioner Spaulding made a motion and Commissioner Harvey seconded the motion to deny the variance and allow the owner to build within the specifications of the City Code. The motion passed by vote of 5 to 0.

CONSIDER FOR APPROVAL

1. **ALCHOLIC BEVERAGE LICENSES RENEWALS**

The Grogg Shoppe 1701 Norwich St.	Brunswick Landing Marina, Inc. 2429 Newcastle St.	Bamboo Lounge II, Inc. 2717 – R Glynn Ave.
Cargo Portside Grill 1423 Newcastle St.	Red Carpet Lounge 300 “F” St.	Dixville Package Store 1509 ½ London St.
Adams Market, Inc. 1700 Norwich St.	Pablo’s Mexican Restaurant, Inc. 3384 Cypress Mill Road	In & Out Market 1603 “L” Street
Gibson’s Beverage Ctr. 3304 Glynn Ave.	JP’s Spirits & Wines 3304 ½ Glynn Ave.	

The Chief of Police stated that all the above businesses are in compliance with the City Code and recommended approval of their alcoholic beverage license.

Commissioner Davis made a motion and Commissioner Spaulding seconded the motion granting the following businesses an alcoholic beverage license:

To retail package dealer including distilled spirits for consumption off premises:

Phillip E. Bluestein, The Grogg Shop at 1701 Norwich Street; Bobbie E. Lee, Dixville Package Store at 1503 London Street; James L. Gibson, Jr., Gibson Beverage Center at 3304 Glynn Avenue.

To retail package dealer including distilled spirits for consumption on premises:

Sandra L. Webb, Bamboo Lounge II, Inc. at 2717-R Glynn Avenue; Alix Kenagy, Bonvivre, Inc. d/b/a Cargo Portside Grill, at 1423 Newcastle Street; Scott Jackmore, 300 F Street, Inc., d/b/a/ Red Carpet Lounge at 300 F Street; Ana L. Cook, Pablo’s Mexican Restaurant, Inc., at 3384 Cypress Mill Road.

To retail package dealer beer and wine for consumption off premises:

Suleiman Solomon, Adams Market, Inc., at 1700 Norwich Street; James L. Gibson, Jr., JP’s Spirits & Wines at 3304 ½ Glynn Avenue.

To retail package dealer beer and wine for consumption on premises:

Robert M. Torras, Jr., Brunswick Landing Marina, Inc., at 2429 Newcastle Street.

To retail package dealer beer for consumption off premises:

Jo Ann Boone, In and Out Market at 1603 L Street.

2. Bonnie Roberts, Human Resource Director, to present changes to the HR Standards of Practice in reference to City Holidays.

The Director of Human Resources stated that the City would like to return to the practice of recognizing holidays that fall on the weekend and to change the way overtime is being paid during the pay period of a holiday. She further stated that the City in an effort to reduce expenses in 2003 changed the way holidays are recognized and paid. The City declared that holidays which fell on Saturday or Sunday would be recognized on those days, not the Friday before or following Monday. Shift Workers the actual holiday will be observed and paid at 1-1/2 times.

She recommended changing the Standards of Practice to recognize on Friday or Monday a holiday that actually falls on Saturday or Sunday. For shift workers (this means 24 hour operations) the actual holiday will be the day observed and paid at 1-1/2 times, not Friday or Monday. Change the Standards of Practice to count "holiday hours off" as "hours worked" for purposes of calculating overtime pay during the pay period of a holiday. Sick leave, vacation leave, or compensatory time off during the pay period of a holiday would not count as hours worked.

Mayor Brown recommended that the holiday possibly falling on Saturday or Sunday an additional vacation could be used and this would eliminate shutting down the business.

Commissioner Harvey recommended surveying the employees to get ideas on how this would work.

Commissioner Williams recommended allowing supervisors to decided who will have the day off and who would work.

It met the consensus of the Commission to table the issue until the next Commission

meeting.

DISCUSSION

1. Meredith Hanak, Executive Director of DDA, to continue presentation of acoustical remediation for Old City Hall.

This item was not discussed.

2. Signature Squares of Brunswick with proposal to improve Hanover Square.

Julie Hunter appeared before the Commission to discuss the proposal of the organization Signature Squares of Brunswick to undertake restoring Hanover Square and other parks and squares in the community. The first project would be restoring Hanover Square for the 150th anniversary of the incorporation of the City of Brunswick, on February 22, 2006.

Following a lengthy discussion Commissioner Spaulding made a motion to plan on budgeting to use up to twenty thousand dollars (\$20,000.00) in City funds in an effort to carry out the initial phase of Hanover Square restoration, which means the central fountain area, but not to exceed the amount raised and made available through the fundraising efforts of the Signature Squares organization; and to work to use the City portion of the money in conjunction with any available funds from grants and other resources that may be available. Commissioner Davis seconded the motion. The motion passed by vote of 5 to 0.

3. Zoning amendments.

The City Attorney requested to hold another public hearing before the adoption of the Zoning amendments.

Following a discussion Commissioner Harvey made a motion and Commissioner Williams seconded the motion to hold a work session to discuss the Zoning amendments with Blueprint Brunswick. The motion passed by vote of 5 to 0.

EXECUTIVE SESSION

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

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

MEETING ADJOURNED.

Mayor

Attest: _____
City Clerk