

CITY OF BRUNSWICK

601 Gloucester Street * Post Office Box 550 * Brunswick * Georgia * 31520-0550 * (912) 267-5500 * Fax (912) 267-5549

Cornell L. Harvey, Mayor
Felicia M. Harris, Mayor Pro Tem
John A. Cason III, Commissioner
Julie T. Martin, Commissioner
Vincent T. Williams, Commissioner

City Attorney
Brian D. Corry

City Manager
Regina M. McDuffie

AGENDA

**BRUNSWICK CITY WORK SESSION
WEDNESDAY, DECEMBER 1, 2021 AT 5:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
VIRTUAL TELECONFERENCE VIA ZOOM
STREAMED LIVE AT THE BELOW WEB ADDRESSES:**

<https://www.facebook.com/citybwkga>

or

<https://cityofbrunswick-ga-gov.zoom.us/j/93114642040>

CALL TO ORDER

PRESENTATION

1. Georgia Department of Natural Resources - Environmental Protection Division Beth Stevenson, Coast District Manager and Brett Berry Program Manager to Update on the Local Air Quality Complaint Investigation and DeAnna Oser, Program Manager for the Ambient Air Monitoring Program with the GA-DNR Environmental Protection Division – Air Protection Branch, will share update regarding the 2021 Ambient Air Monitoring Plan. **(Encl. 1)**
-

AGENDA

**BRUNSWICK CITY COMMISSION MEETING
WEDNESDAY, DECEMBER 1, 2021 AT 6:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
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CALL TO ORDER **INVOCATION **PLEDGE OF ALLEGIANCE

PRESENTATION

1. Proclamation Presentation to Shaw McVeigh for his Service to the City of Brunswick as a Non-Public Member of Coastal Regional Commission. **(Encl. 2)**

PUBLIC HEARING(S) – LAND USE

2. Consider Approval of Conditional Use Petition No. 2021-04; from Treyvon Hawkins, Petitioning for a Conditional Use for 3329 Norwich Street; location will be used for motor vehicle repairs with no outdoor storage of junk vehicles. *(J. Hunter)* **(Encl. 3)**

UPDATE

3. Redistricting Task Force. *(R. McDuffie)* **(Encl. 4)**

ITEM(S) TO BE CONSIDERED FOR APPROVAL

4. Consider Approval of November 17, 2021 Work Session and Regular Scheduled Meeting Minutes. *(subject to any necessary changes.) (N. Atkinson)* **(Encl. 5)**
5. Consider Approval of Financial Reports as of October 31, 2021. *(K. Mills)* **(Encl. 6)**
6. Consider Approval of City of Brunswick Tax Allocated District Application, Policy & Procedures, and Resolution. *(T. Stegall)* **(Encl. 7)**
7. Consider Approval of Eighteen (18) Alcohol License Renewals. *(R. Monday)* **(Encl. 8)**
8. Consider Approval of Memorandum of Understanding with Department of Natural Resources Wildlife Resources Division. *(R. McDuffie)* **(Encl. 9)**
9. Consider Approval of Resolution 2021-18 ~ Between Department of Natural Resources and The City of Brunswick for Grant Land & Water Conservation Fund Grant for Orange Park Improvements and to Authorize the Mayor to execute the grant contract. *(R. McDuffie/M. Hill)* **(Encl. 10)**
10. Consider Approval of Enterprise Zone Incentives in the Central Business District Enterprise Zone for 201 Gloucester Street. *(M. Hill)* **(Encl. 11)**

CITY ATTORNEY'S ITEM(S)

11. Discussion ~ Proposed Short Term Rental Ordinance. **(Encl. 12)**

EXECUTIVE SESSION



Subject: Air quality investigation and monitoring update from Department of Natural Resources Environmental Protection Division Air Protection Branch.

Brief summary of what you will address the Commission on:

Staff of the Georgia Department of Natural Resources (GA-DNR) Environmental Protection Division, Beth Stevenson, Coast District Manager and Brett Berry Program Manager, will provide an update on the local air quality complaint investigations. In addition, DeAnna Oser, Program Manager for the Ambient Air Monitoring Program with the GA-DNR Environmental Protection Division – Air Protection Branch, will share update regarding the 2021 Ambient Air Monitoring Plan and their plans to conduct a short-term two-month study this winter to evaluate the Sulfur Dioxide (SO₂) emissions in the same timeframe as last year's events of concern in the Brunswick area.

Rachael Thompson

Name

P.O. Box 2443, Brunswick, GA 31521

Address

912-466-0934

Meeting Date: December 1st, 2021

Phone Number

Mayor and City Council of

Brunswick, Georgia

Proclamation

WHEREAS, Shaw McVeigh has served on the Coastal Regional Commission as a non-public member on behalf of the City of Brunswick since September 2010; and

WHEREAS, Shaw has been a part of initiatives to develop, promote, and provide comprehensive services that make Brunswick a better place to live, work, and play; and

WHEREAS, Shaw's committed use of his knowledge, skill, and expertise has not gone unnoticed.

NOW, THEREFORE, BE IT RESOLVED, that I, Cornell L. Harvey, as Mayor of the City of Brunswick, along with my fellow Commissioners, offer our profound thanks to Shaw McVeigh's years of service and contribution to the Coastal Regional Commission and the City of Brunswick.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Cornell L. Harvey, Mayor

Attest: _____
Naomi D. Atkinson, City Clerk

Date: December 1, 2021



SUBJECT: CUP 21-03 | 3329 Norwich Street | Auto Repair

COMMISSION ACTION REQUESTED ON: 12/1/21

PURPOSE: See attached Staff Report

HISTORY:

FACTS AND ISSUES:

BUDGET INFORMATION: N/A

OPTIONS:

- Approve CUP 21-03 as submitted.
 - Approve CUP 21-03 with additional conditions.
 - Do not approve CUP 21-02.
-

DEPARTMENT RECOMMENDATION ACTION:


- Approve CUP 21-03 with conditions as recommended by staff and the PAC
-

DEPARTMENT: PDC

Prepared by: John Hunter, Director 

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:



City Manager

11/19/2021

Date

Conditional Use Petition No. 21-03

(3329 Norwich St)

Staff Report

John Hunter

Director

Planning, Development, and Codes

City Commission Public Hearing

December 1, 2021

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Requested Conditional Use

Treyvon Hawkins is petitioning for a Conditional Use for 3329 Norwich St. The location will be used for used for motor vehicle repairs with no outdoor storage of junk vehicles.

Existing Conditions

The subject parcel is .29 acres ± in size with a building located on the subject parcel with limited parking. The location has been used in the past as used tire shop.

The subject parcel is shown outlined in blue on the following location map.

Location Map



Existing Zoning

The subject parcel is zoned General Commercial (GC). Parcels across Hardee Street Ln are zoned R6 Residential with other adjacent properties zones GC.

Proposed Development

The property currently contains building that was formerly and used tire shop but has been vacant for several years. The new proposed use would be a vehicle repair station providing tire changes, A/C servicing, break servicing, engine repairs, and transmission repair.

Staff Analysis

Conditional Use

The following uses shall be permitted on a conditional basis in any GC zoning district, subject to conditions set forth in section 23-25-4.

(b) Garage for the repair and servicing of motor vehicles, provided that all operations are conducted within a fully enclosed building or buildings, and there is no open storage of wrecked vehicles, dismantled parts, or supplies visible beyond the premises.

The conditional use process allows the City Commission to place conditions on a parcel to make certain that the proposed uses are compatible with surrounding uses.

Staff recommends the following conditions:

1. There is to be no open storage of wrecked vehicles, dismantled parts, or supplies visible beyond the premises.
2. There is to be no outdoor storage of wrecked vehicles, dismantled parts, or supplies on the premise.

Staff notes that the permit authorizing a conditional use will only be valid for that particular conditional use and will expire if the conditional use or operations pertaining thereto ceases for more than six continuous months for any reason. If the conditional use expires, the property can still be used for any of the permitted uses in the underlying GC (General Commercial) zone district.

Staff Recommendation

Staff recommends in favor of granting the requested conditional use with the following conditions:

1. There is to be no open storage of wrecked vehicles, dismantled parts, or supplies visible beyond the premises.
2. There is to be no outdoor storage of wrecked vehicles, dismantled parts, or supplies on the premise.
3. A screen or buffer must remain on the west side of the property where it runs along Hardee St Ln such that operations are not visible from the lane to minimize the impact on adjacent residential properties.

Planning & Appeals Commission Recommendation

The PAC held a Public Hearing for this application on November 10, 2021. Discussion centered upon continuing to screen the property from the residential properties across Hardee Street Lane; and the green screening the applicant had added to the chain link fencing. There were no speakers for or against the application. The PAC recommended approving the Staff Recommended Conditions and adding a 5 year sunset provision to the Conditional Use. Therefore, the PAC recommends:

1. There is to be no open storage of wrecked vehicles, dismantled parts, or supplies visible beyond the premises.
2. There is to be no outdoor storage of wrecked vehicles, dismantled parts, or supplies on the premise.
3. A screen or buffer must remain on the west side of the property where it runs along Hardee St Ln such that operations are not visible from the lane to minimize the impact on adjacent residential properties.
4. A 5 year sunset on the Conditional Use.

Appendix A – conditional use standards

Sec. 23-26-12. - Criteria to consider for applications.

The planning and appeals commission and the governing body shall consider the following standards in considering any rezoning, zoning amendment, or Conditional Use Permit application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) Is the proposed use compatible with the purpose and intent of the comprehensive plan?
- (b) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (c) Will the proposed use adversely affect the existing use or usability of adjacent or nearby property?
- (d) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (e) Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (f) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
- (g) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-14. - Additional criteria to consider for conditional use permit applications.

The planning and appeals commission and the governing body shall consider the following standards in considering any conditional use permit application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) The type of street providing access to the subject property is adequate to serve the proposed conditional use permit.
- (b) Access into and out of the property adequately provides for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.
- (c) Public facilities such as schools, water or sewer utilities, and police or fire protection are adequate to serve the conditional use permit.
- (d) Refuse, service, parking and loading areas on the property are located and screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.
- (e) The hours and manner of operation of the conditional use permit have no adverse effects on other adjacent or surrounding properties.
- (f) The height, size and location of the buildings or other structures proposed on the property are compatible with the height, size or location of buildings or other structures on neighboring properties.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Appendix B – conditional use application



CITY OF BRUNSWICK, GEORGIA

CONDITIONAL USE PERMIT APPLICATION

CU

THIS APPLICATION MUST BE FILED WITH THE PLANNING, DEVELOPMENT & CODES DEPARTMENT 20 DAYS BEFORE THE PLANNING AND APPEALS COMMISSION MEETING AT WHICH IT WILL BE HEARD. THE BRUNSWICK PAC WILL HOLD AT LEAST ONE PUBLIC HEARING AND MAKE A RECOMMENDATION ABOUT YOUR REQUEST WITHIN 65 DAYS OF THE DATE YOU FILE A COMPLETE APPLICATION. THE CITY COMMISSION WILL THEN ISSUE OR DENY THE PERMIT. YOU ARE ENCOURAGED TO READ SECTION 23-26-2 OF THE ZONING ORDINANCE REGARDING CONDITIONAL USE PERMITS. A **\$200 FEE** IS REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

TO BE COMPLETED BY THE APPLICANT

- YOUR NAME Travon Hawkins PHONE NUMBER 912-269-9500
ADDRESS 210 Winnie Trail EMAIL: _____
- THE PLANNING DIRECTOR INFORMED ME THAT A SPECIAL USE PERMIT IS REQUIRED AT THE TIME I APPLIED FOR: CHECK ONE BUILDING PERMIT A ZONING AMENDMENT (REZONING)
- STREET ADDRESS 3329 Norwich St. Brunswick GA 31520
PARCEL NO. 01-06077 Lot No. _____ ZONING MAP NO. _____
- PRESENT ZONING _____
- OWNER OF PROPERTY, IF NOT YOU: NAME Leon Rossell
ADDRESS _____ PHONE 912- _____
- PROPOSED USE OF PROPERTY Auto repair & storage
- PLEASE ATTACH A SIMPLE MAP SHOWS THE NAMES OF ALL ADJACENT PROPERTY OWNERS AND THE TYPES OF EXISTING LAND USES WITHIN 300 FEET OF YOUR PROPERTY.

SIGNATURE

DATE

TO BE COMPLETED BY THE PDC DIRECTOR OR DESIGNEE

- HAS THE CORRECT FEE BEEN PAID? YES NO AMOUNT \$ 200.00
- DATE COMPLETE APPLICATION WAS FILED: _____
- LIST ATTACHMENTS:
 SIMPLE MAP WITH ADJACENT PROPERTY OWNERS' NAMES AND EXISTING USES
 SITE PLAN
- PUBLIC HEARING
DATE APPLICANT WAS NOTIFIED: _____
DATE HEARING WAS ADVERTISED: _____
DATE HEARING WAS HELD: _____
- PLANNING COMMISSION RECOMMENDED: APPROVAL DENIAL
CONDITIONS OF APPROVAL OR REASONS FOR DENIAL: _____
- CITY COMMISSION: APPROVAL DENIAL
CONDITIONS OF APPROVAL OR REASONS FOR DENIAL: _____
- DATE APPLICANT WAS NOTIFIED OF FINAL ACTION: _____

Commercial Rental Agreement

THIS RENTAL AGREEMENT ON THIS 15TH DAY OF OCTOBER 2021

BETWEEN:

LEON PONSELL

The "Landlord"

OF THE FIRST PART

AND

OF THE SECOND PART

TRAVON HAWKINS

The "Tenant"

IN CONSIDERATION OF the Landlord leasing certain premises to the Tenant, the Tenant leasing those premises from the Landlord and the mutual benefits and obligations provided in this Lease, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this lease agreement as follows:

Leased Property

1. The Owner agree to rent to the Tenant the building municipally described as 3329 Norwich St. Brunswick, GA 31520(the "Property"), for use as commercial premises only.

Term

2. The term of the Lease is commencing on 5 years and to be considered month to month
3. The Tenant must give 30 days' written notice when and if there is a need to end said rental agreement.

4. The lease shall be allowed to finish out the year-to-year lease even if said owner's life estate end prior to the end of the lease.

Rent

5. Subject to the provision of this Lease, the rent for the Property is \$900.00 per month
6. The Tenant will pay the rent on or before the 1st day of each month of the term of this Lease to the Landlord

Inspections

7. At all reasonable times during the term of this lease and any renewal of this Lease, the Landlord and its agents may enter the Property to make inspections or repairs. The Landlord will make every effort to notify the Tenant of such times.

Utilities and Other Charges

8. The Tenant is responsible for the payment of all utilities in relation to the Property and will have said utilities in the name of the Tenant.

Insurance

9. The Tenant is hereby advised and understands that the personal property of the Tenant is not insured by the Landlord for either damages or loss and the Landlord assumes no liability for any such loss. The Tenant is encouraged to obtain its own renter's insurance to cover any loss to the tenant's personal property.

Care and Use of Property

10. The Tenant will promptly notify the Landlord of any damages, or any situation that may significantly interfere with the normal use of the Property or to any furnishings supplied by the Landlord.
11. The Tenant will keep the Property reasonable clean.
12. The Tenant will dispose of its trash in a timely, tidy, proper and sanitary manner.
13. The Tenant will not engage in any illegal trade or activity on or about the Property.
14. The Landlord and the Tenant will comply with standards of health, sanitation, fire, housing, and safety as required by law.

Prohibited Activities and Materials

- 15. The Tenant will not keep or have on the property any article that could be considered dangerous, flammable or explosive that might unreasonably increase the danger of fire on the Property or that might be considered hazardous by any responsible insurance company.

General Provisions

- 16. Locks may not be added or changed without the prior written agreement of both the Landlord and the Tenant.
- 17. This lease will constitute the entire agreement between the Landlord and the Tenant. Any Prior understanding or representation of any kind preceding the date of this Lease will not be binding on either party except to the extent incorporated in this Lease.
- 18. The Tenant agrees that the Landlord will not be liable or responsible in any way for any personal injury or death that may be suffered or sustained by the Tenant or by any person for whom the Tenant is responsible who may be on the Property of the Landlord or for any loss or damage or injury to any property, including cars and contents thereof belonging to the Tenant or to any other person for whom the Tenant is responsible.
- 19. The Tenant is responsible for any person or persons who are upon or occupying the Property or any part of the Landlord's premises at the request of the Tenant, making deliveries, repairs or attending up the Property for any other reason. Without limiting the generality of the foregoing, the Tenant is responsible for all guest, tradesmen, technicians, employees, agents, or other similar persons.

IN WITNESS WHEREOF THE parties have duly affixed their signature on this the 17th day of October 2021.



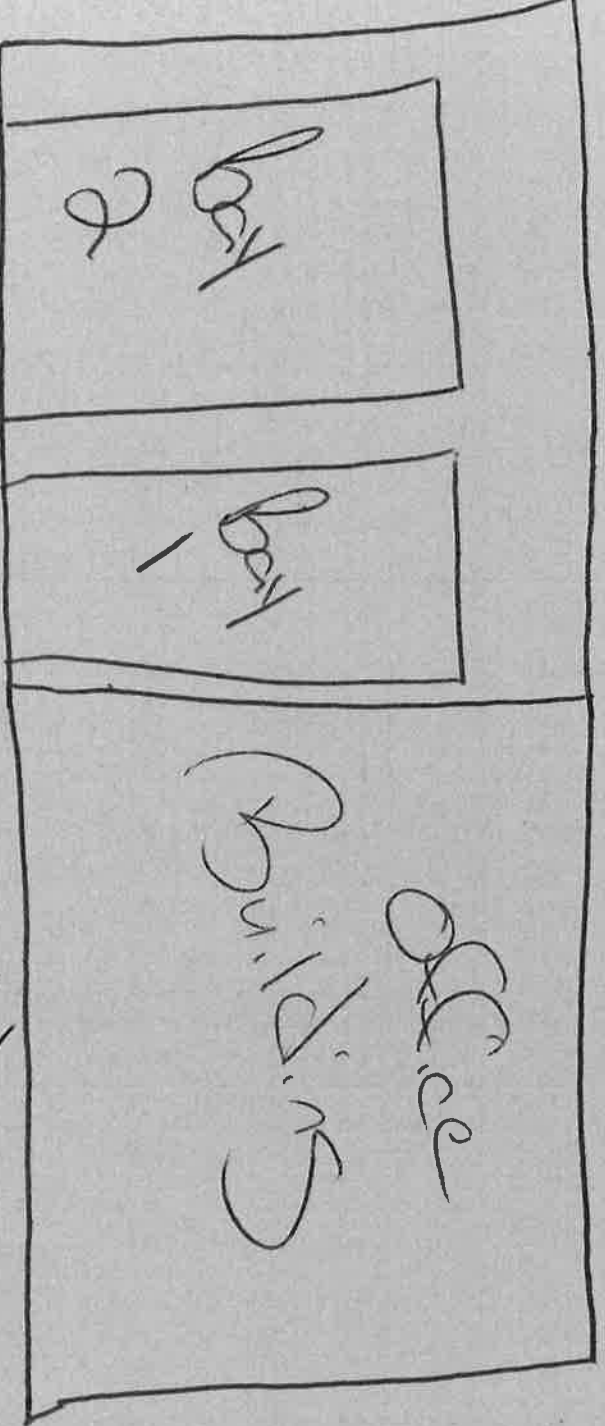
TENANT: Travon Hawkins



LANDLORD: Leon Ponsell

55 2d Norwich St. (Back)

Back Storage
area



Back Loft



Chain Link Fence

Parking Lot

Chain Link Fence

11th St.

St.

Norwich St.

6A.

Site Plan

1. Auto Repair

- Tire changes
- A/c recharges
- Towing clients
- Jack & TO
- Brake Jobs
- Engine Repairs
- Transmission Repairs



Fee: \$200

Amount Paid: 200.00

Date: 10/22/21 *aij*

City of Brunswick
Planning, Development, & Codes Department
601 Gloucester Street
Brunswick, Georgia, 31520

CONDITIONAL USE

Please take care to insure that the information for each checkbox below is sufficiently provided. **The City of Brunswick does not accept incomplete applications.** Applications must be submitted to the Planning, Development, & Codes Department no later than 20 days prior to the regularly scheduled meeting of the Planning and Appeals Commission. The PAC meets the second Wednesday of each month.

- Completed Application
- Survey/Lot Inspection Report/Vicinity or Aerial Map
- Proof of property ownership OR proof of legal authorization from property owner
- n/a Construction Plan or Site Plan that details the operations that will take place on site
- Letters of approval for any existing Variances, Special Use Permits, or Rezone (Text Amendment) Requests. **(STAFF WILL COMPILE)**
- Written narrative that provides information about the use of the site and the requested variance. This should include the following (if applicable): Ingress/Egress to the site, off-street parking and loading locations, buffering or screening of open yard storage, hours of operation, or details specific to the particular use that are unique to the property.
No storage of junk vehicles just having to card them for repair purposes.

The Planning, Development & Codes Department highly recommends arranging a meeting with staff prior to the submission of an application. Should you have questions or wish to arrange a meeting please contact City Planning at (912) 267-5527

Appendix C – correspondence from the public

(none)

Redistricting Task Force Report

As directed by the Commission, a Task Force was convened to review the suggestion presented by the Board of Elections Superintendent at the October ___ meeting. The Task Force consisted of the Mayor, myself, the Police Chief, the Planning Director, the Neighborhood Services Director, the Public Works Director and the Economic Development Director.

The group worked to assess the impact that the change of the lines, defining the North and South ward, would have on residents, city services and election activity.

Per the discussion during our meeting, the proposed redrawing of the lines for the city's ward was inconsequential in that it would not have a substantive impact to the selection process. The comments recorded were as follows.

Statements favoring keeping the current lines:

Candidates are not selected by ward, so the number in the area is inconsequential.
Voting strength is actually higher in the south ward, despite the lower population of the area.
The current lines provide a "cleaner" division geographically.
Residential growth in the southern areas may even out the numbers in the near future.
No realized impact on the provision of city services.
Topics can be revisited if needed.

Statements favoring redrawing the lines:

May impact the availability of candidates.
Perceived equaling of numbers, representation split in half.
The change would not impact polling locations.
The change would not impact the election of candidates.

The general consensus was to leave the lines "as is" and revisit the topic in the next two years. (Current ward map attached.)

Despite the consensus, I did request that the maps be changed in the following manner to see what the impact would be.

The BOE was instructed to alter the lines to:

Revise the line to follow L Street west to Altama Ave/MLK Blvd. Proceed north on Altama/MLK to N Street. Proceed west on N St. to Hwy 341.

Revise the line to follow L Street west to Altama Ave/MLK Blvd. Proceed north on Altama/MLK to O Street. Proceed west on O St. to Hwy 341.

Revise the line to follow L Street west to Altama Ave/MLK Blvd. Proceed north on Altama/MLK to P Street. Proceed west on P St. to Hwy 341.

Please note that all current lines would remain unchanged with the above described exceptions.

The resulting maps showed the following population shifts:

N St: Difference of 794
North Ward 8,002
South Ward 7,208

O St: Difference of 426
North Ward 7,818
South Ward 7,392

P St: Difference of 94 (see attached map)
North Ward 7,652
South Ward 7,558

If a change is considered, the P St. map would provide the most equitable distribution and the cleaner geographical lines.

The attached maps include the current ward map, the map presented by the Board of Elections to even out the population distribution between the wards and the P Street map which evens out the population with a better geographical outline.

Life / AD&D Financial Exhibit for:
City of Brunswick

Effective Date: January 01, 2022

Basic Life and AD&D Benefit

Class 1 Face Amount:

Class 2 Face Amount:

At age 70 benefits reduce an additional 50%

Volume

Census

	Mutual of Omaha		Mutual of Omaha		MetLife		MetLife	
	Current	Renewal	(Option 1)	(Option 2)	(Option 3)	(Option 1)	(Option 2)	(Option 3)
Flat \$20,000		Flat \$20,000	Flat \$20,000	2x Salary up to \$250,000	1x Salary up to \$100,000			
Flat \$15,000		Flat \$15,000	Flat \$15,000	2x Salary up to \$250,000	1x Salary up to \$100,000			
	\$2,410,000	\$2,410,000	\$2,562,500	\$13,940,000	\$6,989,000			
	161	161	161	161	161			
Basic Life	\$0.230	\$0.310	\$0.233	\$0.233	\$0.233			
AD&D	\$0.010	\$0.010	\$0.028	\$0.028	\$0.028			
Dependent Life - Family	\$1.530	\$2.090	\$1.530	\$1.530	\$1.530			
Monthly Projected Costs Basic Life	\$554.30	\$747.10	\$561.53	\$3,248.02	\$1,628.44			
Monthly Projected Costs AD&D	\$24.10	\$24.10	\$67.48	\$390.32	\$195.69			
Monthly Projected Costs Family	\$4.59	\$6.27	\$4.59	\$4.59	\$4.59			
Annual Projected Costs	\$6,995.88	\$9,329.64	\$7,603.20	\$43,715.16	\$21,944.63			
Increase/Decrease from Current		\$2,333.76	\$607.32	\$36,719.28	\$14,948.75			

OFFICIAL MINUTES
BRUNSWICK CITY COMMISSION WORK SESSION
WEDNESDAY, NOVEMBER 17, 2021 AT 5:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
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VIRTUAL TELECONFERENCE VIA ZOOM
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or

<https://citvofbrunswick-ga-gov.zoom.us/s/94617123256>

PRESENT: Honorable Mayor Cornell Harvey, Mayor Pro-Tem Felicia Harris *~via zoom*,
Commissioner John Cason III *~via zoom*, Commissioner Julie Martin *~via zoom*,
and Commissioner Vincent Williams

CALL TO ORDER: Mayor Harvey (*meeting began at 5:00 p.m.*)

PRESENTATION

1. Ken Bleakly, Founder/Chairman of Bleakly Advisory Group to give Presentation Regarding Tax Allocation District.

Following the presentation, questions, and comments, the Commission thanked Mr. Bleakly for the presentation.

UPDATE

2. Robert Brown, Sr., Water Resources Engineer & Brunswick Office Manager, Goodwyn, Mills & Cawood, Inc. to Provide Shoreline Task Force Update.

Following the presentation, Commission thanked Mr. Brown for the presentation.

WORK SESSION ADJOURNED – *session adjourned at 6:11 p.m.*

/s/Cornell L. Harvey
Cornell L. Harvey, Mayor

Attest: /s/ Naomi D. Atkinson
Naomi D. Atkinson, City Clerk

**OFFICIAL MINUTES
BRUNSWICK CITY COMMISSION MEETING
WEDNESDAY, NOVEMBER 17, 2021 AT 6:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
VIRTUAL TELECONFERENCE VIA ZOOM**

STREAMED LIVE AT THE BELOW WEB ADDRESSES:

<https://www.facebook.com/citybwkga>

or

<https://cityofbrunswick-ga-gov.zoom.us/j/94617123256>

PRESENT: Honorable Mayor Cornell Harvey, Mayor Pro-Tem Felicia Harris *~via zoom*,
Commissioner John Cason III *~via zoom*, Commissioner Julie Martin *~via zoom* and
Commissioner Vincent Williams

CALL TO ORDER: Mayor Harvey - *meeting begin at 6:11 p.m.*

INVOCATION: Commissioner Williams

PLEDGE OF ALLEGIANCE – *Recited by all in attendance at 1229 Newcastle Street.*

PUBLIC HEARING(S) – ANNEXATION

1. Annexation Ordinance of Property Pursuant to the Petition of Viper Brunswick, LLC. (*J. Hunter*)
Mayor Harvey open the floor for anyone wanting to speak in favor or opposition of the above-
referenced annexation ordinance.

No one came forth in-person at 1229 Newcastle Street or via zoom to address the commission.

~Public Hearing Closed~

CITY ATTORNEY’S ITEM(S)

2. Consider Adoption of Ordinance No. 1073 – Annexation.

Commissioner Williams made a motion to adopt the above-referenced ordinance; seconded by
Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.

ITEM(S) TO BE CONSIDERED FOR APPROVAL

3. Consider Approval of November 3, 2021 Regular Scheduled Meeting Minutes. (*subject to any
necessary changes.*) (*N. Atkinson*)

Commissioner Williams made a motion to approve the above-referenced minutes; seconded by
Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.

4. Consider Approval of Rezoning Petition No. 21-04, from Viper Brunswick, LLC, Owner,
Petitioning to Rezone the Subject Parcel from R9 Single Family (R9) to Office Commercial (OC).
(*J. Hunter*)

Commissioner Cason made a motion to approve the above-referenced petition; seconded by
Commissioner Williams. Motion passed unanimously by a vote of 5 to 0.

5. Consider Approval of City of Brunswick Tax Allocated District Application, Policy &
Procedures, and Resolution. (*T. Stegall*)

The above-referenced item was not considered or discussed.

6. Consider Approval of Fourteen (14) Alcohol License Renewals. *(R. Monday)*
 Commissioner Williams made a motion to approve 13 alcohol license renewals and consider approval of **Snappy Food Mart** separately due to violation for underage sells; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.
Alcohol License Renewal with violation:
 Commissioner Williams made a motion to place **Snappy Food Mart** on six-month probation and a fine of \$150.00 for first violation of underage sell of alcohol; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.
 Commissioner Williams made a motion to approve the above-referenced renewal alcohol license for **Snappy Food Mart** along with sanctions referenced above in regard to underage sell of alcohol violation; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.
7. Consider Approval of the Submittal of a Joint 2017 Community Development Block Grant – Disaster Relief with Glynn County. *(R. McDuffie/M. Hardin)*
 Commissioner Williams made a motion to approve the above-referenced submittal of Joint 2017 Community Development Block Grant – Disaster Relief with Glynn County; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.
8. Consider Approval of Request for Proposal for Waste Collection Services. *(R. McDuffie)*
 Commissioner Williams made a motion to accept waste collection services vendor as Republic Services LP and give staff authority to negotiate an agreement with Republic; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.
9. Consider Approval of Goodyear Park Fitness Court Grant Proposal. *(R. McDuffie)*
 Commissioner Williams made a motion to approve the above-reference grant proposal; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.
10. Consider Approval of Intergovernmental Agreement by and Between City of Brunswick and Glynn County Regarding Funds Provided by Commissioner Walter Rafolski. *(R. McDuffie)*
 Commissioner Williams made a motion to approve the above-referenced Intergovernmental Agreement, subject to revisions by Glynn County; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.
11. Consider Approval to Purchase Fifty Dollar Gift Cards (\$50.00) for Full Time Employees and Twenty-Five Dollar Gift Cards (\$25.00) for Part Time Employees.
 Commissioner Cason made a motion to approve the above-referenced purchase; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

EXECUTIVE SESSION

Commissioner Williams made a motion to adjourn into executive session to discuss personnel and litigation; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

RECONVENE FROM EXECUTIVE SESSION

Following executive session Mayor Harvey announced no action was taken.

**

City Manager McDuffie briefly mentioned some of the accomplishments of the City Commission such as helping employees by working towards saving money and providing gift cards, helping citizens through waste collections and improvements in parks and squares and helping businesses through licensing and annexation.

**

Commissioner Williams made a motion to adjourn; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

MEETING ADJOURNED – *meeting adjourned at 8:07 p.m.*

/s/Cornell L. Harvey
Cornell L. Harvey, Mayor

Attest: /s/ Naomi D. Atkinson
Naomi D. Atkinson, City Clerk



INTEROFFICE MEMORANDUM

DATE: November 23, 2021

TO: Honorable Mayor and Commissioners
City of Brunswick
Brunswick, GA

FROM: Kathy D. Mills, CPA, Finance Director

SUBJECT: Financial Reports as of October 31, 2021 33.33%

**General Fund
31-Oct-21
Cash Basis**

	Monthly	Year to Date	% of Budget	Amended Budget	% (over)under Budget
Revenues	2,284,117	9,430,460	54.31%	17,365,507	-20.97%
Expenditures	1,251,451	4,810,035	27.70%	17,365,507	5.63%
Net Revenues & Expenditures	1,032,666	4,620,425			

Cash Balance as of 10/31/2021	5,333,176	Primesouth	
	300,276	Perry Park (included in total)	

	LOST	LOST YTD	TAVT*	TAVT* YTD
Oct-21	656,880	2,880,881	29,478	135,696
Oct-20	577,629	2,625,611	36,996	127,409
Increase (Decrease)	79,251	255,270	(7,518)	8,287
	13.72%	9.72%	-20.32%	6.50%

*Title Ad Valorem Tax

Capital Projects - SPLOST VI
As of October 31, 2021
(04/01/2017-09/30/2020)

	Total Expended as of 10/31/2021	Reimbursements Received	City Expended as of 10/31/2021	Original Budget Amount	Amended Budget Amount	Remainder (Overage)
Highways and Streets	6,601,705	2,609,969 *	3,991,736	4,627,750	4,627,750	636,014
Sidewalk Replacement/Upgrades	562,776	50,000 ****	512,776	432,500	482,500	(30,276)
Storm Drainage Improvements	2,621,352	234,199 **	2,387,153	3,243,750	4,551,750	2,164,597
Mary Ross Park Development	527,516	0	527,516	821,750	821,750	294,234
Highway 17 Infrastructure	133,885	43,000 *****	90,885	215,107	215,107	124,222
Wayfindings & Gateways	0	0	0	259,500	259,500	259,500
Trails	381,701	107,971 ***	273,730	346,000	346,000	72,270
Cemetery Restoration/Renovaton	67,672	0	67,672	259,500	259,500	191,828
Brunswick Police Department Vehicles (15)	466,021	0	466,021	540,625	540,625	74,604
Brunswick Fire Department Fire/Rescue	65,222	0	65,222	64,875	65,222	0
Subscriber Radios for E911	469,009	0	469,009	431,357	431,357	(37,652)
Fire Department Pumper Trucks (2)	849,778	0	849,778	562,183	849,778	0
Fire Station 1 Improvements	413,971	0	413,971	346,000	346,000	(67,971)
Historic Squares	62,408	0	62,408	86,500	86,500	24,092
Park Rehabilitation (Palmetto, Orange, etal)	280,592	0	280,592	389,225	389,225	108,633
Sidney Lanier Park Improvements	275,038	0	275,038	519,000	519,000	243,962
Overlook Park Improvements	138,072	0	138,072	103,800	103,800	(34,272)
Howard Coffin Park Improvements	482,498	3,000 *****	479,498	431,357	431,357	(48,141)
Roosevelt Harris Center Improvements	191,668	0	191,668	151,375	191,668	0
	14,590,884	3,048,139	11,542,745	13,832,154	15,518,389	3,975,644

* \$256,772 from DOT & \$2,353,197 from JWSC

** \$234,199 from Glynn County

*** \$74,971 from DNR Trail Grant & \$33,000 from GCRC

**** \$50,000 from DOT

***** \$3,000 Contribution from Golden Isles Track Club for fountains

***** \$43,000 from GADOT Highway 17

TOTAL CASH ON HAND \$4,371,500
Unallocated Funds:
 Overage in Collections
 GA DCA Aviation Fuel Tax
 Interest Earned

(1) Original budgeted tax collection \$13,832,154

Actual collections through 7/31/2021	15,718,737
Collections in excess of budgeted	\$1,886,593
Paid back to GF	(328,235)
Allocated to Stormwater Improvements	(1,308,000)
Allocated to Sidewalk Replacement & Upgrades	(50,000)
Unallocated overage in Collections	200,348 (1)

SPLOST V

Cash Primesouth @ 10/31/2021

1,357,429

Norwich Street Commons Fund

	YTD f/y/e 6/30/2022	Total since inception
Original Balance (Sale of Property 05/13/13)	0	487,500
Demolition Fees	0	8,049
Interest Income	308	17,546
Revenues	<u>308</u>	<u>513,095</u>
	YTD f/y/e 6/30/2022	Total since inception
Expenditures		
Demolition Projects	0	40,012
Infrastructure	0	130,546
Police Substation	0	6,750
Expenditures	<u>0</u>	<u>177,308</u>
Net as of October 31, 2021	<u>308</u>	<u>335,787</u>
Cash Primesouth @ 10/31/2021	\$ <u>335,787</u>	

	YTD f/y/e 6/30/2022	
Roosevelt Harris - Multipurpose Center	\$	
	<u>Cash Basis</u>	
Total Budget:	<u>421,257</u>	
	\$	
Revenue FYTD		
Grants	72,187	
Transfer from General Fund	40,000	
Program Income	20,054	
Contributions	7,955	
Interest Income	55	Percent of Budget
Sale of Equipment	-	
Total Inflows	\$ <u>140,251</u>	33.29%
Expenditures FYTD	<u>117,912</u>	27.99%
Net	\$ <u>22,339</u>	
Cash Balance @ 10/31/2021	\$ <u>23,246</u>	

Sanitation Fund:

Year Ending 06/30/2022

	Year to Date
Sanitation Billing	704,551
Franchise Fees	18,879
Bad Debt - recovery	-
Interest Earned (Funds)	725
Penalties & Interest Earned	1,506
Bad Debt - recovery	450
DNR Reimbursements	-
Transfer in for T Street Landfill	-
Total Revenue (YTD)	726,111
Operating Exp. YTD:	451,550
Depreciation YTD	-
Bad Debt - write off	-
Other Landfill Expenses	-
Payment to T Street Landfill Site Cleanup	-
Total Expense (YTD)	451,550
Operating Income (Loss)	274,561
Cash Balance Primesouth	370,444
Cash Balance GA Fund One	1,729
Total Cash on Hand @ 10/31/2021	372,173
Primesouth Restricted for Landfill	193,653

Sanitation Bills		
	October 2021	YTD
Trash Pickup	126,528	510,081
Illegal Refuse Clean Up	5,085	21,032
Street Sweeping	477	19,268
	132,090	550,381

STORMWATER UTILITY FUND:	6/30/2022 (YEAR TO DATE)
Stormwater Utility Fees	274,583
Interest Earned	694
Penalties & Interest	736
Total Inflows	276,013
Operating Expenditures	240,460
Total Outflows	240,460
Net	35,553

Cash Balance @ 10/31/2021	\$387,859		
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ADDITIONAL INFORMATION-FOR THE MONTH OF SEPTEMBER 2021

	October 2021	YTD
Animal Control Expenses	0	0
Traffic Control Expenses	0	0
Recreation Dept. Expenses		
(facilities managed by County)		
Building	0	0
Aquatics	0	0
Equipment	0	0
Subsidized Fees	0	0



Roosevelt Lawrence Center

Account	Account Description	Oct-21 Transactions	YTD Transactions
Fund 100 - General Fund			
Function 6130 - Neighborhood & Community Service			
51			
51-1100	Salaries & Wages	6,517.99	25,648.33
51-1200	Temporary Employees	.00	3,226.50
51-1300	Overtime	143.89	2,305.97
51-2100	Group Insurance	485.00	1,940.00
51-2200	FICA	406.96	1,889.12
51-2300	Medicare	95.18	441.28
51-2400	Pension	.00	.00
51 - Totals		\$7,649.02	\$35,451.20
52			
52-1100	Official / Administrative	.00	16.19
52-2211	Repair / Maint Equipment	.00	2,140.00
52-2300	Rentals	82.38	246.65
52-3201	Cable	151.41	576.14
52-3205	Telephone	23.48	93.18
52-3600	Dues and Fees	49.16	155.36
52 - Totals		\$306.43	\$3,227.52
53			
53-1110	Office Supplies	.00	12.50
53-1135	Custodial Supplies	137.45	137.45
53-1210	Water/Sewerage	173.28	519.84
53-1230	Electricity	1,616.38	5,098.42
53-1300	Food/Misc	.00	71.95
53-1600	Small Equipment	.00	738.00
53-1700	Other Supplies	1,444.38	1,012.23
53 - Totals		\$3,371.49	\$7,590.39
Function 6130 - Neighborhood & Community Service Totals		\$11,326.94	\$46,269.11



SUBJECT: Tax Allocation District Draft Proposal

COMMISSION ACTION REQUESTED ON: 11/17/21 work session 12/1/2021 Reb. Sch. Mtg.

PURPOSE: Consider approval of City of Brunswick tax allocated district’s application, policy & procedures, and resolution.

HISTORY:

The original TAD plan was approved by a majority of the voters in a referendum held on November 3, 2015. Pursuant to the plan, the City of Brunswick (the “City”) is authorized to exercise the redevelopment powers as delineated by the Redevelopment Powers Law.

The purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of cities and counties while creating a greater demand for governmental services.

It is in the public interest of the City that the Redevelopment Powers Law be exercised to improve economic and social conditions of the Brunswick Historic Core Area in order to abate or eliminate adverse effects of its current underutilized state.

Adoption of the Brunswick Historic Core Redevelopment Plan in October 6, 2017 and creation of Tax Allocation District Number One—Historic Core (the “Historic Core TAD”) was necessary to redevelop and revitalize this area through a public/private partnership.

FACTS AND ISSUES:

The adoption of the Brunswick Historic Core Redevelopment Plan in 2017 was not certified by the State’s tax revenue department. This leaves the City of Brunswick without a verified tax allocation district plan. In order for the city to continue to incentivize redevelopment through various sources at its lowest possible tax rate, the commission needs to approve the TAD plan and certify the base tax year by year end (on or before December 31st, 2021).

BUDGET INFORMATION: N/A

OPTIONS:

1. Approve the proposed resolution, policy & procedures, and application so that the plan can be submitted to the State for certification.

2. Approve the proposed resolution, policy & procedures, and application with revision.
3. Do not approve the proposed resolution, policy and procedures.
4. Take no action at this time.

DEPARTMENT RECOMMENDATION ACTION:

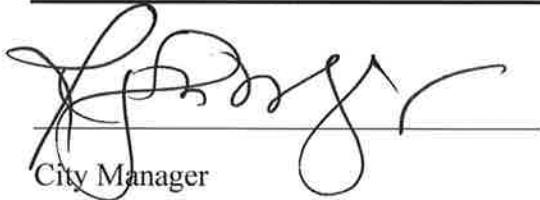
The TAD resolution, policy & procedures, and application has been reviewed by the Planning, Development & Codes, and Finance departments. All departments recommend approval of the proposed plan.

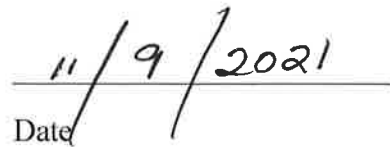
DEPARTMENT: Economic Development

Prepared by: Travis Stegall

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:


City Manager


Date



CITY OF BRUNSWICK, GEORGIA
TAX ALLOCATION DISTRICT # 1:
APPLICATION FOR CONSIDERATION FOR TAD FUNDING

The following form is provided to assist interested parties in requesting TAD funding assistance from the Brunswick City Commission, recognizing that not all requested information may be available or relevant to specific projects. The following should be viewed more as an outline or “checklist” of requested information rather than an application form to be filled out exactly as presented in this document. Applicants may choose to omit items deemed not applicable. Applicants may present this information in alternative sequence, provide project information using spreadsheets, in a narrative report or PowerPoint presentation format. However, an applicant’s failure to adequately address all applicable sections, particularly Parts III and IV below, may result in the City’s request for additional information and delay its decision making. The application form and contents may be subject to periodic change by the TAD Advisory Committee.

PART I: APPLICANT SUMMARY

Submit a summary introduction and contact information to enable the City to identify/locate the project site and summarize the amount or range of TAD funding being requested. Describe your organizational structure and provide a primary point of contact should City staff have questions or request additional information concerning the application.

1. Name and Location of Proposed Development Project:

2. Initial estimated amount (or range) of TAD Funding Requested:

3. Applicant Contact Information:
 - a. Address:
 - b. Designated Contact:
 - c. Title:



- d. Phone Number:
- e. E-mail Address:

4. Ownership Entity Name:

5. Legal Form or Ownership:

6. Provide the names, addresses, phone numbers and e-mail addresses for major partners, JV or limited partners, or other project participants, if any. Indicate the ownership interest of each development participant listed under this item.

7. Qualifications and Experience. Provide an overview of the Applicant's qualifications and experience to implement the proposed project, including examples of comparable ongoing and/or completed projects:

PART II: DEVELOPMENT PROFESSIONAL TEAM

Provide information for the key members of the project's technical/consultant team who have been identified as of the submission date. This information, to the extent available, is intended to demonstrate the Applicant's seriousness in terms of assembling technical resources to implement the project if TAD funding is approved. If the Applicant has not yet identified or retained specific firms but intends to do so, briefly describe the expected timing and process to be used for making those decisions:

1. PROJECT ARCHITECT
 - a. Company:
 - b. Primary Contact Name:
 - c. Address:
 - d. Phone Number:
 - e. E-mail Address:



2. CIVIL/TRAFFIC ENGINEER
 - a. Company:
 - b. Primary Contact Name:
 - c. Address:
 - d. Phone Number:
 - e. E-mail Address:

3. ATTORNEY
 - a. Company:
 - b. Primary Contact Name:
 - c. Address:
 - d. Phone Number:
 - e. E-mail Address:

4. GENERAL CONTRACTOR
 - a. Company:
 - b. Primary Contact Name:
 - c. Address:
 - d. Phone Number:
 - e. E-mail Address:

5. PROPERTY MANAGER (If Applicable)
 - a. Company:
 - b. Primary Contact Name
 - c. Address



- d. Phone Number
- e. E-mail Address

PART III: GENERAL PROJECT INFORMATION

Please describe the project and its potential economic and fiscal benefits to Brunswick. The City recognizes that portions of this outline are not applicable to all projects and may either be omitted or quickly addressed in a summary statement. If you choose not to follow the order of this outline, please ensure that the information requested below is included in your project narrative or provide an explanation as to why omitted information is not provided, whether not applicable to the project or not yet available.

In addition to describing the Project and its benefits to the City, the most important purpose of this section is to provide enough information to enable the City to estimate and forecast future property tax increment generated by the Project which, in turn, will be used to establish a preliminary upper limit of financial support the City might provide, consistent with its TAD Policy. Project economics and the “but for” justification for the City’s granting of TAD proceeds is addressed later in Section IV of the application.

Please address the following topics:

1. General Project description:
2. Existing condition of the development site:
3. Tax parcel ID number(s):
4. Acreage impacted by the project:
5. Existing land use(s):
6. Current full value and assessed (40%) value of the development site:



7. Current annual real property tax bills levied on the parcel(s):

8. Construction Type (New Construction, Rehab, Conversion, etc.):

9. Proposed demolition of existing structures. If applicable, describe the square footage and current uses of buildings to be demolished. Include the number of existing total and occupied housing units if applicable:

10. Proposed Land Use Mix. Describe the proposed size and mix of land uses on the site including the number of housing units and/or distribution of development square footage devoted to residential, retail, office or other land uses, including parking areas or structures (spaces).

11. Residential Development Detail (if applicable). Outline the proposed mix of ownership and/or rental housing units by housing type, bedroom count and average square footage. Briefly describe planned unit features, finishes and amenities (provide visuals if available), as well as planned project amenities (recreational amenities, open space, etc.). Provide an estimate of the average targeted price points (sale price or monthly rent) for each category of housing. This information should be described in sufficient detail to enable the City to calculate a total project square footage and end value (if a for sale-project) or gross rent roll (if multi-family apartments) for purposes of estimating future property tax assessments on the completed housing:

12. Nonresidential Development Detail (if applicable). Outline the proposed mix of office, retail or other nonresidential square footage. Briefly describe planned property features, finishes and planned project amenities (provide visuals if available), targeted tenant mix, etc. Provide an estimate of the estimated average price points (annual rent/SF of sale price per SF if for-sale products) for each category of nonresidential use. This information should be described in sufficient detail to enable the City to calculate a total project square footage and end value (for purposes of estimating future property tax assessments on the completed nonresidential development.:



13. Provide an estimate of the Project's total full value tax assessment at completion and describe how the value was calculated. (This estimate will be validated or changed by the City using its own criteria.):
14. Provide an estimated development schedule, including a best estimate of the Project's construction start date, length of the construction period and expected absorption period (rate of sales or lease up period):
15. Describe any expected off-site impacts and project benefits to surrounding properties and the TAD as a whole:
16. Estimate permanent job creation/retention impacts associated with the development (if applicable):
17. Proposed uses of TAD funding. Describe how the project would deploy TAD funds if awarded, focusing on eligible redevelopment project costs that are consistent with City policies described in Attachment A. Provide an itemized the distribution of those costs to the extent possible at the time of the application:
18. Provide any optional supporting documents as appropriate:
 - a. Existing conditions photos,
 - b. Location and project boundary maps,
 - c. Conceptual Site Plan (If a conceptual site plan is not available, provide an estimated delivery date for a site plan.),
 - d. Project rendering and/or conceptual elevation drawings (if available),



- e. Other relevant supporting information not specifically requested above, which you believe may assist the City in evaluating this application.

PART IV: PROJECT ECONOMICS

The applicant is expected to provide a financial analysis/pro forma to assist the City in understanding why TAD funding assistance is needed to support the economic/financial feasibility of the proposed project. The financial analysis submitted as part of the application is also understood to be preliminary and subject to change. While the City has no required format or template, the financial analysis should address the following elements:

1. Sources and Uses Statement: Provide a standard summary of the intended sources and uses of project costs and revenues. Funding sources should itemize the amount equity, debt and needed TAD proceeds to complete the Project:
2. Construction cost estimates: Include a line-item estimate of construction hard and soft costs to the extent available. Line item costs should be organized consistently with the proposed uses of TAD proceeds described in Section III, to enable verification:
3. Income projections from sales and/or leasing activity: Provide revenue estimates from sales and leasing activity. If space is to be leased and retained in the applicant's ownership after completion, include stabilized occupancy and lease rate projections. If space is to be sold, include projected absorption rates, unit price appreciation and related assumptions:
4. Cash Flow Statement: Submit a cash flow projection reflecting the period from start-up through construction, stabilization, and sell out (if applicable). If a portion of the property is to be retained by the applicant, provide an estimate of the residual value of the retained property:
5. Equity: Describe the amount and source(s) of developer's equity to be supplied to the development:



6. Estimated Financing Terms: Estimate interest rates/costs of debt financing to be used:

7. ROI: Calculate projected returns on investment to be earned by the development, with and without the requested TAD contribution:

8. Supporting Market Evidence: Describe the sources of comparable sales/leases and/or other market evidence relied upon as a basis for the proposed prices and absorption rates indicated above:

PART V: SITE CONTROL, ZONING, AND SCHEDULE

The final section of the application is intended to describe how far along the Applicant is in the development process at the time the application is submitted. The City recognizes that applications for TAD funding are likely to be filed long before an Applicant obtains required development permits and acquires the property. While not required with the initial application, these steps are expected to be complete by the time a development agreement is executed, and financial assistance is delivered to the project.

1. Describe the status of the project in terms of site acquisition/assembly, permitting and the expected construction schedule:

2. Indicate the current and requested zoning designation(s) for the project site. If the site is not currently zoned for its intended use(s), describe the timeline for obtaining zoning approvals:

3. Indicate whether required site plan approvals and/or variances have been obtained. If no, describe the timeline for obtaining zoning approvals:

4. Include a projected construction schedule that describes the time frames and estimated milestones for acquiring financing, completing plans and specifications, permitting and construction. The construction schedule should identify target dates for the following major milestones:



- a. Obtain Financing Commitments
 - b. Detailed (Final) Site Plan Approval
 - c. Real Estate Closing Date (if applicable)
 - d. Construction Start Date
 - e. Estimated Completion Date
 - f. Target date for first units sold or leased
5. Provide evidence of site control in the form of copies of deed(s), contracts for purchase, land lease agreement, etc.

PART VI: CERTIFICATIONS

All applications must be accompanied by a signed and witnessed statement from the proposer stating the following:

The undersigned (the Applicant) hereby certifies to the best of his/her knowledge and belief that the information contained in this application is true, correct, and complete as of the submission date. The undersigned further represents that he/she has the authority to bind the Applicant and all individuals and entities herein to this warranty of truthfulness of the application.

The Applicant further acknowledges having read applicable sections of City Policies and Procedures governing the processing of requests for TAD assistance. The Applicant understands and agrees to abide by all provisions of applicable Georgia statutes, as well as all program policies, rules and guidelines established by the City.

The Applicant acknowledges that a favorable vote by the City Commission to provide TAD proceeds to support this Project is based on preliminary information provided in the Application and may be subject to modification as additional information becomes available and terms are negotiated in future agreements.

The Applicant acknowledges that if bonds or other forms of debt instruments are required to be issued, a favorable vote to proceed constitutes only an agreement to seek third party investors to purchase tax allocation bonds or offer comparable financing to the City, based upon anticipated future real property tax increment to be generated to repay debt service. The Applicant will also be responsible for satisfying underwriting criteria that may be imposed by these financing sources.



APPLICANT SIGNATURE:

Name:

Title:

Date

Witness Signature:

Name:

Date:

DRAFT



CITY OF BRUNSWICK, GEORGIA

POLICIES AND PROCEDURES FOR TAX ALLOCATION DISTRICT # 1:

HISTORIC CORE REDEVELOPMENT PLAN

A. INTRODUCTION

The City of Brunswick, Georgia (the City) has established a Tax Allocation District known as Brunswick TAD #1 – Historic Core. The City’s first TAD was created in 2017 to encourage commercial revitalization in the City’s downtown and historic core, to make selective public improvements that will support reinvestment in the City’s established neighborhoods, and to encourage reinvestment in the downtown area, and the Highway 17, Norwich Street and Gloucester Street Corridors.

A map of Brunswick TAD #1, including a list of tax parcels within the TAD, is provided as **Attachment C**. The TAD includes 687 parcels and approximately 481 acres located mainly along the Gloucester Street, Norwich Street, Highway 17 corridors, and downtown. The City Council adopted a resolution establishing TAD #1 in October of 2017.

TAD #1 was created to offer incentives to attract private reinvestment, both directly through financial assistance to developers and indirectly by funding targeted public improvements that support revitalization. Authorized uses of tax allocation increments are detailed in the Georgia Redevelopment Powers Law (O.C.G.A. 36-44-3) and the Redevelopment Plan, which established the TAD. Among those authorized uses are reducing a developer’s cost to replace or upgrade deficient public infrastructure, rehabilitating or demolishing existing blighted structures, constructing supportive public amenities, or defraying other costs as needed to make redevelopment economically feasible.

The Brunswick City Commission (the City) retains the responsibility to act as Brunswick’s Redevelopment Agency for issuing TAD financing, approving specific uses for tax increments generated within the TAD, and negotiating development agreements with private entities to implement projects. In late 2017, the Glynn County School System’s Board of Education (G.C.S.S.) and the Glynn County Commission (the County) consented to pledge their respective tax allocation increments to TAD #1.

As Brunswick’s Redevelopment Agency, the City Commission also has the responsibility to adopt policies and application procedures to inform and assist applicants for TAD funding. Upon approving this document by resolution, the City Commission adopts the policies and application procedures outlined herein to execute its responsibility as the City of Brunswick’s Redevelopment Agency.

Parties interested in applying for TAD funding to undertake redevelopment projects within Brunswick’s TAD #1 are encouraged to review and understand this document before submitting proposals for consideration. The following sections explain the procedures required to process applications, evaluate proposals, and approve commitments of TAD funding to qualifying applicants. They also describe



information a prospective applicant will be expected to submit to the Redevelopment Agent to be considered for TAD funding.

Although this process is thorough, interested applicants should understand that the City encourages qualified parties to invest within TAD #1 and make the application submission and review process as seamless as possible. Projects that are well-conceived and consistent with TAD policy have a high probability of being approved.

B. APPOINTMENT OF REDEVELOPMENT AGENT AND THE TAD ADVISORY COMMITTEE

As Brunswick's Redevelopment Agency, the Brunswick City Council has the responsibility to (a) appoint and delegate responsibility to a "Redevelopment Agent" to manage the day-to-day administration of the TAD; (b) appoint City representatives to the TAD Advisory Committee, and (c) adopt policies and application procedures to inform and assist potential applicants when requesting TAD funding.

The City Commission has delegated administrative/management responsibility for TAD #1 to the Department of Economic Development. The City's Director of Economic and Community Development (the Director), working under the City Manager's direction, is also designated as the City's "Redevelopment Agent" responsible for the administration and monitoring of agreements associated with the TAD. The Director/Redevelopment Agent will serve as the City's first point of contact with parties who may be interested in requesting TAD funds to undertake eligible redevelopment activities. The Director will be responsible for communicating the City's TAD policies to prospective applicants, reviewing the information provided by applicants for completeness, notifying the City Manager of an applicant's interest in seeking TAD funding, and carrying out directives of the City Commission during its review of an applicant's proposal. The Director will also be responsible for proposing or evaluating any future "public" projects within the TAD, such as streetscape, park, or infrastructure improvements, which may be funded entirely or in part with TAD proceeds. Such public projects may not necessarily be associated with a specific private sector applicant but may be pursued as necessary to support private investment.

To assist the Director in the administration of TAD #1, the City is authorizing the formation of a five-member "TAD Advisory Committee" (the TADAC), consisting of three City appointees (the Director, City Manager, City Finance Director), two private sector appointees. Private sector members of the TADAC are appointed for four-year terms as approved by the City Commission. The purpose of the TADAC is to review/monitor the status of the TAD and provide comments to the City Commission related to its responsibilities as the Redevelopment Agency for the TAD. The Director shall also be responsible for coordinating the activities of the TADAC, including working with members to schedule meetings, arranging for applicants to present information, recording deliberations, and reporting recommendations of the Committee to the City Commission.

The function of the TADAC in the Application Process is to review all proposed/draft development agreements or TAD financings negotiated between the City Commission and eligible applicants for TAD funding. The TADAC shall first recommend approving, approving with modifications, or disapproving such



development agreements or TAD financings, before the City Commission may take final action on such matters. The TADAC is responsible for organizing itself internally to perform these functions and will be free to exercise reasonable discretion when reviewing applications and making recommendations to the City Commission.

C. APPLICATION PROCESS

The following section outlines the procedure established to (1) encourage private sector redevelopment projects within the City's TAD, (2) invite requests for TAD funding assistance, (3) advise interested applicants concerning the procedures for submitting those proposals, and (4) involve the TAD Advisory Committee in the application process. In addition, the City Commission has adopted policy guidelines that define the City's priorities for future expenditures of TAD funds. These policies are provided with this document as **Attachment A** and should be carefully considered by prospective applicants when requesting TAD assistance. Information requirements to apply for TAD funding are listed in **Attachment B**.

1. PRIVATE SECTOR APPLICATIONS

The application procedure for processing TAD funding requests received from private sector applicants shall consist of the following steps:

- (a) **Preliminary TAD Funding Request Evaluation**--Before making any formal presentation to elected officials, a prospective applicant must submit the initial project/financial information for review by City staff as required. The initial staff contact for inquiries is the Director of the City's Department of Economic and Community Development. The Director is responsible for advising prospects concerning the City's adopted TAD policies and procedures for communicating the prospect's interest to the City Manager and City Commission and coordinating the decision-making process should a prospect complete and submit a written application for TAD funding.
- (b) Upon receiving an application that the Director's judgment is sufficiently complete to be evaluated, the Director will notify the City Manager that an applicant wishes to present a project proposal. The City Manager will organize a standing or ad-hoc committee consisting of appropriate City staff and potentially involving outside resources with helpful technical expertise who would be beneficial in vetting the Applicant's proposal in the opinion of the City Manager.

This Committee will meet with the Applicant and subject the proposal to a standard internal evaluation. The scope will estimate the upper limit of eligible project assistance and reviewing the project's consistency with City TAD policies and priorities. The purpose of this task will be to (a) provide all interested parties with an initial evaluation and response before requiring them to invest additional time, and expense needed to complete the application process and, (b) to ensure that proposals for TAD funding submitted to the City Commission are sufficiently "complete" to enable the Commission to render informed judgments. The intent is to advise prospective applicants early in the process concerning the realistic range of TAD funding assistance that they



might be eligible to receive based on established City policy, to help screen out proposals that are contrary to such policy, and to assist prospects in making applications that have a higher probability of being approved by the City Council.

The City Manager may direct the Committee to report any related findings that it believes will be helpful to the City Commission, including recommended terms and conditions as may be appropriate. The Committee's findings should, at minimum, address the reasonableness of the TAD funding request and uses for that funding, suggest terms of performance that should be expected from the Applicant, the financial justification for the requested funding amount, and evidence that the project will pay back the required TAD investment.

- (c) The Committee may include a recommendation to either approve or deny the application but shall not have the authority to prevent an application from being considered by the full City Commission. To the extent possible, the City Manager is expected to enable the Committee to complete its evaluation within 30 days of receiving notice from the Director that the Applicant has requested TAD funding. Regardless of staff's findings or recommendations, neither the City Manager, the Director nor this Committee have authority to deny any applicant the opportunity to present its request for TAD funding to the City Commission, should that applicant desire to make an application.
- (d) If after this staff-level review the Applicant wants to proceed, the Director will advise the prospect to amend or complete the required application, which is provided with this document as **Attachment B**.
- (e) **TAD Funding Application Review by The TAD Advisory Committee**--Upon receipt of a completed TAD funding application from the Applicant, the Director will submit the application for review by the TADAC. When draft documents are completed and approved for distribution after an initial review by the Director, he/she will schedule the date and time for the TAD Advisory Committee to meet to consider the Project. The meeting will be scheduled with no less than 14 days advance notice to enable adequate time for members of the TADAC to review the accompanying materials and obtain input from staff or third-party advisors. The Applicant will be given an opportunity to present the project. The City will present the proposed funding recommendation to the TADAC. The TADAC will be tasked to make recommendations to the City for approval, disapproval, or modification of the accompanying agreements. The Director will prepare minutes of TADAC meetings and be responsible for accurately recording the Committee's deliberations, actions, and recommendations, in a written report for delivery to the City Commission. It is expected that the TADAC will complete its review and record its recommendations at the end of this meeting. Action to delay or schedule additional meeting(s) to review the Project will require majority approval of TADAC members present and voting. Should most of the TADAC request more time, the Director will schedule an additional meeting(s) of the TADAC as needed for the Committee to complete its work.



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- (f) When the TADAC's review is completed, the Director will then forward its recommendations on the TAD funding application along with a written record of the TADAC's findings to the City Commission.
- (g) The City Manager will inform the Mayor of the pending TAD funding application, and TADAC recommendations, when received, will place consideration of the TAD application on the next scheduled meeting of the Brunswick City Commission. At that time, the Applicant will be invited to present the details of the project and TAD funding request.
- (h) **Review and Approval of TAD Funding Request by City Commission**--The City Commission retains all rights as the City's Redevelopment Agency for the TAD and may choose to schedule other meetings with the Applicant, solicit and consider public comment as appropriate or conduct additional negotiations with the Applicant before rendering a decision. Upon receiving the Applicant's initial presentation, the Commission may take one of the following actions:
- i. Table or deny the application,
 - ii. Instruct the City Manager and Director to obtain additional information from the Applicant before taking further action, or
 - iii. Refer the application to an appropriate committee of the City Commission to perform additional due diligence, leading to negotiating the terms of a development agreement.
- (i) Should the Commission request more information or conduct additional due diligence, the Applicant may be required to meet a second (or more) time(s). This due diligence may evaluate:
- i. Additional project details,
 - ii. Verification of the Applicant's experience, qualifications, and financial capacity to complete the project,
 - iii. Review of proprietary and confidential financial information,
 - iv. Economic justification/need for public financing and participation,
 - v. Refinement of a specific contribution of TAD proceeds and the method of delivery of those proceeds,
 - vi. Anticipated project benefits such as the revitalization of surrounding neighborhoods, funding of supportive public improvements, removal of slums and blight, or economic development/job creation benefits, or
 - vii. Potential project issues such as adverse neighborhood impacts, project risk, or other concerns.



- (j) Applicants are advised that information provided in their applications, as well as meetings of the City Commission and its committees, are subject to the provisions of the Georgia Open Records Act. Meetings will be posted and open to the public. At their discretion, applicants will be entitled to mark certain financial information submitted with their applications as “proprietary and confidential.” Any financial information designated as proprietary and confidential shall be treated by the Commission as such and will be protected from public disclosure to the extent allowed by State law.
- (k) At such time a majority of City Commission members present believe they have received enough information from the Applicant to render a decision; they will vote on the application. If a majority of the City Commission present and voting vote to approve the application, the application will be designated as a “Pending Approved Project” contingent upon the Applicant’s eventual receipt of required City-issued zoning/site plan approvals, development permits, and the negotiation of necessary development agreement(s) with the City. The City Manager or City Attorney will be authorized to negotiate the terms of a development agreement or other formal agreements necessary to commit TAD funding to the Project.
- (l) **Negotiation of Development Agreement**--The Director will proceed to coordinate negotiation of the agreement(s) with the Applicant in accordance with the City Commission’s directives. The agreement(s) will lay out the terms and conditions for the receipt of TAD funding, including the amount and the delivery method for that funding. Funds may be delivered “upfront” through the issuance of TAD bonds or other forms of financing or over time using a long-term reimbursement (“pay-go”) agreement.

The policies and objectives of the City are to encourage private sector redevelopment and work constructively with property owners and developers who are interested in making positive investments within TAD #1. The City will make good faith efforts to expedite the above procedures and render relatively quick decisions on completed applications for TAD funding. While recognizing that some proposals will be more complex and require more extensive study than others, the Economic and Community Development Director will be expected to complete a preliminary review and advise interested applicants within two weeks of receiving initial inquiries. The TAD Advisory Committee is expected to complete its review and report to the full City Council within 60 days of receiving an application, and it shall be the goal of the City Council to act within 30 days of receiving the TADAC report. The TADAC will also meet within 30 days of receiving draft documents for its review.



1. PUBLIC SECTOR APPLICATIONS

The City of Brunswick or its Downtown Development Authority (the D.D.A.) has assembled property within TAD #1 (and may assemble additional property in the future) for the intended purpose of eventually conveying the real estate for private sector redevelopment. In addition to unsolicited requests for TAD assistance submitted by the private sector, the Brunswick City Commission or its D.D.A. may make proposals to use future tax increments from private development on TAD parcels currently publicly owned. The City Commission could also request TAD proceeds to reimburse the City for public investments, which may be needed to enhance the value of proposed private development.

In such cases where the City may be “the Applicant” it will submit project information to the TAD Advisory Committee for review in a similar manner than would be required for any private sector applicant. In such cases where TAD proceeds accrue to and are invested by the City, certain financial criteria required of developers would no longer be relevant and may be waived. Therefore, specific contents of a “TAD application” submitted by the City will be different than content required of private sector applicants. Contents of an Application sponsored by the City may differ on a case-by-case basis and shall be determined by the City Commission.

Apart from this procedure, the City has developed general policy guidelines to define desired project qualifications, public objectives, and priorities for investing TAD funds. These criteria serve as a consistent standard for evaluating project proposals within Brunswick’s TAD #1. These guidelines are provided in **Attachment A** and are an integral part of the procedures outlined above.

D. APPLICATION/FINANCING FEES

The City has not established a fee schedule for processing requests for TAD assistance. However, if TAD funds are awarded, the City reserves the right to charge applicants reasonable fees to recover the City’s costs of securing tax increment financing. Successful applicants are expected to enter into a development agreement with the City as a condition of the financing award. Application/financing fees will be negotiated with the Applicant as part of that development agreement. They will depend upon such factors as the total amount of TAD funding provided by the City’s cost of obtaining the financing and general financial market conditions at the time of the application.

City of Brunswick, GA
Tax Allocation District #1
Policies and Procedures



Adopted this ____ day of _____, 2021.

CITY OF BRUNSWICK, GEORGIA

By: Cornell L. Harvey, Mayor

Attest: _____

Naomi D. Atkinson, City Clerk

[SEAL]

DRAFT



ATTACHMENT A:

CITY POLICY GUIDELINES FOR THE EVALUATING REQUESTS FOR TAX ALLOCATION DISTRICT (TAD) FINANCING
(ADOPTED [REDACTED], 2021)

I. INTRODUCTION

The Brunswick City Commission welcomes development proposals from the private sector that serve to revitalize redevelopment areas within the City. It is the City's policy to evaluate all unsolicited private sector requests for TAD financing and to recommend public sector support of those requests which are (a) economically justified; (b) well-conceived and capable of being implemented with reasonable levels of public support, and (c) serve to advance the City's overall redevelopment goals and objectives.

The purpose of the following policy is to guide appropriate City Staff and other officials when evaluating applications for TAD funding, based on the following general factors:

1. The purposes/uses for TAD financing and the consistency of those purposes with the Redevelopment Powers Law, City objectives outlined in the TAD Redevelopment Plan and related City Plans and policy documents,
2. The overall amount and timing of tax increments to be generated by the project,
3. The Applicant's demonstrated financial need for TAD Assistance based on standard evaluation criteria (i.e., the "but for" test), and
4. Resulting project benefits and return on the public's investment.

The Brunswick City Commission may also propose using future TAD proceeds from private development on parcels that are currently publicly owned. The City Council may request TAD proceeds to reimburse the City for investments made to prepare or make additional public improvements needed to enhance the taxable value of proposed private projects. In such cases where the City of Brunswick may be the Applicant, the City will present its proposal for review by the TAD Advisory Committee, in a similar process to that which would be conducted for any private sector applicant. Developers seeking to acquire or develop property from the City or its Downtown Development Authority may be required to provide project details or financial information as necessary to assist the City in making application to the TAD Advisory Committee.

Policy guidelines are described in more detail below:



1. PURPOSES/USES OF TAD FINANCING

The City will only consider applications for TAD financing for purposes/uses that are consistent with the definition of “redevelopment” as defined in Georgia Redevelopment Powers Law (O.C.G.A 36-44-3(5)). These eligible purposes/uses include:

- New building construction, including commercial buildings and housing construction,
- Building renovations,
- Environmental remediation and/or demolition of existing structures,
- Construction of parking structures,
- Public works and utilities,
- Telecommunications infrastructure,
- Restoration of historic sites and buildings,
- Parks, open space or civic amenities,
- Transportation, roadway improvements or transit facilities; and
- Pedestrian amenities and safety improvements.
- Land acquisition for redevelopment

2. TAX INCREMENT GENERATED BY THE PROJECT

It is the City’s policy that any private sector project which receives a TAD contribution should attempt to be “self-financing” to the extent possible. In the context of a TAD contribution, self-financing means that the project generates enough future property tax increments and other associated revenues to pay back debt service obligations incurred from issuing a TAD bond or other debt financing for that project. Although the City may consider proposals that are not self-financing by this definition, such proposals must offer other extraordinary benefits to justify larger contributions. Self-financing limitations would not necessarily apply to projects receiving “pay-go” reimbursements from future TAD special fund proceeds.

It is also the City’s policy to favor projects which generate sufficient increment to meet debt coverage ratios that are imposed by lenders or, more importantly, generate “excess” revenues that can be used to retire debt ahead of schedule, return proceeds to the general fund, or be invested for other worthwhile purposes within the TAD. In addition, it is the City’s general policy to limit the maximum eligible funding to any project, from either the TAD Special Fund or from the proceeds of TAD bonds or other financing to 15% of the total project cost. It is also the City’s policy to limit the maximum term of any single approved



TAD bond, pay-go agreement, or another form of financing to 25 years. Applicants should consider this limitation in their initial project planning and avoid pursuing alternatives that require higher contributions of public finding to be financially feasible.

Finally, it is the City's policy to favor projects that propose to use TAD funds to finance supportive improvements to surrounding public infrastructure and amenities over those that simply use TAD proceeds to defray construction costs or improve financial returns to the developer. The City will also favorably consider projects that return substantial long-term incremental property tax revenues after all TAD financing has been retired.

In addition to the overall amount of tax increment generated in proportion to cost, the City will consider the overall market/financial feasibility and perceived level of risk associated with the proposed development plan and the demonstrated qualifications and experience of the Applicant to execute the project as proposed. For projects that are complex or have a high level of development risk, the City may request supporting documentation in the form of feasibility studies or appraisals to support the application.

3. PROJECT ECONOMICS

Applicants for TAD financing assistance must demonstrate financial need for such assistance based on reasonable pro forma projections of costs, revenues, and expected profits, i.e., meet the "but for" test established in the Redevelopment Powers Law. Potential legitimate needs for TAD contributions to overcome poor development economics may include but not be limited to:

- High site acquisition, demolition, or remediation costs due to the nature of the proposed redevelopment site,
- Inadequate public infrastructure that must be rebuilt or enhanced at the developer's expense to support the proposed use,
- The inclusion of project amenities/enhancements that offer a public benefit but cannot be supported by the project's economics,
- The additional marketing risks associated with being first to invest in an economically challenged area,
- The need to incur above-average construction costs to successfully market units, or to satisfy the City's desire to encourage high quality construction on redevelopment sites.

Before approving TAD financing requests, the City will require applicants to submit a sufficiently detailed financial pro forma to enable staff or the City's consultants to evaluate the project's overall development economics and anticipated profit margins, using reasonable and defensible assumptions.



It is the City's general policy that the maximum TAD financing contribution it will provide directly to underwrite development costs should enable an applicant to achieve a "reasonable" internal rate of return (IRR) or return on investment (R.O.I.) based on total project costs and conservative projections of sales performance. The definition of a "reasonable return" will be determined by the City Commission as the Redevelopment Agency, after considering input from City staff and financial advisors, the specific attributes of the project, and after applying generally accepted appraisal methods. If, in the City's opinion, the project has the potential to exceed pro forma expectations and achieve rates of return well in excess of normal expectations, the City may, at its discretion, approve a lower TAD contribution or recommend provisions to recapture a percentage of contributed TAD funds in the future, if actual project performance exceeds pro forma projections.

This policy would not directly apply when TAD investments are requested for public infrastructure improvements which may enhance a project's market feasibility but would not directly impact the developer's financial pro forma. In such cases, the City will weigh the long-term value and public purpose of the requested infrastructure investment when considering an appropriate contribution of TAD funding.

4. PROJECT BENEFITS AND RETURN ON PUBLIC INVESTMENT

In addition to purposes/uses that are consistent with the Redevelopment Powers Law, the City will give added consideration and support to investments of TAD funds that help to achieve redevelopment goals and objectives contained in the Redevelopment Plan for TAD #1, are consistent with City policy, and implement projects identified in previous studies of the area. These goals/objectives include but are not necessarily limited to:

- Attracting private investment to help finance key commercial, retail, hospitality, residential developments, and public spaces in locations that are critical to the future growth of the City's historic core economy and quality of life and will act as catalysts for additional private commercial and residential investment,
- Redeveloping or demolishing vacant or under-utilized structures that are no longer economically viable and, by either their demolition or adaptive re-use, would enhance the redevelopment potential of surrounding properties,
- Supporting public investment in parks, trails, open space, or other public amenities identified in previous studies,
- Encouraging the rehabilitation of historic properties in a manner that will contribute to the character of the historic core of Brunswick,
- Increasing the number and purchasing power of households living in the redevelopment area to support the viability of local businesses,



- Enabling commercial or office development that would create a significant number of jobs or encourage the revitalization of areas that until now have been passed over for any significant redevelopment,
- Reducing vacancy, improving, and expanding investment in downtown and the key corridors with thriving commercial and mixed-use development,
- Increasing the future tax digest of the City, County, and School District, allowing the City to offer more services that will improve the quality of life for all residents,
- Managing and reducing long-term service cost impacts/burdens on the City, County, and School District.

5. POSITIVE LOCAL/REGIONAL ECONOMIC IMPACT

The City emphasizes the importance of supporting TAD investments that advance the overall economy, reinforce the City's economy and produce significant job creation or other benefits for the community and region. The City recognizes that in some individual cases, project proposals may return exceptional public benefits that merit investments of TAD funds at a higher level than is indicated by the evaluation criteria outlined in this policy. The City may approve a larger public fund investment in such extraordinary cases than would otherwise be justified. For projects that offer exceptional employment growth or positive local/regional economic impacts, the City Commission, in its capacity as the Redevelopment Agency, may also consider leveraging other available economic development incentives, in addition to TAD financing.



ATTACHMENT B:

TAD APPLICATION REQUIREMENTS

The following outline is provided to assist interested parties in requesting TAD funding assistance from the Brunswick City Commission, recognizing that not all requested information may be available or relevant to specific projects. The following should be viewed more as an outline or “checklist” of requested information rather than an application form to be filled out exactly as presented in this document. Applicants may choose to omit items deemed not applicable. Applicants may present this information in an alternative sequence, provide project information using spreadsheets, in a narrative report or PowerPoint presentation format. However, an applicant’s failure to adequately address all applicable sections, particularly Parts III and IV below, may result in the City’s request for additional information and delay its decision making. The application form and contents may be subject to periodic change by the TAD Advisory Committee.

PART I: APPLICANT SUMMARY

Submit a summary introduction and contact information to enable the City to identify/locate the project site and summarize the amount or range of TAD funding being requested. Describe your organizational structure and provide a primary point of contact should City staff have questions or request additional information concerning the application.

1. Name and Location of Proposed Development Project
2. Initial estimated amount (or range) of TAD Funding Requested
3. Applicant Contact Information
 - a. Address:
 - b. Designated Contact:
 - c. Title:
 - d. Phone Number:
 - e. E-mail Address



4. Ownership Entity Name
5. Legal Form or Ownership
6. Provide the names, addresses, phone numbers, and e-mail addresses for major partners, J.V. or limited partners, or other project participants, if any. Indicate the ownership interest of each development participant listed under this item.
7. Qualifications and Experience. Provide an introductory overview of the Applicant's qualifications and experience to implement the proposed project, including examples of comparable ongoing or completed projects.

PART II: DEVELOPMENT PROFESSIONAL TEAM

Provide information for the key members of the project's technical/consultant team who have been identified as of the submission date. The City recognizes that an Applicant may not be able to invest significant resources in a project that does not appear to be financially feasible "but for" a favorable decision by the City to provide financial assistance. The number of consulting disciplines involved will also depend on the size and nature of the project. This information, to the extent available, is intended to demonstrate the Applicant's seriousness in terms of assembling technical resources to implement the project if TAD funding is approved. If the Applicant has not yet identified or retained specific firms but intends to do so, briefly describe the expected timing and process to be used for making those decisions:

1. PROJECT ARCHITECT
 - a. Company
 - b. Primary Contact Name
 - c. Address
 - d. Phone Number
 - e. E-mail Address



2. CIVIL/TRAFFIC ENGINEER
 - a. Company
 - b. Primary Contact Name
 - c. Address
 - d. Phone Number
 - e. E-mail Address

3. ATTORNEY
 - a. Company
 - b. Primary Contact Name
 - c. Address
 - d. Phone Number
 - e. E-mail Address

4. GENERAL CONTRACTOR
 - a. Company
 - b. Primary Contact Name
 - c. Address
 - d. Phone Number
 - e. E-mail Address

5. PROPERTY MANAGER (If Applicable)
 - a. Company
 - b. Primary Contact Name
 - c. Address



- d. Phone Number
- e. E-mail Address

PART III: GENERAL PROJECT INFORMATION

Use the following suggested outline to describe the project and its potential economic and fiscal benefits to Brunswick. The City recognizes that portions of this outline do not apply to all projects and may either be omitted or quickly addressed in a summary statement. If you choose not to follow the order of this outline, please ensure that the information requested below is included in your project narrative or explain why omitted information is not provided, whether not applicable to the project or not yet available.

The City understands that in some cases, it may be unrealistic to expect an applicant to invest in detailed studies prior to receiving a preliminary indication from the City that it is willing to invest TAD funds to support the Project. It is acceptable to offer the best estimates or reasonable assumptions based on relevant experience in such cases. The City also expects that project site plans, finishes, amenities, construction costs, and revenue estimates will evolve as proposals move through the City's planning and permitting process. Information provided with this application is therefore understood to be preliminary and subject to change.

In addition to describing the Project and its benefits to the City, the most important purpose of this section is to provide enough information to enable the City to estimate and forecast future property tax increment generated by the Project, which, in turn, will be used to establish a preliminary upper limit of financial support the City might provide, consistent with its TAD Policy. Project economics and the "but for" justification for the City's granting of TAD proceeds are addressed later in Section IV of the application.

Contents of this section should address the following topics:

1. General Project description
2. Existing condition of the development site
3. Tax parcel ID number(s)
4. Acreage impacted by the project



5. Existing land use(s)
6. Current full value and assessed (40%) value of the development site
7. Current annual real property tax bills levied on the parcel(s)
8. Construction Type (New Construction, Rehab, Conversion, etc.)
9. Proposed demolition of existing structures. If applicable, describe the square footage and current uses of buildings to be demolished. Include the number of existing total and occupied housing units if applicable.
10. Proposed Land Use Mix. Describe the proposed size and mix of land uses on the site, including the number of housing units or distribution of development square footage devoted to residential, retail, office, or other land uses, including parking areas or structures (spaces).
11. Residential Development Detail (if applicable). Outline the proposed mix of ownership or rental housing units by housing type, bedroom count, and average square footage. Briefly describe planned unit features, finishes, and amenities (provide visuals if available) and planned project amenities (recreational amenities, open space, etc.). Provide an estimate of the average targeted price points (sale price or monthly rent) for each housing category. This information should be described in sufficient detail to enable the City to calculate a total project square footage and end value (if a for sale-project) or gross rent roll (if multifamily apartments) for purposes of estimating future property tax assessments on the completed housing.
12. Nonresidential Development Detail (if applicable). Outline the proposed mix of office, retail, or other nonresidential square footage. Briefly describe planned property features, finishes, and planned project amenities (provide visuals if available), targeted tenant mix, etc. Provide an estimate of the estimated average price points (annual rent/S.F. of the sale price per S.F. if for-



sale products) for each category of nonresidential use. This information should be described in sufficient detail to enable the City to calculate a total project square footage and end value (for purposes of estimating future property tax assessments on the completed nonresidential development.

13. Provide an estimate of the Project's total full value tax assessment at completion and describe how the value was calculated. (This estimate will be validated or changed by the City using its own criteria.)
14. Provide an estimated development schedule, including a best estimate of the Project's construction start date, length of the construction period, and expected absorption period (rate of sales or lease-up period).
15. Describe any expected off-site impacts and project benefits to surrounding properties and the TAD as a whole.
16. Estimate permanent job creation/retention impacts associated with the development (if applicable).
17. Proposed uses of TAD funding. Describe how the project would deploy TAD funds if awarded, focusing on eligible redevelopment project costs consistent with City policies described in Attachment A. Provide an itemized distribution of those costs to the extent possible at the time of the application.
18. Provide any optional supporting documents as appropriate:
 - a. Existing conditions photos,
 - b. Location and project boundary maps,



- c. Conceptual Site Plan (If a conceptual site plan is not available, provide an estimated delivery date for a site plan.),
- d. Project rendering or conceptual elevation drawings (if available),
- e. Other relevant supporting information not specifically requested above, which you believe may assist the City in evaluating this application.

PART IV: PROJECT ECONOMICS

The Applicant is expected to provide a financial analysis/pro forma to assist the City in understanding why TAD funding assistance is needed to support the economic/financial feasibility of the proposed project. The City recognizes that not all information required to complete a development proforma will be available when an Applicant files an initial funding request. In such cases, it is acceptable to offer the best estimates or reasonable assumptions based on relevant local data and experience. The financial analysis submitted as part of the application is also understood to be preliminary and subject to change. While the City has no required format or template, the financial analysis should address the following elements:

1. Sources and Uses Statement: Provide a standard summary of the intended sources and uses of project costs and revenues. Funding sources should itemize the amount of equity, debt, and needed TAD proceeds to complete the Project.
2. Construction cost estimates: Include a line-item estimate of construction hard and soft costs to the extent available. Line item costs should be organized consistently with the proposed uses of TAD proceeds described in Section III to enable verification.
3. Income projections from sales or leasing activity: Provide revenue estimates from sales and leasing activity. If space is to be leased and retained in the Applicant's ownership after



completion, include stabilized occupancy and lease rate projections. If space is to be sold, include projected absorption rates, unit price appreciation, and related assumptions.

4. Cash Flow Statement: Submit a cash flow projection reflecting the period from start-up through construction, stabilization, and sell-out (if applicable). If a portion of the property will be retained by the Applicant, provide an estimate of the residual value of the retained property.
5. Equity: Describe the amount and source(s) of the developer's equity to be supplied to the development.
6. Estimated Financing Terms: Estimate interest rates/costs of debt financing to be used.
7. R.O.I.: Calculate projected returns on investment to be earned by the development, with and without the requested TAD contribution.
8. Supporting Market Evidence: Describe the sources of comparable sales/leases or other market evidence relied upon as a basis for the proposed prices and absorption rates indicated above.

PART V: SITE CONTROL, ZONING, AND SCHEDULE

The final section of the application is intended to describe how far along the Applicant is in the development process at the time the application is submitted. The City recognizes that applications for TAD funding are likely to be filed long before an Applicant obtains required development permits and acquires the property. While not required with the initial application, these steps are expected to be complete by the time a development agreement is executed and financial assistance is delivered to the project.

1. Describe the status of the project in terms of site acquisition/assembly, permitting, and the expected construction schedule.



2. Indicate the current and requested zoning designation(s) for the project site. If the site is not currently zoned for its intended use(s), describe the timeline for obtaining zoning approvals.
3. Indicate whether required site plan approvals or variances were obtained. If no, describe the timeline for obtaining zoning approvals.
4. Include a projected construction schedule that describes the time frames and estimated milestones for acquiring financing, completing plans and specifications, permitting, and construction. The construction schedule should identify target dates for the following major milestones:
 - a. Obtain Financing Commitments
 - b. Detailed (Final) Site Plan Approval
 - c. Real Estate Closing Date (if applicable)
 - d. Construction Start Date
 - e. Estimated Completion Date
 - f. Target date for first units sold or leased
5. Provide evidence of site control in the form of copies of deed(s), contracts for purchase, land lease agreement, etc.

PART VI: CERTIFICATIONS

All applications must be accompanied by a signed and witnessed statement from the proposer stating the following:

The undersigned (the Applicant) hereby certifies to the best of his/her knowledge and belief that the information contained in this application is true, correct, and complete as of the submission date. The undersigned further represents that he/she has the authority to bind the Applicant and all individuals and entities herein to this warranty of truthfulness of the application.

The Applicant further acknowledges having read applicable sections of City Policies and Procedures governing the processing of requests for TAD assistance. The Applicant understands



and agrees to abide by all provisions of applicable Georgia statutes and all program policies, rules, and guidelines established by the City.

The Applicant acknowledges that a favorable vote by the City Commission to provide TAD proceeds to support this Project is based on preliminary information provided in the Application and may be subject to modification as additional information becomes available and terms are negotiated in future agreements.

The Applicant acknowledges that if bonds or other forms of debt instruments are required to be issued, a favorable vote to proceed constitutes only an agreement to seek third party investors to purchase tax allocation bonds or offer comparable financing to the City, based upon anticipated future real property tax increment to be generated to repay debt service. The Applicant will also be responsible for satisfying underwriting criteria that may be imposed by these financing sources.

APPLICANT SIGNATURE:

Name:

Title:

Date

Witness Signature:

Name:

Date:



ATTACHMENT C:

TAD BOUNDARIES AND PARCEL LIST

DRAFT

CITY OF BRUNSWICK, GEORGIA

A RESOLUTION

2021-

A RESOLUTION AMENDING THE CITY OF BRUNSWICK REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT NUMBER ONE—HISTORIC CORE; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE TAX ALLOCATION DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. §36-44-1, *et seq.*, is known and may be cited as the Redevelopment Powers Law; and

WHEREAS, the Redevelopment Powers Law (O.C.G.A. §36-44-1, *et seq.*) provides for the exercise of redevelopment powers, the adoption of redevelopment plans, and the creation tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, the purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community; and

WHEREAS, as approved by a majority of the voters in a referendum held on November 3, 2015 the City of Brunswick (the “City”) is authorized to exercise the redevelopment powers as delineated by the Redevelopment Powers Law; and

WHEREAS, it is in the public interest of the City that the Redevelopment Powers Law be exercised to improve economic and social conditions of the Brunswick Historic Core Area in order to abate or eliminate deleterious effects of its current underutilized state; and

WHEREAS, adoption of the Brunswick Historic Core Redevelopment Plan in October 6, 2017 and creation of Tax Allocation District Number One—Historic Core (the “Historic Core TAD”) was necessary to redevelop and revitalize this area through a public/private partnership;; and

WHEREAS, the City recognizes that new transportation infrastructure and parking facilities, water, wastewater and storm water facilities, streets, streetscapes, sidewalks, greenspace and parks, retail, dining and commercial spaces are needed to revitalize this area and create an vibrant commercial corridors in Brunswick; and

WHEREAS, the Historic Core TAD can provide incentives and funding to catalyze redevelopment of the area; and

WHEREAS, a Redevelopment Plan was prepared for the Brunswick Historic Core Redevelopment Area in accordance with O.C.G.A. §36-44-3(9) and adopted by City Council on October 6, 2017; and

WHEREAS, the Council now desires to amend the Brunswick Historic Core Redevelopment Plan and the related Tax Allocation District Number One—Historic Core: and

WHEREAS, the Council has held a public hearing on November 17th 2021 on this proposed amendment to the approved Redevelopment Plan and TAD Resolution as required by the Redevelopment Powers Law.

NOW, THEREFORE, THE MAYOR AND COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA HEREBY RESOLVES AS FOLLOWS:

Section 1. The City of Brunswick Tax Allocation District Number One—Historic Core was created as of October 6, 2017, and shall continue in existence until all redevelopment costs, including financing costs and debt service on tax allocation bonds, are paid in full.

Section 2. The City of Brunswick hereby amends the estimated Tax Allocation Increment Base Year to 2021 and its value to _____, to reflect the 2021 real property values of the 687 parcels included in the Tax Allocation District Redevelopment Area.

Section 3. The property proposed to be pledged for payment or as security for payment of tax allocation bonds will include the positive ad valorem tax allocation increments from ad valorem taxes levied on all taxable real property within the boundaries of Tax Allocation District Number One—Historic Core.

Section 4. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Adopted and approved by the City Commission of the City of Brunswick, Georgia
this __ day of _____, 2021.

Approved:

BY: _____
Cornell L. Harvey, Mayor

ATTEST:

Naomi D. Atkinson, City Clerk

Alcohol Beverage License Renewals

Name of Business	Business Owner/Manager	Business Address	Permit Type
Parkers Causeway	Owner: Patrick Parker Manager: Krystal Dyer	25 Torras Causeway Brunswick, GA	Retail sale of beer & wine.
Five Points Mini Mart	Owner/Manager: Jinnal Patel	2806 Altama Ave. Brunswick, GA	Retail sale of beer & wine.
Bunky's Sunoco	Owner: Ramesh Patel Manager: Rajendra Patel	2803 Glynn Ave. Brunswick, GA	Retail sale of beer & wine.
LOLO Mart 2	Owner: Nisha Patel Manager: Pratikshaben Patel	2722 Norwich St. Brunswick, GA	Retail sale of beer & wine.
Cool on Cool DBA: The Blue Door	Owner: Constance Lindsey Manager: Enzo Centfanti	1706 A Second St. Brunswick GA	On premises consumption of beer & wine.
Bamboo Lounge	Owner/Manager: Nitesh Patel	2717 Glynn Ave. Suite B Brunswick, GA	On premises consumption of beer, wine, & distilled spirits.
Olive Garden	Owner: Corporate Coleen Lyons Manager: Zachariah Bernot	600 Glynn Isles Brunswick, GA	On premise consumption of beer, wine, and distilled spirits with Sunday sales
Lucky 7	Owner/Manager: Ankur Patel	3021 Altama Ave. Brunswick, GA	Retail sale of beer & wine.
Pinball Palace	Owner: Robert Daniel Manager: Karen Daniel	3303 Hopkins Ave. Brunswick, GA	On premise consumption of beer and wine.
El Potro Mexican Restaurant	Owner/Manager: Jose Martinez	3460 Cypress Mill Rd. Brunswick, GA	On premise consumption of beer, wine, and distilled spirits with Sunday sales.
Basil Thai & Sushi Bar	Owner: Suzanne Daoheuang Manager: Bountieng Daoheuang	1401 Newcastle St. Brunswick, GA	On premises consumption of beer, wine, & distilled spirits with Sunday sales.
Gallop's Mart	Owner/Manager: Niriali Dalal	1409 Gloucester St. Brunswick, GA	Retail sale of beer & wine.
Walmart Market #2840	Owner: Corporate Manager: Wanda Wilson	11 Glynn Plaza Brunswick, GA	Retail sale of beer & wine.
Tipsy McSway's	Owner/Manager: Susan Bates	1414 Newcastle St. Brunswick, GA	On premises consumption of beer, wine & distilled spirits with Sunday sales.
Russell's Sports Bar	Owner: James Russell Manager: Tanica Russell	1824 Norwich St. Brunswick, GA	On premises consumption of beer, wine & distilled spirits.
Brunswick Landing	Owner: Corporate Deborah Torres Manager: Darren Pietch	2429-A Newcastle St. Brunswick, GA	On premises/retail consumption of beer, wine, and distilled spirits.
A-1 Beer & Tobacco	Owner/Manager: Nitesh Patel	2432 Newcastle St. Brunswick, GA	Retail sale of beer & wine.
Straton Hall	Owner:/Manager: Stacy Bass	1423 Newcastle St. Brunswick, GA	On premises consumption of beer, wine, & distilled spirits.



SUBJECT: Memorandum of Agreement with the DNR Wildlife Resources Division

COMMISSION ACTION REQUESTED ON: December 1, 2021.

PURPOSE: To review terms and renew the Memorandum of Agreement with the DNR Wildlife Resources Division to grant temporary access to the Andrews Island Causeway for the purpose of disposing of Right whale carcasses.

HISTORY: The current agreement was put in place in 2011 and is set to expire in February of 2022. The location has been determined to be the only location along the central and southern Georgia coast that is suitable for this purpose.

FACTS AND ISSUES: Carcasses off the coast of Georgia is rare but can occur. The site was not used during the previous term but needs to be available if a need arises.

BUDGET INFORMATION: There are no cost to the City associated with renewal of this agreement. The agreement does stipulate that the City may request reimbursement of expenses up to \$4,999.00 per year.

OPTIONS:

1. Approve the renewal of the memorandum of agreement.
 2. Do not approve the renewal of the memorandum of agreement.
 3. Take no action at this time.
-

DEPARTMENT RECOMMENDATION ACTION:

Approve the renewal of the memorandum of agreement.

DEPARTMENT: City Manager


Prepared by: Regina M. McDuffie

ADMINISTRATIVE COMMENTS:

No additional comment.

ADMINISTRATIVE RECOMMENDATION:

Approve the renewal of the memorandum of agreement.



City Manager

11/22/2021

Date



MARK WILLIAMS
COMMISSIONER

TED WILL
DIRECTOR

December 1, 2021

Commission of the City of Brunswick, Georgia
Brunswick City Hall
601 Gloucester St.
Brunswick, GA 31520

Re: Temporary Access to Andrews Island Causeway for Right Whale Research

Dear Mayor and Commissioners:

The North Atlantic right whale is the official state marine mammal of Georgia and one of the most endangered whale species in the world. Each winter right whales migrate to their calving grounds along the Georgia coast. The Georgia Department of Natural Resources (DNR) is tasked with monitoring the whales and protecting their calving habitat. Documenting causes of whale mortality is critical to our monitoring efforts.

Right whale carcasses are found floating offshore of Georgia on rare occasions¹. If left to float with the wind and currents, whale carcasses are hazards to marine navigation and can wash ashore unexpectedly on public beaches. A more proactive approach is to tow carcasses to a predetermined location so they can be examined, dissected and disposed of properly. We have identified only one location on the southern and central portions of the Georgia coast that is suitable for this purpose: the Andrews Island Causeway along the East River in Brunswick (map enclosed). In 2011, the City of Brunswick entered into a Memorandum of Agreement with the DNR Wildlife Resources Division, giving us temporary access to the Andrew Island Causeway for this purpose. That MOA (enclosed) is set to expire on February 7, 2021. We have not needed to use the site during the 10-year period, but we hope the City will consider entering into a new MOA in case the need arises in the future.

If an event occurs, we would request temporary access to the causeway for approximately three days. Work would likely transpire as follows:

Day 1

- A whale carcass is detected floating offshore,
- DNR notifies the City Manager (or her designee) and other interested parties,
- A tow vessel is enlisted to tow the carcass back to shore,
- Heavy equipment is delivered to the site,

¹ The timing of right whale mortalities cannot be predicted. Two carcasses have been found offshore of Brunswick since 2004. Both carcasses were towed to Florida for examination and disposal.

- The carcass is hauled ashore and secured for the night.

Day 2

- Scientific crew² and equipment operators arrive at the site,
- The carcass is dissected, samples are collected for research and remains are buried nearby at Andrews Island.

Day 3

- The site is cleaned, and heavy equipment is removed.

DNR WRD would ensure that the site is restored to its previous state at the conclusion of any event. All remains would be removed and the site would be cleaned thoroughly. Cleaning may include a combination of grading, removing soiled sand, replacing with clean sand and/or washing the site with river water. DNR receives federal grant funding for whale conservation activities and would pay for all expenses. In-kind support from the City (e.g. heavy equipment, securing the site) is certainly welcome, but is not required. I have briefed Ms. McDuffie, the City Manager, and Mr. Torras, the adjacent property owner, about this proposal. We have coordinated with the Georgia Department of Transportation, which owns Andrews Island. If this proposal meets with your approval, DNR WRD would welcome signing the attached draft MOA, which has been reviewed by the City and DNR attorneys.

We appreciate you considering this proposal. Please contact me at 912-269-7587 or clay.george@dnr.ga.gov if you have any questions.

Sincerely,

Clay George
Senior Wildlife Biologist

Enclosures: (1) Site map
(2) 2011 MOA
(3) Draft proposed MOA

Copies: Regina McDuffie, Brunswick City Manager
Michael Torras, Brunswick Landing Marina
Jason Lee, DNR Wildlife Conservation Section, Coastal Program Manager

² The scientific crew would consist of approximately 20 staff and volunteers from DNR, other governmental agencies and non-governmental organizations.

ATTACHMENT 1: SITE MAP



MEMORANDUM OF AGREEMENT

**Between the Georgia Department of Natural Resources and
The City of Brunswick, Georgia**

This agreement is between the Georgia Department of Natural Resources (DNR) and the City of Brunswick, Georgia (hereafter City). It sets forth the terms and conditions under which the DNR may have temporary access to the Andrews Island Causeway in the event that a dead whale must be towed to shore, examined, dissected and buried.

Recitals

1. The North Atlantic right whale, the Official State Marine Mammal of Georgia, is an endangered whale species that inhabits waters along the Georgia coast between November and April each year.
2. The DNR is tasked with monitoring right whales, documenting causes of whale mortality and protecting whale habitat.
3. On rare occasions right whale carcasses are found floating dead offshore.
4. The DNR seeks to tow right whale carcasses to shore in order to: a) prevent carcasses from washing ashore unexpectedly on public beaches, b) eliminate potential hazards to marine navigation, c) determine cause of whale mortality and d) dispose of carcasses appropriately.
5. The Andrews Island Causeway along the East River in Brunswick (hereafter Causeway) is the only site in Glynn County, Georgia that DNR has identified with the requisite physical features necessary to haul a large whale carcass ashore.
6. As the owner of the Causeway, the City is willing to grant the DNR occasional and temporary access to the Causeway to examine and dissect whale carcasses.
7. This cooperation will benefit DNR's efforts to conserve endangered right whales, and will reduce the likelihood that a whale carcass may wash ashore unexpectedly onto a public beach.

Agreement

1. The DNR agrees to do the following:
 - a. Designate a biologist that will serve as the point of contact for all work undertaken in accordance with this agreement,
 - b. Notify the City immediately in the event that a whale carcass is located and prior to towing the carcass to shore,
 - c. Examine, dissect and bury whale carcasses within 3 days, safety and weather conditions permitting, and

ATTACHMENT 2: 2011 MOA


- d. Ensure that the site is cleaned and returned to its previous condition immediately after use.
2. The City agrees to do the following:
 - a. Designate one or more points of contact that the DNR may notify if a whale carcass will be towed to the Causeway,
 - b. Secure the Causeway during an event if necessary to protect the public and property, and
 - c. Notify the DNR in advance if the Causeway is to be altered or otherwise made unavailable for the purpose herein.
3. The Parties agree to the following mutual obligations and terms:
 - a. The DNR and its cooperators (e.g. National Marine Fisheries Service) will be responsible for all expenses necessary to tow, examine, dissect and bury whale carcasses, and to clean and restore the Causeway to its previous condition.
 - b. The City will notify the DNR if in-kind support (e.g. equipment, staff, law enforcement) is available. In-kind support from the City is subject to the availability of funds and nothing in the Agreement will be considered as obligating the City to expend any funds.
 - c. The City may invoice the DNR for expenses incurred while assisting with whale mortality events, in an amount not to exceed \$4,999 per calendar year.
 - d. The Parties may mutually amend this Agreement as needed. Any Amendment must be produced in writing and signed by the Parties before it is effective.
 - e. This agreement shall be effective on the date last signed and shall end at midnight 10 years after the date last signed, unless sooner terminated as provided herein. Upon 60 days advance notice, either Party may terminate this Agreement.

IN WITNESS WHEREOF, the Parties have executed the Agreement and it will be effective on the date last signed. It will continue until modified or revoked by the agreement of the Parties, or by either Party in accordance with the terms set forth herein.

For the City of Brunswick, Georgia:
Mayor's Office

For the State of Georgia:
Department of Natural Resources
Wildlife Resources Division


Bryan Thompson, Mayor 01/31/2012
date


Dan Forster, Director 2-7-2012
date

MEMORANDUM OF AGREEMENT

**Between the Georgia Department of Natural Resources and
The City of Brunswick, Georgia**

This agreement is between the Georgia Department of Natural Resources (hereinafter the “DNR”) and the City of Brunswick, Georgia (hereafter the “City”). It sets forth the terms and conditions under which the DNR may have temporary access to the Andrews Island Causeway in the event that a dead whale must be towed to shore, examined, dissected and buried.

Recitals

1. The North Atlantic right whale, the Official State Marine Mammal of Georgia, is an endangered whale species that inhabits waters along the Georgia coast between November and April each year.
2. The DNR is tasked with monitoring right whales, documenting causes of whale mortality and protecting whale habitat.
3. On rare occasions right whale carcasses are found floating dead offshore.
4. The DNR seeks to tow right whale carcasses to shore in order to:
 - a. Prevent carcasses from washing ashore unexpectedly on public beaches,
 - b. Eliminate potential hazards to marine navigation,
 - c. Determine cause of whale mortality, and
 - d. Dispose of carcasses appropriately.
5. The Andrews Island Causeway along the East River in Brunswick (hereafter Causeway) is the only site in Glynn County, Georgia that DNR has identified with the requisite physical features necessary to haul a large whale carcass ashore.
6. As the owner of the Causeway, the City is willing to grant the DNR occasional and

ATTACHMENT 3: DRAFT PROPOSED MOA

temporary access to the Causeway to examine and dissect whale carcasses.

7. This cooperation will benefit DNR's efforts to conserve endangered right whales and will reduce the likelihood that a whale carcass may wash ashore unexpectedly onto a public beach.

Agreement

1. The DNR agrees to do the following:
 - a. Designate a biologist that will serve as the point of contact for all work undertaken in accordance with this agreement,
 - b. Notify the City immediately in the event that a whale carcass is located and prior to towing the carcass to shore,
 - c. Examine, dissect and bury whale carcasses within 3 days, safety and weather conditions permitting, and
 - d. Ensure that the site is cleaned and returned to its previous condition immediately after use.
2. The City agrees to do the following:
 - a. Designate one or more points of contact that the DNR may notify if a whale carcass will be towed to the Causeway,
 - b. Secure the Causeway during an event if necessary, to protect the public and property, and
 - c. Notify the DNR in advance if the Causeway is to be altered or otherwise made unavailable for the purpose herein.
3. The Parties agree to the following mutual obligations and terms:
 - a. The DNR and its cooperators (e.g., National Marine Fisheries Service) will be

ATTACHMENT 3: DRAFT PROPOSED MOA

responsible for all expenses necessary to tow, examine, dissect and bury whale carcasses, and to clean and restore the Causeway to its previous condition.

- b. The City will notify the DNR if in-kind support (e.g., equipment, staff, law enforcement) is available. In-kind support from the City is subject to the availability of funds and nothing in the Agreement will be considered as obligating the City to expend any funds.
- c. The City may invoice the DNR for expenses incurred while assisting with whale mortality events, in an amount not to exceed \$4,999 per calendar year.
- d. The Parties may mutually amend this Agreement as needed. Any Amendment must be produced in writing and signed by the Parties before it is effective.
- e. This agreement shall be effective on the date last signed and shall end at midnight 10 years after the date last signed, unless sooner terminated as provided herein. Upon 60 days advance notice, either Party may terminate this Agreement.

IN WITNESS WHEREOF, the Parties have executed the Agreement and it will be effective on the date last signed. It will continue until modified or revoked by the agreement of the Parties, or by either Party in accordance with the terms set forth herein.

ACCEPTED AND AGREED TO:

CITY OF BRUNSWICK, GEORGIA

**GEORGIA DEPARTMENT OF
NATURAL RESOURCES**

By: _____

By: _____

Title: Mayor, City of Brunswick

Title: Authorized Representative



SUBJECT: Resolution to accept Land & Water Conservation Fund Grant for Orange Park Improvements and to authorize the Mayor to execute the grant contract.

COMMISSION ACTION REQUESTED ON: December 1, 2021 Consider for Approval

PURPOSE: The City Commission is asked to approve a resolution to accept funding from the Land and Water Conservation Fund for improvements to Orange Park and to authorize the Mayor to execute the grant contract.

HISTORY: The city has a number of public parks, including Orange Park, Palmetto, etc. that have historically provided outdoor recreational opportunities and space for its citizens. Over the years, some parks have fallen into disrepair and park amenities have deteriorated. The City has planned improvements for many of the park areas and included funds in the most recent SPLOST referendum to support these improvements.

FACTS AND ISSUES: In 2020, the City Commission requested that alternative locations for the splashpad that was planned for Mary Ross Park be considered. Orange Park was selected as a location that would provide adequate space for the splashpad and bathroom/equipment building that is required. Orange Park was recommended based on its location and proximity to surrounding neighborhoods that are within walking distance. The proposed improvements include the installation of the splashpad and the accompanying restroom/equipment building, installation of a new playground area, resurfacing and repairs to the existing basketball court, construction of two picnic sheds and improvements to paving, lighting, signage and parking (including handicap parking).

BUDGET INFORMATION: The estimated cost for the proposed improvements is \$370,300. The grant provides for \$185,150 or 50% of the estimated cost. The local match of \$185,150 will be provided from SPLOST funds budgeted for this purpose. There are also in-kind and cash donations from a variety of donors. See the attached cost summary for additional detail.

OPTIONS: 1. Approve the Resolution to accept the Land & Water Conservation Fund grant funds and contract;

2. Do not approve the Resolution to accept the Land & Water Conservation Fund grant funds and contract;

3. Take no action at this time.

DEPARTMENT RECOMMENDATION ACTION: Approve the Resolution accepting the Land & Water Conservation Fund grant funds and authorize the Mayor to execute the grant contract.

DEPARTMENT: Public Works / Engineering

Prepared by: Mathew Hill, DDA

ADMINISTRATIVE COMMENTS:

This will be a tremendous upgrade and addition to outdoor recreation for the area.

ADMINISTRATIVE RECOMMENDATION: Approve as presented.

Regina M. McDuffie

City Manager

11/22/21

Date

Orange Park Project Improvement Budget

Proposed Funding

City Funding	185,150.00
LWCF Grant	185,150.00
TOTAL FUNDING	370,300.00

Estimated Improvement Costs

Splashpad Installation	103,000.00
Bathroom / Equipment Bldg	145,000.00
Playground Installation	60,000.00
Picnic Sheds	9,000.00
Basketball Court Improvements	25,000.00
ADA Parking & Walkway Improvements	25,000.00
Lighting & Signage	3,300.00
Total Estimated Costs	370,300.00

Completion of projects by others

Ports Authority	5,000.00	Basketball Court improvements
Turnipseed Engineering	5,000.00	Picnic Sheds
Lang Building Supply	6,000.00	Picnic Sheds
Brunswick Glynn Joint Water & Sewer Authority	5,000.00	Restroom/Equipment Building
Golden Isles Development Authority	4,000.00	Lighting & Signage
Keep Golden Isles Beautiful	2,700.00	Misc. completion items
TOTAL	27,700.00	

RESOLUTION NO. 2021-18

**STATE OF GEORGIA
COUNTY OF GLYNN**

WHEREAS, at the regular meeting of the City of Brunswick Georgia held on the 1st day of December, 2021 a motion was made and duly seconded that the City of Brunswick agrees to the terms of the contract for a state grant between the Georgia Department of Natural Resources and the City of Brunswick for a grant of financial assistance to make renovations and new development within the park known as Orange Park located in the city of Brunswick, Glynn County, Georgia to include:

Splash pad; Walkway; Restrooms; Playground renovation; Basketball court renovation; picnic shelter; ADA parking; and Lighting and signage,
Authorize Mayor Cornell Harvey to execute said contract on behalf of the City of Brunswick, and accept the grant provided for in said contract in the amount of \$185,150.

NOW, THEREFORE BE IT RESOLVED by the City of Brunswick of Glynn County, Georgia that the terms and conditions of the contract between the Georgia Department of Natural Resources and the City of Brunswick are hereby agreed to, that the Mayor is authorized and empowered to execute said contract and any subsequent amendments thereto on behalf of the City of Brunswick, and the grant provided for in said contract in the amount of \$185,150 is hereby accepted to be used under the terms and conditions of said contract, and that sufficient funds have been designated to assure the acquisition and/or development, operation and maintenance of the facilities and/or delivery of services as identified in said contract.

Read and unanimously adopted in the regular meeting of the City of Brunswick held on the 1st day of December, 2021.

ATTEST

Clerk of Grant Recipient

CITY OF BRUNSWICK
GLYNN COUNTY, GEORGIA

(Seal)

BY: _____
Cornell L. Harvey,
Mayor

Certification

I do hereby certify that the above is a true and correct copy of the Resolution duly adopted by the Commission on the date so stated in the Resolution.

I further certify that I am the Clerk of the Commission and that said resolution has been entered in the official records of said Commission and remains in full force and effect the 1st day of December, 2021.

Clerk Signature



SUBJECT: Enterprise Zone Incentive for 201 Gloucester Street

COMMISSION AGENDA: December 1, 2021 Consent Agenda

PURPOSE: Consider approval of Enterprise Zone Incentives in the *CBD Enterprise Zone* for 201 Gloucester Street.

HISTORY: The Commission approved Enterprise Zones in the City of Brunswick on November 19, 2014. Enterprise Zones were established under the “Enterprise Zone Employment Act of 1997” for the State of Georgia. This legislation allowed municipalities to name certain areas as “Enterprise Zones” and permit incentives for economic development in those zones. Enterprise Zones help create the proper economic and social environment to induce the investment of private resources in productive business enterprises and service enterprises.

FACTS AND ISSUES: Bay & Gloucester LLC has submitted an Enterprise Zone application for the building rehabilitation project located at 201 Gloucester Street (The Leotis Building / Port City Lofts). This location is in the CBD Enterprise Zone. The developers are requesting the following incentives for these new businesses & rehabilitation:

1. Abate Building Permit Fees (including plan review).
2. Abate Business License Administration Fees for the first year.
3. Abate Sign permit fees.
4. Abate City Property Taxes

BUDGET INFORMATION: Fees are waived for the first year of operation. These fees for this applicant total approximately \$56,867.42. City Property Tax abatement is for up to 10 years at the discretion of the City Commission. Property Tax abatement is estimated to be \$16,544.90 annually.

OPTIONS: 1. Approve the Incentives as presented. 2. Approve the recommended list of incentives. 3. Do not recommend the incentives.

DEPARTMENT RECOMMENDATION ACTION: The Enterprise Zone application has been reviewed by the Planning, Development & Codes, Engineering and Finance departments. All departments recommend approval of the incentives. The Downtown Development Authority Board of Directors reviewed the application at their October meeting and recommended the incentives as applied for. The City Manager raised questions at the November 3 meeting and the commission deferred the item to December 1. The City Manager has revised the recommended abatements to be the waived fees and a five year city property tax abatement at 100%. The City attorney has said that the tax abatements follow the ownership so if a property granted tax abatements is sold, the tax abatements end with the sale.

DEPARTMENT:

Prepared by: Mathew Hill, DDA;

ADMINISTRATION

Approved by: Regina McDuffie, City Manager;

Regina M. McDuffie

Date: 11/22/21

Fee	Standard Amount
Occupation Taxes	\$ 355.00
Building Permit Fees	\$ 55,507.42
Sign Permit Fees	\$ 35.00
Business License Admin	\$ 45.00
Planning Dept. Fees	\$ 100.00
Fire Dept. Plan Review Fees	\$ 750.00
Other FD Fees	\$ 75.00
Total Fees	\$ 56,867.42

	Value at start	\$ 660,900.00
Property tax abatement	New value (est)	\$ 3,129,000.00
Values are estimated	New Assd (est)	\$ 1,251,600.00
	City tax (est)	\$ 16,544.90

option 1	Year	Abatement %	Collected Tax	Standard Tax	Savings to developer
	1	100%	\$ -	\$ 16,544.90	\$ 16,544.90
	2	100%	\$ -	\$ 16,544.90	\$ 16,544.90
	3	100%	\$ -	\$ 16,544.90	\$ 16,544.90
	4	100%	\$ -	\$ 16,544.90	\$ 16,544.90
	5	100%	\$ -	\$ 16,544.90	\$ 16,544.90
	Total		\$ -	\$ 82,724.50	\$ 82,724.50



CITY OF BRUNSWICK

ENTERPRISE ZONE APPLICATION

1. GENERAL INFORMATION		
Project Name: Port City Lofts		
Project Physical Address: 201 Gloucester St		Parcel I.D.#: 01-02021
City: Brunswick	State: GA	Zip: 31520
Proposed Type of Business/Service Enterprise:		
<input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Processing <input type="checkbox"/> Telecommunications <input type="checkbox"/> Tourism <input type="checkbox"/> Research & Development <input type="checkbox"/> Finance <input type="checkbox"/> Insurance <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Retail <input type="checkbox"/> Other (SIC Code): _____		
Benefit Type:		
<input type="checkbox"/> Capital Investment/Reinvestment <input checked="" type="checkbox"/> Locate in a vacant or historic building <input type="checkbox"/> Demolish an obsolete/abandoned/ deteriorating structure <input checked="" type="checkbox"/> Enhance Area (landscape/facade improvements, or remove billboards) <input type="checkbox"/> Assemblage of multiple tracts		
Applicant Organization/Agency: Bay & Gloucester LLC		
Federal Tax ID Number: 84/2689924	SIC Code:	
Type of Organization:		
<input type="checkbox"/> S-Corporation <input type="checkbox"/> C-Corporation <input checked="" type="checkbox"/> LLC <input type="checkbox"/> other: _____		
Public Corporation:		
<input type="checkbox"/> Yes: incorporated or formed (year): _____ <input type="checkbox"/> No		
Primary Product or Service: Real Estate		

2. Contact Information		
Primary Business Representative: Harrison Bradford Piazza		
Title: Manager	Phone: (201)595-9185	
Fax:	Email: brad@portcitybwk.com	
Mailing Address: 1313 Newcastle St.		
City: Brunswick	State: GA	Zip: 31520
Local Contact Person: Maren White		
Title: Director of Events	Phone: 912-254-8600	
Fax:	Email: maren@portcitybwk.com	
Mailing Address: 1313 Newcastle St.		
City: Brunswick	State: GA	Zip: 31520

3. Project Description

Provide a description of the company's plans, including projected capital investment of the business in the zone for a 10-year project designation period (expansion, consolidation, relocation, etc.

The company plans to expand operations in the zone in a 10-year timeframe. In 5 years, we will begin construction of phase 2 of Port City Lofts. Adding 20 extra units to the downtown inventory. This project, in addition with phase 1, will bring a projected capital investment of \$10,445,000. This will be in addition to other projects in the area focused in multifamily and events.

4. Project Capital Investment:

(To be made in the Enterprise Zone over a 10-year period)

Land:	\$650,000
Buildings:	\$2,344,784
Manufacturing Machinery:	\$0
Other Machinery and Equipment:	\$0
Other:	\$0
Total:	\$ 3,194,784

5. Business Description

Provide an introduction, history, and description of the qualified business, its products, services, total sales, number of employees, locations (international, national, and in Georgia), description of primary materials purchased, product transportation, etc.

Port City Partners is a multi-faceted commercial real estate development, investment, and property management company headquartered in Brunswick, Georgia. The company focuses its efforts in the revitalization of the downtown Brunswick area. The company holds assets in excess of \$5.5 million. With its current expansion plans Port city seeks to increase their assets under management in Brunswick to about \$42 million through the development and improvement of currently owned lot in the area. The company currently has 5 full-time employees. However, if growth estimates are accurate, the company seeks to promote job growth in the area by bringing in about 5 new employees in the next 5 years.

6. Local Significance

Explain specifically how the project will benefit Brunswick residents and attach any additional information

The Port City Lofts project has already had a big impact in the downtown Brunswick housing market by almost doubling inventory in the city. It is also the first of many projects involving the conversion of old commercial structures to loft apartments in the Port City. The commercial spaces present in this project aim to bring in tenants whose business will significantly increase foot traffic in the area. We are confident we will be able to do that with businesses such as Bubba's or First Tee of the Golden Isles moving into the property. All in all, the project will benefit residents by bringing old buildings back to life while keeping their original character, increasing the entertainment, dining, and living options in the area.

7. Job Creation

(Projected for 10-year Tax Abatement Period)

The business making the investment and paying taxes must also create the jobs and be the project designee. In order to be eligible for incentives, eligible businesses must:

- * Increase employment by five or more new full-time jobs;*
- * Maintain the jobs for the duration of the tax exemption period;*
- * Whenever possible, at least 10% of the new employees filling the jobs that satisfy the job creation requirement should be low or moderate income individuals.*

Note: Leased, contract, temporary, and construction employees do not qualify as new employees.

Number of New Full-Time Jobs to be Created (5 Minimum): 25 (PCP AND TENANTS)

Number of Low/Moderate Income People Hired (10%): 20

A Low/Moderate Income Individual is Defined in (A-H), In Which Category(ies) Your New Employees Qualify? (Select all that apply):

- (A) Unemployed or unemployed for three of the six months prior to the date of hire;
- (B) Homeless;
- (C) A resident of public housing;
- (D) Receiving temporary assistance for needy families or who has received temporary assistance for needy families at any time during the 18 months previous to the date of hire;
- (E) A participant in the Workforce Investment Act or who has participated in the Workforce Investment Act at any time during the 18 months previous to the date of hire;
- (F) A participant in a job opportunity where basic skills are required or who has participated in such a job opportunity at any time during the 18 months previous to the date of hire;
- (G) Receiving supplemental social security income; or
- (H) Receiving food stamps.

Number of Local Residents Hired: 15

Estimated Amount of Payroll for YR PCP AND TENANTS: \$ payroll for 3,000 sf rest. Averages: \$4,800/week

8. New Jobs Breakdown (4 YR Period Example)

Job Title	Annual Salary or Hourly Rate	Total Year 1	Total Year 2	Total Year 3	Total Year 4
1 Property Manager	18	34,650	35,687	36,758	37,860
2 Property Manager	18	34,650	35,687	36,758	37,860
3 Development Associate	20	38,400	39,552	40,739	41,961
4 Administrative Assistant	16	30,720	31,641	32,590	33,567
5 Events Assistant	16	30,720	31,641	32,590	33,567
6 Bubbas Restaurant	\$13,136 Average Annual Salary per person	249,600	257,088	264,800	272,744
7 Precision Restaurant	\$23,400 Average Annual Salary per person	140,400	144,612	148,950	153,418
Annual Grand Total		390,000	401,700	413,750	573,117

9. Financing Plan

Describe or attach the project financing plan. Submit supporting documentation if applicable (i.e. bank commitment letters, balance sheets, and profit and loss statements).

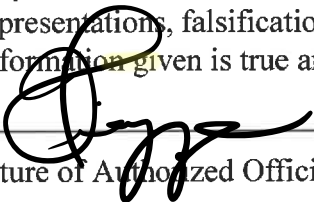
SEE ATTACHED SOURCES AND USE STATEMENT AND SOUTH COAST BANK TERMS

10. Additional Incentives Requested

Other incentives that may be granted will be negotiated on a case-by-case basis by the City Commission and could include exemption from any or all of the following:

- Building Permit fees Sign Permit fees Business License Administration fees
 - Occupation taxes Rezoning fees Engineering fees
 - Other local fees: _____
- ALL**

11. Project Timeline	
Construction Start Date:	08/24/2020
Construction Completion Date:	06/29/2021
Operation Start Date:	07/1/2021
Date Begin Hiring New Employees:	08/24/2020
Date Purchase of Machinery/Equipment:	N/A
Date Other Improvements like Landscaping or Façade Material will be Incorporated:	Landscaping, façade, awnings, stormwater and drainage systems
Tax Abatement Start Date (NLT Completion). Attach Plat with Identified Phases (if applicable):	

12. Certification	
I certify that the information contained in this application is true and correct and that it contains no misrepresentations, falsifications, intentional omissions, or concealment of material facts and that the information given is true and complete to the best of my knowledge and belief.	
 _____ Signature of Authorized Official	_____ Date 10/13/21
_____ Harrison Bradford Piazza Print Name of Authorized Official	_____ Managing Member Title

13. Application Checklist			
	Complete	Incomplete	If Complete, Initial and Attach
Completed Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Financial Supporting documentation (if applicable), for example bank commitment letters, appraisal report, profit & loss statement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Three years of financials must include income statements/balance sheets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Copy of the Brunswick Business License or application and Evidence of property access, i.e., copy of warranty deed or executed lease agreement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	PORT CITY TO SEND BUSINESS LICENSE
Site Plan Drawing. Include Proposed Landscaping Areas, if needed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Project Timeline	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Submit this application and all required information using one of the following:

City of Brunswick
Attn: Bren White-Daiss
P.O. Box 550
Brunswick, GA 31521

bwhitedaiss@cityofbrunswick-ga.gov

<i>14. For Official Use Only</i>			
	Reviewed by	Recommend Approval	Recommend Denial
Planning Department			
Inspections and Code Enforcement			
Engineering Department			
Finance Department			
Downtown Development Authority	<i>Mathew Hill</i>	✓	
Finance Committee			



2022 OCCUPATION TAX LICENSE
CITY OF BRUNSWICK
STATE OF GEORGIA

NO: 57124

The business identified below is licensed to engage in or manage the business, profession, or occupation of:

OFFICE/ ADMINISTRATIVE


In the CITY OF BRUNSWICK for the period beginning on **1/1/2022**
and ending on **12/31/2022**

Issued: **10/13/2021**

NOTE: POST IN A CONSPICUOUS PLACE AT YOUR ESTABLISHMENT. THIS LICENSE IS NON-TRANSFERABLE AND SUBJECT TO BE REVOKED IF ABUSED.

If there is a change in ownership and/or location this license is void. Please contact the City of Brunswick Business Licensing Division.
(912-279-2656)

PORT CITY PARTNERS LLC
HARRISON BRADFORD PIAZZA
1315 GRANT ST
BRUNSWICK GA 31520


John Hunter, Director
Planning, Development & Codes

SOUTH COAST BANK

Terms and Conditions July 15, 2020

Borrower:	Bay & Gloucester, LLC (premises: 1508-1510 Bay Street and 201-211 Gloucester Street, Brunswick, GA)
Loans:	Up to \$2,875,500 (80% of cost)
Use of Funds:	Proceeds will be used to refinance and renovate the securing property
Interest Rate:	Option A: Fixed at 4.53% for 10 years Option B: 24 months at 4.50%, then 8 years fixed at P+0.50% with 3.25% floor and 5.50% ceiling
Repayment:	24 months interest only; thereafter, principal and interest due monthly based on 30-year amortization
Maturity:	10 years
Bank Fees:	0.50% origination fee
Collateral:	1 st DSD and assignment of rents and leases on 1508-1510 Bay Street and 201-211 Gloucester Street, Brunswick, GA. Reserve account to be held as additional collateral.
Guarantors:	Harrison Bradford Piazza
Covenants:	Minimum DSC of 1.00x based on tax return; tested annually beginning 12/31/22. Tax returns due within 60 days of filing. DSC calculated as <u>EBITDA - distributions - increases in loans to shareholders and related</u> amortized annual debt service
Financial Requirements:	Quarterly rent rolls until project reaches 90% occupancy for four consecutive quarters. Ongoing financial requirements include annual accountant-prepared financial statements and tax returns of Borrower, annual rent rolls of subject property, copies of signed leases and any future renewals, and annually updated personal financial statement, K1s, and tax returns of Personal Guarantor. Annual tax returns may be required for related entities in which Borrower and/or Guarantor has controlling interest.

Prepayments: no penalty for early repayment

Conditions: Commitment subject to receipt of liquidity verification acceptable to bank.

Borrower to provide acceptable verification of 15% cash injection prior to any advances from Bank.

In the event of covenant violation, loan balance will be reduced to principal amount that will yield 1.00x DSC when re-amortized with payments based on remaining amortization at 5%.

A reserve account will be maintained with the bank with 3.00% of gross rents deposited quarterly. To be capped at \$150,000. Reserve funds can be distributed to the borrower for capital expenditures or repairs needed at the property over \$2,000 with proof of invoice. Funds will be held in an interest-bearing account.

Third-party inspections with inspector selected by Bank; reasonable cost to be covered by Borrower.

Prior to closing, an environmental will be provided by Borrower and reviewed by Bank to satisfy that no material contamination of the property exists. The loan documents executed relative to the proposed loan will contain representations, covenants, agreements and indemnifications with respect to hazardous materials or environmental matters as we may require.

Borrower, Bay & Gloucester, LLC, will not create additional indebtedness without the express consent of the Bank. Such consent will not be unreasonably withheld.

Borrower agrees that, without the prior written consent of Bank, Borrower shall not:

- Use any proceeds of the loan except for the stated purpose(s).
- Grant any lien on or allow a lien to exist on the collateral except for liens in favor of the Bank and for taxes not yet due or enter into any agreement that would grant a negative pledge to any other entity without the consent of the Bank. Such consent will not be unreasonably withheld.

Expenses: Closing expenses associated with the loan are the responsibility of the borrower. If the Loan does not close, the borrower will be responsible for paying any closing expenses that have been incurred. These expenses may include but are not limited to appraisal fees, attorney's fees, environmental fees, etc. These fees may be financed.

Default Events: All events of default set forth in the Note and any other loan document as agreed to by the Bank and the Borrower.

Conditions Precedent: Borrower shall indemnify Bank and its affiliates, directors, officers, employees against all costs, losses, liabilities, damages and expenses

incurred in connection with the credit facility, unless caused by the negligence or willful misconduct of any indemnified party.

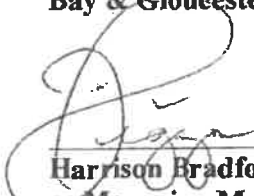
**Governing Law
and Jurisdiction:** State of Georgia


These Terms and Conditions shall survive the Loan closing and shall be incorporated in the Loan Documents and the Note so that a default by the borrower of any such provision shall constitute a default under the Loan documents and the Note.

This letter provides confidential and proprietary information regarding South Coast Bank's proposal to the Borrower. The information contained herein is intended for the exclusive use of the Borrower and the Bank in outlining and defining any future agreement regarding a loan(s) the Bank may offer to the Borrower. This information is not to be shared with other parties (other than Loan Participants) without the prior consent of the Borrower and the Bank.

This commitment will continue in effect until the Bank's close of business on July 29, 2020. Borrower's failure to deliver a signed copy of this letter accepting the terms as set out herein by that point in time will result in the letter expiration. Loans must close within 60 days of the acceptance date.

**ACCEPTANCE:
Bay & Gloucester, LLC**


Date 7/28/20
**Harrison Bradford Piazza,
as Managing Member of Borrower,
Bay & Gloucester, LLC**

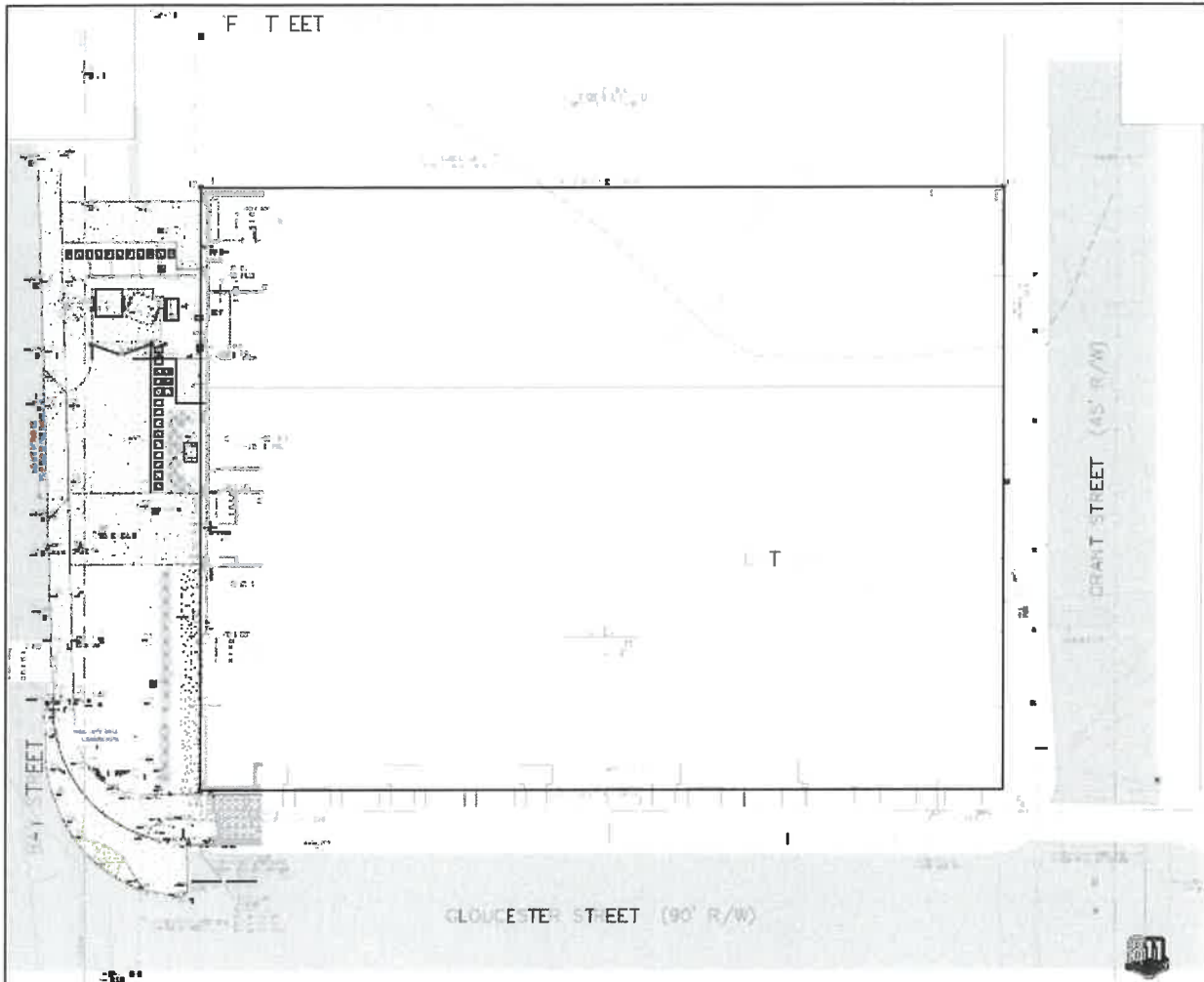

Date 7/28/20
**Harrison Bradford Piazza,
as Personal Guarantor**

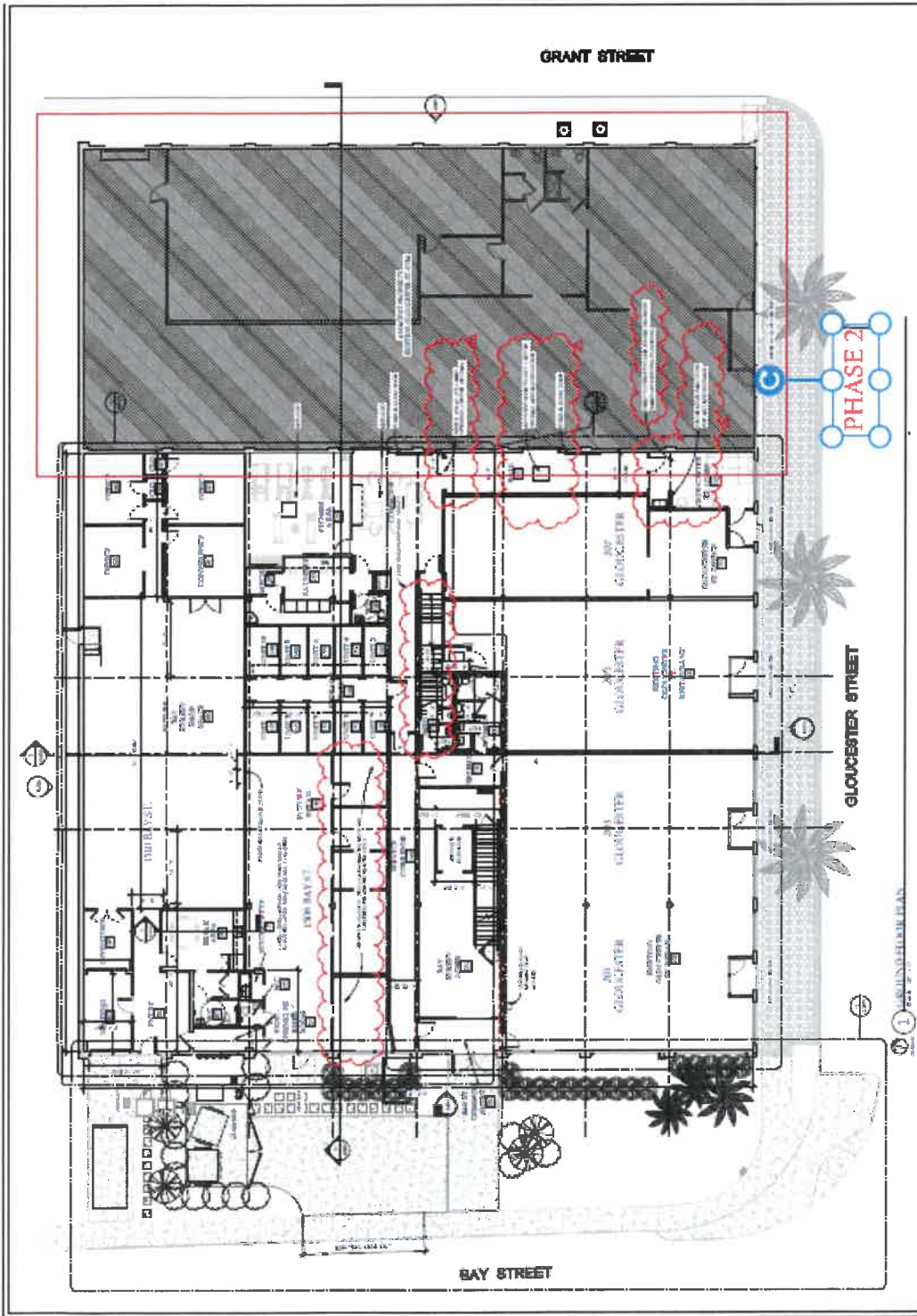
2. Sources and Uses

SOURCES AND USES STATEMENT

USE OF FUNDS		SOURCE OF FUNDS	
Use	Amount	Lender/Equity Investor (e.g., 5th National Bank, owner)	Amount
Land	\$ 650,000	Owner	\$650,000
Building Construction	\$ 2,344,784	South Coast Bank	\$2,544,784
Rehabilitation	\$		\$
Furniture, Fixtures & Equipment	\$ 100,000		\$
Working Capital	\$		\$
Infrastructure	\$ 100,000		\$
Other	\$		\$
TOTAL COSTS =	\$3,194,784	Total Sources = \$3,194,784	

USES MUST EQUAL SOURCES





ORDINANCE 10

AN ORDINANCE TO ADD CHAPTER 27, TITLED SHORT-TERM RENTAL ORDINANCE; TO PROVIDE FOR A PURPOSE; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR TAXATION; TO PROVIDE STANDARDS OF OPERATIONS; TO PROVIDE FOR AN APPLICATION PROCESS; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR DUE PROCESS; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick be and it is hereby amended as follows:

SECTION ONE:

Sec. 27-1 Short Title.

This Chapter shall be known and may be cited as the "Short-Term Rental Ordinance of the City of Brunswick".

Sec. 27-2 Purpose.

It is the purpose of this chapter to protect the public health, safety and general welfare of individuals and the community at large; to facilitate and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the city's neighborhoods.

This Chapter is not intended to regulate hotels, motels, inns, hospitals, or non-vacation type rental arrangements.

Sec. 27-3 Definitions.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words in the plural number include the singular number, and words in the singular include the plural number.

- (a) *Accommodation Excise Tax* means the excise tax (also known as the "Lodging Tax") imposed and collected by the City pursuant to O.C.G.A §§ 48-13-50 through 48-13-63 and the City of Brunswick Ordinance Sections 20-26 through 20-36 for the furnishing for value to the public of any rooms, lodgings, or accommodations in the City.

- (b) *Accommodation Excise Tax Certificate or Certificate* means the document issued by the City to the property owner or the Managing Agency or Managing Agent of a Short-Term Rental under this Ordinance containing an official Short-Term Rental Accommodation Excise Tax number for the purpose of verifying and enforcing compliance with the accommodation excise tax requirements of the City of Brunswick Code of Ordinances, as well the other provisions of this Ordinance pertaining to the operation of a Short-Term Rental for transient occupants.
- (c) *Advertisement or Advertising* means the listing or marketing of any real property as a Short-Term Rental through any print, outdoor, digital, broadcast, or other advertising medium, such as magazines, brochures, newsletters, banners, signs, social media platforms, apps on a smartphone, electronic or online marketplaces or booking platforms, marketplace facilitators, websites, internet, computer or other electronic devices, television, or radio.
- (d) *Board of Commissioners or Board* means the City of Brunswick Board of Commissioners.
- (e) *Commercial Event* means an event or gathering of people, or the marketing or advertising thereof, where a fee is charged in exchange for allowing an event or gathering on the property.
- (f) *City* means the City of Brunswick, Georgia.
- (g) *Dwelling Unit or Unit* means one or more rooms, designed, occupied or intended for occupancy as separate, complete living quarters with permanent cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one or more persons.
- (h) *Local Point of Contact or Point of Contact* means a person located in Glynn County who is at least 18 years of age and who, using reasonably prudent business practices, is responsible for ensuring that all occupants and/or guests of the Short-Term Rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the subject Short-Term Rental and for responding to questions or concerns from occupants, guests, and the City regarding the operation of the Short-Term Rental.
- (i) *Managing Agency or Managing Agent* means a person, firm, agency, or company with a valid city occupation tax certificate that manages one or more Short-Term Rentals under a management agreement on behalf of the owner of the Short-Term Rental property.
- (j) *Maximum Occupancy Rate* means no more than two persons per bedroom, plus two additional persons. A bedroom is a room or space within the Short-Term Rental furnished with one or more beds and that is customarily used and intended primarily for sleeping. Children under 12 years of age shall not be included in

determining the maximum occupancy of a Short-Term Rental, but in no event shall occupancy exceed 15 persons total, including children, unless a variance from such total is requested and received from the City allowing a proportional increase for Dwelling Units with six or more bedrooms.

- (k) *Owner* or *Owners* means a person that holds legal title to private property.
- (l) *Party* means one or more persons who, as a single group, rent a Short-Term Rental pursuant to a single reservation and payment.
- (m) *Person* means an individual, firm, partnership, corporation, association, company, agency, syndicate, estate, trust, business trust, receiver, fiduciary or any combination acting as a unit, body politic, or political subdivision whether public, private or quasi-public.
- (n) *Property* means a legal lot of record on which any Dwelling Unit(s) is being operated or offered as a Short-Term Rental.
- (o) *Short-Term Rental* means an accommodation for transient occupants or guests where, in exchange for compensation of any type or amount, a residential Dwelling Unit, or a portion thereof, is provided for lodging for a period of time not to exceed 30 consecutive days.
- (p) Any term used in this Ordinance that is also used in the zoning ordinance of the City of Brunswick shall have the same meaning as defined in the zoning ordinance, unless otherwise specifically defined in this section.

Sec. 27-4 Accommodation Excise Tax Certificate.

- (a) No Dwelling Unit, or any portion thereof, shall be used, operated, rented, offered, or advertised as a Short-Term Rental within the City of Brunswick, unless the Owner of the Dwelling Unit applies for and possesses a valid and current Accommodation Excise Tax Certificate issued by the City of Brunswick in accordance with this Ordinance.
- (b) It shall be unlawful and a violation of this Ordinance for any person or property owner to use, operate, rent, offer, or advertise a Short-Term Rental within the city limits of the City of Brunswick without a valid and current Accommodation Excise Tax Certificate issued by the City of Brunswick under this Ordinance, or to operate a Short-Term Rental contrary to the procedures and regulations established in this Ordinance, other provisions of this Code, or any applicable state law.
- (c) An Accommodation Excise Tax Certificate shall only be issued to a person with an ownership interest in the Short-Term Rental or to a Managing Agency or Agent that manages the Short-Term Rental or Renters of real property who have obtained explicit written permission from the owner of the property.

Sec. 27-5 Short-Term Rental Standards.

Short-Term Rentals, as defined in Section 27-3, shall be subject to the following general requirements in addition to the zoning district regulations for the zoning district in which the Short-Term Rental is located:

- (a) Short-Term Rentals shall meet all applicable building, health, fire, and related safety codes at all times. Each Short-Term Rental shall also have:
 - 1. Working smoke and carbon monoxide detectors in every bedroom and on all habitable floors;
 - 2. A properly maintained and charged fire extinguisher in each Short-Term Rental Dwelling Unit; and
 - 3. A solid waste collection (trash) service that removes waste at least once a week. All solid waste (trash) must be contained in secured containers when outside of the residence. Trash and refuse shall not be left or stored on the exterior of the property unless it is placed in a curbside container. The curbside container shall not be placed on the curb awaiting trash service pick up any sooner than 24 hours prior to the pickup day and must be removed no later than 24 hours after trash service pickup.
- (b) No exterior signage shall be permitted except in accordance with the regulations for the district in which the Short-Term Rental is located.
- (c) Short-Term Rentals shall not be operated outdoors or in a non-habitable structure.
- (d) Parking shall be provided in accordance with any existing or future parking ordinances of the City or district in which the Short-Term Rental is located.
- (e) Only one party of guests shall be permitted per Dwelling Unit.

Sec. 27-6 Parking.

- (a) Each Short-Term Rental shall designate the maximum number of cars allowed on-site and, where applicable, instructions for off-site parking for cars exceeding the maximum allowed on-site.
- (b) Parking spaces within the grounds of the Short-Term Rental must be clearly identified for guests use whether by signage or via instructions left with the guests.
- (c) The property owner shall provide guests with parking instructions prior to arrival.

- (d) Exceeding the maximum number of vehicles allowed on-site of a Short-Term Rental is a violation of this Ordinance.

Sec. 27-7 Operation.

- (a) Occupancy of a Short-Term Rental between the hours of 11:00 p.m. and 6:00 a.m. shall not exceed the maximum occupancy rate, as defined in Section 27-3. No person operating or occupying a Short-Term Rental shall violate or exceed, or allow another to exceed, the maximum occupancy rate.
- (b) A short-term rental shall not be used for hosting any commercial events.
- (c) The Accommodation Excise Tax Certificate holder shall keep on file with the City at all times the name, cell phone number, and email address of a valid Local Point of Contact who shall use reasonably prudent business practices to ensure that all occupants and/or guests of the Short-Term Rental comply with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short-Term Rental, as well as for responding to questions or concerns from occupants, guests, and the City regarding the operation of the Short-Term Rental. The Local Point of Contact may, but does not necessarily need to be, the property owner or representative of a Managing Agency or Agent.
- (d) The Local Point of Contact shall be available 24 hours a day to accept telephone calls and respond to complaints regarding the condition, operation, or conduct of a Short-Term Rental, including the behavior and conduct of the occupants and/or guests thereof. When the Short-Term Rental is rented and occupied, the Local Point of Contact must be available to respond to complaints in person at the Short-Term Rental within a reasonable time period, not to exceed two hours after notification of the complaint.
- (e) Failure of the Local Point of Contact to respond to calls or complaints in a timely and appropriate manner shall be a violation of this Ordinance. However, it is not intended that any property owner, Local Point of Contact, and/or Certificate holder act as a peace officer or place himself or herself in an at-risk situation.
- (f) A valid Short-Term Rental Accommodation Excise Tax Certificate shall be posted in a conspicuous location inside the main entrance of the Short-Term Rental on or adjacent to the front door. In addition to the Accommodation Excise Tax Certificate, a clearly visible and legible notice containing the following information shall be conspicuously posted within the Short-Term Rental on or adjacent to the front door sign:
 1. The name of the Local Point of Contact and an email address and telephone number at which the Local Point of Contact may be reached on a 24-hour, seven days a week, basis. The notice must be updated within seven days of

- any change of the Local Point of Contact and/or such person's telephone number;
2. The name and address of the nearest hospital;
 3. The maximum number of overnight occupants (maximum occupancy rate) permitted in the Short-Term Rental and a statement notifying the occupants that failure to conform to the occupancy requirements of the Short-Term Rental is a violation of this Ordinance;
 4. The maximum number of vehicles allowed to be parked on the property and a statement notifying the occupants that exceeding the maximum number of vehicles allowed on-site is a violation of this Ordinance;
 5. The City's noise ordinance regulations and a statement notifying the occupant(s) that any failure to comply with the City's noise ordinance is a violation of this Ordinance;
 6. State, County and City emergency management website information; and
 7. Other relevant community restriction(s), if applicable.
- (g) All property specific digital, outdoor, or print advertising for any Short-Term Rental, including electronic or digital advertising on Short-Term Rental websites, shall include the Accommodation Excise Tax Certificate number, or Certificate sub-number if applicable, issued by the City for the Short-Term Rental. It is a violation of this Ordinance to advertise a Short-Term Rental using an expired Accommodation Excise Tax Certificate number or a Certificate number that was not assigned to the Short-Term Rental by the City.
- (h) Short-term Rentals, and the operation thereof, are subject to Accommodation Excise Taxes and are liable for payment thereof as established by state law and the City of Brunswick Code of Ordinances. The Accommodation Excise Tax Certificate holder shall timely remit all applicable Accommodation Excise Taxes owed in connection with the operation of Short-Term Rental(s) as set forth in the City of Brunswick Ordinance Sections 20-26 through 20-36.
- (i) The Accommodation Excise Tax Certificate holder shall maintain records of all Short-Term Rental booking dates, rental income, and taxes collected and remitted to the City of Brunswick for three years and shall provide such records to the City upon request.
- (j) The Accommodation Excise Tax Certificate holder shall abide by any local, state, or federal rules during a declared disaster event, including, but not limited to evacuation and reentry orders and shall provide guests with the State, County, and City emergency management websites and emergency contact phone numbers.

Sec. 27-8 Application for Certificate.

- (a) Any property owner or Managing Agency desiring to operate a Short-Term Rental must submit an application for an Accommodation Excise Tax Certificate to the City Planning and Development Department on a form to be provided by the City. Upon submission of a properly completed application, an applicant meeting the conditions and requirements of this Ordinance for the operation of a Short-Term Rental shall qualify for and be issued an Accommodation Excise Tax Certificate for such Short-Term Rental. At the time of filing an application for an initial Accommodation Excise Tax Certificate, an applicant must:
1. Pay and submit to the City a Certificate fee of \$150.00 for each Short-Term Rental. If the application is filed prior to July 1 of a particular year, the full \$150.00 fee shall be paid. If the application is filed after July 1, the Certificate fee shall be \$75.00;
 2. Provide the name, address, email, and contact information of the property owner;
 3. Provide the address and parcel identification number of the property where the Short-Term Rental is located;
 4. Provide the number of Short-Term Rental Dwelling Units on the property, provide the number of bedrooms in each Dwelling Unit Short-Term Rental, and affirm understanding that only one party of guests shall be permitted per Dwelling Unit;
 5. State whether the applicant is the property owner or a Managing Agency or Agent operating the Short-Term Rental on behalf of the property owner;
 6. Specify whether the Short-Term Rental is or will be managed by a Managing Agency or Agent and provide the name, address, email, phone number, and occupation tax number of such Managing Agency or Agent;
 7. Provide the name, address, email address and cell phone number for a Local Point of Contact, as such term is defined in Section 27-3;
 8. Provide the number of parking spaces on the grounds of the Short-Term Rental and affirm whether those spaces are clearly identified for occupant and guest use.
 9. Affirm the applicant's responsibility to collect and timely remit accommodation excise taxes in accordance with Ordinance Sections 20-26 through 20-36;

10. Affirm that the operation of a Short-Term Rental on the Property is not in violation of any other land use restrictions, including covenants, deed restrictions, homeowner association rules and regulations, or other such restrictions;
 11. Affirm understanding that the City strongly recommends that the property owner carry property and renter's liability insurance that specifically covers Short-Term Rental use;
 12. Affirm that the Short-Term Rental has an operable fire extinguisher in every Dwelling Unit being used as a Short-Term Rental and working smoke and carbon monoxide detectors in every bedroom and on all habitable floors thereof;
 13. Affirm that the Short-Term Rental has solid waste collection (trash) service that removes solid waste at least once a week;
 14. Affirm that the Short-Term Rental has no past due accommodation excise taxes, Certificate fees, ad valorem taxes, or fines for violations of this Ordinance; and
 15. Affirm whether the applicant or Short-Term Rental has had an Accommodation Excise Tax Certificate suspended or revoked within the previous 12 months.
- (b) If the applicant is a Managing Agency or Agent, the Managing Agency or Agent must submit documentation evidencing that it is authorized to submit the application and otherwise manage and act on behalf of the property owner in relation to the operation and use of the Short-Term Rental.
- (c) An Accommodation Excise Tax Certificate shall be required for each Dwelling Unit being used or operated as a Short-Term Rental. However, should any property owner or Managing Agency or Agent own or manage two or more Short-Term Rentals, a single Accommodation Excise Tax Certificate may be issued for multiple properties under common ownership or professional management that otherwise meet the requirements for a Certificate under this Ordinance, provided that the requisite payment, information, and confirmations are provided by the applicant for each Dwelling Units being used as a Short-Term Rental. In the event that a single Accommodation Excise Tax Certificate is issued for multiple Short-Term Rentals hereunder, each Dwelling Unit being used as a Short-Term Rental under the Certificate shall be assigned separate Certificate sub-numbers.
- (d) Any fraudulent or material misrepresentation, omission, or false or untruthful statement or information furnished by or made by the applicant in any application (or supporting materials) submitted to the City for a Certificate or renewal thereof shall be grounds for denial, suspension, or revocation of an Accommodation Excise Tax Certificate, or any renewal thereof.

- (e) All requirements, acknowledgements, affirmations, and attestations necessary to obtain an Accommodation Excise Tax Certificate must be continuously maintained at all times throughout the duration of the initial Accommodation Excise Tax Certificate and any renewal thereof. All material changes in the information or supporting documents or materials provided to the City in any application (or renewal application), including any change in the Local Point of Contact and/or such person's contact information shall be updated and reported in writing to the Planning, Development and Code Department within three business days of such change.
- (f) An Accommodation Excise Certificate is not assignable or transferable. Upon sale of a property or when a Managing Agency or Agent changes, there will be a 30-day grace period to operate as a short term rental so long as an application for an Accommodation Excise Tax Certificate is submitted by the new owner or Managing Agency or Agent within seven days of the sale or management change.

Sec. 27-9 Certificate Expiration/Renewal.

- (a) All accommodation Excise Tax Certificates, and any renewals thereof, shall expire on December 31 of each year. Applications for renewal of a Certificate for the following calendar year must be filed on or before the second Monday of December of each year in order to allow sufficient time for the Planning, Development and Codes Department to review and process the application prior to expiration of the Certificate on December 31. However, nothing herein shall be construed as precluding the filing of an application for renewal after such date. In such case, the Planning and Codes Department shall use reasonable efforts to review the application upon receipt, but neither the Planning, Development and Codes Department nor the City shall be under any obligation to process the renewal application or issue any renewal Certificate prior to December 31. If a Certificate is not renewed before it expires on December 31, a renewal application shall be treated as an initial application, and the applicant shall be required to comply with all rules and regulations for the granting of an initial Certificate to the same extent as if no previous Certificate had been held.
- (b) To renew an Accommodation Excise Tax Certificate for the ensuing calendar year, Certificate holders must submit and file a renewal application with the Planning, Development and Codes Department on a form to be provided by the City. In order to qualify for and be issued a renewed Certificate, the applicant, at the time of filing, must:
 - 1. Pay and submit to the City an annual renewal fee of \$100.00 for each Short-Term Rental;

2. Affirm and update, as needed, all information, documentation, and affirmations, submitted to the City in the application for the initial Certificate set forth in Section 27-8 above;
 3. Affirm that all Accommodation Excise Taxes for each Short-Term Rental under the Certificate being renewed have been collected and timely remitted to the City of Brunswick; and
 4. Affirm that the renewal application is not for a Short-Term Rental that has had its Certificate revoked within the last 12 months, except as permitted under 27-13(d);
- (c) A renewed Accommodation Excise Tax Certificate shall be valid for one calendar year immediately following its issuance, beginning on January 1 and ending on December 31 of each year.
- (d) Fees paid for an Accommodation Excise Tax Certificate, or any renewal thereof, are not refundable once a Certificate is issued.

Sec. 27-10 Application Review/Denials.

The Planning, Development and Codes Director or his/her designee may deny an application for an Accommodation Excise Tax Certificate, or any renewal thereof, if:

- (a) The application is for a property that has had its Certificate revoked within the preceding 12 months, except as permitted under 27-13(d);
- (b) The person applying lacks authority to represent the property owner for which the application is made;
- (c) The applicant does not qualify for a Certificate or the application is filed by a person as a subterfuge for another person;
- (d) The application is incomplete, fails to meet the application requirements of this Ordinance, or does not contain the requisite documents, information, or affirmations under this Ordinance;
- (e) A Short-Term Rental is not permitted on the property for which a Certificate is sought, or if the Dwelling Unit or property being used as a Short-Term Rental is in violation of any applicable zoning, subdivision, or building codes;
- (f) Information or materials submitted by the applicant to the City in connection with the application contain any fraudulent or material misrepresentation, omission, or false or untruthful statement or information; or
- (g) The applicant fails to pay any application fee required by this Ordinance.

- (h) The applicant is delinquent in paying ad valorem property taxes on any property intended to be offered for rent under the provisions of this Ordinance.

All decisions denying an application for an Accommodation Excise Tax Certificate, or any renewal thereof, shall be in writing and served upon the applicant by email or certified mail, or both, to the email address or physical address provided by the Applicant, and shall specify the reasons for the denial. Decisions denying an application hereunder shall be appealable to the Board of Commissioners in accordance with Section 27-13 of this Ordinance.

Sec. 27-11 Violations and Penalties.

- (a) Whenever in this Ordinance any act is prohibited (or not allowed) or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful or an offense, the violation of such provision shall be an ordinance violation punishable as follows:
 1. Upon conviction of the first offense under this Ordinance within a consecutive 12-month period, the owner(s) of the property and/or the Certificate holder shall be punished by a fine of \$250.00;
 2. Upon conviction of the second offense under this Ordinance within a consecutive 12-month period, the owner(s) of the property and/or the Certificate holder shall be punished by a fine of \$500.00;
 3. Upon conviction of the third and any subsequent offense under this Ordinance within a consecutive 12-month period, the owner(s) of the property and/or the Certificate holder shall be punished by a fine of \$1,000.00; and
 4. Enforcement actions may also be brought against the occupants and/or guests of a Short-Term Rental for violations of this Ordinance and/or such other ordinances of the City as may be applicable to the conduct of the occupants or guests, notwithstanding that this Ordinance may also make the property owner and/or the Certificate holder responsible for the conduct constituting the violation. Violations of the provisions of this Ordinance by occupants and/or guests of the Short-Term Rental shall be an ordinance violation punishable by a fine not to exceed \$1,000.00;
- (b) Each day that a Short-Term Rental is marketed, advertised, or rented for overnight accommodation without the necessary Short-Term Rental Certificate required under this Ordinance shall constitute a separate violation. Any person marketing, advertising, and/or operating a Short-Term Rental without a valid Short-Term Rental Certificate in violation of this Ordinance may be prosecuted and, upon conviction, punished by a fine not to exceed \$1,000.00;

- (c) Nonpayment of any taxes due from the operation of the Short-Term Rental may subject the property owner and/or the Certificate holder to revocation of a Certificate and/or any additional penalties, enforcement, or consequences to the extent provided for by state law and City ordinances, including, but not limited to those set forth in Ordinance Sections 20-26 through 20-36.
- (d) Should the City of Brunswick Police Department respond to any property being operated as a Short-Term Rental, the police should forward any report to the Planning, Development and Codes Department.
- (e) Notwithstanding anything to the contrary herein, the imposition of a fine, punishment, or other penalty under the provisions of this section shall not prevent the suspension or revocation of any Accommodation Excise Tax Certificate upon violation of this Ordinance.
- (f) Violations of this Ordinance may also subject the violator to any and all other remedies, legal or equitable, available to the City of Brunswick to the extent provided for by law, including injunctive relief.
- (g) No provision of the Chapter is intended, nor shall it be construed, as giving the City or its representatives the right to enter into any Dwelling Unit for the purpose of searching, inspecting, or examining the premises to determine compliance with the provisions of this Ordinance without a court order or search warrant issued by a court of competent jurisdiction authorizing such search; provided, however, this shall not limit the authority of a law enforcement body to secure a search warrant in connection with criminal activity at a Dwelling Unit unrelated to compliance with this Ordinance or the authority of the City to conduct otherwise lawful inspections of a Dwelling Unit unrelated to compliance with this Ordinance.

Sec. 27-12 Certificate Suspensions and Revocations.

- (a) In addition to any other penalty, punishment, or remedy provided for under this Ordinance, a Certificate may be suspended or revoked by the City Manager (or designee) as provided for herein. The City Manager, or his or her designee, may, upon investigation, suspend or revoke an Accommodation Excise Tax Certificate associated with a Short-Term Rental:
 - 1. If the property or Short-Term Rental corresponding to that Certificate has been the subject of three or more violations of this Ordinance or the City's noise ordinance which have resulted in convictions of either the property owner, Certificate holder, Local Point of Contact, or the occupants/guests (or any combination thereof) in the immediately preceding twelve-month period;
 - 2. If the Short-Term Rental or property upon which it is located is being operated in a disorderly manner so as to constitute a public nuisance after: (i) the Certificate holder and property owner (if different) have been advised in writing

by the City of the unsatisfactory manner in which the Short-Term Rental is being operated; and (ii) after the Certificate holder and property owner (if different) have been given a reasonable opportunity to cure said deficiencies;

3. Upon learning that an applicant furnished or made any fraudulent or material misrepresentation, omission, or false or untruthful statement or information in the application (or supporting materials) submitted to the City for a Certificate or renewal thereof;
 4. If the Certificate holder or property owner violates or fails to meet or comply with any provision or requirement of this Ordinance, or fails to timely pay or remit any Certificate fees imposed under the provisions of this Ordinance or any accommodation excise taxes due to the City pursuant to Sections 20-26 through 20-36; provided, however, prior to any such suspension or revocation, the Certificate holder and property owner shall be advised in writing by the City of such violation or non-compliance and the fees or taxes believed to be past due, and the Certificate holder and property owner shall be provided 14 calendar days to correct and cure such violation or non-compliance, or pay any such past due fee or excise tax; or
 5. If a Local Point of Contact fails to respond to calls or complaints regarding the condition, operation, or conduct of a Short-Term Rental, or the behavior or conduct of the occupants and/or guests thereof, in a timely and appropriate manner on three or more separate occasions within the immediately preceding 12 months, provided that the City provides the Certificate holder and property owner (if different) with notice of each such failure and a 14-day opportunity to respond to the notice in writing. It is not intended that an owner, Managing Agency, or Local Point of Contact act as a peace officer or place himself or herself in an at-risk situation.
- (b) If, upon investigation, the City Manager (or designee) determines that sufficient grounds exist to suspend or revoke a Certificate in accordance with this Section, the City Manager (or designee) shall issue written notice of the suspension or revocation to the Certificate holder and property owner, if different. The Notice shall specify the length of the suspension, not to exceed 12 months. The written notice of suspension or revocation may be served upon the Certificate holder and property owner by email or certified mail, or both, to the email address or physical address provided by the Certificate holder in the application, and shall specify the facts which, in the opinion of the City Manager (or designee) constitute grounds for the suspension or revocation of the Certificate. The notice shall also specify that the suspension or revocation of the Certificate shall become effective 15 calendar days from the date of the notice, unless the Certificate holder appeals such decision to the Board of Commissioners in writing in accordance with Section 27-13 of this Ordinance no later than 14 calendar days from the date of the receipt of the notice of suspension or revocation.

- (c) In the event that a single Accommodation Excise Tax Certificate is issued for multiple Short-Term Rentals, the suspension or revocation notice shall specify the Certificate sub-number(s) of the property(ies) whose Certificate is being suspended or revoked. In such a case, suspension or revocation of a Certificate(s) for the identified Short-Term Rental(s) shall not affect the validity of the Certificate as it relates to the remaining Short-Term Rentals on that Certificate.
- (d) Should an Accommodation Excise Tax Certificate for any Short-Term Rental be revoked under this Ordinance, then no Accommodation Excise Tax Certificate shall be issued for that Property or to that property owner or Certificate holder for that particular location for a period of 12 months after the effective date of the revocation. Notwithstanding the foregoing, a new Certificate may be applied for and issued under an application that otherwise meets the application requirements of this Ordinance: (1) if the subject property is sold to a new owner as part of an arm's length transaction; or (2) the application is submitted by a Managing Agency or Agent who will serve as the new Certificate holder, provided that it has not been the Managing Agency or Agent or Certificate holder for that particular property within the immediately preceding 12 months.

Sec. 27-13 Appeals.

- (a) Decisions denying, suspending, or revoking an Accommodation Excise Tax Certificate, or any renewal thereof, under this Ordinance may be appealed by the Applicant or Certificate holder, as applicable, to the Board of Commissioners.
- (b) Upon receipt of any decision or determination to deny, suspend, or revoke any Accommodation Excise Tax Certificate, or any renewal thereof, an applicant whose application was denied, or a Certificate holder whose Certificate was revoked, may appeal such decision to the Board of Commissioners. Any such appeal must be in writing and filed with the City Clerk within 14 calendar days of the Applicant's or Certificate holder's receipt of the decision being appealed. Appeals to the Board of Commissioners must be sent to and received by the City Clerk by certified U.S. mail or hand delivery. Appeals not physically received in writing by the City Clerk within 14 calendar days of the Applicant's or Certificate holder's receipt of the decision being appealed will be deemed untimely and disallowed.
- (c) The written appeal must state succinctly the grounds upon which it is asserted that the decision should be reversed and shall be accompanied by a copy of the decision from which the appeal is being made, along with any other documents deemed relevant to the appeal. The filing of a timely appeal to the Board of Commissioners will delay implementation of the decision being appealed until a decision is made on that appeal by the Board of Commissioners. If an appeal is not timely received, decisions denying, suspending, or revoking a Certificate shall become effective and final on the fifteenth (15th) calendar day following the Applicant's or Certificate holder's receipt of such decision.

- (d) Upon receipt of a timely appeal under this Ordinance, the City Clerk shall schedule a hearing before the Board of Commissioners at a regular or special called meeting within 45 days of the receipt of the appeal. The City Clerk shall provide written notice to the appealing party of the time, place and date of the scheduled hearing by certified U.S. mail.
- (e) The Board of Commissioners shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a Certificate. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- (f) At the hearing, after presentation of the case against the Applicant or Certificate holder, the appealing party will have an opportunity to present his or her case, to present evidence and information relevant to the appeal, to rebut the allegations made against him or her, and to present whatever defenses he or she has. The appealing party shall have the right to be represented by an attorney at his or her own expense.
- (g) At the conclusion of the hearing, the Board of Commissioners shall affirm, modify, or reverse the decision being appealed. Written notice of the Board's decision shall be sent to the appealing party by the City Clerk via email or certified U.S. mail, or both, and shall set forth the findings and conclusions of the Board.
- (h) Decisions of the Board of Commissioners regarding denials, suspensions, and revocations shall be binding, subject to the right of appeal to Superior Court as provided by O.C.G.A. § 5-4-1, et seq.

27-14 Right to Audit.

The City of Brunswick shall have the right to audit and examine the books, papers, records, and financial reports of any Certificate holder pursuant to Code Section 27-4 (i.e. the Accommodation Excise Tax/Lodging Tax Ordinance) in order to verify the accuracy of any accommodation excise tax return made, or if no return is made by the Certificate holder, to ascertain and determine the amount required to be paid. The Accommodation Excise Tax Certificate holder shall keep and maintain such records, receipts, invoices, and other pertinent papers regarding the operation of a Short-Term Rental as required by Code Section 27-4 and shall establish and maintain a reasonable accounting system to readily identify and calculate the amount of accommodation excise taxes due for each Short-Term Rental.

Sec. 27-15 Exceptions.

- (a) Real property that is occupied for a period of less than 30 consecutive days by a buyer or seller of real property prior to or after the closing of same shall not be considered a Short-Term Rental or require an Accommodation Excise Tax

Certificate under this Ordinance, provided that the property is not otherwise furnished or offered for value to any other person(s) during the same calendar year for 30 days or less at one time.

- (b) Real property that is occupied by or offered for occupancy to the same person for a period greater than 30 consecutive days shall not be considered a Short-Term Rental or require an Accommodation Excise Tax Certificate under this Ordinance, provided that the property is not otherwise furnished or offered for value to any other person(s) during the same calendar year for 30 days or less at one time.

Sec. 27-16 Effective Date.

This Chapter shall become effective on July 1, 2022. Any Accommodation Excise Tax Certificate issued under this Ordinance on or before June 30, 2022, shall be valid beginning on July 1, 2022.

Sec. 27-17 Severability.

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. It is hereby declared as the intent of the City of Brunswick that this Ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

SECTION TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS _____ DAY OF _____, 2021.

Cornell L. Harvey, Mayor

ATTEST:

Naomi Atkinson, City Clerk