

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 15, 2021 AT 4:30 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/96585113669>

CALL TO ORDER

PRESENTATION

1. Jim Ritchey, Vice President, Whitman, Requardt & Associates, LLP, to give presentation on Transit System Recommendations. **(Encl. 1)**
2. Brunswick-Glynn Joint Water and Sewer Director Andrew Burroughs to give presentation regarding Brunswick-Glynn Joint Water and Sewer Master Plan. **(Encl. 2)**

AGENDA

**BRUNSWICK CITY COMMISSION MEETING
WEDNESDAY, DECEMBER 15, 2021 AT 6:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
VIRTUAL TELECONFERENCE VIA ZOOM
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CALL TO ORDER **INVOCATION **PLEDGE OF ALLEGIANCE

RECOGNITION(S), PRESENTATION(S), & AWARD(S)

1. Georgia Municipal Clerks Association District 12 Director Deborah Walker-Reed, to Recognize GMCA Selection of City Clerk Naomi D. Atkinson, CMC for District 12 Spotlight. **(Encl. 3)**

APPOINTMENT(S)

2. Commission and Board (*N. Atkinson*)
 - I. Pilot Commission – One Appointment
 - II. Tree Board – One Appointment

PUBLIC HEARING ALCOHOL BEVERAGE LICENSE – (New)

3. Consider Approval - New Alcohol Beverage License:

<u>Name of Business</u>	<u>Owner/Mgr.</u>	<u>Location of Business</u>	<u>Comments</u>
Fox's Pizza	Craig Poppell, Owner Ellen Thompson, Manager	1435 Newcastle St.	on-premises consumption of beer & wine with Sunday sales.

UPDATE

4. Roadway Resurfacing of Various City Streets. (*G. Alberson*) **(Encl. 4)**

ITEM(S) TO BE CONSIDERED FOR APPROVAL

5. Consider Approval of December 1, 2021 Work Session and Regular Scheduled Meeting Minutes. (*subject to any necessary changes.*) (*N. Atkinson*) **(Encl. 5)**
6. Consider Approval of twenty-five (25) Alcohol License Renewals. (*R. Monday*) **(Encl. 6)**
7. Consider Approval of Resolution No. 2021-21 ~ Designating Albany Street as an Honorary Street for Ahmaud Arbery. (*R. McDuffie*) **(Encl. 7)**
8. Consider Approval of Indemnification Agreement with PrimeSouth Bank. (*K. Mills*) **(Encl. 8)**
9. Consider Approval of the 9 Glynn Avenue Enterprise Zone Application. (*T. Stegall*) **(Encl. 9)**

CITY ATTORNEY'S ITEM(S)

10. Consider Adoption of Ordinance No. 1074 ~ Short Term Rental Ordinance. **(Encl. 10)**
11. Consider Approval of City Policy/Procedure Regarding Use of City Seal, Logo and Ancillary City Logos by Non-City Organizations. **(Encl. 11)**

EXECUTIVE SESSION



SUBJECT: Transit Program Update

COMMISSION ACTION REQUESTED ON: December 15, 2021

PURPOSE: Provide an informational update to the City Commission on the development of a public transit program for the City of Brunswick.

HISTORY: Staff has been working with consultants from WRA since November 2020 to develop and plan for a public transit system for Brunswick. Jim Ritchey with WRA will provide a PowerPoint presentation to update the City Commission on progress.

FACTS AND ISSUES:

BUDGET INFORMATION: N/A

OPTIONS:

DEPARTMENT RECOMMENDATION ACTION:


- Informational update only

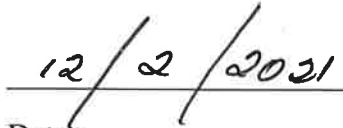
DEPARTMENT: PDC

Prepared by: John Hunter, Director 

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:


City Manager


Date 12/2/2021



JWSC Master Plan Update 2021

Previous Master Plan Review:

- Completed in 2016
- Less Knowledge of Existing Conditions
- Aggressive Population Projections
- Extensive Needs:
 - Rehab - \$108.8M
 - Expansion - \$205.5M



Master Plan Update Goals:

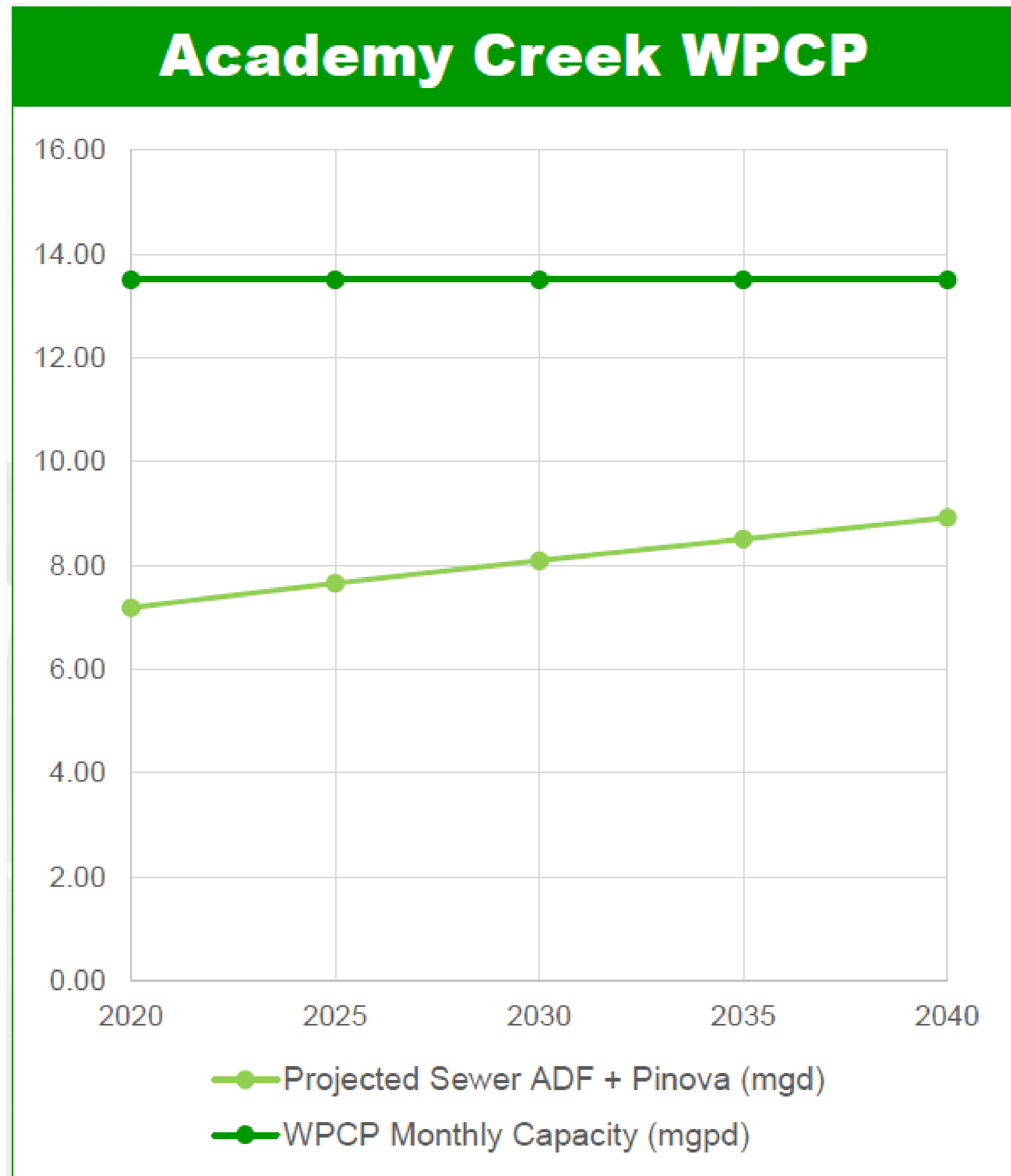
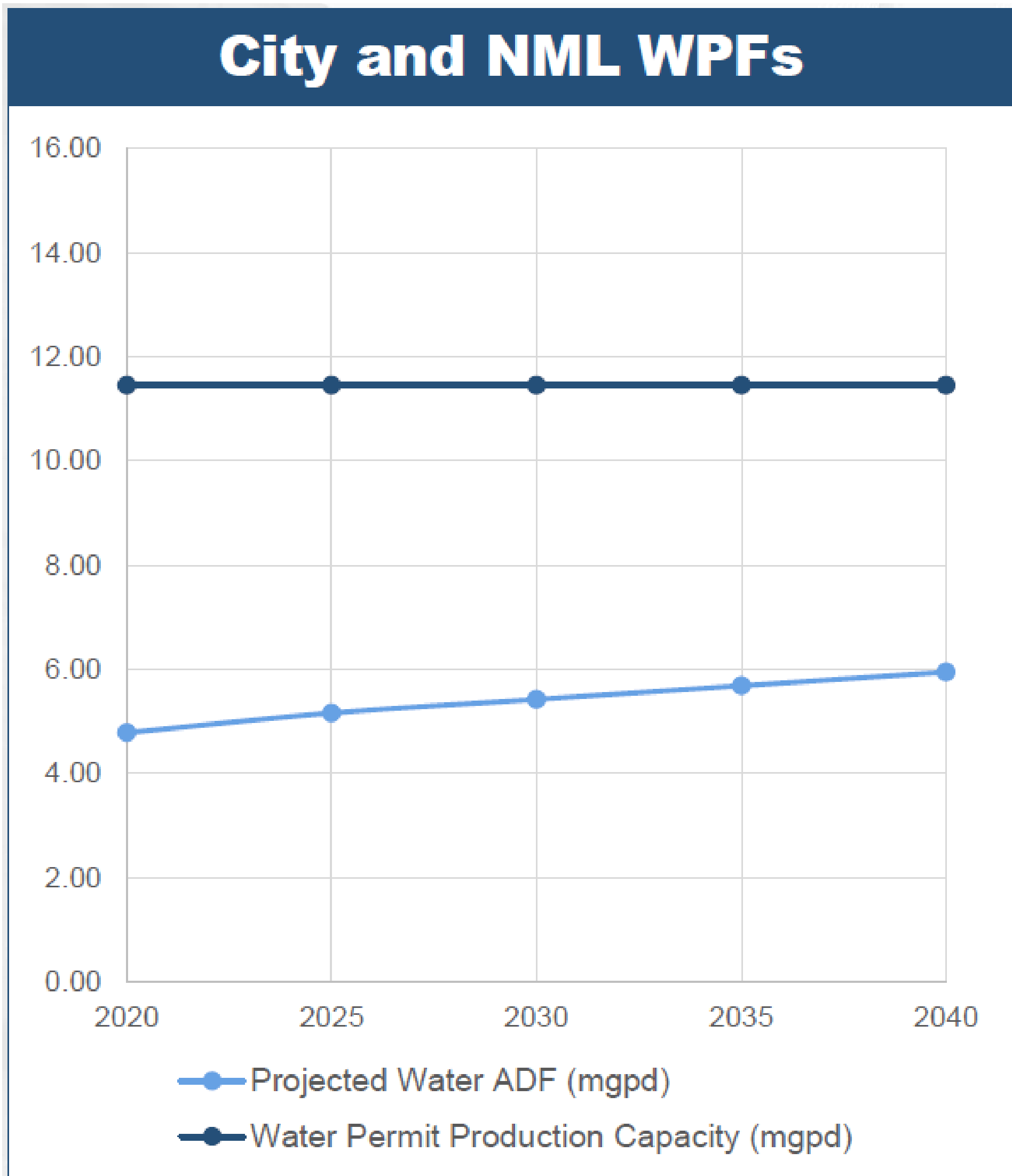
- W&S Population/Flow Projections
- Major Asset Condition Assessment
- Rehab Capital Improvement Plan
- Expansion Capital Improvement Plan

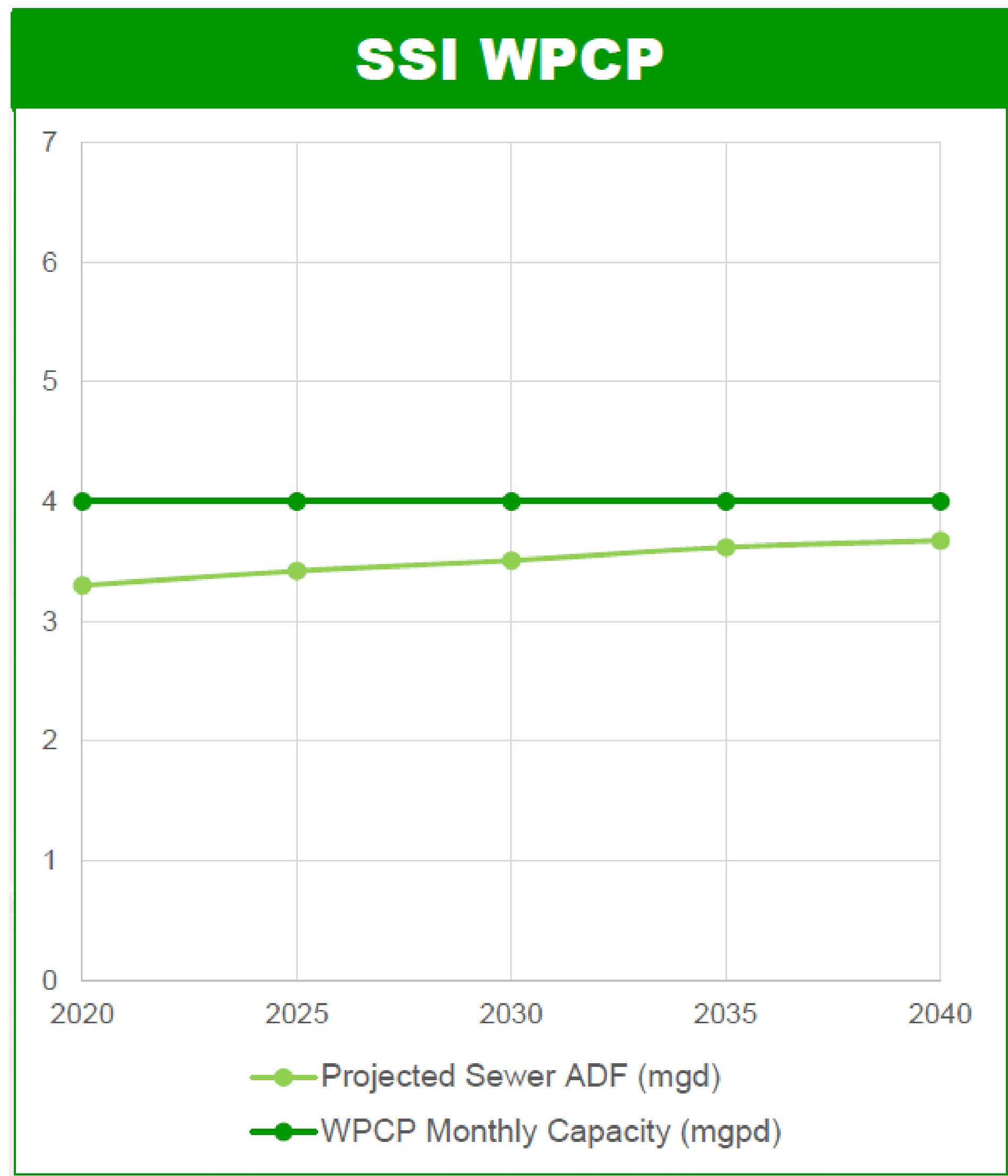
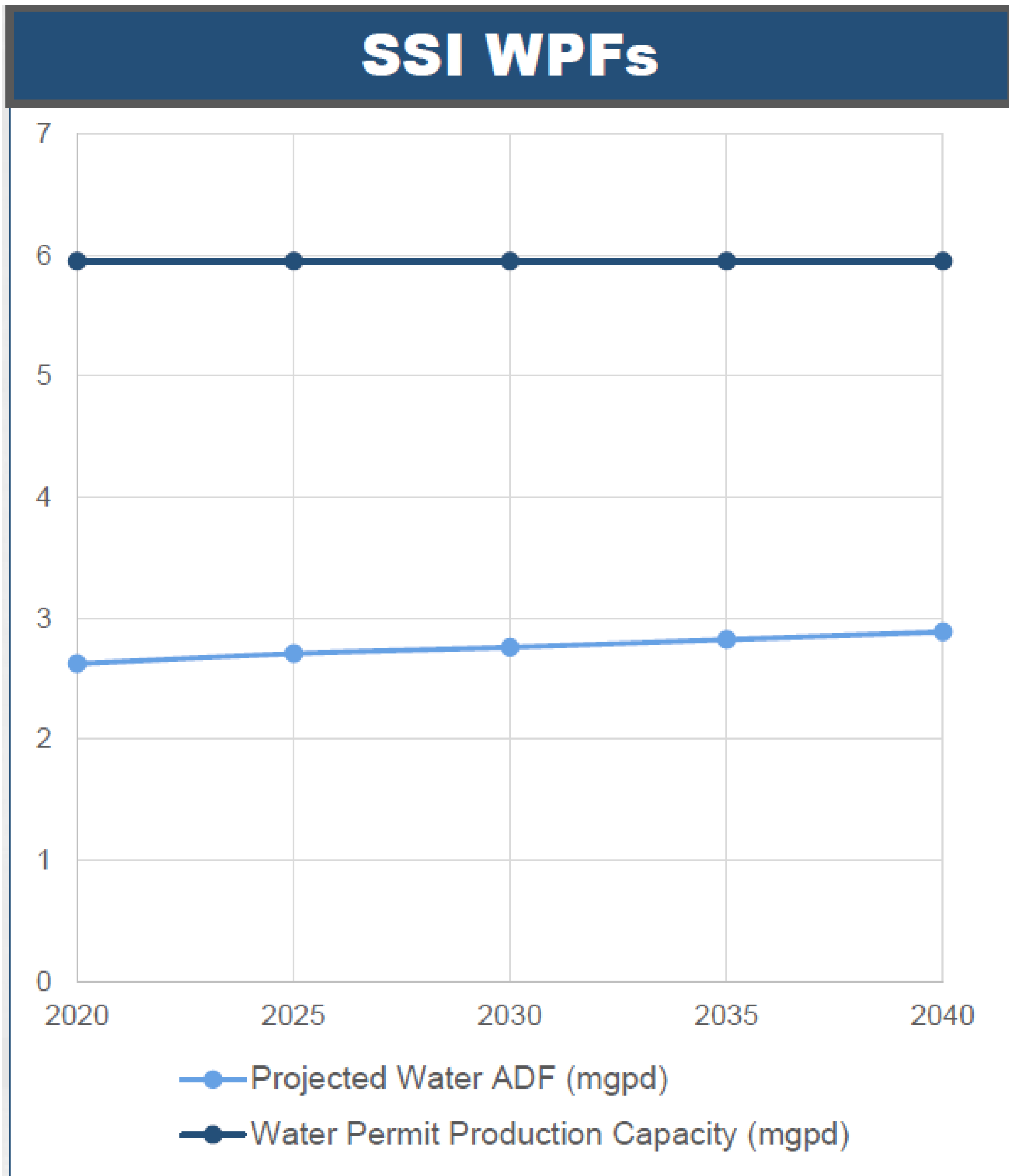


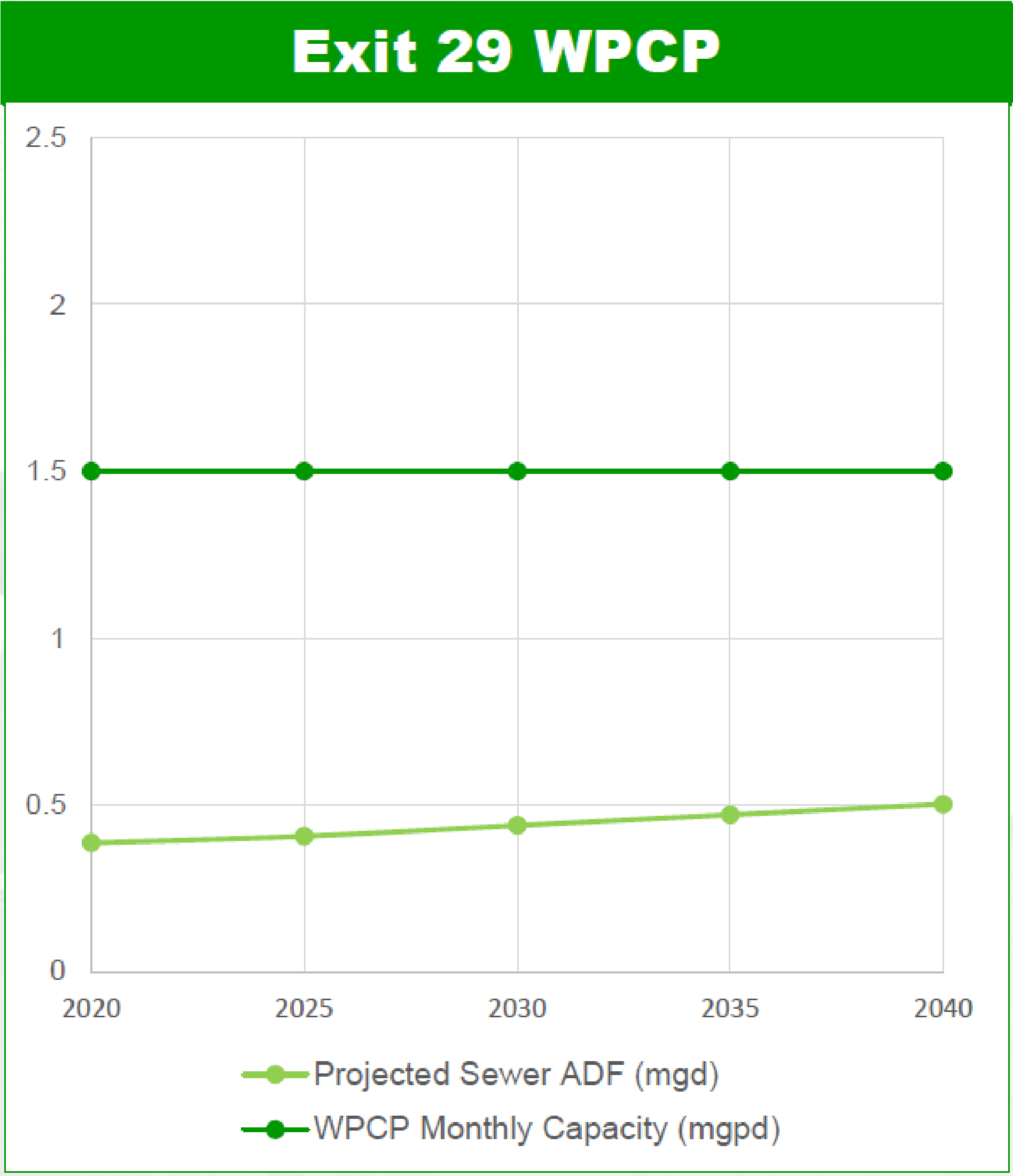
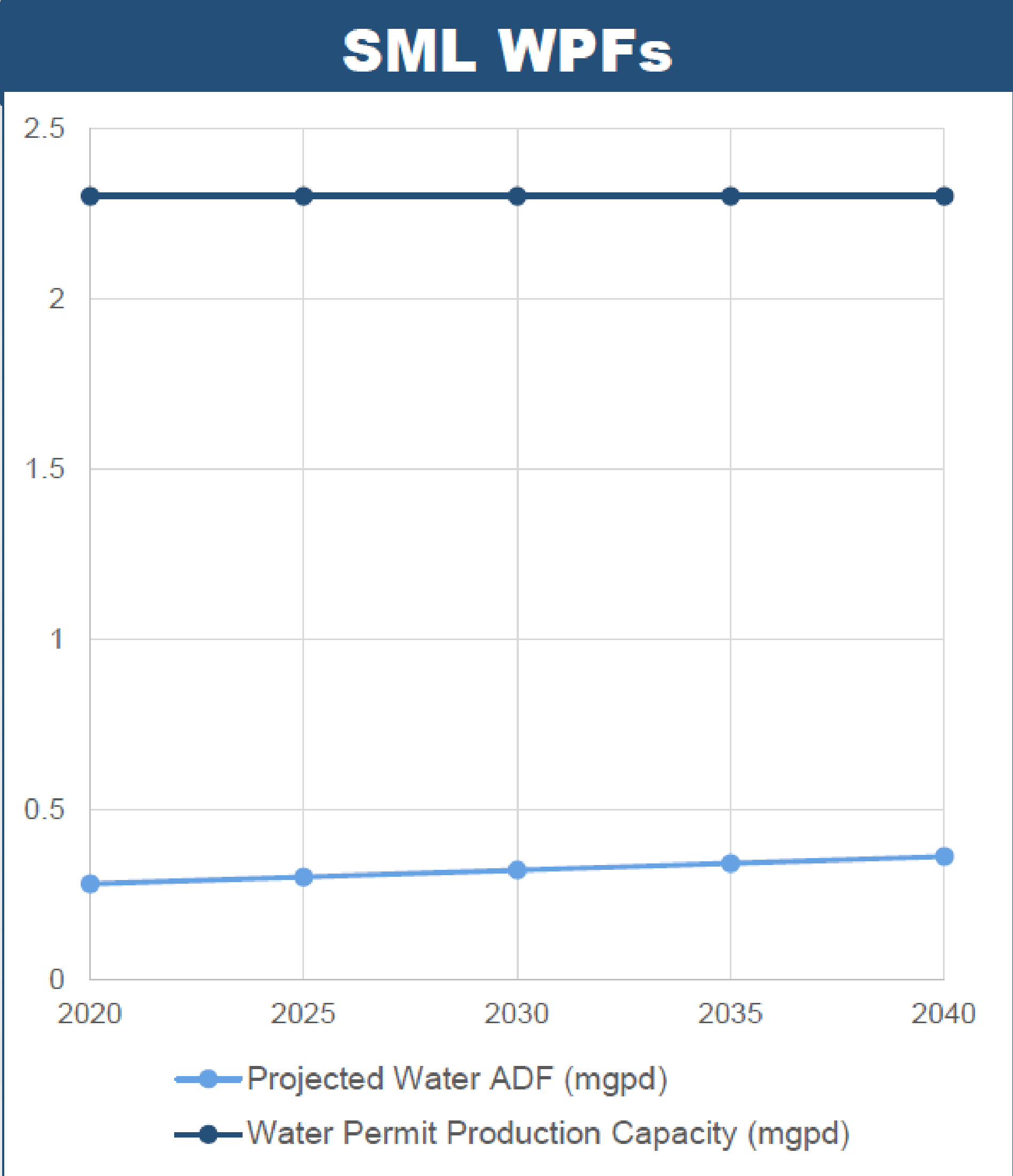
Population & Flow Projections:

- Recently Updated Glynn County & City of Brunswick Comprehensive Plans
- Different Projections for Water and Sewer Customers
- Growth Rates: 0.8% - 1.6%
- Per Capita Water Usage – 114 gpcd
Per Capita Sewer Usage – 177 gpcd









Major Asset Condition Assessment:

- Corrosion Issues
- Many Electrical Assets at End of Life
- I&I Issues (22 Basins Critical/High)
- Consultant Noted Significant Improvement in Apparent Maintenance



Rehab Capital Plan:

- Used Asset Management Methodology
- 4Waters Engineering/Chatham Engineering Provided Probability of Failure Scores (1-5)
- JWSC Asset Management Staff Provided Consequence of Failure Scores (1-5)
- $PoF \times CoF = Risk\ Score$



Expansion Capital Plan:

- Area/Basin Specific Growth Projections
- Projected New Flows Use Only Water Usage Rates
- Water Hydraulic Model to Determine Future Pressure Concerns
- Well/Septic to Public Conversions via Infill



Plan Totals

PROJECT TYPE	2015 PLAN (ANNUAL)	2020 PLAN (ANNUAL)
REHAB	\$108.8M (\$5.4M)	\$115.2M (\$5.8M)
EXPANSION	\$205.5M (\$10.3M)	\$74.4M (\$3.7M)
TOTAL	\$314.3M (\$15.7M)	\$189.6M (\$9.5M)

Takeaways:

- Substantial Progress in Last 5 Years
- Plan Aligned with City & County Comprehensive Plans
- Systematic Approach to Rehab
- Water/Wastewater Capacity Available for Entire 20 Year Planning Period



Contact Information

Andrew Burroughs

Phone: 912.261.7108

Email: aburroughs@bgjwsc.org



Subject: Georgia Municipal Clerks Association District 12 Spotlight Designation

Brief summary of what you will address the Commission on:

GMCA Selection of City Clerk Ms. Naomi D. Atkinson, CMC for District 12

Spotlight _____

Name

Deborah Walker-Reed, CMC
Board of Directors Georgia Municipal
Clerks Association / District 12 Director

Address

418 Osborne Rd, St. Marys, GA 31558

Meeting Date: 12/15/2021

Phone Number 912-510-4039



SUBJECT: ROADWAY RESURFACING OF VARIOUS STREETS

COMMISSION ACTION REQUESTED ON: No Action Required

PURPOSE:

Information regarding an upcoming project for asphalt resurfacing of various streets within the City

HISTORY:

The City maintains 107 miles of paved roadways. The total consists of all types of roadways from residential and neighborhood streets to collectors and arterials such as Norwich Street, Albany Street and MLK/Altama Ave. The roadways are also in various conditions from failing to new or recently resurfaced.

FACTS AND ISSUES:

The City recently hired Roberts Civil Engineering to complete a roadway paving assessment of all city roads. The assessment was completed in March 2021. All of the roadways within the City were evaluated for asphalt condition, cracking, potholes, and structural defects. The evaluation results were combined to produce a condition for each roadway segment of excellent, good, fair, critical, or lost. Approximately 25% of the City's roadways were evaluated as Good or Excellent. The majority of roadways (68.6%) were found to be Fair. Around 6.5% were rated as Critical or Lost.

The staff of the Engineering and Public Works Department has reviewed this assessment data and prioritized the "lost" and "critical" roadways for improvement. The attached listings indicate the roadways which are included in these assessment categories. It should be noted that the streets highlighted in yellow are included in the Magnolia Park improvement project and will be repaired as part of that project.

The staff is working to prepare a project scope of work which includes the listed streets as well as others which have generated several citizen complaints. The resurfacing project will address as many of the roadways as the funding allows. The scope of the project will include milling of the existing roadway where it is needed to maintain grade and elevation differences. Asphalt resurfacing and pavement markings will also be included in the project scope. The scope is

planned to be completed in January, and the project will be advertised for contractors' bids at that time. The tentative start of the project would be in late March or early April.

BUDGET INFORMATION:

The project will be funded from American Rescue Plan Act (ARPA) funds. The City Manager has designated \$1 Million of ARPA funding for roadway resurfacing.

OPTIONS:

No action required at this time.

DEPARTMENT RECOMMENDATION: No action required

DEPARTMENT: **Engineering and Public Works**

Prepared by: Garrow Alberson, P.E., Director of Engineering and Public Works

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

No action required

Regina M. McDuffie

City Manager

December 6, 2021rmm

Date

"LOST" Roadways

BRUNSWICK 2021 INVENTORY, CONDITION, & PROJECT WORKBOOK

INVENTORY							Lineal Feet Per Condition Category				
ID	Street Name	Length (mi)	Length (ft)	Width (ft)	Area (sq ft)	Area (sq yd)	EXCELLENT	GOOD	FAIR	CRITICAL	LOST
188	Grant St	0.98	5,160	20	103,203	11,467		514	4,136	509	339
210	Treville Cir	0.06	309	20	6,188	688			25	114	165
41	Formosa Cir	0.25	1,337	20	26,748	2,972		160	213	813	152
152	Peachtree St	0.21	1,111	20	22,218	2,469			472	544	87
44	Carpenter St	0.49	2,573	20	51,459	5,718			1,723	524	76
80	Coast St	0.24	1,252	20	25,038	2,782			1,201	11	70
220	London St	1.01	5,356	20	107,121	11,902		833	4,469	178	59
176	P St	0.84	4,409	20	88,187	9,799	69	617	3,454	210	52
112	Pinewood Dr	0.43	2,258	20	45,165	5,018			1,166	1,172	52
57	Woodland Way	0.56	2,948	20	58,967	6,552			739	2,201	45

"CRITICAL" Roadways

BRUNSWICK 2021 INVENTORY, CONDITION, & PROJECT WORKBOOK

INVENTORY							Lineal Feet Per Condition Category				
ID	Street Name	Length (mi)	Length (ft)	Width (ft)	Area (sq ft)	Area (sq yd)	EXCELLENT	GOOD	FAIR	CRITICAL	LOST
57	Woodland Way	0.56	2,948	20	58,967	6,552			739	2,201	45
15	Habersham St	0.68	3,580	20	71,607	7,956			1,609	2,030	7
123	Albany St	2.78	14,694	20	293,885	32,654		413	12,585	1,396	32
42	Norwich St	2.73	14,422	20	288,436	32,048		969	11,803	1,281	
112	Pinewood Dr	0.43	2,258	20	45,165	5,018			1,166	1,172	52
43	Ellis St	2.51	13,244	20	264,887	29,432		3,142	9,694	895	34
41	Formosa Cir	0.25	1,337	20	26,748	2,972		160	213	813	152
134	H St	0.95	5,030	20	100,605	11,178		400	4,676	770	
197	Community Action Dr	0.24	1,285	20	25,703	2,856		621	42	710	
224	Oglethorpe St	0.48	2,560	20	51,205	5,689			1,911	646	22
103	Stonewall St	1.76	9,277	20	185,550	20,617		1,003	7,811	642	
47	2nd St	0.76	3,993	20	79,865	8,874		809	2,835	617	
187	Hunter St	0.28	1,478	20	29,568	3,285			960	615	
102	Tara Ln	0.48	2,535	20	50,709	5,634		160	1,778	593	
114	R St	0.79	4,180	20	83,604	9,289		931	3,051	552	11
152	Peachtree St	0.21	1,111	20	22,218	2,469			472	544	87
150	Brailsford Ave	0.35	1,848	20	36,960	4,107			1,403	540	
78	Wolfe St	2.52	13,282	20	265,647	29,516		1,902	11,348	539	
136	Martin Luther King Jr Blvd	4.26	22,504	20	450,088	50,010		3,998	17,950	533	
44	Carpenter St	0.49	2,573	20	51,459	5,718			1,723	524	76
144	Wildwood Dr	0.59	3,129	20	62,579	6,953	43	71	2,757	523	
96	Heron St	0.10	530	20	10,592	1,177		69		522	39
188	Grant St	0.98	5,160	20	103,203	11,467		514	4,136	509	339
148	Union St	2.51	13,269	20	265,383	29,487		1,876	10,920	491	42
215	Kemble Ave	0.40	2,097	20	41,934	4,659		996	638	455	

OFFICIAL MINUTES
BRUNSWICK CITY COMMISSION WORK SESSION
WEDNESDAY, DECEMBER 1, 2021 AT 5:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
VIRTUAL TELECONFERENCE VIA ZOOM
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or

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

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

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

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.

Following presentations, questions and answers Commission thanked presenters for the presentations.

Due to technical difficulties, the Commission instructed City Manager McDuffie to reschedule DeAnna Oser, Program Manager for the Ambient Air Monitoring Program with the GA-DNR Environmental Protection Division – Air Protection Branch to address the commission at a later date.

WORK SESSION ADJOURNED – *session adjourned at 5:58 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, DECEMBER 1, 2021 AT 6:00 P.M.
HYBRID MEETING
1229 NEWCASTLE STREET, 2nd FLOOR
&
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PRESENT: Honorable Mayor Cornell Harvey, Mayor Pro-Tem Felicia Harris ~*via zoom*,
Commissioner John Cason III ~*via zoom*, Commissioner Julie Martin and
Commissioner Vincent Williams

CALL TO ORDER: Mayor Harvey - *meeting began at 6:05 p.m.*

INVOCATION: Commissioner Williams

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

ADDENDUM TO AGENDA

**

Commissioner Martin made a motion to add the following items as item numbers: 12, 12.1, 12.2, 12.3 and 13:

As item number 12: Consider approval a resolution 2021-19 to accept the material terms of the distributor and Janssen settlements pursuant to the Georgia Memorandum of Understanding and Consistent with the terms of the July 21, 2021 National Opioid Settlement Agreements.

As item number 12.1: Authorize the City Attorney to execute the Memorandum of Understanding Concerning National Distributor and Johnson and Johnson Opioid Settlements.

As item number 12.2: Authorize the City Attorney to execute the Janssen Settlement Participation Form.

As item number 12.3: Authorize the City Attorney to execute the Subdivision Distributor Participation Form.

As item number 13: Consider approval of increase in employee life insurance. seconded by Commissioner Williams. Motion passed unanimously by a vote of 5 to 0.

**

PRESENTATION

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

Mr. McVeigh accepted proclamation with gratitude.

ANNOUNCEMENT

Mayor Harvey made the following announcement:

“The Church of Jesus Christ Latter-day Saints in Brunswick is starting off the holiday season as part of the “Light the World with Love” holiday event, by fasting on Friday, December 5, 2021 and donating money saved to help those in need. In support of “Light the World with Love event, I encourage City of Brunswick residents to support the Church of Jesus Christ Latter-day Saints with this holiday event by donating money saved during fasting on December 5th to help others in need.”

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)*

Director of Planning, Development and Codes John Hunter gave overview of the above-referenced petition. He stated 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 Street Lane such that operations are not visible from the lane to minimize the impact on adjacent residential properties.

He stated the Planning & Appeals Commission were in favor of granting the conditional use as well with the above conditions and a fourth condition for a 5-year sunset on the Conditional Use.

Mayor Harvey opened the floor to anyone wanting to speak in favor or opposition of the above-referenced petition.

The following people addressed the commission:

1. Karen Polite, 1909 5th Street In Favor

Commissioner Martin made a motion to approve the above-referenced petition with the aforementioned conditions recommendations by staff and the Planning & Appeals Commission, with amendment to condition number three to have screens on all sides of property; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

UPDATE

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

City Manager McDuffie reported that 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. She reported that the general consensus of the Redistricting Task Force was to leave the lines as is and revisit the redistricting in the next two years.

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)*

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

5. Consider Approval of Financial Reports as of October 31, 2021. *(K. Mills)*

Commissioner Williams made a motion to approve the above-referenced reports as submitted;

seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

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

Commissioner Williams made a motion to approve the above-referenced application, policy and procedures and resolution; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

- 7. Consider Approval of Eighteen (18) Alcohol License Renewals. (R. Monday) (see attached list)

Commissioner Martin made a motion to approve the above-referenced eighteen alcohol license renewals; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.

- 8. Consider Approval of Memorandum of Agreement with Department of Natural Resources Wildlife Resources Division. (R. McDuffie)

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

- 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)

Commissioner Williams made a motion to approve the above-referenced resolution; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

~Item 10 below was addressed at the beginning~

- 10. Consider Approval of Enterprise Zone Incentives in the Central Business District Enterprise Zone for 201 Gloucester Street. (M. Hill)

Commissioner Williams made a motion to approve the Enterprise Zone Incentives for 201 Gloucester Street, for a ten-year abatement as provided by the Enterprise Zone law; seconded by Commissioner Martin.

Mayor Harvey called for a vote from City Clerk Atkinson

Commissioner Williams	Yes
Commissioner Martin	Yes
Mayor Pro Tem Harris	Yes
Commissioner Cason	Yes
Mayor Harvey	Yes

Motion passed unanimously by a vote of 5 to 0.

CITY ATTORNEY’S ITEM(S)

- 11. Discussion ~ Proposed Short Term Rental Ordinance.

City Clerk Atkinson was directed to advertise the above-referenced proposed ordinance for consideration at the December 15, 2021 commission meeting.

- 12. Consider Approval of resolution number 2021-19 to accept the material terms of the distributor and Janssen settlements pursuant to the Georgia Memorandum of Understanding and Consistent with the terms of the July 21, 2021 National Opioid Settlement Agreements.

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

Motion for item 12.1, 12.2 and 12.3 were made together under item number 12.3.

- 12.1 Authorize the City Attorney to execute the Memorandum of Understanding Concerning National Distributor and Johnson and Johnson Opioid Settlements.

- 12.2 Authorize the City Attorney to execute the Janssen Settlement Participation Form.

12.3 Authorize the City Attorney to execute the Subdivision Distributor Participation Form.
Commissioner Williams made a motion approving the above-referenced items (*i.e.*); item Number 12.1, 12.2 and 12.3; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

13. Consider Approval of Increase in Employee Life Insurance. (*R. McDuffie*)
Commissioner Martin made a motion to approve the increase of life insurance for employees; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

**

Mayor Harvey announced that he was approached to have Albany Street named as an honorary street after Ahmaud Arbery, he asked that this item be placed on the December 15, 2021 Commission meeting.

**

EXECUTIVE SESSION

Commissioner Williams made a motion to adjourn into executive session to discuss real estate 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.

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 8:55 p.m.*

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

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

Renewal List

Name of Business	Business Owner/Manager	Business Address	Permit Type
Buffalo Wild Wings	Owner: Robert Jones Jr. Manager: Scott Pratt	718 Glynn Isles Brunswick, GA	On premises consumption of beer, wine, and distilled spirits with Sunday sales.
Discount Stop # 1	Owner/Manager: Davey Patel	3001 Altama Ave. Brunswick, GA	Retail sale of beer & wine.
Downtown Grocery	Owner/Manager: Swapnilkumar Patel	1300 Gloucester St. Brunswick, GA	Retail sale of beer & wine.
Bottle Time	Owner/Manager: Shaili Dalal	1900 1st St. Brunswick, GA	Retail sale of beer, wine, and distilled spirits.
In/Out DBA: Give & Take Food Mart	Owner/Manager: Mehulbhaj Dalal	1603 L. St. Brunswick GA	Retail sale of beer & wine.
Arte Pizza	Owner/Manager: Hugo Fernando Espinoza	1518 Newcastle St. Brunswick, GA	On premises consumption of beer and wine.
Arte Pizza	Owner/Manager: Hugo Fernando Espinoza	710 Glynn Isles – Brunswick, GA	On premise consumption of beer & wine.
Red Carpet Lounge	Owner: Scott Jackmore/Manager: Timothy Gordon	300 F St. Brunswick, GA	On premise consumption of beer, wine, and distilled spirits.
L Street Liquors	Owner/Manager Rakesh Patel	1800 L Street Brunswick, GA	Retail sale of beer, wine, and distilled spirits.
Striplings Golden Isles	Owner/Manager: Joshua Pitts	2304 Glynn Ave. Brunswick, GA	Retail sale of beer and wine.
Jinright's Seafood Restaurant	Owner: Helen Jinright/ Manager: Jennifer Lord	2815 Glynn Ave. Brunswick, GA	On premises consumption of beer, wine, & distilled spirits with Sunday sales.
Elks Lodge 691	Owner: Larry Westberry Manager: Pamela Lowsey	1509 Union St. Brunswick, GA	On premises consumption of beer, wine, and distilled spirits with Sunday sales.
Silver Bluff Brewery	Owner: Chris Moline Manager: Allyson Moline	1317 Newcastle St. Brunswick, GA	Manufacturing of beer.
Rose & Vine	Owner/Manager: Danielle Brazell	1602 Newcastle St. Brunswick, GA	Retail sale of beer and wine.
Winn-Dixie	Owner: Corporate/ Manager: Dillon Worley	1941 Glynn Ave. Brunswick, GA	Retail sale of beer and wine.
Ameri-Mart	Owner/Manager: Kinjal Patel	1008 Bay St. Brunswick, GA	Retail sale of beer and wine.
Ameri-Mart #1	Owner/Manager: Kinjal Patel	1001 1 st Ave.	Retail sale of beer and wine.
Richland Distilling Co.	Owner/Manager: Erik Vonk	1406 Newcastle St. Brunswick, GA	Manufacturing of beer, wine, and distilled spirits.

The Grog Shop	Owner/Manager: Kamini Patel	1701 Norwich St. Brunswick, GA	Retail sale of beer, wine, and distilled spirits.
Target #2301	Owner: Corporate/ Manager: Georgette Oliver	200 Glynn Isles Brunswick, GA	Retail sale of beer and wine.
Blaze Pizza	Owner: Mark O'Mahoney Manager: Grant Watkins	905 Glynn Isles Brunswick, GA	On premises consumption of beer and wine with Sunday sales.
Cravers Wings & Grill	Owner/Manager: Paul Ransom	3421 Cypress Mill Rd.	On premises consumption of beer and wine with Sunday sales.
Indigo Coastal Shanty	Owner/Manager: Judah Lynch	1402 Reynolds St. Brunswick, GA	On premises consumption of beer and wine.
Sunoco Food Mart	Owner/Manager: Shitul Desai	4528 Altama Ave. Brunswick, GA	Retail sale of beer and wine

RENEWALS WITH VIOLATIONS

Fountain Package Store	Owner: Mukeshkumar Patel	2300 Norwich St. Brunswick, GA	Retail sale of beer, wine, and distilled spirits.
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SUBJECT: Designation of Albany Street as an Honorary Street for Ahmaud Arbery

COMMISSION ACTION REQUESTED ON: December 15, 2021

PURPOSE: Designation of Albany Street as an Honorary Street for Ahmaud Arbery

HISTORY: In 2017, the Mayor and Commission began allowing the designation of “Honorary Streets”. The process of changing a street name is lengthy, requires agreement of more than 50% of property owners, and can be disruptive to residents and businesses. The Mayor and Commission believed that by creating the “Honorary Street” designation, the contribution of Brunswick citizens to the history and culture of the city could be recognized and celebrated.

FACTS AND ISSUES: Mayor Harvey has requested the consideration of the designation of Albany Street as “Ahmaud Arbery Honorary Street”. Staff has drafted the attached resolution for consideration.

BUDGET INFORMATION: N/A

OPTIONS:

- Pass resolution to designate Albany Street as “Honorary Ahmaud Arbery Street.”
- Do not pass resolution to designate Albany Street as “Honorary Ahmaud Arbery Street.”

DEPARTMENT: PDC

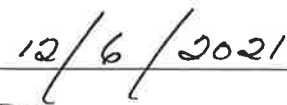
Prepared by: John Hunter, Director

ADMINISTRATIVE COMMENTS: Honoring the life and legacy of Ahmaud Arbery and the impact of his death is befitting.

ADMINISTRATIVE RECOMMENDATION: Pass the resolution



City Manager



Date



RESOLUTION NO. 2020-21

**RESOLUTION TO DESIGNATE ALBANY STREET AS THE HONORARY
AHMAUD ARBERY STREET**

WHEREAS, the City of Brunswick intends to honor citizens who have contributed to the history, culture and identity of our community;

WHEREAS, the City Commission recognizes that the late Ahmaud Arbery has become a symbol of strength and unity within our community; and

WHEREAS, Ahmaud Arbery's untimely death led to our community coming together, and resulted in local citizens and organizations working to insure that common ground was found and progress was made to advance Justice and Civil Rights in Brunswick and Glynn County;

BE IT HEREBY RESOLVED, by the Board of Commissioners for the City of Brunswick, that by passage of this Resolution the Board of Commissioners for the City of Brunswick do designate Albany Street as the Honorary Ahmaud Arbery Street in recognition of his legacy in this City and around the world.

NOW, THEREFORE BE IT FUTHER RESOLVED, that this resolution be effective upon adoption.

This 15th day of December 2021.

CITY OF BRUNSWICK, GEORGIA

Cornell L. Harvey, Mayor

Attest: _____
Naomi D. Atkinson, City Clerk



SUBJECT: Indemnification Agreement with PrimeSouth Bank

COMMISSION ACTION REQUESTED ON December 15, 2021

PURPOSE: Request PrimeSouth Bank to Cash City Payroll Checks Drawn on Wells Fargo Bank

HISTORY:

The City recently changed its payroll processor to ADP. Employees who do not have direct deposit of their payroll are issued a check which is now drawn on Wells Fargo Bank. Previously, employee payroll checks were issued and drawn on an account with PrimeSouth and our employees were allowed to cash their checks at PrimeSouth. PrimeSouth will continue to cash these checks drawn on Wells Fargo if we sign an indemnification agreement with them.

FACTS AND ISSUES:

The closest Wells Fargo is located on St. Simons Island which would be a hardship for some of our employees.

The City Attorney has reviewed the Indemnification Agreement and made one adjustment which PrimeSouth has incorporated in the attached agreement.

OPTIONS: Approve

Not Approve

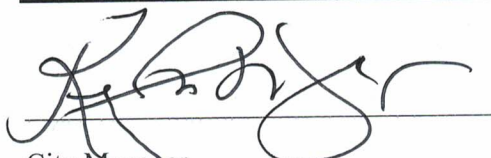
DEPARTMENT RECOMMENDATION ACTION: Staff recommends approval.

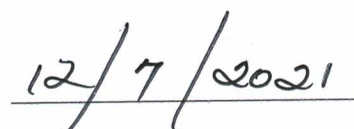
DEPARTMENT: Finance

Prepared by: Kathy D. Mills, Finance Director

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:


City Manager


Date

INDEMNIFICATION AGREEMENT (Negotiation of Payroll Checks)

Date: December 15, 2021

To: PRIMESOUTH BANK

The City of Brunswick # 4010 (hereafter referred to as "you" and "your")

This Indemnification Agreement is entered in to between you and PrimeSouth Bank (hereafter referred to as "we", "us" and "our").

In consideration of the mutual promises herein, you agree as follows:

1. You hereby request and authorize us to accept for cash negotiation checks made payable to your employees drawn on the financial institution(s) and account(s) listed in **Schedule A**.
2. You represent and warrant to us that you have the proper authority to draft checks on the account(s).
3. You agree to our check cashing policies, including any limits and identification requirements that may impact the negotiability of items presented for cash.
4. To the extent allowed by law, you will indemnify us against, and we may debit any of your accounts with us, including but not limited to any accounts listed in Schedule A, for any and all charges, costs (including all legal costs and expenses incurred), damages, demands, expenses, liabilities and losses whatsoever which we may incur as a result of negotiating items for cash drawn on the account(s) listed on Schedule A in accordance with this
5. Indemnification Agreement, including any claims related to forged or fraudulent checks.
6. You authorize us to charge back any of your accounts with us including, but not limited to, the accounts listed in the attached Schedule A, for the full amount of any checks returned to us through the clearing system or otherwise. In the event that there are insufficient funds in the account(s) or any of your accounts to cover the above-mentioned amounts, you will pay the amount of any deficiency upon our request.
7. All agreements in place between you and us respecting the operations of the accounts continue to apply to the Accounts.
8. This Indemnification Agreement:
 - a. May not be amended or cancelled except by our mutual written consent;
 - b. Is binding on your successors and assigns;
 - c. Is governed and construed in accordance with the laws of the State of Georgia.

This Indemnification Agreement is signed by your /our authorized representatives as of the date defined above.

CUSTOMER		BANK	
Signature		Signature	
Name	Cornell L. Harvey	Name	
Title	Mayor	Title	

SCHEDULE A: LISTING OF ACCOUNTS

Deposit Accounts Maintained with PrimeSouth Bank

Account Number	Account Title	Primary Account Contact Person
4010	City of Brunswick	Kathy Mills

Payroll Checks to be Drawn On the Following Account(s):

Account Number	Account Title	Financial Institution Name
4759038169	City of Brunswick	Wells Fargo Bank, N.A.



SUBJECT: 9 Glynn Ave Enterprise Zone Application

COMMISSION ACTION REQUESTED ON: December 15th 2021

PURPOSE: Consider approval of the 9 Glynn Avenue Brunswick GA 31520 Enterprise Zone Application.

HISTORY:

The City of Brunswick created the Glynn Ave Enterprise Zone to create the proper economic and social environment, to induce the investment of private resources in productive business enterprises, service enterprises, and encourage residential rehabilitation and new residential construction

FACTS AND ISSUES:

Strategic Partners Accounting has decided to remain in the City of Brunswick by relocating and developing their new headquarters at 9 Glynn Avenue. As an incentive to remain in the City the firm was offered the use of the Enterprise Zone Incentives to assist in the development of a \$2,970,000.00 facility.

BUDGET INFORMATION:

N/A

OPTIONS:

1. Approve the proposed Enterprise Zone Application as approved by the Finance Committee
 2. Deny the proposed Enterprise Zone Application as approved by the Finance Committee
 3. Take no action at this time.
-

DEPARTMENT RECOMMENDATION ACTION:

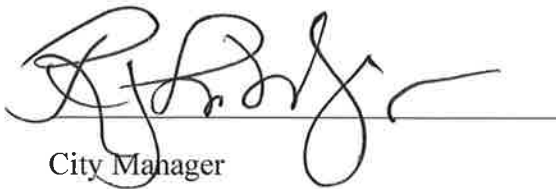
The Enterprise Zone application has been reviewed by Economic Development, and Finance Committee departments and recommend approval of the application.

DEPARTMENT: Economic Development

Prepared by: Travis Stegall

ADMINISTRATIVE COMMENTS: This abatement provide a great incentive to support and promote business opportunities in the city.

ADMINISTRATIVE RECOMMENDATION:



City Manager

12/7/2021
Date

ORDINANCE 1074

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 21 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, Development and Codes 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;
- (g) The applicant fails to pay any application fee required by this Ordinance;
- (h) The property identified for short-term rental use is in violation of any state law, regulation, City of Brunswick Ordinance and/or is in violation of any applicable building code; or
- (i) 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 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 15th DAY
OF DECEMBER, 2021.**

Cornell L. Harvey, Mayor

ATTEST:

Naomi D. Atkinson, City Clerk



City Policy/Procedure

Subject: Use of City Seal, Logo and Ancillary City Logos by Non-City Organizations

Effective Date: _____

Reference: Section 3-13. City Clerk

Purpose

To protect the City's valuable property rights inherent in the City of Brunswick Seal, logo and ancillary logos by governing their limited use by third party entities in a professional, consistent manner.

Policy

The City of Brunswick Seal, logo and ancillary logos (e.g., Semiquincentennial Logo) are the properties of the City of Brunswick and represent the City's distinctive brand and reputation for excellence and innovation in municipal governance and public services. Attached hereto as Exhibit "A" is a list identifying the City's Seal and Logos. This list is not all-inclusive as this policy is intended to govern and protect the use of any City Seal or Logo generated by the City for official use.

By adopting this Policy the Board of Commissioners of the City of Brunswick seeks to regulate the use of the City Seal and logos so that such seal and logos are exclusively used for official City business. (i.e. City communications, merchandise, facilities, signage, events and services). There are limited circumstances under which third parties may be granted permission to use the City logos on a case by case basis for reproduction (e.g., website, publications, print material, email, products, and signage). Any use that falls outside of the policy specifications is strictly prohibited. Any assumption of use, including past usage, is unacceptable.

Procedure

1. Custodian

- a. Pursuant to City Code Section 3-13, the City Clerk is the custodian of the official City Seal of the City of Brunswick.
- b. As set forth herein, the City Manager shall be the custodian of the official City Logo and Ancillary Logos.

2. Authorized Use

- a. The city clerk or designee is authorized to use the city seal on any ordinance, resolution, proclamation, commendation, certificate or other instrument approved by the city council or executed by the mayor or other city officers or officials; and to authenticate official documents in the conduct of official city business.
- b. The city manager or designee is authorized to use the city logo and ancillary logo in a manner consistent with the official business of the City, including the use to promote City events, notices, social media pages or the like.

3. Unauthorized Uses

- a. It is unlawful for any person to make or use the city seal, the city logo, or any cut, facsimile or reproduction thereof, or make or use any design, symbol, emblem, insignia or similar device that is an imitation of the city seal or the city logo, or that may be mistaken therefor, that is designed, intended or likely to confuse, deceive or mislead the public, for private or commercial purposes, or for any purpose other than for the official business of the city, its council, officers or departments, without the express consent of the city manager or designees under the authority granted by the City Commission.
- b. No person shall use the city logo or city seal, or any facsimile thereof, for purposes of supporting or opposing the nomination or election to any city or other public office of him or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such city logo on any writing distributed for purposes of influencing the action of the electorate, or any part thereof, in any election. This shall not be applicable to writings issued by the city of Brunswick.

4. Third Party Use of Logo

- a. To be eligible for consideration, a third-party entities must be recognized as a community partner and have an agreement with the City as defined by this policy.
- b. With the exception of government agencies and public institutions, inaugural or one-time programs and events primarily sponsored by third parties that are unfamiliar to the City or without a direct collaborative history with the City are ineligible to use City logos. These parameters help the City manage community expectations and protect the City's public image by building and assessing new relationships with third party entities over time. Permission to use the City logos is a privilege and requires direct, written City approval in every case.

c. **Application**

- i. Organizations requesting permission to use the City logo or ancillary logos shall submit the *application form* available from the City Manager's Office.
- ii. The application shall include, but not be limited to the following information: explanation of the proposed use of the City logos, how the City logos are proposed to appear, identification of project, and proposed scope of distribution.

d. **Evaluation Criteria:** The City Manager or his/her designee shall consider (as appropriate) any of the following criteria to evaluate the merits of the third-party entity's proposal and the City's benefits of co-branding an event or program with the third-party entity:

- i. Demonstrated commitment to the City's mission, core values, City's Strategic Business Plan, and City's Community or Economic Development initiatives;
- ii. Impact on City core services, operations, assets, and facility resources;
- iii. Media exposure value for key City messages;
- iv. Economic impact (e.g. alternative funding sources gained for City priority programming and services);
- v. Protection of the City's best interests in the short/long term;
- vi. Other relevant criteria as determined by the City Manager or his/her designee.

EXHIBIT "A"
LIST OF CITY SEALS AND LOGOS

SEAL:



Or



LOGO:



Or



Or

