

CITY OF BRUNSWICK

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

Cosby H. Johnson, Mayor
Felicia M. Harris, Mayor Pro Tem
John A. Cason III, Commissioner
Julie T. Martin, Commissioner
Kendra L. Rolle, Commissioner

City Attorney
Brian D. Corry

City Manager
Regina M. McDuffie

AGENDA

BRUNSWICK CITY COMMISSION MEETING WEDNESDAY, JANUARY 19, 2022 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/95622402701>

CALL TO ORDER **INVOCATION **PLEDGE OF ALLEGIANCE

PUBLIC HEARING - ALCOHOL BEVERAGE LICENSE – (New) – (R. Monday)

1. Consider Approval Alcohol Beverage License:

<u>Name of Business</u>	<u>Owner/Mgr.</u>	<u>Location of Business</u>	<u>Comments</u>
Del Sur Café #13073	Owner: Alberto Llano Manager: Hernan Stutzer	2700 Parkwood Drive	on-premises consumption of beer and wine with Sunday sales.

APPOINTMENT(S)

2. Boards and Authority

- I. Convention Visitor Bureau – One Appointment ~ (Mayor’s Appointment)
- II. Glynn County Board of Health – One Appointment ~ (Mayor’s Appointment)
- III. Downtown Development Authority – One Appointment
- IV. Planning and Appeals Commission – One Appointment ~ (Alternate Member)

ITEM(S) TO CONSIDER FOR APPROVAL

3. Consider Approval of January 5, 2022 Regular Scheduled Meeting Minutes. (*subject to any necessary changes.*) (N. Atkinson) **(Encl. 1)**
4. Consider Approval of Financial Reports as of November 30, 2021. (K. Mills) **(Encl. 2)**
5. Consider Approval of the Reallocation of the Substantial Amendment for Coronavirus Aid, Relief, and Economic Security Act Funds (Community Development Block Grant – CARES – Round 3). (D. Bravo) **(Encl. 3)**
6. Consider Approval to Purchase a Fire Aerial Truck. (R. Mobley) **(Encl. 4)**

CITY ATTORNEY'S ITEM(S)

7. Consider Adoption of Ordinance No. 1074 ~ Short Term Rental Ordinance. **(Encl. 5)**

EXECUTIVE SESSION

OFFICIAL MINUTES
BRUNSWICK CITY COMMISSION MEETING
WEDNESDAY, JANUARY 5, 2022
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/95758644197>

PRESENT: Honorable Mayor Cosby Johnson, Mayor Pro-Tem Felicia Harris ~*via zoom*,
Commissioner John Cason III ~*via zoom*, Commissioner Julie Martin and
Commissioner Kendra Rolle

CALL TO ORDER: Mayor Harvey - *meeting began at 6:02 p.m.*

INVOCATION: Reverend Chris Winford

PRESENTATION OF FLAGS: Brunswick Fire Department

PLEDGE OF ALLEGIANCE – Lead by Frank Vande Linde.

OATH OF OFFICE

1. Swearing in of Commissioner-Elect Felicia M. Harris ~ (*Honorable Senior Judge Orion L. Douglass*)
2. Swearing in of Commissioner-Elect Kendra L. Rolle ~ (*Honorable Senior Judge Orion L. Douglass*)

**

Mayor Harvey recognized the following individuals in the audience; Representative Buddy Carter, Senator Sheila McNeill, County Commissioner Allen Booker, County Commissioner Bill Brunson, County Commissioner Walter Rafolski, Housing Authority Commissioner Pamela Bailey, Housing Authority Commissioner Kamau Dickerson and former Chamber of Commerce President Woody Woodside.

**

~Honorable Mayor Cornell Harvey relinquished gavel over to Mayor-Elect Cosby Johnson~

3. Swearing in of Mayor-Elect Cosby H. Johnson ~ (*Honorable Senior Judge Orion L. Douglass*)

ADDENDUM(S) TO AGENDA

**

Commissioner Martin made a motion to defer agenda items eight (8), nine (9), ten (10), and eleven (11) until the January 19, 2022 commission meeting; seconded by Commissioner Rolle. Motion passed unanimously by a vote of 5 to 0.

**

APPOINTMENT(S)

4. Mayor Pro-Tem.

Commissioner Rolle made a motion to re-appoint Mayor Pro Tem Harris as Mayor Pro Tem; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

5. Brunswick-Glynn Joint Water and Sewer Commission.

Commissioner Martin made a motion to appoint Commissioner Rolle to the above-referenced commission; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.

6. Finance Committee - One Appointment

Mayor Pro Tem Harris made a motion to appoint Mayor Cosby to the above-referenced committee; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

7. Coastal Regional Commission – One Appointment (*Mayor’s Appointment*)

Mayor Cosby re-appointed Commissioner Julie Martin to the above-referenced commission.

8. Convention Visitor Bureau – One Appointment (*Mayor’s Appointment*)

~The above-referenced item was deferred until the January 19, 2022 commission meeting.~

9. Glynn County Board of Health – One Appointment (*Mayor’s Appointment*)

~The above-referenced item was deferred until the January 19, 2022 commission meeting.~

APPOINTMENT(S)

10. Authority

I. Downtown Development Authority – One Appointment

~The above-referenced item was deferred until the January 19, 2022 commission meeting.~

PUBLIC HEARING - ALCOHOL BEVERAGE LICENSE – (New) – (R. Monday)

11. Consider Approval Alcohol Beverage License:

<u>Name of Business</u>	<u>Owner/Mgr.</u>	<u>Location of Business</u>	<u>Comments</u>
Del Sur Café #13073	Owner: Alberto Llano Manager: Hernan Stutzer	2700 Parkwood Drive	on-premises consumption of beer and wine with Sunday sales.

~The above-referenced item was deferred until the January 19, 2022 commission meeting.~

ITEM(S) TO CONSIDER FOR APPROVAL

12. Consider Approval of December 15, 2021 Work Session and Regular Scheduled Meeting Minutes. (*subject to any necessary changes.*) (*N. Atkinson*)

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

ACCEPTANCE SPEECHES BY SWORN IN MAYOR & COMMISSIONERS

Acceptance speeches were made by Mayor Pro Tem Harris, Commissioner Rolle and Mayor Johnson.

EXECUTIVE SESSION

There was not an executive session held during this meeting.

Commissioner Martin made a motion to adjourn; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

MEETING ADJOURNED – *meeting adjourned at 6:35 p.m.*

/s/Cosby H. Johnson
Cosby H. Johnson, Mayor

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



INTEROFFICE MEMORANDUM

DATE: December 23, 2021

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

FROM: Kathy D. Mills, CPA, Finance Director

SUBJECT: Financial Reports as of November 30, 2021 41.67%

**General Fund
30-Nov-21
Cash Basis**

	Monthly	Year to Date	% of Budget	Amended Budget	% (over)under Budget
Revenues	979,008	10,409,468	59.94%	17,365,507	-18.28%
Expenditures	896,435	5,727,907	32.98%	17,365,507	8.68%
Net Revenues & Expenditures	82,573	4,681,561			

Cash Balance as of 11/30/2021	8,944,038	Primesouth	
	300,276	Perry Park (included in total)	

	LOST	LOST YTD	TAVT*	TAVT* YTD
Nov-21	686,606	3,567,487	27,102	162,798
Nov-20	583,763	3,209,374	30,663	158,072
Increase (Decrease)	102,843	358,113	(3,561)	4,726
	17.62%	11.16%	-11.61%	2.99%

*Title Ad Valorem Tax

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

	Total Expended as of 11/30/2021	Reimbursements Received	City Expended as of 11/30/2021	Original Budget Amount	Amended Budget Amount	Remainder (Overage)
Highways and Streets	6,708,232	2,662,963 *	4,045,269	4,627,750	4,627,750	582,481
Sidewalk Replacement/Upgrades	562,776	50,000 ****	512,776	432,500	482,500	(30,276)
Storm Drainage Improvements	2,676,366	234,199 **	2,442,167	3,243,750	4,551,750	2,109,583
Mary Ross Park Development	528,765	0	528,765	821,750	821,750	292,985
Highway 17 Infrastructure	139,015	43,000 *****	96,015	215,107	215,107	119,092
Wayfindings & Gateways	0	0	0	259,500	259,500	259,500
Trails	382,141	107,971 ***	274,170	346,000	346,000	71,830
Cemetery Restoration/Renovation	67,673	0	67,673	259,500	259,500	191,827
Brunswick Police Department Vehicles (15)	466,021	0	466,021	540,625	540,625	74,604
Brunswick Fire Department Fire/Rescue	65,569	0	65,569	64,875	65,222	(347)
Subscriber Radios for E911	469,009	0	469,009	431,357	431,357	(37,652)
Fire Department Pumper Trucks (2)	1,137,373	0	1,137,373	562,183	849,778	(287,595)
Fire Station 1 Improvements	413,971	0	413,971	346,000	346,000	(67,971)
Historic Squares	71,645	0	71,645	86,500	86,500	14,855
Park Rehabilitation (Palmetto, Orange, etal)	281,380	0	281,380	389,225	389,225	107,845
Sidney Lanier Park Improvements	276,288	0	276,288	519,000	519,000	242,712
Overlook Park Improvements	138,072	0	138,072	103,800	103,800	(34,272)
Howard Coffin Park Improvements	482,611	3,000 *****	479,611	431,357	431,357	(48,254)
Roosevelt Harris Center Improvements	231,961	0	231,961	151,375	191,668	(40,293)
	15,098,868	3,101,133	11,997,735	13,832,154	15,518,389	3,520,654

* \$256,772 from DOT & \$2,406,191 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 \$4,248,926
Unallocated Funds:
 Overage in Collections
 GA DCA Aviation Fuel Tax
 Interest Earned

(1) Original budgeted tax collection \$13,832,154
 Actual collections through 11/30/2021 15,719,599
 Collections in excess of budgeted \$1,887,445
 Paid back to GF (326,235)
 Allocated to Stormwater Improvements (1,308,000)
 Allocated to Sidewalk Replacement & Upgrades (50,000)
 Unallocated overage in Collections 201,210 (1)

SPLOST V

Cash Primesouth @ 11/30/2021

1,357,429

*(Funds reallocated for purchase of Fire Department Ladder Truck)**(Oglethorpe Project remaining \$1,204,051 plus interest earned \$153,378)***Norwich Street Commons Fund**

	YTD f/ye 6/30/2022	Total since inception
Original Balance (Sale of Property 05/13/13)	0	487,500
Demolition Fees	0	8,049
Interest Income	549	17,787
Revenues	549	513,336
	YTD f/ye 6/30/2022	Total since inception
Expenditures		
Demolition Projects	0	40,012
Infrastructure	0	130,546
Police Substation	0	6,750
Expenditures	0	177,308
Net as of November 30, 2021	549	336,028
Cash Primesouth @ 11/30/2021	\$ 336,028	

	YTD f/ye 6/30/2022 Cash Basis	
Roosevelt Harris - Multipurpose Center	\$	
Total Budget:	421,257	
Revenue FYTD	\$	
Grants	90,330	
Transfer from General Fund	40,000	
Program Income	20,495	
Contributions	8,315	
Interest Income	69	Percent of Budget
Sale of Equipment	-	
Total Inflows	\$ 159,209	37.79%
Expenditures FYTD	143,921	34.16%
Net	\$ 15,288	
Cash Balance @ 11/30/2021	\$ 27,673	

Sanitation Fund:

Year Ending 06/30/2022

	Year to Date
Sanitation Billing	1,462,628
Franchise Fees	19,945
Bad Debt - recovery	-
Interest Earned (Funds)	1,022
Penalties & Interest Earned	2,680
Bad Debt - recovery	450
DNR Reimbursements	-
Transfer in for T Street Landfill	-
Total Revenue (YTD)	1,486,725
Operating Exp. YTD:	714,805
Depreciation YTD	-
Bad Debt - write off	-
Other Landfill Expenses	-
Payment to T Street Landfill Site Cleanup	-
Total Expense (YTD)	714,805
Operating Income (Loss)	<u>771,920</u>
Cash Balance Primesouth	711,093
Cash Balance GA Fund One	1,729
Total Cash on Hand @ 11/30/2021	<u>712,822</u>
Primesouth Restricted for Landfill	193,653

Sanitation Bills		
	November 2021	YTD
Trash Pickup	128,558	638,639
Illegal Refuse Clean Up	4,843	25,875
Street Sweeping	0	19,268
	<u>133,401</u>	<u>683,782</u>

STORMWATER UTILITY FUND:

	6/30/2022 (YEAR TO DATE)
Stormwater Utility Fees	862,751
Interest Earned	936
Penalties & Interest	1,383
Total Inflows	865,070
Operating Expenditures	461,326
Total Outflows	461,326
Net	<u>403,744</u>

Cash Balance @ 11/30/2021

\$666,431

ADDITIONAL INFORMATION-FOR THE MONTH OF SEPTEMBER 2021

	November 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	Nov-21 Transactions	YTD 6/30/2022
Function 6130 - Neighborhood & Community Service			
51			
51-1100	Salaries & Wages	5,842.47	31,490.80
51-1200	Temporary Employees	.00	3,226.50
51-1300	Overtime	264.29	2,570.26
51-2100	Group Insurance	485.00	2,425.00
51-2200	FICA	416.32	2,305.44
51-2300	Medicare	43.37	484.65
51-2400	Pension	.00	.00
51 - Totals		\$7,051.45	\$42,502.65
52			
52-1100	Official / Administrative	.00	16.19
52-2211	Repair / Maint Equipment	.00	2,140.00
52-2300	Rentals	.00	246.65
52-3201	Cable	.00	576.14
52-3205	Telephone	.00	93.18
52-3500	Travel & Training	.00	.00
52-3600	Dues and Fees	25.71	181.07
52 - Totals		\$25.71	\$3,253.23
53			
53-1110	Office Supplies	.00	12.50
53-1115	Uniforms	.00	.00
53-1135	Custodial Supplies	.00	137.45
53-1210	Water/Sewerage	173.28	693.12
53-1230	Electricity	.00	5,098.42
53-1270	Gasoline/Diesel	.00	.00
53-1300	Food/Misc	.00	71.95
53-1600	Small Equipment	.00	738.00
53-1700	Other Supplies	.00	1,012.23
53 - Totals		\$173.28	\$7,763.67
Function 6130 - Neighborhood & Community Service Totals		\$7,250.44	\$53,519.55
Reporting Category 6100 - Recreation Totals		\$7,250.44	\$53,519.55
EXPENSE TOTALS		\$7,250.44	\$53,519.55



SUBJECT: SUBSTANTIAL AMENDMENT TO FY 2019 PLAN FOR CARES ACT FUNDS, CDBG

COMMISSION ACTION REQUESTED ON: January 5, 2022

PURPOSE:

The purpose of this submission is to revise the Substantial Amendment for CARES Act Funds and to reallocate (CDBG-CV 3), as follows:

1. Golden Isles Veteran Village - \$56,000
2. Roosevelt Harris Jr. Senior Citizen Center - \$24,000

HISTORY:

The Coronavirus Aid, Relief, and Economic Security Act, CARES Act which was signed into law on March 27, 2020, provides funds through the CDBG, ESG and HOPWA programs. The CARES Act provides for allocations of funds to prevent, prepare for, and respond to coronavirus.

FACTS AND ISSUES:

The City received a second allocation of \$148,141.00 by CDBG-CV 3. The Substantial Amendment is to reallocate the distributive use of \$80,000.

The Department of Neighborhood and Community Services has targeted two organizations in the community who serve the needs of Brunswick's LMI (Low-Moderate Income) population during the COVID pandemic, focusing on economic development and food distribution.

BUDGET INFORMATION:

The Department of Community Services is requesting reallocation of **\$80,000** for the following projects:

- Creation of transitional housing for veterans experiencing homelessness
- Rehabilitate additional outdoor recreation and social space at the City's senior center

To fund these improvements, the City is reducing the amount available under economic development assistance as small businesses are being assisted through alternative funding sources.

OPTIONS:

N/A

DEPARTMENT RECOMMENDATION ACTION:

Our plan is to allocate these funds efficiently to each organization so they can continue to operate and serve Brunswick's LMI population during these unprecedented times.

DEPARTMENT: Neighborhood and Community Services

Prepared by: David Bravo – Grants Program Manager

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

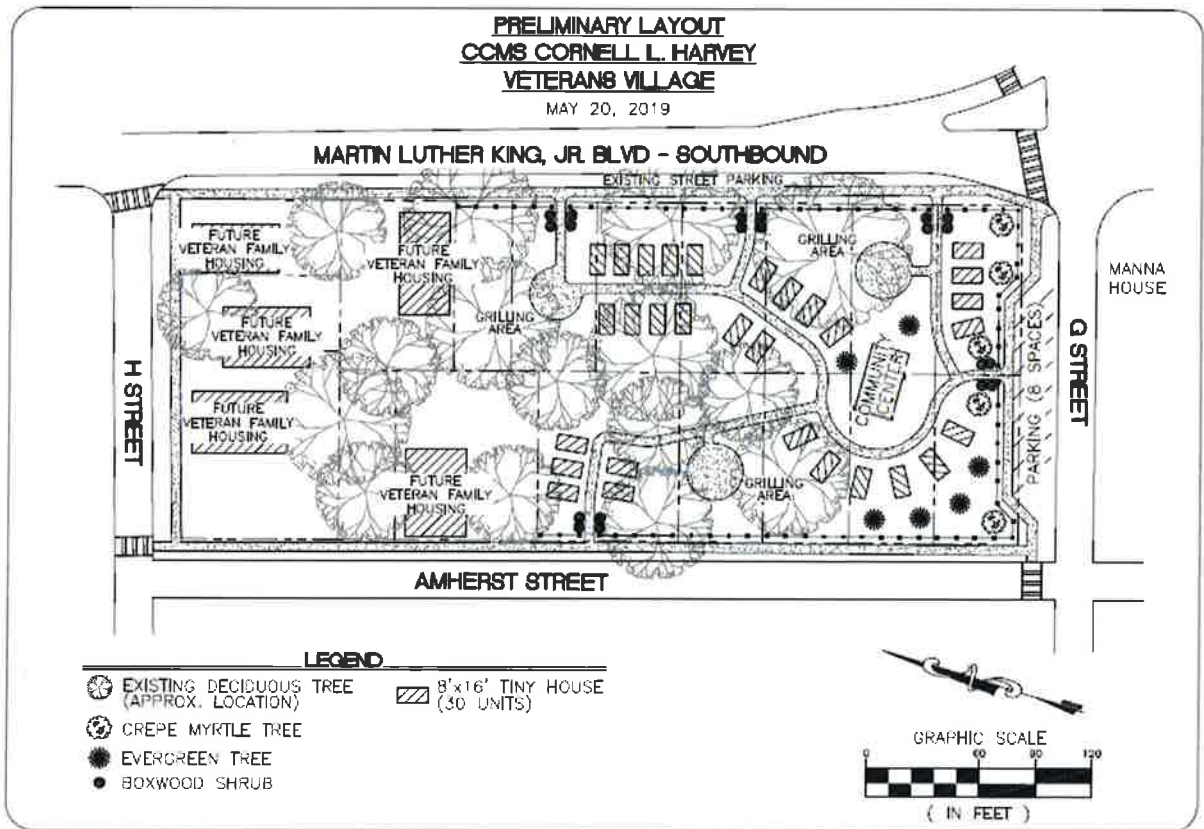
City Commission to approve the Substantial Amendment to the FY 2019 CARES Act Plan to include CDBG-CV 3 and authorize the Mayor to execute all documents related to CDBG-CV 3 funding.



City Manager

10/21/21

Date





CITY OF BRUNSWICK

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

Cosby H. Johnson, Mayor
Felicia M. Harris, Mayor Pro Tem
John A. Cason III, Commissioner
Julie T. Martin, Commissioner
Kendra L. Rolle, Commissioner

City Attorney
Brian D. Corry

City Manager
Regina M. McDuffie

The Golden Isles Veterans Village Project

The Golden Isles Veterans Village is located at the corner of G Street and MLK; it consists of the construction of 29 housing units and a community center. This is an infrastructure project to assist only with the water and sewer requirements for the project. It meets the low to moderate income criteria which benefits the displaced and/or homeless veteran population in the City of Brunswick. The project will also reflect the city's efforts to assist venerable populations that are disproportionately impacted by COVID-19. To fund this project, the city is reducing the amount available under economic development assistance under CDBG-CV3, as small businesses are being assisted through alternative funding sources (i.e. Glynn County). The amendment is requesting \$56,000 to assist with a portion of the cost.

The entire project was already presented to the Commission for a **rezoning request** on July 1, 2020.

This is the website:

<https://www.goldenislesveteransvillage.org/>

OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR SCHEDULED MEETING
WEDNESDAY, JULY 1, 2020
VIRTUAL TELECONFERENCE VIA ZOOM
STREAMED LIVE AT THE BELOW WEB ADDRESS:
<https://www.facebook.com/COBMeetings>

PRESENT: Honorable Mayor Cornell Harvey, Mayor Pro-Tem Julie Martin, Commissioner John Cason III, Commissioner Felicia Harris – (left meeting at 7:32 p.m.) – and Commissioner Vincent Williams - (entered meeting at 6:17 p.m.)

CALL TO ORDER: Mayor Harvey - *meeting began at 6:00 p.m.*

INVOCATION: Mayor Pro Tem Martin

PLEDGE OF ALLEGIANCE – *Recited by Mayor Harvey*

ADDENDUM TO AGENDA

**

Mayor Pro Tem Martin made a motion to move item number five under appointments to beginning of the agenda; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

**

At the beginning and end of the meeting ~ Mayor Harvey expressed words of gratitude to all the dedicated essential workers that are keeping the City of Brunswick safe and functioning during the coronavirus pandemic.

**

PUBLIC HEARING - ALCOHOL BEVERAGE LICENSE (New) – *(L. Schmauch)*

1. Consider Approval of One (1) New Alcohol Beverage License.

<u>Name of Business</u>	<u>Owner/Mgr.</u>	<u>Location of Business</u>	<u>Comments</u>
Country Boy Cooking 912, LLC - DBA Country Boy Cooking	Travis Riddle (Owner/Operations Manager)	3300 Norwich Street	Request to sell beer and wine. Consumption on premises.

Mayor Harvey directed City Clerk Atkinson to read an email submitted by a city resident regarding the above referenced license.

Mayor Harvey open the meeting to anyone wanting to speak in favor or opposition of the above-referenced new license via chat.

The following people addressed the commission via zoom chat:

- | | | |
|-------|----------------------|----------|
| i. | Carrol McDaniel | Oppose |
| ii. | Samsung-SM-N910A | Oppose |
| iii. | Timothy Bessent, Sr. | In Favor |
| iv. | Linda Bobbitt | Oppose |
| v. | Patricia Blash | Oppose |
| vi. | Dr. George Lewis | Oppose |
| vii. | Allen Lamar Blash | Oppose |
| viii. | Chayla Cunningham | Oppose |
| ix. | Felicia Smith | Oppose |

x.	Greater Hall Temple Church	Oppose
xi.	Chelsea Baker	Oppose
xii.	Chad Smith	Oppose
xiii.	Bertha Dyal	In Favor
xiv.	Mae Helen Wilkerson	Oppose
xv.	Angela Moore	Oppose
xvi.	Carol McDaniel	Oppose
xvii.	Samantha Gilder	In Favor
xviii.	Slim Riddle	In Favor
xix.	Ivan McDaniel	Oppose
xx.	Andrea Porter	Oppose
xxi.	Ricky Porter	Oppose
xxii.	Veronica King	Oppose
xxiii.	Ann King	Oppose
xxiv.	Glenn King	Oppose
xxv.	Peggy Carrol	Oppose
xxvi.	Linda Mincey	Oppose

Commissioner Williams made a motion to defer consideration of the above-referenced new alcohol license until the July 15, 2020 commission meeting; seconded by Commissioner Harris.

Mayor Harvey called for a vote from City Clerk Atkinson:

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

Motion passed unanimously by a vote of 5 to 0.

PUBLIC HEARING(S)- LAND USE

2. Rezoning Petition No. 20-02; from Golden Isles Veterans Village Initiative, Inc., Agent, Petitioning to Rezone Parcels bounded by Amherst Street, “G” Street, and Martin Luther King Jr. Boulevard from General Residential (GR) to Planned Development – Traditional Neighborhood (PD-TN). (*J. Hunter*)

Director of Planning, Development and Codes Hunter gave a presentation on the above-referenced petition. He reported staff and the Planning and Appeals Commission recommend granting the rezoning.

Mayor Harvey opened the floor for anyone wanting to speak in favor or opposition of the proposed petition.

No one addressed the commission during this public hearing.

Mayor Pro Tem Martin made a motion to approve the above-referenced petition; seconded by Commissioner Cason.

Mayor Harvey called for a vote from City Clerk Atkinson:

Commissioner Cason	Yes
--------------------	-----

Commissioner Williams	Yes
Mayor Pro Tem Martin	Yes
Mayor Harvey	Abstained

Motion passed by a vote of 3 to 0; with Mayor Harvey abstaining.

ITEM(S) TO CONSIDER FOR APPROVAL

3. Consider Approval of June 15, 2020 Work Session Minutes, June 17, 2020 Regular Scheduled Meeting Minutes and June 24, 2020 Special Called Meeting Minutes. *(subject to any necessary changes.) (N. Atkinson)*

Mayor Pro Tem Martin made a motion to approve June 15, 2020 Work Session Minutes and June 17, 2020 Regular Scheduled Meeting Minutes; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

Commissioner Cason made a motion to approve June 24, 2020 Special Called Meeting; seconded by Mayor Pro Tem Martin. Motion passed unanimously by a vote of 3 to 0; with Commissioner Williams abstaining as he was not in attendance.

4. Consider Approval of Financial Reports as of May 31, 2020. *(K. Mills)*

Mayor Pro Tem Martin made a motion to approve the above-referenced reports as presented; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

APPOINTMENT(S) – *(considered at the beginning of agenda)*

5. Board and Commission *(N. Atkinson)*

- 1) **Coastal Regional Commission Council** – *Mayor’s Appointment*

Mayor Harvey re-appointed to the above-referenced council.

Mayor Pro Tem Martin motion to approve Mayor Harvey’s appointment of Shaw McVeigh to the above-referenced council; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

- 2) **Tree Board** – *One Appointment*

Mayor Pro Tem Martin made a motion to appoint Lisa Jordon to the above-referenced board beginning July 19, 2020, filing the expiring term of Caroline Wright; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

- 3) **Brunswick-Glynn Economic Development Authority** – *Three Appointments – (Joint Brunswick /Glynn County Appointments)*

Mayor Pro Tem Martin made a motion to re-appoint C. Jones Hooks, William Austin, Jr., and Jack Kilgore to the above-referenced authority; seconded by Commissioner Cason. Motion passed unanimously by a vote of 4 to 0.

CITY ATTORNEY’S ITEM(S)

6. Consider for Approval the Amended Mutual Aid Agreement Between the City of Brunswick and Glynn County.

Commissioner Cason made a motion to defer the above-referenced item until the July 15, 2020 commission meeting; seconded by Mayor Pro Tem Martin.

Mayor Harvey called for a vote from City Clerk Atkinson:

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

Motion passed unanimously by a vote of 4 to 0.

- 7. Consider for Discussion an Amendment to the City of Brunswick Code of Ordinances to Provide for a Tree Ordinance.

City Clerk Atkinson was instructed to advertise the above-referenced ordinance amendment for consideration at the July 15, 2020 commission meeting.

- 8. Consider for Approval Resolution Number 2020-13 – Establishment of an Advisory Committee for Statues and Monuments Located on Public Property within the City Limits of the City of Brunswick.

Commissioner Williams made a motion to approve the above-referenced resolution with revisions discussed; seconded by Mayor Pro Tem Martin.

Mayor Harvey called for a vote from City Clerk Atkinson:

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

Motion passed unanimously by a vote of 4 to 0.

- 9. Consider for Approval a Deed to Convey Certain Property from the City of Brunswick to the Brunswick-Glynn Joint Water & Sewer Commission.

Commissioner Cason requested City Attorney Corry obtain a list from Brunswick-Glynn Joint Water & Sewer Commission of all properties that need to be conveyed.

Commissioner Williams made a motion to approve the above-referenced deed; seconded by Mayor Pro Tem Martin.

Commissioner Williams amended his motion approving above-referenced deed; and have City Manager McDuffie lobby to have Brunswick-Glynn Joint Water and Sewer Commission include advertisement for the City of Brunswick on their water towers; seconded by Mayor Pro Tem Martin. Motion passed unanimously by a vote of 4 to 0.

EXECUTIVE SESSION

There was not an executive session held during this meeting.

Commissioner Cason made a motion to adjourn; seconded by Mayor Pro Martin. Motion passed unanimously by a vote of 4 to 0.

MEETING ADJOURNED – *meeting adjourned at 8:51 p.m.*

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

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



SUBJECT: Fire Aerial Truck

COMMISSION ACTION REQUESTED ON: 1-19-2022

PURPOSE: The Brunswick Fire Dept has determined the need to upgrade the Fire Aerial Tower (Ladder Truck). The purchasing office has solicited bids for the truck and equipment to outfit the truck.

HISTORY: One bid was received from Pierce Manufacturing in the amount of \$1,583,429.00 .
\$1,442,629.00 for the purchase of the aerial platform.
\$ 140,800.00 for the purchase of equipment to outfit the truck.

FACTS AND ISSUES:The current truck is limited in its height capacity and is outdated. Newer trucks have buckets that extend and provide safer conditions during use. The new truck will have a 100 foot ladder. Recent fires have required units to be brought in from other entities to provide adequate coverage. Due to the time required for delivery, SPLOST funding which was the original proposed funding would significantly delay acquisition and is dependent upon approval of the referendum.

BUDGET INFORMATION: \$1.3 million in funding previously allocated from conference center project. Remaining funds will be included in the 2023 budget.

OPTIONS:

1. Approve purchase of fire aerial truck as recommended from the sole bidder.
2. Do not approve purchase of fire aerial truck as recommended.
3. Take no action at this time.

DEPARTMENT RECOMMENDATION ACTION: Approve purchase of fire aerial truck as recommended from the sole bidder.

DEPARTMENT:

Prepared by: Randy Mobley

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

Regina M. McDuffie

City Manager

December 27, 2021rmm

Date

See below for Warranty Information

- Pierce
 - 1 year material and workmanship warranty- parts of the apparatus manufactured by Pierce shall be free from defects in materials and workmanship.
 - Lifetime Fifty (50) Year Structural Integrity Chassis Frame- Custom chassis frame rail manufactured by Pierce shall be from defects in material and workmanship.
 - Three (3) Year Material and Workmanship TAK-4 Independent Front Suspension
 - Ten (10) Year Structural Integrity Custom Cab
 - Ten (10) Year Pro-Rated Paint and Corrosion Cab
 - Ten (10) Year Structural Integrity Apparatus Body
 - Ten (10) Year Pro-Rated Paint and Corrosion Custom Body
 - Three (3) Year Material and Workmanship GoldStar Gold Leaf Lamination
 - Five (5) Year Material and Workmanship- Transmission Oil Cooler
 - Three (3) Year Collateral Damage Coverage
 - Ten (10) Year Material and Workmanship Stainless Steel Piping
 - Five (5) Year Material and Workmanship Command Zone Electronics
 - 54 Months Material and Workmanship Camera System
 - Ten (10) Year Material and Workmanship Pierce 12V LED Strip light
 - Three (3) Year Material and Workmanship Meritor Wabco ABS Brake System
 - Twenty (20) Year Structural Integrity Pierce Aerial Device
 - Five (5) Year Material and Workmanship Aerial Hydraulic System Components
 - Three (3) Year Material and Workmanship Aerial Hydraulic System Seals
 - Four (4) Year Pro-Rated Paint and Corrosion Aerial Device
 - Five (5) Year Material and Workmanship Command Zone Electronics
- Cummins
 - Base Engine Warranty- Five (5) Years or 100,000 miles, whichever occurs first.
 - Emission Warranty- Five (5) Years of 100,000 miles, whichever comes first.
- Allison Transmission
 - 0-60 Months
- R.H. Sheppard Co. INC
 - Pierce Tak-4- 36 Months
- Waterous
 - 7 Year Limited Warranty
- United Plastic Fabricating, inc.
 - Lifetime Warranty- Each POLY-TANK, Booster/Foam Tank Polyside Wetside Tank, Integrator Tank/Body, ELLIPSE Elliptical Tank, Ellip-T-Tank and DEFENDER Skid Tank.
- Amity Fire and Safety, INC
 - Standard five (5) Year Warranty on Three Function Swivel
 - Standard Ten (10) Year Warranty on Telescopic Waterways
- Harrison Hydra-Gen
 - Hydraulic generators- Two (2) years or 2000 hours of usage, whichever comes first.
- Akron Brass
 - 10 Year Warranty on Heavy Duty Swing-Out Valves

FIRE AERIAL TRUCK PURCHASE			
Summary of Funding Sources & Uses			
FUNDING USES			\$\$ Amount
Fire Aerial Truck			1,442,629.00
Fire Equipment			140,800.00
			.
TOTAL ESTIMATED PROJECT COSTS			\$1,583,429.00
FUNDING SOURCES			
Allocation from SPLOST V			1,204,051.00
Interest from SPLOST V			153,378.00
Allocation from General Fund			226,000.00
TOTAL FUNDING USES			\$1,583,429.00

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. The City's Noise Ordinance is Section 16-54 of the City of Brunswick Code of Ordinances;
 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 applicant fails to offer accommodations for disabled individuals seeking to rent the applicant's property(s);
- (i) 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
- (j) 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 19th DAY OF JANUARY, 2022.

Cosby H. Johnson, Mayor

ATTEST:

Naomi D. Atkinson, City Clerk