

# CITY OF BRUNSWICK

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

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  
REGULAR SCHEDULED COMMISSION MEETING  
WEDNESDAY, DECEMBER 7, 2022 AT 6:00 P.M.  
1229 NEWCASTLE STREET, 2<sup>nd</sup> FLOOR  
&  
STREAMED LIVE AT THE BELOW WEB ADDRESS:  
<https://www.facebook.com/citybwkga>**

### CALL TO ORDER \*\*INVOCATION \*\*PLEDGE OF ALLEGIANCE

#### **APPROVAL OF AGENDA**

1. Adoption of December 7, 2022 Regular Meeting Agenda.

#### **PUBLIC HEARING(S) – LAND USE**

2. Rezoning Petition No. 22-06; from 2307 Gloucester Street LLC, Petitioning to Amend the Current PD-TN that was approved in 2021. *(J. Hunter)* **(Encl. 1)**

#### **APPOINTMENT(S)**

3. Commission *(N. Atkinson)*
  - 1) Planning and Appeals Commission – One Appointment – *(Alternate)*

#### **ITEM(S) TO BE CONSIDERED FOR APPROVAL**

4. Consider Approval of November 21, 2022 Rescheduled Regular Scheduled Meeting Minutes. *(subject to any necessary changes.) (N. Atkinson)* **(Encl. 2)**
5. Consider Approval of Financial Reports as of October 31, 2022. *(K. Mills)* **(Encl. 3)**
6. Consider Approval of Six (6) Alcohol License Renewals. *(A. Brown)* **(Encl. 4)**
7. Consider Approval of Memorandum of Understanding Between the City of Brunswick and the Golden Isles Development Authority for Distribution of Community Group Investment Fund Grants. *(K. Ntemo)* **(Encl. 5)**

#### **CITY ATTORNEY'S ITEM(S)**

8. Consider Approval of Payment of the Excess Tax Proceeds from the Tax Sale of Parcel No. 01-04148 in the Amount of Twenty-Nine Thousand One Hundred Ninety-Six and 92/100 dollars (\$29,196.92). **(Encl. 6)**
9. Consider Approval to the First Amendment to the 2012 Local Option Sales Tax Agreement Between the City of Brunswick and Glynn County. **(Encl. 7)**



**SUBJECT: RZ 22-06 | 2307 Gloucester Street | Amend PD-TN Text and Concept Plan**

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**COMMISSION ACTION REQUESTED ON:** 12/7/22

**PURPOSE:** See attached Staff Report

**HISTORY:**

**FACTS AND ISSUES:**

**BUDGET INFORMATION:** N/A

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**OPTIONS:**

- Approve RZ 22-06 as submitted.
  - Approve RZ 22-06 with conditions.
  - Do not approve RZ 22-06.
- 

**DEPARTMENT RECOMMENDATION ACTION:**

- Approve RZ 22-06 as recommended by staff and the PAC
- 

**DEPARTMENT:** PDC

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Prepared by: John Hunter, Director

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:**

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*Regina M. McDuffie*

City Manager

11/29/22

Date

# **Rezoning Petition No. 22-06**

**(2307 Gloucester)**

**Staff Report**

**John Hunter**

*Director*

*Planning, Development, & Codes*

**City of Brunswick  
Commission Public Hearing  
December 7, 2022**

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# Requested Land Use Approvals

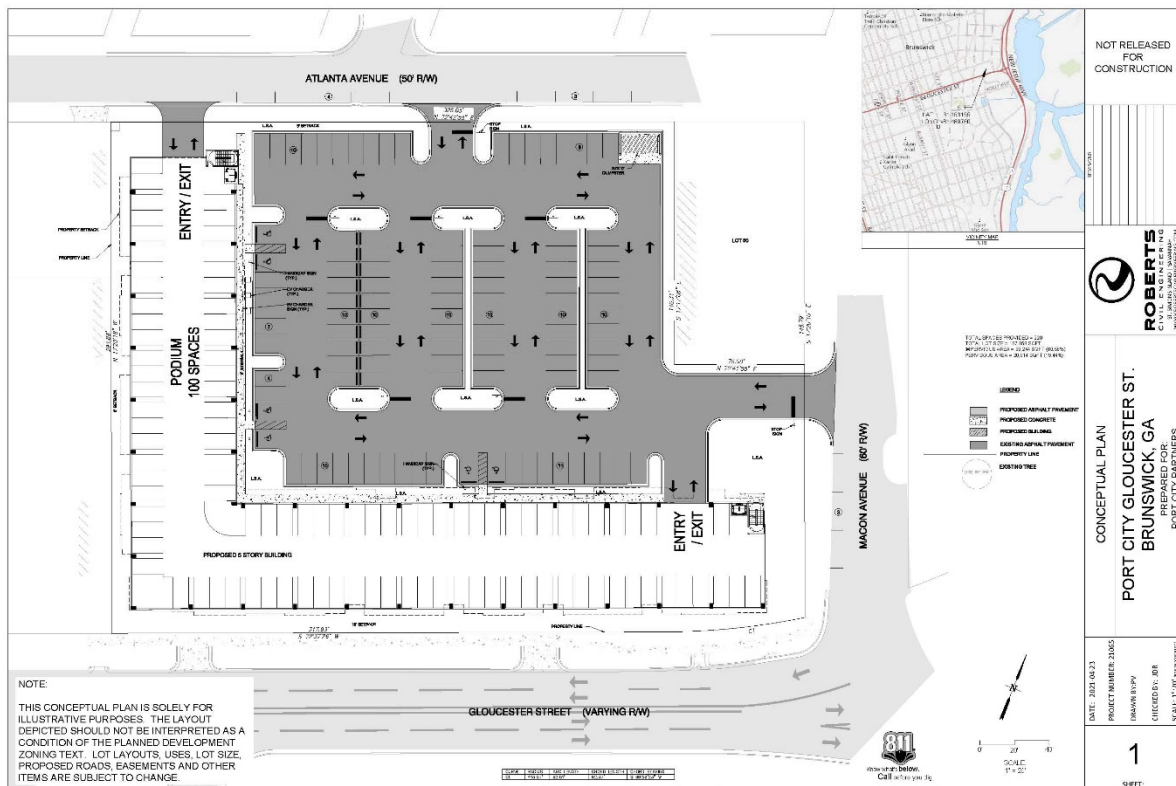
2307 Gloucester Street LLC, owner is petitioning to amend the current PD-TN that was approved in 2021.



Location map

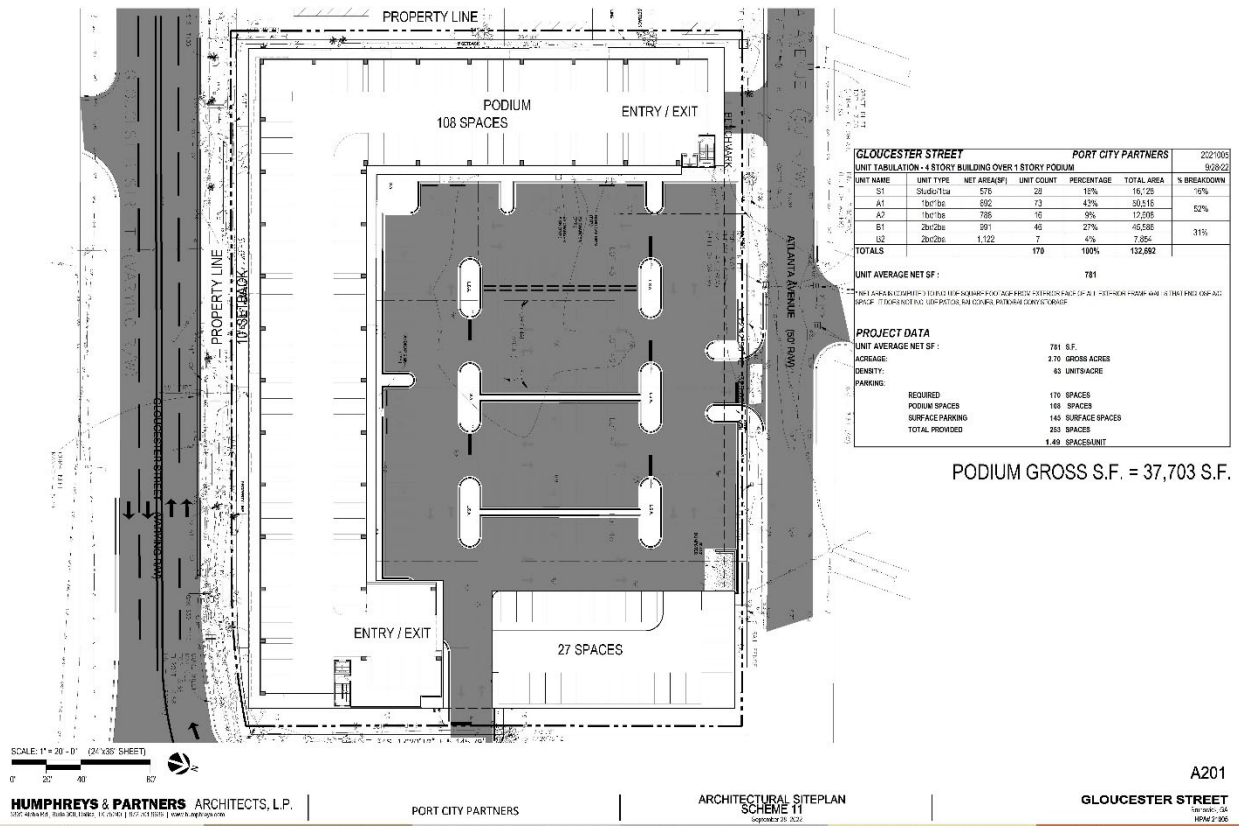
## Proposed Development

2307 Gloucester, LLC was approved for a rezoning to PD-TN on June 6, 2021. The PD-TN text allows the development of a 170-unit multi-family development, with 1.3 parking spaces per unit. The approved concept plan is below:



# Proposed PD Text Amendment

The owners of 2307 Gloucester LLC have purchased the adjacent property at 2328 Atlanta Avenue, demolished the structure, and filed a new plat incorporating the property into the same parcel as 2307 Gloucester. The size of the site increases from 2.458 acres to 2.699 acres, and the number of provided parking spaces increases from 227 to 253. The PD-TN concept plan and the text amendments reflect this and incorporate the property at 2328 Atlanta Avenue into the PD-TN. There are no changes to the conditions or restrictions of the existing PD-TN text.



## Staff Recommendation

The property at 2328 Atlanta Avenue is zoned Highway Commercial. Parking for a multi-family development is an allowed use within that zoning classification. By incorporating the property in the PD-TN for 2307 Gloucester Street, site redevelopment will be consistent and the same governing ordinances will be incorporated.

Staff recommends the approval of the amendment to the PD-TN.

## **Planning & Appeals Commission Recommendation**

The Planning and Appeals Commission reviewed the application at their November 9, 2022 meeting. Discussion involved review of the previously approved site plan and PD text. A Public Hearing was held. Stacy White, a resident on Lanier Blvd. spoke against the application.

The PAC voted 3-1 to recommend approval of the Staff Recommendation.

# Appendix A – zoning standards and policies

## ZONING STANDARDS AND POLICIES AND PROCEDURES FOR ZONING HEARINGS

Approved by the Commission City of Brunswick, Georgia  
April 5, 1989

### Part I. Standards

The current Georgia statutory law, O.C.G.A. ;s; 36-66-5(b) expressly mandates that each local government exercising zoning power establish and consider such factors in the form of substantive standards for zoning decisions. That subsection provides:

[E]ach local government shall adopt standards governing the exercise of the zoning power, and such standards may include any factors which the local government finds relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. Such standards shall be printed and copies thereof shall be available for distribution to the general public.

In keeping with the foregoing statutory requirement, the City of Brunswick has adopted the following substantive standards to govern its zoning decisions:

**A. A PROPOSED ZONING CLASSIFICATION OR CONDITIONAL USE REQUEST SHOULD BE COMPATIBLE WITH EXISTING USES AND ZONING OF ADJACENT AND NEARBY PROPERTY, AND ``SPOT ZONING'' SHOULD ALMOST ALWAYS BE REJECTED.**

(1) Would the proposed rezoning create an isolated district unrelated to adjacent and nearby districts?

(2) Is the proposed rezoning a logical extension of a zoning boundary which would improve the pattern of uses in the general area?

**B. A PROPOSED ZONING CLASSIFICATION SHOULD NOT DESTABILIZE THE SURROUNDING NEIGHBORHOOD.**

(1) Is the proposed zoning classification one which would promote integrity of the neighborhood and preserve its general character?

(2) Would the proposed rezoning precipitate similar rezoning requests which would generate or accelerate adverse land use changes in the neighborhood?

**C. A PROPOSED ZONING CLASSIFICATION SHOULD MAXIMIZE THE ECONOMIC VALUE OF THE SUBJECT PROPERTY WITHOUT DEPRECIATING THE VALUE OF ADJACENT AND NEARBY PROPERTY.**

(1) To what extent does the existing zoning classification depress the value of the subject property?



(2) To what extent would the proposed zoning classification result in appreciation of the value of the property?

(3) What effect does the existing zoning classification have on the values of adjacent and nearby property?

(4) What effect would the proposed zoning classification have on the values of adjacent and nearby property?

**D. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE AN ADVERSE EFFECT ON TRAFFIC FLOW, TRAFFIC SAFETY OR POPULATION DENSITY.**

(1) Is there adequate public or private parking for the proposed use and other uses permitted within the classification?

(2) Would such uses create any problem of traffic congestion in the area?

(3) Would such uses create any traffic safety problem with regard to ingress and egress, visibility or otherwise?

(4) Would such uses necessitate changes in streets or sidewalks or traffic signage or signalization?

(5) Would such uses contribute to an undesirable level of population density?

(6) Would such uses substantially conflict with existing density patterns in the neighborhood?

**E. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE ENVIRONMENTAL IMPACT.**

(1) Would the proposed use or other uses permitted within the classification create noise, dust, smoke or odors?

(2) Would such uses affect air quality or water quality and quantity?

(3) Would such uses create problems with drainage or soil erosion and sedimentation?

(4) Would such uses aggravate problems with flood damage control?

(5) Would such uses aggravate waste disposal problems?

**F. A PROPOSED ZONING CLASSIFICATION SHOULD NOT HAVE ADVERSE AESTHETIC EFFECTS.**

(1) Would the proposed rezoning lead to removal of existing vegetation?

(2) Would the proposed use incorporate new planting?

(3) Would the proposed use necessitate unattractive structures or result in removal or alteration of historic structures?

(4) Would the proposed use be visually compatible with the surrounding neighborhood?

(5) Would the proposed use include machinery or work visible from the street or neighboring property?

(6) Would the proposed use be adequately separated from conflicting uses by an appropriate buffer?

**G. A REZONING SHOULD NOT RESULT IN COSTS TO THE PUBLIC DISPROPORTIONATE TO TAX REVENUES GENERATED BY THE PROPOSED USE.**

(1) Would the rezoning increase the cost of government in providing public utilities, schools, streets, police and fire protection, etc.?

(2) What additional public facilities would be required?

(3) To what extent would such increased costs be offset by increased tax revenues?

**H. THE SUBJECT PROPERTY SHOULD BE SUITABLE FOR THE ZONED PURPOSES.**

(1) Is the property suitable for uses within the existing zoning classification?

(2) Has the property been vacant as zoned, and if so, for what period or periods of time?

(3) Are there substantial reasons why the property cannot be economically used in accordance with existing zoning?

(4) Would the proposed rezoning benefit the general public in any way?

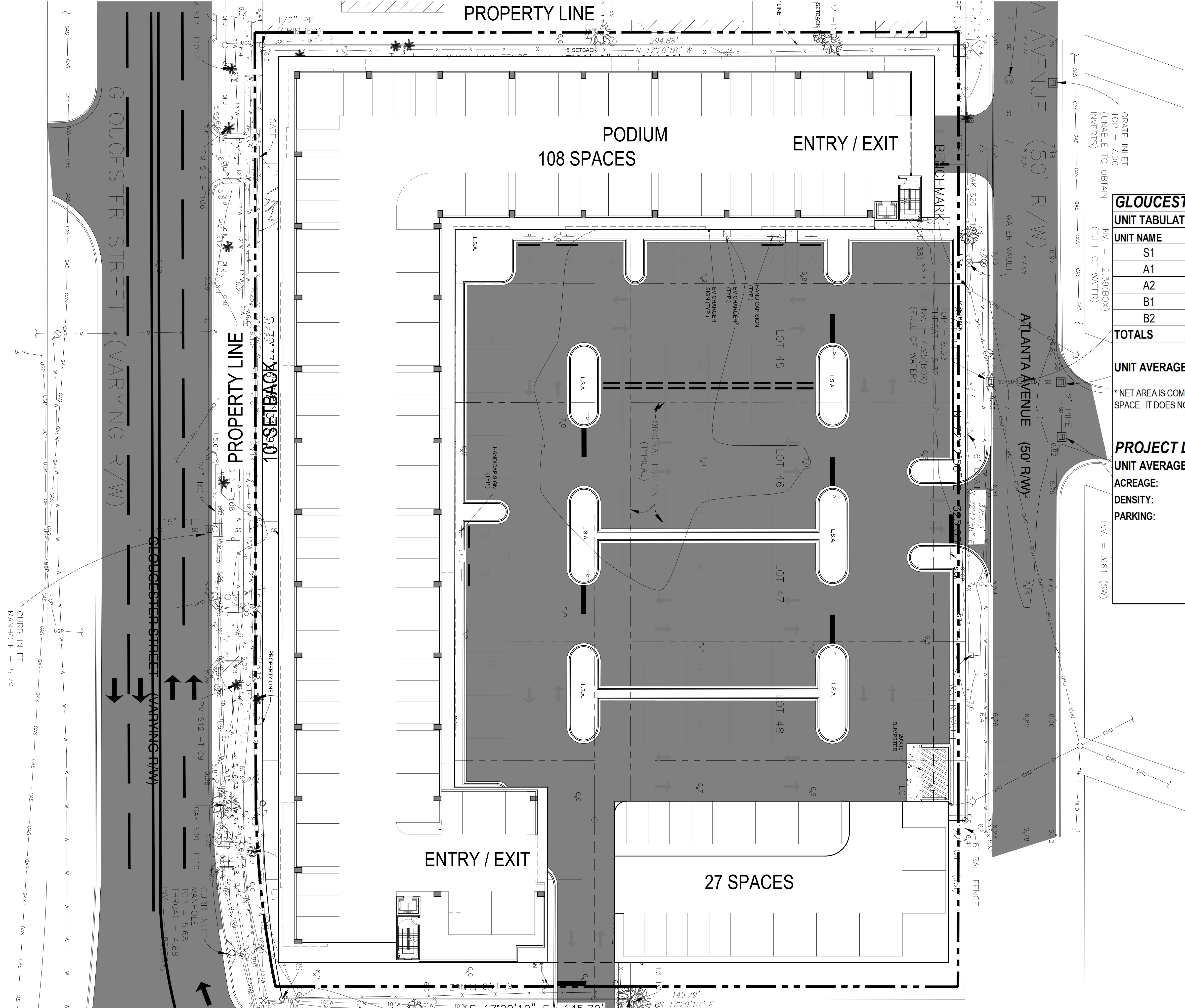
(5) Would the proposed rezoning conform to or diverge from the comprehensive land use plan?

\* \* \*

It is obvious that the foregoing standards are very general, not at all specific, and that the public and private interests cannot be balanced with mathematical certainty in a zoning decision. Moreover, particular zoning issues which may arise, considered in context, may suggest concerns in addition to the foregoing standards and further questions which will need to be addressed by the Commission. It can only be said that any zoning decision, to be lawful, must be based on a relative gain to the public, as compared to the hardship imposed upon private parties. Such decisions must never be based simply upon the numbers of supporters or opponents or other political factors without consideration of the standards.

*(excerpt from addendum that was added to the zoning ordinance by the City Commission on April 5, 1989)*

## Appendix C - Proposed PD Text and Concept Plan



GLOUCESTER STREET						PORT CITY PARTNERS	
UNIT TABULATION - 4 STORY BUILDING OVER 1 STORY PODIUM						2021005	
						9/28/22	
UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PERCENTAGE	TOTAL AREA	% BREAKDOWN	
S1	Studio/1ba	576	28	16%	16,128	16%	
A1	1br/1ba	692	73	43%	50,516	52%	
A2	1br/1ba	788	16	9%	12,608		
B1	2br/2ba	991	46	27%	45,586	31%	
B2	2br/2ba	1,122	7	4%	7,854		
<b>TOTALS</b>			<b>170</b>	<b>100%</b>	<b>132,692</b>		

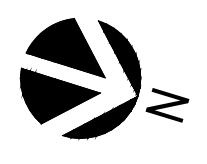
**UNIT AVERAGE NET SF :** 781

\* NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE A/C SPACE. IT DOES NOT INCLUDE PATIOS, BALCONIES, PATIO/BALCONY STORAGE.

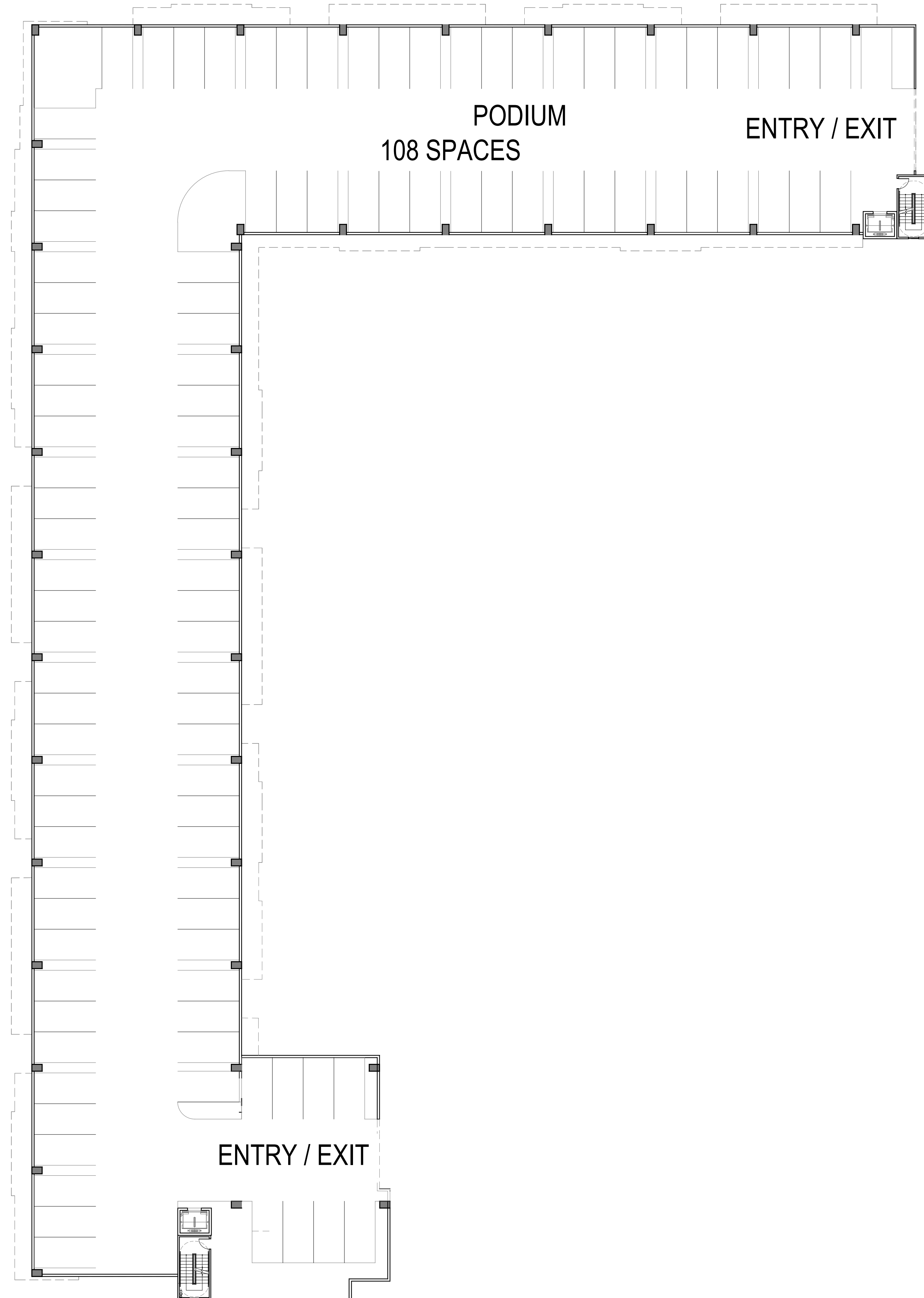
PROJECT DATA	
<b>UNIT AVERAGE NET SF :</b>	781 S.F.
<b>ACREAGE:</b>	2.70 GROSS ACRES
<b>DENSITY:</b>	63 UNITS/ACRE
<b>PARKING:</b>	
REQUIRED	170 SPACES
PODIUM SPACES	108 SPACES
SURFACE PARKING	145 SURFACE SPACES
TOTAL PROVIDED	253 SPACES
	1.49 SPACES/UNIT

**PODIUM GROSS S.F. = 37,703 S.F.**

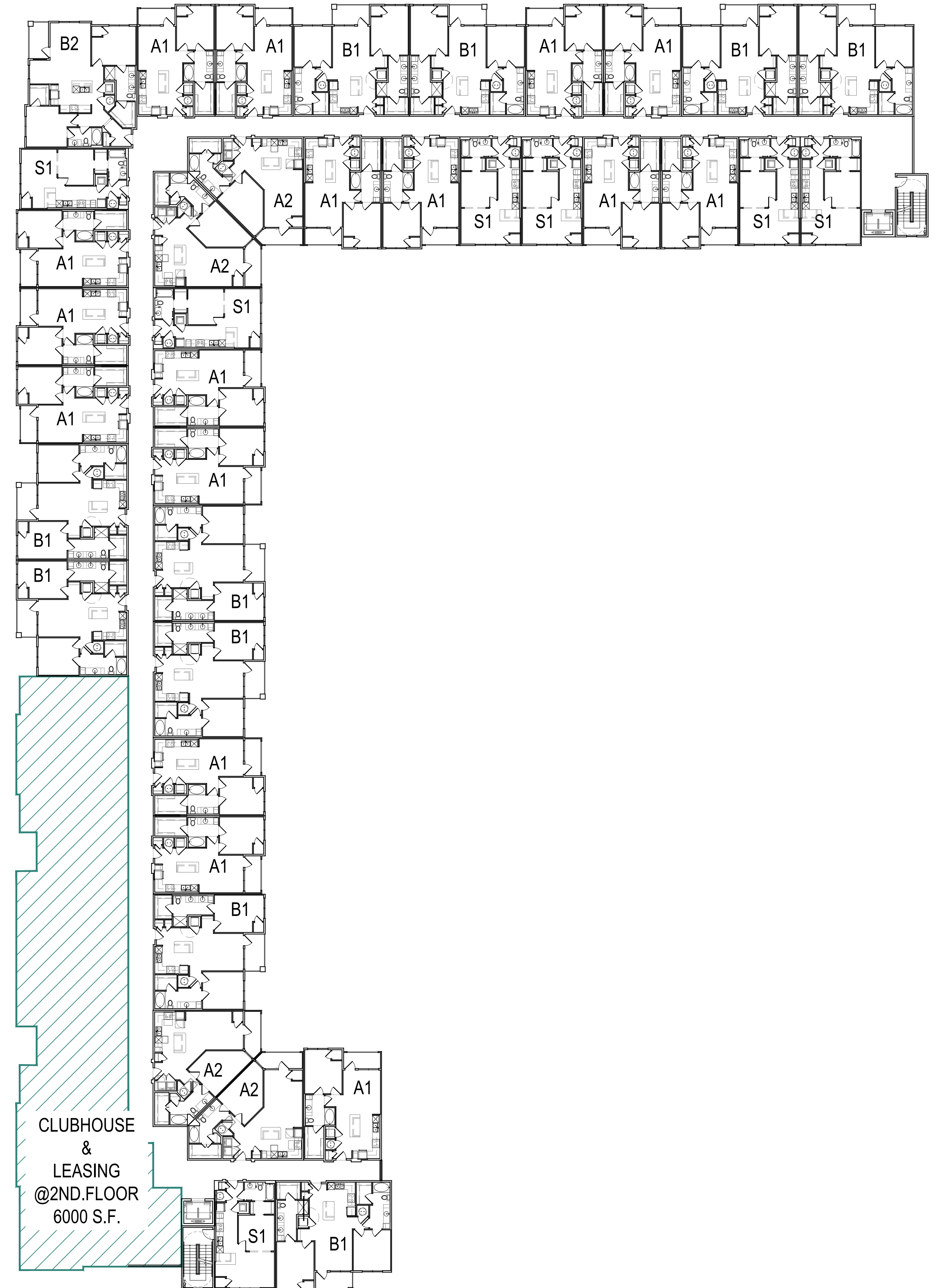
SCALE: 1" = 20' - 0" (24"x36" SHEET)



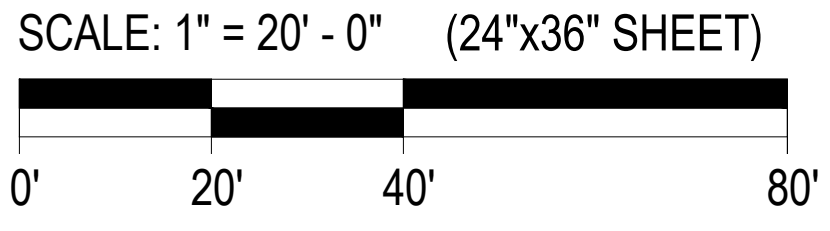
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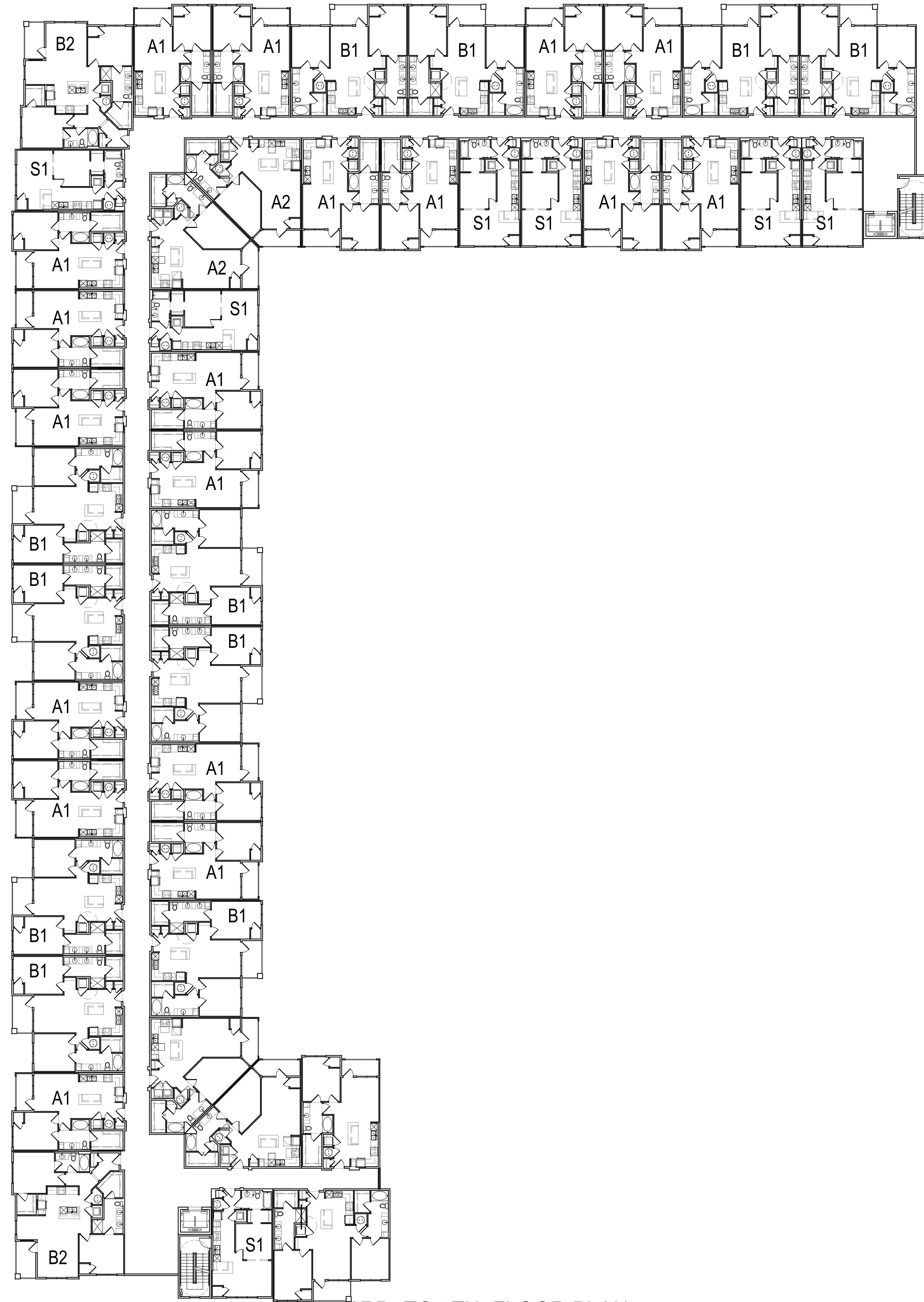
1ST. FLOOR PLAN  
GROSS S.F. = 42,294 S.F.  
TOTAL GROSS S.F. = 206,879 S.F.



2ND. FLOOR PLAN  
GROSS S.F. = 42,294 S.F.  
TOTAL GROSS S.F. = 206,879 S.F.



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3RD. TO 5TH. FLOOR PLAN  
 GROSS S.F. = 42,294 S.F.  
 TOTAL GROSS S.F. = 192,597 S.F.

SCALE: 1" = 20' - 0" (24"x36" SHEET)  
 0' 20' 40' 80'

# PORT CITY APARTMENTS

## AMENDED

PLANNED DEVELOPMENT –TRADITIONAL NEIGHBORHOOD (PD-TN)  
DISTRICT

BRUNSWICK, GEORGIA

## FOR:

2.4582.699 ACRES COMPRISING THE PROPERTIES LOCATED AT 2307  
GLOUCESTER STREET AND 2328 ATLANTA AVENUE, BRUNSWICK, GA,  
TO BE KNOWN AS ‘PORT CITY APARTMENTS’

*{Please see Section One-B for a possible increase  
in the acreage}*

## BY:

2307 GLOUCESTER LLC, a Georgia limited liability company

( “Applicant”/”Developer”)

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# PORT CITY APARTMENTS

## PLANNED DEVELOPMENT TEXT – TRADITIONAL NEIGHBORHOOD DISTRICT

### SECTION ONE

#### INTRODUCTION AND STATEMENT OF OWNERSHIP

This Amended Planned Development Text will amend that certain *Planned Development Text – TN Rezone Petition No. 21-02* which was approved by the Brunswick City Commission on June 2, 2021. The property located at 2307 Gloucester Street was rezoned to PD-TN in June of 2021. No substantial changes to Petition No. 21-02 are being requested under this Amended Planned Development Text with the exception of adding an additional 10,512 square feet of land to the Project Site with a request to approve a zoning change of the property located at 2328 Atlanta Avenue from HC to PD-TN, in order to conform to the current zoning classification of 2307 Gloucester Street.

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A. The two (2) tracts of land Property described below (herein collectively the “Project Site”) is located at 2307 Gloucester Street ~~and~~ (which was formerly owned by the Brunswick-Glynn County Joint Water and Sewer Commission (“JWSC”) and 2328 Atlanta Avenue (formerly owned by Carnella S. Wright). Prior to the ownership of the 2307 Gloucester Street property by the JWSC, the Project Site was operated as a Days Inn Motel for many years. The Project Site is conveniently located in downtown Brunswick surrounded by residential and commercial properties and is in close proximity (within 1 mile) to the historic downtown Brunswick area at the waterfront. The historic downtown Brunswick area is and has been undergoing a tremendous amount of private revitalization. The Applicant, a local resident now rooted in Coastal Georgia, envisions future needs for the downtown area to include new multi-family housing that will complement the rising eclectic and energetic downtown community. The Applicant is committed to and passionate about being involved in the growth of the City of Brunswick and specifically the revitalization of the downtown Brunswick area.

2307 Gloucester Street which comprises the majority portion of ~~T~~the Project Site was recently purchased by the Applicant on June 16, 2020 pursuant to that certain Limited Warranty Deed recorded in Deed Book 4222, Page 57, Glynn County, Georgia records (copy attached as Exhibit “A”), and is more particularly described as follows, to-wit:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATE,  
LYING AND BEING IN G.M.D. 26, CITY OF BRUNSWICK, GLYNN  
COUNTY, GEORGIA AND DESCRIBED AND IDENTIFIED  
ACCORDING TO THAT CERTAIN SURVE

Y BY ROBERT N. SHUPE, G.R.S. NO. 2224, DATED SEPTEMBER 8,  
2010, ENTITLED “ALL OF LOTS 29 THRU 34, LOTS 43 THRU 48 & A  
PORTION OF LOTS 35, 36, 49 & A 15’ ALLEY, URBANA



SUBDIVISION," (WHICH PLAT IS, BY REFERENCE, INCORPORATED HEREIN AND MADE A PART HEREOF FOR ALL PURPOSES), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: •

BEGINNING AT A 1/2" CAPPED PIPE FOUND (R.L.S. 2804) WHICH MARKS THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY OF MACON AVENUE AND THE NORTHERN RIGHT-OF-WAY OF GLOUCESTER STREET; PROCEED THENCE ALONG THE SAID RIGHT-OF-WAY OF GLOUCESTER STREET ALONG AN ARC 82.51 FEET (SAID CURVE HAVING A RADIUS OF 415.57 FEET, A CHORD BEARING OF SOUTH 66 DEGREES 56 MINUTES 23 SECONDS WEST AND A CHORD LENGTH OF 82.37 FEET) TO A LEAD & TAC SET IN CURB; THENCE ALONG THE SAID RIGHT-OF-WAY OF GLOUCESTER STREET SOUTH 72 DEGREES 37 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 317.93 FEET TO A 1/2" PIPE FOUND; THENCE ALONG THE LANDS NOW OR FORMERLY OF BUCKHORN INVESTMENTS, LLC, THOMAS B. GRAVES AND ORION L. DOUGLASS NORTH 17 DEGREES 20 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 294.88 FEET TO A 1/2" CAPPED PIPE FOUND (R.L.S. #2804) LOCATED ON THE SOUTHERN RIGHT-OF-WAY OF ATLANTA AVENUE; THENCE ALONG THE SAID RIGHT-OF-WAY OF ATLANTA AVENUE NORTH 72 DEGREES 42 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 325.03 FEET TO A 1/2" CAPPED IRON PIN FOUND (R.L.S. #2804); THENCE ALONG THE LANDS NOW OR FORMERLY OF CLIFFORD WRIGHT SOUTH 17 DEGREES 17 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 140.31 FEET TO A 1/2" CAPPED PIPE FOUND (R.L.S. #2804); THENCE NORTH 72 DEGREES 41 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 75.00 FEET TO A CAPPED IRON PIN SET LOCATED ON THE WESTERN RIGHT-OF-WAY OF MACON AVENUE; THENCE ALONG THE SAID RIGHT-OF-WAY OF MACON AVENUE SOUTH 17 DEGREES 20 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 145.79 FEET TO THE POINT OR PLACE OF BEGINNING. SAID PARCEL OF LAND CONTAINS 2.458 ACRES.

THE FOLLOWING PORTION OF THE ABOVE-DESCRIBED PROPERTY, HOWEVER, IS EXCLUDED FROM ANY WARRANTY OF TITLE, AND IS CONVEYED BY QUITCLAIM ONLY:

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN G.M.D. 26, CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA AND DESCRIBED AND IDENTIFIED ACCORDING TO THAT CERTAIN SURVEY BY ROBERT N. SHUPE, G.R.S. NO. 2224, DATED SEPTEMBER 8, 2010, ENTITLED "ALL OF LOTS 29 THRU 34, LOTS 43 THRU 48 & A PORTION OF LOTS 35, 36, 49 & A 15' ALLEY, URBANA SUBDIVISION," (WHICH PLAT IS, BY REFERENCE, INCORPORATED HEREIN AND MADE A PART HEREOF FOR ALL PURPOSES), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A 1/2" CAPPED PIPE FOUND (R.L.S. #2804) WHICH MARKS THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF GLOUCESTER STREET AND THE WESTERN RIGHT-OF-WAY OF MACON AVENUE; PROCEED THENCE ALONG THE SAID RIGHT-OF-WAY OF MACON AVENUE NORTH 17 DEGREES 20 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 130.79 FEET TO THE POINT OR PLACE OF BEGINNING; THENCE SOUTH 72

DEGREES 41 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 75.00 FEET TO A POINT; THENCE NORTH 17 DEGREES 20 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 15.00 FEET TO A 1/2" CAPPED PIPE FOUND (R.L.S. #2804); THENCE ALONG THE LANDS NOW OR FORMERLY OF CLIFFORD WRIGHT NORTH 72 DEGREES 41 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 75.00 FEET TO A 1/2" CAPPED IRON PIN SET (SSC PC, LSF 317) LOCATED ON THE WESTERN RIGHT-OF-WAY OF MACON AVENUE; THENCE ALONG THE SAID RIGHT-OF-WAY OF MACON AVENUE SOUTH 17 DEGREES 20 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 15.00 FEET TO THE POINT OR PLACE OF BEGINNING.

2328 Atlanta Avenue which covers the northeast corner of the Project Site was purchased by the Applicant on June 13, 2022 pursuant to that certain Limited Warranty Deed recorded in Deed Book 4703, Page 507, Glynn County, Georgia records (copy attached as Exhibit "B"), and is more particularly described as follows, to-wit:

ALL THOSE CERTAIN LOTS, TRACTS OR PARCELS OF LAND SITUATE, LYING AND BEING IN THE CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA DESCRIBED AND IDENTIFIED ACCORDING TO THE WELL KNOWN MAPS AND PLAN OF SAID CITY AS URBANA LOT NUMBER FIFTY (50) AND THE EASTERLY ONE-HALF OF URBANA LOT NUMBER FORTY-NINE (49). SAID LOT AND PORTION OF LOT LIE TOGETHER AND FORM ONE RECTANGULAR BODY OF LAND BOUNDED NORTHERLY 75 FEET BY ATLANTA AVENUE, EASTERLY 100 FEET BY MACON AVENUE, SOUTHERLY 75 FEET BY A 15-FOOT ALLEY, AND WESTERLY 75 FEET BY THE WESTERLY ONE-HALF OF URBANA LOT NUMBER 49.

REFERENCE IS HEREBY MADE TO SAID MAP AND PLAN AND TO THE RECORD THEREOF FOR ALL FURTHER PURPOSES OF DESCRIPTION AND LOCATION.

THIS BEING THE SAME PROPERTY CONVEYED TO CARNELLA S. WRIGHT BY THAT CERTIFICATE OF YEAR'S SUPPORT AND FINAL ORDER OF YEAR'S SUPPORT DATED APRIL 23, 2021 BY THE JUDGE OF THE PROBATE COURT OF GLYNN COUNTY, GEORGIA AS RECORDED IN DEED BOOK 4439, PAGE 311 THROUGH 316, GLYNN COUNTY, GEORGIA RECORDS.

PARCEL NUMBER 01-02716

B.—Further, *please note* the Applicant is in the process of purchasing a tract of land which is adjacent to the Project Site and located on the northeast corner of Atlanta Avenue and Macon Avenue and more commonly known as 2328 Atlanta Avenue (the "Additional

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~~Tract”). The Applicant is submitting two (2) Site Plans for approval (one to include the Additional Tract hereafter referred to as “Site Plan Number 2” and one without the Additional Tract hereafter referred to as “Site Plan Number 1”). In the event the Additional Tract is not purchased by the Applicant, Site Plan Number 1 will be developed. In the event the Additional Tract is purchased by the Applicant, Site Plan Number 2 will be developed.~~

~~The Additional Tract is more particularly described as follows, to wit:~~

~~All those certain lots, tracts or parcels of land situate, lying and being in the City of Brunswick, Glynn County, Georgia, described and identified according to the well known maps and plan of said City as Urbana lot number Fifty (50) and the easterly one half of Urbana lot number Forty Nine (49). Said lot and portion of lot lie together and form one rectangular body of land bounded northerly 75 feet by Atlanta Avenue, easterly 100 feet by Macon Avenue, southerly 75 feet by a 15 foot alley, and westerly 75 feet by the westerly one half of Urbana lot number 49.~~

~~This is the same property conveyed to Clifford Wright by that deed dated December 9, 1974, as recorded in Deed Book 18 G, Page 578, Glynn County, Georgia records.~~

## **SECTION TWO**

### **USE AND DEVELOPMENT STATEMENT**

The Applicant intends to develop the Property Site into an apartment complex consisting of no more than 170 units with a covered parking garage on the ground floor and additional paved parking spaces within the property, all as shown on the Site Plan(s) attached hereto as Exhibit “BC”.

The purpose of this application is to conform the zoning classification of 2328 Atlanta Avenue to the zoning classification of 2307 Gloucester Street which is rezone the property from its current zoning classification (Highway Commercial — HC) to classified as a PD Text – Traditional Neighborhood District (PD-TN). The TN designation includes multi-family dwelling units.

The Property Site is compliant with the provisions of Article XVI, Section 23-16-2 (a), (b), (c) and (d); with the exception that a conceptual landscape plan will be submitted at the building permit stage of this project.

## SECTION THREE

### PLANNED DEVELOPMENT TEXT

The Applicant, along with hisits expert consultant team of engineers, planners, surveyors and architects, have carefully considered and evaluated the Project Site over a period of many months in which they have conducted a substantial amount of demographic studies, other pertinent research and feasibility studies of the best and highest use of the Project Site, including site layouts, site elevations and unit mix and counts. The final product of the Applicant's careful assessment is provided in the following PD Text:

1. Name: The name of the development shall be called "Port City Apartments".
2. Allowable Uses: The following uses are allowed on the Site:
  - Commercial
  - Apartments
  - Condominiums
  - Retail
  - Restaurants
  - Offices
3. Utilities/Drainage: All utilities will be public, including, water, sewer, drainage, gas, electric, telephone and cable t.v. and will meet or exceed the City's requirements. Sewer capacity and storm drainage will be carefully evaluated. Engineered plans will be reviewed and coordinated among the City Engineer and the Developer's Engineer to meet or exceed the City's sewage and drainage standards.
4. Stormwater/Lot/Site Coverage: The site coverage shall not exceed 92% of the site area. The site coverage calculation will include buildings and impervious pavement areas. Landscape areas, pervious pavement, and gravel areas are not included in the site coverage calculation.
5. Building Height and Elevations: The building will consist of five (5) floors which will include the ground floor garage parking area. Floors 2 through 5 will consist of apartment units of varying sizes and floor plan designs. The building roofline height will not exceed the maximum limit of 60 feet measured from an elevation of 12 feet (NAVD-88 datum), therefore, maximum height will not exceed an elevation of 72 feet (NAVD-88 datum). Due to the Project Site being located in a flood zone, the height measurement commences at 12 feet. Shade structures and other roof-top amenities will not be included in the building height calculations. Front, side and rear building elevations are as shown on the Elevations Plan (attached as Exhibit "C").
6. Site Access: ~~After carefully considering the recent possibility of a future~~ Due to the current changes ~~by~~ being made by the Georgia Department of Transportation to

the Gloucester Street design, the Applicant has chosen to provide the following access points for ~~both the Site Plan Number 1 and Site Plan Number 2~~, as follows: one access point will be provided off of Atlanta Avenue and one access point will be provided off of Macon Avenue.

7. Parking: The applicant will provide a parking ratio of 1.0 spaces per unit ~~for Site Plan 1 or Site Plan 2~~. Spaces along the street on Gloucester Street, Atlanta Avenue, and Macon Street count toward the total spaces provided in the parking calculation.
8. Landscape Plans and Buffers: Applicant will provide ample landscaping to include 6 landscape islands within the parking lot and large landscaped areas between the paved parking lot and the five (5') foot interior sidewalk along the front of the building. Buffers will be maintained as outlined on the Site Plan (attached as Exhibit "BC").
9. Signage. Signage will meet or exceed the City of Brunswick design standards.
10. Lighting. Lighting will meet or exceed the City of Brunswick design standards.
11. Setback Requirements. Developer has provided setbacks that will meet the City's setback requirements, as follows:
  - (a) frontage – 10 feet
  - (b) side – 5 feet
  - (c) rear – 5 feet

[END]



# CITY OF BRUNSWICK, GEORGIA

## APPLICATION FOR REZONING

# RZ

**APPLICANT:** After completely reading this form, the applicant will answer each item as completely as possible. Please print or type. The Planning Staff will assist you if necessary.

This is a request for a **REZONING** to the Official Zoning Ordinances of the City of Brunswick. Please read Article XXIII of Zoning Ordinance which applies to your proposal.

1. Applicant (Your Name): \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Zip: \_\_\_\_\_
2. Location of Property forming the basis for this text amendment: \_\_\_\_\_  
Street \_\_\_\_\_ Tax Map and Parcel Number: \_\_\_\_\_
3. Is this rezoning due to annexation? \_\_\_\_ YES \_\_\_\_ NO
4. Total Parcel area (indicate square feet or acres): \_\_\_\_\_ Square Feet/Acres
5. Present Zoning: \_\_\_\_\_ Abutting zones (list all zones that touch the parcel): \_\_\_\_\_
6. Proposed Zoning: \_\_\_\_\_
7. Are any special use(s), variance(s), covenant(s), or prior rezoning(s) present on the parcel?  
\_\_\_\_ YES \_\_\_\_ NO If 'YES', list ALL and date: \_\_\_\_\_
8. The following data shall be attached as applicable:  
\_\_\_\_ **Petition signed by Property Owner or agent requesting the Rezoning.**  
\_\_\_\_ **Full text of the proposed amendment in the format of the ordinance it is intended to amend.**
9. Reasons for the rezoning request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Do you have legal possession of the parcel(s) proposed for this zoning text amendment? \_\_\_\_ YES \_\_\_\_ NO  
(If 'NO' then this application cannot be processed until an application is received for all parcels intended to be affected by the text amendment and legal authorization provided.)
11. Owner's Name (If different from Applicant\*): \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ (\*If applicant is different from Owner, a legal authorization to represent the Owner must be attached to this application.)

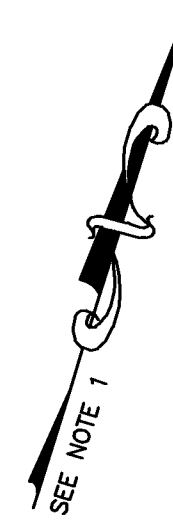
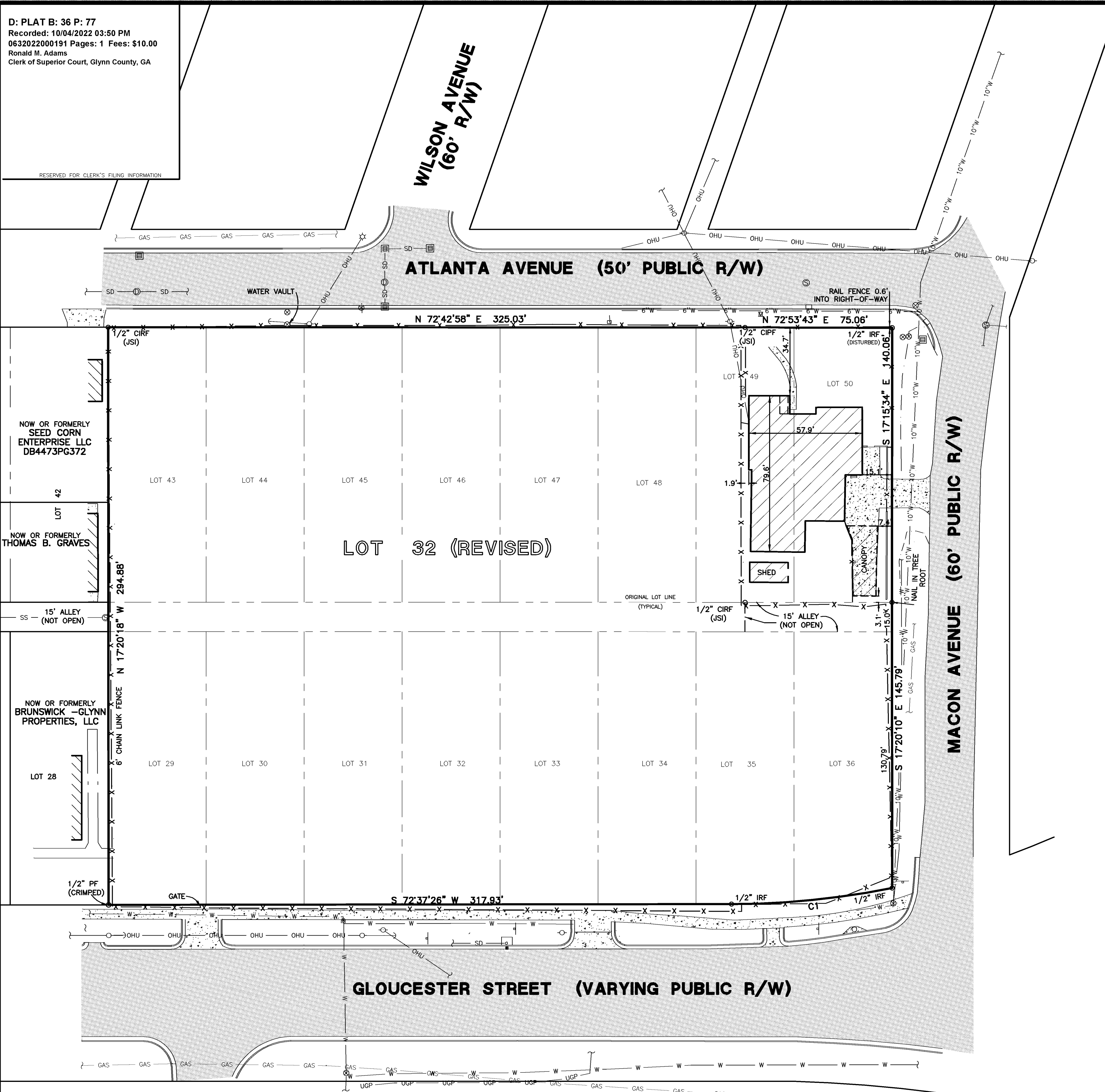
I understand that the City of Brunswick will not process this application until I have submitted **ALL** required materials on or before the date of the approved schedule, which shall be **not less than 20 days prior to the regularly scheduled and advertised monthly meeting of the Planning and Appeals Commission**. The PAC meets on the Second Wednesday of each month at 5:15 PM in Commission Chambers, Old City Hall. The recommendation of the Planning Commission is forwarded to City Commission for their review at the next regularly scheduled meeting following the PAC meeting.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

(Printed Name: \_\_\_\_\_)

D: PLAT B: 36 P: 77  
 Recorded: 10/04/2022 03:50 PM  
 0632022000191 Pages: 1 Fees: \$10.00  
 Ronald M. Adams  
 Clerk of Superior Court, Glynn County, GA

RESERVED FOR CLERK'S FILING INFORMATION



**NOTES:**

- BEARINGS SHOWN ON THIS SURVEY ARE BASED ON A SURVEY FROM THIS FIRM. (SEE REFERENCE A)
- FIELD EQUIPMENT USED FOR THIS SURVEY: GEOMAX ZOOM 90.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE RATIO OF 1 FOOT IN 10,000 FEET OR BETTER, AN ANGULAR ERROR OF .05" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE METHOD.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 333,026 FEET.
- THIS SURVEY AND ALL SUBSEQUENT REVISIONS ARE BASED SOLELY ON FIELD WORK THAT WAS COMPLETED ON 07/06/22 (UNLESS OTHERWISE NOTED). SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO SITE CONDITIONS AFTER THIS DATE.
- THE ADJOINING PROPERTY INFORMATION AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG) AND COURTHOUSE RESEARCH. THE CURRENT OWNER IS 2307 GLOUCESTER, LLC (DEED BOOK 4222, PAGE 57).
- ACCORDING TO F.I.R.M. MAP NO. 13127C, PANEL 0238H, EFFECTIVE DATE 01/05/2018, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE AE, WHICH IS A SPECIAL FLOOD HAZARD AREA. ZONE AE (EL 10)- 1% ANNUAL CHANCE FLOODPLAINS. BASE FLOOD ELEVATIONS DETERMINED.
- FRESHWATER WETLANDS AND SALT MARSHES MAY BE UNDER THE JURISDICTION OF THE CORPS OF ENGINEERS AND/OR THE DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS AND THE DEVELOPER MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT PROPER PERMIT APPLICATIONS AND APPROVAL. FRESHWATER WETLANDS AND SALT MARSHES AND WERE NOT SURVEYED AS PART OF THIS PROJECT.
- THE TERM "CERTIFICATION" AS USED IN BOARD RULE 180-6--09(2) AND (3) AND RELATING TO PROFESSIONAL SURVEYING SERVICES AS DEFINED IN O.C.G.A. 43-15-2(6) AND (11) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A FULL TITLE EXAMINATION.
- WATER AND SEWER SERVICES FOR THIS PROJECT TO BE PROVIDED BY BRUNSWICK-GLYNN COUNTY JOINT WATER AND SEWER COMMISSION. THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR IMPROVEMENTS TO CONNECT TO THE EXISTING SYSTEMS.
- ZONING INFORMATION WAS TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG). THE SUBJECT PROPERTY IS ZONED PD & HC (PLANNED DEVELOPMENT, HIGHWAY COMMERCIAL).
- BUILDING SETBACKS BASED ON PD ZONING TEXT. RESTRICTIVE COVENANTS MAY HAVE MORE STRINGENT REQUIREMENTS.  
 FRONT 25'  
 SIDE 0'  
 REAR 0'  
 SIDE STREET 0'
- BUILDING SETBACKS BASED ON HC ZONING TEXT. RESTRICTIVE COVENANTS MAY HAVE MORE STRINGENT REQUIREMENTS.  
 FRONT 25'  
 SIDE 0' (BETWEEN TWO BUILDINGS)  
 REAR 15'  
 SIDE STREET 10'
- DEVELOPER

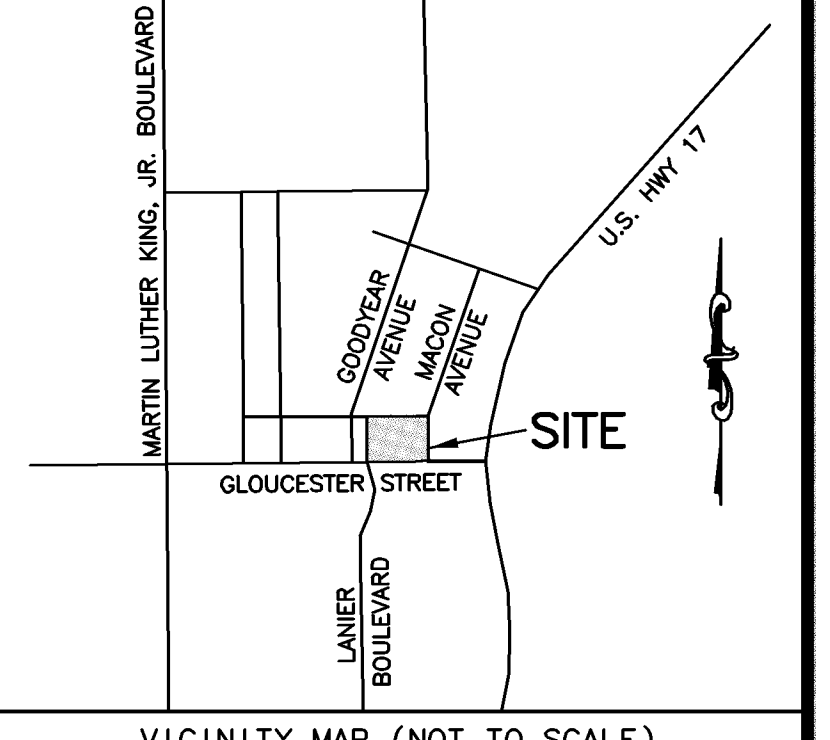
PLOT  
 2307 GLOUCESTER, LLC  
 C/O BRAD PIAZZA  
 P.O. BOX 102  
 BRUNSWICK, GA. 31520  
 201-595-9185  
 (brad@portcitybwk.com)

**LEGEND:**

- IRF IRON REBAR FOUND
- CIRF CAPPED IRON REBAR FOUND (JSI)
- ⊗ WATER VALVE
- ⊕ WATER METER
- ⊠ CATCH BASIN
- ⊙ STORM DRAIN MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ UTILITY POLE
- ⊙ GUY WIRE
- ⊙ PHONE BOX
- ⊙ SIGN
- ⊙ MAILBOX
- ▒ ASPHALT
- ▒ BUILDING
- ▒ CONCRETE
- X- FENCE
- 6"W- WATER LINE
- 10"W- WATER LINE
- OHU- OVERHEAD UTILITIES
- UGP- UNDERGROUND POWER
- SS- SEWER LINE
- SD- STORM DRAIN LINE
- GAS- GAS LINE

**REFERENCES:**

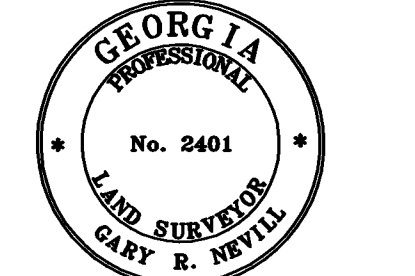
- PLAT BY THIS FIRM TITLED "ALTA/NSPS LAND TITLE SURVEY OF: LOT 50 & THE EASTERN 1/2 OF LOT 48, URBANA SUBDIVISION", DATED 06/15/2022.
- PLAT BY PHILLIP JACKSON, GA. R.L.S. # 2804, TITLED "DAYS INN BUILDING LOCATED ON LOTS 29-34, 43-48, THE WESTERN ONE-HALF OF LOT 49, AND PORTIONS OF LOTS 35, 36 AND A 15' ALLEY, URBANA SUBDIVISION", DATED 10/15/04, AMENDED 10/20/04.
- PLAT BY THIS FIRM, TITLED "ALL OF LOTS 29 THRU 34, LOTS 43-48 & A PORTION OF LOTS 35, 36, 49 & A 15' ALLEY, URBANA SUBDIVISION", DATED 9/8/10.
- PLAT BY THIS FIRM TITLED "ALTA/NSPS LAND TITLE SURVEY OF: ALL OF LOTS 29 THRU 34, LOTS 43 THRU 48 & A PORTION OF LOTS 35, 36, 49 & A 15' ALLEY, URBANA SUBDIVISION", DATED 06/12/2020.



VICINITY MAP (NOT TO SCALE)  
 THIS DOCUMENT AND ALL REPRODUCIBLE COPIES OF THIS DOCUMENT ARE THE PROPERTY OF SHUPE SURVEYING COMPANY, P.C. REPRODUCTION OF THIS DOCUMENT IS NOT PERMITTED WITHOUT WRITTEN CONSENT OF SHUPE SURVEYING COMPANY, P.C. UNLESS THIS DOCUMENT BECOMES A MATTER OF PUBLIC RECORD. ALTERATIONS TO THIS DOCUMENT ARE NOT PERMITTED.

**SURVEYS RECORDING CERTIFICATION**

AS REQUIRED BY SUBSECTION (4) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



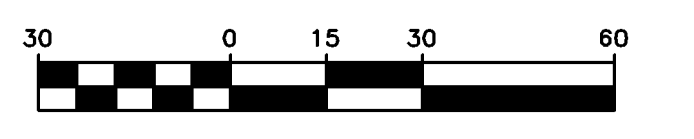
GARY R. NEVILL, GA. PLS# 2401

NO.	REVISION	BY	DATE

CONSOLIDATION SURVEY OF:  
**LOT 32 (REVISED), URBANA SUBDIVISION**  
 (FORMERLY LOTS 29-36, 43-50 AND A PORTION OF A 15' ALLEY, URBANA SUBDIVISION)  
 26TH G.M.D., BRUNSWICK GLYNN COUNTY, GEORGIA  
 PREPARED FOR:  
**2307 GLOUCESTER, LLC**



SHUPE SURVEYING COMPANY, P.C.  
 8837 DARIEN HIGHWAY  
 BRUNSWICK, GA 31525  
 912-265-0562  
 CERTIFICATE OF AUTHORIZATION: LSF317



SCALE 1" = 30'  
 FILE 10125C DRAWING DATE 09/23/2022  
 DRAWING 10125C-2.DWG DRAWN BY AHS  
 SHEET 1 OF 1

THE OWNER(S) OF THE SUBJECT PROPERTY APPROVES THIS SURVEY.  
 [Signature]  
 OWNER/AGENT DATE 10/4/22

CERTIFICATION OF APPROVAL BY THE BRUNSWICK PLANNING AND APPEALS COMMISSION  
 PURSUANT TO THE SUBDIVISION REGULATIONS OF THE CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA, ALL REQUIREMENTS HAVING BEEN FULLFILLED, THIS FINAL PLAT WAS GIVEN APPROVAL BY THE CITY OF BRUNSWICK PLANNING AND APPEALS COMMISSION ON September 27, 2022  
 9/27/22 Lance Sabbe  
 DATE CHAIRMAN, BRUNSWICK PLANNING AND APPEALS COMMISSION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	415.57'	82.51'	82.37'	S 66°56'23" W

V:\Project Files\10125C\DWG\10125C-2.dwg, 9/26/2022 3:18:46 PM

## **Appendix E – Correspondence from the Public**



**OFFICIAL MINUTES  
BRUNSWICK CITY COMMISSION  
REGULAR RE-SCHEDULED MEETING  
MONDAY, NOVEMBER 21, 2022  
AT 6:00 P.M.  
1229 NEWCASTLE STREET, 2<sup>nd</sup> FLOOR  
&**

**STREAMED LIVE AT THE BELOW WEB ADDRESS:**

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

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

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

**INVOCATION:** Mayor Johnson

**PLEDGE OF ALLEGIANCE:** Recited in unison

\*\*\*

**ADDENDUM TO AGENDA:**

Commissioner Martin made a motion to add as item number five (5) “Consider confirmation of Urban Redevelopment Agency Vice-Chairperson.”; seconded by Commissioner Cason. Motion passed unanimously.

\*\*\*

**APPROVAL OF AGENDA**

1. Adoption of November 21, 2022 Regular Meeting Agenda.

Commissioner Martin made a motion to adopt the above-referenced agenda with addendum referenced-above; seconded Commissioner Rolle. Motion passed unanimously.

**ITEM(S) TO BE CONSIDERED FOR APPROVAL**

2. Consider Approval of November 2, 2022 Regular Scheduled Meeting Minutes. *(subject to any necessary changes.) (N. Atkinson)*

Commissioner Cason made a motion to approve the above-referenced minutes with correction of removing Lightfoot after Mr. Schmidt’s name under public comment III; seconded by Commissioner Martin. Motion passed unanimously.

3. Consider of Twenty-one (21) Alcohol License Renewals; and Five (5) Renewal with Violations. *(A. Brown)*

Commissioner Cason made a motion to approve the twenty-one (21) alcohol license renewals referenced above without violation(s); seconded by Commissioner Rolle. Motion passed unanimously.

**Alcohol License Renewal with violation(s):**

**Marshside Grill, LLC**

Commissioner Martin made a motion to approve the renewal of the alcohol license for Marshside Grill, LLC, with a fine of \$150.00 for first violation of underage sell of alcohol.

Following discussion:

Commissioner Martin amended her motion to approve the renewal of the alcohol license for Marshside Grill, LLC; seconded by Commissioner Cason. Motion passed unanimously by a vote of 5 to 0.

**L Street Liquor**

Commissioner Cason made a motion to defer approval of the alcohol renewal for L Street Liquor; until the December 7<sup>th</sup> or December 21<sup>st</sup>, giving Assistant City Manager Bergquist and City Attorney Corry time to start administrative process for L Street Liquor regarding security; seconded by Commissioner Martin. Motion passed unanimously by a vote of 5 to 0.

**Lucky 7**

Commissioner Martin made a motion to approve the renewal of the alcohol license for Lucky 7 with the provision that Lucky 7 purchase an electronic scanning device ensuring that underage sell of alcohol are not made in the future along with further training for staff; seconded by Commissioner Rolle. Motion passed unanimously.

**Long Horn**

Commissioner Martin made a motion to approve the renewal of the alcohol license for Long Horn, with stipulation as a first-time violation fine of \$150 and continue in being proactive with training for underage sell of alcohol; seconded by Commissioner Rolle. Motion passed unanimously by a vote of 5 to 0.

**Olive Garden**

Commissioner Martin made a motion to approve the renewal of the alcohol license for Olive Garden, with stipulation as a first-time violation fine of \$150 and continue in being proactive in training for underage sell of alcohol; seconded by Commissioner Rolle. Motion passed unanimously by a vote of 5 to 0.

4. Consider Approval to Purchase Fifty Dollar Gift Cards (\$50.00) for Full Time Employees and Elected Officials, Twenty-Five Dollar Gift Cards (\$25.00) for Part Time and Seasonal Employees. *(J. Bergquist)*

Commissioner Cason made a motion to approve the purchase of Fifty-dollar gift cards (\$50.00) for full time employees and elected officials, twenty-five-dollar gift cards (\$25.00) for part-time and seasonal employees; seconded by Commissioner Martin. Motion passed unanimously.

5. Consider Confirmation of Urban Redevelopment Agency Vice-Chairperson. *(Mayor Johnson)*

Mayor Johnson appointed Kelly Hnatt as Vice-Chairperson of the Urban Redevelopment Agency.

**POINT OF PRIVILEGE**

\*\*

City Manager Bergquist recognized AT&T Client Sales Executive Amaris Porrata, he stated the City telecommunication is now being provided by AT&T, with a cost savings of \$1,600 per month in cell phone bills. He stated Ms. Porrata and her team did an excellent job of ensuring that the transition went smoothly.

\*\*

Mayor Johnson stated he had a meeting today regarding potentially establishing a 311 constituency services for the City.

He stated the entire commission should receive information from the Assistant City Manager Bergquist or IT Director William Bilancio regarding same.

IT Director William Bilancio gave a brief description of what the 311 service would entail.

\*\*

**EXECUTIVE SESSION**

There was not an executive session held during this meeting.

Commissioner Cason made a motion to adjourn; seconded by Commissioner Martin. Motion passed unanimously.

**MEETING ADJOURNED** – *meeting adjourned at 6:58 p.m.*

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

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



INTEROFFICE MEMORANDUM

DATE: November 28, 2022

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

FROM: Kathy D. Mills, CPA, Finance Director

SUBJECT: Financial Reports as of October 31, 2022 33.33%

---

**General Fund  
31-Oct-22  
Cash Basis**

	Monthly	Year to Date	% of Budget	Amended Budget	% (over)under Budget
Revenues	2,395,573 **	10,308,861	54.92%	18,770,080	-21.59%
Expenditures	1,330,591	5,125,229	27.31%	18,770,080	6.03%
Net Revenues & Expenditures	1,064,982	5,183,632			

Cash Balance as of 10/31/2022	9,047,817	Prime South \$1,558,088	GA Fund One \$7,489,729
	300,276	Perry Park (included in total)	

	LOST	LOST YTD	TAVT*	TAVT* YTD
Oct-22	704,798	3,157,475	31,824	122,438
Oct-21	656,880	2,880,881	29,478	135,696
Increase (Decrease)	47,918	276,594	2,346	(13,258)
	7.29%	9.60%	7.96%	-9.77%

\*Title Ad Valorem Tax

\*\* Includes \$5,119,931 billed for 2022  
\$1,839,411 received as of 10/31/22

**Capital Projects - SPLOST VI**  
**As of October 31, 2022**  
**(04/01/2017-09/30/2020)**

	Total Expended as of 10/31/2022	Reimbursements Received	City Expended as of 10/31/2022	Original Budget Amount	Amended Budget Amount	Remainder (Overage)
Highways and Streets	7,320,754	3,380,766	3,939,988	4,627,750	4,627,750	687,762
Sidewalk Replacement/Upgrades	565,785	50,000	515,785	432,500	482,500	(33,285)
Storm Drainage Improvements	3,522,391	241,362	3,281,029	3,243,750	4,551,750	1,270,721
Mary Ross Park Development	570,736	0	570,736	821,750	821,750	251,014
Highway 17 Infrastructure	388,613	193,450	195,163	215,107	215,107	19,944
Wayfindings & Gateways	77,500	0	77,500	259,500	259,500	182,000
Trails	535,240	107,971	427,269	346,000	346,000	(81,269)
Cemetery Restoration/Renovation	109,632	0	109,632	259,500	259,500	149,868
Brunswick Police Department Vehicles (15)	466,021	0	466,021	540,625	540,625	74,604
Brunswick Fire Department Fire/Rescue	65,222	347	64,875	64,875	64,875	0
Subscriber Radios for E911	469,009	0	469,009	431,357	431,357	(37,652)
Fire Department Pumper Trucks (2)	849,778	287,595	562,183	562,183	562,183	0
Fire Station 1 Improvements	413,971	0	413,971	346,000	346,000	(67,971)
Historic Squares	134,979	25,000	109,979	86,500	86,500	(23,479)
Park Rehabilitation (Palmetto, Orange, etal)	367,590	2,700	364,890	389,225	389,225	24,335
Sidney Lanier Park Improvements	374,321	0	374,321	519,000	519,000	144,679
Overlook Park Improvements	139,104	0	139,104	103,800	103,800	(35,304)
Howard Coffin Park Improvements	514,774	103,000	411,774	431,357	431,357	19,583
Roosevelt Harris Center Improvements	191,668	40,293	151,375	151,375	151,375	0
	17,077,088	4,432,484	12,644,604	13,832,154	15,190,154	2,545,550

a \$836,772 from DOT & \$2,543,994 from JWSC

b \$241,362 from Glynn County

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

d \$50,000 from DOT

e \$3,000 Contribution from Golden Isles Track Club & \$100,000 from DNR

f \$129,680 from GADOT Highway 17

g \$328,234 paid back to General Fund

h \$25,000 from Signature Squares

i \$1,000 Ameris Bank & \$1,700 Golden Isles Track Club for Goodyear Park

**Total Cash on Hand \$3,104,851**

Overage in Collections  
 GA DCA Aviation Fuel Tax  
 Interest Earned  
 AGL & Pride Utility Const. Company Settlement

212,781 (1)  
 16,227  
 260,294  
 70,000  
 559,302

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

Actual collections through 10/31/2022	15,731,169
Collections in excess of budgeted	\$1,899,015
Paid back to GF	(328,234)
Allocated to Stormwater Improvements	(1,308,000)
Allocated to Sidewalk Replacement & Upgrades	(50,000)
Unallocated overage in Collections	212,781 (1)

**SPLOST V**

Cash Primesouth @ 09/30/2022

1,370,019

*(Funds reallocated for purchase of Fire Department Ladder Truck)***Norwich Street Commons Fund**

Original Balance (Sale of Property 05/13/13)

Demolition Fees

Interest Income

**Revenues**

	YTD	Total since inception
Original Balance (Sale of Property 05/13/13)	0	487,500
Demolition Fees	0	8,049
Interest Income	1,158	20,657
<b>Revenues</b>	<b>1,158</b>	<b>516,206</b>

**Expenditures**

Demolition Projects

Infrastructure

Police Substation

**Expenditures**

Net as of 10/31/22

	YTD 6/30/2023	Total since inception
Demolition Projects	0	40,012
Infrastructure	0	130,546
Police Substation	0	6,750
<b>Expenditures</b>	<b>0</b>	<b>177,308</b>
Net as of 10/31/22	1,158	338,898

Cash Primesouth @ 10/31/2022

\$ 338,898

**Roosevelt Harris - Multipurpose Center**\$ YTD  
f/y/e 6/30/2023**Cash Basis****452,654****Total Budget:**

Revenue FYTD

Grants

Transfer from General Fund

Program Income

Contributions

Interest Income

Total Inflows

Expenditures FYTD

Net as of 10/31/2022

Cash Balance @ 10/31/2022

Grants	52,099	
Transfer from General Fund	125,000	
Program Income	7,723	
Contributions	1,381	
Interest Income	25	
Total Inflows	\$ 186,228	Percent of Budget 41.14%
Expenditures FYTD	129,291	28.56%
Net as of 10/31/2022	\$ 56,937	
Cash Balance @ 10/31/2022	\$ 26,744	

**ARPA Fund:**

Initial Deposit received 06/07/2021

4,606,131

2nd Deposit received 06/21/2022

4,606,131

Interest Earned from inception

68,754

Total funds received as of 10/31/2022

9,281,016**Disbursements:**

Back to Business Brunswick--DDA

163,265

Back to Business Brunswick-non DDA

95,000

Wifi Upgrades

9,007

Total funds disbursed as of 10/31/2022

267,272

Cash Balance as of 10/31/2022

\$9,013,744**Allocations:**

Revenue Recovery

1,162,000

Storm Drainage Improvements

1,750,000

Housing Relief

2,170,000

Business Support/Relief

941,735

Coastal Community Health Services

330,000

Road Improvements

1,250,000

Total funds allocated as of 10/31/2022

7,603,735**Total Disbursed and Allocated Funds @ 10/31/2022**7,871,007**Unallocated Funds**

1,341,255

**Interest Earned**

68,754

9,281,016

## Sanitation Fund:

Year Ending 06/30/2023

	Year to Date
Sanitation Billing	793,159
Franchise Fees	13,819
Bad Debt - recovery	-
Interest Earned (Funds)	1,091
Penalties & Interest Earned	189
DNR Reimbursements	-
Transfer in for T Street Landfill	-
<b>Total Revenue (YTD)</b>	<b>808,258</b>
Operating Exp. YTD:	442,550
Depreciation YTD	-
Bad Debt - write off	-
Other Landfill Expenses	12,307
Payment to T Street Landfill Site Cleanup	-
<b>Total Expense (YTD)</b>	<b>454,857</b>
Operating Income (Loss)	<b>353,401</b>
Total Cash on Hand @ 10/31/2022	<b>122,373</b>
Primesouth Restricted for Landfill	194,795

Sanitation Bills		
	October 2022	YTD
Trash Pickup	127,958	511,415
Illegal Refuse Clean Up	1,411	6,723
Street Sweeping	10,880	36,386
	<b>140,249</b>	<b>554,524</b>

**STORMWATER UTILITY FUND:**

	6/30/2023 (YEAR TO DATE)
Stormwater Utility Fees	379,559
DNR Grant	6,200
Interest Earned	1,394
Penalties & Interest	653
GMA Capital Lease Proceeds	0
GTIB Note Proceeds	283,691
<b>Total Inflows</b>	<b>671,497</b>
Expenditures:	
Operating	302,389
Infrastructure (pd with GTIB note)	283,691
GMA Lease Payments	7,372
<b>Total Outflows</b>	<b>593,452</b>
Balance	78,045
Cash Balance @ 10/31/22	\$151,499

**ADDITIONAL INFORMATION-FOR THE MONTH OF OCTOBER 2022**

	October 2022	YTD
<b>Animal Control Expenses</b>	0	0
<b>Traffic Control Expenses</b>	0	3,530
	0	
<b>Recreation Dept. Expenses</b>		
(facilities managed by County)		
Building	0	1,475
Aquatics	0	13,048
Equipment	0	12,845
Subsidized Fees	0	0



# Roosevelt Lawrence Center

Account	Account Description	Oct-22 Transactions	YTD Transactions
<b>Fund 100 - General Fund</b>			
Function <b>6130 - Neighborhood &amp; Community Service</b>			
<b>51</b>			
51-1100	Salaries & Wages	5,797.60	24,723.66
51-1300	Overtime	24.78	2,046.77
51-2100	Group Insurance	1,604.25	6,417.00
51-2200	FICA	437.94	2,019.54
51-2400	Pension	.00	.00
<b>51 - Totals</b>		<b>\$7,864.57</b>	<b>\$35,206.97</b>
<b>52</b>			
52-1250	Contractual Expense	650.00	650.00
52-1300	Technical Services	.00	158.00
52-2210	Repair / Maint Building	273.18	273.18
52-2300	Rentals	44.00	132.00
52-3201	Cable	149.16	595.64
52-3600	Dues and Fees	54.09	331.43
<b>52 - Totals</b>		<b>\$1,170.43</b>	<b>\$2,140.25</b>
<b>53</b>			
53-1110	Office Supplies	2,211.14	2,211.14
53-1210	Water/Sewerage	173.28	519.84
53-1230	Electricity	.00	1,716.70
53-1300	Food/Misc	940.96	1,191.45
53-1700	Other Supplies	893.01	893.01
<b>53 - Totals</b>		<b>\$4,218.39</b>	<b>\$6,532.14</b>
Function <b>6130 - Neighborhood &amp; Community Service Totals</b>		<b>\$13,253.39</b>	<b>\$43,879.36</b>



<b>New Alcohol License</b>			
<b>Alcohol License Renewals</b>			
<b>Name of Business</b>	<b>Business Owner/Manager</b>	<b>Business Address</b>	<b>Permit Type</b>
Buffalo Wild Wings	Manager: Scott Pratt	718 Glynn Isles, Brunswick, GA	On premise consumption of beer, wine, and liquor (Sunday sales)
Jinright's Seafood House	Owner: Helen Jinright	2815 Glynn Ave., Brunswick, GA	On premise consumption of beer, wine, and liquor
Del Sur Café	Owner: Alberto Llano	2700 Parkwood Dr., Brunswick, GA	On premise consumption of beer and wine
Brunswick Landing Marina	Owner: Daren Pietsch/ Manager: Deborah Torras	2429-A Newcastle St., Brunswick, GA	Retail consumption of beer and wine
Tropical Island Meat & Grocery	Owner: Sunil Patel	2500 Norwich St., Brunswick, GA	Retail sales of beer and wine
Sunoco	Owner: Niraj Patel	4528 Altama Ave., Brunswick, GA	Retail sales of beer and wine.



**SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BRUNSWICK AND THE GOLDEN ISLES DEVELOPMENT AUTHORITY**

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**COMMISSION ACTION REQUESTED ON:** December 7, 2022

**PURPOSE:** Review and enter into MOU with the Golden Isles Development Authority (GIDA).

**HISTORY:** The City Commission approved the changes to the Back to Business Brunswick program in its October 5 meeting. In those changes, the Downtown Development Authority (DDA) and the Economic Development Department created a new program, the Commercial Property Enhancement Grant. As part of the new program’s disbursement process, the Economic Development Department will have GIDA distribute the awarded funds to the applicants.

**FACTS AND ISSUES:** GIDA will only disburse funds awarded to applicants outside of the DDA district.

**BUDGET INFORMATION:** The MOU has no direct budgetary impact. The agreement facilitates the pass through of funds approved through the grant process.

**OPTIONS:** 1. Approval of MOU between the City and GIDA      2. Denial of MOU between the City and GIDA

**DEPARTMENT RECOMMENDATION ACTION:** The Economic Development Department recommends approval of entering MOU with GIDA.

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**DEPARTMENT: Economic Development**

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Prepared by: Kiakala Aku Ntemo, Economic Development Manager

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**ADMINISTRATIVE COMMENTS:**

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**ADMINISTRATIVE RECOMMENDATION:**

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Regina M. McDuffie  
City Manager

11/29/22  
Date

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRUNSWICK  
AND THE GOLDEN ISLES DEVELOPMENT AUTHORITY FOR DISTRIBUTION OF  
COMMUNITY GROUP INVESTMENT FUND GRANTS**

**I. INTRODUCTION**

This Memorandum of Understanding (“MOU”) is entered into between the City of Brunswick (hereinafter the “City”), the department and the Golden Isles Development Authority (“GIDA”), collectively referred to herein as the “Parties”.

**II. BACKGROUND**

A funding opportunity is being made available using America Rescue Plan Act (ARPA) funds received by the City of Brunswick.

Specifically, the American Rescue Plan Act provides funding for cities through the Coronavirus State and Local Fiscal Recovery Funds to respond to the negative economic impacts of the COVID-19 public health emergency. Eligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency.

In light of the pandemic, businesses have either postponed future plans or struggled to hire skilled or a dependable workforce. The Community Property Enhancement Grant “CPEG” seeks to mediate those obstacles by utilizing unused funds from the revolving loan program to provide grants for life safety, ADA compliance, sanitary requirements and critical building improvements.

Eligible expenses listed in the grant tend to be ones that businesses struggle most with when opening a new business. Brunswick’s Qualified Census Tracts have broadened the allowed uses for the funds, and this grant is included in those uses.

### III. OVERVIEW

Awarded monthly, matching grants have an award ceiling of \$25,000 and award floor of \$7,500 on eligible expenses.

### IV. SCOPE OF SERVICES

Pursuant to the applicable authorities and in the furtherance of the shared goals of the Parties to carry out the purposes of this MOU expeditiously and economically, the Parties do hereby agree:

### V. RESPONSIBILITIES OF THE CITY:

1. The City will collect grant applications by designating the City's Economic Development Department as the primary contact for the application process.
2. The City's Economic Development Department will review the applications for completeness and accuracy. If needed, The City's Economic Development Department will assist the applicant with modifications of the application.
3. The City's Economic Development Department will facilitate a final review process, designating City officials identified to participate in the process. The reviewed application will be sent to City Manager's Office for review and approval.
4. Upon completion of the final review and approval by the City Manager's Office, the application will be presented before the City Finance Committee to be further reviewed and voted upon for approval. If approved by the Finance Committee, the City's Economic Development Department will present the GIDA with applications that are approved for funding. Successful applicants will be notified that their funding was approved. Applicants who are not approved will be advised of any deficiencies that resulted in non-approval or the reason for non-approval.

5. The City's Economic Development Department will submit a payment request for the amount approved. The payment will be made to GIDA.

VI. RESPONSIBILITIES OF THE AGENCY:

1. Upon receiving a recommendation of an approved applicant, GIDA will prepare payment for the recipient.
2. Upon receiving the funds from the City of Brunswick, GIDA will submit payment to the recipient.
3. GIDA will provide evidence to the City's Economic Development Department that the payment was submitted to the recipient within thirty (30) days of the payment.

VII. DURATION OF MOU

The period of this MOU shall be from December \_\_\_\_, 2022 until all grant funds have been exhausted. If the funds are not exhausted within one year from the date of commencement, the MOU can be renewed through an approval by the City Commission.

VIII. FUNDING PROVISIONS

a. ANTI- DEFICIENCY CONSIDERATIONS

The Parties acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOU, or any subsequent agreement entered into by the parties pursuant to this MOU, are and shall remain subject to the provisions of (i) the federal Anti- Deficiency Act, 31 U.S.C. sections 1341, 1342, 1349, 1351, as the foregoing statute may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

## IX. COMPLIANCE AND MONITORING

As this MOU is funded by City of Brunswick Funds, the Parties acknowledge that they will be subject to scheduled and unscheduled monitoring reviews to ensure compliance with all applicable requirements.

## X. RECORDS AND REPORTS

The Parties shall maintain records and receipts for the expenditure of all funds provided for a period of no less than three years from the date of expiration or termination of the MOU and, upon the City of Brunswick's request, make these documents available for inspection by duly authorized representatives of the agency and other officials as may be specified by the Finance Director or City Manager.

## XI. CONFIDENTIAL INFORMATION

The Parties to this MOU will use, restrict, safeguard and dispose of all information related to applications provided by this MOU, in accordance with all relevant federal and local statutes, regulations, policies. Information received by any Party in the performance of this MOU shall be and remain the property of the CBED.

## XII. MODIFICATION AND TERMINATION

The terms and conditions of this MOU may be modified only upon prior written agreement by the Parties. Any Party may terminate this MOU in whole or in part by giving thirty (30) calendar days in advance written notice to the other Party.

## XIII. NOTICE

The following individuals are the contact points for each Party under this MOU:

Kiakala Aku Ntemo  
Economic Development Manager  
City of Brunswick  
601 Gloucester Street

Brunswick, GA 31520  
Phone: 912-279-2639  
[kntemo@cityofbrunswick-ga.gov](mailto:kntemo@cityofbrunswick-ga.gov)

Ryan Moore  
President & CEO  
Golden Isles Development Authority  
1505 Richmond St., 2<sup>nd</sup> floor  
Brunswick, GA 31520  
Phone: 912-265-2269  
[ryanmoore@bwkeda.com](mailto:ryanmoore@bwkeda.com)

- XIV. Each party shall be solely responsible for any expenses they each incur in connection with this MOU.
- XV. COUNTERPARTS: This Agreement may be executed in two (2) counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same agreement.
- XVI. EFFECTIVE DATE: This Agreement will be effective on the date last signed below.

**(Signatures Begin on the Following Page)**

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the City of Brunswick Board of Commissioners.

**CITY OF BRUNSWICK, GEORGIA:**

\_\_\_\_\_  
COSBY H. JOHNSON, Mayor

ATTEST:

\_\_\_\_\_  
, Clerk  
(SEAL)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the Golden Isles Development Authority.

**THE AUTHORITY:**

\_\_\_\_\_  
RYAN MOORE, Executive Director

ATTEST:


\_\_\_\_\_  
, Clerk (SEAL)



November 21, 2022

**MEMORANDUM**

TO: CITY OF BRUNSWICK FINANCE COMMITTEE  
CITY OF BRUNSWICK CITY COMMISSION

FROM: BRIAN CORRY, CITY ATTORNEY 

RE: RECOMMENDED PAYMENT ON TAX OVERAGE:  
Parcel No. 01-04148; 2400 Reynolds Street, Brunswick, Georgia 31520

**BACKGROUND**

Assistant County Attorney Jason Wilbanks has submitted a claim on behalf of the Glynn County Tax Commissioner's Officer for the excess tax proceeds in the amount of twenty-nine thousand one hundred ninety-six and 22/100 dollars (\$29,196.92) for parcel no. 01-04148 resulting from the tax sale of the above-referenced property on January 5, 2021.

Mr. Wilbanks has provided adequate representation that the Glynn County Tax Commissioner holds a legal claim to the tax overage proceeds. Mr. Wilbanks has provided a fully executed affidavit from the Office of the Tax Commissioners in support of the claim for the excess funds. A copy of the executed affidavit is attached hereto. With the professional assurances of Mr. Wilbanks, payment can be made to his client for distribution per legal priorities.

**ALTERNATIVES**

1. Deny the request and file an interpleader action in Superior Court.
2. Issue payment in the total amount of twenty-nine thousand one hundred ninety-six and 22/100 dollars (\$29,196.92) to the claimant.

**RECOMMENDATION FOR FINANCE COMMITTEE**

Alternative number two: Issue payment in the total amount of twenty-nine thousand one hundred ninety-six and 22/100 dollars (\$29,196.92) to the claimant, is recommended.

**RECOMMENDED MOTION FOR BOARD OF COMMISSIONERS**

I move that the Board of Commissioners authorize payment of the excess tax proceeds from the tax sales of parcel no. 01-04148 in the amount of twenty-nine thousand one hundred ninety-six and 22/100 dollars (\$29,196.92) to the claimant.

BC

Attachments

c: City of Brunswick Tax Collection Specialist



*A Golden Past.  
A Shining Future.*

## GLYNN COUNTY ATTORNEY

701 "G" Street, Second Floor, Historic Courthouse Brunswick, Georgia 31520  
Phone: 912-554-7470 Fax: 912-554-7597

November 1, 2022

**Via Electronic Mail to [brian@msclawga.com](mailto:brian@msclawga.com)**

Brian Corry, City Attorney  
City of Brunswick  
601 Gloucester Street  
Brunswick, GA 31520

Claimant: Glynn County Tax Commissioner  
Tax Parcel ID Nos.: 01-04148  
Tax Sale Date: January 5, 2021

Dear Mr. Corry:

I am writing in response to your letter dated October 25, 2022, regarding the Glynn County Tax Commissioner's claim for the excess funds from the City's tax sale of the above-referenced property. As requested, included with this letter please find an opinion letter packet that I previously submitted, along with an affidavit in support of the claim.

Further, per the City's requirements concerning the disbursement of excess funds from tax sales, I acknowledge that the City will rely on my legal opinion in distributing the excess funds. I agree to be responsible for the proper and legal distribution of the excess funds in accordance with the priorities set forth by law.

Please call with any questions or additional requirements.

Sincerely,

A handwritten signature in blue ink, appearing to read "JMW", is written over a faint, larger blue outline of the signature.

Jason M. Wilbanks  
Assistant County Attorney  
Glynn County, Georgia

c: Agnes Hunter

JMW  
Enclosures as stated



# GLYNN COUNTY ATTORNEY

701 "G" Street, Second Floor, Historic Courthouse Brunswick, Georgia 31520

Phone: 912-554-7470 Fax: 912-554-7597

*A Golden Past.  
A Shining Future.*

November 30, 2021

**Via Electronic Mail to: [brian@wandmattorneys.com](mailto:brian@wandmattorneys.com) and**

**Via U.S. Mail to:**

Brian Corry, Esquire  
Corry Law, LLC  
1612 Newcastle Street, Suite 211  
Brunswick, Georgia 31520

Claimant: Glynn County Tax Commissioner  
Tax Parcel ID Nos.: 01-04148  
Tax Sale Date: January 5, 2021

Dear Mr. Corry:

I represent the Glynn County Tax Commissioner (the "Tax Commissioner") with regard to his claim for overage funds resulting from the above-referenced tax sale. It is my understanding that the sale of Parcel 01-04148 resulted in excess funds in the amount of \$29,196.92. At the time of the tax sale, my client held tax liens for ad valorem taxes owed to the Tax Commissioner's office for the subject property. The amount of the tax liens owed to the Tax Commissioner at the time of the sale was \$33,127.25, an amount that has increased to \$34,941.58 because of interest and fees. The Tax Commissioner's office submitted a claim to the City for the entire amount of excess funds in March 2021.

Per the City's requirements concerning the disbursement of excess funds from tax sales, enclosed please find an affidavit regarding the Tax Commissioner's claim to the funds associated with the above-referenced parcel number. This affidavit has been executed by Agnes Hunter, a representative of the Glynn County Tax Commissioner.

Additionally, I am offering this letter as a legal opinion that the Glynn County Tax Commissioner is the party entitled to the excess tax proceeds in the amount stated in the Tax Commissioner's previously-provided claim. At the time of the tax sale in question, the Tax Commissioner was owed taxes and fees for various tax years preceding the City's tax sale. Generally, Georgia law provides that "liens for taxes are superior to all other liens and shall be paid before any other debt, lien, or claim of any kind." O.C.G.A. § 48-2-56(b). Georgia law ranks tax liens among themselves as follows: "(1) Taxes due the state; (2) Taxes due counties of the state; (3) Taxes due school and other special tax districts of the state; and (4) Taxes due municipal corporations of the state." *Id.* This superior status of tax liens allows the holder of a tax execution to satisfy the execution

from the excess proceeds of a tax sale. *Scott v. Vesta Holdings, I, LLC*, 275 Ga. App. 196, 200-201 (2005).

Accordingly, the Tax Commissioner's claim for the excess funds, based on outstanding tax liens, is superior to other possible claims, and the Tax Commissioner should receive the excess funds.

From our prior conversations, you have raised a question about the timing of some of the tax liens upon which the Tax Commissioner's claims are based. Ad valorem tax liens arise at the time the taxes become due and unpaid. O.C.G.A. § 48-2-56(a). O.C.G.A. § 48-3-21 provides the timeline within which tax executions must be enforced. Under the statute, tax executions shall be enforced within seven years from either the date of issue or "[t]he time of the last entry upon the tax execution by the officer authorized to execute and return the execution..." Entry of a tax execution on the execution docket within seven years of its issuance allows the tax execution to remain enforceable. *See Darby v. De Loach*, 190 Ga. 499, 499, 501 (1940) ("An execution for State and county taxes does not become dormant and unenforceable although seven years has elapsed since its issue, with no entry thereon by an officer authorized to execute and return the same, entered on the execution docket, provided the execution itself was entered on the general execution docket before the expiration of the seven year period.").

Regarding the liens for parcel number 01-04148, the Tax Commissioner's office filed *fi. fas.* for tax years 2013 through 2016. The 2013 lien was issued on May 16, 2016, and was entered on the tax execution docket on May 18, 2016. Liens for tax years 2017 through 2020, though unfiled, arose when the taxes became due and unpaid. I am including for your reference a printout from the Tax Commissioner's system for parcel 01-04148. The tax year for each line is shown by the first two numbers of the "Bill Number" in the leftmost column, so that the amount owed for tax year 2021 is shown in the first row for bill number 216542 as \$504.43. The system printout shows that the amount of taxes due and owing to the Tax Commissioner for the liens arising prior to the tax sale in question is \$34,437.15. This amount excludes the taxes owed for tax year 2021.

I am providing with this letter the following documents related to this claim: the original claim letter, which includes copies of the filed tax liens for years 2013, 2015, and 2016; the printout from the Tax Commissioner's computer software showing amounts owed; and a copy of the filed 2014 tax lien. Based on these documents and the above-cited law, it is my opinion that the Tax Commissioner should receive the full \$29,196.92 of excess funds resulting from the tax sale of parcel number 01-04148.

Please call with any questions or additional requirements.

Sincerely,

/s/ Jason M. Wilbanks  
Jason M. Wilbanks  
Assistant County Attorney  
Glynn County, Georgia

JMW  
Enclosures as stated

OFFICE OF TAX COMMISSIONER

TAX SALE EXCESS FUNDS CLAIM FORM

Claimant: OFFICE OF THE TAX COMMISSIONER, GLYNN COUNTY, GEORGIA.

Claimant's Current Address: 1725 REYNOLDS STREET, STE 100, BRUNSWICK GA 31520

Claimant's Phone Number: (912)554-7000

Real Property Tax Parcel Number of Claim: 01-04148 CITY OF BRUNSWICK

Tax Sale Date: January 5, 2021 Claim Amount: \$29,196.92

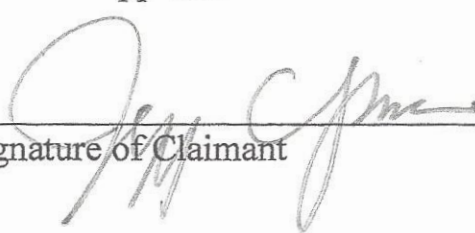
I, Claimant, hereby swear or affirm that on the date of the tax sale listed above, I was the (check one):

Record Owner;

Record Owner of a Security Deed affecting the Real Property;

xx Holder of a recorded interest in the Real Property at the time of the tax sale, described as follows: 2013-2020 property taxes

for the Real Property identified by the Tax Parcel Number set forth above. I declare, under penalty of False Statements and Writings (O.C.G.A. § 16-10-20), that the information and statements that I have supplied in this claim form, and any attachments hereto, are true and correct.

  
\_\_\_\_\_  
Signature of Claimant

Sworn to and subscribed

before me this 3rd day of

March, 2021.

Egner M. Hunter

Notary Public

Expires July 18, 2021

**NOTICE OF EXCESS FUNDS**  
**Sale Date: Tuesday, January 5, 2021**

State of Georgia  
City of City of Brunswick


City of Brunswick Bruns-Jan-G/154 - 01-04148 / File# 154  
Glynn County Tax Commissioner  
PO Box 1259  
Brunswick, GA 31521

**Property Description:** All and only that parcel of land designated as Tax Parcel 01-04148, lying and being in the City of Brunswick, Glynn County, Georgia, containing 1.95 acres, more or less, being Lots 989-1003, and Lots 1154-1168, New Town, shown in Deed Book 5-Z, Page 678, described in Deed Book 1841, Page 301, the description contained therein being incorporated herein by this reference, known as 2400 Reynolds Street.

**Years Delinquent:** 2018-2019

**Opening Bid:** \$3,803.08  
**Purchase Price:** \$33,000.00  
**Excess Funds:** \$29,196.92

**Purchaser's Name and Address:**

Robert Michael Torras  


The above referenced property was levied under tax execution(s) and sold at City tax sale on the date shown above. The tax sale resulted in total proceeds that were in excess of the amount needed to satisfy the tax execution(s) and pay the costs of the sale. The excess funds are being held in escrow by this office and are available for distribution to the entitled parties in the order of priority in which their interest exists.

Excess funds are subject to priority claim by the mortgagee or security interest holder. The record owner of the property at the time of tax sale may claim overage only if the property is not encumbered by a mortgage or lien, or if there are funds remaining after the mortgagee has satisfied their secured claim. If competing claims, uncertainties or doubts of entitlement arise, the City may interplead the excess funds in Superior Court as provided by state law, O.C.G.A. § 48-4-5.

This office cannot be a party to any arrangements for redemption of property sold at tax sale. Property may be redeemed by paying the bid amount plus a redemption fee to the tax sale purchaser named above. The right of redemption may be barred after one year from the date of tax sale, and you are advised to contact the tax sale purchaser immediately to arrange for redemption of the property.

City of Brunswick  
PO Box 550  
Brunswick, GA 31521-0550

Access

- Tax Map # 01-04148
- Linked to Tax Map # 01-04148

ARCO COMMUNITY OUTREACH COALITION INC  
 LINKED TO ARCO COMMUNITY OUTREACH  
 COALITION INC

Parcels Linked to Tax Map # 01-04148

Filters

Year   Active A/R  Hide zero balance

Sub-System   Late Charges

As of Date  Display  Keep Setting

2/18/2021

Cycle Code	Bill Number	Billed	Adjusted Bill	Penalty	Interest	Fee	Balance Due	Late Charges	Total Due	Up To 1st Due	Balance
Real Property	206560	\$511.26			\$6.65		\$517.91	\$2.66	\$520.57	\$520.57	17
Real Property	196575	\$604.46		\$90.67	\$55.72		\$750.85	\$6.29	\$757.14	\$757.14	16
Real Property	1857696	\$654.58		\$130.93	\$115.08	\$65.00	\$965.59	\$6.81	\$972.40	\$972.40	16
Real Property	1749672	\$4,009.78	(\$7.74)	\$800.41	\$1,000.51	\$65.00	\$5,867.96	\$20.81	\$5,888.77	\$5,888.77	16
Real Property	166602	\$3,818.32		\$763.68	\$1,209.65	\$78.00	\$5,869.65	\$39.71	\$5,909.36	\$5,909.36	14
Real Property	156603	\$3,823.69		\$382.38	\$1,599.84	\$78.00	\$5,883.91	\$39.77	\$5,923.68	\$5,923.68	14
Real Property	146644	\$3,829.06		\$382.91	\$2,061.58	\$78.00	\$6,351.55	\$39.82	\$6,391.37	\$6,391.37	12
Real Property	136635	\$3,788.56		\$378.86	\$2,494.41	\$258.00	\$6,919.83	\$39.41	\$6,959.24	\$6,959.24	12
Real Property	126634	\$0.00					\$0.00	\$0.00	\$0.00		11
Real Property	119402	\$0.00					\$0.00	\$0.00	\$0.00		10
Real Property	109437	\$0.00					\$0.00	\$0.00	\$0.00		10
Real Property	099622	\$0.00					\$0.00	\$0.00	\$0.00		9
Real Property	086932	\$0.00					\$0.00	\$0.00	\$0.00		9
Real Property	079837	\$0.00					\$0.00	\$0.00	\$0.00		9
Real Property	0650873	\$8,148.02	(\$8,148.02)				\$0.00	\$0.00	\$0.00		8
		\$29,187.73		\$2,929.84	\$8,543.44	\$622.00	\$33,127.25	\$195.28	\$33,322.53		8

Query  Search  Exit

Pa

TX

Florence A. Dees, Tax Commissioner  
 P.O. Box 1259, Brunswick, Georgia 31521

Bill Number	1306635
Taxpayer Number	144595

State, County, and School Tax For the Year 2013

Property Description			
01-04148	B02602087001	989-1003&1154-1168 N	
HS/EX	Dist	Lend Code	Mo Home
	01		NO

Value	
Mrkt	\$ 268,600
Assd	\$ 107,440

	Rate	Gross Tax	Exemptions	*Tax Credit	Net Tax
STATE	0.150	16.12			\$16.12
CITY	12.719	1,366.53			\$1,366.53
<b>COUNTY</b>					
General Fund					
Local Option Credit					
Net General Fund	5.673	609.51			\$609.51
<b>SCHOOL</b>					
General Fund					
	16.230	1,743.75			\$1,743.75

ARCO COMMUNITY OUTREACH COALITION INC  
 114 ASBURY ST  
 ST SIMONS ISLAND GA 31522

.PAY THIS AMOUNT		\$3,788.56
Fee Added After		11/15/2013
Interest		
Cost Fi. Fa.		
Settling Fi. Fa.		
Administration Fee		
Total		
Levy Fi Fa		
Commission Sale		
Advertising		
Cost Deed		
Registered Mail		
Total		

To all singular Sheriffs, Deputy Sheriffs and Constables of Said County, You are hereby commanded, that of the goods and chattels, if any be found, otherwise of the lands, and tenements of ARCO COMMUNITY OUTREACH COALITION INC. You make by levy and sale there of the sum of \$3,788.56 for State, County, City and School tax for the year of 2013 with interest from date at one percent interest per month, (others if any) and further sum of Fifty Cents for cost, and you are hereby required to return this Writ to me, with your actings and doings thereon and the sums aforesaid, within the time prescribed by law. Herein fail not.

Given under my hand this 16 th day of November, 2013

*Florence A. Dees*

Tax Commissioner

Georgia-Glynn County - Levied the with Fi. Fa. this  
 On the Following Described Property, To\_Wit  
 Date Fi. Fa. Settled

*16th*

Day of

*May 2016*

Ex-Officio Sheriff, Glynn County, Georgia



Florence A. Dees, Tax Commissioner  
 P.O. Box 1259, Brunswick, Georgia 31521

Bill Number	1506603
Taxpayer Number	144595

State, County, and School Tax For the Year 2015

Property Description			
01-04148	B02602087001	989-1003&1154-1168 N	
HS/EX	Dist 01	Lend Code	Mo Home NO

Value	
Mrkt	\$ 268,600
Assd	\$ 107,440

	Rate	Gross Tax	Exemptions	*Tax Credit	Net Tax
STATE	0.050	5.37			\$5.37
CITY	13.219	1,420.25			\$1,420.25
<b>COUNTY</b>					
General Fund					
Local Option Credit					
Net General Fund	5.673	609.51			\$609.51
<b>SCHOOL</b>					
General Fund					
	16.157	1,735.91			\$1,735.91

ARCO COMMUNITY OUTREACH COALITION INC  
 114 ASBURY ST  
 ST SIMONS ISLAND GA 31522

.PAY THIS AMOUNT		\$3,823.69
Fee Added After		11/15/2015
Interest		
Cost Fi. Fa.		
Settling Fi. Fa.		
Administration Fee		
Total		
Levy Fi Fa		
Commission Sale		
Advertising		
Cost Deed		
Registered Mail		
Total		

To all singular Sheriffs, Deputy Sheriffs and Constables of Said County, You are hereby commanded, that of the goods and chattels, if any be found, otherwise of the lands, and tenements of ARCO COMMUNITY OUTREACH COALITION INC. You make by levy and sale there of the sum of \$3,823.69 for State, County, City and School tax for the year of 2015 with interest from date at one percent interest per month, (others if any) and further sum of Fifty Cents for cost, and you are hereby required to return this Writ to me, with your actings and doings thereon and the sums aforesaid, within the time prescribed by law. Herein fail not.

Given under my hand this 16th day of November, 2015

*Florence A. Dees*  
 Tax Commissioner

Georgia-Glynn County - Levied the with Fi. Fa. this  
 On the Following Described Property, To Wit  
 Date Fi. Fa. Settled

16th Day of May 2016

Ex-Officio Sheriff, Glynn County, Georgia

J. L. 'Jeff' Chapman, Tax Commissioner  
 P.O. Box 1259, Brunswick, Georgia 31521

Bill Number	1606602
Taxpayer Number	144595

State, County, and School Tax For the Year 2016

Property Description			
01-04148	B02602087001	989-1003&1154-1168 N	
HS/EX	Dist	Lend Code	Mo Home
	01		NO

Value	
Mrkt	\$ 268,600
Assd	\$ 107,440

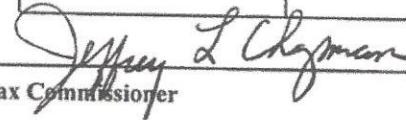
	Rate	Gross Tax	Exemptions	*Tax Credit	Net Tax
STATE	0.000	0.00			\$0.00
CITY	13.219	1,420.25			\$1,420.25
<b>COUNTY</b>					
General Fund					
Local Option Credit					
Net General Fund	5.673	609.51			\$609.51
<b>SCHOOL</b>					
General Fund	16.157	1,735.91			\$1,735.91

ARCO COMMUNITY OUTREACH COALITION INC  
 114 ASBURY ST  
 ST SIMONS ISLAND GA 31522

<b>PAY THIS AMOUNT</b>	\$3,818.32
Fee Added After	11/15/2016
Interest	
Cost Fi. Fa.	
Settling Fi. Fa.	
Administration Fee	
Total	
Levy Fi Fa	
Commission Sale	
Advertising	
Cost Deed	
Registered Mail	
Total	

To all singular Sheriffs, Deputy Sheriffs and Constables of Said County, You are hereby commanded, that of the goods and chattels, if any be found, otherwise of the lands, and tenements of ARCO COMMUNITY OUTREACH COALITION INC. You make by levy and sale there of the sum of \$3,818.32 for State, County, City and School tax for the year of 2016 with interest from date at an annual rate equal to the bank prime loan rate as posted by the Board of Govenors of the Federal Reserve System, (others if any) and further sum of Fifty Cents for cost, and you are hereby required to return this Writ to me, with your actings and doings thereon and the sums aforesaid, within the time prescribed by law. Herein fail not.

Given under my hand this 16 th day of November, 2016

  
 Tax Commissioner

Georgia-Glynn County - Levied the with Fi. Fa. this \_\_\_\_\_  
 On the Following Described Property, To\_ Wit \_\_\_\_\_  
 Date Fi. Fa. Settled \_\_\_\_\_

Day of \_\_\_\_\_

Ex-Officio Sheriff, Glynn County, Georgia

ARCO COMMUNITY OUTREACH COALITION INC (Mailing Index na\_id:144595)

(1) Tax Commissioner

Parcel Information  
 Tax Map Number: 01-04148  
 Subdivision / Lot: [ ]  
 Parcel ID. (P\_ID): [ ]

Search

(1) Tax Commissioner.Accounts Receivable Inquiry

Summary Detail Notes

- Access
- Tax Map # 01-04148
  - Linked to Tax Map # 01-04148
  - Parcels Linked to Tax Map # 01-04148
- Filters
- Year: [ ]
- Sub System: [ ]
- Active A/R:  Active A/R
- Hide zero balance:  Hide zero balance
- Late Charges
- As of Date: 11/30/2021
- Display:  Display
- Keep Setting:  Keep Setting

ARCO COMMUNITY OUTREACH COALITION INC  
 LINKED TO ARCO COMMUNITY OUTREACH COALITION INC

Bill Number	Billed	Adjusted Bill	Penalty	Interest	Fee	Balance Due	Late Charges	Total Due	Up To 1st Due	Bar Code
216542	\$501.82					\$501.82	\$2.61	\$504.43	\$504.43	17998710
206560	\$511.26			\$6.65		\$517.91	\$105.94	\$623.85	\$623.85	17454869
196575	\$604.46		\$90.67	\$55.72		\$750.85	\$64.80	\$815.65	\$815.65	16860807
1857696	\$654.58		\$130.93	\$115.08	\$65.00	\$965.59	\$37.43	\$1,003.02	\$1,003.02	16321100
1749672	\$4,009.78	(\$7.74)	\$800.41	\$1,000.51	\$65.00	\$5,867.96	\$228.91	\$6,096.87	\$6,096.87	15644231
166602	\$3,818.32		\$763.68	\$1,209.65	\$78.00	\$5,869.65	\$218.40	\$6,088.05	\$6,088.05	14596270
156603	\$3,823.69		\$382.38	\$1,599.84	\$78.00	\$5,883.91	\$218.71	\$6,102.62	\$6,102.62	14061967
146644	\$3,829.06		\$382.91	\$2,061.58	\$78.00	\$6,351.55	\$219.01	\$6,570.56	\$6,570.56	12981890
136635	\$3,788.56		\$378.86	\$2,494.41	\$258.00	\$6,919.83	\$216.70	\$7,136.53	\$7,136.53	12416721
126634	\$0.00					\$0.00	\$0.00	\$0.00	\$0.00	11852438
119402	\$0.00					\$0.00	\$0.00	\$0.00	\$0.00	10816145
109437	\$0.00					\$0.00	\$0.00	\$0.00	\$0.00	10252440
099622	\$0.00					\$0.00	\$0.00	\$0.00	\$0.00	9688805
	\$29,689.55		\$2,929.84	\$8,543.44	\$622.00	\$33,629.07	\$1,312.51	\$34,941.58		

Florence A. Dees, Tax Commissioner  
 P.O. Box 1259, Brunswick, Georgia 31521

Bill Number	1406644
Taxpayer Number	144595

State, County, and School Tax For the Year 2014

Property Description				Value	
01-04148	B02602087001	989-1003&1154-1168 N		Mrkt	\$ 268,600
HS/EX	Dist 01	Lend Code	Mo Home NO	Assd	\$ 107,440

	Rate	Gross Tax	Exemptions	*Tax Credit	Net Tax
STATE	0.100	10.74			\$10.74
CITY	13.219	1,420.25			\$1,420.25
<b>COUNTY</b>					
General Fund					
Local Option Credit					
Net General Fund	5.673	609.51			\$609.51
<b>SCHOOL</b>					
General Fund	16.157	1,735.91			\$1,735.91

ARCO COMMUNITY OUTREACH COALITION INC  
 114 ASBURY ST  
 ST SIMONS ISLAND GA 31522

.PAY THIS AMOUNT		\$3,829.06
Fee Added After		11/15/2014
Interest		
Cost Fi. Fa.		
Settling Fi. Fa.		
Administration Fee		
Total		
Levy Fi Fa		
Commission Sale		
Advertising		
Cost Deed		
Registered Mail		
Total		

To all singular Sheriffs, Deputy Sheriffs and Constables of Said County, You are hereby commanded, that of the goods and chattels, if any be found, otherwise of the lands, and tenements of ARCO COMMUNITY OUTREACH COALITION INC. You make by levy and sale there of the sum of \$3,829.06 for State, County, City and School tax for the year of 2014 with interest from date at one percent interest per month, (others if any) and further sum of Fifty Cents for cost, and you are hereby required to return this Writ to me, with your actings and doings thereon and the sums aforesaid, within the time prescribed by law. Herein fail not.

*Florence A. Dees*

Tax Commissioner

Given under my hand this 16 th day of November, 2014

Georgia-Glynn County - Levied the with Fi. Fa. this  
 On the Following Described Property, To Wit  
 Date Fi. Fa. Settled

*16th*

Day of

*May 2014*

Ex-Officio Sheriff, Glynn County, Georgia

STATE OF GEORGIA  
GLYNN COUNTY

**AFFIDAVIT IN SUPPORT OF CLAIM FOR EXCESS TAX SALE PROCEEDS**

COMES NOW the undersigned affiant who, after being sworn, deposes and states under oath as follows:

- 1) I give this oath of my own free will, and I understand that I am sworn to state the truth. I am over the age of 21 years, and I am authorized to swear to the matters stated herein.
- 2) The affiant is a representative of the Glynn County Tax Commissioner, who, as the Lien Holder identified below, claimed liens against the subject property at the time of the subject tax sale.
- 3) This Affidavit is being given for presentation to Brunswick, Georgia (the "City"), and its Tax Commissioner in support of my Office's Claim for Excess Funds to the City as a result of the tax sale described below. The real property (hereinafter referred to as "Property") which was sold, and which is the subject of this Claim, is described as follows:

Parcel I.D. Number:	01-04148
Property Address:	2400 Reynolds Street, Brunswick, Georgia 31520
- 4) On January 5, 2021, the Property was sold at a tax sale by the City to Robert Michael Torras.
- 5) The sale of the Property brought a bid in excess of the taxes owed and costs incurred. The amount of the Excess Funds is \$29,196.92.
- 6) Affiant deposes and warrants that she is the authorized representative of the holder of tax liens in the referenced property and said liens are in the amount of \$34,302.28, taking into account interest, fees, and late charges. Four of the subject tax liens are recorded in the following books of the property records of the Superior Court of Glynn County: lien book 192, page 335; lien book 192, page 336; lien book 192, page 337; and lien book 208, page 350.
- 7) To the affiant's knowledge, there is no unsatisfied and outstanding lien, tax lien, mortgage, deed to secure debt, promise, pledge, security, encumbrance, obligation, or other claim or entitlement of any type, kind or description whatsoever against the Property or the Excess Funds which is senior to or of greater legal priority than the Claimant's right to receive the Excess Funds.
- 8) The Claimant has not transferred, conveyed, assigned, sold or otherwise obligated or encumbered the Claimant's interest in the Excess Funds.
- 9) There is no lawsuit, garnishment, bankruptcy, or other judicial or quasi-judicial proceeding pending either against the Claimant or on the Claimant's behalf regarding this Claim to the Excess Funds.
- 10) The Lien Holder understands that the Excess Funds being held by the City are equal to the total amount tendered at the Tax Sale, less taxes owed, applicable costs of making the Sale, all other expenses of the Sale and all other verifiable liens. The Claimant also understands that the Excess Funds will first be applied to any ad valorem taxes which accrued prior to the

date of the tax sale and which are due and owing by the Claimant at the time of the disbursement.

- 11) **THE CLAIMANT UNDERSTANDS AND ACKNOWLEDGES THAT FALSE SWEARING IS PUNISHABLE AS A FELONY UNDER THE LAWS OF THE STATE OF GEORGIA, AND THAT THIS AFFIDAVIT IS A SWORN STATEMENT.**
- 12) **THE CLAIMANT UNDERSTANDS THAT NO LEGAL ADVICE IS BEING PROVIDED BY ANY REPRESENTATIVE OF THE CITY. THE CLAIMANT HAS THE RIGHT TO SEEK LEGAL ADVICE FROM PRIVATE COUNSEL.**

NOW, therefore, affiant makes a claim of \$29,196.92 and demands that all excess monies available after paying the taxes and costs of making the sale, and after paying superior claims for the bid excess, be immediately paid over to it pursuant to O.C.G.A. § 48-4-5, up to that claim amount.

I swear or affirm the above is complete and correct to the best of my knowledge and belief this 30<sup>th</sup> day of November, 2021.

Agnes Hunter, Affiant

Name: Agnes Hunter

Title: Paralegal to the Office of Tax Commissioner this 30<sup>th</sup> day of November, 2021.

Address: 1725 Reynolds Street, STE 100  
Brunswick, GA 31520

Telephone Number: (912) 554-7016

Sworn to and subscribed before me

Lisa Bunkley  
Notary Public



**FIRST AMENDMENT TO THE**  
**INTERGOVERNMENTAL AGREEMENT**  
**BY AND BETWEEN**  
**GLYNN COUNTY, GEORGIA,**  
**AND**  
**THE CITY OF BRUNSWICK, GEORGIA,**  
**REGARDING TRAFFIC SIGNAL MAINTENANCE,**  
**ANIMAL CONTROL, AND RECREATION SERVICES**

Dated as of \_\_\_\_\_, 2022

**FIRST AMENDMENT TO THE  
INTERGOVERNMENTAL AGREEMENT  
BY AND BETWEEN  
GLYNN COUNTY, GEORGIA,  
AND  
THE CITY OF BRUNSWICK, GEORGIA,  
REGARDING TRAFFIC SIGNAL MAINTENANCE,  
ANIMAL CONTROL, AND RECREATION SERVICES**

This **FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN GLYNN COUNTY, GEORGIA, AND THE CITY OF BRUNSWICK, GEORGIA, REGARDING TRAFFIC SIGNAL MAINTENANCE, ANIMAL CONTROL, AND RECREATION SERVICES** (hereinafter sometimes referred to as the “First Amendment”) is made and entered into as of \_\_\_\_\_, 2022, (the “Effective Date”), by and between the **CITY OF BRUNSWICK, GEORGIA**, a municipal corporation of the State of Georgia, acting by and through its duly elected Mayor and Board of Commissioners (hereinafter referred to as “City”) and **GLYNN COUNTY, GEORGIA**, a political subdivision of the State to Georgia, acting by and through its duly elected Board of Commissioners (hereinafter referred to as the “County”), and amends that certain **INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN GLYNN COUNTY, GEORGIA, AND THE CITY OF BRUNSWICK, GEORGIA, REGARDING TRAFFIC SIGNAL MAINTENANCE, ANIMAL CONTROL, AND RECREATION SERVICES**, dated November 5, 2012, by and between the City and County (hereinafter sometimes referred to as the “2012 L.O.S.T. IGA”).

**RECITALS**

**WHEREAS**, by agreement dated November 5, 2012, the County and City entered into a ten-year intergovernmental agreement for the County to provide specified traffic signal maintenance, animal services, and recreation services within the City (i.e., the 2012 L.O.S.T. IGA), which agreement along with the services provided by County thereunder, will automatically terminate on December 31, 2022; and

**WHEREAS**, the County and City have entered into a new, separate Intergovernmental Agreement (hereinafter sometimes referred to as the “2022 L.O.S.T. IGA”), dated October 20, 2022, wherein the County will continue to provide traffic signal maintenance and animal services within the City for an additional ten-year period upon the termination of the existing agreement on December 31, 2022; and

**WHEREAS**, the 2022 L.O.S.T. IGA does not does not include or contemplate Glynn County continuing to provide City recreation services;

**WHEREAS**, the City will resume operation of the City recreation program, but requires additional time beyond January 1, 2023, to transition those program services back to the City;



**WHEREAS**, to assist with the transition of the City recreation program back to the City, the County is willing, and the City desires for the County to continue to provide recreation services within the City through and until September 4, 2023;

**WHEREAS**, the County and City desire to enter into this amendment to the 2012 L.O.S.T. IGA for such purposes and have determined that same is in the best interest of both parties and their citizens and is otherwise in furtherance of the objectives of the Service Delivery Law;

**WHEREAS**, under the provisions of the aforementioned Service Delivery Law and the Constitution of the State of Georgia, Article IX, Section III, Paragraph I, and Article IX, Section II, Paragraph III, the County and the City may contract with each other for the services described herein.

**NOW THEREFORE**, incorporating the foregoing recitals and in consideration of the mutual promises contained herein and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, and for the public purposes herein contained and provided for, the City and County, acting through their respective Boards of Commissioners, do hereby agree to amend the 2012 L.O.S.T. IGA between them as follows:

(1) **Term**. The City and County hereby agree to extend the term of the 2012 L.O.S.T. IGA for the limited and sole purpose of extending the time period in which the County will provide City recreation services under the terms of the 2012 L.O.S.T. IGA through and until September 4, 2023. Said recreation services will continue to be provided by the County until such date under the same terms and conditions set forth and described in the 2012 L.O.S.T. IGA, including specifically, but not limited to, Paragraph 5 thereof. After September 4, 2023, the 2012 L.O.S.T. IGA will terminate without any further obligation on the County to provide said services. No service or obligation under the 2012 L.O.S.T. IGA, other than continuing the City's recreation program for the limited period described herein, is included or contemplated by this extension<sup>1</sup>.

(2) **Effective Date**. This First Amendment shall immediately become effective (the "Effective Date") on the date that this First Amendment is last executed by the City or County, as shown on the signature page hereof.

(3) **Execution of Counterparts**. This First Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

(4) **Agreement Otherwise Unmodified**. Except as specifically set forth and amended in this First Amendment, the 2012 L.O.S.T. IGA, as amended, is otherwise unmodified and remains in full force and effect and is hereby ratified and reaffirmed. In the event of any inconsistencies between the 2012 L.O.S.T. IGA and this First Amendment, the terms of this First Amendment shall control and take precedence.

---

<sup>1</sup> This First Amendment does not extend the time period for the County to provide traffic signal maintenance services or animal services within the City under the 2012 L.O.S.T. IGA. Those two services are addressed by a new, separate Intergovernmental Agreement between the County and City dated October 20, 2022.

(1) **Recitals**. The recitals set forth above in this First Amendment are made a part of this First Amendment and are incorporated herein by reference.

*[Balance of Page Left Blank Intentionally]*

*[Signatures Contained on Following Two Pages]*

**IN WITNESS WHEREOF**, City of Brunswick, Georgia, and Glynn County, Georgia, intending to be legally bound hereby as of the Effective Date hereof, have caused this First Amendment to be entered into and executed in their respective names and their respective official seals to be hereunto affixed and attested by their duly authorized officials.

Executed by Glynn County, Georgia this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**GLYNN COUNTY, GEORGIA:**

(SEAL)

By: \_\_\_\_\_  
Wayne Neal, Chairman  
Glynn County Board of Commissioners

Attest: \_\_\_\_\_  
Ronda Vakulich, County Clerk

Address for notices:

Glynn County, Georgia  
Attn: Chairman  
1725 Reynolds Street, Suite 302  
Brunswick, Georgia 31520  
Telephone Number: 912-554-7400  
Facsimile Number: 912-554-7596

With a copy to:

County Attorney  
Glynn County, Georgia  
701 "G" Street, 2<sup>nd</sup> Floor  
Brunswick, Georgia 31520  
Telephone Number: (912) 554-7470  
Facsimile Number: (912) 554-7597

*[Signatures Continue on Following Page]*

*[Signatures Continue from Previous Page]*

Executed by the City of Brunswick, Georgia, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF BRUNSWICK, GEORGIA:**

(SEAL)

By: \_\_\_\_\_  
Cosby H. Johnson, Mayor  
City of Brunswick

Attest: \_\_\_\_\_  
Naomi Atkinson, City Clerk

Address for notices:

If to City of Brunswick, Georgia:

City of Brunswick, Georgia  
Attn: Mayor  
City Hall  
601 Gloucester Street  
Brunswick, Georgia 31320  
Telephone Number: (912) 267-5529  
Facsimile Number: (912) 267-5549

With a copy to:

City Attorney  
City of Brunswick, Georgia  
Post Office Box 550  
Brunswick, GA 31521-0550  
Telephone Number: (912) 264-0848  
Facsimile Number: (912) 264-6299