

CITY OF BRUNSWICK

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

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

City Attorney
Brian D. Corry

City Manager
James D. Drumm

AGENDA

BRUNSWICK CITY COMMISSION PUBLIC HEARING
WEDNESDAY, AUGUST 15, 2018 AT 5:30 P.M.
OLD CITY HALL
1229 NEWCASTLE STREET, 2ND FLOOR

CALL TO ORDER

1. City of Brunswick Proposed 2018 Millage Rate. (*K. Mills*)

AGENDA

BRUNSWICK CITY COMMISSION MEETING
WEDNESDAY, AUGUST 15, 2018 AT 6:00 P.M.
OLD CITY HALL
1229 NEWCASTLE STREET, 2ND FLOOR

CALL TO ORDER **INVOCATION **PLEDGE OF ALLEGIANCE

UPDATE(S)

1. Director of Marshes of Glynn Library, Geri Lynn Mullis, to give Update on the Brunswick Library Renovation. (**Encl. 1**)
2. Urban Redevelopment Agency Chairman, LaRon Bennett, to give Update on Projects/Activities of the Agency.

PUBLIC HEARING(S)

3. Underage Alcohol Sales Violations (*P. George*)

Name of Business	Owner/Mgr.	Business Location	Comments
Davey's Discount	Davey Patel (Owner)	3001 Altama Avenue	Public Hearing
Bottle Time Liquors	Mitesh Dalal (Owner)	1900 First Street	Public Hearing
Bunky's Sunoco	Pankajkumar Patel (Owner)	2803 Glynn Avenue	Public Hearing

ITEM(S) TO CONSIDER FOR APPROVAL

4. Consider Approval of August 1, 2018 Regular Scheduled Meeting Minutes. (*subject to any necessary changes.*) (N. Atkinson) **(Encl. 2)**
5. Consider Approval of Setting of the 2018 Millage Rate. (K. Mills) **(Encl. 3)**
6. Consider Approval of Resolution No. 2018-14 - Solid Waste Fee Resolution. (J. Drumm) **(Encl. 4)**
7. Consider Approval of Stabilization Loan Amendment for 1317 Newcastle Street. (J. Drumm) **(Encl. 5)**
8. Consider Approval of Flood Insurance Renewal. (L. Velie) **(Encl. 6)**

APPOINTMENT(S)

9. Committee, Commission, and Authority (N. Atkinson)
 - a) Audit Committee – Two Appointments
 - b) Planning and Appeals Commission – Appointment of Chairperson
 - c) Urban Redevelopment Authority - (*Mayor's Appointment(s)*)

CITY ATTORNEY'S ITEM(S)

10. Consider Adoption of Ordinance No. 1057 - Amendment to Article XXIII of the City of Brunswick Zoning Ordinance – Glynn Avenue Design Framework. (B. Daiss) **(Encl. 7)**
11. Consider Adoption of Ordinance No. 1058– Stormwater Utility and User Fee Credit Manual. **(Encl. 8)**
12. Consider Approval of Resolution No. 2018- 13 - Stormwater Utility User Fee Rate. **(Encl. 9)**
13. Consider Approval of Deed of Conveyance from the City of Brunswick to the Brunswick-Glynn Joint Water and Sewer Commission. **(Encl. 10)**
14. Consider and Discuss Proposed Amendment to the Municipal Court Ordinance. **(Encl. 11)**
15. Consider and Discuss Proposed Amendment to the Alcohol Ordinance. **(Encl. 12)**

EXECUTIVE SESSION



Subject: Update on the Brunswick Library Renovation project

Brief summary of what you will address the Commission on:

To give an update on the status of the Brunswick Library Renovation project. The preconstruction phase of the major internal renovation project began in August 2018, and physical construction will begin in September 2018. The project will last an estimated 5 – 6 months, and will be completed in spring 2019.

Name

Geri Lynn Mullis

Address

208 Gloucester St, Brunswick

Meeting Date: 8/15/2018

Phone Number 279-3734

OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR SCHEDULED MEETING
WEDNESDAY, AUGUST 1, 2018
OLD CITY HALL
1229 NEWCASTLE STREET, 2ND FLOOR

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

CALL TO ORDER: Mayor Harvey – *meeting began at 6:01 p.m.*

INVOCATION: Pastor Rosemary Woods

PLEDGE ALLEGIANCE: Recited by all in attendance

PUBLIC COMMENT PERIOD

1. Kathy Matthews, 112 Osprey Lane, addressed the Commission regarding foot path on Martin Luther King Boulevard.
2. Marcia Christmas, 1905 Ocean Avenue, addressed the Commission regarding Martin Luther King Boulevard.
3. Larry Delany addressed the Commission regarding Stormwater Utility; stating same was not being advertised as a tax.

UPDATE(S)

1. Downtown Development Authority Executive Director Matthew Hill, to Update the Commission on Activities of the Authority and Statistics of Main Street Alliance.
Commissioner Cason questioned how many vacant buildings are downtown and the progress of the work being done on the building Ms. North purchased on Gloucester Street.
Downtown Development Director Hill to provide Commission with list of vacant building downtown.

PUBLIC HEARING

2. Stormwater Utility Ordinance. (*B. Corry*)

City Attorney Corry gave an overview of the above-referenced ordinance.

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

The Following people addressed the Commission:

- 1) Megan Desrosiers, 821 Union Street In favor
- 2) Monica Smith, 61 Maxwell Avenue, St. Simons Island In favor
- 3) Larry Delaney, 15 Dunbar Creek Point, St. Simons Island, stated the stormwater utility is a tax increase and should be identified as same.
- 4) Pamela Bailey, 2611 Oriole Street questioned if this would be a fix fee.
- 5) Hal Hart, 106 Talahi Island Lane, stated fee is fair and he is happy about that; and suggested a sunset or review clause for ordinance.
- 6) William Kitts, 2017 Niles Avenue In favor
- 7) Jerry Spencer, 707 Dartmouth Street, questioned if the utility fund would always operate in the red and who makes the decision of how much the fee will increase annually.

Commissioner Williams pointed out that Stormwater Utility is a fee not a tax as everyone would have to pay fee; ie commercial, residential, industrial, tax exempt entities, etc.

Tax Collection Special Edwards gave an overview of how the Stormwater Utility fee would be incorporated on the 2018 tax bills.

ITEM(S) TO CONSIDER FOR APPROVAL

3. Consider Approval of July 18, 2018 Work Session and Regular Scheduled Meeting Minutes. *(subject to any necessary changes.) (N. Atkinson)*

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

4. Consider Approval of Resolution 2018-12 – Matching Funds to Federal Metropolitan Planning Fund Grant. *(G. Alberson)*

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

5. Consider Approval of Resolution 2018-11 - Supporting the Construction of the Village Oven and the Downtown Development Revolving Loan Fund. *(M. Hill)*

Mayor Harvey called for a vote from City Clerk Atkinson:

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

Motion passed unanimously by a vote of 5 to 0.

CITY ATTORNEY'S ITEM(S)

6. Consider Adoption of Ordinance No. 1058 – Stormwater Utility.

Discussion only; item to be placed on the August 15, 2018 agenda for consideration.

Commissioner Cason made a motion to defer the above-referenced item until the August 15, 2018 commission meeting; seconded by Mayor Pro Tem Harris. Motion passed unanimously by a vote of 5 to 0.

EXECUTIVE SESSION

There was not an executive session held during this meeting.

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

MEETING ADJOURNED - *meeting adjourned at 7:49 p.m.*

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

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



SUBJECT: Adoption of Resolution 2018-15, setting the 2018 Millage Rate

COMMISSION ACTION REQUESTED ON: August 15, 2018

PURPOSE: The City Commission will need to establish formally the 2018 property tax millage rate. State law allows for the adoption of this tax rate through resolution.

HISTORY: The City Commission in the recently adopted 2018-19 Budget based revenues and expenditures on the current millage rate of 13.219, which is \$13.22 of taxes for every \$1,000 of taxable property value.

FACTS AND ISSUES: The City Commission will have held three public hearings before setting the millage rate. These hearings were set for August 8th at 12:00 noon, August 8th at 6:00 pm, and August 15th, at 5:30 pm. This is due to the fact that State law considers adopting the same tax rate **a tax increase**, if additional funds will be received using the same rate. Additional funds will be collected due to the increase of property values and the addition of new construction.

BUDGET INFORMATION: Upon adoption of this millage rate, it is expected that the City will collect approximately \$4,027,000 in property tax revenue in the 2018-19 Fiscal Year.

OPTIONS:

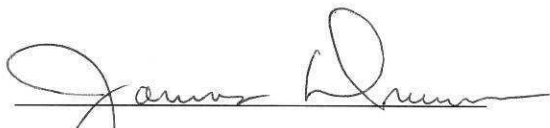
1. Vote to approve Resolution 2018-15, so that tax rates may be added to the tax bills this month
2. Vote to approve Resolution 2018-15 with an amended tax rate (higher/lower), so that tax rates may be added to the tax bills this month
3. Vote to not approve Resolution 2018-15 and potentially lose the ability to collect property tax revenues for the 2018 tax year.

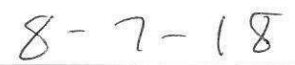
DEPARTMENT RECOMMENDATION ACTION: Adoption of Resolution 2018-15

DEPARTMENT:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Adoption of Resolution 2018-15


City Manager


Date



SUBJECT: Adoption of Resolution 2018-14, setting the 2019 Solid Waste Fees

COMMISSION ACTION REQUESTED ON: August 15, 2018

PURPOSE: The City Commission will need to establish formally the 2019 solid Waste Fee Schedule so that the annual billing may be prepared and added as an assessment on the 2018 Property Tax Bills. City policy allows for the adoption of solid waste fees through resolution.

HISTORY: The City has privatized garbage collection and disposal since 2012. Initially the City had a 5 year contract with Waste Management. In 2017, the City contracted with Republic Services for a three year contract. On September 1, 2018, we will have completed one year with that company. The residential fee paid to Republic will not change over the three year period, which will stabilize our costs. However, the City did choose last year to help customers with the increased rates by not charging the full amount of the increase. The City set the residential fee in 2018 at \$21.30 per month. That amount was billed through the Glynn County Tax Commissioner's Office with the 2017 tax bill. The City Commission in the 2018-19 Budget meetings reviewed rates and approved the Budget which includes a monthly fee of \$22.20 for residential and a 5% rate increase for commercial customers.

FACTS AND ISSUES: The City Commission in 2018 budgeted the reserve from the sale of equipment (approximately \$202,000) to help offset the cost of rate increases for residents in that year. Those funds are not available to further subsidize the rates in the 2019 year, and so a rate increase is needed to balance revenues and expenditures. It is being recommended that the fee be adjusted as listed in Resolution 2018-14. This would provide a residential monthly fee of \$22.20 and a 5% rate increase for commercial customers. It is recommended that commercial recycling remain the same at an additional \$11.00 per month (per cart). Few commercial customers (using carts) use the recycling service and so the lower rate is to encourage recycling.

BUDGET INFORMATION: Upon adoption of this fee structure it is estimated that the City will collect approximately \$1,356,000 in the 2018-19 Budget year.

OPTIONS:

1. Vote to approve Resolution 2018-14, so that the fees may be added to the tax bills this month
 2. Vote to approve Resolution 2018-14 with an amended fee schedule, so that the fees may be added to the tax bills this month
 3. Vote to not approve Resolution 2018-14 and reconsider fee amounts, and potentially other billing procedures other than the tax billing process.
-

DEPARTMENT RECOMMENDATION ACTION: Adoption of Resolution 2018-14

DEPARTMENT:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Adoption of Resolution 2018-14


City Manager


Date

Resolution 2018-14

SOLID WASTE SERVICE FEE RESOLUTION CITY OF BRUNSWICK, GEORGIA

IT IS HEREBY RESOLVED by the City Commission of the City of Brunswick, a Georgia Municipal Corporation, that the Fees for City solid waste collection/disposal services for residential and commercial customers are as follows:

<u>Residential</u>	\$22.20 per month	\$266.40 annual
(one cart-including garbage, yard trash and recycling)		

<u>Commercial</u>	\$28.88 per month	\$346.56 annual
(one cart-including garbage and yard trash)		

<u>Commercial-Recycling add on</u>	\$11.00 per month	\$132.00 annual
(one cart)		

Additional cart for garbage
(charged an additional service charge)

Residential -	\$22.20 per month	\$266.40 annual
Commercial-	\$28.88 per month	\$346.56 annual

IT IS FUTHER RESOLVED that payment of the 2019 Residential Sanitation Service Fees be billed for an annual period (January 1st through December 31st), under the guidelines of the City of Brunswick Code of Ordinances, through the City of Brunswick Tax Collections Office as an assessment on the 2018 Tax bill.

SO RESOLVED this 15th day of August 2018 upon motion duly made and seconded by the Mayor and Commissioners of the City of Brunswick.

Cornell Harvey, Mayor

Attest: _____
Naomi Atkinson, City Clerk



SUBJECT: Stabilization Loan

COMMISSION ACTION REQUESTED ON: August 15, 2018 Consent Agenda

PURPOSE: Approve Stabilization Loan Amendment for 1317 Newcastle Street (J. Drumm).

HISTORY: Stabilization funds are included in the FY2018-19 budget. The program was approved by the Commission in November, 2016. The programs purpose is to provide additional incentives for the preservation of historic commercial structures that are in danger of being lost.

FACTS AND ISSUES: An application has been received to amend the stabilization loan for the building at 1317 Newcastle Street. The structure has been in danger since 2011 when the rear wall of the building was pulled in by excess weight on the roof. The building was declared a nuisance in 2012. The current owner applied for and received approval for the stabilization loan in January of 2017. The original application was based on a price given to the previous owner of the building in 2015. Since the original pricing, the building had deteriorated more than anticipated. The owners did perform selective demolition to remove the rear wall. The current stabilization plan includes work that was not contemplated in the original pricing, but is required. The owners have applied for and received permission from the Historic Preservation Board for demolition of the building, but are hesitant to take that extreme measure. The owners have met with City staff and a suitable alternative to demolition has been devised. The owners are applying for an amendment to the stabilization loan, increasing the amount to \$75,000. This is well within the 30% maximum of stabilization costs.

The Downtown Development Authority approved the amendment at their July 13 meeting. The Finance Committee will review the application at their next meeting. The Historic Preservation Board approved the amendment at their August 6th meeting. Planning, Development and Codes staff recommends approving the amendment.

BUDGET INFORMATION: \$80,000 is available for this program in Fiscal Year 2018-19. The stabilization cost for this project is \$748,000. The stabilization loan will cover approximately 10% of the stabilization cost or \$75,000.

OPTIONS: 1. Approve the amendment as submitted; 2. Approve the amendment at another amount; 3. Deny the amendment.

DEPARTMENT RECOMMENDATION ACTION: Approve the amended amount. This structure has been an eyesore and attractive nuisance for many years and once rehabilitated will add to one of the main entrances to downtown Brunswick.

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

City Manager / Assistant City Manager

Date

CITY OF BRUNSWICK

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

Cornell L. Harvey, Mayor
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John A. Cason III, Commissioner
Vincent T. Williams, Commissioner
Julie T. Martin, Commissioner

City Attorney
Brian D. Corry

City Manager
James D. Drumm

Amendment 1 to: *Historic Stabilization Loan Application*

This application for a *Historic Stabilization Loan* is limited to contributing structures that are in imminent danger located in the following Enterprise Zones: Central Business District (downtown) and Norwich Street South. This program is a forgivable loan intended to assist property owners in the restoration / rehabilitation of contributing structures in danger of being lost.

Applicant Name: Chris Moline Designer for 1317 Newcastle Pnc

Mailing Address: P.O. Box 22046 SSI, GA 31522

Phone: 912-266-1101 FAX: _____

Building Name (if known): _____

Building Address: 1317 Newcastle, Brunswick, GA

Start date: TBD Completion date: _____

Contractor: Billy Lawrence Building Use: Mixed use; brewery
+ taproom + event space

Project Description: Please complete the following as fully as possible (use additional pages as required)

What will the Loan will be used for: see plans for stabilization
+ restoration

Has an application for a Certificate of Appropriateness been submitted? ☐ Yes ☐ No

CHECK LIST

Please attach the following required documentation

- ☐ Evidence of imminent danger
- ☐ Completed application form, signed and dated
- ☐ Rehabilitation / Restoration Plan
- ☐ Timeline for completion of Rehabilitation / Restoration of the structure
- ☐ Estimates for stabilization work
- ☐ Copy of Historic Resource survey report
- ☐ Photographs detailing current condition of the structure

All information must be received by the Brunswick Historic Preservation Board office by 5:00 pm the second Friday of the month. Applications may be dropped off at: City Hall · 601 Gloucester Street · Brunswick, GA or Mailed to: Brunswick Historic Preservation Board · PO Box 550 · Brunswick, GA 31521. The board secretary may be reached at 912-267-5527

Incomplete applications will not be considered.

Applications received after the deadline will be held until the next review session. Loans are reviewed at the regular Historic Preservation Board meeting (the first Monday of each month), regular DDA Board meeting (the second Friday of each month) and Finance Committee meeting.

I declare that the information contained within this application is to the best of my knowledge accurate and complete in all respects and I accept that any funds paid will become immediately repayable in the event of any material inaccuracy or submission of false information. I accept that there is no right of appeal.

I declare that I am aware that receipt of the loan will be dependent on the successful recording of a security deed.

I acknowledge that the security deed will be released once I have completed the project as outlined in this application.

I have read and accept the terms and conditions relating to the payment of financial assistance and I acknowledge the circumstances in which the financial assistance may be reclaimed.

Signature of Applicant: [Signature] Date: 7/6/2018

Imminent danger confirmed by: ☐ Building Official ☐ City Engineer

Date: _____ Signature: _____

7/23
WORKSHOP
8/6
MEETING
Recommendation from Historic Preservation Board:

Approved: ☒ Amount: 75,000 Authorized Signature: [Signature]

Denied: _____ Reason: _____ Authorized Signature: _____



7/13
Recommendation from Downtown Development Authority Board:

Approved: ☒ Amount: 75,000 Authorized Signature: Mathew Hill

Denied: _____ Reason: _____ Authorized Signature: _____

7/17
Recommendation from Finance Committee:

Approved: _____ Amount: _____ Authorized Signature: _____

Denied: _____ Reason: _____ Authorized Signature: _____

Original versus New Quote

The vast difference between the initial quote and the current quote comes in two parts.

1. The initial quote was severely under bid and the scope of work and qualified sub-contractors to perform the detailed work on Historic buildings is far greater
2. The condition of the building as deteriorated substantially since the initial bid. The back wall underwent a controlled collapse to prevent further damage and we have also undergone some severe weather including Hurricane Irma. The structure took on a foot of water above the existing interior slabs, and the building is further exposed to the elements

Initial plans called for only a partial roof replacement and tying into the existing roof. Current plans call for a completely new roof and replacement of all damaged sub structure. *Original estimate included only partial roof replacement. New cost \$175,000.00*

Initial plans did not call for the re-pointing of the bricks. Re-pointing the bricks throughout the building is a time consuming and costly operation. This will have to be performed by a specialist familiar with both old buildings and the correct mortar to use not to undermine existing bricks. Once performed correctly, the re-pointed bricks will further support the structural integrity of the exterior and interior walls. *\$160,000.00*

Initial plans did not call for the re-stucco of the back wall *\$50,000.00*

Initial plans did not call for replacement of the left side storefront header beam. This is a delicate process and will have to be performed by specialists familiar with the process and sequencing. This beam supports the left side brick façade of the storefront and is severely deteriorated and needs to be replaced for structural integrity

Initial plans also did not call for any structural improvements or work for floor joists, beams, foundation footings & piers. The total long-term structural stability of this building depends on this. Once completed, the building will be solid, prepped and ready for any future construction:

Shore 1st floor joists, replace longitudinal beams and support columns. Provide foundation footings & piers

Shore 2nd floor joists, and replace sectional bearing stud walls with columns & beams centered to match columns and beams at first floor to provide continuous bearing from roof rafters/truss to grade under guidance of structural engineer

Initial plans did not call for replacement of the storefront system. Replacing the storefront system is beneficial in many ways. It adds additional support to the façade and once complete it will keep the interior of the building protected from the elements and will deter further water intrusion from any future potential storms & flooding.

Structural improvements total \$169,500.00.

Total stabilization costs are now estimated to be \$748,575.00. Original stabilization costs were projected to be \$60,000.00. Stabilization forgivable loan was approved in 2017 for a total of up to \$20,500 (30% of stabilization costs). The actual stabilization costs are estimated to be much higher.

\$748,575.00 – new stabilization cost estimate

\$224,572.00 – 30% cap on stabilization costs

~~\$75,000~~ – projected new stabilization loan amount

1317 Newcastle Update Stabilization/Restoration Plan

Stabilization:

Repair Existing Foundation at Rear wall of 1319

Stablize and repair masonry structure at the rear wall of 1319(block)

Re-stucco existing rear wall

Rebuild missing wall section on the back north facing wall

Repair/Replace rotted structure across the rear of 1317 & 1319 2nd floor

Roof: remove approximately 20' of existing framing at rear of building

Remove existing roof, repair sub deck

Install new membrane roof

Re-point brick walls on both sides of north facing walls and remove biological growth

Structural: Shore 1st floor joists, replace longitudinal beams and support columns. Provide foundation footings & piers

Shore 2nd floor joists, and replace sectional bearing stud walls with coluns & beams centered to match columns and beams at first floor to provide continuous bearing from roof rafters/truss to grade under guidance of structural engineer

Repair/Replace left bay storefront header beam and add support columns

Restoration:

Repair façade/storefront including entry doors & glass

Add windows to the 2nd floor storefront

Restore 2nd floor skylights

Total Estimated Completion Time for Stabilized/Restored Shell: 6-8 Months

The above mentioned work will be handled at the same time as the new construction for the brewery, taproom and beergarden so that all work will be completed before opening. Completion times are just estimates based on what is visible and the scope of work, and sequencing provided by both contractors and structural engineers. The contractors may experience setbacks or short delays once the work actually begins.

1317 Newcastle Inc is requesting the full funds possible of at least \$75K for the stabilization work due to the fact that several reports show the total cost of restoration is in fact much higher that we were initially quoted and anticipated

**1317 Newcastle Street
Brunswick, Georgia**

Building Assessment Report

30 May 2018



**The Spriggs Group, PC
Architects
433 Habersham Street
Savannah, Georgia 31401**

Building Assessment Report

1317 Newcastle Street

Brunswick, Georgia 31520

Part I – Report Overview

Summary of Report

This report focuses on the existing condition of a two-story brick masonry building located on the 1300 city block in Brunswick, Georgia. It is one of two buildings remaining on the block. Open space improvements consist of concrete paver sidewalk, decorative pole lights, and tree islands along Newcastle Street and a small park to the southeast. The rest of the land is vacant. Through observation, the state of building envelope, materials, and structure were examined and are described below. The summary will present an opinion of the viability for adaptive reuse of the structure and highlight required repairs to maintain the interior and shell.



View courtesy of Glynn County Geographic Information System Department

Property Description

The structure at 1317 Newcastle Street was constructed circa 1888-89. There were various retail establishments on the first floor, while a hotel occupied the second floor. The second floor is accessed by a stairway with entrance from Newcastle Street. The stairwell divides the first floor into two approximately equal areas with a dividing wall continuing to the rear at Grant Street. The first floor remained open until 2006. The second-floor hotel operation ceased at an unknown time though resident historians may remember the date.

According to the 1895 Sanborn Maps, the adjacent building was under construction in 1895 and probably was completed in 1896.

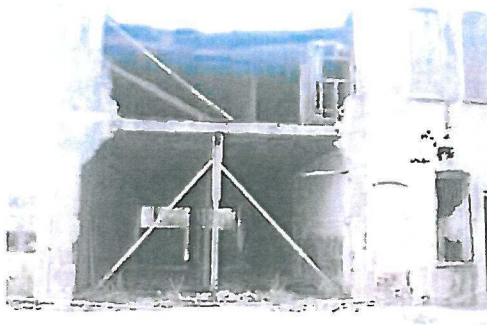
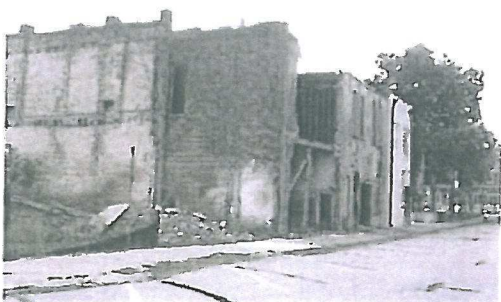
Observation Review

On Tuesday 22 May 2018, representatives of the City of Brunswick, developer/owner, and the building assessment reviewer met at 10 am on site to discuss the review process. In attendance were Brenda White Daiss, City Planning Director; John Hunter, City Planner; Chris Bond, City Building Inspector; Chris Moline, Owner/Developer Partner; and Ken Spriggs, AIA, Principal at The Spriggs Group PC Architects, and Building Assessment Reviewer. After discussion of issues concerning all parties, representatives of the City and Owner/Developer left the site. Ken Spriggs began inspection and concluded at approximately 6 pm.

Part II – Building Examination Narrative

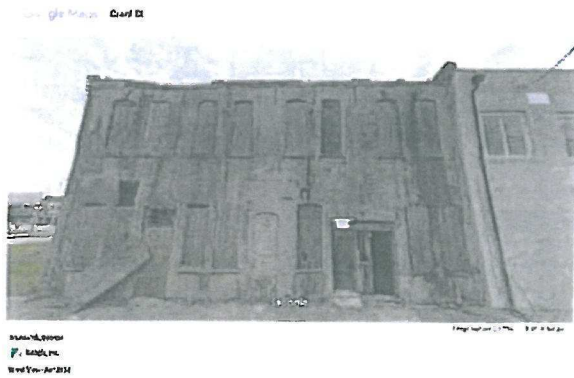
Exterior Shell

The exterior walls are in stable condition. Most of the original openings are intact with an original window unit in place at the Grant Street elevation. A level was used on the inside of each wall at both first and second floors. The measured areas were either dead plum vertically or varied a maximum of 1/8 to 1/4 inch from plumb. Even the fragment walls at Grant Street were vertically plumb at the intersection to the longitudinal walls.

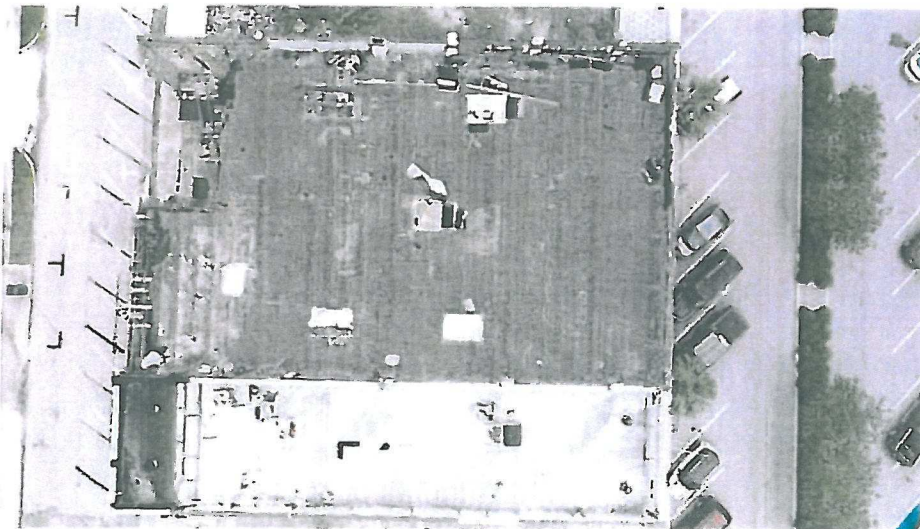




The collapsed wall at Grant Street can be reconstructed using window and door patterns shown in a photograph when the wall was intact.



The greatest damage to the building shell occurred at the Grant Street elevation where a portion of the roof collapsed as well as the two-story wall at the north bay. The roof has weathered to the extent that it is no longer serviceable. Missing roof along the parapet allows rain water to infiltrate the second floor and cause further damage. Exposure of roof structure at the Grant Street south bay will lead to eventual collapse of additional roof area.

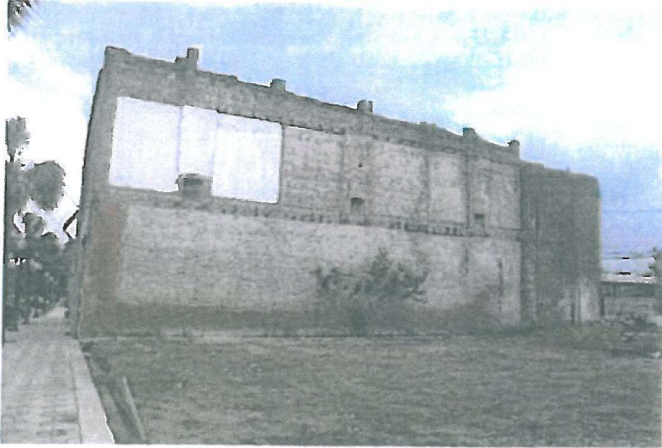


View courtesy of Glynn County Geographic Information System Department

The five sky lights are covered and prevent water infiltration for the short term. Further roof deterioration may cause additional leaks around the skylights.

The ten chimneys above the roof appear to be stable. The south wall elevation displays three partial fireboxes which shared chimneys and were part of the lost adjacent structure.

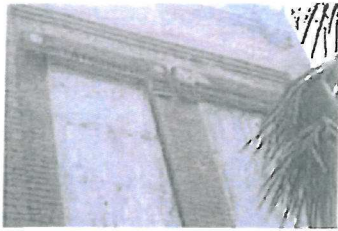
That wall also has joist pockets which contain remnants of wood joists and rafters which supported the second floor and roof respectively of the adjacent lost building.



The Newcastle Street elevation has a missing column in the right bay. From conversations with the Brunswick planning staff, the beam above the first-floor right bay is undersized and was constructed as part of a movie set production. The location of the missing column is shown in the archival photo of the 1898 great flood. Also, the existing column can be relocated per the archival photo.



Above the second-floor boarded windows, the ornamental tin header trim is intact and can be restored.



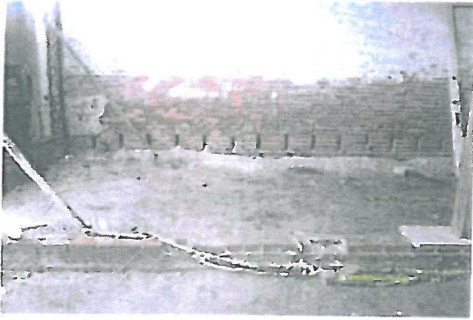
Interior First Floor

The Newcastle Street right bay has an exposed earth floor from where wood floor joists and wood plank flooring has existed and were removed. Toward Grant Street a four-inch-thick concrete slab was poured on top earth fill. A continuous brick masonry footer and grade beam is exposed. Originally it reduced the spans of the wood floor joists. Near the slab the grade beam has original bricks. As the beam runs toward the storefront, new infill bricks were set where older brick had been lost or removed. The width of the beam changes in width from old brick to new brick (narrower). The beam is two withes of brick with 5 courses, the bottom three stepped out.



Step-out footer and grade beam

The floor joists were supported in masonry pockets at the stairwell wall. At the existing former dividing wall and now exterior wall, the joists rested on a brick masonry ledger which also was part of the wall footing.



Masonry joist pockets



Exposed brick ledger/wall footing

Frequently if moisture enters masonry joist pockets, some rot occurs at top or bottom of the wood joists. The stair well dividing wall has through wall slots to support joists at the stair first floor landing and at the right bay. For the existing joists in the stairwell, there are signs of some decay.

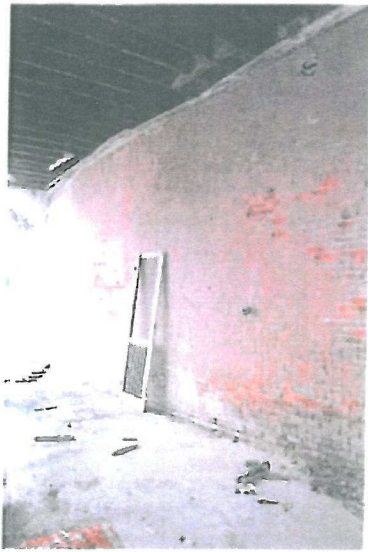


Joist bottom deterioration

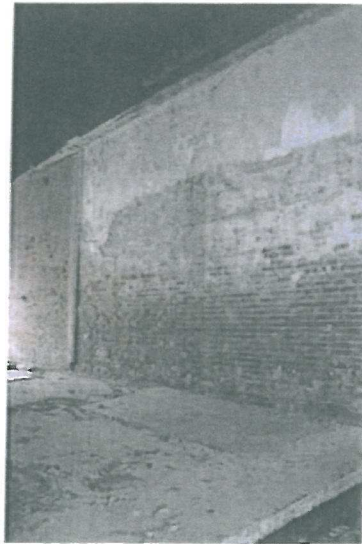


Joist side deterioration

As expected the former dividing wall and now an exterior wall has loose mortar joints. In some cases, it is possible to look through the two withes and see outside. However as noted earlier, the wall is plumb and shows no signs of movement. Given storms and floods over the past 120 years, this bearing wall has stood the test of time.

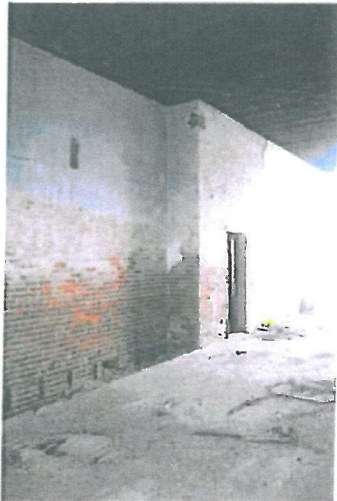


View toward Grant Street



View of mid-section

The stairwell wall in the right bay is in stable condition, and as noted earlier is vertically plumb with minor variation.



View toward former restrooms



View of mid-section

In the right bay, the storefront pilasters at Newcastle Street are not attached to the longitudinal bearing walls. It is possible to see space between the back of the pilasters and the ends of the walls. Since this bay was used as a movie set production, carpentry was used to tie the remaining framework to the header above the opening.



Corner at storefront pilaster



Pilaster offset from wall

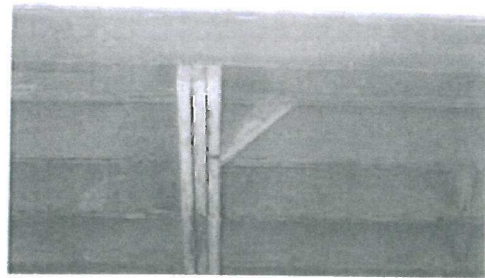
Temporary column supports and beams in the right bay are inadequate for long term support of the second-floor joists. Failure in some cases could occur within one year, especially where exposed to the elements.



Column at Grant Street



Inadequate base support



Temporary beam supporting 2nd floor joists

The central stairwell is accessed by a separate door between the two store fronts. The wooden stair is sturdy enough to ascend to or descend from the second floor. The original entry door is lost. A temporary hinged plywood panel secures entry. A sky light at the roof provided natural light at the top of the stairs.



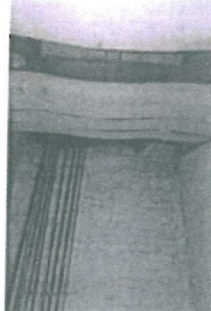
The underside of the stair is accessed through a door opening in the left bay. Within the stairwell enclosure the original electrical panel is located on the rear wall (towards Grant Street). Wiring service rises to the second-floor joists and is distributed throughout the building.



Entry to under stair electric closet

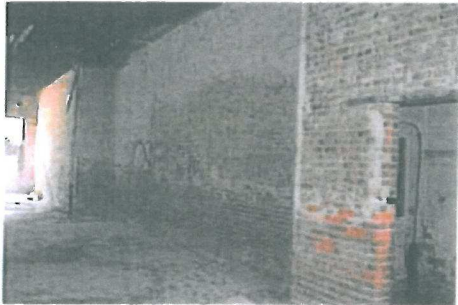


Original electric panel



Vertical wire service

Beyond the stairwell enclosure, a brick double-width dividing wall separates the right and left bays which are labeled as viewed from Newcastle Street.

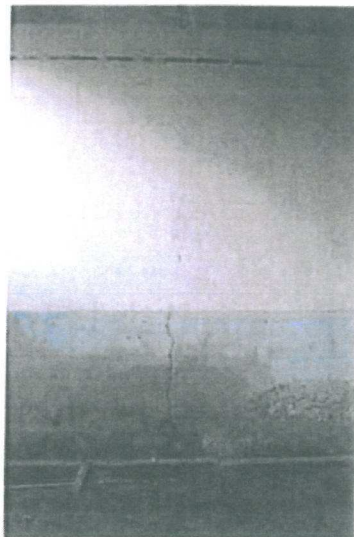


View toward Grant Street

The left bay as viewed from Newcastle Street is enclosed by a shared wall with the adjacent building. The wall is constructed of tabby. As noted before, this wall is vertically plumb. The only crack is in the stucco applied to the tabby. There is no crack in the tabby. In recent years, part of the wall was painted with acrylic paint in a yellow-beige tone. The rest of the wall displays original graphics when the adjacent building was a stand-alone structure with advertising viewed from Newcastle Street.



Left bay view to Grant Street

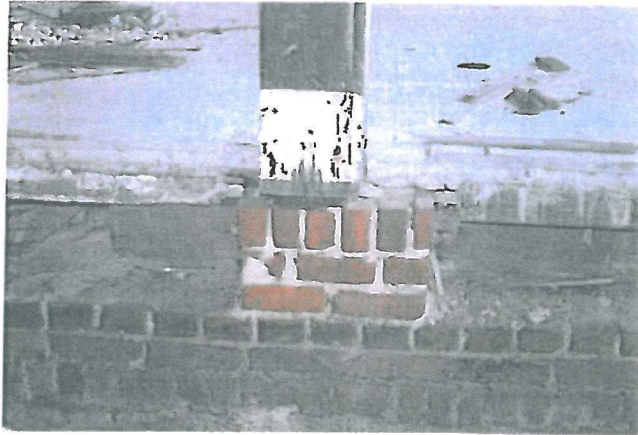


Stucco crack on tabby wall

Temporary column and beam supports are inadequate and pose potential problems of failure if neglected.

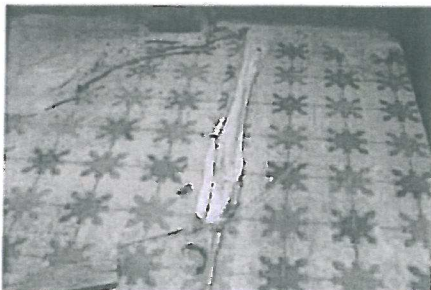
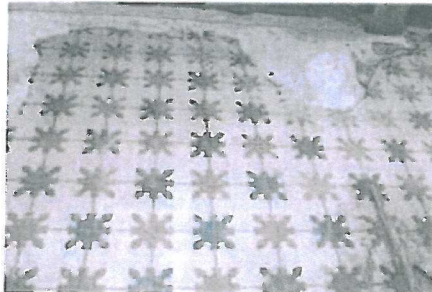


Temporary columns under old beam



New brick pier with shim material under column base

The left bay floor is divided in half with a raised concrete slab spanning from the center dividing wall to a continuous brick masonry footing with grade beam. It is placed on compacted earth fill as shown in the above photographs. At the Newcastle Street entrance, a section of floor cloth remains. The pattern mimics ceramic tile and is quite hansom.



The second floor spans the entire width of the building including both first floor bays and central stairwell.



There are two locations of 2 x 4-inch studs which are the bearing structure for the ceiling rafters that support the roof rafters. These wall studs have inadequate beams and headers. They are off-set from one another with no continuity of support.



Above the ceiling joists are the roof rafters. They are supported by a center king post truss spanning 18 feet and two ladder trusses running longitudinally at the outer 18-foot spans (approximately 9 feet from the masonry and tabby walls).



Center King Post Truss supported by bearing wall studs



Bottom cord of ladder truss on ceiling joists

Below the bearing wall studs which support these systems, there are no beams.

Part III - Observed Repair and Replacement Issues

Priorities highlighted below are issues necessary to maintain the existing structure in a safe and structurally sound condition.

1. Repointing the masonry walls by craft persons skilled in historic masonry preservation.
2. Re-establishing roof rafters, their structural support, and completing closure of the lost sections of the roof.
3. Removing the existing roof, repairing the wood plank substrate, and installing a new roof including lost sections.
4. Restoring lost second floor joists and flooring.
5. Enclosing the lost Grant Street wall with original openings.
6. Providing beams with related columns under the second-floor joists to transmit structural loads to ground level with appropriate footings.
7. Providing a structurally designed beam at the right bay facing Newcastle Street.
8. Installing structural columns or longitudinal wall support of right bay beam.

Secondary work should include the following:

1. Removal of existing concrete first floor slabs.
2. Re-establish first floor joists after thoroughly cleaning ground debris. Allow for future sanitary plumbing runs.
3. Removal of biological growth in and around the building shell.
4. Organizing and stacking original brick masonry units for reuse in repairs.

Part IV - Construction Cost Budget

Essential Repairs

- | | |
|---|-----------|
| 1. Roof Repairs/Replacement | \$175,000 |
| a) Support rear joists/rafters with jacks to ground. | |
| b) Rebuild roof structure where missing & make repairs where necessary. | |
| c) Remove existing roof. Repair roof subdeck. | |
| d) Set flashing at parapet, skylights, & miscellaneous protrusions such as plumbing vent stacks, & exhaust fan bases for future use. | |
| e) Install roof storm water drainage system with discharge to streets as permitted or into storm water drainage system. | |
| 2. Rebuild lost Grant Street wall including new footings, 2 nd floor window openings, and 1 door per bay at first floor. | 50,000 |
| 3. Repoint brick walls on both sides and remove biological growth | 160,000 |
| 4. Structural Improvements | 165,000 |
| a) Remove concrete slabs to original grade to allow construction of footings & piers for mid-span beams & columns at each bay. Remove all ground debris. | |
| b) Shore 2 nd floor joists, replace longitudinal beams & support columns. Provide foundation footings & piers. | |
| c) Shore 2 nd floor ceiling rafters & replace sectional bearing stud walls with columns & beams centered to match columns & beams at first floor to provide continuous bearing from roof rafters/truss to grade. | |
| d) Shore right bay storefront, replace header beam, relocate existing beam, & add column as shown in archival photograph. | |

5. Stairwell Improvements	4,500
a) Remove wood plank flooring at landing & in electrical closet. Examine condition of floor joists & replace if required.	
b) Remove lead pipe sections & warped ceiling panels.	
c) Replace risers & treads where required.	
Sub-total Essential Repairs	\$554,500
General Conditions (10%)	55,450
Overhead & Profit (25%)	138,625
Total Essential Repairs	\$748,575
Additional Desirable Repairs	
1. Reproduce & install 2 nd floor windows (front & rear)	40,000
2. Add 1st floor rear doors & hardware.	6,000
3. Repair center bay continuous footings & grade beams. Install wood joists. Leave off wood floor planks for potential underground plumbing & utility runs.	40,000
Sub-total Additional Desirable Repairs	\$ 86,000
General Conditions (10%)	8,600
Overhead & Profit (25%)	21,500
Total Additional Desirable Repairs	\$116,100

Part V – Summary

The building at 1317 Newcastle Street is an important part of the City of Brunswick's historical heritage. The city has committed to enhancing this downtown block by providing pedestrian walking streetscape improvements. In addition, civic leaders have committed to encouraging development while seeking adaptive reuse of structures that reinforce the cultural life of a vibrant city.

After thoroughly reviewing the building at 1317 Newcastle Street, I recommend that this structure be maintained and adaptively reused as a significant contributor to the city's physical and cultural environment.

C. Kenneth Spriggs, AIA

Principal

The Spriggs Group, PC

www.spriggsgroup.com



March 26, 2017

Chris Moline
406 Magnolia St.
St. Simons Island, GA 31522

RE: Stabilization Loan
1317 Newcastle Street

Dear Chris,

The Brunswick Historic Preservation Board recommended approval of your application for the stabilization loan program on January 3, 2017. The board of the Brunswick Downtown Development Authority also recommended approval at their January 13, 2017 meeting. The City Commission approved allocation of funding for the stabilization at their meeting on January 18, 2017.

This letter is to inform you that your application for the Stabilization Loan has been approved. The Stabilization Loan is up to 30% of the stabilization costs, and you have been approved for the full 30%, or \$18,000.00 of the stated costs. Should costs be higher than anticipated, the amount would be 30% of costs up to a maximum of \$20,500.00.

You may now proceed with the stabilization work. Since the Historic Preservation Board has already reviewed the stabilization phase, you will not need to obtain a Certificate of Appropriateness from them. Your contractor will need to obtain a building permit for the stabilization work. A Certificate of Appropriateness will be required to obtain a building permit for the final rehabilitation of the building. Once the stabilization work has been completed, please submit proof of payment to the contractor. The work will then be inspected for approval by:

- A. The Brunswick Historic Preservation Board
- B. The Downtown Development Authority.
- C. The Brunswick Building Inspector
- D. The City Planner.

Upon approval by these entities, a security deed will be placed on the property and the loan will be funded. Upon completion of the restoration work, the security deed will be released. Should the building sell before the restoration work is completed, the security deed will need to be satisfied.

If you have any questions, please do not hesitate to contact me at 912-265-4032.

Sincerely,



Mathew Hill

Brunswick Downtown Development Authority
PO Box 684 · Brunswick, GA 31521
www.discoverbrunswick.com



CONTRACTING GROUP, INC.
DESIGN • MANAGEMENT • CONSTRUCTION

PROPOSAL

To: Lance Sabbe
H2O Creative Group

Date: April 19, 2016

Project: 1317 & 1319 Newcastle Street
Brunswick, Georgia

ECI Contracting Group, Inc. proposes to provide labor and material for stabilization of the building located at 1317 & 1319 Newcastle Street in Brunswick, Georgia. Logistically we are splitting the building into two addresses: 1317 will be the building adjacent to the existing building and 1319 will be the building closest to the vacant lot.

- Repair existing foundation at rear wall of 1319
- Stabilize and repair masonry structure at the rear wall of 1319
- Repair/replace rotted second floor framing across the rear of 1317 and 1319
- Replace falling roof structure across the rear of 1317 and 1319
- Install new membrane at new roof work and tie into existing roofing material

Not to exceed: \$ 60,000.00

Terms: Payment due at completion from single source to be agreed upon before execution of contract

Schedule: 6 weeks barring any unforeseen conditions and/or weather



SUBJECT: RENEWAL OF FLOOD INSURANCE

COMMISSION ACTION REQUESTED ON: August 15, 2018

PURPOSE: To request approval to renew the City's Flood Insurance policies.

HISTORY: The City of Brunswick renews its flood insurance coverage annually. McGinty Gordon and Associates, local brokers, search insurance markets to identify providers who will extend maximum coverage for the best value.

FACTS AND ISSUES:

1. See the attached FYE 2018-19 Flood Insurance Summary. The attachment identifies the various components of coverage. The last two columns show the comparison of the current premium amounts to the premium amount we paid for fiscal year 2017-18. While some premiums decreased several premium amounts increased, the net effect is a total decrease of \$3,564.99.
2. Per the attached summary, three properties are covered by National Flood Insurance and eight are covered by Lloyds of London policies.
3. You will notice under the Flood Zone column, a comparison of the old and new flood zones.

BUDGET INFORMATION:

The amount budgeted for Flood Insurance for FYE 2019, was based on the amount previously paid. The FYE 2018-19 premium of \$42,792.00 is covered under the FYE 2019 budget. If we do not renew the Lloyds of London policy on Old City Hall, see details below, we would save \$9,231.87 in flood insurance costs.

OPTIONS:

1. Renew the Flood Insurance as quoted per the attached spread sheet.
2. Per Fred McGinty, we have a second option. In an effort to reduce our premium expense without assuming significant additional risk, we could choose to not renew the Lloyds of London flood insurance policy on Old City Hall. Because of the building's elevation and the location of its insurable contents; only the contents located on the first and second floors are covered under flood insurance. The basement structure is covered under flood insurance but none of its contents. Our GIRMA property insurance contains \$10 million in flood coverage on all buildings. We will still have flood coverage through our GIRMA property insurance on Old City Hall.

DEPARTMENT RECOMMENDATION ACTION:

Consider renewing all flood insurance policies as quoted, except for the Old City Hall Lloyd of London Policy.

DEPARTMENT: Finance

Prepared by: Lynne Velie, Assistant Finance Director

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

City Manager

Date

The City of Brunswick
Flood Insurance Summary
2016 - 2017

Location Address	Location Description	Policy Term	Flood Zone Zone Old/New	Replacement Cost (Bldg)	Building Value	Contents Limit	Deductible	2017/18 Premium	2018/19 Premium
NFIP Flood Policies									
525 Lakewood Avenue	Public Works Complex	8/5/2018 - 19	X/X	750,000	500,000	100,000	1,250	2,078.00	2,246.00
1524-1530 Newcastle Street	Ritz Theater	8/6/2018 - 19	X/X	2,404,080	500,000	50,000	1,250	2,078.00	2,078.00
204 Mansfield	Detective Building	9/1/2018- 19	AE/AE	722,300	500,000	63,000	5,000	2,499.00	1,444.00
NFIP Total								6,655.00	5,768.00
Lloyds of London Policy									
1227 Newcastle Street	Old City Hall	8/5/2018 - 19	AE/AE	2,359,000	500,000	121,800	10,000	6,692.35	9,231.87
1430 Lanier Blvd.	Howard Coffin Rec Bldg.	8/5/2018 - 19	AE/AE	766,901	500,000	38,900	10,000	5,804.44	7,817.35
206 Mansfield Street	Police Station	8/5/2018 - 19	AE/AE	1,000,000	233,200	66,200	10,000	3,239.25	4,025.93
1109 H Street	Community Center	8/5/2018 - 19	AE/SHX	544,524	498,300	38,900	1,250	5,786.22	2,175.98
200 I Street (1901 Cleburne)	Multi Purpose Center	8/5/2018 - 19	AE/SHX	601,020	500,000	66,200	1,250	6,096.84	2,350.70
1201-1203 Gloucester Street	Fire Station	8/5/2018 - 19	AE/SHX	360,612	330,000	83,000	1,250	4,455.97	2,169.74
503 Mansfield Street	Administration Offices	8/5/2018 - 19	AE/AE	1,105,000	500,000	0	10,000	5,387.80	6,706.63
1327 Union Street	Lissner House	8/5/2018 - 19	AE/AE	220,000	220,000	0	10,000	2,239.12	2,545.80
Lloyds Total					3,281,500	415,000		39,701.99	37,024.00
GRAND TOTAL				10,833,437.00	8,063,000.00	1,043,000.00		46,356.99	42,792.00
* \$500,000 is Maximum Limit for Buildings and Contents Coverage									
					9,106,000.00				



**SUBJECT: AMEND ORDINANCE SECTION 23-23 TO REFLECT GLYNN AVE
DESIGN FRAMEWORK**

COMMISSION ACTION REQUESTED ON: _____August 15, 2018_____

PURPOSE: The City of Brunswick launched the Glynn Avenue Design Framework initiative to help guide development and redevelopment along US Highway 17/ Glynn Avenue which serves as a gateway to the City of Brunswick and the Golden Isles of Georgia. The City initiated this project due to decline and disinvestment in some of the commercial areas along Glynn Avenue.

HISTORY: In 2008, a temporary overlay district was created as a placeholder for the US 17/ Glynn Ave corridor. The intent of this overlay was to improve the visual and economic condition along this section of US 17. The Ordinance reads, in part, “The scenic vistas of the marsh are inherently and economically valuable to the public and visual clutter impedes aesthetically and economically favorable development of the parkway area.”

This study to replace that temporary overlay district began in May of 2016 with a three day public charrette in order to fully understand the community vision for Glynn Avenue.

FACTS AND ISSUES: Citizen participation has been sought out and encouraged throughout the entire study. The Glynn Avenue Design Framework Charrette was attended by citizens and property owners of Brunswick. The Steering Committee consisted of key stakeholders along this corridor who met regularly to discuss plans for Glynn Avenue and review design framework from consultants.

At the request of the Commission and City Manager, the steering committee met again on February 1st, 2018 for the main purpose of discussing the proposed marsh-side setbacks.

Three Public Hearings have been held in reference to the proposed amendment.

*Aside from a few typos, the following changes were made to the proposed framework:

- 4.2.8 – added “publicly-accessible”: it was always the intent that waivers would only be for publicly-accessible facilities, but during the last meeting, it was evident this intent was unclear, so clarification added

- 5.4 – added more latitude for building height, including the potential to add another floor. Also modified the ratio for tower height.
- Changed the document date to 08.15.18

BUDGET INFORMATION: This study was budgeted at \$76,100.

OPTIONS:

- Accept framework as written and pass as overlay district, amending Ordinance 23-23.
- Amend framework and pass as overlay district, amending Ordinance 23-23.

DEPARTMENT RECOMMENDATION ACTION: **AMEND City Ordinance Section 23-23, U.S. 17 Overlay District to reflect proposed Glynn Avenue Design Framework.**

DEPARTMENT: Planning, Development & Codes (PDC)

Prepared by: Bren W Daiss

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:

AMEND City Ordinance Section 23-23, U.S. 17 Overlay District to reflect proposed Glynn Avenue Design Framework.

City Manager

Date

ORDINANCE NO. 1057

ORDINANCE AMENDING ARTICLE XXIII OF THE ZONING CODE CHAPTER 23, SECTION 23, “U.S. 17 OVERLAY” PROVIDING FOR REPEALING CONFLICTING CODES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, a study was conducted to obtain public input and to compile regulations to guide redevelopment of the Glynn Avenue corridor within the City of Brunswick and to recommend actions that the City and others can take to ensure an appropriate character for this area in the future; and

WHEREAS, the need for the study was prompted in part by the fact that the US Highway 17 Corridor serves not just as the gateway to the City of Brunswick but also as the primary gateway to the Golden Isles of Georgia, and that some of the commercial areas along US Highway 17 are deteriorating and suffering from disinvestment, and

WHEREAS, the City identified this as a critical time because there is a window of opportunity to shape the character of future development along the corridor before it is redeveloped, and

WHEREAS, the City of Brunswick conducted a high level assessment (the “Glynn Ave Design Framework”) that includes among other elements the following actions: (i) an urban design framework encompassing the specified areas within the corridor and which incorporates: urban design principles analysis, design of public and private spaces (including streetscapes), and other input toward incorporating this into an implementation strategy, and (ii) a set of corridor design guidelines or a form based code for incorporating into the Brunswick zoning ordinance which includes design principles and guidelines (public and private spaces) for site development and new or renovated buildings located within the Glynn Avenue corridor.

NOW, THEREFORE BE IT ORDAINED, by the City of Brunswick Mayor and City Commission, acting in its capacity as the governing authority of the City of Brunswick, Georgia, that:

1. Article XXIII, Section 23-23 of the Zoning Code, is hereby amended as described in Exhibit A;
2. All language in conflict in Article XXIII is hereby repealed.

SEVERABILITY. Should any section or provision of this Ordinance be declared invalid or unconstitutional, such adjudication shall not affect the validity of the remaining sections or provisions of this Ordinance.

EFFECTIVE DATE. This Ordinance shall be effective on the 15th day of August, 2018.

PASSED AND ADOPTED this 15th day of August, 2018.

CITY OF BRUNSWICK, GEORGIA

Cornell L. Harvey, Mayor

Attest:_____
Naomi Atkinson, City Clerk

EXHIBIT A

ARTICLE XXIII. - U.S. 17/ GLYNN AVENUE DESIGN FRAMEWORK OVERLAY

Sec. 23-23-1. - Intent of overlay.

It is the intent of this overlay to create a parkway along U.S. 17 from Spur 25 to the Sidney Lanier Bridge in order to improve the visual and economic condition along this section of U.S. 17. A parkway is a wide, scenic road planted with trees. This corridor is deemed by the city commission to be important because so many visitors get their first impression of Brunswick while driving along U.S. 17. The scenic vistas of the marsh are inherently and economically valuable to the public, and visual clutter impedes aesthetically and economically favorable development of the parkway area. The visual quality of the corridor and the general nature of development along the corridor must be improved to encourage visitors to explore more of the city.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-23-2. - Overlay boundary.

These regulations shall apply to all properties included within the District Boundaries provided in Appendix A of the Glynn Avenue Design Framework. Generally, all lots fronting U.S. 17 from Spur 25 to the Sidney Lanier Bridge are included in the Overlay.

Any property outside the District Boundary which is combined, whether through a lot combination or for master planning purposes, with a property within the District Boundary shall also comply with these regulations.

Section 23-23-3. – Applicability

These regulations shall be the exclusive and mandatory regulation. Property owners within the plan area may submit development plans in accordance with the provisions of this Code. Plans complying with the standards of this code shall follow the appeals procedure set forth in Section 26.

Sec. 23-23-4. - Permitted uses.

All uses permitted in the underlying zoning district shall be permitted in the U.S. 17 overlay.

(Ord. No. 1006, § 1, 11-19-2008)

Sec. 23-23-5. - Conditional uses.

All uses permitted on a conditional basis and subject to the conditions set forth in the underlying zone district shall be permitted on a conditional basis in the U.S. 17 overlay subject to the conditions set forth in section 23-24-4.

(Ord. No. 1006, § 1, 11-19-2008)

Section 23-23-6. – Pre-existing Conditions.

- (a) Existing buildings and appurtenances that do not conform to the provisions of this Code may continue in the same use and form until a Substantial Modification occurs or is requested, at which time the Planning Director shall determine the provisions of this Section that shall apply.
- (b) Existing buildings that have at any time received a Certificate of Occupancy shall not require upgrade to the current Building Code and when renovated may meet the standards of the code under which they were originally permitted.
- (c) The modification of existing buildings is permitted By Right if such changes result in greater conformance with the specifications of this Code.
- (d) Where buildings exist on adjacent lots, the Planning Director may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of this Code.
- (e) The restoration or rehabilitation of an existing building shall not require the provision of (1) parking in addition to that existing or (2) on-site stormwater retention/ detention in addition to that existing. Existing parking requirements that exceed those for this Code may be reduced as provided by in Section 4.3 of the Overlay Code.

Section 23-23-7. – Design Guidelines.

The supplemental U.S. 17/ Glynn Avenue Design Framework is created and includes a design plan and associated design criteria to demonstrate how the design goals and objectives will be accomplished.

ORDINANCE 1058

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRUNSWICK AT CHAPTER 22A, STORMWATER MANAGEMENT; TO PROVIDE FOR A NEW ARTICLE V "STORMWATER UTILITY"; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR A STORMWATER UTILITY SERVICE AREA; TO PROVIDE A STATEMENT OF PURPOSES AND FINDINGS OF FACT; TO PROVIDE FOR A SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES; TO PROVIDE FOR THE ESTABLISHMENT OF STORMWATER USER FEE CHARGES; TO PROVIDE FOR STORMWATER UTILITY CUSTOMER CLASSES; TO PROVIDE THE METHOD FOR ESTABLISHMENT OF STORMWATER USER FEE CHARGE RATES; TO PROVIDE FOR STORMWATER USER FEE CHARGE EXEMPTIONS; TO PROVIDE FOR STORMWATER USER FEE CHARGE CREDITS; TO PROVIDE FOR INSPECTIONS AND ENFORCEMENT; TO PROVIDE FOR STORMWATER USER FEE BILLING, DELINQUENCIES, COLLECTIONS, AND ADJUSTMENTS; TO PROVIDE FOR APPEALS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

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

SECTION ONE:

That the Code of Ordinances of the City of Brunswick, Georgia, is hereby amended by adding an Article V, Stormwater Utility, to Chapter 22A which reads as follows:

Sec. 22A – 107. Purpose

This Chapter is enacted for the purpose of establishing the Stormwater Utility and Stormwater User Fee System and other provisions relating thereto.

Sec. 22A – 108. Findings of Fact

The Mayor and City Commission make the following findings of fact:

- (a) The City of Brunswick is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III, and O.C.G.A. § 36-82-62 to provide stormwater management service systems and facilities throughout the corporate boundaries of the City of Brunswick (hereinafter "the City" or "Brunswick") and to collect fees for provision of those services.

- (b) In promulgating the regulations contained in this section, the City is acting pursuant to authority granted by the Constitution and laws of the State of Georgia and its City Charter to provide for stormwater collection and disposal. A system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within the City limits.
- (c) Failure to effectively manage stormwater runoff can result in:
1. Erosion of lands, which could threaten businesses, residences, and other structures with water damage and may environmentally impair the rivers, streams and other bodies of water within, and downstream of, the City;
 2. Adverse impacts to the sanitary sewer system operations thereby increasing the potential for infiltration and inflow into the sanitary sewer system operated by the Glynn County-Brunswick Joint Water and Sewer Authority;
 3. Potential degradation of the quality of both surface water and ground water resources.
- (d) The City presently owns and operates stormwater management systems and facilities, which have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the City, and the additions and improvements thereto, rests on the ability of the City to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the City in concert with the management of other water resources within the City. In order to do so, the City must have both a stormwater management program as well as an adequate and stable funding strategy for its stormwater management program operation and drainage-related capital improvement needs.
- (e) The City is required under Federal and State regulations [i.e. the Federal Clean Water Act, the City's National Pollutant Discharge Elimination System (hereinafter "NPDES") Phase II Stormwater Permit] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) into State of Georgia or United States' waters. Therefore, it is appropriate for the City to establish a Stormwater Utility and impose stormwater user fee charge upon improved properties that may discharge, directly or indirectly, into the public MS4, or receive stormwater services from the City, either directly or indirectly, whether or not the property is private or public in nature.
- (f) Compliance with the regulatory obligations of the City's NPDES Phase II Stormwater Permit, the National Flood Insurance Program (NFIP); the Georgia Comprehensive Statewide Water Management Plan;; and other applicable State and Federal water resources related regulations as well as other identified stormwater management program needs will affect the cost of providing stormwater management services, systems and facilities above what is currently

being spent for stormwater quality management, drainage system maintenance, flood plain management, capital drainage projects and other stormwater management program activities.

- (g) The City desires to implement a storm water management program to address storm water runoff quality and quantity and to mitigate the impacts of pollution and flooding which may impact the public MS4, private property and downstream receiving waters of the State of Georgia and/or United States.
- (h) The cost of operating and maintaining the City's stormwater management system and the funding of necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services provided by the City's stormwater management program and the demand imposed by improved property on the City's drainage system and stormwater management program.
- (i) The stormwater management program assessment and financial analysis, titled "Stormwater Utility Rate Study," performed by the City's consultant, properly assesses and defines the City's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy.
- (j) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the aforementioned stormwater program assessment and financial analysis, it is appropriate that the City authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of storm water management services, systems, and facilities within the City in concert with other water resources management programs.
- (k) Stormwater management is applicable and needed throughout the incorporated areas of the City. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management system and service area encompassing all lands and water bodies within the incorporated areas of the City is appropriate given the present and future needs of the City.
- (l) It is practical and equitable to allocate the cost of stormwater management among the owners and/or tenants of improved properties in proportion to the demands the properties impose on the City's stormwater management systems and facilities which result in services to such properties and the owners and/or tenants thereof. The fair and equitable apportionment of costs via the stormwater user fee charge correlates to the stormwater management services, provided directly or indirectly, to that property and the runoff demand that the property imposes on the public drainage system and the City stormwater management program.

- (m) Stormwater management needs in the City include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service to customers and benefit to all properties, property owners, citizens, and residents of the City in a variety of ways although the benefits may be indirect or immeasurable.
- (n) A stormwater management program provides the most practical and appropriate means of properly delivering stormwater management services throughout the City. The imposition of a stormwater user fee charge is the most equitable means to allocate the costs to users of the stormwater management services and to generate revenue to implement the defined level of service for the City's stormwater management program.
- (o) The presence and amount of impervious surfaces on each improved property is the most important factor influencing the stormwater runoff contribution of that property; the corresponding demand the property imposes on the stormwater management program; and the cost of providing stormwater management services to that property by the City. Therefore, the amount of impervious surface on each property is the most significant parameter for calculating a periodic stormwater user fee charge; and the City deems it appropriate to impose a stormwater user fee charge upon all improved properties that may discharge, directly or indirectly, into the public drainage system whether the property is private or public in nature.
- (p) A schedule of Stormwater Utility user fee charges based primarily on the amount of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the City. Stormwater Utility user fee charges may be designed with specific modifiers to further enhance customer equity, as well as customer understanding of the user fee charge rate structure, while at the same time minimizing the City's customer account management and maintenance efforts.
- (q) Stormwater Utility user fee charges may be supplemented by other funding which addresses specific needs, including, but not limited to, special district service fees, General Fund allocations, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Mayor and City Commission.
- (r) The existence of privately owned and maintained on-site stormwater control facilities, activities or assets which reduce, or otherwise mitigate, the impact of a particular property on the City's stormwater management program, and the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services,

systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility. Credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the reduction and mitigation of the stormwater runoff impacts from the property.

- (s) It is required that the revenue proceeds from all user fee charges for stormwater management services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes. Such user fee revenue proceeds, and other supplemental revenues, shall be deposited into the City of Brunswick Stormwater Utility Enterprise Fund. The user fee proceeds and other supplemental revenues shall remain in the enterprise fund, and be dispersed only for stormwater management capital improvements, facilities, equipment, operating and non-operating costs, lease payments, debt service payments, or other indebtedness related to the stormwater management program.
- (t) In order to protect the health, safety and welfare of the public, the governing authority of Brunswick hereby exercises its authority to establish a Stormwater Utility, as the best available means of addressing the foregoing stormwater management program needs and priorities. By means of this Ordinance, the City will enact a stormwater user fee rate structure and a procedure for the establishment of a user fee charge billing rate related to the provision of stormwater management services.

Sec. 22A – 109. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Act* means and refers to the Clean Water Act codified at 33 U.S.C. § 1251, *et seq*, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.
- (b) *Credit* means a reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the City stormwater management services and systems, and/or the efforts of a customer to offset the City's cost for implementation of stormwater management program related activities.
- (c) *Customers of the Stormwater Utility* shall include all persons, properties, and entities serviced by and/or benefitting from the services provided by the City's stormwater management program and the Stormwater Utility. These services include, but are not necessarily limited to, the Stormwater Utility's administration,

management, maintenance, expansion, and improvement of the stormwater management systems for the handling and disposal of stormwater runoff from private and public properties, and the regulation of the public and private stormwater management systems, controls, facilities, and activities.

- (d) *Dwelling Unit* shall mean a structure, regardless of the type or method of construction, which contains one (1) or more bedrooms, a bathroom, and cooking facilities, designed for occupancy by a one or more person(s) regardless of relationship, living as a single-family unit.
- (e) *Enterprise fund* means a fund used to account for operations that are financed and operated in a manner similar to private business enterprises where the intent of the governing authority is that the cost of providing services to the public on a continuing basis be financed or recovered primarily through user charges.
- (f) *Equivalent Residential Unit (ERU)* means the stormwater user fee charge billing unit increment related to the median horizontal impervious surface area footprint of 2,220 square feet for a typical single-family dwelling unit within the City.
- (g) *Fiduciary Fund* means a trust or agency fund used to account for assets held by a local government in a trustee capacity.
- (h) *Hydrologic Response* defines the manner and means whereby stormwater runoff collects, remains, diverts, infiltrates, and is conveyed from a property. Hydrologic Response is dependent on several factors including, but not limited to, the presence of impervious surface, the parcel's size, the parcel's shape, the parcel's topography, the parcel's vegetative canopy, the parcel's groundwater characteristics, the parcel's on-site operations, the parcel's stormwater controls, the parcel's antecedent moisture as well as the parcel's geologic and hydro-geologic characteristics.
- (i) *Impervious area* shall mean and have the same definition as impervious surface.
- (j) *Impervious surface* means those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development and causes stormwater runoff to collect, concentrate or flow in a manner materially different from what would occur if the land were in an unaltered/undeveloped natural condition. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, awnings and other fabric or plastic coverings, and other surfaces such as compacted soil and gravel, which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

- (k) *Improved property (or developed property)* means property altered from its natural state by construction or installation of more than five hundred (500) square feet of impervious and/or partially impervious surfaces.
- (l) *Manufactured Home Park* means a common development (with a single property owner or entity) of more than one factory-built or pre-fabricated housing structures that have been partially or entirely assembled at another location and moved into the development.
- (m) *Multi-Family Residential (MFR) Property* means developed property containing more than two dwelling units in or attached thereto, situated upon a single lot of record. MFR properties shall not include improved property containing structures used primarily for non-residential purposes and as defined herein or vacant/undeveloped property.
- (n) *Non-Single Family Residential (NSFR) Property* shall mean a developed parcel of land that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial (including mixed commercial & residential), office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property (SFR).
- (o) *Non-Single Family Residential (NSFR) Customer* shall mean a utility customer whose property meets the definition of NSFR whether such customer is the owner of the parcel or a tenant of the owner.
- (p) *Parcel* shall mean a designated parcel or tract, established by plat, Subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.
- (q) *Private stormwater management systems and facilities* shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, for which operation and maintenance is the responsibility of the owner or successor or assignee thereof, and which have not been conveyed or dedicated to the City for future maintenance.
- (r) *Public stormwater management systems and facilities* shall mean that portion of the drainage system consisting of natural and/or man-made structures, within the political boundaries of the city which channel or convey storm water from its point of collection to a point of discharge, owned by the City, over which the City has a

Comment [BC1]: Jim: We did not get clarity from the Commission as to whether they wanted to reduce this number to 200.

legal right of access, have been formally dedicated to and accepted by the City for maintenance, or over which the City exercises dominion and control.

- (s) *Service area* means the entire land area within the corporate limits of the City.
- (t) *Single-Family Residential (SFR) Property* means developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in significant additional amounts of impervious surfaces, as determined by the governing body or its designee. SFR properties shall not include improved property containing structures used primarily for non-residential purposes and as defined herein; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.
- (u) *Single-family Residential (SFR) Customer* means a utility customer of the City residing in a dwelling unit whether such customer is the owner of the dwelling unit or a tenant of the owner of the dwelling unit.
- (v) *Stormwater management services* mean all water quality and water quantity related services provided by the City which relate to the following:
 - 1. Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the City;
 - 2. Maintenance, repair and replacement of existing stormwater management systems and facilities;
 - 3. Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
 - 4. Regulation of the use of stormwater management services, systems and facilities; and
 - 5. Compliance with applicable State and Federal stormwater management regulations and permit requirements;
 - 6. Other services as deemed appropriate by the City.
- (w) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm

sewers, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

- (x) *Stormwater Utility Manager* means the person appointed by the City Manager to administer the provisions of this article.
- (y) *Stormwater user fee charge* means the periodic user fee charge for the provision of stormwater management services imposed pursuant to this Article of the Brunswick Stormwater Utility Ordinance. This term shall exclude special charges to the owners and/or tenants of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, post-construction maintenance and inspection of existing facilities, on-site stormwater control systems and other stormwater management related services provided by Brunswick for which a corresponding fee is collected for the service rendered.
- (z) *Undeveloped Land* means land in its unaltered natural condition or which is modified to such a minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural condition shall be deemed undeveloped. For purposes of this Article, Undeveloped Land includes property altered from its natural condition by the existence and/or installation of five hundred (500) square feet or less of Impervious Surface.
- (aa) *User* is defined as any person who uses property, which maintains connection to, discharges to, or otherwise receives stormwater management services from the City.

Comment [BC2]: Jim: We did not get clarity from the Commission as to whether they wanted to reduce this number to 200.

Sec. 22A – 110. Stormwater Utility and Enterprise Fund Established.

- (a) There is hereby established a Stormwater Utility to be known as the City of Brunswick Stormwater Utility, which shall be responsible for stormwater management services throughout the incorporated area of the City, and which shall provide for the management, protection, control, regulation, use and enhancement of the City's stormwater management systems and facilities and stormwater management program services.
- (b) There is hereby established a Stormwater Utility Enterprise Fund in the City accounting systems for the purpose of dedicating and protecting all funding generated by the Stormwater Utility user fee charge to the operation of the stormwater management program and Stormwater Utility, including, but not limited to, rates, charges, and fees as may be established by the Mayor and City Commission from time to time, and other funds that may be allocated to the Stormwater Utility. Such Fund shall be both an Enterprise fund and a Fiduciary fund, consistent with the definitions within this article.

- (c) All revenues and receipts generated from the storm water user fee charges shall be segregated and placed into the Stormwater Utility Enterprise Fund in trust and be expended solely for stormwater management purposes; provided, however, such fund may also pay a reasonable allocation of costs provided to the Stormwater Utility by the City's General Fund, or other utilities of the City, in order to account for application overhead costs. Stormwater Utility user fee charge revenue shall be used only for the operating expenses and/or capital investments of the Stormwater Utility. However, other forms of revenue and/or financial resources, not accounted for in the Stormwater Utility user fee revenue, may be allocated as deemed appropriate by the City, to provide supplemental funding to the stormwater management program and stormwater management services.
- (d) Under the supervision and oversight of the City Manager or his designee, the City shall place responsibility with the Stormwater Utility Manager for operation, maintenance and regulation of the Stormwater Utility and stormwater management systems and facilities owned and operated, or maintained by the City, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.
- (d)(e) The Stormwater Utility and Enterprise Fund shall be subject to periodic review by the Mayor and City Commission of the City of Brunswick. Prior to the adoption of a new Rate Resolution set forth in Section 22A – 115, the Utility and Fund shall be brought before the Commission for review and consideration. Should the Utility and Fund be found to no longer be necessary to support the improvement, maintenance and repair of the City's Stormwater system, or should the Fund be operating causing a sufficient surplus in Enterprise funds, the Mayor and City Commission may take such action to decrease the Stormwater User Fee, temporarily suspend the Stormwater Utility, or eliminate the Stormwater Utility.

Comment (BC3): Review/sunset clause

Sec. 22A – 111. Stormwater Utility Service Area

There shall be one Stormwater Utility service area in the City which shall encompass the municipal boundaries of Brunswick. The City has established that all developed parcels within the municipal boundaries receive stormwater management program services from the City. Improved/developed properties within the defined service area will receive a stormwater user fee charge bill because they contribute stormwater runoff to the public drainage system, are directly or indirectly connected to the City's drainage system, and/or receive stormwater management services from the City to varying degrees.

Sec. 22A – 112. Scope of Responsibility for Stormwater Management Systems and Facilities

- (a) The Stormwater Utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and policy considerations made in the best interest of the public health, safety and general welfare, and of the environment. Additionally, the Stormwater Utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities, acceptance of which conforms to policies established by the Mayor and City Commission.
- (b) The City owns in fee simple, or has legal rights established by written agreements, which allow it to operate, maintain, improve, and access those stormwater management systems and facilities which are located:
1. On property owned by, or within the possession and control of, the City;
 2. Within public rights-of-way of the municipal street system;
 3. On private property but within legally dedicated easements granted to, and accepted by, the City;
 4. On private property where the City has been granted, by written agreements, rights-of-entry, rights-of-access, rights-of-use or other provisions for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; or
 5. On public land which is owned by another governmental entity with whom the City has a written agreement providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (c) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the City, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the City for operation, maintenance, improvement and access of such stormwater management systems and facilities shall be and remain the legal responsibility of the property owner and/or tenant, except as otherwise provided for by state and federal laws and regulations.
- (d) The Stormwater Utility may provide periodic inspection, testing, or engineering assessment of privately owned stormwater management systems and facilities to ascertain that said facilities are functioning as designed and approved. After notice to the property owner, the Stormwater Utility may provide for remedial maintenance of said private facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare and the environment. In cases where such remedial maintenance is required to be

performed by the City, the City shall have the right to bill the owner or property owner association or any members of said property owner association that have ownership of the private facility for the costs of such maintenance and impose a lien against the property(ies) to enforce collection.

- (e) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any person or entity, or to any specific property within or outside the municipal boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City, its elected officials, officers, employees, and agents arising out of any alleged failure or breach of duty or relationship.
- (f) If any permit, plan approval, inspection, or similar act is required by the City as a condition precedent to any land disturbance or construction activity upon property not owned by the City pursuant to this or any other regulatory code, ordinance, regulation or rule of the City, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, negligent construction of permitted system or facility, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the City for further maintenance in an action seeking the imposition of money damages or equitable remedies against the City, its Mayor and City Commission members, officers, employees or agents.

Sec. 22A – 113. Stormwater Utility Customer Classes

- (a) The Stormwater Utility shall establish specified customer classes within the service area to reflect differences in impervious surface and stormwater runoff characteristics; stormwater management program services provided by the City to the Stormwater Utility customers; and the respective demand that those customers' properties place on the City stormwater management program and drainage system components. All publicly owned developed properties, other than streets or roads, are subject to the user fee charges on the same basis as private properties. The Stormwater Utility classes will encompass all developed and undeveloped properties within the City and are defined as follows:
 - 1. The Single Family Residential (SFR) Class shall consist of all developed properties classified as SFR customers per the applicable definition.
 - 2. The Non-Single Family Residential (NSFR) Class shall consist of all developed properties classified as NSFR customers per the applicable definition.

3. The Undeveloped Class shall consist of properties classified as undeveloped per the applicable definition.
- (b) Documentation pertaining to the Stormwater Utility customer classes shall be kept on file in the office of the Stormwater Utility Manager for public inspection.

Sec. 22A – 114. Stormwater User Fee Charges

- (a) It shall be the policy of the City that user fee charges for stormwater management services to be provided by the Stormwater Utility in the designated service area shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by, or resulting from, the provision of stormwater management services by the City.
- (b) The basis for calculation of the stormwater user fee charge for developed properties within the City is established in this Ordinance. The City shall assign or determine the customer class, amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for developed properties in the City.
- (c) Stormwater user fee charge rates shall be structured so as to be uniform within the customer class, and the resultant user fee charges shall bear a reasonable connection, or rational nexus, to the cost of providing stormwater management services. User fee charge rates shall be in addition to other rates, charges, or fees employed for stormwater management within the incorporated areas of the City as defined herein.
- (d) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the City's standards by public and private property owners and/or tenants which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities, or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.
- (e) The stormwater user fee charges shall accrue beginning September 1, 2018, and shall be billed periodically by the City thereafter via a method established by the Mayor and City Commission.

Sec. 22A – 115. Stormwater User Fee Charge Billing Rates

- (a) The Stormwater Utility shall impose a stormwater user fee charge on all developed properties within the service area in accordance with the provisions of this Ordinance. The Stormwater Utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property places on the City's stormwater management program, the stormwater services provided by the City and the benefits derived by the property as a result of the provision of services.
- (b) The Mayor and City Commission shall establish by resolution the stormwater user fee charge rates, and the billing rates may be modified by the Mayor and City Commission from time to time to meet the financial and operational needs of the Brunswick Stormwater Utility. A current schedule of said rates shall be on file in the office of the City Clerk of Brunswick. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to the Brunswick Stormwater Utility for services, systems, and/or facilities related to stormwater management are sufficient to support the cost of the stormwater management program, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other Stormwater Utility related costs as deemed appropriate by the City.
- (c) Stormwater user fee charges shall be based upon the total number of Equivalent Residential Units (ERUs) associated with developed properties within the City. Each ERU shall correspond to 2,220 square feet of impervious surface.
- (d) Calculation of User Fee Charges. The periodic stormwater user fee charges imposed on all developed properties shall be calculated by multiplying the stormwater user fee billing rate (per ERU) times the number of ERUs for each customer account. The number of ERUs that will be utilized to calculate the user fee charge for each customer account shall be in general accordance with the following:
1. SFR Customer Class: Each SFR customer account shall be charged 1.0 ERU per month.
 2. NSFR Customer Class: Each NSFR customer shall be charged 1.0 ERU for each 2,220 square feet, or increment thereof, of impervious surface located on the property to establish the total number of ERUs for billing. Fractional ERUs will be rounded to one decimal place to establish the number of ERUs for billing each month. A minimum of 1.0 ERUs will be charged to each NSFR customer.
 3. Undeveloped Land Customer Class: Undeveloped land shall be assigned 0 ERUs and will not receive a stormwater user fee bill.

Comment [BC4]: Rate Resolution only sets first year, in order to increase in year two and three, the Commission will need to pass a new resolution each year.

Sec. 22A – 115. Stormwater User Fee Charge Exemptions

- (a) Except as provided in this section or otherwise provided by law, no developed public or private property located in the incorporated area of the City, containing more than 500 square feet of impervious surface, shall be exempt from the stormwater user fee charges. Publicly owned developed property of the Federal and State governments, their departments, agencies, boards, commissions, and authorities, shall not be exempt from stormwater user fee charges under this article. The Stormwater Utility user fee charge is not a tax and no exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the Stormwater Utility's cost of providing stormwater management program services and facilities.
- (b) Exemptions to the stormwater user fee charges are as follows:
1. Parcels which contain 500 square feet or less, of impervious surfaces or partial impervious surfaces shall be exempt from stormwater user fee charges.
 2. Linear railroad rights-of-way (i.e. tracks, rails, rail bed) outside of the defined rail yard limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by the rail road company associated with rights-of-way and drainage conveyance systems. However, railroad stations, rail yards, maintenance buildings, and/or other improved property used for railroad operations shall not be exempt from stormwater user fee charges.
 3. City of Brunswick streets and rights-of-way shall be exempt from stormwater user fee charges. The Stormwater Utility shall not charge the City a user fee charge for the impervious surface associated with City's streets and other impervious surfaces within the rights-of-way of the City's municipal street system. This exemption is granted in consideration of the City allowing the Stormwater Utility to utilize the City's existing streets, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, within and owned by the City which controls, diverts, and conveys surface water for the purposes of collecting, diverting, transporting and controlling surface runoff and storm waters. All other developed property owned by the City shall be subject to the imposition of stormwater user fee charges in accordance with this article.
 4. Glynn County roads and rights-of-way on the County Road System located within the City limits shall be exempt from stormwater user fee

Comment [BC5]: Jim: We did not get clarity from the Commission as to whether they wanted to reduce this number to 200.

Comment [BC6]: Jim: We did not get clarity from the Commission as to whether they wanted to reduce this number to 200.

charges inasmuch as Glynn County has legal responsibility to perform all drainage system maintenance and capital construction activities with respect to such roads and rights-of-way. This exemption is in recognition of the drainage system maintenance and capital construction responsibilities undertaken by Glynn County. All other developed property owned by Glynn County that is within the service area shall be subject to the imposition of stormwater user fee charges in accordance with this Ordinance.

5. Georgia Department of Transportation (GDOT) highways, Federal Interstates, and rights-of-way on the State Highway System within the City limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance, NPDES regulatory compliance, and capital construction activities undertaken by GDOT in association with GDOT rights-of-way road and drainage conveyance systems. However, offices, maintenance buildings, and/or other developed property used for GDOT purposes shall not be exempt from stormwater user fee charges.

Comment [BC7]: Per the consultant, a low-income option would be appropriate for an exemption as opposed to a credit. I am not sure what action the City would like to take on this item. We have a low-income exemption for the solid waste removal fee. Please provide some feedback on this item.

Sec. 22A – 116. Stormwater User Fee Charge Credits

- (a) The Stormwater Utility Manager may grant credits or adjustments based on the technical and procedural criteria set forth in the City of Brunswick Stormwater Utility Credit Manual (Credit Manual), which is incorporated into this Ordinance by reference and made a part hereof. Copies of the Credit Manual will be maintained by and made available from the Stormwater Utility Manager.
 1. Customers may apply for credits and/or adjustments in accordance with the Credit Manual.
 2. A stormwater user fee charge credit shall be determined based upon meeting all technical requirements, standards and criteria contained in the Credit Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Manual.
 3. Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance, including proper future maintenance of the stormwater management systems and facilities with design and performance standards as stated in the Credit Manual and upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the customer. The Stormwater Utility Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this Article.

4. In order to obtain a credit, the customer must make application to the City on forms provided by the Stormwater Utility Manager for such purpose, and in accordance with the procedures outlined in the Credit Manual.
5. The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format described in the Credit Manual. The customer's public utility account must be paid and current prior to review and approval of a Stormwater Utility credit application by the City. Incomplete applications will not be accepted for consideration and processing.

- (b) When an application for a credit is deemed complete by the Stormwater Utility Manager, they shall have 30 days from the date the complete application is received to approve the credit in whole, approve the credit in part, or deny the credit. The Stormwater, Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing. Credits applied for by the customer and approved in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Manual.

Sec. 22A – 117. Stormwater User Fee Charge Billing; Delinquencies and Collections; and Adjustments

(a) Billing.

1. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.
2. The Mayor and City Commission authorizes the City Tax Collector to bill and collect the Brunswick Stormwater User Fee Charge as part of the property/ad valorem tax bill. The City Commission further authorizes the City Tax Collector to charge and collect penalties and interest as set forth in Subsection (b) of this Section.
3. If a bill for a stormwater user fee charge for a particular parcel is generated, failure of the customer to receive the bill shall not be justification for nonpayment.
4. Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Glynn County, shall be obligated to pay the appropriate stormwater user fee charge for that property and any interest and/or penalties that have accrued.

5. If a property is unbilled, or if no bill is sent for a particular tract of improved property, the Brunswick Stormwater Utility may back bill for a period of up to one (1) year, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) Delinquencies and Collections.

1. A penalty or late charge shall be assessed against any delinquent user fee amount in the same manner and amount set forth in the City of Brunswick Code of Ordinances Section 20-2.
2. In addition to the penalty stated above, the unpaid and delinquent user fee amount shall bear interest in the same manner as set forth in City of Brunswick Code of Ordinances Section 20-3.
3. The City shall assess all costs of collection, including attorneys' fees and court costs, against the property owner.
4. Unpaid stormwater user fee charges shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency, by filing suit to collect on an unpaid account, or by using all methods allowed by Georgia law to collect on any judgment obtained, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a Writ of Fieri Facias (FiFa) issued, the unpaid user fee charge shall not constitute a direct lien against the owner and/or the property.

(c) Adjustments. The Stormwater Utility Manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.

1. If a customer believes his stormwater user fee charge amount is incorrect, the customer may seek an adjustment of the stormwater user fee charge for the account at any time by submitting the request in writing to the Stormwater Utility Manager and setting forth in detail the grounds upon which relief is sought. The customer's stormwater user fee must be paid and current prior to consideration of an adjustment request by the City.
2. Customers requesting the adjustment shall be required, at their own expense, to provide accurate impervious area and other supplemental information to the Stormwater Utility Manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer or as otherwise allowed by the Stormwater Utility Manager. Submittal of this information will be required if the City staff cannot make a determination based on field inspection and/or review of existing City aerial photography. Failure to provide the required information within the

time limits established by the Stormwater Utility Manager, as may be reasonably extended, may result in denial of the customer's adjustment request.

3. Once a completed adjustment request and all required information are received by the Stormwater Utility Manager, the Stormwater Utility Manager shall within 30 calendar days render a written decision.
4. In considering an adjustment request, the Stormwater Utility Manager shall consider whether the calculation of the stormwater user fee charge for the account is correct.
5. The Stormwater Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
6. If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater user fee charge bill.

Sec. 22A – 118. Appeals and Hearings

- (a) Appeals. An appeal to the City Manager may be taken by any customer aggrieved by any decision of the Stormwater Utility Manager. The appeal shall be taken within 30 calendar days of the decision of the Stormwater Utility Manager by filing with the City Manager a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Stormwater Utility Manager shall forthwith transmit to the City Manager all documentation constituting the record upon which the decision appealed from was taken.
- (b) Hearings. The City Manager shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten (10) calendar days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The City Manager shall affirm, reverse, affirm in part, or reverse in part the decision of the Stormwater Utility Manager after hearing the evidence. If the decision of the Stormwater Utility Manager is reversed in whole or in part, resulting in a refund or credit due to the property owner or customer, then such refund or credit shall be calculated retroactive to the date of the initial appeal. The decision of the City Manager shall be final, and there shall be no further administrative appeal. Any person aggrieved or dissatisfied with the decision of the City Manager may petition the Superior Court of Glynn County for *Writ of Certiorari*.

SECTION TWO:

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

SECTION THREE:

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

SECTION FOUR:

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

**SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS _____
DAY OF AUGUST, 2018.**

Cornell L. Harvey, Mayor

ATTEST:

Naomi Atkinson, City Clerk

City of Brunswick Stormwater Utility

Stormwater User Fee Credit Manual

JUNE 2018

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SECTION 1 – GENERAL INFORMATION

Stormwater Utility (SW Utility) user fee credits are made available to private and public entities that undertake specific stormwater management activities to reduce their impact/demand on the City of Brunswick (City) Stormwater Management Program (SWMP) and the associated costs that would otherwise be expended by the City SWMP. If a customer enacts a specific credit activity that is approved by the City, then the customer will receive a credit on their annual stormwater user fee bill. Credits will be periodically reviewed by the City for compliance with the applicable standards in the City of Brunswick SW Utility Credit Manual (the Manual). Credits are given for both structural and non-structural stormwater management activities and include, but are not limited to, the following: detention ponds, stormwater controls, best management practices (BMPs), education programs, storm water runoff infiltration, watershed stewardship and other approved activities as determined/defined by the City.

The Manual outlines the criteria and procedures for the City of Brunswick SW Utility customers to secure and maintain a stormwater user fee credit(s) for their property/customer account. An approved SW Utility user fee credit will result in a reduction of the customer's annual stormwater user fee charge. Implementation of the credit activities by the customer should reduce the impact of stormwater runoff from the subject property on the City's stormwater management system, and corresponding cost to the City to provide SWMP services to that customer. The credit is only applicable for City approved stormwater BMPs, activities and/or programs that are properly designed, constructed (or implemented) and maintained in accordance with this Manual.

Definitions

The definitions included in the SW Utility Ordinance will be adopted herein by reference.

Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM): shall refer to the technical guidance document governing stormwater management design for the southeastern area of the State of Georgia. The CSS to the GSMM can be found by using the following link: <http://www.georgiastormwater.org/>.

Georgia Stormwater Management Manual (GSMM): shall refer to the technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia. The GSMM can be found by using the following link: <http://www.georgiastormwater.org/>.

Green Infrastructure (GI): shall refer to the concept whereby sustainable water resources management practices are implemented for land development (and re-development) projects in an effort to protect, restore, or mimic the natural water cycle. GI typically involves the use of landscape features to store, infiltrate and/or evaporate stormwater runoff. GI works in concert with Low Impact Development (LID) and the concept is commonly referred to as GI/LID.

Low Impact Development (LID): shall refer to an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as

possible to preserve, maintain and/or restore a watershed's hydrologic and ecological functions. LID can be characterized as a sustainable storm water practice that employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that manages stormwater as a resource. Typical GI/LID practices include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

Non-Single Family Residential (NSFR) Property shall mean a developed parcel of land that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial (including mixed commercial & residential), office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a detached single family residential property (DSFR).

Single-Family Residential (SFR) Property shall mean a developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in significant additional amounts of impervious surfaces. SFR properties shall not include improved property containing structures used primarily for non-residential purposes; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.

Summary of Stormwater User Fee Credits

Table 1 summarizes the user fee credits available to the SW Utility customers. Please refer to the ensuing sections of this document for further details on the various credits, policies, procedures, etc. Per City policy, the maximum user fee credit that a customer account can receive is **50%**.

Table 1: Stormwater User Fee Credit Summary				
Credit Description	Credit Term	Potential Stormwater User Fee Credit Customer Types and Amount		
		Single Family Residential (SFR)	Non Single Family Residential (NSFR)	Stormwater User Fee Credit
User Fee Credits				
Residential GI/LID	5 years	x		20%
Low-Impact Parcel	5 years	x	x	25%
Reduced SFR Footprint	5 years	x		50%
No Direct Discharge	5 years	x	x	(Up to) 50%
Watershed Stewardship	5 years		x	5%
Septic Tank Maintenance	5 years	x	x	10%
Non-Residential GI/LID	5 years		x	(Up to) 50%
Natural Area Preservation	5 years	x	x	(Up to) 20%
Water Resources Education Program	5 years		x	50%
NPDES Industrial Stormwater General Permit	5 years		x	30%
Stormwater Facility (i.e. Detention Pond, Retention Pond) ^{1,2}				
Pre-CSS/GSMM Stormwater Facility/Detention Pond	5 years		x	25%
CSS/GSMM ³ Stormwater Facility/Detention Pond	5 years		x	40%

¹ Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits related to the detention pond credit with approval from the SW Utility Manager.

² Stormwater facilities must be properly maintained and operating in accordance with their original design for a facility to be eligible for a credit.

³NOTE: The CSS to the GSMM was adopted by the City of Brunswick as of March 2015.

Stormwater User Fee Credit Policies

The City has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to applicable sections of the City SW Utility Ordinances for additional guidance and requirements pertaining to the stormwater user fee credits.

- Applications for a stormwater user fee credit for existing facilities may be submitted to the City at any time. Approved credits will be applied to the customer's next stormwater user fee bill following approval.
- Customers who submit their applications and have their credit prior to August 1, 2018, will have their approved credit(s) applied to the initial user fee bill scheduled for mailing in October 2018. Credit applications submitted and approved after August 1, 2018 will be processed as outlined herein.
- Applications for a stormwater user fee credit associated with new development (or redevelopment) sites may be submitted once the BMP is constructed, the BMP has been inspected by representatives of the City and the stormwater user fee charge is scheduled for billing.
- Credits are only approved for (and applied to) eligible customers that meet applicable criteria as set forth in the Manual. The stormwater user fee is being assessed on an individual customer account basis as outlined in the City SW Utility Ordinances. Therefore, credit applications must be made by the entity that is responsible for payment of the utility account. If the responsible entity for payment of SW Utility user fee changes, the new customer must re-apply for the credit with the City regardless if the term has expired or is still active. The new customer may be able to rely on some (or all) of the information from a previous credit application package, but it will be the responsibility of the applicant to verify the information within the submitted credit application package.
- A group of customers cannot apply for a credit except as stipulated below. An eligible customer is defined as a property or site that contributes stormwater runoff to the qualifying stormwater control and/or BMP located on the same property/site via natural and/or manmade conveyance systems. If a group of properties/sites are served by a single BMP or systems of BMPs, then the credit can be applied to the customer on whose property/site which the BMP resides. This applicant will be referred to as the primary applicant. If the primary applicant provides a memorandum of agreement (MOA) between the primary applicant and another customer(s) for which the BMP(s) provides adequate treatment for the applicable credit, the City will consider application of the credit to all customers named in the MOA. The credit shall be applied to all applicants until such time as the primary applicant notifies the City that the MOA is no longer in effect or the term of the credit expires, whichever occurs sooner. If the MOA is revoked by the primary applicant, the credit shall only apply to the primary applicant.
- A residential homeowner's association (HOA), or a common development such as a multi-family apartment complex, which has its own properly designed, constructed,

and maintained stormwater BMP(s) should contact the City SW Utility Manager to determine if the HOA members, or common development customers, are eligible for a credit. BMPs located on City owned property are not eligible. Additionally, BMPs that the City maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes. Please refer to the City's SW Utility Ordinances for further clarification regarding the City's extent of service policy and its scope of responsibility.

- For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development).
 - For the purposes of awarding the credit, the credit being applied for must be met for the entire common development and must meet the Manual criteria.
 - Any resulting credit awarded will be divided among eligible customers within the HOA or the common development.
- The City may, at its discretion, undertake periodic visual inspections of the BMPs and/or programs being utilized for stormwater user fee credits by customers to ensure compliance with the Manual. If the BMP facility is found to be functional and being properly maintained, the credit will remain in effect. Likewise, if the BMP facility is not functional or is not being maintained, the City has the authority to void the credit on the next billing cycle. Before a credit is re-instated, the customer will have to reapply for the credit as outlined in this manual.
- The term of the credit is five years. Credits will expire at the end of the fifth year of the cycle, or July 31, 2020 (and every fifth year thereafter) regardless of which date during the first fiscal year they were approved.
- The City will utilize a certification process for customer accounts that have received a credit to certify that the existing credit is still in place at the end of its five year term. This certification process will require the customer to demonstrate that their property is still eligible for a credit and continues to meet the criteria outlined in the Credit Manual. Failure of the customer to certify his/her credit as required by the City policy could result in credit revocation. The City will develop the annual certification procedure and make it available to customers via the City website and other methods as deemed appropriate. However, it will be the responsibility of the customer to ensure compliance with the annual certification requirement.

Stormwater Utility User Fee Credit Application Procedures

The following is an overview of the stormwater user fee credit application procedures that a customer should follow to obtain and maintain credits. All of the credits in this Manual require an application, and some of the credit applications require engineering analysis to demonstrate and verify credit eligibility. The credits associated with engineering analysis are identified in the Manual along with the credit application forms.

The City requires that these calculations be performed, signed, and sealed in accordance with the appropriate Georgia professional certification provisions outlined herein (i.e. engineer, surveyor, landscape architect, etc). The procedure for submitting a credit application generally includes the following tasks:

1. Obtain a copy of the Credit Manual from the City and determine what (if any) credits the customer may be eligible to apply for and fill out the required application materials.
2. The customer should consult the City's current fee schedule to determine if payment of a credit application review fee is required. Please contact the City of Brunswick Planning and Zoning Department at (912) 267-5540 for more information on credit application fees.
3. If required by the credit, retain a Georgia Professional Engineer, Landscape Architect, and/or Land Surveyor to perform the required technical analysis.
4. Submit the completed credit application with all sections appropriately filled out and attach all the required supporting documentation.
5. The City will review complete application packages and notify the customer if the request is approved or denied within 30 days of receipt of the application. Incomplete application packages will not be considered by the City and will be returned to the customer for completion and/or revision.
6. The City may elect to perform an inspection of the customer's site and proposed activity, or to review the non-structural practice being implemented, to ensure conformance to the Manual criteria. As such, the customer must grant the City a Right-of-Entry or access easement as part of the application and approval process. The City may elect to conduct follow up or periodic inspections of the site and credit activities to ensure continued compliance with applicable requirements.
7. If the credit application is approved, the City will apply the stormwater user fee credit to the next customer billing cycle.
8. During the credit term outlined in the Manual, the City has the right to conduct inspections and/or inquiries to the applicant to ensure conformance to the Manual criteria.
9. Stormwater user fee credits expire automatically at the end of every fifth fiscal year (2020, 2025, 2030, etc.). It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the City.
10. Stormwater user fee credits are issued to individual customer accounts per the policy outlined herein.

SECTION 2 – CREDIT POLICY AND PROCEDURES

This section explains the procedures involved in applying for a stormwater user fee credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the SW Utility user fee credit.

Listed below are the stormwater user fee credits that SW Utility customers are eligible to apply for and secure. Customers should follow the credit application procedures outlined herein for each credit they desire to secure.

- Residential GI/LID Practices
- Low-Impact Parcel
- Reduced Single Family Residential (SFR) Footprint
- No Direct Discharge
- Watershed Stewardship
- Septic Tank Maintenance
- Non-Residential GI/LID Practices
- Natural Area Preservation
- Water Resources Education Programs
- NPDES Industrial Stormwater General Permit Compliance
- Pre-CSS/GSMM Stormwater Facility Detention Pond
- CSS/GSMM Stormwater Facility/Detention Pond

Residential GI/LID Practices

Eligible Customer Classes: SFR

Credit Description

Residential SW Utility customers are eligible for a stormwater user fee credit if the customer implements an eligible, City approved Residential GI/LID practice in a single residential lot. These GI/LID practices may include, but are not necessarily limited to, practices such as rain barrels, cisterns, rain gardens, bio-retention cells, pervious pavements, etc. The City wishes to encourage the installation of these types of stormwater management GI/LID practices to promote and encourage more environmentally responsible and sustainable residential development within the City. The City believes that the customer should first consider which practices are the most appropriate to their parcel and then work with the City SW Utility Manager to select and install the most appropriate Residential GI/LID practice(s) for their site. In each case, the City will be using the CSS to the GSMM standards and criteria to evaluate the proposed BMP and its eligibility for securing a user fee credit.

A credit shall apply to those customers who can prove that their property has successfully installed an appropriate Residential GI/LID practice. Each customer that wishes to apply for this credit shall work with the City to establish the effectiveness of the Residential GI/LID practice and the customer will be responsible for providing the necessary information in support of the user fee credit application. Each customer shall utilize the following procedures:

- Determine the type of Residential GI/LID practice to be installed and submit the necessary supporting information for review and approval by the City.
- If the parcel meets all the requirements above, the customer would be eligible for a credit of 20% off their stormwater user fee for a period of five years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Residential GI/LID practice:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall identify the GI/LID practice or BMP to be utilized and ensure it is designed, maintained, and operated in accordance with general stormwater management requirements outlined in the CSS to the GSMM and this Manual.

STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement and a maintenance plan for the Residential GI/LID practice to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's

application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to maintain the Residential GI/LID practice during the full credit term of five (5) years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Low-Impact Parcel

Eligible Customer Classes: SFR and NSFR

Credit Description

There are some properties/sites in the City where the total impervious area footprint is relatively small as compared to the gross parcel area. The ratio of impervious surface to gross parcel area can result in reduced stormwater runoff impacts since a majority of the parcel is undeveloped.

A credit shall apply to customers who can prove that their parcel meets the “low-impact” development criteria presented herein. The low impact parcel credit criteria are summarized in Table 2:

Table 2: Stormwater User Fee Credit Criteria for Low-Impact Parcels	
Parameter	Requirements*
Total Impervious Area (%)	Must be less than 15% of total site area
Total Site Area (Acres)	Must be greater than 2 acres

** The requirements were derived from applicable research materials including The Watershed Vulnerability Analysis Report, Center for Watershed Protection, January 2002 and the Georgia Stormwater Management Manual (GSMM), August 2001.*

Each customer that wishes to apply for this credit shall be responsible for calculating the total site area and impervious surface area. Each customer shall utilize the following procedures:

- Determine the total gross area of the parcel. The gross area must be a minimum of two (2) acres.
- Determine the total impervious area for the parcel. This can be determined through a site survey or by using aerial imagery. Upon request, the City can provide this information for existing SW Utility customers. The impervious area shall include the structure, driveway, loading dock, sidewalk (do not include the sidewalk in the City right of way), pool deck, patio, shed, or any other accessory impervious area. The total amount of impervious surface must be less than 15% of the total gross area of the parcel. Total gross area includes both pervious and impervious areas.
 - total parcel area (TPA)

- impervious area (IA)
- Calculation: $IA / TPA = 0.15$ (or less)
- If the parcel meets all the requirements above, the customer would be eligible for a credit of 25% off their total stormwater user fee charge.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Low-Impact Parcel:

STEP 1: Obtain a Manual and credit application packet from the City.

STEP 2: The customer shall provide the City the necessary information pertaining to the total gross parcel area and the total impervious surface area. Total impervious surface area shall be detailed to include which portion pertains to the structure, driveway, sidewalk, and other accessory areas that do not allow for infiltration of rainfall and runoff. This information should be documented in the form of a sketch that will allow City personnel to verify the measurements, calculations and other pertinent information.

STEP 3: The customer shall submit the user fee credit application and the Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Reduced Single-Family Residential (SFR) Footprint

Eligible Customer Class: SFR

Credit Description

The City SW Utility has established the Residential Equivalent Unit (REU) at 2,200 square feet, and the City has assigned most SFR customers a flat rate user fee charge of 1.0 REU for stormwater services. In recognition of the fact that some SFR parcels within City of Brunswick have a proportionally smaller impervious surface area than the 1.0 REU area of 2,200 square feet, a credit is available to those SFR customers with less than 1,100 square feet of impervious surface area on their parcel. If the customer is able to demonstrate that the total impervious surface area on the SFR parcel is 1,100 square feet or less, then the customer will receive the maximum allowable credit of 50% off the flat rate user fee charge amount for SFR customers. If a customer secures a Reduced SFR Footprint credit, he/she will have met the maximum allowable credit of 50% and not be eligible for any additional credits.

Each customer that wishes to apply for this credit shall be responsible for determining the total amount of impervious surface area on the property using the following approach and procedures:

- Determine the total impervious area for the parcel. The impervious area shall include the structure, driveway (concrete, asphalt, gravel, compacted soil), sidewalk (not including the sidewalk in the City street right of way), pool deck, patio, shed, or any other accessory impervious area.
- If the SFR property is part of a larger, private, common development, that property may be responsible for their proportional share of the common facilities and private streets. It is recommended that any such customers contact the SW Utility manager to determine their eligibility for this credit.
- The total impervious area determination for the parcel must be documented using one of the following methods unless otherwise approved by the SW Utility Manager: (1) aerial photography with a pixel resolution of one foot or (2) a survey plat prepared by a Georgia Registered Land Surveyor. The impervious area of the residential structure must be measured to the edge of the roof eaves, as opposed to the ground foot print.
- If the total impervious area of the parcel is 1,100 square feet or less, the customer will be eligible for a 50% credit off the SFR flat rate user fee charge for a period of five years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for a Reduced SFR Footprint:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City the necessary information pertaining to the parcel's total impervious surface area as required herein.
- STEP 3: The customer shall submit a user fee credit application and a Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

No Direct Discharge

Eligible Customer Classes: SFR* and NSFR

** SFR customers that are part of a larger common development (or subdivision), where no part of the common development discharges either directly, or indirectly, to the City drainage system can collectively apply for the credits related to No Direct Discharge, after consultation with the SW Utility Manager to establish eligibility.*

Credit Description

A property or site that does not contribute a discernable amount of stormwater runoff to the City's public drainage system either directly or indirectly shall be eligible for a No Direct Discharge stormwater user fee credit, if it meets the criteria outlined in this Manual.

The No Direct Discharge credit is typically available to those residential and non-residential property owners (or customers) who can demonstrate that the following condition exists with regard to their property/site:

- Stormwater runoff, after leaving the property, does not drain/discharge to a City-owned drainage facility and/or system and ultimately drains/discharges to the drainage system of another local government, or a waterway that is not considered part of the City's public drainage system, such that the site discharge never flows through the City of Brunswick public drainage system at any point downstream. This type of condition would most likely exist for properties that abut the City limits and stormwater runoff discharges into Glynn County, or properties that discharge directly into surrounding rivers or marshes.
- A credit of up to 50% off the stormwater user fee charge is available for No Direct Discharge for a period of five years. The total credit may be reduced if only a portion of the site drains to the City's public drainage system. For example, if half the customer's property discharges to City of Brunswick's drainage system and half discharges to the Glynn County drainage system, that customer would be eligible for a 25% (or half of 50%) credit off their stormwater user fee charge.

Stormwater Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for No Direct Discharge:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City the necessary information pertaining to the drainage conveyance from their property to the appropriate downstream points. This information should be documented in the form of a topographical based drainage map prepared by a Georgia Professional Engineer, Land Surveyor, or Landscape Architect, unless otherwise approved by the SW Utility Manager.
- STEP 3: The customer shall submit the user fee credit application, complete with the relevant documentation, and a Right-of-Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's

application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Watershed Stewardship

Eligible Customer Classes: NSFR

Credit Description

SW Utility customers are eligible for a stormwater user fee credit if the customer participates in a City approved local watershed stewardship event. Eligible events are set up, organized, and executed through a partnership with the City. There shall only be one stormwater user fee credit certificate issued per property/customer account regardless of the number of participants. NSFR customers seeking this credit will have to demonstrate that at least 10 individuals or 10% of their staff or attendees (whichever is less) participated in this event to receive a credit.

In general, eligible watershed stewardship activities may include community programs such as Adopt-A-Stream, City approved Rivers Alive or Great American Cleanup Day (or other City approved stream clean up events), City-approved Storm Drain Marking, etc. Other eligible credit programs may be added in the future, but customers should verify activity eligibility with the City SW Utility Manager in advance.

- A 5% credit off the stormwater user fee charge is available for the Watershed Stewardship Credit for a period of five years.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Watershed Stewardship:

STEP 1: The customer shall secure the appropriate certificate for the Watershed Stewardship Program event. Attendance at events not sponsored by the City may be transferable to the City's stormwater user fee credit program, if approved by the City SW Utility Manager.

STEP 2: The customer shall submit the credit application, complete with the relevant supporting information, to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer will need to participate in at least one watershed stewardship events during each credit term to receive a certificate. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Non-Residential GI/LID Practices

Eligible Customer Classes: NSFR

Credit Description

NSFR customers are eligible for the GI/LID stormwater user fee credit, if the NSFR customer can demonstrate that through on-site GI/LID stormwater management practices that the runoff impacts of developed property have been successfully mitigated in accordance with acceptable GI/LID standards. For the purposes of this credit, the pre-development condition is considered naturally wooded.

The GI/LID credit is essentially a stormwater runoff infiltration credit that is available to those NSFR customers that can demonstrate through implementation of GI/LID practices, that can be appropriately documented through technical analysis by a qualified professional (i.e. engineer, surveyor, landscape architect), that the post construction stormwater runoff peak flow discharge rate and volume leaving the site mimics the pre-developed condition as defined herein. This analysis should be shown for the 1, 2, 5, 10, 25, 50 and 100-year, 24-hour storm events per the applicable sections and criteria in the CSS and GSMM. In order to qualify for this credit, the customer will need to provide the following information as a minimum:

- Pre-Development runoff rates and volumes leaving the property prior to development in a naturally wooded condition.
- Post-Development runoff rates and volumes leaving their property in its current, developed condition.
- Documentation regarding site groundwater table conditions and the impacts (if any) those conditions have on surface water infiltration.
- Description of the methods and calculations utilized to develop the predictions of pre-development and post-development flow rates and volumes.
- Description of the stormwater controls and other site improvements that have been implemented to reduce the post-development runoff rates and volumes to mimic pre-development conditions or less.
- Description of the stormwater controls and GI/LID practices utilized along with supporting data demonstrating that the site conforms to the infiltration and water quality standards for an individual site development as outlined in the CSS/GSMM.
- Maintenance plan for those site features necessary to maintain the reduction in stormwater runoff discharge rates and volumes to pre-development runoff conditions or less.
- A credit of up to 50% off the stormwater user fee charge is available for stormwater infiltration for a period of five years. The total credit may be reduced if part of the site does not infiltrate stormwater to the standards outlined above. For example, if half the customer's property is infiltrated at the rate described above then that customer would be eligible for a 25% (or half of 50%) credit off the stormwater user fee charge.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Stormwater Runoff Infiltration user fee credit:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide a hydrology report prepared by and sealed by a Georgia Professional Engineer or Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.
- STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement and a maintenance plan for the site stormwater BMPs/controls to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every five years. If a customer is reapplying for a Stormwater Runoff Infiltration credit and site conditions have not changed since the original application, the application only needs to include a copy of the original hydrological study and certification that all maintenance been performed per the maintenance plan for re-issuance of the credit. If site improvements or changes have been made to the property then the hydrology study will need to be updated to document compliance with the Manual criteria.

Natural Area Preservation

Eligible Customer Classes: SFR and NSFR

Credit Description

The City will grant a stormwater user fee credit for those customers that provide for Natural Area Preservation in accordance with the criteria outlined in this Manual. In order for a customer to be eligible for this credit, the customer must demonstrate that at least one acre of contiguous green space will be preserved. In general, lands that would likely qualify for natural area preservation credit meet the following criteria:

- Undeveloped land in its natural state.
- Environmentally sensitive lands including: (1) Federally recognized wetlands; (2) State of Georgia designated Groundwater Recharge Areas; (3) Lands containing Federally Endangered Species; (4) Undeveloped lands within stream buffers and/or floodplains; (5) other approved site conditions as set forth by the City.

In order for a SW Utility customer to qualify for this credit, the natural area must be permanently protected through a conservation easement or other deed restriction, or the land set aside and permanently protected as part of a conservation subdivision development.

The customer would be eligible to receive a 1% credit for every 1% of the total area of the property that is permanently protected. The customer could receive a maximum of up to a 20% credit for Natural Area Preservation for an unlimited period of time.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a stormwater user fee credit for Natural Area Preservation:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide the City the necessary information which documents that the site conditions meet the applicable criteria for this credit. This information should be documented in the form of a site plan and map, which is prepared and sealed by a Georgia Professional Engineer or Land Surveyor, unless otherwise approved by the SW Utility Manager. A copy of the conservation easement agreement or deed restriction that creates the permanent protection must also be included. The necessary paperwork documenting that a properly prepared and executed conservation easement exists on the property/site must also be included.
- STEP 3: The customer shall submit the credit application, complete with the relevant documentation and calculations, and a Right of Entry Agreement to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures section of this Manual and the requirements listed above.

Water Resources Education Program

Eligible Customer Classes: NSFR (Public & Private Education Institutions)

Credit Description

The City encourages and supports the efforts of both public and private organizations to educate and inform the public on the importance of water resources management issues. In an effort to further encourage this type of educational activity, the City shall offer a stormwater user fee credit to eligible customers that meet the criteria outlined in this Manual.

The Water Resources Education Program credit shall be made available to all public or private educational institutions that meet the criteria set forth herein and that conduct

approved educational activities as part of their day-to-day curriculum. Eligible institutions would include, but not necessarily be limited to, Glynn County Public Schools (inside the City) and other comparable private schools as well as public and private universities located inside the City limits. Approved credit applications will result in the award of a 50% credit to the customer's stormwater user fee. The "per customer account" credit may not total more than 50% and credit may only be applied to the property where the educational activities are taught. Credits cannot be applied to administrative facilities, bus lots, parking lots that are not associated with the educational facility, or warehouse/facility operations related parcels.

In order to be eligible for this credit, the education program taught must be consistent with the City's stormwater management program and must also be pre-approved by the City SW Utility Manager.

- The credit shall be available to eligible customers that teach at least 500 students in an approved Water Resources Education Program, unless otherwise approved by the SW Utility Director.
- The program should address the following elements: stormwater runoff/pollution prevention, water quality, water conservation, and/or recycling.
- A 50% credit off the stormwater user fee charge is available for the Water Resources Education credit for a period of five years.

Stormwater User Fee Credit Application Procedures

The following information shall be provided to the City in order to receive approval of the Water Resources Education Program credit:

- The person responsible for the customer account shall certify to the City SW Utility Manager that a water resources based curriculum is being taught at the facility and the details regarding the program.
- Name of the customer applying for the credit.
- Address of site (property) and the point of contact.
- Approximate number of participants that have been taught the approved curriculum.

Upon receipt of the user fee credit application, the City shall review the documentation. If the credit is approved, it will be applied, starting with the next customer billing cycle. If the City representative does not approve of the application, the City will send a letter to the customer explaining why the credit application was not approved. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

NPDES Industrial Stormwater General Permit Compliance

Eligible Customer Classes: NSFR

Credit Description

Customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements for industrial facilities. Implementation of the applicable compliance requirements assists the City in addressing water quality impairment issues at the source prior to discharge into the City's publicly-owned drainage system and/or State Waters. If the customer has properly secured coverage under the NPDES Industrial Stormwater General Permit, and is in compliance with all applicable requirements, i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWP3), a credit application may be filed with the City to secure a credit.

- The credit amount available for NPDES Industrial Stormwater General Permit compliance is 30% off the stormwater user fee charge for a period of five year.

Stormwater User Fee Credit Application Procedures

The following requirements will apply for customers who qualify for an NPDES Industrial Stormwater General Permit stormwater user fee credit:

STEP 1: Properties that operate a facility that must secure coverage per its Standard Industry Code (SIC) under the NPDES Industrial Stormwater General Permit are eligible for a stormwater user fee credit. For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website.

STEP 2: It is the customer's responsibility to obtain a Manual and credit application package from the City. The customer shall complete the application and include the required documents that verify compliance with the NPDES Industrial Stormwater General Permit. At a minimum, the documentation attached to the credit application shall include the following items below:

- Customer address and facility point of contact
- Copy of the current NPDES Industrial Stormwater Permit Notice of Intent (NOI)
- Copy of the annual report of compliance
- Copy of the SWP3
- Certification by the responsible party/permit holder that the NOI is current and the SWP3 is being implemented
- An executed Right of Entry Agreement.

STEP 3: Once the application package is complete, the customer shall submit the application to the City for review.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next

customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

In order to maintain the credit, the customer shall send a copy of an annual report of compliance to the City SW Utility Manager each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit

Eligible Customer Classes: NSFR*

** SFR customers that are part of a larger common development (or subdivision) that has a privately maintained storm water control that was designed and constructed under the then current storm water design regulations can collectively apply for the credits related to the Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit, after consultation with the SW Utility Manager to establish eligibility.*

The Pre-CSS/GSMM Stormwater Facility/Detention Pond Credit has been designed for older detention ponds that were approved and constructed under the then current design standards and regulations that existed prior to the adoption of the CSS/GSMM.

The overall goal of City is to give a credit to eligible customers that are reducing the impact of stormwater generated by their property. By reducing the peak discharge of stormwater from their property, the property owners/customer reduces the burden they impose on the City drainage system and the downstream receiving waterway. The credit shall only be applied to that portion of the property served by the detention basin.

Credits are available under the following general conditions and criteria:

- A minimum of 20% credit is available to customers that can demonstrate that the peak stormwater discharge rate for the 10-year storm from their stormwater retention/detention facility for a post developed site condition (Qpost) is no more than the peak stormwater discharge rate before development (Qpre) (i.e. Qpost = Qpre).
- A maximum of **25%** credit is available to customers that can demonstrate that the peak stormwater discharge rate for the 10-year storm from their stormwater retention/detention facility for a post developed site condition (Qpost) is at least 10% less than the peak stormwater discharge rate before development (Qpre) (i.e. a Qpost is 10% less than Qpre).
- The City reserves the right to establish the applicable credit for situations that may fall between the various criteria outlined above.
- The facility must be in good working order and the customer must demonstrate that routine maintenance of the facility has been and will continue to be conducted in accordance with professional standards.
- This credit is not available for any portion of a parcel where a No Direct Discharge credit was secured unless otherwise approved by the SW Utility Manager.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for the detention pond user fee credit:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Georgia Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.
- STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement, an ongoing maintenance plan, and documentation that the facility/detention pond has been properly maintained to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

If the credit is approved, the customer shall execute a maintenance agreement with the City and then continue to perform the required maintenance as per the maintenance plan included within the executed agreement. The customer may reapply for the credit every five years. If a customer is reapplying for the user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance agreement for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management as well as the maintenance agreement.

CSS/GSMM Stormwater Facility/Detention Pond

Eligible Customer Classes: NSFR*

**SFR customers that are part of a larger common development (or subdivision) that has a privately maintained storm water control that was designed and constructed in accordance with the CSS/GSMM can collectively apply for the credits related to the CSS/GSMM Stormwater Facility/Detention Pond Credit, after consultation with the SW Utility Manager to establish eligibility.*

Credit Description

The Unified Stormwater Sizing Criteria as defined in the CSS and GSMM is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria are intended to be used in conjunction with the others to address overall stormwater runoff impacts site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100 year storm). The four stormwater runoff treatment levels described in the GSMM unified stormwater sizing criteria include water quality, channel protection, overbank flood protection and extreme flood protection. The CSS to the GSMM basically includes those four criteria but also incorporates a fifth criteria defined as runoff reduction. The Table 3 presents each treatment level/criteria with a description of each, as provided in the CSS and the GSMM.

Table 3: CSS/GSMM Unified Stormwater Sizing Criteria		
Treatment Level/ Criteria	Maximum Available Credit	Criteria Description
1. Runoff Reduction and/or Water Quality	10%	Attempt to infiltrate up to the first 1.2 inches of rainfall for the site. Per the CSS/GSMM, the purpose of this criteria treatment level is to reduce the volume of stormwater runoff by infiltrating it prior to collection, treatment, detention, and discharge. In most cases, this criteria and criteria 2. below are accomplished in conjunction with each other.
		Capture and treat the first 1.2 inches of runoff, or the remaining amount of runoff that is not infiltrated under criteria 1. This equates to providing water quality treatment for the runoff associated with 85% of annual storm events with a goal reducing average annual post-development TSS loadings by 80%.
2. Channel Protection/ Aquatic Resources Protection	10%	Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels and aquatic resources from erosive velocities and unstable flow conditions.
3. Overbank Flood Protection	10%	Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
4. Extreme Flood Protection	10%	Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information published in the CSS/GSMM.

Credits are available under the following general conditions and criteria:

- A maximum credit of up to 40% off the stormwater user fee charge is available if a customer can achieve compliance with all five of the unified stormwater sizing criteria described herein.
- This credit is not available for any portion of a parcel where a No Direct Discharge credit was secured unless otherwise approved by the SW Utility Manager.
- The stormwater facility must be in good working order and the customer must demonstrate that routine maintenance of the facility has been and will continue to be conducted in accordance with professional standards.
- The credit shall only be applied to that portion of the property served by the storm water facility.

Stormwater User Fee Credit Application Procedures

The customer shall follow the procedures below when applying for a Unified Stormwater Sizing Criteria user fee credit:

- STEP 1: Obtain a Manual and credit application packet from the City.
- STEP 2: The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Georgia Registered Land Surveyor or Registered Landscape Architect demonstrating compliance with the requirements and criteria outlined herein.
- STEP 3: The customer shall submit the user fee credit application, an executed Right of Entry Agreement, an ongoing maintenance plan, and documentation that the facility/detention pond has been properly maintained to the City.

Upon receipt of the credit application, the City shall review the documentation. If the credit is approved, the stormwater user fee credit will be applied, starting with the next customer billing cycle. If the City representative does not approve of the customer's application, the City will send a letter to the customer explaining why the credit application was not approved.

If the credit is approved, the customer shall execute a maintenance agreement with the City and then continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every five years. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred then the City may request that the design information be updated to document compliance with the Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the City's current ordinances and design standards related to stormwater management as well as the maintenance agreement.

Stormwater User Fee Credit Application Forms & Other Miscellaneous Forms

Stormwater user fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.

- Appendix A includes the credit application forms for the residential (or SFR) stormwater user fee credits described in this Manual.
- Appendix B includes the credit application forms for the non-residential (or NSFR) stormwater user fee credits described in this Manual.
- Appendix C includes miscellaneous forms required as part of the stormwater user fee credit application process, including a Right-of-Entry Agreement.

APPENDIX A

SFR Stormwater User Fee Credit Application Forms

APPENDIX A

City of Brunswick SW Utility SFR Customer Stormwater User Fee Credit Application Form

Instructions:

Fill out this form completely. One application must be submitted for each customer account. Follow the steps outlined in the applicable section of this Manual. Attach all appropriate documentation to support this request, as outlined herein.

Fill out and attach appropriate documentation. Mail completed form (with attachments) to:

City of Brunswick Engineering Department
Attn: SW Utility Manager
601 Gloucester Street
Brunswick, GA 31520

I hereby request City of Brunswick to review this application for a stormwater user fee credit(s). I further authorize the City to investigate the site characteristics of the above identified parcel for the purpose of evaluation for a stormwater user fee credit(s). I certify that I have authority to make such a request and grant such authority for the City staff (or their designee) to evaluate this property for the purposes of approval or denial of the user fee credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Property Owner

SW Utility Account No.

Signature

Date

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

Approval:

SW Utility Manager

Date

SW Utility Account No.

APPENDIX A

SFR Customer Stormwater User Fee Credit Application/Renewal Form

Place a check next to the credit being applied for with this application:

	Credit Description	Applicability/Requirements
☐	Residential GI/LID Practices	Residential
☐	Low Impact Parcel	Residential
☐	Reduced SFR Footprint	Residential
☐	No Direct Discharge	Residential
☐	Stormwater Runoff Infiltration	Residential
☐	Natural Area Preservation	Residential

General Customer Information:

Customer Name	
Stormwater Utility Account Number	
Mailing Address	
Mailing City/Zip	
Contact Phone/Fax Number	
Contact E-mail Address	

Property Information:

Parcel/Property Address (number and street)	
Parcel/Property Address (city and state and zip)	
Parcel Identification Number	
Parcel/Property Location/Development	
Authorized Contact, if different than Customer	

APPENDIX B

NSFR Stormwater User Fee Credit Application Forms

APPENDIX B

City of Brunswick SW Utility NSFR Customer Stormwater User Fee Credit Application Form

Instructions:

Fill out this form completely. One application must be submitted for each separate customer account. Multiple stormwater controls/credit requests may be included in the application for a single customer location/account. Please ensure all stormwater management facilities have properly designed and constructed, and continue to be properly maintained. Attach all the necessary documentation to support the user fee credit request. Documentation shall include, but not necessarily limited to, the following:

1. Facility site plan with stormwater facilities/controls with delineated drainage areas.
2. Description of stormwater control facilities.
3. Appropriate pages from the CSS/GSMM (latest version) identifying design requirements for each on-site stormwater control.
4. Documentation that the stormwater control facilities meet one or more criteria for the stormwater user fee credit(s).
5. Appropriate professional certification(s), if required per this Manual.
6. Pertinent regulatory compliance documentation, if applicable.
7. Completed Right-of-Entry Agreement (if applicable) and/or a maintenance plan (if applicable) per the requirements of this Manual.
8. Other pertinent information to support the user fee credit request.

Mail completed the completed form as well as the necessary attachments and supporting documentation to:

City of Brunswick Engineering Department
Attn: SW Utility Manager
601 Gloucester Street
Brunswick, GA 31520

I hereby request City of Brunswick to review this application for a stormwater user fee credit(s). I further authorize the City to investigate the site characteristics of the above identified parcel for the purpose of evaluation for a stormwater user fee credit(s). I certify that I have authority to make such a request and grant such authority for the City staff (or their designee) to evaluate this property for the purposes of approval or denial of the user fee credit. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein.

Type or print name

Owner

SW Utility Account No.

Signature

Date

APPENDIX B

City of Brunswick SW Utility Non-residential Stormwater User Fee Credit Application Form (continued)

This form must be signed by an individual person who is responsible for the site operations and/or payment of the monthly utility bill. If the responsible person is not an individual person then the form must be signed by an officer, director, partner, or registered agent with authority to execute instruments for the customer account.

Approval:

SW Utility Manager

Date

SW Utility Account No.

APPENDIX B

NSFR Customer Stormwater User Fee Credit Application/Renewal Form

Place a check next to the credit being applied for with this application:

Type Credit	Applicability/Requirements
Low Impact Parcel	Non-residential
No Direct Discharge	Non-residential
Watershed Stewardship	Non-residential
Non-Residential GI/LID Practices	Non-residential
Natural Area Preservation	Non-residential
Water Resources Education Program	Non-residential
NPDES Industrial Stormwater Permit	Non-residential
CSS/GSMM Stormwater Facility/Detention Pond	Non-residential
Pre-CSS/GSMM Stormwater Facility/Detention	Non-residential

General Customer Information:

Customer Name:	
SW Utility Account Number:	
Mailing Address:	
Mailing City/Zip:	
Contact Phone/Fax Number:	
Contact E-mail Address:	

Property Information:

Parcel Address (number and street):	
Parcel Address (City, State and Zip):	
Parcel Identification Number:	
Parcel Location/Name of Development:	
Authorized Property Owner Contact (if different than Customer Name above):	

APPENDIX C

Right of Entry Form

APPENDIX C

Right of Entry Agreement – Stormwater User Fee Credit(s) Evaluation

STATE OF GEORGIA, GLYNN COUNTY

I/We _____, the owner and/or tenant (circle which one or both) of the property commonly identified as _____, City of Brunswick, Glynn County, State of Georgia, do hereby grant and give freely and without coercion, the right of access and entry to said property to City of Brunswick, its agents, contractors, and subcontractors thereof, for the purpose of performing necessary evaluations of onsite stormwater facilities, controls and site activities related to stormwater runoff management on the _____ (hereinafter "facility") located on Land Lot _____ in City of Brunswick, Georgia.

The undersigned agrees and warrants to waive and hold harmless City of Brunswick, its agents, employees, contractors, and subcontractors, for damage of any type, or any claim or action, either legal or equitable that might arise out of any activities on the above described property that are conducted by City of Brunswick, its agents, employees, contractors and subcontractors, pursuant to this Agreement.

In consideration of this Right of Entry Agreement and the rights granted to City of Brunswick herein, the receipt and sufficiency of which is hereby acknowledged, City of Brunswick agrees, to perform only visual evaluations, and review pertinent facility records and information, necessary to verify stormwater user fee credit eligibility. I/We, will not/have not receive(d) any compensation for this Right of Entry Agreement.

For the considerations and purposes set forth herein, I set my hand this _____ day of _____ 20____.

Operator or Owner (identify which one)

Witness

Address

Notary

Address

My Commission Expires

City Acknowledgement:

City SW Utility Manager

Date

A RESOLUTION TO ADOPT THE STORMWATER UTILITY USER FEE RATE TO PROVIDE SUFFICIENT FUNDS TO IMPLEMENT THE STORMWATER MANAGEMENT PROGRAM OF THE CITY OF BRUNSWICK, GEORGIA

BE IT RESOLVED, by the Mayor and Commission of Brunswick, Georgia:

WHEREAS, the City has performed a Stormwater Management Program Assessment and Funding Analysis which properly assesses and defines the City's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding needs.

WHEREAS, the Mayor and City Commission have adopted an ordinance authorizing the formation of Stormwater Utility, which is organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of storm water management services, systems, and facilities within the City.

WHEREAS, the City must ensure that the Stormwater Utility has sufficient resources to support the cost of operating and maintaining the City's stormwater management system and to implement necessary repairs, replacements, improvements and extensions thereof.

WHEREAS, it is appropriate for the City to impose a stormwater user fee charge in accordance with the procedures, requirements, and restrictions established in the Stormwater Utility Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Commission of Brunswick, Georgia in regular session assembled, does hereby adopt the Stormwater User Fee Rate of \$3.95 per Equivalent Residential Unit (ERU) or billing unit; and,

BE IT FURTHER RESOLVED that copies of this Resolution and referenced budget will be kept in the Office of the City Manager in City Hall and be made available for inspection by any member of the public.

RESOLVED this _____ day of August, 2018.

Mayor Cornell Harvey

ATTEST: Naomi Atkinson, City Clerk

A RESOLUTION TO ADOPT THE STORMWATER UTILITY USER FEE RATE TO PROVIDE SUFFICIENT FUNDS TO IMPLEMENT THE STORMWATER MANAGEMENT PROGRAM OF THE CITY OF BRUNSWICK, GEORGIA

BE IT RESOLVED, by the Mayor and Commission of Brunswick, Georgia:

WHEREAS, the City has performed a Stormwater Management Program Assessment and Funding Analysis which properly assesses and defines the City's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding needs.

WHEREAS, the Mayor and City Commission have adopted an ordinance authorizing the formation of Stormwater Utility, which is organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of storm water management services, systems, and facilities within the City.

WHEREAS, the City must ensure that the Stormwater Utility has sufficient resources to support the cost of operating and maintaining the City's stormwater management system and to implement necessary repairs, replacements, improvements and extensions thereof.

WHEREAS, it is appropriate for the City to impose a stormwater user fee charge in accordance with the procedures, requirements, and restrictions established in the Stormwater Utility Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Commission of Brunswick, Georgia in regular session assembled, does hereby adopt the Stormwater User Fee Rate of \$3.95 per Equivalent Residential Unit (ERU) or billing unit; and,

BE IT FURTHER RESOLVED that copies of this Resolution and referenced budget will be kept in the Office of the City Manager in City Hall and be made available for inspection by any member of the public.

RESOLVED this ____ day of August, 2018.

Mayor Cornell L. Harvey

ATTEST: Naomi D. Atkinson, City Clerk

Return to:
Hall Booth Smith, P.C.
Attn: Charles A. Dorminy, J.D., LL.M.
3528 Darien Highway, Suite 300
Brunswick GA 31525

**STATE OF GEORGIA
COUNTY OF GLYNN**

A CONVEYANCE, Deed, Transfer, and Grant of Easement Rights made and entered into this ____ day of _____, 2018, by and between **CITY OF BRUNSWICK**, a municipal corporation of the State of Georgia, acting by and through its Mayor and Board of Commissioners (hereinafter referred to as the "Grantor"), and the **BRUNSWICK-GLYNN COUNTY JOINT WATER AND SEWER COMMISSION**, a public corporation created by Local Act of the General Assembly of the State of Georgia, acting by and through its Board of Commissioners (hereinafter referred to as the "Grantee").

WITNESSETH:

WHEREAS, Grantor and Grantee (along with Glynn County) entered into an Operational Agreement on July 6, 2007, and six Addenda thereto as of the date hereof (collectively the "Operational Agreement"), for the purposes of entrusting the Grantee herein with the operation and maintenance of a unified water and wastewater system (hereinafter "System"), and transferring to Grantee all of its right, title and interest in Grantor's real, personal and intangible property, and assets and projects for the operation and maintenance of the System; and

WHEREAS, the Operational Agreement further provides that any of the aforesaid property and/or assets discovered to be owned by Grantor will be conveyed to the Grantee for use in the operation and maintenance of the System.

NOW THEREFORE, Grantor herein, for and in consideration of the mutual promises and undertakings as hereinafter contained and other good and valuable consideration paid to it at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged and confessed, does hereby grant, convey, transfer, assign and deliver unto the Grantee, its successors and assigns in full fee simple title and/or an easement (where applicable), the following described real and/or personal property, easements, rights in land used in the operation, maintenance and expansion of the System. As used herein, the term "property" may include, but not be limited to, water and sanitary sewer systems, plants, works, instrumentalities and properties used in connection with the System and in the conservation, treatment, filtration, sedimentation and disposal of sanitary sewerage, and the distribution and sale of water for public and private uses. Said property and assets are set forth in Exhibit "A" attached hereto and made a part hereof.

There is expressly excluded from this transfer and conveyance to Grantee herein any and all land and properties and rights in property pertaining to drainage, utilities other than water and sanitary sewer, storm water facilities and street rights-of-way. Notwithstanding, Grantor does hereby grant and convey unto said Grantee, its successors and assigns, the right at all times to reconstruct, install, relocate, maintain, repair, replace water and sewer systems located within Grantor's street rights-of-way.

This transfer and conveyance shall convey title to real property, so far as real property and easements and rights therein are concerned, shall convey title with respect to all tangible and intangible personal property appurtenant thereto, and shall be subject to all rights contained in referenced instruments.

TO HAVE AND TO HOLD the above described real and/or personal property and easements, together with all and singular rights, members and appurtenances thereof, thereto and therein, to the same being, belonging, or in any wise appertaining, to the only proper use, and benefit of Grantee, successors and assigns, forever in full fee simple title, so that neither the Grantor nor any person or persons claiming under it shall at any time, by any means or ways, dispute the right, title and interest of the Grantee.

Grantor herein represents and covenants that its Board of Commissioners approved and authorized the making and execution of this conveyance and transfer and Grantor has furnished to Grantee herein certified copies of that portion of the minutes of meetings of its Board of Commissioners approving and authorizing the conveyance and transfer and that such meeting was held in accordance with the applicable laws of the State of Georgia.

IN WITNESS WHEREOF, Grantor has caused this instrument of conveyance, deed, transfer and grant to be signed in its name and its seal to be affixed thereto and attested by its Clerk, all in accordance and compliance with the laws of the State of Georgia, and delivered these presents on this the day and year first above written.

CITY OF BRUNSWICK, GEORGIA

By: _____
CORNELL HARVEY, Mayor

Attest to: _____
NAOMI ATKINSON, Clerk

Unofficial Witness

Signed, sealed and delivered on this _____
day of _____, 2018, and in the
presence of:

NOTARY PUBLIC
My Commission Expires: _____

EXHIBIT "A"

All of the following tracts, lots and parcels of land, lying and being in Glynn County, Georgia, pertaining to water and wastewater systems, excepting any drainage provisions therein, excepting any rights-of-way but including access provisions therein to water and sewer lines, appurtenances and facilities, and being more particularly described as follows, to-wit:

Parcel 1

Lift Station

All that tract or parcel of land, containing 35,736 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

The Point of Beginning is a point on the southwestern right of way of Stonewall Street (50-foot wide public right of way, which point is South 17 degrees 55 minutes 56 seconds East 15.00 feet from a 1/2" capped iron rebar set at the intersection of the southwestern right of way of said Stonewall Street with the southeastern right of way of 5th Street (60-foot wide public right of way), and from said Point of Beginning run thence along the right of way of said Stonewall Street South 17 degrees 55 minutes 56 seconds East 135.00 feet to a 1/2" capped iron rebar set at the northeastern corner of Lot 134 of Lawrenceville Subdivision; run thence along the northwestern line of said Lot 134 South 72 degrees 04 minutes 04 seconds West 100.00 feet to a 1/2" capped iron rebar set; run thence along the southwestern line of said Lot 134 South 17 degrees 55 minutes 56 seconds East 80.00 feet to a point; run thence South 72 degrees 04 minutes 04 seconds West 7.50 feet to a point; run thence South 17 degrees 55 minutes 56 seconds East 55.00 feet to a nail set; run thence South 72 degrees 04 minutes 04 seconds West 89.84 feet to a 1/2" capped iron rebar set; run thence North 13 degrees 04 minutes 28 seconds West 54.23 feet to a 1/2" capped iron rebar set; run thence North 12 degrees 22 minutes 31 seconds West 70.03 feet to a 1/2" capped iron rebar set; run thence North 11 degrees 26 minutes 51 seconds West 92.48 feet to a 1/2" capped iron rebar set; run thence North 10 degrees 27 minutes 01 seconds West 54.84 feet to a 1/2" capped iron rebar set on the right of way of 5th Street (60-foot wide public right of way) run thence North 72 degrees 04 minutes 04 seconds East 168.38 feet to a point; run thence along a curve at the southwest corner of the intersection of said Stonewall Street and said 5th Street a chord length of 21.21 feet (an arc length of 23.56 feet) a chord bearing of South 62 degrees 55 minutes 56 seconds East to a point on the southwestern right of way of Stonewall Street, which point is the Point of Beginning of the herein described tract.

Said description according to Boundary Survey of Lift Station #WWL 4005, a Portion of Carver Heights (F/K/A Lawrenceville), by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated December 20, 2016, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.

Parcel 2
Lift Station

All that tract or parcel of land, containing 2,627 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

In order to find the Point of Beginning, commence at the southeast corner of Lot 11 of Oak Park Subdivision, which corner is located at the intersection of the western right of way of Norman Street (80-foot wide public right of way) with the northern right of way of Kaufman Street (50-foot wide public right of way), and from said corner run thence along the western right of way of said Norman Street and along the eastern boundary of Lot 11 and then Lot 10 of said Oak Park Subdivision a distance of 201.40 feet, more or less, to a 3/4" iron pin found which marks the Point of Beginning of the herein described tract. From said Point of Beginning run thence along the northern boundary of Lot 10 Oak Park Subdivision North 82 degrees 00 minutes 00 seconds West 71.40 feet to a 1/2" capped iron rebar set; run thence North 39 degrees 52 minutes 00 seconds East 6.55 feet to a 1/2" capped iron rebar set; run thence North 25 degrees 44 minutes 00 seconds East 9.50 feet to a 1/2" capped iron pin found; run thence North 14 degrees 58 minutes 00 seconds East 9.90 feet to a 1/2" capped iron pin found; run thence North 08 degrees 19 minutes 52 seconds 10.30 feet to a 1/2" capped iron rebar set; run thence North 05 degrees 14 minutes 38 seconds East 5.27 feet to a 1/2" capped iron rebar set; run thence South 82 degrees 00 minutes 00 seconds East 64.60 feet to a 3/4" iron pin found disturbed at the southeast corner of Lot 9 of Oak Park Subdivision, which is on the western right of way of said Norman Street; run thence along the western right of way of said Norman Street South 08 degrees 48 minutes 41 seconds West 40.00 feet to the Point of Beginning of the herein described tract.

Said description according to Boundary Survey of Lift Station #WWL4016, Oak Park Subdivision, by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated November 3, 2017, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.

Parcel 3
Lift Station

All that tract or parcel of land, containing 900 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

Begin at a 1/2" capped iron rebar set at the southwestern corner of the hereinafter described property, said beginning point has Georgia State Coordinate System, East Zone, NAD83 of N-421549.41 and E-871292.80, run thence North 03 degrees 47 minutes 24 seconds West 30.00 feet to a 1/2" capped iron rebar set; run thence North 86 degrees 12 minutes 36 seconds East 30.00 feet to a 1/2" capped iron rebar set (N-421581.33 and E-871320.75); run thence South 03 degrees 47 minutes 24 seconds East 30.00 feet to a 1/2" capped iron rebar set; run thence South 86 degrees 12 minutes 36 seconds West 30.00 feet to the point of beginning.

Said description according to Easement Survey of Lift Station #WWL4019 by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated June 20, 2016, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.

Parcel 4

Lift Station

All that tract or parcel of land, containing 193 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

Begin at a nail set on the northeastern margin of the right-of-way of Glynn Avenue (a/k/a U.S. Highway 17) (200± feet wide right-of-way), said beginning point has Georgia State Coordinate System, East Zone, NAD83 of N-418943.67 and E-871992.11, run thence North 75 degrees 23 minutes 03 seconds East 15.00 feet to a nail set; run thence South 14 degrees 26 minutes 00 seconds East 12.95 feet to a nail set (N-418934.92 and E-872009.85); run thence South 75 degrees 44 minutes 56 seconds West 15.00 feet to a nail set on the northeastern margin of the right-of-way of said Glynn Avenue; run thence along a curve in the northeastern margin of the right-of-way of said Glynn Avenue North 14 degrees 26 minutes 00 seconds West a chord length 12.85 (an arc length of 12.85 feet) to the point of beginning.

Said description according to Boundary Survey of Lift Station #WWL4031 by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated May 19, 2016, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.

Parcel 5

Elevated Water Storage Tank

All that tract or parcel of land, containing 8,100 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

Begin at a 1/2" capped iron rebar set at the intersection of the western right of way of Martin Luther King, Jr. Boulevard (120-foot wide public right of way) with the northern right of way of Prince Street (90-foot wide public right of way), which said 1/2" capped iron rebar set is the southeastern-most corner of Lot 541, Old Town, and the Point of Beginning of the herein described tract. From said Point of Beginning run thence along the northern right of way of said Prince Street South 72 degrees 39 minutes 00 seconds West 90.00 feet to a 1/2" capped iron rebar set; run thence North 17 degrees 21 minutes 00 seconds West 90.00 feet to a 1/2" capped iron rebar set; run thence North 72 degrees 39 minutes 00 seconds East 90.00 feet to a 1/2" capped iron rebar set on the western right of way of said Martin Luther King, Jr. Boulevard; run thence along the western right of way of said Martin Luther King, Jr. Boulevard South 17 degrees 21 minutes 00 seconds East 90.00 feet to the 1/2" capped iron rebar set which marks the Point of Beginning of the herein described tract.

Said description according to Boundary Survey of Elevated Water Storage Tank #11EST, a Portion of Lot 541, Old Town, by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated July 15, 2016, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.

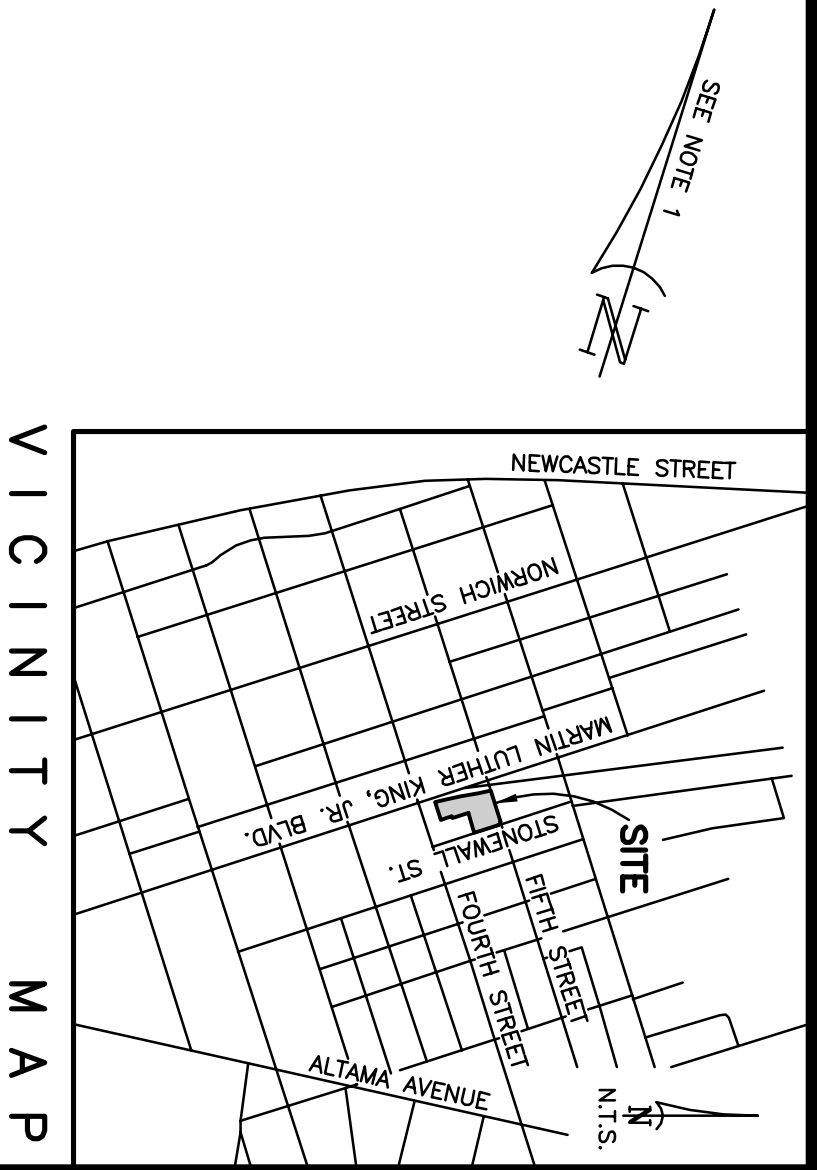
Parcel 6

Water Treatment Facility

All that tract or parcel of land, containing 15,622 square feet, lying and being in G.M.D. 26, City of Brunswick, Glynn County, Georgia, and being more particularly described as follows:

In order to find the Point of Beginning of the herein described tract, commence at a ½” iron rebar found at the intersection of the northern margin of the right-of-way of Wildwood Drive (50-foot wide right-of-way) with the eastern margin of the right-of-way of Shrine Road (50-foot wide right-of-way) and run thence along the eastern margin of the right-of-way of said Shrine Road North 12 degrees 22 minutes 26 seconds East 80.87 feet to a ½” iron rebar found, continue thence along the eastern margin of the right-of-way of said Shrine Road North 09 degrees 38 minutes 07 seconds East 399.22 feet to a ½” iron rebar found, leaving the said right-of-way run thence South 78 degrees 13 minutes 49 seconds West 252.68 feet to a capped iron rebar found, which capped iron rebar found marks the Point of Beginning of the herein described tract. From the Point of Beginning run thence South 07 degrees 01 minutes 34 seconds East 101.41 feet to a ¾” iron rebar found; run thence South 78 degrees 08 minutes 01 seconds West 145.22 feet to a ½” iron rebar found; run thence North 17 degrees 22 minutes 54 seconds West 101.80 feet to a punch hole set; run thence North 78 degrees 13 minutes 49 seconds East 163.56 feet to the Point of Beginning of the herein described tract.

Said description according to Boundary Survey of Water Treatment Facility #103WT/GSF, Day Tract, by Gary R. Nevill, Georgia Registered Land Surveyor No. 2401 dated May 20, 2016, and recorded in the public records of Glynn County, Georgia, in Plat Book _____, Page _____, to which reference is hereby particularly made.



V I C I N I T Y M A P

BOUNDARY SURVEY OF:
**# WWL 4005,
A PORTION OF
CARVER HEIGHTS
(F/K/A LAWRENCEVILLE)**
(G.M.D. 26, CITY OF BRUNSWICK, GEORGIA)

AREA = 35,736 SQ. FT.

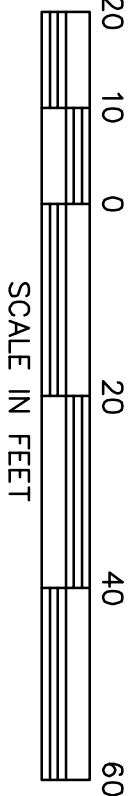
NOTES:

1. BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON THE RECORDED SUBDIVISION PLAT, SEE NOTE 2.
2. SURVEY REFERENCE:
PLAT BY W. N. GRAMLING, GA. C.E. # 981, TITLED
"CARVER HEIGHTS A SUBDIVISION OF COASTAL HOMES, INC",
DATED 10/01/93, RECORDED AT F.D. 7, PG. 226.
3. FIELD EQUIPMENT USED FOR THIS PLAT: LEICA TS-12.
4. THIS SURVEY IS BASED ON FIELD WORK COMPLETED ON 12/14/16. SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE AFTER THIS DATE.
5. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING EQUIPMENT AND PROCEDURES CONSISTENT WITH RULE 180-7-03. THE CALCULATED POSITIONAL TOLERANCE WAS 0.05 FEET.
6. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 287,634'.
7. THE ADJOINING LAND OWNERS AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.GEORGIA.GOV). THE GIS WEBSITE INDICATES THE CURRENT OWNER IS CITY OF BRUNSWICK.
8. ACCORDING TO F.I.R.M. MAP NO. 13127C, PANEL 0236F, DATED 9/6/06, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE X (SHADED), WHICH IS NOT IN A SPECIAL FLOOD HAZARD AREA.
9. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

LEGEND:

- CHRS CAPPED IRON REBAR SET (SSC PC, LSF 317)
- P.O.B. POINT OF BEGINNING
- ⊙ SANITARY SEWER MANHOLE
- ☆ UTILITY POLE
- ▢ BUILDING
- ASPHALT
- X FENCE
- OVERHEAD UTILITIES
- SS SEWER LINE

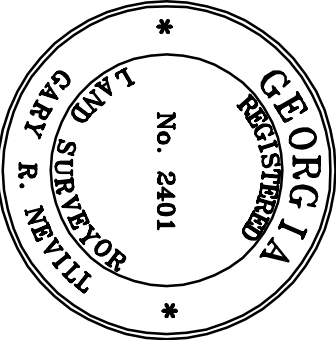
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
CT	15.00'	23.56'	21.21'	S 62° 55' 56" E



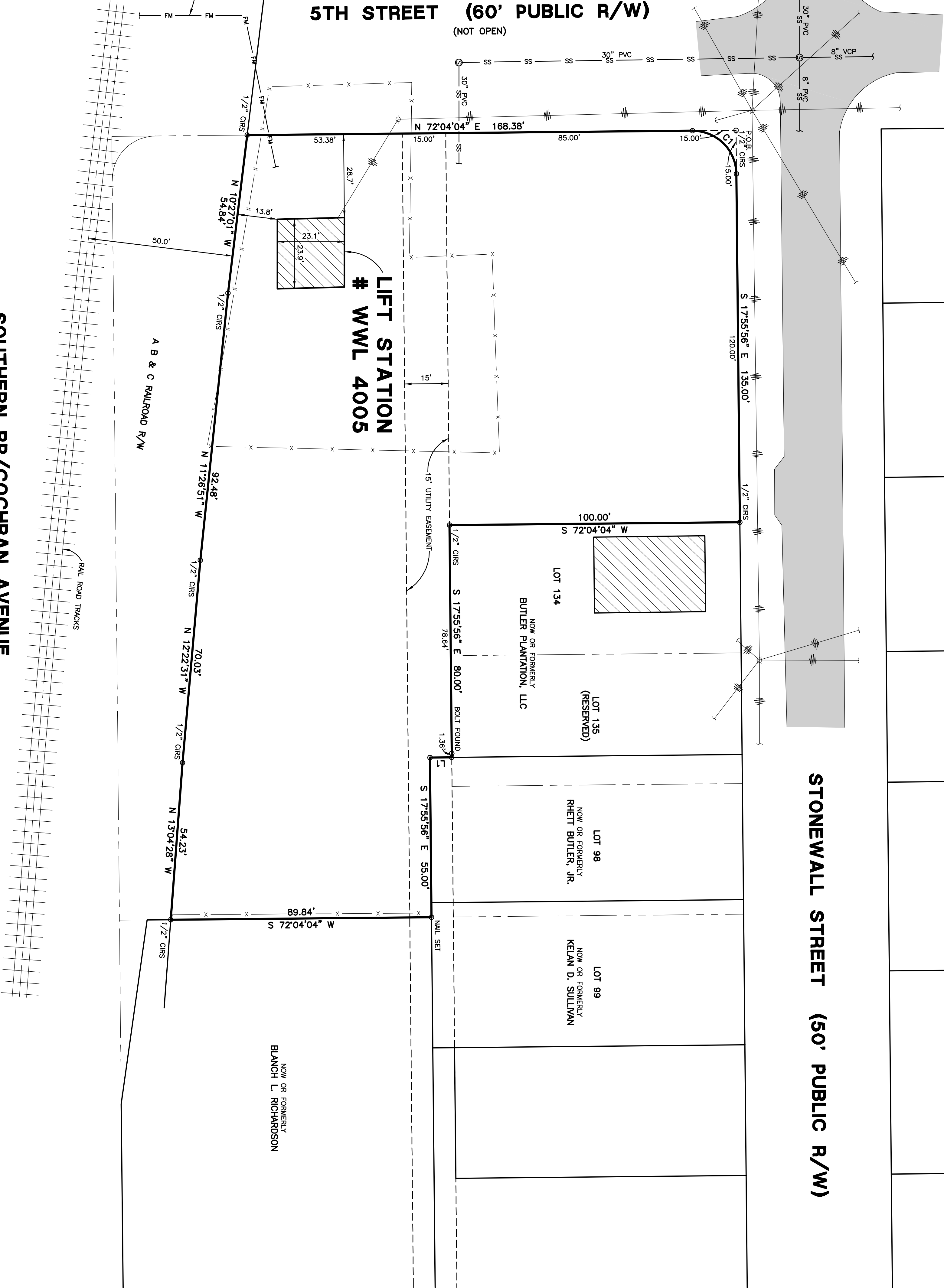
SURVEY FOR: **BRUNSWICK-GLYNN COUNTY
JOINT WATER & SEWER COMMISSION**

LIFT STATION # WWL 4005, A PORTION OF CARVER HEIGHTS (F/K/A LAWRENCEVILLE)	DWG # 16028	DWN BY: JCH	PLAT COMPLETED: 12/20/16
JOB # 16028	DWG # 16028	DWN BY: JCH	SCALE: 1" = 20'
FIELD WORK COMPLETED: 12/14/16			

SHUPE SURVEYING COMPANY, P.C.
3837 DAREN HWY.
BRUNSWICK, GEORGIA 31525
912-265-0562
CERTIFICATION OF AUTHORIZATION NO. LSF 317



SOUTHERN RR/COCHRAN AVENUE



**LIFT STATION
WWL 4005**

NOW OR FORMERLY
BLANCH L. RICHARDSON

NOW OR FORMERLY
BUTLER PLANTATION, LLC

NOW OR FORMERLY
RHETT BUTLER, JR.

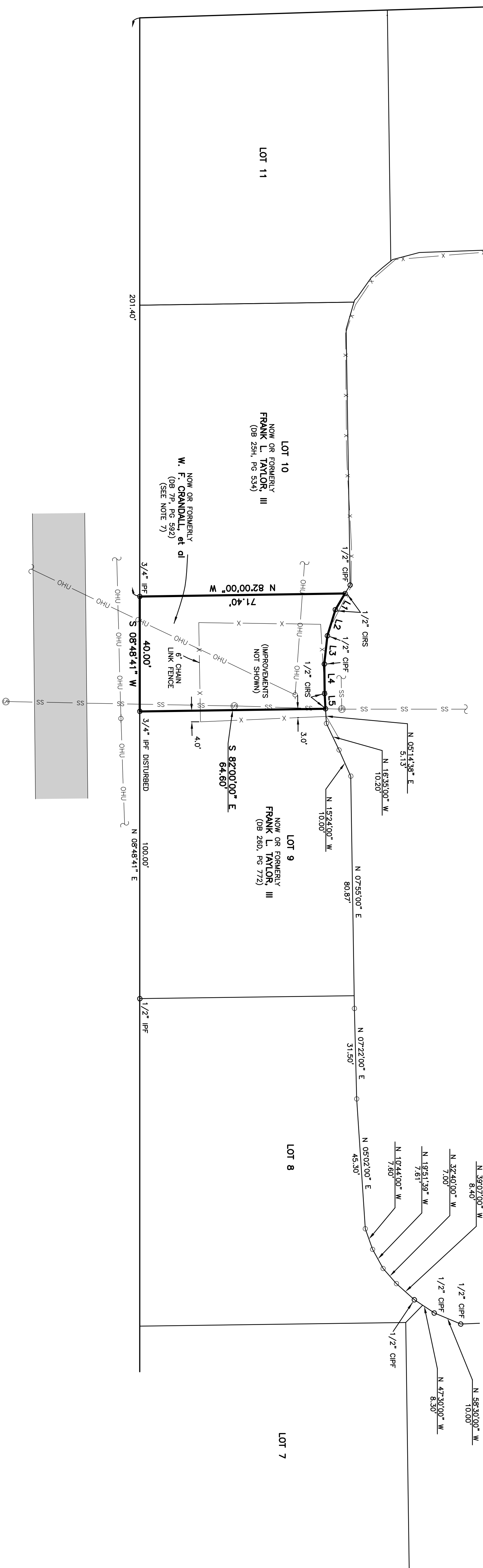
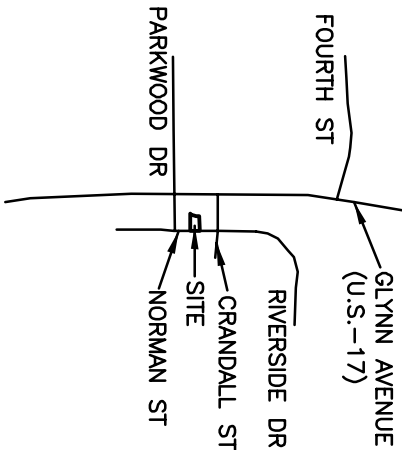
NOW OR FORMERLY
KELAN D. SULLIVAN

APPROXIMATE LOCATION OF
GLYNN COUNTY SANITARY
SEWER FORCE MAIN TAKEN
FROM THE GLYNN COUNTY GIS
WEBSITE (NOT SURVEYED).

BOUNDARY SURVEY OF:
**LIFT STATION #WWL4016,
OAK PARK SUBDIVISION**
(G.M.D. 26, CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA)
AREA = 2,627 SQ. FT.

NOW OR FORMERLY
NEPHHOLOOT OF THE GOLDEN ISLES
(DB 3528 PG 141)

V I C I N I T Y M A P



NORMAN STREET (80' PUBLIC R/W)

LEGEND:

- OKS (S&C PG. LSF 317)
- IRF IRON REBAR FOUND
- CIPF COPIED IRON PIPE FOUND (LSF 1244)
- UTILITY POLE
- SANITARY SEWER MANHOLE
- ASPHALT
- X FENCE
- SS SEWER LINE
- OHU OVERHEAD UTILITY LINE

NOTES:

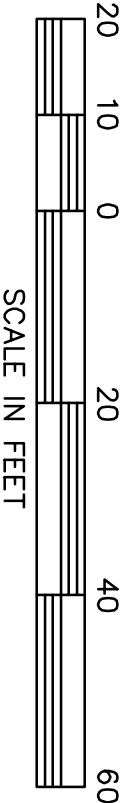
- BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON THE RECORDED SUBDIVISION PLAT, SEE NOTE 2A.
- SURVEY REFERENCE:
 - PLAT BY L. S. MILLER, GA. P.E. # 399, DATED 7/15/43, TITLED "OAK PARK SUBDIVISION", RECORDED AT PG. 2, PG. 35.
 - SURVEY (PRELIMINARY) BY JACKSON SURVEYING, INC., DATED 10/16/17, TITLED "MAP TO SHOW SUBDIVISION PLAT OF OAK PARK TOURIST COURT TRACT".
 - SURVEY BY CHARLES L. JOHNSON, GA. R.L.S.# 2640, DATED 5/23/03, TITLED "MAP SHOWING REDUCTION OF A PORTION OF THE OAK PARK TOURIST COURT TRACT AND LOT 5, OAK PARK SUBDIVISION", RECORDED IN PG. 29, PG. 96.
- FIELD EQUIPMENT USED FOR THIS PLAT: LEICA TS12.
- THIS SURVEY IS BASED ON FIELD WORK COMPLETED ON 1/22/17. SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE AFTER THIS DATE.
- THE FIELD DATA UPON WHICH THIS PLAT WAS BASED HAS A RELATIVE POSITIONAL TOLERANCE OF 0.05 FEET AT THE 95% CONFIDENCE LEVEL AND WAS ADJUSTED USING LEAST SQUARES METHOD.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 117,881'.
- THE ADJOINING LAND OWNERS AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE THUS RECORDED BY THE CITY OF BRUNSWICK (WWW.CITYOFBRUNSWICK.GA), THE GIS WEBSITE INDICATES THE CURRENT OWNER IS CITY OF BRUNSWICK.
- ACCORDING TO F.L.A.M. MAP NO. 13172C, PANEL 0226E, DATED 9/6/06, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE AE(EL-10), WHICH IS IN A SPECIAL FLOOD HAZARD AREA.
- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR. THIS PLAT HAS BEEN APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS THAT REQUIRE APPROVAL OF THIS TYPE OF PLAT. FOR ANY APPLICABLE LOCAL JURISDICTION THAT REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAMES OF THE INDIVIDUALS SIGNING OR APPROVING THIS PLAT, THE AGENCY OR AGENCY AGENCIES, AND THE DATE OF APPROVAL, SHALL BE SHOWN HEREON. IF ANY APPLICABLE LOCAL JURISDICTION REQUIRES APPROVAL OF THIS TYPE OF PLAT, THE NAME OF SUCH LOCAL JURISDICTION AND THE NUMBER OF THE APPLICABLE ORDINANCE OR RESOLUTION PROVIDING THAT NO SUCH APPROVAL IS REQUIRED ARE LISTED IN THE APPROVAL TABLE SHOWN HEREON. SUCH APPROVALS, AFFIRMATIONS, OR APPROVALS, IF ANY, SHALL BE SHOWN HEREON. THIS PLAT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PREPARED. THE SURVEYOR CERTIFIES, TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL REQUIREMENTS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE PROFESSIONAL SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GARY R. NEWELL GA. R.L.S.# 2401

DATE



LINE	BEARINGS	DISTANCE
1-1	N 89°22'00" E	9.56'
1-2	N 25°44'00" E	9.50'
1-3	N 1°58'00" E	9.90'
1-4	N 08°19'52" E	10.30'
1-5	N 05°14'38" E	5.27'

SURVEY FOR: **BRUNSWICK-GLYNN COUNTY
JOINT WATER & SEWER COMMISSION**

LIFT STATION #WWL4016, OAK PARK SUBDIVISION

JOB # 16045 DWG # 16045 DWN BY: NS PLAT COMPLETED: 11/3/17

FIELD WORK COMPLETED: 11/2/17

SHUPE SURVEYING COMPANY, P.C.
3837 DAREN HWY.
BRUNSWICK, GEORGIA 31525
912-265-0562

CERTIFICATION OF AUTHORIZATION NO. LSF 317

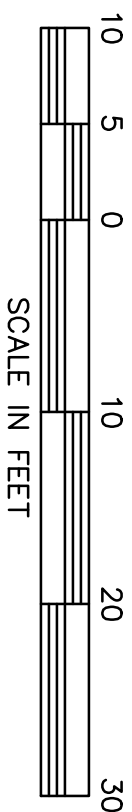


- NOTES:**

1. COORDINATES SHOWN ARE BASED UPON THE GEORGIA COORDINATE SYSTEM, EAS ZONE (NAD-83) AS ESTABLISHED BY RTK GPS WITH EGPS SOLUTIONS UTILIZING A TRIMBLE 5800 RECEIVER. BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON A PLAT BY ROGER CLINTON PURCELL, (REFERENCE NOTE 2).
2. SURVEY REFERENCE:

PLAT BY ROGER CLINTON PURCELL, GA, R.L.S. # 2435, TITLED "SURVEY OF: TRACT II, 1.3682 ACRES", DATED 8/12/94, RECORDED AT P.D. 22, PG. 364.
3. FIELD EQUIPMENT USED FOR THIS PLAT: LEICA TS-12.
4. THIS SURVEY IS BASED ON FIELD WORK COMPLETED ON 4/13/16. SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE AFTER THIS DATE.
5. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING EQUIPMENT AND PROCEDURES CONSISTENT WITH RULE 180-7-03. THE CALCULATED POSITIONAL TOLERANCE WAS 0.05 FEET.
6. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 12,356'.
7. THE ADJOINING LAND OWNERS AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG). THE GIS WEBSITE INDICATES THE CURRENT OWNER IS CITY OF BRUNSWICK.
8. ACCORDING TO F.I.R.M. MAP NO. 13127C, PANEL 0238F, DATED 9/6/06, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE VE(EL=14'), WHICH IS IN A SPECIAL FLOOD HAZARD AREA.
9. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
10. ACCESS TO SITE TO BE PROVIDED BY THE CITY OF BRUNSWICK.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2019.90'	154.17'	154.13'	S 12°44'27" E
C2	2019.90'	12.85'	12.85'	N 14°26'00" W



SURVEY FOR:

BRUNSWICK-GLYNN COUNTY

JOINT WATER & SEWER COMMISSION

LIFT STATION #WW4031, GLYNN AVENUE

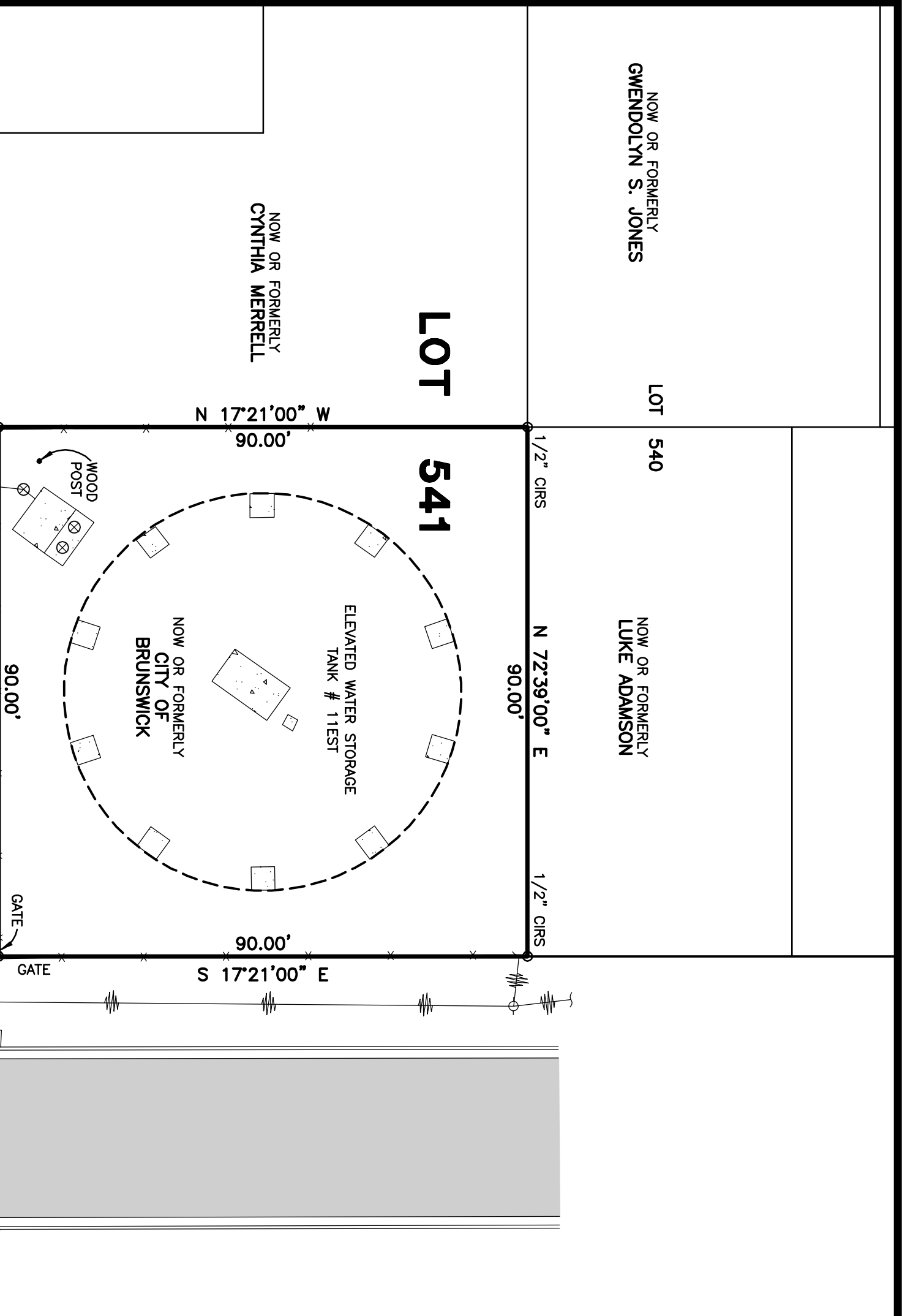
JOB # 16115	DWG # 16115	DWN BY: JCH	SCALE: 1" = 10'
FIELD WORK COMPLETED: 4/13/16	PLAT COMPLETED: 5/19/16		



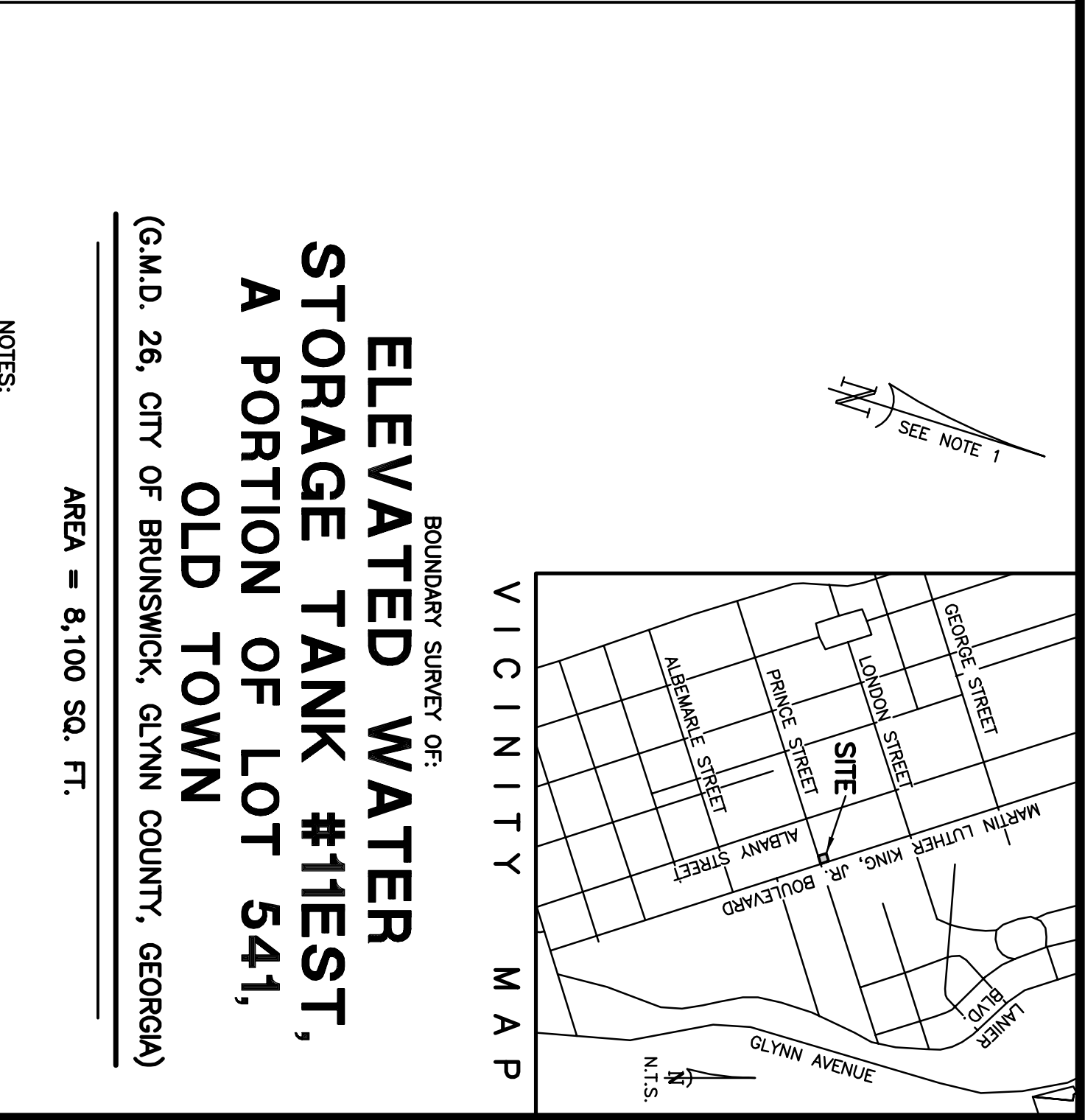
SHUPE SURVEYING COMPANY, P.C.

3837 DARIEN HWY.
BRUNSWICK, GEORGIA 31525
912-265-0562

CERTIFICATION OF AUTHORIZATION NO. LSF 317



MARTIN LUTHER KING, JR. BOULEVARD
(120' PUBLIC R/W)



BOUNDARY SURVEY OF:
**ELEVATED WATER
STORAGE TANK #11EST,
A PORTION OF LOT 541,
OLD TOWN**
(G.M.D. 26, CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA)

AREA = 8,100 SQ. FT.

NOTES:

1. BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON THE RECORDED SUBDIVISION PLAT, SEE NOTE 2.
2. SURVEY REFERENCE:
PLAT OF CITY OF BRUNSWICK PLATE MAP # 3,
DATED DECEMBER, 1974.
3. FIELD EQUIPMENT USED FOR THIS PLAT: LEICA TS-12.
4. THIS SURVEY IS BASED ON FIELD WORK COMPLETED ON 7/11/16. SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE AFTER THIS DATE.
5. THE FIELD DATA UPON WHICH THIS PLAT WAS BASED HAS A RELATIVE POSITIONAL TOLERANCE OF 0.05 FEET AT THE 95% CONFIDENCE LEVEL AND WAS ADJUSTED USING LEAST SQUARES METHOD.
6. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN INFINITE FEET.
7. THE ADDJOINING LAND OWNERS AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG). THE GIS WEBSITE INDICATES THE CURRENT OWNER IS CITY OF BRUNSWICK.
8. ACCORDING TO F.I.R.M. MAP NO. 13127C, PANEL 0238F, DATED 9/6/06, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE 'AE'(EL=11), WHICH IS IN A SPECIAL FLOOD HAZARD AREA.
9. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.



SURVEY FOR: **BRUNSWICK-GLYNN COUNTY**

JOINT WATER & SEWER COMMISSION

ELEVATED WATER STORAGE TANK #11EST, A PORTION OF LOT 541, OLD TOWN			
JOB # 16218	DWG # 16218	DWN BY: JCH	SCALE: 1"= 20'
FIELD WORK COMPLETED: 7/11/16		PLAT COMPLETED: 7/15/16	



SHUPE SURVEYING COMPANY, P.C.
3837 DARIEN HWY.
BRUNSWICK, GEORGIA 31525
912-265-0562

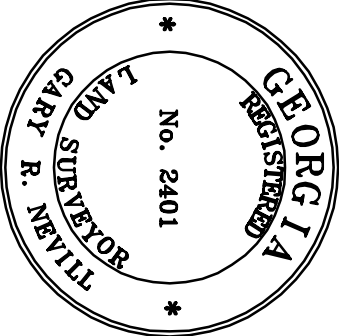
CERTIFICATION OF AUTHORIZATION NO. LSF 317

LEGEND:

- CIRS CAPRED IRON REBAR SET
(SSC PG. LSF 317)
- P.O.B. POINT OF BEGINNING
- ⊗ WATER VALVE
 - ☐ CATCH BASIN
 - ⊙ SANITARY SEWER MANHOLE
 - UTILITY POLE
 - CONCRETE
 - ASPHALT
 - FENCE
 - OVERHEAD UTILITIES
 - SS — SANITARY SEWER LINE
 - W — WATER LINE

THIS PLAT REQUIRES NO APPROVAL BY THE LOCAL GOVERNING AUTHORITY AS SET FORTH IN GEORGIA ANNOTATED CODE 15-6-67(d). HOWEVER RECORDING OF THIS PLAT DOES NOT EXEMPT OR VOID ANY REQUIREMENTS FOR APPROVAL BY THE LOCAL GOVERNING AUTHORITY FOR THE DEVELOPMENT OR FURTHER SUBDIVIDING OF THIS PROPERTY.

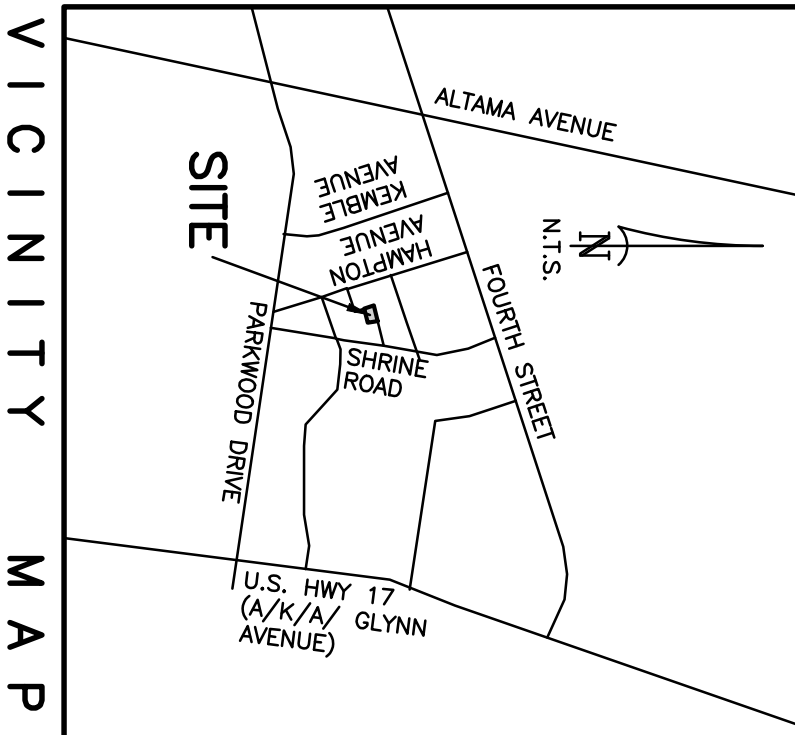
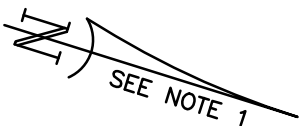
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67



BOUNDARY SURVEY OF:
**WATER TREATMENT
FACILITY # 103WT/GSF,
DAY TRACT**

(G.M.D. 26, CITY OF BRUNSWICK, GLYNN COUNTY, GEORGIA)

AREA = 15,622 SQ. FT.

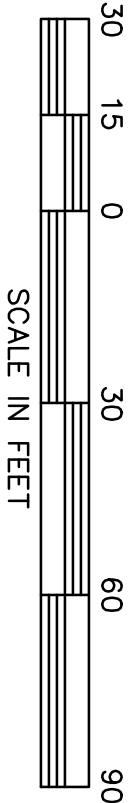


V I C I N I T Y M A P

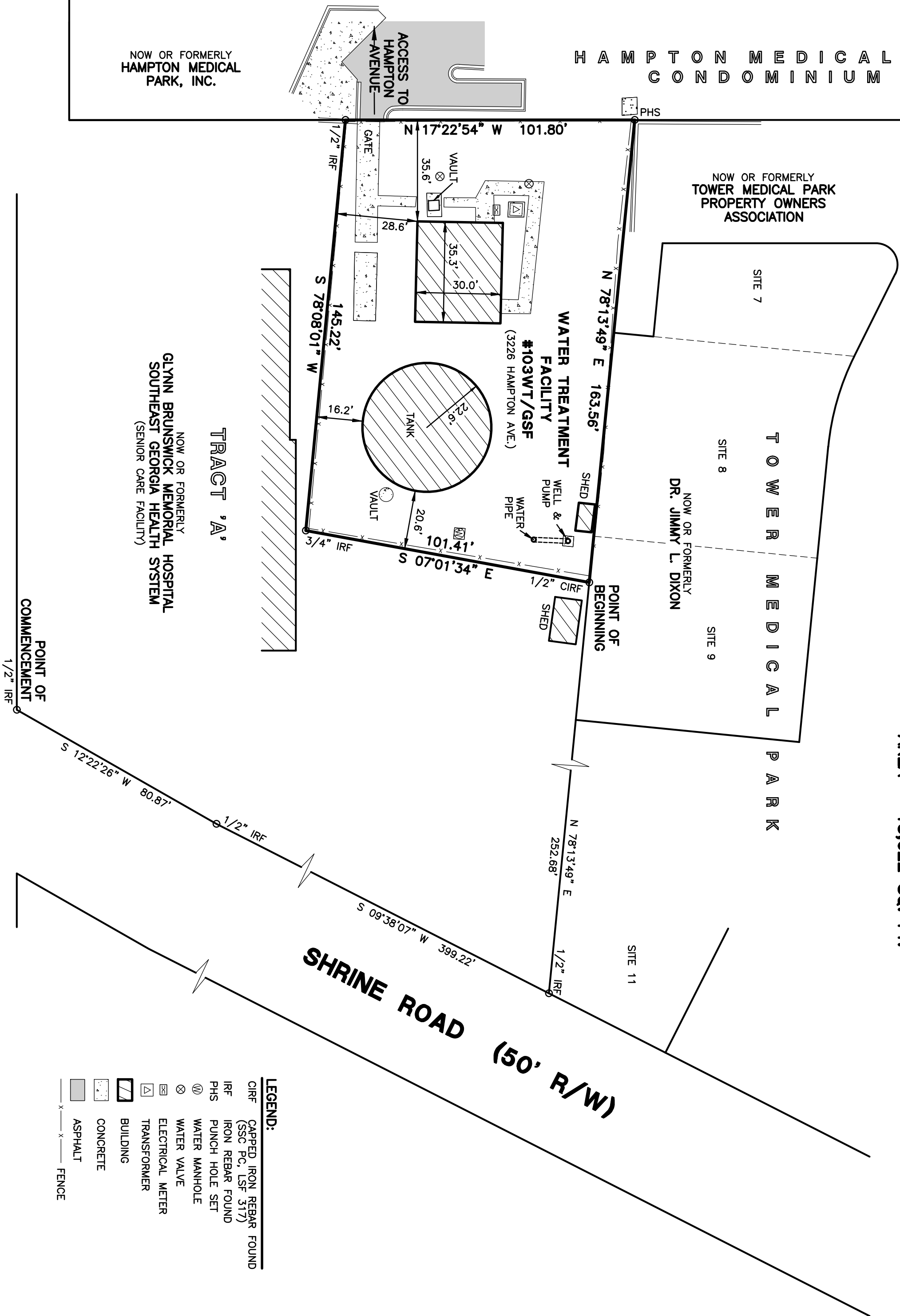
NOTES:

1. BEARINGS SHOWN ON THIS SURVEY ARE BASED UPON THE RECORDED SUBDIVISION PLAT BY THIS FIRM DATED 1/23/08 (SEE NOTE 2).
2. SURVEY REFERENCE:
PLAT BY ROBERT N. SHUPE, GA. R.L.S. # 2224, TITLED "ALTA/ACSM LAND TITLE SURVEY FOR: TRACTS 'A' & 'B', MEDICAL ARTS CENTER OF COASTAL GEORGIA", DATED 1/23/08.
3. FIELD EQUIPMENT USED FOR THIS PLAT: LEICA TS-12.
4. THIS SURVEY IS BASED ON FIELD WORK COMPLETED ON 4/28/16. SHUPE SURVEYING COMPANY, P.C. IS NOT RESPONSIBLE FOR ANY CHANGES TO THE SITE AFTER THIS DATE.
5. THE FIELD DATA UPON WHICH THIS PLAT WAS BASED HAS A RELATIVE POSITIONAL TOLERANCE OF 0.05 FEET AT THE 95% CONFIDENCE LEVEL AND WAS ADJUSTED USING LEAST SQUARES METHOD.
6. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN 111,900'.
7. THE ADJOINING LAND OWNERS AND CURRENT OWNERSHIP OF THE SUBJECT PROPERTY SHOWN ON THIS SURVEY WERE TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG). THE GIS WEBSITE INDICATES THE CURRENT OWNER IS BRUNSWICK--GLYNN COUNTY JOINT WATER & SEWER COMMISSION.
8. ACCORDING TO F.I.R.M., MAP NO. 13127C, PANEL 0236F, DATED 9/6/06, IT IS MY OPINION THAT THE PROPERTY SHOWN ON THIS PLAT LIES WITHIN ZONE 1AE(EL=11), WHICH IS IN A SPECIAL FLOOD HAZARD AREA.
9. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

THE RECORDING OF THIS PLAT REQUIRES NO APPROVAL BY THE LOCAL GOVERNING AUTHORITY AS SET FORTH IN GEORGIA ANNOTATED CODE 15-6-67. HOWEVER, RECORDING OF THIS PLAT DOES NOT EXEMPT OR VOID ANY REQUIREMENTS OR APPROVAL BY THE LOCAL AUTHORITY FOR THE DEVELOPMENT OR FURTHER SUBDIVIDING OF THIS PROPERTY.

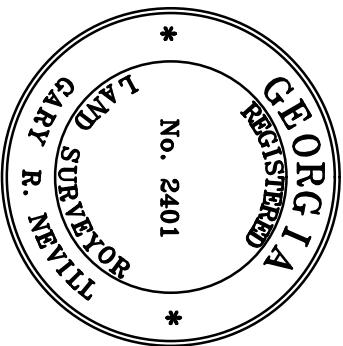


- LEGEND:**
- CIRF (SSC PC, ISF 317)
 - IRON REBAR FOUND
 - IRF
 - PUNCH HOLE SET
 - PHS
 - WATER MANHOLE
 - WATER VALVE
 - ELECTRICAL METER
 - TRANSFORMER
 - BUILDING
 - CONCRETE
 - ASPHALT
 - FENCE



WILDWOOD DRIVE (50' R/W)

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67



SURVEY FOR: BRUNSWICK--GLYNN COUNTY JOINT WATER & SEWER COMMISSION			
WATER TREATMENT FACILITY #103WT/GSF			
JOB # 16076	DWG # 16076	DWN BY: JCH	SCALE: 1"= 30'
FIELD WORK COMPLETED: 5/18/16		PLAT COMPLETED: 5/20/16	



SHUPE SURVEYING COMPANY, P.C.
3837 DARIEN HWY.
BRUNSWICK, GEORGIA 31525
912-265-0562
CERTIFICATION OF AUTHORIZATION NO. ISF 317

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 15, ARTICLE I, TO AMEND SECTION 15-4, CLERK, RELATING TO THE EMPLOYMENT OF THE CLERK; TO AMEND SECTION 15-6 SESSIONS, TO PROVIDE FOR CLARIFICATION AS TO THE SCHEDULING OF SESSIONS; TO ADD NEW SECTIONS 15-7, 15-10 THROUGH 15-23; TO RENUMBER ALL SECTIONS IN CHAPTER 15, ARTICLE II, TO START WITH SECTION 15-24, SHORT TITLE, AND ENDING WITH SECTION 15-32, RATIFICATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

The Commission of the City of Brunswick hereby ordains that Chapter 20, Article I of the Code of Ordinances of the City of Brunswick, Georgia, is hereby amended and replaced with the following:

SECTION ONE:

Article I. – In General.

Sec. 15-4. - Clerk.

There shall be a clerk of the municipal court, who may ~~shall~~ be an employee of the court ~~or of the police department~~ City of Brunswick and who shall be appointed by the City Commission and subject to approval of the Judge. It shall be the responsibility of the clerk to attend all sessions of the court and keep the records thereof. A clerk pro tempore may be designated, to serve in the temporary absence of the clerk, subject to the approval of the Judge.

Sec. 15-5. - Compensation for officers.

The officers of the municipal court shall receive for their services such compensation as well be provided by the city commission in the annual budget for the city.

Sec. 15-6. - Sessions.

The Judge of the municipal court shall schedule such regular times for holding sessions of court as may be appropriate for the expeditious disposition of the business of the court, and he shall be authorized to promulgate rules for the orderly conduct of proceedings before the court. The Judge may designate all scheduling duties to the Clerk of Court as provided in the Service Agreement.

Sec. ~~15-7~~ 15-24. - Rules.

The City of Brunswick Municipal Court shall be controlled by the rules of the Uniform Rules of the Municipal Courts of the State of Georgia as set forth by the Council of Municipal Courts Judges of Georgia from time to time superior courts, as far as they are applicable to municipal courts, and a sound construction of the Constitutions of the state and of the United States and the Charter and ordinances of the city.

Sec. 15-~~8~~7. - Jurisdiction.

Field Code Changed

The Judge of the Municipal Court shall have jurisdiction and authority to adjudicate offenses against the laws and ordinances of the City and offenses against the general laws of the state where jurisdiction is conferred by general law. The Judge shall have jurisdiction to abate nuisances and such other jurisdiction as may be exercised under the general laws of this state, and shall have and is given the same powers and authority as magistrates in the matter of and pertaining to criminal cases of whatever nature in the several courts of this state.

| Sec. 15-98. - Punishment authority.

The judge of the municipal court shall be authorized to impose any punishment up to the maximum specified by general state law. Notwithstanding any provision of any other ordinance heretofore providing for the maximum punishment for any violation of an ordinance of the city, the judge of the municipal court shall be authorized to impose, for violation of any ordinance of this city, a sentence of confinement up to six months, a fine up to \$1,000.00 or both or such alternative punishment as permitted by law.

| Sec. 15-103-5. - Practice.

The City shall have the opening and conclusion of each case, unless the defendant introduces no evidence; then the defendant shall be entitled to the conclusion. The City shall announce first whether it is ready for trial, and if not ready shall be held to as strict a showing for a continuance as the defendant. The rules of evidence shall be the same as in the superior court, as far as applicable to the case on trial.

| Sec. 15-113-6. - Persons charged with offense; summons; trial.

(a) Except for as provided in paragraph (b), any person who is charged with an offense against any of the provisions of this Code or any Ordinances of the City shall be informed by summons in writing served on him of the nature and cause of the accusation; shall have compulsory process for obtaining witnesses in his behalf; shall have a speedy trial; shall be confronted with the witnesses against him; and shall have the privilege of cross examination as in the superior courts of the state. The same rules as to examination of witnesses and the evidence adduced as obtained in such courts, as far as they are applicable to examining courts, shall be applicable to cases before the Municipal Court. The person accused shall have the privilege of defending himself, by counsel or by himself, or both, whichever shall seem proper to him. No one shall be condemned, fined or punished without a chance of being heard in his defense.

(b) For Persons charged with certain violations discussed hereinunder:

1. When provided by local law, a citation for or accusation of a violation of an ordinance concerning the condition of real property may be served by:
 - a. Posting a copy of it on the door of the premises where the alleged violation occurred;
 - b. Mailing a copy of it by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the applicable tax commissioner. The certificate of mailing to the accused shall constitute prima-facie evidence of compliance with this subparagraph; and
 - c. Filing a copy of it with the Clerk of Municipal Court.
2. Service under paragraph (1) of this subsection shall not be authorized until there has been at least one attempt at personal service on the accused at the address of record of the accused as maintained by the applicable tax commissioner or of the accused's registered agent as maintained by the Secretary of State, provided that such attempt at personal service shall only be required if the accused resides or has a registered agent in this state.

Field Code Changed

3. When service is perfected as provided in paragraph (1) of this subsection and the accused fails to appear for trial, an in rem judgment and lien against the real property shall be the exclusive penalty.

Sec. 15-12. – Citations.

- (a) Violations of the laws of the state of Georgia or violations of the Code of Ordinances of the City of Brunswick may be tried upon citations with or without a prosecuting attorney as well as upon accusations.
- (b) Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the City Agent who completes and serves it.
- (c) Prosecutions for violations of ordinances upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the City who is authorized by the City governing authority to issue citations or by an agent of the state authority who is authorized by the authority to issue citations. Except as provided in Section 15-11(b), a copy of the citation shall be personally served upon the accused; and the original shall promptly be filed with the court.

Sec. 153-137. - Form and execution of summons.

It shall be the duty of the Clerk of court in all cases where complaint is made or information given of any violation of the laws or ordinances of the City, whether the accused is confined in jail or not, to issue a summons directed to the accused requiring him to appear in the Municipal Court to answer such charge, which summons shall set forth the offense and the time and place of trial, bear test in the name of the judge of the municipal court, be signed officially by the clerk and directed to the chief of police or any police officer of the city to be executed, which police officer shall execute the same by serving a copy on the accused or leaving it at his place of residence.

Sec. 153-148. - Witness—Subpoena.

Whenever the attendance of any witness may be required before the municipal court to establish any fact, the clerk of court shall issue a subpoena, directed to the witness, stating the time and place of trial and the parties to the case, and bearing test in the name of the judge of the municipal court, which subpoena shall be served as other summons by any police officer.

Sec. 153-159. - Same—Defaulting.

If any person, summoned as a witness under this chapter, shall fail, neglect or refuse to attend a trial or render at the time a sufficient excuse in the judgement of the court, the defaulting witness shall be liable to a penalty in accordance with section 1-9. If the case shall be continued on account of the witness' absence, the court may issue an attachment against such witness, requiring him to show cause on the day appointed for trial, why he should not be further dealt with for contempt. Any police officer, by virtue of such attachment, shall arrest and confine the person, so as to have him before the court at such time as may be appointed for further hearing of the original complaint.

Sec. 153-160. - Continuances.

Field Code Changed

Where the ends of justice require it, cases may be continued. All continuances shall be addressed to the sound legal discretion of the court under the rules governing the superior courts of this state.

Sec. ~~153-171~~. - Plea of guilty in absence of defendant.

Any person against whom any complaint is lodged or information given in the municipal court may file a plea of guilty under such regulations and upon such terms as the court may prescribe. If such person cannot attend the trial, the court may pass such order or sentence in the case as if the person were personally present.

Sec. ~~153-182~~. - Persons implicated to be tried.

If on the trial of any case before the Municipal Court, it appears that any other person besides the one on trial has violated a provision of this Code or any ordinance of the City, he may then and there be tried, if present, unless the case is continued for legal cause.

Sec. ~~153-193~~. - Contempt of court.

The judge of the municipal court shall have jurisdiction to impose punishment for contempt to any person who, during a sitting of the Municipal Court, shall be guilty of contempt of court, or refuse to abide by any sentence or order of such court, of court by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both.

Sec. ~~153-2014~~. - Docket.

A docket shall be kept in the office of Clerk of Municipal Court on which shall appear the name of every defendant charged with a violation of this Code or any City ordinances, or of any offense over which the Municipal Court has jurisdiction. At the trial of all cases in the municipal court, the judge of the municipal court shall record opposite the statement of the case the punishment inflicted and the date; and the clerk of court shall enter, under the judge of the municipal court's sentence, the final disposition of the case, that is, whether the fine, if any, was collected and the date of such collection and when and to whom such amounts were turned over by the clerk of court.

Sec. ~~153-2115~~. - Enforcement of penalties against corporations.

Whenever a corporation shall violate any provision of this Code or any Ordinance of the City, a warrant shall issue against such corporation for violating such provision, and the clerk of court shall issue a copy of such warrant, which shall be served by the chief of police or any police officer of the city upon any officer of the corporation to be found in the city, or upon the agent, superintendent or person in charge of the business of the corporation in the city. The police officer serving such copy shall at the time notify the person upon whom such service is made of the time and place of trial; and shall make an entry of such service upon the warrant, showing the time of service and upon whom the service was made; and return the same to the municipal court, and docket the case, which case shall stand for trial in the order in which other cases against individuals for violation of ordinances of the City are tried. If, on the trial, the defendant corporation fails to appear, or appearing fails to plead, the Judge of the Municipal Court shall cause to be entered a plea of not guilty, and trial shall proceed as though the defendant had appeared and pleaded. Upon conviction of any corporation, there shall be rendered judgment against it for the fine imposed by the Judge of the Municipal Court, together with all costs of prosecution. Such judgment may be collected directly from the the defendant corporation; or, - the upon which judgment the clerk of court shall may issue an execution against the defendant, which shall be levied and collected by the chief of police as tax executions in favor of the City are levied and collected.

Sec. ~~153-2216~~. - Weapons not allowed in municipal courtroom and adjacent facilities.

Field Code Changed

Firearms or other weapons, including, without limitation, any knife, razor, razor blade, ice pick or similar device having a sharp point, bat, baton, stun or tazer gun, any device capable of discharging harmful projectiles, pepper spray, and all similar items, shall not be worn or brought into the courtrooms of the Municipal Court or into the buildings in which they are located, except with the specific authorization of the Court or the Chief of Police.

The following persons or groups are exempted from this prohibition:

- (a) Law enforcement officers employed by the State of Georgia;
- (b) Local law enforcement officers employed by the City of Brunswick and Glynn County, including sheriff's deputies;
- (c) The Municipal Court Solicitor, district attorneys, assistant district attorneys, and the Attorney General of the State of Georgia;
- (d) Law enforcement officers of the United States of America, including federal probation officers who are authorized by law or by federal court to wear or carry firearms;
- (e) Any person appointed by the Municipal Court Judge as a bailiff, provided such person is licensed to carry firearms or otherwise permitted to carry a firearm under state law;
- (f) Any person otherwise authorized by law to carry firearms or weapons within a superior courtroom of the State of Georgia."

Any person violating this section shall be punished as provided in section 1-6 of the City of Brunswick Code of Ordinances.

Sec. ~~153-2317~~. - Conduct in Municipal Courtroom.

- (a) No person shall, while present within the courtrooms of the Municipal Court or in the buildings in which they are located, engage in any conduct which may reasonably disturb or interfere with any session of the Municipal Court or interfere with the business of any Municipal Court employee, including, without limitation, engaging in actions which disturb or endanger the public peace or decency by any disorderly conduct, such as the use profane or obscene language, being noisy, boisterous, or engaging in any riotous conduct, engaging in, promoting, aiding, or abetting any fight, riot, or disorderly proceeding, acting in a violent or tumultuous manner, using opprobrious or abusive words of another person in such other person's presence which by their very utterance tend to incite to an immediate breach of the peace, or recklessly or knowingly committing any act which may reasonably be expected to interfere with or disrupt proceedings before Municipal Court or interfere with its employees.
- (b) The Municipal Court judge shall have the authority to preserve and enforce order in his or her immediate presence and, as near thereto as is necessary, to prevent interruption, disturbance, or hindrance to municipal court proceedings. In addition to the penalties which may be imposed pursuant to paragraph (d) below, any person who fails to comply with an order of the judge of municipal court as to such person's conduct while within the courtrooms of the municipal court or the buildings in which they are located shall be guilty of contempt and shall be subject to the appropriate disciplinary action.
- (c) The Municipal Court judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the peaceful, efficient and successful administration of the business of said court, including the power to delegate authority to law enforcement personnel to achieve such purpose.
- (d) Any person violating this section shall be punished as provided in section 1-6 of the City of Brunswick Code of Ordinances.

SECTION TWO:

Field Code Changed

Chapter 15, Article II shall be amended to renumber the Sections as follows: Beginning with former Section 15-11. Short Title, said section shall be renumbered as Section 15-24. Short Title. All following sections shall be renumbered accordingly to end with Section 15-32. Ratification.

SECTION THREE:

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

SECTION FOUR:

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

SECTION FOUR:

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

| **SO ORDAINED**, this ____ day of _____, 2018.

Mayor Cornell Harvey
City of Brunswick

ATTEST:

Naomi Atkinson, City Clerk

Field Code Changed

ORDINANCE NO.

AN ORDINANCE TO DELETE CHAPTER 3 OF THE CITY OF BRUNSWICK CODE OF ORDINANCES IN ITS ENTIRETY AND REPLACE CHAPTER 3 IN ITS ENTIRETY; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

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

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick, Georgia, is hereby amended to read as follows:

SECTION ONE:

Chapter 3 is hereby deleted and is replaced by a new Chapter 3 which shall provide:

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. §§ 3-1-1 through 3-10-15, provided that the following terms used in this chapter shall have the following meanings:

Alcohol means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

Alcoholic beverage code means the Georgia Alcoholic Beverage Code presently found at O.C.G.A. title 3, and including future amendments thereto.

Alcohol Treatment Center any building or location, publicly or privately owned, engaged in the practice of treating any alcohol related illness.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown stout, lager beer, small beer, and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewpub shall mean any restaurant in which beer or malt beverages are manufactured or brewed, subject to provisions and limitations prescribed in O.C.G.A. § 3-5-36.

Brewer A manufacturer of malt beverages.

Church means any permanent place where religious worship services are regularly conducted.

College Campus Real property owned by a college or university with educational buildings in which are taught the subjects commonly taught in the colleges of this state.

Crime of moral turpitude: A crime which is contrary to justice, honesty, modesty, good morals or a person's duty to other people. Misdemeanors that are crimes of moral turpitude for the purpose of the chapter include but are not limited to theft, bad checks, shoplifting, making terroristic threats, giving false name to a police officer, false swearing, forgery, fraud or extortion.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distiller A manufacturer of distilled spirits.

Farm Wineries means a winery as defined in O.C.G.A. § 3-6-21.1.

Financial interest Includes, but is not limited to, holding any indebtedness or security interest in a business.

Grocery store A retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

Growler means a reusable container no greater than 64 ounces used to transport draft beer for off-premises consumption.

Keg means any container of malt beverage sold at retail and having a capacity in excess of two gallons.

Home-brew beverage Any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

Home-brew special event Any contest, judging, tasting, or other similar event that occurs at a central location outside of private residences whereby different home-brew beverages that have been manufactured in private residences are sampled, compared,

and consumed by participants in and judges of such events for awards, money, prizes, recognition or any other valuable consideration.

Hotel A building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests, such sleeping accommodations being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

Housing Authority Property Means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

Immediate family Means any person related to the holder of an alcoholic beverage license within the first degree of consanguinity or affinity as determined according to canon law, which shall include a person's spouse, parents, stepparents, parents-in-law, brothers and sisters, stepbrothers and stepsisters, brothers-in-law and sisters-in-law, children, stepchildren, and children-in-law.

Licensed premises Includes all the space or area owned, leased and/or controlled by the licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served, or consumed, except when such a room is located in a hotel, motel, or similar facility or in a shopping center in which case only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the licensed premises. For Class D, E, or F licenses, such premises include adjoining patios, decks, porches or sidewalk cafes. A floor plan for each licensed premise as defined herein must be submitted with each application for a license under this chapter.

Licensee means the individual to whom an alcoholic beverage license is issued or, in the case of partnership or corporation, all partners, officers, and directors for the partnership or corporation.

Limited pouring license means a license for retail sale, for on-premises consumption, of beer ("limited pouring license - beer") or beer and wine ("limited pouring license - beer and wine").

Liquor store means that class of retail package dealer licensed to sell distilled spirits for off-premises consumption; also includes package stores licensed for sale of malt beverages or wine, or both, in addition to distilled spirits.

Lounge or bar means an establishment licensed for retail sale of beer, wine, or distilled spirits, or any combination thereof, for on-premises consumption, and having seating accommodations for not fewer than 12 persons.

Malt beverage: Means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Manufacturer: Any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; and
- (b) In the case of any malt beverages, any brewer; and
- (c) In the case of wine, any vintner.

Manager means any person who supervises the regular operations of a business licensed under this chapter.

Minor means any person under 21 years of age.

Non-restaurant bar means a lounge or bar which is not part of a "restaurant" as defined below.

Package means a bottle, can, keg barrel, growler, or other original consumer container.

Pouring license means a license for retail sale for on-premises consumption of alcoholic beverages including beer, wine, and distilled spirits.

Premises means the building and real property described in the application as approved by the city commission where the licensed operations are to be conducted, and shall include all parts of the address at which the license is located according to the application as approved by the commission, including all floors of any building or structure unless the approved application reflects otherwise. This meaning shall apply even though some parts of the licensed premises may not be used for customer service.

Private club A corporation organized and existing under the laws of the State of Georgia, like fraternal or veterans' organizations, having bylaws and being a part of a national organization in existence for at least one year immediately prior to the application for any license hereunder, having at least 75 members, regularly paying monthly, quarterly or semiannual dues, organized and operated exclusively for fraternal brotherhood, pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any stockholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining space and equipment, and maintaining and using a sufficient

number of employees for cooking, preparing and serving meals for its members and guests; provided, that no member or officer, agent or employee of the club is paid, or directly or indirectly receive in the form of salary or other compensation, any profits from the sale of distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Restaurant means an eating establishment, serving prepared food which is offered to the general public, and which derives at least 50 percent of its total annual gross sales from the sale of prepared foods. Restaurant does not include bars which may be licensed for food service but which do not meet the above requirements.

Retail consumption dealer means a holder of a license to sell alcoholic beverages at retail for consumption on-premises; holder of a pouring license.

Retail package dealer means a holder of a license to sell alcoholic beverages in their original package at retail for off-premises consumption only. Sometimes referred to loosely as a "package store." License may include sale of malt beverages, wine or distilled spirits, or some combination of same.

School building or educational building on a college campus Governmental or church school buildings and such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).

Wholesale or wholesale dealer Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Wine Any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Sec. 3-2. – License –Required; Classes; fees.

- (a) *License required.* It shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the city limits of the City of Brunswick, any alcoholic beverage, including malt beverage or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license. It shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the city limits of the City of Brunswick

any alcoholic beverage, including malt beverage or wine, in violation of the terms of such license or this chapter.

(b) *Classes.* The licenses shall be divided into the following classes:

1. Class A, retail liquor package
2. Class B, retail beer and wine package
3. Class B2, retail beer only
4. Class C, Consumption on Premises, liquor
5. Class D, Consumption on Premises, beer and wine
6. Class D2, Consumption on Premises, beer only
7. Class E, Wholesale Liquor
8. Class F, Wholesale Beer and Wine
9. Class G, Brewer, manufacturer of malt beverages
10. Class H, Brew Pub Operator
11. Class I, Hotel
12. Class J, Manufacturer of Wine
13. Class K, Distiller, Manufacturer of Distilled Spirits

Sunday Sales Permits All licensees who engage in Sunday Sales as permitted herein under Sec. 3-13 shall be required to have a separate Sunday sales permit. A fee in the amount of \$300.00 shall be charged for an applicant seeking Sunday Sales Permit. A fee in the amount of \$175.00 shall be charged for any applicant seeking the renewal of a Sunday Sales Permit. These fees shall be charged in addition to the application or renewal fee set forth in subsection (c) below.

Tasting Permits All licensees who engage in tastings as permitted by their individual licenses shall also be required to have a separate tasting permit.

(c) *Fees.* Any applicant for a new license shall pay a non-refundable application fee of \$290.00; Any applicant seeking a renewal of their license shall pay a non-refundable renewal fee of \$175.00. Before a new license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the Mayor and City Commission regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the Mayor and City Commission set forth below and kept on file with the code enforcement officer. The basic fees for each type of license listed in paragraph (b) hereinabove shall be as follows:

1. Retail Liquor Package, \$2,875.00
2. Retail Beer and Wine Package, \$609.00
3. Retail Beer Only, \$405.00
4. Consumption on Premises, Liquor, \$2,875.00 per year.
5. Consumption on Premises, Beer and Wine, \$920.00 per year.
6. Consumption on Premises, Beer Only, \$575.00

Comment [BC1]: County: \$2025

Comment [BC2]: County: \$1162.50

Comment [BC3]: County: \$732

Comment [BC4]: County: \$2025

Comment [BC5]: County: \$1050

Comment [BC6]: County: \$619.50

7. Wholesale Liquor, \$1,000.00 per year.
8. Wholesale Beer and Wine, \$865.00 per year.
9. Brewer, manufacture of Beer, \$2,875.00.
10. Brew Pub Operator, \$920.00.
11. Hotel, \$250.00.
12. Manufacturer of Wine, \$2,875.00.
13. Distiller, Manufacturer of Distilled Spirits, \$2,875.00.

Comment [BC7]:	County: \$2907
Comment [BC8]:	County: \$1912
Comment [BC9]:	County: \$4,687.50
Comment [BC10]:	County: Not Listed
Comment [BC11]:	County: Separated by Class
Comment [BC12]:	County: \$4687.50
Comment [BC13]:	County: \$4687.50

- (d) Proration of fees. The fee for a new alcoholic beverage license for a portion of the year shall be prorated from the date of the application. Any holder of a license issued pursuant to the provisions of this article who discontinues the operation of his business because of a documented hardship may apply for a refund of a portion of the unearned license fee previously paid, and the license fee shall be prorated on a monthly basis as of the last day of the month in which the business discontinued.

Sec. 3-3. - Application.

- (a) Application for a license to manufacture or sell alcoholic beverages or renewal of such a license shall be made on a form to be furnished by the city and shall be made under oath. The complete address of each applicant and applicant's Social Security number shall be furnished together with such further information as the city may require on the form. Any knowingly untrue, misleading or omitted statement or information shall be cause for denial or non-renewal and, if a license has been granted, shall be cause for revocation. Each application shall be filed together with a certified or cashier's check in payment of the application, renewal and/or license fee required by subsection 3-2(c).
- (b) An application shall be made in the name of all the owners of the business, if the owners are natural persons, and in the name of all managerial employees. If the owner is a corporation, application shall be made in the name of all corporate officers who will be directly concerned in the operation of the business and in the name of all managerial employees. All such persons must meet the requirements of this chapter.
- (c) The license application shall require the disclosure of any conviction of each applicant for any violation of federal, state, or local law involving alcoholic beverages, gambling, taxes or moral turpitude.
- (d) The City of Brunswick shall conduct an investigation on each applicant to determine whether said applicant is eligible to receive a license under this Code section. Each applicant authorizes the City of Brunswick and its agents to secure from any court, law enforcement agency, or other public agency his or her criminal history and the criminal history of all individuals required to be listed on the application, including but not limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and authorizes The City of

Brunswick to use such information in determining whether the license applied for shall be issued. Each applicant waives any right that he would otherwise have to preclude the City of Brunswick or its agents from obtaining and using such information and each applicant further waives any liability of the City of Brunswick or its agents for obtaining and using such information, and agrees to indemnify and hold the City of Brunswick harmless against the claims of any person listed by the applicant on the application and by doing so has authorized the City of Brunswick to investigate. The police department shall make an arrest and conviction investigation concerning any applicants hereunder and all individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC members, corporate officers, corporate stockholders, and managers.

- (e) An application shall include a survey be prepared by the applicant showing the location of the proposed licensed business is not in violation of the distance requirements set forth in Section 3-7(g). Said survey shall illustrate the application of minimum distances in accordance with the manner of measurement provided for by state law. Upon receipt of the survey, the City Marshal may conduct his own measurements of the distances identified in the survey to confirm the applicant is in compliance with distance requirements discussed herein. If the City Marshal determines the survey is inaccurate causing the proposed location to be in violation of Section 3-7(g), he shall immediately notify the applicant in writing and provide the findings of his measurements.
- (f) The license application shall contain a statement as to whether an applicant holds any other license for the sale of alcoholic beverages and the location thereof.
- (g) If the proposed licensed premises requires construction or substantial renovation, the applicant shall submit a detailed set of plans and specifications showing the exact location of the proposed licensed premises, the construction proposed to be carried out by the applicant and the anticipated time for completion of construction.
- (h) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints; provided, however, this requirement may be waived upon recommendation of the police chief.
- (i) The city commission may require such additional information as it may deem necessary.
- (j) Any applicant for a new or renewal license, who desires to engage in Sunday sales pursuant to subsection 3-13(d) shall complete a separate application form to be furnished, along with the basic application form, by the city, such Sunday sales application form to include the following statement made by the applicant under oath: "By applying for a license to sell alcoholic beverages at retail for

consumption on premises on Sundays, I am representing to the city commission of Brunswick that the licensed premises is either (1) a restaurant which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; (2) an establishment which derives at least 50 percent of its annual gross income from the rental of rooms for overnight lodging; or (3) is otherwise allowed by state law to serve alcohol for consumption on premises on Sundays. (If applicant seeks Sunday sales licensure for a new establishment, I represent that the anticipated annual revenue will be as required above.) I further certify that, if a restaurant, the licensed premises will not be used for Sunday sales unless there is a currently valid permit for restaurant operation issued by the county health department. I further certify that I will furnish my bookkeeping/financial records for inspection within seven days of my receipt of a written request for production of same from the chief of the city police department or the city manager so that eligibility of the licensed establishment may be monitored."

- (k) Any applicant seeking a new license, or the renewal of a license, shall submit an affirmation demonstrating its understanding and acceptance of the provisions set forth in this Chapter of the City of Brunswick Code of Ordinances. Such affirmation shall be made in writing and executed in the presence of a notary public.

Sec. 3-4. – When Issuance of license is prohibited.

Issuance of licenses required under section 3-2 is limited as set forth below.

- (a) Alcoholic beverage licenses shall not be issued to the following:

1. Any person who has been convicted of driving under the influence of intoxicants or drugs or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding two years; or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.
2. Any person who has been convicted within fifteen years immediately prior to the filing of the alcoholic beverage application with the City of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; Any person who has been convicted of a violation of

law pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five years;

3. Any person who has been convicted of three violations of the ordinances of the City of Brunswick alcoholic beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's application with the City, except as specifically provided in paragraph (c) below, concerning revocation of alcohol license, or paragraph (d) below, concerning selling alcohol to underage persons. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; or
 4. Any partnership, unless all partners qualify;
 5. Any corporation, unless all officers qualify who will be directly concerned in the management of the business;
 6. Any person whose business will be managed or operated by a person who could not acquire a license under the terms of this chapter, except as to the citizenship requirement provided in this article;
 7. Any person whose license to manufacture or sell alcoholic beverages has been revoked by any licensing authority during the preceding five years.
 8. Any person who owes any debt or obligation to the City of Brunswick or Glynn County, including but not limited to excise taxes, occupational taxes, property taxes, or utility fees.
 9. For purposes of this section, the period of time relating to a prior conviction, plea of nolo contendere, or forfeited bond shall be calculated from the date the offense occurred, not from the date of disposition.
- (b) For 12 consecutive months immediately following the date of the revocation, no person whose license was revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously revoked license was issued. Furthermore, during said 12-month period, the person whose license was revoked shall not be eligible to apply for any additional licenses above the number of licenses held immediately prior to said revocation. In determining the number of licenses that may be renewed or issued to said person after revocation, the Finance Director shall not include the revoked license.
- (c) No person shall hold a license in any retail category hereunder and a license under any wholesale category at the same time.

Sec. 3-5. - Processing application.

- (a) After investigation by the police department of the fitness of the applicant and the proposed location, all alcoholic beverage license applications shall be approved or disapproved by the City Commission at a public meeting. In cases where applications are disapproved, the finance department shall return the amount of the license fee submitted with the application, excluding the amount of the processing fee provided for in Section 3-2(c), which shall be retained. In cases where such applications are approved by the city commission, the commission shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for.
- (b) No application shall be processed unless the non-refundable application fees set forth in Section 3-2(c) are paid in full. Said fee(s) shall cover the City's investigative and administrative costs to process the application. The fee(s) shall be established by the City Commission by resolution and may be adjusted from time to time by the same.
- (c) The city commission shall have full power to determine whether the applicant for a license is a fit and proper person to operate the type of business involved and whether the location of such business is proper and in the best interest of the general public, and the decision of the commission shall be final.
- (d) All decisions approving, denying, suspending or revoking such license shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant personally.
- (e) Public notice of all proposed new alcoholic beverage licenses shall be given by publication, at least once during each of the two seven-day periods immediately preceding the city commission meeting at which the application of a new license is first to be considered, of a notice containing the name of the proposed business, the name of the applicant, the location (address) of the proposed place of business and the nature of the alcoholic beverages license sought.

Sec. 3-6. - Consideration for issuance.

In determining whether or not any alcoholic beverage license application should be granted, the following shall be considered in addition to other provisions of this chapter:

- (a) An applicant's character and mental capacity to conduct the business, his personal associations, record of arrest and reputation in any community in which he has resided and whether or not he appears likely to operate the business in conformity with federal, state and local laws;

- (b) If the applicant previously held a license to manufacture or sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business and the circumstances of any violation;
- (c) If the applicant previously held a license to sell alcoholic beverages, the manner in which he conducted such business so as to reduce or increase the necessity for police observation or intervention;
- (d) Whether the applicant previously had a similar license suspended or revoked and the reason therefor;
- (e) Other factors that may affect the general public health and welfare, including, without limitation, the number of existing active alcohol licenses in the area, the type of license applied for, the effect the license would have on schools, churches and public facilities in the area, the effect the license would have on existing land uses in the area, the character of the area and its suitability for the particular use sought, and the congestion of roads and streets.
- (f) The city commission may consider the history of operations of bars and other establishments at the site specifically applying for a license among other factors the commission deems fit in its discretion to determine whether a license should be granted.
- (g) The city commission may require as a condition of issuance of a liquor license or a renewal of a particular license, or as a condition of probation that security guards be present on the premises in non-restaurant bars. If the city commission requires the use of security guards, terms of use shall be as set by the city commission (regarding, e.g., hours of security presence, location, level of training, and other terms as the city commission deems appropriate). Such officer could be retired or off-duty from the Brunswick Police Department, the Glynn County Police Department, or any other Georgia or Federal law enforcement department.

Sec. 3-7. General Regulations Pertaining to all Licenses.

(a) Location, Transfers.

1. *License not transferable to another location.* Each license is issued for a specific location only and may not be transferred to another location. A new application is required for each licensed premise. No license, except for a manufacturer license, may be issued to different licensees for the same location.
2. *Transfer of license to another person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding

a license, in which event his personal representative may continue to operate under the license for six months from the date of his qualification.

- (b) *Interests of public employees; prohibited.* No license shall be granted to any City of Brunswick, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.
- (c) *Inspection of books and accounts.* Upon demand by the Director of Finance, or his designated representative, any person holding a license from the City of Brunswick, Georgia, shall open to the Director of Finance, or his designated representative, his place or places of business for the purpose of enabling the director or his representative to ascertain and gain such information as may be necessary for determination of the proper classification of such license holder for license fee purposes and determination of the correct amount of license fee to which such person is subject. Upon demand by the Director of Finance, or his designated representative, any person holding a license from the City of Brunswick shall furnish the director or his representative, during normal business hours at such person's place of business, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained and from which the correct amount of the fee to which he is subject may be determined, including exhibition of bank deposit books, bank statements, and copies of sales tax reports, and any other such documents as the City of Brunswick may deem necessary. Any person holding a license from the City of Brunswick shall secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in this section.
- (d) *Failure to open.* All holders of licenses issued hereunder must within 45 days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.
- (e) *False representation of age.* It shall be unlawful for any person to falsely misrepresent his age in any manner whatsoever for the purposes of purchasing or otherwise acquiring any beverage licensed hereunder.
- (f) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder.
- (g) *Distance Requirements.*

1. The applicant shall list all churches, colleges, residences, schools, and alcoholic treatment centers within 750 feet of any portion of the proposed licensed premises and the distance between property lines of the proposed place of business and the property lines of schools, colleges, churches, alcoholic treatment centers and residences within 750 feet of the proposed place of business.
2. No license shall be issued for the retail sale of distilled spirits for off-premises consumption within 300 feet of any church building, educational building, school grounds of college campus.
3. No license shall be issued for the sale of distilled spirits, wine, or malt beverages within 300 feet of an alcohol treatment center owned and operated by the state, Glynn County or the City of Brunswick.
4. No license shall be issued for the retail sale of any wine or malt beverages for consumption off premises within 300 feet of any school building, school grounds, or college campus. Nothing in this subparagraph shall prohibit the issuance of a license to a grocery store for the retail sale of only wine and malt beverages for consumption off the premises within 300 feet of any school building, school grounds, or college campus.
5. No license shall be issued for the sale of any alcoholic beverages for consumption on premises within 300 feet of any housing authority property.
6. No new license shall be issued for retail sale of beer, wine or distilled spirits for off-premises consumption where the applicant's proposed place of business is located within 1,500 feet of any property zoned for or used for residential purposes, any property with a valid license for sale of alcoholic beverages for off-premises consumption, or which is owned by the city or other government agency and planned for residential use. For purposes of this subsection, the distance shall be measured from the main entrance of the proposed new licensed business to the nearest boundary of the residential parcel in question using the most direct method of travel using public sidewalks, streets, and other public rights-of-way.
7. No new license shall issue, or new location be approved, for retail sale of any alcoholic beverage for consumption on premises without consideration by the city commission of the proximity of the location proposed for the establishment to any nearby school, college, church or residences. If any school, college, church or residence is located within 600 feet of the main entrance to the proposed licensed premises, then any motion to approve the location must be accompanied by a statement substantially to the effect that such proximity has been considered and it is the commission's finding that the proximity does not cause the

establishment of the licensed premises as proposed to be harmful to the welfare of the community or otherwise unsuitable for the location.

8. The distance requirements found herein shall not apply to applications made on behalf of locations falling within the City's designated GC Core Zoning District.
9. A license shall not be considered a new license for purposes of this subsection, and thus the distance requirements set forth herein shall not apply, if it is a renewal of an existing license at an existing licensed location, or a change of owner at an existing licensed location, or the licensing of a business at a location if the sale of alcoholic beverages was lawful at such location at any time during the 12 months immediately preceding such application.

(h) *Registered Agent.* All licensed establishments must have and continuously maintain in the City a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the City or a licensed attorney practicing law that maintains an office in the City. The licensee shall file the name of such agent, along with the written consent of such agent, with the code enforcement officer and shall be in such form as he may prescribe.

Sec. 3-8. - Sale for consumption on the premises.

Alcoholic beverages shall not be sold at retail for consumption on the premises, except in the following types of licensed businesses:

- (a) Restaurants, other than fast food restaurants, serving prepared food which is offered to the general public. As used in this subsection, "fast food restaurant" means a restaurant that transacts more than 15 percent of its sales through a carry out window;
- (b) Hotels or motels kept, used, maintained, advertised and held out to the general public as places where sleeping accommodations are offered to guests, whether transient or permanent, and having a public dining room where at least two meals a day are served;
- (c) Lounges where seating accommodations are provided for not fewer than 12 persons;
- (d) Private clubs or bona fide associations of individuals organized for fraternal purposes, conducted solely for the use and benefit of their members and their beneficiaries.

- (e) Restaurants with a pouring license may sell wine or beer for consumption on certain city-owned premises in accordance with the provisions of article II of this chapter.
- (f) Brewpubs may be licensed for the sale for consumption on the premises by applying and obtaining a brewpub license in accordance with the provisions of this chapter. Brew pub license holders are subject to state law limitations set forth in O.C.G.A. § 3-5-36 and any other corresponding state or local regulations or requirements.
- (g) Farm Wineries shall be permitted to offer the sale of alcohol for consumption on the premises as provided by O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and 3-6-21.3 as may be amended by the State from time to time.
- (h) A Brewery shall be permitted to offer the sale of alcohol for consumption on the premises as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time.
- (i) A Distillery shall be permitted to offer the sale of alcohol for consumption on the premises as authorized by O.C.G.A. § 3-5-24.2 as may be amended from time to time.

Sec. 3-9. - Retail package sale of distilled spirits for consumption off premises.

- (a) Except as provided in subsection (b), distilled spirits shall be sold at retail only in stores which are duly licensed by the state to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container. A retail package licensee shall not permit the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.
- (b) Distilled spirits may be sold at locations licensed as a Distilleries in compliance with this Chapter and in accordance with O.C.G.A. § 3-5-24.2, as amended from time to time.

Sec. 3-10. - Retail package sale of malt beverages and wine for consumption off premises.

- (a) Malt beverages and wines shall not be sold at retail except in the following types of businesses:
 - 1. Package stores;
 - 2. Retail stores in which at least 60 percent of the retail floor space is devoted exclusively to the sale of food, related grocery items or articles commonly sold in drugstores, excluding any alcoholic beverages;
 - 3. Boat marinas providing fuel, fishing needs, refreshments or other accommodations.

4. Breweries as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time. Such Breweries must be licensed by the City of Brunswick.
 5. Farm Wineries pursuant to the powers set forth in O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and 3-6-21.3 as may be amended by the State from time to time. Such Farm Wineries must be licensed by the City of Brunswick.
- (b) No malt beverages or wine shall be displayed for sale on the licensed premises except in the original package at room temperature or in an electric cooler or in a "growler" for premises licensed to provide "growler" services.
- (c) Any retail package dealer selling beer by the keg shall require the purchaser to provide a drivers license or other form of photo identification and shall record the identification or serial number of the keg along with the full name, address, date of birth and Social Security number of the purchaser. Such record shall be maintained for a period of no less than one year following the date of purchase. Such records shall be provided for inspection to any officer of the city police department upon oral or written request.
- (d) A brewpub license holder shall not be authorized to sell alcoholic beverages at retail by package for consumption off the premise.

Sec. 3-11. - Retailer to purchase from licensed wholesaler only.

Except as otherwise provided in this Chapter, no retailer shall purchase for use at a licensed place of business any alcoholic beverages, malt beverages, or wine from any person other than a wholesaler licensed by the state. No wholesaler shall sell any alcoholic beverages, malt beverages or wine to anyone other than a retailer licensed under this chapter.

Sec. 3-12. - Excise tax on wholesale alcoholic beverages.

- (a) There is hereby levied an excise tax on the sale of distilled spirits by licensed wholesalers in the amount of \$0.22 per liter or a proportionate tax at like rates on any fractional part of a liter on distilled spirits, excluding fortified wine.
- (b) There is hereby levied an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at a rate equal to \$6.00 on each container sold containing not more than 15½ gallons or a proportionate tax at the same rate on all fractional parts of 15½ gallons.
- (c) There is hereby levied an excise tax on the sale of malt beverages sold in bottles, cans and other containers, except barrel or bulk containers, at a rate equal to \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

- (d) There is hereby levied on the first sale or use of wine by the package an excise tax in the amount of \$0.22 per liter or a proportionate tax at like rates on all fractional parts of a liter.
- (e) The excise taxes provided in this section shall be imposed upon and shall be paid by the licensed wholesale dealer. The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the city by the wholesale dealer. Each licensee responsible for the payment of the excise tax shall file a report with the finance department itemizing for the preceding calendar month the exact quantities of alcoholic beverages, by size and type of containers, sold during the month within the city.
- (f) It shall be a violation of this chapter for any licensee to fail to file in a timely manner any report required pursuant to this chapter or to fail to remit in a timely manner all taxes due with any such report. Such licensee may be required to appear before the city commission to show cause why such licensee's license should not be revoked or suspended.

Sec. 3-13. - Hours of sale.

The following hours of sale are hereby established for the sale of distilled spirits, beer, and wine:

- (a) Retail package licensees shall not sell distilled spirits at any time on Sundays before 12:30 p.m. or after 11:30 p.m. or on any other day between the hours of 11:45 p.m. and 8:00 a.m.
- (b) Retail package licensees shall not sell wine or malt beverages on Sundays before 12:30 p.m. or after 11:30 p.m. or on any other day between the hours of 11:45 p.m. and 6:00 a.m.
- (c) Alcoholic beverages shall not be sold on Sundays for consumption on the premises except as set forth in subsection (d), (f) and (g) of this section. Alcoholic beverages shall not be sold for consumption on the premises on any other day of the week between the hours of 1:45 a.m. and 8:00 a.m. All customers shall be required to vacate the licensed premises by 2:00 a.m. on that day of operation and no drink order shall be placed or filled subsequent to 1:45 a.m.
- (d) Alcoholic beverages may be sold for consumption on the premises from midnight Saturday until 1:45 a.m. Sunday. All customers shall be required to vacate the licensed premises by 2:00 a.m. on Sunday and no drink order shall be placed or filled subsequent to 1:45 a.m. Alcoholic beverages may be sold for consumption on premises on Sunday from 12:30 p.m. until midnight in any restaurant licensed for Sunday sales, any licensed establishment which derives at least 50 percent of

its annual gross income from the rental of rooms for overnight lodging, or any licensed premises otherwise allowed by state law to serve alcohol for consumption on premises on Sundays. No alcoholic beverages may be sold for consumption on premises in any licensed establishment between midnight Sunday and 8:00 a.m. Monday.

- (e) Alcoholic beverages may be sold on a primary or election day either by the package or for consumption on the premises; provided, however, that no sale shall take place within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.
- (f) Effective January 1, 2014, retailers of malt beverages, wine, and distilled spirits shall be permitted to sell malt beverages, wine, and distilled spirits by the package for consumption off the premises on Sundays between the hours of 12:30 p.m. and 11:30 p.m. Sunday package sales by retailers of malt beverages, wine, and distilled spirits hereunder may be made only by retailers that are licensed to sell by the package. Retailers may sell only those alcoholic beverages that are authorized by the retailer's alcoholic beverage license and only in the manner authorized by such license.
- (g) Pursuant to O.C.G.A. § 3-3-7(r), by Resolution providing the same, the City of Brunswick Board of Commissioners may extend the hours of sale of malt beverages, wine, and distilled spirits by the package for consumption on the premises on a designated Sunday each year. The hours may be extended to the same hours set forth in subsection (c) above.

Sec. 3-14. - Outdoor advertising.

No outdoor advertising with respect to the promotion of the sale of alcoholic beverages, malt beverages or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere within the city except as may be authorized by the laws of the state and regulations implemented by an agency having jurisdiction thereof.

Sec. 3-15. - Minors.

No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in restaurants, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under this chapter. All personnel employed by licensee shall be advised by the licensee or the manager of the provisions of this subsection. Provided, however, that this section shall not prohibit

such licensees from employing persons between the ages of 18 and 21 to work in the licensed establishment as servers or otherwise.

Sec. 3-16. - Licensed premises only to be used for licensed purposes.

The licensed premises shall not be used, in whole or in part, for any purpose other than the purpose for which it is licensed during the term of the license. This prohibition shall remain in effect during any period of suspension of the license, as well as after normally authorized hours of operation. Use of the premises for any unauthorized purpose during the term of the license shall be deemed an abandonment of the license. For purposes of this provision, "unauthorized purpose" shall include, but shall not be limited to, private parties, teen clubs, or any other alcohol or non-alcohol use or event. Any use of the licensed premises of a non-restaurant lounge or bar after 2:00 a.m. on any day of the week is prohibited.

Sec. 3-17. - "Brown bag" and "bring your own bottle" practices prohibited in unlicensed business premises.

It shall be unlawful for any person to permit persons to bring their own alcoholic beverages into any business premises within the city in return for a "cover charge," an "admission fee" or a "set-up charge" for mixers or for any other services unless the premises are currently licensed and in good standing (i.e., not under suspension) for on-premises consumption sales of such category of alcoholic beverages. In other words, the license requirements and other rules set forth in this chapter apply even though there is no "sale" as such of the alcoholic beverage on the premises. No such "brown bag" or "bring your own bottle" practices may be carried out at any unlicensed location in the city. No such "brown bag" or "bring your own bottle" practices may be allowed in any licensed premises during any period of closure, suspension, any other period of poor standing, or any other time apart from authorized hours of operation.

Sec. 3-18. - Consumption of alcohol on city streets prohibited; limited in certain area.

(a) Except as provided in subsection (b) below, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the city.

(b) In connection with an event sponsored or cosponsored by the city or the Downtown Development Authority, or an event obtaining the specific approval of the city commission, open containers of alcoholic beverages shall be permitted on Newcastle Street or its sidewalks within the area of the city bounded on the

north by "G" Street, and on the south by Howe Street, and to include the entirety of East and West Jekyll Park, East and West Machen Park and Queen Square; the following regulations shall apply:

1. Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than two (2) such alcoholic beverages from the licensed premises.
 2. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
 3. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
- (c) It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot.
- (d) It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle in the city or while a passenger in or on a vehicle being operated in the city.
1. As used in this article, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.
 2. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked non-passenger area of the vehicle.
 3. An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.
 4. *Exceptions:*
 - i. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and

- such driver holds a valid chauffeur's license pursuant to Georgia law or any other state;
- ii. A passenger of a bus in which the driver holds a valid chauffeur's license pursuant to Georgia law or any other state; or
- iii. A passenger of a self-contained motor home which is in excess of 21 feet in length.

Sec. 3-19. - Outside delivery of drinks prohibited.

- (a) Except as set forth in subsection (b) below, retail consumption dealers under this chapter shall not sell or permit the sale of alcoholic beverages except within the physical confines of the licensed premises. The sale or delivery of alcoholic beverages through any window, door, or other opening in the license premises to person outside the physical confines of the structure, and any sale or delivery of beverage alcohol upon the street, sidewalk, or grounds outside the license premises is prohibited.
- (b) This provision shall not apply to establishments licensed for retail sales for consumption on premises located within the City's GC Core Zoning district provided however, that the outside delivery of drinks shall be limited to seating areas provided by the licensee.

Sec. 3-20. - Home brew malt beverages.

- (a) *Home brew special events:* An event held pursuant to O.C.G.A. § 3-5-4(e) in which malt beverages brewed pursuant to the provisions found in O.C.G.A. § 3-5-4 may be consumed.
 - 1. Home-brew special events shall not be held at any location licensed for the sale of alcoholic beverages.
 - 2. Consumption of malt beverages at home-brew special events shall be limited solely to malt beverages produced pursuant to O.C.G.A. § 3-5-4 and such malt beverages shall only be consumed by the participants in and judged of the home-brew special event.
- (b) *Home brew special event permits:* Upon receiving an application from a qualified applicant including the fee, the city manager or his assignee may issue a home-brew special event permit for the holding of home-brew special events, including contests, tastings, and judging. A home-brew special event permit shall cost \$50.00 and shall be valid for not more than six events per calendar year.
- (c) *Transportation of malt beverages to home-brew special event:* Malt beverages may be removed from the residence where produced and transported by the producer for use at home brew special events in a quantity not to exceed 25 gallons, provided that such malt are securely sealed in one or more containers and clearly labeled with the following information:

1. The name of the producer;
2. The address of the residence at which it was produced;
3. The name and address of the home-brew special event to which it is being transported; and
4. The permit number under which the home-brew special event is being held.

If transported by motor vehicle, the sealed containers shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(d) *Transportation of home-brew malt beverages, generally:* Malt beverages produced under the provisions of O.C.G.A. § 3-5-4 may be removed from the residence where produced for transportation and delivery by the producer to a location not licensed under this title and for which a permit has not been issued pursuant to subsection (e) of this Code section; provided that not more than 128 ounces of such malt beverages produced in the same residence shall be transported at one time; and provided, further, that such malt beverages shall be securely sealed in one or more containers and clearly labeled with the following information:

1. The name of the producer; and
2. The address of the residence at which it was produced.

If transported in a motor vehicle, the securely sealed containers shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Sec. 3-21. - Provisional license.

(a) A person making an application for an alcoholic beverage license may be issued a provisional license for a period not to exceed 90 days by the city commission. Before a provisional license is issued, the applicant must have filed a complete application, and the following documents and material must be furnished to the commission:

1. A valid state application with all questions answered which indicates that applicant is eligible to hold the license sought;
2. Information showing that a preliminary record check indicates the applicant is eligible to hold such license.

(b) Every person making an application for a provisional license shall be required to appear before the city commission to answer such questions and provide such information as the city commission deems necessary and proper. If the applicant fails to appear at such hearing, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application may be treated as having been withdrawn.

- (c) The issuance of any provisional license pursuant to the conditions in this section is within the discretion of the city commission, and such provisional license may be withdrawn at any time without further notice or hearing if the complete investigation, including the response to the fingerprint search, shows that the applicant was not entitled to the license issued.

Sec. 3-22. - Certificate of occupancy for licensed premises required prior to granting license.

- (a) No license shall be granted under this chapter until the business establishment referred to in the license application has been granted a certificate of occupancy by the building inspector's office.
- (b) A provisional license may be issued by the commission to the applicant for a location not previously licensed, provided reasonable assurance are given to the commission that when all work is completed the premises will fully comply with this chapter, the zoning ordinance and all applicable building regulations.
- (c) A provisional license for a new location shall not entitle the applicant to sell alcoholic beverages until such time as the necessary work has been inspected and approved by the building inspector and a certificate of occupancy has been issued. When all necessary approvals have been obtained, the finance department shall issue the license previously applied for and approved by the commission.

Sec. 3-23. - Expiration and renewal.

- (a) All licenses granted under this article shall expire at midnight on December 31st of each license year. A licensee who desires to renew the license shall file application, together with the requisite fee, on the form provided for renewal of the license for the ensuing year. Application for renewal shall be filed on or before November 1st each year.
- (b) Filing after November 1st (November 2nd through November 30th) but before December 1st shall increase the fees payable for renewal by 20 percent. Filing in December (from December 1st through December 31st) shall increase the fees by 25 percent rather than by 20 percent. Filings during the period November 2nd through November 30th shall be considered late and renewals may only be considered by the city commission if the finance and police departments' staff are able to complete the necessary work-up on the renewal in time to get the item placed on the agenda for a city commission meeting to be held prior to the end of December. If the work-up is not complete in time for consideration on a December agenda, the license will expire at midnight on December 31st, and will not be considered for renewal until at least the first city commission meeting in January of the ensuing year.

- (c) Any license renewal application filed in December of the license year shall be considered late and will be considered as a late renewal; the license will expire at midnight on December 31st and it will only be considered after December 31st. Any license for which renewal application has not been filed by the close of business of City of Brunswick offices on the final business day of December will be deemed to have expired at midnight on December 31st and will be treated as a new license application, subject to publication of notice of the application as for new applicants, and a fee as for a new license with a work-up including background checks, location approval and all items and regulations as prescribed in this article for new applicants.
- (d) The licensee's obligation to apply timely for renewal is not contingent upon any notice from the City of Brunswick, which shall not be required to send renewal notices to any licensee.
- (e) Existing licensees may not transfer the license to any other person or entity without the prior application, transfer fee payment and approval of the proposed new licensee by the city commission. This shall not be considered a new license application and notice need not be published prior to approval.
- (f) Existing licensees may not change the location of the licensed premises without the prior application, transfer fee payment, and approval of the proposed new location by the city commission. This shall not be considered a new license application, but notice of consideration of the new location shall be published by the city clerk in the manner prescribed in this article.

Sec. 3-24. - Display.

The alcoholic beverage license shall at all times be displayed in plain view at the licensed premises.

Sec. 3-25. - Supervision, revocation, non-renewal or probation.

- (a) The city commission may suspend, revoke, refuse to renew, or impose conditions of probation upon any license required under this chapter if:
 - 1. The license application is not filed in good faith or is filed by some person as subterfuge for any other person;
 - 2. Any applicant for a license or any licensee under this chapter willfully fails to comply with any provision of this chapter or with rules and regulations adopted by the city commission, or the Georgia Alcoholic Beverage Code;
 - 3. Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages or wine or no longer qualifies as a licensee under this chapter;

4. A licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after:
 - i. The licensee has been advised in writing by the chief of police of the unsatisfactory manner in which business is being operated; and
 - ii. The licensee has been given a reasonable opportunity to cure such deficiencies.
- (b) Conditions of probation may include such conditions of operation as the city commission determines to be in the best interest of the public including, but not limited to, any of the following:
1. Limitation on days or hours of operation;
 2. Limitation on number of persons allowed in licensed premises;
 3. Limitation on manner of service, e.g., use of glass containers;
 4. Requirements as to security personnel or other personnel;
 5. Requirements as to lighting, parking, means of egress and similar matters; or
 6. Requirements as to litter or trash pickup, reduction of noise levels and similar matters.
- (c) If a firearm is discharged, or any other weapon, such as, but not limited to, a knife, brass knuckles, a blade etc., are used around a bar, on its grounds or approaches, including parking areas, or by any customer or employee upon leaving the bar while within 300 feet of the entrance to the bar, the police chief or his/her designee may place on suspension the liquor license of any establishment for a period of three days; provided however, that if a firearm is discharged, or any person attempts to discharge a firearm, or any other weapon, such as, but not limited to, a knife, brass knuckles, a blade etc., is used within a bar's building premises the liquor license of such establishment shall be automatically placed on suspension for a three-day period and such period may be extended by the city commission as it sees fit for the process of a thorough investigation. Any such suspension of a liquor license for the discharge of a firearm, or other use or attempted use of a weapon, shall be accomplished by written notice to the licensee from the chief of police or his/her designee of such suspension and the length of such suspension.
- (d) If a citation is issued for the sale of alcohol to underage persons within a licensed premise, such license shall be immediately placed on probation for a twelve (12) month period beginning on the date of the issuance of the citation. During the probationary period, the licensee shall be subject to random periodic testing for sales to underage persons. The licensee shall be given notice of the commencement of the probationary period via certified mail or personal service within thirty (30) days of the issuance of the citation. If, during the probationary period, the Licensee is found to be in violation any state law or provision of this chapter related to the sale of alcohol, the City Commission may immediately

revoke said license and provide notice in the same manner set forth in Section 3-26.

Sec. 3-26. - Notice and hearing.

All decisions approving, denying, suspending, revoking, refusing renewal of, or imposing conditions of probation upon alcoholic beverage licenses shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant personally. Within 30 days of any such decision, any applicant or license holder aggrieved by the decision of the city commission regarding a license shall be afforded a public hearing with an opportunity to present evidence and cross examine opposing witnesses.

Sec. 3-27. - Sanctions hearing.

- (a) Each license issued pursuant to this article is granted as a mere privilege and not a right. Upon violation of any provision of this chapter or of any law or regulation of the state relating to alcoholic beverages, malt beverages and wine, the commission, at a regular or special called meeting, after reasonable written notice of the pending violations to the licensee and after the licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation, may revoke or suspend the license, or in lieu of revocation or suspension may impose conditions or probation upon continued operations under the license. When a license is revoked or suspended, no portion of the license fee shall be refundable.
- (b) Upon the recommendation of the chief of police, the city commission may temporarily suspend any license involving the sale of alcoholic beverages, if the manner of operation poses a serious safety or health hazard, for a person not to exceed 30 days pending a hearing and final action by the commission.

Sec. 3-28. - Employee regulations.

- (a) Certain employee regulations shall apply to all establishments holding an alcoholic beverage license for the retail sale of alcoholic beverages issued by the City.
- (b) No person shall be employed to engage in the sale of alcoholic beverages by an establishment holding a license under this chapter unless such person first certifies in writing, on a form provided by the police department, that he/she is eligible to obtain an alcoholic beverage server permit. Licensees shall make a good faith effort to ensure that such employees file applications for alcoholic beverage server permits as soon as practicable. In no case shall a licensee allow any employee to engage in the sale of alcoholic beverages when such employee has failed to apply for an alcoholic beverage server permit within four days of the date of their original employment.

- (c) All employees who work for a business licensed to sell alcoholic beverages within the City who are actually engaged in the sale of alcoholic beverages shall be required to apply for and obtain an alcoholic beverage server permit from the police department for each location at which the employee is working. All alcoholic beverage server permits issued to employees who sell alcoholic beverages within the City shall have on the alcoholic beverage server permit the person's name and address, the name of the establishment, and the address of the establishment.
- (d) No alcoholic beverage server permit shall be issued to any applicant until such time as a signed application has been filed with the police department and a search of the criminal record of the applicant completed. The application shall include, but shall not be limited to, the name, date of birth, and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Because of the inclusion of arrest information, these applications shall be regarded as confidential to the extent allowed by the Georgia Open Records Act. The police chief or his/her designee shall have a search made relative to any police record of the person fingerprinted. In no event shall any alcoholic beverage server permit be granted to any persons who have been convicted under any federal, state, or local law or have pleaded guilty or entered a plea of nolo contendere to any crime, misdemeanor, or felony involving moral turpitude, lottery, or illegal possession or sale of narcotics or liquors within a period of five years immediately prior to the filing of such application, nor shall any person sell or dispense alcoholic beverages. If there is no record of a violation of this chapter, the police chief or his/her designee shall issue an alcoholic beverage server permit to the employee, stating that the person meets the requirements of this chapter. When any employee's alcoholic beverage server permit is denied, the police chief or his/her designee shall issue to the employer and applicant a letter stating that the person does not meet the requirements of this chapter and that, upon request, the police chief or his/her designee will refer the matter and any evidence the person cares to submit in their behalf to the city manager for consideration. If the person requests consideration by the city manager, the entire record will be sent. The city manager or his/her designee shall consider all matters presented and make a decision as to whether the person qualifies for an alcoholic beverage server permit under this chapter. In the event the city manager or his/her designee denies the permit, written notice shall be provided of the denial to the applicant.
- (e) Alcoholic beverage server permits shall expire at midnight on the one-year anniversary of issuance.
- (f) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the police chief the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone

numbers twice annually on or before June 1, and again on or before December 1.

- (g) All alcoholic beverage server permits issued through administrative error or through an error in the conduct of a background investigation may be revoked by the police chief.
- (h) This section shall not be construed to include employees whose duties are limited solely to those of busboys, cooks, dishwashers or similar jobs that do not involve selling or serving or controlling the selling or serving of alcoholic beverages.
- (i) Except as provided in this section, no licensee shall allow any employee required to hold an alcoholic beverage server permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid alcoholic beverage server permit of each such employee.
- (j) If any alcoholic beverage server permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the alcoholic beverage server permit to the police department.
- (k) All alcoholic beverage server permits issued under this chapter remain the property of the City and shall be produced for inspection upon the demand of any officer of the police department.
- (l) Any employee engaged in selling or serving or controlling the selling or serving of alcoholic beverages shall be 19 years of age or older.
- (m) Each application for a permit under this article shall be accompanied by a check or cash for the full amount of the alcoholic beverage server permit fee as outlined in city commission approved schedule of fees.

ARTICLE II. - CITY-OWNED FACILITIES

Sec. 3-29. - Requirements for consumption of beer, wine or champagne at certain city-owned facilities.

- (a) Consumption of beer, wine or champagne may be allowed during special events held in certain City-owned facilities to include, but not limited to, Mary Ross Waterfront Park, Sidney Lanier Park, Old City Hall, or the Ritz Theatre. Said events must be approved in advance upon proper written explanation to the facility manager designated for such purpose by the city commission, and subject to such terms and conditions as the said facility manager may from time to time promulgate in writing, which may include terms as to insurance, clean-up fees, deposits, security personnel, limits on the number of guests and other matters as the facility manager may require. Such beverages may be provided at no charge

by the approved special event applicant to its guests, or they may be sold to such guests by a beverage caterer who must be approved by the facility manager and must be the holder of a pouring license in good standing issued by the City, State of Georgia or the County of Glynn, State of Georgia.

- (b) For an applicant seeking to serve alcohol on or in a City-owned facility or property not specifically listed in section (a) above, said applicant must submit their request to the City Manager for consideration and approval. Approval of any application shall be subject to such terms and conditions as the City Manager may from time to time promulgate in writing, which may include terms as to insurance, clean-up fees, deposits, security personnel, limits on the number of guests and other matters as the City Manager may require. The City Manager shall process the application in the same manner as set forth in subsection (a) above, and shall have sole discretion to approve or deny said application.

SECTION TWO:

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

SECTION THREE:

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

SECTION FOUR:

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

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS _____ DAY OF _____, 2018.

Cornell L. Harvey, Mayor

ATTEST:

Naomi Atkinson, City Clerk