

**OFFICIAL MINUTES
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA
REGULAR MEETING
7:00 P. M., February 19, 1997**

PRESENT: His Honor Mayor Homer L. Wilson, Commissioners Roosevelt Lawrence,
Dr. James MacLeod, Ken Plyman
and Harold E. Jennings.

INVOCATION: The invocation was given by Commissioner Dr. James MacLeod.

PLEDGE OF ALLEGIANCE

Mayor Wilson announced that the Commission and persons in attendance would recite the pledge of allegiance.

APPROVAL OF MINUTES

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving the minutes of the meeting of February 5, 1997. The motion passed unanimously.

DELEGATIONS

Rev. Lyde appeared before the Commission to discuss statements made by a City employee concerning toxaphene. He noticed in the local paper, Georgia Times Union, a statement that was made by one of the employees dealing with the idea that the City has been spreading toxaphene in City Parks to maintain the parks in terms of grass, flowers and trees. Rev. Lyde stated that the City should be concerned enough to be certain of what the City is putting into the lives of people. The City should know toxaphene has been banned by EPA. Rev. Lyde stated that if it is there he believes that the City has an obligation to take a look with EPA or EPD at what the City has to do to get it out of the lives of human beings that live in this community. Rev. Lyde stated that anybody should not take a statement like that lightly. He believed that what should happen is that it should be investigated to the fullest and complete and total remedy of what the problem is ought to be made with a citizens group like the one he has called Save the People. Rev. Lyde stated that he did not know if any of the Commissioners saw the article, but he thought it was a very serious matter by which the City should take some very serious action. And those actions should be at least the inspection of every park and property that the City owns to make sure the extent of the problem in this community. The City should also get EPA and EPD and the community based operation which is made up of Save the People and the Glynn Environmental Coalition to see what they can do about it.

Commissioner MacLeod stated that when he asked about this the answer was that the City no longer does this nor have they been doing this recently. Therefore, the City do not have to stop anything, because it has already stopped.

Rev. Lyde stated that one of the things that is of serious concern is the fact of whether the City used toxaphene at all. Rev. Lyde stated that he was not aware that the City had bollweevil and did not know where the City had planted cotton or where the City wanted to kill fish or control maggots. Rev. Lyde stated that it is his understanding from EPA and from all parties concerned as it relates to toxaphene it was made to kill. This product was made to kill bollweevils of cotton and certain maggots and fish, and if that is the case then why would the City use the product for lawn maintenance. Rev. Lyde stated that he did not know whether the product was legally obtained from any place for that particular reason. Rev. Lyde stated that the City will run into a position of liability. Rev. Lyde stated that the key is that if anybody has used toxaphene they have a certain amount of liability and he thinks the liability should be taken seriously. Toxaphene is on the United Nations top list. This list is of

twelve compounds called persistent organic pollutants that the United Nations want to get out of the universe because it is a heydays chemical or compound. The City should be aware of the very very serious matter since the United Nations is working diligently to get it out. The City should also be aware of the responsibility it has if the City is spreading toxaphene or has spread toxaphene into the lives of human beings.

Commissioner MacLeod stated that he did not think the question is whether the City is spreading because the City is not spreading. The question is whether the City has spread the compound and that is what the City is trying to find out.

Rev. Lyde suggested that the City meet with EPA, EPD, ATSDR or other units of the government to answer the City question.

Commissioner Lawrence told Rev. Lyde that even the employee that made the statement, the City need to know whether or not the employee was in authority of what he was making a statement on. Rev. Lyde stated that he agreed. Commissioner Lawrence stated that it could have been passing conversation for the employee. He further stated that an employee once said to him is that he thought that spraying insect spray was hazardous. Commissioner Lawrence stated that before the City get into this, the City need to make sure that the employee knew what he was saying and what he was talking about. Rev. Lyde agreed and stated that is why he believes the City has a responsibility for total inspection to make sure that problem is not something that exists in the City's playgrounds.

Commissioner Jennings asked Rev. Lyde if one of the City employees made the statement. Rev. Lyde stated that it was reported in the Georgia Times Union. Commissioner Jennings told Rev. Lyde the 1st amendment of the Constitution protects him and allows him to speak, it also allows a City employee to have first amendment rights. And whether the employee said that or not the City doesn't really know, but the employee is protected. Commissioner Jennings stated that the City should check some places for toxaphene and if the City checks City property the City may have to check all the houses throughout Glynn County to see if residents put it on their lawns, so it will be a massive problem it is not a small problem.

Rev. Lyde stated that he appreciated Commissioner Jennings concern for the employee's right to free speech. Rev. Lyde stated that he believed the employees have a right to do it too. Rev. Lyde stated that he wanted to make sure that what happens here when an employee of the City has the capability of free speech and it relates to damage that can be done from something as hideous as toxaphene that the City lives up to its responsibility for an agent of the City. The employee is an agent of the City and working as a government employee for the City and speaking as a free citizen.

Commissioner Jennings stated if the employee made the statement after 5:00pm then he is a free citizen and he is not an agent of the City.

Commissioner Plyman told Rev. Lyde to keep in mind that when and if the City used toxaphene it was a legal substance and it was sold over the counter and as a matter of fact it is manufactured today in great quantities in India and several other countries. Commissioner Plyman stated that the government a while back did stop the process of manufacturing it, but it was a legal product at one time and did comply with all EPD and EPA standards until additional testing was done. The City did not black market it, the City bought it across the counter, just like a lot of other people used it on their lawns.

Rev. Lyde stated that he was not present to debate that and he hopes that is what happened. Rev. Lyde stated that in his knowledge of what is going on toxaphene was not used on any cotton and did not know why the City would have spread toxaphene on something that did not exist.

Commissioner MacLeod stated that he agreed on one thing and the matter need to be in investigated because part of the land was the playground. The City should find out if the

employee knew what he was talking about and exactly where the chemical was used. It was difficult to understand the statement made in the newspaper because it was so broad. The City can not just ignore the problem or thesis that it will go away. The City has an obligation to try and find out about the problem and take whatever actions would be necessary to make area safe in the City.

Commissioner Lawrence stated that the employee who made the statement should be brought to their supervisor to eliminate some of the time in directing the City where the toxaphene is located.

Rev. Lyde stated he did not disagree. He stated that Commissioner Plyman did mention that he bought the chemicals over the counter. Rev. Lyde stated that he would like to see some receipts and the place where he purchased the compound and who sold the compound and who was involved in the process in terms of liability. Rev. Lyde stated that it makes a difference where the City got toxaphene from. Rev. Lyde stated that he believed it is incumbent upon the Commission not to speculate or make statements about the legality of toxaphene's use, but the fact that toxaphene is out there and it is a compound that could bring about very dangerous and serious consequences to children in particular and old people and people who are vulnerable. Rev. Lyde hoped that was the concern of the entire Commission Board.

Rev. Lyde stated that the Commission should not explain that the compound was legally sold over the counter. Rev. Lyde stated that he could not see the City buying toxaphene that was not approved for use.

Mayor Wilson told Rev. Lyde he agreed with him. Mayor Wilson stated that anyone on the council would not refute that toxaphene was processed and sold in the City of Brunswick. Mayor Wilson stated that it distressed him when toxaphene traces could be found at Goodyear School which is four or five blocks from Hercules. Mayor Wilson wondered if residents much closer than Goodyear School had traces of toxaphene in their soil. Mayor Wilson believed that each council member's responsibility is to be concerned. Mayor Wilson stated that Hercules presently has drainage control coming out of the plant on Highway 17 at the environmental station.

Mayor Wilson stated that many many years ago if you owned a truck, Hercules allowed you haul fill from the plant. A lot of the fill came out of the broiler room, off of stumps and dry boarding. This product went into the construction of many many homes in Brunswick. Most of the small frame dwellings built in the City of Brunswick 25 to 30 percent of the fill came from Hercules.

Commissioner Plyman stated that this was about 35 years ago. Mayor Wilson stated that the fill was available and free and loaded into your dump truck by Hercules. Mayor Wilson stated that it will be very hard to find a place or site in Brunswick that did not use fill from Hercules. He felt that the City should take the responsibility to press on and find a solution.

Commissioner Lawrence stated that Hercules has a right to feel that they were not the only company contributing toxaphene to this City. Commissioner Lawrence stated that he was quite sure toxaphene was not purchased from Hercules.

Rev. Lyde stated that one of the important things is that Hercules is the only company in this City that manufacture toxaphene and that Hercules was the only likely source for any toxaphene in this City. Rev. Lyde stated that there should be records of shipment of toxaphene and Hercules should be the one to determine who else besides them had toxaphene in this community.

Commissioner Plyman stated that Hercules did a soil test on his property for toxaphene for 28 years and found no traces of toxaphene.

Rev. Lyde stated that animals who wandered into Hercules' pond were made ill and died. He stated that other residents had their property tested and were told they had no trace of toxaphene in their soil and 17 years later toxaphene was found in the same soil on their property. Rev. Lyde stated that the best thing to do is find out what the problem is in the community because the lives of human beings are at stake and the Commission should be serious enough to do something about the problem.

Commissioner Plyman stated that he is a member of the CPA Board for Hercules and he knows that Hercules is trying to resolve the problem and they will take full responsibility and clean up the problem.

Mayor Wilson commended Rev. Lyde for his concern for the citizens of this community. Mayor Wilson stated that it is good when the City has an individual, group or organization concerned about the health of the community. Mayor Wilson stated that he feels that the council has a serious responsibility to find the best solution they could find to work it out with Hercules so that the problem might be rectified.

Commissioner Jennings stated that he would like to speak about the calls he received in the past months from Paul Ferra about the problems he was experiencing. Commissioner Jennings stated that these residents are suffering and one of the City's main criteria is to protect the health and safety of the people. Commissioner Jennings stated their commodes are over flowing because perhaps the eighteen inch pipe is too small on Fourth Avenue. Their kids sometimes can not play in the back yard because of raw sewage. Commissioner Jennings asked Mr. Ferra how many times his carpet had to be replaced, Mr. Ferra stated that it had to be replaced two times. Commissioner Jennings stated that Mr. Kennedy is having the same problems. Commissioner Jennings asked the City Manager if the city has available \$950,000.00 to help with the South End Sewage problems. The City Manager stated that he did have the figures in front of him. Commissioner Jennings stated that \$950,000.00 for the South End SPLOST project is what the other Commissioner went along with to help the people in the South End because they were suffering.

Commissioner Jennings stated that he will recommend tonight that the South End project become a No. 3 priority as soon as the city receives the money from SPLOST. Commissioner Jennings stated that the City Manager already has the Engineers working on it. Commissioner Jennings asked Mr. Ferra to tell the Commission about his suffering.

Mr. Ferra stated that he has four children and everybody knows the problem is bad. He stated that Mr. Kennedy has been before the Commission to speak about it. He stated that he did not know if anyone knew how inconvenient it is to tell a two year old not to flush the toilet. Mr. Ferra stated that he has spoken to the City Manager and everyone about his problems. He pointed out that it gets tiresome telling the same people. The last time Mr. Ferra's carpet got wet it mildewed and he ended up taking his son to the hospital because of asthma problems. Mr. Ferra stated that the last time he had problems, a City worker instead of helping them harassed them and gave them a hard time. Mr. Ferra stated that it was reported to the City Manager and taken care of. The City Manager stated the City Engineer is drawing up some plans for the project. The City Attorney is also in the process of getting the necessary easements that will be required for the railroad and some industries. The City Manager stated that he has a solution that will eliminate the problems without putting in a lift station.

Mr. Kennedy questioned what happened to the camera the City purchased to monitor the sewer lines. Mr. Kennedy stated that the City put in a new sewer line at King and Prince and asked why the City could not install a new sewer line in his neighborhood.

Commissioner Plyman recommended that the City Commissioner meet with the Water and Wastewater Director and the City Attorney some time next week and get something concrete instead of speculating.

The Commission agreed to meet on Monday morning to find a solution to the sewer problems on the South End.

UTILITY PAYMENT COLLECTIONS

The City Manager stated Commissioner Lawrence requested that the City consider allowing water payment collections at Five Points Supermarket on Altama Avenue. The City Manager pointed out that the store is located in the northern area of the City which is an advantage for residents who live there.

Commissioner Lawrence discussed the collection of water payments at Five Points Supermarket on Altama Avenue. He stated that most of the people live in the housing projects and have no transportation to pay their water bills.

Commissioner Plyman stated that Five Points Supermarket should be bonded because of the concerns of the safety of the water payments money. Commissioner Lawrence stated that Coastal Bank does not charge an amount for water payment collections, pointing out that the City of Brunswick has several bank accounts at Coastal Bank.

The City Manager stated that Five Points has asked to receive from customers fifteen cents per bill for administrative costs.

The City Manager recommended approving the collection of water payments at Five Points Supermarket on a trial basis for ninety day to see how much traffic the store will generate to determine whether additional personnel will be needed at the Store.

Commissioner Plyman moved and Commissioner Jennings seconded the motion authorizing Five Points Supermarket to take water payments for a period of ninety days on a trial basis. The motion passed unanimously.

CEMETERY DEEDS

Petition received from Mrs. Virginia McSpadden to transfer Lot No. 6, Section No. 21 in Palmetto Cemetery to Mrs. Virginia Hefter. Original deed lost, but City records verify ownership. Commissioner Plyman moved and Commissioner Lawrence seconded the motion granting the petition. The motion passed unanimously.

Petition received from Mary Turner to transfer N1/2 of Lot No. 7, Section No. B-12 in Palmetto Cemetery to Gary Turner. Petitioner to retain S-1/2 of said lot. Original deed lost, but City records verify ownership. Commissioner Plyman moved and Commissioner Lawrence seconded the motion granting the petition. The motion passed unanimously.

OTHER CITY BUSINESS

The City Manager stated at the last meeting Mr. Kent was asked to give his recommendation in writing regarding the roof at the Police Department. The City Manager submitted copies of Mr. Kent's recommendation and a memo. The City Manager stated that Mr. Kent met with the staff and identified things the City may be able to do in-house. The City Manager recommended that the Commission select one of the two schemes presented and authorize him to move forward in designing the roof. The City Manager stated that the City should move forward with the design and work with Mr. Kent through the designing process to identify other things that the City could do in-house before the project is bid out. The estimates are construction estimates and not actual bid costs. Once the project is bid out the City could make amendments and move forward with the design and preparing the bid documents.

Commissioner Plyman stated that a lot of things could be done in-house on scheme No.2. He stated that the City could save significant money.

The City Manager stated that the City will continue to work with Mr. Kent in putting the bid

documents together and identifying the items that the City could do in-house.

Mayor Wilson stated that he wondered if the City was spending a high sum of money on a police station that could possibly be in the wrong location of the City, pointing out that knowledgeable people think the City will grow.

Commissioner Plyman stated that the City will have to repair the roof anyway.

Mayor Wilson stated that he agreed with Mr. Plyman and did not refute the roof needed to be repaired. Mayor Wilson recalled that the City Engineer told the Commission the other day that the sub structure was rotten and leaking. It was found that a lot of the leaks were not coming from the top, but percolating from the walls. Mayor Wilson pointed out that a roof was placed on another City building for less than \$18,000.00.

Commissioner Plyman stated that the City put a rubber roof on the Ritz building approximately ten years ago and it leaks. The Police Department currently has a rubber roof. Commissioner Plyman stated that buildings with flat roofs leak.

Commissioner MacLeod agreed with Mayor Wilson, the City is being nickeled and dimed to death by repairing this roof, everytime the City turns around more money has to be put in this roof. Commissioner MacLeod felt that this is a higher sum than any of the Commissioners like and in the long run it is the only way the City will solve the problem.

Commissioner Jennings asked if Mr. Kent would sign a contract stating that he guarantees that there will not be any leaks for ten years.

Mr. Kent stated that a warranty will be placed in the contract and the contractor will be bonded for 10 years.

Commissioner Plyman moved and Commissioner Jennings seconded the motion accepting scheme two format. The motion passed unanimously.

The City Manager reported that the property located next to the fire station on Gloucester Street has been donated to Habitat and the zoning in the area does not make it conducive to build a house. The City Manager stated that he would like to approach Habitat for Humanity about the possibility of purchasing the property, based on the appraisal the City got for the property. The property was appraised at \$13,000.

Commissioner Jennings suggested negotiating the price for \$8,000.00 or \$9,000.00 to Habitat. Commissioner MacLeod stated that the City should offer Habitat a little more because the money will be going to a good cause.

Commissioner MacLeod moved and Commissioner Lawrence seconded the motion authorizing the City Manager to negotiate with Habitat to purchase the property next to the Fire Station on Gloucester. The motion passed unanimously.

Commissioner Jennings reported that he received complaints from citizens over the telephone concerning kids playing in the street in the 2000 Block of Reynolds Street and other blocks on Reynolds Street and also behind houses in these blocks. Commissioner Jennings stated that he looked at Orange Park and noticed a tennis court there and did not have any knowledge of whether the tennis court have been used in the last twenty years. He stated that the tennis court has a fence around it and has a lock placed on the gate. Commissioner Jennings asked if the City could get the kids off the street and secondary, help elderly people who live in the five blocks around Orange Park by giving the kids a place to play by putting up basketball goals since nobody in the community is playing tennis. Commissioner Jennings stated that it would not be like the Goodyear Park situation where the City has two hundred and fifty people playing on the basketball court because within the confines of that tennis court thirty people could get in there to play.

Commissioner Plyman stated that two basketball goals would be cheap to purchase.

Commissioner MacLeod stated that this matter should be discussed with the Recreation Director to work something out.

Commissioner Lawrence stated that the basketball goals should be put back up in Goodyear Park. Commissioner Plyman stated that he made the motion to place the basketball goals in Goodyear Park. Commissioner Lawrence pointed out that the basketball goals were already in Goodyear Park before he became a Commissioner and also the tennis court. Commissioner Plyman stated that the basketball goals were removed twenty years ago.

Commissioner Lawrence recommended putting the basketball goals back up in Goodyear Park. Commissioner MacLeod recommended speaking with the Recreation Director about taking a look at Orange Park and make a recommendation.

Commissioner MacLeod stated that a building permit is required for work valued at \$200.00 or more and it looks like a resident should not have to purchase a building permit to put in a new sink, because you can't put in a sink for \$200.00. This is taking a lot of time from the Building Inspector. Commissioner MacLeod stated that he would like to have the City in line with what other cities charge.

The City Attorney stated that he has been working or revising the Building Inspection Ordinance completely addressing the issue of fees. The City Attorney stated that his main concern is what the City will require a permit for and to change the ordinance so that the City can require inspection of the plumbing rather than certification from the contractor. The City Attorney stated that he understood that the City chose not to implement the new legislation and he intended to address all these concerns before the amended ordinance is presented to the Commission.

Commissioner MacLeod stated it would be a good idea for the City Manager or the City Attorney to draw up some type of contract for the management of Mary Ross Park by the Downtown Development Authority. Mr. Chaney appeared before the Commission and requested to manage Mary Ross Park. He stated that this would be a good time to draw up a contract. The City Manager stated that some decision regarding the management of the Park should be made. He stated that farmers have contacted him about the rules, fees and etc. The farmers are making plans right now for the summer.

Mayor Wilson stated that he felt that there should be a readjustment of the fees for the Farmer's Market.

The City Manager pointed out that the City did not charge a fee to the farmers for the area on Newcastle Street.

Commissioner MacLeod stated that it would be sensible to allow the Downtown Development Authority to manage the Farmer's Market because they have placed the position for a manager in their budget. Commissioner MacLeod stated that the City should give the power to the Downtown Development Authority to do this. Commissioner Plyman stated that the key word is power to do it. Commissioner Plyman stated that he hoped Downtown Development understands that they cannot get paid for it. Commissioner Plyman pointed out that for five years the Authority cannot take a nickel because all the monies generated at the park will have to revert back to the City so that it can be used by the City for maintenance and repairs for the Park according to the grant.

Commissioner MacLeod stated that Downtown Development knows the law and rules very well.

Commissioner Lawrence stated that he was under the impression that the City place the

management of the Park out for bids.

Commissioner MacLeod stated that he was under the impression that the City was waiting for Downtown Development. The City never gave Downtown Development an answer. The City discussed the management of the park and never gave them an answer.

Mayor Wilson suggested setting the fees for rental of market space at not less than \$6.00. Commissioner Plyman suggested researching the previous fees and come up with something agreeable.

Commissioner Lawrence stated that citizens in the area asked that the basketball goals be placed back up in Goodyear Park. Commissioner MacLeod stated that the Recreation Director should be given the chance to give input. He stated that the head of the department should be included before the City make a decision. Commissioner Lawrence stated that the City should be responsible for equipment in the parks.

Commissioner Plyman stated that a sign was placed in the park which read NO PLAYING AFTER 7:00 PM. People would come out after dark and cut on their headlights to play basketball. They left beer cans and other items. They brought booze and used four letter words and trashed the park. Commissioner Plyman stated that they did not follow the rules.

Commissioner Lawrence recommended having the police patrol the park to stop people from using the park after dark.

Commissioner Lawrence asked if the lights were placed on Albany Street, Johnston Street and Gordon Street. The City Manager stated that he will follow up the letter that was sent to Georgia Power concerning the street lights.

Commissioner Lawrence stated that Dr. McCloud attended the Commission meeting and requested the use of his service. The City Manager stated that he spoke with Dr. McCloud about the Employee Assistance program and will get back with Dr. McCloud.

Commissioner Lawrence stated that the Commission discussed the certification compensation given to City employees. Commissioner Lawrence stated that all City employees who complete job certifications should be compensated.

Commissioner Plyman moved and Commissioner Lawrence seconded the motion approving giving compensation to City employees who complete job related certification. The motion passed unanimously.

Commissioner Lawrence stated that the City discussed employees being compensated for their certification. He questioned why it was taking so long for Mrs. Moran to be compensated. The City Manager stated that he know of other people who have received their certification and did not get compensated. This employee received a Finance Officer's Certification and other City employees received certification incentive bonuses.

Commissioner Plyman questioned why the employees did not receive a certification incentive. The City Manager stated that this type of certification was not something the City gave bonuses for.

Commissioner MacLeod asked how to rectify this, pointing out that all City employees should be recognized.

Mayor Wilson stated that he received calls from citizens on T Street about odor problems. He stated that the City should look at the problems. The City Manager stated that the City would check the area to see if anything is causing the odor.

Mayor Wilson reported that citizens are not receiving adequate water pressure on Seventh Street. The City was supposed to increase the pressure in the area. The City Manager stated

that he will have the pressure checked.

Mayor Wilson stated that he received a complaint from citizens on Sherwood Drive concerning street numbers.

Commissioner MacLeod stated that the City needs to work on replacing street signs and place a notice in the Brunswick News asking citizens to place street numbers on their houses.

Mayor Wilson stated that the Commission should discuss the removal of the slab from the Boone Building.

Commissioner Jennings asked the City Attorney if the contract with Mr. Ryals to demolish the Boone Building included removing the slab.

Commissioner Plyman stated that Mr. Ryals submitted a total for the demolition of the Boone Building. Mr. Ryals removed all the debris from the site and left the site clean. The job has been completed. The time of completion 15 to 20 days. The work was to be done in a workman like manner for the sum of \$10,000. One hundred percent of all work completed and the entire amount of contract to be paid after completion. Commissioner Plyman stated that Mr. Ryals submitted a copy of his insurance.

The City Attorney stated that the requirement is that the building have to be demolished and remove all the debris, slab and foundation as a part of the building.

Commissioner Plyman read the advertisement as published in the Brunswick News which states that the structure is to be completely demolished and all debris removed from the site and disposed of and the lot leveled. All businesses should provide proof of workman's compensation and liability insurance.

Commissioner Lawrence stated that he looked at the building and there are plenty of bricks on the site. He stated that it was understood that the building should be leveled and cleaned to the dirt and not with the slab still left there and the bricks.

Commissioner Plyman stated that the advertisement made no mention of any slab, footer or foundation. Commissioner Plyman pointed out that when you purchase a building permit it is for a foundation and slab.

The City Attorney stated that this matter does not have a thing in the world to do with the City's practice of issuing a building permit.

Mayor Wilson stated that he is in favor of paying the contractor. Whenever, he removed a building a dime was not collected until the slab was removed and the place left cleaned as it was in its virgin state.

Commissioner Lawrence stated that the contract never stipulated that the contractor would take the bricks. Commissioner Plyman stated that in the contract all debris was to be removed from the site. Commissioner Lawrence stated that some debris is still left on the site. He stated that the job was not completed because some of the debris is still left on the site.

Commissioner Plyman stated that he thought the contractor did a superlative job in a timely fashion and no one got hurt on the job. When you accomplish those things you have done something.

Rev. Zack Lyde stated that he came because of the concern about the entire process dealing with the City's building code. He stated that words are thrown about like contract, bid and announcement. He asked if a contract has been consummated by the City to take down anything as far as that particular project is concerned. He asked who signed such a contract and when was it signed.

Commissioner Plyman stated that the Commission authorized the City Manager to sign the contract. The City Manager stated that the contract was signed on January 23, 1997. Rev. Lyde asked when the building was taken down. Commissioner Plyman stated that the building was demolished on Sunday, the 26th of January 1997.

The City Manager stated that the City Commission took action at a called meeting on January 23, 1997.

Rev. Lyde stated that according to the called meeting on that day the City Manager was to get back to the Commission to discuss what was going to happen to the bricks prior to any contractual agreement being made. Rev. Lyde stated that he was talking about the process that went on in terms of what was placed in the minutes of the meeting.

Mayor Wilson stated that the Commission met on Wednesday a week or so before that and discussed it at the meeting again on Friday and it was agreed by the Commission to take action. Mayor Wilson stated that he assumed everything was in order and the Commission did discuss at the council table about the date the Commission will meet.

Commissioner Lawrence stated that he read what was in the minutes of the meeting. He pointed out that Mayor Wilson stipulated in the minutes that information based on what will be done with the bricks should be brought back and discussed and make a decision.

Rev. Lyde stated that he could not see how there could be a contract at all except between the City Manager and Commissioner Ken Plyman. He stated if the City Manager and Commissioner Plyman wanted to run the Commission then maybe that is what happened. The City has a responsibility to sign contracts based on the decision of the entire body and not one person or the City Manager.

The City Manager stated that no fee was discussed that he was aware of and one proposal involved cleaning the bricks was discussed which would drive the cost of the entire project up. The City Manager stated that Mr. Boone did not want the cost of cleaning the bricks included in the lien against the building. Mr. Boone wanted the job done as inexpensively as possible to minimize the lien placed against his property.

Mayor Wilson stated that the Commission should determine whether the contractor completed the job.

Rev. Lyde suggested that the Commission not place itself in a position to be liable for something that the City did not contract for. Rev. Lyde stated that cleaning the bricks had nothing to do with placing a lien on cleaning the bricks for Mr. Boone because the bricks belonged to Mr. Boone. Rev. Lyde stated that the City took down the building because it was unsafe. The bricks would have been Mr. Boone's to take care of in any manner he saw fit. Removing the bricks from the site was taking Mr. Boone's property without notifying Mr. Boone or contacting Mr. Boone.

Mr. Boone should be compensated for the loss of his property. The Commission should be concerned with the idea of authorizing anybody to take someone else's property without their permission because that is called theft and anyone that has taken the bricks from that area without permission of the owner should be placed in a position to find out why they took that man's bricks.

Commissioner Jennings asked the City Attorney how long did the City have to pay the contractor for demolishing the Boone Building. Commissioner Plyman stated that the contractor agreed to have it down in a timely fashion seven to ten days. Commissioner Jennings asked the City Attorney if the City did not pay the contractor \$10,000 would the City be setting itself up for a lawsuit because the City did not pay this man in a timely fashion.

Commissioner Jennings stated that he visited the site and it looked pretty clean to him. The City Attorney stated not particularly.

Mayor Wilson stated that he wants the Commission to state whether the work by the contractor is acceptable or unacceptable.

Commissioner Plyman moved and Commissioner Jennings seconded the motion approving the payment of \$10,000 to J&R Construction.

Commissioner Lawrence stated that the City Attorney never said the City should not pay the contractor; however, the City should not pay the contractor until the job is completed. The City Attorney stated that the contractor should not be paid until the job is finished.

Commissioner Plyman stated that Southern Resources bid indicated that they would remove the slab for an additional 4,500.00. Commissioner Lawrence stated that the City Manager did not stipulate the \$4,500.00. The City Manager stated that the amount was not addressed directly to the slab, but the bid was that much more.

Commissioner Plyman stated that Mr. Fairman told him that he would remove the Boone Building to the slab. The bid was \$13,000.00 and the amount was \$3,000.00 more and Mr. Fairman stipulated that he was not removing the slab. The City Manager stated that Mr. Fairman bid simply stated that Glynn Iron and Steel would demolish and remove all debris in site and dispose of same leaving the above mentioned leveled. Mr. Fairman did not specify or mention it.

Commissioner Plyman stated that Mr. Fairman was specific to him when he called about the removal of the slab. Commissioner Plyman invited anyone who had any doubt to call Mr. Fairman.

Commissioner Plyman stated that the slab was not mentioned until Mr. Ryals came to pick up his check. The City Manager refused to give the contractor his check.

Rev. Lyde stated that the Commission discussed allowing Mr. Boone to remove the bricks and use a site owned by the City so that Mr. Boone could be responsible for getting the bricks cleaned. Rev. Lyde stated that the contract should be made up by the City of Brunswick and the City of Brunswick should be responsible and make sure conditions are being met. Rev. Lyde stated that Mr. Boone did not sign a contract.

Commissioner Plyman stated that Mr. Boone was under a court order. Rev. Lyde stated that Mr. Boone did not give permission to take his material.

The City Attorney stated that he did not think anything could be resolved this evening about whether the City committed a theft or has deprived anybody of property without due process of the law. Obviously, the City of Brunswick is not guilty of the theft of anybody's property now. If the City has committed a constitutional violation let Mr. Boone contact a lawyer about it.

Commissioner Plyman stated that a motion was made and it is still on the floor approving the payment to the contractor for the work he completed. Commissioner Jennings seconded the motion that was made.

Commissioner MacLeod stated that he would like an opportunity to speak on this issue. Commissioner MacLeod stated that he heard so much confusing and different evidence one thing and then another. He stated that he was not sure how to vote. He requested to table the issue if all possible until he could straighten out exactly who is doing what in this rather heated discussion. He stated that the issue got off on all sorts of side points and side issues. Commissioner MacLeod stated that the only thing that he learned is that the City needs to say by name uproot the slab in all future demolition contracts offered by the City of Brunswick.

In the future the City should instruct the City Manager to place in all contracts to include the slab because this is one issue that should be clarified.

Mayor Wilson stated that it will have to apply only to brick structures. The City should be the whole structure taken down and placed back to the original state. Mayor Wilson stated that he had the privilege of removing houses and the foundation and slab had to be removed.

Commissioner Lawrence stated that the City was looking for a site for Mr. Boone to clean his bricks. The site was located on Lanier Blvd or on T Street. The City discussed this and it was never an issue on whether Mr. Boone would not get his bricks. Commissioner Lawrence questioned whether he was the only one who hear that.

Rev. Lyde stated that a complaint was made concerning the theft of Mr. Boones's bricks and he hopes that Mr. Boone does get a lawyer. Rev. Lyde stated that the idea of somebody going on somebody's else property and taking something is obscure to him. Rev. Lyde stated that he would not take anything from Commissioner Plyman's store because it will be considered stealing. Rev. Lyde stated that he wants the same protection of black property owners in this community as white property owners. He pointed out that this was a responsibility of the Commission.

Mayor Wilson stated that the Commission should determine whether to pay the contractor for an unfinished job.

Commissioner Plyman stated that he made the motion and it was seconded to pay the contractor.

Mayor Wilson stated that the motion was made and seconded.

Commissioner Plyman stated that the City should spell out items in the contract instead of sending out bids. The Commission is guilty of its own ignorance. Commissioner Plyman stated that other people should not have to pay for the City's stupidity.

Commissioner Jennings asked the City Manager if the City Attorney read the contract. The City Attorney stated that he did not read the contract until this morning..

Commissioner Jennings stated that the City Attorney should read all contracts, that is what the City is paying him to do.

Rev. Lyde stated that the City Attorney should have written the contract.

Commissioner MacLeod stated that he needed clarification. Mayor Wilson stated that the motion is to pay the contractor.

On call of the question the motion failed by vote of 1 to 4. Commissioner Plyman voting yes and Mayor Wilson, Commissioners Jennings, MacLeod and Lawrence voting no.

MEETING ADJOURNED.

Mayor

City Clerk