

**OFFICIAL MINUTES  
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA  
CALLED MEETING  
10:00 A. M., March 12, 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 Mark Mitchell, City Manager.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by the Commissioners and everyone in attendance.

Mayor Wilson stated Commissioner Lawrence came by last week and asked him whether the City can hold an Executive Session to discuss his concerns among the Council members. Mayor Wilson stated that he had no objections.

Commissioner Lawrence expressed that he would like to clear up things by having an Executive Session to discuss some personnel matters. Commissioner Lawrence stated that it was brought to his attention that the meeting would begin openly. Commissioner Lawrence told Mayor Wilson that he would like to discuss the personnel matter in an Executive Session. Commissioner Lawrence stated that he would delay the personnel matter until it can be discussed in an Executive Session. At this point Commissioner Lawrence asked the City Attorney to discuss the duties and responsibilities of Commissioners.

Mayor Wilson asked the City Attorney to speak louder. Mayor Wilson told Rev. Lyde that the Commissioners have to listen to the City Attorney because Commissioner Lawrence asked him for an opinion.

Rev. Lyde told Mayor Wilson that he did not have a problem with the City Attorney speaking; however, this is a point of order and this is a meeting and he did not see the City Clerk present taking the minutes of the meeting. Rev. Lyde stated that it is a clear cut division between the duties of the City Clerk and the Executive Office of the City and the City Commission cannot hold a formal meeting without having the person properly required to take the minutes of the meeting.

Mayor Wilson asked the City Manager if someone could record the meeting. Mayor Wilson stated that he was receptive to having a clerk record the meeting. The City Manager stated that the minutes are being taken and recorded. The City Manager stated that Ms. Marion was not in today and he would operate the recorder. Mayor Wilson told Rev. Lyde that the meeting is being recorded and entered into the official record.

Rev. Lyde stated that it is not an official position because a recording is only as valid as the office in which the person responsible for transcribing the minutes for the Commission is present as the Official Director of that office. Rev. Lyde stated that he could not see the Commission having a tape recorder running and state that minutes will be properly taken by having a tape recorder. Rev. Lyde pointed out that anything can be done to a tape recorder. The Commission should have an official representative from this office setting at the tape recorder with a notepad taking the minutes of this meeting. Other than that, what the City has is just a farce, a game.

The City Attorney stated that he trust the City Manager not to alter anything and there is nothing in the City Code or General State Law that requires or prohibits a person other than the City Clerk taking the minutes of the meeting. The City Attorney stated that although that is a function of the City Clerk, there is nothing prohibiting someone else from taking the minutes in the absence of the City Clerk.

Mayor Wilson stated that he felt that it would be a good way to work out some things that had been problems for the Council Members when Commissioner Lawrence requested the meeting. Mayor Wilson stated that Commissioner Lawrence came to the meeting with the intent that it was an Executive Session. Mayor Wilson stated that he was informed that some of the Commissioners wanted to have the meeting open and certainly respect their decision, but as far as having anything in the open he did not care if the Commission hold another Executive Session in this City for the next nine and one half months because he did not like these kind of things anyway. Mayor Wilson stated that he felt this was something that the other council members would like to discuss with Commissioner Lawrence.

Commissioner MacLeod mentioned before any one make a motion to go into an Executive Session he would like to say a few words concerning another subject.

Commissioner Lawrence stated that he would like to discuss something before Commissioner MacLeod begins his discussion.

Commissioner Lawrence stated that due to the fact that the meeting is now open he will not request to hold an Executive Session, someone else will have to request it.

Commissioner MacLeod stated that when the meeting was first discussed he wanted to go into an Executive Session, since the meeting has been moved to the open floor the Executive Session will not be held. Commissioner Lawrence stated that he did not understand the purpose of an open meeting when it comes to an Executive Session based on personnel matters.

The City Manager stated that the way the State law is written regarding Executive Session in order to go into an Executive Session first there must be an open meeting at which that time a motion is made to go into an Executive Session, but the State law does not allow there simply being a Executive Session called without first having an open meeting at which time a motion is made and a vote taken. The City Manager asked the City Attorney to correct him if anything was stated incorrect.

The City Attorney stated that everything mentioned is true. The motion has to specifically state the purpose for an Executive Session and if the Commission is thinking about having an Executive Session to discuss a Personnel matter it would have to be a complaint or charge concerning a specific City Employee and it would embrace on the deliberations of the Commission and it would not embrace on the evidence or anything with the exception of any evidence or something like that. The City Attorney pointed out unless the Commission have that type of Personnel situation then an Executive Session would not be authorized.

Commissioner Jennings asked the City Attorney if Commissioner Lawrence wants to talk about duties of the City Commission it can not be discussed in Executive Session. The meeting must be public if Commissioners are discussing the duties of Commissioners and the Mayor.

The City Attorney agreed it must come in the current definition of a Personnel matter in the State Sunshine Law. It maybe at one time a long time ago may have been considered. Commissioner Lawrence stated that he would like to clear up something, when a Personnel matter was mentioned it had nothing to do with Commissioners duties. He stated that Commissioners duties was brought up just then, but when Executive Session was mentioned it was geared toward a City employee and that was exactly what he mentioned and not Commissioners duties. Commissioner Lawrence stated that Commissioners duties can be discussed from where he is sitting.

The City Attorney stated that a personnel matter involving a City employee must originate with a Department Head or the City Manager and is actually not suppose to be considered by the City Commission. The City Attorney asked if there is anything else he need to add to this.

Mayor Wilson stated that after giving it some thought he felt that under a City Council type of Government the Attorney General Michael Bowers should write a letter to the Commission explaining the intent of why a City Council Government was ever created in the State of Georgia. Mayor Wilson requested that the City Attorney handle this and asked for a complete document of what are the Commissioner's duties and how the City Manager form of Government was created. The City Attorney stated that he would take care of Mayor Wilson's request, but routinely the State Attorney General's Office does not give opinions on matters of local law. The City Attorney explained that the City Charter is a matter of local statutory law and as a matter of fact this Commission itself is under the Home rule division.

Commissioner Lawrence stated that another one of his concerns is directed at Mr. Mitchell, this was repeated earlier when he came aboard as Commissioner. Commissioner Lawrence stated that Mayor Wilson told him that every Commissioner would be treated and respected the same identical way as long as they sit at their seat. Commissioner Lawrence stated an example, a Commissioner approach the City Manager with a request and use the example A light needs to be placed at such and such place and in six or seven months the light is not placed there in the meantime another Commissioner comes to the City Manager with the same request because another citizen took the liberty of making the same request to another Commissioner and a light is placed there the next day. What position does this incident place the first Commissioner in other than having that citizen think that one Commissioner has more pull than another.

The City Manager stated that he could see how in a circumstance such as that an appearance like that can be gained. The City Manager stated that it certainly was never the intention on part of the City's staff and in an instance like that if circumstances may have caused it to be delayed. The event was going to occur anyway when the other Commissioner got involved. The City Manager stressed that Department Heads do not show any favoritism or give any priority of the request on one member of the Commission over that of another. All request are considered equally and the Staff respond to one Commissioner just as they would another. Commissioner Lawrence asked the City Manager whether a request was made by him to send a police officer to remove children from Goodyear Park. Commissioner Lawrence stated that he had a problem with people being removed from the City parks when a sign is not placed in the area advising that he parks will be closed at a certain hour. Commissioner Lawrence stated that the signs should be placed at every park in the City advising people that no activities will be allowed after 6:30 pm or 8:00 pm. The signs should be posted in the area instead of sending a police officer out there. People in the park do not know exactly what the guidelines are that the City wants them to follow. The City Manager stated that the park in question had signs up and when the basketball goals were taken down the signs were removed. The City Manager agreed that the signs may have been taken down and need to be put back up to get the attention of people that there should be no basketball played after dark and a sign should be placed in the park to make them aware that the City will not allow playing after dark. The City Manager stated that someone would go over today to check to see if the signs is in place.

Commissioner Lawrence requested that the City place signs in all the City parks where basketball goals are located and whatever the rules are should apply to every park in the City limits.

Commissioner MacLeod stated that some of the problems that the City have with the park in question can be resolved in some way or another without forbidding play in the park. Commissioner MacLeod stated that he received a call from Betty McGregor about the problems in the park and advised her that the problems will be addressed. Commissioner MacLeod requested that the City Manager and the Recreation Director come up with a solution because one of the things the City need as well as a sign is supervision in the park. Commissioner MacLeod stated that he tried to get supervision so that someone would always be in some of the parks supervising, but not all of the parks. Someone should be in the parks supervising games and all sorts of things at certain times in the parks. Commissioner MacLeod stated that it seems that in the case of this park one of the things that the City need are guidelines and signs and some supervision for games other than basketball. Commissioner

MacLeod suggested that the City implement it because the Commission need to take some of the pressure off the situation. Commissioner MacLeod stated that the neighbors are complaining and the City don't want to disrupt the neighborhood and deprive the young people either. Commissioner MacLeod stated that the City need to start working out some sort of compromise or structure for that park. Commissioner MacLeod stated that Downtown was helped when Officer Bragg started patrolling the area and he is a big help. Commissioner MacLeod recommended that Police Chief Cowan assign officers to patrol the park at certain times to let the City know that it is some sort of supervision at the park during regular hours, pointing out when the cats away the mouse will play. Commissioner MacLeod recalled when he was teaching whenever he left the room the kids play or if you stand at the door or pass by the kids will behave. Commissioner MacLeod stated that the City need to handle the problem intelligently when the situation comes up because Mrs. McGregor told him that she was pushing to get a solution for Goodyear Park.

The City Manager stated that if it meets the consensus of the Commission the Recreation Director will go ahead and finalize a proposal on how to provide supervision to the parks and include it in the cost. The Director would present it next Wednesday to the Commission. Commissioner MacLeod stated that was the only option he could come up with. Commissioner MacLeod recommended that someone else present another option that they think will work. Commissioner MacLeod stated that the City need to do some homework on how to handle the problem so that different people would be happy without taking away anyone's right to use the park.

Mayor Wilson told Rev. Lyde that he should ask to be placed on the agenda. Rev. Lyde stated that his question is directed to the City Attorney. Rev. Lyde asked the City Attorney if he mentioned that any matter concerning personnel should be initiated through the Department Head. Rev. Lyde stated that there are several cases in which the Commissioners are Department Heads. In the case of Mark Mitchell, the City Manager, the Commission is the Department Head. In the case of T.C. Cowan, the Police Chief, the Commission is the Department Head. In the case of Georgia Marion, the City Clerk, the Commission is the Department Head. Rev. Lyde stated that is a misnomer to simply call a meeting initiated by Department Heads for other personnel matters when the City do not have listed the fact for initiating a called meeting and then proceed to an Executive Session.

The City Attorney stated that he did not think of the City Manager, the City Clerk and the City Attorney as being Department Heads, but it is true that with respect to certain City Officers the City Commission has the initial and final authority as far as personnel matters concerning these persons. For example the City Manager and the way the Charter has been written, the City Clerk also is directly responsible to the City Commission and the City Attorney regarding these three officials. It is true that the City Commissioner will deal directly with them and with regard to the Police Chief, Fire Chief and Public Works Director, Water Director and the Recreation Director and so on. Those Department Heads would come under the immediate jurisdiction of the City Manager and not of the City Commission. If there are any personnel matters involving those individuals it would be the City Managers responsibility to deal with that. The City Attorney stated that he has not read the Personnel Regulation in a while so he was not sure exactly what the specific provisions are with regard to employees of a rank less than a Department Head. The City Attorney understood that personnel complaints or investigations are initiated by the Department Head of the immediate supervisor of the employee under those individuals. In the case of the Department Head it would be the City Manager's responsibility to initiate the personnel matter and if the employee was dissatisfied with the City Manager's action it could be brought before the City Commission.

Commissioner Lawrence stated that he would like to say something along those lines. Commissioner Lawrence recalled that the Commission sat down last year or the year before and took the Commission out the loop. Commissioner Lawrence stated that it is not like that now the buck stops with the City Manager.

The City Attorney stated that he was speaking only about Department Heads.

Commissioner Lawrence told the City Attorney that he said that if the Department Heads are not satisfied with the decision the City Manager makes then the Department Heads can come before the City Commission. Commissioner Lawrence stated that the Commission voted to allow the City Manager to make the final decision.

The City Attorney stated that it was his impression with respect to employees under the rank of Department Heads. The City Attorney stated that he could stand to be corrected because he cannot remember everything that goes on.

The City Manager stated that Commissioner Lawrence is correct and the Commission did take that action to amend the personnel policy; however, the Charter states that the City Manager may suspend or remove any Director under his supervision for cause provided that the Director may appeal to the City Commission. The provision in the Charter outside of the Personnel Policy allows Department Heads to appeal if the City Manager takes action to remove or suspend a Department Head. There is a provision in the Charter that allows them to appeal that decision to the City Commission.

Mayor Wilson asked the City Attorney who would be the watchdog over the City Commission and the Grand Jury? Mayor Wilson stated that if the City Commission cannot discuss things among themselves then the Commission needs to talk to the Grand Jury. Commissioner Plyman stated that maybe it is the answer. Mayor Wilson stated that the City Manager is over the Department Heads and the Commission is over the City Manager. Who is going to keep the guidelines on the City Council?

Commissioner MacLeod stated that he would like to go back for one minute because it is sort of confusing to him. Commissioner MacLeod stated that the answer was very lengthy and he got lost in between. Commissioner MacLeod asked if the City Attorney set up a Personnel Policy that was contrary to the City Charter. The City Attorney stated that the amendments to the Personnel Policy did away with the provision allowing a disgruntled employee to appeal the decision of the City Manager to the City Commission. As far as he know it did not have a thing in the world to do with Department Heads which is governed by the City Charter.

Commissioner Plyman stated that the policy is very vague. A Department Head is an employee they are still City employees.

The City Manager stated that there is a difference in the hiring practice procedure of City Department Heads as opposed to other employees of the City. The Charter Personnel Policy states that the City Manager is the final hiring authority for those employees, but for a Department Head there is a different procedure set out for hiring a Department Head. The City Commission may confirm or deny the recommendation of the City Manager as it relates to the Department Heads both for hiring and for termination there are provisions set out in the Charter that provide for a different procedure than that in the personnel policy as regards to the Department Heads.

Commissioner Lawrence stated that this is one of the things that bother him when the Commission voted on it. Commissioner Lawrence voiced that all employees of the City of Brunswick should be treated the same way not allowing the employee that work for a Department Head to come before the City Father. When the City turn around and allow Department Heads to be heard he objected to that.

The City Attorney told Commissioner Lawrence a couple of reasons why it is that way. First under the old Charter which was in effect when the 1952 Charter was published the City Manager could discuss a Department Head simply stating reasons to the City Commission and make a record of reason for the dismissal. The Department Head would not have any further recourse beyond the City Manager's decision. The statement of these reasons to the Commission would place the City in a precarious position if the Department Heads had no further right to appeal. It would conceivably subject the City Commission to all sorts of civil rights liability where there was no due process involved in the publication of those reasons. When the new Charter was adopted that right of appeal was put in the charter. The City Attorney stated that there are different reason though for ending the right of appeal of

subordinate with the City Manager. The City Manager is essentially suppose to run the City Government subject to the policies promulgated by the City Commission or Ordinances enacted by the City Commission. If the Commission gave each and every subordinate employee a right to come before the Commission then that under minds the City Manager form of Government. The buck does not stop with the City Manager as it should with respect to a lot of subordinate employees and it essentially puts the Commission into a lot of personnel problems that this City Commission should have more important things to think about.

Commissioner Lawrence asked the City Attorney whether the City was discriminating against one City employee opposed to another employee geared to having the employees with less being able to appeal all the way to the Commission. The City Attorney stated that there is a rational basis for making that distinction between subordinate employees and Department Heads.

Commissioner Plyman stated that he failed to see that rational basis. If the City have some employees out there for 25 or 30 years and if he gets walking papers there is no recourse, but to walk. Commissioner Plyman stated that he never trusted any one single person to run anything. What if the City Manager made an improper decision and what if the City Commission knew something that the City Manager did not know. Commissioner Plyman figured the word due process should apply here that employee should have the same recourse that a Department Head should have. Commissioner Plyman stated that he have employees right now working longer than the Department Heads. The employees deserve a little more respect than is given to the average person on the street. What if there are minagating circumstances that does not apply and the Commission will apply them and be more compassionate than the City Manager. Commissioner Plyman stated that he felt the Commission should have not been taken out of the loop and that is why he voted against it. The vote was 3 to 2. He still believes that to this day this Commission's responsibility is to its people and the employees. He still feels this much today as when he voted against it.

The City Attorney stated that to allow the Commission as a body to become involved in any and every decision or action that is carried out by City employees is to impair the efficiency of the Governmental process in this City.

Commissioner Plyman stated that he realize that the City would have to spend more time at it, but sometimes that time is worth the investment. Commissioner Plyman stated that he would not object having to spend another hour. The City do not lose that many employees a year anyway. Commissioner Plyman would like to know that every employee have a right to the follow through process. Mayor Wilson stated that the City employee have a recourse and that is a hearing with the City Manager.

The City Manager pointed out if a personnel action is taken against a City Employee first they must have a hearing and they have an opportunity to have a hearing with a Department Head and if they are not satisfied with the determination of the Department Head they have the opportunity to request a full due process hearing with the City Manager. The City employee have that right of an appeal of the decision of the Department Head with the City Manager for a final decision.

Commissioner MacLeod asked whether Commissioners could attend the due process hearing. The City Attorney stated that Commissioners may attend to the extent of any other member of the public to attend. Commissioner Plyman stated they can appear without a voice it would not make any sense.

Commissioner MacLeod mentioned this is what he was asking are other members of the public entitled t attend the hearing. The City Attorney stated No. If the employee wants to hire an attorney to come to his due process hearing a lawyer could attend his process hearing. The City Attorney stated that the hearing is not open up to any members of the public. The General State law does not require it nor does any Federal law.

The City Attorney pointed out that due process does not require an endless succession of appeals. Responsively and reasonably the appeals has to end somewhere. After the subordinate leaves the City Manager that employee who thinks his due process rights have been violated may file an action in Federal Court.

Commissioner Lawrence asked the City Attorney if it would be cheaper and simpler for the employee to appeal before the Commission rather than taking the appeal to Federal Court. Commissioner Lawrence questioned what happens if the Judge in Federal Court ask the employee if he had an opportunity to address the City Commission. And the employee tells the Judge he did not have an opportunity to do that. The City Attorney stated that it may be various considerations. Commissioner Jennings pointed out that Mark Mitchell, the City Manager is the agent for the City Commission. Commissioner Lawrence reiterated if the Judge ask the employee if he had an opportunity to address the City Commission and the employee tells the Judge he did not, then what happens if the Judge request that the City Commission hear the appeal.

The City Attorney pointed out if the City Manager is not given the final authority on the day to day detail in City Government then the Commission would have to be down here forty hours a week.

Commissioner Lawrence stated that was not what he was speaking about. Based on the things the Commission is discussing the City Manager do not have all the decision making power that the City Attorney is suggesting. The City Manager do not have that many City employees who file grievances.

The City Manager stated that he do not have that many grievances as far as due process hearings for personal action taken against employees whether it is termination or suspensions or something like that. The City do not have a lot of grievances filed. Commissioner Lawrence stated that the City was stretching it. The City Manager stated that some employees chose not to hold their hearing before him and other employees do not choose to have a hearing with Department Heads they simply accept whatever has been recommended and go on.

Commissioner Plyman stated that if an employee request a hearing before the Commission Board the request will be denied under the present guidelines the City passed a year ago. Commissioner Plyman stated that the Commission was taken out of the loop. He stated that he did not like it when the Commission did that. Commissioner Plyman requested to go back to what the Commission had before. Commissioner Plyman predicted it was only a handful of appeals that would have come before the Commission. Commissioner Plyman stated that he would like to know if every employee had an equal opportunity to maintain their job or at least be heard. Commissioner Plyman stated that the Commission should be sticking their nose in the City Manager's business because it is their business and every citizen in this community.

Rev. Lyde stated that if the Police Chief was a subordinate to the City Manager that Police Chief is worthless. He could not in anyway do his job of arresting any and all persons in terms of his sworn official position. The Police Chief should answer to a body of five people for this City. Rev. Lyde stated that the City have a sad situation.

Commissioner MacLeod stated that according to what the procedure is the Police Chief would be answerable to the City Commission because he is a Department Head.

The City Manager stated that the Police Chief is answerable to the City Manager who is the Police Chief's direct supervisor. If the City Manager was to take some personnel action against the Police Chief he then will have the opportunity to appeal to the City Commission.

Rev. Lyde stated that he was speaking about grievance. And in this instance he was describing supervision, which is a different prospect. Grievance comes from a person because somebody makes a decision taking action on somebody that have a right to appeal the

decision. When little mega people who are making the less money that they could possibly make on the totem pole, the City force them to go to Federal Court to be able to get a due process hearing through the City Commission. The Commission compassion is not only out the door, your reason is gone with it. If the City have a Department Head that can come to the Commission and grieve why not a little old man who is working on the trash truck come before the Commission and grieve. That will not change the Commission being involved in the City Manager's affairs except to be able to help the City Manager if he made a decision that is improper.

Commissioner Plyman requested changing the Personnel Policy on Wednesday to the way it was. He asked the Commission to think it over carefully. Commissioner Plyman stated that the Commission owe every citizen the right to come before the Board. Commissioner Plyman stated that the Commission took themselves off the hook. There is a lot of good coming from the Board and a lot of bad. He accept the good and the bad both of them. Commissioner Plyman told the City Manager if he made a mistake this is a check and balance system. It should concur with the discussion of the Commission.

Commissioner MacLeod stated that there really is a check and balance system because the Department Head have already made the decision and the City Manager will be the check that the Department Head made the right decision because the employee would first appeal the Department Head's decision and then the Department Head would make the decision which would be the check and the employee would appeal to the City Manager and he would make sure the Department Head make the right decision, so the City really have a process of review going on. There is a check and balance there because if the Department Head who is flagrantly violating policies the City Manager would be able to see that this was a flagrant violation. Commissioner MacLeod stated that he did not see it as a system without check and balances.

Mayor Wilson stated that the City Manager's position should not be diluted because he know it is a difficult position and that is one of the reasons why if a citizen ask about repairing a road problem he would stop and speak to the City Manager at the door of his office. Mayor Wilson stated that he has been in the City Manager's office about a half a dozen times. He only stops at the door and tell the City Manager about the concern of the citizen and if the situation is urgent he would call the City Manager and give him the information. Mayor Wilson stated that he received a call from a lady concerning Greenwood Cemetery and he referred the lady to the City Manager. Mayor Wilson stated that he wanted to go on record because it is the responsibility of this Council to pass on to the Administrator and if he does not do his job then the Administrator is in error. If the Commission do anything other than that then the Commission should be investigated.

Commissioner MacLeod stated that the Commission are suppose to be setting policy and not doing the actual work in this in the City Charter.

The City Attorney agreed, that is the function of the City Commission. The City Attorney stated that whether it is a Department Head or a subordinate employee each employee has the right to one appeal. The subordinate employee can appeal to the City Manager and the Department Head can appeal to the City Commission. They both have the same number of appeals one. The business of having a subordinate employee appeal to the City Commission has created embarrassing problems for this Commission in the past, and also created problems in Federal cases.

Commissioner MacLeod asked the City Attorney to comment on the problems created in Federal cases.

The City Attorney stated that the City have had an employee file suit against the City in Federal Court and to be quite frank this was a way of getting the City Commission out of the process of appeals from subordinate employees. There was a problem once the Commission got involved in it. The Commission could have a number of diversions of what could be done in the case and there was a lot of unnecessary publicity that could be embarrassing to the

employee or more than one employee and the Commission have made an absolute spectacle down here. Commissioner MacLeod asked if that is what happened in Savannah.

The City Attorney stated that he did not know what happened in Savannah. Commissioner MacLeod stated that everytime you read about each one of the School Board member are making accusations against one of the other School Board members or some other minor problems on whether to fire a teacher or not. Commissioner MacLeod stated that it would be certainly better instead of going into warfare over these items. Commissioner MacLeod asked the City Attorney whether he was referring to that kind of situation and would it have some impact on a Federal lawsuit.

The City Attorney stated that it would have an impact on a Federal lawsuit. The City had another case where a lady working for the Police Department had a serious problem with alcohol and instead of terminating her appeal at the City Manager's level it came before the City Commission and got spread all over and got very highly publicized.

Commissioner MacLeod stated that the City is actually protecting the reputation of the individual. The City Attorney stated that it actually damaged the employee rather than protecting her rights.

Commissioner Lawrence stated that the City Attorney stated that the employee brought about some embarrassment to the Commission Board. Commissioner Lawrence stated that he was present at that time and do not have a problem now and did not have a problem then. Commissioner Lawrence stated that he would say exactly what he said again today. That employee should have been treated the same identical way every other employee was treated, regardless to what decision was made geared to the time and place. The employee at that time was being charged with what was brought before the Commission Board. Commissioner Lawrence stated that he took action on what was brought before him at that particular time. The employee was brought to a dismissal hearing and it was not geared to an alcohol problem as the City Attorney stated this was not the case brought before the Commission. The employee was being dismissed for falsifying information. Commissioner Lawrence stated at that time the procedure for suspending employees should have been followed the same identical way regardless of the identity of the City employee.

The City Attorney stated it is up to the City Commission to decide what the procedure will be and it is not up to him. The City Attorney stated that he will be happy to deal with it in anyway the Commission want to put in place. The City Attorney stated that he was trying to speak on some of reasons why the changes was made.

Mayor Wilson told the City Attorney there is a question of how it should be spelled out in the City Charter about the duties of the City Commission. Mayor Wilson asked what will it take for the Commission to establish guidelines. Mayor Wilson asked the City Attorney to write up an ordinance and asked if there was some questions about the duties of a City Commissioner.

Commissioner Plyman stated that Mayor Wilson was just about pointing his fingers over at him. Commissioner Plyman told the Commission to stop beating around the damn bush. Commissioner Plyman stated that he was present this morning to get some things straight. There is not a thing that he has done in the three years of his tenure that he was ashamed of. Commissioner Plyman stated everytime he received a phone call it was a complaint. Mayor Wilson asked Commissioner Plyman whether the information was passed on to the City Manager. Commissioner Plyman stated that he passes it on to the City Manager and if the City Manager cannot get it done he is capable of doing it. Commissioner Plyman stated that he was not above picking up garbage.

Mayor Wilson stated that the Commission need to know what they are supposed to do.

Commissioner MacLeod asked Commissioner Plyman whether he picked up garbage for these people. Commissioner Plyman stated sure he picked up garbage because he was not above

that. Commissioner MacLeod stated that he was trying to establish if Commissioner Plyman was doing the job of the City workers. Commissioner MacLeod told Commissioner Plyman he was doing the job of City workers.

Commissioner Plyman told Commissioner MacLeod if that was the case whenever someone call him with a legitimate complaint they are his boss and he don't care how the Commission look at it he do not sit on a pedestal up here. Commissioner Plyman stated that he is just as grungy in the middle of the day as any laborer you see off the street and he is not embarrassed to say it. Commissioner Plyman stated that the Commission is not premier danseur and they do not sit up here bigger or better than anybody that sits out here at least he is not. Commissioner Plyman told Mayor Wilson that his innuendos out weigh him. Mayor Wilson stated that he did not mind because he knew Commissioner Plyman wanted him to be honest with him. Commissioner Plyman agreed.

Commissioner Lawrence stated that this is one of the problems the Commission has and he spoke about it earlier. Whenever a citizen approach him about trash he make it known if the citizen have already referred the problem to Commissioner Plyman, he then ask the citizen to give Commissioner Plyman an opportunity to get the job done through the City Manager. Commissioner Lawrence stated that he expects the City Manager to tell each Commissioner who brings a problem before him that the request have been made by another Commissioner and it will be taken care of as soon as possible.

Commissioner MacLeod stated that the problems the Commission is facing as Commissioner Plyman pointed out earlier he is doing the job of City workers. Commissioner MacLeod stated that City worker's object to that and also the Department Head object because someone is doing the job in a way they cannot supervise because when a Commissioner does the job they feel he should be covered by the correct insurance and the supervisor feel they cannot supervise him and instruct him to do the job as they would tell a paid worker. The City Commission receive complaints from both the City employee and the Department Head because the Commissioner is doing the job of a City worker. Commissioner MacLeod agreed that the job should be done, but it should be done through the City Manager. This is the same thing as the City Commissioner trying to arrest someone without a Policeman you simply don't arrest someone yourself you have to go get a policeman to do the arresting and the same situation holds in this case.

Commissioner Plyman elaborated on what Commissioner MacLeod spoke about. He stated that certain areas in the City is cut by him with his mower. He pointed out that the City's mower is not used because he has two mowers. Commissioner Plyman stated that he is freeing up City employees so that they may be able to a little bit more of the things they would not otherwise be able to do at that time. Commissioner Plyman stated that he use his expense, his machinery, his time and his sweat and donate it to the City and never ask for one dime of reimbursement. Commissioner Plyman stated that he put seven grand in Palmetto Cemetery because he wanted to and not including the cost of the fence because he wanted to contribute it. Commissioner Plyman stated that now he have to ask the Commission to spend his money. He stated that he wanted to give it to this City rather than send it to Washington because he would not know where the funds are, but everytime he drives by Palmetto Cemetery he can see his contribution. Commissioner Plyman pointed out that he can donate time because it is his time. Commissioner Plyman stated that Commissioners MacLeod told him he could not go out and work because of his illness. He asked Commissioner MacLeod not to stop him from doing so. He stated that he did not want to make anybody on the Commission look bad because the only one who can make them look bad is the Commissioners.

Commissioner MacLeod stated Commissioner Plyman go out and cut grass and don't consider the opinion of either the workers or the Department Head. The Department Head objects because someone is doing the job unsupervised. Commissioner MacLeod reiterated on what he said earlier. Commissioner MacLeod stated that the Department Head and employees object because they feel that Commissioner Plyman is competition.

Commissioner Lawrence reiterated on granting appeals to City employees and Department Heads. Commissioner Lawrence recalled a situation that involved police officers who were doing their job and he approached the officers and rendered service to help them out. Commissioner Lawrence stated that when he left the scene the first thing that he heard was Commissioner Lawrence was involved in police work. Commissioner Lawrence stated when Commissioner Plyman do that nobody seems to say anything about it so this is another problem. Commissioner Lawrence asked the City Manager to address the problem with the Chief of Police. Commissioner Lawrence stated that it was no fault of Commissioner Plyman, it is the fault of the Police Officer because Commissioner Plyman doing the same indential thing that he was doing. Commissioner Lawrence stated that Commissioner Plyman got a part on the back and he was labeled the bad guy.

Commissioner Lawrence stated that these are some of the things that should be addressed to the Department Head just as the City Attorney stated, let the City Manager do his job. Commissioner Lawrence asked the Commission to let the Department Heads do their job because they have a right to run their jobs just like the City Manager. The City Attorney stated that he did not understand what Commissioner Lawrence was saying. Commissioner Lawrence pointed out that the City Attorney told the Commission that the City Manager is directly answerable to the City Commission and the Department Heads is directly answerable to the City Manager. Commissioner Lawrence stated that the point he is trying to make here is if they are directly answerable to the City Manager then the City Commission have a right to interfere with them. All the Commission need to do is give the City Manager their request. Commissioner Lawrence stated that the City Attorney advised them that it was wrong for the Commission to do the City Manager like that. Commissioner Lawrence stated that if it is wrong for the Commission to do the City Manager that way then it is also wrong for the Commission to do the Department Heads that way. Commissioner Lawrence stated that the Commission should be told not to get involved with that like the Commission is told not get involved with the City Manager's job.

Commissioner Jennings asked the Mayor who was in charge of the City Commissioners and the Mayor. Commissioner Jennings stated that the Commissioners and the Mayor are put in office by a group of citizens. The Commissioners and Mayor are not put in by the City Commission and they are not in charge of each other. Commissioner Jennings stated that he could not tell Commissioner MacLeod what to do because a group of citizens put him in office. Commissioner Jennings stated that the only way the citizens can get rid of a Commissioner or Mayor is through recall or through malfeasance. But no Commissioner can tell another Commissioner what to do. Each Commissioner is answerable to the people and not to the City Commission or the Mayor. Commissioner Jennings stated that he respects the City Commissioners and Mayor, but he was not answerable to any of them.

Commissioner Lawrence stated that each Commissioner is responsible for each other because they took oath to abide by the City Charter. Every Commissioner swore under oath to uphold the Charter and Ordinances of the City of Brunswick.

Commissioner Plyman asked Commissioner Lawrence where in the Charter does it state that a Commissioner can not cut grass because he has read the Charter from cover to cover. Commissioner Lawrence stated that he did not mention anything about him cutting grass. He only mentioned the charter. Commissioner Plyman stated that Commissioner Lawrence stated that people are shocked because he picks up garbage. Commissioner Plyman stated that he picks up garbage to help his fellow employees and is not trying to compete against them. Commissioner Plyman stated that he has given up his weekends for the last 3 to 4 years to the City of Brunswick and does not expect a thank-you. Commissioner Plyman stated that he know when he leaves City Hall the City will be a heck of a lot cleaner than what it was three years ago and it has finally instilled some spirit in this City. Some people are now taking pride in their jobs.

Commissioner MacLeod asked Commissioner Plyman if he felt that the job was done by the

City Manager or him. Commissioner Plyman stated that he feel it was some help. Commissioner MacLeod stated that he disagreed because of the complaints from Department Heads and other City employees who think that Commissioner Plyman is doing their job and ordering them around.

Commissioner Plyman stated that he never order anyone around and tell them what to do. Commissioner Plyman pointed out that he does the work alone. Commissioner MacLeod stated that the job that Commissioner Plyman is doing is part of the job description of other City employees. Commissioner Plyman stated that employees are free to do additional work. Commissioner MacLeod stated that Department Heads look at it differently. It is difficult for employees to have two bosses Commissioner Plyman and the City Manager out there because they do not know whom to obey when both persons are giving orders. Commissioner Plyman stated that he has not ordered a City employee to do anything.

Commissioner Lawrence told Commissioner Plyman that what Commissioner MacLeod is saying is true employees are saying that you are involved with their activities because he received complaints too. Commissioner Lawrence stated that he asked the employer who was complaining to talk with Commissioner Plyman about his concern. Commissioner Plyman stated that the employees need to say this to his face.

Mayor Wilson stated that maybe the Commission is charging Commissioner Plyman in error and should call in the employees who are complaining. Commissioner MacLeod stated that the employees are afraid to say anything because they think they will lose their job.

Rev. Lyde stated that he would like to speak about a situation involving City employees on Commissioner Plyman's property doing work. Rev. Lyde asked how did the employees get there? Who ordered them there? Why was the equipment there and what instance put those employees in that position and why the employees had to leave City work and go to private work on the property on G and Norwich Street?

Commissioner Plyman responded to the questions, stating that he asked the City Manager if the City could take out the curb by the fire hydrant to give ingress and egress to his business. The City employees was instructed by the City Manager and the Director of Public works to send a crew on G and Norwich Street to take out the curb and he went through the proper channels the same way. Commissioner Plyman asked Rev. Lyde not to sit down because he was not finished. Commissioner Plyman stated that he brought the property in the 500 Block of 'L' Street and everyone was upset because they thought he got something for nothing. Commissioner Plyman stated that he bought the house and the City tore it down and he rebuilt the house. The City crushed the sidewalks and he asked them to replace the sidewalks. Commissioner Plyman stated that he never asked the City for anything he would rather give than to receive.

## **MEETING ADJOURNED**

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Mayor

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City Clerk