

**MINUTES  
CITY COMMISSION REGULAR MEETING  
MARCH 1, 2022**

The Regular Meeting of the Cordele City Commission was held on March 1<sup>st</sup>, 5:30 p.m., Cordele City Hall Courtroom, 501 North 7<sup>th</sup> Street, Cordele, Georgia with the following present:

Joshua Deriso, Commission Chair	Vesta Beal-Shephard, Commissioner
Wesley Rainey, Commissioner	Isaac Owens, Commissioner
Angela Redding, City Manager	Janice Mumphery, Recording Secretary
Tommy Coleman, City Attorney	

**Staff present:** Capt. Jalon Heard - Interim Police Chief, Cpt. Scott Farrow, Irene Cantrell – HUD Director, Fire Chief Augusta Telfair, Debra Perry – City Clerk, Jack Wood, Sr. – Chief Codes Official, David Wade, - Personnel Director, Steve Fulford – Asst. City Manager/Public Works Director, Cathy Mygrant – Asst. Finance Director, Elaine Kent – Financial Consultant, Teddy Hubbard – Waste Water Superintendent, Kimberly Jackson – Detective Administrative Assistant.

**Others present:** Johnny Floyd, Joann Phillips, Gwen Relaford, Charlie Butts, Tonekita Rogers, Courtney Oliver, Mike Hathaway, Debbie Hathaway, Ronald Michael, Velesia Grant, Taylor Thompson, John C. Harris, Sr., Dennis J. Fraser, Anna Granville, Charlotte Dobbs, John Culberson, Chip Wells, Chris Anderson.

**Media present:** Rick Smarr - South GA TV; Cordele Dispatch – Neil McGaHee.

**Call to Order:** Commission Chair Joshua Deriso called the meeting to order at 5:30 p.m.

**Invocation:** Prayer was rendered by Minister Julius Deriso.

**Pledge Allegiance to the United States Flag:** The Pledge of Allegiance was led by Commissioner Rainey.

**Roll Call:** A quorum was established.

Attendee's Name	Title	Absent	Present
Joshua Deriso	Commission Chairman		✓
Vesta Beal-Shephard	Commissioner Ward 1		✓
Isaac Owens	Commissioner Ward 3		✓
Wesley Rainey	Commissioner Ward 4		✓

**Approval of Agenda – March 1, 2022:** Commissioner Rainey moved to approve the Agenda for March 1, 2022; seconded by Commissioner Shephard; the motion was approved by the Commission.

**Approval of Work Session and Regular Meeting Minutes – February 15, 2022:** Commissioner Rainey moved to approve minutes for February 15, 2022; seconded by Commissioner Owens; the minutes were approved by the Commission.

**PRESENTATION:**

- a) Mauldin and Jenkins, CPAs and Advisors: Mr. Miller Edwards of Mauldin and Jenkins presented a summary of the FY2021 Audit to the Commission. Mr. Edwards stated that the City had a good year.

**PUBLIC COMMENTS:** All Speakers will have 5 minutes

- a) Ms. Angenette Lockett, 305 E. 2<sup>nd</sup> Avenue, Cordele, GA 31015 – Ms. Lockett expressed her concerns, in reference to, noise in her neighborhood, the noise is disturbing her and she would like for the Ordinance to be enforced. Code of Ordinance, Section 12.6, Noise Miscellaneous Activities; “It shall be unlawful for any person to make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons within the city.”
- b) Mr. Ronald Michael, 701 East 27<sup>th</sup> Avenue, Cordele, GA 31015 – Mr. Michael of All Safe Driving Clinic, appeared before the Commission with concerns regarding the actions of the Commission Chair Joshua Deriso. Per Section 2.14 of the City Charter, "Following the adoption of an authorizing resolution, the city commission may make inquiries and investigations into the affairs of the city". Mr. Michael's first question; has there been a Resolution made by the City Commission against All Safe Driving Clinic? Mr. Michael stated that Commission Chair Deriso, came to All Safe Driving Clinic on the 9<sup>th</sup> of February and looked at the records and curriculum for Anger Management and Conflict Resolution. Mr. Michael wanted to know from the Commission Chair, why was this done and what authority did he have to do that? Mr. Michael stated that the City Attorney called him and advised him not to appear before the Commission this evening, the question for the City Attorney is, what person in City Government asked him to call him? Mr. Michael stated those are the only two questions he would like answered. Mr. Michael stated that the Commission Chair Deriso came to All Safe Driving Clinic to get records and this was against the City Charter and the law; Mr. Michael stated that All Safe Driving Clinic could have lost their license for such action. Mr. Michael stated that Commission Chair Deriso came to All Safe Driving Clinic portraying that he was a Licensed Clinician, and Commission Chair Deriso is not a Licensed Clinician.

**Response from Commission Chair Joshua Deriso:** Commission Chair Deriso stated he found in the City's email, Former Police Chief sending a recommendation to the City's Municipal Court Judge for Conflict Resolution Classes. Commission Chair stated he loved the Former Police Chief initiative, he saw a problem and attempted to get a remedy, but the process in which he was taking was out of protocol because if you switch City money with fees to go to someone else, this has to come before the Commission. The Former Police Chief has a boss, which is the City Manager that this matter should have gone to first, not directly to the Municipal Court Judge. Municipalities does not have to have a Court System, but because the City decided to have one, this Commission is over the Municipal Court.

**In Section 2.32** of the City Charter, it explains the Chairman's responsibilities and authorities, I was operating under my authorities because I cannot allocate a program or speak on a program that I do not know nothing about.

**According to our Charter, Appropriations and Expenditures:**

To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the City. This belongs to the Commission, not the Police Chief or Judge.

**In Section 4.11**, it gives the Judge's responsibilities, Chief Judge; Associate Judge.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and possess all qualifications required by law. All judges shall be appointed by the city commission to a term as provided by law and shall serve until a successor is appointed and qualified.

(e) Before assuming office, each judge shall take an oath, given by the chairperson, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city commission journal required in Section 2.20.

**Section 4.15 Rules for the Court:**

With the approval of the city commission, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city commission may adopt in part or in total the rules and regulations applicable to municipal courts...shall be available for public inspections.

So whether the Chairman or a regular person, when that Judge say, All Safe Driving Clinic can have those classes anybody could have gone in and ask for you all's curriculum because the government is opened to the people.

**Section 4.16 Indigent Defense and Prosecutor.**

The chairperson and commission shall have the power to provide for a system of defense... to be imposed by the municipal court judge and collected in all criminal cases and in bond forfeitures in such cases as costs in addition to fines, penalties, and all other costs.

**Section 4.17 Funding the acquisition, maintenance, and replacement of supplies and equipment for the municipal court.**

The chairperson and commission shall have the power to provide that the costs of the acquisition, maintenance, and replacement of supplies and equipment required in the operation of the municipal court shall be funded by adding the expense thereof to all fines imposed by the municipal court judge and collected in all criminal cases and to all bond forfeitures in such cases as costs, in addition to fines, penalties, and all other costs.

**From the GA Municipal Association:**

If a municipality choose to have its own employee service, probation officer or any other, they may receive training required by O.C.G.A. both the Municipal Court Judge and the governing authority of the City must agree to the contract.

**From the GA Association of Municipalities:**

The use of those names from various courts were taken in general and local law that to place their Municipal Court, the Municipal Court would be subject to the local or created in court may also permit local government authority to appoint judges. As of June 2011, such appointed judges must be licensed

to practice in the state of Georgia by active and in good member of the BAR. Commission Chair Deriso stated that the Commission does not permit the City's Municipal Court to exchange funding for fees to any program.

Commission Chair Deriso stated, the process in which the Former Police Chief and Municipal Court Judge was out of protocol. Commission Chair Deriso responded to Mr. Michael in great detail.

#### **DEPARTMENT HEADS REPORT:**

**Finance Director's Report:** City Manager Angela Redding stated the Finance Report will be given in her City Manager's Report.

#### **Fire Chief: Augusta Telfair Reported**

11 fire alarms, 1 vehicle call (accident), 1 EMS assist call, 1 grass fire, 4 brush fires, 1 vehicle fire, 1 bomb threat, 3 smoke investigations, 1 electrical odor, 1 structure fire.

Have two men at the Fire Academy, this is their final week.

A Ladder Unit is out of service; due to some findings that were found during inspection.

#### **Housing and Urban Development: Irene Cantrell Reported.**

1. CDBG 2020 SEWER PROJECT – The Environmental Protection Division (EPD) has not released their review on the plans for the McLeod Subdivision Sewer Improvements project as per the Project Engineering Firm (Lanier Engineering, Inc.) to date.

In referenced to the below Time Line Schedule...The RVRC rep. has informed me that in September we will submit a request for an extension if we expect the project to extend past the October ending date. Usually DCA will grant six (6) month extensions as needed. Mrs. Cantrell stated that she received an email from the Project Engineer, there are no further comments on McLeod Subdivision Project Plans, so the City will receive an approval letter within a couple of days.

2. CHPC – There is a meeting scheduled for Wednesday, March 16, 2022, at 4:00 p.m., to consider an “Application for Certificate for Preservation” received from Vecino Group Housing Development, LP, proposing to construct 53 Units of affordable housing development located on a 2.888-acre site between West 15<sup>th</sup> Avenue and West 16<sup>th</sup> Avenue, and on both sides of South 12<sup>th</sup> Street. This housing development will be known as the “Gillespie Gardens Apartments”.

The construction will consist of the renovation of 4 existing buildings (consisting of 17 units) and a new 3-story building (consisting of 36 units) This area is located within the Gillespie Selden Historic District.

One other “Application for Certificate for Preservation” located at 815 West 15<sup>th</sup> Avenue, to install siding, fence and a storage unit within the Gillespie Selden Historic District will need to be reviewed and consider by the CPHC.

**\*\*See Report for additional information.**



5. 1 (one) in the Police Academy.

\*\*\*See Report for additional information.

**Public Works: Steve Fulford Reported**

1. 8<sup>th</sup> Street Storm Drain Sidewalk Project – 60% complete
2. Asphalt Plant has started with construction on Pateville Rd.

**U C & T Director: Teddy Hubbard Reported:**

**January 2022 Report**

Water Treated	50,647,300 gallons	1.634 MGD average
Year to Date	50,647,300 gallons	1.634 MGD average
Wastewater Treated	127,330,000 gallons	4.107 MGD average
Year to Date	97,780,000 gallons	4.107 MGD average
Sludge to Landfill	86.57 tons of sludge via Dump Truck	
Total Sludge 2022	86.57 tons of sludge via Dump Truck	

Rainfall for the month of January was 3.1”.

Total Rainfall for 2022 is 3.1”.

1. Water restrictions put in place in 2010 are still in effect and have not changed. This allows for daily outdoor watering between the hours of 4pm and 10am.
2. The 2021 Water Quality Report will be released in the next few weeks and will be on the City of Cordele’s website. [www.cityofcordele.com/water](http://www.cityofcordele.com/water)
3. Debbie Wright completed the SARA Title III Right-to-Know Tier 2 report. This report is required by EPA since we have chlorine gas at the WWTP and the wells.
4. We are gathering all the data needed for the 2021 Water Audit. Debbie Wright took the Qualified Water Loss Auditor V.6 Booster class and passed the test. I have been a certified Water Loss Auditor since 2010 but we had to be recertified on Version 6 this year. This is required annually by the Water Stewardship Act.
5. We are monitoring our well levels every month. Levels are coming up slowly.

**AGENDA ITEMS**

1. Consider Appointment of Commission Chair Joshua Deriso to the River Valley Regional Commission. Commissioner Owens moved to appoint Commission Chair Joshua Deriso; seconded by Commissioner Shephard; motion was carried by the Commission.
2. Discuss Appointment to the Board of Zoning Appeals.  
City Manager Angela Redding stated that there is an opening on the Board of Zoning Appeals due to Commissioner Owens being elected to office per the requirements for the Board of Zoning Appeals, and elected official cannot serve on that Board because any appeals will come before the Commission. Commissioner Owens will bring back a name at the next meeting.
3. Consider Local Government Services, LLC Consulting Services Proposal.  
Commissioner Rainey moved to accept the consultant proposal; seconded by Commissioner Owens; the motion was carried by the Commission.
4. Consider Ogletree Deakins Engagement Letter – Personnel Attorney.

Commissioner Owens move to table this item until the next meeting to give the Commissioners time to look at the information that was sent; second by Commissioner Shephard; the motion was carried by the Commission.

5. Consider Dalrymple Estate Quiet Title.  
Commissioner Owens moved to acknowledge by signature; seconded by Commissioner Shephard; the motion was carried by the Commission.
6. **Consider Department of Air Force, National Museum of the United States Air Force renewal on the Titan I Missile.**  
Commissioner Owens moved to go forward with this item by signing documents; seconded by Commissioner Shephard; the motion was carried by the Commission.
7. **Consider a First Reading of an Ordinance of the City of Cordele, Georgia Adopted Pursuant to the Provisions of O.C.G.A. § 36-35-4.1** Reapportioning the Election Districts from Which Members of the Governing Authority of the City of Cordele are Elected; Providing an Effective Date; Repealing Prior Ordinance and Charter Provisions in Conflict Herewith; and for Other Purposes.  
Commissioner Owens stated he would like more discussion on this matter, to meet with the Reapportionment Committee to get more detailed information and a better understanding of this matter.
8. **Consider a Second Reading on the Revised Demonstration and Parade Ordinance: An Ordinance Repealing Section 12.5 of the City Code of the City of Cordele;** Adopting a New Section 12.5 Entitled Demonstrations and Parades; Repealing all Ordinances in Conflict Herewith; and for Other Purposes. Commissioner Shephard moved to approve the Second Reading of the Revised Demonstration and Parade Ordinance; seconded by Commissioner Owens; the motion was approved by the Commission.
9. **Consider a Second Reading of an Ordinance to amend and restate the Retirement Plan for the Employees of the City of Cordele, Georgia** in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a Contract between the City and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq. Commissioner Rainey moved to approve the Second Reading of this Ordinance; seconded by Commissioner Shephard. David Wade, Personnel Director, stated There is a three-part amendment to the plan based on the recommendation of the Commission to have a cost study for the combination of age 55 and 30 years of service, investing requirements for the City Manager, and the in-service distribution will go away for anyone hired or rehired after July 1, 2022. the motion was approved by the Commission. The motion was approved by the Commission.
10. **Discussion- Establish rules governing Public Comments.**  
Tommy Coleman stated that a person(s) does not have any constitutional rights to speak before a City or County Commission, it's a meeting of the Council or Commission. If a Council or

Commission do allow for the public to speak; you have created a Limited Public Forum. There can be some limitations on the time, place and manner, in which they make a presentation to the City. A Resolution has been prepared for the Commission to review. Commissioner Owens stated that the Community should have the opportunity to come and speak before the Commission, but do not turn it into a grand standing moment. The Commission did agree upon having a time limit to speak. The Resolution will be on the Agenda for the next meeting, but the time frame will be amended.

## **CITY MANAGER'S REPORT:**

### **FINANCE UPDATE**

1. Received December 2021 SPLOST distribution February 28th in the amount of \$123,734.40.
2. The financial consultant has been tasked with researching the feasibility of outsourcing payroll and transitioning away from timeclocks. She is in the process of scheduling dates for companies to demonstrate their software to staff. Additionally, she has been tasked with looking into another accounting software provider. In addition to being antiquated, the current software provider, QS1 was acquired by another company.

### **UPDATES**

#### **Women's Health Fair**

A Lunch and Learn Health Fair for employees was held Monday, February 28, 2022, in the courtroom. The event was well attended by employees.

#### **Meeting with Patrol Officers**

Due to recent resignations in the police department, I met with patrol officers during shift change (between 6:50 pm and 7:10 pm) on Wednesday, February 23rd, Thursday, February 24th; and Friday, February 25th to hear their concerns regarding the department. Due to staff shortages, officers inquired about being able to work overtime. Officers were informed that an increase in overtime is expected due to officers working additional hours and assisting other shifts.

#### **Retention Bonus Proposal**

The city currently offers a \$2,500 signing bonus to new police officers. Due to recent resignations of police officers, I would like the Commission to consider offering a \$2,500 retention bonus to current police officers. The recommendation is to pay \$1,000 with the March 11th payroll, \$750 in year two, and \$750 in year three. The officers would be required to remain with the city for three years. If the officer leaves before the three-year period, they will be required to repay the amount of money received prior to their resignation. Commissioner Shephard moved to approve the Retention Bonus Proposal for Police Officers; seconded by Commissioner Rainey; the motion was approved by the Commission.

### **Closure of City Hall Front Lobby**

The front entrance of City Hall is open twenty-four (24) hours. Recently, on two occasions, there were individuals sleeping in the lobby upon staff arrival the next morning. The area where Front Desk Clerks are seated makes it impossible for them to have a full view of the doors leading into the lobby. Having the lobby open overnight creates a safety issue for the Front Desk Clerks as well as employees entering the building the next morning. Additionally, based on foot traffic and calls received during the hours of 7 PM to 7AM, the current schedule for Front Desk Clerks can be adjusted to an eight (8) hour shift instead of a twelve (12) hour shift. From the beginning of the fiscal year in July 2021 through January 2022, overtime for Front Desk Clerks exceed \$13,000. Commissioner Owens moved to adopt this for the protection of the employees; seconded by Commissioner Shephard; the motion was approved by the Commission.

### **Police Chief Search**

The Chief of Police position is being advertised in-house, on the website, on Georgia Municipal Association website, on Georgia Local Government Personnel Association (GLGPA) website, and Georgia Association of Chiefs of Police website. Thirty-four (34) applications/resumes have been received for the position.

### **Forensic Audit**

The financial consultant is looking into areas of concerns. The tourism account is one of the accounts being reviewed. If you remember, Commissioner Rainey mentioned the Tourism account and the allocation of tourism dollars for the rail platform. If an account or line item is identified as requiring an additional audit of the account, I spoke with Miller Edwards with Mauldin & Jenkins who can provide this service, which is more detailed than the annual audit.

### **Media Policy**

I will be working with the Personnel Attorney on a media policy for the city.

### **Clemmie C. Gaston, Sr. Bridge Dedication**

The signs are ready for the bridge dedication. Mr. Clemmie Gaston, Jr. is contacting family members for the dedication. Please let me know if your preference is to hold the dedication ceremony during the day or early evening (5 pm or 6 pm).

### **CHIP Grant**

We have received a CHIP Agreement to move forward with repairs on one of the homes in the plan.

**Food Truck Friday, March 11, 2022:** This event will be held at the Cordele Historic Museum, 105 East 9<sup>th</sup> Avenue, 10 AM – 5 PM. The Commission approved at the last Meeting, the street closure.

**Watermelon Capital Hot Air Balloon Festival and Chili Cook Off:** This event will be held on March 25<sup>th</sup> and 26<sup>th</sup>, 2022, 4:00 – 8:00 PM at Lake Blackshear Resort, 2459 US 280 West, Cordele, GA 31015.

**EXECUTIVE SESSION:** Commissioner Shephard moved to go into to Executive Session at 7:09 p.m. to discuss personnel and litigation matters; seconded by Commissioner Owens, the motion was approved by the Commission.

**REGULAR MEETING RECONVENED:** Commissioner Shephard moved to reconvene the Meeting at 7:40 p.m., seconded by Commissioner Owens; the motion was approved by the Commission.

**APPROVAL OF MINUTES:** Commissioner Rainey moved to approve the Meetings Minutes for February 15, 2022; second by Commissioner Rainey; Minutes were approved unanimously by the Commission.

**Recommendation:** City Attorney Tommy Coleman stated that C. E. Shepherd, L. P. had a suit against the City for \$174,225.04, on February 1, 2022 the Commission approved a payment of \$96,200.00, there was a balance of \$78,025.04; Mr. Coleman recommended to the Commission to make monthly installments to C. E. Shepherd, L. P. for the remaining of the year for the amount of \$78,025.04.

**Motion:** Commissioner Owens moved to make monthly installments to C. E. Shepherd Company, L. P., in the amount of \$78,025.04 for the remaining of the year for the WWIS/Shepherd matter; seconded by Commissioner Shephard; the motion was approved by the Commission.

**ADJOURNMENT:** Commissioner Rainey moved to adjourn the meeting at 7:42 p.m.; seconded by Commissioner Shephard; the motion was approved by the Commission.

**APPROVAL OF MINUTES:** Commissioner Shephard moved to approve the Meetings Minutes for March 1, 2022; second by Commissioner Owens; Minutes were approved by the Commission.