



CITY OF
Swainsboro GEORGIA
Crossroads of the Great South



City Council Meeting

April 4, 2022

The regular meeting of Mayor and City Council was held **Monday April 04, 2022**
at 6:00 P.M. City Hall.

Members Present: Sconyers, Stafford, Parker, Collins, Davis, & Quarterman

Prayer of Invocation: Councilperson David J. Davis III

Pledge of Allegiance

Councilperson Parker requested that the March 17th minutes be amended to reflect the questions he asked the city clerk regarding a letter that was sent to the mayor and council.

Councilperson Davis made a motion to accept the February 7th, March 7th, and March 10th minutes.

Motion by: Davis

Seconded: Stafford

Passed 6-0

A. Old Business:

1. Council discussed the ARPA funds and the SPLOST funds.
2. Motion was made to bid out the theater project.

Motion by: Stafford

Seconded: Sconyers

Passed 6-0

B. New Business:

1. Mr. Bynes requested to address the council but was not present for the meeting.
2. Mayor Bennett nominated Sara Young, Nick Robertson, Dale Brown, and Kristin Hall to the Downtown Development Committee.

Motion by: Davis

Seconded: Stafford

Passed 6-0

3. Mayor Bennett nominated Bill McWhorter, Carol Canady, and Ed Daniels for the Ethics Committee. Councilperson Collins stated that the ethics committee was supposed to be made up from nominations from mayor and council. Councilperson Collins requested that this item be tabled until the council had time to discuss the nominations.
4. Council heard a request from Mehoshi May DBA Clay D's Place to advertise for a game room license.

Motion by: Parker

Seconded: Stafford

Passed 6-0

5. Councilperson Stafford made to motion to sell the surplus vehicles and equipment at the next Lane Brothers Auction.

Motion by: Stafford

Seconded: Parker

Passed 6-0

6. Council considered a proposal from Condrey & Associates, Inc. for a classification and compensation study for all city employees, mayor, and city council members.

Motion by: Davis

Seconded: Stafford

Passed 4-2

For: Davis, Stafford, Sconyers, Quarterman

Against: Parker, Collins

7. Council heard a request from Dana Williams DBA Dana's Monogramming & More LLC to advertise for a game room license.

Motion by: Stafford

Seconded: Sconyers

Passed 6-0

8. Council approved the low bid from Reeves Construction Company for the Apron Rehabilitation in the amount of \$1,011,025.00. The matching portion of this grant is \$292,065.00 and will be funded equally by the city and county.

Motion by: Sconyers

Seconded: Stafford

Passed 6-0

9. Chris Morton with Clearwater Solutions addressed the council regarding the inert landfill. Council discussed purchasing equipment to mulch onsite verses hiring a contractor to come onsite as needed to mulch for the city. Mayor Bennett requested to table this item for two weeks.
10. Councilperson Collins requested a motion to set the following agenda items for the next regular meeting:
- a. Council to consider maintaining pay for council at the current rate
 - b. Council will consider reimbursing councilmembers for any reductions prior to the meeting.
 - c. Council will consider a question for reimbursement for councilmembers' insurance premium.

Motion by: Collins

Seconded: Parker

Passed 6-0

11. Council discussed the eligibility of the Robin Road project for the CDBG. City attorney Jon Levis stated that an email was sent out to all council members regarding the Robin Road Project. Councilperson Sconyers asked had the engineers been asked if the Robin Road Project would qualify for a CDBG. The city clerk stated that there was no Robin Road file. The clerk stated that to qualify for the CDBG we would need dated pictures of the area, letters from the residents regarding the issues, and work orders regarding the area. Councilperson Parker asked the city clerk had anyone been contacted to get that information. The clerk stated that she had reached out to a former councilmember of that area and the current councilmember of that area but had not received any information. The city clerk also stated that she went over to that area to get pictures right after a rainstorm and there was no standing water. Chris Morton addressed the council regarding the ditch at Robin Road. Morton stated when Clearwater Solutions took over the project the ditch had not been maintained. Clearwater Solutions cleaned up the area and for the past two years they have not received any complaints regarding the Robin Road area. Morton stated that he has viewed the area before, during and after rain and there has been no standing water in that area since the area has been maintained. The city clerk stated that she has requested that anytime any work is done that it be documented, and pictures taken to use to determine future CDBG project areas.

C. Committee Reports:

1. None

Councilperson Stafford made a motion to go into executive session to discuss contract exception pursuant to O.C.G.A. 50-14-3(b)(1)(D).

Motion by: Stafford

Seconded: Davis

Passed 6-0

CLOSING MEETING AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the undersigned, who, after being duly sworn, depose and on oath state the following:

- (1) The Mayor/ Mayor Pro Tem was the presiding officer of a meeting of the Swainsboro City Council held on the 4th day of April, 2022.
- (2) That it is our understanding that O.C.G.A. § 50-14-2 provides as follows:

“This Chapter shall not be construed so as to repeal in any way:

(1) The attorney-client privilege recognized by state law to the extent that a meeting otherwise required to be open to the public under this chapter may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved; provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting; and

(2) Those tax matters which are otherwise made confidential by State law.”

And that O.C.G.A. § 50-14-3 (a) provides as follows:

“This chapter shall not apply to the following:

(1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;

(2) The deliberations and voting of the State Board of Pardons and Paroles; and in addition such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;

(3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;

(4) Adoptions and proceedings related thereto;

(5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;

(6) Meetings:

(A) Of any medical staff committee of a public hospital;

(B) Of the governing authority of a public hospital or any committee thereof when performing a peer review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable federal or state statute or regulation; and

(C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law is discussed, considered, or voted upon;

(7) Incidental conversation unrelated to the business of the agency; or

(8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.”

(3) Close Executive Sessions are permitted pursuant O.C.G.A. § 50-14-3(b) for:

“(1) Meetings when any agency is discussing or voting to:

(A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;

(B) Authorize negotiations to purchase, dispose of, or lease property;

(C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;

(D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote;
or

(E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

(2) Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to impose disciplinary action or dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

(3) Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition;

(4) Portions of meetings during which that portion of a record made exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed; and

(5) Meetings when discussing or deliberating upon cybersecurity plans, procedures, and contracts regarding the provision of cybersecurity services. No vote in executive session to enter into a cybersecurity contract shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the contractor and the terms of the agreement that are not subject to paragraph (25) of subsection (a) of Code Section 50-18-72 are disclosed before the vote.”

(4) The subject matter of the closed meeting or closed portion of the meeting held on the 4th day of April, 2022, which was closed for the purpose of:

- ☐ ATTORNEY-CLEINT PRIVILEGE REGARDING PENDING LITIGATION
O.C.G.A. § 50-14-2(1)
- ☐ TAX MATTERS PURSUANT TO O.C.G.A. §50-14-2(2)
- ☐ STAFF MEETING HELD FOR INVESTIGATION PURSUANT TO O.C.G.A. §50-14-3(a)(1)
- ☐ DELIBERATION AND VOTING OF THE STATE BOARD OF PARDONS AND PAROLE PURSUANT TO O.C.G.A. §50-14-3(a)(2)
- ☐ LAW ENFORCEMENT AGENCY OR PROSECUTIONSL AGENCY O.C.G.A. §50-14-3(a)(3)
- ☐ MEDIATION EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(5)
- ☐ HOSPITAL MEETINGS EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(6)
- ☐ INCIDENTAL CONVERSATION EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(7)
- ☐ SETTLEMENT EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(A)
- ☐ PROPERTY NEGOTIATIONS PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(B)
- ☐ APPRAISAL EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(C)
- ☒ CONTRACT EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(1)(D)
- ☐ EMPLOYMENT EXCEPTION PURSUANT O.C.G.A. § 50-14-3(b)(2)

_____ PUBLIC RETIREMENT SYSTEM PURSUANT TO O.C.G.A. §50-14-3(b)(3)

_____ PROTECTION OF EXEMPTION PORTIONS OF RECORD PURSUANT TO O.C.G.A. § 50-14-3(b)(4)

_____ CYBERSECURITY EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(b)(4).

(5) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. 50-14-4(b) that such an affidavit be executed.

This 4th day of April, 2022.

Greg Bennett, Mayor

Julian Sconyers - Council Person

Johnny Ray Stafford – Council Person

Bobbie Collins – Council Person

John E. Parker – Council Person

D. J. Davis, III – Council Person

Gregory Quarterman – Council Person

Sworn to and subscribed before me this

4th day of April, 2022.

NOTARY PUBLIC

My commission expires: _____

Councilperson Davis made a motion to re-enter regular session.

Motion by: Davis Seconded: Quarterman Passed 6-0

1. Councilperson Davis made a motion to cease and desist the BAK contract on the theater project.

Motion by: Davis Seconded: Sconyers Passed 6-0

Councilperson Davis made a motion to adjourn.

Motion by: Davis Seconded: Sconyers Passed 6-0

Submitted: ***Melissa Kirby***, City Administrator