



CITY OF
Swainsboro GEORGIA
Crossroads of the Great South



City Council Meeting

April 18, 2022

The regular meeting of Mayor and City Council was held **Monday April 18, 2022**
at 6:00 P.M. City Hall.

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

Prayer of Invocation: Pastor Gary Hackett, Home of the Apostle Outreach Ministry

Pledge of Allegiance

Councilperson Stafford made a motion to accept the March 17th, and April 4th minutes.

Motion by: Stafford

Seconded: Sconyers

Passed 6-0

A. Old Business:

1. City Attorney Jon Levis informed the council that the city could use the ARPA funds for matching funds if council classified the funds under the lost revenue category. Councilperson Stafford made a motion to classify the ARPA monies as lost revenue for reporting purposes.

Motion by: Stafford

Seconded: Sconyers

Passed 4-2

For: Stafford, Sconyers, Davis, Quarterman

Against: Parker, Collins

2. Council considered the following project categories for the upcoming SPLOST referendum:
 - a. Water & Wastewater
 - b. Public Safety Fire Department
 - c. Public Safety Police Department
 - d. Public Works
 - e. Cultural Arts & Education
 - f. City Hall Renovation
 - g. Recreation

Councilperson Sconyers made a motion to accept the categories listed on the list.

Motion by: Sconyers

Seconded: Stafford

Passed 5-1

For: Stafford, Sconyers, Davis, Quarterman, Parker

Against: Collins

3. Councilperson Parker made a motion to place the Gym Project out for bids.

Motion by: Parker

Seconded: Quarterman

Passed 6-0

4. Councilperson Sconyers made a motion to pay off the KS State Bank loan with the available 2017 SPLOST funds.

Motion by: Sconyers

Seconded: Stafford

Passed 6-0

5. Council discussed the ethics committee nominations. Councilperson Parker nominated Donald Jenkins. Mayor Bennett had previously nominated Bill McWhorter, Carol Canady, and Ed Daniels. Councilperson Stafford made a motion to nominate Donald Jenkins, Carol Canady and Bill McWhorter.

Motion by: Stafford

Seconded: Parker

Passed 5-1

For: Stafford, Parker, Sconyers, Davis, Quarterman

Against: Collins

6. Mayor Bennett presented a quote for the inert landfill grinding and stated that we will have another quote at the end of the week from another company. The amount of the bid was

not disclosed to the public at the time of the meeting. Motion was made to accept the lowest bid upon receipt of the second bid on April 22nd.

Motion by: Stafford

Seconded: Sconyers

Passed 6-0

B. New Business:

1. Chris Morton with Clearwater Solutions addressed the council regarding the mixer motor at the Wastewater Treatment Plant. Mr. Morton presented a quote for a new mixer motor and a quote to repair the old mixer motor. Councilperson Davis made a motion to purchase a new mixer motor from Aqua-Aerobic Systems, Inc. in the amount of \$15,574.74 using 2017 SPLOST funds.

Motion by: Davis

Seconded: Parker

Passed 6-0

2. Fire Chief Strobridge presented a quote from NAFECO in the amount of \$8,480.00 for new turnout gear for the two new firefighters. Chief Strobridge also reported that the fire department had received a check from Homeland Security in the amount of \$24,700. Councilperson Parker made a motion to purchase the turnout gear.

Motion by: Parker

Seconded: Davis

Passed 6-0

3. Councilperson Collins requested that the following agenda items be postponed until May 2nd 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 April 4th.
- c. Council will consider a question for reimbursement for councilmembers' insurance premium.

4. Council selected the Associates in Local Government as the Grant Administrator for the CDBG.

Motion by: Sconyers

Seconded: Davis

Passed 6-0

5. Council postponed the selection of Engineering for the CDBG.

C. Committee Reports:

1. Building Inspector Bruce Kirby presented a recommendation from the planning and zoning committee to rezone Map & Parcel 095059X on Hwy 56 North from R3 to C8 General Commercial. The rezoning was postponed due to questions about advertising; however, upon clarification from the building inspector the rezoning was revisited after executive session and approved by council.

Councilperson Collins spoke about the motor vehicle accident that occurred on March 26th at the DeAlva Park. The vehicle struck the fence and entered the playground area striking some playground equipment Councilperson Collins thanked the Swainsboro Police Department and Tony Mangieri with the recreation department for the assistance that they provided to ensure the safety of the children. Councilperson Collins stated the damaged playground equipment has been removed by the recreation department.

Councilperson Collins thanked everyone in the community for the assistance they provided after the recent tornado damaged.

C. Executive Session:

Councilperson Stafford made a motion to go into executive session to discuss attorney-client privilege regarding pending litigation. O.C.G.A. 50-14-2(1).

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 18th 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 18th 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 PROSECUTIONS 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)**
- ☐ **INCIDENTIAL 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 18th 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

18th 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. Mayor Bennett stated that the city had meet the obligations of the city for the rezoning of the property on Hwy 56 that was presented by Bruce Kirby. Councilperson Davis made a motion to accept the recommendation from the planning and zoning committee.

Motion by: Davis

Seconded: Stafford

Passed 6-0

Councilperson Davis made a motion to adjourn.

Motion by: Sconyers

Seconded: Davis

Passed 6-0

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