



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

The regular meeting of Mayor and City Council was held on Monday, July 10, 2023, at 6:00 P.M. City Hall

Members Present: Mayor Bennett, Councilperson Collins, Councilperson Quarterman, Councilperson Parker, Councilperson Stafford, Councilperson Sconyers, Councilperson Davis

Prayer of Invocation: Councilman Parker

Pledge of Allegiance

Minutes of the June 5, 2023, regular meeting were presented. Councilperson Davis made a motion to accept the minutes.

Motion by: Davis

Seconded by: Sconyers

Vote: 6 - 0

Mayor updated Council and CAY committee that Kevin Palmer, Architect, would start on initial drawings for building on Wednesday or Thursday of this week.

Mayor opened sealed bids for a knuckle boom truck and new vehicles for various city departments.

A. Old Business.:

1. Council heard from Ms. Giselle White-Perry regarding the Robin Road Project. Ms. Giselle White-Perry requested to be on the August meeting.
2. Council approve the resolution for the elevated tank project as written. Councilperson Sconyers made the motion to approve the resolution and to proceed with the elevated tank project.

Motion by: Sconyers

Seconded by: Davis

Vote: 6 -0

B. New Business:

1. Council will consider bids for a knuckle boom truck.
Two Bids were received. One bid from Solid Waste Applied Technologies (SWAT) and one from Environmental Products Group (EPG). Councilperson Stafford made a motion to purchase the 2024 Freightliner Knuckle boom truck from SWAT for \$211,000, paid out of the Splost funds.

Motion by: Stafford

Seconded by: Parker

Vote: 6 -0

2. Council considered bids for new vehicles for various city departments. Bids were received from Enterprise, Daniels Chevrolet, and Brannen Motor Company (bid was late and not considered). Councilperson Parker made a motion to use Enterprise and Daniel Chevrolet for the purchase of city vehicles for various departments.

Motion by: Parker

Seconded by: Davis

Vote: 6 - 0

3. Council will hear from Ms. Shari Watt on Keep Emanuel Beautiful and Harmon Park. Ms. Watt asks that the public be kept informed with what the city plans to do with Harmon Park. Mayor says that the County has agreed to redo the tennis courts and put a pickle ball court out there. Negotiations are still on going. Attorney Levis stated that nothing is set in stone. Before anything is formally approved by the city with regard to the dissolution of the Parks and Recreation Department council and mayor will receive an intergovernmental agreement for approval, changes, and for voting on. If there are any

other actions the city would like to take as far as oversight of the city's parks, which includes Harmon Park, that is a decision that needs to be made independently.

4. Ms. Kaleigh Helton requested to address council in regard to parking issue for downtown businesses but withdrew that request hours before council meeting started.
5. Mrs. Lori King requested to address council in regard to petition for speed bumps on Longview Road near her daycare business but withdrew her request hours before council meeting started. Ms. King expressed her wishes to be added to the August agenda.
6. Council will hear from Ms. Kirkland regarding a business on South Main Street. Ms. Kirkland is opposed to the business called Clay D's place (formerly known as Bird's) to be open due to the death of her son on this property. She stated they are supposed to be a game room but, to her knowledge they just got caught selling alcohol and there is no security. The owner Ms. May stated that they do have a business and game room license, and no one was ever selling alcohol out of the place. She and her children were decorating the place for her aunt's birthday party and her aunt drinks beer, and she had wine. They were not selling anything it was in a tote container. Mrs. May also stated that a citation was issued to the business by an officer. The officer told her to contact the Chief of Police the next day.
7. Council will hear the amendment made to the probation service contract. Councilperson Parker makes a motion to approve the probation services amendments effective July 11, 2023.

Motion by: Parker

Seconded by: Stafford

Vote: 6 – 0

8. Council heard from Appalachian Mountain Tax Collection Specialists. Tracie Mathis, a representative with Appalachian Mountain Tax Collection Services stated that they are a third party that can assist the city in collecting delinquent taxes at a no cost to the city. The cost is passed on to the delinquent taxpayer. The city determines how aggressive they want to be with their tax collections. We can assist in the collections from the very beginning that tax bill becomes delinquent all the way through a tax sale. Councilperson Parker stated to Mr. Middlebrooks, the city administrator, because we do not have the manpower currently to do this along with other items that the city would want so this should be something we consider since it's not going to cost us anything and will help us get our taxes quicker or more efficiently. Mr. Middlebrooks stated more efficiently. Ms. Mathis stated that the city determines when to send out the initial delinquent letters. Councilperson Collins asked Ms. Mathis how do you get paid. Ms. Mathis stated they do not get paid unless the bill gets paid. Mayor Bennett stated the contract should be sent over to the city attorney, Jon Levis, for his review. No action was taken.

9. Council considered the liquor license application for Bradley Hooks. He plans to open a restaurant in Walmart Plaza called The Stockyard. Mayor Bennett states that he is an investor and removed himself. Mayor Pro Tem, Ms. Collins, takes over the meeting. Councilperson Parker makes a motion to advertise the liquor license for Bradley Hooks.

Motion by: Parker

Seconded by: Sconyers

Vote: 5 – 0

10. Council considered the hiring of Tyler English as a new fire fighter. Mayor Bennett resumes the meeting. Councilperson Stafford made a motion to hire Tyler English as a full-time fire fighter. Chief Strobridge stated we will have to send him to the academy to become certified.

Motion by: Stafford

Seconded by: Davis

Vote: 6 – 0

11. Council heard from fire chief on new truck. Chief Strobridge states that the city is able to purchase a demo fire truck at today's prices. Demo means the truck is already design and going to be built. If the city commits it will be locked in, and the price of the truck will be due when delivered. Mayor asks if we get this new one, will you retire one of the old ones? Chief Strobridge states that he is going to use it as a service truck because it does not have a certified pump. Councilperson Parker states that if council agrees to purchase this in two years, is it a lease payment or the full amount of \$413,000? Chief Strobridge stated that at that time we will have to pay the full amount. Councilperson Parker asked

Mr. Middlebrooks to incorporate this in next year's budget. Attorneys Levis stated that he is concerned about the binding of future council, what if the situation changes and we don't need it, or there is a better deal. Levis asked, what are the terms and conditions of the contract? Levis stated he would like to see the contract to make sure it is not in violation of any provisions.

12. Council heard a recommendation of a preliminary subdivision plat plan from Planning and Zoning. Bruce Kirby, Building Department Official informed council that the planning and zoning at a later date will be presenting a final plat for council's approval. This subdivision is located on the north end of the city and will contain fifty-six houses in an R3 residential zone, three houses per acre. The homes are going to be between 800 to 1200 square feet.

13. Council will consider the purchase of a new aerator motor. Chris Morton, Project Manager for Clearwater Solution, stated the core of the motor is busted. Councilperson Parker made a motion to purchase an aerator motor for \$11,123.00.

Motion by: Parker

Seconded by: Stafford

Vote: 6 – 0

14. Council considered a resolution for the establishment of fees for streamlining wireless facilities and antennas. Attorney states that Tilson had withdrawn their application and has sent a new application to attach an antenna on an existing pole. In reviewing the process and talking with city administrator it has been determined that we do not have any fees for the application process. Levis stated what we have done is submitted two resolutions. One being resolution No. 2023-7 for the establishment of fees for application and occupancy rates pursuant to the streamlining wireless facilities and antennas act, O.C.G.A. § 36-66C-1, *et. seq.* which would allow us to charge the maximum allowable rates under Georgia Law including an escalation clause of 2.5% with an annual increase starting January of every year. The second resolution is called the BILD Act and that allows us to charge a rate up to \$500.00 for the application process, permit, and review. We don't have anything for this either and resolution No. 2023-8 establishment of fees for application pursuant to the mobile broadband infrastructure lead to the development (BILD) Act, O.C.G.A. § 36-66B-1, *et. seq.* Councilperson Davis makes a motion to approve resolution No. 2023-7 and resolution No. 2023-8 as written.

Motion by: Davis

Seconded by: Quarterman

Vote: 6-0

15. Council considered the adoption of paid paternity leave. Councilperson Parker made a motion to adopt the three-week paid paternity leave starting today, July 10th moving forward.

Motion by: Parker

Seconded by: Davis

Vote: 4 -2

For: Parker, Davis, Quarterman, Collins

Against: Sconyers, Stafford

Councilperson Parker motioned to amend the agenda to discuss the individual in executive session. Motion died due to lack of second.

16. Council will consider the sale of excess property. Attorney stated you have resolution 2023-9 adopting the establishment of terms and conditions by sealed bids for real property. Councilperson Davis made a motion to approve resolution 2023-9 as written.

Motion by: Davis

Seconded by: Parker

Vote: 6 – 0

Councilperson Davis made a motion to amend the agenda to add an ice machine for public works.

Motion by: Davis

Seconded by: Parker

Vote: 6 - 0

17. **Council considered the purchase of an ice machine for public works.** Councilperson Sconyers make a motion to purchase an ice machine for public works for \$5306.00 from Quality Air.

Motion by: Sconyers

Seconded by: Parker

Vote: 6 - 0

C. Consent Agenda

- Motion by: Davis Seconded by: Parker Vote: 6 - 0**

None

1. Councilperson Davis made a motion to go into executive session to discuss property negotiations pursuant to O.C.G.A. § 50-14-3(b)(1)(B).

Motion by: Davis Seconded by: Parker Vote: 6 - 0

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 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

- 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 10th day of July 2023, 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)
- X 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 10th day of July 2023.

Greg Bennett, Mayor

Julian Sconyers - Council Person

Johnny Ray Stafford – Council Person

Bobbie Collins – Council Person

John E. Parker – Council Person

Gregory Quarterman – Council Person

D. J. Davis – Council Person

Sworn to and subscribed before me this
10th day of July 2023.

NOTARY PUBLIC
My commission expires: _____

Councilperson Sconyers made a motion to return to regular session.
Motion by: Sconyers **Seconded by:** Stafford

Councilperson Sconyers made a motion to sell the property located on West Moring Street via sealed bid with the historical provisions subjected by the National Registry of Historic Places.
Motion by: Sconyers **Seconded by: Parker** **Vote: 6 – 0**

Consensus to Adjourn

Submitted: ***Herman Middlebrooks***, City Administrator