



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

July 18, 2022

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

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

Prayer of Invocation: Pastor Brad McKenzie, Jesus Saves

Pledge of Allegiance

Councilperson Sconyers made a motion to accept the June 20th minutes.

Motion by: Sconyers

Seconded: Davis

Passed 6-0

A. Old Business:

1. Council considered the approval of the game room license application for Arvind R. Patel dba Kiran Inc./Mini Mart located at 905 West Main Street. Motion was made by Councilperson Stafford.
Motion by: Stafford Seconded: Parker Vote: 6-0
2. Council considered the approval of the game room license application for Maheshkumar Patel dba Krishi 1502 LLC/ Emanuel Discount located at 119 South Central Street. Motion was made by Councilperson Parker.
Motion by: Parker Seconded: Stafford Vote: 6-0
3. Council considered the approval of the game room license application for Bhargav B. Patel dba Swaiminarayan Krupa Inc. located at 504 East Main Street. Motion was made by Councilperson Sconyers.
Motion by: Sconyers Seconded: Stafford Vote: 6-0
4. Council considered the approval of the game room license application for Milankumar D. Patel dba MD Enterprise Inc./ Raco located at 202 East Main Street. Motion was made by Councilperson Parker.
Motion by: Parker Seconded: Sconyers Vote: 6-0
5. Council considered the approval of the game room license application for Niral Patel dba Jaynell LLC/ ABC Food Mart located at 208 North Main Street. Motion was made by Councilperson Parker.
Motion by: Parker Seconded: Sconyers Vote: 6-0
6. Council considered the approval of the game room license application for Dirav Dolatbhai Patel dba OMSAI Gateway LLC located at 350 East Main Street. Motion was made by Councilperson Parker.
Motion by: Parker Seconded: Davis Vote: 6-0
7. Council considered the approval of the game room license application Piyushkumar J. Patel dba K. T.'s Place located at 636 North Main Street. Motion was made by Councilperson Parker.
Motion by: Parker Seconded: Sconyers Vote: 6-0

B. New Business:

1. Council considered an alcoholic beverage license application for Julian Cortez Cruz for advertisement. Motion was made to advertise by Councilperson Sconyers.

Motion by: Sconyers

Seconded: Parker

Vote:6-0

2. David L. Schechter addressed the council requesting that council consider placing Sunday alcohol sales on the November ballot. Schechter stated that Sunday alcohol sales would provide residents the opportunity to enjoy alcohol on a Sunday afternoons while watching a ballgame with friends and family. Schechter stated that he had commercial estate license at one point, and he done site selections for supermarkets and banks. Schechter stated that businesses look at locations that allow alcohol sales on Sundays. Schechter stated that we are also missing out on local businesses who want to have seating for customers to have section to allow customers to consume alcohol and watch a game. Schechter stated that he cannot buy beer in Swainsboro but can drive 11 miles to purchase beer in our county. Schechter requested the support of council to allow Sunday alcohol sales. Councilperson Stafford stated that this would have to be placed on the ballot for the citizens to vote. Councilperson Parker stated that for the city to grow this would be something that the council needs to look at. Councilperson Parker stated for the record he does not drink or smoke. Councilperson Parker stated that the citizens should have the opportunity to vote. Motion was made Councilperson Parker to place on the ballot.

Motion by: Parker

Seconded: Quarterman

Vote: 4-2

For: Parker, Quarterman, Davis, Collins

Against: Stafford, Sconyers

3. Pat Lincoln addressed the council regarding the petition from the residents on Harmon Road requesting the city install two speed bumps on Harmon Road. Motion was made by Councilperson Stafford to install speed bumps.

Motion by: Stafford

Second: Sconyers

Vote:6-0

4. JJ Palmer with Dellwood Baptist Church requested permission to use the property located at 417 Lewis Street (formerly known as the Food Basket). Palmer stated they would like to use the property as an outreach center. Palmer further stated that they would like to have a space to have church activities like an open-air platform for preaching and activities like community fish fry. Palmer stated that they would like to pass tickets out for cash drawings for attendees. Councilperson Parker stated that back in 2016 the property was given to Rev. Ida McMillian to use for a church. Councilperson Parker stated that McMillian had a tree cut down and painted the building. Councilperson Parker stated that he had researched records and was not able to find where the city followed thru with this. Mr. Palmer stated that they would provide insurance, maintain the lot, and make repairs as necessary to the building if the city allowed the church to use it. Councilperson Collins stated that she remembered council granting Rev. McMillian permission to use the property. Councilperson Collins stated she could not find in the minutes where this was recorded. Mayor Bennett asked Councilperson Collins if she remembered when this was presented to council. Councilperson Collins stated that in 2016, Rev. McMillian requested to use the property. Mayor Bennett asked was the building given to McMillian or was she given permission to use the building. Councilperson Collins stated that at the time she was requesting to use it. Mayor Bennett asked has anyone used the property in the last 2 to 3 years. Councilperson Parker stated that the property has not been used but it was painted and the tree in the front has been removed. Councilperson Parker stated that he and the clerk had reviewed the minutes. Councilperson Parker stated that the minutes dated September 12, 2016, listed as item number six under new business discussed the request from Rev. Ida McMillian. Councilperson Parker read the minutes of record pertaining to this item. Councilperson Parker stated that since that time he has went thru the minutes and has not seen this mentioned, but he did know that this was granted. Palmer stated that they don't envision this as being just for Dellwood Church but as an outreach center for all churches in the area to partner together. Councilperson Collins stated that Rev. McMillian needs to be contacted to see if they plan on using the property. Councilperson Collins made a motion to postpone until next month to get

additional information from Rev. McMillian regarding their future intentions of the property.

Motion by: Collins

Second: Parker

Vote: 6-0

5. Chief Mike Strobridge addressed the council regarding the quote for the fireman's annual uniforms order. The total cost of the uniforms is \$9,013.10. Chief Strobridge stated that each fireman is allotted \$400 per year except for new hires. Councilperson Parker asked when the council had promoted anyone. Councilperson Parker stated that he didn't have any problems with anyone getting promoted but questioned who does the promotions. Chief Strobridge stated that he does the request for the promotions, and it is brought to city hall. Councilperson Parker asked had we promoted anyone to assistant chief since Pepper Fields retired. Chief Strobridge stated that when they remapped the way promotions are done to allow firemen to receive promotions. Councilperson Davis made a motion proceed with the uniform order.

Motion by: Davis

Seconded: Stafford

Vote: 4-2

For: Davis, Stafford, Sconyers

Against: Collins Parker

6. Chief Strobridge asked council to consider hiring Faith Jones as a firefighter. Chief Strobridge stated that Ms. Jones has taken the registered volunteer course. Chief Strobridge requested permission to hire Ms. Jones.

Motion by: Stafford

Seconded: Sconyers

Vote: 4-2

For: Stafford, Sconyers, Davis, Quarterman Against: Parker, Collins

7. Chris Morton presented a quote from Wilson Electric Company to repair the two aerators at the wastewater treatment plant. Morton stated that there are two pumps down and are being repaired. Morton stated that for \$10,042.00 we can get both repaired and they will have a 1-year warranty. Morton requested permission to use the R & M Account for the City of Swainsboro to pay for these repairs. Morton stated that these monies are already set aside for repairs and maintenance.

Motion by: Sconyers

Seconded: Stafford

Vote: 6-0

8. Chris Morton presented quotes from Xylem and GWI for replacement pumps for Lift Station #13. Morton stated that these had been repaired numerous times. Morton stated that the lift stations are currently running off bypass pumps. Morton stated that we are having to use fuel to keep these pumps running. Councilperson Davis asked about the warranty of the GWI pumps. Morton stated that they have an 18-month full coverage warranty. Motion was made by Councilperson Stafford to purchase the new pumps from GWI using SPLOST monies.

Xylem New: \$68,282.00 Repaired: \$35,911.00

GWI New: \$36,390.00

Motion by: Stafford

Seconded: Sconyers

Vote: 6-0

9. Chris Morton addressed the progress of the grinding at the inert landfill. Morton stated that one of the piles at the inert landfill caught on fire and is gone. Councilperson Davis asked were we fined? Morton stated that EPD was happy with the way Clearwater handled the incident and no fines or violations were issued. Morton stated that EPD did question the inert landfill grinding schedule and requested load sheets for the pile that caught on fire. Morton stated that we have one last old pile that has dirt and trash. Morton presented a quote from MW Collins for \$35,000 to remove the last old pile. Morton also presented a quote from MW Collins for routine and ongoing grinding of the limbs and leaves at the inert landfill. Mayor Bennett asked if this old pile is removed could we wait to a later date to address the routine grinding later. Morton stated that this would get us in compliance. Councilperson Davis made a motion to accept the quote of \$35,000 to remove the last old pile at the inert landfill. Council decided to revisit the maintenance program later. Councilperson Parker asked if there are funds available in the budget for this item. The city clerk stated that we would need to amend the budget to cover these expenses. Councilperson Davis asked what would be the fine if this is not taking care of. Morton stated that the fine would be around \$75,000. The clerk stated that our inert landfill is only a staging area. Councilperson Parker stated that he voted against this item due to lack of funding in the current budget for this line item.

Motion by: Davis **Seconded: Sconyers** **Vote: 4-1**
For: Davis, Sconyers, Quarterman **Against: Parker** **Abstained: Collins**

10. Chris Morton presented a quote for beaver trapping and removal. Morton stated that this contract is for 12 months at a cost of \$250.00 per month. Councilperson Parker made to motion to enter the contract for beaver trapping.

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

11. Council discussed the 2021 and 2022 LMIG projects. Councilperson Davis asked how these streets are prioritized. Mayor Bennett stated that Chris Morton went out and prioritized them on a need basis. The clerk stated that the price of asphalt has increased drastically and there are not enough funds available. Mayor Bennett stated that the city only received one bid. Councilperson Collins asked about a street that she had requested to be paved. The city clerk stated that the street that Councilperson Collins is asking about is on the upcoming TIA project list. Councilperson Davis asked does the DOT approve our lists. The clerk stated that the city submits the project list to DOT. The clerk further stated that she had spoken with Chris Morton to get a list together of the streets in the city that need paving and prioritize them. Councilperson Parker requested this item be postponed until the August meeting so that they have all the information available to them.

12. Mayor Bennett stated that it would be beneficial to hire one contractor for both projects. Mayor Bennett stated that BAK Contractors was more familiar with the theatre project. Mayor Bennett stated that BAK could have both projects completed about the same time. Mayor Bennett requested council approve BAK contractor so that the city could renegotiate with BAK on completing both projects. Councilperson Parker made a motion to proceed with BAK Contractors for the gym project.

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

13. Councilperson Parker made a motion to proceed with BAK contractors for the theatre project.

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

14. Mayor Bennett stated that a group came to him asking the city to install a skateboard park. Mayor Bennett stated that the group is going to do all the engineering for free. Mayor Bennett stated that they are going to donate all the coping and metal for free. Mayor Bennett stated that they have one company that will sell the city the concrete at cost. Mayor Bennett presented pictures of what the skateboard park would look like. Mayor Bennett stated that he had spoken to the county, and they had agreed to pay half of the costs. Mayor Bennett stated that the estimated cost of the project is around \$80,000 to \$100,000 and the city would only have to pay half the cost. Mayor Bennett stated that we do not have anything for the kids to do. Councilperson Sconyers stated that this would fall under the recreation department and asked has anyone spoken with the oversight committee. Councilperson Davis stated that the oversight committee is against this. Councilperson Parker asked would these numbers be available in time for the upcoming budget. Mayor Bennett requested permission to get quotes. Councilperson Davis made a motion to get quotes.

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

15. Mayor Bennett asked the council for approval to enter discussions with the county to take over the airport. Mayor Bennett stated that the airport is for every citizen in this county and the city should not be paying 50% of the budget. Councilperson Parker asked the city clerk did we still have the \$600,000 of loans on the hangers. The clerk stated that the county paid their portion, and the city portion was paid off last year with general funds. Councilperson Davis asked what the profit or loss at the airport is. The clerk stated she would have to get that information together for the council. Councilperson Davis requested that this be postponed to review the profit/loss of the airport prior to giving away an asset of the city.

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

C. Committee Reports:

1. None

C. Executive Session:

1. Councilperson Davis made a motion to go into executive session.
Motion by: Davis Seconded: Stafford 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 July, 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 July 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)**

_____ **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)**

 X **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 July, 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 – Council Person

Gregory Quarterman – Council Person

Sworn to and subscribed before me this

18th day of July, 2022.

NOTARY PUBLIC

My commission expires: _____

Councilperson Parker made a motion to return to regular session.
Motion by: Parker Seconded: Davis Passed 6-0

Councilperson Parker made a motion to hire Elizabeth Gilmer as the new Downtown Development Director.
Motion by: Parker Seconded: Davis Passed 6-0

Councilperson Parker made a motion to adjourn.
Motion by: Parker Seconded: Davis Passed 6-0

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