



CITY OF
Swainsboro GEORGIA
Crossroads of the Great South

City Council Meeting

July 01, 2019

The regular meeting of the Mayor and City Council, held Monday, July 01, 2019 at 6:00 P.M. at Swainsboro City Hall.

Members Present: Sconyers, Stafford, Parker, Collins, Bragg, & Faulkner

Members Absent:

Prayer of Invocation: Bishop Bertha Jones

Motion to accept minutes from the previous meeting.

Motion: by Stafford Seconded: by Sconyers 5-0
Collins absent

A. Consensus Business

None

B. New Business

1. Mrs. Stacy Avery, CPA presented the 2018 City Audit. She went through the high lights of the audit and stated it was a good audit and the city was in sound financial shape. The audit had no findings or reported issues. Council asked if this was a complete audit and she stated this is the same audit required by law all cities who receive grants must complete. She explained this was a complete audit but not a forensic audit. A forensic audit would be specific to the suspicion it was looking for. A forensic audit would take a lot of time and be a lot more expensive. This would also stop any grant application of funding sources until the forensic audit is completed.

Councilperson Bragg wanted the forensic audit RFP to be extended another two weeks because they have not received but one proposal and so another firm in Atlanta could send in a quote. Motion was made to extend it.

Motion: by Bragg Seconded: by Faulkner 4-2
Sconyers and Stafford against

2. Jerome Bynes was not present.

C. Old Business

None

D. Committee Reports

Recreation: Councilperson Bragg reported everything routine.

Water and Waste Water: Councilperson Sconyers reported everything routine.

Police: Councilperson Faulkner reported everything routine.

Police Chief Ellison reported Mercedes Hepworth and Katelyn Hill have been hired as full-time employees at the Animal Shelter.

Councilperson Faulkner reported that the Police Committee had met and recommended Mark Walden and Jonathan Jones for hire as Police Officers. They would be attending the Police Academy in October. Motion was made to accept the recommendations and hire the two officers.

Motion: by Faulkner Seconded: by Stafford 5-0

Parker Abstained

Fire: Councilperson Parker reported everything routine.

Councilperson Parker asked to ratify the hiring of Marshall Williamson as a Fire fighter. No one objected.

Administrative: Councilperson Collins reported everything routine.

Adm. Lawson stated he had been asked by council to ask the city attorney his opinion on city contributions to private organizations. He stated that he had contacted the GMA attorney and the city attorney, and the answer to the question was as follows;

SHEPHERD, GARY & MCWHORTER LLC

ATTORNEYS AT LAW
SSG BUILDING
109 E. MORING STREET
SWAINSBORO, GEORGIA 30401

TELEPHONE 478-237-7551

SIDNEY B. SHEPHERD, SR.
WILLIAM H. McWHORTER, JR.
LOREN GARY II (1943-2011)
MILLARD B. SHEPHERD, JR. (1928-2011)
FELIX C. WILLIAMS (1899-1972)
GEO. L. SMITH II (1912-1973)

REPLY TO:
P. O. DRAWER 99
SWAINSBORO, GEORGIA 30401
FACSIMILE 478-237-7514

June 24, 2019

Mayor and Council
City of Swainsboro
P. O. Box 600
Swainsboro, Georgia 30401

Attn: Mayor Charles Schwabe:

Re: City of Swainsboro, Georgia
Donation of public money for charitable purposes

Dear Mayor and Council:

As requested, and as Attorney for the City of Swainsboro, I have reviewed the law and facts relating to the above matter.

Paragraph VIII of the State of Georgia Constitution, Article 9, Section places a limitation on the taxing power and contributions of counties, municipalities, and political subdivisions by stating that they have no authority, through the use of tax money, contributions or otherwise, to appropriate money for or to lend its credit to any person or to any nonpublic corporation or association except for purely charitable purposes.

This simply stated means that cities cannot donate public money unless it is done for purely charitable purposes, and only then after the Georgia General Assembly has specifically authorized the City to do so. The term charitable is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or works; lessening the burdens of government.

I can find no legislation by the General Assembly of Georgia authorizing the City of Swainsboro to make such donations.

Please let me know if you have any questions.

Very truly yours,

SHEPHERD, GARY & McWHORTER, LLC

Public Works: Councilperson Stafford gave the report from Jacobs.

Councilperson Parker stated when the 2020 budget was being worked on, the city needed to consider charging for the disposal of large appliances. Councilperson Bragg mentioned a fee for service charge. Councilperson Parker then stated in Savannah they have a neighbor cleanup day and this could be looked into for Swainsboro.

Airport: No Report

Executive: No Report

Downtown Development: No Report

Building Inspection: No Report

Mayor: No Report

Councilperson Collins stated she had been contacted by WSAV in Savannah and she did an interview on the Juvenile Curfew the city has.

Mr. Shon Corley spoke before council and ask for assistance with his program on July 13, 2019 at DeAlva Park to provide supplies for the under privilege kids in our community. Mayor Schwabe thanked Mr. Corley for what he is doing and stated the city would support any way it could but could not contribute financially toward the project.

An Executive Session was called for by Councilperson Faulkner to discuss a personnel matter .

Motion was made to enter into Executive Session

Motion: by Faulkner all in favor by show of hands.

AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, Charles Schwabe, who, after being duly sworn, deposes and on oath states the following:

I was the presiding officer of a meeting of the Swainsboro City Council held on the day of July 01, 2019.

That it is my understanding that O.C.G.A §50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

The subject matter of the closed meeting or closed portion of the meeting held on the 1st day of July, 2019, which was closed for the purpose of personnel requested by Councilperson Faulkner as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.

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 1st day of July, 2019

Council re-entered regular session.

Council then discussed an incident that occurred last week at the Police Department. A motion was made to suspend, with pay, Officers James Young and Jaylon Townsend pending an ongoing investigation.

**Motion: by Faulkner Seconded: by Bragg 4-2
Sconyers and Stafford against**

Council considered to transfer the Senior Center building to the Co. of Emanuel with the county absorbing all cost moving forward. Motion was made to transfer the property.

Motion: by Parker Seconded: by Bragg 6-0

Submitted: Al L. Lawson, City Adm.