

## **City Council Meeting**

The regular meeting of Mayor and City Council was held on Monday, August 7, 2023, at 6:00 P.M. City Hall

Prayer of Invocation: Pastor John Hancock III, Beacon of Hope Church of God

### **Pledge of Allegiance**

Minutes from July 10, 2023, regular meeting, and July 24, 2023, special called meeting was presented. Councilperson Davis made a motion to approve the minutes of July 10, 2023, regular meeting and the minutes from July 24, 2023, special meeting as amended. Councilperson Sconyers seconded the motion. Councilperson Collins said that she wanted to make a correction on July 24 minutes to show that she abstained on item 1 under new business. Council considered the attorney's bill for June. The vote should reflect that Councilperson Parker made the motion. Councilperson Davis made the second and that the vote should have been 5 to 0 with Councilperson Collins abstaining.

**Motion: Davis** 

Seconded by: Sconyers

Vote: 6 -0

### A. Old Business:

1. Council will consider the drawings and reappropriations for the gym project. Mayor Bennett recommended that the classrooms be half as big as the building. The classroom should be extended at least five more feet so it would separate the building in half. Half classrooms and half community room. The classrooms need to be fifty percent of the building. Councilperson Parker responded that he could go along with that. Councilperson Davis asks if we are putting it out to bid? Didn't BAK say that they could already do this? Bennett states that the legal thing is that anything over \$100,000 has to be put out to bid. Attorney Levis told council that this is a substantial change in the project. Councilperson Sconyers made a motion for this building to be placed at the library, so that the library could be in charge of it. Councilperson Parker made a motion to expand the classrooms halfway of the building, put the breakroom in the community room and put it out to bid.

Motion: ParkerSeconded by: QuartermanVote: 5 – 1For: Parker, Quarterman, Stafford, Collins, DavisAgainst: Sconyers

2. Council will consider the intergovernmental agreement regarding recreational facilities and activities for the citizens of Emanuel County. Councilperson Davis made a motion to approve the Parks and Recreation Intergovernmental agreement along with the addendum.

Motion: DavisSeconded by: StaffordVote: 3-2; 1For: Davis, Stafford, StaffordAgainst: Parker, QuartermanAbstained: CollinsMotion failed.

- Council considered the alcoholic beverage license application for Bradley Hooks dba The Stockyard restaurant located in the Walmart shopping plaza. Mayor Bennett abstained from this item. Councilperson Collins takes over the meeting as the Mayor Pro Tem. Councilperson Stafford made a motion to approve the alcoholic beverage license application for Bradley Hooks dba The Stockyard restaurant located in the Walmart shopping plaza.
   Motion: Stafford Seconded by: Sconyers Vote: 5 0
- 4. Council will hear from Ms. Giselle White-Perry regarding the Robin Road Project. Mayor Bennett resumes meeting. Ms. White-Perry thanks council and staff for their help

in getting more clarity on the drainage issue. Ms. White-Perry stated that she is serving in an advisory role here to help the council committee to do a thorough investigation and gather data to make an informed decision about where we should go from here and that this is not her project. Once the information is gathered from the surveys that have already gone out. We can review what the findings are, and then council committee can make recommendations. We would expect them to provide a report. It could be shared with citizens, engineering experts, and I certainly have agreed to help identify some individuals who are in the area of environmental engineering who might be able to come up with some recommendations or some cost effective and efficient ways of dealing with the problem.

## **B.** New Business:

- Council considered the bid for Moring Street property. Mayor Bennett opened the one bid receive for the Moring Street property. Mayor states that the bidder is Stephanie Allen and she bid \$3,000. Councilperson Davis made a motion to award the bid to Stephanie Allen for \$3,000.
   Motion: Davis Seconded by: Parker Vote: 4–2 For: Davis, Parker, Quarterman, Collins Against: Sconyers, Stafford
- Council considered the Inert Landfill Limb and Debris Grinding Quote. Councilperson Davis made a motion to spend \$40,000 for the limb and debris grinding at the inert landfill.
   Motion: Davis Seconded by: Parker Vote: 6 0

Councilperson Parker made a motion to amend the agenda to add intergovernmental agreement regarding recreational facilities and activities for the citizens of Emanuel County and the addendum as presented.

Motion: ParkerSeconded by: DavisVote: 4 –1; 1For: Parker, Davis, Stafford, SconyersAgainst: QuartermanAbstained: Collins

Councilperson Stafford made a motion to approve the intergovernmental agreementregarding recreational facilities and activities for the citizens of Emanuel Countyand the addendum as presented.Motion: StaffordSeconded by: DavisVote: 4 –1; 1For: Stafford, Davis, Parker, SconyersAgainst: QuartermanAbstained: CollinsSeconded by: DavisSeconded by: Davis

Council considered the purchase and lease of city vehicles. City Administrator recommended that six police interceptors and F550 crane truck be leased from Enterprise and a Tahoe for the K-9 Unit, and a 3500-tool body truck be purchased from Daniels Chevrolet. Councilperson Sconyers made a motion to approve the lease and purchase of city vehicles as presented.
 Motion: Sconyers Seconded by: Davis Vote: 6 - 0

	Motion: Davis	Seconded by: Quarterman	Vote: 6 - 0
	motion to approve 180-day moratorium on halfway houses.		
4.	Council considered a moratorium on halfway houses. Councilperson Davis made a		

5. Council considered the appointment of members to Airport Authority. Councilperson Sconyers made a motion to approve the intergovernmental agreement to the airport authority as written:
 Motion: Sconyers
 Seconded by: Stafford
 Vote: 6 – 0

Councilperson Stafford made a motion to appoint Councilperson Sconyers andCouncilperson Davis and Ken Warnock as the at large member to the airport authority.Motion: StaffordSeconded by: SconyersVote: 6 - 0

- 6. Council considered having work sessions. Councilperson Davis made a motion to have work sessions tentatively on the last Monday of the month.
   Motion: Davis Seconded by: Parker Vote: 6 0
- 7. Council considered changing the date of the September council meeting. Councilperson Sconyers made a motion to move the September council meeting to September 5 because the 4<sup>th</sup> is Labor Day Motion: Sconyers Seconded by: Stafford Vote: 6 0

Councilperson Davis made a motion to amend the agenda to add the knuckle boom truck.

Motion: Davis	Seconded by: Stafford	Vote: 6 – 0
	Seconded by: Stanord	

Councilperson Sconyers made a motion to amend the agenda to talk about the city<br/>cemetery.Motion: SconyersSeconded by: StaffordVote: 6 - 0

Councilperson Davis made a motion to purchase the Mack Knuckle Boom Truckfrom SWAT for \$222,000.Seconded by: ParkerVote: 6 - 0

Councilperson Davis made a motion to resend the purchase of the FreightlinerKnuckle boom truck from SWAT.Wotion: DavisSeconded by: SconyersVote: 6 – 0

Mayor Bennett, Councilperson Sconyers, and Councilperson Stafford say that they have been called by citizens about the cemetery. Chris Morton, CWS, states that the reason the cemetery is a mess is that we have 26 and a half inches of rain. We are making appropriations and moving people around to go out once a week, as a team of five or six people to get the cemetery squared away until it is 100 percent.

### C. Consent Agenda:

 Council approved the resolution for Sunday alcohol sales on premises referendum resolution – Councilperson Parker made a motion to approve resolution no 2023 – 4A and resolution no. 2023 – 5A as written.
 Motion: Parker Seconded by: Quarterman Vote: 3 – 3 For: Parker, Quarterman, Collins Against: Davis, Sconyers, Stafford Mayor broke the tie in favor of the motion.

### **D.** Committee Reports:

None

### E. Executive Session:

#### **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  $7^{th}$  day of August 2023.

(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 7th day of August, 2023, which was closed for the purpose of:
  - X 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)
  - **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 7<sup>th</sup> day of August, 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 III- Council Person

Sworn to and subscribed before me this 7th day of August, 2023.

NOTARY PUBLIC
My commission expires: \_\_\_\_\_

Councilperson Davis made a motion to go into executive session regarding pending litigation O.C.G.A. § 50-14-2(1).

Motion: Davis	Seconded by: Stafford	<b>Vote: 6 – 0</b>		
Councilperson Parker made a motion to adjourn.				
Motion: Parker	Seconded by: Quarterman	Vote: 6 - 0		

Submitted: Herman Middlebrooks, City Administrator