



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

The regular meeting of Mayor and City Council was held **Monday August 15, 2022**
at 6:00 P.M. City Hall.

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

Prayer of Invocation: Bishop Bertha Jones, Williams Grove Church

Pledge of Allegiance

Councilperson Davis made a motion to accept the July 21st minutes.

Motion by: Davis

Seconded: Stafford

Passed 6-0

Councilperson Davis requested the minutes be changed to reflect that he asked does the DOT approve our list and removing did the DOT provide these lists. Councilperson Davis made a motion to accept the July 18th minutes with the amendment.

Motion by: Davis

Seconded: Parker

Passed 6-0

A. Old Business:

1. Council considered the 2021 & 2022 LMIG projects. Mayor Bennett stated we received \$140,360.00 for the 2021 LMIG and \$144,200.00 for the 2022 LMIG projects. The city clerk stated that the city has a required matching portion for the 2021 & 2022 LMIG projects. Council discussed the streets listed on both LMIG project lists. Councilperson Parker question why the project cost on the project lists varied so much from the actual bid received. Mayor Bennett stated that the former city administrator compiled the list and the asphalt cost had gone up drastically. Councilperson Parker asked where the matching funds would come from. The city clerk stated that we could use the TIA maintenance and operations fund for the city local portion and any excess expense to complete streets presented. Councilperson Parker made a motion to pave Thomas Street, Dawson Street, Waller Pass, Rebecca Drive, Youngblood Street, and Lakewood Drive.

Motion by: Parker

Seconded: Davis

Vote: 6-0

2. Mr. JJ Palmer was not present. Councilperson Davis made a motion to allow Ms. Ida McMillian to speak to council. Mayor Bennett asked Ms. McMillian about the conservation that she had with the ex-mayor. Ms. McMillian stated that she came to a council meeting and the property located at 417 Lewis Street was giving to her by the council. Ms. McMillian stated that she asked ex-mayor Schwabe about the deeds on multiple occasions but never received any deeds. Councilperson Davis stated that from his understanding from JJ Palmer, he wanted a place to preach and share Christ. Councilperson Davis asked Ms. McMillian if she would be open to sharing the space with Mr. Palmer if the city allowed both groups to use the property. Councilperson Collins stated that she was at the council meeting when this transpired. Councilperson Collins stated she didn't know what happened to the minutes nor why she did not get the deed. Ms. McMillian stated that she had spent monies for the last six years paying a water bill. Councilperson Parker stated for the record Word of Truth Outreach Ministry in care of Jerry & Ida McMillian it gives the address of 417 Lewis Street and they have been paying the water bill for six years. Councilperson Parker made a motion to transfer the deed to Ms. McMillian. City attorney, Jon Levis, addressed the council regarding what the city minutes reflect on this matter as well as the Georgia law requirements. Levis stated in August 2016 council approved the transfer for the receipt of the property from Don and Dorsey Flanders by a four to two vote. The warranty deed was executed by Dorsey and Don Flanders on August 25, 2016. In the

subsequent meeting minutes, there are several references to the Lewis Street property; however, the only one that we address the transfer of the property is recorded in the meeting minutes of September 12, 2016, reflected in those meeting minutes item number 6 says I believe it's Rev. Ida McMillan addressed the council asking for permission to use the property on Lewis St owned by the city. Rev. McMillan explained they would be putting in a church in that location she stated that the church would clean up the area will not require anything from the city. Levis stated that the next paragraph says council then heard from Mrs. Gertrude Phillips. Ms. Phillips was also interested in the property, and she explained that the property would be used for Community Center to rent out the birthdays and weddings. Councilperson Parker asked if there would be a charge to use the facility and Mrs. Phillips stated that there would be a charge. Mayor Schwabe explains to each of the ladies that council would have to discuss the issue and referred it to the city attorney. Levis stated that based on a word search by my office this is the last reference of this with regards to Ms. McMillan or Ms. Phillips. Levis stated that there had been subsequent discussion with regards to making it a historical location I believe miss Faulkner may raised that sometimes in 2016. I will also indicate that the transfer sale lease property under Georgia law by municipality is governed by O.C.G.A. 36-37-6 which typically requires a sealed bid process for sales or transfers, and I don't see approval. Levis stated I was not council back in 2016 nor was I present. I'm just simply reflecting what is on the minutes and the deed at this point. I will also indicate that a deed is the controlling document as to who owns the property equitable rights under law. Levis stated that so without a subsequent transfer of deed the title of that property is still in the city's name. Councilperson Parker stated that the recorder of the minutes evidently did not record the true facts because it was voted on then. Councilperson Parker stated that Ms. McMillian has been paying a water bill for six year and has been requesting a deed. Councilperson Parker stated that we need to rectify that wrong to make it right. Mayor Bennett asked could the city legally vote to give Ms. McMillian the property. Councilperson Collins stated that the city had already gave the property to Ms. McMillian. City attorney, Levis, stated the official records does not recognize that vote because it is not in the official records. Levis stated that there was a letter provided today indicating that no action was taken. Levis stated the second issue on that is that the city is required to take sealed bids on the property. Rita Faulkner stated that she was here when this was done, and they thought that it had all been done and taking care of. Mayor Bennett state that the legal way to do this is to advertise the property for thirty days. Mayor Bennett requested a motion to advertise the property for thirty days for sealed bids. Councilperson Davis made a motion to advertise the property located at 417 Lewis Street.

Motion by: Davis Seconded: Sconyers Vote: 3-3
For: Davis, Sconyers, Stafford Against: Collins, Parker, Quarterman
Mayor Bennett broke the tie in favor of the motion.

3. Jerome Bynes addressed the council regarding the Veterans Recycling Community Center. Mr. Bynes stated he met with the city attorney and has provided all the information that was requested. City attorney, Levis stated that there was a lease drafted up back in February. Levis stated that there were insurance requirements as set forth by the General Assembly. Levis stated that one of those requirements was workers compensation in addition to the general liability provisions. Levis stated that Mr. Bynes provided to his office last week or so the insurance that complies with the General Assembly requirements. Mr. Bynes also contacted his office with regards to the workers compensation indicating that he does not have any employees. Mr. Bynes executed the lease at Levis's office. Levis informed Mr. Bynes that of the time he wanted to make sure council was still okay with moving forward on the lease. Mr. Bynes also signed an affidavit by him indicating that he did not have any employees and therefore did not need workers compensation. Mr. Bynes was also informed, he would need to contact the city within three business days of obtaining any employees and getting the workers compensation. Levis stated that if the city wants to continue to move forward with this it's already been approved, and he just wanted to bring everyone update. Councilperson Stafford made a motion to give a 29-day lease.

Motion by: Stafford Seconded: Sconyers Vote: 5-0
Abstained: Collins

4. Mayor Bennett discussed the county taking over the airport. Mayor Bennett stated that we are not making a profit on the gas income. Councilperson Stafford asked how much we

made per gallon. Mayor Bennett stated .15 cents per gallon. Councilperson Davis stated that it was his understanding that there is profit at .25 cents per gallon. Councilperson Davis stated that if the .25 cents per gallon was properly approved in the contract, we need to enforce it. Councilperson Davis stated that he spoke with Ken Warnock who is currently over the airport authority, and he has agreed to come to the next city council meeting to discuss some issues regarding the airport. Councilperson Davis stated that he spoke with Mr. Warnock regarding some issues with the apron at the airport. Councilperson Davis stated we had it out for bid and we need to rebid and move forward with that project. Councilperson Davis stated that if we do not move forward with the project, we could potentially lose UPS. Councilperson Davis stated that he was one of six, but he had no intentions of giving any assets to the county. Councilperson Davis stated that if there is a potential to de-annex the hangars to make more income or revenue out there and the city could retain its ownership. Councilperson Davis stated that the revenue could be placed in a separate capital to reduce the council's responsibility to the airport. Councilperson Davis stated that Mr. Warnock would be at the next meeting to provide all the information council would need. Councilperson Davis requested that this item be postponed until the next meeting. Motion was made by Councilperson Parker.

Motion by: Parker

Seconded: Davis

Vote: 6-0

5. Mayor Bennett present the BAK contract. Councilperson Parker requested that council amend the agenda to bring the Gumlog Gym project under new business up to item number five in the under old business to discuss both items together. Councilperson Parker made a motion to discuss both projects together.

Motion by: Parker

Seconded: Quarterman

Vote: 6-0

6. Councilperson Parker stated that when the motion originally came up that both of those projects did not receive 100% participation. Councilperson Parker stated that it was when both projects were partnered together it was a joint effort to complete both projects. Councilperson Parker stated that at the last meeting when they motion to give the contract to BAK to cut down on some of the cost. Councilperson Parker stated that he contacted the city clerk regarding why we are requesting an RFP on the Gumlog Gym project. The clerk stated that BAK did not formally submit an RFP on the Gumlog Gym. Councilperson Parker stated that you had mentioned it with someone. The clerk stated that she had mentioned it to the mayor. Councilperson Parker questioned why we awarded the theater and gym project to BAK if they did not submit a bid. The clerk stated that Councilperson Parker was also aware that BAK had not submitted a bid. Councilperson Parker stated that he was aware that BAK was selected to save monies. Councilperson Parker stated that we have a contract for \$1.8 million for the theater but do not have a contract on the gym. Councilperson Sconyers questioned why the cost of the gym went from \$150,000 up to 1 million dollars. Mayor Bennett stated that the projects are presented together to save monies on both projects. City attorney, Levis, stated that under the local construction act that applies to the cities you must submit a bid to be considered for something. Levis stated that in his opinion there are multiple different ways to do it: 1. If BAK has been interviewed to do the request for proposal on the Gym. 2. Is to advertise both out for request for proposal as a joint project being done and basically go through this whole process again and approve it as a joint process. The other process is to move forward with the approval of the theater and whatever the council decides on the gym. The last option is to not move forward with any but that is the council's call. Levis stated that what happens in this situation is that the process is not proper then: 1. The contractor is at risk of not getting paid. 2. We are at risk if we are using federal government monies. Levis stated that you cannot approve an entity that did not under a seal bid process submit a sealed bid or did not submit a proposal under a proposal process. Levis stated that it was his understanding that BAK only submitted it under the theater. Councilperson Parker questioned the motion and the minutes that was approved 20 minutes ago that BAK was given the contract for both would be void? Levis stated that the minutes are reflection of what occurred and the enforceability of what you did is a different question. Councilperson Davis stated that Councilperson Parker, Mayor Bennett, and City Clerk Kirby was present at all interviews. Councilperson Davis stated that council was advised to use BAK and that the city would get a discount if they used BAK for both projects. Councilperson Parker stated that the agreement was for both projects. Mayor Bennett suggested holding off on the theater until we get the proposals back on the Gumlog Gym. Councilperson Parker deferred his time to Donald Jenkins. Mr.

Jenkins stated that there is a misunderstanding of where this all began. Mr. Jenkins stated that he didn't know where the \$150,000 that Councilperson Sconyers stated came from. Mr. Jenkins stated that the way this all got together was when former Councilperson Faulkner proposed combining both projects because there was opposition on both sides in hopes of moving both projects along. Mr. Jenkins stated that it didn't happen. Mr. Jenkins stated that three or four years later the theater was at a standstill and the former mayor came to the committee with a proposal to combine both projects together to get council to move forward with both projects. Mr. Jenkins stated they were told that the city had some monies in reserves and could put language in the future SPLOST to help fund them. Councilperson Stafford asked Mr. Jenkins if they had a committee that would run the gym. Mr. Jenkins stated that was correct. Mayor Bennett stated that the city would lease it to the committee. Mr. Jenkins stated that all they are trying to do is get the building ready and the committee would be responsible for all the operating expenses. Councilperson Stafford stated that the ex-mayor said the city would be obligated to \$150,000 to \$200,000 and the city would put it in the SPLOST referendum. Councilperson Collins asked who owned the gym. Mayor Bennett stated that the city owns the gym. Mayor Bennett requested a motion to postpone the theater until we get the RFPs back on the Gumlog Gym project.

Motion by: Parker

Seconded: Quarter

Vote: 6-0

7. Mayor Bennett requested permission to send out RFQ's for engineering services. Councilperson Sconyers stated that Turnipseed Engineers was very knowledgeable about the city. Councilperson Parker stated that there is a possibility that Turnipseed could submit again with these other companies. Councilperson Parker made a motion to send out an RFQ for engineering services.

Motion by: Parker

Seconded: Davis

Vote: 6-0

B. New Business:

1. Stanley Wimberly with Men Reaching Men Outreach addressed the council regarding the upcoming Prayer Vigil at the Swainsboro Boneyard Pavilion. Mr. Wimberly announced the 3rd annual Prayer Vigil on August 20th at 1pm. Rev. Willie Harden spoke to the council and the citizens about the importance of prayer for our community.
2. Alan Brasher addresses the council regarding a road closure on the 100 block of North Green Street, from 4pm- 7pm, on Thursday, October 6th with October 13th reserved for a rain day for a community art event sponsored by the EAC. Mr. Brasher stated that this event is designed to bring people to the area and let people know we want to be everyone's arts council. Mr. Brasher stated that they will have a judged arts exhibition and a chalk sidewalk competition. Mr. Brasher said this event will be designed for the art students at Swainsboro High School, Emanuel County Institute, and East Georgia State College. Mr. Brasher stated that they have support from members of the community. Mr. Brasher also stated that he has spoken with the police chief and has his support.

Motion by: Parker

Seconded: Sconyers

Vote: 6-0

3. Brad McKenzie with Jesus Saves Church addressed the council regarding Sunday alcohol sales that Dr. Schechter spoke on at the last council meeting. Mr. McKenzie asked the council to reconsider the Sunday Sale of alcohol. Mr. McKenzie stated that he wasn't sure that the Sunday Sale of alcohol would bring a Longhorns or Wild Wings. Mr. McKenzie stated that from his understanding these businesses go by traffic in the area. Mr. McKenzie requested council to reconsider the Sunday Sale of alcohol based on bringing new business into town. Councilperson Parker asked Mr. McKenzie if he was aware that eleven miles from Swainsboro you could purchase alcohol on Sunday. Mr. McKenzie stated he was. Councilperson Parker stated that to put it on the ballot for the people to decided. Councilperson Davis stated there are no restaurants such as Longhorns, Chilies, and Applebee's looking to come here, and they haven't based on the Swainsboro's population that was straight from the Chamber of Commerce who they contact first if they are coming to any city. Councilperson Davis further stated that

the only way we would get businesses like that would be to annex people in and get the population up to about 10,000 to 11,000 people in our city. Councilperson Davis stated that he made the vote under the impression that we were missing out on businesses. Councilperson Davis stated that the beautiful thing about Swainsboro; it's the perfect place for an entrepreneur to come here and open a restaurant. Councilperson Davis stated that he did not believe that the Sunday sales of alcohol are hindering anyone. Councilperson Davis stated that he did not like the way he voted and requested council reconsider Sunday alcohol sales based on two reasons: 1. We are already past the deadline to have it on the November ballot. 2. It would cost the council \$6,000 to put out a special election on something that generally has a turnout of about 300 people for special elections. Councilperson Davis made a motion to reconsider Sunday alcohol sales and requested Mayor Bennett abstain due to having ownership in a liquor store. City attorney, Jon Levis, stated that there are two different types of Sunday Sales. One of those sales is regarding sit down restaurants and the 2nd is regarding takeout. Levis stated that the proper procedure on this is for the city to pass an ordinance or resolution subject to the final referendum being passed and within 10 to 60 days that it is put down for a call of referendum. Levis stated that there needs to be a resolution/ordinance for both the takeout and the sit down. Levis stated there are revenue requirements that require 50% of the revenue must come from non-alcohol sales. Levis advised the city that if they want to proceed: 1. They move forward with getting a draft ordinance that is in compliance with the Georgia provisions, 2. Because there is a cost associated with setting a special election that the city may want to reconsider placing it on the general election ballot next November as opposed to the expenditure cost that is at the council's decision. Councilperson Sconyers seconded Councilperson Davis's motion to reconsider alcohol sales on Sunday. Mayor Bennett abstained from due to conflict of interest and turned the meeting over to Mayor Pro-Tem Collins

Motion by: Davis Second: Sconyers Vote:3-2
For: Davis, Sconyers, Stafford Against: Parker, Quarterman
Mayor Bennett abstained due to conflict of interest.

4. Council reconsidered Sunday alcohol sales. Motion was made to keep Sunday sales of alcohol off the ballot.

Motion by: Davis Second: Sconyers Vote:3-2
For: Davis, Sconyers, Stafford Against: Parker, Quarterman
Mayor Bennett abstained due to conflict of interest.

5. Barbara Moore with the Humane Society addressed the council regarding an ongoing drainage issue at the animal shelter. Ms. Moore stated that she had several people come out to look at the drainage issues. Ms. Moore stated that a plumber ran a camera down the line and found the problem with the drainage. Ms. Moore stated that there is a 30-foot section of the drain that that has collapsed going to the main. Ms. Moore stated that is the biggest problem with the smell and backups at the shelter. Ms. Moore asked what could be done and who could repair it. Councilperson Stafford asked could the city repair the line. Chris Morton with Clearwater Solutions stated that more than likely they could repair the issue. Ms. Moore stated that another issue is the shelter has begun euthanizing dogs due to space. Ms. Moore stated that their organization has worked for seven years to get the shelter to where it is. Ms. Moore stated that they put \$82,000 into it a year ago to make it a good shelter. Ms. Moore stated that the shelter has been euthanizing dogs and that is unacceptable. Chief Ellison stated that the issues is that the shelter is only capable of housing 40 animals, but the state has allowed them to house 50. Chief Ellison stated that if the shelter is full, they cannot pickup any new dogs. Chief Ellison stated that the shelter needs to keep room for dog bite cases. The shelter will lose its license if the numbers stay too high. Ms. Moore asked if we had more cages could the shelter could handle more dogs. Chief Ellison stated that they are working with rescues to get the dogs out of the shelter. Ms. Moore stated that the Humane Society has adopted out 21 dogs since they began offering free adoptions on July 13th. Ms. Moore stated that the rescues that get the dogs put them in permanent homes. Ms. Moore stated that their organization provides shots for the shelter dogs. Ms. Moore stated that they are not allowed to take foster dogs at home due to the liability. Mayor Bennett asked if there is an ordinance that says the city cannot allow foster homes. Ms. Moore stated that the previous mayor said they could not foster the

animals. Mayor Bennett stated that the city would look into what the city could do about allowing foster homes.

6. Matthew Bright addressed the council regarding 245 Brown Street. Mr. Bright provided a copy of the power of attorney to the council regarding the property in question. Mr. Bright spoke about the drainage issues in the area. Councilperson Stafford stated that he would like to go to the property and look at the issue. Councilperson Sconyers state that he would also like to go and look at the issue. Councilperson Parker made the motion to have the engineer to look into the drainage problems on Robin Road, Brown Street and the issue behind Durden Hudson Mortuary once the RFQ process has been done and the engineer has been hired.

7. Randall Snellgrove addressed the council regarding streetlights and limbs hanging over the roads. Mr. Snellgrove stated that through the years he had taken care of the light in Lake Luck. Mr. Snellgrove stated that it is not the responsibility of a citizen to report the streetlights. Mayor Bennett stated the building inspector would be sent to the address reported to retrieve the information needed for the city to report any streetlight outage. Councilperson Stafford made a motion to change the process that when a citizen calls to report an outage that the city takes care of the process.

Motion by: Stafford

Seconded: Sconyers

Vote: 6-0

8. Randall Snellgrove stated that overhanging limbs are causing damage to local trucks. Mr. Snellgrove stated that the trees all over town need to be trimmed. Mayor Bennett asked Chris Morton if Clearwater trimmed the trees. Mr. Morton stated that they take care of the fallen trees. Mayor Bennett asked if Clearwater had the equipment to take care of the trees. Mr. Morton stated that they have the equipment to take care of trees in emergency situations. Mr. Morton stated that there is a difference in what is prescribed in the tree ordinance and what Clearwater maintains. City attorney, Levis, stated that pursuant to section 34-76 regardless of what your opinion of it is the owner of any tree overhanging any street or right of way within the city shall prune the branches so that the branches do not obstruct the view of any street, intersection and there should be a clear space of 13 feet above the street surface or eight feet above the sidewalk. Said owner shall remove all dead and diseased or dangerous trees or broken or decayed limbs that cause a menace to the safety of the public. The city has the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control device, sign, or line of sight. Levis stated that the ordinance also establishes a tree board which the city has not formed. Councilperson Davis made a motion to create a tree board of at least half of the council to take care of the issues. Levis stated the tree board is supposed to be an appointment of five members appointed by the city council for three-year terms. Levis stated that the ordinance does not specific who shall be on the board. Levis suggested that the city updates the ordinance if necessary and the city comes up with a list of names for people to serve on the board. Mayor Bennett asked council to come up with a list of names for the tree board by the next council meeting.

9. Chief Randy Ellison requested council consider the hiring of Monique Hamiel as the new animal control officer to fill a vacancy at the animal shelter.

Motion by: Davis

Seconded: Stafford

Vote: 6-0

10. Mayor Bennett discussed transferring the old DOT building on Kite Highway to the Joint Development Authority so that the FFA Foundation could use the property. Councilperson Davis stated he spoke with Ken Warnock and the property would be going to the Emanuel Co. Development Authority and not the Chamber of Commerce. Councilperson Davis stated that if the city deeded the property to the Emanuel Co. Development Authority, they are willing to accept the property and agree to maintain the property. Councilperson Davis stated that the city will have the first right of refusal if the Emanuel Co. Development Authority decides to liquidate the property. Councilperson Davis made a motion to deed the property to the Emanuel Co. Development Authority as long as it complies with the DOT and 1st right of refusal comes back to the City of Swainsboro.

Motion by: Davis

Seconded: Sconyers

Vote: 3-3

For: Davis, Sconyers, Stafford Against: Parker, Collins, Quarterman
Mayor Bennett voted for the motion.

11. Chris Morton presented a quote from Triple H Construction for repairs for the Ops building located at the wastewater treatment plant. Motion was made to accept the bid in the amount of \$3,500.

Motion by: Stafford Seconded: Sconyers Vote: 6-0

12. Chris Morton presented a quote on the leaf machine and truck that is used to pull the leaf machine. Council approved the bid for the leaf machine parts from Old Dominion Brush Company in the amount of \$11,487.00 and the quote from Stephens Truck Center, Inc. in the amount of \$14,464.16 to be paid out of the current SPLOST account. Motion made by Councilperson Stafford.

Motion by: Stafford Seconded: Sconyers Vote: 6-0

13. Councilperson Stafford requested council amend the agenda to allow Fire Chief Strobridge to speak.

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

14. Fire Chief Strobridge requested permission to hire Michael Wilson to fill a fulltime fire fighter position at the fire department.

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

15. Councilperson Collins thanked the mayor, council and citizens for the unveiling of the signs that were installed for the Emanuel County Rattlers 1969 girls' team and the 2007 boys State Champion track team. Councilperson Collins stated that they had a good participation from both teams at the unveiling. Councilperson Collins thanked Chris and Jeannie Morton with Clearwater Solutions and Harold Scott for putting this event together.

16. Councilperson Stafford made a motion to amend the agenda to adopt the Resolution to hire Sikes Brothers for the LMIG projects.

Motion by: Stafford Seconded: Sconyers Vote: 6-0

17. Council heard the Resolution to hire Sikes Brothers, Inc. for the 2021 and 2022 LMIG project. Motion was made by Councilperson Davis.

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

C. Committee Reports:

1. None

C. Executive Session:

Councilperson Davis made a motion to go into executive session to discuss employment exception pursuant to O.C.G.A. 50-14-3(b)(2) and attorney-client privilege regarding pending litigation O.C.G.A. 50-14-2(1).

Motion by: Davis Seconded: Stafford Vote: 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 15th day of August, 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 15th day of August 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 15th day of August, 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

15th day of August, 2022.

NOTARY PUBLIC

My commission expires: _____

Councilperson Davis made a motion to return to regular session.

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

Councilperson Davis made a motion to move forward with the \$15,000 settlement payment to Al Lawson.

Motion by: Davis Seconded: Sconyers Vote: 3-3
For: Davis, Sconyers, Stafford Against: Parker, Collins, Quarterman
Mayor broke tie in favor of the motion.

Councilperson Sconyers made a motion to adjourn.

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

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