



City Council Meeting

February 7, 2022

The regular meeting of Mayor and City Council was held **Monday February 07, 2022** at 6:00 P.M. City Hall.

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

Prayer of Invocation: Reverend Tom Tidwell, Calvary United Methodist Church

Pledge of Allegiance

Minutes were considered from the January 3rd and January 19th meetings and motion was made to accept minutes.

Motion by: Davis Seconded: Stafford Passed 6-0

A. New Business:

1. Mayor Bennett recommended that the council nominate Cason Devane to the Joint Development Authority. Motion was made by Councilperson Davis.

Motion by: Davis Seconded: Stafford Passed 6-0

2. The city attorney, Jon Levis, spoke regarding the compliance issues of the ARPA contract. The city attorney advised that the city would need to implement a face mask policy and conduct an annual sexual harassment class for all city employees, city officials, and all contractors to be in compliance with the ARPA contract for the airport.
3. Motion was made to require all city employees to take a sexual harassment class as recommended by the city attorney.

Motion by: Sconyers Seconded: Davis Passed 6-0

4. Motion was made to require face mask in all public areas at the airport. The city attorney will draft the policy

Motion by: Sconyers Seconded: Stafford Passed 6-0

5. Motion was made to accept the ARPA contract for the airport.

Motion by: Davis Seconded: Stafford Passed 6-0

6. Fire Chief Strobridge recommended the hiring of Matthew Headrick and Bobby Wilson. Motion was made by Councilperson Parker.

Motion by: Parker Seconded: Collins Passed 6-0

7. Councilperson Davis presented a proposal to compensate city hall employees for the extra workload in the absence of a city administrator. The compensation would be divided as follows:

Melissa Kirby	50%
Angela Overstreet	40%
Melinda Wilkerson	10%

The amount to be paid would be a deduction from the amount that the city administrator was salaried in comparison to the salaried pay of the individuals listed above and split from the total sum to be distributed amongst those who worked tirelessly without

being asked or forced to do so. This compensation would be from October 25 until the city administrator position is filled.

Motion by: Davis Seconded: Sconyers Passed 6-0

8. Council was presented a quote to repair the streetsweeper and a quote for the purchase of a newer used streetsweeper. The cost of these repairs is estimated at \$22,045.15. Councilperson Davis made a motion to repair the streetsweeper that the city currently owns.

Motion by: Davis Seconded: Sconyers Passed 6-0

9. Council considered quotes new pumps for lift station #15 and lift station #16. Councilperson Sconyers made a motion to purchase the new pumps out of the 2017 SPLOST funds.

Lift Station #15 \$14,685.00

Lift Station #16 \$12,605.00

Motion by: Sconyers Seconded: Davis Passed 6-0

10. Council approved the repair of the backhoe at an estimated cost of \$4,728.58.

Motion by: Sconyers Seconded: Davis Passed 6-0

11. Council approved the purchase of a bush hog from Blanchard Equipment for public works out of the 2017 SPLOST.

Blanchard Equipment \$6,000.00

Georgia Equipment \$6,850.00

Motion by: Sconyers Seconded: Davis Passed 6-0

12. Council approved the purchase of a zero turn lawnmower from Georgia Equipment out of the 2017 SPLOST.

Motion by: Sconyers Seconded: Davis Passed 6-0

13. Captain Richard Peacock presented quotes for equipment on the two 2017 Dodge Chargers. Councilperson Sconyers made a motion to approve the purchase of this equipment from McLaggan Communications in the amount of \$6,761.00 per vehicle.

Motion by: Sconyers Seconded: Stafford Passed 6-0

14. Council considered charging an additional \$4.00 in green fees per round for out of county players. The country club would be responsible for collecting these fees and submitting to the city annually. Motion was made by Councilperson Davis.

**Motion by: Davis Seconded: Stafford For: Collins, Quarterman
Against: Parker**

15. Council authorized the Interim City Administrator to proceed with applying for a 2022 CDBG. The project area will be Robin Road area and include the Gym project.

**Motion by: Davis Seconded: Quarterman For: Stafford, Sconyers
Against: Collins, Parker**

16. Councilperson Parker addressed the council regarding the how the hanger loan payment was made out of the general fund instead of the designated 2017 SPLOST funds. The city attorney stated that he needs to be evaluated what happened, what is left over, and see if it can be reallocated somewhere else. The city attorney will make a recommendation to council regarding the surplus in SPLOST. The Interim City Administrator will reach out to the previous city administrator regarding this matter.

17. Councilperson Parker addressed the council regarding road repairs. Councilperson Parker stated that 80% of the roads in Ward #5 needed to be repaired.

B. Old Business:

1. Joseph Bynes presented a proposal regarding the old recycling center. Councilperson Parker made a motion for the city attorney, Jon Levis, to draw up a lease agreement for the recycling center.

**Motion by: Parker Seconded: Quarterman For: Stafford, Sconyers, Davis
Against: Collins**

2. Council considered the preliminary cost estimate on the Crossroads Landing Subdivision. Councilperson Sconyers stated that the city is responsible to running the water to the edge of the project and the developer is responsible for installing the system in the subdivision. Council requested that the city attorney review the city's subdivision laws and the city requirements for providing services to new subdivisions.

**Motion by: Davis Seconded: Sconyers Passed: 5-0
Mayor Bennett abstained due to conflict of interest
Mayor ProTem Collins carried the motion.**

3. Ms. Rita Faulkner addressed the council regarding the Robin Road project and expressed her concerns regarding the why this project has not been completed.
4. Councilperson Parker discussed the ARPA funds that the city received. Councilperson Parker requested that the council decides what projects the city will be funding out of these funds.

Motion was made by Councilperson Stafford to enter an executive session to discuss personnel and attorney-client privilege information.

Motion by: Stafford Seconded: Davis 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 was the presiding officer of a meeting of the Swainsboro City Council held on the 7 day of February , 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:

Staff meetings held for investigative purposes under duties or responsibilities imposed by law;

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;

Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;

Adoptions and proceedings related thereto;

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;

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;

Incidental conversation unrelated to the business of the agency; or

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 _19_ day of January, 2022, 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)

 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 7th day of February 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, III – Council Person
- Gregory Quarterman – Council Person

Sworn to and subscribed before me this
____ day of _____, 20____.

NOTARY PUBLIC
My commission expires: _____

Motion to re-enter Regular Session.

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

Mayor Bennett requested a motion to pay Brown Rountree Attorney in the amount of \$18,879.57.

Motion by: Sconyers Seconded by: Stafford For: Davis , Bennett
Against: Parker, Collins, Quarterman

Mayor Bennett requested a motion to pay Oliver Manor Attorney in the amount of \$11,053.56.

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

Mayor asked for a recommendation for the city administrator position.

Councilperson Stafford nominated Melissa Kirby Seconded by: Sconyers For: Davis, Collins

Councilperson Parker nominated Herman Middlebrooks Seconded by: Quarterman

Council approved the hiring of Melissa Kirby.

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