



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Agenda

The regular meeting of Mayor and City Council will be held on **Monday, May 1, 2023**, at 6:00 P.M. City Hall

Members Present: Mayor Bennett, Councilperson Davis, Councilperson Quarterman, Councilperson Collins, Councilperson Sconyers, Councilperson Stafford

Members Absent:

Prayer of Invocation: Councilperson Davis

Pledge of Allegiance

Minutes of the April 10, 2023, regular meeting will be presented.

Minutes of April regular meeting were presented. Councilperson Sconyers made a motion to accept the minutes.

Motion by: Sconyers

Seconded by: Davis

Vote: 6-0

A. Old Business:

1. Council will consider a water rate increase to meet Georgia Environmental Finance Authority (GEFA) requirements. After further conversations with GEFA, they put the City Administrator, Herman Middlebrooks in touch Jay Mathews of the Georgia Regional Water Association (GWRA). Jay, Mr. Middlebrooks, Chris Morton, Clearwater Solutions, and Chu Lin Ooi, Finance Director, set down and decided to have GWRA look at our meters, electrical bills, and some other things to see if we can raise rates more equitably to the citizens. Administrator, Middlebrooks stated that we must have something in to GEFA by June 7th and our next council meeting is June 5th. The administrator's recommendation is to hold off until the next meeting. Councilperson Parker asked if we would have to have a called meeting, or will all our ducks be in a row prior to the June deadline? Mr. Middlebrooks replied no we will not have to have a called meeting. We are trying to avoid this and that's why we are delaying this to the June 5th meeting. If GEFA knows that we are trying to do something to become in compliance, they have said that they will work with us. Councilperson Collins asked if the increase was going to be about two dollars. Mr. Middlebrooks said that we are trying to keep it from being two dollars, but it may be more. We must meet the debt service amount and now we are at .5 and we must make another 400,000-500,000 and we need to see how to spread the increase over everybody evenly. Mayor Bennett states that we are taking enough in on our water bills for what it cost us. We are losing money on water, to show debt complying we must show that we are making two dollars and we are charging two dollars. Right now, we are not charging enough to pay off the debt. We are not at good risk. Councilperson Stafford asked how we got such a decrease in our income. Mayor Bennett replied, they checked our revenues in 2019 when covid hit and everyone was staying home more. The revenue then was 2.6 and now it's down about 2.2. We did not actually lose money our expenses have went up. Mr. Middlebrooks states that we are looking at collecting more late fees. Councilperson Parker asked if we were in the red with water department prior to this, we were not in the black? It was mentioned last year when we did the budget. Mr. Middlebrooks said that he would investigate this matter and get back to councilperson Parker. No action taken at this time.
2. First Reading of the Blight Ordinance. Attorney Jon Levis states that the council has been given a copy and the citizens have been provided with a copy prior to the last meeting. A public hearing was held at the April 10, 2023, meeting which the Ordinance

was discussed and explained. Does anyone have any questions? Councilperson Stafford asked if this was the first reading. Attorney Levis said yes and what this is doing is making our ordinance in compliance with what Georgia law mandates. The only reason that we have delayed this a bit is because there will be changes to the law that go into effect on July 1.

3. Councilperson Sconyers made a motion to amend the agenda for new business giving Dal Durden the opportunity to speak to the council about an alley problem.

Motion by: Sconyers

Seconded by: Davis

Vote: 6-0

4. Councilperson Stafford made a motion to amend the agenda to discuss old business concerning the theatre and gymnasium projects.

Motion by: Sconyers

Seconded by: Stafford

Vote: 6-0

The city met with BAK about a month ago and they were a little over budget. We had credit for things we had done previously and now it is right on budget. The only thing that is not included in this budget is the cost for asbestos removal. We found a study from seven to eight years ago and it says that it has a little asbestos about a 5x5 square. Mayor Bennett stated he has talked with a contractor, and he said that it is minimal. It is not like it used to be a big hazard. There are so many companies out there that do asbestos removal and it's not even high anymore. Councilperson Parker asked if BAK would now get three bids for the removal of the asbestos. Councilperson Davis says that will all be under the general contractor. Councilperson Collins asks that when it comes to asbestos will we have to hear from the fire department or some other department. Mayor Bennett said no due to the number of companies that do asbestos removal, its almost common. Attorney Levis lets council know that a company would have to get bids and comply with EPA and EPD requirements. It's really a cost issue at this point. Mayor Bennett said the theater project was a month ahead in the business process than the gym. The theater plans were already completed. It was easy to bid on. We met with the contractor about the gym and the problem is we can fix the front with the bathrooms, refinish the floor, put a sprinkler system in, fix the exit doors, and it's going to be about \$500,000. Which is right on budget with what we had. The problem is fixing the stage backwards and originally this was not in the budget. The problem is how big the gym is and the capacity of the bleachers, thus causing a need for more bathrooms. It's not in our control to not fix the back. In order to not fix the back, we are going to have to remove the bleachers because of seating capacity. If we took out the bleachers, then we could do the front part of the gym. Council Stafford ask if we can take part of the bleachers out. Mayor Bennet said that we would have to take out every single bleacher. The estimate for the back including bathrooms and all its going to be \$900,000 and we just don't have the additional \$400,00 money to spend. We must decide what we are going to do. Councilperson Sconyers said that most schools like middle schools now have a gymnasium with a room full of chairs. There is a lot of room for people to sit around the wall. Mayor Bennett said he wants to sit down with the new group that wants to take it over and come to an agreement of what the gym will be used for, is it for kids and after school programs. If that is the case, why don't we build two classrooms where the gym is so kids will have a place for after-school activities and build an outdoor gym with a top on it and now we have the best of both worlds. Then, we are spending \$300,000 and not \$500,000. We just need to find out what will be the purpose of the gym. Is the purpose of the gym for the kids to learn something and have some recreation after school? If this is the case, why do we have to spend \$900,000 to do that? Councilperson Sconyers said that it's going to be very expensive for them to keep up with the maintenance. Councilperson Parker then asks what is the theater for? Parker stated that he has not been in a gym without bleachers, so I don't know where anyone has been that does not have any bleachers and as far as the school system goes those gyms have bleachers. If we are trying to see what is cost efficient, then upon meeting with this group will we have them look at this project again to see what will be more cost efficient? Mayor Bennett said yes and as far as the theater I think that I have said on record that I do not like either idea. The theater \$1million of that money is coming from other sources about three or four other sources. The gym is just coming from our pockets. Councilperson Parker clarifies that the \$500,00 for the gym is coming from ARPA money correct. Mayor Bennett said yes. Councilperson Parker says that \$500,000 of ARPA money is the theater so \$1 million for both projects. Mayor Bennett says he thinks we need new water lines, but council voted to do these two

projects. Councilperson Sconyers says he thinks this is a good idea. Councilperson Parker asks will you be meeting with that group prior to coming back to the council. Mayor Bennett said yes. Attorney Levis asks the Mayor if he is asking council's permission to meet with the group and determine the scope and come back to council. Mayor Bennett said yes. Mayor Bennett asks for three volunteers from council to meet with him and the group. Councilperson Quarterman, Councilperson Parker, and Councilperson Sconyers volunteered to meet with the gym group. Councilperson Davis makes a motion for those three along with the mayor to meet with group.

Motion by: Davis

Seconded by: Stafford

Vote: 6-0

Mayor Bennett says that we did not vote on the theater. The money is there and has been approved. The contractor is waiting on the go ahead. Councilperson Parker says that we were supposed to be doing both at the same time because the contractor said we would save money because one project was going to be six months and the other was going to be nine months to do. Mayor Bennett said that if we gave the contract the go ahead today, its going to be six to nine months before he could start. Councilperson Parker stated that we should meet with this other group first because we stated that we would do these two projects together. Mayor Bennet said that he needs a motion to start the theater. Councilperson Sconyers made a motion to start the theater project.

Motion by: Sconyers

Seconded by: Stafford

Vote: 3-3

Mayor Bennett broke the tie in favor of the motion.

B. New Business:

1. Council will hear from Giselle White-Perry property owner on Robin Road. Ms. White-Perry thanks council for all that has been done up to this point. She makes a disclaimer that these are her opinions as a property owner, and she does not represent any of the other property owners affected by the issues on Robin Road and she is not an engineer. But she has talked to engineers that deal with this type of problem daily and who have no vested interest in the outcome. Ms. White-Perry suggests that we table spending money for a topographic report until we examine what has been done and explore other sources of information that don't require additional expenditures, request more specific information from contractors that have been paid to perform work on Robin Road about what they have done to date, and conduct an assessment of each of the affected properties on Robin Road to determine the nature and extent to which the conditions have improved, been resolved or need to be resolved. She stated that there is no one size fits all solution because of the way things run in that area. Each household has a different issue. Councilperson Parker stated that can we do what Ms. Giselle White-Perry has suggested with the people she has contacted prior to the city spending that money. Mayor Bennet asks for three councilpersons to volunteer along with the city administrator and Chris Morton. Councilperson Parker, Councilperson Sconyers, and Councilperson Quarterman volunteered. Councilperson Parker makes a motion to have these three along with city administrator and Chris Morton to talk with the residents on Robin Road to assess their individual issues.

Motion by: Parker

Seconded by: Davis

Vote: 6-0

2. Council postponed the consideration for engineering services for a topographic map for Robin Road.
3. Council considered the hiring of a new firefighter. Councilperson Stafford makes a motion to approve the hiring of Jacob Swingle.
4. Council considered the purchase and installation of police car equipment. Councilperson Parkers makes motion to approve the purchase and installation of equipment for the police car from SPLOST funds.

Motion by: Parker

Seconded by: Stafford

Vote: 6-0

5. Council considered the Inert Landfill Limb and Debris Grinding. Councilperson Parker asks if this is the contract so that we could get on some sort of program to do the grinding for us. Administrator said yes, it is. Councilperson Parker ask if we have an amount. City Administrator asked Chris Morton to address council on behalf of this agenda item. Chris Morton with Clearwater Solution stated that the price will be \$30.00 a ton and a thousand ton minimum and a frequency of six months. Mr. Morton stated he and the administrator met with Collins grinding last week and he recommends that we wait a while before we grind cause there is not enough material at this time. Mayor Bennett says that the last time it was \$21.50 per ton and now it is \$30.00. Mr. Morton said that's correct. This is prorated. You will have weigh scale tickets to show how much. All this is in the contract for service and prices have gone up. Mayor Bennett said that a person/individual has contacted him about delivering everything picked up to his yard and they will dispose of it. They would like to make a proposal to the council. Councilperson Parker ask if EPD would get them not us? Mr. Morton recommends that we speak on this further cause he needs more information. Mayor Bennett says that this is a legitimate company. Mayor Bennett recommends we table this item until we hear from this other company.
6. Council postponed the approval of the preliminary plat for a new subdivision located on Hwy 1 North.
7. Council will consider resolutions for the approval of referendums and authorization for On-Site and Package Sunday Alcohol Sales. Mayor Bennett says that if approved this will go on the November ballot. Attorney Levis presented the resolutions for packaged and onsite sales. I have drafted two resolutions. In order for this to be on the ballot both resolutions and categories will have to be approved. There is a resolution that places it on the referendum for majority vote and a resolution that if majority wins this is what the rules are because you must have that. The resolution for onsite consumption would be for the hours of 11 am to 12 midnight. They must be properly licensed. Any approval by the constituents would not be effective January 1, 2024. The resolution for packages sales would be for the hours of 12:30pm to 11:30 on Sundays. This also would be effective January 1, 2024. Both provisions can be codified by an Ordinance. The election superintendent has asked that we have it for them no later than the first week in August. My recommendation is to have them both effective on August 15, 2023. Additional we cannot approve either one of these within twenty-nine days of the date of the election. The city attorney recommended that we put the on-site consumption effective date as of August 15th. Levis asked if there are any questions? Councilperson Parker makes a motion to approve both packaged sales and onsite sales with an effective date of August 15th to go to referendum on the November ballot.
Motion by: Parker Seconded by: Quarterman Vote: 3-3
Mayor Bennett broke the tie in favor of the motion.
8. Council heard from Dal Durden about an alley problem. Councilperson Sconyers made the motion to approve the giving back of the unopened alley that runs through the old Bellamy building to the current landowner Mr. Durden.
Motion by: Sconyers Seconded by: Stafford Vote: 6-0

C. Committee Reports:

1. None

D. Executive Session:

Councilperson Parker made the motion to go into executive session to discuss a contract exception pursuant to O.C.G.A. § 50-14-3(b)(1)(D).

Motion by: Parker Seconded by: Davis 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 Term was the presiding officer of a meeting of the Swainsboro City Council held on the 1st day of May 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 discussed, considered, or voted upon;

is

(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 1st day of May 2023, 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)**

 X **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 1st day of May 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

Sworn to and subscribed before me this

1st day of May 2023.

NOTARY PUBLIC

My commission expires: _____

Councilperson Sconyers made a motion to return to regular session.

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

Councilperson Davis makes a motion to add the item of game rooms to the agenda.

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

Council discussed a matter concerning game rooms. Mayor Bennett informed the council that the city may be able to receive a percentage of the game room sales monthly from the state. Councilperson Sconyers authorized the city administrator to investigate this issue further.

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

Councilperson Sconyers makes a motion to adjourn.

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

Submitted: ***Herman Middlebrooks***, City Administrator