



CITY OF  
**Swainsboro**  
*Crossroads of the Great South*



## City Council Meeting

The regular meeting of Mayor and City Council was held on **Monday, March 06, 2023** at 6:00 P.M. at City Hall.

**Members Present:** Bennett, Davis, Sconyers, Stafford, Collins, Parker & Quarterman  
**Members Absent:** None

**Prayer of Invocation:** Pastor Andrew Flowers, Eastwood Church of God

## Pledge of Allegiance

### Public Hearing

A public hearing was held on the proposed increase of council members' pay. Robert Nobles stated that the council members' jobs were very important, and they were held accountable for the decisions they made for the City. He felt that they weren't currently paid enough, and this raise was long overdue.

Mayor Bennett stated that the current pay was \$200 a month and that what was only visible to the public was that the Council met two or three hours a month. They did much more work than that and devoted their life to the City. Mayor Bennett felt the pay increase was justified. Councilperson Sconyers stated that the current pay had stayed the same for over 30 years. Mayor Bennett stated that the Council members' pay would be increased to \$800 a month but that the Mayor's pay would stay the same. With no other members of the public wanting to make any further comments, Mayor Bennett closed the public hearing.

Minutes of the February 13th regular meeting and the February 16th zoom meeting were presented. Councilperson Parker made a motion to accept the minutes for both meetings.

**Motion by: Parker**

**Seconded: Sconyers**

**Vote: 6-0**

Councilperson Sconyers made a motion to amend the agenda to add an item under New Business. Chris Morton had brought to his attention the fact that the wastewater treatment plant urgently needed the purchase of 2 Pumps and that it was an emergency.

**Motion by: Sconyers**

**Seconded: Stafford**

**Vote: 6-0**

Councilperson Davis made a motion to amend the agenda to discuss the date of the next regular meeting, and then made a motion to postpone the next regular meeting from April 3 to April 10 due to the schools' spring break. Both motions were seconded by Councilperson Stafford and passed unanimously.

**Motion by: Davis**

**Seconded: Stafford**

**Vote: 6-0**

### A. Old Business:

1. Council considered the proposed increase in city council members' fees. Councilperson Davis made a motion to increase the city council members' fees from \$200 a month to \$800 a month, starting from January 2024.

**Motion by: Davis**

**Seconded: Parker**

**Vote: 6-0**

2. Council considered for advertisement the game room application for Urvano Bustamante dba MI Reyna Tienda Mexicana located at 230 West Morning Street. Councilperson Davis clarified that this location was beside the Emanuel Missionary Baptist Association. Councilperson Parker asked the City Attorney if an establishment with a game room could be under the same roof as the Emanuel Missionary Baptist Association. City Attorney

Levis replied that the only restrictions were regarding the service of alcohol. Councilperson Sconyers made a motion to approve the advertisement of the game room application.

**Motion by: Sconyers      Seconded: Quarterman      Vote: 5-1**  
**For: Parker, Quarterman, Sconyers, Collins, Stafford      Against: Davis**

3. Council considered the fleet management plan. Mayor Bennett explained that the City was negotiating with Enterprise Fleet Management to lease vehicles for the Police and Public Works Departments over 5-year terms. This would reduce the City's vehicle maintenance costs. At the end of the 5 years, the City could sell the vehicles and get the residual that the City paid on the lease program. Also, every police vehicle would look alike. Councilperson Davis asked if the lease program counted engine hours and Mayor Bennett replied that only mileage would be counted in the program. Mayor Bennett stated that there would be an initial upfront cost to equip the police cars, but at the end of the 5-year cycle the City would be reimbursed according to the equipment's energy life. At the end of the 5-year term, the City could sell the vehicles or Enterprise could sell them on behalf of the City and the City would receive the balance residual value. Councilperson Parker stated that for this first round of leases there would be 4 vehicles for the Police Department and 4 vehicles for the Public Works Department. Mayor Bennett stated that the City currently has 24 Police cars and that if the City leased 4 new police cars every year, in 6 years' time the Police would look more professional with a new Police fleet, where all the vehicles matched. The Police Department currently buys about 3 cars every year, and Councilman Sconyers concurred that when the numbers were run this lease program would cost less than the City buying our own vehicles. Mayor Bennett further stated that for the first few years there would be a setback financially as the City would end up selling every vehicle we have now, with the worst vehicles being sold first. In a couple of years, the overall cost would be less as the City began to sell its newer vehicles. Councilperson Parker made a motion to enter an agreement with Enterprise Fleet Management starting in 2024. This would be funded by SPLOST.

**Motion by: Parker      Seconded: Davis      Vote: 6-0**

4. Councilperson Sconyers addressed the council regarding Debbie Dubberly and Matthew Bright's drainage issues and made a motion to move this item to the executive session. The vote was 3-3 with Mayor Bennett breaking the tie in favor of the motion.

**Motion by: Sconyers      Seconded: Stafford      Vote: 3-3**  
**For: Sconyers, Stafford, Davis      Against: Parker, Quarterman, Collins**

5. Rita Faulkner addressed the council to request an update on the Robin Road Project and asked if the City's hired engineer had given the City a report. Councilperson Stafford and Mayor Bennett both confirmed that he did give a report. Chris Morton also stated that the engineer had given the City a quote for repairs. Mayor Bennett stated that he had asked Chris Morton to go out to Robin Road and take pictures to present to the Council. Chris Morton stated that everything looked good when he took the pictures, with water on Robin Road able to flow freely with no obstruction. He also stated that the good condition of the easement area would be maintained by Clearwater going forward, and that he had not received any complaints from the residents on Robin Road. Mayor Bennett also stated to Ms. Faulkner that she would be given a copy of the report from Roberts Civil Engineering.

Mayor Bennett stated that before the Council went on to the New Business items, he wanted Shayna Boston to introduce the children she brought to the meeting tonight. Ms. Shayna stated that she had Ms. Natalie Jordan's 6<sup>th</sup> grade social studies class from blocks 3 and 4 in attendance. They were studying different forms of government and Ms. Shayna thought it would be good for them to be exposed to our City Council meeting, see who their Mayor and Council members were and understand more about local government.

#### **B. New Business:**

1. Council considered for advertisement a game room license application for Maheshkumar Patel dba Mikes Food Mart located at 505 North Main Street, next to the Coca Cola plant. Councilperson Stafford made a motion to approve the advertisement of the game room license application.

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

2. Chris Morton with Clearwater Solutions presented three quotes for new lawnmowers. With grass cutting season coming up, Chris Morton stated that the City had just sold old unused equipment at Lane Brothers Auction for \$52,735.00.

While on the subject of the auction, Councilperson Stafford stated that with the new vehicle lift installed at the maintenance shop, the installers had offered the City \$750 for the old lift as is. Since then, Councilperson Stafford stated that someone else now wanted to buy it for \$800 as is. City Attorney Levis confirmed that this sale would have to be advertised. Councilperson Stafford made a motion for the sale to be advertised.

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

Going back to the recent Lane Brothers Auction, Chris Morton stated that the sale of old equipment included two lawnmowers that were damaged with blown engines and beyond economic repair. Chris Morton presented the three quotes which included A-Z Power Equipment (\$10,995 ea.), John Deere (\$10,500 ea.) and Georgia Equipment SCAG (\$10,611 ea.). All three quotes were for comparable machines. Chris Morton recommended Georgia Equipment SCAG as we currently use SCAG mowers and have parts for them. Councilperson Davis asked how many hours Clearwater put on the lawnmowers, and Chris Morton estimated that it was easily a hundred hours per year. Councilperson Stafford asked about weed-eaters, and Chris Morton replied that Clearwater purchased 8 new weed-eaters themselves out of the Repair & Maintenance budget. These weed-eaters belong to the City. Chris Morton also stated that the recent Auction sale included the sale of 12 old weed-eaters and 1 pole-saw for \$1900. Councilperson Sconyers made a motion to purchase three SCAG mowers out of SPLOST.

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

Chris Morton then stated that 2 pumps had stopped working at the wastewater plant. These pumps move solids from point A to point B within the facility. The quote from Goforth Williamson was for \$8,635 each. Councilperson Sconyers made a motion to purchase these out of SPLOST.

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

3. Council discussed the Stormwater Management Extent of Service Policy. City Attorney Levis stated that Roberts Civil Engineering had provided a template copy of the Policy and that his office had revised it to match our City's circumstances with input from Roberts Civil Engineering. The revised copy has been provided to Clearwater as well. This is an extensive Policy that articulates who is responsible for stormwater management based on several factors including location of drainage systems, the owner of drainage systems, function of the system and legal standing. The Policy talks about the City's requirements and their obligations with regards to private, public and quasi-public classification systems as well as entering into drainage-improvement agreements with private owners. It also addresses emergency issues that may come up that the City must act upon in order to protect life, property or both. City Attorney Levis presented Council with the options of either passing the Policy or having a public hearing on it. He also stated that this was a Policy that probably would be amended over time with regards to issues that come up or scope of service changes that the City needs. City Attorney Levis' recommendation was to have a public hearing on the Policy. Councilperson Davis made a motion to advertise a public hearing to adopt the revised Policy.

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

4. City Attorney Levis addressed Council regarding the revision of the Blight Ordinance. He has deleted subsection g through k of Section 62-155 and replaced the subsections with the GA permitted provisions. City Attorney Levis recommended that the City make the Ordinance effective 7/1/2023 so it runs consistently with the effective date of OCGA 41-2-9. He also recommended that Council set the Ordinance down for a first reading. City Attorney confirmed that the Blight Ordinance would apply to all private property within the city limits, and that this revision needed to be done as the current Ordinance was not in compliance with state law. Councilperson Davis made a motion to have a first and second reading on the Blight Ordinance.

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

5. Mayor Bennett addressed Council on the recreation department consolidation with Emanuel County. The County has written a proposal on the consolidation which includes considerations e.g. most, if not all, Recreation Department employees becoming employees of Emanuel County. Mayor Bennett stated that the Recreation Department gym needed \$2 million worth of work and the gym was consolidated under the County, Emanuel County would pay for the work out of SPLOST. This would mean that all the residents of Emanuel County would share this cost equally. The proposal also states that the City would be responsible for the City parks and the City Auditorium. The City would have to apply a 100% rollback of the millage based on the total cost of the Recreation Department removed from the budget. Councilman Stafford and Mayor Bennett stated that the County had reassured them they would keep every employee and program of the Recreation Department. Councilperson Quarterman made a motion for the City to agree to the County's initial Consolidation terms so that their attorney could further develop it.
- Motion by: Quarterman    Seconded: Davis    Vote: 6-0**

6. Matthew Bright addressed the Council regarding the road curves and ditch cleaning on Brown Street, Lincoln Street and Gumlog Road. He requested that the City insurance firm's denial letter be mailed to his residential address in Nunez.

#### **C. Committee Reports:**

1. None

#### **D. Executive Session:**

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

**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 6<sup>th</sup> day of March, 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 6<sup>th</sup> day of March 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 PROSECUTIONS 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 6<sup>th</sup> day of March 2023.

\_\_\_\_\_  
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  
6<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

Councilperson Davis made a motion to return to regular session.  
**Motion by: Davis      Seconded: Quarterman      Vote: 6-0**

Councilperson Davis made a motion to go into negotiations regarding an agreement with Matthew Bright about his property and the issues thereof.  
**Motion by: Davis      Seconded: Stafford      Vote: 6-0**

Councilperson Davis made a motion to go into negotiations regarding an agreement with Ms. Dubberly about her property and the issues thereof. This agreement includes for the City potentially to install a 36 inch pipe with flared ends and connecting bands, and to move twenty trees back. This would give the City the right to go on her property and repair the ditch, fill it, cover it over and grass it.  
**Motion by: Davis      Seconded: Stafford      Vote: 6-0**

Councilperson Parker made a motion for Mr. Middlebrooks to be hired if he accepts the amended contract the City offers. The City Attorney was going to first amend the City’s contract offered to include 10 vacation days instead of 5 annually, and for his retirement date to be moved to vesting after the first year.  
**Motion by: Parker      Seconded: Quarterman      Vote: 2-4**  
**For: Parker, Quarterman      Against: Collins, Davis, Stafford, Sconyers**

Councilperson Davis made a motion for the above-mentioned amended contract to be offered to Mr. Middlebrooks to hire him as City Administrator with no further negotiations. He would be hired only if he accepted those exact terms with no rebuttal as this was the

City's last and final offer. The City Attorney will amend the contract and a City staff member will send it to Mr. Middlebrooks.

**Motion by: Davis      Seconded: Parker**

**Vote: 6-0**

Councilperson Parker made a motion to adjourn.

**Motion by: Parker      Seconded: Sconyers**

**Vote: 6-0**

Submitted by: ***Chu Lin Ooi***, Finance Director