



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

The regular meeting of Mayor and City Council was held on **Monday, December 4, 2023**, at 6:00 P.M. City Hall

Members Present: Mayor Bennett, Councilperson Quarterman, Councilperson Parker, Councilperson Sconyers, Councilperson Davis, Councilperson Stafford, Councilperson Collins (6:15 PM)

Prayer of Invocation: Pastor Rusty Moore, Mount Shady Baptist Church

Pledge of Allegiance

Minutes of Regular Meeting of November 6, 2023, and the Special Zoom Meeting of November 28, 2023, was presented. Councilperson Davis made a motion to approve the minutes.

Motion: Davis

Seconded by: Sconyers

Vote: 5 - 0

A. Old Business.:

1. Council considered the approval of taxicab/rideshare license for Sherry Brown-Perry. Councilperson Stafford made a motion to approve the taxicab/rideshare license.

Motion: Stafford

Seconded by: Parker

Vote: 5 - 0

2. Council considered the approval of the alcoholic beverage license application for Edward Hill Daniels dba The Liquor Vault located at 403 North Coleman Street. Councilperson Parker made a motion to approve the alcoholic beverage license application for Edward Hill Daniels dba The Liquor Vault located at 403 North Coleman Street.

Motion: Parker

Seconded by: Davis

Vote: 5 - 0

3. Council considered the approval of the alcoholic beverage license application for Keith Douglas Wilcox dba Swainsboro Loyal Order of Moose Lodge No. 1930 Loyal Order of Moose located at 206 Harmon Road. Councilperson Parker made a motion to approve the alcoholic beverage license application for Keith Douglas Wilcox dba Swainsboro Loyal Order of Moose Lodge No. 1930 Loyal Order of Moose located at 206 Harmon Road.

Motion: Parker

Seconded by: Stafford

Vote: 5 - 0

B. New Business:

1. Council considered the advertisement of an alcoholic beverage license application for Atul Y Pandya dba Davki Nand 98 LLC at 227 West Main Street. **No Action Taken**

2. Council considered hiring new city personnel. Councilperson Davis made a motion to approve the hiring of the new staff as recommended.

Motion: Davis

Seconded by: Quarterman

Vote: 6 - 0

3. Council considered the approval of the city-wide lawn care maintenance bid. Councilperson Parker made a motion to approve the Lawn Care Maintenance bid to be awarded to Southern Landscape Management in an amount not to exceed \$189,392.20.

Motion: Parker

Seconded by: Davis

Vote: 6 - 0

4. Council considered the request to repair the excavators. Councilperson Sconyers made a motion to approve the repairs to the excavator by Yancey CAT in an amount not to exceed \$14,898.50.

Motion: Sconyers

Seconded by: Davis

Vote: 6 - 0

5. Council considered the request for repair of the effluent disk filter rehabilitation at the wastewater treatment plant. Councilperson Sconyers made a motion to approve the repairs to the effluent disk filter rehabilitation system by Aqua- Aerobics in an amount not to exceed \$12, 622.10.

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

7. Council considered the approval of the city attorney’s contract. Councilperson Davis made a motion to approve Levis Law Firm, LLC as general counsel for the City of Swainsboro.

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

8. Council considered the 2023 auditor. Councilperson Parker made a motion to approve retaining Lanier, Deal, Proctor & Bloser as the city auditor.

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

9. Council considered the approval of the Karrh Theater project change orders. Councilperson Sconyers made a motion to approve Karrh Theater project change orders as listed.

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

10. Council considered the 2024 council meeting calendar. Councilperson Sconyers made a motion to approve the 2024 council meeting calendar.

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

Councilperson Parker made a motion to amend the agenda to discuss the item of parades.

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

Councilperson Parker asked if the city paid for council people to ride in the MLK parade last year. Mrs. Kirby replied that the city was not charged last year.

Councilperson Sconyers made a motion to amend the agenda to discuss the Wreaths Across America Day.

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

Councilpersons Sconyers stated to everyone that on Saturday, December 16, 2023, at 10’clock at Swainsboro City Cemetery there will be a short program conducted by members of Wreaths Across America honoring lost veterans. This year the veterans will put out over 2,000 wreaths. Everyone is invited.

Councilperson Parker made a motion to add pending litigation to the executive agenda.

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

Councilperson Davis made a motion to go into executive session.

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

C. Consent Agenda

None

D. Committee Reports:

None

E. Executive Session:

CLOSING MEETING AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the undersigned, who, after being duly sworn, depose and on oath state the following:

(1) The Mayor/ Mayor Pro Tem was the presiding officer of a meeting of the Swainsboro City Council held on the 4th day of December 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 4th day of December, 2023, which was closed for the purpose of:

 X ATTORNEY-CLEINT PRIVILEGE REGARDING PENDING LITIGATION O.C.G.A. § 50-14-2(1)

 TAX MATTERS PURSUANT TO O.C.G.A. §50-14-2(2)

 STAFF MEETING HELD FOR INVESTIGATION PURSUANT TO O.C.G.A. §50-14-3(a)(1)

_____ DELIBERATION AND VOTING OF THE STATE BOARD OF PARDONS AND PAROLE PURSUANT TO O.C.G.A. §50-14-3(a)(2)

_____ LAW ENFORCEMENT AGENCY OR PROSECUTIONSL AGENCY O.C.G.A. §50-14-3(a)(3)

_____ MEDIATION EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(5)

_____ HOSPITAL MEETINGS EXCEPTION PURSUANT TO O.C.G.A. § 50-14-3(a)(6)

_____ INCIDENTAL 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 4th day of December 2023.

Greg Bennett, Mayor

Julian Sconyers - Council Person

Johnny Ray Stafford – Council Person

Bobbie Collins – Council Person

John E. Parker – Council Person

Gregory Quarterman – Council Person

D. J. Davis III – Council Person

Sworn to and subscribed before me this.

4th day of December 2023.

NOTARY PUBLIC

My commission expires: _____

Councilperson Sconyers made a motion to come out of executive session.
Motion: Sconyers Seconded by: Quarterman Vote: 6 - 0

Councilperson Davis made a motion to go back into regular session.
Motion: Davis Seconded by: Stafford Vote: 6 - 0

Councilperson Sconyers made a motion to adjourn.
Motion: Sconyers Seconded by: Davis Vote: 6 - 0

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