



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

The regular meeting of Mayor and City Council was held on **Monday, January 8, 2024**, at 6:00 P.M. City Hall

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

Public Hearing: 2nd Reading

Ordinance No. 2023-6 in reference to an additional three percent penalty to original fines for violators of traffic laws of the State of Georgia and City of Swainsboro.

Prayer of Invocation: Reverend Love of Saint Phillips Baptist Church

Pledge of Allegiance

Swearing in of New Council Member

Judge Don Wilkes was present to swear in the newly elected city official Quantavius Foster, District 5, for the upcoming term. Judge Wilkes swore in and congratulated incumbents Councilperson Julian Sconyers and Councilperson David Davis III on their re-election and willingness to serve.

Minutes of Special Council Meeting of December 4, 2023, was presented. Councilperson Davis made a motion to approve the minutes.

Motion: Davis

Seconded by: Sconyers

Vote: 6 - 0

A. Old Business:

1. Council considered Ordinance No. 2023-6 in reference to an additional three percent penalty to original fines for violators of traffic laws of the State of Georgia and City of Swainsboro. Councilperson Sconyers made a motion to approve Ordinance No. 2023-6.

Motion: Davis

Seconded by: Sconyers

Vote: 5 - 1

For: Collins, Davis, Sconyers, Stafford, Quarterman

Against: Foster

2. Council considered the advertisement of an alcoholic beverage license application for Atul Y Pandya dba Davki Nand 98 LLC at 227 West Main Street. Councilperson Stafford made a motion to approve the advertisement of the alcoholic beverage license application for Atul Y Pandya dba Davki Nand 98 LLC at 227 West Main Street.

Motion: Stafford

Seconded by: Quarterman

Vote: 4 - 2

For: Stafford, Quarterman, Collins, Foster

Against: Sconyers, Davis

B. New Business:

Councilperson Stafford made a motion to add the Dump Bed Truck item to the agenda.

Motion: Stafford

Seconded by: Davis

Vote: 6 - 0

1. Council considered moving Emily Hendley and Austin Woods from part time to full time. Councilperson Stafford made a motion to approve moving Emily Hendley and Austin Woods from part time to full time.

Motion: Stafford

Seconded by: Davis

Vote: 6 - 0

2. Mayor discussed the appointment of members to the Finance, Water & Sewer, Parks & Cemetery, Streets & Sanitation, Ethics, and Animal Control Committees.

No Action Taken

3. Council considered the repair of one of the pumps for lift station 10. Councilperson Stafford made a motion to approve the purchase of a new pump for \$23,900 for lift station 10 to be purchased from 2018 SPLOST funds.

Motion: Stafford

Seconded by: Sconyers

Vote: 6 – 0

4. Council considered the purchase of a Dump Bed Truck. Councilperson Sconyers made a motion to purchase a dump bed truck for \$31,549.95 from the 2018 SPLOST funds.

Motion: Sconyers

Seconded by: Stafford

Vote: 6 – 0

3. Council considered a Resolution to delay the implementation of Sunday Sales- Both Package and On Site. Mayor Bennett gave the gavel to Mayor Pro Tem Collins. Councilperson Davis made a motion to approve the delaying of the start date for Sunday Sales (both Package and On-Site Sales).

Motion: Davis

Seconded by: Sconyers

Vote: 4 – 1

For: Davis, Quarterman, Sconyers, Stafford

Against: Foster

4. Council considered an Ordinance adopting, modifying, and amending the Alcohol Ordinances. **Postponed**

Councilperson Davis made a motion to go into executive session.

Motion: Davis

Seconded by: Stafford

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 8th day of January 2024.

- (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 8th day of January 2024, which was closed for the purpose of:

- ☒ **ATTORNEY-CLIENT 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).**

This 8th day of January 2024.

Julian Sconyers - Council Person

Bobbie Collins – Council Person

D. J. Davis III – Council Person

Quantavius Foster – Council Person

8th day of January 2024.

My commission expires: _____

Councilperson Davis made a motion to add to the agenda the termination of Robert's Engineering contract.

Councilperson Davis made a motion to terminate Roberts Engineering contract.
Motion: Davis Seconded by: Stafford Vote: 6 – 0

Councilperson Davis made a motion to place bids for engineering services.
Motion: Davis Seconded by: Foster Vote: 6 – 0

Adjournment by consensus

Submitted: **Herman Middlebrooks**, City Administrator