



CITY OF
Swainsboro
Crossroads of the Great South

GEORGIA



City Council Meeting

May 02, 2022

The regular meeting of Mayor and City Council was held **Monday May 02, 2022**
at 6:00 P.M. City Hall.

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

Prayer of Invocation: Pastor Tim Nary, Nazarene Church

Pledge of Allegiance

Councilperson Sconyers made a motion to accept the April 18th minutes.

Motion by: Sconyers

Seconded: Davis

Passed 6-0

A. Old Business:

1. Councilperson Collins addressed the council regarding her concerns as to continuing the council's cash in lieu of insurance payment and requested the opinions and remarks of the other councilmembers. Councilperson Collins also stated that some of the members did not agree with what took place regarding stopping the cash in lieu of insurance payments. Collins stated that the city acted based on an anonymous letter sent to the city. Collins stated that the city has received anonymous letters in the past and had acted on them. Collins stated that if someone wanted to say something to council they should come to council and not slip something in a box outside. Councilperson Stafford stated that there was nothing wrong with what they done 20 years ago. Stafford stated that the council voted 20 years ago to supply insurance to the council or if you had proof of insurance, you could get the pay. Stafford stated they received a 1099 for four years. Stafford stated that council pay was changed from a 1099 to a W2 form and that this council did not vote to change it from a 1099 form. Mayor Bennett stated that the city contacted GMA regarding the council pay. The city clerk and city attorney reached out to Rusi Patel with GMA's legal counsel regarding the cash in lieu of insurance payments. The city clerk provided a printout from GMA's website regarding compensation to the mayor and city councilmembers along with the email from Rusi Patel regarding the cash in lieu of insurance payments. The city clerk also read the email from Rusi regarding his opinion on the cash in lieu of insurance payments. Councilperson Parker stated that this action took affect over 20 years ago. Parker that when the anonymous letter came out that council went into executive session. Parker stated that a decision was made once council returned to regular session. Parker asked who has the right to change the decision if council voted on it in regular session. Councilperson Parker stated that if council wanted to increase the salary it would have done prior to the next election cycle. Parker stated that no one had increased council pay and it was the same \$200 that is was when he was elected. Parker stated that when he came on council that a former employee Cecile Bishop asked if he had insurance and could he provide proof of insurance. Parker stated that he did at the end of the month he opened his check up and questioned Ms. Bishop at that time regarding the check. Parker stated that there was another meeting held near the end of last year at a particular establishment and it was said then that we needed to work on lowering the pay. Parker stated that the employees should be paid according to their work and education. Parker stated that you have employees in departments making \$7.26 and that is their pay. Parker stated that the employees are using the insurance to help make ends meet. Parker stated that if this body voted on something that no one can change it, but it was changed, seems like the ones that changed it ought to be sanctioned because they are superseding what this body representing the city have said. Mayor Bennett stated

that you can't vote on something that is not legal. Bennett stated that if council wants to raise their pay, they need to vote to raise their pay. Councilperson Parker stated they are not moving to raise pay. Parker stated the cash was paid in lieu of insurance. Parker stated that this was done prior to five of the members being elected to council and during the time of one of the members. Parker addressed the mayor and stated that if one person must repay these monies then everyone should have to repay it. Councilperson Parker made an amendment to the agenda to have an executive session for personnel issue. City attorney Jon Levis stated that compensation of councilmembers is governed by state code section 36-35-40. Levis stated that if you are an elected official then the way that salary and compensation are determined must be done in accordance with a certain procedure. Levis stated that it must be advertised, done within a prescribed time, and does not occur to the council until after the next election cycle. Levis stated that based on the records of the city the determination of the process has not been followed properly and because that was not voted on properly based on the records of the city that is void; and therefore, the city can't vote to keep doing something that is void. Levis stated that because the city clerk asked for it to be sent to GMA, he did it and they agreed with his reasoning on it. Councilperson Davis stated that from his understanding that it was stopped until council figured out what was going on and when council returned to regular session no action was taken. Councilperson Parker stated that action was taken. Councilperson Parker stated that he asked the city clerk if Al Lawson or GMA contacted? Parker stated that the city clerk stated no. Parker stated that they had also contacted GMA and no one has contacted them back. Councilperson Sconyers stated that the cash in lieu of insurance payment that was happening prior to the discontinuance was probably technically wrong and nobody at this table did anything knowingly that was wrong. Sconyers stated that the way it was done was probably technically wrong and he agreed with that. Sconyers stated if council voted to give council insurance, we should be able to give the council insurance as a benefit. Mayor Bennett stated that council can take the health insurance but not the cash in lieu of insurance. City Attorney Levis stated that the vote in the late 90's or early 2000's authorized city council to get health insurance. Councilperson Parker stated it authorized city employees to get health insurance but not cash in lieu of insurance. Mayor Bennett stated that if councilmembers think that city council deserves a raise then let's vote to put it in the paper. Council questioned how employees could get the increase in cash in lieu of insurance for employees. City Attorney Levis stated that section 36-35-4 authorizes without votes an increase in received benefits. The difference is when you are receiving funds instead of benefits then, that qualifies into compensation and salary which is a different category than benefits. Levis stated that this code section only refers to elected officials and not city employees; however, it does authorize the city to set compensation for city employees. Levis further stated that at one of the more recent council meetings this council voted to keep the salary of the employees and the compensation of the insurance in place. Councilperson Stafford stated that if they had not been told that they could get the cash in lieu of insurance they would not have done it. Councilperson Collins asked was this a violation of Georgia law or Georgia constitution in 1998 when it was done? Levis stated that in his opinion yes because it did not follow procedure, so it was not proper. Councilperson Collins stated that how can it be wrong for city officials and not city employees. Councilperson Davis stated that elected officials are under different rules than city employees. Councilperson Parker made a motion that until Rusi Patel with GMA comes to this city council that the cash in lieu of insurance payments revert back to what was prior to the April 4th meeting.

Motion by: Parker

Seconded: Collins

Vote: 3-3

For: Parker, Collins, Quarterman Against: Sconyers, Stafford, Davis

Mayor Bennett broke the tie against the motion.

B. New Business:

- 1 Stanley Wimberly with Men Reaching Men Outreach addressed the council regarding the upcoming prayer vigil at the Swainsboro Boneyard Pavilion on May 21st.
2. Chris Morton with Clearwater Solutions addressed the council regarding the street sweeper. Morton stated that the drive motor was rebuilt now the vac motor needs replacing. The sweeper was taken to Big M for a quote to repair the vac motor. Morton

stated it could cost anywhere between \$7,500 to the teens and new motor would cost around \$25,000. Morton is working on getting actual quotes for the council. Morton also gave an update to the work they are doing in preparation for the Pinetree Festival.

3. Mayor Bennett requested that council request bids for architectural services for renovations to city hall. Councilperson Sconyers stated we need a general contractor and let them know what work we want done not an architect. Mayor Bennett stated that we need the architect to design the plan so that we can get quotes on the renovation. Councilperson Davis made a motion to place it out for bid.

Motion by: Davis Seconded: Stafford Vote: 3-3

For: Davis, Stafford, Sconyers Against: Parker, Collins, Quarterman

Mayor broke tie in favor of the motion.

4. Councilperson Sconyers stated that the city needs to discuss buying new equipment. Sconyers stated that the city has spent a lot of monies repairing old wore out equipment. Sconyers made a motion to purchase a new knuckle boom truck. Chris Morton discussed the issues they are having with the equipment and issues getting parts for the equipment. Councilperson Stafford stated that we need to check with Donald Peebles with Clearwater and see if it is possible to buy a gasoline knuckle boom truck. Councilperson Davis asked Morton do they track the maintenance of the equipment. Morton stated that they track this information thru a program called Fix and the operators are held accountable for any misuse and abuse of equipment. Councilperson Stafford asked has the backhoe been repaired. Morton stated that this is still not fixed. Stafford stated that the city needs to purchase a dump truck also. Morton stated that in the capital improvement plan that a dump truck was recommended.
5. Councilperson Quarterman made a motion to amend the agenda to allow Julia Carswell to speak to the council. Carswell stated that ever since the storm she has called several times about the limbs, trash, and grass has not been taken care of. Chris Morton stated that Lewis Street was the last street opened after the storms. Morton stated that there is a lot of trees and limbs that are on fences, and it will require all the men to show up on site to physically clean the site. Morton stated that they know this is a problem and that they are addressing that this week. Morton also stated that they have a route system in place. Morton stated that they appreciate everyone's patience in working with them with all their equipment issues.

C. Committee Reports:

1. Police Chief Ellison asked council to consider increasing the part time pay from \$12/hr. when they are looking at the salary survey for fulltime employees.

C. Executive Session:

1. Mayor Bennett asked do we have a motion to go into executive session. Councilperson Parker stated that he had rescinded that motion.

Councilperson Davis made a motion to adjourn.

Motion by: Davis

Seconded: Sconyers

Passed 6-0

Submitted: **Melissa Kirby**, City Administrator