**Sandersville City Council**

**Called Ethics Hearing Council Member Mayme Dennis**

**July 11, 2024 – 5:00 P.M.**

**City Council Chambers**

Council Members and City Employees present:

Mayor Jimmy Andrews Kandice Hartley, City Clerk

Mayor Pro Tem Jeffery Smith Keenan Howard, City Attorney

Council Member Deborah Brown

Council Member Danny Brown

Council Member Mayme Dennis
Council Member Ben Salter

Keenan Howard, City Attorney

Mayor Andrews called the July 11, 2024 the Ethics Hearing to order.

Mayor Andrews called on Attorney Brandon Bowen for opening statements. Attorney Brandon Bowen explained he was asked to investigate allegations brought forward concerning Council Member Mayme Dennis voting on matters that she had a personal financial interest in, specifically regarding a CDBG project that is intended to alleviate flooding in the Tybee community. Attorney Bowen went on to explain that this process involved acquisitions, easements of property and construction of some flood control devices, retention ponds and order to alleviate the flooding. I have reviewed the city's file materials on that. The publicly available records, the Charter of the City and the codes of the city. And it is my conclusion that that did in fact happen. I have viewed the charter of the city and codes and have researched and it does appear this did happen. Attorney Bowen stated that he will share these exhibits and documents as the hearing progresses.

Attorney Adam Nelson introduced himself and stated he was here representing Council Member Mayme Dennis. Attorney Nelson went on to explain that he wanted to be very clear about the provisions in the charter, there are obviously some things that it is important, and the information you receive you need to understand. The word knowingly comes up often, make sure you understand the context and you understand Council Member Dennis perspective to why it was done. Attorney Nelson stated that it is important from Council Member Dennis's perspective, she understands that she's wearing two hats today. She's acting both as a Council member and an individual. My goal for you as Council members is to understand that just because we do things in our individual capacity, it doesn't necessarily mean we're doing in our council capacity and though there are restrictions on how you're supposed to do those things, it's important to know that the language that is in these ordinances and codes makes clear that you've got to have the mental position in order to be responsible under those. Attorney Nelson went on to state, I don't think we'll have a whole lot of disagreement on a lot of the facts here, but some of the witnesses we’ll call, will deal with context.

Attorney Bowen explained how he handled the investigation and the key charter provisions that are key to this case. Attorney Bowen read the charter provisions. Attorney Bowen explained the Key Charter provisions and code provisions that are applicable, beginning with section. 2.16 A, it provides that no elected official, appointed officer or employee of the city or any agency or political any to which the Charter applies, shall knowingly, engage in any business transaction or have the financial or other personal interests, director and direct, which is incompatible with the proper discharge of the official duties, or which would tend to impair the independence of his judgment or action performance of his official duties, so you cannot engage in business transactions. The Charter also talks about the importance of disclosure in section 2.16 B. It provides that any elected official who has any private interest directed or indirectly in any contract or matter pending before the city shall disclose before voting. Such private interest to the City Council. As you know, shall is a word of command. We have to do that if you have a private financial interest in a matter before the City Council, you have to disclose that to the City Council and that paragraph goes on further to require disclosure be made publicly and entered into the Minutes, so the public as well knows that there is a private financial interest on the part of the Council member, and afterwards that Council member is disqualified from participating in any vote thereon. Lastly, I point you to section 2.16 G. Any city officer who knowingly conceals such a financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office and shall be deemed to have forfeited the position. Attorney Bowen stated next, I want to turn to your Code of ethics. The Code of ethics really echoes the same things that the Charter says for instance, in section 2-6-4B it provides that no Council member or member of any board Commission in which they have a substantial interest, shall fail to disclose to the common good for the record such interest prior to any discussion or vote. So again, if you have a financial interest or a substantial interest in the project you can't vote on it, you have to disclose it. Then section 2-6-5, conflicts of interest, says prohibition of conflict of interest. A city official may not participate in a vote or decision affecting a person, entity or property in which the official or the employee has a substantial interest. Attorney Bowen then passed out relevant exhibits to the council. Attorney Bowen exhibit B is a memo that stated the city has worked with the regional Commission to CDBG Block grant to fund a project to reduce flooding and improve conditions in the TYBEE Community of Sandersville. One of the key elements of that project is to obtain and construct a detention pond on tax parcel S28 198, that's the key parcel in this case, it's key Parcel in the project and you'll see why in a moment. This parcel is the southwest corner of the corner of McCarty St. and Oak St. As you know, this project is ongoing for several years. Attorney Bowen stated on September 22, 2023, there was a public hearing that Council Member Dennis was present and participated in her role as a Council person. She gave her address at the meeting as 306 Hines St. which is not part of the area that is covered by this CDBG project. She explained that the CDBG project needed to be reduced because of cost expressed an understanding of the project both what was to be done, which she referred to as phase A, and what was to be removed, which was described as phase two, with the idea that at a later date phase two would be accomplished. Plans showing the entirety of the project and the area to be removed from the project were present, and those plans clearly show the parcel at the southwest corner of Oak Street and McCarty St. to be the site of a detention pond for the project. This shows that Mrs. Dennis understood that this project impacted the property she had purchased. Attorney Bowen explained the importance of the map and that you understand is it very plainly at the southwest corner of the intersection of Oak Street and McCarty St. there is a large detention pond as seen in Exhibit H. Attorney Bowen stated that Mr. Tyree, with Turnip Seed Engineering is here and he'll be able to explain it better than I can, but essentially the problem in the Tybee community is that there's a lack of retention area, so the idea behind the project is to create a detention area to alleviate flooding. Attorney Bowen explained what no one knew on September 22nd and what Council Member Dennis does not identify on the records, is that approximately a week beforehand on September 14, 2023, she purchased that lot at the southwest corner of Oak Street and McCarty St. and she paid $17,300.00 for it. The plat is referenced in the deed It shows unambiguously that it is the southwest corner of Oak Street and McCartey St. That is all included in Exhibit C, which are certified deed records from your clerk of Superior Court. Attorney Bowen stated that at the October 16, 2023 council meeting Council Member Dennis made a motion to adopt resolution to award contract for construction in the amount of $1,624,907.00, so that this TYBEE Community project could be performed. The minutes reflect that Council Member Dennis did not disclose at that time her ownership interest in the essential property to make the project happen.

Attorney Bowen stated once the project was approved Regional Commission Consultant Anne Floyd, began the project by working on easements and discovered that Council Member Dennis purchased the property that was essential to make the project work.

Attorney Bowen called consultant Ann Floyd to the stand to review the council discovery of the conflict. Consultant Anne Floyd explained that the City has been trying for years to address housing in the Tybee Community, but due to it being in a floodplain, housing could not be addressed until the flooding was addressed. Consultant Floyd went on to explain that Council Member Dennis was very helpful and active in the public meetings, stating that she even made a copy of the map to pass out at the meeting to be sure the project was understandable. Consultant Floyd contacted DCA as soon as she discovered the conflict with Council Member Dennis and tried to find several ways to correct the problem but couldn’t. Consultant Floyd stated she is unsure if DCA will require the City to pay the money back due to the conflict and it is my job to keep the city in compliance. Consultant Floyd also stated that without this property the project will be less effective and houses will still flood every time there is a hard rain.

Attorney Nelson questioned Consultant Floyd on the grant process. Attorney Nelson questioned Consultant Floyd about the detention pond and clarification on the size of the pond on the lot. Attorney Nelson questioned Consultant Floyd if she has ever had this instance come up before in her grant writing history with DCA. Consultant Floyd responded that DCA has not had this happen, where the easement would not be given. DCA hopes that the local level will be able to address this. Consultant Floyd explained she contacted DCA as soon as she discovered the conflict with Council Member Dennis and tried to find several ways to correct the problem but couldn’t. Consultant Floyd stated she is unsure if DCA will require the City to pay the money back due to the conflict and it is my job to keep the city in compliance. Consultant Floyd also stated that without this property the project will less effective and houses will still flood every time there is a hard rain.

Mayor Pro Tem Smith stated I want to clarify that I understood that if this project ends up not functioning or partially functioning DCA or HUD, could require the return of the money, meaning that the city would have to reimburse the agency for our grant funding. Consultant Floyd stated that yes the grant was $750,000 but maybe they would prorate it. Mayor Andrews explained that his understanding was that the flooding on four of the properties in the Tybee Community would still experience flooding if the detention pond was not put in. Council Member Brown questioned what legal ramifications would come back on the city if we did not complete the project the way it was intended to and correct the flooding for these four properties. Consultant Floyd responded this would be a lawyer question.

Attorney Bowen then called the city’s engineer for the project David Tyree of Turnipseed Engineers. Engineer Tyree explained the project and how the detention pond would prevent flooding, Engineer Tyree also explained a ditch that would carry the water into the system on McCarty Street could be another method that may not work as good but could be a solution for the residence, however it could cause an issue for the City. Engineer Tyree explained that this method would still require an easement from Council Member Dennis. Engineer Tyree explained that the houses on Tybee that flood so badly were the pictures that were submitted to DCA to award the project.

Attorney Nelson questioned if that it had always been in the plan to have a retention pond. Engineer Tyree stated that the pond was the best option to fix the issues. Attorney Nelson questioned about the cost of the acquisitions of properties, and also questioned about his communication with Council Member Dennis throughout the project. Engineer Tyree explained that he spoke with Council Member Dennis at council meetings and public hearings. Attorney Nelson then asked if Engineer Tyree had spoken with Council Member Dennis after he found out she owned the property, Tyree stated that he had not spoken with her. Council Member Brown stated that he was at both public meetings concerning the project and it was clear what had to be done and everyone was helpful and aware of what had to be done. Mayor Pro Tem Smith questioned Engineer Tyree how much of Council Member Dennis’s property would be taken up if the ditch was put in. Engineer Tyree then explained how much of the property the ditch would take and how it would work.

Attorney Nelson called witness Tammy Stephens to the stand. Tammy Stephens introduced herself as being a relator for Council Member Dennis. Witness Stephens explained she sold the property to Council Member Dennis stating that she has been wanting the property for several years. Attorney Nelson questioned if Witness Stephens knew the city was doing a project for this particular property to help with flooding issues in the Tybee community, Witness Stephens stated that she was not aware of the project.

Attorney Nelson called witness Moria McNeil-Acree to the stand. Witness McNeil-Acree introduced herself as Council Member Dennis’s sister. Witness McNeil-Acree went on to state that Council Member Dennis has been wanting this property for years approximately since 1994, and since it was commercial property she wanted to put an office on the property. Attorney Nelson questioned Witness McNeil-Acree if she was aware of the plans for the detention pond, Witness McNeil-Acree explained that Council Member Dennis didn’t discuss city business with her. Attorney Bowen then questioned Witness McNeil-Acree when she became aware the Council Member Dennis was purchasing the property. Witness McNeil-Acree stated that she saw it on facebook.

Attorney Nelson called witness Vivian Jones to the stand. Witness Jones introduced herself as having family who lives on Hines Street and stated she was raised in that community. Witness Jones explained she has been attending the meetings and keeping notes concerning the project. Attorney Nelson questioned if witness Jones was aware Council Member owned the property in which the detention pond was going to be, witness Jones stated that she did not know Council Member Dennis purchased the property and that she never knew a detention pond was apart of the project.

Attorney Nelson called Kelvin Jordan who lives in the project here as a witness. Witness Jordan explained his view of the process and the confusion of the meetings concerning the project. Witness Jordan explained his frustration of the construction crew that was doing the project and how they parked equipment in his yard for months and did not pay. Witness Jordan explained that Council Member Dennis was good person. Attorney Nelson asked Witness Jordan if he ever heard of McCarty Street being a part of the project and he explained he never heard McCarty was apart of the project. Attorney Bowen showed the map of the project and questioned Witness Jordan if he could show on the map where his property was.

Attorney Nelson asked witness Marvin Harris to the stand. Witness Harris spoke of Council Member Dennis’s character stating he has known her for many years and he has a great deal of respect for her and been a champion of the community.

Attorney Nelson called Council Member Dennis to the stand. Council Member Dennis explained she has been on the council for 34 years and I have always bought and sold property. Council Member Dennis went on to state that she never new East McCarty Street was involved in the project. Attorney Nelson questioned when did Council Member Dennis become interested in the property on East McCarty and Oak St. Council Member Dennis explained she has been looking that the property since the 90’s explaining that she never has had commercial property she has always had residential. Council Member Dennis explained that she has always worked with the city if the land was involved and that she is not that kind of person. Council Member Dennis then explained the timeline of purchasing the property and explained that she never knew East McCarty was in the project. Council Member Dennis explained that she talked with Engineer Tyree three different times about the property and he explained several options on how to obtain the property and how the property could still be used. Council Member explained she never heard of East McCarty being in the project and if she knew there was a detention pond going to be on it she would not want the property. Council Member Dennis explained how she helped and participated in the meetings helping consultant Floyd throughout the project. Council Member explained the map that was passed out at the meeting was not clear and that East McCarty was never mentioned. Council Member Dennis explained she was very clear about her mothers properties on Hines Street at the meetings and that she was not trying to hide anything that East McCarty was not mentioned. Council Member Dennis explained that she was not aware her property was a part of the project until contractors were on her property and she began calling and asking questions. Attorney Nelson asked Council Member Dennis what was she here today for. Council Member Dennis stated that she is here to clear her name of this ethics violation that this is lies and destruction of her character explaining she has been a part of the project and that none of this is true and, she had no idea this was on her property. Attorney Nelson explained the project has to move forward Council Member Dennis explained she wants her name cleared and she is innocent of these allegations.

Attorney Bowen questioned if Council Member Dennis was familiar with the project. Council Member Dennis explained the streets that she knew that were included in the project and McCarty was not included. Council Member Dennis stated that she has been to all the meetings and that she participated by one meeting by phone. Attorney Bowen asked Council Member Dennis if she voted on the resolution to approve the project. Council Member Dennis explained she did vote on it because she did not know her property was in the project, explaining that there should have been a project scope meeting explaining the easements that were needed before the project was approved. Council Member Dennis explained that the detention pond was never even brought up until contractors were on her property. Attorney Bowen showed Council Member Dennis the map that included her property that was given out at the meetings she attended, however Council Member Dennis denied seeing the map. Attorney Bowen questioned Council Member Dennis as to why before voting she did not view the documents that pertained to the project. Attorney Bowen explained that Council Member Dennis’s property was on McCarty and Oak Street and questioned since she knew Oak Street was in the target area then that would mean her property was included. Council Member Dennis stated that when she purchased the property it had an East McCarty address. Attorney Bowen clarified that the property was vacant with no structure and was on Oak Street and East McCarty. Council Member again explained that in her mind that her property was on East McCarty Street not Oak Street and she thought of her property as commercial on East McCarty. Council Member Dennis stated that right now she is so into clearing her name that we will talk about the impact of the property after my name gets clear and my Council understands that I did not know that my property was included and I did not purposely sign anything or approve anything that would that would hurt me like this. I want my name cleared first, and then we can move on to the next phase.

Attorney Bowen and Attorney Nelson gave their closing statements and the council adjourned into executive session to deliberate.

Mayor Pro Tem Smith explained he wanted to clear up some things and explained that the City is the one who wanted to improve the Tybee community that it was the City that wanted to rehab houses in the area and could not due to the flooding issues. Mayor Pro Tem Smith explained that this a huge project that we got a grant for but stated the city put in close to $800,000 of funds to make this project happen. Mayor Pro Tem Smith stated that he wants the Cities name cleared, that we have identified these areas and the City made this project happen to help the flooding issues. Mayor Pro Tem Smith went on to state that he wants to make sure this project is going to be completed and lets move forward with the easement of the ditch. If this will help the issue, and if we are going to do a name clearing, we need to also make a motion for what is going to be done to get the project finished.

Mayor Andrews stated the council would adjourn into executive session to deliberate. Mayor Andrews asked for a motion to enter into executive session.

**EXECUTIVE SESSION**

**Mayor Pro Tem Smith made a motion to enter into an Executive Session to deliberate. Council Member Danny Brown seconded and the motion passed unanimously with favorable votes from Mayor Pro Tem Smith, Council Member Deborah Brown, Council Member Danny Brown and Council Member Ben Salter.**

The council reconvened and Mayor Andrews asked City Attorney Howard to state the motion.

**ETHICS HEARING DECISION**

**Mayor Pro Tem Smith made a motion stating that we find that Mayme Dennis did not knowingly violate the ethics provisions of the Sandersville Charter and code. However, this is not a reprimand but we do find that she needs to exercise more diligence and be more conscientious in considering the property she owns when making future council decsions and especially when voting on City matters. Council Member Danny Brown seconded and the motion passed unanimously with favorable votes from Mayor Pro Tem Smith, Council Member Danny Brown, Council Member Deborah Brown, and Council Member Salter.**

**ADJOURNMENT**

**Mayor Pro Tem Smith made a motion to adjourn the meeting and Council Member Danny Brown seconded to adjourn the called meeting.**

 James W. Andrews, Mayor

 Kandice Hartley, City Clerk

 Date Approved