

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, JANUARY 5, 2016
7:00 P.M.

The Regular Session of the Commission of the City of Waycross was held on Tuesday, January 5, 2016 in the Commission Chambers of City Hall. Commissioners in attendance were: Marian Solomon-Gaines, Norman Davis, Larry Ethridge and Commissioners-elect Diane Hopkins and Jon Tindall.

City Attorney Rick Currie opened the meeting by informing the Commission and public that Mayor-elect John Knox is not present and unable to attend the first meeting. Mr. Currie stated that the Charter or Code of the City of Waycross do not specify that to do when the Mayor is absent and no Mayor Pro Tem has been elected. Section 18 of the Charter says that the commission may determine its own rules of procedure. Currently there are three members present who are duly sworn and two to be sworn in tonight. It is not within the power of the city Attorney or City Manager to call the meeting to order or to conduct the meeting. The power is given by the Charter to the Mayor or Mayor Pro Tem. It is my opinion that one of the Commissioners, 3 are here, I would suggest that the senior commissioner at least call this meeting to order and after the invocation and pledge, then swearing in of two newly elected members and then proceed with election of Mayor Pro Tem to run this meeting.

Commissioner Norman Davis questioned Mr. Currie's explanation, asking if we have three members here, that constitutes a quorum?

Mr. Currie explained that when the meeting is called to order we will have three members which constitutes a quorum.

Commissioner Davis asked if three members constitutes a quorum, then the vote of the majority carries?

The City Attorney replied that it would carry on anything....

Commissioner Davis said that is normal Roberts Rules of Order, if you have 3 or are dealing with a majority or quorum then the majority of those members presents constitutes a majority.

Mr. Currie replied that is correct. The quorum that is called or order would be 3 sitting commissioners, qualified and sworn. However, Section 18 of the Charter states that the affirmative vote of at least three members shall be necessary for the election of any officer or removed of any officer or passage of any resolution or ordinance. A simple majority of the quorum does not allow unless unanimous for the election of any officer or passage of any resolution or ordinance.

Commissioner Davis asked you are defining a city commission as an officer?

Mr. Currie replied yes, an officer includes the election of any city commission as Mayor Pro Tem.

Commissioner Davis asked but the removal of an officer requires a 2/3 majority?

City Attorney Currie answered that it requires three votes.

Commissioner Davis stated that does not equate that a commissioner is an officer. That is my opinion.

Mr. Currie replied that this body has the right to punish its members and to make rules.

Commissioner Davis responded I agree, but it takes a 2/3 majority to do that.

Removal of any other sitting elected commissioner is not allowed by a simple majority replied Mr. Currie, but an election for a vote to remove someone as major pro tem would require three votes.

You are defining the mayor pro tem as an officer questioned Mr. Davis.

City Attorney Currie replied as an officer, yes. Unless any of the 3 who are sworn members of the commission object to my suggestion, I look to the senior member of this Commission to at least call this meeting to order and I am led to believe that that is Commissioner Marian Solomon-Gaines.

Senior commissioner Marian Solomon-Gaines called the meeting to order and asked Commissioner Hopkins to introduce the invocation leader. Commissioner Hopkins introduced Reverend Freddie Smith, Pastor Sweat Memorial Baptist Church who offered the opening Invocation. This was followed by the Pledge of Allegiance.

Commissioner Norman Davis made the motion that the Commission change the order of business and elect the Mayor Pro Tem election first. Commissioner Marian Solomon-Gaines stated that she felt the Commissioner should stick with the agenda as outlined, we have two ...

City Attorney Rick Currie stated that a second is required before Commissioner Davis' motion can be discussed. Commissioner Larry Ethridge seconded the motion. We have a motion and a second and now it can be discussed.

Commissioner Marian Solomon-Gaines stated that there are two newly elected Commissioners and to proceed with the election of the Mayor Pro Tem would be taking away their vote and I am not in favor of depriving them of their vote. However, we do have a motion and a second on the floor and that means that Commissioner Tindall and Commissioner Hopkins cannot vote on this motion.

City Attorney Rick Currie stated there is a quorum and that Code Section 2-31 says that after the agenda is set and submitted to the news media, it may be changed by action of the commission according to the Georgia Open Meetings Act, so the motion is proper.

Commissioner Marian Solomon-Gaines called for the vote. Commissioners Davis and Ethridge voted yes; Commissioner Marian Solomon-Gaines voted no. The motion did not pass, it required 3 votes to pass.

Commissioner Norman Davis stated he would like to challenge the legality of the opinion of the City Attorney.

City Attorney Rick Currie administered the oath of office to Commissioner Diane Hopkins, District 4 and Commissioner Jon Tindall, District 5.

Commissioner Diane Hopkins made the motion that Marian Solomon-Gaines be named Mayor Pro Tem for the 2016 calendar year. Commissioner Jon Tindall seconded the motion; Commissioners Hopkins, Solomon-Gaines and Tindall voted yes; Commissioners Davis and Ethridge voted no. The motion carried with a 3 – 2 vote.

Mayor Pro Tem Marian Solomon-Gaines assumed control of the meeting as Mayor Pro Tem and administered the oath of office to City Clerk, Julie Dinkins. Ms. Dinkins then read the following list of appointments:

Pronouncement of City Officers:

City Attorney	Rick Currie
Assistant City Attorney	Shawn F. Wildes
Ex-Officio City Marshal:	Roger Collins, Ware County Tax Commissioner
Official Organ:	Waycross Journal-Herald
City Depository:	SunTrust Bank
City Physician:	Mayo Clinic Express Care
City Auditor:	Henderson & Godbee
Municipal Court Judge	Judge Doug Gibson
Municipal Court Judge Pro-Tempore'	Adrienne Gibson

Insurance Agents:

J Smith Lanier, Insurance Broker
New York Marine and General Insurance, Public
Risk Underwriter
Corvel, Workers' Comp
MetLife Group Life
Catlin & Diminity Company, Liability
Mayo Clinic Health Solutions, TPA, Health

City Election Superintendent:

Ware County Board of Elections and Registration

Commissioner Norman Davis made the motion to approve the list of city officers as read by the City Clerk to include the City Manager, Raphel Maddox. Commissioner Jon Tindall seconded the motion; all voted in favor and the motion carried.

Mayor Pro Tem Marian Solomon-Gaines presented a Proclamation Declaring January 9, 2016 as Law Enforcement Appreciation Day to Police Chief Tony Tanner and a representation of the police department officers as follows:

CITY OF WAYCROSS, GEORGIA

Office of the Mayor



**PROCLAMATION
NATIONAL LAW ENFORCEMENT APPRECIATION DAY**

WHEREAS, January 9, 2016, is being designated and promoted as National Law Enforcement Appreciation Day (LEAD) in support of law enforcement officers nationwide; and

WHEREAS, the City of Waycross recognizes that law enforcement is a necessary and crucial element for a society to remain free and safe; and

WHEREAS, the City of Waycross recognizes that, without effective law enforcement officers, chaos and disorder would reign supreme; and

WHEREAS, the City of Waycross recognizes that in light of recent negativity directed towards law enforcement nationally, there is a need to show law enforcement officers that our citizens, government officials and employees recognize the difficult and sometimes dangerous profession they have chosen in public service to all citizens; and

WHEREAS, the City of Waycross recognizes that we need to value and celebrate the many officers who are dedicated to protecting the public and nourishing our justice system; and

WHEREAS, the City of Waycross desires to recognize our employees, as well as other members of the law enforcement community; and

WHEREAS, said matter being considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that January 9, 2016, is designated as National Law Enforcement Appreciation Day.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the Seal of the City of Waycross to be affixed this 5th day of January, 2016.

**MARIAN SOLOMON-GAINES
MAYOR PRO TEM**

A Public Hearing was scheduled for Tuesday, February 16, 2016 at 6:45 p.m. on the Annexation and Zoning of Woodard Avenue.

Human Resources Director Trinija Molina-Martin introduced Sergeant Teresa Grant, Criminal Investigations Section, Waycross Police Department as the January 2016 Employee of the Month.

Mr. Raphael Maddox presented the City Manager's Report. Mr. Maddox applauded Sergeant Teresa Grant, CIS, WPD, on her award of Employee of the Month, stating Teresa does a great job and has a great personality. Mr. Maddox reminded the public that school resumes Wednesday, watch out for kids and obey the traffic signals. The City Manager welcomed all our visitors to the Commission meeting.

Mayor Pro Tem Marian Solomon-Gaines expressed her desire that 2016 be a new beginning for the City Commission of the City of Waycross. She looks forward to working together with the other members of the Commission and moving the City forward.

There were no public remarks on official action.

Mayor Pro Tem Solomon-Gaines presented the Consent Calendar as read by City Clerk, Julie Dinkins for consideration of official action as follows:

Approval of Minutes: Waycross City Commission Planning & Information Session and Executive Session, Monday, December 14, 2015; and Waycross City Commission Meeting, Tuesday, December 15, 2015.

No Ordinance Second Readings, privilege licenses or consent resolutions.

Commissioner Diane Hopkins made the motion to approve the Consent Calendar; seconded by Commissioner Jon Tindall; all voted favorably and the motion was approved.

The Waycross Police Department is requesting that a 2010 Glock service weapon be declared as surplus property so that it may be presented to Sgt. Gene Nipper upon his retirement. Purchasing Director Linda Jones presented the request to declare the service weapon surplus. Commissioner Diane Hopkins made the motion to approve declaring the service weapon as surplus. Commissioner Jon Tindall seconded the motion, all voted yes and the motion was approved.

In order for the City of Waycross to continue to participate in the Georgia Classic Main Street program, the City must sign a Memorandum of Understanding with Georgia Department of Community Affairs. The following resolution authorizes the execution of the Memorandum of Understanding.

RESOLUTION NO. 16-02

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,
TO AUTHORIZE THE SIGNING OF A MEMORANDUM OF UNDERSTANDING
WITH THE GEORGIA CLASSIC MAIN STREETS; AND FOR OTHER PURPOSES.**

WHEREAS, the Department of Community Affairs will enter into an agreement with the City of Waycross to provide services for the Program Year 2016 in return for active and meaningful participation by the City of Waycross in the Georgia Classic Main Streets Program; and

WHEREAS, the Commission of the City of Waycross has been presented a Memorandum of Understanding from the Department of Community Affairs regarding the Georgia Classic Main Streets Program, in the form attached hereto and incorporated herein as if fully set forth; and

WHEREAS, said Memorandum of Understanding outlines the necessary requirements set forth by the Department of Community Affairs for the community's participation in the Georgia Classic Main Street Program for 2016, including constituting a Board of Directors, setting boundaries for the target area, employing a downtown manager, providing for Main Street Program solvency and providing monthly reports to the Department of Community Affairs; and

WHEREAS, said matter having been read and considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the Memorandum of Understanding, in the form attached to this Resolution, be ratified and executed by the Commission of the City of Waycross.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and Community Improvement Director be empowered, authorized and directed to execute the Memorandum of Understanding on behalf of the City of Waycross, and to do all the acts and things necessary in order to carry out the purposes and intent of this Resolution.

SO RESOLVED, this 4th day of January, 2016.

**CITY OF WAYCROSS
MARIAN SOLOMON-GAINES
Mayor Pro Tem**

**ATTEST:
JULIE DINKINS, City Clerk**

Commissioner Diane Hopkins made the motion to approve the Resolution authorizing the execution of a Memorandum of Understanding with the Georgia Classic Main Street program with Georgia DCA. The motion was seconded by Commissioner Norman Davis; all voted positively and the motion carried.

A Joint Resolution between the City of Waycross, the County of Ware and the Ware County School Board requesting expedited assistance from GDOT to develop and construct an overpass at SR 4 / US 1 BUS / CSX Grade Separation, P. I. No. 0002870 was presented to the Commission for approval.

RESOLUTION NO. 16-01

**A 2016 JOINT RESOLUTION BETWEEN THE CITY OF WAYCROSS,
THE COUNTY OF WARE AND THE WARE COUNTY SCHOOL BOARD
REQUESTING EXPEDITED ASSISTANCE FROM THE GEORGIA DEPARTMENT
OF TRANSPORTATION TO DEVELOP AND CONSTRUCT AN OVERPASS AT
SR 4 / US 1 BUS / CSX GRADE SEPARATION IN WAYCROSS, GEORGIA**

P. I. NO.: 0002870

WHEREAS, The Ware County Board of Commissioners and the City of Waycross Commission along with the Ware County School Board were duly assembled with their entire state legislative delegation, October 8, 2014; and

WHEREAS, a recommendation was made by the state legislative delegation to propose and present a Joint Resolution to accelerate the effort to deliver grade separation on SR 4 / US 1 BUS / CSX in Waycross, GA.; and

WHEREAS, due to the high capacity of train impacts in the City of Waycross and the County of Ware our public safety responses are greatly delayed and crippled by trains that are slowed, stopped or hindered and these actions also cause major traffic delays; and

WHEREAS, numerous railroad crossings are impacted in our community as train lengths can be up to 10,000 feet and numerous scenarios along the double-track corridor can create extended delayed delivery of public safety responses; and

WHEREAS, numerous railroad crossings are impacted in our community as train lengths can be up to 10,000 feet and numerous scenarios along the double-track corridor can create extended delayed delivery of public safety responses; and

WHEREAS, The City of Waycross and the County of Ware have only one (1) other overpass along the double-track corridor and numerous events have caused this overpass to be closed when car accidents or other catastrophic events occur along SR 520 / US 82 at our only over overpass; and

WHEREAS, The City of Waycross and the County of Ware residents do not anticipate more fluid movements nor less or shorter trains to be the operational objectives of CSX Transportation in the future; and

WHEREAS, our community forecasts that we will continue to experience more delays in our delivery of timely public safety responses to the residents of Waycross and Ware County, Georgians and other visitors to our community; and

WHEREAS, the businesses along SR 4 / US 1 BUS that will be directly impacted by the creation of the overpass, the City of Waycross and the County of Ware request that all businesses be protected and their businesses continue to operate and function properly and be duly considered during the design process of the grade separation; and

WHEREAS, we will send a letter to the Governor of the State of Georgia and request that he appropriate SRTA funds to help expedite the preliminary engineering and delivery of this much needed public safety related grade separation;

NOW THEREFORE, BE IT RESOLVED, the City of Waycross, the County of Ware and the Ware County School Board requests an accelerated delivery of grade separation along SR 4 / US 1 BUS – P. I. No.: 0002870.

SO RESOLVED AND ADOPTED at a regular meeting of the Ware County Board of Commissioners, _____, 2016.

SO RESOLVED AND ADOPTED, at a regular meeting of the City of Waycross Commission, January 5, 2016.

SO RESOLVED AND ADOPTED, at a regular meeting of the Ware County School Board, _____, 2016.

CITY OF WAYCROSS

WARE COUNTY BOARD OF COMMISSIONERS

MARIAN SOLOMON-GAINES, Mayor Pro Tem **JIMMY BROWN, Chairman**

ATTEST: JULIE C. DINKINS, City Clerk
(SEAL)

ATTEST: LISA E. RALLS, County Clerk
(SEAL)

WARE COUNTY SCHOOL BOARD

ATTEST:

BARRY DEAS, Chair
Ware County School Board
(SEAL)

SHERRY MCCARTY
Administrative Assistant

Commissioner Norman Davis made the motion to approve the Joint Resolution between the City of Waycross, the County of Ware and the Ware County School Board requesting expedited assistance from GDOT to develop and construct an overpass at SR 4 / US 1 BUS / CSX Grade Separation, P. I. No. 0002870 as presented to the Commission for approval. The motion was seconded by Commissioner Diane Hopkins; all voted in favor and the motion carried.

Commissioner Norman Davis suggested that an overpass at Albany Avenue would also be an asset to the citizens of the City of Waycross.

Mayor Pro Tem Marian Solomon-Gaines asked the citizens of the City of Waycross and Ware County for their support of this request for an overpass on US1.

A Resolution to declare as surplus property a weapon for retiring Public Safety Officer Sergeant Gene Nipper was presented for approval.

RESOLUTION NO. 16-03

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO DECLARE AS SURPLUS PROPERTY A WEAPON FOR RETIRING PUBLIC SAFETY OFFICER SERGEANT GENE NIPPER; AND FOR OTHER PURPOSES.

WHEREAS, heretofore the City of Waycross Police Department has recognized the sacrifice made by public safety officers who have served a number of years with the City and who retire and leave active duty under honorable conditions and in good standing; and

WHEREAS, said public safety officers who retire in good standing are allowed to retain their weapon as part of their compensation, and ownership of the weapon shall transfer to the retiring officer, and the weapon will be removed from the City's inventory; and

WHEREAS, the Commission of the City of Waycross desires to declare as surplus one (1) 2010 Glock 22, Serial # PRC769, .40 caliber Glock handgun, issued to Sergeant Gene Nipper during his service as a public safety officer for the City of Waycross Police Department; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the Commission hereby declares as surplus the weapon identified hereinabove, and approves retention of the said weapon by the retiring public safety officer, the said Sergeant Gene Nipper, as part of his retirement compensation.

BE IT FURTHER RESOLVED that the Mayor and Police Chief of the Waycross Police Department are authorized, empowered and directed to transfer ownership of said weapon to the above-mentioned retiring public safety officer, hereby ratifying and confirming all the acts and things done by said City Officials, and to be done, in order to give effect to the purposes and intent of this Resolution.

SO RESOLVED, this 5th day of January, 2016.

CITY OF WAYCROSS, GEORGIA

MARIAN SOLOMON-GAINES
Mayor Pro Tem

ATTEST:

JULIE DINKINS, City Clerk

Commissioner Norman Davis made the motion to approve a Resolution declaring retiring Public Safety Officer Sergeant Gene Nipper's service weapon as surplus property as presented for approval. Commissioner Larry Ethridge seconded the motion. All Commissioners voted yes and the motion was approved.

A Joint Resolution of the City of Waycross and the Board of Commissioners of Ware County to request the local legislative delegation to amend the act creating the Waycross and Ware County Development Authority was presented to the Commission for approval.

CITY RESOLUTION NO. 16-04

**A JOINT RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
WAYCROSS AND THE BOARD OF COMMISSIONERS OF WARE COUNTY TO
REQUEST THE LOCAL LEGISLATIVE DELEGATION TO AMEND THE ACT
CREATING THE WAYCROSS AND WARE COUNTY DEVELOPMENT AUTHORITY;
AND FOR OTHER PURPOSES.**

WHEREAS, there presently is a Waycross and Ware County Development Authority (hereinafter referred to as the "Authority"), created by the Georgia Legislature on or about March 7, 1955 (Ga. L. 1955, p. 2840); and

WHEREAS, the Enabling Act provides that the City Commission of the City of Waycross and the Ware County Board of Commissioners "shall request two nominations for each member to be appointed from the directors of the Chamber of Commerce"; and

WHEREAS, the governing authorities of the County of Ware and/or the City of Waycross “may, in their discretion, request the directors of the Chamber of Commerce to submit additional names before making ... any subsequent appointments to the membership of the Authority”; and

WHEREAS, the Chamber of Commerce provides no funding to the Authority; and

WHEREAS, the City Commission of the City of Waycross and the Ware County Board of Commissioners desire to make appointments without having to request that the Chamber of Commerce submit names, or additional names; and

WHEREAS, the City Commission of the City of Waycross and the Ware County Board of Commissioners desire that the present members of the Authority shall continue to serve in their capacity on the Authority but that the Enabling Act be amended to provide that the City Commission of the City of Waycross and the Board of Commissioner of Ware County, Georgia, shall be allowed to make appointments each year for a four (4) year term, or to any unexpired term, without any input, or submission of names, from the Chamber of Commerce; and

WHEREAS, the City Commission of the City of Waycross and the Ware County Board of Commissioners also desire that the Waycross Ware County Development Authority be increased from eight (8) voting members to nine (9) voting members, with the additional voting member to be appointed by the Ware County Board of Education; and

WHEREAS, the Enabling Act also be amended to expressly provide that ex officio members are non-voting members of the Authority; and

WHEREAS, said matter having been read and considered.

NOW THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross and the Board of Commissioners of Ware County that we hereby call on the Georgia State Legislative Delegation representing the City of Waycross and the County of Ware, including Representative Jason Shaw, Representative Jason Spencer, Representative John Corbett and Senator Tyler Harper to forthwith amend the Enabling Act creating the Authority as set out above.

BE IT FURTHER RESOLVED that copies of the Resolution be forwarded to said Georgia State Legislative Delegation representing the City of Waycross and the County of Ware, media outlets and other appropriate persons or entities; and

BE IT FURTHER RESOLVED that the City Manager and Mayor of the City of Waycross and the County Manager and Chairman of the Ware County Board of Commissioners are hereby authorized, directed and empowered to execute any additional documents needed or appropriate, and to take any action necessary to implement this Resolution in the most effective manner possible.

SO RESOLVED AND ADOPTED at a regular meeting of the Ware County Board of Commissioners, _____, 2016.

SO RESOLVED AND ADOPTED, at a regular meeting of the City of Waycross Commission, January 5, 2016.

SO RESOLVED AND ADOPTED, at a regular meeting of the Ware County School Board, _____, 2016.

CITY OF WAYCROSS

WARE COUNTY BOARD OF COMMISSIONERS

MARIAN SOLOMON-GAINES, Mayor Pro Tem JIMMY BROWN, Chairman

**ATTEST: JULIE C. DINKINS, City Clerk
(SEAL)**

**ATTEST: LISA E. RALLS, County Clerk
(SEAL)**

WARE COUNTY SCHOOL BOARD

ATTEST:

**BARRY DEAS, Chair
Ware County School Board
(SEAL)**

**SHERRY MCCARTY
Administrative Assistant**

Commissioner Norman Davis questioned the need for this Resolution. City Attorney Rick Currie acknowledged that state law can only be changed by legislation. Currently the City can only appoint members recommended by the Chamber of Commerce to the Waycross and Ware County Development Authority. This resolution will remove the power of the Chamber of Commerce.

A Joint Resolution of the City of Waycross and the Board of Commissioners of Ware County requesting the local legislative delegation to amend the act creating the Waycross and Ware County Development Authority as presented to the Commission for approval was approved by motion from Commissioner Diane Hopkins. The motion was seconded by Commissioner Jon Tindall; the vote was unanimously approved.

During last call, Commissioner Norman Davis explained that he had no ill will towards Mayor Pro Tem Marian Solomon-Gaines, he was attempting to ensure Commissioner Ethridge his turn in the rotation to serve as Mayor Pro Tem. Mayor Pro Tem Marian Solomon-Gaines responded that the office of Mayor Pro Tem is elected by the Commissioners.

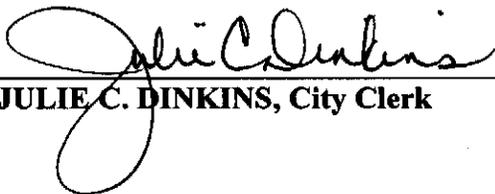
Mayor Pro Tem Marian Solomon-Gaines informed the Commission and the public that the reception scheduled for Thursday, January 7 has been cancelled. It will be rescheduled at a later date when Mayor Elect Knox is back at work.

After last call, Commissioner Norman Davis made the motion to adjourn the meeting. Commissioner Larry Ethridge seconded the motion. All voted in favor and Mayor Pro Tem Marian Solomon-Gaines adjourned the meeting.

CITY OF WAYCROSS

BY: 

JOHN KNOX, Mayor

ATTEST: 

JULIE C. DINKINS, City Clerk