

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, FEBRUARY 19, 2013
7:00 P.M.

The regular meeting of the Commission of the City of Waycross was held in the Commission Chambers of City Hall on Tuesday, February 19, 2013. The meeting was called to order by Mayor Clarence E. Billups at 7:00 p.m. with Commissioners Norman Davis, Marian Solomon-Gaines, and Alvin Nelson present. Mayor Pro Tem William Simmons and Commissioner Diane Hopkins were absent.

Elder Stanley Evans, Pastor of the First Born Church of the Living God of Nahunta, Georgia offered the invocation followed by the Pledge of Allegiance.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King offered the City's condolences to city employee Mike Johnson upon the death of his father. He also acknowledged the death of John Edward Stevens, retired employee of the City of Waycross.

Mayor Clarence Billups thanked Elder Stanley Evans for the invocation and the work he does for God and for the City. He also thanked all of the City employees who give back to the community. Mayor Billups thanked Burton Carter, who even though he was not selected for the Department of Transportation Board, he is willing to serve the City of Waycross and Ware County.

There were no public remarks on official actions.

Mayor Clarence Billups 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, February 4, 2013; and Waycross City Commission Meeting, Tuesday, February 5, 2013.

There were no consent resolutions, ordinance second readings or privilege license renewals.

Commissioner Marian Solomon-Gaines made the motion to approve the Consent Calendar as presented. Commissioner Norman Davis seconded the motion; all Commissioners voted favorably and the motion carried with a 3-0 vote.

A Resolution to Authorize Repeal of House Bill 591 Pertaining to Rules for Meetings of the City Commission was presented for approval:

RESOLUTION NO. 13-07

RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO AUTHORIZE REPEAL OF HOUSE BILL 591 PERTAINING TO RULES FOR MEETINGS OF THE CITY COMMISSION; AND FOR OTHER PURPOSES.

WHEREAS, House Bill No. 591 was passed during the 2011-2012 Regular Session of the Georgia General Assembly and amended the Charter of the City of Waycross to provide that citizens of the City of Waycross shall have the right to address or speak to the City Commissioners on official actions or other topics relating to the business of the City Commission at meetings of the City Commission by expressing their desire to speak no later than the beginning of the meeting at which such citizens desire to address or speak to the City Commissioners; and

WHEREAS, House Bill No. 591 was signed into law by the Governor of the State of Georgia on March 13, 2011; and

WHEREAS, House Bill No. 591 specifically amended Section 2-33 (b) of the Code of the City of Waycross as follows:

- (b) Any Citizen of the City of Waycross shall have the right to address or speak to the City Commissioners for not longer than five minutes on official actions or other topics relating to the business of the City Commission at meetings of the City Commission by expressing his or her desire to speak no later than the beginning of the meeting at which such citizen desires to address or speak to the City Commissioners. The City Commission may enact reasonable restrictions on the exercise of such right, including, but not limited to, decorum and identification of speakers; provided, however, that the City Commission shall not impose any requirements that such citizens sign up or express their desire to speak at any earlier time or date than provided in this subsection.

WHEREAS, prior to the enactment of House Bill 591, Section 2-33 (b) of the City Charter provided as follows:

- (b) Persons who wish to address the Commission under the “Guests” agenda item must register in writing with the City Clerk no later than 5:00 P.M. on the Thursday immediately before a regularly scheduled meeting of the City Commission, and must state the subject matter of the speaker’s remarks. The following shall apply:
 - (1) The speaker must begin the remarks by stating his/her name, address and organization represented, if any.
 - (2) The speaker must address all remarks to the mayor, and not to any individuals.

- (3) The speaker's comments must be pertinent to the subject matter listed by the speaker upon registration.
- (4) The speaker must avoid personal comments, political comments, and must avoid repetition and argument.
- (5) The speaker's comments shall be limited to five minutes.
- (6) Except for unusual circumstances after a vote by a majority of the City Commissioners present at such meeting will a person who has not satisfied the sign up requirements be allowed to speak.
- (7) All speakers must conduct themselves in a respectful manner, and avoid vulgar, obscene and profane language.
- (8) The City Commission, by majority vote of the members present, may suspend all or any of these rules.
- (9) Any person who violates any of these rules may be removed from the meeting.
- (10) Any speaker or proposed speaker who violates these rules after first being warned by the Mayor or the City Commission, either or both, to cease such violation shall, upon conviction in the municipal court of the City, be guilty of an offense and punished as set forth in section 1-6 of this Code.

WHEREAS, the Commissioners of the City of Waycross have expressed their desire to repeal House Bill 591 and return to the provisions of the City Charter for "Guest" desiring to address the City Commission prior to the enactment of House Bill 591, as set forth hereinabove in former Section 2-33 (b) (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10); and

WHEREAS, the Commissioners of the City of Waycross believe that repeal of House Bill 591 would not impair the right of any citizen to address the City Commission as "Guest" in any manner, not having ever received any citizen complaints regarding the procedure that was in place before enactment of House Bill 591, and

WHEREAS, prior to enactment of House Bill 591, the City Commission had a reasonable opportunity to investigate citizen questions and concerns in advance and make sure that appropriate City staff would be present at the regularly scheduled public meeting at which a citizen desired to address the Commission; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross, hereby calls on the Georgia State Legislative Delegation representing the City of Waycross, including Representative Jason Shaw, Representative Jason Spencer, Representative Ellis Black and Senator Tyler Harper, to forthwith repeal House Bill 591 enacted during the 2011-2012 Regular Session of the General Assembly, and reinstate the former City Charter provision regarding Rules for Meetings of the City Commission that were in effect immediately prior to passage of House Bill 591, as set forth hereinabove.

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

BE IT FURTHER RESOLVED that the City Manager and Mayor 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, this 19th day of February, 2013.

**CITY OF WAYCROSS, GEORGIA
CLARENCE E BILLUPS, Mayor**

**ATTEST:
JULIE C. DINKINS, City Clerk**

Commissioner Marian Solomon-Gaines made the motion to approve a Resolution to Authorize Repeal of House Bill 591 Pertaining to Rules for Meetings of the City Commission as presented. The motion was seconded by Commissioner Alvin Nelson. All Commissioners voted positively and the motion carried with a 3-0 vote.

A Resolution of the City of Waycross, Georgia to Authorize the City to Exchange Information with the Georgia Department of Revenue was presented:

RESOLUTION NO. 13-08

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO AUTHORIZE THE CITY TO EXCHANGE INFORMATION WITH THE GEORGIA
DEPARTMENT OF REVENUE; AND FOR OTHER PURPOSES.**

WHEREAS, Legislation was passed during the 2010 Legislative Session of the Georgia General Assembly that created a voluntary program for cities and counties to share information on their occupational tax certificates with the Georgia Department of Revenue; and

WHEREAS, participating in said voluntary program would help the Georgia Department of Revenue in collecting sales taxes and would also help the City in collecting business license taxes and fees through information sharing and reconciliation; and

WHEREAS, the Commission of the City of Waycross believes there are benefits to a partnership with the Georgia Department of Revenue by participating in the voluntary program to verify that businesses paying occupation taxes and regulatory fees are also paying their state and local sales tax; and

WHEREAS, the Commission of the City of Waycross desires to participate in this information sharing program, and consents to the applicability of Official Code of Georgia Section 48-13-20.1 regarding compliance with Georgia Department of Revenue sales tax collection efforts; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross shall participate in the Georgia Department of Revenue Sales Tax Collection Program, by consenting to and following the provisions of Official Code of Georgia Section 48-13-20.1, and sharing information from the City's data base on occupational tax certificates with the Georgia Department of Revenue data base on State sales tax and regulatory fees for local businesses subject to paying said taxes.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized to execute this Resolution for the purposes stated herein, and to do all the acts and things necessary to give effect to this Resolution.

SO RESOLVED, this 19th day of February, 2013.

CITY OF WAYCROSS, GEORGIA
CLARENCE E BILLUPS, Mayor

ATTEST:
JULIE C. DINKINS, City Clerk

The Resolution to Authorize the City to Exchange Information with the Georgia Department of Revenue was adopted by Motion from Commissioner Marian Solomon-Gaines; seconded by Commissioner Norman Davis; the vote was 3-0 for approval.

A Resolution of the City of Waycross to Create an Investment Committee for the City of Waycross and to Establish a Policy for the City to Follow in Governing Investment Activities was presented:

RESOLUTION NO. 13-09

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO CREATE AN INVESTMENT COMMITTEE
FOR THE CITY OF WAYCROSS AND TO ESTABLISH A POLICY FOR THE CITY
TO FOLLOW IN GOVERNING INVESTMENT ACTIVITIES;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross from time to time has various amounts of cash that are not of immediate need and can be invested in fully insured investments that generate a higher rate of return than traditional interest bearing checking and savings accounts; and

WHEREAS, the additional revenue created from fully insured investments can be used to offset shortages in overall revenues for the City of Waycross; and

WHEREAS, the City Commission desires to create an investment committee which shall establish a policy and guidelines for the city to follow in governing investment activities; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross, create an Investment Committee comprised of the City Manager, Finance Director, a Department Head and two Commissioners appointed by the Mayor and Commissioners, who shall establish a policy and guidelines for investment activities for the City of Waycross.

BE IT FURTHER RESOLVED, that the Investment Committee shall be empowered to establish bylaws to govern such additional matters as terms of office, meetings, officers, attendance, and any other rules relating to service on the committee and investment policies and guidelines for the City of Waycross.

SO RESOLVED, this 19th day of February, 2013.

CITY OF WAYCROSS, GEORGIA
CLARENCE E BILLUPS, Mayor

ATTEST:
JULIE C. DINKINS, City Clerk

Commissioner Marian Solomon-Gaines made the motion to approve a Resolution of the City of Waycross to Create an Investment Committee for the City of Waycross and to Establish a Policy for the City to Follow in Governing Investment Activities as presented. The second was made by Commissioner Alvin Nelson. All voted in favor and the motion was approved.

A Resolution of the City of Waycross, Georgia to Approve Channel 42 Programming Rate Freeze until July 1, 2014 was presented:

RESOLUTION NO. 13-10

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO APPROVE CHANNEL 42 PROGRAMMING RATE FREEZE
UNTIL JULY 1, 2014; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross adopted a Resolution on July 1, 2012 setting forth a new rate schedule for all Channel 42 Programming, including a graduated rate schedule for Church Services being aired on Sundays; and

WHEREAS, according to said rate schedule the next fee increase is scheduled to take place on July 1, 2013, in the amount of \$55.00 per time slot per week, up from \$45.00 that was implemented in January, 2013; and

WHEREAS, the Commission of the City of Waycross believes it to be in the best interest of the Church subscribers and the City to freeze rates at the current level of \$45.00 per time slot per week until July 1, 2014, at which time rates will again be increased to the next level; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross hereby imposes a freeze on Channel 42 Programming Rates for Church subscribers at the current level of \$45.00 per time slot per week until July 1, 2014, at which time rates will again be increased to the next level.

BE IT FURTHER RESOLVED THAT all other provisions of the Contracts developed for and entered into between the City of Waycross and Church subscribers for broadcast services shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized to execute this Resolution for the purposes stated herein, and to do all the acts and things necessary to give effect to this Resolution.

SO RESOLVED, this 19th day of February, 2013.

**CITY OF WAYCROSS, GEORGIA
CLARENCE E BILLUPS, Mayor**

**ATTEST:
JULIE C. DINKINS, City Clerk**

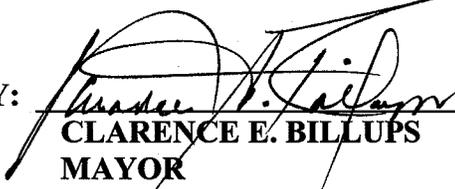
Commissioner Norman Davis made the motion to approve the Resolution of the City of Waycross, Georgia to Approve Channel 42 Programming Rate Freeze until July 1, 2014.

Commissioner Alvin Nelson seconded the motion; all voted positively and the motion carried with a 3-0 vote.

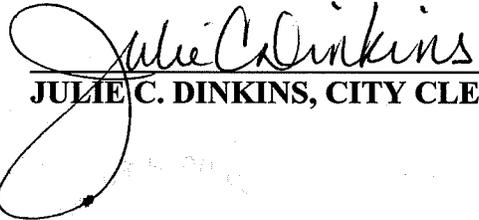
Following closing remarks, Commissioner Norman Davis made the motion to adjourn the meeting; seconded by Commissioner Alvin Nelson, all voted in favor and Mayor Billups adjourned the meeting.

CITY OF WAYCROSS

BY:


CLARENCE E. BILLUPS
MAYOR

ATTEST:


JULIE C. DINKINS, CITY CLERK