

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, APRIL 16, 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, April 16, 2013. The meeting was called to order by Mayor Clarence E. Billups at 7:00 p.m. with Mayor Pro Tem William Simmons, Commissioners Norman Davis, Marian Solomon-Gaines, and Alvin Nelson present.

Reverend Trip McKinnon, Pastor, First Presbyterian Church offered the invocation which was followed by the Pledge of Allegiance.

Mayor Billups scheduled a Zoning Public Hearing for the purpose of considering rezoning 711 Satilla Boulevard from RS Single-Family to R-75 Multi-Family for Tuesday, May 7, 2013, 6:30 p.m.

A Proclamation in honor of “Give Burns the Boot” and the Waycross Fire Department was presented to Fire Marshall Ricky Roach. The 24th Annual “Give Burns the Boot” Campaign will be held on Friday, May 3, May 10 and May 17 from 9 am to 11 am and 2 pm to 6 pm at Lowe’s, Harvey’s Plant Avenue, Wal-Mart and The Mall at Waycross.

CITY OF WAYCROSS, GEORGIA

OFFICE OF THE MAYOR



Proclamation

24rd Annual “Give Burns the Boot” Campaign

Whereas, Burns are one of the most painful injuries an individual can have; and

Whereas, the Georgia Firefighters Burn Foundation (GFBF) is dedicated to helping educate Georgians on how to avoid burn injuries and save lives; and

Whereas, the GFBF also focuses efforts on helping burn survivors in Georgia return to a normal life; and

Whereas, the GFBF's annual "Give Burns the Boot" campaign is the Foundation's largest source of revenue; and

Whereas, the 2013 "Give Burns the Boot" campaign is being conducted on May 3, May 10, and May 17 as "Give Burns the Boot" days in the City of Waycross and I urge every citizen to be as supportive as possible for this worthwhile fund-raising campaign and, in so doing, thereby help lead the way in making the City of Waycross and Georgia a safer place in which to live.

In witness whereof, I have hereunto set my hand and have caused the seal of the City of Waycross to be affixed this 16th day of April, 2013.

Clarence E. Billups, Mayor

City Manager Deron King stated that Cities across Georgia will be celebrating Georgia Cities Week April 20-27. The theme for 2013 is "**Cities: Where The Action Is.**" In honor of Georgia Cities Week, the City recognized two local college students, Anslei Brown, Georgia Southern University, Statesboro, Georgia who is the daughter of Captain James Brown and Clarence James Washington, Jr., Albany State University who is the nephew of Battalion Chief Morris Clark. Also recognized and honored with a Reception prior to the meeting and an introduction during the meeting were former Mayors and City Commissioners: Sherry Scott, C.C. McCray, Don James, Leonard Burse, Jr., Robert L. Odum, Janice H. Parks, Bettie Dowling, Penny Hodges, J. Dan Lott, Daniel J. Yarbrough, Clayton M. Thomas, E.J. Ward, Jimmy Stewart, Ronald Thomas, John Knox, and John N. Fluker.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King congratulated Sloan Fountain and the SwampFest Committee for a job well done with SwampFest. He thanked all employees of the City, vendors and citizens who participated. Mr. King thanked Jessica Deal and staff for all of the work done during the water main break, including ESG and GDOT. Mr. King thanked Chief Tony Tanner, Waycross Police Chief for going above and beyond by helping a stranded motorist.

In the Mayor's Report, Mayor Billups thanked Sloan Fountain and the Swampfest Committee for all their hard work planning Swampfest. Mayor Billups also thanked all of the visitors and citizens who attended Swampfest as well as the Police Department and Fire Department. He also praised Raphel Maddox, Allison Herrin and Avis Staten for the successful Affordable Health Care Act Seminar, as well as the City Manager.

There were no public remarks on official action.

Mayor 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 Monday, April 1, 2013, Executive Session, Monday, April 1, 2013; and Waycross City Commission Meeting, Tuesday, April 2, 2013.

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

Commissioner Norman Davis made the motion to approve the Consent Calendar as presented. Commissioner Alvin Nelson seconded the motion; all Commissioners voted favorably and the motion carried with a 5-0 vote.

A Resolution to Authorize the Execution of Termination and Reconveyance Agreement for Declaration of Restrictions was presented.

RESOLUTION NO. 13-21

RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO AUTHORIZE EXECUTION OF TERMINATION AND RECONVEYANCE AGREEMENT FOR DECLARATION OF RESTRICTIONS; AND FOR OTHER PURPOSES.

WHEREAS, on August 8, 1969, the City of Waycross (the "Grantor") recorded a Declaration of Restrictions in Deed Book 12-Y, Page 190, *et. seq.*, of the real estate records of the Clerk of Superior Court of Ware County, Georgia (the "Declaration"); and

WHEREAS, by Warranty Deed dated August 17, 1978, and recorded on August 18, 1978 in Deed Book 15-S, Page 711 of the Clerk of Superior Court of Ware County, Georgia, the Grantor conveyed certain real property to Evelyn Gillis Herrin and James Preston Herrin (the "Herrins"), and for purposes of reference (the "Herrin Warranty Deed"); and

WHEREAS, among other things, the Herrin Warranty Deed was granted subject to certain covenants and restrictions, including, without limitation, the covenants set forth in the Declaration (collectively, the "Covenants"), which run with the land and which contain certain use restrictions and a right of reversion to the Grantor in the event that any owner of real property affected by the Covenants violates the terms thereof; and

WHEREAS, the Herrins are predecessors in title to **Teramore Development, LLC**, (the “Grantee”) which now owns a 1.7 acre portion of the real property deeded by the Grantor to the Herrins in the Herrin Warranty Deed;

WHEREAS, the real property owned by the Grantor is herein described on Exhibit “A” hereto (the “Subject Property”);

WHEREAS, the Grantor and the Grantee, now desire to release, revoke and terminate the Covenants with respect to the Subject Property and reconvey from Grantor to Grantee any rights in the Subject Property, including any right of reversion; and

WHEREAS, said matter having been considered;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that Grantor hereby releases the Subject Property from the Covenants, inasmuch as the Covenants are no longer applicable to the Subject Property, and Grantor further revokes, terminates and abandons all rights of Grantor under the Covenants with respect to the Subject Property so that all rights and obligations of Grantor and Grantee created under the Covenants are hereby revoked, terminated and abandoned with respect to the Subject Property and shall hereafter be of no further force or effect.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute this Resolution and the said Termination And Reconveyance Agreement For Declaration Of Restrictions (the “Agreement”), in the form of the Agreement attached hereto, on behalf of the City of Waycross, Georgia.

SO RESOLVED, this 16th day of April, 2013.

CITY OF WAYCROSS
BY: **CLARENCE E. BILLUPS**, Mayor

ATTEST:
JULIE DINKINS, City Clerk

CLERK’S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of the City of Waycross, Georgia, keeper of the records and seal thereof, hereby certify that the foregoing is a true and correct copy of a resolution approved and adopted by a majority vote of said Board of Commissioners of the City of Waycross, Georgia, in a public meeting assembled on April 16, 2013, the original of which resolution has been entered in the official records of the City of Waycross, Georgia, under my supervision and is in my official possession, custody and control.

I further certify that the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

This 16th day of April, 2013

Julie Dinkins, City Clerk

SEAL

Exhibit "A"

Legal Description of the Subject Property

All that certain tract or parcel of land being a portion of parcel 258, City of Waycross, Ware County, Georgia (said parcel 258 according to Plat recorded in Plat Book "A," Page 1252, public records of Ware County) and being more particularly described as follows: for a point of reference commence at a point where the southwesterly right-of-way line of Thomas Street (a 50 foot right-of-way) intersects the southeasterly right-of-way line of Folks Street (a 50 foot right-of-way) and run south 47°-15'-56" West, along said southeasterly right-of-way line of Folks Street, a distance of 100.00 feet to a point for the POINT OF BEGINNING.

From the POINT OF BEGINNING thus described run south 42°-37'-49" East, along the Northeasterly line of lands described in deed recorded in Deed Book 43L, Page 129, public records of Ware County, a distance of 392.50 feet to a easternmost corner thereof, said point lying on the northwesterly right-of-way line of Tebeau Street (an 86 foot right-of-way); run thence south 47°-38'-56" West, along last mentioned northwesterly right-of-way line, a distance of 190.29 feet to a point, said point being the easternmost corner of lands now or formerly of Kemp Ridge Holdings, LLC (according to deed recorded in Deed Book 60Y, Page 85-88, public records of Ware County); run thence north 42°-20'-13" West, along northeasterly line of last mentioned lands, a distance of 289.76 feet to an angle point; run thence North 42°-17'-19" West, continuing along the northeasterly line of last mentioned lands, a distance of 101.48 feet to the northernmost corner, thereof, said point lying on the aforementioned southeasterly right-of-way line of Folks Street; run thence North 47°-15'-56" East, along last mentioned southeasterly right-of-way line, a distance of 188.20 feet to the POINT OF BEGINNING.

The land thus described contains 1.70 acres, more or less.

The above-described property is depicted on that July 13, 2012 unrecorded map or plat of survey by Jackson Surveying, Inc., Phillip Jackson, Georgia Registered Surveyor No. 2804, entitled "Map to Show ALTA Land Title Survey of A Portion of Parcel No. 258, City of Waycross, Ware County, Georgia" certified to Chicago Title Insurance Company and Teramore Development, LLC, its successors and assigns, to which reference should be made for further aid of description.

UPON RECORDING RETURN TO:

Langdale Vallotton, LLP
William C. Nijem, Jr.
P. O. Box 1547
Valdosta, GA 31603-1547
File No. 121204/BN

PLEASE CROSS-REFERENCE:

Deed Book 12-Y, Page 190
Deed Book 15-S, Page 711
Ware Co, Georgia Deed Records

**TERMINATION AND RECONVEYANCE AGREEMENT FOR
DECLARATION OF RESTRICTIONS**

THIS TERMINATION AND RECONVEYANCE AGREEMENT FOR DECLARATION OF RESTRICTIONS (this "Agreement") is made and entered into as of the 16th day of April, 2013, by and between **THE CITY OF WAYCROSS, GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as "Grantor"), and **TERAMORE DEVELOPMENT, LLC**, a Georgia limited liability company (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, on August 8, 1969, Grantor recorded a Declaration of Restrictions in Deed Book 12-Y, Page 190, *et. seq.*, of the real estate records of the Clerk of Superior Court of Ware County, Georgia (the "Declaration");

WHEREAS, by Warranty Deed dated August 17, 1978, and recorded on August 18, 1978 in Deed Book 15-S, Page 711 of the Clerk of Superior Court of Ware County, Georgia, Grantor conveyed certain real property to Evelyn Gillis Herrin and James Preston Herrin (the "Herrins") , said Warranty Deed being attached hereto as Exhibit "A" for purposes of reference (the "Herrin Warranty Deed");

WHEREAS, among other things, the Herrin Warranty Deed was granted subject to certain covenants and restrictions, including, without limitation, the covenants set forth in the Declaration (collectively, the "Covenants"), which run with the land and which contain certain use restrictions and a right of reversion to Grantor in the event that any owner of real property affected by the Covenants violates the terms thereof;

WHEREAS, the Herrins are predecessors in title to Grantee herein, which now owns a 1.7 acre portion of the real property deeded by Grantor to the Herrins in the Herrin Warranty Deed;

WHEREAS, the real property owned by Grantee is herein described on Exhibit "B" hereto (the "Subject Property");

WHEREAS, Grantor and Grantee now desire to release, revoke and terminate the Covenants with respect to the Subject Property and reconvey from Grantor to Grantee any rights in the Subject Property, including any right of reversion;

NOW, THEREFORE, for an in exchange for \$10.00 and other valuable consideration, the receipt and sufficiency of which the parties hereto do not dispute, Grantor and Grantee agree as follows:

(1) Grantor hereby releases the Subject Property from the Covenants, inasmuch as the Covenants are no longer applicable to the Subject Property, and Grantor further revokes, terminates and abandons all rights of Grantor under the Covenants with respect to the Subject Property so that all rights and obligations of Grantor and Grantee created under the Covenants are hereby revoked, terminated and abandoned with respect to the Subject Property and shall hereafter be of no further force or effect;

(2) Grantor hereby confirms that the Covenants have been satisfied with respect to the Subject Property such that there is no reversion of title under the Covenants and no right to reversion of title that may now or hereafter be exercised by Grantor; and

(3) Grantor hereby releases the Subject Property from any right of reversion contained in the Covenants and/or the Herrin Warranty Deed and reconveys any such right with respect to the Subject Property to Grantee.

Grantor and Grantee enter into this Agreement to confirm the foregoing and to document of record the revocation, termination, reconveyance and abandonment of the Covenants with respect to the Subject Property and the revocation, termination, reconveyance and abandonment of all rights and obligations encumbering the Subject Property by virtue of the Covenants and the Herrin Warranty Deed.

The terms of this Agreement shall be applicable to the successors, heirs and assigns of Grantor and Grantee. No amendment to this Agreement shall be binding on any party, unless in writing, duly executed by both parties hereto, with the same degree of formality as this Agreement. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any and all related provisions in any prior agreements. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and counterpart signature pages may be assembled to form a single original document. The terms of this Agreement shall be governed by and construed under the laws of the State of Georgia.

{Signatures Begin on the Following Page}

IN WITNESS WHEREOF, Grantor and Grantee have executed this Agreement effective as of the date first above written.

GRANTOR:

CITY OF WAYCROSS, GEORGIA

Signed, sealed and delivered
in the presence of:

Unofficial Witness

By: Clarence E. Billups
Its: Mayor

Attest:

Notary Public State of Georgia
My Commission Expires:

By: Julie C. Dinkins
Its: City Clerk

GRANTEE:

TERAMORE DEVELOPMENT, LLC

Signed, sealed and delivered
in the presence of:

By: _____
James S. Hufstetler, Manager

Unofficial Witness

Notary Public State of Georgia

My Commission Expires:

(Notarial Seal)

Exhibit "A"

Herrin Warranty Deed

Attach Deed Book 15-S, Page 711
Deed records of Ware County, Georgia

Exhibit "B"

Legal Description of the Subject Property

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northwesterly right-of-way line, a distance of 190.29 feet to a point, said point being the easternmost corner of lands now or formerly of Kemp Ridge Holdings, LLC (according to deed recorded in Deed Book 60Y, Page 85-88, public records of Ware County); run thence north 42°-20'-13" West, along northeasterly line of last mentioned lands, a distance of 289.76 feet to an angle point; run thence North 42°-17'-19" West, continuing along the northeasterly line of last mentioned lands, a distance of 101.48 feet to the northernmost corner, thereof, said point lying on the aforementioned southeasterly right-of-way line of Folks Street; run thence North 47°-15'-56" East, along last mentioned southeasterly right-of-way line, a distance of 188.20 feet to the POINT OF BEGINNING.

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The motion to approve a Resolution to Authorize the Execution of Termination and Reconveyance Agreement for Declaration of Restrictions was adopted as presented by motion from Commissioner Norman Davis. Commissioner Alvin Nelson seconded the motion and the motion adopted with a 5-0 vote.

Mr. John Summerlin addressed the Commissioner regarding the condition of City properties which are not being properly maintained (grass not cut on property and right of way). He also asked if the properties which should have been grandfathered in when the International Code was adopted are subject to enforcement of the Code.

Mr. Lester Sirmons thanked the Commissioners for listening to the landlords who spoke at the Work Session. Mr. Sirmons asked what the Commissioner meant when she said the Rental Ordinance was bootlegged? Did she mean Mr. Sirmons bootlegged the Ordinance? The Mayor and a Commissioner said they had never seen the latest draft of the Rental Ordinance, but eh March 4, 2013 minutes reflect that the Commissioners were given a copy to review. Commissioner Solomon-Gaines repeated that she never received a copy of the ordinance.

Ms. Amelia Teston, shared with the Commission the sequence of events and costs which occur when a new home is purchased in order to turn it into a rental unit.

Mr. Mark Osburn informed the Commission that he check with the Georgia Association of Realtors and confirmed that should a rental unit require an agent, the agent would have to be a licensed real estate broker or employed by the owner which would add 10% to the rental cost.

Reverend Norris Woods, Pastor, St. Peters Missionary Church addressed the Commission to ask for support for their Second Sunday – Give Children a Voice Program. Rev. Woods expressed his concern that churches are not doing more for the youth and asked that the community give the children an opportunity to have their voices heard and to share their talents.

Following closing remarks, Commissioner Marian Solomon-Gaines 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