

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

Pastor Michael A. Grant, Majesty Vision Center offered the invocation which was followed by the Pledge of Allegiance.

Mayor Billups asked Mayor Pro Tem William Simmons to introduce the Georgia Municipal Association Georgia Cities activities. Ms. Allison Herrin, HR Department introduced the following winners of the Coloring Contest and Scavenger Hunt:

**Coloring Contest Winners:**

4-5 Year Old **Ansleigh Nycole Jackson** (5), Daughter of  
Center Elementary School, Mrs. Davis & Mrs. Jeffords Kindergarten/Dr.  
Sonya Bennett Principal

6-8 Year Old **Trenton Kinnon** (7), Son of  
Wacona Elementary School, Mrs. Brasington, 2<sup>nd</sup> Grade, Dr. Jacqueline  
Turner, Principal

9-12 Year Old **Kate Hatfield** (9), Daughter of Thomas & Deanna  
Hatfield, Williams Heights Elementary, Mrs. Littlefield, 3<sup>rd</sup> Grade, Dr.  
Lance Brantley, Principal  
Wacona Elementary  
School, Mrs. Brasington, 2<sup>nd</sup> Grade, Dr. Jacqueline Turner, Principal

**Scavenger Hunt Winner:**

**Talon Marshall**, 9 years old, Son of Rhonda Marshall & Grandson of Jean  
Riggs, Center Elementary School, Dr. Sonya Bennett, Principal

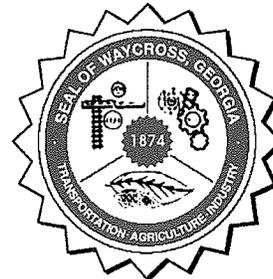
A Proclamation in honor of "National Police Week" and "Police Memorial Day" was presented to Chief Tony Tanner and Chief Tony Tanner announced National Police Week, May 12 through May 18, 2013 and National Peace Officers Memorial Day on May 15, 2013.

CITY OF WAYCROSS, GEORGIA

---

---

OFFICE OF THE MAYOR



## *Proclamation*

### *Declaring National Police Week and Police Memorial Day*

**WHEREAS**, the Congress and President of the United States of America have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

**WHEREAS**, the members of the City of Waycross law enforcement agency play an essential role in safeguarding the rights and freedoms of Waycross; and

**WHEREAS**, it is important that all citizens know and understand the duties, responsibilities hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS**, the men and women of the law enforcement agency of the City of Waycross unceasingly provide a vital public service.

**NOW, THEREFORE**, in honor and in recognition of the outstanding contributions law enforcement officers of this nation, state and, indeed, our city have made in the line of duty, I, **Clarence E. Billups, Mayor of the City of Waycross**, do hereby proclaim May 12 through May 18, 2013, as **POLICE WEEK** and May 15 as **NATIONAL PEACE OFFICERS MEMORIAL DAY** with appropriate ceremonies and observances in which all of our people may join in commemorating law officers past and present who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of Waycross to observe May 15 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

*Clarence E. Billups, Mayor*

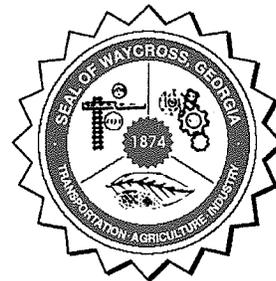
Chief Tanner also announced a Memorial Service to be held at Waycross Police Department on Monday, May 13, 2013 at 4:00 p.m. in honor of police officers who have fallen in the file of duty.

In honor of National Military Appreciation Month, a Proclamation was presented to Mr. Ricky Deal.

CITY OF WAYCROSS, GEORGIA

---

OFFICE OF THE MAYOR



## PROCLAMATION

***WHEREAS,** The freedom and security that citizens of the United States enjoy today are direct results of the blood shed and continued vigilance given by the United States Armed Forces over the history of our great nation; and*

***WHEREAS,** the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and*

***WHEREAS,** the United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and*

***WHEREAS,** the months of May and June were selected for this display of patriotism because during these months, we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day and Flag Day;*

***NOW, THEREFORE,** I, Clarence E. Billups, Mayor of the City of Waycross, Georgia do hereby proclaim the period May 1, through June 14, 2013 as a special time to show appreciation for our Military and proclaim it as*

**NATIONAL MILITARY APPRECIATION MONTH**

*in the City of Waycross, Georgia, and encourage all citizens to join me and others through the State of Georgia and the Nation in showing our gratitude by the appropriate display of flags and ribbons during the designated period.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Waycross, Georgia to be affixed this 7<sup>th</sup> day of May, 2013.*

*(Seal of the State,  
County or City)*

*Clarence E. Billups, Mayor*

The Distinguished Budget Presentation Award and a Certificate of Recognition for Budget Presentation was presented to Dana Chancey; Interim Finance Director for the City of Waycross.

Ms. Avis Staten was presented the Employee of the Month for May, 2013.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King congratulated Sloan Fountain for a job well done with the Mother / Daughter Tea Party. He also congratulated Avis Staten and Dana Chancey on their awards. Condolences were sent to Mr. Joyce King and her family. Congratulations were extended to Ms. Dawn Strickland on the birth of her grandson.

In the Mayor's Report, Mayor Billups congratulated the Coloring Contest Winners and the Scavenger Hunt winner. Mayor Billups also thanked Chief Tony Tanner for his efforts in locating the officer who died in the line of duty and setting up the local memorial service.

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 15, 2013, Executive Session, Monday, April 15, 2013; and Waycross City Commission Meeting, Tuesday, April 16, 2013.

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

5. This Resolution shall take effect immediately upon its passage.

**ADOPTED AND APPROVED** this 7<sup>th</sup> day of May, 2013.

**CITY OF WAYCROSS**

**BY: CLARENCE E. BILLUPS, Mayor**

**ATTEST:**

**JULIE DINKINS, City Clerk**

The Resolution Consenting to and Approving the Assignment of the Cable Franchise and System to BCI James Cable, LLC. as presented was approved by motion from Commissioner Diane Hopkins; seconded by Commissioners William Simmons; 4-0 vote and approved.

A Resolution by the City of Waycross, Georgia Adopting Changes to Personnel Policies & Procedures and Drug and Alcohol Policy (Employee Handbook) was presented.

**RESOLUTION NO. 13-23**

**A RESOLUTION BY THE CITY OF WAYCROSS, GEORGIA ADOPTING CHANGES TO PERSONNEL POLICIES & PROCEDURES AND DRUG AND ALCOHOL POLICY (EMPLOYEE HANDBOOK); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Waycross Human Resources Department has completed its revisions to the City's Personnel Policies & Procedures and Drug & Alcohol Policy (Employee Handbook); and

**WHEREAS**, upon adoption of applicable revisions the Employee Handbook shall supersede all other Personnel Policies and Procedures, Drug & Alcohol Policy, and/or Employee Handbooks; and

**WEHREAS**, the Commission of the City of Waycross desires to adopt the revisions to the City's Personnel Policies & Procedures and Drug & Alcohol Policy (Employee Handbook); and

**WHEREAS**, the said matter being considered.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission of the City of Waycross, Georgia that the City of Waycross approve the revisions to the City's Personnel Policies & Procedures and Drug & Alcohol Policy (Employee Handbook) completed by the City's Human Resources Department.

**BE IT FURTHER RESOLVED** that the adoption of all applicable revisions to the Employee Handbook shall supersede all other Personnel Policies and Procedures, Drug & Alcohol Policy, and/or Employee Handbooks, from and after the date of adoption specified below.

**BE IT FURTHER RESOLVED** by the Commission of the City of Waycross, Georgia that the Mayor and the City Clerk are hereby authorized, directed, and empowered to execute this Resolution any documents required to carry out this Resolution on behalf of the City of Waycross.

**ADOPTED AND APPROVED** this 7<sup>th</sup> day of May, 2013.

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

ATTEST:  
**JULIE DINKINS**, City Clerk

Commissioner Marian Solomon-Gaines made the motion to approve A Resolution by the City of Waycross, Georgia Adopting Changes to Personnel Policies & Procedures and Drug and Alcohol Policy (Employee Handbook) as presented. Commissioner Diane Hopkins seconded the motion; all voted in favor and the motion carried with a 4-0 vote.

A Resolution to amend Resolution 12-19 of the City of Waycross, Georgia to Designate Records Custodians for the City of Waycross Pursuant to Requirements of HB 397, the Newly Revised Open Records Act was presented.

#### **RESOLUTION 13-24**

#### **AMENDED RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO DESIGNATE RECORDS CUSTODIANS FOR THE CITY OF WAYCROSS PURSUANT TO REQUIREMENTS OF H.B. 397, THE NEWLY REVISED OPEN RECORDS ACT; AND FOR OTHER PURPOSES.**

**WHEREAS**, House Bill No. 397 was signed into law by the Governor of the State of Georgia during the 2012 Legislative Session; and

**WHEREAS**, House Bill No. 397 amends Official Code of Georgia Annotated Section 50-18-70 *et. seq.* to provide that the City's Records Custodian must be designated in writing by the City, that the legal organ must be notified, and the custodian be posted on the City's website; and

**WHEREAS**, the Commission of the City of Waycross designated the City Clerk as the official Records Custodian for the City of Waycross by Resolution No. 12-19 on May 1, 2012; and

Commissioner Diane Hopkins made the motion to approve the Consent Calendar as presented. Commissioner William Simmons seconded the motion; all Commissioners voted favorably and the motion carried with a 4-0 vote.

A Resolution Consenting to and Approving the Assignment of the Cable Franchise and System to BCI James Cable, LLC. was presented.

**RESOLUTION 13-22**  
**A RESOLUTION CONSENTING TO AND APPROVING**  
**THE ASSIGNMENT OF THE CABLE FRANCHISE AND SYSTEM TO**  
**BCI JAMES CABLE, LLC**

**WHEREAS, THE CITY OF WAYCROSS, GEORGIA** (“Grantor”) GRANTED TO James Cable, LLC or its predecessor (“Grantee”), a franchise to own and operate a cable television system (“System”) in the municipality (the “Franchise”);

**WHEREAS**, on March 22, 2013, Grantee entered into an Asset Purchase Agreement (the “Agreement”) with BCI Broadband, LLC (“BCI”) whereby BCI will cause its indirect wholly owned subsidiary, BCI James Cable, LLC (“Assignee”), to purchase and acquire certain assets relating to the System, including the Franchise, from Grantee (“Transaction”);

**NOW THEREFORE, THE GRANTOR RESOLVES:**

1. Grantor consent to the Transaction to the extent required by the terms of the Franchise and applicable law.
2. Grantor confirms that (a) the Franchise is valid and outstanding and in full force and effect; (b) there have been no amendments or modifications to the Franchise, except as set forth herein; and (c) Grantee is in compliance with the provisions of the Franchise.
3. Grantor releases Grantee, effective upon the closing of the Transaction (the “Closing Date”), from all obligations and liabilities under the Franchise and Assignee shall assume and be responsible for any obligations and liabilities under the franchise that accrue on and after the Closing Date.
4. This Resolution shall have the force of a continuing agreement with the Grantor, Grantee, and Assignee, and Grantor shall not amend, or otherwise alter this Resolution without the written consent of Grantee and Assignee.

**WHEREAS**, the Commission of the City of Waycross desires to designate the Chief of Police as the official Records Custodian of the City of Waycross Police Department, who may act in conjunction with or independently of the Custodian of the City of Waycross and

**WHEREAS**, the said matter having been considered.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commission of the City of Waycross that the City of Waycross hereby designates the position of City Clerk, currently held by JULIE DINKINS, as the official Records Custodian for the City of Waycross, Georgia.

**BE IT FURTHER RESOLVED**, by the Commission of the City of Waycross that the City of Waycross hereby designates the position of Chief of Police, currently held by ANTHONY H. TANNER, as the official Records Custodian for the City of Waycross Police Department, who may act in conjunction with or independently of the Custodian of the City of Waycross.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to the Waycross Journal Herald, the legal organ for Waycross Ware County, Georgia, and a copy posted on the City's website.

**SO RESOLVED**, this 7<sup>th</sup> day of May, 2013.

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

ATTEST:  
**JULIE DINKINS**, City Clerk

The motion to approve a Resolution to amend Resolution 12-19 of the City of Waycross, Georgia to Designate Records Custodians for the City of Waycross Pursuant to Requirements of HB 397, the Newly Revised Open Records Act was adopted as presented by motion from Commissioner Diane Hopkins. Commissioner Marian Solomon-Gaine seconded the motion and the motion adopted with a 4-0 vote.

A Resolution by the City of Waycross, Georgia to Approve Execution of Agreement with Georgia Department of Transportation for the Disbursement of Funds for Transportation Safety Improvements was presented.

#### **RESOLUTION 13-25**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA  
TO APPROVE EXECUTION OF AGREEMENT WITH GEORGIA DEPARTMENT OF  
TRANSPORTATION FOR THE DISBURSEMENT OF FUNDS FOR  
TRANSPORTATION SAFETY IMPROVEMENTS;  
AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Waycross worked with CSX Transportation in 2006 to close six rail crossings intersecting City streets during the CSX Double-Track Expansion Project, for which CSX paid the City \$45,000.00 (\$7,500 per crossing) in incentive funds for the crossing closures; and

**WHEREAS**, Georgia Department of Transportation proposed to allocate Federal Hazard Elimination funds to match the CSX Incentive Payment in an amount not to exceed \$45,000.00 (\$7,500 per crossing), which must be used for Transportation Safety Improvements, but are not required to be used at the closed CSX crossings; and

**WHEREAS**, the attached proposed Agreement with the Georgia Department of Transportation includes a list of proposed pedestrian crosswalks, including signs and safety equipment along the abandoned rail bed between Tebeau Street and Isabella Street; and

**WHEREAS**, said improvements will offset costs associated with the proposed Trail Project along the old rail bed; 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 approve execution of the said Agreement with Georgia Department of Transportation to receive Federal Hazard Elimination Funds for use in construction of the safety improvements, in the form of the Agreement attached hereto.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and are hereby authorized to execute the said Agreement with Georgia Department of Transportation, hereby ratifying and confirming the execution of the same on behalf of the City of Waycross for said Project.

**SO RESOLVED**, this 7<sup>th</sup> day of May, 2013.

**CITY OF WAYCROSS**

**BY: CLARENCE E. BILLUPS, Mayor**

**ATTEST:**

**JULIE DINKINS, City Clerk**

Commissioner William Simmons made the motion to approve A Resolution by the City of Waycross, Georgia to Approve Execution of Agreement with Georgia Department of Transportation for the Disbursement of Funds for Transportation Safety Improvements as presented. Commissioner Marian Solomon-Gaines seconded the motion; all voted in favor and the motion carried with a 4-0 vote.

A Resolution of the City of Waycross, Georgia to Approve Execution of Business Associate Contract with J. Smith Lanier & Company Insurance Brokers for the City of Waycross was presented.

**RESOLUTION 13-26**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA  
TO APPROVE EXECUTION OF BUSINESS ASSOCIATE CONTRACT WITH J.  
SMITH LANIER & COMPANY INSURANCE BROKER FOR THE CITY OF  
WAYCROSS; AND FOR OTHER PURPOSES.**

**WHEREAS**, on February 17, 2009, the Health Information Technology for Economic and Clinical Health (HITECH) Act was signed into law as part of the American Recovery and Reinvestment Act (ARRA); and

**WHEREAS**, among other things, the Act extended HIPPA privacy and security requirements to directly regulate business associates of covered entities and included stricter requirements for breach notifications; and

**WHEREAS**, J. Smith Lanier & Company is a Business Associate with the City of Waycross that provides consulting services to plan sponsors and group healthy plans on matters related to employee benefits; and

**WHEREAS**, in order for J. Smith Lanier & Company to receive Protected Health Information (PHI) from third parties on behalf of the City of Waycross while assisting the City with employee benefit needs, the HIPPA Privacy and Security Rules require that the City enter into a Business Associate Contract with the City's insurance broker, in the form attached hereto, in order to protect employees' health information; 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 approve execution of the said Business Associate Contract with J. Smith Lanier & Company in order to receive Protected Health Information from third parties while assisting City employees with benefit needs, and protecting employees' health information, in the form of the Contract attached hereto.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and are hereby authorized to execute the said Business Associate Contract with J. Smith Lanier & Company, hereby ratifying and confirming the execution of the same on behalf of the City of Waycross.

**SO RESOLVED**, this 7<sup>th</sup> day of May, 2013.

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

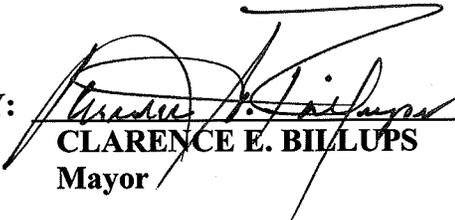
ATTEST:  
**JULIE DINKINS**, City Clerk

The motion to approve a Resolution of the City of Waycross, Georgia to Approve Execution of Business Associate Contract with J. Smith Lanier & Company Insurance Brokers for the City of Waycross as presented. Commissioner William Simmons seconded the motion and the motion adopted with a 4-0 vote.

Mr. Lamar Deal, Ware County Democratic Committee informed the Commission that they will be holding a seminar on PPACA (Patient Protection and Affordable Care Act) to inform the public on how ObamaCare will affect them. The seminar will be held on Tuesday, May 28, 2013 at Ryan's Steakhouse.

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**

