

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, JUNE 21, 2011
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, June 21, 2011. The meeting was called to order by Mayor Clarence Billups at 7:00 p.m. with Commissioners Norman Davis, Diane Hopkins William Simmons, and Daniel Yarbrough present for the meeting. Commissioner Marian Solomon-Gaines was absent.

Mayor Clarence Billups introduced Reverend William Simmons, Commissioner and Pastor of Light of the World Ministries who offered the invocation which was followed by the Pledge of Allegiance.

Under Executive Duties Mayor Billups published the following schedule of meetings:

1. Zoning Hearing – Rezoning 2191 Golf Course Road from RS to R-90 – Tuesday, July 19, 2011 6:15 p.m.
2. Zoning Public Hearing – Annexation / Zoning of 1402 Commons Street - Tuesday, July 19, 2011 6:30 p.m.
3. Reschedule Work Session from Monday, July 4, 2011 to Tuesday, July 5, 2011, 5:00 p.m.

Deron W. King, City Manager, presented the City Manager's Report. Lee Avenue Water and Sewer Improvements are continuing with sewer main work complete and water main installation continuing. Resurfacing should be complete by the middle of July. Citizens are urged to exercise caution when traveling in construction areas. A scholarship fund called the Waycross Fire Department Jeremy Norris Scholarship Fund has been established by the Waycross Fire Department in honor of retired fireman Jeremy Norris. The scholarship fund has been established through Waycross College and will concentrate on Engineering and/or Math majors. The third "Charlie Giving Back to the Community" food giveaway will be Saturday, June 25, 2011 at 11:00 a.m. at EE Moore Park.

Mayor Clarence Billups presented the Mayor's Report. Mayor Billups informed the Commission and public that Commissioner Marian Solomon-Gaines was out of town this week with the CCDFCS children at camp. Mayor Billups congratulated Curtis Brantley and Dr. Palmer on their retirement.

There were no public remarks on official actions.

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 and Information Session Executive Session, Tuesday, June 5, 2011, Zoning Public hearing, 2014 Alice Street, Zoning

Public Hearing 1305 Alice Street, Waycross City Commission Regular Meeting, Tuesday, June 6, 2011 and Alcoholic Beverage Hearing Minutes, Thursday, June 16, 2011. There were no ordinance second readings, consent resolutions or privilege license renewals.

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 privilege license Bunky's Food Store, new owner, Darshna Patel, 1545 State Street, Retail Beer and Wine was presented for approval. Commissioner Norman Davis made the motion to approve the privilege license for Bunky's Food Store; seconded by Commissioner Daniel Yarbrough; all voted in favor and the motion carried.

Mrs. Linda Jones, Director, Purchasing Department, presented WAYX 11-10 Surplus Property. The surplus property list contains miscellaneous items to be sold on Govdeals.com. Ms. Jones submitted a request for 13 confiscated bicycles to be donated to various agencies for repair and distribution. A request from Doug Gibson was presented asking the City to donate eight (8) surplus roll-up doors to the Pine Valley Volunteer Fire Station.

Commissioner Daniel Yarbrough made the motion to declare the property surplus to be sold on Govdeals.com, the bicycles to be donated to various agencies for repair and distribution and eight (8) surplus roll-up doors to be donated to the Pine Valley Volunteer Fire Station. The motion was seconded by Commissioner William Simmons. All Commissioners voted positively and the motion carried with a 4-0 vote.

A Resolution of the City of Waycross, Georgia to Assign the Cable Franchise and System from Waycross Cable Company to James Cable, LLC was presented:

RESOLUTION NO. 11-26

REGARDING THE CONSENT OF THE ASSIGNMENT OF THE CABLE FRANCHISE AND SYSTEM FROM WAYCROSS CABLE COMPANY TO JAMES CABLE, LLC.

WHEREAS, Waycross Cable Company d/b/a Mediastream ("Grantee") currently holds a franchise as set forth in Resolution Dated November 19, 1989 granted by the City of Waycross (the "Community") to own and operate a cable system in the Community (as amended to date, the "Franchise");

WHEREAS, on May 11, 2011 Grantee entered into an Asset Purchase Agreement (the "Agreement") with James Cable, LLC ("Assignee") whereby Assignee will purchase and acquire the cable system assets, including the Franchise, from Grantee (the "Transaction");

WHEREAS, Grantee and Assignee have requested the Community to consent to the transfer of the Franchise from Grantee to Assignee (collectively, the “Application”);

WHEREAS, The community has reviewed the Application and has determined that the Assignee meets the legal, technical, and financial criteria to operate the cable system under the Franchise and all applicable local, state, and federal laws.

NOWTHEREFORE, THE COMMUNITY DOES RESOLVE:

1. The Community consents to the Transaction and the assignment of the Franchise to Assignee.
2. The Community confirms that (a) the Franchise is valid and outstanding and in full force and effect in accordance with its term; (b) Grantee has properly involved its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984; (c) Grantee is in compliance with the provisions of the Franchise; (d) there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder; and (e) effective upon the closing of the Transaction, Assignee will be entitled to all rights and privileges granted by the Community pursuant to the Franchise.
3. The Community further authorizes Assignee to assign to transfer its assets, including the franchise, to a parent or affiliate of Assignee and to assign or pledge, or otherwise grant to convey one or more liens or security interests in, its assets, including its rights, obligations and benefits in and to the Franchise and the cable system, to any lender providing financing to Assignee, in each case without the consent of the Community.
4. The Community releases Grantee, effective upon the closing of the Transaction (the “Closing Date”), from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Assignee shall assume and be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.
5. This Resolution shall have the force of a continuing agreement with the Community, Grantee, and Assignee and the Community shall not amend or otherwise alter this Resolution without the written consent of Grantee and Assignee.
6. This Resolution shall take effect upon its passage and publication in accordance with applicable law.

ADOPTED AND APPROVED this 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

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

ATTEST: **JULIE DINKINS**, City Clerk

Commissioner Norman Davis made the motion to approve the Resolution of the City of Waycross, Georgia to Assign the Cable Franchise and System from Waycross Cable Company to James Cable, LLC as presented. Commissioner Daniel Yarbrough seconded the motion; all voted in favor and the motion carried.

A Resolution of the City of Waycross, Georgia to Approve Amendment No. 8 to the Agreement between ESG Operations, Inc. and the City of Waycross, Georgia for Operations, Maintenance and Management Services was presented.

RESOLUTION NO. 11-30

**A RESOLUTION TO APPROVE AMENDMENT NO. 8
TO THE AGREEMENT BETWEEN
ESG OPERATIONS, INC. AND THE CITY OF WAYCROSS, GEORGIA
FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES;
AND FOR OTHER PURPOSES**

WHEREAS, the City of Waycross, Georgia entered into an agreement with ESG Operations, Inc. (ESG) on March 1, 2004 as amended by Amendment No. 2 to add water services, for operations, maintenance and management services at the City's wastewater treatment plant; and

WHEREAS, ESG has performed under the terms of this agreement to date and all amendments thereto and City has performed under the terms of the agreement and all amendments thereto; and

WHEREAS, the specific changes as reflected in Amendment No. 8 and attached to this Resolution will extend the ESG contract through fiscal year 2012, adding increases effective July 1, 2011, including a contract price increase of \$46,400.00, and increasing the monthly payments by the City to ESG to a total payment of \$206,185.00 per month; and

WHEREAS, the term of the amendment shall be from July 1, 2011 through June 30, 2012 and shall be subject to automatic renewal in accordance with the terms of the original agreement as amended; and

WHEREAS, said matter of amendment having been considered.

NOW THEREFORE BE IT RESOLVED by the Commission of the City of Waycross, Georgia that Amendment No. 8 to the Agreement between ESG Operations, Inc. and the City of Waycross, Georgia be and is hereby approved.

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 the Amendment No. 8 on behalf of the City of Waycross.

SO RESOLVED this the 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

BY: CLARENCE E. BILLUPS, Mayor

ATTEST: JULIE DINKINS, City Clerk

Commissioner Daniel Yarbrough made the motion to approve A Resolution of the City of Waycross, Georgia to Approve Amendment No. 8 to the Agreement between ESG Operations, Inc. and the City of Waycross, Georgia for Operations, Maintenance and Management Services as presented. Commissioner William Simmons 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 Award the Contract for Telecommunications Services for the City of Waycross was presented:

RESOLUTION NO. 11-31

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO AWARD CONTRACT FOR
TELECOMMUNICATIONS SERVICES FOR THE CITY OF WAYCROSS;
AND FOR OTHER PURPOSES.**

WHEREAS, the Purchasing Department solicited proposals for the City of Waycross' Telephone and Internet Service provider; and

WHEREAS, Access ATC submitted its statement of qualifications and proposal for the project; and

WHEREAS, a selection board met and considered the qualifications submitted and based on the evaluation process recommended Access ATC for the City's Telecommunications Service Provider; and

WHEREAS, Access ATC is willing to provide the services set forth in the proposal attached hereto to include City Telephone, DSL, and Internet Connections for the total monthly price of \$3,012.61, for a term of sixty (60) months; and

WHEREAS, said matter being considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross award the contract for Telecommunications Services to **Access ATC** for the Contract price of \$3,012.16 per month for a term of sixty (60) months, to be paid for from the City's Telecommunications Services Budget.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute the award on behalf of the City of Waycross, Georgia.

SO RESOLVED, this 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

BY: CLARENCE E. BILLUPS, Mayor

ATTEST: JULIE DINKINS, City Clerk

Commissioner Diane Hopkins made the motion to approve A Resolution of the City of Waycross, Georgia to Award the Contract for Telecommunications Services for the City of Waycross as presented. The motion was seconded by Commissioner William Simmons; all voted Yes and the motion carried with a 4-0 vote.

A Resolution of the City of Waycross, Georgia to Approve the Disposition of Eight Rollup Doors to the Pine Valley Volunteer Fire Department was presented:

RESOLUTION NO. 11-35

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO APPROVE DISPOSITION OF EIGHT ROLLUP DOORS
TO THE PINE VALLEY VOLUNTEER FIRE DEPARTMENT;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross has declared eight (8) Rollup Doors as surplus property that is no longer suitable for public use by the City of Waycross; and

WHEREAS, the Pine Valley Volunteer Fire Department located in rural Ware County as recently established a Volunteer Fire Department, and has requested use of the City's surplus property, to-wit: eight (8) Rollup Doors in connection with its Volunteer Fire Department operations for the benefit of local citizens; and

WHEREAS, the Commission of the City of Waycross believes that transferring the said surplus property to the Pine Valley Volunteer Fire Department will enhance their fire protection activities for local citizens; and

WHEREAS, the Pine Valley Volunteer Fire Department has executed a Waiver and Indemnification Agreement absolving the City of Waycross, its employees, duly elected officers, agents and assigns from any and all claims whatsoever in connection with the transfer and use of said surplus property; and

WHEREAS, said matter being considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross approves the Disposition of eight (8) Rollup Doors by transfer to the Pine Valley Volunteer Fire Department in connection with its Volunteer Fire Department operations for the benefit of local citizens to be served by said Department.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute this Resolution on behalf of the City of Waycross, Georgia.

SO RESOLVED, this 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

BY: CLARENCE E. BILLUPS, Mayor

ATTEST: JULIE DINKINS, City Clerk

Commissioner Norman Davis made the motion to approve the Resolution of the City of Waycross, Georgia to Approve the Disposition of Eight Rollup Doors to the Pine Valley Volunteer Fire Department as presented. Commissioner Daniel Yarbrough 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 Authorize Execution of an Agreement with Ware County, Georgia to Extend the Existing Service Delivery Strategy until October 31, 2011 was presented:

RESOLUTION NO. 11-33

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO AUTHORIZE EXECUTION OF AGREEMENT
WITH WARE COUNTY, GEORGIA
TO EXTEND EXISTING SERVICE DELIVERY STRATEGY
UNTIL OCTOBER 31, 2011; AND FOR OTHER PURPOSES.**

WHEREAS, the existing Service Delivery Strategy (“SDS”) between the City of Waycross, Georgia and Ware County, Georgia, will expire on June 30, 2011; and

WHEREAS, prior to said expiration date said local governments must either amend existing Service Delivery Strategy, or negotiate a new strategy and submit it to the Department of Community Affairs for verification; and

WHEREAS, Georgia law provides that the existing Service Delivery Strategy may be extended by mutual agreement of the local governments pursuant to O.C.G.A. Section 36-70-25(d), to one of the Departments’ standard trimester deadlines; and

WHEREAS, the City of Waycross and Ware County are desirous of extending the existing Service Delivery Strategy as provided by law until October 31, 2011, in order to have more time to amend the existing SDS or negotiate a new SDS; and

WHEREAS, a **Certification for Extension of Existing SDS** having been prepared for approval by the City of Waycross and Ware County, to be submitted to the Department of Community Affairs prior to June 30, 2011; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the **Certification for Extension of Existing SDS** be approved to extend the existing SDS with Ware County until October 31, 2011.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute the **Certification for Extension of Existing SDS** on behalf of the City of Waycross, Georgia.

SO RESOLVED, this 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

BY: CLARENCE E. BILLUPS, Mayor

ATTEST: JULIE DINKINS, City Clerk

Commissioner Diane Hopkins made the motion to approve the Resolution of the City of Waycross, Georgia to Authorize Execution of an Agreement with Ware County, Georgia to Extend the Existing Service Delivery Strategy until October 31, 2011 as presented. The motion was seconded by Commissioner William Simmons; all voted in favor and the motion carried with a 4-0 vote.

A Resolution of the City of Waycross, Georgia to Approve the City of Waycross Budgets for the Fiscal Year July 1, 2011 through June 30, 2012 as presented:

RESOLUTION NO. 11-32

**A RESOLUTION TO APPROVE CITY OF WAYCROSS BUDGETS
FOR THE FISCAL YEAR JULY 1, 2011 THROUGH JUNE 30, 2012**

WHEREAS, on June 20, 2011 the Commission of the City of Waycross held budget hearings and examined the proposed balanced budget; and

WHEREAS, the budgets are being considered by the Commission; and

WHEREAS, said budgets indicate anticipated revenues as follows:

General Fund	\$12,713,293.00
Water & Sewer Fund	\$ 5,964,900.00
Waste Management Fund	\$ 1,449,901.00
Cemetery Fund	\$ 146,373.00
WPD Information Technology Fund	\$ 28,000.00
Hotel/Motel Tax Fund	\$ 300,000.00
SPLOST 2008-2013 Fund	\$ 1,692,000.00

for the fiscal year beginning July1, 2011 and ending June 30, 2012; and

WHEREAS, the City Manager of the City of Waycross has prepared and submitted to the Commission of the City of Waycross budgets for expenditures as follows:

General Fund	\$12,713,293.00
Water & Sewer Fund	\$ 5,964,900.00
Waste Management Fund	\$ 1,449,901.00
Cemetery Fund	\$ 146,373.00
WPD Information Technology Fund	\$ 28,000.00
Hotel/Motel Tax Fund	\$ 300,000.00
SPLOST 2008-2013 Fund	\$ 1,692,000.00

For the fiscal year beginning July1, 2011 and ending June 30, 2012; and

WHEREAS, said budgets are balanced budgets and have been prepared in accordance with accepted budgeting practice; and

WHEREAS, said revised budgets are line item budgets in compliance with the provisions of Sections 4-1/2 and 5 of the Code of the City of Waycross; and

WHEREAS, the Commission of the City of Waycross has studied and revised the proposed budgets and considers it in the best interest of the City to adopt said revised budgets; and

WHEREAS, pursuant to O.C.G.A. § 36-81-5 and related sections, on June 20, 2011, the Commission of the City of Waycross held a public hearing on said proposed budgets at which time persons wishing to be heard on the budgets were allowed to appear, notice of said hearing having been given pursuant to O.C.G.A. § 36-81-5.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the budgets, as revised, attached hereto and made a part hereof for the year beginning July 1, 2011, and ending June 30, 2012, for the City of Waycross, are approved.

BE IT FURTHER RESOLVED by the Commission of the City of Waycross that amendments to the budget so as to adapt to changing governmental needs during the fiscal year may be made in accordance with the provision of O.C.G.A. § 36-81-3.

SO RESOLVED, this 21st day of June, 2011.

CITY OF WAYCROSS, GEORGIA

BY: CLARENCE E. BILLUPS, Mayor

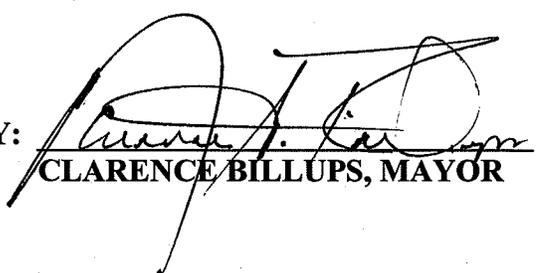
ATTEST: JULIE DINKINS, City Clerk

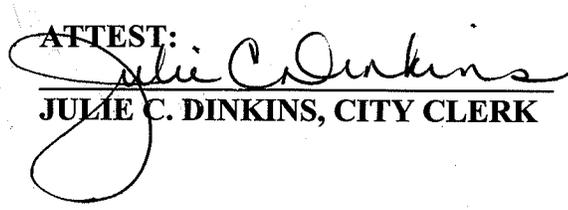
Commissioner Diane Hopkins made the motion to approve the Resolution of the City of Waycross, Georgia to Approve the City of Waycross Budgets for the Fiscal Year July 1, 2011 through June 30, 2012 as presented. The motion was seconded by Commissioner Daniel Yarbrough; all voted in favor and the motion carried with a 4-0 vote.

Mr. Jimmie Burke presenting the Bailey Street Park Committee addressed the Commission regarding updates to the Bailey Street Park. Mr. Burke informed the Commission that that Committee is raising money to install a new sign, provide umbrellas and lawn chairs for use at the Bailey Street Park.

Following the Mayor and Commissioner's closing remarks, Commissioner Diane Hopkins made the motion to adjourn the meeting; seconded by Commissioner Daniel Yarbrough; all voted in favor and Mayor Billups adjourned the meeting.

CITY OF WAYCROSS

BY: 
CLARENCE BILLUPS, MAYOR

ATTEST: 
JULIE C. DINKINS, CITY CLERK