

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, AUGUST 1, 2017
5:00 PM

The Commission of the City of Waycross held their Regular City Commission Meeting on Tuesday, August 1, 2017 in the Commission Chambers of City Hall. The meeting was called to order at 5:00 p.m. by the Honorable Mayor John Knox. Members in attendance were: Mayor John Knox, Mayor Pro Tem Jon Tindall, Commissioners Norman Davis, Diane Hopkins, Marian Solomon-Gaines and Larry Ethridge.

City Attorney Rick Currie introduced Ms. Lorna Burch, Associate Pastor of the River of Life Church who offered the opening invocation. The Invocation was followed by the Pledge of Allegiance led by Mayor Knox.

Under Executive Duties, Mayor John Knox made the following appointments to the Waycross – Ware County Land Bank:

Bertha Gray – Term to begin with first Board meeting; ending December 31, 2021.
Joe Skinner - Term to begin with first Board meeting; ending December 31, 2020.
Horace Taylor - Term to begin with first Board meeting; ending December 31, 2018.
Jon Tindall - Term to begin with first Board meeting; ending December 31, 2019.

Human Resource Director Trinija Martin introduced Mr. Reginald Murphy, Public Works Department, as the August 2017 Employee of the Month.

Ware County High School Head Football Coach Dr. Franklin Stephens addressed the Commissioners concerning Ware County Football for 2017.

City Manager Raphel Maddox congratulated Reginald Murphy on being named Employee of the Month for August 2017. Mr. Maddox stated that Mr. Murphy is a great employee who is always ready to volunteer. Mr. Maddox thanked Reverend and Ms. Lorna Burch applauding them for their good works in the community. The City Manager recognized Dr. Franklin Stephens for the great job he is going with the football program at Ware County High School.

There were no public remarks on official action.

Mayor Knox 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, July 17, 2017; City Commission Meeting, July 18, 2017, and Joint Meeting with Ware County, July 26, 2017.

One Ordinance Second Reading:

ORDINANCE NO. 017-16

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND ARTICLE VIII – SIGNS, SECTION 805 - DEFINITIONS, SECTION 806 – PERMITTING AND MAINTENANCE, SECTION 807 – GENERAL REGULATIONS; BY ADDING A DEFINITION OF FEATHER FLAGS, BY ALLOWING DISPLAY OF FEATHER FLAGS WITH CERTAIN RESTRICTIONS AND BY CLEARLY PROHIBITING SIGNS ON PUBLIC PROPERTY AND PUBLIC RIGHT OF WAY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

No Consent Resolutions or Privilege Licenses Renewals were presented.

The Consent Calendar was approved by motion from Commissioner Marian Solomon-Gaines; seconded by Mayor Pro Tem Jon Tindall; all voted in favor and the motion carried.

Purchasing Director Linda Jones presented FY18-01 ½ Ton Truck. Purchasing received 11 bids from 8 vendors on a new model ½ Ton Truck. After review, the staff recommends awarding the bid to Allen Vigil of Morrow, Georgia as being the lowest and best bid meeting all specifications. Purchase price is \$18,755.00 off the Georgia State Contract for a 2018 Ford F150.

Commissioner Marian Solomon-Gaines made the motion to approve awarding the bid to Allen Vigil in the amount of \$18,755.00 for a 2018 Ford F150. Mayor Pro Tem Jon Tindall seconded the motion. The vote was unanimous and the motion was approved.

Bid FY18-02 for Hydraulic Extrication Equipment was submitted by Ms. Jones. The Waycross Fire Department has approved FY18 funds to purchase a new model TNT Hydraulic Extrication Equipment. Purchasing received 2 bids on this equipment and recommends awarding the bid to Ten-8 Fire Equipment of Forsyth, Georgia for \$18,194.00.

The purchase of Hydraulic Extrication Equipment was approved by motion from Mayor Pro Tem Jon Tindall; seconded by Commissioner Marian Solomon-Gaines. The motion was approved with a 5-0 vote.

On July 11, 2017 the City Commission declared .110 of an acre at McDonald Street and Brunswick Avenue as surplus property to be sold to the highest bidder. Bid FY18-03 Land Sale was presented by Purchasing Director Linda Jones. Bids were mailed to six adjoining land owners. Purchasing received 2 bids. Staff recommends accepting the bid from Kathy Hickman for \$3,000.00 as being the highest and best bid offered.

The bid of \$3,000 from Kathy Hickman was approved by motion from Commissioner Marian Solomon-Gaines. Mayor Pro Tem Jon Tindall seconded the motion. The motion was approved with a unanimous vote.

A request to declare 21 section of 5" LDH fire hose as surplus was submitted by Purchasing Director Linda Jones. Ms. Jones is requesting that the property be declared surplus so it can be sold on GovDeals.com.

Commissioner Norman Davis made the motion to approve the request; seconded by Commissioner Larry Ethridge; and approved with a 5-0 vote.

An Ordinance of the City of Waycross to Rename Martin Luther King Street to Martin Luther King Drive was presented for the first reading.

ORDINANCE NO. O17-17

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 32 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V. – PARKS, GRASS, PLATS, SQUARES, SECTION 32-140 – RENAMING OF CITY STREETS, BY ADDING A NEW SUBSECTION (K) PERTAINING TO RENAMING MARTIN LUTHER KING STREET TO MARTIN LUTHER KING DRIVE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Ordinance No. O17-17 renaming Martin Luther King Drive was approved for its first reading by motion from Commissioner Norman Davis. The motion was seconded by Commissioner Larry Ethridge and approved with a unanimous vote.

A Resolution of the City of Waycross to Approve the Sale and Transfer of Surplus Real Property Located at the Intersection of McDonald Street and Brunswick Avenue was presented.

RESOLUTION NO. 17-44

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO APPROVE THE SALE AND TRANSFER OF SURPLUS REAL PROPERTY LOCATED AT THE INTERSECTION OF MCDONALD STREET AND BRUNSWICK AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, by quitclaim deed dated February 5, 2008, certain real property from an abandoned railway right-of-way was given to the City of Waycross by CSX Transportation, Inc.; and

WHEREAS, the City of Waycross has no useable purpose for said real property and declared said real property as surplus property in Resolution No. R17-40, incorporated herein by reference as if fully set forth; and

WHEREAS, O.C.G.A. § 36-30-2 provides that the city commission has the discretion in the disposition of its property, where exercised in good faith; and

WHEREAS, bids were mailed to six (6) adjoining or neighboring property owners by purchasing department and subsequently received two (2) bids; and

WHEREAS, it is the recommendation of purchasing department to accept the bid from Kathy Hickman for three thousand dollars (\$3000.00), as being the highest and best bid offered; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the Commission hereby approves the sale and transfer of surplus real property, as previously described in Resolution No. R17-40, to Kathy Hickman.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized, empowered and directed to execute and sign the quitclaim deed on behalf of the City of Waycross, and to ratify and confirm the execution of said quitclaim deed, and to do all the acts and things necessary in order to ratify, confirm and carry out the purposes and intent of this Resolution.

SO RESOLVED, this 1st day of August, 2017.

**CITY OF WAYCROSS, GEORGIA
JOHN KNOX, Mayor**

**ATTEST:
Julie Dinkins, City Clerk**

Commissioner Marian Solomon-Gaines made the motion to approve the Resolution of the City of Waycross to Approve the Sale and Transfer of Surplus Real Property Located at the Intersection of McDonald Street and Brunswick Avenue as presented. Commissioner Norman Davis seconded the motion. All voted yes and the motion was approved with a 5-0 vote.

A Resolution of the City of Waycross Providing for the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$1,500,000.00 was presented.

RESOLUTION NO. R17-45

**A RESOLUTION OF THE CITY OF WAYCROSS PROVIDING FOR THE
ISSUANCE AND SALE OF A TAX ANTICIPATION NOTE IN THE PRINCIPAL
AMOUNT OF \$1,500,000.00; AND FOR OTHER RELATED PURPOSES.**

WHEREAS, the City of Waycross, Georgia (the “Issuer”) is authorized by Article IX, Section V, Paragraph V of the Constitution of the State of Georgia to obtain temporary loans to pay current expenses provided certain conditions are satisfied; and

WHEREAS, the Issuer proposes to issue a tax anticipation note in the principal amount of \$1,500,000.00 (the “Note”) in order to pay current expenses for calendar year 2017 in anticipation of the receipt of taxes levied or to be levied for the Issuer’s General Fund (the “General Fund”); and

WHEREAS, the Issuer proposes to authorize the sale of the Note to STI Institutional & Government, Inc. for the purchase price of 100% of par.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross (the “Governing Body”) and it is hereby resolved by authority of the same, as follows:

Section 1. Findings. The Governing Body hereby finds and determines as follows: (a) there are no other temporary loans or other contracts, notes, warrants or obligations for current expenses which have been issued by the Issuer in calendar year 2017; (b) the principal amount of the Note does not exceed 75% of the total gross income from taxes collected by the Issuer in calendar year 2016; (c) the aggregate principal amount of the Note, together with other contracts, notes, warrants or obligations of the Issuer for current expenses in calendar year 2017, do not exceed the total anticipated tax revenues of the Issuer for calendar year 2017; (d) no temporary loan or other contract, note, warrant or other obligation for current expenses incurred in calendar year 2016 or any prior calendar year remains unpaid as of the date hereof; and (e) a need exists for the Issuer to borrow \$1,500,000.00 to pay current expenses of the Issuer in calendar year 2017 prior to the receipt of sufficient revenues from taxes levied or to be levied for the General Fund for 2017.

Section 2. Authorization of Note. There is hereby authorized to be issued the Note in the principal amount of \$1,500,000.00. The Note shall be designated as the “City of Waycross, Georgia Tax Anticipation Note, Series 2017,” shall be issued as a fully registered note numbered R-1 upward, shall be dated as of its date of issuance, shall bear interest at the rate of 2.47% per annum (calculated on the basis

of the actual number of days elapsed in a 360-day year), shall be payable as to principal and interest in lawful money of the United States of America to the person who is the registered owner of the Note on December 15, 2017, shall be numbered R-1 upward and shall mature and together with accrued interest shall be payable on January 31, 2018.

The Note shall be executed by the manual or facsimile signature of the Mayor or Mayor Pro-Tem of the Governing Body and by the manual or facsimile signature of the Clerk of the Governing Body, and the corporate seal of the Issuer shall be impressed or imprinted thereon. In case any officer whose signature shall be affixed to the Note or who shall have sealed the Note shall cease to be such officer before the Note so signed and sealed shall have been actually delivered, the Note, nevertheless, shall be a valid Note of the Issuer and may be delivered as such notwithstanding the fact that such officer or officers may have ceased to be such officer or officers of the Issuer when the Note shall be actually delivered.

Section 3. Approval of Form of Note. The Note shall be issued in substantially the form attached hereto as Exhibit A with such changes, insertions or omissions as may be approved by the Governing Body, and the execution and delivery of the Note shall be conclusive evidence of such approval.

Section 4. Designation of Paying Agent. The Issuer's Finance Director is hereby designated as Paying Agent, Note Registrar and Authenticating Agent with respect to the Note.

Section 5. Tax Revenues Used to Repay Note; General Obligation. The Issuer agrees to use tax revenues received by the Issuer from the levy of taxes for the General Fund and any other legally available funds to pay amounts owing under the Note. The indebtedness to be evidenced by the Note is a general obligation of the Issuer, and the full faith and credit of the Issuer are hereby pledged to secure the payment of the principal of and interest on the Note.

Section 6. Authentication of Note. The Note as originally issued and all Notes issued in connection with a registration of transfer shall not be valid for any purpose unless and until a certificate of authentication substantially in the form set forth in the form of the Note shall be duly executed by the Note Registrar.

Section 7. Transfer and Exchange of Note. The Note Registrar shall cause to be kept books for the registration of transfer of the Note. The Note may be registered as transferred on the books of registration by the registered owner thereof in person or by his duly authorized attorney, upon surrender thereof, together with a written instrument of transfer executed by the owner or his duly authorized attorney. Upon surrender for registration of transfer of the Note to the Note Registrar, the Issuer shall execute, and the Note Registrar shall authenticate and deliver in the name of the transferee, a new Note numbered consecutively in order of issuance according to the records of the Note Registrar. Such registration of transfers shall be without charge to the owner of such Note, but any tax or other governmental charge, required to be paid with respect to the same shall be paid by the owner of the Note requesting such transfer as a condition precedent to the exercise of such privilege.

Except as provided in Section 9 hereof, the Note may not be exchanged.

Any Note surrendered upon any transfer provided for in this resolution shall be promptly cancelled by the Note Registrar and shall not be reissued. Upon request of the Issuer a certificate evidencing such cancellation shall be furnished by the Note Registrar to the Issuer.

Section 8. Registered Owners. The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of either principal or interest shall be made only to or upon the order of the registered owner thereof or his duly authorized attorney, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid.

Section 9. Mutilated or Destroyed Note. In case the Note shall become mutilated or be destroyed or lost, the Issuer may cause to be executed, authenticated and delivered a new Note in exchange or substitution for such Note upon, in the case of a mutilated Note, surrender of such Note, or in the case of a destroyed or lost Note, the owner filing with the Issuer, the Paying Agent and the Note Registrar evidence satisfactory to them that such Note was destroyed or lost and providing indemnity satisfactory to them, provided that if the owner of such destroyed or lost Note is the initial purchaser of the Note or has a minimum net worth of at least \$25,000,000, such person's own unsecured agreement of indemnity shall be deemed to be satisfactory. If the Note shall have matured, instead of issuing a new Note, the Issuer may pay the same.

Section 10. Prepayment. The Note is subject to payment prior to maturity in whole or in part at any time without penalty.

Section 11. Tax Covenants and Representations. The Note is being issued by the Issuer in compliance with the conditions necessary for the interest income on the Note to be excludable from gross income for federal income taxation pursuant to the provisions of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"). It is the intention of the Issuer that the interest on the Note be and remain excludable from gross income for federal income tax purposes, and, to that end, the Issuer hereby covenants with the owner of the Note, as follows:

(a) It will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the tax-exempt status of the interest on the Note under Section 103 of the Code.

(b) It will not directly or indirectly use or permit the use of any proceeds of the Note or any other funds of the Issuer or take or omit to take any action in a way that would cause the Note to be (i) a "private activity bond" within the meaning of Section 141 of the Code, (ii) an obligation which is "federally guaranteed" within the meaning of Section 149 of the Code or (iii) a "hedge bond" within the meaning of Section 149 of the Code.

(c) It will not directly or indirectly use or permit the use of any proceeds of the Note or any other funds of the Issuer or take or omit to take any action that would cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code. To that end, the Issuer will comply with all requirements of Section 148 of the Code to the extent applicable to the Note.

Section 12. Approval of Tax Documents. The Mayor of the Governing Body and the Mayor Pro-Tem of the Governing Body are hereby authorized to execute on behalf of the Issuer a Tax and Non-Arbitrage Certificate to assure the owner of the Note and Murray Barnes Finister LLP, Bond Counsel, that the interest on the Note will remain excludable from gross income for federal income tax purposes and that the proceeds of the Note will not be used in a manner which would result in the Note being an “arbitrage bond” within the meaning of Section 148 of the Code. The Mayor of the Governing Body or Mayor Pro-Tem of the Governing Body is further authorized to execute on behalf of the Issuer an Internal Revenue Service Form 8038-G “Information Return for Tax-Exempt Governmental Obligations” related to the issuance of the Note.

Section 13. General Authority. From and after the date of adoption of this resolution, any member of the Governing Body and the officers, employees and agents of the Issuer are hereby authorized to do such acts and things, and to execute and deliver all such certificates or agreements as may be necessary or desirable in connection with the issuance of the Note. Without limiting the foregoing, the Assistant Clerk of the Governing Body is authorized to execute any and all documents on behalf of the Clerk of the Governing Body. All actions of the Governing Body, officers, employees or agents of the Issuer taken in connection therewith prior to the date hereof are hereby ratified and confirmed.

Section 14. Bank Qualification Designation.

The Note is hereby designated as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code.

Section 15. Sale of Note. The sale of the Note to the Purchaser for the price of 100% of par is hereby approved.

Section 16. Information. The Issuer shall provide the Purchaser of the Note with such information as the Purchase shall reasonably request.

Section 17. Repeal of Conflicting Resolutions; Effective Date. This resolution shall be in full force and effect immediately upon its adoption, and any and all resolutions or parts of resolutions in conflict with this resolution shall be, and they are, to the extent of such conflict, hereby repealed.

BE IT FURTHER RESOLVED that the Mayor, City Clerk and City Finance Director be authorized and directed to execute the Contract 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 1st day of August, 2017.

CITY OF WAYCROSS, GEORGIA
JOHN KNOX, Mayor

ATTEST:
Julie Dinkins, City Clerk

Commissioner Marian Solomon-Gaines made the motion to approve a Resolution of the City of Waycross Providing for the Issuance and Sale of a Tax Anticipation Note in the Principal Amount of \$1,500,000.00 as presented. Commissioner Mayor Pro Tem Jon Tindall seconded the motion. All voted positively and the motion was approved with a 5-0 vote.

Following last call, Commissioner Larry Ethridge made the motion to adjourn the meeting. Commissioner Norman Davis seconded the motion. All voted in favor and Mayor Knox adjourned the meeting.

CITY OF WAYCROSS

BY: 
JOHN KNOX, Mayor

ATTEST:


JULIE C. DINKINS, City Clerk