

**MINUTES**  
**WAYCROSS CITY COMMISSION MEETING**  
**TUESDAY, AUGUST 2, 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, August 2, 2011. The meeting was called to order by Mayor Clarence E. Billups at 7:00 p.m. with Commissioners Norman Davis, William Simmons, Diane Hopkins, and Marian Solomon-Gaines and Daniel Yarbrough present for the meeting.

Commissioner William Simmons introduced Pastor Lee Roberson, Associate Pastor, Light of the World Ministries, who offered the invocation which was followed by the Pledge of Allegiance.

Under Executive Duties Mayor Billups appointed Mr. Horace B. Thomas Jr. to the Waycross-Ware County Planning Commission for a Three-Year Term beginning July 1, 2011 and ending June 30, 2014.

Mr. Jonathan Daniell, Director, Ware County Emergency Management Services addressed the Commission regarding the CodeRED weather warning system which was implemented on July 1, 2011. Mr. Daniell said Waycross and Ware County citizens and businesses need to sign up to be notified in the event of a weather emergency. Sign up is available on-line or by calling City Hall or the Ware County Emergency Management Office.

Mayor Billups introduced Commissioner Norman Davis who recognized Pastor Charlie Lewis and several volunteers who assisted Pastor Lewis with the Pastor Charlie Lewis Giving Back to the Community Project who were not acknowledged at the July 19, 2011 meeting. Mr. Davis presented a Certificate of Appreciation and a Metal to each volunteer. Pastor Lewis acknowledged each volunteer with a thoughtful word.

Human Resources Director Raphel Maddox introduced Lt. Tommy Cox as the employee of the month for the month of August, 2011. Lt. Cox is an employee of the WPD and serves as Patrol Commander and Lt. of Police Training.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King congratulated Lt. Tommy Cox for receiving Employee of the Month. Mr. King also congratulated Police Chief Anthony Tanner for being selected as Outstanding Police Chief of the Year of the Georgia Association of Chiefs of Police. The Lee Avenue Water and Sewer Improvements are continuing with striping currently underway. Mr. King acknowledged the passing of Mayor Bill Staeger of the City of Folkston and shared the funeral arrangements with the Commission.

Mayor Clarence E. Billups presented the Mayor's Report. Mayor Billups extended his as well as the City's condolences to the family of Mr. Staeger and the City of Folkston. The Mayor commended Chief Tanner, saying the City was lucky to have a chief like him, as well as an excellent Police Department. Mayor Billups encouraged all citizens to sign up for CodeRED.

Under public remarks on official action, Rev. Fer-Rell Malone, Sr. addressed the Commissioner regarding his opposition to the Sunday sales of alcohol. Rev. Malone said Waycross does not have to be like everyone else and reminded the Commission that Sunday is a day of worship.

Mayor Billups presented the Consent Calendar as read by City Clerk, Julie Dinkins for consideration of official action as follows:

Approval of Minutes: Approval of Minutes: Redistricting/Reapportionment Public Hearing and Waycross City Commission Planning and Information Session Executive Session to Discuss Personnel and Litigation, July 18, 2011; Waycross City Commission Zoning Public Hearings on 2191 Golf Course Road and 1402 Commons Street and Waycross City Commission Meeting, Tuesday, July 19, 2011.

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 Marian Solomon-Gaines seconded the motion; all Commissioners voted favorably and the motion carried with a 5-0 vote.

Mrs. Linda Jones, Director, Purchasing Department, presented WAYX 12-01 Surplus Property. The surplus property list contains miscellaneous items to be sold on Govdeals.com.

Commissioner Marian Solomon-Gaines made the motion to declare the property surplus to be sold on Govdeals.com. The motion was seconded by Commissioner William Simmons. All Commissioners voted positively and the motion carried with a 5-0 vote.

The first reading of Ordinance 11-08 was presented as follows:

#### **ORDINANCE NO. 11-08**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA AND THE ZONING MAP; TO ANNEX PROPERTY INTO THE CITY LIMITS AND ESTABLISH ZONING FOR THE PROPERTY DESCRIBED HEREIN LOCATED ON COMMONS STREET BETWEEN LORD AND BURGESS STREETS TO R-75 RESIDENTIAL; TO SET AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

Commissioner Diane Hopkins made the motion to approve Ordinance 11-08 to Amend the Zoning Ordinance of the City of Waycross, Georgia and the Zoning Map; to Annex Property in the City Limits and Establish Zoning for the Property Described herein located on Commons Street between Lord and Burgess Streets to R75 Residential as presented. Commissioner Marian Solomon-Gaines seconded the motion; all voted in favor and the motion carried.

A Resolution of the City of Waycross, Georgia to Allow for Sunday Package Sales of Malt Beverages, Wine and Distilled Spirits and to Authorize a Referendum was presented.

**RESOLUTION NO. 11-38**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO ALLOW FOR SUNDAY PACKAGE SALES OF MALT BEVERAGES, WINE AND DISTILLED SPIRITS; TO AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Senate Bill 10 approved by the 2011 Legislative Session and signed by the Governor, authorizes package sales of malt beverages, wine and distilled spirits to be sold on Sundays in any local government jurisdiction that desires to place same on a referendum for a vote on a general election ballot and the referendum receives a majority approval; and

**WHEREAS**, that in order to place the question on a referendum, a local governing authority must pass a Resolution or Ordinance permitting sales of alcohol on Sundays between the hours of 12:30 P.M. and 11:30 P.M., and forward a certified copy of same to the Elections Superintendent for placing on the ballot; and

**WHEREAS**, in accordance with Senate Bill 10, the referendum question shall read as follows:

- ( ) YES      “Shall the governing authority of Waycross, Georgia be authorized to permit and regulate the package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?”
- ( ) NO

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Commission of the City of Waycross as follows:

**Section 1.** No Retail Package licensee shall be permitted to sell package malt beverages, wine and distilled spirits on Sundays except between the hours of 12:30 P.M. and 11:30 P.M.

**Section 2.** Any licensee wishing to sell alcohol on Sunday pursuant to this Resolution shall pay the requisite fee for Sunday sales, if any, the amount of which shall be set by resolution

of the Commission of the City of Waycross, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the City Commission.

**Section 3.** Upon adoption of this Resolution, the same shall be forwarded to the City's Election Superintendent for inclusion on the November, 2011 general election ballot as a question as set forth above.

**Section 4.** The Election Superintendent is further authorized and directed to place an advertisement in the official legal organ of the county once a week for four weeks prior to the date of the November, 2011 Election where the above question shall be placed on the ballot, stating the date and purpose of this Referendum to be placed on the ballot in the advertisement.

**Section 5.** The sale of alcohol on Sunday shall become effective on December 1, 2011, so long as the Referendum authorized by this Resolution is approved by the majority of the voters on the November, 2011 General Election Ballot. If the Referendum is not approved by a majority of the voters, this Resolution shall be null and void.

**BE IT FURTHER RESOLVED** that the City Clerk and City Attorney are authorized to submit the referendum question to the Department of Justice for Preclearance.

**SO RESOLVED**, this 2<sup>nd</sup> day of August, 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 Allow for Sunday Package Sales of Malt Beverages, Wine and Distilled Spirits and to Authorize a Referendum as presented. Commissioner Marian Solomon-Gaines seconded the motion. The Resolution passed with a vote of 3 – 2 with Commissioners Hopkins and Simmons voting no.

A Resolution of the City of Waycross, Georgia to Allow for Sunday Sales of Alcoholic Beverages by the Drink and to Authorize a Referendum was presented.

**RESOLUTION NO. 11-39**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO ALLOW FOR SUNDAY SALES OF ALCOHOLIC BEVERAGES BY THE DRINK; TO AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Citizens of the City of Waycross have indicated an interest in the sale of malt beverages, wine and liquor by the drink in restaurants located in the City limits of the City of Waycross on Sunday; and

**WHEREAS**, to allow the citizens of the City of Waycross to determine whether the sale of malt beverages, wine and liquor by the drink in the restaurants located in the city limits of the City of Waycross, the Mayor and Commission of the City of Waycross have determined that a referendum question shall be presented for a vote;

**WHEREAS**, the referendum question shall be presented as follows:

- YES      “Shall the governing authority of the City of Waycross, Georgia be authorized to permit and regulate sales by Restaurants of malt beverages, wine and liquor on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?”
- NO

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Commission of the City of Waycross as follows:

**Section 1.** No Restaurant licensee shall be permitted to sell malt beverages, wine and liquor by the drink on Sundays except between the hours of 12:30 P.M. and 11:30 P.M.

**Section 2.** Any Restaurant licensee wishing to sell alcohol by the drink on Sunday pursuant to this Resolution shall pay the requisite fee for Sunday sales, if any, the amount of which shall be set by resolution of the Commission of the City of Waycross, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the City Commission.

**Section 3.** Upon adoption of this Resolution, the same shall be forwarded to the City’s Election Superintendent for inclusion on the November, 2011 general election ballot as a question as set forth above.

**Section 4.** The Election Superintendent is further authorized and directed to place an advertisement in the official legal organ of the county once a week for four weeks prior to the date of the November, 2011 Election where the above question shall be placed on the ballot, stating the date and purpose of this Referendum to be placed on the ballot in the advertisement.

**Section 5.** The sale of alcohol by the drink in restaurants on Sunday shall become effective on December 1, 2011, so long as the Referendum authorized by this Resolution is approved by the majority of the voters on the November, 2011 General Election Ballot. If the Referendum is not approved by a majority of the voters, this Resolution shall be null and void.

**BE IT FURTHER RESOLVED** that the City Clerk and City Attorney are authorized to submit the referendum question to the Department of Justice for Preclearance.

**SO RESOLVED**, this 2<sup>ND</sup> day of August, 2011.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE E BILLUPS  
MAYOR**

**ATTEST: JULIE DINKINS, City Clerk**

Commissioner Daniel Yarbrough made the motion to approve the Resolution of the City of Waycross, Georgia to Allow for Sunday Sales of Alcoholic Beverages by the Drink and to Authorize a Referendum as presented. Commissioner Marian Solomon-Gaines seconded the motion. The Resolution passed with a vote of 3 – 2 with Commissioners Hopkins and Simmons voting no.

A Resolution of the City of Waycross, Georgia to Extend the Exclusive Agreement for Residential Garbage Services was presented.

**RESOLUTION NO. 11-41**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA  
TO EXTEND EXCLUSIVE AGREEMENT FOR RESIDENTIAL GARBAGE  
SERVICES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Waycross, Georgia and Southland Waste Services have previously entered into an Exclusive Agreement for Services dated June 5, 2007; and

**WHEREAS**, the contract by its terms commenced on July 1, 2007 and continued through June 30, 2008 with 5 successive one-year renewals and under such terms and conditions as appear in the attached contract; and

**WHEREAS**, the City desires to extend the contract with Southland Waste Services for another year beginning July 1, 2011 and ending June 30, 2012; and

**WHEREAS**, Southland will continue to provide services at the base monthly rate of \$54,575.00, subject to an increase (or decrease) by the percentage change in the Consumer Price Index (as published by the Bureau of Labor Statistics), and will provide for specified rates for disposal through the transfer station.

**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 approves extending the Exclusive Agreement for Services with Southland Waste Services in the form attached hereto, from July 1, 2011 through June 30, 2012.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and are hereby authorized, directed and empowered to execute the Extension to the Exclusive Agreement for Services as attached hereto.

**SO RESOLVED**, this 2<sup>nd</sup> day of August, 2011.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE E BILLUPS  
MAYOR**

**ATTEST: JULIE DINKINS, City Clerk**

Commissioner Norman Davis Daniel Yarbrough made the motion to approve the Resolution of the City of Waycross, Georgia to Extend the Exclusive Agreement for Residential Garbage Services as presented. Commissioner Daniel Yarbrough seconded the motion. The Resolution passed with a vote of 5 – 1.

A Resolution of the City of Waycross, Georgia to Approve Granting a Permanent Easement to Nilesh Patidar d/b/a RK Foods Convenience Store to Encroach upon the Carswell Avenue right of way to Construct or reposition a Sign Footer was presented.

**RESOLUTION NO. 11-42**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA  
TO APPROVE GRANTING A PERMANENT EASEMENT TO NILESH PATIDAR  
D/B/A RK FOODS CONVENIENCE STORE TO ENCROACH UPON THE  
CARSWELL AVENUE RIGHT-OF-WAY TO CONSTRUCT OR REPOSITION A SIGN  
FOOTER; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Waycross is owner of the right-of-way on Carswell Avenue that runs along the corner of Carswell Avenue and Augusta Avenue; and

**WHEREAS**, Nilesh Patidar d/b/a RK Foods Convenience Store located at 2000 Carswell Avenue, has submitted a request for a permanent easement to construct and/or reposition a sign footer to said business establishment, which has previously been located in the Carswell Avenue right-of-way for over twenty (20) years, but recently discovered to be encroaching upon the City's said right-of-way approximately two feet, more or less; and

**WHEREAS**, an Easement survey, legal description and proposed easement having been submitted to the City of Waycross Engineering Department; and

**WHEREAS**, the proposed easement includes language requiring the sign owner to relocate the sign, at his expense, in the event the City requests him to do so in connection with a public project or improvement within the right-of-way; and

**WHEREAS**, said matter being considered.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission of the City of Waycross that the City of Waycross grant a permanent easement to Nilesh Patidar d/b/a RK Foods Convenience Store located at 2000 Carswell Avenue, to encroach upon the City right-of-way on Carswell Avenue to construct and/or reposition a sign footer for said business establishment, as shown by the Easement Survey and legal description attached to this Resolution.

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

**SO RESOLVED**, this 2<sup>nd</sup> day of August, 2011.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE E BILLUPS  
MAYOR**

**ATTEST: JULIE DINKINS, City Clerk**

Commissioner Marian Solomon-Gaines made the motion to approve A Resolution of the City of Waycross, Georgia to Approve Granting a Permanent Easement to Nilesh Patidar d/b/a RK Foods Convenience Store to Encroach upon the Carswell Avenue right of way to Construct or reposition a Sign Footer as presented. Commissioner Norman Davis seconded the motion; all voted in favor and the motion carried with a 5-0 vote.

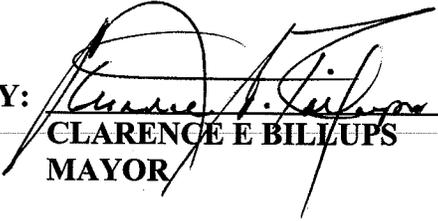
Mr. Jimmy Burke addressed the Commission regarding the Bailey Street Park. Mr. Burke informed the Commission that Marcus “Big O” Emory, President of the Bailey Street Park Committee could not be present and he was representing him. Plans are being made for a big Labor Day weekend at the Bailey Street Park. There will be activities at the park and the pool admission will be free. Also he reminded the public that the pool is still open on Saturdays.

Reverend Fer-Rell Malone, Sr. addressed the Commission regarding the SPLOST. Rev. Malone requested that the Mayor and Commission keep in mind that the City Auditorium is the highest priority on the SPLOST list as voted by the public.

Following the Mayor and Commissioner's closing remarks, Commissioner Marian Solomon-Gaines 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 E BILLUPS  
MAYOR

**ATTEST:**

  
JULIE C. DINKINS, CITY CLERK