

MINUTES

WAYCROSS CITY COMMISSION MEETING

TUESDAY, AUGUST 16, 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 16, 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.

Before the Invocation, Mayor Billups respectfully requested the attendees have a moment of silence in honor of Mrs. Alice W. Mathews who passed away recently. Commissioner William Simmons, Commissioner and Pastor of Light of the World Ministries offered the invocation followed by the Pledge of Allegiance.

Under Executive Duties Mayor Billups asked Chief Tony Tanner to speak briefly about Mrs. Mathews. Chief Tanner acknowledged that Mrs. Mathews was a great person who gave generously of her time. She volunteered with the Police Department for ten years and was always involved in the PD activities. She also was a regular attendee of the City Commission meeting and had been honored with her own chair with a plaque honoring her attendance.

The Waycross City Commission Planning and Information Session was rescheduled from September 5 to September 6, 2011 at 4:00 p.m. due to the Labor Day Holiday. A Zoning Public Hearing was scheduled for Tuesday, September 6, 2011 at 6:30 p.m. for the Corner of Franklin and Dewey Streets to review changing the zoning from R-90 Resident to C-2 Highway Commercial.

City Manager Deron King presented Public Works Director Wilton Deloach, with a plaque honoring his receipt of the National American Public Works Association Management Certification through the University of Georgia and the Carl Vinson Institute.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King attended a Town Hall Meeting at Waycross Middle School with Senator Saxby Chambliss and Johnny Isakson.

Mayor Clarence E. Billups presented the Mayor's Report. Mayor Billups also attended the Town Hall Meeting and said it was an honor to have both US Senators in Waycross. Mayor Billups extended his condolences to the family of Mrs. Mathews, saying that she will be missed in the Commission meetings.

Under public remarks on official action, Mr. Jack Lott appeared before the Commission, speaking as a citizen of Waycross and a business owner, saying that he is proud of the community and thanked the Commissioners for what they have accomplished.

Mr. Lamar Deal addressed the Commission to question the SPLOST DWDA deal.

Rev. Fer-Rell Malone, Sr. addressed the Commissioner regarding the current SPLOST. He asked the Commission to remember that downtown Waycross starts at State Street.

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: Waycross City Commission Planning and Information Session Executive Session to Discuss Personnel, August 1, 2011; and Waycross City Commission Meeting, Tuesday, August 2, 2011.

The second 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.

There were no consent resolutions or privilege license renewals.

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

The first reading of Ordinance 11-09 was presented as follows:

ORDINANCE NO. 11-09

AN ORDINANCE PROHIBITING CERTAIN PRACTICES OF SWEEPSTAKES PARLORS AND PROHIBITING THE ISSUANCE OF BUSINESS LICENSES TO ENTITIES THAT ENGAGE IN SAME

Commissioner Marian Solomon-Gaines made the motion to approve the First Reading of Ordinance 11-09 to Prohibit Certain Practices of Sweepstakes Parlors and Prohibiting the Issuance of Business Licenses to Entitles That Engage in Same as presented. Commissioner Daniel Yarbrough seconded the motion; all voted in favor and the motion carried.

A Joint Resolution of the City of Waycross, Georgia and the Board of Commissioners of Ware County, Georgia with Respect to (1) Renegotiation of Allocation of Distribution of Local Option Sales Tax Revenues; (2) Amend the Service Delivery Strategy; and (3) With Respect to Changing the Sewage Treatment Provided in Unincorporated Ware County to Ware County Water and Sewer Authority; (4) To Address Tax inequity Between the City of Waycross ad Ware County was presented.

COUNTY RESOLUTION NO. 11-08
CITY RESOLUTION NO. 11-43

AMENDED JOINT RESOLUTION:

FIRST AMENDMENT TO A JOINT RESOLUTION BY THE COMMISSION OF THE CITY OF WAYCROSS, GEORGIA AND THE BOARD OF COMMISSIONERS OF WARE COUNTY, GEORGIA WITH RESPECT TO (1) RENEGOTIATION OF ALLOCATION OF DISTRIBUTION OF LOCAL OPTION SALES TAX REVENUES PURSUANT TO O.C.G.A. SECTIONS 48-8-80 THROUGH 48-8-95, INCLUSIVE; (2) TO AMEND THE SERVICE DELIVERY STRATEGY; AND (3) WITH RESPECT TO CHANGING THE SEWAGE TREATMENT PROVIDER IN UNINCORPORATED WARE COUNTY TO WARE COUNTY WATER AND SEWER AUTHORITY; (4) TO ADDRESS TAX INEQUITY BETWEEN THE CITY OF WAYCROSS AND WARE COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, on September 17, 2002, Ware County, Georgia, and the City of Waycross, Georgia, political subdivisions of the State of Georgia, adopted a Joint Resolution regarding the distribution of the Joint County and Municipal Sales and Use Tax, commonly called the Local Option Sales Tax (“LOST,” or “JCMSUT”), and filed a revised distribution certificate with the Georgia Department of Revenue; and

WHEREAS, pursuant to said Joint Resolution Ware County and the City of Waycross agreed to an allocation of JCMSUT Revenues effective January 1, 2003, with Ware County receiving 52% of such JCMSUT revenues and the City of Waycross receiving 48% of such JCMSUT revenues; and

WHEREAS, in addition to agreeing to the JCMSUT allocation in said Joint Resolution, Ware County, Georgia and the City of Waycross, Georgia also agreed to amend the Service Delivery Strategy which included, among other things, that Ware County shall provide animal control for both the incorporated area inside the City of Waycross and the unincorporated area of

Ware County, and that effective July 1, 2003, Ware County shall provide 100 % of the local government funding for animal control both in the unincorporated area of Ware County and within the corporate limits of the City of Waycross; and

WHEREAS, Ware County, Georgia and the City of Waycross have determined that a greater percentage of the animal control services and activities occur within the corporate limits of the City of Waycross, Georgia; and

WHEREAS, the Commission of the City of Waycross, Georgia desires to implement its own animal control services program within the corporate limits of the City of Waycross in order to better serve its citizens where animal control services are currently inadequate; and

WHEREAS, the Board of Commissioners of Ware County, Georgia and the Commission of the City of Waycross, Georgia, in a spirit of intergovernmental cooperation, have agreed that a portion of the JCMSUT Revenues designated for Joint Animal Control Services should be transferred to the City of Waycross, Georgia, to be used to implement animal control services within the corporate limits of the City of Waycross, to include hiring personnel, purchasing equipment, acquiring and maintaining facilities and contracting with any necessary third parties in the provision of such animal control services; and

WHEREAS, the Board of Commissioners of Ware County, Georgia and the Commission of the City of Waycross, Georgia desire to set forth their agreement in writing amending the prior Joint Resolution dated September 17, 2002; and

WHEREAS, the Commission of the City of Waycross, Georgia is adopting this First Amended Joint Resolution with the express understanding that the Board of Commissioners of Ware County, Georgia is adopting this same identical First Amended Joint Resolution, and shall not amend or repeal this Resolution without the expressed written consent of the City Commission; and

WHEREAS, the Board of Commissioners of Ware County, Georgia is adopting this First Amended Joint Resolution with the express understanding that the Commission of the City of Waycross, Georgia is adopting this same identical First Amended Joint Resolution, and shall not amend or repeal this Resolution without the expressed written consent of the County Commission; and

WHEREAS, said matters being considered.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF WAYCROSS, GEORGIA (“CITY COMMISSION”), AND IT IS HEREBY RESOLVED BY AUTHORITY OF THE SAME, AS FOLLOWS:

BE IT RESOLVED BY THE BOARD OF COMMISSISONERS OF WARE COUNTY, GEORGIA (“COUNTY COMMISSION”) AND IT IS HEREBY RESOLVED BY AUTHORITY OF THE SAME, AS FOLLOWS:

1. **JCMSUT ALLOCATION OF REVENUES.** The City Commission and the County Commission agree to maintain the same allocation of JCMSUT Revenues that became effective January 1, 2003, with Ware County Receiving 52 % of such JCMSUT revenues and the City of Waycross receiving 48% of such JCMSUT revenues, subject to a mathematical adjustment in order for the County Commission to transfer the necessary funds for animal control services to the City Commission, as set forth in paragraph 2 below, both governmental entities having determined that said transfer of funds is *de minimis* to the overall allocation of JCMSUT revenues between the City and County. This provision shall not be construed to bind the parties to the allocation of LOST funds to be negotiated in the upcoming LOST renegotiations. All rights are reserved by both parties during such negotiations.

2. **ANIMAL CONTROL.** Effective September 15, 2011, and thereafter, Ware County shall transfer **\$140,000.00** to the City of Waycross from JCMSUT revenues representing funds designated for animal control services to be implemented within the corporate limits of the City of Waycross, Georgia. Effective September 15, 2011, the City of Waycross shall provide all animal control services within the corporate limits of the City of Waycross, and shall have the discretion to contract with the Humane Society or with any other entity that it chooses. The parties hereto also anticipate developing a Mutual Aid Agreement to assist the other, when necessary and appropriate in providing animal control services in their respective jurisdictions.

3. **AMENDED SERVICE DELIVERY STRATEGY.** Ware County and the City of Waycross shall amend their service delivery strategy by transferring animal control services for the corporate limits of the City of Waycross from Ware County, Georgia to the City of Waycross, Georgia.

4. **ADDITIONAL AGREEMENTS, AMENDMENTS, FILINGS, CERTIFICATES, DOCUMENTATION.** The City Commission and the County Commission shall exercise good faith and due diligence in order to enter into such additional intergovernmental agreements, amendments to agreements, documentation, certificates, amendments to Service Delivery Strategy as may be appropriate and necessary to carry out and implement this First Amended Joint Resolution.

5. **ENFORCEABILITY.** Except as otherwise modified or amended herein, the original Joint Resolution by the Commission of the City of Waycross, Georgia and the Board of Commissioners of Ware County, Georgia, adopted on September 17, 2002, shall remain in full force and effect.

6. **NO REPEAL.** Neither the City Commission nor the County Commission shall repeal or amend this First Amended Joint Resolution without the expressed written consent of the other.

SO RESOLVED THIS 16th DAY OF AUGUST, 2011.

CITY OF WAYCROSS

DATE SIGNED: August 16, 2011

BY: CLARENCE E BILLUPS, Mayor

ATTEST: JULIE DINKINS, City Clerk

WARE COUNTY, GEORGIA

DATE SIGNED: August 8, 2011 **BY: JIMMY BROWN, Chairman**

ATTEST: PAM GIBSON, County Clerk

Commissioner Diane Hopkins made the motion to approve the Joint Resolution of the City of Waycross, Georgia and Board of Commissioners of Ware County, Georgia With Respect to LOST, Service Delivery Strategy, Sewer Treatment Provider and Tax Inequity as presented. Commissioner Marian Solomon-Gaines seconded the motion. The Resolution passed with a vote of 5 – 0.

A Resolution of the City of Waycross, Georgia to Amend the Fiscal Year 2012 Budget was presented.

RESOLUTION NO. 11-44

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO AMEND THE FISCAL 2012 BUDGET;
AND FOR OTHER PURPOSES**

WHEREAS, the City Commission of the City of Waycross adopted a balanced General Fund Budget of \$12,713,293.00 for Fiscal Year 2012 on June 21, 2011, and

WHEREAS, the City Commission deems it necessary to amend the General Fund Budget by:

1. Using local option sales tax collections for the month of July of \$292, 088.89 which exceeded monthly budget of \$275,000 by \$17,088.89 to increase the budget for non-

operating expenses of the general fund by \$2,400.00 to provide for a contribution to Concerted Services, Inc. in the same amount.

2. Using the same excess local option sales tax collections above, to increase the budget for non-operating expenses of the general fund by \$5,000.00 to provide for a contribution to How Big is Your Dream Foundation in the same amount.

3. Increasing the budget for local option sales tax collections by \$7,400.00.

NOW, THEREFORE, BE IT RESOLVED that the above said adjustments be made and a copy amended General Fund Budget be attached hereto and made a part hereof for the Fiscal Year beginning July 1, 2011, and ending June 30, 2012.

SO RESOLVED this 16th 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 Amend the Fiscal Year 2012 Budget as presented. Commissioner Marian Solomon-Gaines seconded the motion. The Resolution passed with a vote of 5 – 1.

A Resolution of the City of Waycross, Georgia to Authorize Execution of Contract to Promote Tourism and Arts for the City of Waycross, Georgia with How Big Is Your Dream Foundation, Inc. was presented.

RESOLUTION NO. 11-46

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO
AUTHORIZE EXECUTION OF CONTRACT TO PROMOTE TOURISM AND ARTS
FOR THE CITY OF WAYCROSS, GEORGIA WITH HOW BIG IS YOUR DREAM
FOUNDATION, INC.; AND FOR OTHER PURPOSES.**

WHEREAS, HOW BIG IS YOUR DREAM FOUNDATION, INC., (“Promoter”) is a Non-Profit tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Service Code; and

WHEREAS, the City is desirous of securing the services of Promoter to provide public

relations and promotional services for the City of Waycross, Georgia; and

WHEREAS, the City believes that the promotion of tourist and tourism industries, and the Arts in the City will benefit the welfare of the citizens of Waycross and Ware County by enhancing economic and cultural opportunities of said citizens; and

WHEREAS, Promoter is willing to work with the City to co-sponsor a music festival in the City of Waycross to be known as, “*The Waycross JFLY Music Festival 2011*,” scheduled for September 24, 2011 in Phoenix Park, in downtown Waycross;” and

WHEREAS, in an effort to promote tourism and the Arts in the City of Waycross, Promoter will utilize its professional contacts and good will to recruit national artists and local talent to perform at *The Waycross JFLY Music Festival 2011*, with an anticipated draw of over 12,000 people from all surrounding areas in Georgia, and across the United States; and

WHEREAS, the City believes the Promoter to be well able to undertake and perform such promotional services and desires to contract with Promoter for the performing of such services.

WHEREAS, said matter having been considered;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the **CONTRACT TO PROMOTE TOURISM AND ARTS FOR THE CITY OF WAYCROSS, GEORGIA**, in the form attached hereto, with **HOW BIG IS YOUR DREAM FOUNDATION, INC.** be approved.

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

SO RESOLVED, this 16th 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 Authorize Execution of Contract to Promote Tourism and Arts for the City of Waycross, Georgia with How Big Is Your Dream Foundation, Inc. as presented. Commissioner Marian Solomon-Gaines seconded the motion. The Resolution passed unanimously.

A Resolution of the City of Waycross, Georgia to Approve Expenditure of SPLOST 2008 Funds for a Downtown Waycross Development Authority Capital Outlay Project was presented.

RESOLUTION NO. 11-45

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO APPROVE EXPENDITURE OF SPLOST 2008 FUNDS FOR A DOWNTOWN WAYCROSS
DEVELOPMENT AUTHORITY CAPITAL OUTLAY PROJECT;
AND FOR OTHER PURPOSES.**

WHEREAS, the voters of Ware County, Georgia approved re-imposition of the Special Purpose Local Option Sales Tax (“SPLOST”) in a referendum question on February 5, 2008; and

WHEREAS, said referendum provided that the Downtown Waycross Development Authority (“DWDA”) would receive \$500,000.00 for construction and infrastructure for economic development (“Capital Outlay Project”); and

WHEREAS, in an Intergovernmental Agreement between Ware County, Georgia, the City of Waycross, the Okefenokee Development Authority and Downtown Waycross Development Authority, dated November 12, 2007, the City of Waycross and the DWDA agreed that the DWDA projects shall be under the control and supervision of the City, and that the DWDA shall present plans and specifications for the DWDA project to the City for written approval prior to commencing same, and may thereafter apply to the City for payment of costs of the project from said SPLOST funds; and

WHEREAS, said Intergovernmental Agreement also provided that nothing in the said agreement shall take away from the City’s discretion to establish the priority and order of funding of City Projects; and

WHEREAS, the DWDA has presented plans and specifications to the City of Waycross for the build-out of the 3200 square foot restaurant space on the ground floor of the Phoenix building as its first

project, and has submitted a low bid of \$143,016, using the City's bid procedures, to complete the restaurant space; and

WHEREAS, the DWDA has been approached by an interested party to lease the restaurant space on the condition that it would be finished to a "shell" with floors, ceilings, walls, bathrooms and HVAC, and will enter into a five (5) year lease;

WHEREAS, the completion of the restaurant space will promote and encourage economic development in downtown Waycross, and will create jobs for the citizens of Waycross; and

WHEREAS, any and all future projects of the DWDA will continue to be subject to the same discretion and setting of priorities by the Commission of the City of Waycross; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission that the request by the Downtown Waycross Development Authority for expenditure of SPLOST 2008 funds, in the amount of \$143, 016.00, for the build-out of the 3200 square foot restaurant space on the ground floor of the Phoenix building as its first project be, and the same is hereby approved, based upon the plans and specifications heretofore submitted by the DWDA to the City of Waycross.

BE IT FURTHER RESOLVED, THAT the Mayor, City Clerk, and City Manager be and are hereby authorized, directed and empowered to execute the documents necessary to give effect to this Resolution and related documents in order to complete the project and pay all expenses in connection therewith.

SO RESOLVED, this 16th day of August, 2011.

CITY OF WAYCROSS, GEORGIA

**BY: CLARENCE E BILLUPS
MAYOR**

ATTEST: JULIE DINKINS, City Clerk

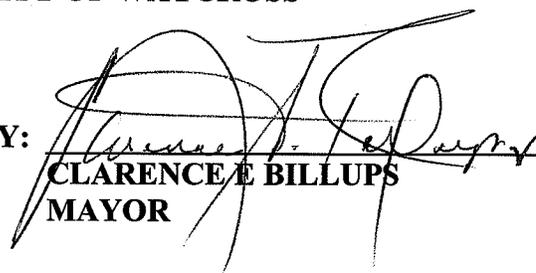
Commissioner Marian Solomon-Gaines made the motion to approve A Resolution of the City of Waycross, Georgia to Approve Expenditure of SPLOST 2008 Funds for a Downtown Waycross Development Authority Capital Outlay Project contingent upon the completion of the SPLOST priority list. Commissioner Diane Hopkins seconded the motion; Commissioners Solomon-Gaines, Hopkins, Davis and Simmons voted yes; Commissioner Yarbrough voted No. The motion carried with a 4-1 vote.

Mr. John Summerlin appeared before the Commission to discuss the Code Department, Corridor Z, Historic District, Taxes and Conflicts of Interest. Mr. Summerlin said he is opposed to the Mix Use Zoning on Corridor Z, and requested the City consider changing that to Commercial and allowing Corridor Z to be development. He also informed the Commission that the Historical Society guidelines for property are difficult for the average citizen to meet and asked that these boundaries be reconsidered. He said he has a conflict of interest with one of the Commissioners.

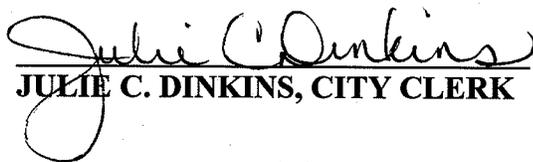
Following the Mayor and Commissioner's closing remarks, Commissioner Marian Solomon-Gaines made the motion to adjourn the meeting; seconded by Commissioner Diane Hopkins; all voted in favor and Mayor Billups adjourned the meeting.

CITY OF WAYCROSS

BY:


CLARENCE E. BILLUPS
MAYOR

ATTEST:


JULIE C. DINKINS, CITY CLERK