

**MINUTES**  
**WAYCROSS CITY COMMISSION MEETING**  
**TUESDAY, SEPTEMBER 1, 2015**  
**7:00 P.M.**

The Regular Session of the Commission of the City of Waycross was held on Tuesday, September 1, 2015 in the Commission Chambers of City Hall. Mayor Clarence E. Billups called the meeting to order at 7:00 p.m. Those in attendance with Mayor Billups were Mayor Pro Tem Alvin Nelson; Commissioners Marian Solomon-Gaines, Norman Davis and Larry Ethridge. Commissioner Diane Hopkins was out of town on City business.

Mayor Clarence E. Billups introduced Dr. Carla Hardy, President of Emmanuel Bible College who offered the opening invocation which was followed by the Pledge of Allegiance.

Under Executive Duties, Human Resources Director Trinija Molina-Martin introduced Battalion Chief James (Jim) Blackburn, Jr. as the recipient of the September 2015 Employee of the Month.

During the City Manager's Report, Mr. Raphael Maddox congratulated Battalion Chief Blackburn for being named Employee of the Month for September. Mr. Maddox then asked the HR Director Ms. Martin to discuss the 911 Remembrance Ceremony. Ms. Molina-Martin stated the 911 Ceremony will be held on September 11, 2015 at 8:30 a.m. at the City Auditorium and invited all City employees and citizens to attend. Police Chief Tony Tanner then approached the podium and shared the plans for Kid's Fun Day on September 12, 2015 at Bit Tanner Field.

The Mayor's Report included Mayor Clarence E. Billups reminding citizens that school is in session and reminding citizens to be mindful of school zones and speed limits. Mayor Billups also invited everyone to come out and support the 911 ceremony on September 11, 2015 at the City Auditorium.

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 and Executive Session, Monday, August 17, 2015; Public Hearing on Renaming Folks Park, and Waycross City Commission Meeting, Tuesday, August 18, 2015; and a Special Called Meeting, Monday, August 24, 2015.

Ordinance Second Readings were presented as follows:

**a. ORDINANCE NO. 15-20**

**AN ORDINANCE UNDER AUTHORITY OF O.C.G.A. SECTIONS 36-36-20 AND 36-36-21 AND PURSUANT TO O.C.G.A. SECTIONS 36-36-3 and 36-36-4 TO ANNEX INTO THE EXISTING CORPORATE LIMITS OF THE CITY OF WAYCROSS, GEORGIA, CERTAIN PROPERTY AT 721 DONALD STREET; TO ESTABLISH ZONING CLASSIFICATION FOR THE ANNEXED PROPERTY; TO ZONE SAID PROPERTY TO C-2 HIGHWAY COMMERCIAL; TO CHANGE THE LAND USE PLAN; TO SET AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**b. ORDINANCE NO. 15-21**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 7 - BUILDING, ARTICLE V - ADMINISTRATION AND ENFORCEMENT, SECTION 7-111, SUBSECTION B, PERTAINING TO LOCATION OF FENCES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**c. ORDINANCE NO. 15-22**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 12 – FIRE PREVENTION AND PROTECTION, ARTICLE III – FIRE PREVENTION CODE, ARTICLE VI – LIFE SAFETY CODE, ARTICLE VII – GEORGIA ACCESSIBILITY CODE FOR BUILDINGS AND FACILITIES, AND ARTICLE VIII – APPLICATION FOR BUILDING AND FIRE RELATED CODES TO EXISTING BUILDINGS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

There were no Consent Resolutions and no Privilege License Renewals.

Commissioner Marian Solomon-Gaines made the motion to approve the Consent Calendar as presented. The motion was seconded by Commissioner Larry Ethridge. All Commissioners voted in favor and the motion was approved with a 4 – 0 vote.

One Privilege License, a new business, Terrance L. Nails d/b/a Walmart Market #4527, 1630 Plant Avenue, Beer and Wine, Package Sales was presented for approval. Commissioner Norman Davis made the motion to approve the Privilege License for Walmart Market. Commissioner Larry Ethridge seconded the motion; all voted favorably and the motion carried.

Bid FY16-03 Color Copier was submitted to the Commissioners for review. Three bids were received for the RFP for a Color Copier for the 1st floor. Staff's recommendation is to award the bid to Canon of Waycross for the 3 year purchase price of \$11,927 which includes maintenance and the 3 year governmental lease purchase. Staff requests the Commission award the bid to Canon of Waycross with our 5% local vendor preference. Commissioner Norman Davis made the motion to purchase the copier from Canon of Waycross. The motion was seconded by Commissioner Larry Ethridge; all voted yes and the motion carried.

An Ordinance to Amend the Code of the City of Waycross to allow for sales on Sunday by licensed establishments on premises for malt beverages, wine and distilled spirits, to authorize a referendum and to declare an emergency was presented for the first reading:

**ORDINANCE NO. 15-23**

**AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA,  
TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS  
TO ALLOW FOR SALES ON SUNDAY BY LICENSED ESTABLISHMENTS  
ON PREMISES FOR MALT BEVERAGES, WINE & DISTILLED SPIRITS; TO  
AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND  
EFFECTIVE DATE; TO DECLARE AN EMERGENCY; AND FOR  
OTHER PURPOSES.**

Commissioner Marian Solomon-Gaines made the motion to approve the first reading of the Ordinance to allow for sales on Sunday by licensed establishments on premises for malt beverages, wine and distilled spirits as presented. Commissioner Alvin Nelson seconded the motion; all voted in favor and the motion carried.

An Ordinance to Amend the Code of the City of Waycross to allow for sales on Sunday by licensed establishments on premises for malt beverages, wine and distilled spirits, to authorize a referendum and to declare an emergency was presented for the second reading:

**ORDINANCE NO. 15-23**

**AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA,  
TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS  
TO ALLOW FOR SALES ON SUNDAY BY LICENSED ESTABLISHMENTS  
ON PREMISES FOR MALT BEVERAGES, WINE & DISTILLED SPIRITS; TO  
AUTHORIZE A REFERENDUM; TO PROVIDE FOR AN ADOPTION AND  
EFFECTIVE DATE; TO DECLARE AN EMERGENCY; AND FOR  
OTHER PURPOSES.**

Commissioner Marian Solomon-Gaines made the motion to approve the second reading of the Ordinance to allow for sales on Sunday by licensed establishments on premises for malt

beverages, wine and distilled spirits as presented. The motion was seconded by Commissioner Alvin Nelson; all voted affirmatively and the motion carried with a 4-0 vote.

An Ordinance to Amend the Code of the City of Waycross to allow for package sales of malt beverages, wine and distilled spirits on Sunday by licensed establishments, to authorize a referendum and to declare an emergency was presented for the first reading:

**ORDINANCE NO. 15-24**

**AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA,  
TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS TO  
ALLOW FOR SUNDAY PACKAGE SALES OF MALT BEVERAGES,  
WINE & DISTILLED SPIRITS; TO AUTHORIZE A REFERENDUM; TO  
PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO DECLARE  
AN EMERGENCY; AND FOR OTHER PURPOSES.**

Commissioner Marian Solomon-Gaines made the motion to approve first reading of the Ordinance to Amend the Code of the City of Waycross to allow for package sales of malt beverages, wine and distilled spirits on Sunday by licensed establishments as presented to the Commission. The motion was seconded by Commissioner Larry Ethridge; the vote was unanimous and the motion carried.

An Ordinance to Amend the Code of the City of Waycross to allow for package sales of malt beverages, wine and distilled spirits on Sunday by licensed establishments, to authorize a referendum and to declare an emergency was presented for the second reading:

**ORDINANCE NO. 15-24**

**AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA,  
TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS TO  
ALLOW FOR SUNDAY PACKAGE SALES OF MALT BEVERAGES,  
WINE & DISTILLED SPIRITS; TO AUTHORIZE A REFERENDUM; TO  
PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO DECLARE  
AN EMERGENCY; AND FOR OTHER PURPOSES.**

Commissioner Marian Solomon-Gaines made the motion to approve the second and final reading of the Ordinance to Amend the Code of the City of Waycross to allow for package sales of malt beverages, wine and distilled spirits on Sunday by licensed establishments as presented to the Commission. The motion was seconded by Commissioner Alvin Nelson; all voted yes and the motion was approved.

A Resolution of the City of Waycross that No New Utility Services will be connected outside of the corporate limits of the City of Waycross was presented for review:

**RESOLUTION NO. 15-39**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,  
FOR NO NEW UTILITY SERVICES OUTSIDE OF THE CORPORATE  
CITY LIMITS; AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to House Bill 523, signed by Governor Nathan Deal on March 23, 2015, and which became effective on July 1, 2015, certain properties in Pierce County, Georgia, have been de-annexed from the corporate city limits of the City of Waycross; and

**WHEREAS**, the City of Waycross is currently challenging the validity of House Bill 523 on numerous legal and constitutional grounds, but, at the time of the enactment of this Resolution, House Bill 523 is the law of the land; and

**WHEREAS**, House Bill 523 will be the law of the land unless and until House Bill 523 is repealed or is declared unconstitutional; and

**WHEREAS**, those properties formerly in the City of Waycross but in Pierce County now lie in the unincorporated area of Pierce County; and

**WHEREAS**, according to the Service Delivery Strategy agreement with Pierce County, signed on or about September 27, 1999, the City of Waycross is only allowed to provide water and wastewater services in the incorporated areas of Waycross within Pierce County; and

**WHEREAS**, since these properties are no longer in the corporate limits of the City of Waycross due to passage of House Bill 523; and

**WHEREAS**, by passage of Resolution Number 15-38 on August 11, 2015, the City Commission of the City of Waycross was required to discontinue the provision of services outside its corporate city limits absent a contract or agreement with Pierce County pursuant to Art. 9, § 2, ¶ 3 (b) of the Constitution of the State of Georgia; and

**WHEREAS**, that action of the City Commission is presently subject to litigation in the Superior Court of Pierce County; and

**WHEREAS**, the City of Waycross, pursuant to Code of Ordinances, Chapter 36, Section 36-4, "shall have the right to ... refuse to connect .. any water service for ... (a) Failure to meet the applicable provisions of law".

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

**NOW THEREFORE, BE IT RESOLVED** that the City of Waycross will not open or establish any new water or sewer services outside of the corporate city limits of the City of Waycross until further resolution of the City Commission.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be immediately provided and forwarded to the Finance Department, the Engineering Department and ESG so that they can understand and comply with this Resolution.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and are hereby directed, empowered and authorized to execute this Resolution for the purposes stated herein and to give effect to the same for all purposes.

**SO RESOLVED**, this 1<sup>st</sup> day of September, 2015.

**CITY OF WAYCROSS  
CLARENCE E. BILLUPS, MAYOR**

**ATTEST:  
JULIE C. DINKINS, City Clerk**

The Resolution of the City of Waycross that No New Utility Services will be connected outside of the corporate limits of the City of Waycross as presented for review was approved by motion from Commissioner Marian Solomon-Gaines; seconded by Commissioner Norman Davis and a unanimous vote of approval.

A Resolution of the City of Waycross to Notify the Department of Community Affairs (DCA) that the existing Service Delivery Strategy Agreement between the City of Waycross and Pierce County has expired was presented to the Commission for action:

**RESOLUTION NO. 15-40**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,  
TO NOTIFY DEPARTMENT OF COMMUNITY AFFAIRS THAT EXISTING SERVICE  
DELIVERY STRATEGY AGREEMENT BETWEEN CITY OF WAYCROSS AND  
PIERCE COUNTY HAS EXPIRED; AND FOR OTHER PURPOSES**

**WHEREAS**, pursuant to House Bill 523, signed by Governor Nathan Deal on March 23, 2015, and which became effective on July 1, 2015, certain properties in Pierce County, Georgia, have been de-annexed from the corporate city limits of the City of Waycross; and

**WHEREAS**, the City of Waycross is currently challenging the validity of House Bill 523 on numerous legal and constitutional grounds, but, at the time of the enactment of this Resolution, House Bill 523 is the law of the land; and

**WHEREAS**, House Bill 523 will be the law of the land unless and until House Bill 523 is repealed or is declared unconstitutional; and

**WHEREAS**, those properties formerly in the City of Waycross but in Pierce County now lie in the unincorporated area of Pierce County; and

**WHEREAS**, according to the Service Delivery Strategy agreement with Pierce County, signed on or about September 27, 1999, the City of Waycross is only allowed to provide water and wastewater services in the incorporated areas of Waycross within Pierce County; and

**WHEREAS**, the City of Waycross is no longer an “effected municipality” as defined by O.C.G.A. §§ 36-70-25 and 36-70-25.1; and

**WHEREAS**, O.C.G.A. § 36-70-28 (b) (4) allows for this action of the City Commission since the existing service delivery strategy agreement has expired and is no longer in effect.

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

**NOW THEREFORE, BE IT RESOLVED** that the Service Delivery Strategy Agreement between the City of Waycross and Pierce County, first signed by the parties on or about September 27, 1999, has expired due to the passage of House Bill 523.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be immediately provided and forwarded to the Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be and are hereby directed, empowered and authorized to execute this Resolution for the purposes stated herein and to give effect to the same for all purposes.

**SO RESOLVED**, this 1st day of September, 2015.

**CITY OF WAYCROSS  
CLARENCE E. BILLUPS, MAYOR**

**ATTEST:  
JULIE C. DINKINS, City Clerk**

Commissioner Norman Davis made the motion to approve a Resolution of the City of Waycross to Notify the Department of Community Affairs (DCA) that the existing Service Delivery Strategy Agreement between the City of Waycross and Pierce County has expired. Commissioner Larry Ethridge seconded the motion. All Commissioners voted yes and the motion carried.

A Resolution of the City of Waycross to Approve an Intergovernmental Agreement with Ware County for the preparation of a Comprehensive Plan for the City of Waycross and Ware County was presented to the Commission for review:

**RESOLUTION NO. 15-41**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO APPROVE AN INTERGOVERNMENTAL AGREEMENT WITH WARE COUNTY, GEORGIA, FOR THE PREPARATION OF A COMPREHENSIVE PLAN FOR THE CITY OF WAYCROSS AND WARE COUNTY; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Waycross desires to enter into an Intergovernmental Agreement with Ware County to engage Southern Georgia Regional Commission to prepare a Joint Comprehensive Plan for the City of Waycross and Ware County, in the form attached hereto and incorporated herein as if fully set forth; and

**WHEREAS**, it is agreed by all parties that Ware County will act as the client of Southern Georgia Regional Commission as they prepare the Ware County Joint Comprehensive Plan, representing the City of Waycross and Ware County, and will manage and organize the project and appoint a project manager to carry out duties; and

**WHEREAS**, the City of Waycross recognizes and understands that Ware County has designated James Shubert, Planning Director, as the Project Manager for the Ware County Joint Comprehensive Planning Services; 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 enter into an Intergovernmental Agreement with Ware County, Georgia, to engage Southern Georgia Regional Commission to prepare a Joint Comprehensive Plan for the City of Waycross and Ware County, in the form of the Intergovernmental Agreement attached to this Resolution.

**BE IT FURTHER RESOLVED** that the Mayor and City Clerk be empowered, authorized and directed to execute the Intergovernmental Agreement on behalf of the City of Waycross, and to do all the acts and things necessary in order to carry out the purposes of this Resolution, hereby ratifying and confirming all actions taken and to be taken .

**SO RESOLVED**, this 1<sup>st</sup> day of September, 2015.

**ATTEST:**

**CITY OF WAYCROSS  
CLARENCE E. BILLUPS, MAYOR**

**JULIE C. DINKINS, CITY CLERK**

The Resolution of the City of Waycross to Approve an Intergovernmental Agreement with Ware County for the preparation of a Comprehensive Plan for the City of Waycross and Ware County was approved by motion from Commissioner Norman Davis. The motion was seconded by Commissioner Alvin Nelson; all voted favorably and the motion was approved.

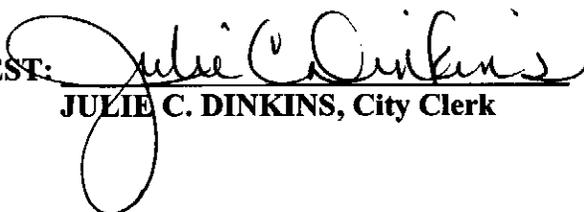
Mr. Jimmie Burke, 515 Bay Street thanked the City of Waycross for protecting the rights of Waycross residents by passing the Resolutions that were passed tonight dealing with water and sewer services outside the city limits. Mr. Burke also informed the public of an upcoming cultural event at the Okefenokee Heritage Center. The play The Diary of Anne Frank will be put on on September 25, 26 and 27, 2015.

During last call, Commissioner Alvin Nelson asked the City Attorney if Pierce County had ever paid the City of Waycross their portion of the Local Option Sales Tax (LOST) proceeds for Pierce County. City Attorney Rick Currie replied that to his knowledge Pierce County had never paid the City of Waycross their portion of the proceeds. Commissioner Alvin Nelson requested that the City Attorney begin proceedings to collect the unpaid LOST funds from Pierce County.

After last call, Commissioner Marian Solomon-Gaines made the motion to adjourn the meeting. Commissioner Alvin Nelson seconded the motion. All voted in favor and Mayor Billups adjourned the meeting.

**CITY OF WAYCROSS**

BY:   
**CLARENCE E. BILLUPS**  
Mayor

ATTEST:   
**JULIE C. DINKINS, City Clerk**