

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, OCTOBER 16, 2012
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, October 16, 2012. The meeting was called to order by Mayor Clarence E. Billups at 7:00 p.m. with Commissioners Diane Hopkins, Norman Davis, William Simmons, Marian Solomon-Gaines and Alvin Nelson present for the meeting.

Reverend William Simmons, Commissioner and Pastor of Light of the World Ministries offered the invocation. Boy Scout Troop 304 led the Pledge of Allegiance.

Under Executive Duties, Mayor Billups accepted a check from the Department of Community Affairs for a Community Development Block Grant (CDBG) in the amount of \$500,000 for the Hazzard Hill Head Start project. City Manager Deron King and Mayor Billups thanked Community Improvement Director Raphel Maddox and South Georgia Regional Commission for their work preparing the Grant Application.

Mayor Billups read a Proclamation declaring November 5, 2012 as Retired Educators Day in Georgia as follows:

Proclamation

Whereas, the Governor of the State of Georgia has proclaimed the day of Sunday November 4, 2012 as Retired Educators Day in Georgia; and

Whereas, there are more than 82,000 retired educators in Georgia, 20,500+ of whom are members of the Georgia Retired Educators Association; and

Whereas, the retired educators of Georgia donate thousands of hours of volunteer service and make invaluable contributions to the welfare of their respective communities across the state; and

Whereas, it is appropriate that a day be designated for citizens to express their appreciation for the contributions that retired educators have made and continue to make for the betterment of human lives and for society; and

Whereas, local churches will recognize those lasting contributions made by retired educators in this community.

Now, therefore, I, Clarence E. Billups, Mayor of the City of Waycross, do hereby proclaim the day of November 4, 2012, as Retired Educators Day in Waycross and I call upon

the citizens of our community to observe that day in an appropriate manner honoring retired educators.

In witness whereof, I have hereunto signed my name and have caused the Seal of the City of Waycross to be affixed this 16th day of October, 2012.

Clarence E. Billups, Mayor

Since the Waycross Ware County Chamber of Commerce recognized local businesses at its annual membership appreciation event, Mayor Billups wanted the City to recognize these businesses as well.

Best Food	Jeanette's Catering & Downtown Sandwich Shoppe
A Great Place to Work	Jeanette's Catering & Downtown Sandwich Shoppe
Jake Fleming Award for Outstanding Customer Service	Sharon Clark, Pizza Hut
Best Decorated	Plant Café, Marla Howell
Randy Sharpe Health Award	Dr. Jon Drawdy

Mayor Billups honored Bishop Reginald and Pastor Sharon McPherson, Sr., of Saint Paul New Life Outreach Ministries, Inc. in appreciation for their Tenth Annual Breakfast Sponsorship for Local Emergency Responders. Included in this event were: City of Waycross Police and Fire Departments, Ware county Sheriff's Office, Ware County Firefighters, Georgia State Patrol, Emergency Medical Services and 911 employees. Mayor Billups thanked Bishop Reginald and Pastor Sharon McPherson, Sr., for giving back to the community.

City Manager Deron King introduced Scott Murphy and Larry Yockachonis of ESG who presented Mayor Billups with a check in the amount of \$19,280.95. This check represents the unused portion of the Repair and Maintenance budget of ESG for FY 2012.

Deron W. King, City Manager, presented the City Manager's Report. Mr. King congratulated the Police Department and Fire Department as well as the corresponding County's departments for a successful Teen Maze at Ware County High School. WCHS Principal Tim Dixon informed the Commission that Teen Maze helps 9th graders to understanding the consequences of making bad choices in life.

An informational meeting is being held on Thursday, October 18 at 4:30 p.m. at City Hall to inform the local citizens what to expect as the Myers Avenue Sanitary Sewer project gets underway.

Mr. King congratulated Linda Jones who will serving as President of the Governmental Purchasing Association.

Mayor Clarence Billups congratulated all awardees and thanked them for their service to the City of Waycross. Mayor Billups also reminded Senior Adults that energy assistance will be available through Concerted Services. Thanks were given to Mayor Pro Tem Marian Solomon-Gaines for filling in while the Mayor was sick.

There were no public remarks on official actions.

Mayor Pro Tem Marian Solomon-Gaines 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, October 1, 2012; and Waycross City Commission Public Hearing and Meeting, Tuesday, September 18, 2012.

Ordinance Second Reading: Amending Chapter 20, Article VII, Section 20-124, Pertaining to Parking Restrictions on Tebeau Street.

There were no resolutions or privilege license renewals.

Commissioner Marian Solomon-Gaines 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 5-0 vote.

Ms. Linda Jones, Purchasing Director, presented Bid #FY13-04 Mower for consideration. The Public Works Department has been approved to purchase a new 2012 model, 60" cut, rear discharge mower with the proceeds from the sale of a 1987 Backhoe sold on GovDeals.com. Purchasing received 8 bids with only 2 meeting all specifications. After review it is the staff's recommendation to award the bid to Wrights Service Center, Douglas, GA for \$8,500.00. Hustler Model #930560. Although this is not the lowest bid, it is the best value bid.

Commissioner Norman Davis made the motion to approve Bid #FY13-04 Mower to Wrights Service Center, Douglas, GA for \$8,500.00. Commissioner William Simmons seconded the motion; all voted in favor and the motion carried with a 5 – 0 vote.

Mrs. Linda Jones, Director, Purchasing Department presented Surplus Property WAYX 13-03 to declare certain items no longer needed by any City Department or confiscated by the Waycross Police Department surplus. Ms. Jones requested that the property be declared surplus and sold on GovDeals.com.

The request was approved by motion of Commissioner Marian Solomon-Gaines; seconded by William Simmons; all voted affirmatively and the motion was approved with a 5-0 vote.

An Ordinance to Approve the Final Plat for Evergreen Way – Riverside Medical Complex for Subdivision of One Lot into Two Lots and Dedication of Right-of-way (Evergreen Way) was presented for the first reading.

ORDINANCE NO. 12-14

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND APPENDIX C TO APPROVE A FINAL PLAT FOR EVERGREEN WAY – RIVERSIDE MEDICAL COMPLEX FOR SUBDIVISION OF ONE LOT INTO TWO LOTS AND DEDICATION OF RIGHT-OF-WAY (EVERGREEN WAY); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; AND FOR OTHER PURPOSES.

Commissioner Marian Solomon-Gaines made the motion to adopt the Ordinance to Amend Appendix C to Approve the Final Plat for Evergreen Way – Riverside Medical Complex as presented for the first reading. Commissioner William Simmons second the motion; all voted positively and the motion carried with a 5-0 vote.

A Resolution to Award a Contract for repairs to 1508 East Cherokee Drive to Tyco Construction of Blackshear, Georgia for the amount of \$19,297.50 was presented:

RESOLUTION NO. 12-49

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO AWARD CONTRACT FOR EAST CHEROKEE DRIVE CONSTRUCTION
REPAIR; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross desires to begin and complete construction repairs to 1508 East Cherokee Drive that was caused by an underground sewer leak and relocation; and

WHEREAS, the City of Waycross offered the project through competitive bidding and received and opened bids tendered for the project; and

WHEREAS, Tyco Construction, Inc. had the lowest and best bid for the project in the amount of \$19,297.50; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission that the contract for 1508 East Cherokee Drive Construction Repairs be awarded to Tyco Construction, Inc, in the amount of \$19,297.50.

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 award said contract, and to do all the acts and things necessary to complete the project.

SO RESOLVED, this 16th day of October, 2012.

CITY OF WAYCROSS
CLARENCE E. BILLUPS, Mayor

ATTEST:
JULIE DINKINS, City Clerk

The Motion was approved by motion of Commissioner Diane Hopkins to approve the Resolution to Award a Contract for repairs to 1508 East Cherokee Drive to Tyco Construction of Blackshear, Georgia for the amount of \$19,297.50 as presented. Commissioner Marian Solomon-Gaines seconded the motion. All Commissioners voted yes and the motion carried.

A Resolution to Hire an Assistant City Attorney for the City of Waycross was presented:

RESOLUTION NO. 12-48

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO HIRE AN ASSISTANT CITY ATTORNEY
FOR THE CITY OF WAYCROSS; TO APPROVE
THE ENTRY OF A CONTRACT UPON THE TERMS
AND CONDITIONS ATTACHED HERETO, THE SAME
SETTING SALARY AND ALL OTHER TERMS OF EMPLOYMENT;
AND FOR OTHER PURPOSES.**

WHEREAS, the Commission of the City of Waycross, Georgia is charged with the duty of appointing a City Attorney pursuant to Section 30 of the Charter of the City of Waycross; and

WHEREAS, the City Commission desires to appoint an Assistant City Attorney to assist the City Attorney in all matters delegated to the Assistant City Attorney, specifically including Code Enforcement and prosecutions in Municipal, State and Superior Courts in the City of Waycross, Ware County, Georgia, as provided by the Waycross Code of Ordinances, and to perform any and all other legally permissible and proper duties and functions as directed by the City Attorney; and

WHEREAS, the contract term is for an “indefinite time” and is subject to the right of the City Manager with a recommendation to the Mayor and Commission to terminate the contract at any time, upon thirty (30) days notice, or for such other period of time depending upon the circumstances giving rise to the Notice of termination; and

WHEREAS, the salary shall be fixed at \$25,000.00 per annum and there are funds available for this position, which has for several months been anticipated.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the City of Waycross, by and through its Commission appoint SHAWN WILDES to serve as Assistant City

Attorney upon the terms and conditions as fully set forth in the Employment Agreement attached hereto and hereby made part of the public records of the City of Waycross, Georgia.

BE IT FURTHER RESOLVED that the Mayor and City Clerk be and are hereby authorized to execute the Employment Agreement containing the terms and conditions of service and compensation as heretofore set forth and described.

SO RESOLVED, this 16th day of October, 2012.

CITY OF WAYCROSS

CLARENCE E. BILLUPS, Mayor

ATTEST:
JULIE DINKINS, City Clerk

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this 16th day of October, 2012, by and between the **CITY OF WAYCROSS**, State of Georgia, a municipal corporation, hereinafter called “**Employer**” as party of the first part, and **SHAWN WILDES**, hereinafter called “**Employee**”, as party of the second part, both of whom understand as follows:

WITNESSETH:

WHEREAS, it is the desire of the Employer to (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment, and (2) to provide a just means for terminating Employee’s services when Employer may otherwise desire to terminate his employ; and

WHEREAS, Employee desires to accept employment as Assistant City Attorney of the City;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

Employer agrees to employ **SHAWN WILDES** as Assistant City Attorney to perform the functions and duties as delegated to him by the City Attorney, specifically including Code Enforcement and prosecutions in Municipal, State and Superior Courts in the City of Waycross, Ware County, Georgia, as provided in the City of Waycross Code of Ordinances, and to perform any and all other legally permissible and proper duties and functions as directed by the Employer.

SECTION 2. TERM

A. This is an employment-at-will agreement. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Manager with a recommendation to the Mayor and Commission to terminate the services of Employee at any time, subject only to the provisions set forth in Section 3, paragraphs A and B, of this agreement.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his position with Employer, subject only to the provision set forth in Section 3, paragraph B of this agreement.

SECTION 3. TERMINATION

A. In the event Employee is terminated by the Mayor and Commission, Employer agrees to give Employee thirty (30) days Notice of termination; provided, however, that in the event Employee is terminated because of his conviction of any illegal act involving personal gain to him, or conviction of any illegal act involving his office, then, in that event, Employer may terminate this contract immediately without advance Notice to Employee.

B. In the event Employee voluntarily resigns his position with Employer, then Employee shall give Employer thirty (30) days Notice in advance, unless the parties otherwise agree.

SECTION 4. SALARY

A. Employer agrees to pay Employee for his services rendered pursuant hereto as Assistant City Attorney an annual salary of \$25,000.00, payable in twelve (12) equal monthly installments of \$2,083.33 at the same time that the other management employees of the Employer are paid.

B. In addition, Employer agrees to increase said base salary and/or other benefits of Employee in such amounts and to such extent as recommended by the City Manager and approved by the Mayor and Commission may determine that is desirable to do, depending upon individual circumstances and additional responsibilities assigned to Employee by the City Attorney with approval by the Mayor and Commission, and on the basis of an annual salary review of said Employee. (Employee's hourly rate is fixed at \$125.00 per hour).

SECTION 5. SUPERVISION

Employee shall work under the direct supervision of the City Attorney, accepting delegation of duties and performing tasks assigned to Employee by the City Attorney.

SECTION 6. HOURS OF WORK

Employee shall devote an average of three (3) to five (5) hours per week handling Code Enforcement cases, including reviewing files from the Department of Community Improvement and prosecuting violators in the appropriate court of jurisdiction, whether the City Municipal

(2) Employee: Shawn Wildes
 1710 Boulevard Square, Suite B
 Waycross, GA 31501

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notices shall be deemed given as the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 12. GENERAL PROVISIONS

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. This agreement shall become effective immediately upon adoption by the City Commission.

D. If any provision or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

E. This agreement shall be governed by the laws of the State of Georgia.

IN WITNESS WHEREOF, the City of Waycross (Employer) has caused this agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and SHAWN WILDES (Employee) has signed this agreement, both in duplicate the day and year first above written.

“EMPLOYER”

CITY OF WAYCROSS

Clarence E. Billups, Mayor

Julie C. Dinkins
City Clerk

(SEAL)

“EMPLOYEE”

Shawn Wildes
Assistant City Attorney

Approved as to form:

Huey W. Spearman
City Attorney

Commissioner Marian Solomon-Gaines made the motion to approve the Resolution of the City of Waycross, Georgia to Hire an Assistant City Attorney for the City of Waycross. Commissioner William Simmons seconded the motion; all voted in favor and the motion was approved.

A Resolution in Support of Quality Public Education was presented by Mayor Billups as follows:

RESOLUTION NO. 12-50

**RESOLUTION OF THE WAYCROSS CITY COMMISSION
IN SUPPORT OF QUALITY PUBLIC EDUCATION.**

WHEREAS, the Waycross City Commission supports high quality public education and recognizes how important it is all children achieve superior learning and performance; and

WHEREAS, the Waycross City Commission strongly endorses the concept of local control and local governance; and

WHEREAS, the Waycross City Commission recognizes the State's responsibility in partnership with local districts to adequately fund educational opportunities; and

WHEREAS, the Waycross City Commission recognizes the severe funding challenges faced by both the State and Local Education Agencies (LEAs) due to economic downturn; and

WHEREAS, the Waycross City Commission supports current State and Georgia Department of Education Law and rules that allows the creation of Charter Schools; and

WHEREAS, the Waycross City Commission supports current State and Georgia Department of Education Law and rules that allows and encourages parent involvement and choice; and

BE IT RESOLVED, that the Waycross City Commission encourages all State and locally elected officials to prioritize and adequately fund Georgia's public schools; and

BE IT RESOLVED, that the Waycross City Commission requests voters to oppose the Constitutional Amendment HR1162 on the November 2012 General Election Ballot; and

BE IT FURTHER RESOLVED, the Waycross City Commission directs the City Manager to transmit an official copy of this Resolution to the Governor, appropriate State officials, and the Georgia Department of Education.

SO RESOLVED, this 16th day of October, 2012.

CITY OF WAYCROSS

CLARENCE E. BILLUPS, Mayor

ATTEST:

JULIE DINKINS, City Clerk

Commissioner Solomon-Gain made the motion to approve the Resolution in Support of Quality Public Education; seconded by Commissioner William Simmons; all voted in favor and the motion carried.

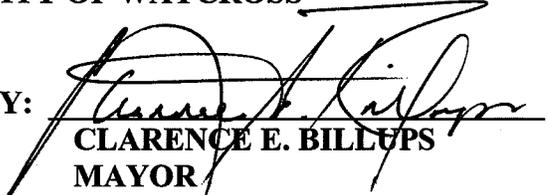
Mr. James Grayer who operates a Thrift Store in Waycross at addressed the Commission requesting support for a mission 865 Tebeau Street the location of his current business. Mr. Grayer plans to provide food, clothing, furniture and other types of help to those in need in Waycross including the elderly. Mayor Billups suggested that Mr. Grayer contact the Code Department and plan to attend a Work Session with a copy of his business plan.

Sergeant Jerrod Majors and First Lt. Jimmy Matthews of the United States Air Force addressed the Commission regarding the role of the Air Force. First Lt. Matthews shared a brief speech with the Commissioners.

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

CITY OF WAYCROSS

BY:


CLARENCE E. BILLUPS
MAYOR

ATTEST:


JULIE C. DINKINS, CITY CLERK