

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, NOVEMBER 17, 2015
7:00 P.M.

The Regular Session of the Commission of the City of Waycross was held on Tuesday, November 17, 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, Diane Hopkins and Larry Ethridge.

Commissioner Larry Ethridge introduced Dr. Martha Hill of the New You Ministries of Life, who offered the opening invocation which was followed by the Pledge of Allegiance.

Mr. Raphael Maddox presented the City Manager's Report. Mr. Maddox thanked sports fans in the community who traveled to Warner Robins for the Gator football playoff. He asked fans to continue to support the Gators at home Friday night. Mr. Maddox also commended Fire Chief David Eddins who honored firefighters, past and present and their families with a dinner.

Mayor Clarence E. Billups presented the Mayor's report, thanking Fire Chief David Eddins for the firefighter's dinner. Mayor Billups especially noted the pinning ceremony where family members were able to honor their loved ones by presenting their pins.

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, November 2, 2015; and Waycross City Commission Meeting, Tuesday, November 3, 2015.

No Ordinance Second Readings or consent resolutions.

The following Privilege Licenses were renewed for 2016.

1. Aden's Minit Market #48, Donna Justice, 2198 Brunel St
Package Sales, Beer and Wine
2. American Legion, Gerald Willis, 710 Dorothy St.
Consumption on Premises, Beer, Wine & Liquor, Exempt
3. American Legion, Gerald Willis, 710 A Dorothy St.
Package Sales, Beer, Wine & Liquor, Exempt
4. Doherty Georgia Waycross d/b/a Applebee's Neighborhood Grill and Bar
1901 Memorial Way
5. Georgia CVS Pharmacy d/b/a CVS Pharmacy #3348, Robert Kuhbander,
1800 Brunswick Highway

- Package Sales, Beer and Wine.
6. Flash Foods, Inc. d/b/a Flash Foods #1, James C. Jones, III, 505 Reynolds ST
Package Sales, Beer and Wine
 7. Flash Foods, Inc. d/b/a Flash Foods #127, James C. Jones, III, 2307 Plant Avenue
Package Sales, Beer and Wine
 8. Flash Foods, Inc. d/b/a Flash Foods #150, James C. Jones, III, 1712 Memorial Dr
Package Sales, Beer and Wine
 9. GMRI, Inc., d/b/a Olive Garden Italian Restaurant #5814,
2497 Memorial Drive
Consumption on Premises, Beer, Wine & Liquor
 10. O M Convenience Store, Indiraben Patel, 935 Tebeau Street
Package Sales, Beer and Wine
 11. Daksh Oil LLC d/b/a Petro Station, 1001 S Georgia Pkwy
Package Sales, Beer and Wine
 12. Rodeo Mexican Restaurant, Leonides Escalera, 202 Memorial Dr
Consumption on Premises, Beer Wine and Liquor
 13. Stop N Save, Amrutlal Patel, 1333 South Georgia Parkway
Package Sales, Beer Only
 14. Two Guys Beverage and Tobacco, Josh Fowler, 2100 Memorial Drive
Package Sales, Beer, Wine and Liquor.
 15. Waycross Food and Beverage, Tejas Patel, 1302 Brunel St
Package Sales, Beer and Wine

Commissioner Norman Davis 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 5 – 0 vote.

An Ordinance to Amend the Zoning Ordinance to increase the maximum height allowable for structures to seventy-five (75) feet was presented for the first reading as follows:

ORDINANCE NO. 15-33

AN ORDINANCE TO AMEND THE WAYCROSS ZONING ORDINANCE TEXT; TO AMEND ARTICLE VII – REQUIREMENT BY DISTRICTS, SECTIONS 704.5(g), 705.3(e), 706.3(g), 707.3(g), 708.3(e), 709.3(d), 710.3(d) and 715.4(e) TO INCREASE THE MAXIMUM HEIGHT ALLOWABLE TO SEVENTY-FIVE (75) FEET; AND FOR OTHER PURPOSES.

Commissioner Norman Davis made the motion to approve the Ordinance to Amend the Zoning Ordinance to increase the maximum height allowable for structures to seventy-five (75) feet as presented for the first reading. The motion was seconded by Commissioner Marian Solomon-Gaines; all voted positively and the motion carried.

An Ordinance to Amend the Zoning Ordinance of the City of Waycross and the Zoning Map by re-zoning 2098 Brunswick Highway was presented for the first reading as follows:

ORDINANCE NO. 15-34

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA, AND THE ZONING MAP; TO ESTABLISH ZONING FOR THE PROPERTY DESCRIBED HEREIN LOCATED AT 2098 BRUNSWICK HIGHWAY TO C-2 HIGHWAY COMMERCIAL; TO SET AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

An Ordinance to Amend the Zoning Ordinance of the City of Waycross and the Zoning Map by re-zoning 2098 Brunswick Highway was approved for the first reading by motion of Commissioner Marian Solomon-Gaines; seconded by Commissioner Diane Hopkins; all voted in favor and the motion carried.

An Ordinance to Annex into the corporate limits of the City of Waycross certain property at 2490 – 2498 and 2540 Memorial Drive and establish zoning classification for the annexed property was presented for the first reading.

ORDINANCE NO. 15-35

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 2490 – 2498 AND 2540 MEMORIAL DRIVE; 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.

Commissioner Diane Hopkins made the motion approve the Ordinance annexing 2490 – 2498 and 2540 Memorial Dr. into the corporate limits of the City of Waycross. Commissioner Larry Ethridge seconded the motion; all voted yes and the motion was approved.

An Ordinance to Annex into the corporate limits of the City of Waycross certain property at 2440 – 2488 Memorial Drive and establish zoning classification for the annexed property was presented for the first reading.

ORDINANCE NO. 15-36

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 2440 – 2488 MEMORIAL DRIVE; 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.

Commissioner Marian Solomon-Gaines made the motion approve the Ordinance annexing 2440 – 2488 Memorial Dr. into the corporate limits of the City of Waycross. Commissioner Diane Hopkins seconded the motion; all voted yes and the motion was approved.

A Resolution of the City of Waycross to Authorize and Direct the Mayor of the City of Waycross to Execute a Lease Supplement for a Lease under the GMA Direct Leasing Program for a John Deere Backhoe was presented for approval:

RESOLUTION NO. 15-51

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO AUTHORIZE AND DIRECT AN OFFICER OR OFFICERS OF THE CITY TO EXECUTE ONE OR MORE LEASE SUPPLEMENTS FOR A LEASE OR LEASES UNDER THE GMA DIRECT LEASING PROGRAM; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Waycross (hereinafter referred to as “the City”) has entered into a Master Lease (hereinafter referred to as the “Master Lease”) dated as of September 24, 2008, with the Georgia Municipal Association, Inc., for the leasing from time to time of certain equipment, machinery or other personal property pursuant to Supplemental Leases; and

WHEREAS, said matter having been considered.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COMMISSION OF THE CITY OF WAYCROSS:

1. The City Manager of the City is hereby authorized and directed to execute and deliver a Lease Supplement pursuant to the Master Lease to put into effect one or more leases for John Deere 310SL Backhoe Loader (hereinafter the "Leased Property"); said officer of the City is authorized and directed in the name and on behalf of the City to execute and deliver (i) one or more Lease Supplements for items of the Leased Property in substantially the form attached to the Master Lease, with such changes and additions as may be approved by said officer, and (ii) such other documents as may be deemed by such officer to be necessary or desirable to effect the purposes hereof or of the Master Lease, and such execution shall constitute conclusive evidence that the executed document has been authorized and approved hereby; the foresaid officer is further authorized to do all things necessary or appropriate to effectuate the purposes hereof.

2. An appropriation in the City's current operating budget has previously been made, which shall be sufficient to pay the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements; or

(check if applicable)

 An appropriation from unappropriated and unreserved funds in the City's current operating budget is hereby made for the "Rentals" and the "Termination Payment" during the "Starting Term" under such Lease Supplements, and the budget of the City is hereby amended to reflect such appropriation to the extent necessary.

3. Not Applicable

4. This authorization shall be effective immediately.

SO RESOLVED, this 17th day of November, 2015.

CITY OF WAYCROSS, GEORGIA

CLARENCE E. BILLUPS, MAYOR

ATTEST:

JULIE C. DINKINS, City Clerk

A Resolution of the City of Waycross to Authorize and Direct the Mayor of the City of Waycross to Execute a Lease Supplement for a Lease under the GMA Direct Leasing Program for a John Deere Backhoe was approved by motion from Commissioner Norman Davis; seconded by Commissioner Diane Hopkins and unanimously approved.

A Resolution of the City of Waycross to Support the Satilla River Water Trail was presented to the Commission for action:

RESOLUTION NO. 15-52

A RESOLUTION OF THE CITY OF WAYCROSS TO SUPPORT THE SATILLA RIVER WATER TRAIL; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of the City of Waycross value their natural resources and the outdoor recreational opportunities afforded by the Satilla River; and

WHEREAS, the citizens of the City of Waycross value the Satilla River for its water quality and habitat protection; and

WHEREAS, the citizens of the City of Waycross will greatly benefit from the recreational and natural experiences provided by the Satilla River Water Trail; and

WHEREAS, providing access to the Satilla River is a desired goal of the City of Waycross; and

WHEREAS, the citizens of the City of Waycross, and visitors from throughout the State of Georgia and the United States have regularly and openly enjoyed and exercised a right of passage by boat on the Satilla River as it travels through the City of Waycross, thereby establishing a public easement of passage on the river; and

WHEREAS, the City of Waycross has participated with Ware County, Pierce County, Brantley County, Charlton County and Camden County to study and evaluate this river trail; and

WHEREAS, this water trail is consistent with the comprehensive land use plan of the City of Waycross for recreational facilities for its citizens; and

WHEREAS, the City of Waycross has previously supported activities that promote recreation on the river, including one of the first bandalong litter traps on the Tebeau Creek in the United States; and

WHEREAS, the citizens of the City of Waycross have indicated their support for the water trail at Satilla River Water Trail and/or Satilla Riverkeeper meetings and events; and

WHEREAS, the City of Waycross affirms and supports the water trail, beginning in Ware County and ending at Camden County, to be of value and benefit to the citizens of the City of Waycross and its neighboring counties.

WHEREAS, said matter having been properly considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that:

Section 1. That the public easement of passage established by the annexation of property on the Satilla River on March 17, 1981, and which property is owned by the City of Waycross, of regular and open travel by boat on the Satilla River in the City of Waycross is hereby recognized and accepted by the City Commissioners and Mayor on behalf of the citizens of the City of Waycross, and visitors throughout the State of Georgia and the United States.

Section 2. That this Resolution shall take effect immediately upon its adoption.

Section 3. That the City Commission hereby directs each department in the City of Waycross to support and do everything in its power to implement the water trail.

SO RESOLVED, this 17th day of November, 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 in Support of the Satilla River Water Trail. Commissioner Diane Hopkins seconded the motion. All Commissioners voted yes and the motion carried.

A Resolution of the City of Waycross to authorize approval of the General Release and Indemnity Agreement with WC, WCBOC and WCTC for return of 2 ½ percent commission was presented for approval. Commissioner Norman Davis declared his unreadiness to put this resolution on the table and wished to discuss it first. Mr. Davis asked the City Manager if this is all of the money owed to the City by Ware County. The City Manager assured Mr. Davis that all moneys have been accounted for. Commissioner Davis now declared his readiness to consider this Resolution.

RESOLUTION NO. 15-53

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,
TO APPROVE GENERAL RELEASE AND INDEMNITY AGREEMENT WITH
WARE COUNTY, WARE COUNTY BOARD OF COMMISSIONERS AND
WARE COUNTY TAX COMMISSIONER FOR RETURN OF 2 ½ PERCENT
COMMISSION COLLECTED BY TAX COMMISSIONER;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross has an agreement with the Ware County Tax Commissioner to collect taxes for the City of Waycross; and

WHEREAS, in June 2014, Ware County Tax Commissioner Roger Collins reported to the Mayor and City Commission that his office had inadvertently collected a 2 ½ percent commission that his office was not authorized to collect; and

WHEREAS, Ware County Tax Commissioner Collins further reported that said 2 ½ percent commission amounted to \$79,491.53; and

WHEREAS, the 2 ½ percent commission, as all taxes collected by the Ware County Tax Commissioner, was subsequently transferred to Ware County Board of Commissioners; and

WHEREAS, on or about May 27, 2015, the City Attorney served Ware County Board of Commissioners and Ware County Tax Commissioner with *ante litem* notice and made a formal demand for the return of the 2 ½ percent commission collected without authorization; and

WHEREAS, Ware County Board of Commissioners is now prepared to reimburse the City of Waycross in the amount of \$79,491.53 and requires a general release and indemnity agreement be signed; 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 hereby approves the General Release and Indemnity Agreement, in the form attached and incorporated herein as if fully set forth with Ware County, Ware County Board of Commissioners, and the Tax Commissioner of Ware County, Roger Collins, in his official and individual capacities, to allow the City of Waycross to be reimbursed for the 2 ½ percent commission inadvertently collected by the Ware County Tax Commissioner.

BE IT FURTHER RESOLVED that the Mayor, City Manager and City Clerk are hereby authorized, directed and empowered to ratify and execute the aforementioned General Release and Indemnity Agreement in the name of the City of Waycross, 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 17th day of November, 2015.

CITY OF WAYCROSS
BY: CLARENCE E. BILLUPS, MAYOR

ATTEST:

JULIE DINKINS, CITY CLERK

Commissioner Diane Hopkins made the motion to approve the Resolution of the City of Waycross to authorize approval of the General Release and Indemnity Agreement with WC, WCBOC and WCTC for return of 2 ½ percent commission. Commissioner Marian Solomon-Gaines seconded the motion; all voted in favor and the motion carried.

Mr. Maurice Mungin and Ms. Carolyn Hayes addressed the Commission providing a web site for Mr. Mungin's performance December 29 through January 3, 2016 at www.amtclive.com. Mr. Mungin then thanked the Commission for all of the support during his journey.

During last call Mayor Pro Tem Alvin Nelson addressed the articles in the Waycross Journal Herald concerning deannexation and the by-pass. Mr. Nelson wanted to set the record straight on these issues and commented that the newspaper seemed to be taking sides. Commissioner Marian Solomon-James requested that water testing results and well as department reports be published on the City's website, Facebook page, Channel 10 and the Waycross Journal Herald. Commissioner Larry Ethridge requested an explanation be placed on the same medium as to the procedure Code is required to follow to condemn and demo houses. Commissioner Hopkins thanked her constituents for voting for her. Commissioner Norman Davis informed the Commission that he has received several good reports on the City staff.

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