

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, NOVEMBER 20, 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, November 20, 2012. The meeting was called to order by Mayor Clarence E. Billups at 7:00 p.m. with Commissioners Norman Davis, William Simmons, Marian Solomon-Gaines and Alvin Nelson present for the meeting. Commissioners Diane Hopkins was absent.

Reverend 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 made the following appointments to the Revolving Loan Fund:

1. Lavon Shatteen, Store Manager, Harvey's
2. Chenille White, Accountant
3. Josey McQuaig, Store Manager, Badcock Furniture
4. Crissy Patterson, Sales & Service Specialist, Bank of America
5. Kevin Wood, Proprietor, KD's Restaurant

Deron W. King, City Manager, presented the City Manager's Report. Mr. King introduced Police Chief Tony Tanner who shared the news of the Re-Accreditation of the Waycross Police Department by CALEA. Chief Tanner said this is the 7th consecutive year of national reaccreditation for Waycross. Mr. King wished everyone a happy and safe Thanksgiving.

Mayor Clarence Billups thanked the Waycross Police Department for the great job. Mayor Billups offered his condolences to Judge Mike Devane and family on the death of his wife.

There were no public remarks on official actions.

Mayor Clarence 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: Town Hall Meeting (*Bailey Street School*), Tuesday, October 9, 2012; Waycross City Commission Planning & Information Session and Waycross City Commission Executive Session, Monday, November 5, 2012; Waycross City Commission Meeting, Tuesday, November 6, 2012; Called Meeting (*Pre-Session Conference w/Georgia Legislators*) Thursday,

November 8 2012; and Called Meeting (*Setting the 2012 Millage Rate/10.998 mills /Emergency Reading*) Thursday, November 15, 2012.

Privilege License Renewals – 2013

1. American Legion, Gerald Willis, 710 Dorothy St.
Consumption on Premises, Beer, Wine & Liquor, Exempt
2. American Legion, Gerald Willis, 710 A Dorothy St.
Consumption on Premises, Beer, Wine & Liquor, Exempt
Applebee's Neighborhood Grill and Bar, Tammy Lawrence-Rubebauer,
1901 Memorial Dr. Consumption on Premises, Beer, Wine & Liquor
4. Dollar General Market, Darrell Dakin, 1803 Knight Ave.
Package Sales, Beer and Wine.
5. Harveys Supermarket 2319, John G. Arnold, 1312 Plant Ave.
Package Sales, Beer & Wine
6. Johnny's Food Store, Mukesh K Gandhi, 819 Glenmore Ave.
Package Sales, Beer & Wine.
7. OM Convenience, Tehash S Patel, 935 Tebeau St.
Package Sales, Beer & Wine.
8. Rodeo Mexican Restaurant, Leonides Escalera, 2020 Memorial Dr.
Consumption on Premises, Beer, Wine & Liquor.
9. Stop N Save, Amrutlal Patel, 1333 South Georgia Parkway
Package Sales, Beer Only
10. Wal-Mart Stores #556, Tony Joseph, 2425 Memorial Drive
Package Sales, Beer & Wine
11. Wong's Palace, Ching Ping Tang, 903 Knight Ave.
Consumption on Premises, Beer, Wine & Liquor

There were no consent resolutions or ordinance second readings.

Mayor Pro Tem Marian Solomon-Gain 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 4-0 vote.

Mrs. Linda Jones, Director, Purchasing Department presented Surplus Property WAYX 13-04 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 Norman Davis; seconded by Marian Solomon-Gaines; all voted affirmatively and the motion was approved with a 5-0 vote.

An Ordinance to Amend the Code of Ordinance of the City of Waycross Appendix E – Retirement Plan, and Restate the Retirement Plan for the Employees of the City of Waycross Georgia in Accordance with and Subject to the terms and conditions set forth in the Adoption Agreement, to provide for appointment of the plan representative and re-appointment of Pension Committee Secretary was presented for the first reading as follows:

ORDINANCE NO. 12-16

AN AMENDED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS APPENDIX E – RETIREMENT PLAN, AND RESTATE THE RETIREMENT PLAN FOR THE EMPLOYEES OF THE CITY OF WAYCROSS, GEORGIA IN ACCORDANCE WITH AND SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ADOPTION AGREEMENT, ANY ADDENDUM TO THE ADOPTION AGREEMENT, THE GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM (GMEBS) MASTER PLAN DOCUMENT, AND THE GMEBS TRUST AGREEMENT, AND ADOPTION ORDINANCE; TO RATIFY EXECUTION OF THE ADOPTION ORDINANCE; TO PROVIDE FOR APPOINTMENT OF THE PLAN REPRESENTATIVE AND RE-APPOINTMENT OF PENSION COMMITTEE SECRETARY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Commissioner William Simmons made the motion to approve the Amendment to the Retirement Plan for the first reading; seconded by Commissioner Norman Davis; all voted in favor and the motion carried with a 4-0 vote.

An Ordinance to Amend the Code of Ordinance of the City of Waycross Appendix E – Retirement Plan, and Restate the Retirement Plan for the Employees of the City of Waycross Georgia, to provide for appointment of the plan representative (Human Resources Director) and re-appointment of Pension Committee Secretary (Risk Manager) was presented for the second reading as follows:

ORDINANCE NO. 12-16

AN AMENDED ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF WAYCROSS APPENDIX E – RETIREMENT PLAN, AND RESTATE THE RETIREMENT PLAN FOR THE EMPLOYEES OF THE CITY OF WAYCROSS, GEORGIA IN ACCORDANCE WITH AND SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ADOPTION AGREEMENT, ANY ADDENDUM TO THE ADOPTION AGREEMENT, THE GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM (GMEBS) MASTER PLAN DOCUMENT, AND THE GMEBS

TRUST AGREEMENT, AND ADOPTION ORDINANCE; TO RATIFY EXECUTION OF THE ADOPTION ORDINANCE; TO PROVIDE FOR APPOINTMENT OF THE PLAN REPRESENTATIVE AND RE-APPOINTMENT OF PENSION COMMITTEE SECRETARY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Mayor Pro Tem Marian Solomon-Gaines made the motion to adopt the Ordinance to Amend the Code of Ordinance of the City of Waycross Appendix E – Retirement Plan, and Restate the Retirement Plan for the Employees of the City of Waycross Georgia, to provide for appointment of the plan representative (Human Resources Director) and re-appointment of Pension Committee Secretary (Risk Manager) as presented for the second and final reading. Commissioner William Simmons seconded the motion. All Commissioners voted yes and the Ordinance was approved with a 4-0 vote.

A Resolution to approve the Administrative Services Agreement with MMSI, INC. – Mayo Clinic Health Solutions was presented:

RESOLUTION NO. 12-55

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO APPROVE ADMINISTRATIVE SERVICES AGREEMENT WITH MMSI, INC. – MAYO CLINIC HEALTH SOLUTIONS, EMPLOYEE HEALTH BENEFIT PLAN AND THE COBRA ADMINISTRATIVE SERVICES AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Waycross appointed MMSI, Inc – Mayo Clinic Health Solutions as the administrator of the employee health benefit plan for the year 2013, beginning January 1, 2013 and ending December 31, 2013; and

WHEREAS, the total fixed monthly cost of the plan will be approximately 10% lower with deeper network discounts on claims, wellness integration on clinical case management subject to Mayo Clinic protocols for all employees and families; and

WHEREAS, the said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED, by the Commission of the City of Waycross that the City of Waycross enters into a formal agreement with MMSI, Inc. – Mayo

Clinic Health Solutions for a period of one year according to the terms and conditions agreed upon.

SO RESOLVED, this 20th day of November, 2012.

CITY OF WAYCROSS

CLARENCE E. BILLUPS, Mayor

ATTEST:

JULIE DINKINS, City Clerk

Mayor Pro Tem Marian Solomon-Gaines made the motion to approve the Resolution to approve the Administrative Services Agreement with MMSI, INC. – Mayo Clinic Health Solutions as presented; seconded by Commissioner William Simmons; all voted in favor and the motion carried with a 4-0 vote.

A Resolution to Approve the Agreement Between Waycross Mainstreet, Inc. and Herrin Family Limited Partnership III and to Accept Dedication of Real Property for Trailhead Park was presented:

RESOLUTION NO. 12-53

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO APPROVE AGREEMENT BETWEEN WAYCROSS MAINSTREET,
INC., AND HERRIN FAMILY LIMITED PARTNERSHIP III, AND TO
ACCEPT DEDICATION OF REAL PROPERTY FOR TRAILHEAD PARK;
AND FOR OTHER PURPOSES.**

WHEREAS, the Georgia Department of Transportation (DOT) is assisting the City of Waycross in the construction of a Transportation Enhancement project to construct a multi-use trail and trailhead on an abandoned segment of CSX right-of-way using federal aid and local matching funds; and

WHEREAS, the City of Waycross has secured DOT approval for a trail and trail-head design that requires acquisition of a portion of abandoned CSX right-of-way and Herrin Family property consisting of parcel WA0902 013; and

WHEREAS, the Herrin Family has indicated a desire to donate parcel WA0902 013 for

the site of the trailhead park to include a pavilion facility and trailhead parking in accordance with the approved trailhead concept and design; and

WHEREAS, the Herrin Family Limited Partnership III is entering into an Agreement with Waycross Mainstreet, Inc., a 501(c)(3) Non-Profit Corporation within the meaning of the Internal Revenue Code of 1986, as amended, to donate said real property; and

WHEREAS, Waycross Mainstreet, Inc. has agreed to acceptance conveyance of the donated parcel in its current “as is” condition, and to conditionally convey said parcel to the City of Waycross for the purpose of constructing the trailhead park on said parcel in accordance with approved trailhead concept shown as Exhibit A in said Agreement; and

WHEREAS, the City of Waycross is bound by procedures and regulations of the Georgia DOT in carrying out the transaction, and hereby agrees to accept dedication of the said real property from Waycross Mainstreet, Inc., in connection with construction of the Trailhead Park, to include a pavilion facility and Trailhead Parking; and

WHEREAS, the 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 Agreement in principle between Waycross Mainstreet, Inc., and Herrin Family Limited Partnership III, subject to final approval by the City Attorney.

BE IT FURTHER RESOLVED by the Commission of the City of Waycross, that the City accepts dedication of the parcel of land from Waycross Mainstreet, Inc., for the purpose of construction thereon the Trailhead Park to include a pavilion facility and Trailhead Parking.

BE IT FURTHER RESOLVED, that the Mayor, City Manager and City Clerk are hereby authorized, directed and empowered to execute any documents needful or necessary in

connection with transferring title of said real property to the City of Waycross, subject to final approval by the City Attorney.

SO RESOLVED, this 20th day of November, 2012.

CITY OF WAYCROSS

CLARENCE E. BILLUPS, Mayor

ATTEST:

JULIE DINKINS, City Clerk

The Resolution to Approve the Agreement Between Waycross Mainstreet, Inc. and Herrin Family Limited Partnership III and to Accept Dedication of Real Property for Trailhead Park was approved by motion from Commissioner William Simmons; seconded by Mayor Pro Tem Marian Solomon-Gaines. All Commissioners voted positively and the Resolution was approved with a 4-0 vote.

A Resolution to Approve the Conveyance Deeds and Accept the Terms and Conditions set Forth Therein from CWST and to Approve the Final Surveys and Indemnity Agreement and to Accept Dedication of Former CSXT Right of Way to the City of Waycross was presented.

RESOLUTION NO. 12-54

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA
TO APPROVE CONVEYANCE DEEDS AND ACCEPT THE TERMS AND
CONDITIONS SET FORTH THEREIN FROM CSXT; TO APPROVE
FINAL SURVEYS AND INDEMNITY AGREEMENT; AND TO ACCEPT
DEDICATION OF FORMER CSXT RIGHT-OF-WAY TO THE CITY OF
WAYCROSS;
AND FOR OTHER PURPOSES.**

WHEREAS, heretofore CSXT operated a Class 1 railroad in and through the City of Waycross and Ware County, Georgia; and

WHEREAS, CSXT entered into a Memorandum of Understanding with the City of Waycross and Ware County, Georgia on October 17, 2006, providing for, among other things, a commitment to cease operation and retire its track along Brunswick Avenue and Johnson Avenue through the downtown section of the City of Waycross; and

WHEREAS, as part of the Transportation Improvement Project, CSXT agreed to execute the applicable conveyance deeds and donate former CSXT right-of-way to the City, as shown on Exhibit A in said Memorandum of Understanding; and

WHEREAS, City and CSXT agreed to enter into liability and indemnification agreements relating to ownership and use of property donated by CSXT, and to enter into the applicable donation agreement for the retired track; and

WHEREAS, the City and CSXT are herewith fulfilling their respective responsibilities under said Memorandum of Understanding, including donation of CSXT right-of-way to the City of Waycross; and

WHEREAS, the City of Waycross hereby approves the conveyance deeds and accepts the terms and conditions set forth therein, the Final Surveys, and accepts dedication of former CSXT right-of way to the City of Waycross, as contained in the conveyance deeds attached hereto; and

WHEREAS, the 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 conveyance deeds and accepts the terms and conditions contained therein from CSXT, the Final Surveys, and the Indemnification Agreement.

BE IT FURTHER RESOLVED by the Commission of the City of Waycross, that the City accepts dedication of the former CSXT right-of-way to the City of Waycross, as set forth and identified in the said Memorandum of Understanding, and the conveyance deeds attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Mayor, City Manager and City Clerk be, and are hereby authorized, directed and empowered to execute any documents needful or necessary in connection with transferring title of said former CSXT right-of-way to the City of Waycross, subject to final approval by the City Attorney.

SO RESOLVED, this 20th day of November, 2012.

CITY OF WAYCROSS

CLARENCE E. BILLUPS, Mayor

ATTEST:

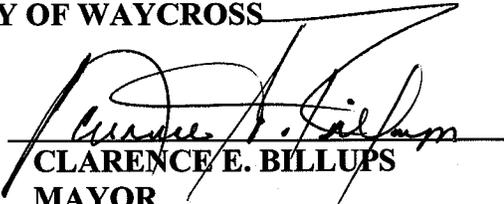
JULIE DINKINS, City Clerk

Commissioner Norman Davis made the motion to approve the Resolution to Approve the Conveyance Deeds, Accept the Terms and Conditions set Forth Therein from CWST, to Approve the Final Surveys and Indemnity Agreement and to Accept Dedication of Former CSXT Right of Way to the City of Waycross as presented. The motion was seconded by Commissioner William Simmons; all voted in favor and the motion carried with a 4-0 vote.

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

CITY OF WAYCROSS

BY:


CLARENCE E. BILLUPS
MAYOR

ATTEST:


JULIE C. DINKINS, CITY CLERK