

## MINUTES

### WAYCROSS CITY COMMISSION MEETING

**TUESDAY, SEPTEMBER 7, 2010 - 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, September 7, 2010. The meeting was called to order by Mayor Clarence Billups at 7:00 p.m. with Commissioners William Simmons, Marian Solomon-Gaines, Norman Davis, Diane Hopkins, and Mayor Pro Tem Daniel Yarbrough present for the meeting.

Reverend William Simmons, Commissioner and Pastor of Light of the World Ministries offered the invocation which was followed by the Pledge of Allegiance.

Mayor Clarence Billups two Public Hearings, the first a Road Closing on Richmond Avenue scheduled for October 19, 2010 at 6:30 p.m. and the second, a Joint Public Hearing with Ware County on the Comprehensive Plan scheduled for October 5, 2010 at 5:00 p.m. at City Hall.

Acting City Manager Frank Baugh presented the City Manager's Report. He reported that curb and gutter installation under the City's 2010 SPLOST street and drainage project is underway in earnest. Curb and gutter has been placed along portions of Jane, James, Carver and Watts Streets with Porter Street currently underway and work continuing throughout the month on portions of Pine, Seaman, and Izlar streets. Upon completion of drainage tie-ins, expect soil cement base work to commence by end of the month followed by paving next month.

The Waycross Police Department is sponsoring its annual Kids fun day this Saturday, September 11 from 10:00 AM to 3:00 PM at Bit Tanner Field. Fun Day is open to all kids 14 and under and will include hotdogs served between 11 and 2 and customary games & activities throughout.

Mr. Baugh also reported that the Waycross Fire Department in partnership with the Muscular Dystrophy Association will mount its annual "fill the boot" fundraising campaign in support of the fight against neuromuscular diseases. This fundraising effort will begin on Thursday, 23 September and continue through Saturday 25 September. This year's campaign has special significance with one of our own, Firefighter Jeremy Norris, recently diagnosed with ALS or Lou Gehrig's disease. The Waycross Fire Department is dedicating this year's campaign in his honor and we invite everyone to join us in support of this important effort. MDA is the biggest private source of funding going toward ALS research. Again the dates are Thursday, 23 September through Saturday, 25 September and you'll be able to fill the boot near the following locations: The Mall at Waycross, Wal-Mart, Harvey's on Plant Ave. and Lowe's.

In presenting the Mayor's Report, Mayor Clarence Billups reminded the Commission of Kid's Fun Day and the Fire Department's "fill the boot" MDA fundraising campaign. Mayor Billups challenged the Commissioners to match his \$5.00 donation.

Mayor Billups, in acknowledging Regina Morgan's resignation as Executive Director of OADA, thanked Regina for an excellent job.

There were no public remarks on official actions.

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 and Information Executive Session to Discuss Personnel, August 16, 2010; Waycross City Commission Meeting, Tuesday, August 17, 2010; Waycross City Commission Called Meeting Setting the 2010 Millage Rate, August 27, 2010.

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.

Mrs. Linda Jones, Director, Purchasing Department, presented WAYX 11-02 Declaring Surplus Property. The surplus property list contains miscellaneous items to be sold on Govdeals.com.

Commissioner Marian Solomon-Gaines made the motion to declare the property surplus; seconded by Commissioner Daniel Yarbrough. The motion carried with a 5-0 vote.

A Resolution of the City of Waycross to Award a Contract for Sanitary Sewer and Water System Improvements, FY 2010 Phase II was presented:

### **RESOLUTION NO. 10-53**

#### **A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA TO AWARD A CONTRACT FOR SANITARY SEWER AND WATER SYSTEM IMPROVEMENTS, FY2010 PHASE II; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Waycross desires to begin and complete construction of Sanitary Sewer & Water System improvements along Lee Avenue and portions of Hicks and Clay Streets in the City of Waycross; and

**WHEREAS**, said project includes both water and sewer main replacement and rehabilitation of affected Street surfaces including some 3200 LF of sewer main along the length of Lee Avenue from Marion Street to the trunk line at the canal near Memorial Drive; and

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

**WHEREAS**, Elmer Thrift Construction Company had the lowest and best bid for the project in the amount of \$785,760.00; and

**WHEREAS**, since the project involves excavation of extensive segment of very old infrastructure and significant bores under DOT right-of-way, it is recommended that the award resolution include authorization for a 5 percent contingency margin for within-scope change orders at the discretion of the City Manager, for a maximum award amount of \$824,760.00.

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

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor, City Clerk, and City Manager be and are hereby authorized, directed and empowered to execute the documents necessary to award the contract for Sanitary Sewer and Water System improvements to Elmer Thrift Construction Company in the amount of \$785,760.00, with authorization for City Manager approval for a 5 percent contingency margin for within-scope change orders not to exceed a total award of \$824,760, to be paid from FY 2011 Water and Sewer Enterprise and SPLOST Funds.

**SO RESOLVED**, this 7<sup>th</sup> day of September, 2010.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE BILLUPS, MAYOR**

**ATTEST:**  
**JULIE C. DINKINS, CITY CLERK**

Commissioner Marian Solomon-Gaines made the motion to Resolution of the City of Waycross to Award a Contract for Sanitary Sewer and Water System Improvements, FY 2010 Phase II as presented. Commissioner Norman Davis seconded the motion. All Commissioners voted yes and the motion carried with a 5-0 vote.

A Resolution of the City of Waycross to Approve the Amendment To Intergovernmental Agreement Involving the Waycross-Ware County Agreement for Cooperation in Drug Law Enforcement was presented:

**RESOLUTION NO. 10-54**

**A RESOLUTION TO APPROVE AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT INVOLVING THE  
WAYCROSS-WARE COUNTY AGREEMENT FOR**

**COOPERATION IN DRUG LAW ENFORCEMENT**

**WHEREAS**, there being presented to the Commission of the City of Waycross, Georgia a proposed Amendment to Intergovernmental Contract involving the Waycross-Ware County Agreement for Cooperation in Drug Law Enforcement (“Agreement”); and

**WHEREAS**, said Agreement is between Ware County, Georgia, Randy Royal, Sheriff of Ware County, the City of Waycross, and Anthony Tanner, Chief of Police in the City of Waycross; and

**WHEREAS**, a copy of the Amended Agreement being attached hereto and made a part hereof by reference; and

**WHEREAS**, said Amended Agreement being considered.

**NOW, THEREFORE, BE IT RESOLVED**, by Commission of the City of Waycross that the Amended Agreement in the form attached hereto is hereby approved.

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

**BE IT FURTHER RESOLVED**, that Police Chief Anthony Tanner is also authorized directed, and empowered to execute the Amended Agreement of behalf of the Waycross Police Department.

**SO RESOLVED** this 7<sup>th</sup> day of September, 2010.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE BILLUPS, MAYOR**

**ATTEST:**  
**JULIE C. DINKINS, CITY CLERK**

Commissioner Marian Solomon-Gaines made the motion to Approve the Resolution of the City of Waycross to Approve Amendment To Intergovernmental Agreement Involving the Waycross-Ware County Agreement for Cooperation in Drug Law Enforcement as presented. Commissioner Norman Davis seconded the motion. All Commissioners voted favorably and the motion carried with a 5-0 vote.

A Resolution to Elect a City Manager and Approve a Contract for the City Manager was presented:

**RESOLUTION 10-55**

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA  
TO ELECT A CITY MANAGER PURSUANT TO SECTION 20  
OF THE CITY OF WAYCROSS CHARTER; 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 electing a City Manager pursuant to Section 20 of the Charter of the City of Waycross; and

**WHEREAS**, the City Manager is required to devote all of his working time to the City of Waycross, and its proper administration;

**WHEREAS**, the term of his office is to be for a period of one year, subject to renewal, at a salary of \$92,000.00 per annum with vacation and sick leave time; and

**WHEREAS**, the contract term of one year is less than “indefinite time” and will expire at or before the term of office of the commission which elected him; and

**WHEREAS**, there are funds budgeted for this position and the election has at all times 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 elect Deron W. King to serve as City Manager 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, payment and benefits as heretofore set forth and described.

**SO RESOLVED**, this 7th day of September, 2010.

**CITY OF WAYCROSS, GEORGIA**

**BY: CLARENCE BILLUPS, MAYOR**

**ATTEST:  
JULIE C. DINKINS, CITY CLERK**

Commissioner Marian Solomon-Gaines made the motion to Approve the Resolution to Elect a City Manager and Approve a Contract for the City Manager as presented. Commissioner William Simmons seconded the motion.

Commissioner Daniel Yarbrough read the following prepared statement:

STATEMENT FOR THE RECORD

Submitted by Commissioner Danny Yarbrough  
September 7, 2010  
City Commission Meeting

Mr. Mayor and Commission, I have prepared this statement as a point of discussion for the vote we are about to take concerning the hiring of the next City Manager for the City of Waycross. As elected officials, it is critical that we enter into every vote we take as well-informed and confident as we can be, confident that our decisions are in the best interest of every citizen both in our individual districts as well as collectively.

Tonight's vote on a new City Manager for the City of Waycross could be the most important vote that we make on behalf of the citizens for the next few years. Ideally, this vote should be unanimous which would indicate the unity of this Commission.

I enter into this vote tonight with unanswered questions and serious concerns about the candidate for our City Manager's position, questions I have had for the past two weeks when the resumes were made public. I have expressed those questions and concerns with our Human Resources director, Mayor Billups and City Attorney Spearman. It was my intent to discuss my concerns with the Commission at a called meeting in which we were ALL present. The Mayor attempted to call a meeting last week, but for five days all Commissioners were not available. So, it was only today, about an hour ago, that I was able to get this meeting. Ultimately, it would have been constructive to have Mr. King, the candidate we will be voting on for the City Manager's position tonight, available at this meeting to answer, once and for all, my questions. Unfortunately, this has not happened.

For this reason, I cannot support the resolution on which we are about to vote. I do not take this vote lightly and would hope that this Commission would consider tabling this resolution until we have addressed the issues that I have towards this hire. We have plenty of time to make the best and most informed decision we can make for the citizens of Waycross before this vote is taken and not after the fact.

Mr. Mayor, I would like to submit my remarks to the City Clerk for inclusion in tonight's minutes.

Commissioner Diane Hopkins read a prepared statement as follows:

I have great concerns about this resolution we are voting on tonight as well. We had two resumes that were public record in the lobby of this City and I had concerns about both of those resumes. I asked questions concerning issues on both resumes and as of this date I do not have

answers. Mr. King stated on his City of Waycross application that he was employed by Butts County as a director, this is public record. He was with the Department of Community Development for eight months. His reason for leaving he stated was “probationary period not extended”. I asked to find out why this probationary period was not extended from his previous employer. He was the City of Forsyth manager two years. A much smaller population than the City of Waycross and a much smaller budget than the City of Waycross. This concerns me as well. It was public record on his resume for the public to review. His tender from his previous employers has been two years or less other than when he was employed for himself. We had many applications that I felt were more experienced for this position. I am trying to make the absolute best decision for a most important position that this City Commission could ever make concerning economic development for the entire community and the City Manger plays an important role in that. My personal feelings are that we should have all of the answers to the questions that I have in my mind that I do not feel that I have gotten verification from. I have thought about this with much concern and I think at this time that if I had some written verification from his previous employer in detail why his probationary period was not extended that could enlighten some of the questions that I have tonight. We are all making a decision of this great magnitude for the City of Waycross. And without this detail information therefore at this time, I cannot support this resolution, without the questions that I have raised that have not been verified in written answers. Thank you.

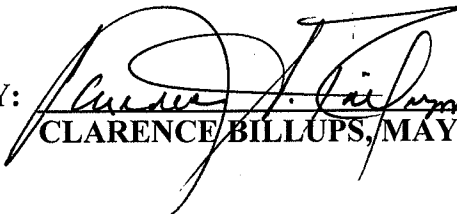
Commissioners Solomon-Gaines, Simmons, Davis and Mayor Billups all voted yes; Commissioners Hopkins and Yarbrough voted no. The motion carried with a 4-2 vote.

Mr. Wayne Hawk McKnight appeared before the Commissioner wishing to address the Commission on an Executive Review of Dismissal, however, Mayor Billups informed Mr. McKnight that this issue had previously been resolved and could not be addressed. He was instructed to have his attorney contact our attorney.

Mr. Deron W. King was introduced at the end of the meeting as the new City Manager. His wife Beverly, and his daughters Sierra and Sharde accompanied him.

Following closing remarks, the meeting was adjourned by motion from Commissioner Marian Solomon-Gaines seconded by Commissioner Diane Hopkins, all voted in favor and Mayor Billups declared the meeting adjourned.

CITY OF WAYCROSS

BY:   
CLARENCE BILLUPS, MAYOR

ATTEST:

  
JULIE C. DINKINS, CITY CLERK