

MINUTES
WAYCROSS CITY COMMISSION MEETING
TUESDAY, APRIL 6, 2021
5:00 p.m.

The Commission of the City of Waycross held their Regular City Commission Meeting on Tuesday, April 6, 2021, in the Commission Chambers of City Hall. Mayor James calls the meeting to order at 5:00 p.m. Members in attendance were: Mayor Michael-Angelo James, Mayor Pro Tem Henry Strickland, Commissioners John Threat, Norman Davis, and Marian Solomon-Gaines. Commissioner Diane Hopkins was absent.

Mayor Michael-Angelo James offered the opening Invocation. Following the Invocation, Mayor James led the Pledge of Allegiance.

City Attorney Rick Currie set a public hearing scheduled for May 5, 2021, at 4:30 p.m. concerning the map amendment request for 951 Evans Way rezoning and a Budget Work Session for May 6, 2021, at 9:00 a.m.

Mayor Michael-Angelo James announced appointments for the Housing Authority as Dr. Martha Hall with the term ending March 21, 2024, Martin Eaves with the term ending March 21, 2025, and Cleo Price with the term ending March 21, 2022.

During the City Manager's & Mayor's Report, Acting City Manager Eddins discussed the community's Swamp Festival participation and wished Commissioner Norman Davis a Happy Birthday. Mayor James wished Norman Davis a Happy Birthday.

There were no public remarks on official action.

Mayor James presented the Consent Calendar as read by City Clerk Michelle Love for consideration of official action as follows:

Approval of Minutes: Waycross City Planning and Information Session Monday and Executive Session, March 15, 2021, 5:00 p.m.; Waycross City Commission Meeting Tuesday, March 16, 2021 pm.

City Clerk read the following ordinance as a second reading:

ORDINANCE NO. O21-09

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 111 – SIGNS, ARTICLE I. – IN GENERAL, BY ADDING NEW SECTION 111-1, PERTAINING TO THE PLACEMENT OF SIGNS ON PUBLIC PROPERTY; 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 Norman Davis motion for approval of the Consent Calendar and Commissioner Henry Strickland seconded the motion. All voted in favor, and the motion carried.

The Commission approves the following Privilege License.

1. Carmine's Italian Ristorante, 301 Carswell Avenue, Waycross, GA 31501, Consumption on Premises, Beer and Wine.

Commissioner Solomon-Gaines motioned for the approval. Commissioner Henry Strickland second the motion. The motion was approved.

Ms. Linda Jones, Purchasing Director, presented Bid Fy19 Gas Card Service Extension for Fy22 to the Commissioners. The bid is the same for another year. Commissioner Norman Davis made the motion to approve to award bid; Commissioner Diane Hopkins second the motion. An unanimous vote approved the motion.

Ms. Jones presented Bid #FY21 Albany Avenue Street Improvement to the Commissioners. Purchasing issued requests for division 1 and division 2. After staff review and evaluation, the recommendation to award the bid to Thrift Brother Inc. Commissioner Norman Davis made the motion to approve award the bid; seconded by Commissioner Marian Solomon-Gaines, and approved with a unanimous vote.

For first reading to the Commission, City Clerk presented two ordinances:

ORDINANCE NO. O21-10

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF WAYCROSS, GEORGIA; TO AMEND CHAPTER 2 – ADMINISTRATION, ARTICLE II. – CITY COMMISSION, DIVISION 2. – MEETINGS, SECTION 2-66 – DECORUM; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR RENUMBERING OR RELETTERING; AND FOR OTHER PURPOSES.

ORDINANCE NO. O21-11

AN ORDINANCE OF THE CITY OF WAYCROSS, GEORGIA, TO CREATE THE CITY OF WAYCROSS MAYOR'S YOUTH COMMISSION; AND FOR OTHER PURPOSES

City Clerk read a Resolution of the City of Waycross, Georgia to Approve the Signing of a Mutual Release of Claims Agreement and Dismissal in the Civil Lawsuit Brought by the City of Waycross Against Okefenokee Humane Society, Inc to the Commission for approval.

RESOLUTION NO. R21-21

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,
TO APPROVE THE SIGNING OF A MUTUAL RELEASE OF CLAIMS AGREEMENT
AND DISMISSAL IN THE CIVIL LAWSUIT BROUGHT BY THE CITY OF
WAYCROSS AGAINST OKEFENOKEE HUMANE SOCIETY, INC.; AND FOR
OTHER PURPOSES.**

WHEREAS, the City of Waycross filed a lawsuit in the Superior Court of Ware County against the Okefenokee Humane Society, Inc., seeking financial records that reflected all revenues and all expenditures of funds provided to the Okefenokee Humane Society by the City of Waycross; and

WHEREAS, the City of Waycross and Okefenokee Humane Society, Inc. now desire to resolve their dispute regarding all of the issues alleged in the lawsuit and counterclaim; and

WHEREAS, Section 2.1 of the Charter of the City of Waycross gives the City of Waycross the power and authority to "enter into contracts and agreements with other governmental entities and with private persons, firms and corporations"; and

WHEREAS, said matter having been considered;

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the Mutual Release of Claims Agreement, a copy of which is attached hereto as an Exhibit and incorporated herein as if fully set out, between the City of Waycross and the Okefenokee Humane Society, Inc. be approved.

BE IT FURTHER RESOLVED that the Mayor, City Manager, City Clerk, City Attorney and Assistant City Attorney be authorized, directed and empowered to sign said Mutual Release of Claims Agreement, and also the Voluntary Dismissal with Prejudice, and to do all the acts and things necessary in order to carry out the purposes and intent of this Resolution.

SO RESOLVED, this 6th day of April, 2021.

CITY OF WAYCROSS, GEORGIA
BY: MICHAEL-ANGELO JAMES, Mayor

ATTEST:
MICHELLE LOVE, City Clerk

Commissioner Norman Davis made the motion to approve a Resolution of the City of Waycross, Georgia to Approve the Signing of a Mutual Release of Claims Agreement and Dismissal Civil Lawsuit Brought the City of Waycross Against Okefenokee Humane Society, Inc to the Commission for approval. Commissioner Marian Solomon-Gaines seconded the motion. All voted in acceptance, and the motion passed.

City Clerk presented the reading of A Resolution of the City of Waycross, Georgia to Award Bid Contract to Lewis and Raulerson, Inc For Fiscal Year 2022 Gas Card Service to the Commission.

RESOLUTION NO. R21-22

**A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA,
TO AWARD BID CONTRACT TO LEWIS AND RAULERSON, I.N.C. FOR FISCAL
YEAR 2022 GAS CARD SERVICE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Waycross anticipates using approximately 100,000 gallons of unleaded fuel and approximately 40,000 gallons of low sulfur # 2 diesel during Fiscal Year 2022, being from July 1, 2021, until June 30, 2022; and

WHEREAS, in March 2018, the City of Waycross Purchasing Department offered the project through competitive bidding and received and opened bids tendered for the gas card service; and

WHEREAS, Lewis and Raulerson, Inc. of Waycross, Georgia, submitted the best value bid for the City, with a 5 cent (\$0.05) markup on gasoline, and a 7 cent (\$0.07) markup on low sulfur # 2 diesel; and they utilize Fueloc (the proprietary fleet fueling card program) and have multiple Fueloc locations in the City and across the State of Georgia; and

WHEREAS, the City Commission awarded the bid to Lewis and Raulerson, Inc. on March 20, 2018, said award including an additional four (4) one year renewals if all parties are in agreement, and which the parties are in agreement; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that the Bid Contract for FY22 Annual Gas Card Service, awarded to Lewis and Raulerson, Inc.

on March 20, 2018, be extended and renewed for an additional fiscal year from July 1, 2021, until June 30, 2022, with all terms detailed in the original agreement continuing.

BE IT FURTHER RESOLVED that the Mayor, City Manager, and City Clerk be authorized and directed to execute the bid contract on behalf of the City of Waycross and to do all the acts and things necessary in order to carry out the purposes and intent of this Resolution.

SO RESOLVED, this 6th day of April 2021.

CITY OF WAYCROSS

BY: MICHAEL-ANGELO JAMES, Mayor

ATTEST:

MICHELLE LOVE, City Clerk

Commissioner Solomon-Gaines made the motion to approve the Signing of a Mutual Release of Claims Agreement and Dismissal in the Civil Lawsuit Brought by the City of Waycross Against Okefenokee Humane Society, Inc. Commissioner Henry Strickland seconded the motion. All voted in approval, and the motion passed.

A Resolution of the City of Waycross, Georgia to Cancel and Terminate Contracts with Utility Service Company, Inc of Perry, Georgia, for City's Annual Water Tank Maintenance was submitted for approval.

RESOLUTION NO. R21-23

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO CANCEL AND TERMINATE CONTRACTS WITH UTILITY SERVICE COMPANY, I.N.C. OF PERRY, GEORGIA, FOR CITY'S ANNUAL WATER TANK MAINTENANCE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Waycross has a need for annual maintenance of its 7 water tanks;
and

WHEREAS, in August 2000, the City entered into 5 separate maintenance contracts for each of the following water tanks: Industrial Boulevard Tank 1, Industrial Park South Tank 2, Marion Street Tank 5, M.L.K. Tank, and Stephenson Street Tank 7, with Utility Service Company, Inc. of Perry, Georgia (by Resolution No. 00-49, the City Commission did not approve the contracts until September 5, 2000); and

WHEREAS, the maintenance contract with Utility Service Company, Inc. for the Lowes Tank was executed and signed on October 18, 2005 (by Resolution No. 05-62, which was approved by the City Commission on October 18, 2005); and

WHEREAS, the maintenance contract with Utility Service Company, Inc. for the Alice Street Tank was executed and signed on November 7, 2007 (by Resolution No. 07-63 which was approved by the City Commission on November 5, 2007); and

WHEREAS, Utility Service Company of Perry, Georgia, has been acquired by Suez Environnement North America; and

WHEREAS, the City of Waycross now desires to cancel and terminate all of the above-mentioned maintenance contracts; and

WHEREAS, said contracts require that the contracts are subject to cancellation or termination only if intent to cancel or terminate is received by Company ninety (90) days prior to the anniversary date or the first day of the upcoming Contract Year. Notice of Cancellation to be delivered by registered mail and signed by three (3) authorized voting officials of the Owner's management and/or Commissioners; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the City of Waycross that all of the above-described contracts for the City's Annual Water Tank Maintenance with Utility Service Company, Inc. (being Industrial Boulevard Tank 1, Industrial Park South Tank 2, Marion Street Tank 5, M.L.K. Tank, Stephenson Street Tank 7, Lowe's Tank and Alice Street Tank) are canceled and terminated.

BE IT FURTHER RESOLVED that the Mayor, City Manager, City Clerk and City Attorney be and are authorized and directed to execute any document on behalf of the City of Waycross canceling and terminating said contracts, attaching a copy of this Resolution as an Exhibit, and delivering said letter and Resolution to Utility Service Co., Inc. at 535 Courtney Hodges Boulevard, P.O. Box 1350; Perry, Georgia 31069, by registered mail, and to do all the acts and things necessary in order to carry out the purposes and intent of this Resolution.

SO RESOLVED AND ADOPTED, this 6th day of April, 2021.

CITY OF WAYCROSS, GEORGIA

BY: MICHAEL-ANGELO JAMES, Mayor

ATTEST:

MICHELLE LOVE, City Clerk

Commissioner Marian Solomon-Gaines motioned to Cancel and Terminate Contracts with Utility Service Company, Inc of Perry, Georgia, for the City's Annual Water Tank Maintenance. Commissioner Henry Strickland seconded the motion; all voted to approve the action as presented.

A Resolution of the City of Waycross, Georgia to Award Bid Contract to East Coast Asphalt L.L.C. for Albany Avenue Widening and Resurfacing Project and To Thrift Brothers Inc for Albany Avenue Drainage Improvement Project was presented.

RESOLUTION NO. R21-24

A RESOLUTION OF THE CITY OF WAYCROSS, GEORGIA, TO AWARD BID CONTRACT TO EAST COAST ASPHALT L.L.C. FOR ALBANY AVENUE WIDENING AND RESURFACING PROJECT AND TO THRIFT BROTHERS INC. FOR ALBANY AVENUE DRAINAGE IMPROVEMENT PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, Albany Avenue is in need of street repair, resurfacing and drainage improvement; and

WHEREAS, Albany Avenue is approved and listed as a Regional Transportation Special Purpose Local Option Sales Tax (Regional T-SPLOST) project for Waycross and Ware County and also approved as a Transportation Special Purpose Local Option Sales Tax (T-SPLOST) project; and

WHEREAS, the City Commission approved a Transportation Investment Act of 2010 Project Agreement with the GDOT for the Albany Avenue Widen and Resurfacing, SGRC-153, P.I. 0016312, project on or about October 1, 2019; and

WHEREAS, this bid was issued in two (2) divisions in order to obtain the best pricing – one for street repair and resurfacing and the other for drainage improvement; and

WHEREAS, the City of Waycross Purchasing Department offered the project by soliciting bids from all 7 local area road and construction contractors and also posted the request for bids on the City's website, GPR and in the local newspaper; and

WHEREAS, East Coast Asphalt L.L.C. of Douglas, Georgia, submitted the lowest and best bid for the Albany Avenue widening and resurfacing project in an amount of **\$659,813.40** (which includes a deduction of \$7,500.00 for the City to retain all millings to use in other needed locations), and meeting all specifications and requirements; and

WHEREAS, Thrift Brothers, Inc. of Waycross, Georgia, submitted the lowest and best bid for the Albany Avenue drainage improvement (and which includes sewer replacement) project in an amount of **\$2,468,233.70**, and meeting all specifications and requirements; and

WHEREAS, said matter having been considered.

NOW, THEREFORE, BE IT RESOLVED by the Waycross City Commission that the Bid Contract for the above-described Albany Avenue widening and resurfacing project be awarded to East Coast Asphalt L.L.C. of Douglas, Georgia, in an amount not to exceed **\$659,813.40**; that the Bid Contract for the above-described Albany Avenue drainage improvement (which includes sewer replacement) project be awarded to Thrift Brothers, Inc. of Waycross, Georgia, in an amount not to exceed **\$2,468,233.70**; and both projects to be paid from available Local and Regional T-SPLOST funds.

BE IT FURTHER RESOLVED that the Mayor, City Clerk, City Manager and City Attorney be authorized and directed to execute the Bid Contract on behalf of the City of Waycross, and to do all the acts and things necessary in order to carry out the purposes and intent of this Resolution.

SO RESOLVED AND ADOPTED, this 6th day of April, 2021.

CITY OF WAYCROSS

BY: MICHAEL-ANGELO JAMES, MAYOR

ATTEST:

MICHELLE LOVE, City Clerk

The Resolution of the City of Waycross to Award Bid Contract to East Coast Asphalt L.L.C. for Albany Avenue Widening and Resurfacing Project and To Thrift Brothers Inc for Albany Avenue Drainage Improvement Project was approved as presented by motion from Commissioner Norman Davis. Commissioner Henry Strickland seconded the motion. All voted favorably, and the motion was approved.

Mr. Tim Peacock, 906 Euclid Avenue, Waycross, Georgia, addressed the Commission about statues and monuments. Mr. Peacock would like for voters to decide if the monument remains.

During Last call, Commissioners wished Commissioner Norman Davis a Happy Birthday. Commissioner Davis inquired about Buchannon Street. Mayor Pro Tem Henry Strickland thanked everyone. Commissioner Solomon-Gaines requested for Chief Cox to discuss active shooter and junior police academy programs. Mayor James shared information on vaccinations.

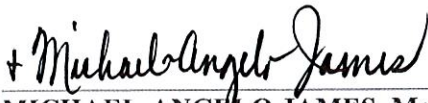
After the last call, Commissioner Henry Strickland made the motion to go into Executive Session. Commissioner Marian Solomon-Gaines seconded the motion. All voted in favor.

Commissioner Henry Strickland made the motion to return to the open session. Commissioner Norman Davis seconded the motion. The motion carried, and the meeting resume.

Mayor James adjourned the meeting.

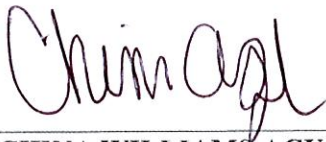
CITY OF WAYCROSS

BY:



MICHAEL-ANGILO JAMES, Mayor

ATTEST:



CHINA WILLIAMS AGU, Acting City Clerk

MOTION TO ENTER INTO A CLOSED MEETING

Commissioner Marian Solomon-Gaines made the motion to go into Executive Session to discuss Personnel, Real Estate, and or Litigation. Commissioner Henry Strickland seconded the motion. Commissioners Marian Solomon-Gaines, Henry Strickland, Norman Davis, and John Threat voted in favor and the meeting adjourned to Executive Session.

- (1) That the Commission of the City of Waycross now enters into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing the following:

Personnel, Litigation_and/or Real Estate

- (2) That this body, in open session, adopted a resolution authorizing and directing the Mayor to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the actions of the Commission taken in closed session and confirm that the subject matter of the closed session was within exceptions permitted by the open meetings law, said resolution to be in the form as attached hereto.

MOTION APPROVED

Those voting in favor of the motion for closure: Commissioners Henry Strickland, Norman Davis, John Threat, and Marian Solomon-Gaines.

Motion to adjourn was made by Commissioner Henry Strickland, seconded by Commissioner Norman Davis, all Commissioners present voted in favor and the motion carried.

RESOLUTION OF THE COMMISSION OF THE CITY OF WAYCROSS, GEORGIA

BE IT RESOLVED by the Commission of the City of Waycross, Georgia as follows: At the meeting held on the 6th day of April 2021, the Commission entered into closed session for the purpose of discussing Personnel, Litigation, and/or Real Estate. At the close of the discussion of the named subject, the Commission did vote to re-enter open session and herewith takes the following action in open session:

- (1) The actions of the Commission and the discussions of the same regarding the matter set forth for closed session purposes are hereby ratified.
- (2) Each member of this body does hereby confirm that to the best of his or her knowledge, based upon the advice of the City Attorney, the said subject matter of the meeting and of the closed session portion was devoted to matters within the specific relevant exceptions as set forth above.
- (3) The Mayor is hereby authorized and directed to execute an affidavit, with full support of the members of this Commission in order to comply with O.C.G.A. §50-14-4 (b).

- (4) The affidavit shall be included and filed with the official minutes of the meeting and shall be in a form as required by the statute, which shall be substantially as follows:

AFFIDAVIT

Personally appeared before the undersigned attesting officer, duly authorized to administer oaths, the Mayor of the City of Waycross, who, after being duly sworn, deposes and states on oath the following:

- (1) I was the presiding officer of a meeting of the Commission of the City of Waycross held on the 6th day of April 2021.
- (2) That it is my understanding that O.C.G.A. §50-14-4 (b) provides as follows:
When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairperson or other person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.
- (3) The subject matter of the closed meeting held on 6th day of April 2021 which was closed for the purpose of discussion of personnel and potential litigation as allowed by O.C.G.A., Title 50, Chapter 14 was devoted to matters within those exceptions as provided by law. O.C.G.A. Section 50-14-4
- (4) This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. §50-14-4 (b) that such an affidavit be executed.

This 6th day of April 2021.

Sworn to and subscribed before me

This 6th day of April 2021

Notary Public

My Commission expires:



Michael Angelo James
MICHAEL-ANGELO JAMES, Mayor

Michael Angelo James
MICHAEL-ANGELO JAMES, Mayor

Approved this 6th day of April 2021.

Attest:

Michelle Love
Michelle Love, City Clerk

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