

CITY OF MACCLENNY
Regular Meeting
February 12, 2013
6:00 p.m.

The City Commission met in regular session, Tuesday, February 12, 2013 with the following present: Mayor Gary Dopson, City Manager Gerald Dopson, Commissioners Tommy Johns, Richard Johnson, Phil Rhoden and Floyd V. Bennett.

Mayor Dopson called the regular session to order. Commissioner Rhoden opened the meeting with prayer, followed by a pledge to the United States Flag.

Mayor Dopson opened the meeting and recognized City Manager Gerald Dopson to present a service pin to Mr. Mark Bryant as part of old business. City Manager Dopson said it makes us feel good to be able to award individuals that have volunteered their time to our community over the years. Ironically, one of the meetings, held around 10 years ago, one of our most controversial land use request, came before the council. One of the residents at the meeting was there out of concern for his neighborhood and we were impressed by how the young man conducted himself and the questions he asked. After the meeting, he thought that the young man would be a perfect member on our Zoning and Adjustment board. Mr. Bryant has been on our Zoning and Adjustment Board now for ten years. He is the present chairman and has been chairman for numerous years. Everyone that has had the opportunity to work with him is aware of what he brings to the service that he provides. As long as he has been able to serve in the capacity, the Council has felt comfortable that the meetings were held professionally. It gives him great pleasure to present the ten year service pin to Mr. Mark Bryant. Mr. Bryant expressed his gratitude.

In new business, Mayor Dopson recognized Mr. Milton O'Neill from the Baker County Veterans Council. Mr. Milton O'Neill recognized the other members present from the Baker County Veterans Council. He relayed the services available for the veterans and dependents in the area including scholarships also that one of the local veterans had donated a car to be given away to another veteran in need of transportation. A presentation was given and discussion followed. He invited the Council and guests to their monthly meetings held on the second Thursday of each month at Firehouse Subs at 6:00 pm for social time and 6:30 pm for the meeting.

Next order of business, Mayor Dopson recognized Cherie Hedrick to give the update for the CDBG program. Ms. Hedrick expressed regrets from Mr. Spencer Nabors of In Touch Consulting, LLC who came down ill this afternoon and was unable to attend the meeting. Mr. Nabors wanted Ms. Hedrick to share the following information on the progress of the previous rounds. Round 1 homes are 100% complete. In Round 2, there are 2 homes 100% complete and 3 homes at 75%. Those three will be finalized within the next three weeks. The last home is Ms. Jacob's home. It was originally set to be a rehab home but after Mr. Nabors went back and re-evaluated the home, there were more issues than when the original inspection had taken place. When he started looking at the numbers, the rehab was going to be more than 50% of the fair market value of the home and that would automatically make it switch to be a new construction. We were hoping to do two homes this round but with the change, we may only be able to do one more. The other thing that cut into our budget was the driveway issue. When we originally did the new constructions, we did not include the driveways. When Mr. Bagwell came to do the inspection, he pointed that out. It was in the LDR but we had not seen or planned for that. That was not planned for in the original bids. We had to go back and include change orders that cut into our money set aside for round 3. We had bid openings today. The top bid was from Top of the Mountain for \$67,299. We need to have a motion to accept the bid in that amount. The motion was made by Commissioner Bennett to accept the bid. Commissioner Johnson seconded the motion. Voting was unanimous.

City Manager Dopson said there was another house included in the fundable portion of this program but in the sake of transparency, he wanted everyone to know that we were not involved in the selection process. That was set up by a committee. One of the fundable homes was a rehab owned by City Manager and Mayor's nephew Steven Williams. We had enough to fund his rehab as well. When the decision was made to go from a rehab to a new

construction it cut the funding for Williams. The fact is that this grant has allowed us to eliminate many of the dilapidated homes in our community. We are trying to be as efficient as possible and address the housing needs of your community. He would like to have the driveway issue looked at on homes built 50 years ago when a driveway was not required. He spoke with Mr. Nabors about the issue and he would like for us to not spend money on a driveway when we could utilize those funds for housing if possible. We need to be able to determine if the driveway fits well and is esthetically pleasing and needed but if we are doing that only because it is in the LDR, we need to see what type of flexibility we have to be able to evaluate those situations. He and Mr. Nabors will ride around along with Mr. Yarbrough, Assistant City Manager to evaluate those situations.

Next order of business, Mayor Dopson recognized Ms. Joy Chapman from Code Enforcement to discuss condemnation recommendations. Ms. Chapman presented the first home up for condemnation as the Thomas home. She provided pictures to the Commissioners. She said the home has been in a dilapidated condition for years. She and Assistant Manager Roger Yarbrough had approached the home owner before and she indicated that she wanted to move the home. At this time, nothing has been done. She has contacted the homeowner again in regards to the home. The homeowner was unable to attend this meeting and Ms. Chapman said she encouraged the homeowner to write a statement as a reply to the condemnation. She has not sent in a statement but did request via phone a 30 day extension to the condemnation. Ms. Chapman explained the condemnation procedure. Discussion followed. A motion was made that the additional 30 days not be granted and the condemnation process would go forward by Commissioner Bennett and seconded by Commissioner Johnson. The voting was unanimous. The motion carried to go forward with condemnation. Ms. Chapman presented the second house up for condemnation. It's a property on Barber Road. She passed out pictures to the Commissioners. The owner currently lives and works out of town. No one lives in the house at the moment. She said the condemnation did not necessarily mean to tear the house down but instead bringing the house up to code. The owner asked that the condemnation be tabled for 30 days so her daughter could attend the meeting. Ms. Chapman said there has been a little progress made but has been a sore spot for years. Discussion followed. A motion was made by Commissioner Rhoden to deny the delay and go forward with the condemnation. It was seconded by Commissioner Johnson. Voting was unanimous. The motion carried to go forward with the condemnation. Ms. Chapman presented the third property up for condemnation, the vacant concrete plant on Florida Avenue. Ms. Chapman provided pictures to the Commissioners. Ms. Chapman met with a representative from Anderson Columbia to discuss the property. She is guessing that it has been in the current state for approximately 10 years. In the ordinance, it does say we are supposed to furnish them a report. Our inspector, Mr. Bagwell did go and look at the property but did not fill out a report. It does sound like they may fight the condemnation. The owners are insisting on a report. She recommended that we get a report and table it for discussion until next month. Discussion followed. City Manager Dopson recommended the condemnation be tabled until next meeting. Mayor Dopson requested that a health hazard inspection be completed on the property as well before the next meeting. Mayor Dopson tabled the discussion for this particular property until next meeting.

In other business, Mayor Dopson recognized City Attorney, Frank Maloney to read by title only Resolution 2013-01. Mr. Maloney read the Resolution by title only. A resolution declaring the public necessity to acquire title through condemnation by right of eminent domain to certain real property in Baker County Florida for the construction, maintenance and operation of a spray field for the treatment of bio-solids generated at the wastewater treatment plant owned and operated by the City of Macclenny; describing the real property to be acquired; directing the city attorney to institute appropriate condemnation proceedings. Mayor Dopson asked for a status on the law suit and how this played a part in the process. City Attorney Maloney said Rayonier has now been served and they have hired legal counsel. Their Counsel did respond to Mr. Birchfield, our co-counsel, to speak to the City regarding the action. They will be filing a response. This resolution dovetails with the lawsuit as recommended by our City Engineer, Frank Darabi in case something happens to the lawsuit. Mr. Darabi reiterated to Mr. Maloney the work that has gone into the piece of property, the vital need of the property to the City and the concerns with the current location. City Manager Dopson said he wanted to remind everyone what Mr. Maloney was referring to. Rayonier's counsel has asked that we drop the suit if they find us a suitable alternative

property. Our response was we have never changed our mind on an alternative site when it was first proposed by Rayonier. We need something that will satisfy the needs of the City and the wastewater program. We have pressed that issue to the point of sending our co-counsel back and ask if we got the original buyer out of the deal would they be willing to sit down and talk about an alternative piece of property. Their answer at that time was no. He did not think anyone was a fan of lawsuits and we are at the point where we are backed in the corner and he wanted the minutes to reflect that the timing and the need for the City of Macclenny to have a property for the proper disposal of the Wastewater from our wastewater operation. The need is evident based on our current conditions. The timing is paramount. Also, by way of the comment to Rayonier, Rayonier is a reputable company and we do not want an adversary type of relationship. Part of our conversation to Rayonier was that they were fortunate enough to have property strategically located in our county which will someday greatly benefit from the water and sewer services the City of Macclenny provides. They have acknowledged that. He would encourage Rayonier to look at this and understand they are fortunate to have the property. Also can they work with the City of Macclenny to make sure their needs are met as well? He feels if we can get the mind frame set in this direction, it may eliminate the need for someone to buy a piece of property for what DEP is requiring of us to dispose of the wastewater treatment. He wanted the record to reflect the importance of the timing for the City to have a piece of property that can fulfill the needs for the City to continue to meet the needs of the people. Commissioner Bennett made a motion to approve Resolution 2013-01. Commissioner Johnson seconded the motion. Voting was unanimous. Resolution 2013-01 was carried.

In other business, Mayor Dopson recognized City Manager Gerald Dopson to tender his intent to retire effective May 1, 2013 and make his recommendation that Mr. Phil Rhoden fill his position. Mayor Dopson pointed out the significance of the May 1st in that Mr. Dopson started with the City of Macclenny 43 years ago on May 1st. City Manager Dopson said he thinks the timing is right for this to take place. He has mixed emotions on this. It has been a part of him and his family for 2/3rds of his life. It is a difficult thing. He believes everyone can make the mistake to stay too long, he doesn't want to make that mistake. He wants to retire when things are going fairly good. The issue is not about his retirement. It is about the City of Macclenny moving forward. That is the issue before us tonight and the reason I have recommended Mr. Rhoden. He said words are not needed, Mr. Rhoden's actions speak for themselves. He is encouraged where the City of Macclenny will go. He feels Mr. Rhoden can lead the City into the future. He is recommending Mr. Rhoden be hired April 4, 2013 to accommodate the notice requirement for his current employer. He will work with Mr. Rhoden for 30 days. He feels that is adequate since everyone that knows the operation of the City will be available. We don't need two City Managers. He wants to be able to have his desk cleared and ready for Mr. Rhoden at that time. He let the council know at the time when he was going through the DROP program and began receiving his retirement through the state, he became what was termed as a double dipper. When this was occurring, the City was in the midst of significant growth. Some of the Board members asked that he stay on and they worked it out. He felt in heart at that time, it was the right thing to do, to reduce his salary by the amount he was receiving from retirement. He is recommending Mr. Rhoden be hired at the same pay in the neighborhood of \$69,000. \$3,600 of that is part of his package deal which included a \$300 per month allowance for utilizing his own vehicle and access to the City gas tank. There are also the health benefits to consider. He also wanted the Board to consider another item. He has never had a contract and never wanted a contract. He wanted it to be open and flexible. If the Board felt he was not doing a good job, he did not need a contract to protect him. The current policy calls for upon retirement, as an incentive, with 30 more years, you are given 60% of your sick pay up to 950 hours. He has been healthy through the years and not had to use many of the sick hours. He has been able to give away some of his sick time to other employees in need as well. He currently has accumulated 960 hours. He would ask the Council, if you could see fit to do it, he would like to ask for the hours to be paid at 100% as severance pay. It would amount to about \$11,000 or \$12,000. Discussion followed. Commissioner Johns asked if that was an accumulated amount since he started or was it erased each year and started over. City Manager Dopson said it was accumulated for years of service. Mayor Dopson asked how many hours he had donated to other employees over the years. City Manager Dopson said he wasn't sure of an exact amount. Assistant City Manager Roger Yarborough said he felt like it was more than he had available at the moment. Commissioner Bennett made a motion to accept the City Manager's intent to retire effective May 1, 2013 and approve 100% of the accumulated sick leave amount to be paid for 960 hours. The motion was seconded by

Commissioner Johnson. Commissioners Johnson, Johns, Bennett and Rhoden voted in favor. Mayor Dopson abstained from voting since it included a financial benefit. The motion carried. Mayor Dopson said the City Manager has recommended Mr. Phil Rhoden fill his position. Personally, he felt it was a good recommendation. Commissioner Rhoden said he would do his best. He knew Mr. Dopson had built something amazing in the City and filled it with a staff that was more than a staff but a family. It was way more than a job to Mr. Dopson and he promised to love it and nourish it as best he could if he was accepted into the position. Mayor Dopson commended City Manager Dopson for doing a wonderful job through the years and handling most of the problems before they even got to the City Council. He made the job easier for them. Discussion followed. City Manager Dopson said he wanted to state they knew there were other qualified people that could do the job but with choosing Mr. Rhoden, he already knew the issues and the objectives for the City. He felt there was none more in a position to be able to take the lead and go forward with it than Mr. Rhoden. Commissioner Bennett made the motion to accept Mr. Phil Rhoden in the position of City Manager effective April 4, 2013 at the recommended salary and make it effective until the Council makes it ineffective. The motion was seconded by Commissioner Johnson. Commissioners Johnson, Bennett & Johns and Mayor Dopson voted in favor. Commissioner Rhoden abstained from the vote. The motion carried. Commissioner Rhoden said he appreciated the opportunity. The City of Macclenny was blessed by the amount of years of service sitting on the board. He had learned so much in the last 7 years. It was a blessing. It will be an honor to sit in the City Manager position. Discussion followed regarding the salary and package to go to Mr. Rhoden. Mayor Dopson suggested it be reviewed once he is here and brought before the board any changes that would need to be made. In the same sense, the Board also can review and bring up any changes they would like to make at the next meeting.

In other business, approval of the Minutes from the regular city council meeting on January 8, 2013. Commissioner Bennett made a motion and was seconded by Commissioner Johnson to approve the minutes. Voting was unanimous. Motion carried.

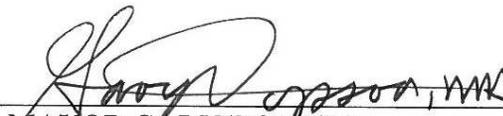
In other business was the review of the bills for January. Discussion followed. Motion to approve the January bills was made by Commissioner Bennett and was seconded by Commissioner Johnson. Voting was unanimous. Motion carried.

Mayor Dopson opened the floor for comments. Commissioner Johnson asked if there were any garbage problems. City Manager Dopson said Mike Walker has been the coordinator working with their representatives. There have been some logistical areas that we expected and have been addressing them. Commissioner Johnson said he noticed there were cans facing the wrong way and wanted to know how that would be handled. City Manager Dopson said Advance had a supervisor riding with the truck this week to help out with that and try to educate the people. If that persists, then they will talk to the residents. It is a learning process. Overall he was happy with the service. It is a cleaner operation. Commissioner Johnson asked if there was any more discussion for picking up the old cans. City Manager Dopson said we could pick them up if the residents wanted us to haul them away. Mr. Ricky Smith said he did see the truck pick up a can that was reversed and the truck did pick it up fine. It just doesn't allow the lid to fall back down. He thought a more proactive approach of picking up the cans would be better. Mike Anderson asked if the residents could use the old cans to pick up the yard waste. Mayor Dopson said that would actually restrict us more due to the type of truck that pick up the yard waste. Ms. Hedrick asked if we could set some dates we could publicize that we could pick up the cans instead of inundating the ladies at the front desk with numerous phone calls for can pick up. City Manager Dopson said there was a space on the bills that we could put in the information possibly placing them by the road upside down to indicate they wanted them hauled away.

City Manager Dopson said he wanted to make the board aware of a situation. We try to strive to keep our dumpsters and things in a place that may be more pleasing to the eye when we can. There are these white receptacles asking for donation of clothing. We are not against that but they have not consulted anyone with City hall. They are sitting around town with a phone number from the 786 area code. We are not against any type of benevolent type of organization but many of our churches have clothing ministries. That assures us that our clothing goes to members of our community with needs. We will press them and see what's going on and who gave them authority to place the receptacles around. If it is not something that we feel good about, we will discontinue that. Mayor Dopson said he thought

we should discontinue it. The churches have their own format for delivery. He felt it was from out of town. City Manager wanted to notify the Council that we are looking into it. The second item was that it is early in the process of budget for next year and that will be the new city manager position. But we are all aware that we have a fire station that is in need of some attention like a new building. The code violations would be some serious issues. We have applications to USDA for a grant or loan or loan and grant type of request to see what we could qualify for. We are getting to the point where we can get an application together and get it submitted. We will need a tentative drawing to submit as well. As he was reviewing the budget to see where we could take that money, he would make recommendations. We are in the last year of the payments for land on East Blvd for future retention project. Also the last payment of the resurfacing program that we funded is almost complete. Those are the areas that we could look at for the funding. We can all acknowledge that we need to look at the serious problems and the need to update the building. Mayor Dopson said he would like to look at that in terms of use of that block over the next 20 years where we can place that building. He still hopes to eventually own the Council on Aging building so we can own the entire block. That way, we could put the fire station in the right place based on other things that we want to put over there. Mayor Dopson said he wanted to mention, we need a priority list of roads that need to be resurfaced in the near future. He had noticed along Highway 90 the grass had been shaved up and wanted to know why. City Manager said we did it since the median had grown up to the point we couldn't do anything with it. We couldn't do anything to the trees and flowers and things and we took it down but it will come back. Mayor Dopson said he was concerned about the trees if they didn't get watered they would die. Commissioner Rhoden asked if he would be a City Commissioner until what date. Mayor Dopson said April 4th. Fidel Lido asked if there was a new owner for Cypress Pointe. Assistant City Manager Roger Yarbrough said he had heard there was but it had not been confirmed. Mr. Lido wanted to know if the moratorium on building was still in place. Assistant City Manager Yarbrough said yes. If the new owner was the ones that came and spoke to City, they were aware of what needed to be done before they could build the 1st house. No one, at this point, has come to say they own the property yet to the City. Mr. Lido wanted to know if they could put anything in there or were there stipulations of what they could build there. He did not want a mobile home park. Mr. Yarbrough said it was outlined in the PUD. City Manager said there was about 10 acres in the corner that was zoned for multifamily dwellings. Mr. Ricky Smith asked if the moratorium was on building or on CO's. City Manager said we had made the commitment that if they got the permits from St. Johns Water Management; we would give them the CO's. Mr. Ricky Smith asked if we were stopping from building or just not issuing CO's. City Manager said if it got to two or three structures then at that point, we may stop them from building until it is corrected. Mr. Lido said at this point the Homeowners association had gone away. Would St. John's take over care of the ponds? City Manager said the homeowners association would take care of the ponds. Mr. Lido said there was a community member that said he had spoken to the new owners and they didn't want a part of the homeowners association. Assistant City Manager Yarbrough said they did not have a choice. City Manager Dopson said the new owner would be required to take responsibility. There is no choice in that. They have to establish and maintain a homeowners association. Mr. Lido asked if there would be an election to fill the Commissioner seat that will be coming vacant. Mayor Dopson said the commissioners would appoint someone to fill the seat until the upcoming election this year. The person elected would fill the seat until the term ended in 2015 and then it would be up for election again.

With no further business, the meeting was adjourned.


MAYOR GARY DOPSON

ATTEST:


CITY MANAGER/ CLERK GERALD DOPSON

