

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

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

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

Mayor Dopson opened the meeting and recognized Ms. Joy Chapman, Code Enforcement to give an update on the concrete plant condemnation and to discuss recent condemnations. Ms. Chapman said at the last meeting she had told the Council the owners of the concrete plant had an objection to the condemnation since they had not received a report. Mr. Bagwell did an official inspection and sent a letter detailing 8 things we asked them to do. She received a response from Anderson Columbia, Co. Inc. that she passed out to the Commissioners. They have agreed to do what Mr. Bagwell asked. She would still ask the Commissioners to condemn the concrete plant. That would give Anderson Columbia 30 days to start working on what we need them to do. She felt if we did not make any sort of judgment on this issue, this process could have to be started over again. There are several pits full of water on the property, there is a lean to that needs to be taken down, the doors and windows need to be boarded up and the gates need to be secured. That is the securest we can ask them to make this and they have agreed. There are 2 above ground storage gas tanks and they have agreed to remove them. She checked with Terry Graham, the County Health contact and he did check and insure it was above ground and there was nothing underground for gas. City Manager Dopson said the City has authorization by ordinance to pursue these matters and we need to make certain we stay in the confines of the ordinance. We would like to see the building go but in this case, Mr. Bagwell said we can't condemn the structure since it does not present a safety type issue or a structural type issue that would lead to concerns. We can require them to secure the building. It would be a much improved parcel if these tasks are completed. Commissioner Johns asked if we would condemn it after the discrepancies were repaired. Ms. Chapman said no, it would be taken off the condemnation status once the items are repaired. Just because a property is condemned, it doesn't necessarily mean it stays that way. If everything is taken care of, it comes off that status. Mayor Dopson said it means they have to get started within 30 days if condemned. Ms. Chapman said yes and there has to be continued progress on the property until it's done. Commissioner Bennett asked if he understood the letter we received correctly, they have agreed to repair all the issues. If that is the case, what are our grounds for condemning the property after they repair these issues? City Attorney Frank Maloney said this just meant if we condemn the property it would put their feet to the fire and force them to pull permits and get licensed contractors to do the work. Ms. Chapman said she wanted them to condemn the property tonight. If we don't, then they would have an infinite amount of time to get these items accomplished. If we condemn it tonight, then they have 30 days to start the process. If they don't proceed, then the City has authority to go in and do the work ourselves and put a lien on the property. Without the condemnation, we don't have a leg to stand on to get what we want done. Fire Chief Dugger said the building needed to be condemned and boarded up. There was already a fire there that almost injured some firemen. It is a very dangerous building from a fire code standpoint. We have had vagrants go in and set it on fire on a Sunday afternoon. It is a very dangerous structure the way it is now for his staff, the kids around and the public in general. Commissioner Bennett made a motion to condemn the Anderson Columbia parcel 32-2s-22-0049-0049-0010. Commissioner Johns seconded the motion. Voting was unanimous. Ms. Chapman wanted to update the council on the property they condemned at the last meeting, Ms. Thomas's house next to Aardvark. She did send a registered letter after the meeting to the property owner to let them know about the condemnation. The home owner called her in February and asked for a phone number for someone to take the structure down. Ms. Chapman contacted the person the home owner was going to call and he had not heard from her. The structure is still there and the homeowner had 30 days to get it down. At this point, the City can start taking bids, take it down and put a lien on it. Ms. Chapman said she could send her one more letter to let her know our intent, but that is the next step. Commissioner Johns asked if it had been 30 days. Ms. Chapman said

yes, we had approved the condemnation at the last meeting and the letter was sent the day after the meeting. Mayor Dopson said Ms. Chapman knew the process, just send a letter with a return receipt and give her a little time then proceed with what is necessary. Ms. Chapman said Ms. Sus Austill was here with her daughter to speak to the council. Ms. Chapman said the Council had voted to condemn the property at the last meeting. She said tremendous progress had been made at the property on the outside. She has spoken with the Assistant City Manager Roger Yarborough regarding the permits that will need to be pulled in the future. She asked Ms. Austill to come up to speak to the Board. Ms. Austill came forward and passed out a letter detailing the condition of the property and the plan to repair the property. A discussion followed. She concurred with the decision to condemn the property and is working hard to get it cleaned up and has a plan for the rest of the cleanup and repair. She asked for time to get it in order due to money restrictions but will do her best to get it back up to code. Commissioner Johns said he thought with the setbacks she had, it was very fitting for her to come and explain the situation to the Council why it hadn't been done. It was because she wasn't physically or financially able. Commissioner Rhoden said he drives by the residence several times a day and he was amazed at the work that had been done the last 30 days. He had called Mr. Yarborough to let him know we needed to work with them. Commissioner Bennett said as long as we kept seeing improvements, give them the time they need to get the house up to code. Mayor Dopson said from the beginning it was a repairable house. It was condemned to get the repairs started. He did want to see some periodic progress on the house. As long as you are progressing well, he was sure they would be satisfied. Assistant City Manager Roger Yarborough said Ms. Austill had agreed to not move into the property until the safety issues were corrected. Mayor Dopson said he was concerned about other people coming into the property. Mr. Yarborough said she knew she had to secure the property. Ms. Austill said she would secure the property. Mayor Dopson said there was no need to vote on anything regarding this matter.

Next order of business, Mayor Dopson read the proclamation to make April 17, 2013 to be Military Family and Community Covenant Day.

Next order of business, Mayor Dopson recognized Ms. Cherie Hedrick to request a modification to the CDBG contract. Ms. Hedrick said we have some funds in the administration monies and temporary relocation monies we could move to the building fund to possibly be able to do another house with our CDBG grant. It does not look like we will need the relocation money and we are willing to give up the administration funds to put it towards good use in construction. We are requesting a modification to move \$8,287.08 from the Administration budget and \$2,250.00 from the Temporary relocation budget to increase the Housing rehab/demolition/replacement budget by \$10,537.08. City Manager Dopson said the funds available are documented to be utilized by administration or relocation, in lieu of not doing that, we could relocate the funds and help a homeowner get the benefit and prevent us from having to send the money back. We need to utilize it here in the community. Commissioner Rhoden made the motion to transfer \$8,287.08 from the Administration budget and \$2,250.00 from the Temporary relocation budget to increase the Housing rehab/demolition/replacement budget by \$10,537.08. Commissioner Johns seconded the motion. Voting was unanimous. The motion carried.

In other business, Mayor Dopson recognized City Attorney Maloney to read by title only Resolution 13-02, an agreement between the City of Macclenny and the State of Florida Department of Transportation for a renewal of annual fees for maintenance. Commissioner Bennett made a motion to accept Resolution 13-02. Commissioner Johns seconded the motion. Voting was unanimous. Motion carried.

In other business, Mayor Dopson said Mr. Milton O'Neill from the Baker County Veterans Council would be here to update the Council on services available for Baker County veterans. Mr. O'Neill was not present. Ms. Hedrick said she had spoken to him the day before the meeting and he had expressed he wanted to let the Council know they had received another donation of a car that could be donated to a veteran in need of a vehicle. Ms. Hedrick said she had contact information for anyone that needed the information.

In other business, approval of the Minutes from the regular city council meeting on February 12, 2013. Mayor Dopson requested some additions to the minutes. Commissioner Bennett made a motion to approve the amended minutes and was seconded by Commissioner Johns to approve the minutes. Voting was unanimous. Motion carried.

Mayor Dopson recognized Mr. Frank Darabi for comments. Mr. Darabi said he appreciated the opportunity. He, the City Manager and staff had met with the USDA Rural Development people to discuss the possibility of getting a loan to construct a new fire station. He is helping with the design work along with an architect. One of the issues we were discussing is the budget for it. The City Manager, Fire Chief and he met on it and discussed the project. The Fire Chief is going to give him a list of priorities and still stay within the \$1.5 budget. We want it to have more but we don't have that. We may have the furniture come out of other funds and the rest comes out of the loan. They do not have any grants so it will all be loans. The interest rates are good. He has been asked to help. He has met with an architect and he will address anything that needs be addressed. He wants to have a facility that can be expanded later. City Manager Dopson said they had set a tentative figure but there are lots of things to think about during this process. Mr. Darabi had called him and told him that if we proceeded with the tentative plans, we would be looking at \$3 million. He said we had discussed some of the budgetary issues and we can't double the tentative amount. We are setting a limit and we will have to work down to that limit. That is where we are at with it. Mr. Darabi said what we had was way over. Now we will make it one bay. The Fire Chief has been very cooperative and we will narrow it down as best we can.

City Manager Dopson said while Mr. Darabi was here, since we have to go the full gamut of the design of the street lamps. We have abandoned the 1 block area and we are laying out the designs for the next two blocks. It is just as easy to permit the whole project. He wanted to utilize the lamps that we have purchased. We need to put those up. We did not need the DOT permit for that. We are in the second phase of street lamping. Hopefully we can get the whole program permitted at this time. Mr. Darabi said since we have several state roads that run through City of Macclenny, DOT is very involved. It is easier since we are already going through this process, we need to go ahead and get it all done at once.

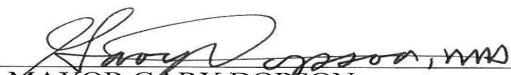
City Manager Dopson said he has never been one to respond to a letter to the editor. The Press is free and needs to write what they feel they need to write but he was disappointed in the editorial concerning the City's motives in trying to acquire the piece of property for the essential use we are required to have and a place to do that. The City does not have an agenda except, we are trying to fit the needs and keep the rates as reasonable as we can. There are other options for disposal other than land application but it is almost 3 times as expensive. As far as Mr. Boyette, there was not a contract and no deal. He worked independently and knew we were looking for a property. We did have others looking. Mr. Boyette was the most active and due to his contacts with the timber companies, he was able to find this piece of land. We did not go public in the paper that we were looking for a piece of land. If the big timber companies find out the City is interested in a piece of property, the red flag goes up. He wishes it wasn't like that but it is. That's why we used an agent to find the property. Right now that is the situation and we are forced to go that route. We don't want an adversarial relationship with Rayonier or any of the big land owners. Rayonier has maintained they have not offered us the sale of the other property on 228. We would love to partner with them. Mike Anderson of the Press printed that well in his article. We would love to partner with them and see it as something good for them one day. The sewer system and what is available for the development of the property that is around the City. They are saying they have never offered us the property on 228. Mr. Watson and Ms. Terwilliger were here in a meeting with him, Mr. Maloney and Mr. Yarborough and made that offer. We are proceeding with the condemnation. Right now we are paying double to haul where we have been hauling. It is still less even with that than if we had to haul it off farther. Mr. Darabi said he knew the rules would change in January 2013 and brought that to the City Manager. He looked at 7 or 8 properties that did not work. City of Macclenny is full of clay and the land does not percolate. We need sand for the sludge placement. There are two places that have sandy soil. The other problem is the wetlands in the area. With the setbacks required for wetlands, it made it impossible. The DEP representative said he would permit the property in question at a City Council meeting. The property by the sewer plant is not suitable for it. We contracted with the third party to do it but when the new rule has come up, we can't utilize that property any longer. This is something we have to do. We have a sewer plant and we have no choice but to get rid of the sludge.

In other business was the review of the bills for February. Discussion followed. Mayor Dopson asked about the rental of the grapppler truck. City Manager Dopson said our grapppler truck had broken and the boom had come loose from the base. We are getting that

repaired. In the meantime, we have to rent a grappler truck. We cannot do without one for several days. They wanted \$6000 and we talked them into \$4000 for the month. In our solid waste program, we had approved a new grappler truck in the budget. We knew this one was getting bad. Our purpose in looking at the overall program was to let the new truck be the primary truck and do most all the limb and yard debris and use the repaired truck for other things. The truck is actually in decent shape after the boom is repaired. We can run that once a month and we can ask our people to place out white goods for us to pick up. We didn't want to order the truck until we saw how the solid waste contract worked out before we spent the money on the grappler truck. Motion to approve the February bills was made by Commissioner Bennett and was seconded by Commissioner Johns. Voting was unanimous. Motion carried.

Mayor Dopson opened the floor for discussion. Commissioner Johns said he is out and about a lot and he said we have a good working crew that he has seen. City Manager Dopson said we had been putting in new sidewalks and also maintaining the old sidewalks. Currently over on Martin Luther King, there were sidewalks in disrepair. Now we are on College and 4th Street trying to go and do the repairs where we have roots and things that have pushed the joints up and saw out a strip and repair the sidewalk instead of replacing the entire section of concrete. We should finish up in a few days on College St. near the schools. Mayor Dopson said he was very pleased with the new solid waste collection system. He asked the status of the white clothing donation bins that had been set up through the City. Assistant City Manager Roger Yarborough said some had been removed and we were in the process of having the other ones relocated to the City yard for the companies to come get. They are a for profit group. They were a group from Pennsylvania that resells the clothes or makes rags. Commissioner Bennett said he agreed the garbage collection was working fine. He wanted to thank Frank Darabi for being available to help us in all different sorts of situations. We are blessed to have one man to help guide us with professional guidance. Commissioner Rhoden said tonight was the last night he would be sitting in the chair in that capacity and it has been an honor. Mayor Dopson said it had been an honor to serve with him. Commissioner Bennett said he enjoyed serving with him as well and looked forward to serving with him in another capacity. Mr. Fidel Lido thanked the Council for the Proclamation for the Military. He asked if there would be a retirement ceremony for the City Manager. City Manager said he could not find enough words to express the gratitude he has and what the City has meant to him over the years but it has been his request to not have a big retirement party. He wanted to have something small with the Commissioners and employees that he has had the opportunity to work with over the years. He wanted to keep it small. That has been his request. He has had a lot of recognition over the years and that has been rewarding. He thanked Mr. Lido for asking. Mr. Dennis Collins said he was on the Zoning Adjustment Board and Ms. McCain had come by and voiced a complaint regarding some drug activity in her area. He did tell her he would bring up the drug activity on 2nd and Michigan Streets at the Council meeting. He was hoping the City could do something to help get more patrols. He also agrees with the new garbage collection. He loves it and thinks it's great. Ms. McCain said she lives on the corner of Michigan and 2nd Street and there are apartments on Michigan and 2nd and there are undesirable people living there and they have seen drug activity and it also increases the traffic in the area. She has contacted the police department but when they come, the activity is not going on at the moment. She is concerned since it is close to the school. Mayor Dopson said that the Sheriff's Department has ways of doing undercover operations to try to catch the activity. He asked the City Manager to send a request to the Sheriff's Department to patrol that area. Mr. Collins asked since he was in the real estate business, does the City contact brokerage firms to get the best deal for desired properties. If you have a good brokerage firm as the buyer's agent, the information is kept confidential. City Manager Dopson said we didn't go that route. We had a contact with DuPont and a couple of more people in real estate and put it out by word of mouth. We weren't trying to cover up our relationship with Mr. Boyette, he was just the most active of the ones that we had talked to. We will take your comment as a recommendation for the future.

With no further business, the meeting was adjourned.


MAYOR GARY DOPSON

ATTEST:


CITY MANAGER/ CLERK GERALD DOPSON

