

CITY OF MACCLENNY
Regular Hearing
May 14, 2013
6:00 p.m.

The City Commission met in a regular session prior to the regular meeting, Tuesday, May 14, 2013 with the following present: Mayor Gary Dopson, City Manager Phil Rhoden, Commissioners Tommy Johns, Dr. Richard Johnson and Floyd V. Bennett.

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

Mayor Dopson recognized Spencer Nabors from In Touch Consulting, Inc. to give an update and get approval on the fourth round of bids. Mr. Nabors said we are closing out the grant. This is the last of the money. All homes have been completed to date. The last home Lori Jacobs has had the work completed. We are waiting on FPL to cut the power on and get the final CO and we are done. We bid out the last home, Mr. Stephen Williams. Top of the Mountain Construction won the bid at \$31,100. We had the CATF meeting this afternoon and they did approve the bid. Commissioner Johns asked if the bid for the Williams home was money left over or is he getting the full treatment of what needs to be done. Mr. Nabors said we did not have the money to do the full treatment that needs to be done to the home but it will substantially handle what needs to be taken care of. Commissioner Johns asked if this was the last one. Mr. Nabors said yes. Mayor Dopson reminded everyone that Mr. Williams is his nephew. He can honestly say he had nothing to do with this and has not tried to influence anyone but for that reason he will have to abstain from voting on this. Commissioner Bennett made a motion to accept the fourth round of bid for the CDBG grants. Commissioner Johnson seconded the motion. Commissioners Bennett, Johns and Johnson voted in favor. Mayor Dopson abstained from the vote citing conflict of interest. Motion carried.

Mayor Dopson said item B on the agenda was Mr. Will Weathers to discuss the USDA loan approval request but Mr. Weathers has been delayed due to traffic so we will move to Item C appointment of vacant City Commissioner seat. He said he was super pleased to have four very fine applicants. We had the applications and resumes sent to us in our packets. If the audience had the opportunity to review the applications, they too would be very impressed. The City cannot go wrong with any of the four but unfortunately, we can only pick one. The qualifying packets are ready to be picked up at the election office for the upcoming election. The first day of qualifying is early June and the primary election is September 10th. Whoever is appointed will be up for election according to the charter. So in a few months, they will run for election for two years to fill the unexpired time of Phil Rhoden then in two years, they will have to run again assuming they want to. We normally have comments from the Commissioners first but in this case he was going to leave the Commissioners last. He recognized Assistant City Manager Roger Yarborough for comments. Mr. Yarborough said he wanted to thank everyone for attending tonight. He wanted to give a scenario of his last 10 years of service. One of his duties is to serve on the Zoning Adjustment Board. On the Board, Mr. Mark Bryant is the Chairman, Mr. Phil Rhoden served on the Board before becoming City Commissioner and he wanted to recognize Mr. Dennis Collins who has served on the Board. Mr. Collins ambition was to run for City or County Commissioner but at one of the meetings he said he was possibly moving out of town. Mr. Collins said it was correct but not correct. Mr. Yarborough said he was not going to pin him down tonight. He said he was always looking for Zoning Board members. He has had some retire and we are always looking for things like that. One of the first people that caught him on the street was Mr. Cecil Horne. Mr. Yarborough let him know the process and talked to him in detail. Mr. Horne had some reservations and Mr. Yarborough told him if he wanted to get familiar with City government and zoning, he may want to be on the Zoning Adjustment Board. Next Mr. Alex Robinson came to talk to Mr. Yarborough about possibly applying for the position on the City Council. No one turned any applications in so he sent his recommendation to the Commissioners to appoint Mr. Mark Bryant to fill the vacant seat. During that time, City Manager Phil Rhoden had spoken to Sam Kitching and then Kirk Gravelle put his application in. It came out in the paper that he was playing inside baseball but he was still going to ask the Council to appoint Mr. Mark Bryant. He has been with him for 10 years on the Zoning Adjustment Board and done a great job. Mayor Dopson asked if any of the applicants wanted to make any type of verbal presentation. It is not necessary. The Commissioners do have their packets in their folders. Mayor Dopson recognized Mr. Mark Bryant. Mr. Bryant said he knew the other men that were applicants by reputation and agreed that any of the men could serve in the capacity and serve well. His true reason for standing up and speaking was to say thank you. He appreciates Roger's endorsement. It means a great deal to him and he has learned a lot over the last ten years. If considered and given the opportunity, he will give it his best every day. He wanted to thank them for considering him and Roger for the endorsement. Mayor Dopson asked if anyone in the audience would like to make a recommendation for someone to fill this slot. Mayor Dopson said when we have four such very fine candidates it is a situation where you don't want to say anything because they are all good friends of his. He thought as long as he sits in the chair, he feels it is important to let people know where he stands. Mark Bryant has served on the

Zoning Board several years as chairman. He has done an excellent job. He has gained nothing but respect from the City staff and he has never heard a negative comment. For the ten years Mark has put in as a volunteer to the City and the job that he has done, it is the little bit of extra that he has put in so he is going to vote for Mark Bryant. Commissioner Bennett said he would like to second the statement that we can't lose. All of the applicants are well qualified. He thanks the Lord we have that many that are willing to serve the community. Mayor Dopson wanted to encourage the ones that are not selected. There are going to be more openings coming along and he would encourage them to maintain an interest to seek to serve on this Board. There will be ample opportunities in the not so distant future to do so. Mr. Dennis Collins said he had worked with Mark on the Planning and Zoning Board and he has been there for five years and Mark Bryant has been there for 10 years. Mark has been the chairman for 7 ½ years. He is a great asset to the community. He would recommend Mark. Kirk Gravelle said he submitted his application because he had watched Gerald Dopson and Mayor Dopson serve their community. He has become really good friends with them and with Gary Fraser. When Mr. Fraser passed, it inspired a desire to serve the community. However, since he has heard the dedication that Mark Bryant has put forth, he would endorse Mark Bryant as well. Mayor Dopson said the Council members have a ballot that will be public record for anyone who wants to see the ballots. He asked the Commissioners to cast their ballot and pass them to Council Secretary, Cherie Hedrick to tally. Ms. Hedrick tallied the votes and announced the majority vote goes to Mark Bryant. City Attorney Frank Maloney administered the oath and swore Mr. Bryant into office. Mr. Bryant took his seat on the City Council. Mayor Dopson asked Ms. Hedrick for the vote counts. Ms. Hedrick said there was one vote for Alex Robinson and 3 votes for Mark Bryant.

Mayor Dopson recognized Chief Buddy Dugger to present the General Safety Policy for review, update and approval. Chief Dugger said the general safety policy had not been updated for the last 10 years. He introduced Lt. Brett Higginbotham as the new safety director over safety for all employees and City operations. He was charged with the task of rewriting the current policies to bring them up to current standards. This helps with workman's comp, reducing injuries and being more proactive with training City employees. We are looking at more extensive training, investigating accidents immediately and the ability to take corrective action. Mayor Dopson asked for a brief discussion on the updates to the policies. Lt. Higginbotham said the major changes came from state updated policy numbers and blood borne pathogen awareness. The original policies were from 1992 and the terminology has changed. In OSHA portion, some of the standards had changed and were updated. The PPE requirements for the water plant, road crews and fire department, helmet laws and some basic terminology changes. Nothing extensive, we did not rewrite the whole policy. It was updated to get it current. Commissioner Johns asked if the firemen had to go through a yearly pt test. Lt. Higginbotham said not at the moment. City Manager Phil Rhoden wanted to compliment Chief Dugger and Lt. Higginbotham on the work they have done to update the policies and get us current. He asked Brett to share information from the recent seminar he had attended. Lt. Higginbotham said he had attended a seminar put on by FMIT, part of Florida League of Cities, and received information on programs that we pay for and are not currently using. A representative is coming to meet to discuss the things that we can implement here for free that we are currently not doing. Chief Dugger said there were also grant monies there for safety equipment as well that we can use. Lt. Higginbotham said he wanted to get everything current, reduce anything we can reduce paying for and if we are paying for something then utilize it to its fullest extent. Manager Rhoden said he had tasked Brett with going to each department, doing training and getting staff CPR qualified. He thought everyone would be impressed with Brett and his safety team and what you will see in the future. Commissioner Bennett made a motion to accept the General Safety policy. Commissioner Johnson seconded the motion. Voting was unanimous. The motion carried.

Mayor Dopson recognized Chief Dugger to present the Emergency Management Plan for approval. Chief Dugger said it was similar to the last policy discussed. It is required to update it every five years by FEMA. The major changes are in waste management, accountability and financial authority of delegations. Since last time, we have added Mike Walker and Melissa Thompson. It listed who is responsible for what per the federal guidelines. We work hand in hand with the federal and state during times of emergency. Commissioner Bryant asked if the population numbers listed on page 4 are current. Chief Dugger said they were current. Commissioner Bryant asked about the static figure. Chief Dugger said that came from the last US Census. Commissioner Bennett made a motion to approve the Emergency Management Plan. Commissioner Johnson seconded the motion. Voting was unanimous. The motion carried. Chief Dugger said the auditors would be here to evaluate them on June 3rd. He is hoping this audit will lower the ISO rating.

Mayor Dopson recognized City Manager Phil Rhoden to seek approval for the Board members for the Macclenny Housing Authority. City Manager Rhoden said this was some general routine business we need to conduct. We just need to get approval of the Board members as they exist today. Mayor Dopson said the members were Cindy Ratley, Charles Wilson, David Manning, Vivian Sikes and Judy Whisman. Commissioner Bennett made a motion to accept the Board members. Commissioner Johnson seconded the motion. Voting was unanimous. The motion carried.

Mayor Dopson recognized Ms. Joy Chapman for Code Enforcement to discuss Commissioner Johns request of an update on the condemnation of the Wells & Whitfield houses. Ms. Chapman said

these houses had been a problem. Both issues are probably close to a year old. The Wells house we brought up for condemnation and the Board gave them a 30 day extension to pull permits and get them up to code. At this time, not the first permit has been pulled. Her recommendation would be to go forward with condemnation. She has contacted them several times via phone. They have done very little work. Assistant City Manager Roger Yarborough said he agreed and wanted to know if Ms. Chapman was going to ask for condemnation tonight. Ms. Chapman said she did not think she could since the original paperwork had been done more than a year ago. City Attorney Maloney said the process would have to be restarted since it had been so long. Mayor Dopson said the vote we took was that we would not proceed with the condemnation if they continued to work on the property. If no work was done then we would go forward with the condemnation. This was temporary. City Attorney said since so much time had gone by, we have to give them notice since they are not here to defend themselves. Ms. Chapman said she would have everything together by the next meeting. Mayor Dopson said based on our initial motion, we should go forward. Ms. Chapman said she would have it ready for the next meeting. On the Whitfield house, it was never condemnation. We actually went to court over their yard. We did give them a few short extensions. She does not need approval since we have a court order to clean it up. At this point, can we go forward with the judge's order? City Attorney Maloney said the owner was in contempt of court at this point for not doing the clean-up. The Judge gave the City the authority to clean the property and put a lien on it. Ms. Chapman said she normally gives them a week's notice of the City coming to clean. Mayor Dopson said the owner had indicated the properties around him were in as bad of shape or worse. Ms. Chapman said she was not aware of that. The owner had not made those comments to her. She asked Mr. Yarborough if he had talked to the owners. Assistant City Manager Yarborough said he had not seen the owner either regarding the other houses. The property had part of a burnt building and lots of equipment around. He asked Ms. Chapman to show the pictures to the Commissioners. At this point, no one has come to the office to ask about surrounding properties. Ms. Chapman detailed the issues surrounding the property. Chief Buddy Dugger said the structure had been burnt last 4th of July. Ms. Chapman said one of the reasons the City became involved was that the firemen had related that the structure was a hazard. Commissioner Johns asked where the property was located. Ms. Chapman said on 4th street and passed around pictures to the Commissioners. Mayor Dopson said Ms. Chapman had the order of court and can go forward with that unless he heard a motion to the contrary. Ms. Chapman said she would send out a warning letter stating when they would be coming to clean up. She did discuss the fact with the judge that when the City goes in to clean up, the owner does not get to pick what he gets to keep. It is all cleaned up. The judge said that was fine. Mr. Yarborough asked if the owner was in the court room when that was said. Ms. Chapman said yes. Mayor Dopson asked if either of the owners were sent notification that this would be discussed at the meeting. Ms. Chapman said no. Mayor Dopson asked that we do that in the future. Ms. Chapman agreed and indicated these were a last minute addition to the agenda. Mr. Yarborough said yes the request was put on the agenda on Monday. Mayor Dopson asked if anyone would like to speak in regards to this matter.

Mayor Dopson recognized Mr. Will Weathers to request a resolution approval for the USDA loan and application. Mr. Weathers said the City had hired him to assist with the USDA rural development loan application and financial matters associated with the process. We are at a point now where we are requesting the obligation of funds. The loan resolution is needed to do the paperwork and request the loan. Once the funds are obligated, we can have the CDBG grant writer to include this in the application which will increase the chance of approval for those funds. We have to go through the formal process. He reviewed the full application and several attachments that go with it. He did research the route to go to get a commercial loan and he could not recommend that route for the City. He went over all the attachments. He needs the approved minutes for the public hearing that was held to attach to the packet that would be approved tonight. Mr. Darabi will be helping with the technical side of the paperwork. Rural development requires we have a bond counsel to help with the bond resolution and go through with the bond validation hearing after the loan is approved. The bond work is separate from the day to day business we have Mr. Maloney, City Attorney perform. This will be strictly related to the bond work. Mr. Darabi had submitted a draft budget that was a little low on the water and sewer portion because there was not as much work involved there. He had discussed those items with Mr. Maloney and we will work within our budget. Mr. Darabi is assisting with the preliminary architectural report (PAR) that we should have very soon. He went over the other reports that are required. Tonight he needs the City Council to approve the loan application and submittal of the associated documents. Mayor Dopson said Mr. Weathers had said earlier that we needed to approve the minutes to the public hearing. Mr. Weathers said yes that is needed along with the certificate of advertisement. Mayor Dopson said we could take that up first. Commissioner Bennett made a motion to approve the minutes of the public hearing. Mr. Herb Rodgers asked if this was for the loan for the fire house. Mayor Dopson said yes and to remember we would be applying for a CDBG grant and if that comes through, we may use that with a local loan and perhaps with some funds that we have. This process takes a while. We will know if we get the GDBG grant before we close on the loan. It will save a lot of money and we have had good success with those in the past. Mr. Rodgers asked if the Council has voted on going forward to with a new fire station. Mayor Dopson said yes. Mr. Rodgers asked if we were now going through the process of seeking funding. He wanted to share some thoughts on borrowing money. There was discussion among the audience and the counsel regarding the loan and borrowing money for the fire station. Commissioner Bennett made a motion to accept the minutes of the public hearing. Commissioner Johnson seconded the

motion. Voting was unanimous. Motion carried. Commissioner Bennett made a motion to approve execution and submittal of application package to USDA Rural Development relative to funding for the new fire station. Commissioner Johnson seconded the motion. Voting was unanimous. Motion carried. Commissioner Bennett made a motion to approve execution and submittal of USDA RD Form 1942-47, Loan Resolution 2013-04 for inclusion in the USDA Rural Development application. Commissioner Johnson seconded the motion. Voting was unanimous. Motion carried.

In other business, approval of the Minutes from the regular city council meeting on April 9, 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 April. Discussion followed. Motion to approve the April bills was made by Commissioner Johnson and was seconded by Commissioner Bryant. Voting was unanimous. Motion carried.

Commissioner Johns asked Chief Dugger in the years that he has been in the fire department does he know of any other cities that built a fire department that didn't have to borrow money? Chief Dugger said in his 40 some years, he did not. Mayor Dopson asked Chief Dugger to discuss the effect of the dropping ISO rating on homeowners. Chief Dugger said each time it drops it could drop the cost of homeowners insurance 10-15%. We know we will be a 3 this time but possible as low as a 2 due to the increases the City has done on the water capacities. It increases points there as well as our dispatch center. He has done a lot of improvements to reach that rate. He thinks every property owner should see a reduction in the City. They are saving more in insurance than paying out in taxes at 3.6 mils especially if they have a wood frame or brick home. We are hoping to reduce it more. On the fire station, we need it. We are living in a condemned building and he worries about the health of his employees. He does not want a tax increase for the cost of a fire station. He feels like the City Council has done everything they could to give us what we need to protect the citizens and he thanks them for that. Mayor Dopson asked if the ISO drops, how will the public be notified. Chief Dugger said they would be notified first, they would alert the media but the insurance agents will be notified by the insurance services but he thinks we should do a big push campaign and maybe put it on the water bills to notify the public to check with their insurance agents. Mayor Dopson said the homeowner needs to check with their carrier because it does mean a significant savings. Assistant City Manager Roger Yarborough asked Chief Dugger if we built Fire Station 2 with Impact fees? Chief Dugger said yes. Mr. Yarborough asked how many fire trucks were purchased with grant monies. Chief Dugger said he could proudly say we have only financed two fire trucks. Out of the two, only one was paid through tax money. The last one was 1996 custom that we paid \$179,000 but has brought in over \$300,000 in state disaster rental fees. The 1990 aerial truck has brought in \$60,000 in rental fees. He discussed the rest of the fleet. They go on about 1800 calls a year.

City Manager Phil Rhoden asked Chief Dugger to discuss the bunker gear that was purchased with impact fees. Chief Dugger said we had a grant for masks and we had to pull impact fees to match the grant fees. The bunker gear we had to purchase and we utilized impact funds since it fit into the requirements to utilize the impact funds according to the auditors. We have utilized \$16,536.90 that was not budgeted. We should have budgeted the match for the air packs and the match for the radio equipment. These are items necessary to operate and reduce our ISO rating. The money utilized was all utilized in matching grant monies. Now the fire fighters have their own masks and are not sharing.

City Manager Phil Rhoden said we are moving forward with the Rayonier site for the bio-solid waste disposal site. It seems positive on both sides. He and Assistant City Manager Roger Yarborough did a site visit with Bill Watson and Larry Lyons from Rayonier. It looks good on the surface. We did forward a letter to Bill Watson that it would be acceptable if it meets testing. We would like a buy and sell agreement but we don't want to move forward with testing until we know the price and their ability to sell this price of property. The land acquisition department has to approve this at Rayonier. We have some concerns but feel like this is the right path to take. There are some easement issue and improvements that will need to be made on our part and we wanted to cover that in this agreement that they would protect the improvements in their normal timber operations since we will have to travel through their property to reach this property. We feel like it's a good faith effort.

Commissioner Bennett said with the men we voted on tonight we could not go wrong. We are so blessed to have that in our community. Anything we need, we can do in this

community without anyone getting upset. Everyone is willing to help each other. We need to keep that in our minds. Commissioner Bryant said he appreciated the opportunity to serve.

Assistant City Manager Roger Yarborough reminded everyone that Friday night is the annual movie in the park. He would like to invite everyone. We are also going to do a July 4th event with fireworks and all. He wanted to ask since he was losing his Zoning Board Chairman, Mark Bryant since we appointed him to the City Council, he needs the Board to appoint someone to his zoning board so we have someone at the next meeting. Mayor Dopson asked if he had any recommendations. Mr. Yarborough said he did. He spoke earlier of Mr. Cecil Horne that had talked to him earlier about serving in some capacity. Mayor Dopson said he had heard good things about his desire to serve. Mr. Yarborough said Mr. Horne has been in meetings and he had asked him to come to the meeting tonight to hear the discussion. Mayor Dopson said it was not a fun Board to sit on. It is a volunteer position that has to make some tough decisions to exceptions on zoning requests. It is good to have people wanted into serve to see the community is developed the way we want it to be. He asked if anyone else would want to serve on the zoning board. Commissioner Bryant said Mr. Collins has served for over five years and was very familiar with the rules. He would recommend that he would serve as chairman. Mr. Yarborough said he agreed and would welcome anyone interested to come to sit in on the meetings. It is a good agenda to lead up to other Board positions. Mayor Dopson asked Mr. Horne if he would accept the appointment if given to him. Mr. Horne indicated he would. Commissioner Bryant said he would like to make a motion to accept Mr. Horne on the Zoning and Adjustment Board. Motion was seconded by Commissioner Johnson. Voting was unanimous. Motion carried.

Mr. Fidel Lido said he was happy to see so many here tonight. He would welcome people to invite others to the meetings. The only way we can run the government is if we participate. The City of Macclenny can take a dime and squeeze it into a silver dollar. They do not waste money and run the City properly. He understood the comments by the other audience member regarding the loan and appreciated the involvement.

Mr. Herb Rodgers wanted to thank Roger Yarborough for all the help he has provided when he had a question. He had observed a few things. He wanted to know if the City employees had communication as to where there are problems. He drives a school bus and there are pot holes. He appreciated the communication he has had in the City Manager's office. Ms. Hedrick has been helpful at getting things done. Mayor Dopson asked City Manager Rhoden to answer. He said most of the time the staff takes care of those things. If you do know of an issue, please contact us. We did have a meeting with the School Board today and the county staff to pursue some grants to widen some roads. Discussion followed. Impact fees will not allow us to repave but we can utilize that for widening the roads. Mayor Dopson said with the coordination with the County and the School Board, we may have a better chance to get that assistance. Mr. Rodgers listed some priority areas. Manager Rhoden said those areas had been identified today as well. He also had some concerns regarding grants. Discussion followed.

Mike Anderson from Baker County Press asked if Mr. Collins was the new chairman of the Zoning Board. Mayor Dopson said he thought the Zoning Board appointed their chairman. City Manager Yarborough said Dennis Collins was the co-chairman and should be the right choice for chairman. That would be his choice but it would have to be decided among the people on the Zoning Board.

Mayor Dopson adjourned the regular meeting.


MAYOR GARY DOPSON

ATTEST:



CITY MANAGER/ CLERK Phil Rhoden

