

CITY OF MACCLENNY
Regular Hearing
June 11, 2013
6:00 p.m.

The City Commission met in a regular session, Tuesday, June 11, 2013 with the following present: Mayor Gary Dopson, City Manager Phil Rhoden, Commissioners Floyd V. Bennett and Mark Bryant.

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

Mayor Dopson recognized Ms. Joy Chapman with Code Enforcement to go over the status of the Whitfield and Wells houses. Ms. Chapman said as we talked about the Whitfield house last month that it needed some cleaning up. We have a judgment order to get it into compliance. She mailed a letter after the last meeting giving Mr. Whitfield a little over a week to complete the job which he did not. The City came in and cleaned everything up. She has not placed a lien yet. She is still waiting on a total of hours and amount for equipment. She will bill him and then place a lien if it is not paid. The property is cleaned up. The City Manager and Assistant City Manager had gone by and reviewed the cleanup. Mayor Dopson asked if the owners got notice of the meeting. Ms. Chapman said they did not get notification of the meeting but did receive notification of the cleanup. Commissioner Bennett asked about the status of the Wells house. Mayor Dopson said at the last meeting it was discussed. Originally, they had been given an extension as long as they were making progress and there was not progress made. The time has gone by too long and the condemnation process had to be restarted. Ms. Chapman said the only thing left on the Whitfield house was to send an invoice and if not paid then place a lien. The Wells house, she did send the letter out at the proper time to reopen the condemnation process. She spoke with Mr. Schaffer regarding the house. Mr. Schaffer's wife is one of the daughter's husbands that had inherited the home. He has been the one working on this. Mr. Bagwell, City Inspector, did another inspection. Mr. Schaffer met with Ms. Chapman and discussed the items on Mr. Bagwell's report that he did not agree on. Mr. Bagwell had recommended giving Mr. Shaffer three months to get the house and shed cleaned out. He needs to get a shed permit. The shed was put in and is in an illegal spot. He needs to pull a permit and move it to get it in compliance. The other critical thing was Mr. Shaffer was under the impression that he was grandfathered in as far as the electrical issues. Mr. Bagwell did not agree and wanted a letter from a licensed electrician to state the house is safe. If the electrician will do that, he will not have to pull an electrical permit. We want him to pull a plumbing permit and possibly electrical if the work needs to be done. He needs to have a licensed general contractor to replace rotten floors. Those are the recommendations. Mr. Bagwell suggested three months to complete the process. She suggested to Mr. Shaffer to make some improvements prior to the meeting if he wanted some leniency. Mr. Shaffer has cleaned up the front yard and started painting the house. Some items were moved out of the house. He has pulled a shed permit. He has made some headway. Mr. Shaffer could not be at the meeting tonight. Commissioner Bryant asked what Mr. Shaffer and Mr. Bagwell disagree upon. Ms. Chapman said she thought it was the electrical work. Commissioner Bryant said he knew the three months was the overall time frame but what was the time frame on the letter from the electrician. Ms. Chapman said there was not a specific time frame on the letter. Mayor Dopson said as long as he was within the three months, he was fine with that. Ms. Chapman requested we give him the three months and we put it on the agenda in three months to see what progress has been done. Commissioner Bennett made a motion to grant a three month extension on the Wells house. Commissioner Bryant seconded the motion. Voting was unanimous. Motion carried. Mayor Dopson explained the condemnation process.

Mayor Dopson recognized City Manager Phil Rhoden to discuss the proposed contract with the Old Castle Southern Group. City Manager Rhoden said the Commissioners had the contract in their packets to review. The agreement has gone through much negotiation. He feels they have put together an agreement that would be a win for the City and for Old Castle. The agreement is strictly to transfer our reclaimed water. It does not have anything to do with the sand mining operation. That is for the County to determine. All we are here to discuss, pending an approval from the County, is if we will move forward to enter into an agreement with Old Castle. We will benefit greatly since we will be able to get out of Turkey Creek. We have a permit that is not an issue. We are up for our five year permit in July and DEP has said we are in good shape. DEP is very much in favor of us entering into this agreement. Old Castle has agreed to provide the method for us to get our water and sewer lines under I-10. This will greatly enhance a commercial area for future growth for the City and the County. There is little to no expense on the City's behalf. He feels like it is a good agreement. We are requesting the Board to approve it. Mayor Dopson said he appears the Commissioners appear to be fence straddlers on this issue but we are not. We decided as a body since this is a County decision, not to support or fight the sand mining. If you want to ask individual opinions, you are welcome to do so. If the County does decide to disapprove this, it will be either dead or go into the court system. He understands the County may not have final decision. If the County approves, he feels very strongly

that the City would be foolish not to enter into the agreement. We will in the not so distant future, be mandated to find a different place to dispose of our reclaimed water. If we have to pay that through the City, we are looking at the 1.5 million dollar range if not more. With this agreement with Old Castle, it will save us that amount of money. It also gives Old Castle water. They will have to answer if it is enough or not to keep them from tapping the aquifer. That is one of the largest issues for the sand mining. With the amount of reusable water the City has, it will cut way down on their chances on having to do that. If it is approved, it will save the City tax payers a huge amount of money and decrease the chance of drilling into the aquifer. If it not approved, this becomes null and void.

Commissioner Bennett said he wanted to second what the Mayor has said. He does not know what the County will do but this is a great chance for us. This means millions of dollars over a period of time. We are talking about millions of dollars that we would have to pay and raise taxes if something like this doesn't come up. The County needs to handles their business but we need to keep in mind what it would mean to us if this goes through. Commissioner Bryant said he was in favor of the reclaimed water not going into Turkey Creek and the idea of going under I-10. Going under I-10, that type of enterprise and cost is staggering. The County will do as the County will do but the idea of not tapping the aquifer or tapping it less is very appealing. Mayor Dopson asked how far this would be from our plant. City Manager Rhoden said it was five miles. He added that Old Castle upsized the pipe size from what they need. That would have saved some money but they have agreed to up the pipe size to handle 3.2 million which is the agreement we have with DEP for growth. That is no expense to the City. We will be able to handle that increase when the economy comes back. Mayor Dopson asked for some explanation of the agreement from City Attorney, Frank Maloney. Discussion followed between Mayor Dopson, City Attorney Frank Maloney and Old Castle Attorney Hugh Fish to explain the legal points of the agreement. Mr. Hugh Fish said if the City accepts the contract then Old Castle would voluntarily withdrawal their permit for a well. There will be a small residential well for the offices but that would be no different if we were a house or a trailer or something like that as a requirement from the Health Department. They had planned to use the reclaimed water in the offices with bottled water to drink. The Health Department may require them to have a small well for the offices. Commissioner Bennett said he wanted to thank Mr. Fish and Old Castle for what they have done to get this going. They didn't have to do some of the things they have done and he appreciates it. Mr. Fish said when they had looked at this and the State asked them to look at the reclaimed water, the company looked at it. It cost more to use the reclaimed water then to drill a well. Their decision was to do the right thing and using the reclaimed water is the right thing. One of the benefits to the City is the extension of water and sewer capabilities across the I-10 interchange. That opens that interchange up for commercial development. The tax bill difference from what Wal-Mart is paying and what Wayne Frier is paying will show the tax dollar difference and it will build the tax base. It will allow us to tie in the water at Macclenny 2 as well and will give the City a circulation that they don't have now. It will benefit the City for future use that they don't have now. Mr. Ed Barber asked what the route where the water will take to get from start to destination. Mr. Fish said they were asked to go down the East side of 228 since they are putting in sidewalks on the west side of 228. It will utilize already existing easements from there to the plant. Mr. Barber asked where it would cross 228. Mr. Dennis McClelland from Old Castle said it was designed to cross at the post office. Mr. Dennis Collins said he was pleased Old Castle was coming out to utilize the reclaimed water. He felt like opening up the different avenues for commercial use would be the shot in the arm the City and County need. Mr. Marcus Rhoden said Mr. Fish said Old Castle was withdrawing their permit to drill a well. How long does that mean that they will not drill a well? Mr. Fish said Old Castle has agreed to not drill a well. Mr. Rhoden said if the plant is in operation for 25 years, you have agreed to not drill a well? Mr. Fish said no one could lay that out for 25-50 years but we are withdrawing our well permit and will operate with the reclaimed water supplied by the City. Mr. Rhoden said that does not prevent Old Castle from three years from now applying to drill a well. Mr. Fish said they would have to go to the County to ask for a special exception. We would have to go back to the County to request that and we have no intention at this time to do so. With no further comments from the audience, Commissioner Bennett made a motion to accept the proposed Old Castle Southern Group contract. Commissioner Bryant seconded the motion. Voting was unanimous. Motion carried.

Mayor Dopson recognized Mr. Mike Walker to request approval of the sale of the garbage trucks. Mr. Walker said he was trying to shore up the surplus list. We have tentatively set a sell date of July 20th. We did not ask for the sale of the garbage trucks at the same time we asked for the sale of the other items. We wanted to see how the garbage went first. We have four months under our belt and we are well entrenched and we feel good about it. We have a 2003 and a 2006 Freightliner. We are asking for approval from the council. Mayor Dopson asked if there was a charitable organization we could donate these items to. When we try and sell these types of things, it turns into a giveaway. We get nothing out of them. Is there is a charitable organization that is in need? Mr. Walker said they could explore those possibilities. Mayor Dopson said we could ask for a decision to get rid of the equipment but he would ask that we look at charitable organizations. Assistant City Manager Roger Yarborough said they had asked the County and the school if they would like to participate in the July 20th sale and they have indicated they would. We have already approved of the sale of the other equipment. Mr. Yarborough asked Chief Dugger where we received our vehicles. Chief Dugger said there have been some off of a website and through personal contacts.

Mayor Dopson asked if our City Attorney and our CPA had any problems with us donating instead of selling these items. City Attorney, Frank Maloney said he did not see a problem with donating the surplus items. Mayor Dopson cautioned that if we do donate the items, it has to be a reputable charitable organization and it could not appear that we are playing favorites. Mr. Walker said he understood and let the Mayor know that they had run the items on the internet to see if there was interest with pending approval. He ran it with the dumpsters as a package deal and we did not receive a single hit. Mr. Yarborough said there have been several vehicles given to the Council on Aging and a fire truck to another fire station. Mayor Dopson said he thought the dumpsters may bring more money by hauling them off as scrap. Mr. Walker said that had been discussed with the dumpsters and with the vehicles that don't run. Mr. Yarborough said we can look to see what we would get if we sold it as scrap and open the bid at that amount. Mayor Dopson asked if anyone disapproved of donating. Commissioner Bennett asked how many vehicles we have that doesn't run. Mr. Walker said we have 7-8 vehicles and only 2 or 3 of those actually run. Mr. Yarborough said he asked the school or the County if they wanted the bucket truck that we have that needs a transmission. Mr. Walker said one of the issues was that most places are going away from the rear loader trucks and going to the front loaders. Commissioner Bennett made a motion and was seconded by Commissioner Bryant to either sell or donate the garbage trucks as approved by Mr. Walker, Mr. Rhoden and Mr. Yarborough. Voting was unanimous. Motion carried.

Mayor Dopson recognized Mr. Greg Lyons of Lyons & Lyons, CPA to present the 2012-2013 Annual Audit. Mr. Lyons said it was an honor to represent his firm and be able to present the 2012-2013 fiscal year ending September 30th audit. What they normally do is, we come together to present the audit and we let you know their unmodified opinion of the fiscal state of the City. The financial status based upon the audit they conducted. Page 2 and 3 is the opinion they have rendered. It is quite lengthy. It meets the standards they have to follow with governmental accounting and rules of the auditor general. Pages 4-7 are considered the management, discussion and analysis of the City's overall financial position. It presents information comparing the previous year to the current year. On page 7, there is a paragraph on the budgetary highlights. What is most important in this day and time when many municipalities are filing for bankruptcy, it is good to see a City operate within its budget. The revenues came in a little more and they stayed in line with their spending. We are presenting the General Fund. Another point that is imperative, where it talks about the debt of the City, borrowed money, the money they borrowed exceeded what they paid back by just about \$100,000. The City borrowed \$500,000 for the land for the dumping site but then paid that money back. Taking that into consideration, the City's debt is reduced by \$448,000 which is a good indication that the City is fiscally operating in a good position. On page 7, it does refer in the second paragraph that there is a decrease in the general fund by \$76,092. The propriety fund which is the utility and rental fund decreased by \$128,000. The reason he was bringing that up is that it is imperative that the City monitor their spending and budget to try to remain within the budget that they have. They need to try to build up their reserves as much as they possibly can. Based on the audit they did decrease. We have had a couple of years with a slight decrease over all. On page 47&48, we list out the findings of the reportable conditions that are important enough to put into the report. Just behind those findings, you will find a response from the City Manager as to how these findings will be addressed. Several of the findings listed deal with the purchase requisition system that is being implemented this year that we are in. In 2012, this was a year where we changed over to a new accounting system. A lot of these things will go away. He said the transition of City Managers has been real good for them. This audit was under the former City Manager's watch. He will provide him with a copy as well with their permission. Mayor Dopson said he has permission. Discussion followed. Mr. Lyons requested an approval of the audit. Commissioner Bennett made a motion and was seconded by Commissioner Bryant to accept the 2012-2013 Annual Audit report. Voting was unanimous. Motion carried.

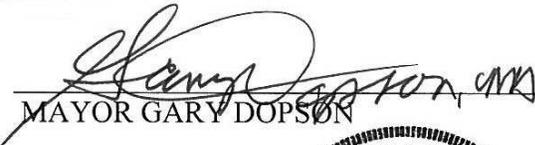
Mayor Dopson recognized Chief Buddy Dugger to request the renewal of the emergency Debris removal contract with J. B. Coxwell Contractor, Inc. Chief Dugger said this was the same contract we have had since 2009. The County had requested a copy of our contract and when we pulled it out we realized it had expired. This contract will only be good through next year, 2014, then Jacksonville has to rebid it. We have piggybacked their contract. We will only use their services if it a catastrophic disaster that we are unable to fulfill. With the new guidelines for debris removal, it has coming fast to that. We are supposed to have a monitoring tower up now. Each truck coming into the dump has to be photographed from above. There has to be people to take tickets. We have no money expended unless we are under the state of emergency and we ask for help. City Manager Rhoden said we had a good meeting with a representative of the company and we reviewed the contract and feel positive about it. He was hoping the County was going with this contractor for continuity. Chief Dugger said the debris guidelines have changed due to fraud. Commissioner Bennett made a motion and was seconded by Commissioner Bryant to accept the renewal of the emergency debris contract with J. B. Coxwell Contractors, Inc. Voting was unanimous. Motion carried.

In other business, approval of the Minutes from the regular city council meeting on May 14, 2013. Commissioner Bennett made a motion and was seconded by Commissioner Bryant to approve the minutes. Voting was unanimous. Motion carried.

In other business was the review of the bills for May. Discussion followed. Mayor Dopson asked for a specific breakdown on the bills from City Engineer, Frank Darabi regarding the different projects. Motion to approve the May bills was made by Commissioner Bennett and was seconded by Commissioner Bryant. Voting was unanimous. Motion carried.

Mayor Dopson opened the floor for discussion and comments. Mayor Dopson asked if Chief Dugger knew the new ISO rating from the audit yet. Chief Dugger said it would take about 6 to 8 weeks to get that returned. Assistant City Manager Roger Yarborough said we had the movie in the park two months ago and it wasn't a great success due to too many things going on at the same time. We are going to do another movie in the park sponsored by the Health Department on July 19th. He wanted to thank Mr. David Cobb from Florida Power and Light for coming to the meeting. Mr. Cobb said he was just here to observe the meeting. Mr. Darryl Register from the Baker County Chamber of Commerce said the Chamber of Commerce along with the City and the County would be hosting the 4th of July celebration in the park. Beginning at 5 pm, we will start our Independence Day celebration. They will have vendor and food booths set up in the park. There are several signed up already and they have not even advertised yet. The over the road banner will be up in the next few days and they will run some ads in the paper. There will be entertainment throughout the evening. They will have fireworks courtesy of the Fire Department and Phantom Fireworks at dark. They had a great turnout last year and expect a good crowd this year as well. The Chamber has been working on an initiative with the County with some grants the County received to promote Baker County specifically the eco-tourism benefits we have in Baker County. He has been here his entire life and he has learned quite a bit about the assets we have in our area. They are publishing a relocation and visitor guide. It is a digest size book. There is quite a bit of editorials and lots of information the Osceola trail that starts in Macclenny and circles through the County. He hopes the attraction will bring people here and they will spend a little money in the County and City at a local restaurant or business. The Chamber of Commerce has a new website for people to see these items at www.bakerchamberfl.com. Mr. Yarborough said the Antiques Roadshow at Heritage Park was a great success. Mr. Register said the Farmers Market has been successful and they will go until the second Saturday of July then they will close then since the heat is beginning to affect the shopper traffic.

With no further comments from the audience, Mayor Dopson adjourned the regular meeting.


MAYOR GARY DOPSON

ATTEST: 
CITY MANAGER/ CLERK Phil Rhoden

