

CITY OF MACCLENNY
Regular Meeting
September 11, 2012
6:00 p.m.

The City Commission met in regular session, Tuesday, September 11, 2012 with the following present: Mayor Gary Dopson, City Manager Gerald Dopson, Commissioners Tommy Johns, Phil Rhoden, Richard Johnson and Floyd V. Bennett.

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

First order of business was the Final Reading of Ordinance 12-06, an ordinance providing for the acceptance of a voluntary annexation request from Ralph and Margaret Sands. City Attorney, Frank Maloney, read by title only the ordinance. Mayor Dopson asked for any questions from the audience. Ms. Carolyn Conway asked how far the City water and sewer lines are from the property. Mayor Dopson responded the lines are adjacent. Ms. Conway asked who would be responsible financially for putting in the water and sewer lines to this property. Mayor Dopson said the developer if there is a development. Ms. Conway asked if there were any houses on the land currently. Mayor Dopson said no. Commissioner Bennett made a motion to accept Ordinance 12-06. Commissioner Johnson seconded the motion. The Council members voted unanimously to accept Ordinance 12-06. The motion carried. Ordinance 12-06 was duly approved.

Second order of business was the status report on the Solid Waste Collection bids. Mayor Dopson recognized Mr. Frank Darabi, City Engineer. Mr. Darabi reported we received three qualified bids on collecting residential and commercial waste within the city and transferring it to the New River Landfill. All three are qualified companies with good experience. The lowest tentative bidder is Advanced Waste. The committee has not met but he has been able to review the bids. He does have some concerns about the low bid. The price is very attractive. Advanced Waste has crossed out a portion of the bid and he wants to find out what that means. Mayor Dopson asked what they had crossed out. Mr. Darabi said they had crossed out the section relating to transportation cost to New River. He was unsure what the reason was for the irregularity and said that could disqualify their bid. Mayor Dopson said they did not have the right to cross out a portion of the bid. Mr. Darabi said he needed to ask Advanced Waste the reason they crossed out the section and find out if it was inadvertent or what it means. The bids are tentative. He will be in contact with the City Manager and the committee. We will enter into negotiations for a contract with the low bidder if we resolve these issues. The contract will have to have terms, fuel adjustments and other issues. If we are successful after contract negotiations, we will return to the City Council. At this point, we have received the bids. We need to remember that the numbers in the bids only represent a portion of the total Solid Waste collection costs. It does not include billing, what kind of service each business receives and it does not include the tipping fees for the landfill. These are all costs the City will still have to pay. City Manager Dopson said it also does not include the roadside collection or operation costs for our receiving center for building materials and things that are not accepted in the regular solid waste collections. We need to compare apples to apples. Mr. Darabi said if the low bid holds, he feels it would be appropriate for the City to privatize that portion. The other bidders were closer to his estimate. The lowest bidder is low and he likes it but wants to make sure it is what it says it is. He has to look at the whole picture. He cannot look at the number on the bid and say this is what we pay monthly. There are other components involved. City Manager Dopson said during the process of negotiating, things need to be asked such as some assurances that they will continue to support the assistance of our elderly and handicapped that needs assistance getting their cans to the road side. He knows the once a week pick up will be a concern because we have done it for years at twice a week. We have already had a couple of emails against the once a week pickup. It has operated in other areas and apparently not everybody is going to be satisfied. It seems like most people have accepted and are satisfied with the services in the other cities. Mr. Darabi said we will discuss all of this in the contract. There is a section in the contract regarding the elderly and handicapped assistance. It will be a period of learning regardless who does this system for people to get accustomed to the service. He was here tonight to let everyone know what we received and he is encouraged by the bids.

Mayor Dopson asked if there was anyone in the audience that lives within the City limits that was unaware of the new system we are discussing. Mr. Darabi said the cans will be labeled. We will specify what day will be the collection day for your house. There will be a training period where a representative from the company and from the City will come to your house and explain the process and answer questions. That is part of the process. We are not going to just jump in and not let anyone know. First thing is to verify the numbers. Can we enter into the contract? Can there be a 5 year plan plus a 5 year option? How long does it take to get their equipment? This cannot be put into the bid. It is part of the contract negotiations.

Mayor Dopson asked if this does not save us a significant amount of money, will the City continue what we are doing. Mr. Darabi said we will not do this if it is not a significant savings to the City. There is a section in the contract that says the City has the right to reject all bids if it is not in the best interest of the City. Commissioner Rhoden asked if there was a penalty in the contract for withdrawal by the vendor. Mr. Darabi said yes. Commissioner Rhoden said it was a concern that the company would walk away after a few years if they couldn't continue with the price they quoted. Mr. Darabi said there will be performance insurance in the contract for that issue. Mr. Darabi's other concern was they would put other people's garbage in our containers and we would pay the tipping fees. He is aware of all those issues and assured the Commissioners there will be a solid contract if we go forward.

Mayor Dopson opened the floor to the audience for questions. Assistant City Manager Roger Yarbrough stated if the City does not accept the bids, we will be going to process to use the same type of new truck and containers correct? Mr. Darabi said the City had intended to go that direction anyway. We tried to find the pricing. Two of the bids were higher than what the City could do on their own. The one bid was lower if it comes true, he does not have a problem recommending it. If the contract is good, we will go forward if not, we will be back to where we were. That is why we left the money in the budget for purchasing the truck. We are not 100% committed to it. We have in the documents that the company will give preference to City employees that want jobs. We have instructed the contractor to give priority to existing City employees.

Mayor Dopson recognized Mr. Dennis Collins. Mr. Dennis Collins asked if the firm that crossed out the document was the lowest bidder. Mr. Darabi said yes. Mr. Collins asked why we are only looking at the lowest bid and not all the bids if we are going to compare apples to apples. Mr. Darabi said we have looked at all the bids. They all qualify and all meet all the requirements. The first thing is to look at the lowest bidder and talk with them. If it is not successful, we go to the next lowest bidder. Mr. Collins said his concern was the company had crossed out something. Mr. Darabi said he noticed it and will address it with the company. If they explain it and we accept it then it will go forward. If they cannot explain it, the bid in its entirety will be rejected. Mr. Darabi assured everyone he has done this many times and will make sure it is right for the City.

Mayor Dopson recognized Mr. Herb Rogers. Mr. Rogers asked if this would be less cost to us on our garbage service as customers. City Manager Dopson said there are a number of things to look at but right now, we want to be able to promise to keep the rates for the five year period where they are now. According to the spreadsheet Mr. Darabi provided, if we continue the way we are, we would need to increase the garbage collection cost to \$22.50 per month. We have not increased to that but cut it off and hopefully can maintain the current rate for a number of years. We have planned on putting the new canisters out and even with the cost outlay, keeping the rate the same. He could not say we are going to be able to reduce the rate but hopefully maintain the rate. Mr. Rogers said it looked like he would be getting half of the service. It's going to sit and rot in my house longer. Mr. Darabi said most cities have found due to fuel costs, it is no longer economical to continue with a twice a week pick up schedule. He had presented to the City, a long time ago, a projection where we are supposed to increase the rates. The City decided not to increase the rates due to the economy. The City will have to buy a new truck and the containers. The cost to the City for liability and workman's comp has skyrocketed. If the City would continue the twice weekly pickup, we would have to add a 50% cost increase. The City said residents could not afford that and instead we could go to once a week. We will be looking at all the numbers before we decided to lower or increase the costs to the residents. At this point, just about every city has decided due to the wear and tear on the trucks and the liability of the employees, it is too expensive. Going to a private company eliminates those costs. He has the system at his residence and he has not had an issue with smell or anything. Mr. Rogers said it sounds like we are reducing the cost of the service and only getting once a week service at the same price to us. Since we are doing away with three men on a truck and getting rid of the liability it will cost less. Mr. Darabi said we would be changing so we don't have to raise the rates. We cannot afford to keep it at the same price. Right now we are in the hole. We have to reduce costs to keep the rates constant. Mr. Rogers asked who is responsible for the containers if a car hits the

container or someone steals it. Mr. Darabi said the company is responsible. As long as you do not damage to it, the company will replace it. Mr. Rogers said he did not understand why the City has to do the billing for the garbage. Mr. Darabi said it is because the City has other expenses. We do the billing because a portion goes to the landfill, a portion goes to the company that collects it and there are other expenses. If the company collects the money they will have to pay the City. He would rather the City have control of the money than the company. We have to pay the landfill for disposal when we collect the garbage. Mr. Rogers said we would not be the ones collecting the garbage. Mayor Dopson said the bill is for water, sewer and garbage collection. It's a combined bill. Mr. Darabi said the landfill is to serve specific communities. A contractor taking waste to the landfill would pay a much higher rate than the member community. All the numbers have to match for the City to make their decision. He has recommended the City go up on rates for the last few years. There are two choices. Increase the rates or reduce the services. He feels in the end the residents will be happier with the new system than the one we have now.

Mayor Dopson recognized Ms. Melissa Thompson to provide a status report on the progress of CDBG. Ms. Thompson said we have signed contracts on the six homes out of the twelve and have a notice to proceed set for September 24th. We hope to do the walk throughs for the second round of homes sometime in October. We should have work starting on six homes starting September 24th. There is one of the homes, due to her not having a place to go, that will be slightly delayed. We do have everything signed and ready to go. All contracts are signed. They are excited. They have picked out their colors and are ready to go. Commissioner Johns asked if they would be working on more than one home at a time. Ms. Thompson said yes. All six homes will be going at the same time. One contractor has three bids and he has indicated he had enough people to be able to do all three of his homes at the same time.

Mayor Dopson recognized Mr. Frank Maloney to read by title only the first reading of Ordinance 12-07, an ordinance to rezone 8.58 acres from a commercial general (CG) to a planned unit development (PUD). Mayor Dopson recognized Assistant City Manager Roger Yarbrough. Mr. Yarbrough said he wanted first to speak on the behalf of Cornerstone which is part of the Weaver group. There are representatives here from the Weaver group to answer questions. When Wal-Mart first moved, everyone asked what would be going in where Wal-Mart was located. There was concern that we would have an empty shell. The Weaver group has worked mighty hard to get us Sam's Seafood. They had Peebles which is now Goody's. They brought in Aarons rentals. They do still have some more space empty. Everyone was wondering what would happen in the space where Food Lion was located. We need something. The Weaver group indicated to him, they may have someone wanting to come in that may require some outside storage. We did not know who their customer was at the time. We told them in doing that, it would require a Planned Unit Development (PUD). The outside storage is not allowed in the current zoning. Our staff, along with the Weaver staff, worked real close to get this done. The ATM machine out front will be removed. We worked on issues such as no gasoline products in the building or mechanical work at the property. Also one of the things that they will have to ask for is a variance on parking where the outside storage will be going in. When this property was originally built years ago, the landscaping ordinances were not in place that are in place today. On the map he gave to each Commissioner, he pointed out there will be a lot of extra landscaping along the property and in the parking islands making the whole property look much better. Also, the rear of the building backs up to residential property. They are required to put a 10 foot buffer between their property and Ms. Outlaw's property. Our staff has tried to hash out all the little issues to allow Tractor Supply to come into this property. Only 25,000 square feet will be used by Tractor Supply. There will be another 15,000 square feet available for another something to go in. Mayor Dopson asked if the 15,000 would be part of the PUD. Mr. Yarbrough said yes. Everything in the complex will be part of the PUD. Mayor Dopson explained the advantage of the Planned Unit Development (PUD) is it still gives the City a lot of say so on what is allowed to go in or not go in to the property instead of just general rezoning. Mr. Yarbrough stated if they had not requested outside storage, the building would almost be complete and ready for them to move in by now. There would not be any landscaping. They would not be responsible for any of it. When they asked for outside storage that tripped it and allowed us to ask for landscaping and other things that would bring us up to what the code is today. The building itself, there will be a plan and Mr. Bagwell, the inspector, will make sure everything is up to code. Mayor Dopson asked if the buffer would be 95% paved. Mr. Yarbrough said yes and there would be a fence between the property and Ms. Outlaw's house so she would

not see the trucks and things. Mayor Dopson recognized Mr. Chris Weaver from Weaver Realty Group. Mr. Weaver said he appreciated the City working with them. He feels like this is a great opportunity for the City as well as the shopping center. We want to beautify it and bring some activity there. We are working with Mr. Yarbrough do whatever is necessary to do that. We are excited by the opportunity. If there are any questions, he will be more than happy to answer them. Mayor Dopson recognized Ms. Ida Pearl Outlaw. In the Baker County Press, it showed a little black strip that was going to be in her property. She didn't want to get a bill for property that is now in the City. Mayor Dopson assured her no one can put anything on her property. Mr. Yarbrough showed Ms. Outlaw on the bigger map all the lines and that it would not interfere with her property at all. Ms. Outlaw thanked Mr. Yarbrough for his assistance in explaining the property lines. Mayor Dopson recognized Mr. Steve Williams from Macclenny Cycle. Mr. Williams asked if this was a done deal that the Tractor Supply store was coming into town. He has a business that will be in direct competition with Tractor Supply and he was concerned. Mayor Dopson recognized Mr. Matt Clark representing the shopping center. He has handled the deal between the shopping center and Tractor Supply. It has been approved by the real estate committee. They are ready to come into the center. It is now up to the City to grant permission for the PUD. Mr. Williams said he had gotten several calls from several small businesses in the area. There is a concern out there that this will greatly affect the small businesses in the area. He thinks it will really affect the Mom and Pop businesses in the area. It will put a very big hurting on them in this economy. People are struggling as it is and he is against it. Mr. Clark used the analogy that he works for a small brokerage firm with two guys. There are larger international companies out there. People choose to go with them because he provides a specific service where people like dealing with him. He enjoys the competition. Mr. Williams said he enjoys the competition as well but due to the economical state we are in right now, with a lot of the small businesses going day by day just to get by and then a big box store comes in, is going to hurt them and hurt them bad. It is not just his store but several small stores that it will hurt. If we were in Jacksonville with a million plus people, he would welcome it but we have a very small clientele here. Mayor Dopson recognized Mr. Collins. Mr. Collins said he was also from a small realty group and he enjoys the competition as well. The difference in Baker County and Jacksonville or St. John's County is there are many more fish out there. He is for development but for controlled development. He enjoys going up against the larger companies. It does not affect him. He understands what Mr. Williams is saying but it is a decision that the Council will have to make. Mayor Dopson recognized Mr. Dean Griffis from the Glen Cash Store. Mr. Griffis wanted to reiterate some things that Mr. Williams had said. He thanked the Council for listening to the concerns. We are concerned. The present economy is very difficult for any business and for the governmental entity. We are all just trying to weather the storm and come out on the other side. Experts say we are in the same state as the depression. There are businesses in the City trying to weather the economy. He welcomes competition and free enterprise. It is the American way. He is concerned about the timing of this. It is just such a bad time. When the population grows, it may be a great thing but as the economy the way it is. The way the businesses are struggling, he doesn't know what to do about the timing. With big stores like Tractor Supply that have 1100 retail outlets in 45 states, Baker County is only a little blip. With local businesses, Baker County is everything to us. City Manager Dopson said he has had some phone calls with concerns for the smaller business. It is a concern. He shared some history. When Winn Dixie proposed to come to town, there were several that were encouraged but several of the locally small grocery stores were upset. We made the decision to move forward with a plan that would move the City forward. We upset a few but made the decision to move forward. We had another situation years ago, a franchise company wanted to come in and several local vendors lobbied us to keep the franchise business out. We did that and looking back, we made a mistake. We sent a wrong message and it did not hold up in court for fifteen minutes. It's not constitutional to prevent a reputable company from coming into our community. He understands the concerns of the small businesses but it will always be a perpetual issue whether it is here or Jacksonville, the small business person against a national company. We have to look at all the issues. The consumer, employment, free enterprise and on this issue, we have an empty building that will be improved tremendously if they come and locate here. The City is trying to promote good solid free enterprise in our community. To deny them because they might hurt some of our local businesses sends the wrong message. He hopes they don't but he could use the same concept if we had a chain restaurant coming in and we have small locally owned restaurants. We can use the same thing for about any business. It's about the City trying to promote free enterprise but also trying to watch out for the business owners and enhance their business as well as give the consumers as many opportunities in

the local market as we can. It is incumbent on us to do that. He would caution the Council, on this issue, not to impede free enterprise. It sends the wrong message and it would not stand up in court. Unless there is a reason to deny this business, a legitimate reason, or if they are going to be a bad neighbor, he would encourage them to go forward with the application. Mayor Dopson said he did not think anyone on the Council wants to see local businesses hurt. There is no question that some people could be hurt. That is the last thing that we want to see happen. If we don't have a legitimate reason to keep someone out, we have nothing to stand on legally or otherwise. Our job here is to promote growth in the City and increase the tax base as best we can. He understands it is bad timing but he doesn't know of any way other than them choosing to do so, we can't ask them to wait. We are faced with either approving or disapproving. He agrees with the City Manager that to disapprove, we have to have a legitimate reason to do so. Unfortunately because it may hurt some smaller businesses, is not viewed as a legitimate reason by the court system or anyone else.

Commissioner Rhoden said he was sympathetic when a larger store came in and threatened to run out a business. Growing up, his father had a larger company come in and try to run out his carpet store. He weathered the storm but it was a different economy. He does not want to lose the small business feel where we know the customers and they know us. When faced with this, he told Mr. Griffis, he felt it in his heart. Dealing with it as a governmental issue, he came to City Hall and spoke with Mr. Roger Yarbrough. He knew Mr. Yarbrough had dealt with Tractor Supply. He proposed a scenario, if Mr. Griffis had chosen to come to the City, how would the situation be handled. Mr. Yarbrough told him he would have handled it the same way and recommended a PUD. Commissioner Rhoden asked if Bennett's Feed Store had requested to come into the shopping center. Mr. Yarbrough told him a 100% the same way. Commissioner Rhoden asked Mr. Yarbrough if Tractor Supply had asked for any special tax exceptions or special considerations of any way. Mr. Yarbrough told him no. Commissioner Rhoden feels the most important thing to do in government is to be consistent. He feels we must be that way here in how we treat everyone that comes in applying for a business license. There is no reason to not do this. He hopes everyone survives. He thinks of the other small businesses like Subway and Dollar Tree that are counting on an anchor store and will benefit from this. If we deny this, are we saying they are not as important as some of the other businesses? It doesn't change how we as a municipality should do and be consistent for every business that was coming and applying. We need to support the PUD request. Commissioner Johns said he has never been in a Tractor Supply Store. He asked if Tractor Supply would be selling golf carts. Mr. Clark said no. Commissioner Johns asked if they would sell zero turn lawn mowers. Mr. Williams said they sell the exact same product he sells. Commissioner Johns asked if Tractor Supply would be performing repairs. Mr. Clark said they do not repair on site. It will be a relationship. Residents of Macclenny will be employed and be the ones referring out to the local businesses. Mayor Dopson asked Mr. Williams if he would be willing to do the repair and warranty work for Tractor Supply. Mr. Williams said he does that now and would continue to do the repairs. He said the concern is Tractor Supply can drop prices below cost to move product and he cannot afford to do that. If they sold at the same price, he would be tickled since he has the advantage since he repairs the products. He can't compete with a store that sells a significant amount below cost because they can afford to do so. Right now, he has that issue with Home Depot but they don't have a location close. It will directly affect him with them being so close.

Commissioner Johns thought the Tractor Supply would be heavy in clothes and boots. Mr. Clark said they sell a variety of items but was not sure about all the products. Mr. Yarbrough stated the representatives here were from the real estate group not Tractor Supply. Commissioner Johns said he was hoping this would work into Mr. Williams getting some warranty work and referral customers. He doesn't see how we can turn them down. It was a hard decision knowing the two men it would be affecting. He thought there would be an influx of people when it first opened to see what it was all about and then the customers would go back to the stores they know. Some will stay, some will grumble. Some will be happy. He hopes they see their point on not turning the application down. City Manager Dopson said the Glen Cash Store has been in business since 1934. He has fond memories as a boy visiting the store. There is a lot of friendship and history here. We realize the concern. It has been adequately stated. It is the responsibility of the elected official to make a decision. The decision may be an easy one based on the merits of the request but it is difficult when it is in opposition to your friends or small businesses. Commissioner Bennett said he views this as one of the things he doesn't want to do but has to do for the community as a whole. He prefers to help his neighbors. He can't find a reason to keep these people from coming in to Baker County if they desire to. He hopes the small businesses stay in business and do well. He can't find a reason other than being a friend to not vote to allow them to come in.

Mr. Griffis said he appreciates the comments and he was not here to try and prohibit the Tractor Supply from coming in but wanted the Council to hear the concerns of the local businesses. There are heightened concerns with the economy and the timing. He did not want anyone to think he was against competition or free enterprise. That is the American way. They have been in business for 81 years and are not planning on going anywhere. He just wanted to voice his concerns. Mayor Dopson said he was glad they were here to voice their concerns and the board has empathy for the potential position they were in and wished there was a better decision they could make. Commissioner Bennett made a motion to approve Ordinance 12-07 on the first reading. Commissioner Johnson seconded the motion. The members voted unanimously to approve Ordinance 12-07 on the first reading. Motions carried.

In other business, Mayor Dopson asked if the Council would like to approve the minutes for the regular meeting on August 14th, the special meeting on August 21st and the special meeting on August 28th all at the same time. Commissioner Bennett made the motion to approve all minutes. Commissioner Johnson seconded the motion. The board voted unanimously to approve the minutes. Motion carried

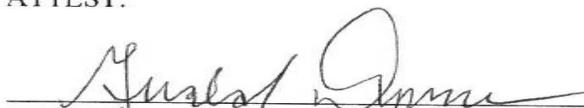
In other business was the review of the bills for the month of August 2012. Mayor Dopson explained the system of paying the bills in a timely manner and approving them after payment. They still review all bills and ask questions on all bills. Discussion followed. Commissioner Bennett made a motion to accept the bills paid for August 2012. Commissioner Johnson seconded the motion. The board voted unanimously to approve the bills. Motion carried.

Mayor Dopson asked if there were any further comments from the Commissioners or the audience. Mr. Hugh Fish asked if in the PUD, there will be a lead in to make the whole shopping center area landscaped. Will this lead to refresh that whole area? In front of the old Food Lion store, they will have to address some issues to bring them up to date. Are we going to do that with the entire area in front of the shopping area? The Assistant City Manager, Roger Yarbrough said there was a change and they had agreed to do the whole shopping center. Mr. Fish said he was concerned half would be nice and landscaped and part not. Mr. Weaver said he wanted to make it nicer. The design would increase the whole look of the center. Their goal is to make the whole center nice. Ms. Cynthia Sloan asked if the two shopping centers are separate. Are both going to be landscaped, the Old Food Lion and Winn Dixie Centers? Assistant City Manager Roger Yarbrough said it was just the Food Lion side on the north side of Willis Hodges Road. Mr. Weaver said there has been discussion between the two centers to make them more cohesive. It is in the discussion to work with the Winn Dixie Center in the future to possibly change the façade and enhance the shopping centers since they are so close together to sharpen up the 6th Street corridor. City Manager Dopson said when Winn Dixie came in to get a license to update and expand to a super center. We were able to incorporate some landscaping. Mr. Fish said he was hoping to avoid what happened at Wal-Mart with their parking. It was a bad design. All the trees and landscaping died. The trucks run all over the curb. We want to avoid that in the future.

With no further business, the meeting was adjourned.


MAYOR GARY DOPSON

ATTEST:


CITY MANAGER/ CLERK GERALD DOPSON

