

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

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

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

Mayor Dopson opened the meeting and recognized City Manager Gerald Dopson to discuss a plan for changing the stop signs within the City as discussed at the last meeting. City Manager Dopson said we had discussed instead of adding stop signs, we have looked at altering the stop signs to break up the through streets since we have had some requests near the school area. It is pressing to maintain the stop signs due to vandalism and things. We have had requests to add stop signs in the school area. Rather than add stop signs, if it was acceptable then we can try to alter the stop signs in the area. Usually the people that speed will not have any more than a two block area to possibly get up the speed. The down side is that we have had a traffic pattern for so many years it is habit forming and we forget that it has been changed. Does that present another issue as much as the speeding? We don't want to reach a cure and form another problem. If the Board would like to pursue a direction, he will be open for any resolution by the Board. Commissioner Johnson asked if it was just one area that we had been hearing complaints. City Manager Dopson said the recent complaints were near the school but he knew there were other areas within the City that there were issues as well. Commissioner Rhoden said since City Hall was the one fielding the calls; if the complaints were significant then we need to address it. He suggested if we do change the stop signs, then we may want to put up flashing lights to warn people of the change. Mayor Dopson said he was in favor of doing this in one area and trying it for a few months to see if it makes a difference. City Manager said he knew it was upsetting to the residents when people come by their house speeding. He said he could not say that there was a history of mishaps that justifies us doing this but he does not want a mishap to occur and we had not addressed the issue. We do not have the experience history to say we have a dangerous situation in the traffic patterns within the City. He thought turning these signs around would reduce some of the speeding issues but not eliminate it completely. If we want to try the area discussed and see if it works then he is in favor. Mayor Dopson said there was a lot of school traffic in that area. He thought Commissioner Rhoden had a good idea with the flashing light until people get used to the change. He doesn't want to do something that will cause more wrecks than we are having now. Mayor Dopson opened it up to the audience. Mr. Dennis Collins asked if we could put some information on the water bills to ask the residents if there were areas that the Council should look at in the City. He thought the information we received from the residents would be beneficial in the decision making. Commissioner Rhoden said with the amount of pedestrians near the school, it may warrant the action. We need to educate in advance by running an ad in the paper or put up a warning sign to let people know that a stop sign is ahead. City Manager Dopson said he could not say there was a significant amount of calls. A call from resident several times is all that we have. Commissioner Rhoden said it's not the amount of calls but an issue has been brought to our attention. Mr. Dennis Collins said between 7:00 am-4:00 pm down South Boulevard you can only go one way and he sees people going both ways. Can we make it one way all the time? Mayor Dopson said that was not advisable. Due to the bus traffic, parking problem and log jam of traffic during the school hours the street is one way during those hours. City Manager Dopson said the school board asked us to work with them on the school hours. For safety, it does work out better but he understands the confusion. Assistant City Manager Roger Yarbrough said he did think the warning sign or flashing sign is important if we make a change. City Manager Dopson said he thought there was a lot of uncertainty after talking. He thought monitoring the situation would be a good idea. Mayor Dopson said he thought he was in favor of dealing with the one intersection and leaving everything else alone. We can try a four way stop and try it to fix the intersection. City Manager Dopson said he was in favor of whatever the Board decides. The discussion followed about possibly turning one stop sign midway down 2<sup>nd</sup> street to break up the long thoroughfare. Mayor Dopson asked if

we should consult DOT regarding how to best handle the situation. City Manager Dopson said we could consult DOT and do the one intersection by turning the stop signs around and see if that corrects the issue. Commissioner Johns made a motion that the City Manager consult DOT regarding the stop signs in the designated area and take action based on what the City Manager and DOT decides. Motion seconded by Commissioner Johnson. Voting was unanimous by present members. Motion carried.

Commissioner Johnson said while we were on traffic issues. The corner of Jonathan and 228 at the daycare is an issue. There is parking in front and it is creating a traffic hazard when large vehicles park there and oncoming traffic from the north is not visible. Can we put signs out prohibiting trucks or vans from parking in those areas? City Manager Dopson said we had talked to the operators of the business and they were to make sure the vehicles were not parked there. We had spoken to DOT about marking off that area for no parking and DOT said we could not do that. Assistant City Manager Roger Yarbrough said the owners had agreed to help and it was something that would have to be revisited. Mr. Collins said he was on the original board that brought this to the Council. The daycare had agreed to not park their vans there. City Manager said he would make contact and let them know the importance of being consistent with the parking.

In new business, Mayor Dopson recognized City Attorney, Frank Maloney to read by title only the first reading of Ordinance 13-08 a Bill to be entitled an ordinance amending section 4-78 of the Unified Land Development Regulations of the City of Macclenny, Florida; to revise sections 4-78(B)(1) and (3) affecting the list permitted uses and structures as well as the list of permitted uses by special exception in the industrial, Warehouse (IW) Zoning Districts; providing for an effective date. Mayor Dopson said it would move three items out of the automatic into the required by special exception designation. City Attorney Maloney said that was correct. City Manager Dopson said looking at our code, time changes with neighborhood characteristics, which was the purpose of the change in zoning. Looking at Florida Avenue, it was zoned industrial more than 30 years ago when the cement plant was located there. Now that the neighborhood has built up, we would not want to see that use recurring there. We also looked at the area where Macclenny Products was located. If the current zoning stays in effect, it would allow business coming into neighborhoods that are no longer industrial. The change allows for anyone to come in those areas with a business to have to come before the board to get approval before come into those areas. A motion was made by Commissioner Johnson to pass the first reading of ordinance 13-08. It was seconded by Commissioner Johns. Voting was unanimous by members. Motion carried.

Next item of business, Mayor Dopson recognized City Manager Gerald Dopson to discuss the recommended contract with Advanced Disposal for collection of solid waste for residential and commercial pickup in the City with a tentative effective date of February 1, 2013. City Manager Dopson said we have had several meetings with Advanced Disposal to share with them our concerns. The Board authorized us to go forward with negotiating the contract. City Engineer Frank Darabi has reviewed the draft. It has been a quick process. Our committee has reviewed the contract and the City Attorney received it yesterday afternoon. Commissioner Rhoden had some concerns and we addressed those and some others that the committee and City attorney had to make certain that once it is signed we all feel good about it. The reason for expediting of the contract is once we authorize the signing of the contract, after the City Attorney approves, then there is a time frame involved for Advanced to place their order for their materials and get it started. That is the reason to get it on the agenda. He asked the Mayor and Council to discuss any concerns in the contract that the City Attorney and Commissioner Rhoden had with the contract. City Attorney said he had not received it until yesterday and he has not had a chance to get with Commissioner Rhoden or Mr. Darabi with his concerns. He did speak with the City Manager Dopson and they had resolved more than half of his concerns. He did want to speak with Mr. Darabi and Commissioner Rhoden before we pass it back to the contractor. Commissioner Rhoden said he had reviewed the document and he said the document seems to be a form document and there were a few issues that need to be discussed. Verbally, they have committed to everything that we are concerned about but we need to have the exceptions noted in the contract. It should not be an issue. It has been a short turn around since we were hoping to approve the contract pending approval for the City Attorney at this meeting to get it going. Commissioner Rhoden asked if the City Manager was comfortable enough to pass it with tentative approval. He would not recommend it to the Board to accept the bid if he did not feel comfortable about the fact that they had verbally committed to the things that were of concern to us. He thought the concerns were based on using of a document that already existed. City Manager said yes he

felt comfortable. He feels that is it very doable. The things in the contract that we are looking at were what Advanced has already agreed to and for whatever reason it was not in the contract the way we would like to see it. There was significant interest placed on us getting out of the solid waste business and if the company comes up and says that they can't do the work for the price quoted, there would be a performance bond where if they defaulted there was a performance bond of one million dollars that would allow us to get right back in to business if necessary. That was not in there. That was one of the concerns and there were about 6 or 7 items that were of concern. He feels once that gets worked out, we have a very good contract. Commissioner Rhoden said several of the concerns were discussed here in the meeting as simple as the responsibility of lost cans. We want it in the contract that they would be responsible for lost containers unless it is an issue. The other issue lies with the handicapped pickup. He felt the issues would not prevent the contract to come to fruition. A motion was made by Commissioner Johnson that the contract be approved pending the approval of the City Attorney and committee. It was seconded by Commissioner Johns. Voting was unanimous. Motion carried. Commissioner Rhoden asked if Amendment A needed to be voted on as well. City Attorney said it did not. It was a fluid document that is part of the contract that can be changed without the 90 day notice or coming before the Board. The City Attorney received it today and has not looked it over as thoroughly as the contract. City Manager Dopson asked Commissioner Rhoden to explain the document to the Board. Commissioner Rhoden said it was a fluid document as Mr. Maloney had stated. There will be issues arise that do not need to be brought before the Board each and every time. Basically, it covers the startup, billing dispute settlements, contact information for the City and Advanced, advertising that starts out and those types of issues. These are things that come up that may need to be modified on a day to day basis and that is what is covered in the attachment. It will be reviewed by the City Attorney to approve as well. It gives the City Manager the authority to handle the things that need to be handled on a day to day basis.

Mayor Dopson asked City Attorney Mr. Maloney if there was an update on the land purchase from Rayonier and Mr. Boyette. City Attorney Mr. Maloney said there was contact between Mr. Boyette and his attorney, Mr. Cooper, and there is an agreement for the City to assume the contract with Rayonier. We are waiting on his signature at this point. The contract was forwarded over about a week ago. He did e-mail Mr. Cooper for a status update today and has not received a response. Once the agreement is signed the City will assume the contract with Rayonier. Commissioner Johns asked if it would be signed by Mr. Boyette. Mr. Maloney said yes he would sign it and there was nothing in his original contract that would prohibit us from assuming the contract.

In other business, approval of the Minutes from the public hearing and regular city council meeting on November 13, 2012. Discussion followed. Commissioner Johnson made a motion and was seconded by Commissioner Johns to approve the minutes. Voting was unanimous. Motion carried.

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

Mayor Dopson opened the floor to the Council and audience for comments. City Manager Dopson said after discussing the land transaction with Rayonier and Mr. Boyette, he was not a fan of lawsuits. He was hoping we could work out the issues without going that route and he felt comfortable to say that we have exhausted all avenues. Due to Rayonier's timeline of getting the contract signed, we went forward in good faith and have spent about \$25-30,000 of taxpayer dollars on this land deal and now they have backed us in a corner with no other alternative but to go forward with the court system. He referenced a letter that was sent to all Commissioners regarding the new health care package and businesses being forced to provide contraception, day after pills and so forth. He felt that should be handled individually not through the council. Mayor Dopson agreed that it was a personal issue not a Council issue. Commissioner Johns stated how much he enjoyed the parade and how well received it was through the community. Assistant Roger Yarbrough said what a great job the fire department did in the Christmas parade. Several businesses had a very good day. Heritage Park also held an event that was very well received after the parade and we hope to hold more events like that out at Heritage Park. Cypress Point sidewalks are also finalized in the subdivision. Mr. Dennis Collins thanked the Council for their service and wished everyone a Merry Christmas.

With no further business, the meeting was adjourned.

  
MAYOR GARY DOPSON

ATTEST:

  
CITY MANAGER/ CLERK GERALD DOPSON



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