

**CITY OF MACCLENNY**  
**Regular Meeting**  
**February 14, 2017**  
**6:00 p.m.**

The City Commission met in a regular session, Tuesday, February 14, 2017 with the following present: Mayor Gary Dopson, City Manager Phil Rhoden, City Attorney Frank Maloney, Commissioners Mark Bryant, Sam Kitching, Cecil Horne Jr., and Danny Norton and Council Secretary Deanna Dinkins.

Mayor Dopson stated we would allow the prayer and pledge from the CDBG Public Hearing to stand for this meeting.

**Old Business:**

City Attorney Frank Maloney read Ordinance 17-03 by title only, an ordinance rezoning approximately 6.65 acres in the Southeast Quadrant of the City from Planned Unit Development (PUD) to PUD. Mayor Dopson began by stating that anyone interested in speaking will be heard. He asked Assistant City Manager Mike Griffis to provide an update. Assistant Manager Griffis explained there were items in the narrative that were changed as a result of the discussion during the first reading. All of the changes except one have to do with clarifying the language. The one exception addressed street parking not allowed on the easterly side of American Way due to fire hydrants. The commission expressed concern regarding accessibility of emergency vehicles if parking was allowed on both sides of the street, so the parking restriction was added.

Mayor Dopson asked the members of audience who wish to speak to state their name for the record. He asked for questions or comments from the Commissioners, and there were none. Mayor Dopson stated Blair Gatlin is the seller of the land and requested to make a statement prior to the general discussion of the ordinance. Attorney Hugh Fish then read the statement from the applicant, Mr. Blair Gatlin (see attached letter from Attorney Hugh Fish addressed to Mayor Dopson).

Mayor Dopson asked Debra Fleming if she had any statements to make before opening to the public. Mrs. Fleming declined, stating she would like to hear what the public has to say before making any comments. Mayor Dopson reminded everyone this is a public meeting and to be kind to one another. He added that everyone would be given an opportunity to speak.

Several members of the audience spoke and voiced concerns that the development would be exempt from paying ad valorem taxes. Mayor Dopson wanted to make sure everyone was aware the tax-free part was not necessarily a part of the first reading discussion. He stated it is illegal to make a decision based on whether the project is taxable or not, and the Commission does not have the authority to demand that an entity pay taxes. While he understands the organization could apply to be nontaxable, this cannot legally be denied because of that. Other concerns from the audience included the concentration of affordable housing in the city, the burden of providing additional services, such as police, fire, water/sewer, garbage, etc. with no additional revenues, and commitment to the community.

Mayor Dopson stated he is not trying to influence anyone; he is simply stating the facts. He shared his understanding of the affordable housing federal act established during President Bush's term. He added that the tax savings would be utilized by the non-profit organization to provide upkeep. He stated the commission has no control over where this is located except within the City of Macclenny.

Pedro Vermales, Property Manager for the management company of National Development Foundation, spoke to clarify misunderstandings about Baker Manor, National Development Foundation, commitment to the community, and American Way. He stated this was not supposed to be a rezoning, as he thought there were only minor changes being made to make the property better. Manager Rhoden replied according to our building official, the changes were not deemed as minor changes. The number of units changed from 41 to 30, an office complex was added, and the boundaries of the property were changed. These are significant changes and the rezoning of the PUD was required.

Debra Fleming spoke, representing her husband Randy, President of National Development Foundation. She addressed concerns of the community about the market by discussing excerpts from a market study that was performed by a third party directly selected by the underwriter. She explained the market study is required as part of underwriting with the Home Investment Partnerships Program. She stated the act is 24 CFR Part 92, and that is a federal program. Mrs. Fleming also shared data from The Shimberg Center, which provides the statistics on affordable housing in Florida. Based on the data and conversations with local realtors there is a need for this product. This is a product that does not exist, will not compete, and will not cannibalize these other properties.

She also addressed the misconceptions regarding affordable housing. She shared an e-mail from Jaimie Ross, President and CEO of Florida Housing Coalition (see attached) which explains the Florida Fair Housing Act. Mrs. Fleming asked if she needed to read Section 760.26, Florida Statutes for the record. Mayor Dopson asked Attorney Maloney if this was necessary since we will attach the e-mail as part of the record, and he replied it was not. Mayor Dopson asked if anyone from the audience would like it read and there was no one.

Mayor Dopson asked what the interest rate would be on the money borrowed by NDF. Mrs. Fleming replied the HOME loan is \$4,900,000 (ballpark) at zero percent interest because they are a non-profit recipient. She added the debt service must be paid every year on the loan.

There were additional comments from the audience regarding the increased burden on the water and sewer systems and no increase in tax revenues. Mrs. Fleming reiterated this is a \$6 million project that will help many local contractors and subcontractors for the next 24 months. She also pointed out they would be paying water connection fees and school impact fees. Mrs. Fleming explained they are highly restricted as to who they can rent to and what they can charge.

After further comments from the audience regarding the exemption from ad valorem taxes, Manager Rhoden stated it may have been the vernacular they were using. Manager Rhoden admitted since it was not Section 8 housing that it was taxable, and by NDF stating they were a 501(c)(3) organization there was an understanding that it may be tax exempt. Mrs. Fleming added no application for tax exemption has been made yet. Mr. Vermales stated not-for-profits are not exempt from special assessments; therefore if a special assessment was made later for the sewer system, this entity would bear the cost of the special assessment like everyone else.

One member of the audience asked that we look at what the development will bring to the city. The families will be spending money here, paying sales tax, etc.

Secretary Deanna Dinkins read a letter from Sonja Peterson-Lewis (see attached). There was brief discussion and comments from the audience.

Mayor Dopson asked for a motion to approve the final reading of Ordinance 17-03. The final reading of Ordinance 17-03 was not approved, for lack of a motion.

City Attorney Frank Maloney read **Ordinance 17-04** by title only, an ordinance declaring a temporary moratorium on the operation of medical marijuana treatment centers and medical marijuana dispensing organizations within the City for a period of one year. Commissioner Bryant made a motion and was seconded by Commissioner Kitching to approve the final reading of Ordinance 17-04. There were no questions or comments. Voting was unanimous. Motion carried.

#### **New Business:**

Mayor Dopson asked Spencer Nabors if he needed to add anything to the discussion regarding the City's intent to apply for a Small Cities Community Development Block Grant of up to \$700,000. Mr. Nabors did not have anything further. Mayor Dopson then moved to the next agenda item, approval of Resolution 17-03, a resolution authorizing the Chief Elected Official to make application to the State of Florida, Department of Economic Opportunity, Small Cities Community Development Block Grant, FY2016. Mr. Nabors added that he will also need consensus from the Board to use \$50,000 as leverage for the project. Commissioner Kitching made a motion and was seconded by Commissioner Bryant to approve Resolution 17-03 authorizing the Chief Elected Official to make application to the State of Florida, Department of Economic Opportunity, Small Cities Community Development Block Grant, FY2016. There were no questions or comments. Voting was unanimous. Motion carried.

Mayor Dopson asked Mr. Nabors what the \$50,000 approval would be for. Mr. Nabors stated it would be leverage towards CDBG, and the funds would come out of the utility fund budget. He also stated the funds would not be spent until after the site visit and before the close-out. Commissioner Kitching made a motion and was seconded by Commissioner Bryant to approve the gift of \$50,000 leverage toward CDBG. There were no questions or comments. Voting was unanimous. Motion carried.

Members of the Baker County S.W.A.T. Chapter presented an overview of the dangers of tobacco use. Mayor Dopson read the Proclamation, Through with Chew Week, in its entirety.

**Emergency Business:**

Mayor Dopson announced he is retiring from Northeast Florida State Hospital (NEFSH). He explained that he did not realize when you retire from a position with the State of Florida you are required to retire from all entities that fall under the Florida Retirement System (FRS). With the City of Macclenny being in FRS, as Mayor, he is forced to retire from this position also. His effective retirement date will be February 23<sup>rd</sup>, the same as from NEFSH. All possibilities were explored for him to stay on as Mayor, and he did not think this would be a problem. Mayor Dopson even offered serving as Mayor for no compensation, but that is not allowed by FRS. Once retired, there is a one year waiting period before the retiree can return to an entity under FRS. He is currently in the fifth month of the second year of his four-year term and would have loved to have finished his term which would have marked 40 years of service with the City. Based on experience and time on the Council, Mayor Dopson asked the commissioners to name Mark Bryant as Mayor effective February 24<sup>th</sup>. Because there is a City election this summer, Mr. Bryant will have to run in order to keep the position. He will then run again in two years, at the end of the term. If Mr. Bryant is named as Mayor, his commissioner position will be open and typically applications will be accepted and the commission will select one of the applicants.

Manager Rhoden explained he and staff have been working on this and hoping for a reprieve. While there is nothing we can do about this now, we are going to appeal to our state representative and senator to get this rule changed especially in small communities where a majority of the providers of the job market are FRS participants. We have commissioners serving who are employed by FRS participants, and we could be faced with this issue again. Manager Rhoden briefly discussed the inability of withdrawing from FRS.

Commissioner Horne made a motion and was seconded by Commissioner Kitching to appoint Mark Bryant as Mayor effective February 24, 2017. Commissioner Bryant abstained from voting due to the fact he cannot vote for himself. There were no questions or comments. Voting was unanimous. Motion carried.

In other business was the approval of the minutes. The following minutes were submitted for approval:

- First Public Hearing CDBG: January 10, 2017
- Regular Meeting: January 10, 2017

Commissioner Kitching made the motion to approve both of the above minutes and was seconded by Commissioner Bryant. Voting was unanimous.

In other business was the review of the bills for January. Commissioner Kitching made a motion to approve the bills and was seconded by Commissioner Bryant. Voting was unanimous.

**Comments from the Board:**

Manager Rhoden reported Buck Starling Road has been paved and we are awaiting quotes to stripe it. We are also obtaining quotes to stripe East Boulevard North as well.

Manager Rhoden stated the tentative start date is the 20<sup>th</sup> for the CSX gravity sewer line project. There is supposed to be a site planning meeting the week before but nothing has been scheduled yet (and we are within that week).

Assistant Manager Griffis, Richard Harris and I met with Department of Environmental Protection and received some positive news regarding the mercury issue. If this is a legacy issue

where deposits have built up, it should be corrected as we line, pipe burst, or replace the majority of the infrastructure of our existing sewer system, which will take five to eight years to complete. Manager Rhoden briefly described the possible changes in how samples may be obtained per DEP. He concluded by stating we may be on the horizon of not having to move out of Turkey Creek, as the numeric nitrogen criteria readings have improved.

Commissioners, staff, and members from the audience expressed their appreciation to Mayor Dopson for his service. Mayor Dopson stated he has enjoyed his time on the Commission and has considered it a privilege to serve as Mayor. He stated, "The people of the City of Macclenny have blessed me by allowing me to serve this long of a period of time." He said before he took the position, the Mayor typically only voted to break a tie, and by City charter you are allowed to do that if you so choose. He said, "When I became Mayor, I wanted people to know where I stood, so I voted on everything." He then encouraged the upcoming Mayor to do the same. When asked if there would be a ceremony, Mayor Dopson replied, "No. I've always been the type that when it's over I wave and go out the door. I don't disappear but I go out the door." He added that he's not big on ceremonies.

Mayor Dopson said it does not seem like it's been as long as it has (37 years). He shared that when he was first elected, Jerry Rhoden (father of Sheriff Scotty Rhoden) was Chief of Police. The City had one fire truck and the department was manned by five or six volunteers. They came in from home when a call was received, and the fire truck was parked in a bay in the front of City Hall.

Mayor Dopson stated he had the pleasure of serving with a lot of good people, including Paul Rhoden, Phil's daddy. He said, "It's actually been fun being on this Board." We didn't play politics. We didn't make enough money to have to worry about trying to keep the job." He went on to say he feels the Council Members made the best decisions for the most people and for the City of Macclenny. He admitted somewhere along the way they may have made some wrong decisions, but they tried as a group, not as individuals, to talk about things and listen to the people. Mayor Dopson gave much of the credit for his enjoyment of working as Mayor to the employees of the City of Macclenny, claiming the excellent employees made his job much easier.

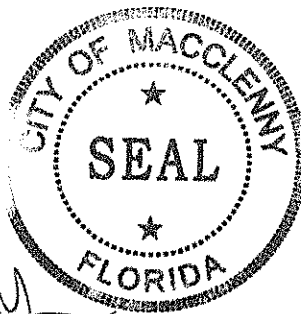
In conclusion, Mayor Dopson stated Macclenny has always been part of him. He was born and raised in Macclenny. The only time he left Macclenny was to attend medical school and live a year in Charlotte. He returned to Macclenny and never regretted it, saying, "My roots are here and always will be. I love Macclenny, Baker County, and the people in it. It has really been my privilege and I thank you."

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

ATTEST:



CITY MANAGER / CLERK PHIL RHODEN




MAYOR MARK BRYANT