

**CITY OF MACCLENNY**  
**Regular Meeting**  
**September 13, 2016**  
**6:00 p.m.**

The City Commission met in a regular session, Tuesday, September 13, 2016 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 Public Hearing on the tentative budget stand for this meeting.

**New Business:**

The first item up for discussion was a request from the family of the late William Coffell to forgive the balance of the deferred payment loan on their father's property. Manager Rhoden explained the City used funds from a CDBG Housing Grant to rehab Mr. Coffell's home. The grant agreement placed a deferred payment loan on the property for seven years, which would not require repayment if Mr. Coffell lived in the home for seven years. Mr. Coffell passed away after four years which would leave a prorated balance for the remaining three years which would be paid back to DEO (Department of Economic Opportunity) not the City. Manager Rhoden explained the City's Housing Assistance Plan allows for the City Council forgive the debt and we have done this in the past. Manager Rhoden recommended that the Board forgive the debt. There were no questions from the Council. Fidel Lido asked why we would forgive the loan instead of requiring the family to repay it. There was further discussion about the grant requirements and the fact there was no intent to have repayment, just for the family's to occupy the residence. Commissioner Norton said we have done this before and by doing so have set a precedence. Commissioner Bryant made a motion and was seconded by Commissioner Kitching to forgive the deferred payment loan. Voting was unanimous. Motion carried.

City Attorney Frank Maloney read **Ordinance 16-07** by title only, an ordinance Amending the 2025 Future Land Use Map which shall change the Future Land Use Designation for approximately 1.57 acres described herein from Low Density Residential (LDR) to Medium Density Residential (MDR) related to a Small Scale Development Activity; rezoning the property from Residential Single Family (RS-2) to Residential General (RG).

Mike Griffis, Assistant City Manager provided a staff report on the project. Mr. Griffis said George Knabb Jr. is acting as agent for the Macclenny Church of God and is requesting a vacant property located at the northwest corner of Sixth Street and Shuey Avenue to be rezoned from Residential Single Family RS-2 to Residential General (RG) for the purpose of building town homes. Mr. Griffis explained the property would be familiar to the Council as it is the large grassy piece of property on which many park for the football games. Assistant City Manager Griffis said the staff does have some concerns with the project. Mr. Griffis said he would address the major concerns. The first item of concern, with no reflection on Mr. Knabb is that once this property is rezoned to this type of zoning, then any of the uses listed in that zoning category could be built at this location. Mr. Griffis explained if the economy turns bad and Mr. Knabb needs to sell this property the new owner could build any of the things listed under that zoning without having to come back before the City Council. Mr. Griffis said we met with City Attorney Maloney to see if there was some way we could put some teeth in the rezoning to limit it to what the original plan was for. He asked Mr. Maloney to share with the Council the results of his research.

City Attorney Maloney said we went through this about twenty years ago when the Mayor asked him to do some research on what could be done to require the original project be complete on a rezoned piece of property. Mr. Maloney said he did a thorough search at that time along with an opinion letter and he checked that letter and did more research and nothing has changed. He said once the zoning is changed any of those uses are permitted unless you change the zoning back, which would take the two full readings of an ordinance, which takes two months.

George Knabb Jr. provided the Council with a hand drawn rendering of his plan to build townhomes on the property. Mr. Knabb said he understands the concerns Mr. Griffis outlined with regard to the rezoning to RG. He said that is a legitimate concern and he doesn't know what he

can do to alleviate that concern. Mr. Knabb said the property is the prime parking for the Wildcat games. To the south of the property there is only one residential dwelling and to the west there are only two residential properties that lie between this property and the football field. Directly to the east and a little to the south is the county office building and immediately across SR 121 is the Macclenny Church of God. Mr. Knabb said even though this property is zoned RS2 it is a classic mixed use. He said he has met with Fire Chief Buddy Dugger and there are three fire hydrants within 500 feet of the property and as far as fire service there do not appear to be any concerns. In fact, Mr. Knabb said they could fight three fires there at the same time. The church owns the property now and Mr. Knabb has a contract on the property. The economic value and what can be done with the property will almost require a higher density or commercial application. Mr. Knabb said he wants the Council to be prepared that if we don't go through with this we might be looking at something like a Kangaroo Gas Station or convenience store trying to locate on this property. He said he understands that if something were to happen then someone else might want to come in with some apartments or something else. Mr. Knabb said the site plan is conceptual and shows quadraplexes and a tripleplexes and he believes it will be a beautiful product. Another thing he said is important for him is consumer choice. Right now there is not a product like this available in the county, so he thought it would be fantastic to offer this option. The economic impact would be thirteen or fourteen units being built from the ground up, all constructed using local contractors and vendors. Mr. Knabb concluded he cannot really see any downside to the project at this time and opened the floor for questions on density or design.

Mayor Dopson asked Mr. Knabb if he has the financing in place to complete the entire project. Mr. Knabb said yes he has the financing to complete the project, and explained he will not build all fourteen to fifteen units at once. His plan is to build one building which consists of three or four units at a time and as they sell begin construction on another one. Mr. Knabb discussed in more detail the two conceptual layouts for the project which involve different access points. Mayor Dopson stated the reason he asked about the financing and plan for completing the project is because of all the developments this size to come before this Commission the drawings here are rather unimpressive. Mayor Dopson said we cannot require you to give us architectural drawings, but that is typically what we see with these types of developments. Mayor Dopson said this is why he is concerned about the financing. He asked why an architect was not involved to provide a more professional rendering of the project. Mr. Knabb said he did get an architect involved who was supposed to have a preliminary site plan ready, but he has not been returning his calls. Mr. Knabb said he is disappointed that he does not have architectural drawings; he didn't want to show up tonight with hand sketched drawings but that was the best he could do. He said once he got the contract on the property they took action quickly to get the rezoning process started. He said it has only been four or five weeks since this project began.

Manager Rhoden stated the drawing shows an existing sewer line which looks extremely close to the proposed six units on the west side of the property. He asked Mr. Knabb if he has the specific dimensions for the location of the line and the proximity to the proposed building. Mr. Knabb said the utility easement according to the title company is an unrecorded easement. He said they are running off the assumption there is an easement given but was never recorded. Mr. Knabb said he went five feet off each side and allowed for a ten foot easement. Manager Rhoden said he thinks DEP has a standard which requires a five foot distance from any structure and expressed his concern regarding the construction of buildings that close to old existing sewer lines. He discussed a situation at Napa where a collapse of an existing sewer line which was close to the building was close to compromising the foundation of the building, and said he would be very concerned about buildings being constructed that close. Manager Rhoden said if this project moves forward, discussion of the line and its proximity to the buildings needs to be discussed. Mr. Knabb said that is something he would get the engineer involved in and get a recommendation for how far the structure needs to be from the line and from the easement boundary.

Mayor Dopson asked Mr. Mike Griffis if there is any truth to what he has heard about building part of this now and then later building another portion of the project. Mr. Griffis said he believes Mr. Knabb stated he has financing for the first unit and will build one unit and then when it sells begin construction on the next unit. Mr. Griffis expressed the concern of City staff in Mr. Knabb's plan to build one and then wait for it to sell, what happens if they do not sell and Mr. Knabb sells the property to someone else who may have a different plan for the property which could be less desirable. Mayor Dopson said he must have misunderstood as he thought Mr. Knabb said he has financing secured for the entire project. Mr. Knabb apologized if he wasn't very clear on the financing plan.

Commissioner Norton asked Mr. Knabb for clarification on the number of buildings since the drawings show different numbers of buildings. Mr. Knabb explained one drawing which shows five buildings with three units each with access to the property along SR 121, the other drawing only shows fourteen units with access off of Shuey. Mr. Knabb said the second drawing with access off of Shuey would most likely be the plan he would go with since he would not have the added expense and permitting associated with accessing a FDOT Highway. Mr. Knabb said either plan is workable horizontally but he still needs input from engineers regarding drainage.

Mayor Dopson said in the years he has been on the Commission where you have commercial mainly bordering residential we have always tried to be very careful what we allow to be constructed in order to provide a good buffer between commercial and residential. Some years down the road, whether it be a few or a lot of years will depend on the economy, the property along SR 121 going north will become valuable. Mayor Dopson said there will be commercial development along North SR 121 the same as we have going out SR 121 South. How long that will be he has no idea. In the meantime we still need to protect what is there now and make sure that we have a known item and a known type such as a doctors or other professional type office which makes for a good buffer between commercial and residential. He said even though the houses are getting less along there this is still mainly a residential neighborhood. He expressed his concern in the poor drawing which was presented and that Mr. Knabb is talking about doing the project piecemeal. Mayor Dopson said the problem with doing this piecemeal is if it doesn't work out, you could sell the property, and maybe make a little profit and then we could have some things we definitely do not want and once the zoning is changed we can't undo it. Mayor Dopson said Mr. Knabb is related to his wife and this is nothing personal but unless someone in the audience tells him something different based on what he sees he can't vote for this. He said he would be very uncomfortable based on what he has seen and read voting for a product we are not sure we will get. Commissioner Kitching said we already have some projects that didn't meet expectations we are looking at and this would cause him to be very cautious on something like this. Commissioner Norton said the sewer line being so close concerns him. Mayor Dopson said he has not had anyone call him or contact him to try to influence him on this. The decision is based on what he has seen, read and heard from staff.

Mr. Knabb said cannot address the concerns about the future if the first buildings do not work out other than to give you his word. He said he can address the piecemeal concern; we are going to build the entire road and one building, which is pretty standard among builders. Usually a builder will build a couple of speck homes and when they sell build another one. Mayor Dopson stated usually on those types of developments we have architectural type drawings to depict what is actually being placed on the site within the development. Without those drawings, Mayor Dopson said he doesn't have a clear picture of what we are putting there.

Mr. Wayne Helton, 209 North 7<sup>th</sup> Street stated he has a lot of concern for this development and presented a petition (see attached) with sixty signatures from neighbors in the area. He said this is only from a two block area around the proposed development. Mr. Helton expressed his and the neighbors' concerns about apartment type living being placed on this property. He is also concerned with the sewer lines and the roads, as to whether they will tolerate the extra traffic created by all of these units. Mr. Helton said we have lived there for many years with single family dwelling and those of us in this area would like to keep it single family. We do not want to see this changed because people will start buying up houses with the intention to get it rezoned and build apartments and for those of us living here this would be tragic. Mayor Dopson said eventually the property along SR 121 will become so valuable the people living there will not be able to turn away the opportunity to sell and the property will become commercial property. He said it may not go as deep as where Mr. Helton's property is but he does think much of the area along SR 121 will eventually become valuable commercial property. Mr. Helton said if this zoning gets changed it will open the door for others.

Mr. Fidel Lido, 505 Islamorada Drive said from what he is hearing there is some assuming regarding pipes and the fact that the whole project is not financed. He said there are many projects in Jacksonville where they built condos and when the market fell, renters moved in and so you have condo owners mixed with renters and it doesn't work well. The owners then want to enter into a lawsuit because they did not buy into a rental complex, they were seeking homeownership. Mr. Lido said since the whole project isn't financed, what happens if this falls apart after the first building is built. He said we should have drawings, plans and other documents before asking for

approval and leave no room for assumptions. Assumptions leaves a lot of leeway for one party to do whatever they want to. So unless he comes with more exact information he doesn't believe this should be approved.

Ms. Regina Berger, said she helped collect signatures from neighbors and she is opposed to this development. She said she opposed the Winston House being opened across from her home and now since it is there, there is constant traffic from emergency vehicles and etc. She said she cannot imagine the impact on traffic if Mr. Knabb builds this many units on this piece of property. She discussed the dangers and delays along the roads around this development. Ms. Berger said Mr. Knabb mentioned access along SR 121 and she said good luck trying to get out there with all the traffic. She said on Sundays or when anything is going on in the city you cannot get out of their street onto SR 121 right now even without this development. She stated again she is strongly against this project and believes it would be a terrible mistake.

Assistant City Manager Griffis said in the staff report due to the zoning issues that Mr. Maloney has already stated, the multiple changes in design (this is maybe number four or five that we have seen) and with no financial plan we cannot recommend approval at this time.

Commissioner Kitching made a motion and was seconded by Commissioner Bryant to deny the first reading of Ordinance 16-07. Mayor Dopson abstained from voting due to signatures of his brother and nephew on the petition, which he became aware of only after the petition was presented to the Council at the meeting. There were no questions or comments. Voting was unanimous. Motion carried.

The final item of new business was the presentation of the Fiscal Sustainability Plan which was prepared by Rural Development as part of the requirements of the State Revolving Fund Loan Program. Troy Cassidy, Fiscal Sustainability Analyst with Florida Rural Water, was present to provide an overview of the document to the Council for approval. Mr. Cassidy said the purpose of the plan is to evaluate the overall condition of the City's Sewer System and develop a plan for fiscal sustainability of the system. He provided the Council with a full report and used a power point presentation during the meeting to discuss his findings. Mr. Cassidy said the City is already working on many of the areas he mentions in his report which need repair. Mr. Cassidy also mentioned the availability of a free software program provided by FDEP (Florida Department of Environmental Protection) to help the City with meeting and tracking work orders and other suggestions in the plan. This was discussed and Mr. Cassidy will get with Marshall Mann later with information regarding the program. Manager Rhoden expressed his appreciation to Mr. Cassidy for rewriting and working with the City and our engineers to get this plan approved with the changes we requested. We have made many emergency repairs and are televising the sewer lines so we can plan for future repairs. We are also reworking the liftstation at Racetrak and looking into CDBG funding for some of the other more critical lift stations. Manager Rhoden said we are moving forward and he appreciates Mr. Cassidy reworking the plan and ensuring we get credit for the changes we have made thus far. Commissioner Kitching made a motion and was seconded by Commissioner Bryant to approve the Fiscal Sustainability Plan. 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:

- Regular Meeting: August 9, 2016


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

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

**Comments from the Board:**

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



  
MAYOR GARY DOPSON

ATTEST:



CITY MANAGER/ CLERK PHIL RHODEN