

**MINUTES OF THE AUGUST 16, 2016 REGULAR SESSION
GREEN COVE SPRINGS CITY COUNCIL**

Call to Order

The regular session of the Green Cove Springs City Council was called to order Tuesday, August 16, 2016, at 7:00 p.m. in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Invocation and Pledge of Allegiance to the Flag

The invocation was given by Mayor Lewis followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

COUNCIL MEMBERS PRESENT:

Constance W. Butler
Steven Kelley
B. Van Royal
Roy M. Timberlake, Jr., Vice Mayor
Pamela J. Lewis, Mayor

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Julia W. Clevinger, City Clerk
Janis Fleet, Development Services Director
Marlena Guthrie, Finance Director
Danielle J. Judd, City Manager
Robert Musco, Chief of Police
Mike Null, Asst. City Mgr. / Public Works Dir.
Ann Schulte, Personnel Director

AWARDS AND RECOGNITION

1. Presentation of FRDAP Grant Awards – Augusta Savage Arts & Community Center and Vera Francis Hall Park – Kevin Patton, FDEP.

Mayor Lewis recognized Kevin Patton, FDEP, who presented the City with a ceremonial check in the amount of \$100,000 for two (2) Florida Recreation Development Assistance Grant Awards for the Augusta Savage Arts & Community Center and Vera Francis Hall Park. Each grant was a \$50,000 No Match Grant. The City Council thanked Mr. Patton and the FDEP for their continued financial assistance with improvements to the City's recreational parks and Ms. Fleet for compiling and applying for the grant applications.

**Mayor to call on members of the audience wishing to address
the Council on matters not on the Agenda.**

Mayor Lewis recognized Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who gave an update on the 2016 Soul Food Festival.

PUBLIC HEARINGS

1. **Second and Final Reading of Ordinance No. O-10-2016, an Ordinance closing and vacating Rossland Court and declaring same as surplus with compliance with the conditions in the staff recommendation. *Janis Fleet***

Mr. Arnold read the title of Ordinance No. O-10-2016 (see attachment marked Exhibit "A") into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, VACATING AND CLOSING THE CITY STREET KNOWN AS ROSSLAND COURT; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

Discussion ensued with the City Council regarding approval of Ordinance No. O-10-2016, an Ordinance vacating and closing the City Street known as Rossland Court as presented by Ms. Fleet.

Ms. Fleet noted that although the property was not being assessed by the Clay County Property Appraiser's Office, it had an approximate land value of \$24,760. She also pointed out the list of Ordinances for previously closed roads. There had been a variety compensations to the City which had usually consisted of infrastructure improvements to offset the value of the land.

Mayor Lewis opened the Public Hearing.

Mayor Lewis recognized Kelly Hartwig, Floribec, the applicant, who contended that the existing value of the property was much less than what the potential taxable value to the City would be with the proposed development of the additional lots. This would be a huge financial gain to the City through the closure of this road with just real estate taxes alone.

As stated in the Staff Report, the applicant would have to comply with the following conditions to assure the requirements of Section 98-58 are met:

1. Submit a title opinion for the surrounding property of Rossland Court.
2. Submit a replat for the property as proposed in the application within one (1) year of adoption of the Ordinance closing Rossland Court, otherwise the road closure will be null and void, the right-of-way shall exist at that point.
3. A utility easement shall be recorded, if needed, when the replat is recorded.
4. All applicable impact and electric CIAC fees shall be paid within 30 days of the recorded replat.

There being no further comments, the Public Hearing was closed.

Council Member Royal advised he would recuse himself from the vote to avoid any possible conflicts of interest as he was the listing agent for the main house. He further noted that 4 additional lots would be generating revenues through the use of electricity, water, and sewer as well as generating taxes.

Mr. Arnold stated he would recommend adding a “Reverter” clause to the Ordinance which would protect the City should the property owner fail or refuse to comply with the City Staff’s conditions as stated above.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ON SECOND AND FINAL READING ORDINANCE NO. O-10-2016 WITH COMPLIANCE WITH CONDITIONS IN THE STAFF REPORT SUBJECT TO THE INCLUSION OF THE AFOREMENTIONED REVERTER CLAUSE. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE. RECUSED – B. VAN ROYAL (SEE FORM 8B ATTACHED AS EXHIBIT “B”).

CONSENT AGENDA

1. **City Council approval of Pay Request No. 3 in the amount of \$2,000 to Cypress Management and Design LLC, under contract value of \$25,000, for the Historic Spring Park Pool and Interactive Water Feature Owner’s Representative Services.**
2. **City Council approval of the FY 2016 Revenues and Expenditures Report and the Quarterly Investment Report for the period ending June 30, 2016.**
3. **City Council approval of the Final Plat, the Subdivider’s Agreement, and Bond for Magnolia West – Two B.**
4. **City Council approval of a Florida Department of Environmental Protection (FDEP) – Grant Award Agreement in the amount of \$250,000 for Historic Spring Park.**
5. **City Council approval of the Emergency Sole Source Procurement – Gresco Supply, Inc. in the amount of \$42,360 for Replacement Reclosers.**
City Council approval of Resolution No. R-24-2016 (see attachment marked Exhibit “C”), a Resolution authorizing the FDOT Traffic Signal Maintenance and Compensation Agreement, Contract No. ARV47.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM NOS. 1 THROUGH 5 AS LISTED ABOVE.

Council Member Royal pulled Item No. 1 and advised he would recuse himself from the vote.

VICE MAYOR TIMBERLAKE AMENDED HIS MOTION WITH THE EXCEPTION OF ITEM NO. 1. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM NO. 1 AS LISTED ABOVE. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE. RECUSED – B. VAN ROYAL (SEE FORM 8B ATTACHED AS EXHIBIT “D”).

COUNCIL BUSINESS

- 1. First Reading of Ordinance No. O-11-2016, an Ordinance amending City Code Section 102-418, “Alcoholic Beverages” to require restaurants serving alcoholic beverages within a commercial shopping center to be at least two hundred feet from the nearest church or school ground; providing for Repealer, Severability, and Setting an Effective Date. *Janis Fleet***

Mr. Arnold read the title of Ordinance No. O-11-2016 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CITY CODE SECTION 102-418, “ALCOHOLIC BEVERAGES” TO REQUIRE RESTAURANTS SERVING ALCOHOLIC BEVERAGES WITHIN A COMMERCIAL SHOPPING CENTER TO BE AT LEAST TWO HUNDRED FEET FROM THE NEAREST CHURCH OR SCHOOL GROUND; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

Discussion ensued with the City Council regarding the proposed amendment to City Code Section 102-418, “Alcoholic Beverages” as presented by Ms. Fleet.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ON FIRST READING ORDINANCE NO. O-11-2016. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Vice Mayor Timberlake confirmed for Ms. Fleet that the intent of his motion was to include the scheduling of a Public Hearing on September 6, 2016.

2. **First Reading of Ordinance No. O-12-2016, an Ordinance clarifying how the City will collect for Solid Waste Charges and Stormwater Utility Fees (Collectively “Utility Fees”).** *Jim Arnold / Danielle Judd*

Mr. Arnold read the title of Ordinance No. O-12-2016 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, PERTAINING TO THE COLLECTION OF UTILITY SERVICE CHARGES IMPOSED BY THE CITY; PROVIDING CERTAIN FINDINGS; AMENDING SECTION 58-7 OF THE CITY OF GREEN COVE SPRINGS CODE OF ORDINANCES TO ALLOW FOR THE COLLECTION OF SOLID WASTE CHARGES AS A NON-AD VALOREM ASSESSMENT PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; AMENDING SECTION 79-2 OF THE CITY OF GREEN COVE SPRINGS CODE OF ORDINANCES CONCERNING THE INTENT AND CONSTRUCTION OF THE STORMWATER UTILITY; AMENDING SECTION 79-4 OF THE CITY OF GREEN COVE SPRINGS CODE OF ORDINANCES CONCERNING DEFINITIONS; AMENDING SECTION 79-7 OF THE CITY OF GREEN COVE SPRINGS CODE OF ORDINANCES CONCERNING STORMWATER UTILITY FEE BASE CHARGES; AMENDING SECTION 79-10 OF THE CITY OF GREEN COVE SPRINGS CODE OF ORDINANCES CONCERNING THE METHOD OF COLLECTION FOR STORMWATER UTILITY FEES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ORDINANCE NO. O-12-2016 ON FIRST READING. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Vice Mayor Timberlake confirmed that the intent of his motion was to include the scheduling of a Public Hearing on September 6, 2016.

3. **Presentation and acceptance of Water and Wastewater Systems Rate Analysis by Mittauer and Associates, Inc.** *Null / Mittauer & Associates, Inc.*

Discussion ensued with the City Council regarding the Water and Wastewater Systems Rate Analysis as presented by Mr. Null and Jason Shepler, Mittauer & Associates reviewed a PowerPoint presentation.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO RECEIVE AND APPROVE THE WATER AND WASTEWATER SYSTEMS RATE ANALYSIS AS PRESENTED AND HAVE THE ADMINISTRATION TO DRAFT SEPARATE ORDINANCES TO IMPLEMENT THE WATER AND WASTEWATER RATES FOR FY 2016-2017. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Ms. Judd recapped that the notices would be sent out through the utility billing system as required by State Statute. Mayor Lewis reiterated that the system was almost completely aged out. Staff had done many things to extend the life of the Wastewater Treatment Plant. As such, this was a necessary expenditure for the City and for the growth of the City.

4. City Council approval of Reclaimed Water Master Plan which includes establishment of Reclaimed Water Service Territories and Reclaimed Water Rates. *Null / Mittauer*

Discussion ensued with the City Council regarding approval of the Reclaimed Water Master Plan and establishment of a Reclaimed Water Service Territory and Reclaimed Water Rates as presented by Mr. Null, Mr. Shepler, and Mr. Lang.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO ESTABLISH A RECLAIMED WATER SERVICE TERRITORY AS DEFINED IN THE REPORT, I.E., NORTH, WEST AND SOUTH; TO DIRECT THE ADMINISTRATION TO DRAFT AN ORDINANCE TO IMPLEMENT THE RECLAIMED WATER RATES FOR FY 2016/2017; AND THEN WE WILL RECEIVE THE OFFICIAL STUDY ON SEPTEMBER 6, 2016. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

5. City Manager and City Attorney Reports and/or Correspondence.

a. Executive Summary Reports – July 2016.

The City Manager acknowledged the above reports provided to the City Council for information.

The City Manager and City Attorney made comments regarding various city activities, events, operations, and projects. Ms. Judd also advised that in response to the City Council's direction, she had engaged Bill Herrington, WHH Enterprises, to conduct a Demand Charge Analysis. She was planning to bring it to the Council in early October.

6. City Council Reports and/or Correspondence.

The City Council made comments regarding various city activities, events, operations, and projects.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 8:45 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk