

**MINUTES OF THE SEPTEMBER 6, 2016 REGULAR SESSION  
GREEN COVE SPRINGS CITY COUNCIL**

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**Call to Order**

The regular session of the Green Cove Springs City Council was called to order Tuesday, September 6, 2016, at 7:13 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 (via phone)  
Roy M. Timberlake, Jr., Vice Mayor  
Pamela J. Lewis, Mayor

**STAFF MEMBERS PRESENT:**

L. J. Arnold, III, City Attorney  
Julia W. Clevinger, City Clerk  
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

**STAFF MEMBERS ABSENT:**

Janis Fleet, Development Services Director

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

There were none.

**PUBLIC HEARINGS**

- 1. First Public Hearing and approval of Resolution No. R-25-2016 adopting the Tentative Millage Rate for Fiscal Year 2016/2017 and set September 20, 2016 at 7:00 p.m. as the final hearing date.**

Ms. Guthrie advised that the current year proposed millage was 3.6000 mils. It is a reduction of 2.02% from the rollback rate of 3.5286. The 3.6000 millage rate will generate \$1,332,467 or \$96,278 more than the 2016 Ad Valorem revenue. The proposed Budget for FY 2016/2017 reflects the Ad Valorem revenue at 97% of the \$1,332,467 proceeds, which is \$1,292,493 as shown in the proposed Budget.

Mayor Lewis opened the Public Hearing.

In lieu of the increases in the water and wastewater rates, Mayor Lewis suggested setting the millage to 3.5286 which is the rolled back rate. Ms. Guthrie also advised that contributions to reserve had been reduced in the General Fund in order to balance the budget. If the millage rate was decreased, it would result in an additional reduction in the reserve account of approximately \$25,000, which would leave about \$40,000 in reserves.

There being no comments, the Public Hearing was closed.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO APPROVE RESOLUTION NO. R-25-2016 (SEE ATTACHMENT MARKED EXHIBIT "A") AND TENTATIVELY SET THE MILLAGE RATE AT 3.6000 FOR FY 2016/2017 AND SET SEPTEMBER 20, 2016 AT 7:00 P.M. AS THE FINAL PUBLIC HEARING ON THE MILLAGE RATE.

It was noted by Council Member Royal that property values and assessments had increased and the rate increases were necessary to maintaining the City's utility systems. Vice Mayor Timberlake agreed with Council Member Royal and believed the City Council would be remiss as decreasing instead of increasing reserves.

THE MOTION WAS SECONDED BY VICE MAYOR TIMBERLAKE. 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.

**2. First Public Hearing on the Fiscal Year 2016/2017 Annual Operating Budget and approval of Resolution No. R-26-2016 adopting the Tentative Annual Operating Budget for Fiscal Year 2016/2017 and set September 20, 2016 at 7:00 p.m. as the final hearing date.**

Mayor Lewis opened the Public Hearing. There being no comments, the Public Hearing was closed.

Ms. Guthrie advised that the total proposed operating budget for the City of Green Cove Springs for Fiscal Year 2017 is \$31,274,189 which is \$1,939,913 more than Fiscal Year 2016. However, after three (3) subsequent budget meetings that resulted in recommendations for adjustments totaling \$94,743, as of August 16, 2016, that decreased the total budget to \$31,179,446.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-26-2016 (SEE ATTACHMENT MARKED EXHIBIT "B") AND TO SET SEPTEMBER 20, 2016 AT 7:00 P.M. AS THE FINAL HEARING DATE. 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.

**3. First Public Hearing on the Five Year Capital Improvement Plan for Fiscal Year 2017/2021 and approval of Resolution No. R-27-2016 adopting the Tentative Capital Improvement Plan for Fiscal Year 2017/2021.**

Mayor Lewis opened the Public Hearing. There being no comments, the Public Hearing was closed.

Ms. Guthrie advised that the total proposed Capital Improvement Plan for the City of Green Cove Springs for the Fiscal Year 2017 is \$7,574,986. However, after three (3) subsequent budget meetings that resulted in recommendations for adjustments totaling \$152,420, as of August 16, 2016 in the General Fund portion, that decreased the total General Fund Capital Improvement Plan to \$3,435,466. Adjustments totaled \$10,000, as of August 16, 2016 in the Utility Fund portion that increased the total Utility Fund Capital Improvement Plan to \$3,994,100. Adjustments totaled \$6,000, as of August 16, 2016 in the Building Fund portion that increased the Building Fund Capital Improvement Plan to \$9,000.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-27-2016 (SEE ATTACHMENT MARKED EXHIBIT “C”) ADOPTING THE TENTATIVE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2017/2021. 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.

**4. Second and Final 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 (see attachment marked Exhibit “D”) 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.**

Mayor Lewis opened the Public Hearing. There being no comments, the Public Hearing was closed.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ON SECOND AND FINAL READING 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. 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.

**5. Second and Final 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 (see attachment marked Exhibit "E") 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.**

Mayor Lewis opened the Public Hearing. There being no comments, the Public Hearing was closed.

A MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO APPROVE ORDINANCE NO. O-12-2016 ON SECOND AND FINAL READING. THE MOTION WAS SECONDED BY VICE MAYOR TIMBERLAKE. 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.

### CONSENT AGENDA

1. **City Council approval of the minutes of the Regular Sessions on August 2 and August 16, 2016 and the Special Sessions on August 2, August, 4, and August 16, 2016.**
2. **City Council approval of Resolution No. R-28-2016, a Resolution requesting a temporary street closing permit from the Florida Department of Transportation for the Clay High Homecoming Parade to be held on Friday, October 14, 2016.**
3. **City Council approval of a request to insert a flyer in the October utility bills for the Clay County Habitat for Humanity Recruitment of Volunteers.**
4. **City Council approval of a renewal of the Voluntary Cooperation Mutual Aid Agreement among Agencies in the Northeast Florida area and the Florida Department of Law Enforcement to form a Child Abduction Response Team (CART) for the period of 2016-2020 and authorization for the Chief of Police to execute said Agreement.**
5. **City Council approval of the Reclaimed Water Master Plan.**
6. **City Council approval of an Interlocal Agreement for Data Back-up Rack Space with Clay County effective through 2021 and approval of the purchase of a new server at a cost not to exceed \$4,000.00.**
7. **City Council approval of Pay Request No. 4 in the amount of \$162,162.00 to Core Construction, under Contract Value of \$2,202,397 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.**

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1 THROUGH 7 AS LISTED ABOVE. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.

Council Member Butler requested to pull Consent Agenda Item No. 5.

VICE MAYOR AMENDED HIS MOTION TO APPROVE CONSENT AGENDA ITEMS 1, 2, 3, 4, 6, AND 7. 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.

**Item No. 5** – In response to Council Member Butler’s request for clarification, Ms. Judd advised there were technical difficulties with uploading the Reclaimed Water Master Plan on the last Agenda and it was now being presented for approval.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM 5 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.

Council Member Royal exited the meeting at 7:35 p.m.

## **COUNCIL BUSINESS**

### **1. FMPA Monthly Report – August 2016. *Bob Page***

Discussion ensued with the City Council regarding the FMPA Monthly Report for August as presented by Mr. Page. In addition, he advised that should the City wish to exercise Contract Clause No. 29 to get out of the organization, its Payment A & B values were now available on the document portal of the FMPA website.

Ms. Judd announced that the new CEO, Jacob Williams, would visit Green Cove Springs on Tuesday, October 4<sup>th</sup>. Ms. Judd advised that the City Council would be contacted regarding setting up meeting times with Mr. Williams prior to their regular meeting that evening.

A MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO RECEIVE THE UPDATE. THE MOTION WAS SECONDED BY VICE MAYOR TIMBERLAKE. 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.

### **2. City Manager and City Attorney Reports and/or Correspondence.**

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

Ms. Judd requested the Council's direction regarding implementing a City policy to charge for inserts in the utility bills effective October 1, 2016.

AN EMERGENCY MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO DIRECT STAFF TO COME BACK TO US WITH A POLICY AND PROCEDURE ON INSERTS WHERE IF WE PROVIDE THOSE AS A PART OF UTILITY BILLS THAT THE PERSON HAVING THE INSERT PUT IN PAY THE PRICE OF CREATION AND ANY ADDITIONAL POSTAGE ASSOCIATED WITH MAIL. 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.

Mr. Null gave an update on Tropical Storm Hermine. A Resolution had been drafted and signed by the Mayor on Thursday declaring a state of local emergency for the City. Ms. Judd stated she would also be sending a letter to St. Johns Landing Apartments regarding charges for third party damages. The Mayor expressed her appreciation to the City Staff for their hard work in restoring power and cleaning up the many downed trees.

Mr. Arnold gave an update regarding inquiries in reference to the dispensing of medical marijuana. The City Council agreed that a moratorium for 6-9 months was necessary to allow for time to study and decide how to deal with this issue.

AN EMERGENCY MOTION WAS MADE BY COUNCIL MEMBER KELLEY TO INSTRUCT STAFF TO COME BACK WITH A MORATORIUM ORDINANCE. THE MOTION WAS SECONDED BY VICE MAYOR TIMBERLAKE. 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.

Ms. Judd was reminded by Ms. Clevinger that an emergency motion was needed to ratify Resolution No. R-29-2016 which would allow the City to apply for reimbursement from FEMA for Tropical Storm Hermine.

AN EMERGENCY MOTION WAS SO MOVED BY MAYOR TIMBERLAKE. 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.

**3. 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 8:15 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

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Pamela J. Lewis, Mayor

Attest:

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Julia W. Clevinger, City Clerk