

**MINUTES OF THE SEPTEMBER 20, 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, September 20, 2016, at 7:03 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

**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.

AWARDS AND RECOGNITION

Employee of the Quarter – Mitra Goswami

Mayor Lewis read a letter to Mitra Goswami as the Employee of the Quarter. Ms. Goswami thanked the City Council for the recognition.

Breast Cancer Awareness – Making Strides of Clay County Walk – Team Cove Life

Mayor Lewis recognized Kimberly Thomas, Mary Jane Lundy, and Janis Fleet who gave a brief overview of the City's Team Cove Life and its members and funds raised to date.

PUBLIC HEARINGS

- 1. Second and Final Public Hearing and approval of Resolution No. R-30-2016, [a] Resolution in compliance with Florida Statute 200.065 establishing a Millage Rate of \$3.6000 Per Thousand of Non-Exempt Real Property within the City of Green Cove Springs, Florida for Fiscal Year 2016/2017.**

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

Per State Statutes, Ms. Guthrie read the following information from her Staff Report:

“The first issue to be discussed at the public hearing on the final millage rate is the percentage increase in millage over the rolled back rate. The Council approved a tentative millage rate of 3.6000 mills at the first public hearing on September 6, 2016. The tentative millage rate of 3.6000 mills is an increase of 2.02% of the rolled-back rate of 3.5286. A copy of the Notice of Proposed Tax Increase that appeared in the Clay Today Newspaper on September 15, 2016 is attached for your information. A 3.6000 millage rate will generate \$1,332,467 in ad valorem taxes. By law, an agency must budget at least 95% of the ad valorem taxes to be assessed; however, based on historical data of collections, the City has budgeted 97% or \$1,292,493 for Fiscal Year 2016/2017.”

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-30-2016 (SEE ATTACHMENT MARKED EXHIBIT “A”) ESTABLISHING THE MILLAGE RATE FOR FISCAL YEAR 2016/2017 AT \$3.6000 PER THOUSAND WHICH IS AN INCREASE OF 2.02% OVER THE ROLLED-BACK RATE OF 3.5286. 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.

- 2. Second and Final Public Hearing and approval of Resolution No. R-31-2016 setting forth the Annual Budget for Fiscal Year beginning October 1, 2016 and ending September 30, 2017.**

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

Per State Statutes, Ms. Guthrie read the following information from her Staff Report:

“The second issue to be discussed at the public hearing on the millage rate and the budget is the Annual Operating Budget. At all public hearings, the Council shall hear comments regarding the budget and citizens shall be allowed to speak and ask questions prior to the adoption of any measures by the Council. The total annual operating budget for the City of Green Cove Springs for Fiscal Year 2017 is \$31,179,446 which is \$1,845,170 more than

Fiscal Year 2016. A copy of the Budget Summary that appeared in the Clay Today Newspaper on September 15, 2016 is attached for your information. You will note that the header does state a percentage increase of 6.3% more than last year. A total budget of all funds is \$31,179,446, of which \$9,467,237 is the General Fund; \$12,331,139 is the Electric Fund; \$2,158,152 is the Water Fund; \$3,027,789 is the Wastewater Fund; \$826,210 is the Sanitation Fund; \$370,220 is the Customer Service Fund; \$918,472 is the Stormwater Fund; \$273,227 is the Building Fund; \$15,000 is the Special Law Enforcement Trust Fund; \$160,000 is the Capital Improvement Fund for Police EOC and \$1,632,000 is the Capital Improvement Fund for Spring Park.”

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-31-2016 (SEE ATTACHMENT MARKED EXHIBIT “B”) SETTING FORTH THE ANNUAL OPERATING BUDGET [FOR FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017]. 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. Second and Final Public Hearing and approval of Resolution No. R-32-2016 setting forth the Annual Capital Improvement Plan for Fiscal Years beginning October 1, 2016 to September 30, 2021.

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

Per State Statutes, Ms. Guthrie read the following information from her Staff Report:

“The third issue to be discussed at the second and final public hearing on the millage rate and the budget is the Five Year Capital Improvement Plan. A copy of the Five Year Capital Improvement Plan for Fiscal Years 2017 through 2021 is included. The total budget for the Capital Improvement Plan for Fiscal Year 2017 for all funds is \$7,438,566. A copy of the Notice Of Public Hearing On The Capital Improvement Plan that appeared in the Clay Today Newspaper on September 15, 2016 is attached for your information.”

For the record, Ms. Judd advised that she sent an e-mail to the City Council on September 12, 2016 advising that the lowest bid on the Augusta Savage Library (Museum) was about \$117,000 greater than funds allocated in the CIP. She had Staff pull the initial estimates from 2008 when Fisher Koppenhafer was the architect for this project. The placeholder in the CIP budget was \$250,000. A bid was received and would need to be approved by the City Council at their October 4th meeting. She distributed a list of current CIP items. She was requesting direction from the City Council to program in additional dollars in the CIP relative to the Library project and the Citizen Street Drainage Project which was approximately \$25,000 over budget. This, in essence, created a budget total overage of

about \$142,000. City Council's Fiscal Policy did not allow the reserves go below \$400,000. There were no other changes on any other departments within the CIP.

In response to Council Member Royal's questions, Mr. Null advised that there was no indication of the price for which Bhide & Hall was designing this project. In addition, the City Manager noted the Personnel Director was working on the recruitment of a Capital Projects Manager but did not anticipate having anyone on board within the next 60 days which was how long the bids were good. Council Member Royal expressed his support but inquired if it would not have been cheaper to demolish the structure and build a brand new building. Mr. Null also clarified the original design scope only included a large open building. However, after receiving input from the community and City Council, the design grew to include a dance studio, tutoring center, an office, and a museum which increased the price. Council Member Royal expressed his disappointment that Bhide and Hall had not come back to the City prior to the bids going out and advised of the increase in costs. Ms. Judd recalled that the City Council had not wanted to demolish the original structures and she felt Bhide and Hall had designed the building according to the wishes of the City Council. Council Member Royal still believed that they should have approached the City with other options prior to bids being solicited based on the budgeted amount.

Ms. Judd reviewed the options:

1. There were no projects that could be deferred according to her conversations with each of the five (5) Council Members.
2. To pull in an additional \$145,000 from surtax.

In reference to Ms. Judd's inquiry regarding the procedural requirements to hold a 2nd Public Hearing if the CIP Budget was increased, according to Ms. Guthrie, the TRIM Guidelines are for the Millage and Operating Budget. However, if you are bringing in surtax, you are affecting your Operating Budget by increase your Surtax Reserve, i.e. your annual Operating Budget and the Capital Expenses. She acknowledged this and advised that Staff would monitor and realize that there were potentially \$142,000 that would have to be looked at or make a budget amendment post October 1st.

Ms. Judd distributed an e-mail documenting the \$25,000 increase in the Citizen Street Drainage project.

She further clarified that if the two (2) bids were brought back in October, the bottom line or any given fund has not been over-expended because all the other projects have not materialized yet. This meant that in 6-9 months, other projects would need to be deferred or she would bring a budget amendment to the City Council for approval. This would allow the City to remain in compliance statutorily.

Vice Mayor Timberlake advised that in the future budget numbers should be re-evaluated when they were as old as they were from 2008. Ms. Judd advised that the Classroom would be funded by grants or by a tenant. She estimated the Cafetorium would cost in excess of

\$2 million and was not something the City could move forward on at this time. It would require a Plan and an Operating Budget.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-32-2016 (SEE ATTACHMENT MARKED EXHIBIT "C") SETTING FORTH THE ANNUAL CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS BEGINNING OCTOBER 1, 2016 TO SEPTEMBER 30, 2021. 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.

Mayor Lewis acknowledged Mr. Null who gave an update on FEMA and the bids received for the Citizen Street Drainage Project. FEMA needed an official letter requesting to increase the project cost by the additional \$101,245 and to be signed by the Mayor. The City's share would be \$25,311 with FEMA's share at \$75,934. An amendment to the current HMGP Contract would be brought back to the City Council for approval.

AN EMERGENCY MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO AUTHORIZE THE MAYOR TO SIGN A LETTER REQUESTING ADDITIONAL FUNDING ON THIS GRANT. 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. Public Hearing and approval of Resolution No. R-33-2016, a Resolution amending the Special Law Enforcement Trust Fund operating budget for Fiscal Year 2016.

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 RESOLUTION NO. R-33-2016 (SEE ATTACHMENT MARKED EXHIBIT "D") AMENDING THE 2016 OPERATING BUDGET FOR THE SPECIAL LAW ENFORCEMENT TRUST FUND PER THE ATTACHED EXHIBITS. 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. Public Hearing and approval of Resolution No. R-34-2016, a Resolution amending the Special Revenue Building Department Fund operating budget for Fiscal Year 2016.

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 RESOLUTION NO. R-34-2016 (SEE ATTACHMENT MARKED EXHIBIT "E") AMENDING THE 2016 OPERATING BUDGET FOR THE SPECIAL REVENUE BUILDING DEPARTMENT FUND PER THE ATTACHED EXHIBITS. 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.

6. Public Hearing and approval of Resolution No. R-35-2016, a Resolution amending the operating budgets of the General Fund and Capital Project Fund-Police EOC for Fiscal Year 2016.

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 RESOLUTION NO. R-35-2016 (SEE ATTACHMENT MARKED EXHIBIT "F") AMENDING THE 2016 OPERATING BUDGETS FOR THE GENERAL FUND AND CAPITAL PROJECT FUND – POLICE EOC PER THE ATTACHED EXHIBITS. 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.

Mayor Lewis recognized Mike Cella, 1630 Calming Water Drive, Fleming Island, the new member of the Clay County Board of County Commissioners. Mr. Cella thanked the City Council and pledged his commitment to work together.

CONSENT AGENDA

- 1. City Council approval of the minutes for the Special and Regular Sessions on September 6, 2016.**
- 2. City Council approval to use Synagro for wastewater residuals (sludge) dewatering under a piggyback contract with Pasco County in an amount not to exceed \$60,000 for Fiscal Year (FY) 2017.**
- 3. City Council approval of a request from Sandra Royal, Cala Vida, to insert a flyer into the utility bills for the Cala Vida Arts Festival to be held on October 20-23, 2016.**

4. **City Council approval of the Standard State and Local Task Force Agreement with the United States Department of Justice, Drug Enforcement Administration for the period effective October 1, 2016 through September 30, 2017.**
5. **City Council approval for an Amendment to the Grant Agreement for the 2015 Urban and Community Forestry Grant to Revise the Tree Mitigation And Landscaping Ordinance.**
6. **City Council approval of the Grant Agreement of the Planning Technical Assistance Grant from the Department of Economic Opportunity to Prepare an Annexation Report and to Prepare the Required Comprehensive Plan Amendments**
7. **City Council review and approval of Resolution No. R-36-2016, the Maintenance Bond and Acceptance of the Roads and Drainage for Magnolia West – Phase 2-A.**
8. **City Council approval of Pay Request No. 4 in the amount of \$2,500 to Cypress Management and Design LLC, under contract value of \$25,000, for the Historic Spring Park Pool & Interactive Water Feature Owner's Representative Services.**
9. **City Council approval of Pay Requests No. 4 and 5 in the amounts of \$8,480.10 and \$9,397.10 respectively to Matthews Design Group, Inc., under Contract Value of \$35,000, for the Historic Spring Park Pool & Interactive Water Feature Project Construction Inspection Services.**
10. **City Council approval of a City Policy regarding requests from outside parties for inserts into the City's utility bills effective October 1, 2016.**
11. **City Council approval of a Consent Joinder Agreement between the City, Martinez, and Heritage Signs, Inc., and authorization for the Mayor and City Clerk to execute said Agreement.**
12. **City Council approval of the City of Green Cove Springs Pay Plan revisions effective October 1, 2016 corresponding with the approved position classifications for FY 2016-2017.**
13. **City Council approval of new position titles and revisions to existing position titles with corresponding job descriptions for inclusion in the FY 2016-2017 Pay Plan.**
14. **City Council approval of the Peoples Gas Temporary Land Use Agreement.**
- S.A.1 **Engagement of Outside Counsel: Franson, Iseley & Pendzio, P.A. regarding Core Construction Company, Inc. Contract for Spring Park Capital Project in a not to exceed amount of \$13,750.**

City Attorney Arnold reminded Council Member Royal that he would need to pull Consent Agenda Item No. 8 for discussion.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13 AND 14 AND THE SUPPLEMENTAL AGENDA 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.

Consent Agenda Item No. 8 – Council Member Royal advised he would recuse himself from the vote.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM NO. 8 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, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE. RECUSED – B. VAN ROYAL (SEE FORM 8B ATTACHED AS EXHIBIT “G”).

COUNCIL BUSINESS

1. Request for Exemption from Faithful Performance Guarantee for Major Special Event – Green Cove Dragway. *Danielle J. Judd*

Discussion ensued with the City Council regarding a request for exemption from a Faithful Performance Guarantee for the Major Special Event for the Green Cove Dragway as presented by Ms. Judd. A new concept was being discussed regarding changing the event to a seasonal event and would be brought back before the City Council in November.

Mayor Lewis recognized Pete Scalzo, 4127 63rd Terrace East, Sarasota, who explained the following points:

- An “event” site plan was being drafted by Black Creek Engineering;
- Added 12 45’ storage containers have been set up as an amphitheater;
- Requesting a reduction or waiver on the \$25,000 Bond; has a \$1,600 additional expense per year for \$2 million per occurrence liability insurance;
- He has shown his credit worthiness; and
- He wants his attorney to review the Indemnity Agreement before he signs it.

Upon further discussion, Mr. Arnold advised that offering a waiver was at the discretion and the decision of the Council. Ms. Judd pointed out that the Special Events being discussed, i.e. CalaVida, were City-sponsored events that were held on city-owned property.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO WAIVE THE BOND GIVEN THE THREE (3) YEARS TRACK RECORD WE HAVE WITH THE DRAGWAY AND THE LIKELIHOOD THAT WE ARE LOOKING AT THE BALANCE OF THIS YEAR’S SPECIAL EVENT PERMIT AND ANOTHER YEAR BEYOND THAT AT A SEPARATE MEETING. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.

Under discussion of the motion, it was noted that the Dragway was a unique situation and Mr. Scalzo had a good reputation and a three (3) year history of working with the City. Mr. Scalzo thanked the City Council for their confidence in him and the Dragway. He promised to have the Indemnity Agreement signed by the end of the week after his attorney reviewed it. If the Agreement was not signed by then, they would not run this weekend.

Ms. Judd stated for the record that she had not written a letter to Mr. Swanson. The Chief of Police and Ms. Fleet had responded to e-mail correspondence from Mr. Swanson regarding public records requests. Vice Mayor Timberlake also noted that quotes from Mr. Swanson's article in the Clay Today were not true.

Mayor Lewis recognized Bob Lewis, 203 North Street, Green Cove Springs, inquired as to why the Bond was not enforced three (3) years ago. He also noted that even though drag racing was not his thing, he recognized that it brought people and business to the City. The Dragway had built up a reputation and credentials over the past three (3) years and agreed with the waiver of the Bond.

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

a. Executive Summary Reports – August 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 distributed an update on the power outage from the storm the night before. She noted for the public record that FDOT's 5-Year Work Plan included design improvements to the Governor's Creek Bridge.

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 8:45 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk