

**MINUTES OF THE OCTOBER 4, 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, October 4, 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 Council Member Butler 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
Lauren Fitzgerald, Asst. Finance Director
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
Scott Schultz, Asst. Water Utilities Director

Mayor Lewis moved to the Awards and Recognition at this time.

AWARDS AND RECOGNITION

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE THE PROCLAMATIONS [FOR BREAST CANCER AWARENESS MONTH & MAMMOGRAPHY DAY AND FLORIDA CITY GOVERNMENT WEEK]. 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.

1. Presentation of Employee of the Quarter Plaque – Mitra Goswami.

Mayor Lewis recognized Mitra Goswami and presented the plaque to her for being nominated as the Employee of the Quarter and her commitment to excellence. The plaque was inadvertently omitted from the presentation at the last City Council meeting.

2. Proclamation – Breast Cancer Awareness Month & Mammography Day.

Mayor Lewis read the Proclamation (see attachment marked Exhibit “A”) into the record and recognized Janis Fleet and the City employees that had formed Team Cove Life and who planned to walk on Saturday, October 8th in the Making Strides of Clay County. The Team had set a goal of raising \$1,000 and had raised it to \$1,500 once the original goal was surpassed.

3. Proclamation – Florida City Government Week – October 16-22, 2016.

Mayor Lewis read the Proclamation (see attachment marked Exhibit “B”) and recognized the City employees in attendance and commended them and the entire City team for the hard work they do and their dedication to the City.

**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.

4. Recognition & Introduction of the new CEO for the Florida Municipal Power Agency – Jacob Williams.

Mayor Lewis recognized Jacob Williams, the new CEO for the Florida Municipal Power Agency. Mr. Williams introduced himself. He commended the City for its dedication and self-less service to its citizens, pledged to provide the City with low cost and affordable power, acknowledged the City’s co-ownership in the cleanest power plants, and to be flexible going forward in how FMPA meets the City’s needs. He thanked the City Council for the ability of FMPA to serve the City as a member, owner, and customer.

CONSENT AGENDA

- 1. City Council approval of the Agreement between Municipal Code Corporation (MuniCode) and the City of Green Cove Springs for the Recodification of the City Code and authorization for the Mayor to execute said Agreement.**
- 2. City Council approval of Resolution No. R-37-2016 (see attachment marked “Exhibit “C”), a Resolution cancelling and rescheduling the meetings of the City Council for December 2016 and January 2017.**
- 3. City Council approval of Fiscal Year (FY) 2017 Laboratory Services Contract for Water & Wastewater.**
- 4. City Council approval of the renewal of the Safety and Education Articulation Agreement for the period retroactive to October 1, 2016 through September 30, 2017.**
- 5. City Council approval to close Walnut Street from Hwy 17 to Palmetto Avenue for “Wind Down on Walnut” on the first Friday of every month beginning October 7, 2016 through May 5, 2017.**

6. **City Council approval of a State Lobbyist Services Agreement with The Fiorentino Group, LLC in the amount of \$15,000.**
7. **City Council award of Bid No. 08-16-06: Stormwater Improvements on Citizen Street to Pipeline Constructors, Inc. in the amount of \$563,470.00.**
8. **City Council award Bid No. 08-16-05: Augusta Savage Arts & Community Center - Library Renovation to Gary S. Bailey, Inc. in the amount of \$381,847.00.**

Council Member Royal pulled Consent Agenda Item No. 8 for discussion.

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 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 expressed his concerns regarding the City’s budget for this project and the feasibility of tearing down the Library building versus the costs for remodeling. He requested that this item be tabled until the October 18, 2016 City Council Meeting so that the City could explore additional options other than remodeling the Library building.

Ms. Judd advised that Staff would reach out to the two (2) bidders to see if they would extend their bids (45 days). A new bid would be required if a new building was the will of the City Council.

Mayor Lewis recognized Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who expressed her agreement with Council Member Royal acknowledging that it may save the City money. She believed the City Council was moving in the right direction.

Vice Mayor Timberlake agreed with the idea and that the City should look at the best way to leverage our investment better.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO TABLE THIS ITEM UNTIL THE 2ND MEETING IN OCTOBER GIVING THE CITY MANAGER AND STAFF TIME TO APPROACH THE ARCHITECTS FOR SOME IDEAS ON WHAT COSTS MIGHT BE TO LET THE EXISTING BIDDERS KNOW THAT WE WOULD LIKE THEM TO EXTEND THEIR BIDS AND THEN TO COME BACK TO COUNCIL WITH AT LEAST A HIGH LEVEL ESTIMATE OF WHAT IT MIGHT COST TO PUT UP A NEW BUILDING WITH A SIMILAR FOOTPRINT AS A POINT OF COMPARISON. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL.

Ms. Judd clarified that the purpose was to ask the two (2) bidders to extend their bids. If the Council decided to go in another direction, it would have to go out to bid again.

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 BUSINESS

1. FMPA Monthly Report - September 2016. *Bob Page*

Discussion ensued with the City Council regarding the FMPA Monthly Report for September as presented by Mr. Page. With the impending Hurricane Matthew due to hit on Friday and Saturday, Mr. Page reiterated that communication with customers during critical events was crucial. Along with the City website, he suggested utilizing social media such as Facebook and Twitter.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO ACCEPT THE REPORT. 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.

2. First Reading of Ordinance No. O-13-2016, an Ordinance authorizing the City to borrow up to \$34,158,100.00 (latest projection) from the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) for upgrading of the City's wastewater collection, wastewater treatment and reclaimed water facilities. *Arnold / Null / Judd*

Mr. Arnold read the title of Ordinance No. O-13-2016 into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, AUTHORIZING THE CITY TO BORROW UP TO \$34,158,100.00 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF) FOR IMPROVEMENTS TO THE CITY'S WASTEWATER COLLECTION, TREATMENT AND RECLAIMED WATER FACILITIES; PROVIDING THAT DETAILS OF THE LOAN BE APPROVED BY SUBSEQUENT RESOLUTION OF THE CITY COUNCIL; AND PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

Discussion ensued with the City Council regarding approval of Ordinance No. O-13-2016 authorizing the City to borrow up to \$34,158,100 from the FDEP SRF for improvements to the City's Wastewater Collection, Treatment and Reclaimed Water Facilities as presented by Ms. Judd.

Mayor Lewis recognized Mike Kelter, 630 Myrtle Avenue, Green Cove Springs, who expressed his opposition to elements in the project, accused the City of not being transparent, and presented cost comparisons he had compiled to other surrounding municipalities.

Ms. Judd stated for the public record that the City had held numerous meetings over the last 18 months. All the information has been available to the public.

Jason Shepler, Mittauer & Associates, and Ms. Judd responded to Mr. Kelter's comments including noting that the size of the plant in terms of capacity does not include Reynolds Park.

Further comments and discussion from the City Council included the fact that grants would lower the gross amount of the loan total, the benefit of incremental rate increases versus a large increase in the future, and the City's aging plant and the urgent need to prepare for the future and meet the needs of its citizens.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ORDINANCE NO. O-13-2016 AS TO FORM ONLY AND SET OCTOBER 18, 2016 AS THE SECOND AND FINAL HEARING. 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.

3. **City Council approval of Resolution No. R-38-2016, a Resolution authorizing staff to submit a loan application to the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) loan program for design and permitting of the Consolidated Advanced Wastewater Treatment Plant (AWWTP), associated force main and transmission system improvements, Reclaimed Water System improvements, and Sewer Collection System Improvements. *Null / Judd***

Discussion ensued with the City Council regarding approval of Resolution No. R-38-2016 (see attachment marked Exhibit "D") as presented by Mr. Null.

Mayor Lewis recognized Mike Kelter, 630 Myrtle Avenue, Green Cove Springs, who expressed his opposition to this Resolution being approved before the previous Ordinance was passed. Council Member Royal pointed out that the previous Ordinance had not yet been approved. This Resolution was only authorizing the submission of a loan application. Another Resolution would be presented for approval documenting the terms of the loan.

Mr. Shepler further clarified that the Reclaimed Water Master Plan addressed the reclaimed water service areas and demands.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-38-2016, A RESOLUTION AUTHORIZING STAFF TO SUBMIT A LOAN APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF) LOAN PROGRAM FOR DESIGN AND PERMITTING OF THE CONSOLIDATED ADVANCED WASTEWATER TREATMENT PLANT (AWWTP), ASSOCIATED FORCE MAIN AND TRANSMISSION SYSTEM IMPROVEMENTS, RECLAIMED WATER SYSTEM IMPROVEMENTS, AND SEWER COLLECTION SYSTEM IMPROVEMENTS.. 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. First Reading of Ordinance No. O-15-2016, an Ordinance modifying Wastewater Rates – Fiscal Year (FY) 2016/2017. Arnold / Null / Judd

Mr. Arnold read the title of Ordinance No. O-15-2016 into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, MODIFYING WASTEWATER RATES BY AMENDING CITY CODE CHAPTER 78 - UTILITIES, ARTICLE IV - SEWERS AND SEWAGE DISPOSAL, DIVISION 3 - RATES AND CHARGES, SECTION 78-297 ENTITLED “WASTEWATER RATES”; AMENDING SECTION 78-297 (h), ANNUAL RATE INCREASE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.

Mayor Lewis recognized Mike Kelter, 630 Myrtle Avenue, Green Cove Springs, quoted Section 78-297 of the City Code, and expressed his opposition to raising wastewater rates. Stating it was the intent when he was on the City Council back in 2010 to make sure the City was getting their rate increases and that they went into effect with the annual budgets, he questioned the City doing a rate increase without public hearing prior to September 1. Mr. Arnold advised it was acceptable legally and he viewed it as an alternative approach. He did not see anything in the ordinance that prohibited the City from addressing rates at any other time during the year provided all statutes were followed. Ms. Judd reviewed the budget approval process by Resolution and the procedure to adopt the rates by Ordinance. In addition, she reviewed the rate increases from 1998 through 2016.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO APPROVE ORDINANCE NO. O-15-2016, AN ORDINANCE MODIFYING WASTEWATER RATES FOR FY 2016-2017. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER.

Mr. Arnold recalled the provisions in the Ordinance regarding conflicts. Mayor Lewis stated the City Council carefully considered the amount of money the City was asking of its citizens and tried to be as conscientious as possible.

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. First Reading of Ordinance No. O-14-2016, an Ordinance modifying Water Rates - Fiscal Year (FY) 2016/2017. Arnold / Null / Judd

Mr. Arnold read the title of Ordinance No. O-14-2016 into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, MODIFYING WATER RATES BY AMENDING CITY CODE CHAPTER 78 UTILITIES, ARTICLE III - WATER SERVICE, DIVISION 3 - RATES AND CHARGES, SECTION 78-197 ENTITLED “WATER USAGE AND MONTHLY MINIMUM CHARGES”; AMENDING SECTION 78-197 (h) ANNUAL RATE INCREASE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND SETTING AN EFFECTIVE DATE.

Ms. Judd reviewed the rate increases from 1998 through 2016.

Mayor Lewis recognized Mike Kelter, 630 Myrtle Avenue, Green Cove Springs, who expressed his opposition to raising water rates stating he believed the City Council was in violation of the Ordinance. The City Attorney confirmed for the Vice Mayor that the City was not in violation of the Ordinance.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ORDINANCE NO. O-14-2016 ON FIRST READING AS TO FORM ONLY AND AUTHORIZE SECOND AND FINAL READING ON OCTOBER 18, 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.

6. City Council selection of an external auditor for FY 2017-2022. Judd

Discussion ensued with the City Council regarding the selection process of an external auditor for FY 2017-2022 as presented by Ms. Guthrie. Each of the four (4) applicants (Carr, Riggs, & Ingram, EFPR Group, LLC, James Moore, CPA & Consultants, and More Stephens Lovelace) were given the chance to make a short presentation to the City Council. The City Council commended the qualifications of each applicant.

Council Member Royal thanked the firms for their presentations and stated he would defer to Staff recommendations. Vice Mayor Timberlake, Mayor Lewis, Council Member Butler, and Council Member Kelley concurred.

Ms. Guthrie also noted that the selection committee members had ranked each proposal independently and had not spoken with each other prior to the compilation of the results by the Assistant Finance Director. A contract would be presented to the City Council for approval at a later date.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT THE PROPOSAL TO DO THE NEXT SIX (6) YEAR'S AUDITS FOR THE CITY OF GREEN COVE SPRINGS TO JAMES MOORE & ASSOCIATES. 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.

7. 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.

Mr. Null gave an update on the preparations being made by the City and the County for Hurricane Matthew which was due to hit the northeast Florida area beginning on Friday, October 7th.

AN EMERGENCY MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO DECLARE A STATE OF EMERGENCY EFFECTIVE 9:00 A.M. TODAY TO LAST FOR SEVEN (7) DAYS. 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Ms. Clevinger clarified that the Emergency Motion was approval of Emergency Resolution No. R-39-2016. Mr. Null noted this Resolution would allow the City to go to FEMA for reimbursement should certain expense thresholds be met.

8. City Council Reports and/or Correspondence.

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

The City Manager was directed to research dates for a workshop to be held regarding the “A Decade of Progress – Building Our Future” strategy being proposed by Vice Mayor Timberlake.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 9:33 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk