

**MINUTES OF THE NOVEMBER 1, 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, November 1, 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 Royal 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 Trish Ross, 5243 C.R. 209 South, Green Cove Springs, and representative for the Green Cove Springs Baseball Softball Association. Ms. Ross distributed a flyer on the \$25,000 State Farm Grant for which the Association had applied and requested that everyone vote for them.

Mayor Lewis recognized Sandra Royal, 3688 LaCosta Court, Green Cove Springs, who gave an update on the success of the CalaVida Arts Festival and expressed her appreciation to the City for its support.

AWARDS AND RECOGNITION

1. Proclamation – Veterans Day.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE [THE VETERANS DAY PROCLAMATION]. 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 read the Proclamation into the record (see attachment marked Exhibit “A”) and presented it to Cindy White, Commander of VFW Post 1988, who expressed her appreciation to the City.

CONSENT AGENDA

1. City Council approval to purchase chemicals needed for the treatment of water and wastewater for fiscal year 2016-2017 under contract #03-12-01 from Hawkins, Inc. (formerly Dumont Chemicals, Inc.).
2. City Council review and approval of Resolution No. R-40-2016 (see attachment marked Exhibit “B”), a Resolution accepting ownership of certain utility improvements, the Final Plat, Maintenance Bond, and Acceptance of the Water and Sewer System for Magnolia Point Golf and Country Club Phase VIII– C.
3. City Council approval of Pay Request No. 5 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.
4. City Council approval of Resolution No. R-41-2016 (see attachment marked Exhibit “C”), a Resolution authorizing the Mayor to execute the Cost-Share Agreement between the St. Johns River Water Management District and the City of Green Cove Springs for construction of the Phase II and Phase III North Grid Reclaimed Water Main.
5. City Council approval of Pay Request No. 6 in the amount of \$997.75 to Matthews Design Group, Inc., under Contract Value of \$35,000, for the Historic Spring Park Pool & Interactive Water Feature Project Construction Inspection Services.
6. City Council update on Green Cove Dragway Noise Abatement.
7. City Council approval of the Florida Department of Corrections Memorandum of Understanding No. A4141 for use of the Lawtey Correctional Institution's Firing Range effective May 5, 2017 through May 4, 2022 and authorize the Chief of Police to execute said MOU.
8. City Council approval of Pay Request No. 6 in the amount of \$38,124.00 to Core Construction, under Contract Value of \$2,202,397 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.

9. **City Council authorization to issue a Purchase Order to Gate Petroleum to provide unleaded and diesel fuel for all City Departments for FY 2016-2017 in an amount not to exceed \$160,000 from Piggyback bid # 17-BA-122, effective November 19, 2016 through November 30, 2019.**
- S.A.1. **Pipeline Constructors, Inc. Final Executed Contract for Citizen Street Stormwater Project in the amount of \$563,470.**
- S.A.2. **Procurement – Border States in the amount of \$40,750 for Reclosers.**
- S.A.2. **Task Order in the amount of \$42,650.00 to CHW for Construction Engineering Inspection Services for the Citizen St. HMGP Stormwater Project.**

Council Member Royal requested to pull Consent Agenda Item No. 3, Mayor Lewis requested to pull Supplemental Consent Agenda Item No. 2 at the request of the City Manager, and Council Member Kelley requested to pull Consent Agenda Item No. 6 for discussion.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE [CONSENT AGENDA ITEMS 1, 2, 4, 5, 7, 8, AND 9 AND THE SUPPLEMENTAL AGENDA ITEMS 1 AND 3 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. 3 – 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. 3. 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, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE. RECUSED – B. VAN ROYAL (SEE FORM 8B ATTACHED AS EXHIBIT “D”).

Consent Agenda Item No. 6 – Council Member Kelley expressed his happiness to see the signs of improvement in the noise abatement from the Dragway. Vice Mayor Timberlake also noted that the Dragway had made efforts to try to be good citizens and abate the noise. Council Member Royal agreed. Council Member Butler appreciated the e-mail the Council received from Mr. Scalzo.

Supplemental Consent Agenda Item No. 2 – Ms. Judd advised she had received another quote from Gresco at 5:30 p.m. this evening. It was \$1,500 less than the other quotes received at the time the Supplemental Agenda was published and, therefore, she was requesting approval of the quote from Gresco.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT BOTH [CONSENT AGENDA] ITEM NO. 6 AND [SUPPLEMENTAL CONSENT AGENDA] ITEM NO. 2 WITH THE CHANGE THAT THE PAYMENT WILL BE MADE TO THE NEW VENDOR FOR \$39,250. THE MOTION WAS SECONDED BY VICE MAYOR TIMBERLAKE.

In response to Council Member Butler's question regarding the City being in compliance because the bid came in late, Ms. Judd explained that it was quote and not a bid. Vice Mayor Timberlake requested information regarding the recloser project be posted to the Magnolia Point Nextdoor social media site. Ms. Judd also said she would have information posted city-wide.

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 - October 2016. *Robert Page*

Discussion ensued with the City Council regarding the FMPA Monthly Report for September as presented by Mr. Page. In addition, he reviewed the new emergency FDEP rules on spills and information on Ocala's Smart meter System which allowed customers to pre-pay on their accounts. Mr. Page requested direction from the City Council regarding a vote for an additional payment to FMEA of \$31,000 by FMPA for lobbying efforts in the upcoming legislative session. He believed some of it would be counter-productive to the City's wishes but there would be discussions regarding hurricane recoveries that he believed FMPA should participate in and be represented. Upon further discussion, the City Council did not think it showed transparency on the part of FMPA; however, Mr. Page felt he would be the lone dissenting vote and thought it would have been clearer if FMEA had come to the City directly to request the additional funding. Council Member Royal hoped the new CEO would be more transparent with the City in the future.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE FOR A "NO" VOTE. 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. NAYS – B. VAN ROYAL AND PAMELA J. LEWIS, MAYOR.

Under further discussion, Mr. Page advised that progress was being made on the ability for member cities to vote in or out of projects. At his request, the City Council gave direction to Mr. Page for the press releases regarding the research company that would be conducting a phone survey of the City's residential customers. Ms. Judd acknowledged that the press release went out the day before and a list of customers would be provided. Vice Mayor

Timberlake believed that discussions on topics including electric rates and bills, power outages, and recent water and wastewater rate increases should not be addressed by the survey company. The survey would run from Thanksgiving through the middle of January, 2017.

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. Augusta Savage Arts & Community Center (ASACC) - Library Building Task Order.
Judd

Discussion ensued with the City Council regarding the Library Building Task Order for the Augusta Savage Arts & Community Center as presented by Ms. Judd. The City Council expressed their commitment to the completion of the project but reiterated not only the need to be mindful of the taxpayer dollars but also the get the most for their money and stay within the City's budget. Extra elements and uses for the building would continue to drive up the costs. Ms. Judd reviewed the timeline of the entire ASA&CC renovation project. It was felt that a delay of six (6) months would give the architect and the City Council a better chance to make the building more functional and serve the community better. Ms. Judd also noted that the Task Order for Bhide & Hall would allow them to use the same plans or different plans. However, demolition and a new structure could require associated architectural costs.

Mayor Lewis recognized Felecia Hampshire, 508 Franklin Street, Green Cove Springs, expressed her concerns regarding rescinding of the bids and her anxiousness to get such a small project completed. She thanked the City Council for their clarifications and stated she would follow-up with them again in six (6) months.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE THE TASK ORDER TO BHIDE AND HALL. 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. City Council review and related action regarding LDR Interpretation # 2016-02 related to locating an office for the State of Florida Department of Corrections' Administrative & Probation and Parole Office in the C-2 Zoning Category. Fleet

Discussion ensued with the City Council regarding the LDR Interpretation # 2016-02 related to locating an office for the State of Florida Department of Corrections' Administrative and Probation and Parole Office in the C-2 Zoning Category as presented by Ms. Fleet.

The City Council expressed their concerns about the possible impacts to the private businesses, the property owner's private use of the property, the City's responsibility to provide a quality of life benefit in form of restaurants and stores, possible formal changes to the C-2 Zoning Category in the Land Development Regulations for shopping centers, the possibility of legal challenges, and the City's over-reaching and construing regulations based on a specific type of business.

Mayor Lewis recognized Joe Sobotta, 212 North Street, Green Cove Springs, who expressed his concerns with the appearance of the City over-reaching its level of authority. The property owner should have performed his due diligence about what types of business were allowed prior to make such a large investment. The City needed the tax dollars and new regulations could be drafted for future uses. He pointed out that the Probation Office had also been previously located in the City.

Mayor Lewis recognized Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who expressed her concerns that the City was not being business friendly and agreed with Mr. Sobotta's comments.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE LDR INTERPRETATION NO. 2016-02 AS NOTED BY THE DIRECTOR OF DEVELOPMENT SERVICES AND AUTHORIZE HER TO RELEASE A LETTER SAYING THAT WE UNDERSTAND AND COMPLY WITH THEM HAVING AN OFFICE THERE. 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, AND ROY M. TIMBERLAKE, JR. NAYS – PAMELA J. LEWIS, MAYOR.

4. Decade of Progress Workshop Session. Vice Mayor Timberlake

At the request of Vice Mayor Timberlake, a Special Session was scheduled for December 6, 2016 at 5:30 p.m.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO SCHEDULE A SPECIAL SESSION ON DECEMBER 6, 2016 AT 5:30 P.M. TO DISCUSS THE DECADE OF PROGRESS. 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.

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

Ms. Judd advised it was her advice to engage the City's Lobbyist concerning the upcoming medical marijuana issue.

Ms. Judd advised that she had been elected to the Florida City and County Manager's Association Board of Directors.

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 9:31 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk