

**MINUTES OF THE FEBRUARY 7, 2017 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, February 7, 2017, 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  
Janis Fleet, Development Services Director  
Marlena Guthrie, Finance Director  
Danielle J. Judd, City Manager  
Mary Jane Lundy, Interim Personnel Director  
Robert Musco, Chief of Police  
Mike Null, Asst. City Mgr. / Public Works Dir.

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

There were none.

**AWARDS AND RECOGNITION**

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE THE PROCLAMATION RECOGNIZING BLACK HISTORY MONTH (SEE ATTACHMENT MARKED EXHIBIT "A"). 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.

**1. Welcome Clay County Sheriff Darryl Daniels**

Chief Musco introduced Sheriff Daniels as the new Clay County Sheriff. Mayor Lewis and the City Council welcomed Sheriff Daniels who expressed his appreciation and hope for the continuation of a good working partnership with the City.

**2. Proclamation – Black History Month**

Mayor Lewis read the Proclamation into the record and presented it to Henrietta Francis and Doris Jordan who expressed their appreciation to the City.

**CONSENT AGENDA**

- 1. City Council approval of the Minutes from the Regular Session on January 10, 2017.**
- 2. City Council approval of the 29th Annual Memorial Day RiverFest Celebration – Zambelli Fireworks Proposal.**
- 3. City Council approval to renewal of Utility Billing and Printing Services Agreement, Piggy back on the City of Sarasota, Florida, RFP # 12-02 LKD, with Municode.**
- 4. City Council approval to award Professional Services Agreement with Taylor Tree Services, Inc. for Tree Trimming & Removal Services from February 7th, 2017 thru February 6th, 2020.**
- 5. City Council approval of Surplus of City Vehicles, Equipment and Materials.**
- 6. City Council clarification of approval of 2016-PZ-52, Gateway Corridor and Central Business District Matching Grant Application for Two Monument Signs for the Property located at 1106 North Orange Avenue for Springs Baptist Church.**
- 7. City Council approval of 2016-PZ-57, Gateway Corridor and Central Business District Matching Grant Application for Facade Improvements for the Property located at 401 Ferris Street for E. Vaughn Rivers.**
- 8. City Council approval of Pay Request No. 3 in the amount of \$193,675.76 to Pipeline Constructors, Inc., under Contract Value of \$563,470 for the Citizen Street HMGP Stormwater Improvements Project.**
- 9. City Council approval of a Grant Agreement for the Florida Recreation Development Assistance Program (FRDAP) Grant for Vera Francis Hall Park.**
- 10. City Council approval of a Grant Agreement for the Florida Recreation Development Assistance Program (FRDAP) Grant for Augusta Savage Arts and Community Center.**
- 11. City Council acceptance and approval of the Rossland Court Replat.**
- 12. City Council approval of Legal Expenses for Severance Agreement in the amount of \$7,819.**
- 13. City Council approval of Pay Request No. 9 in the amount of \$129,191.45 to Core Construction, under New Contract Value of \$2,226,832.00 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.**

Council Member Butler pulled Item Nos. 1 and 6 and Council Member Royal pulled Item No. 11 for discussion.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 2, 3, 4, 5, 7, 8, 9, 10, 12 AND 13 AS LISTED ABOVE. 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.

**Consent Agenda Item No. 1** – Council Member Butler requested that a correction was needed in the minutes.

**Consent Agenda Item No. 6** – Council Member Butler inquired if the application was a new application. Ms. Fleet advised that the application was for two (2) signs, one (1) for the church and one (1) for the school.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1 AND 6 AS LISTED ABOVE. 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.

**Consent Agenda Item No. 11** – Council Member Royal advised he would recuse himself from the vote.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM 11 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 “B”).

Mayor Lewis recognized Glee Glisson, 1087 Spring Street, Green Cove Springs, who expressed her appreciation to the City Council for all they do, her sadness that the City Manager had announced her intentions to resign, and her request for the City Council to ensure that the City Pool project would be completed in time for this year’s Memorial Day RiverFest.

## COUNCIL BUSINESS

### 1. **FMPA Report - January 2017. *Bob Page***

Discussion ensued with the City Council regarding the FMPA Monthly Report for January as presented by Mr. Page. He also gave a brief update on cyber security from APPA and FMPA, a FMPA Strategic Planning Session scheduled for September 15, 2017, and an update on the Solar Survey.

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. **City Council review and approval of Resolution No. R-03-2017, a Resolution authorizing execution of a Non-Exclusive Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District and approval of the Membership Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District. *Fleet***

Discussion ensued with the City Council regarding approval of Resolution No. R-03-2017, a Resolution authorizing execution of a Non-Exclusive Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District and approval of the Membership Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District as presented by Ms. Fleet. Ms. Kate Wessner gave a brief overview of the program, how they educate the public, and expressed her appreciation to the City Council.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-03-2017 AND AUTHORIZE THE MAYOR TO EXECUTE THE MEMBERSHIP AGREEMENT WITH GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT. 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, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – STEVEN R. KELLEY.

**3. Discussion of Potential Change Order No. 2 to Core Construction to extend the contract period beyond the current substantial completion date of February 28, 2017 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.**  
*Null*

Discussion ensued with the City Council regarding a potential Change Order No. 2 to Core Construction to extend the contract period beyond the current substantial completion date of February 28, 2017 for the Historic Spring Park & Interactive Water Feature Construction Project as presented by Ms. Judd and Mr. Null. Ms. Judd acknowledged John Clark with Skanska and Kelly Hartwig with Cypress Management.

Mr. Null distributed and reviewed the time schedule noting that even though the project was progressing at a moderate pace, it had slipped in a few different areas. Several lead items were behind schedule and causing the delays. The requested completion date was now April 14, 2017. In addition, the Submittals to the Engineer had been rejected for incorrect data and dates.

Ms. Judd emphasized that she did not see any urgency from the contractor to complete the project and she needed assurances from the contractor that the job would be done and done correctly. She did not see how it could be done by the requested completion date.

Mayor Lewis recognized Jay Chung, Core Construction, 8375 Baymeadows Way, Jacksonville and Stephen Roman, Core Construction, 2178 Pine Lake Drive, Middleburg. She explained that progress of this City project was being watched by the County and State officials and it was imperative that it be completed before the Memorial Day RiverFest. Mr. Chung indicated that the cause for the delays were due to major changes in the plans which caused the contractor to have to re-review all documents. This caused the first Change Order changing the completion date to February 28, 2017. In addition, holidays in December and January and water issues which caused a dam to have to be built which delayed the project about 3-4 weeks to March 24<sup>th</sup>. Mr. Chung conveyed his belief that the project could be completed by March 24<sup>th</sup>. He felt the only delay at this time (April 14<sup>th</sup>) was with the pre-cast cap as walls would have to be built and field measured. This involved a six (6) week lead time and they were now looking at another pre-caster to see if it could be completed sooner. Although he was hopeful that the schedule could be moved back two (2) weeks earlier if it all worked out, he could not commit to it. The fence/railing submission would involve a four (4) week lead time. Mr. Chung maintained that the site was complicated to work in. It was very tight and the building was small and it required a lot of coordination which made it difficult for the many workers to move around. A leak on the 2<sup>nd</sup> floor of the building, which would be addressed by the contractor on Friday, also held up the finishing of the inside.

Under further discussion, the following points were discussed:

- April 14<sup>th</sup> Substantial Completion Date;
- May 1<sup>st</sup> Completion Date;
- All materials have been ordered except for the Educational sign; Mr. Chung was waiting on the City;
- Mr. Chung agreed to a March 24<sup>th</sup> or March 31<sup>st</sup> Substantial Completion Date but wants a two (2) week buffer;
- All subcontractors have ordered their materials and are aware of the anticipated dates;
- City is paying additional fees to Skanska and Cypress Management as a result of all the delays;
- What are the consequences if the date is missed? Liquidated Damages?
- All subcontractors have a current contract with liquidated damages but do not have a scope of work – no, they do not; some of the subcontracts are old and have not been modified however, the contracts state they must follow any extensions in the general contract; the superintendent has regular conversations with the subcontractors;
- No definitive cause of water leak; waterproofer will repair and test again for leaks;
- Mr. Clark feels that the March 24<sup>th</sup> or March 31<sup>st</sup> dates are achievable; April 14<sup>th</sup> possible; however, not comfortable with these dates based on the current mentality and performance on the job site;
- No “Notice of Delays” received from contractor;
- Changes, but no major scope of work changes that correlate to the time that has slipped by;
- Safety violations and Procurement issue concerns;
- Require weekly review of critical path items along with daily notices and reports;
- Colors and mock-up cannot start until approved; still lacking floor samples; waiting on epoxy vendor in Tampa which were due two (2) weeks ago;
- Boulders to be delivered by February 9<sup>th</sup>;
- Performance is not acceptable;
- Reach out to Insurance Company and put them on notice regarding the Performance Bond.

Mayor Lewis recognized Dale Garlinghouse, 103 S. Magnolia Avenue, Green Cove Springs, who expressed his concerns regarding the delays in the project.

Ms. Judd requested that the City Council’s motion include the following:

- Schedule a Special Session on February 28<sup>th</sup> at 7:00 p.m.;
- Daily reports; and
- Direct the City Manager and City Attorney to ensure that this happens in the next three (3) week period with ways and means appropriate in the best interest of the City.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO SCHEDULE A SPECIAL SESSION ON FEBRUARY 28, 2017 AT 7:00 P.M.; DAILY REPORTS OF ANY ITEMS THAT SLIP IN THE MEANTIME; DIRECT BOTH THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL STEPS TO ASSURE IN WHATEVER WAYS POSSIBLE THAT DATES ARE MET. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.

Council Member Royal stated he believed that they, as a team, could pull together and make this work. He was confident they had the right timeframe and hopefully would see each one tick off now that we are all agreed. The Council needed them to be successful.

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. Augusta Savage Arts & Community Center (ASACC) Campus. Judd**

Discussion ensued with the City Council regarding the Augusta Savage Arts & Community Center Campus as presented by Ms. Judd. She distributed a Surtax Schedule with estimated balances for Fiscal Year 2017. She reviewed the CIP projects that she did not want to see delayed and those that could be moved to a future fiscal year.

In addition, the following points were discussed:

- Priorities in CIP;
- Can slide \$300K;
- \$131K shortfall based on what is budgeted at this point for this project;
- \$150K in CIP projects could slide to a future Fiscal Year, i.e. Banners on Hwy. 17 and Planters (\$40K) and Electronic Sign at City Hall (\$70K), Security in Spring Park (\$30K), Downtown Streetscape on Walnut Street (\$25K), and Pier Improvements (\$25K); and
- The Council has a Fiscal Policy that the Reserve account cannot go below \$400K;
- Table the Annexation project for a year and re-evaluate during the budget sessions;
- The only landowner approached regarding annexation has been St. Johns Landing as they have expressed an interest in voluntary annexation;

Mayor Lewis recognized Dale Garlinghouse, 103 S. Magnolia Avenue, Green Cove Springs, who expressed his concerns about the amount of current projects on the Council's plate and suggested that they table this item until the April 4<sup>th</sup> meeting.

Mayor Lewis recognized Henrietta Francis, 2439 Bonnie Lakes Drive, Green Cove Springs, who expressed her concerns regarding the City's asset in the ASACC. She believed the project had been pushed back many times and wanted to see the project started and done for this community.

Under further discussion, it was agreed that the following projects could be delayed:

- Banners on U.S. 17 and Planters for \$40K;
- Electronic Sign at City Hall for \$30K;
- Downtown Streetscape (Walnut Street) for \$25K;
- Walnut Street Engineering and Design for \$50K; and
- Pier Improvements – Design of New Wave Break/Repairs for \$25K for a total of \$150K.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO:

- PROCEED WITH THE CONSTRUCTION OF THE LIBRARY AND THE INTERIOR PLAN;
- THAT WE WOULD LOOK AT USING THE FUND SOURCES IDENTIFIED TONIGHT (BANNERS ON US. 17, ELECTRONIC SIGN, STREETSCAPE ON WALNUT STREET, AND PIER IMPROVEMENTS); AND
- DIRECT THE CITY MANAGER TO COME BACK WITH A PROBABLE COST TO ADDRESS THE CAFETORIUM.

Under discussion of the motion, Mayor Lewis felt the Library was the educational component of this complex and the Parks Department. It was a commitment made by the City and she felt they City should follow through with it. She was not in favor of involuntary annexations, but in favor of moving forward with the Library project by moving the listed CIP projects to a future fiscal year.

THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER.

Under further discussion of the motion and in response to Council Member Royal, Ms. Judd reviewed the Annexation process, voluntary vs. involuntary, how it would progress with the prospective property owners and implored the City Council to trust their City Manager. Vice Mayor Timberlake recalled for Council Member Royal that the discussion of Annexation was not part of the item now before the Council. Ms. Judd reiterated she would report back to the Council regarding the exploration of annexation, delivery of services, and public works issues, etc. with the policy decision to be made by the City Council at a future meeting.

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 – B. VAN ROYAL.



**5. City Council approval of the FY 2017 Revenues and Expenditures Report and the Quarterly Investment Report for the Period Ending December 31, 2016. Guthrie**

Discussion ensued with the City Council regarding approval of the FY 2017 Revenues and Expenditures Report and the Quarterly Investment Report for the period ending December 31, 2016 as presented by Ms. Guthrie. She also noted budget amendments would be needed for Spring Park and the Disaster Fund for Hurricane Matthew.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE THE FY 2017 REVENUES AND EXPENDITURES REPORT AND THE QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING DECEMBER 31, 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 Manager and City Attorney Reports and/or Correspondence.**

**a. Executive Summary Reports – December 2016.**

The City Manager acknowledged the above reports would be provided to the City Council on the February 21<sup>st</sup> Agenda.

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

**7. 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 10:41 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