

**MINUTES OF THE MARCH 21, 2017 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, March 21, 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 Mayor Lewis followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

COUNCIL MEMBERS PRESENT:

Steven Kelley
B. Van Royal
Roy M. Timberlake, Jr., Vice Mayor
Pamela J. Lewis, Mayor

COUNCIL MEMBERS ABSENT:

Constance W. Butler

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Julia W. Clevinger, City Clerk
Janis Fleet, Development Services Director
Danielle J. Judd, City Manager
Mary Jane Lundy, Interim Personnel Director

STAFF MEMBERS ABSENT:

Derek Asdot, Asst. Chief of Police
Marlena Guthrie, Finance Director
Mike Null, Asst. City Mgr. / Public Works Dir.

PUBLIC HEARINGS

- 1. Second and Final Reading of Ordinance No. O-03-2017, an Ordinance of the City of Green Cove Springs, Florida, amending City Code Section 98, Article VI – Landscaping and Section 98, Article VII – Trees; to Modify the Landscaping and Tree Protection Requirements; and Providing For Repealer, Severability, and Setting an Effective Date. *Arnold / Fleet***

Mr. Arnold read the title of Ordinance No. O-03-2017 (see attachment marked Exhibit “A”) into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CITY CODE SECTION 98, ARTICLE VI - LANDSCAPING AND SECTION 98, ARTICLE VII – TREES; TO MODIFY THE LANDSCAPING AND TREE PROTECTION REQUIREMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

Mayor Lewis opened the Public Hearing.

Mayor Lewis recognized the following for comments:

1. Dale Garlinghouse, 103 S. Magnolia Avenue, Green Cove Springs, who spoke in opposition to the Ordinance.
2. Kelly Hartwig, 3545 Oglebay Drive, Green Cove Springs, who spoke in favor of the Ordinance. He distributed a list of the requirements for tree calipers required for surrounding municipalities and believed the requirement for the City should be two and one-half (2 ½) inches instead of four (4) inches.

There being no further comments, the Public Hearing was closed.

Discussion ensued with the City Council regarding Ordinance No. O-03-2017. It was also noted that if a tree were to die, it would become a Code Enforcement issue. Ms. Fleet reiterated that the intent of the review of the Ordinance was to clarify up ambiguity in the language. Language relating to ground cover or “other means to stabilize erosion control” would also be added. Ms. Fleet also reviewed the list of changes made throughout the Ordinance and how it benefited the citizens and businesses.

The City Council unanimously agreed to reduce the number of inches in caliper for trees from the proposed four (4) inches back to the current code of two and one-half (2 ½) inches.

Adoption of the Ordinance would also allow the City to obtain \$14,682 in funds from the Urban Forestry Grant. Ms. Fleet expressed her appreciation to Mr. Hartwig, Kimberley Farnsworth, and the other members for their time and effort given to the Committee.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT ORDINANCE NO. O-03-2017 WITH THE FOLLOWING MODIFICATIONS:

1. PAGE 3, LINE 1 AND OTHER REFERENCES TO 4 INCH DBH THAT IT BE CHANGED TO 2 ½ DBH.
2. PAGE 3, LINE 2, THE LOT BE SODDED OR SEEDED AND ADD “OR OTHER EFFECTIVE GROUND CONTROL AND EROSION MEASURES ACCEPTABLE.”
3. PAGE 4, UNDERNEATH NO. 2, THE PARAGRAPH BE KEPT REGARDING “ALTERNATIVE DESIGNS”.

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 STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

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

Mayor Lewis recognized Dale Garlinghouse, 103 S. Magnolia Avenue, Green Cove Springs, who inquired about City's intentions of redesigning the City seal now that it would not match the design of the new City Pool and Spring and the progress of the repairs to the City Pier. The seal would be left as is for now. The repairs were progressing as fast as possible due to a lack of bids submitted for the project.

CONSENT AGENDA

- 1. City Council approval of the Minutes from the Regular Sessions on February 7, and February 21, and March 7, 2017 and the Special Session on February 28, 2017.**
- 2. City Council approval of a Professional Engineering Services Agreement to Mittauer and Associates for development of the Water Master Plan.**
- 3. City Council approval of fourth and final pay request in the amount of \$4,268.50 to CHW, under Contract Value of \$42,650.00 for Construction Inspection Services related to the Citizen Street HMGP Stormwater Improvements Project.**
- 4. City Council approval of Pay Request Nos. 2 & 3 in the amount of \$6,868.43 and \$8,157.00, respectively, to Skanska under \$32,628 Engagement for Construction Management Services for Spring Park Pool Capital Project.**
- 5. City Council approval of Pay Request No. 11 in the amount of \$70,332.94 to Core Construction, under New Contract Value of \$2,226,832.00 for the Historic Spring Park Pool & Interactive Water Feature Construction Project.**
- 6. City Council approval of Pay Request No. 11 in the amount of \$8,220.37 to Matthews Design Group, Inc., under revised Contract Value of \$60,000, for the Historic Spring Park Pool & Interactive Water Feature Project Construction Inspection Services.**
- 7. City Council approval of Second Extension to Matthews Design Group in the not-to-exceed amount of \$10,000 for Construction Inspection Services for the Spring Park Pool Capital Project.**
- 8. City Council approval of Extension to Cypress Management and Design, LLC in the lump sum amount of \$10,000 for Owner's Representative Services for the Spring Park Pool Capital Project.**

Council Member Royal pulled Consent Agenda Item Nos. 2, 4, 6, 7, and 8 for discussion.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1, 3, AND 5 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 STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Consent Agenda Item No. 2 – Council Member Royal acknowledged his appreciation to Mittauer and Associates for coming in under budget.

Consent Agenda Item Nos. 4, 6 and 7 – Council Member Royal inquired about the number of people overseeing the project and the necessity of keeping Matthews Design on the project. The City Manager confirmed that the additional \$10,000 was for expenses for a sub-contractor not previously captured in the billing. Ms. Judd noted that the contract also contained provisions for payments for subcontractors; however, she would confirm this with Mr. Null. She believed it was imperative and in the City’s best interests to keep Matthews Design and Skanska on board through completion of the project.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT CONSENT AGENDA ITEMS 2, 4, AND 6, AND TABLE CONSENT AGENDA ITEM 7. THE MOTION WAS SECONDED BY VICE MAYOR KELLEY.

Under discussion of the motion, Vice Mayor Timberlake requested City Staff review the contracts regarding quality control and the scope of the project as related to expenses submitted by Matthews Design.

THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS 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 8 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 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”).

COUNCIL BUSINESS

1. Council Direction on Future Actions Related to the Gateway Corridor. *Fleet*

Discussion ensued with the City Council regarding direction and future actions related to the Gateway Corridor as presented by Ms. Fleet. Upon further discussion, the City Clerk was directed to schedule a Special Session at 10:00 a.m. on either Saturday, April 22nd or April 29th depending upon the schedule of Council Member Butler who was absent. The City Manager advised that she and Ms. Fleet would extend invitations to the local businesses, Bill Garrison with the Economic Development Council, and Kelly Morgan with the Tourism and Film Development, and others to participate.

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

a. Executive Summary Reports – February 2017.

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.

Mr. Arnold reviewed the information he had compiled regarding the request Ms. Judd had received regarding the renaming of streets within the City.

Mr. Arnold requested an emergency motion from the City Council regarding approving the execution of the Modification Agreement contingent upon the City receiving the document, “a revised construction schedule”, in paragraph 2 on page 2, as noted within five (5) days of the execution of the Modification Agreement. An e-mail from the opposing attorney stated they did not know it was required at this time and believed they may be able to get it to the City by the next day. However, he noted the Council had approved the modification agreement at their special meeting on February 28, 2017.

AN EMERGENCY MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO MODIFY THE AIA DOCUMENT A101-2007 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR, TO BE EXECUTED UPON RECEIPT OF THE SCHEDULE. 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 STEVEN R. KELLEY, B. VAN ROYAL, 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.

Mayor Lewis recognized Pat Garlinghouse, 103 S. Magnolia Avenue, Green Cove Springs, who shared her experience regarding street names with Google. She expressed her concerns regarding what would be involved with the renaming of any street names. Ms. Judd noted there were several options available that would be researched.

Mayor Lewis inquired if the City Council was receptive to issuing a Resolution opposing HB 17 and SB 1158 regarding Home Rule.

AN EMERGENCY MOTION WAS MADE BY MAYOR LEWIS TO DIRECT THE CITY CLERK TO DRAFT A RESOLUTION IN OPPOSITION OF HB 17 AND SB 1158 RELATING TO HOME RULE. 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 STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND PAMELA J. LEWIS, MAYOR. NAYS – NONE.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 8:40 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk