

**MINUTES OF THE OCTOBER 17, 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, October 17, 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 Timberlake followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

COUNCIL MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Derek Asdot, Acting Chief of Police
Janis Fleet, Development Services Director
Marlena Guthrie, Finance Director
Danielle J. Judd, City Manager
Mary Jane Lundy, Personnel Director
Mike Null, Asst. City Mgr. / Public Works Dir.
Kimberly Thomas, Exec. Asst. to the City Mgr.

STAFF MEMBERS ABSENT:

Julia W. Clevinger, City Clerk

AWARDS AND RECOGNITION

1. Presentation by Annie Grogan of the UNF Small Business Development Center on Shop Small Saturday

Mayor Timberlake recognized Annie Grogan for a presentation on the UNF Small Business Development Center regarding the Shop Small Saturday initiative.

Mayor Timberlake requested a motion to approve the Proclamations.

A MOTION WAS SO MOVED BY VICE MAYOR BUTLER. THE MOTION WAS SECONDED BY COUNCIL MEMBER LEWIS. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

The City Manager requested the Mayor address the recognition of Mr. Castro first due to the attendance of his family members.

4. Recognition of Eliberto Castro – 40 Years of Service with the City of Green Cove Springs

Mayor Timberlake read a letter to Eliberto Castro commending his 40 years of service to the City of Green Cove Springs and presented him with a gift card to a local restaurant and a plaque.

2. Proclamation – Florida City Government Week - October 23-29, 2017

Mayor Timberlake read the Proclamation into the record (see attachment marked Exhibit “A”) and presented it to City Manager Danielle Judd, who recognized the City employees and thanked the City Council for the recognition.

3. Proclamation – Bishop John H. Newman

Mayor Timberlake acknowledged the presentation of the Proclamation to Bishop Newman on Friday, October 13, 2017 (see attachment marked Exhibit “B”).

4. Recognition of Eliberto Castro – 40 Years of Service with the City of Green Cove Springs

See above.

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

Mayor Timberlake recognized Eugene Francis, 615 Walburg Street, Green Cove Springs, who gave an update on the progress of the Augusta Savage Festival.

PUBLIC HEARINGS

1. Second and Final Reading of Ordinance No. O-07-2017, an Ordinance which allows the conditional serving, possession and consumption of beer and wine at certain City sponsored special events in Spring Park. *L. J. Arnold, III, Danielle J. Judd*

Mr. Arnold read the title of Ordinance No. O-07-2017 (see attachment marked Exhibit “C”) into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ALLOWING THE CONSUMPTION, POSSESSION, AND SERVING OF LIMITED ALCOHOLIC BEVERAGES AT CERTAIN CITY SPONSORED SPECIAL EVENTS; PROVIDING CONDITIONS REGARDING INSURANCE, HOURS, LOCATION, BEVERAGE LICENSE, TERMINATION OF ACTIVITY, POLICE

PRESENCE, FOOD SERVICE, CITY COUNCIL APPROVAL OF EVENT AND OTHER REQUIREMENTS; PROVIDING FOR PROHIBITED ACTIVITIES AND EXCEPTIONS; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

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

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE [ORDINANCE NO. O-07-2017 ON SECOND AND FINAL READING]. 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, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

2. Postponement of Public Hearings on Ordinance No. O-08-2017, an Ordinance modifying Water Rates until the City Council meetings on November 7, 2017 and December 5, 2017. *L. J. Arnold, III, Danielle J. Judd*

Mr. Arnold explained that the advertisements were inadvertently omitted. Ms. Judd explained that, in an abundance of caution, she was presenting Public Hearing Item Nos. 2 and 3 and additional notices had been sent to the customers. Mr. Arnold advised that both items could be addressed together.

Mayor Timberlake opened the Public Hearing.

Mayor Timberlake recognized Douglas Mann, 3672 St. Andrews Court, Green Cove Springs, who advised he never received the amended notice. For the record, Ms. Judd noted an additional mailer was sent out to every utility account via first class mail in a separate envelope. Mr. Mann disagreed with the increase and indicated he would return on the 7th for public comments. In response to his request, Mayor Timberlake stated he would provide additional information.

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

Mayor Timberlake requested a motion on Public Hearing Nos. 2 and 3.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE POSTPONEMENT. THE MOTION WAS SECONDED BY VICE MAYOR BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

3. **Postponement of Public Hearings on Ordinance No. O-09-2017, an Ordinance modifying Wastewater Rates until the City Council meetings on November 7, 2017 and December 5, 2017. *L. J. Arnold, III, Danielle J. Judd***

See Public Hearing No. 2 above.

4. **Public Hearing and First Reading of Ordinance No. O-10-2017, an Ordinance of the City of Green Cove Springs, Florida Amending the Future Land Use Map for .408 Acres of Property Located Off North Magnolia Avenue at Lamont Street, Identified as Tax ID # 017563-000-00 and TAX ID # 017563-004-00, More Particularly Described as Part of Lots 10, 12, & 14, Block 5, N.S. GCS From RLD, Residential Low Density to RPO, Residential Professional Offices; Providing for Severability; Repealer; and Setting an Effective Date. *L. J. Arnold, III, Janis Fleet***

Ms. Judd requested the City Attorney explain that Ex Parte communications were required, that anyone wishing to speak to this item would need to be sworn in as it was a quasi-judicial proceeding, and that she had received comments from two (2) citizens that could not attend the meeting to be read into the record.

Mr. Arnold read the title of Ordinance No. O-10-2017 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA AMENDING THE FUTURE LAND USE MAP FOR .408 ACRES OF PROPERTY LOCATED OFF NORTH MAGNOLIA AVENUE AT LAMONT STREET, IDENTIFIED AS TAX ID # 017563-000-00 AND TAX ID # 017563-004-00, MORE PARTICULARLY DESCRIBED AS PART OF LOTS 10, 12, & 14, BLOCK 5, N.S. GCS, FROM RLD, RESIDENTIAL LOW DENSITY, TO RPO, RESIDENTIAL PROFESSIONAL OFFICES; PROVIDING FOR REPEALER; SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The City Attorney advised the City Council to disclose any Ex Parte communications on the measure before them:

Mayor Timberlake advised he had phone conversations with Mr. Schrest and Mrs. Whiteman during the course of the week regarding both items 4 and 5. Ms. Whiteman stated she and others from the community would be at the meeting tonight to express their opposition to the zoning change and that they were concerned about commercial establishments in what is currently a residential community. Mr. Schrest indicated he was looking for the opportunity to put a residential professional complex on the property as that was the zoning designation in place at the time he purchased the property. He verified with Mr. Arnold who verified this to be true and that the record shows this was changed.

Vice Mayor Butler advised she had conversations with Ms. Whiteman who was opposed to the zoning change and was concerned about the increased traffic in the area. She spoke with Mr. Schrest who gave his explanation of purchasing the property and that he wanted to build a nice building for business.

Council Member Kelley advised he had received a call from Ms. Whiteman who voiced her concerns about the commercialization of the neighborhood, increased traffic, and how she believed there were other members of the community who would feel the same way. He encouraged her to let them know to come tonight to voice their opinions. He had visited the site and spoke with Mr. Schrest about how he had acquired the property and what his plans and interest were for the property.

Council Member Lewis advised she had a conversation with Ms. Whiteman about her opposition and some of the thoughts of the neighbors in the area. She received a phone call from Mr. Schrest who wants to change the zoning. She also had “passing” conversations with the people she walked with.

Council Member Royal advised he had conversation with Ms. Whiteman who talked about getting up a petition and the traffic. He spoke with Mr. Schrest who talked about putting a professional office on the site which he had known through some clients of his. He spoke with Joe Sobotta who asked the hypothetical question about housing on the lot and what he thought as a real estate person.

City Manager Judd advised she had received a call on October 16th from Mary Fromberg, 914 St. Johns Avenue, who was opposed to the rezoning. She left a voice message this date letting Ms. Judd know that her sister who lives at 908 St. Johns Avenue also did not agree with the rezoning, although Ms. Judd had not personally spoken to this person.

Discussion ensued with the City Council. Ms. Fleet advised the Public Hearings had been advertised in the Clay Today and letters sent to the property owners within 300 feet and signs posted on both sides of the property. The Planning and Zoning Board held Public Hearings on October 5th with three (3) members present who unanimously voted for the FLUM and Rezoning. They are both adopted by Ordinance with two (2) Public Hearings – one scheduled for tonight and the 2nd on November 7th.

Ms. Fleet reviewed the background of the FLUM amendment.

Mayor Timberlake opened the Public Hearing and recognized the following for comments:

John Whiteman, 723 N. Magnolia Avenue, Green Cove Springs, who provided a petition signed by him, his wife, and 22 neighbors. He expressed his opposition based on the following points and requested the City Council to deny the requests:

- every property on the south side of Magnolia is zoned residential;
- Lamont Street provides a physical barrier between zoning categories;
- Concerned about what would happen if the property is sold and what a new owner would build;
- Increased traffic on Magnolia Avenue; and

- The possibility of a domino effect for rezoning requests on properties in the area in the future.

Larry Schrest (Applicant), 771 N. Magnolia Avenue, Green Cove Springs, who gave an overview of the history of the properties. He did not believe anyone would want to build a home on these lots because they looked at the back of the Bail Bonds office, the Courthouse and Jail across Hwy. 17, and sided on a commercial driveway (former Revels dealership). He felt this property location was unique and was ideal for a small business.

Mayor Timberlake recognized City Attorney Arnold who gave an overview of his personal knowledge of the property. He explained that he and his wife bought the property in 2003 from Ricky Wager. He noted that his condition to purchase the property was to have it rezoned to RPO by Mr. Wager. This was approved by the City Council and he sold it in 2011 to Mr. Schrest. He also advised that he, as City Attorney, was unaware that the property had been rezoned from RPO back to Residential in 2006 in a city-wide FLUM amendment.

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

City Council made the following comments:

Council Member Royal – (1) acknowledged that the location of the property would make it a tough residential sale especially due to the potential for a highly commercial business on the Revels lot; (2) the development trends were to blend commercial with residential; (3) due to the former car dealerships, the properties on Hwy. 17 were set up for larger developments; (4) acknowledged that customers would travel down Magnolia Avenue to Houston Street to access Hwy. 17 when traveling south; believed it was a reasonable and good use to the community and would not have any significant impact to the neighbors if it was zoned RPO; and (5) the public utilizes Magnolia Avenue to access the businesses in the Sweatman Law complex and to exit south to Hwy. 17.

Council Member Kelley – (1) agreed there was no residential buffer for this property due to the proximity of the Revels property; (2) this is a unique property due to its exposure to commercial development on three (3) sides; (3) did not see how a residential home could be built on this property due to its location; (4) the City Council did have the responsibility to find the best use for properties in the City when it came to planning out the City; (5) the use and development of the Revels property would drive the development of Mr. Schrest's property.

Council Member Lewis – (1) opposed to the application as she believed that rezoning the property back to RPO was a slippery slope; (2) believed in clear lines of demarcation; (3) concerned about encroachment in the neighborhood; (4) did not believe it was the City Council's responsibility to help someone that is buying a piece of property to make a profit; and (5) recounted the several empty buildings on Hwy. 17 that were sitting empty and how they would accommodate medical, dental or attorney offices.

Vice Mayor Butler – (1) visited and agreed that it was a unique piece of property; (2) she noted the professional offices on the corner of Houston Street and Pine Avenue had blended in the neighborhood; and (3) Responding to her inquiry, Mr. Schrest noted the RPO designation would dictate what can be built and felt the RPO zoning category acted as a buffer between the Commercial and Residential zones.

At Mayor Timberlake's request, Ms. Fleet reviewed the landscape requirements which the property owner would have to comply with. In addition, the property owner would have to come back and apply for any Special Exception for approval by the Planning & Zoning Board and the City Council. Mayor Timberlake noted this type of zoning was similar to the mixed zoning in the Riverside area in Jacksonville. Ms. Fleet estimated 10-14 parking spaces and water retention would be required.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT ON FIRST READING, ORDINANCE NO. O-10-2017, AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA AMENDING THE FUTURE LAND USE MAP FOR .408 ACRES OF PROPERTY LOCATED OFF NORTH MAGNOLIA AVENUE AT LAMONT [STREET] AND SET THE SECOND PUBLIC HEARING FOR NOVEMBER 7TH. THE MOTION WAS SECONDED BY VICE MAYOR BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – PAMELA J. LEWIS.

5. Public Hearing and First Reading of Ordinance No. O-11-2017, an Ordinance of the City of Green Cove Springs, Florida Rezoning for .408 Acres of Property Located Off North Magnolia Avenue at Lamont Street, Identified as Tax ID # 017563-000-00 and TAX ID # 017563-004-00, More Particularly Described as Part of Lots 10, 12, & 14, Block 5, N.S. GCS FROM R-1 TO RPO, Residential Professional Offices; Providing for Severability; Repealer; and Setting an Effective Date. *L. J. Arnold, III, Janis Fleet*

Mr. Arnold read the title of Ordinance No. O-11-2017 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA REZONING FOR .408 ACRES OF PROPERTY LOCATED OFF NORTH MAGNOLIA AVENUE AT LAMONT STREET, IDENTIFIED AS TAX ID # 017563-000-00 AND TAX ID # 017563-004-00, MORE PARTICULARLY DESCRIBED AS PART OF LOTS 10, 12, & 14, BLOCK 5, N.S. GCS FROM R-1 TO RPO, RESIDENTIAL PROFESSIONAL OFFICES, PROVIDING FOR REPEALER; SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The City Attorney advised the City Council to disclose any Ex Parte communications on the measure before them:

Council Member Royal – (1) advised he had a conversation with Ms. Whiteman and Mr. Schrest; (2) Ms. Whiteman expressed her concern with traffic on Magnolia Avenue and

the transition of the lot into RPO; (3) Mr. Schrest felt it was a nice transition from a higher intensity to a lower intensity; and (4) spoke with Mr. Sobotta about his thoughts of it being a residential lot.

Council Member Lewis – (1) had a conversation with Ms. Whiteman who was opposed to the rezoning; (2) had a conversation with Mr. Schrest who was in favor of it; and (3) had passing conversation with other people in the area that she did not believe were significant.

Mayor Timberlake – (1) had a conversation with Ms. Whiteman who expressed her opposition and her plans to have fierce community people here to speak on the issue; and (2) had a conversation with Mr. Schrest about his plans and ideas on the property.

Vice Mayor Butler – (1) had a phone conversation with Ms. Whiteman in opposition to the rezoning; and (2) had a conversation with Mr. Schrest who was in favor of the rezoning.

Council Member Kelley – (1) had a conversation with Ms. Whiteman who was opposed and she mentioned there were other people in the community who she had heard were opposed and had encouraged them to come to the meeting; and (2) had a conversation with Mr. Schrest about how he came to acquire the property and his plans for it.

City Manager Judd – (1) had a conversation with Ms. Fromberg who, 914 St. Johns Avneue, was opposed to it and later left a message that, although Ms. Judd did not speak to her, Ms. Fromberg's sister, 908 St. Johns Avenue, was also opposed to it.

Mayor Timberlake clarified that the first Public Hearing was to change the Land Use Map and this one was for the Zoning.

Ms. Fleet reviewed the permitted uses in the R-1 and RPO zoning categories. A Special Exception would have to be brought back to the Planning and Zoning Board and City Council for approval. The applicant was asking for conventional rezoning in lieu of a PUD. The Zoning was updated to R-1 in 2006 to be consistent with the Land Use. The RPO also provided a transition in zoning districts and compatible with the area.

Ms. Judd clarified that the FLUM amendment for RPO could still be approved even if the rezoning is not approved tonight for RPO. Ms. Fleet also stated the applicant could be requested to come back with the PUD. If the City Council had not recommended approval of the Land Use change, they would still have to address the rezoning.

Mayor Timberlake opened the Public Hearing and recognized the following for comments:

John Whiteman, 723 N. Magnolia Avenue, Green Cove Springs, who inquired about the available curb cuts on Hwy. 17. Council Member Royal confirmed there was no way to know what FDOT would approve because the property (Revels) had not yet been sold or developed. In addition, he liked the idea of a PUD and would like to see the City Council require Mr. Schrest to deed restrict his property to one (1) unit versus multiple units. He was personally against the available uses in the RPO category citing the traffic generated

by real estate offices, a title insurance closing office which he felt was high volume and not professional, a veterinarian office because he did not want to hear barking dogs, a tattoo parlor, or a pain clinic.

Ms. Fleet confirmed that deed restrictions were not something the City could enforce; however, the City could enforce limitation uses in a PUD. Restrictions would be between property owners.

Joe Sobotta, 212 North Street, Green Cove Springs, was sworn in. He advised he had signed the petition but had not yet been convinced on either side. In response to Mr. Sobotta's inquiry, Mr. Schrest clarified that he was under the impression the property was zoned RPO when he purchased it. Mr. Schrest reiterated his belief that the property was not suited for residential and that he had the financial means to build and develop the property if necessary.

Mr. Arnold reiterated his involvement regarding his purchase of the northern portion of the property in 2003 and subsequent sale in 2011. Copies of the deeds were attached to the Staff Report. He repeated that his intentions had been to build an office on the property; however, when he sold it to Mr. Schrest, he had been unaware the zoning had been changed back to R-1.

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

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL ACCEPT, PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. O-11-2017, AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA REZONING FOR .408 ACRES OF PROPERTY LOCATED OFF NORTH MAGNOLIA AVENUE AT LAMONT STREET, IDENTIFIED AS TAX ID # 017563-000-00 AND TAX ID # 017563-004-00, MORE PARTICULARLY DESCRIBED AS PART OF LOTS 10, 12, & 14, BLOCK 5, N.S. GCS FROM R-1 TO RPO, RESIDENTIAL PROFESSIONAL OFFICES, PROVIDING FOR REPEALER; SEVERABILITY; AND SETTING AN EFFECTIVE DATE AND SETTING THE SECOND [PUBLIC] HEARING ON NOVEMBER 7TH. THE MOTION WAS SECONDED BY VICE MAYOR BUTLER.

Under discussion of the motion, Mayor Timberlake opened the discussion to the Council:

Council Member Lewis was still opposed to the RPO zoning but felt a compromise to suggestions by Mr. Whiteman via a PUD would provide assurances to the City Council and the citizens about what could be built there.

Council Member Royal felt PUDs provided more flexibility. Ms. Fleet noted that limitations of the permitted uses are pretty limiting. The PUD would require a site plan which could provide more specific layouts and larger buffers, orientation of the building, and other site planning issues. Ms. Judd also noted that Lamont was a brick street. It was further clarified that the City Council had the option of denying the requested RPO rezoning and vote instead for a recommendation that the applicant bring back an

application for a PUD. Ms. Fleet explained that she had explained and Mr. Schrest had understood the process of a PUD. Another option was for the City Council to defer the Land Use and Rezoning until Mr. Schrest had a chance to review the PUD option. Ms. Judd clarified that the Land Use change previously approved gave the property owner an increased entitlement. She would not recommend deferring the Land Use without addressing the rezoning.

In response to Council Member Lewis's inquiry, Ms. Fleet advised the City Council could not require the property owner to submit a PUD. They could, however, deny the rezoning with the comment that they request a PUD. If a PUD was filed, it would go with the land for any future owner. It was further clarified for Council Member Lewis that, upon the suggestion of the City Manager, the City could absorb the additional cost (\$1,300) of the PUD application since Mr. Schrest had already paid \$700 for the Rezoning application.

Even though he was sensitive to the concerns expressed by Mr. Whiteman, Council Member Royal conveyed his belief that the best use of this property was commercial. He thought the City could rely upon the site plan review process within the zoning category and he would stick with his original motion.

THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – PAMELA J. LEWIS.

Mayor Timberlake thanked everyone for coming and expressing their opinions. Mr. Schrest assured the City Council any building developed would be nice.

CONSENT AGENDA

- 1. City Council approval of the Minutes for the Regular Sessions on July 25, August 1, and August 15, 2017.**
- 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) 2018.**
- 3. City Council approval of Fiscal Year (FY) 2018 Laboratory Services Contract for Water & Wastewater with Advanced Environmental Laboratories in the amount of \$75,000.**
- 4. City Council authorization to issue a Purchase Order to Gate Petroleum to provide unleaded and diesel fuel for all City Departments for FY 2018 in an amount not to exceed \$160,000 from Piggyback Bid No. 17-BA-122, effective November 19, 2016 through November 30, 2019.**
- 5. City Council approval to write off bad debts at September 30, 2017 for a 12-month period ending September 30, 2016 for electric, water, wastewater, solid waste and stormwater.**
- 6. City Council ratification of Payment No. 2 to Commercial Industrial Contractors (CIC) for the North Grid Reclaimed Water Main in the amount of \$204,019.96.**

7. **City Council ratification of Payment No. 2 to Mittauer and Associates for design, permitting and construction/project management for the North Grid Reclaimed Water Main in the amount of \$7,500.**
8. **City Council approval of Payment #1 to Mittauer & Associates for \$9,452.00, for design, engineering, permitting and project management for the Magnolia Point water utility interconnect between the Clay County Utility Authority and the City.**
9. **City Council approval of Change Order No. 1 in the amount of \$273,554.79 to Commercial Industrial Contractors (CIC) on the North Grid Reclaimed Water Main Project to construct a potable water main extension from US 17, along CR 209 (Russell Road), to the Edgewater Landing subdivision.**
10. **City Council approval to process Pay Request #1 in the amount \$3,780.00 to Mittauer & Associates for Design, Engineering and Geotechnical work for the replacement of a water main under U.S. 17 & S.R. 16 East.**
11. **City Council approval of 201700671, a Gateway Corridor and Central Business District Matching Grant Application for a Monument Sign for the Property located at 422 South Orange Avenue for Doug Burnette.**
12. **City Council approval of a Major Special Event Application for Clay County Council on Aging - 4th Annual Old Karts and Arts Downtown Street Festival to be held on November 4, 2017.**
13. **City Council approval of a Contract with J & H Waterstop Utilities, Inc., for a DEP SRF Specialized Field Studies in the amount of \$559,955.00 and authorization for Mayor to execute said Contract.**
14. **City Council approval of Pay Request No. 17 in the amount of \$328.75 to Matthews Design Group, Inc., under revised Contract Value of \$73,500, for the Historic Spring Park Pool & Interactive Water Feature Project Construction Inspection Services.**

Mayor Timberlake asked if any items on the Consent Agenda needed to be pulled. There were none. He asked for a motion to approve the Consent Agenda.

A MOTION TO APPROVE WAS SO MOVED BY COUNCIL MEMBER LEWIS. THE MOTION WAS SECONDED BY VICE MAYOR BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

COUNCIL BUSINESS

1. **City Council approval of a request from the CalaVida Arts Festival (hereafter "CalaVida") to serve beer and wine in a designated area within Spring Park during its Festival. *Danielle J. Judd, L. J. Arnold, III***

Discussion ensued with the City Council regarding approval of a request from the CalaVida Arts Festival to serve beer and wine in a designated area within Spring Park. Ms. Judd noted that since the Ordinance had passed (see Public Hearing No. 1 above), the procedure was now for the applicant to come before the City Council under the conditions. Speaking

on behalf of Ms. Royal who could not attend the meeting, Council Member Royal advised that the CalaVida Arts Festival Committee would like to serve the two drinks in the restricted area in the fenced area around the pool on Friday, October 20th.

Requesting Ms. Thomas display the Ordinance on the monitor, Mr. Arnold reviewed the information required in the Ordinance:

- The formal name of the organization would be provided by Council Member Royal;
- Alcoholic beverages would be limited to beer and wine;
- Serving hours would be 6:00 p.m. to 7:00 p.m.;
- Signage would be provided by CalaVida;
- A Police Officer would be there;
- Food would be served;
- Council Member Royal would have to check on the insurance coverage being provided by CalaVida or the caterer and the City would need to be named as an additional insured for the event; and
- State Beverage permit would not be required per Council Member Royal.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE REQUEST BY CALAVIDA TO SERVE BEER AND WINE AT SPRING PARK DURING THEIR FESTIVAL WITH CONDITIONS ESTABLISHED BY CITY ORDINANCE NO. O-07-2017. 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 STEVEN R. KELLEY, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

2. City Council Consideration of the base bid and alternate number 3 for Bid No. 08-17-04, Augusta Savage Arts & Community Center – Library Renovation with CC Borden Construction, the second lowest bid presented to City of Green Cove Springs, in the amount of \$546,321.00. *Mike Null, Danielle J. Judd*

Discussion ensued with the City Council regarding consideration of the base bid and alternate no. 3 for Bid No. 08-17-04, Augusta Savage Arts and Community Center – Library Renovation with CC Borden Construction, the second lowest bid presented to the City of Green Cove Springs, in the amount of \$546,321.00 as presented by Ms. Judd. Based on the history of events with this project, she was unable to recommend the City Council accept any of the bids. After reviewing the Purchasing Manual, she was looking to find any exceptions to the procurement such that the City could engage a building contractor, have them do all the subcontractors. Ms. Judd would have the City Attorney review the policy and the legislative record documents the steps the City had taken. Mr. Arnold stated he would need to review the Purchasing Manual prior to making any comments.

Mayor Timberlake recognized Joe Sobotta, 212 North Street, Green Cove Springs, who expressed his concerns regarding the use of this contractor due to the higher than expected costs received. He countered that he could build a much larger and better equipped home compared to a simple box of a building. In response to Mr. Sobotta's inquiry, Mr. Null agreed that the price was high and noted cost increases, among other things, were due to an increase in material pricing due to the market and the requirement of the four (4) firewalls due to the use of the building.

Ms. Judd recounted that, during the September meeting, the Mayor had made the comment that the City should not do business with this firm. Mayor Timberlake clarified that since the contractor was engaged by the architect, and to give the City an order of magnitude price, he did not feel the City should do business with them going forward. Ms. Judd noted the building was approximately 2,560 square feet, which based on the submitted bid, calculated to almost \$211 per square foot.

Council Member Royal advised he had sent the plans to three (3) other firms who had stated they could do a better job. He would wait to hear back from the City Attorney. However, he believed a Request for Qualifications should be published and go from there. He was confident the project could be completed within or close to the City's budget.

Council Member Kelley also agreed he wanted to see the project completed. He inquired about the alternative processes available to the City to reduce costs. He wanted the building but was prepared to reject the bid.

Ms. Judd wanted to get a GC who would request qualifications as opposed a hard bid. She felt the legislative record showed the City had done this. She advised she could come back and make that recommendation to the City Council and make it work within the purchasing policies.

Council Member Lewis agreed and felt the City could not support this. She commended Ms. Judd's efforts for trying to deliver a project that the community wanted and at a price the City could afford. She could not justify spending the tax payers dollars in this fashion.

Vice Mayor Butler also agreed and concurred with looking at other alternatives. In response to her inquiry, Ms. Judd stated she would not recommend attempting to get one (1) contractor to work on both the Library and Public Works Compound projects. She also commended Mr. Null for his efforts made for this project. Furthermore, Ms. Judd reminded the City Council of the value of "sweat equity" in this project like painting and other things to get the community engaged.

Mayor Timberlake echoed the comments already made stating he, too, had spoken with a couple of contractors he knew who had stated it seemed awfully high for the square footage. He agreed to rejecting these bids and putting it back out for some alternative approaches and/or alternative bid specs that would bring it in for a project the city could afford. Mayor Timberlake requested a motion to reject the bid as submitted.

A MOTION WAS SO MOVED BY VICE MAYOR BUTLER. THE MOTION WAS SECONDED BY COUNCIL MEMBER LEWIS. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS STEVEN R. KELLEY, PAMELA J. LEWIS, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

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

a. Executive Summary Reports – September 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.

Mr. Arnold advised of a mediation session on October 25th with the City and Core Construction to discuss all options and resolve all disputes. Any recommendation would be brought back on the November 7th Agenda for the City Council's discussion and vote.

4. City Council Reports and/or Correspondence.

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

Steve Thomas gave an update on the debris removal from Hurricane Irma.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 10:01 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake, Jr., Mayor

Attest:

Julia W. Clevinger, City Clerk