

**MINUTES OF THE FEBRUARY 20, 2018 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 20, 2018, at 7:00 p.m. in the City Council Chambers, 321 Walnut Street, Green Cove Springs, Florida.

Mayor Timberlake announced a Public Hearing would not be held this evening for the Future Land Use Map for the property bounded by Magnolia Avenue, Clay Street, and St. Johns Avenue. The Planning and Zoning Board deferred any action until their April 24<sup>th</sup> meeting and, therefore, the City Council could not take any action on it.

**Invocation and Pledge of Allegiance to the Flag**

Mayor Timberlake requested a moment of silence in memory of John Miller, a City consultant, and the victims of the Marjory Stoneman Douglas High School shooting in Parkland, Florida on February 14<sup>th</sup>. The invocation was given by Pastor Russell Franklin, Hickory Gove Baptist Church, 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, Chief of Police  
Julia W. Clevinger, City Clerk  
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.

**AWARDS AND RECOGNITION**

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE THE PROCLAMATIONS. 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.

**1. Proclamation – Green Cove Springs Elk’s Lodge – 150<sup>th</sup> Anniversary**

Mayor Timberlake read the Proclamation into the record (see attachment marked Exhibit “A”) and presented it to Tracey Carroll, Exalter Ruler, Gene Rittenhouse, Former Exalter Ruler, and Lucie Barnette, Exalted Ruler-Elect, who thanked the City Council for the recognition.

**2. Proclamation – Village Improvement Association – 135<sup>th</sup> Anniversary**

Mayor Timberlake advised that the Proclamation (see attachment marked Exhibit “B”) had been previously presented at the Anniversary Luncheon this date at the VIA.

**3. Presentation – Certified Municipal Clerk (CMC) Plaque and Pin to Julie Clevinger, City Clerk**

Mayor Timberlake introduced Donna Hardin, Town Clerk of the Town of Branford, and the Northeast District Director for the Florida Association of City Clerks (FACC) who presented Ms. Clevinger with a plaque and pin from the International Institute of Municipal Clerks (IIMC) commemorating her completion of the qualifications as a Certified Municipal Clerk in December 2017.

**PUBLIC HEARINGS**

**1. Public Hearing and approval of Resolution No. R-02-2018, a Resolution amending the Operating Budgets for Fiscal Year 2018 per Exhibit “A”. *Marlena Guthrie***

Discussion ensued with the City Council regarding approval of Resolution No. R-02-2018 (see attachment marked Exhibit “C”), a Resolution amending the Operating Budgets for Fiscal Year 2018 as presented by Ms. Guthrie. She further explained that the purpose of this adjustment is to adjust fund balances or retained earnings for fiscal year 2017 Purchase Orders that were carried forward into fiscal year 2018. At the same time, those expenditures related to the Purchase Orders that were carried forward will be appropriated in order to maintain a balanced budget. The fiscal year 2017 Purchase Orders that are being carried forward into fiscal year 2018 are from the General Fund (\$96,890), Spring Park Capital Improvement Fund (\$117,365), Electric Fund (\$102,757), Water Fund (\$73,622), Wastewater Fund (\$1,465,848) and Stormwater Fund (\$117,112). The Public Hearing was required due to the increase in the bottom line of these budgets.

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

In response to Council Royal’s inquiry, Ms. Guthrie agreed these were considered “housekeeping” items.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE RESOLUTION NO. R-02-2018, A RESOLUTION AMENDING THE 2018 OPERATING BUDGETS FOR GENERAL FUND, SPRING PARK CAPITAL IMPROVEMENT FUND, ELECTRIC FUND, WATER FUND, WASTEWATER FUND, AND STORMWATER FUND PER EXHIBIT "A". 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.

**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 thanked the City Council for their support of the Augusta Savage Cultural Arts Festival and distributed a pamphlet. Ms. Judd advised that City Staff would share their checklist for any last minute issues and to be used at future events.

**CONSENT AGENDA**

- 1. City Council approval of the Minutes from the Regular Session on January 23, 2018.**
- 2. City Council approval of a new policy of the City Council entitled "Ceremonial Guidelines for Proclamations, Letters of Honor, and Keys to the City."**
- 3. City Council approval of Customer Service Agreement with UniFirst for Uniform Rental and Services.**
- 4. City Council approval of a Lien Reduction Request for the property located at 430 Palmetto Avenue, Green Cove Springs (Case Number - 200600001).**
- 5. City Council approval of the 2018 Clay Day After Action Report.**
- 6. City Council approval of Payment #5 to Mittauer & Associates for \$886.00, for design, engineering, permitting and project management for the Magnolia Point water utility interconnect between the Clay County Utility Authority and the City.**
- 7. City Council approval of Pay Request No. 5 in the amount \$4,944.00 to Mittauer & Associates for Design, Engineering and Geotechnical work for the replacement of a water main under U.S. 17 & S.R. 16 East.**
- 8. City Council approval for Payment No. 6 to Mittauer and Associates for construction administration and construction inspection services for the North Grid Reclaimed Water Main in the amount of \$12,500.**
- 9. City Council approval of Payment #6 / Invoice # 18056 in the amount of \$2,000.00 to Mittauer and Associates for development of the Water Master Plan.**
- 10. City Council approval of Additional Request for Bleachers for the Augusta Savage Festival.**
- 11. Council Approval to release HMGP funds to FEMA for the Cove St Project.**

12. **City Council approval of FDEP SRF Disbursement #8 (which includes J&H Waterstop Pay Request #1 (SSES) in the amount of \$36,206.26) and payment of Mittauer and Associates Invoices # 18009 in the amount of \$10,000.00 and 18053 in the amount of \$50,000.00 for a total amount of \$96,106.26.**
13. **City Council approval of 201800106 Gateway Corridor and Central Business District Matching Grant Application for Facade/Building Improvement for the Property located at 815 North Palmetto Avenue for James and Betty Bearden/Bearden Family Legacy, LLC.**

Council Member Royal pulled Consent Agenda Item No. 2 for discussion.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE THE CONSENT AGENDA ITEMS WITH THE EXCEPTION OF ITEM NO. 2. 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.

**Consent Agenda Item No. 2** – Council Member Royal inquired as to the necessity of this item. Mayor Timberlake explained that several requests had been received with little notice prior to the publication deadline of the Agenda. He had consulted with the City Clerk as to the procedures she followed for such requests. Finding there were none, he had requested that Ms. Clevinger draft one for City Council review. It would formalize and streamline the process and provide guidance and direction to citizens who would like to request Proclamations, Letters of Honor, and Keys to the City. Vice Mayor Butler concurred noting it was needed.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE THE CONSENT AGENDA ITEM NO. 2. 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.

### **COUNCIL BUSINESS**

1. **City Council approval of the FY 2018 Revenues and Expenditures Report and the Quarterly Investment Report for the Period Ending December 31, 2017. *Marlena Guthrie***

Discussion ensued with the City Council regarding approval of the FY 2018 Revenues and Expenditures Report and the Quarterly Investment Report for the Period Ending December 31, 2017 as presented by Ms. Guthrie.

In addition, Ms. Guthrie advised that she had received an e-mail regarding Hurricane Matthew expenses stating funds had been obligated by FEMA. Funds should be processed within the next week to 10 days. Documents for Hurricane Irma had been submitted to FEMA with a site visit scheduled for February 21<sup>st</sup>.

In response to Council Member Lewis' inquiry, Ms. Judd advised that the damages to the riverfront sustained by her neighbors would be considered private property. It was hoped that the FEMA representatives for the onsite visit may be able to provide their insight and advice to the property owners.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE THE FY 2018 REVENUES AND EXPENDITURES REPORT AND THE QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING DECEMBER 31, 2017. 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. City Council approval of Resolution R-03-2018, a Resolution approving the release of a portion of the subordinate revenues securing its Water Revenue Note, Series 2008. *Marlena Guthrie***

Discussion ensued with the City Council regarding approval of Resolution R-03-2018, a Resolution approving the release of a portion of the subordinate revenues (electric lien) securing its Water Revenue Note, Series 2008 as presented by Ms. Guthrie and recommended by the City's Bond Counsel.

A MOTION WAS MADE BY COUNCIL MEMBER KELLEY TO APPROVE RESOLUTION NO. R-03-2018, A RESOLUTION RELEASING THE SUBORDINATE LIEN UPON THE CITY'S ELECTRIC SYSTEM SUBORDINATE REVENUES FROM THE \$1,650,000 WATER REVENUE NOTE, SERIES 2008. 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. City Council Direction on the Operation of Medical Marijuana Treatment Centers and Licensed Dispensing Organizations within the City of Green Cove Springs. *Janis Fleet***

Mayor Timberlake recounted the City's moratoriums on this issue and noted this item was for the City Council to provide direction on where they wanted to see it go on a more permanent basis.

Discussion ensued with the City Council regarding the operation of Medical Marijuana Treatment Centers (MMTC) and Licensed Dispensing Organizations within the City of Green Cove Springs as presented by Ms. Fleet. She distributed a map which documented the 500-foot radius around the schools in the City and the commercial corridors where pharmacies were currently allowed by City Code.

Mayor Timberlake recognized Bob Lewis, 203 North Street, Green Cove Springs, who expressed his concerns regarding the opioid epidemic and the possibility of medical marijuana treatment centers being located within the City limits.

The City Council voiced their opinions regarding the medical marijuana issue, the State mandating to the municipalities, and possible zoning restrictions within the City limits. After further discussion, Mayor Timberlake reiterated that this item was to only direct City Staff to proceed on the creation of a Marijuana Ordinance or permanently banning MMTCs versus discussion of possible zoning restrictions. The procedure would entail the City Attorney drafting an appropriate Ordinance for presentation to the Planning and Zoning Board and subsequently the City Council. It was also noted that over 70% of the citizens in the State had voted to allow MMTCs. As such, he believed it was his responsibility as an elected official to uphold that vote as he deemed was best for the City of Green Cove Springs by moving forward with a Medical Marijuana Ordinance and the appropriate public hearings.

Mayor Timberlake recognized Bob Lewis, 203 North Street, Green Cove Springs, who expressed his frustration at the delay in the overall process handed down by the State. Mr. Lewis compared this issue to Prohibition such that it did not stop the use of alcohol. He would like to be given the option to see if medical marijuana would help him.

Mayor Timberlake requested a second round of comments/rebuttals from the City Council. Ms. Fleet reiterated the zoning restrictions that could result if the Code were changed to allow pharmacies only in the Industrial category. This would create non-conforming uses for the current pharmacies such as Walgreen's, CVS, or any future grocery store. Mayor Timberlake affirmed the P & Z Board would bring back their recommendations for possible zoning changes.

**A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO INSTRUCT STAFF, DANIELLE AND JIM, TO MOVE FORWARD WITH PUTTING IN PLACE A MEDICAL MARIJUANA ORDINANCE THAT WILL COME UP THROUGH PLANNING AND ZONING. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.**

Mr. Arnold requested clarification such that the City Council wanted Staff to draft an Ordinance to allow it under state law as opposed to a ban. Council Member Royal concurred.

In response to Council Member Lewis's inquiry, Mr. Arnold advised that once an Ordinance was passed to allow it, those MMTCs that were established would not be affected.

Ms. Fleet had heard that the County had two (2) parallel Ordinances run at the same time – one to allow and one to ban. The thought behind this approach was to avoid the possibility of a period of no action. State Statute would prevail. Mr. Arnold did not recommend this approach but advised that the City Council could extend the moratorium. Ms. Fleet explained the advertising deadlines for the Ordinances.

Recalling the adult entertainment issue and the possibility of that type of business being located just outside the City limits, Mayor Timberlake reminded the Council that they represented the City and could not control what went on in the County.

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.

**4. 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.

a. Executive Summary Reports – January 2018.

Ms. Judd gave an update on the coordination required for the repair of the CSX railroad at Harbor Road.

**5. City Council Reports and/or Correspondence.**

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

Council Member Lewis expressed her concerns about comments she had heard from neighbors regarding the rezoning of the property at 500 Myrtle Avenue.

Acknowledging the upcoming resignation of the City Manager, Mayor Timberlake directed the City Manager and Human Resources Director to draft a transition plan for the City Manager position to be presented on the March 6<sup>th</sup> Agenda so that a new City Manager could be on board by August.

**Adjournment.**

There being no further business to come before the City Council, the meeting was adjourned at 8:27 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

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Roy M. Timberlake, Jr., Mayor

Attest:

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Julia W. Clevinger, CMC, City Clerk