

**MINUTES OF THE APRIL 3, 2018 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, April 3, 2018, 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 Bob Page 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
(via telephone at 7:37 p.m.)
B. Van Royal
Constance W. Butler, Vice Mayor
Roy M. Timberlake, Jr., Mayor

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
John Guzman, Lieutenant
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.

AWARDS AND RECOGNITION

Mayor Timberlake requested a motion to approve the Proclamations for Water Conservation Month and National Public Safety Telecommunicators Week.

A MOTION WAS SO MADE BY VICE MAYOR BUTLER. 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, B. VAN ROYAL, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

1. Proclamation – Water Conservation Month

Mayor Timberlake read the Proclamation (see attachment marked Exhibit “A”) and presented it to Geoff Sample, Intergovernmental Coordinator with the S.J.R.W.M.D., who expressed his appreciation to the City for the recognition.

2. Proclamation – National Public Safety Telecommunicators Week

Mayor Timberlake read the Proclamation (see attachment marked Exhibit “B”) and presented it to Brandi Acres, Communications Supervisor, and Sharon Adamson, Dispatcher, with the Green Cove Springs Police Department, who, on behalf of all the Dispatchers, expressed her appreciation to the City for the recognition. Lieutenant Guzman thanked the Dispatchers for their service to the City.

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

Mayor Timberlake recognized Jana Johnson, 1405 Walnut Street, Green Cove Springs, who expressed her disapproval at what she considered selective code enforcement with particular reference to the installation of her new fence. Mayor Timberlake directed the City Manager to review Ms. Johnson’s complaint and reply to her with the findings. Ms. Johnson thanked Mr. Cioffi and Mr. Thomas for their assistance with the flooding issues she had recently experienced.

Mayor Timberlake recognized Ed Gaw, 1 Elmore Street, Green Cove Springs, who gave an update on the schedule of events for Food Truck Friday to be held on April 13th. He distributed a flyer and budget for the event. Future events were also scheduled for May 11th, June 8th, July 13th, August 10th, and September 7th. He requested the City allow the use of electricity from the pole located on the southwest corner of Magnolia Avenue and Walnut Street. The Public Works Department had already promised cardboard trash receptacles. Mayor Timberlake requested that notice of the event be publicized on the City website.

CONSENT AGENDA

- 1. City Council approval of the Minutes from the Regular Session on March 20, 2018.**
- 2. City Council approval of funding for electric transformer inventory replacement to John Carter & Associates in the amount of \$31,889.00 per FMPA Specifications.**
- 3. City Council approval of Pay Request #1 to Jax Utilities Management in the amount of \$123,412.20 for repair and relocation of the water main at the intersection of SR 15 (US 17) and SR 16.**
- 4. City Council approval of Agreement for Executive Recruitment Services for City Manager Position with Strategic Government Resources, Inc. (SGR).**
- 5. City Council approval of, and authorization for the mayor to execute, FDEP SRF Disbursement #10 which includes J&H Waterstop Pay Request #3 (SSES) in the amount of \$14,313.30 and payment of Mittauer and Associates Invoice # 18132 in the amount of \$235,350.00.**
- 6. City Council approval to add the repairs to the wastewater collection system described in this staff report in the amount of \$205,298.72 to SRF Loan Agreement WW 100401, City Council approval of Change Order #2 to the J&H Waterstop SSES Contract in the amount of \$205,298.72, and authorize the mayor to execute all associated documentation.**
- 7. City Council approval of Payment #7 / Invoice #18134 in the amount of \$6,000.00 to Mittauer and Associates for development of the Water Master Plan.**

8. **City Council approval for Final Payment #8 to Mittauer and Associates for construction administration and construction inspection services for the North Grid Reclaimed Water Main in the amount of \$5,100.00.**
9. **City Council approval of Payment No. 6 in the amount of \$353,464.37 to Commercial Industrial Contractors for Final Payment and Closure of the North Grid Reclaimed Water Main SJRWMD Cost Share Grant / Loan which includes the Edgewater Landing section (Original Contract) and Black Creek Village section (Change Order #2) and Final Payment and Closure of the CR 209 Water Main Extension (Change Order #1) in the amount of \$26,338.67 (which was not a part of the SJRWMD Cost Share Grant / Loan), for a total amount of \$379,853.04.**

City Attorney Arnold pulled Consent Agenda Item No. 4 for discussion.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE THE CONSENT AGENDA ITEMS 1, 2, 3, 5, 6, 7, 8, AND 9. 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, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Consent Agenda Item No. 4 – Mr. Arnold advised there were changes needed for the Agreement for Executive Recruitment Services for the City Manager position adjusting language relating to the Florida Public Records Law, adding language for the City's limits of liability, no third party beneficiary is intended by this contract, compliance with Florida Public Records law section 119.07. Mayor Timberlake asked that the changes be put in writing and given to the City Clerk.

Council Member Lewis joined the meeting at 7:37 p.m. via telephone.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE THE CONSENT AGENDA ITEM NO. 4 WITH THE RECOMMENDATIONS FROM THE CITY ATTORNEY. 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. **Award of Loan Provider and Loan Option in an amount of not-to-exceed \$10,700,000 for improvements to and expansion of our Electric Utility System. *Marlena Guthrie, Jeremy Niedfeldt***

Discussion ensued with the City Council regarding award of the loan provider and loan option in an amount of not-to-exceed \$10,700,000 for improvements to and expansion of the City's Electric Utility System as presented by Ms. Guthrie and Jeremy Niedfeldt, PFM.

Mr. Niedfeldt reviewed a PowerPoint presentation from the Staff Report outlining the options available from the loan proposals.

The City Council agreed with the shorter term of a 15-year fixed rate for a \$10,700,000 loan. Mayor Timberlake thanked Mr. Niedfeldt for his hard work on making a complicated item easier to understand. For the record, Mayor Timberlake reminded the audience that the original list of 20 items had been pared down to the current ten (10) priority items.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO ACCEPT THE PROPOSAL FOR THE \$10.7 MILLON WITH A 15 YEAR NOTE WITH CETNERSTATE BANK. 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.

Mayor Timberlake recognized Ms. Lundy who distributed a set of guidelines/questionnaire from the search firm for the profile interviews. Noting that April did not appear to work for any of the City Council Members, Ms. Lundy advised that April 30th and May 1st appeared to be the earliest dates to proceed with meeting with the SGR representative. She would also need to know at least three (3) contacts for the interviews. The brochure would be completed 10-14 days after the interviews.

2. Energy Cove Industrial Park Developer's Agreement. *Brenna Durden, Danielle J. Judd.*

Discussion ensued with the City Council regarding the Energy Cove Industrial Park Developer's Agreement as presented by Danielle J. Judd and Brenna Durden. Ms. Durden reviewed her memo dated March 28, 2018 concluding that, after her review and analysis of all the information provided, she found the Developer's Agreement to be a legal and binding document.

Following questions and comments to Ms. Durden, Mayor Timberlake recognized Council Member Royal who made a presentation and distributed several documents to the City Council regarding his perception of what he considered to be discrepancies between the Developer's Agreement and what he believed the City was responsible for providing to new utility customers in the Energy Cove Industrial Park.

Further discussion ensued regarding each Council Member's thoughts and comments. Ms. Durden confirmed that the City has delivered what the City was required to deliver per the Developer's Agreement also noting that there was no specific set of improvements to be installed.

Ms. Judd reviewed her memo to the City Council dated March 16, 2018 and Mr. Null responded to Council Member Royal's comments.

Upon further questions and comments from the City Council, Mayor Timberlake requested a motion.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO ACCEPT MS. DURDEN'S PROFESSIONAL LEGAL REVIEW OF THE DEVELOPER'S AGREEMENT AND ATTACH HER LEGAL REVIEW TO THE DEVELOPER'S AGREEMENT FOR ANSWERING FUTURE QUESTIONS SHOULD THEY ARISE. 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, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – B. VAN ROYAL.

Ms. Judd clarified that based on the discussion and subsequent motion, she understood that any developer or development that would come forward in Energy Cove would be required to pay the CIAC and the City Code would determine what they would pay. Payment from U.S. Filter for the water impact fee, sewer impact fee, and CIAC would be required prior to a Certificate of Occupancy (CO) being issued. Council Member Lewis confirmed this was the intent of her motion.

3. FMPA Report – March 2018. *Bob Page*

Council Member Lewis exited the meeting at 10:05 p.m.

Discussion ensued with the City Council regarding the FMPA Report for March 2018 as presented by Bob Page.

4. City Council review and approval of Resolution No. R-05-2018, amending Resolutions No. R-36-2016 and R-47-2016, relating to the acceptance of drainage improvements for Magnolia West Unit – Two-A and Magnolia West Unit – Two-B, and approving an Amendment to Subdivider's Agreements. *Janis Fleet*

Discussion ensued with the City Council regarding review and approval of Resolution No. R-05-2018 (see attachment marked Exhibit "C"), amending Resolutions No. R-36-2016 and R-47-2016, relating to the acceptance of drainage improvements for Magnolia West Unit – Two-A and Magnolia West Two-B, and approving an Amendment to the Subdivider's Agreements as presented by Mr. Arnold.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE RESOLUTION NO. R-05-2018 AMENDING RESOLUTION NO. R-36-2016 AND R-47-2016 RELATED TO THE ACCEPTANCE OF DRAINAGE IMPROVEMENTS FOR MAGNOLIA WEST UNIT 2-A AND MAGNOLIA WEST UNIT 2-B AND APPROVING AN AMENDMENT FOR A SUBDIVIDER'S AGREEMENT WITH AUTHORIZATION TO EXECUTE THE AMENDMENT. 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, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

S.A.1. City Council approval of a Purchase Order to Ring Power Crane Division for the sum of \$30,398.54 for the repairs to the Bucket truck #431. *Mike Null*

Discussion ensued with the City Council regarding approval of a Purchase Order to Ring Power Crane Division for the sum of \$30,398.54 for the repairs to the Bucket Truck #431 as presented by Mr. Null.

A MOTION WAS MADE BY COUNCIL MEMBER KELLEY TO APPROVE A PURCHASE ORDER TO RING POWER CRANE DIVISION FOR THE SUM OF \$30,398.54 FOR THE REPAIRS TO THE BUCKET TRUCK #431. 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 – 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.

a. Monthly Legal Report – March 2018.

Mr. Arnold clarified that he would not bill the City for the litigation unless he was required to participate any further.

6. City Council Reports and/or Correspondence.

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

Under discussion, Council Member Royal requested Mr. Null to provide information regarding whether or not a residential dock should have a meter, and if they should have meter, is the City metering all of them or just some of them. He wanted to know if there was a requirement that a dock be serviced separately. Ms. Judd recalled the letters sent out on Demand Meters pointing to the Governor's Point Condos dock. Mr. Null explained that this particular dock was in no way comparable to a single family residential dock. Mayor Timberlake clarified that the information should come back to the whole Council and, as he understood Council Member Royal's question – if someone wanted to put in a residential dock, was there anything in the City Code that said it has to be on a separate meter?

The Mayor reminded the City Council that their Performance Evaluations for the City Attorney were due to Ms. Lundy by Friday.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 10:40 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake, Jr., Mayor

Attest:

Julia W. Clevinger, CMC, City Clerk