

**MINUTES OF THE DATE MAY 15, 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, May 15, 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 Brown, Pastor with Cornerstone Church, Jacksonville, 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  
Julia W. Clevinger, City Clerk  
Janis Fleet, Development Services Director  
Glee Glisson, Parks & Rec. Director  
Marlena Guthrie, Finance Director  
John Guzman, Lt. GCSPD  
Danielle J. Judd, City Manager  
Mary Jane Lundy, Personnel Director  
Mike Null, Asst. City Mgr. / Public Works Dir.  
Tiffanie Reynolds, Comm. Coordinator  
Kimberly Thomas, Exec. Asst. to the City Mgr.

**STAFF MEMBERS ABSENT:**

Derek Asdot, Chief of Police

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

Mayor Timberlake recognized the following for comments:

1. Daniel Vallencourt, 328 Walnut Street, Green Cove Springs, who expressed his concerns and frustration with the Code Enforcement issues relating to the buildings at 328 Walnut Street located next door to the Clay Theater. Mr. & Mrs. Vallencourt were in the process of renovating the Theater and believed the fire and structural danger and possibility of rodent infestation from these dilapidated structures would be detrimental to and prevent the opening of his new business. Mayor Timberlake directed Ms. Judd and Mr. Cioffi to review the situation and contact Mr. Vallencourt with an update.
2. Ed Gaw, 1 Elmore Street, Green Cove Springs, who gave an update on the Food Truck Friday event, held on May 11<sup>th</sup>. The next event would be held on June 8<sup>th</sup>.

3. Joe Sobotta, 212 North Street, Green Cove Springs, who provided information relating to the recent passing of Eliva Ivey.
4. Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who expressed her sadness on the recent passing of former City Council Member and Mayor, Joe Love. Ms. Hampshire also advised of the deteriorating condition of the railroad tracks and crossing at M.L.K. Blvd. and thanked Council Member Kelley for hosting a book signing.

### **AWARDS AND RECOGNITION**

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE [THE PROCLAMATIONS FOR NATIONAL SAFE BOATING WEEK AND NATIONAL POLICE WEEK]. 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.

#### **1. Proclamation – Safe Boating Week**

Mayor Timberlake read the Proclamation into the record (see attachment marked Exhibit “A”) and presented it to Chuck Whipple, Flotilla 14-05 VFC FSO-VE, National Boating Safety Week Coordinator, Frederick Preston, and Kathleen Fisk, who thanked the City Council for the recognition.

#### **2. Proclamation – National Police Week**

Mayor Timberlake read the Proclamation into the record (see attachment marked Exhibit “B”) and presented it to Lt. John Guzman who thanked the City Council for the recognition.

### **REORGANIZATION**

#### **1. City Council election of a Mayor and Vice Mayor to serve from May 15, 2018 to May 21, 2019.**

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ELECT CONSTANCE W. BUTLER TO SERVE AS MAYOR AND STEVEN R. KELLEY TO SERVE AS VICE MAYOR [OF THE CITY OF GREEN COVE SPRINGS FROM MAY 15, 2018 TO MAY 21, 2019]. 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.

## PUBLIC HEARINGS

1. **Second and Final Reading and Public Hearing on Ordinance No. O-03-2018, an Ordinance of the City Council of the City of Green Cove Springs, Florida adding a Definition of Drugs / Drug Sales to City Code Section 86-3 to Include Medical Marijuana Treatment Center Dispensing Facility (“MMTC”) and a definition of MMTC; and creating a New City Code Section 102-421 entitled “Conditions for a Medical Marijuana Treatment Center Dispensing Facility”; Providing for Codification, Repealer, Severability, and Setting an Effective Date. *L. J. Arnold, III, Janis Fleet***

Mr. Arnold read the title of Ordinance No. O-03-2018 (see attachment marked Exhibit “C”) into the record as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA ADDING A DEFINITION OF DRUGS / DRUG SALES TO CITY CODE SECTION 86-3 TO INCLUDE MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY (“MMTC”) AND A DEFINITION OF MMTC; AND CREATING A NEW CITY CODE SECTION 102-421 ENTITLED “CONDITIONS FOR A MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY”; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.**

Ms. Fleet advised the item had been presented to the Planning and Zoning Board as requested by the City Council

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

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE THE ORDINANCE ON SECOND AND FINAL READING ORDINANCE NO. O-03-2018. THE MOTION WAS SECONDED BY VICE MAYOR KELLEY. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – PAMELA J. LEWIS.

## CONSENT AGENDA

1. **City Council approval of the Minutes from the Regular Session on May 1, 2018.**
2. **City Council approval of Resolution No. R-10-2018 (see attachment marked Exhibit “D”), a Resolution authorizing Amendment No. 3 to the FDOT Traffic Signal Maintenance and Compensation Agreement, Contract No. ARV47, for the period of July 1, 2018 through June 30, 2019 in the amount of \$33,441.00 and authorization for the City Manager to execute said Amendment.**

3. **City Council approval of Resolution No. R-11-2018 (see attachment marked Exhibit “E”), a Resolution authorizing a new FDOT Maintenance Agreement, Contract No. TBD, for the period of July 16, 2018 through July 15, 2021 in the amount of \$38,673.64 (annually) and authorizing the Mayor, City Clerk, and City Attorney to execute said Agreement.**
4. **City Council approval to renew the Agreement with Dr. Townsend & Associates Contract for the period of June 1, 2018 through June 1, 2019 at a cost of \$225.00 per evaluation and authorize the Chief of Police to execute said Agreement.**
5. **City Council approval of the renewal of the Low-Income Energy Assistance Program (LIHEAP) Vendor Payment Agreement through the Northeast Florida Community Action Agency, Inc. for the period retroactive to April 1, 2018 through March 31, 2023 and authorize the Mayor to sign said Agreement.**
6. **City Council approval of the 30th Annual Memorial Day RiverFest Celebration Update.**
7. **City Council approval to move 2018 Soul Food Festival date to second weekend in October for this year only, making this year's festival date October 13, 2018.**
8. **City Council approval of the FY 2018 Revenues and Expenditures Report and the Quarterly Investment Report for the Period Ending March 31, 2018.**
9. **City Council approval of an Agreement for Hydro-Cise and other activities with Hydrofitness & More, LLC effective May 15, 2018 through August 31, 2018.**
10. **City Council approval of Changes to Job Description for Building Official.**
11. **City Council approval of Payment No. 8 to Mittauer & Associates for \$205.00, for design, engineering, permitting, and project management for the Magnolia Point water utility interconnect between the Clay County Utility Authority and the City, bringing the total paid up to \$17,803.00 out of this \$18,000 task order.**
12. **City Council approval of a purchase order to demo the office area of the Public Works building for the sum of \$3,700.00 to Jeff's Excavating, Inc.**
13. **City Council approval of Payment #8 / Invoice #18196 in the amount of \$14,500.00 (bringing the total payments to \$40,000 out of \$50,000) to Mittauer and Associates for development of the Water Master Plan.**
14. **City Council approval for the purchase of two Flygt submersible pumps from Xylem Water Solutions in the amount of \$16,740.00 for Lift Station # 314.**

Council Member Royal pulled Consent Agenda Item No. 8 and Mr. Null pulled Consent Agenda Item No. 11 for clarification.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE THE CONSENT AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, AND 14. 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 PAMELA J. LEWIS, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE.

**Consent Agenda Item No. 8** – In response to Council Member Royal’s inquiry, Ms. Guthrie expressed her confidence in the reports.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO APPROVE THE CONSENT AGENDA ITEM NO. 8. THE MOTION WAS SECONDED BY COUNCIL MEMBER TIMBERLAKE. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS PAMELA J. LEWIS, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE.

**Consent Agenda Item No. 11** – Mr. Null clarified that the actual Purchase Order would be issued to LaRue House Movers as Jeff’s Excavating would be the sub-contractor.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE THE CONSENT AGENDA ITEM NO. 11. 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 PAMELA J. LEWIS, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE.

### COUNCIL BUSINESS

**1. Presentation by James Moore and Company of the Audited Financial Statements for the period ending September 30, 2017. *Marlena Guthrie, Zach Chalifour***

Discussion ensued with the City Council regarding a presentation by James Moore and Company of the audited financial statements for the period ending September 30, 2017 as presented by Ms. Guthrie and Mr. Chalifour. Mr. Chalifour reviewed the reports via a PowerPoint presentation. The City had been issued an unmodified opinion which confirmed that the City’s statements were fairly presented in all material respects. The Internal Control and Compliance Report contained one (1) comment that was classified as a significant deficiency that was required to be reported. It related to a year-end true-up of amounts; however, there was no budgetary impact and no net revenue expense impact. A third report was on compliance with regard to the City’s federal grant programs. No modifications were made to this report. In addition, a separate Management Letter Report did not contain any modifications. Finally, an Examination Report confirmed that the City was in compliance with the specified State Statutes. Ms. Judd advised that the Police Pension Fund was overfunded.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO ACCEPT THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2017. THE MOTION WAS SECONDED BY COUNCIL MEMBER LEWIS.

Council Member Royal commended Ms. Judd, Ms. Guthrie, and City Staff for their hard work. Mayor Butler thanked Mr. Chalifour for making the report and presentation easy to understand for the City Council.

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

**2. City Council approval of an Agreement for Swimming and Other Activities with Planet Swim, LLC effective June 12, 2018 through August 10, 2018 in the amount of \$14,400.00. *Glee Glisson***

Discussion ensued with the City Council regarding approval of an Agreement for swimming and other activities with Planet Swim, LLC effective June 12, 2018 through August 10, 2018 in the amount of \$14,400.00 as presented by Ms. Judd.

Mayor Butler recognized Ms. Rosalind Arnold and Ms. Glisson for additional comments. Ms. Arnold advised the City Council that an anonymous sponsor/donor was willing to match donations if the City would make a \$5,000 commitment to the program. Ms. Arnold noted that she would coordinate the fundraiser so she could raise as much money as possible. This year's program would be open to Green Cove Springs residents. She suggested publicizing via social media, a GoFundMe account, and tax deductions. Ms. Glisson noted that straw poll had been taken at Charles E. Bennett Elementary and it was determined that 200-300 children did not know how to swim. This year's program would focus on 72 children, ages 5 and up.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE AN AGREEMENT FOR SWIMMING AND OTHER ACTIVITIES WITH PLANET SWIM, LLC EFFECTIVE JUNE 12, 2018 THROUGH AUGUST 10, 2018 IN A NOT TO EXCEED AMOUNT OF \$14,400, SUBJECT TO FUNDING AVAILABILITY AND UNDERWRITING. 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 PAMELA J. LEWIS, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE.

**3. Council acceptance of LDR Interpretation 2018-02, related to 50 ft. lots of record in the R-1 zoning category. *Janis Fleet***

Discussion ensued with the City Council regarding acceptance of the LDR Interpretation 2018-02 related to 50 ft. lots of record in the R-1 Zoning category as presented by Ms. Fleet. Mr. Arnold reviewed his findings and research of the City Code, specifically Section 90-102, along with codes from various other cities and counties.

Mayor Butler recognized the following for comments:

1. Steve Santorsola, 104 Lewis Drive, Green Cove Springs, who expressed his concerns regarding the lot sizes.
2. Rosalind Arnold, 1685 Belfry Circle, Green Cove Springs, who expressed her support of the LDR Interpretation noting her due diligence done prior to selling any property.
3. Gregory Rivera, 102 Lewis Drive, Green Cove Springs, who expressed his concerns regarding the lot sizes and opposition to the LDR Interpretation.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE THE LDR RECOMMENDATION. THE MOTION WAS SECONDED BY COUNCIL MEMBER ROYAL.

Council Member Lewis expressed her concerns regarding lot size, expectations of the neighborhood, recusal from the vote and preferred to have an opinion from an outside legal counsel due to the possible conflicts of interest among the Council Members.

Council Member Royal countered that her comment at the last meeting regarding the possible effects to the property values was his reason for recommending her recusal. He also recounted the historical aspects of the sale of property in the City and believed the legal opinion by Mr. Arnold was consistent with the 30 years he had been selling property in the City.

After further discussion, it was noted that the R-1 zoning designation was not changing and lots of record had vested property rights. Council Member Kelley expressed his understanding and support of the LDR Interpretation.

Mayor Butler recognized the following for comments:

4. Peter Swanson, 103 Lewis Drive, Green Cove Springs, who expressed his belief this was a non-conforming use and his opposition to the LDR Interpretation. Mr. Arnold reiterated his opinion as documented in the Staff Report.

Mr. Arnold recounted the reasons for recusal to vote on an item and noted it was ultimately the decision of the Council Member. Council Member Lewis advised she would recuse herself from the vote.

THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE. RECUSED – PAMELA J. LEWIS (SEE FORM 8B ATTACHED AS EXHIBIT “F”).

Mr. Arnold suggested the City Council may wish to direct Staff to make minor language clarifications / changes to the Code to prevent this issue from being brought up in the future.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE THAT WE HAVE THE CITY ATTORNEY COME BACK TO US WITH LANGUAGE THAT FURTHER CLARIFIES THIS POINT OF ORIGIN. 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 PAMELA J. LEWIS, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., STEVEN R. KELLEY, AND CONSTANCE W. BUTLER, MAYOR. NAYS – NONE.

**4. City Council consideration of project delivery methods for the new Public Works Administration Building and approval to release a Request for Qualifications. *Mike Null, Danielle J. Judd***

Discussion ensued with the City Council regarding consideration of project delivery methods for the new Public Works Administration Building and approval to release a Request for Qualifications as presented by Mr. Null.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO:

1. APPROVE THE CONSTRUCTION MANAGEMENT PROJECT DELIVERY APPROACH FOR THE CONSTRUCTION OF THE NEW PUBLIC WORKS ADMINISTRATION BUILDING.
2. DIRECT STAFF TO ISSUE AN RFQ FOR SELECTION OF A QUALIFIED CONSTRUCTION MANAGEMENT COMPANY.
3. DIRECT STAFF TO OBTAIN A PROPOSAL OF BHIDE AND HALL TO DESIGN THE NEW PUBLIC WORKS FACILITY.

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

**5. City Manager and City Attorney Reports and/or Correspondence.**

- a. Executive Summary Reports – April 2018.

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

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

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



Council Member Royal distributed Red Noses in recognition of “Red Nose Day” on May 24<sup>th</sup> bringing awareness to ending child poverty.

**Adjournment.**

There being no further business to come before the City Council, the meeting was adjourned at 9:41 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

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Constance W. Butler, Mayor

Attest:

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Julia W. Clevinger, CMC, City Clerk