

**MINUTES OF THE OCTOBER 3, 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 3, 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 Joe Sobotta, 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 MEMBER ABSENT:

Julia W. Clevinger, City Clerk

Mayor Timberlake advised he would recognize speakers with Blue Cards after the Awards and Recognitions followed by the Consent Agenda.

AWARDS AND RECOGNITION

Mayor Timberlake requested a motion to approve the Proclamations.

A MOTION 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.

1. Proclamation – Breast Cancer Awareness Month & Mammography Day

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

2. Proclamation – Green Cove Springs Garden Club – 10th Anniversary

Council Member Royal read the Proclamation into the record (see attachment marked Exhibit “B”) and presented it to Care Valeau and members of the Green Cove Springs Garden Club, who thanked the City for the recognition.

3. Recognition – New Employees - Jacob Atkins, Laborer; Derek Barfield, Laborer; Laurie Copeland, Financial Management Analyst; Stacy Duncan, H.R. Generalist; Amanda Hoffman, Customer Service Representative; and Lana Trantham, Dispatcher

Steve Thomas, Public Works Field Supervisor, introduced Jacob Atkins and Derek Barfield, Marlana Guthrie, Finance Director, introduced Laurie Copeland and Amanda Hoffman, Mary Jane Lundy, Human Resources Director, introduced Stacy Duncan, and Brandi Acres, Communications Supervisor, introduced Lana Trantham.

4. Recognition – Employee of the 3rd Quarter 2017 – Boni Cavin

Mayor Timberlake read a letter to Boni Cavin as the Employee of the Quarter and presented her with a plaque and gift card to a local restaurant. Ms. Cavin thanked the City Council for the recognition.

**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. Cheryl & Jon Villalva, 1522 Tennessee Avenue, Green Cove Springs, who expressed their concerns about flooding on Shed Road that had drained and surrounded their house during the hurricane. Ms. Judd requested their phone number and advised she would contact the County Manager for them. Since their home was not in the City limits.
2. Bob Lewis, 203 North Street, Green Cove Springs, who expressed his concerns regarding inaccurate information that had been written in an article of the Clay Today regarding an unpermitted food truck setting up immediately after the hurricane and an accusation that Council Member Lewis was the only Council Member who was against marijuana in the City when it should have referred to marijuana dispensaries. He noted that both the Planning and Zoning Board and the City Council had unanimously voted against marijuana dispensaries. Mayor Timberlake advised that the City Council had decided that extending the moratorium for an additional six (6) months was needed in order to review the State law and allow the Council to make the decision that was in the best interests of the City.

3. Peter Hundt, 3526 Shinnecock Lane, Green Cove Springs, who expressed his concerns regarding the extended power outage after Hurricane Irma and why power was not restored much sooner as it was in Fleming Island. Mayor Timberlake gave a brief explanation of the power system noting there were people on Doctor's Lake who were out of power for 4 or 5 days after the City's power had been restored. Ms. Judd further explained the City's extensive tree canopy was a challenge for the City's recovery efforts whereas Fleming Island did not have such a tree canopy, the out-of-state electric crews had been held back when it was thought that the hurricane was going to move west towards Alabama, and the City was investing in upgrades and making progress in its Capital Projects.
4. Scott Smith, 600 St. Johns Avenue, Green Cove Springs, who expressed his concerns as to why the lights at the Splash Park were not being turned on at night. Mr. Null advised that Public Works would check on the timer device to make sure it was working properly.
5. Joe Sobotta, 212 North Street, Green Cove Springs, who expressed his displeasure with the negative comments about the City and City employees that have been made in the media by Peter Swanson.
6. Glee Glisson, 1087 Spring Street, Green Cove Springs, who expressed her gratitude to the City Manager, Asst. City Manager, and Public Works for their efforts before, during, and after Hurricane Irma. In addition, she expressed her discontent with the negative article written by Mr. Swanson and the aftermath of hostile phone calls and e-mails directed at City Staff.
7. Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who expressed her gratitude to the City who worked so hard to restore the power as quickly as possible. She also gave an update on the 16th Annual Soul Food Festival to be held on Saturday, October 7th and extended an invitation to everyone to come and enjoy the food and the entertainment.
8. Diane Whiteman, 723 N. Magnolia Avenue, Green Cove Springs, who expressed her concerns regarding communications and the use of social media by the City after the hurricane.

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 of Resolution No. R-34-2017(see attachment marked Exhibit "C"), a Resolution extending the State of Local Emergency.**
3. **City Council approval of Elks Lodge 1892 request to use the Thomas Hogans Memorial Gymnasium on Saturday, October 14, 2017 for the purpose of conducting the local portion of the Elks' National Hoop Shoot Competition.**
4. **City Council approval of a Professional Services Agreement between the City and Southland Specialties, Inc. for Right-of-Way Maintenance Services in the amount of \$123,200.00.**
5. **City Council approval to award a contract to Commercial Industrial Contractors for construction of the CCUA/GCS Magnolia Point Water Interconnect in the amount of \$54,762.55.**
6. **City Council ratification of Payment No. 1 to Commercial Industrial Contractors (CIC) for the North Grid Reclaimed Water Main in the amount of \$48,150.**

7. **City Council ratification of Payment No. 1 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 the Award for the Sanitary Sewer Evaluation Survey, Base Bid and Additive Alternate No. 1, to J & H Waterstop Utilities, Inc. in the amount of \$559,955.**
 9. **City Council approval of the City of Green Cove Springs Pay Plan revisions effective October 1, 2017 corresponding with the approved position classifications for FY 2017-2018.**
 10. **City Council approval to purchase a 2018 Freightliner Chassis with Peterson Grapple (Claw Truck) from Tampa Truck Center under State of Florida Contract in the amount of \$110,569.00, which includes an allowance of \$18,000 for trade-in of truck # 702, and authorize the surplus of the existing Claw Truck # 702 upon receipt of replacement.**
- S.A.C.A.1. City Council approval of one (1) Ford Taurus Police Vehicle.**

Vice Mayor Butler pulled Consent Agenda Item No. 1 for discussion, Mayor Timberlake pulled Item No. 8, and Mr. Null pulled Item No. 10 for discussion.

Mayor Timberlake requested a motion to approve the Consent Agenda Items with the exception of Item Nos. 1, 8 and 10.

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.

Consent Agenda Item No. 1 – Vice Mayor Butler advised of a scrivener’s error in the motion for Supplemental Agenda Item No. 2. The motion listed Council Member Lewis as both making and seconding the motion. Mayor Timberlake requested the minutes be held for approval until corrections were made.

Consent Agenda Item No. 8 – In response to Mayor Timberlake’s inquiry, Mr. Null advised that the proposed vendor was capable of delivering the services for \$200,000 less than the other vendor and gave a brief update on the bid specifications of the project and the submitted costs for the Additive Alternate No. 1.

Consent Agenda Item No. 10 – Mr. Null advised that Staff wanted to have the flexibility to keep the claw truck due to recent events. They would run in rotation. This request would increase the cost by \$18,000.

Mayor Timberlake requested a motion to approve Item Nos. 8 and 10.

A MOTION 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. **Approval of Consents and Waivers to Release Vero Beach from FMPA Power Project Contracts. *Jacob Williams – CEO – FMPA***

Discussion ensued with the City Council regarding approval of Consents and Waivers to Release Vero Beach from FMPA Power Project Contracts as presented by Jacob Williams, CEO of FMPA, who advised that this was an information item only. No action by the City Council was being requested. Mayor Timberlake also recognized Bob Page and Laura Moss, Mayor of Vero Beach.

Mr. Williams provided the following overview via PowerPoint:

- Vero Beach wants to sell its electric utility to Florida Power & Light
- Vero Beach receives 51 MW of power from three FMPA power Projects
 - St. Lucie, Stanton and Stanton II projects
- Vero Beach is asking to have FMPA's All-Requirements Project (ARP) assume Vero Beach's entitlements in the three FMPA Projects
- Vero Beach will pay ARP \$108 million to:
 - Pay for higher cost power from the Projects that ARP does not need
 - Protect ARP cities for taking on additional Projects and end-of-life risks
- FMPA's contracts require consents and waivers from your city and others to release Vero Beach from FMPA agreements
- Goal to have ARP and Project Participant Cities approve by December 2017

In addition, Vero Beach's request needs the approval of the 19 member cities: Alachua, Bushnell, Clewiston, Fort Meade, Fort Pierce, Green Cove Springs, Havana, Homestead, Jacksonville Beach, Keys Energy, Kissimmee, Lake Worth, Leesburg, Moore Haven, New Smyrna Beach, Newberry, Ocala, St. Cloud, and Starke.

The proposed Resolution details Consents and Waivers necessary to release Vero Beach including:

- Consent to terminate contracts with Vero Beach
- Consent to assign Vero Beach's rights and obligations to FMPA's All Requirements Project (ARP)
- Consent to release Vero Beach from any contingent liabilities
- Waive your city's rights to these contract amendments

Mr. Williams assured the City Council that the rates of any individual member, including Green Cove Springs, will not be higher as a result of Vero Beach selling the utility and getting out. FMPA will take part of the money to keep the rates in the first few years as they would have been, will take the rest of the money and pay off ARP bonds, of which the City is a participant, so that the City's exposure is lowered for long term bonds exposure and interest rate payments that are being made.

Clerk's Note – For additional information, please refer to the Agenda Item for the complete PowerPoint document.

The following concerns were addressed and discussed by the City Council:

- Keeping rates where they should be by paying down operating expense;
- How much money will be kept in reserve?;
- Most of the money will be used to pay down debt;
- Vero Beach does not buy any power from ARP; zero impact to the ARP rates; and
- Documents should be ready for review by Counsel by October 23rd in order to present an Agenda item on the December 5th Agenda.

Mr. Williams gave a brief update on the power outages sustained across the State from Hurricane Irma and how well the power companies worked together to restore power.

2. FMPA Report – September 2017. *Bob Page*

Discussion ensued with the City Council regarding the FMPA Report as presented by Mr. Page. Mr. Page presented a plaque to the City Council for the "Restoring Communities Award" from FMEA in relation to Hurricane Matthew. Mr. Page reviewed a map showing the rate of restoration of power by area across the State and cautioned everyone about the "widow makers" or broken tree limbs still hanging in the trees. He commended the City crews, Hooper Corporation, and the electric crews from Troy and Evergreen, Alabama for the great job of restoring the power so quickly considering the extensive damage incurred by the City's massive tree canopy. Mayor Timberlake concurred.

3. Presentation of the Clay Theatre Vision by Elaine Smith, Founder and Artistic Director for Clamour Theatre Company. *Elaine Smith*

Ms. Smith gave a presentation on her vision for the future of the Clay Theater.

4. First reading as to form only of Ordinance No. O-07-2017, an Ordinance which allows the conditional sale, 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 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, ALLOWING THE SALE, 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.

Under discussion with the City Council and as requested by the City Manager, it was agreed that the word “Sale” would be removed from the Ordinance title. The City Attorney concurred advising that the City Council would have total control over the conditions for each event and could deny any request.

Mr. Arnold further advised of changes he would recommend be made to the language in the Ordinance:

- Section 50-121 – Moving subsection (7) up to subsection (3) to be included in the signage;
- Section 50-121 – Add “a copy” furnished to the City;
- Section 46-4 – Subsection (d) – change “beer and wine” to “alcoholic beverages”

From a law enforcement perspective, Chief Asdot also concurred with the removal of the word “sale”.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO APPROVE ORDINANCE NO. O-07-2017 AS TO FORM ONLY ON FIRST READING WITH THE CHANGES THAT THE CITY ATTORNEY HAS RECOMMENDED AND DROPPING IN THE ORDINANCE ITSELF AND FURTHER REFERENCE TO THE “SALE” OF BEVERAGE BE TAKEN OUT OF THE LANGUAGE. 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.

S.A.C.B.1. City Council direction for emergency procurement for debris removal due to Hurricane Irma. *Danielle J. Judd*

Discussion ensued with the City Council regarding emergency procurement for debris removal due to Hurricane Irma as presented by Ms. Judd and Mr. Null.

Council Member Royal expressed his support of the City Manager’s request.

AN EMERGENCY MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO EMPOWER THE CITY MANAGER TO TAKE EVERY EFFORT POSSIBLE TO EXPEDITE THE CLEANING UP OF THE CITY STREETS, THE DEBRIS THAT'S LEFT, WHETHER BY PUBLIC OR PRIVATE ENTITIES, AND THAT WE WAIVE THE PROCUREMENT AND SHE WILL USE HER GOOD JUDGMENT TO GET THIS DONE EXPEDITIOUSLY AT THE BEST PRICE POSSIBLE. 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 Member Royal suggested putting a notice on the City website.

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

a. Executive Summary Reports – August 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.

6. City Council Reports and/or Correspondence.

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

Mr. Null gave a brief update on the power outages from the previous weekend caused by a falling tree limb combined with human error and a blown insulator and the institution of new policies and procedures to assist the electric crews. Council Member Royal requested a monthly or quarterly project update report. Ms. Judd urged the City Council to strongly consider more substantial tree trimming for the north end (C.R. 209) and felt this area was a candidate for underground utilities due to the immense tree canopy. Council Member Royal gave his full support to the City Manager when it comes to being proactive regarding the prevention of power outages.

The City Council expressed their support of the City Manager in light of the recent derogatory Letter to the Editor article written by Mr. Swanson in the Clay Today.

Mayor Timberlake recognized Joe Sobotta, 212 North Street, who expressed his appreciation to Pat Garlinghouse for how well she maintained the River Park Inn.

The Employee Appreciation Luncheon has been scheduled for Wednesday, November 8th.

Mayor Timberlake noted he had responded individually to each e-mail regarding a “Letter to the Editor” explaining this was an opinion piece because it was not factual. In addition, he identified some of the factual errors that Mr. Swanson had chosen to make or leave out of his letter. On a positive note, he had received a reply from an individual who acknowledged they should have been more sensitive and realized it could have been fake news because it did not appear to be right. He had reached out to the Editorial Staff to express his displeasure and the way they handled the situation. He believed the Clay Today had done a disservice to the City considering when the City had supported their fundraising efforts and advertising in the paper. At a very minimum, he had requested that they give the City the opportunity to rebut it in a side-by-side article should they choose to publish trash like that in the future.

He requested an update from Chief Asdot on the extent of opioids and the use in our area.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 10:03 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake, Jr., Mayor

Attest:

Julia W. Clevinger, City Clerk