

**MINUTES OF THE AUGUST 29, 2017 SPECIAL SESSION
GREEN COVE SPRINGS CITY COUNCIL**

Call to Order

A duly called Special Session of the Green Cove Springs City Council was called to order Tuesday, August 29, 2017, at 9:00 a.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 R. Kelley
Pamela J. Lewis
B. Van Royal
Roy M. Timberlake, Jr., Mayor

COUNCIL MEMBERS ABSENT:

Constance W. Butler, Vice Mayor

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Derek Asdot, Acting Chief of Police
John Cioffi, Building Official
Julia W. Clevinger, City Clerk
Glee Glisson, Pool Manager
Marlena Guthrie, Finance Director
Janis Fleet, Development Services Director
Danielle J. Judd, City Manager
Mike Null, Asst. City Mgr. / Public Works Dir.
Kimberly Thomas, Exec. Asst. to the City Mgr.
Steve Thomas, Field Supervisor
Mike Worley, Field Supervisor

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

There were none.

CONSENT AGENDA

- 1. City Council authorization to terminate contract with Sand Endeavors, Inc. for Right of Way Maintenance Services.**
- 2. City Council approval of a Department of Environmental Protection (DEP) Grant Award Agreement for Historic Spring Park Pool Capital Project – Change Order No. 1 – Appointing another DEP Grant Manager.**

Mayor Timberlake pulled Consent Agenda Item No. 1 for discussion

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE CONSENT AGENDA ITEM 2 AS LISTED ABOVE. 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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Consent Agenda Item No. 1 – In response to Mayor Timberlake’s inquiry, Mr. Thomas explained that the contractor had only completed $\frac{3}{4}$ of the last cycle of work and, therefore, had only been paid for that portion. Mr. Thomas noted they had promised to finish the last $\frac{1}{4}$ but he had not seen anyone yet, but had been advised they would be here to finish so they would be paid. Ms. Judd advised she wanted to declare the contractor in default and open a dialog with the second bidder. This was a critical issue especially due to the hurricane season.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO AGREE TO TERMINATE THE CONTRACT IMMEDIATELY.

According to Mr. Null, the new contractor had bid at \$82,000 and the second bidder had come in at \$100,000. However, he was advised the contractor could not hold the price bid four (4) months ago due to worker’s compensation cost increases. The contractor had come back with a price of \$123,000 which could be held for three (3) years. Mr. Null advised he would speak with the second contractor regarding the increase in pricing; however, he believed it was essential that the second contractor come in as soon as possible even if on an interim basis. Staff would discuss the availability of the second contractor such that the City may have to re-bid for the services. Ms. Judd recounted, based on this new information, that the motion include the City Council’s approval to waive the purchasing policies declaring an urgent need due to health, safety, and welfare, and allow staff to begin a dialogue with the second bidder. Staff would present a new contract at a future meeting. According to Ms. Judd, Staff would request the second contractor to come in and complete the immediate needs which would be well within her authority as City Manager. In turn, and assuming there was not a 25% increase, discussions would be held and a contract presented for City Council approval. If discussions were unsuccessful, the City would have to go out for bid again.

Mayor Timberlake requested Council Member Royal to modify his motion to incorporate that the City Manager said it would be to terminate the contract and allow them to go out to negotiations with the second contractor and talk to them about picking up work on Monday. Council Member Royal agreed.

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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Ms. Judd clarified that the City was declaring Sand Endeavors in default, the City Council was waiving the purchasing policies, and Staff would begin dialogue with the second bidder immediately.

COUNCIL BUSINESS

1. **Spring Park Pool Hours of Operation through September 30, 2017. *Danielle J. Judd, Glee Glisson***

Discussion ensued with the City Council regarding Spring Park Pool hours of operation through September 30, 2017 as presented by Ms. Judd and Ms. Glisson. Staff had no success recruiting staff past August 15th and, in addition, past September 30th. Ms. Glisson did not believe they had the manpower to keep the pool open six (6) days a week. According to Ms. Glisson, the Splash Pad was utilized more during the week. She had lifeguards committed to the weekends; however, with school back in session, they were now involved with school sports and no longer available to work during the week. She was recommending the modified schedule as presented to the City Council with September 30th being the last day. The Splash Pad would remain open daily unsupervised.

Under further discussion, it was noted that Staff had tried multiple avenues in an attempt to recruit lifeguards for the weekends after September 30th, the cost of certification, and rates of pay. Council Member Royal declared if he had known that the pool would only be open for four (4) months out of the year, he would not have pushed so hard to the reconstruction. He strongly believed that this was more than just a swimming pool; it was the heart of the City and people would come here throughout the year. He also suggested raising the pay rate to \$15 per hour for the off season and shortened weekend schedule.

Mayor Timberlake questioned at what level of participation did the City say it was not appropriate. Noting a schedule of lifeguards had to be produced, he believed it was inappropriate to schedule multiple lifeguards when there may only be five (5) people at the pool. Ms. Glisson had an Assistant Pool Manager lined up for the weekdays, but he was not a certified lifeguard. No matter the cost, Council Member Royal felt it added value to the City for the public to see the pool open. He also suggested adding a "Polar Plunge" event on January 2nd and then re-open in April.

Ms. Judd acknowledged the City Council's wishes to keep the pool open past Labor Day. However, she requested that two (2) motions be made and include (1) agree to the abbreviated hours beginning the day after Labor Day which included a reduction of three (3) hours on Wednesdays and Fridays, and (2) discussion could be held regarding October 1st and beyond. Council Member Kelley added reducing the hours on Tuesdays and Thursdays would create consistency during the week and alleviate confusion and that the Asst. Pool Manager should be certified as well.

Ms. Judd clarified the nature of the two (2) motions would be (1) for hours of operations from September 5th through September 30th to be 2:00 p.m. to 7:00 pm. daily, and (2) for the City Manager to continue to work on a schedule for October and November at a schedule of 2:00 p.m. to 7:00 pm. with the Splash Pad open daily. Mayor Timberlake confirmed that Council Member Royal was comfortable with the motion as stated the City Manager.

COUNCIL MEMBER ROYAL AGREED [AS STATED ABOVE]. 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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Discussion continued regarding hours of operation from 11:00 a.m. or 12:00 noon to 5:00 p.m. (weekends only) for October and November at \$15.00 per hour. In response to Mayor Timberlake's inquiry, Ms. Judd recounted State Statute and advised she would reach out to the Department of Health for guidance regarding capacity rules and lifeguard requirement levels. Mr. Arnold concurred but recounted that he could not find anyone to confirm that lifeguards were required. Having proper signage would protect the City's liability. Mayor Timberlake noted that there were many pools that have "swim at your risk" signage.

Acknowledging the City Council's desire to see the pool open on a year-round basis, Mayor Timberlake pointed out that the City Council would have to step up and fund two (2) fulltime people to run the pool 12 months a year. He affirmed the issues with finding employees to run it on a shoestring budget and created pressure on Staff.

Per Ms. Judd's notes, she recalled the motion would include the hours of operation for October and November would be 11:00 a.m. to 4:00 p.m. only on weekends and the Splash Pad stays the same hours. According to the directions of the City Council, and as City Manager, she emphasized she had instructed Ms. Glisson that she does not close the pool or take any money regardless of whether there are no people in the pool or there are and there are no lifeguards. Mayor Timberlake countered that it was the responsibility of the City Council to set the policy to be followed. Mayor Lewis felt that, for health and safety reasons, a sign notifying the public that the pool was temporarily closed due to no lifeguard being on duty was needed. Council Member Royal countered that as a policy, if there was no lifeguard, the pool was closed. In contrast, he suggested that people be allowed in but not in the pool until a lifeguard arrived.

Ms. Judd clarified the motion again such that from October 1 forward through November 30, we are to do 11-4 on weekends only, to allow access to the pool deck but not into the pool if there is no lifeguard present, and if that is an hour or the entire shift, then so be it. People were welcome to use the Splash Pad. Administratively, she would treat the pool deck like the Splash Pad and not charge an entrance fee.

COUNCIL MEMBER LEWIS AGREED [AS STATED ABOVE]. 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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Mr. Arnold advised the City Council regarding Core Construction and requested authorization, as an emergency measure, to put their Surety on notice and declare the contractor in default. According to Mr. Null, there was approximately \$210,000 in work that had not been completed. Mr. Arnold confirmed for the Mayor that there was no conflict of interest on his part. Mayor Timberlake asked that the emergency motion include the language to instruct the City Attorney to aggressively go after liquidated damages now and not later. There were various subcontractors that had not been paid. Mr. Arnold noted they were protected by the same bond and would be paid under that bond. Mr. Null noted that only partial lien releases had been submitted to the City upon partial payments made to the contractor.

Mayor Timberlake asked for an emergency motion to execute the surety.

AN EMERGENCY MOTION WAS SO MADE BY COUNCIL MEMBER. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.

In reply to Council Member Royal's inquiry, Mr. Arnold stated he would look into whether or not the surety would cover the City's legal fees.

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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

A break was taken at 10:23 a.m. and reconvened at 10:34 a.m. with all Council Members and City Staff present.

2. City Council review of the General Fund Operating Budget (Expenditures) and CIP:
Danielle J. Judd, Marlena Guthrie

A. General Fund Expenditures

- 1. Development Services** – No changes were made.
- 2. Code Enforcement** – No changes were made.
- 3. Public Works / Streets** – No changes were made.

Brick streets and the required maintenance was discussed. Mayor Timberlake suggested bringing this item back with more details on the October 17th Special Session as part of the Vision Plan. Mayor Timberlake urged the City Council to proceed with the “Decade of Progress” plan and get the list of projects moving and completed.

Mr. Null presented his concept to combine and replace the Capital Projects Manager position into an Assistant Public Works Director position. He advised that the City had received 44 applications, interviewed 15, but had been unsuccessful in the recruitment for the salary listed. He noted that there were currently five (5) positions that reported directly to him: Asst. Water Utilities Director, Two (2) Public Works Field Supervisors, Network Administrator, the Capital Projects Director would be a direct report, and he was still very involved with the Electric Department. By creating the Assistant Public Works Director position, the Field Supervisors would report to this person, and they would also be responsible for handling the General Fund projects. As a result, he believed this would free up some time and allow him more time for administrative duties as this position would report directly him as the Assistant City Manager / Public Works Director. Ms. Judd and the City Council concurred. Mayor Timberlake requested a motion to accept the recommendation for an Assistant Public Works Director as opposed to a Capital Projects Manager.

A MOTION WAS SO MADE BY COUNCIL MEMBER LEWIS. 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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

4. Right-of-Way Maintenance – No changes were made.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO INCREASE THE CONTRACTUAL SERVICES AMOUNT FROM \$119,000 TO \$125,000. 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, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

A lunch break was taken from 11:43 a.m. and reconvened at 12:18 p.m. with all Council Members and City Staff present.

5. Equipment Maintenance – No changes were made.

3. City Council – Communications Coordinator Position. *City Council*

Mayor Timberlake advised he was in favor of this position. However, he suggested leaving the \$45,000 in the budget as is, plus the \$5,000 for materials as noted by the City Manager, and coming back at a later meeting to further discuss the specific definition of the position.

Ms. Judd reiterated this position was not considered as a Special Events Planner. The City Council concurred.

4. City Council review of the Electric, Stormwater, Solid Waste, Wastewater, Reclaimed Water, Water, Customer Service, Building, Law Enforcement Trust, and Debt Service Funds (Revenues and Expenditures) and CIP. *Marlena Guthrie, Danielle J. Judd*

Ms. Judd recounted and reviewed a funding request received from the Way Clinic. Upon further discussion, the Mayor preferred to wait and see what happened regarding the operations of the Clinic. Council Member Lewis believed they needed more information. Council Member Kelley concurred. Her recommendation as City Manager was not from a monetary standpoint, but because it was not a primary mission of the City. She was also cautious about providing funding to an organization that the City was not sure where they were going.

Ms. Judd reviewed the electric revenue bond issue she was proposing. Upon further discussion, Mayor Timberlake requested that Staff prioritize the list of projects and bring back on a future Agenda.

Ms. Guthrie reviewed the City's cash flow and lack of reimbursement from FEMA for Hurricane Matthew noting she did not expect to receive any reimbursements of almost \$1 million before September 30th that has been expended for other projects. This would force the City's Fiscal Policy to be violated regarding the 30-day reserve requirement of \$450,000. Mr. Null noted that all FEMA funds were now being redirected to Texas due to Hurricane Harvey. Ms. Guthrie urged caution in expenditures on projects. Ms. Judd advised that the City Council could go ahead and appropriate the funds to the CIP but hold off on the projects. She urged the City Council to keep moving forward on the Public Works Compound project.

Ms. Judd advised she had been approached about memorial benches in the Parks. She would work with Staff to develop a prototype and costs including Staff time. However, she did not recommend this as something the City should pay for but would identify locations. Council Member Royal would like to see swings included as an option.

Ms. Judd reminded the City Council of the Soul Food Masquerade Ball on Saturday.

Ms. Judd thanked the City Council for their patience and time spent for the budget meetings. Mayor Timberlake reciprocated his appreciation to the City Staff for the preparation of the budget.

Mr. Arnold noted Ms. Thomas had also passed out copies of the Florida Administrative Code regarding swimming pools for Council's information.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 1:10 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake, Jr., Mayor

Attest:

Julia W. Clevinger, City Clerk

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