

**MINUTES OF THE AUGUST 1, 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, August 1, 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 Felecia Hampshire 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
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.

PUBLIC HEARINGS

- 1. Public Hearing on an appeal of the decision of the Planning and Zoning Board for a Special Exception to allow an Accessory Structure over 12 ft. in height for the property located at 611 Myrtle Avenue. *Janis Fleet***

Mayor Timberlake opened the Public Hearing. Discussion ensued with the City Council regarding an appeal of the decision by the Planning and Zoning Board to approve the accessory structure over 12 feet in height as presented by Ms. Fleet. Mr. Arnold reviewed the City Code referencing appeals.

Mayor Timberlake recognized the applicant, Bruce Wilde, 612 Myrtle Avenue, for comments. Mr. Wilde explained that he was not appealing the decision of the P & Z Board; however, he was requesting clarification. Based on the Board's options and approval, he questioned the minimum height of the brick column and brick band required to be in compliance.

Mayor Timberlake recognized the following for comments:

1. Edward Gaw, P & Z Board Member, 1 Elmore Street, Green Cove Springs, who reviewed the proceedings and discussions at the P & Z Board meeting.
2. Bob Lewis, P & Z Board Member, 203 North Street, Green Cove Springs, who reviewed the proceedings and discussions at the P & Z Board meeting.

There being no further comments, Mayor Timberlake closed the Public Hearing.

In response to Council Member Royal's inquiry, Ms. Fleet advised that the applicant was advised that the Code required the detached building be compatible to the primary structure.

Council Member Lewis stated she had met with Mr. Wilde and found several examples online. She expressed her beliefs that the building should be compatible with the neighborhood.

Council Member Kelley agreed that the design elements of the brick should be tied in architecturally to the main structure.

Under further discussion, Ms. Fleet advised that because Mr. Wilde did not submit any specific designs, the Board had tried to give him some options and flexibility that would be acceptable. Mr. Arnold advised that the motion of the Council would be to sustain the Board's decision and allow the Development Services Director to follow through with the applicant. Ms. Judd concurred with the Mayor and Mr. Arnold that the Code was ambiguous regarding the definition of structural compatibility.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT THE RULING OF THE P & Z BOARD KNOWING THAT THEY WILL WORK IT OUT (DEVELOPMENT SERVICES AND THE APPLICANT). THE MOTION WAS SECONDED BY VICE MAYOR BUTLER.

Under discussion of the motion, Ms. Judd stated that, as City Manager, she wanted to see the final design.

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 the following for comments:

1. Mike Kelter, 630 Myrtle Avenue, Green Cove Springs, who expressed his concerns and suggestions regarding power outages over the past 15 months.
2. Russell Poole, 2 Walburg Street, Green Cove Springs, who expressed his concerns regarding power outages.
3. Susan Bonura, 103 Park Street, Green Cove Springs, who inquired about installation of electric meters and expressed her concerns regarding low voltage issues and power outages at her home. Ms. Judd suggested a meeting at her home at her convenience.
4. Felecia Hampshire, 508 Franklin Street, Green Cove Springs, who gave an update on the Masquerade Ball to be held on September 2, 2017 as a fundraiser benefitting the Lupus Foundation and the Soul Food Festival to be held on October 7, 2017.

CONSENT AGENDA

1. **City Council approval of the Minutes of the Regular Session on June 20, 2017.**
2. **City Council approval to declare items listed on Exhibit "A" (Misc.) as surplus and to dispose of accordingly.**
3. **City Council approval of the 29th Annual Memorial Day RiverFest After Action Report.**
4. **City Council approval of Amendment No. 1 to the Professional Engineering Services Agreements for Water, Wastewater, Drainage, Stormwater, Roadway, and Parks with Applied Technology & Management, Inc., CHW, CPH, Inc., GAI Consultants, Inc. Matthews Design, Mittauer & Associates, Inc. and Wantman Group, Inc. in response to RFQ # 01-16-02 effective August 2, 2017 through August 1, 2018.**
5. **City Council approval of a Professional Engineering Services Agreement with Mittauer & Associates for Design, Engineering and Geotechnical work for the replacement of a water main under U.S. 17 & S.R. 16 East in the not-to-exceed amount of \$37,500.**
6. **City Council approval to execute the CSX Facility Encroachment Agreement for installation of the North Grid Reclaimed Water Main under the CSX railway.**
7. **City Council approval of SRF Loan # 100401 Disbursement #4 and Mittauer & Associates Invoices # 17160 in the amount of \$36,500.00.**
8. **City Council approval of a Professional Engineering Services Agreement with Mittauer & Associates for design, engineering, permitting and project management for a water utility interconnect between the Clay County Utility Authority and the City to supplement the water supply to Magnolia Point in the not-to-exceed amount of \$18,000.**
9. **City Council Approval of Clay County Utility Authority (CCUA) Interconnection Agreement for Magnolia Point.**
10. **City Council approval of a Consent and Joinder to Developer's Agreement between the City, Tim Simpson, and Stephen D. Chastain, Et. Al.**

11. City Council approval of Agreement for Swimming School between the City and Stroke Doctor Aquatic Foundation, Inc., a Florida Not For Profit Corporation (“Stroke Doctor”), to provide swimming lessons in the City pool for 3-4 year old children.

Vice Mayor Butler pulled Consent Agenda Item Nos. 3 and 9 for discussion. City Attorney Arnold pulled Consent Agenda Item No. 10 for discussion.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE CONSENT AGENDA ITEMS 1, 2, 4, 5, 6, 7, 8, AND 11 AS LISTED ABOVE. 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.

Consent Agenda Item No. 3 – Vice Mayor Butler suggested that a tent with a mist sprayer be used for the 2018 Memorial Day RiverFest due to the heat. Ms. Thomas advised that Staff was already researching this for next year.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE CONSENT AGENDA ITEM 3 AS LISTED 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, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Consent Agenda Item No. 9 – In response to Vice Mayor Butler’s inquiry, Ms. Judd advised that the Agreement was driven by water level fluctuations and mainly impacted by irrigation. This was a temporary measure as new infrastructure was needed in the back portion of the Magnolia Point subdivision. Mr. Null explained that the system, a valve, would be automatic.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE CONSENT AGENDA ITEM 9 AS LISTED 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, CONSTANCE W. BUTLER, AND ROY M. TIMBERLAKE, JR., MAYOR. NAYS – NONE.

Consent Agenda Item No. 10 – Mr. Arnold advised that a second buyer mentioned in the Staff Report, Energy Cove LLC, had purchased the 2nd acre from Mr. Simpson. He would be preparing an additional Consent and Joinder to Developer’s Agreement. He requested the City Council’s approval for the additional Agreement.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE CONSENT AGENDA ITEM 10 AS LISTED ABOVE WITH THE ADDITIONAL CONSENT AND JOINDER TO DEVELOPER'S AGREEMENT FOR ENERGY COVE LLC. 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.

COUNCIL BUSINESS

1. FMPA Report – June and July 2017. *Bob Page*

Discussion ensued with the City Council regarding the FMPA Report as presented by Mr. Page. In addition, Mr. Page replied to previous comments by Mr. Kelter noting that the peak load times were 4:00 p.m. to 6:00 p.m. and 6:00 a.m. to 8:00 a.m. If customers were to water outside of these times, the load factor would be reduced.

Mr. Page requested the City Council's direction regarding the FMPA allowing TECO to become a member of the municipal power pool. TECO was not a municipal power entity and he believed it would have potential ramifications of costs for how that is operated. He saw no advantage to the power pool or the organization to taking that risk and possibly having some grandfathered issues in place that get surfaced with the controlling entities in Washington. He recommended the City voting no on this issue.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO DIRECT MR. PAGE TO NOT SUPPORT THE POOL. 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.

2. City Council approval of a purchase order to Atlantic Coast Asphalt Company in the amount of \$427,218.03 for the FY 2017 asphalt overlay Capital Improvement Project. *Mike Null*

Discussion ensued with the City Council regarding approval of a purchase order to Atlantic Coast Asphalt Company in the amount of \$427,218.03 for the FY 2017 Asphalt Overlay Capital Improvement Project as presented by Mr. Null. He added that Oakridge Avenue would be milled and resurfaced versus just an overlay. In reference to Council Member Royal's comment, he noted that Walnut Street was on the CIP and would be addressed when the final streetscape was decided by the Council.

A MOTION WAS MADE BY VICE MAYOR BUTLER TO APPROVE A PURCHASE ORDER TO ATLANTIC COAST ASPHALT COMPANY IN THE AMOUNT OF \$427,218.03, PIGGYBACKING ON CLAY COUNTY BOARD OF COUNTY COMMISSIONERS BID NUMBER 017-010609 FOR THE FY 2017 ASPHALT OVERLAY CAPITAL IMPROVEMENT PROJECT. 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.

3. City Council decision on whether to allow Medical Marijuana Treatment Center Dispensing Facilities (“MMTCs”) in the City, and, if so, under what conditions. *L. J. Arnold, III*

Discussion ensued with the City Council regarding direction from the City Council on whether to allow Medical Marijuana Treatment Center Dispensing Facilities (“MMTCs”) in the City, and, if so, under what conditions as presented by Mr. Arnold.

Comments from the City Council included:

- opposition to and ban of dispensaries in the City;
- the formula for deciding on how many would be allowed per County;
- reticent to banning but making the Code as restrictive as possible;
- extend the moratorium to see what happens at the State level;
- possible locations in the C-2 District, Gateway Corridor, and grocery/drug stores;
- upset at the lack of Home Rule by the Legislature.

Mayor Timberlake recognized the following for comments:

1. Edward Gaw, 1 Elmore Street, Green Cove Springs, who stated he had attended the Town of Orange Park’s P & Z Board meeting and reported the Town had canvassed the voter statistics noting 68% had voted for it. This had put a framework around their discussion and resulted in an affirmative vote by the Board.
2. Henrietta Francis, 2439 Bonny Lakes Drive, Green Cove Springs, who thought that a representative from the Department of Health in Tallahassee should schedule a workshop on the facts for the City.
3. Bob Page, 1862 Colonial Drive, Green Cove Springs, who encouraged the Council extend the moratorium as long as possible and allow others to be the leaders and figure out the guide posts and sign places. This would allow the City to make transactions with more information. He believed any economic advantage would be in more populous areas.

After further discussion, and under the advice of the City Attorney, the City Council agreed to extending the current moratorium under Ordinance No. O-06-2017 for an additional six (6) months, or May 15, 2018. This would allow the City sufficient time to see what the State would do regarding MMTCs. Mr. Arnold would bring forth a new Ordinance at the next City Council meeting.

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO EXTEND THE MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES FOR AN ADDITIONAL SIX MONTHS SO WE CAN DECIDE WHAT EXACTLY WE NEED TO DO FOR OUR CITY. THE MOTION WAS SECONDED BY COUNCIL MEMBER KELLEY.

Mr. Arnold clarified that approval of this motion would be directing City Staff to bring back an ordinance extending the current moratorium ordinance for an additional six (6) months. Ms. Judd pointed out that this would also be at the close of the 2018 legislative session which could be very telling. Mr. Arnold suggested that City Staff bring an update back to the City Council about 90 days out.

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. First Reading of Ordinance No. O-05-2017, an Ordinance amending City Code Section 78, Utilities, Article II, Electric Utility, Section 78-31 Definitions, General Service Non-Demand (Commercial). *Danielle J. Judd*

Mr. Arnold read the title of Ordinance No. O-05-2017 into the record as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CITY CODE “CHAPTER 78, UTILITIES, ARTICLE II, ELECTRIC UTILITY, DIVISION 1. GENERALLY,” SECTION 78-31 ENTITLED “DEFINITIONS”; MORE SPECIFICALLY, “GENERAL SERVICE NON DEMAND (COMMERCIAL)”; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

Discussion ensued with the City Council regarding Ordinance No. O-05-2017 as presented by Ms. Judd. She further confirmed that a customer must stay in the program for 12 months but confirmed for Vice Mayor Butler that they could opt out after a year. Staff would be available to analyze the usage for any customer who requested it.

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

A MOTION WAS MADE BY COUNCIL MEMBER LEWIS TO APPROVE ORDINANCE NO. O-05-2017 ON FIRST READING AS TO FORM ONLY AND SCHEDULE THE SECOND AND FINAL READING FOR AUGUST 15, 2017. 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 requested that the City Manager be sure that letters would be sent to the churches.

5. City Council approval of Resolution No. R-19-2017, a Resolution creating a Program to Benefit Green Cove Springs Utility Customers who Experience Temporary Financial Hardship. *Danielle J. Judd*

Discussion ensued with the City Council regarding approval of Resolution No. R-19-2017 (see attachment marked Exhibit “A”), a Resolution creating a program to benefit Green Cove Springs Utility customers who experience temporary financial hardship and nearing service disruption for non-payment as presented by Ms. Judd. This Resolution created such a program and would allow Green Cove Springs utility customers to round up their utility bill and have these monies accumulate and placed into a Fund created for this very purpose. Ms. Judd contended that City Staff would not be administering this program as she felt it may create a conflict with the “intake” process. It would have to come from an outside entity such as one of the churches that has the capacity to handle the program. She had spoken with Pastor Franklin at Hickory Grove Baptist Church who was looking into whether or not they would be able to administer the program. Council Member Royal suggested asking the Food Pantry if they would be interested. It was imperative that conflicts be avoided with the program. Ms. Judd further clarified that this Resolution was only to allow the City to set up the program and the utility customers to start rounding up their bills.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO APPROVE RESOLUTION NO. R-19-2017, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS FLORIDA, CREATING A PROGRAM TO BENEFIT GREEN COVE SPRINGS UTILITY CUSTOMERS WHO EXPERIENCE TEMPORARY FINANCIAL HARDSHIP AND SETTING AN EFFECTIVE DATE. 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.

S.A.1. City Council approval to expend approximately \$75,000 for emergency stormwater repairs on Clay Street. *Mike Null*

Discussion ensued with the City Council regarding approval to expend approximately \$75,000 for emergency stormwater repairs on Clay Street as presented by Mr. Null. Mr. Null advised that one quote had been received from a local contractor who had a standing bid, which would prevent the City from going out to formal bid, of \$65,000 for labor and equipment. This would raise the total cost to \$90,000 if the City provided the materials and asphalt.

A MOTION WAS MADE BY COUNCIL MEMBER ROYAL TO ACCEPT THE AGENDA ITEM FOR REPAIRS GOING UP TO \$90,000 AND IF MIKE CAN FIND A STANDING BID THAT CAN REDUCE THAT, THEN AUTHORIZE HIM TO DO SO. THE MOTION WAS SECONDED BY VICE MAYOR 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.

6. 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.

7. City Council Reports and/or Correspondence.

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

In addition, Council Member Royal requested an updated Electric Outage Report from the City Manager. He expressed his concerns regarding the upcoming asphalt overlay of Oakridge Avenue and the opening and increased truck traffic from the asphalt company on C.R. 15 / Oakridge Avenue. He also noted that he would be looking for another location with better accommodations for the Mexican Consulate's event next year.

Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 9:15 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Roy M. Timberlake, Jr., Mayor

Attest:

Julia W. Clevinger, City Clerk