

**MINUTES OF THE MAY 17, 2016 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, May 17, 2016, 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 Mayor Royal followed by the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

COUNCIL MEMBERS PRESENT:

Constance W. Butler,
Council Member Elect
C. Felecia Hampshire
Roy M. Timberlake, Jr.
Steven Kelley
Pamela J. Lewis, Vice Mayor
B. Van Royal, Mayor

STAFF MEMBERS PRESENT:

L. J. Arnold, III, City Attorney
Julia W. Clevinger, City Clerk
Janis Fleet, Development Services Director
Marlena Guthrie, Finance Director
Cynthia Hunter, Personnel Director
Danielle J. Judd, City Manager
Robert Musco, Chief of Police

STAFF MEMBERS ABSENT:

Mike Null, Asst. City Mgr. / Public Works Dir.

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

Mayor Royal recognized William Brown, 1993 Colonial Drive, Green Cove Springs, who expressed his concerns regarding people trespassing into Magnolia Point from the construction area of Magnolia West, the lack of fencing between the Magnolia Point subdivision and the new construction in the Magnolia West subdivision, and what he believed to be the raising of the level of the land by the developer which he believed could cause possible flooding issues into Magnolia Point.

Mayor Royal recognized Eileen Brown, 1993 Colonial Drive, Green Cove Springs, who expressed her concerns regarding the lack of fencing between the Magnolia Point subdivision and the new construction in the Magnolia West subdivision and the winds blowing dirt over into Magnolia Point due to the removal of the trees.

Janis Fleet, Development Services Director, advised that she had contacted the Site Contractor regarding these concerns and would speak to the Site Contractor and Developer to expedite the erection of a fence.

At the request of the City Manager, Mayor Royal recognized Chris Eversole, Communications Coordinator, who advised the City Council on the progress of the video interviews.

AWARDS AND RECOGNITION

A MOTION WAS MADE BY COUNCIL MEMBER HAMPSHIRE TO APPROVE THE PROCLAMATIONS FOR MILITARY SERVICE DAY, NATIONAL SAFE BOATING WEEK, AND NATIONAL POLICE WEEK. 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 C. FELECIA HAMPSHIRE, STEVEN R. KELLEY, ROY M. TIMBERLAKE, JR., PAMELA J. LEWIS, AND MAYOR B. VAN ROYAL. NAYS – NONE.

Proclamation – “National Safe Boating Week” (see Supplemental Agenda Item No. 1)

Vice Mayor Lewis 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, and Kathleen Fisk, who thanked the Council for the recognition.

Proclamation – “Military Service Day”

Council Member Hampshire invited anyone in the audience who was in the military or had served in the military to come forward. She read the Proclamation into the record (see attachment marked Exhibit “B”) and presented it to Kimberly Thomas, the coordinator for the Memorial Day RiverFest, who thanked the Council for the recognition.

Proclamation – “National Police Week” (see Supplemental Agenda Item No. 2)

Mayor Royal invited anyone in the audience who was a Law Enforcement Officer or Peace Officer to come forward. He read the Proclamation into the record (see attachment marked Exhibit “C”) and presented it to Chief Musco who thanked the Council for the recognition.

Recognition – Ann Schulte – Human Resources Director

Mayor Royal and the City Council recognized Ann Schulte. Mrs. Schulte is the new Human Resources Director.

Recognition – Theron Colbert, P.E., Electric Utilities Director

Mayor Royal and the City Council recognized Theron Colbert. Mr. Colbert is the new Electric Utilities Director.

REORGANIZATION

1. **Swearing-in ceremony for three (3) year terms of office for Constance W. Butler, Seat 3, B. Van Royal, Seat 4, and Steven R. Kelley, Seat 5. Honorable Gary L. Wilkinson, Clay County Circuit Court Judge**

Mr. Arnold introduced Honorable Gary L. Wilkinson, Clay County Circuit Court Judge, for the swearing-in ceremonies.

Judge Wilkinson led B. Van Royal, Seat 4, in the Oath of Office (see attachment marked Exhibit “D”). He was joined by his wife, Sandra Royal, and his granddaughter, Marleigh Royal, who held the Holy Bible while he repeated the Oath of Office. The Judge congratulated Mr. Royal as he entered his second term as Council Member for the City of Green Cove Springs.

Judge Wilkinson led Steven R. Kelley, Seat 5, in the Oath of Office (see attachment marked Exhibit "E"). He was joined by his family and his wife, Valerie Kelley, who held the Holy Bible while he repeated the Oath of Office. The Judge congratulated Mr. Kelley as he entered his first term as Council Member for the City of Green Cove Springs.

Judge Wilkinson led Constance W. Butler, Seat 3, in the Oath of Office (see attachment marked Exhibit "F"). She was joined by her family and her son, Bruce Butler, who held the Holy Bible while she repeated the Oath of Office. The Judge congratulated Mrs. Butler as she entered her first term as Council Member for the City of Green Cove Springs.

After pictures were taken, the Council and City Attorney thanked Judge Wilkinson for conducting the swearing-in ceremonies, comments from Council Member Timberlake, Council Member Hampshire, Council Member Butler were made, and the new Council Members were seated at the Dias.

2. City Council selection of a Mayor and Vice Mayor to serve from May 17, 2016 to May 16, 2017.

Mayor Royal made comments and thanked the City Council as he closed out his year as Mayor. Mayor Royal passed the gavel to Vice Mayor Lewis.

A MOTION WAS MADE BY MAYOR ROYAL TO NOMINATE PAMELA J. LEWIS TO SERVE AS MAYOR AND ROY M. TIMBERLAKE, JR. TO SERVE AS VICE MAYOR OF THE CITY OF GREEN COVE SPRINGS FROM MAY 17, 2016 TO MAY 16, 2017. 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, ROY M. TIMBERLAKE, JR., PAMELA J. LEWIS, AND MAYOR B. VAN ROYAL. NAYS – NONE.

PUBLIC HEARINGS

1. Public Hearing and approval of Resolution No. R-13-2016, a Resolution relating to the provision of Stormwater Management Services provided by the City's Stormwater Utility; Imposing Stormwater Service Assessments against real property within the City of Green Cove Springs; Approving the Stormwater Assessment Roll; and Confirming the Initial Assessment Resolution.

Mr. Arnold introduced Heather Encinosa, the City's consulting attorney with Nabors, Giblin, & Nickerson, who gave a brief overview of the proposed Resolution.

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

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-13-2016 (SEE ATTACHMENT MARKED EXHIBIT "G") [WHICH AUTHORIZES THE CITY TO COLLECT STORMWATER SERVICE ASSESSMENTS WITHIN THE ENTIRE CITY]. 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE.

2. **Public Hearing and approval of Resolution No. R-14-2016, a Resolution relating to the collection of Solid Waste and Recyclable Materials within the Magnolia West Assessment Area in the City of Green Cove Springs; Amending the Initial Assessment Resolution; Establishing the rate of assessment; Imposing Solid Waste Assessments against residential property located within the Magnolia West Assessment Area; Approving the Solid Waste Assessment Roll; and Confirming the Initial Assessment Resolution, as amended.**

Ms. Encinosa gave a brief overview of the proposed Resolution. She also noted that corrections were made to fully set out the legal description for Magnolia West CDD for properties that could be included now or in the future and it inserted the total assessment revenue estimate that was included in the notices.

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

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE RESOLUTION NO. R-14, 2016 (SEE ATTACHMENT MARKED EXHIBIT "H") AUTHORIZING THE CITY TO COLLECT SOLID WASTE SERVICE ASSESSMENTS WITHIN THE MAGNOLIA WEST SUBDIVISION. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER. THERE BEING NO FURTHER DISCUSSION, THE MOTION WAS APPROVED BY THE FOLLOWING ROLL CALL VOTE: AYES – COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE.

Mr. Arnold thanked Ms. Encinosa for her services and assistance to the City during this process.

CONSENT AGENDA

1. **City Council approval of the minutes of the Regular Session on May 3, 2016.**
2. **City Council approval of the executed Final Executed Contract with Hooper Corporation for Electric Distribution System Services.**
3. **City Council approval of a Vehicle Lease Agreement with Hooper Corporation for rolling stock covering the period of May 2, 2016 through September 30, 2020 and authorization for the Mayor to execute said Vehicle Lease Agreement on behalf of the City.**
4. **City Council approval of the submission of the Planning and Technical Assistance Grant to the DEO for an Annexation Report to prepare the required Comprehensive Plan Amendments.**
5. **City Council approval of the purchase of a 2017 Ford Escape for the Code Enforcement Officer in the amount of \$18,298.00 and declare Vehicle #501 as surplus.**
6. **City Council approval of the FY 2016 Revenues and Expenditures Report and the Quarterly Investment Report for the period ending March 31, 2016.**
7. **City Council approval to declare items listed on Exhibit "A" (Police) as surplus and to dispose of accordingly.**
8. **City Council approval of Amendment No. 4 to the Professional Services Agreement with Dr. Townsend & Associates, P.A. of St. Augustine, Florida and the Green Cove Springs Police Department for the period of June 1, 2016 through May 31, 2017 and authorization for the Mayor and City Manager to execute said Agreement on behalf of the City.**
9. **City Council approval of an MOU between the Florida Department of Highway Safety and Motor Vehicles and the Green Cove Springs Police Department setting forth requirements for use of their DAVID System and authorization for the Chief of Police to execute said Agreement on behalf of the City and transmit to the DHSMV.**
10. **City Council authorization of the submittal of a Community Oriented Policing Services (COPS) Grant Application for two (2) full-time Police Officers authorization for the Mayor, Chief of Police, and Finance Director to execute said Application and forms on behalf of the City.**

11. **City Council approval of the purchase of a 2016 Police Package Ford Interceptor Patrol Vehicle at the total cost of \$29,448.00.**
12. **City Council approval of two (2) Memorandums of Understanding (MOU) with James L. Craft, Jr. and Kevin Matthew Craft for services related to the 2016 Memorial Day RiverFest Celebration and authorization for the Mayor to execute said MOUs.**
13. **City Council approval of the renewal of the Vendor Payment Agreement for the Emergency Home Energy Assistance Program with the Council on Aging of Clay County for the period retroactive to April 1, 2016 through March 31, 2018.**
14. **City Council approval of Resolution No. R-15-2016 (see attachment marked Exhibit "I") a Resolution amending the Personnel Policies and Procedures Manual, Section 8.15(c), Vehicle Use Policy, prohibiting employees with poor driving records from operating City-owned vehicles, City-owned equipment, and/or their personal vehicles for City business and establishing the definition of a Poor Driving Record.**
- S.A. 1. **City Council acceptance of the 2015 Annual Drinking Water Quality Report.**
- S.A. 2. **Professional Services Agreement with Cypress Management and Design LLC in the amount of \$25,000 to provide Owner's Representative Services through the completion of the Historic Spring Park Pool Construction and to waive the procurement process as it is in the best interest of the City.**

Council Member Royal pulled Item No. S.A. 2 for discussion.

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE CONSENT AGENDA ITEMS 1 THROUGH 14 AND S.A. NO. 1 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE.

Item No. S.A. 2 – Council Member Royal advised he would recuse himself from the vote to avoid any appearance of possible conflicts of interest (see attached Form 8B marked Exhibit "J").

A MOTION WAS MADE BY COUNCIL MEMBER TIMBERLAKE TO APPROVE CONSENT AGENDA ITEM 2 FROM THE SUPPLEMENTAL AGENDA 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 COUNCIL MEMBERS CONSTANCE W. BUTLER, STEVEN R. KELLEY, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE. ABSTAINED - B. VAN ROYAL.

COUNCIL BUSINESS

1. **Review of a Major Special Event Application, 2016-PZ-22, for the Green Cove Dragway at Reynolds Park for events covering the period of June 1, 2016 through May 31, 2017. *Fleet / Judd***

Mayor Lewis recognized the following for comments:

Amber Underwood, 611 Oakridge Avenue, Green Cove Springs, who spoke in favor of the Application.

Joe Sobotta, 212 North Street, Green Cove Springs, who spoke in favor of the Green Cove Dragway and the Application but against what he considered to be excessive noise levels.

Larlane Stutts, 25 S. Palmetto Avenue, Green Cove Springs, who spoke in favor of the Application.

Darren Stutts, 25 S. Palmetto Avenue, Green Cove Springs, who spoke in favor of the Application.

Peter Scalzo, 1010 Worthington Avenue, Green Cove Springs, who spoke in favor of the Application. Mr. Scalzo reminded the City Council that, at their request, he had installed a wall of storage containers to address the noise complaints and had received many compliments. In addition, he agreed to pay for a Police Officer to take noise decibel levels once a month.

Richard Brinke, 4220 C.R. 15, Green Cove Springs, who spoke in favor of the Application.

Thomas Wilson, Track Manager, 3929 C.R. 315, Green Cove Springs, who spoke in favor of the Application.

Discussion ensued with the City Council regarding review of a Major Special Event Application, 2016-PZ-22, for the Green Cove Dragway at Reynolds Park for events covering the period of June 1, 2016 through May 31, 2017.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE SPECIAL EVENT APPLICATION 2016-PZ-22 FOR THE GREEN COVE DRAGWAY AS PRESENTED IN THE BACK-UP MATERIAL. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER.

AN AMENDED MOTION WAS MADE BY MAYOR LEWIS TO KEEP TRACK OF THE DECIBEL LEVELS.

Vice Mayor Timberlake noted the special events category did away with the noise levels. He had no objection to adding something to request that they continue to monitor activities and look for ways to reduce the sound; however, it was a year-to-year agreement, and if, as a Council, they feel like things have gotten out of hand next year, they have the option to vote on it again. He was not in favor of keeping track of the decibel levels.

THE AMENDED 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, AND MAYOR PAMELA J. LEWIS. NAYS – ROY M. TIMBERLAKE, JR.

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

Ms. Judd requested clarification regarding the direction from the City Council. Chief Musco advised that a couple of Officers were certified to administer the noise calibrations. The process would take approximately 3.5 hours and would require overtime pay. He could not promise a dedicated Officer because if a call came in, they would have to leave. The City Council agreed to tracking the noise levels on a monthly basis. Mr. Arnold reminded the City Council that the City should not have to pay for this. The City Council had the legal right to make this a condition to make sure the applicant stays in compliance. Ms. Judd stated she had also received many complaints and they felt intimidated. She was unsure what was going to be accomplished at the end of the day. She requested further clarification. Council Member Royal stated it was a back-up record that says it is not any different from last year's levels.

Mr. Scalzo stated he had heard positive comments when and since the barriers had been installed. Council Member Royal noted that several factors could be contributory to the alleged increase in noise levels like the wind direction. He agreed to pay for the Officer to monitor the noise decibel levels. Chief Musco would coordinate with the City Manager and report back to the City Council.

2. **First Reading of Ordinance No. O-06-2016, an Ordinance amending Sections 86-3, 102-5, 102-88, 102-91, and 102-523 of the Land Development Regulations to modify the requirements that a garage is required for all dwelling units and clarifying the definition of a carport. *Arnold / Fleet***

Mr. Arnold read the title of Ordinance No. O-06-2016 into the record as follows:

AN ORDINANCE OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AMENDING CITY CODE SECTIONS 86-3, 102-5, 102-88, 102-91 AND 102-523 TO MODIFY THE REQUIREMENTS THAT A GARAGE IS REQUIRED FOR ALL DWELLINGS UNITS; CLARIFYING THE DEFINITION OF A CARPORT AND RELATED CLARIFICATIONS; PROVIDING FOR CORRECTION OF SCRIVENERS ERRORS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO APPROVE ON FIRST READING ORDINANCE NO. O-06-2016 AND TO SET THE PUBLIC HEARING FOR THE SECOND AND FINAL READING ON JUNE 7. THE MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER.

Ms. Fleet clarified for Council Member Royal that the language in the Ordinance was what the City Council had agreed to at a previous meeting and had since been presented to the Planning and Zoning Board.

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

3. **Update on the 28th Annual Memorial Day RiverFest Celebration. *Thomas***

Discussion ensued with the City Council regarding the update on the 28th Annual Memorial Day RiverFest Celebration as presented by Kimberly Thomas.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO ACCEPT THE PROGRESS REPORT AS PRESENTED BY MS. THOMAS. 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE.

4. **City Council appointments or re-appointments to the Planning and Zoning Board for City Council Seats 3, 4, and 5. *Fleet***

Discussion ensued with the City Council regarding appointments to the Planning and Zoning Board for City Council Seats 3, 4, and 5 as presented by Ms. Fleet. She reiterated the importance of having a quorum at the meetings.

Council Member Kelley, Seat 5, advised that he was still waiting on confirmation from his prospective appointee. He requested this item be listed on the June 7th Agenda.

Council Member Butler appointed Henrietta Francis.

Council Member Royal re-appointed Marilyn Haddock.

A MOTION WAS MADE BY VICE MAYOR TIMBERLAKE TO ACCEPT THE NOMINATIONS FROM COUNCIL MEMBER BUTLER AND COUNCIL MEMBER ROYAL. 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 CONSTANCE W. BUTLER, STEVEN R. KELLEY, B. VAN ROYAL, ROY M. TIMBERLAKE, JR., AND MAYOR PAMELA J. LEWIS. NAYS – NONE.

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

- a. Executive Summary – Development Services – April 2016.
- b. Executive Summary – Electric – April 2016.
- c. Executive Summary – Police – April 2016.
- d. Executive Summary – Public Works – April 2016.

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.

Council Member Butler thanked the City Manager, City Clerk, and City Attorney for their assistance in her transition to the City Council.

7. Adjournment.

There being no further business to come before the City Council, the meeting was adjourned at 9:34 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA

Pamela J. Lewis, Mayor

Attest:

Julia W. Clevinger, City Clerk