

CITY OF GREEN COVE SPRINGS CITY COUNCIL REGULAR SESSION

321 WALNUT STREET, GREEN COVE SPRINGS, FLORIDA
TUESDAY, SEPTEMBER 21, 2021 – 7:00 PM



MINUTES

Invocation & Pledge of Allegiance to the Flag – **Vice Mayor Johnson**

Roll Call

COUNCIL MEMBERS PRESENT: Mayor Ed Gaw, Vice Mayor Matt Johnson, Council Member Connie Butler, Council Member Steven Kelley, Council Member Van Royal

STAFF MEMBERS PRESENT: L.J. Arnold, III, City Attorney, Steve Kennedy, City Manager, Mike Null, Assistant City Manager, Erin West, City Clerk

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

1. Hope Chessel 1310 North St., GCS, speaks to the Council and requests moving a permit forward for a Halloween event that the community is working on. Executive Assistant, Kim Thomas advises there are no issues with the permit paperwork, it's just in the stages for completion.
2. Felicia Hampshire 508 Franklin St., GCS, speaks to the Council concerning the Soul Food Festival. Ms. Hampshire presents the Council and the City with a plaque of appreciation.

PUBLIC HEARINGS

1. Second and Final Public Hearing and approval of Resolution No. R-21-2021, a Resolution in compliance with Florida Statute 200.065 establishing a Millage Rate of \$3.8000 Per Thousand of Non-Exempt Real Property within the City of Green Cove Springs, Florida for Fiscal Year 2021/2022. **Marlena Guthrie**

Finance Director Marlena Guthrie presents the Millage Rate for Fiscal Year 2021/2022 Resolution No. R-21-2021.

Mayor Gaw opens the public hearing.

Following no public comment, Mayor Gaw closes the public hearing.

Motion to approve Resolution No. R-21-2021, a Resolution establishing the millage rate for Fiscal Year 2021/2022 at \$3.8000 per thousand which is an increase of 2.82% over the rolled-back rate of 3.6958.

Motion made by Council Member Royal, Seconded by Council Member Butler.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

2. Second and Final Public Hearing and approval of Resolution No. R-22-2021, a Resolution setting forth the Annual Budget for Fiscal Year beginning October 1, 2021 and ending September 30, 2022. **Marlena Guthrie**

Finance Director Marlana Guthrie presents the Annual Operating Budget for Fiscal Year 2021/2022.

Mayor Gaw opens the public hearing.

Following no public comment, Mayor Gaw closes the public hearing.

Motion to approve Resolution No. R-22-2021, a Resolution setting forth the Annual Operating Budget for Fiscal Year beginning October 1, 2021 and ending September 30, 2022.

Motion made by Vice Mayor Johnson, Seconded by Council Member Butler.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

3. Second and Final Public Hearing and approval of Resolution No. R-23-2021, a Resolution setting forth the Annual Capital Improvement Plan for Fiscal Years beginning October 1, 2021 to September 30, 2026. *Marlena Guthrie*

Finance Director Marlana Guthrie presents the CIP Resolution.

Mayor Gaw opens the public hearing.

Following no public comment, Mayor Gaw closes the public hearing.

Motion to approve Resolution No. R-23-2021, a Resolution setting forth the Annual Capital Improvement Plan for Fiscal Years beginning October 1, 2021 to September 30, 2026.

Motion made by Council Member Butler, Seconded by Council Member Kelley.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

4. Second and Final Reading of O-15-2021, an ordinance amending the Future Land Use from MUH, Mixed Use Highway, to RHD, Residential High Density, for property located in the 1300 Block of Energy Cove Court for approximately 9.4 acres. *Michael Daniels*

City Attorney Arnold reads Ordinance No. O-15-2021 by title.

Development Services Director, Michael Daniels presents.

Mayor Gaw opens the public hearing.

Following no public comment, Mayor Gaw closes the public hearing.

Council discussion follows.

Council Member Royal advises he will abstain during voting due to knowing the buyer and seller.

Motion to approve on second and final reading Ordinance No. O-15-2021 to amend the Future Land Use of the property described therein from Mixed Use Highway to Residential High Density.

Motion made by Council Member Butler, Seconded by Vice Mayor Johnson.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley

Voting Abstaining: Council Member Royal

5. Second and Final Reading of Ordinance O-16-2021, an ordinance amending the zoning district from C-2, General Commercial and M-2, Industrial to R-3, Residential High Density

for approximately 9.4 acres of property located in the 1300 Block of Energy Cove Court. *Michael Daniels*

City Attorney Arnold reads Ordinance No. O-16-2021 by title.

Mayor Gaw opens the public hearing.

Following no public comment, Mayor Gaw closes the public hearing.

Motion to approve on second and final reading Ordinance No. O-16-2021 to amend the Zoning of the property described therein from General Business C-2/Industrial M-2 to Residential High Density R-3.

Motion made by Council Member Butler, Seconded by Vice Mayor Johnson.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley

Voting Abstaining: Council Member Royal

CONSENT AGENDA

All matters under the consent agenda are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. Backup documentation and staff recommendations have been previously submitted to the city council on these items.

Council Member Royal pulls item 14

Mayor Gaw pulls item 17

Motion to approve Consent Agenda Items 6 through 18 minus 14 and 17.

Motion made by Council Member Kelley, Seconded by Council Member Butler.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

6. City Council approval of the Breast Cancer Awareness Month Proclamation. *Erin West*
7. Pending approval of R-20-2021 prior to the Consent Agenda, City Council approval to purchase a 2021 F-250 work truck from the Florida Sheriff's Bid # 18-VEL 26.0, in the total amount of \$40,222.00 from Duval Ford and to surplus truck # 952, a 2006 Ford which has far outlived its useful life. *Scott Schultz*
8. City Council approval of Contractor's Pay Request #4 for Williams Industrial Services, LLC, in the amount of \$749,745.17, for the Florida Department of Environmental Protection (FDEP), State Revolving Fund (SRF), Harbor Road Water Reclamation Facility (WRF) Expansion, Phase 2, SRF Agreement No. WW1000420. *Scott Schultz*
9. City Council approval of Minutes from 8/3/2021 Special Session. *Erin West*
10. City Council approval of the Soul Food Proclamation. *Kimberly Thomas*
11. City Council authorization to purchase a Digger Derrick Truck from Altec Industries under the Sourcewell bid in the amount of \$240,000. *Andy Yeager*

12. City Council approval of, and authorization for the Mayor to execute, Disbursement Request #5, in the amount of \$561,813.97 for construction of the Advanced Wastewater Treatment Plant (AWWTP), as part of the Florida Department of Environmental Protection (FDEP), State Revolving Fund (SRF), Harbor Road Water Reclamation Facility (WRF) Expansion, Phase 2, SRF Agreement No. WW1000420 in the total amount of \$15,426,644.33. **Scott Schultz**
13. City Council approval of, and authorization for the Assistant Water Utilities Director (Project Manager) to execute, SJRWMD Disbursement Request #1, in the amount of \$202,431.20 for construction of the Advanced Wastewater Treatment Plant (AWWTP), as part of the Florida Department of Environmental Protection (FDEP), State Revolving Fund (SRF), Harbor Road Water Reclamation Facility (WRF) Expansion, Phase 2, SRF Agreement No. WW1000420 in the total amount of \$15,426,644.33. **Scott Schultz**
14. City Council review and approval of a street closure request and fee waiver request for a Minor Event, CalaVida Festival. **Michael Daniels**

Council Member Royal advises he pulled this item as he needs to abstain from voting.

Motion to approve Consent Agenda Item 14.

Motion made by Council Member Butler, Seconded by Council Member Kelley.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley

Voting Abstaining: Council Member Royal

15. City Council approval of Resolution No. R-25-2021, authorizing the City of Green Cove Springs Staff to enter into an Agreement with the Florida Department of Environmental Protection to receive Grant Funds related to the Green Cove Springs Public Safety and River Access Project, as authorized by HB 2985. **Steve Kennedy**
16. City Council approval of Change Order #1 to Contract Number LC 2020-17 Chapman Substation Construction to Terry's Electric in the additive amount of \$75,534.17, bringing the new total contract amount to \$954,620.17. **Andy Yeager**
17. City Council approval of Resolution R-26-2021, adopting the Language Access Plan. **Mike Null**

Assistant City Manager, Mike Null explains the Resolution.

Motion to approve Consent Agenda Item 17

Motion made by Council Member Butler, Seconded by Vice Mayor Johnson.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

18. City Council approval of Amendment #1 to Contract Number LC 2018-02 – Tree Trimming for Electrical Distribution/Service Lines with Davey Tree Expert Company for the period September 4, 2021 through September 3, 2022 with the option to renew for one additional year. **Andy Yeager**

COUNCIL BUSINESS19. Potential Development Moratorium Discussion. *Michael Daniels*

Development Services Director, Michael Daniels explains the idea of a moratorium came out of a comp plan public hearing so it was put on the agenda for Council discussion.

Council Member Royal advises he is opposed to the moratorium. Council Member Kelley advises maybe not a moratorium but maybe something to slow down development until the comp plan is updated. Mayor Gaw suggests taking the moratorium idea to the Planning and Zoning Board to get their thoughts.

Discussion over permitted uses.

Council discussion follows.

Motion to ask the Planning and Zoning Board to take a look at a moratorium on specific businesses that the City may want to include in the Central Business District and the Gateway Corridor.

Motion made by Vice Mayor Johnson, Seconded by Council Member Butler.

Council discussion follows.

Joe Sobotta 212 North St., GCS, speaks concerning the moratorium and parking issues.

Council discussion follows.

Amended motion to ask the Planning and Zoning Board to look at options such as a moratorium or other means to help control development of the Central Business District or Gateway Corridor as the comp plan is being updated.

Motion made by Vice Mayor Johnson, Seconded by Council Member Butler.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley

Voting Nay: Council Member Royal

20. Non-Ad Valorem Special Assessments for Nuisance Abatement Charges. *Michael Daniels*

Development Service Director Michael Daniels explain this item and discussing doing special assessments as a component to address properties that are in violation of City Code.

Council discussion follows.

21. Approval of the Second Amendment to City Attorney Employment Agreement. *Jim Arnold*

City Attorney Jim Arnold explains the contract amendment.

Council Member Royal advises he will be abstaining due to

Motion to approve the Second Amendment to the City Attorney Employment Agreement attached hereto.

Motion made by Vice Mayor Johnson, Seconded by Council Member Butler.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley

Voting Abstaining: Council Member Royal

22. Approval of the City Manager Employment Agreement. *Steve Kennedy*

City Manager Steve Kennedy explains the new contract agreement.

Motion to approve the City Manager Employment Agreement.

Motion made by Council Member Butler, Seconded by Vice Mayor Johnson.

Voting Yea: Mayor Gaw, Vice Mayor Johnson, Council Member Butler, Council Member Kelley, Council Member Royal

23. City Manager & City Attorney Reports / Correspondence

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

Electric Director Andy Yeager speaks about the new Chapman Station Transformer Joe Sobotta 212 North St., GCS, asks about the rebuilding or rewiring of transformers a few years ago.

Development Services Director Michael Daniels advises it was asked to provide some information on mobility fees and presents on mobility fees.

24. City Council Reports / Correspondence

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

Adjournment

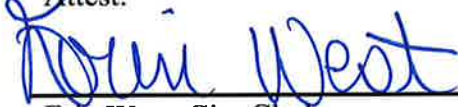
There being no further business to come before the City Council, the meeting was adjourned at 10:33 p.m.

CITY OF GREEN COVE SPRINGS, FLORIDA



Edward R. Gaw, Mayor

Attest:



Erin West, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Royal, Bert Van	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council
MAILING ADDRESS 3688 LaCosta Court	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Green Cove Springs, FL	COUNTY Clay
DATE ON WHICH VOTE OCCURRED 9/21/2021	NAME OF POLITICAL SUBDIVISION: Green Cove Springs
MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Bert Van Royal, hereby disclose that on September 21, 2021;

(a) A measure came or will come before my agency which (check one)

inured to my special private gain or loss;

inured to the special gain or loss of my business associate, Kelly Hartwig;

inured to the special gain or loss of my relative, _____;

inured to the special gain or loss of _____, by
whom I am retained; or

inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.