

MEETING MINUTES
Town of Penney Farms, Florida
Tuesday, August 16, 2022
Town Council Meeting

Anyone wishing to address the Council regarding topics on the Agenda is requested to complete a request form. Present it to the Town Clerk prior to the meeting. The Town Clerk will allot a three minute limit unless other arrangements have been made. Request forms are available at the sign in podium or the Town Clerks desk.

Abbreviations:

***CM - Council Member *TA - Town Attorney *TC - Town Clerk *TM - Town Manager *VM - Vice-Mayor**

OPEN REGULAR COUNCIL MEETING: 7:00PM

FLAG SALUTE: *MAYOR RYDER*

MOMENT OF SILENCE: *MAYOR RYDER*

APPROVE THE AGENDA:

Motion to accept the Agenda as presented by CM Sabin; second by VM DeVille. Motion approved without dissent.

ROLL CALL: Mayor Ryder; VM DeVille; CM Sabin; CM Andrews; CM Taylor; Town Manager Cooper
All present for the record.

RECOGNITION(S): NONE

PROCLAMATION: NONE

APPROVAL OF MINUTES:

- **2nd Public Hearing Meeting minutes for Community Development Block Grant (CDBG) dated July 7, 2022**

Motion to approve the 2nd Public Hearing Meeting minutes for CDBG Grant dated July 7, 2022 as presented by VM DeVille; second by CM Taylor. Motion approved without dissent.

- **Special Town Council Meeting minutes dated July 7, 2022**

Motion to approve the Special Town Council Meeting minutes dated July 7, 2022 as presented by VM DeVille; second by CM Sabin. Motion approved without dissent.

- **Regular Town Council Meeting minutes dated July 19, 2022**

Motion to approve the regular Town Council Meeting Minutes dated July 19, 2022 as presented by CM Sabin; second by VM DeVille. Motion approved without dissent.

ORDINANCE(S): NONE

RESOLUTION(S): RESOLUTION 2022-09

-Mayor Ryder read Resolution 2022-09, by title only.

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RESOLUTION 2022-09

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF THE PROCEDURES AND CONDUCT OF AN ELECTION IN THE TOWN OF PENNEY FARMS, FLORIDA ON THE SECOND TUESDAY, IN THE MONTH OF DECEMBER 2022, FOR THE PURPOSE OF ELECTING TWO (2) MEMBERS TO THE TOWN COUNCIL, AS PROVIDED IN ARTICLE III, CHAPTER 74-545, FLORIDA STATUTES, TOWN CHARTER, FOR THE TOWN OF PENNEY FARMS.

Motion to approve RESOLUTION 2022-09 as presented by VM DeVille; Second by CM Sabin. Motion approved without dissent.

TOWN MANAGER REPORT: Town Manager

The Town's Annual Audit has been completed. The Town Clerk has now done nine audits in a row with no findings and all in compliance. The Audit will be presented to the Town Council at the September 2022 Town Council meeting.

A second public hearing was held regarding the new Community Development Block Grant (CDBG). The Town Council decided to approve moving forward with the grant. I can report the application for this grant has been submitted and it looks like the Town has a very good chance of receiving it.

The Town staff is finishing up all 3rd Quarterly reports and now preparing for the new fiscal year budget, including getting quotes, researching, and assessing the Town's needs for the coming year. The TRIM (Truth in Millage) process has started for Ad Valorem taxes this month.

The Town assisted the Penney Retirement Community (PRC) in the middle of this month, when PRC had to shut off their water to replace two fire hydrants.

There was a water line break on Hoffman Street, in the New Hope area that was repaired and residents were notified. This was a new area to put into the Diamond Map program for future reference.

A portion of a dead oak tree on Booker Avenue which was hanging over the road was removed for safety concerns.

The Town's Planning & Zoning Commission met, and Mr. Colin Groff presented the concept review for the Commission, for initial approval of the Hunters Ridge Estates subdivision.

I have attended all of the required town meetings and County Manager's meeting.

Motion to approve the Town Manager Report for July 2022 as presented by CM Taylor; Second by VM DeVille. Motion approved without dissent.

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TREASURERS REPORT: Town Manager

Review the July 2022 Treasurer's Report:

- General Fund – 07/01/22 – 07/31/22
- Utility Enterprises Fund – 07/01/22 – 07/31/22
- Wastewater/Sewer Fund – 07/01/22 – 07/31/22
- Bank Balances of the Town bank accounts – 07/01/22 – 07/31/22

Motion to approve the Treasurer's Report for July 2022 as presented by CM Sabin; Second by CM Andrews. Motion approved without dissent.

CONSENT AGENDA:

All matters under the Consent Agenda are routine and will be enacted by one motion and vote. Backup documents and staff recommendations have previously been submitted to the Town Council and will not be discussed unless an item is removed from the Consent Agenda and considered separately under "New Business".

REPORTS OF COMMITTEES/DEPARTMENTS: (All Pulled Reports will be considered under New Business)

1. Finance 2. Public Works 3. CDR 4. Human Resource 5. Utilities 6. Building
7. Grants 8. Planning and Zoning 9. Legal

Motion to accept Consent Agenda as presented by VM DeVille; Second by CM Sabin. Motion approved without dissent.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

1) The Planning & Zoning Commission to present their recommendation to the Town Council regarding the Hunter's Ridge Subdivision Concept review.

-Rosemary Gilson presented the recommendation from the Planning and Zoning Commission. She stated that the Council has the minutes from the work that has been on-going by the Commission.

-Rosemary Gilson stated that the Planning and Zoning Commission recommends to the Town Council that they approve moving forward with the Concept Review on the Hunter's Ridge Estates Subdivision, pending the following Conditions:

1. *The applicant must submit a final development plan within 6 months of the Concept Review approval.*
2. *The subdivision needs to comply with the requirements of Chapter 177, Florida Statutes.*
3. *The developer/applicant is required to extend the water and sewer service to serve the proposed subdivision. The plans for the extension of the water and sewer service need to be approved by the Town and constructed and/or bonded by the developer/applicant prior to the approval of the Final Plat for the proposed Hunters Ridge Estates Subdivision.*

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4. *The proposed subdivision needs to be consistent with the St. Johns River Water Management District (SJRWMD) permit for the property. A SJRWMD permit for the development, consistent with the proposed Hunters Ridge Estates Subdivision, must be submitted to the Town.*
5. *The applicant shall comply with all applicable federal, state, regional, and local laws, and regulations for development of a subdivision in Penney Farms, Clay County, Florida.*
6. *Remove "minor replat" on all plans, plat sheets, and/or written information submitted for final review.*
7. *The applicant shall comply with all legitimate recommendations from the Town staff.*
8. *The applicant must be sure all outstanding invoices must be paid.*
9. *The applicant must supply one (1) application which shall be final, with the latest title, wording, etc.*
10. *The applicant shall provide the Town a draft of the deed restrictions.*

-Rosemary Gilson stated that this recommendation was approved unanimously by the Planning and Zoning Commission at their last meeting. She stated that the P&Z Commission recommends this to the Council for their consideration.

-Mayor Ryder asked if there are any comments or questions.

-CM Andrews: "I have a question. All the requirements that the Planning and Zoning had brought up, does the applicant agree with those?"

-Rosemary Gilson stated, "Yes", the applicant has agreed to the requirements.

-C. Groff: (Laughs) "Sort of."

-TM Cooper: "You agreed with them at the last meeting."

-C. Groff: "Sort of."

-CM Andrews: "Because if we're going to vote on it, I mean..."

-C. Groff: "Well, there was one that I, that we were gonna re-word. And I wanted, I haven't seen it re-worded."

-TM Cooper: "What is that?"

-C. Groff: "It's number five (5) or six (6). It, the issue is that the original comment was the applicant shall comply with all staff something."

-Mayor Ryder read number five (5) out loud for Mr. Groff. "5. The applicant shall comply with all applicable federal, state, regional, and local laws and regulations for development of a subdivision in Penney Farms, Clay County, Florida."

-C. Groff: "That one's fine, it must be the next one. I don't have a copy of it or I would be able to refer to it."

-TC Cooper stated it is number seven (7).

-Mayor Ryder read number seven (7) out loud. "7. The applicant shall comply with all legitimate recommendations from the Town staff."

-C. Groff: "That's the one, yeah. So, I think the Planning board requested that to be reworded. Uhm, not sure if that's the rewording because I can't see it, I don't have it so"

-TC Cooper stated that the rewording was to include legitimate, not every concern, but legitimate concerns only.

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-Mayor Ryder read out loud Condition number seven (7) again.

-TC Cooper stated that it is the word "legitimate".

-C. Groff: "But, the code required too. The problem is, it's open ended. You can make legitimate; it can be legitimate. They say, staff says we want, you know, I don't know, they can make up things. It has to be code related.

-TM Cooper: "So what are you asking to be done?"

-C. Groff: "Just say.....It's, we agree with whatever staff needs, we're gonna fix the plans. The problem is that's open ended. We're trying to limit it to what's required in the Land Development Regulations. That's all.

-Mayor Ryder asked C. Groff how he would like it worded

-C. Groff: "Instead of saying legitimate, say all requirements of the Land Development Regulations. Is that...I'm sorry."

TM Cooper: "Janis what is your opinion on this? I've asked Janis to come here tonight."

Town Planner, (TP) Janis Fleet: "What we wanted to say is that it shouldn't always be Land Development, there could be a water/sewer issue that comes up. Sometimes as you go through the development process something comes up with the water/sewer they didn't realize. It is protection for the Town in case something comes up that none of us can anticipate right now. You know obviously the Planning and Zoning Commission was very adamant that they add the word legitimate which is what they did.

-Rosemary Gilson stated that it seemed to the P&Z Commission that it protected both parties. She stated it was approved and agreed upon at the meeting.

-TP Fleet: "The applicant was at the meeting."

-C. Groff: "We didn't see the wording. The only issue is the word legitimate. That has to be defined. All I am asking is to define that legitimate within the Code of Regulations of the Town."

-TM Cooper: "What I would recommend to the Town Council then, if he wants to get that picky about one word, I wouldn't pass anything tonight, post-pone it until we research it."

-Mayor Ryder stated that she agrees with the Town Manager.

-C. Groff: "You don't want to go there. Please don't go there. It's not worth it.

-TM Cooper: "It's not worth you either, sitting here picking out one word."

-C. Groff: "No, ok, here was the issue, is we had a set of plans. There was a set of rules, we turned in the plans. They review that to the set of rules. Staff does not have the right to come back and say we want the pipe pink, or we want, we want a little crooked thing, or we want the...it has to meet some legitimate rules that are in place. They can't just be made up.

-Mayor Ryder stated that's "legitimate".

-C. Groff: "Right, but legally is the word legitimate defined in that? It's not. All I'm saying is I want it clear, so they can't just make up rules, because that is what we have been facing."

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-Mayor Ryder states that we can send it to our Lawyer.

-C. Groff: "Just leave it legitimate and if there is a problem then we will deal with it then. Just leave it legitimate, we'll deal with it then. It's very, very open ended though for somebody trying to uh build something."

-Mayor Ryder stated that we can have our lawyer look at it.

-C. Groff: "And he's not...he's going to agree with staff, so it doesn't really matter. So...(Laughs). It doesn't really matter, it's not gonna change anything."

-Mayor Ryder stated that there is a question in the audience.

-Audience member, Harriet Tower asked where the subdivision is going to located.

-Rosemary Gilson stated that it is located on Paso Fino Road.

-TC Cooper stated it is located on Paso Fino Road that runs next to the Cemetery.

-Mayor Ryder stated there is a recommendation from the Planning and Zoning Commission and the Council needs to act on it. She asked if there are any more questions or comments.

-CM Andrews: "I do have a question. "Ms. Rosemary you said during the P&Z meeting this was agreed upon, these stipulations?" "The 10 Stipulations were agreed upon during the meeting?"

-Rosemary Gilson stated that is correct.

-CM Andrews: "And this was in writing?"

-Rosemary Gilson stated this was also correct.

-CM Andrews: "Okay that's all I have. Thank you."

-Mayor Ryder asks if there any other comments or questions. There were none.

Motion to approve the recommendation of the Town of Penney Farms Planning & Zoning Commission (P&Z) to move forward with the Hunter's Ridge Subdivision re-plat, pending all of the conditions are met as discussed as presented by VM DeVille; Second by CM Sabin. Motion approved without dissent.

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1. Pulled Reports
2. Items not on the Agenda

-Audience Member, Harriet Tower: "I am concerned about the blind corner at Caroline and Studio. I've seen several near accidents there. I just wondered if we couldn't put a mirror up in that corner that shows approaching traffic. Especially dangerous for bikers."

-TM Cooper stated the Town has put a stop sign at that corner to stop people from running through that corner. He states that there is a stop sign there now. He states that as far as the Town putting up the mirror it isn't in our jurisdiction and that it belongs to Penney Retirement Community (PRC).

-Mayor Ryder stated that the corner is owned and maintained by PRC.

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-Mayor Ryder asked if there are any other comments.

-TM Cooper stated that people have to learn to stop at that corner. It was worse when there wasn't a stop sign there.

-TM Cooper and Mayor Ryder stated that the mirror is something PRC would have to take care of.

-Mayor Ryder asks if there was anybody else who requested to speak. There was none.

3. Public Participation

4. Other:

TOWN CLERK:

1. *Reminder – Truth in Millage (TRIM) Process has started July 1, 2022; Keeping the same millage rate*

2. *Budget Hearing Dates: 1st- Wednesday, September 7, 2022 @ 6:30pm; 2nd & Final Budget Hearing, Tuesday, September 20, 2022 @6:30pm, followed by the Regular Town Council Meeting.*

3. *National Primary Election – Tuesday, August 23, 2022*

4. *2022 TOPF Election Itinerary*

- TC Cooper announced and reviewed the Town of Penney Farms election Itinerary.

CORRESPONDENCE: (Location of items – Listed)

July 2022:

1. Copy of 2022 Estimated Taxable Value from the Clay County Appraiser's Office (CCPAO) – Correspondence Section
2. Copy of Certification of Taxable Value Certification deadline from the CCPAO – Correspondence Section
3. Copy of Notice, Agenda, Staff report and meeting minutes for the (P&Z) meeting held on July 20, 2022 – P&Z Section
4. Copy of letter from the State of Florida Division of Emergency Management dated July 7, 2022 – Correspondence Section
5. Copy of letter from the Florida Department of Health in Clay County dated July 21, 2022 – Correspondence Section
6. Copy of Finance Committee Meeting minutes dated July 18, 2022 – Finance Section
7. Copy of Community, Development & Recreation (CDR) Meeting minutes dated July 12, 2022 – CDR Section
8. Copy of Boil Water Notice dated July 20, 2022 – Utilities Section
9. Copy of Notice the Office was closed to Celebrate the 4th of July – Miscellaneous Section
10. Copy of the Town of Penney Farms 2022 Election Itinerary – Correspondence Section

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There being no further questions or concerns, a motion for the meeting to adjourn at 7:25pm by CM Andrews; second by VM DeVille. Motion approved without dissent.

Next Council Meeting, Tuesday, September 20, 2022

SEAL



Mayor, Elizabeth G. Ryder, Presiding

ATTEST:



Anita E. Cooper, Town Clerk

ALL INDICATIONS OF ATTACHMENTS TO THE MINUTES ARE ON RECORD IN THE OFFICIAL MINUTES BOOK, OR ON FILE AT THE TOWN HALL. TOWN COUNCIL MEMBERS RECEIVED COPIES OF THE ATTACHMENTS PRIOR TO OR AT THE TIME OF THE TOWN COUNCIL MEETING. A RECORDING WAS MADE OF THESE PROCEEDINGS AND IS ON FILE AT THE TOWN HALL.