

TOWN COUNCIL MEETING MINUTES
Town of Penney Farms, Florida
Tuesday, April 19, 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 VM DeVille; second by CM Sabin. Motion approved without dissent.

ROLL CALL: Mayor Ryder; VM DeVille; CM Sabin; CM Taylor; Town Manager Cooper

Absent: CM Andrews

RECOGNITION(S): NONE

PROCLAMATION(S): Water Conservation Month - *Proclamation read in its entirety*

Mayor Ryder read the Proclamation in its entirety to the audience.

APPROVAL OF MINUTES:

- Regular Town Council Meeting Minutes – March 15, 2022

Motion to approve the regular Town Council Meeting Minutes dated March 15, 2022, by CM Sabin; second by VM DeVille. Motion approved without dissent.

RESOLUTION(S): RESOLUTION 2022 – 01; and 2022-02 (READ BY TITLE ONLY)

RESOLUTION 2022-01 (READ BY TITLE ONLY)

A RESOLUTION OF THE TOWN OF PENNEY FARMS, FLORIDA, PROVIDING FOR INCREASE IN WATER/WASTEWATER UTILITY RATES BASED ON THE 2022 CONSUMER PRICE INDEX; BASED ON THE WATER/WASTEWATER UTILITY ASSET MANAGEMENT PLANS ALREADY APPROVED BY THE TOWN COUNCIL; PROVIDING FOR PUBLIC NOTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve RESOLUTION 2022-01 by CM Sabin; second by VM DeVille. Motion approved without dissent.

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RESOLUTION 2022-02 (READ BY TITLE ONLY)

A RESOLUTION OF THE TOWN OF PENNEY FARMS, FLORIDA, REQUESTING THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT TO REDUCE PERMIT APPLICATION FEES.

Motion to approve RESOLUTION 2022-02 by CM Taylor; second by VM DeVille. Motion approved without dissent.

TOWN MANAGER REPORT: Town Manager

- A Review of the March 2022 Town Manager Report

This month, beginning on March 2nd, the Town was on the Penney Retirement Community's (PRC) water system for the entire month. The Town's water tower has been completely cleaned, disinfected and resealed on the inside of the water tower tank. This was about a three-and-a-half-week process. I appreciate Wayne Boone and PRC for their cooperation, during this process. This process gets completed every ten years.

Dyana Stewart from the Florida Rural Water Association (FRWA) came to the Town Hall and worked with the Town Clerk to complete the required Water and Wastewater Revenue Plans. This work is still ongoing. The results of these findings will be completed in May 2022 sometime.

We had one water line break on Clark Avenue, near State Road 16. It was repaired and now is in good working condition.

The Town staff is actively working on the Playground Grant to acquire new playground equipment and renovate the covered area.

TM Cooper explained that even though the Town has done a title search, survey, and two other grants on the land, the State is now requiring a legal opinion letter from the Town Attorney.

The Town is also applying for a new State – Community Development Block Grant (CDBG) to go with the American Rescue Plan Act (ARPA) funds to replace the remaining water lines that need to be upgraded.

In addition, the Town is applying for a technical assistance grant to help with the cost of updating the Town's Comprehensive Plan (CP) and Land Development Regulations (LDR's), which the Planning & Zoning Commission has been working on since August 2021. There will be a combined workshop for the Town Council and the Planning & Zoning Commission scheduled soon to discuss the progress so far.

We have hired a new public works employee. Clayton Ceballos has joined the team and Josh Young is back. Josh has been and will be helping in the office with the water utility until a new administrative person is hired.

I have attended all of the required meetings for this month.

Motion to approve the Town Manager Report for March 2022 by VM DeVille; second CM Sabin. Motion approved without dissent.

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TREASURERS REPORT: Town Manager

Review the March 2022 Treasurer's Report:

- General Fund – 03/01/22 – 03/31/22
- Utility Enterprises Fund – 03/01/22 – 03/31/22
- Wastewater/Sewer Fund – 03/01/22 – 03/31/22
- Bank Balances of the Town bank accounts – 03/01/22 – 03/31/22

Motion to approve the Treasurer's Report for March 2022 by CM Taylor; second by CM Sabin. 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. Security | 10. Legal | | |

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

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

TOWN COUNCIL DISCUSSION

Town Council to discuss repealing Ordinance 2016-02, which repeals the Ordinance in effect for prohibiting the use and operation of engine brake retarders on State Road 16 West for 2.78 miles and on County Road 218 for approximately 731 feet, all within the municipal Penney Farms Town limits.

TM Cooper explained the signs were put up and the Ordinance was approved a few years back due to a resident that was having an issue with the engine breaking. Since then, what has happened, is the problem has gotten worse. He stated he talked to the Florida Department of Transportation (FDOT), and it has been decided to take the sign down. However, the Town needs to repeal the original Ordinance currently in place.

VM DeVille stated he was in favor of removing the sign.

Motion to rescind Ordinance 2016-02 by VM DeVille; second by CM Sabin. Motion approved without dissent.

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1. Pulled Reports - *NONE*

2. Items not on the Agenda – *NONE*

3. Public Participation – Colin Groff

Colin Groff – “I’m sorry, I didn’t want to have to come here to do this. We submitted, my wife and I purchased the first 7-acre farm at the end of Paso Fino last July. And in December we purchased the remaining 32 acres that there was a subdivision approved on. And that subdivision approval was used to dig the borrow pit and that is what it is used for.”

CM Taylor – “Excuse me, what was it used for?”

Colin Groff – “It was used to dig the borrow pit, it was there to sell soil. We purchased it with the intent of following the code. Looking at you LDRs and following the code to, it’s four parcels, it’s four parcels that we purchased, it is four legal parcels, they are all legal size, legal to build on. You can do four homes there’s almost four parcels. Looking at it two are one acre and one that is 23 acres and one that is about 7 acres. It just didn’t make sense to do it that way. So under your code it allows what is called a minor replat or a parcel if you want to make it larger, or if you want to take a parcel and divide it into two. So, for four parcels, what we applied for in November, is dividing to take the two one acre parcels and make them five acres and take the two larger parcels and divide them into two to make four more additional so that goes from 4 parcels to 6 parcels for two subdivisions. We submitted, and in November I received a call from your consultant that you hired, and after a series of conversations I was told that she would make sure it would never get approved, and never be in front of you, and it would never reach it. Your staff is great, worked with them, I’ve met with them multiple times, a couple of times, and they’re great. Since the consultant said that we have not been on your agenda, we have done three requests for information, additional information that you’ve responded to. In the State Statutes, we have a right to request to be placed on your agenda for review. After three, in which we made the formal request, and we are still not on your agenda. I’m not here to push it, I think it’s a good idea, I think it’s great for the Town, we moved here for the Town. We love this area, and we want to build, we have all six, we are going to build on one, my brother’s going to build on one, we have four other people that are ready to permit themselves and ready to build houses. We are going to extend the water and sewer to all the places, we meet all of the code requirements in our opinion. But we can’t be heard. We need to be heard so we can show how we meet the code. If we can’t be heard, we can’t show that we can. We understand that the consultant is going to come in and say we don’t. We understand where she’s going to say we don’t. And we have been doing this for 35, all I’m asking here tonight is to get on your agenda. Based on your process it doesn’t even have to go to P&Z, because this is not (unintelligible), this is not a rezoning, this is a simple a minor re-plat of 4 existing parcels. Based on your code it can go straight to you for approval. If they want it to go to P&Z first, I’m fine with that, but we need to get it on very quickly. We have sales sitting out there, we are losing money. I had to hire a land use attorney, we were directed by the staff to hire a land use attorney, and we did. We hired one, we cannot contact the Town Attorney, he will not call my attorney back, and he won’t talk to my attorney. So we are being forced into a corner that we don’t want to be forced into. Because we want to be a part of the Town, people are going to move here that want to be part, they want to participate, they want to volunteer and do things, we’re excited about being here but we can’t get in the door. The door is being shut on us and we believe why, we highly believe the consultant has an ulterior motive, has a motive why she’s doing it, and she’s...”

CM Sabin – “I know who you’re talking about...”

Colin Groff – “And so we understand it and like I said we’ve been working in your area for 25 years, I understand what the issues are, we just want the staff to put it on P&Z’s agenda as soon as possible and get it to y’all as soon as possible and let you look at it. You don’t like it and you say no, or you want changes, or you want conditions, that’s fine. We’ll work with the Town. We believe we have presented something that meets every requirement, we just want to move forward. We’re being stalled and we want to move forward. We are quite, we want to try this first. We want to talk to y’all directly, see, I didn’t call you, I was going to call you and talk to you, but I didn’t do that, I chose to do this in a public setting. We just want to participate; we want to be part of the Town. We are ready to go, we want to clean up the

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site, it's been a mess for 5 or 6 years. I've seen the complaints that y'all have. I've watched your committee meetings, I've read your minutes from your meetings, we are ready to go. It will be a beautiful location, 9 acre farms fit that road perfectly. It's what's all around it. There are 7 acres across the street, a 9 acre across the street, there's a 30 acre just north and a 5 acre just south, and there's two 2 acres just south. Everything (unintelligible) wants, we didn't want a 23-lot subdivision in there because which is why we want, because it devalues everything around it. We're trying to do something nice; we just want to be put on the agenda, that's what we are here for."

Mayor Ryder – "Thank you, Tom, does anyone have any questions? Otherwise we will refer it to the Town Manager to get you on the agenda for Planning and Zoning."

TM Cooper – "We've got some issues we have to resolve first before we can do that."

Colin Groff – "That's the problem, they're never gonna put it on because, the consultant will never approve it to be put on the agenda."

TC Cooper – "It's not the consultant, it's the Town Attorney."

Colin Groff – "That's my problem, I can't get it past these issues, because her issues are false issues, they're not true, but we have a right to be, under State Statutes, we have a right to be heard."

Mayor Ryder – "And you have."

Colin Groff – "Well we have a right to be heard, the application to be heard. So,"

Mayor Ryder – "Keep talking to the Town Manager please."

Colin Groff – "We will attempt it. He's a great guy, love the guy, but he's listening to a consultant that's giving him bad information. So,"

4. Other:

Audience member, Doug Conkey from the St. Johns River Water Management District (SJRWMD) thanked the Town for the Water Conservation Proclamation. He stated it is the 24th year, but it is not a month or a day, it is an everyday conservation. He shared that the District has chosen to suspend collecting fees on the plugging of unused or abandoned artesian wells, and within the last six months 62 wells have been plugged, which is more than any full fiscal year in the previous 50 years in the Districts history. That saves 10.4 million gallons of water. He requested an electronic copy of the Proclamation to turn in so the Town can get a discount on permits.

TM Cooper stated the Town usually does that every year.

CM Taylor asked for clarification if you plug an artesian well, are these wells that were drilled or a natural well?

Doug Conkey (SJRWMD) answered they go back to the old days of agriculture, so they are deeper wells that are natural flowing and the pressure of the water source pushes it up, so the reason they want to plug any unused or abandoned, is because it is just wasting water.

CM Taylor asked where the water goes?

Doug Conkey (SJRWMD) stated it would be equivalent to putting a hose on your street, it is just going out and flooding lands and wasting water. He gave an example of a CSX property in Callahan.

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CM Taylor questioned that all of the unplugged wells are just flowing water out to... ”

Doug Conkey (SJRWMD) explained most of them are active wells that are being used.

CM Sabin expressed his concerns with the increase in traffic on State Road 16, and noted the tremendous traffic jams during the fair. The issue was brought to Florida Highway Patrol, whom he assumes is the proper department. He stated that supposedly, they did a survey where they counted the number of vehicles traveling monthly or daily, and it seems to him that traffic will do nothing, but get worse for the next few years with all of the new construction. He expressed his concern about safety issues, speed limit, the effect of traffic on the trees. He asked at what point can the Town request them to do an update to measure the volume of traffic, since it has significantly increased since the last survey was done? He questioned if the Town was supposed to wait until a problem arose or is it something that can be considered?

TM Cooper explained that the Florida Department of Transportation (FDOT) is aware of the situation of the increasing traffic, and they will be putting in a turning lane possibly when they repave, approximately three to four years away. He stated they are hoping that when they put the road in in front of Shadowlawn Elementary School that will hopefully relieve a lot of the traffic issues. He assured the Council that the concerns they have are also concerns of FDOT and they are aware of the issues.

TM Cooper shared that they will be putting in 30,000 rooftops in the Lake Asbury area.

Doug Conkey (SJRWMD) asked if SR 16 was still considered a Scenic Highway.

TC Cooper stated yes, it is and it will not be four-laned.

CM Sabin asked if the issue could be added to the Town Council Workshop agenda.

Mayor Ryder asked for any other comments or questions.

VM DeVille stated FDOT core drilled highway 16, so he believed that something big was coming down the road.

Cathie Parrot stated she was invited to a meeting over a year ago about widening SR 16. She said if it comes to the need to have more space for traffic they will run something North of the Town and have traffic going North of 16 to bypass the Town. They said it was 20 years down the road.

TOWN CLERK:

- Ethics Training Dates

TC Cooper announced the new Ethics training Dates for those sworn in employees, Council Members, and Planning & Zoning Commission members who still need to finish the required training for this year. They are listed below:

- July 13, 2022 – 10:00am – 3:30pm
- October 19, 2022 – 10:00am – 3:30pm
- December 14, 2022 – 10:00am – 3:30pm

- Financial Forms

TC Cooper reminded The Town Council their required financial forms are located in the front of their Council books and they are due by July 1, 2022.

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CM Taylor informed the Council that the Old Fashioned Farm Day was a success.

Mayor Ryder thanked CM Taylor and Cathie Parrot for putting Old Fashioned Farm Day together.

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D. Garlinghouse requested that the Town Council consider implementing a bad weather alarm for the Town, specifically for tornadoes. He stated the benefits would be that people would know the Town had one, and it would be heard miles away.

TC Cooper stated she would add it to the workshop agenda.

CORRESPONDENCE: (Location of items – Listed)
March 2022:

1. Copy of Planning & Zoning Commission Workshop Agenda, Outline and Notes from meeting date March 22, 2022P&Z Section
2. Copy of Community Development & Recreation Committee minutes dated March 15, 2022 – CDR Section
3. Copy of Finance Committee Meeting Minutes dated March 14, 2022 – Finance Section
4. Copy of VyStar Agreement to keep the VyStar ATM dated March 3, 2022 – Correspondence Section
5. Copy of Florida League of Cities – On Tap at the Cap dated March 4, 2022 – Correspondence Section
6. Copy of resident complaint letter with Town Manager response dated March 7, 2022 – Correspondence Section
7. Copy of Northeast Florida League of Cities Dinner Meeting Notice - March 17, 2022 – Correspondence Section
8. Copy of Invitation to the Topping Out Ceremony for the HCA Middleburg Emergency Room – Correspondence Section

There being no further questions or concerns, a motion for the meeting to adjourn by CM Taylor; second by VM DeVille. Motion approved without dissent.

Meeting closed: 7:40PM



Mayor, Elizabeth Ryder, Presiding

ATTEST:

Anita E. Cooper, Town Clerk

