

Town Council Meeting Minutes
Town of Penney Farms, Florida
Tuesday, June 21, 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 with the addition of #2 New Business item – Engineer Recommendation by VM DeVille; Second by CM Sabin. Motion approved without dissent.

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

Absent: CM Taylor

RECOGNITION(S): NONE

PROCLAMATION: NONE

APPROVAL OF MINUTES:

- **Regular Town Council Meeting minutes dated May 17, 2022**
Motion to approve the regular Town Council Meeting Minutes dated May 17, 2022, by VM DeVille; Second by CM Sabin. Motion approved without dissent.

- **2nd Quarterly Town Council Workshop minutes dated May 13, 2022**
Motion to approve the 2nd Quarterly Town Council Workshop Minutes dated May 13, 2022, by CM Sabin; Second by VM DeVille. Motion approved without dissent.

ORDINANCE(S): NONE

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RESOLUTION(S): RESOLUTION(S) 2022-03

A RESOLUTION OF THE TOWN OF PENNEY FARMS, FLORIDA, AUTHORIZING THE APPLICATION TO THE FLORIDA STATE HOUSE OF APPROPRIATIONS FOR A LOCAL COMMUNITIES GRANT, AND PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Motion to approve Resolution 2022-03, by CM Andrews; Second by CM Sabin. Motion approved without dissent.

TOWN MANAGER REPORT: Town Manager

- A Review of the May 2022 Town Manager Report

This month, I actually had my second and final cataract surgery and can report that my sight is back to normal. I feel like a new man. I would like to thank everyone for their good wishes and support during this process.

The Town is in the midst of its Annual Audit and so far things are going smoothly. The audit should be completed sometime in June.

The Town Clerk and I had meetings at the Clay County Emergency Operations Center (CCEOC) to discuss the upcoming hurricane season. I can report that Clay County is in good hands with those individuals at the CCEOC. The Town's public works department has also been preparing for the hurricane season by making sure all equipment is in working order and ready, in the event of any emergency.

The Town's 2021 Consumer Confidence Report was hand delivered to all water utility customers and I can report there are no problems with the Town's water system. The Town has fulfilled all requirements and all water samples performed throughout the year have come back clean.

There was a meeting held with Ferguson Waterworks to discuss the Town changing to satellite reading of the water meters. The current water meter reader will become obsolete in the next couple of years and we are in the planning stages of making this new way of reading water meters, which is now the way to go, a reality.

There was a water line break at the New Hope Baptist Church which was repaired.

There are ongoing meetings and discussions with Mr. Colin Groff, the owner of the Paso Fino Road development to move forward with his plan to replat that area. The Town Attorney and Town Planner have been assisting the Town staff and myself with this process.

The Planning & Zoning Commission has finished its review of the Town's Comprehensive Plan and have sent questions and updates to the Town Planner for final review. They are now going to review the Town's Land Development Regulations for updates and to be sure they are consistent with the Comprehensive Plan. There will be a joint meeting of the Planning & Zoning Commission and The Town Council to discuss the possible changes, after the initial reviews of both Town documents are reviewed, by the Commission.

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

Motion to approve the Town Manager Report for May 2022, by VM DeVille; Second by CM Andrews. Motion approved without dissent.

TREASURERS REPORT: Town Manager

Review the May 2022 Treasurer's Report:

- General Fund – 05/01/22 – 05/31/22
- Utility Enterprises Fund – 05/01/22 – 05/31/22 04/01/22 – 04/30/22
- Wastewater/Sewer Fund – 05/01/22 – 05/31/22
- Bank Balances of the Town bank accounts – 05/01/22 – 05/31/22

Motion to approve the Treasurer's Report for May 2022, by VM DeVille; 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 CM Sabin; Second by CM Andrews. Motion approved without dissent.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

1) Per the Town Council's request at the last Town Council meeting held in May 2022, the Finance Committee has reviewed and discussed the recommendation for approval, a new five (5) Year contract for the Town Manager, David Cooper. * A copy of the Employment Agreement is Located in the Human Resource Section of the Council Books for review.

CM Andrews expressed his wish to be able to pay him more and thanked him for all of his service to the Town. Mayor Ryder agreed.

Motion to approve the new 5-year Employment Agreement for the Town Manager, David Cooper by CM Sabin; Second by CM Andrews. Motion approved without dissent.

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2) Engineer Recommendation

*Town Clerk, Anita Cooper distributed packets to the Town Council that explained the process of selecting an engineer for the upcoming Community Development Block Grant (CDBG) project, which includes the replacement of water lines. *She read from the Engineering RFP document and explained the process of how each engineer was ranked. (Document attached)*

CM Andrews asked if the grant provides fees for Ms. Cathie?

TC Cooper stated she gets paid her salary from the Town and that is all.

CM Andrews asked if any engineers have asked for bonuses if they finish early?

TM Cooper stated no.

CM Andrews asked where the engineer is based.

TM Cooper stated he is out of Lake City, but has offices available.

Motion to approve Infrastructure Consulting & Engineering as the Engineer for the FFY 2021-2022 CDBG Grant by Vice-Mayor Tom DeVillie; second by Council Member Adrian Andrews. The motion was approved without dissent.

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1. Pulled Reports
2. Items not on the Agenda
3. Public Participation

Mayor Ryder acknowledged a Request to Address the Town Council from Mr. Colin Groff and invited him to speak.

C. Groff: "So the Town has found another way to delay our project another 6 months, it's been delayed 8 months. It's in violation of all the Town LDR's, it's in violation of State Statutes (166.03....), continues to be in violation. They wait until the last minute, the staff waited. I know you gave them all the praises, and this is falling on deaf ears, but they wait till the last minute then they delay, they wait till the last minute then they delay. It's based on nothing real, there is nothing in this project that has changed from January. This could have been on the agenda in January, nothing has changed. They've done nothing but delay it so it's clear the Town does not want this property in town, so we would love to see if you guys were interested in de-annexing it and getting it out of Town because it's very clear to us that you don't want anything to do with it, which is fine with us. We wanted to be members of the Town, but you don't want us. It's okay, we're okay with that, it's not gonna make us mad. But, we're on the schedule now but a 6 more-month delay. Just finally that's \$100,000 out of my pocket, so this Town took the wallet out of my pocket, took \$100,000 of it, and threw it out. That's money I can't recover; I can never get back. I'm not a developer, I'm a home builder. I'm trying to build my house and they just took \$100,000 out of my pocket. Unnecessary delays. Not gonna go anywhere here, I understand that, you guys love the staff, it's great, it's a small town, but just want to go on the record and say that's where we are and we're gonna continue with the process and uh we'll see where it winds up. Thank you."

CM Andrews stated that Mr. Groff's statement bothers him.

CM Andrews states that he thought that at the last Town Council meeting, (CM Andrews has to get Mr. Groff's attention), CM Andrews stated that he thought we had a timeline of the meeting and things of that nature.

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C. Groff: "And it didn't happen"

CM Andrews asked Mr. Groff what is the holdup.

C. Groff: "They, they're, so, we had a meeting with the attorney, the attorney was not the friendliest, it was not a very great meeting, but we got a list of 4 things they wanted turned in. It was turned in very quickly. Well in time to have the meetings necessary to have it on this board's meeting. Well in time. Didn't happen. Waited until Friday or Thursday, I guess it was Thursday or Friday I got an email saying oh now you're application is complete, three (3) weeks later, they didn't have to wait three (3) weeks. Our application was complete in Jan... our application was complete in December. It's not changed any information. It's so amazing to me that I come to a meeting and ask why, why, one of the issues was how do you know Paso Fino is not a Public Road, well how do you know that? Did you talk to the County? No. Who, who told you that is wasn't a County Road? Oh, another developer told me. You don't base government information on what a developer tells you, you base it on fact. It is a county road, we got the evidence that it was a county road, we've had the evidence in January that it's a county road these things just continue but it started in November, 17th when I got a phone call from the person's whose name is on your LDR's, as the consultant, who said she will make sure this project is never approved by this Town. That's what I was told on the phone. Now, that's hearsay, because I can't record it, it would've been illegal for me to record that, so I didn't, its hearsay, but it's clear that, that's what happened because now we're in another 6-month delay, before we can get final approval and move forward, well that's money out of my own pocket that I can't recover. And we're not doing this as an investment, this is just to make something nice in the neighborhood."

CM Andrews asked Mr. Groff if de-annexing from the Town is what he desires.

C. Groff: "If you don't want me in the Town, then yes. Yes."

CM Andrew stated and he a Council Member doesn't think the Town doesn't want Mr. Groff here. CM Andrews stated that he believes that the Town works with everyone that comes through the door.

C. Groff: "Well, the Consultant did tell me that. So, and she said she controls the Board, and she decides what happens."

CM Andrews and Mayor Ryder both ask who said they control the Board?

C. Groff: "Ms. Janis Fleet. (Laughs)"

Mayor Ryder stated that Janis Fleet does not control the Town of Penney Farms.

C. Groff: "But, the evidence is clear that she has stalled this project. Because this is Jul, Jan, June, June on a project that should have been approved in January. This is June. And I've been coming here, this is my 5th time here asking, begging, read your LDR's and put it on the agenda. If you deny the project, I'm okay with that, that's the process. But you gotta let me into the process, I just got into the process as of Friday. But now it's three (3) more months. For a process we really don't even have to go through by your LDR. By your LDR we don't have to go through that. The Town could have chosen to put us through a different process. (Inaudible) rule, meets every rule. They chose to go down a different path, the lawyer forced us into it, and said, "Well, if you don't do it, we're not moving it forward, so I said fine we're going to do what you tell us to do. So, this is the problem we're having, we can't get moving. And it costs real dollars, this isn't fake stuff, this is real dollars. The interest on my construction loan for my house had gone from 3.5% to almost 8%. You know what that is going to cost me now? For delays that were unnecessary, completely unnecessary. There was no, nothing, nothing that's happened from the last 8 months that were necessary, nothing. Okay (laughs), nothing that affected the project. The project is still the same, the lines are still the same, the lots are still the same, there's nothing changed."

CM Andrews stated that it chaps him to hear him say that the Town doesn't want your development here. He states that he is sure that the Planning and Zoning has gotten together and the Town Manager.

CM Andrews stated that he cannot speak for all Councilmembers, but they don't sit there and say that you will not develop here.

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C. Groff: "No, I know you guys don't."

CM Andrews stated again that no one controls the Town Council, as far as me and my vote, or what I have to say.

C. Groff: "But if it's not put on your agenda, you don't get review it. And it's been 8 months and hasn't been put on your agenda."

CM Andrews stated that they have talked about it

TM Cooper stated there is a procedure to follow and Mr. Groff is on a schedule now. He states that the Town has sent him an email with the schedule, we met with the attorney and Mr. Groff knows what the procedure is now.

CM Sabin asked since the process has moved to this point, what is the perceived timeline when this process will be completed. He asked if it means months....?

TM Cooper stated that the project has to go through Planning and Zoning and as long as there are no issues then it will come to the Council. TM Cooper stated that Mr. Groff is on the Planning and Zoning agenda for July, and then will come before the Council in August. He states that if there are any stipulations or issues then the Town will figure that out at that time.

TM Cooper stated that the dates are set. He stated that Mr. Groff already knows when the meetings are scheduled.

TC Cooper states to the Council that Mr. Groff received an email last Friday. She stated that as of the last Town Council meeting, in the minutes, it was required that there be a meeting with the Town Attorney, Planner, Mr. Groff, Mr. Groff's Attorney, that meeting did take place. She stated that the Council has the minutes from that meeting in their Council books.

TC Cooper stated that the email Mr. Groff is referring to, was the Concept review that Mr. Groff sent on June 3rd. She states that the Town has 15 working days to determine whether or not the Concept review is complete.

TC Cooper stated it is not the Town staff that determines whether it is complete or not.

TC Cooper reported to the Council that every time that Mr. Groff submits something, it gets accepted, dated, and goes to the Town Planner and Attorney to review and make sure that he has everything that the application requires. She states that the Town has asked Mr. Groff to send one complete package, because there have been several submissions with pieces and parts. She states that Mr. Groff has complied with that request.

TC Cooper states that the Town will be putting one package together for Planning and Zoning and the Town Council to avoid any confusion with the previous submissions, moving forward.

TC Cooper states that Mr. Groff was notified that the Town has 15 working days to discuss and determine whether the submission was complete. She states the Mr. Groff will be notified on Friday or before Friday whether it is totally complete or not. She states that she notified Mr. Groff that the next Planning and Zoning meeting is scheduled for July 20th which falls after the Monthly council meeting so he will be on the agenda for the following Council meeting on August 16th.

TC Cooper states that Mr. Groff has a timeline of all the meetings that he will be on the agenda for. TC Cooper states that this is for the initial review. She states that there may be conditions. She states that Mr. Groff understands that and that he said that at the last Town Council meeting, that there are going to be some conditions that will need to be met for the Final Replat.

TC Cooper states that she would like to express that on behalf of the Town Staff and stated the Town Manager can express his own opinion, but she would like to state that there is no one that is against this project. She states that Mr. Groff does not care for the Town Planner, and stated that it is a personality/personal issue, with nothing to do with the project. She states that the Town staff is following the process and that the Town wants to be sure that the process is completed correctly.

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CM Andrews asked, " what is the feasibility of Planning and Zoning holding a special meeting, so they can go ahead and look at the Project so the Town can expedite the process and get Mr. Groff on the Town Council agenda? "

TC Cooper stated that the reason they cannot expedite the process is because it is required to notify the surrounding property owners by written notice, 30 days prior to the Planning and Zoning and/or Town Council Meeting.

TC Cooper stated they are on schedule with the timeline set. She states that when Mr. Groff talks about submitting back in January, some pieces of information were missing. She explained later submissions, after several meetings, items have been added and the basic information for the initial Concept Review can be presented. She stated the Town can move forward and further stated that is what we are doing. She stated the time frame hasn't been great, but it is the process that needs to be followed.

Mayor Ryder asked Mr. Groff if he understands that he is now on the schedule

C. Groff: "No, I understand, it's on the schedule. I've been doing this for 35 years. I understand the schedule. It was purposely delayed, and it costs a lot of money and at some point, something has to be done about that. So, you know."

Mayor Ryder stated the best the Town can offer at this point is....(Interrupted by Mr. Groff)

C. Groff: "I am not blaming the Town Council, you guys don't know, it was not put on your agenda. You know I love all these statements that things have been left off, the plans haven't changed. Nothings changed. Nothing has changed."

TM Cooper asked Mr. Groff if he understands the schedule now.

C. Groff: "I told you that I understand the schedule. It's delayed 6 more months, three more months before we get in front of you and its 3 more months before the final plat can be filed. So, its 6 months."

(Inaudible multiple people talking)

C. Groff: "June, Jul....So, its 2 months till Council, 2 months and then 3 months for the final plat. Based on your rules, that you're making, that this project was deemed to fall under, even though I think that's not, I think that's the interpretation you should have made, and not the staff. So, that's what the code says. But, anyways, it's, its, we have a schedule, we're moving forward, we just wanted to let you know the cost, this cost, which for no apparent reason. The project is gonna be the same project. It's not gonna be different than what was proposed in November."

Mayor Ryder stated that the process is very important.

C. Groff: "Oh, absolutely, on both sides. From both sides.

Mayor Ryder stated that every single document required needs to be in one place, at one time to submit to Planning and Zoning. She states that it seems like we have it now.

TC Cooper stated we will know for sure in a couple of days.

Mayor Ryder thanks Mr. Groff for coming.

4. Other:

Audience Member, Barbara Andrews stated in regards to yesterday's holiday of Juneteenth, is the Town not observing that Holiday?

TM Cooper stated the Town will celebrate that holiday in the future, but there were so many meetings scheduled at one time that we could not change in time to observe the holiday this year.

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*CM Andrews commented that the President did not sign it until late last year.
TM Cooper confirmed this holiday will be observed moving forward.*

Mayor Ryder asks if there are any other comments or questions.

CM Andrews commented that he is trying to bite his tongue because of Mr. Groff's comments. He stated it concerns and bothers him, because he doesn't want Mr. Groff to hit a brick wall every time he comes into a meeting, because that's not how the Town operates.

C. Groff: "It's not y'all. It's a small Town."

CM Andrews states that if he hears the planner say that it's not going to be approved, then I'm sure Mr. Cooper or whomever will deal with that. He states that he still doesn't want Mr. Groff to walk out of here thinking that the Town has turned their cheek to things, that are not positive, in developing our Town and treating everyone fair the way you're supposed to according to the policies and procedures. He stated that it his main concern as he sits on the Town Council to represent the people of the Town of Penney Farms.

C. Groff: "At some point I may meet individually show you exactly what happened."

CM Andrews stated that his concerns are our concerns.

TOWN CLERK:

1. Ethics Training Dates – Listed in front of Town Council Books

TC Cooper states that she wanted to make the Town Council aware of is the Memo in the front of the Council Books for the Ethics Training dates.

Mayor Ryder and CM Sabin state they would like to sign up for the July ethics training

TC Cooper confirmed that CM Andrews is confirmed for the December 2022 class.

CORRESPONDENCE: (Location of items – Listed)

May 2022:

1. Copy of Notice Town Hall Closed on Monday, May 30, 2022 to observe Memorial Day - Miscellaneous Section
2. Copy of Employment Agreement for the Town Manager – Human Resource Section
3. Copy of the Northeast Florida League of Cities Dinner Meeting for April 24, 2022 – Correspondence Section
4. Copy of Compliance letter from Florida Department of Environmental Protection (FDEP) for the Water Utility dated
May 5, 2022 – Correspondence Section
5. Copy of Taxable Value letter from the Clay County Property Appraiser (CCPAO) dated May 27, 2022 – Correspondence Section
6. Copy of minutes from Community Development & Recreation (CDR) meeting held on May 17, 2022 – CDR Section
7. Copy of Notice and Planning & Zoning Commission (P&Z) Workshop notes from meeting held on May 25, 2022 - P&Z Section

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There being no further questions or concerns, a motion for the meeting to adjourn by VM DeVille; Second by CM Andrews.

Motion approved without dissent.

Meeting closed: 7:38 P.M.



A handwritten signature in blue ink that reads "Elizabeth A. Ryder". The signature is written over a horizontal line.

Mayor; Elizabeth Ryder Presiding

ATTEST:

A handwritten signature in blue ink that reads "Anita E. Cooper". The signature is written over a horizontal line.

Anita E. Cooper, Town Clerk

