

TOWN OF PENNEY FARMS
TOWN COUNCIL WORKSHOP MINUTES (*HYBRID MEETING*)
1st Quarter Town Council Workshop for 2021
Friday, February 12, 2020 9:00AM AT TOWN HALL

CALL TO ORDER: Mayor Andrews

The meeting was called to order at 9:02am.

Present: Mayor Andrews; VM Taylor; CM T. DeVille; CM P. Sabin; CM Ryder; TM Cooper; TC Cooper; AA Harris; and AA R. Mack

Absent: All present for the record.

Additional Audience: Don Cimino (P&Z Commission Member)

This meeting has been called to ensure that all Council members may attend for discussions and not violate the Sunshine Law. *NOTE: No voting can take place at this meeting.*

Additional Audience:

**** According to the Florida Municipal Officials Manual: Although citizens are allowed to attend all meetings of the public body, there is no requirement that citizens be allowed to participate in these meetings. Citizens are permitted to participate at public hearings and legislative meetings, such as the Town Council meetings. ****

AGENDA OUTLINE:

1) Seat #1 – WATER UTILITY COMMITTEE – Tom DeVille

➤ *No items submitted*

2) Seat #2 – PUBLIC WORKS COMMITTEE – Adrian Andrews

➤ *No items submitted*

3) Seat #3 – HUMAN RESOURCES – Elizabeth Ryder

➤ *(2) 90 Day Personnel Evaluations*

-CM Ryder stated the two new employee 90 day personnel evaluations were completed for the record.

4) Seat #4 – COMMUNITY DEVELOPMENT & RECREATION – Mickey Taylor

-VM Taylor announced that the “Old Fashioned Farm Day” has been postponed due to the storm water project that will have Clark Avenue torn up from the new construction repair. She explained, at the moment the new target date will be either October 9, 2021 or October 16, 2021, but has yet to be finally determined.

5) Seat #5 – FINANCE COMMITTEE – Paul Sabin

-No items submitted

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***Packets were distributed to all members of the Town Council for the Town Manager information. (Includes: Paso Fino Project Update; Re-Plat Summary update; and a folder containing Street Closure Negotiations Options 1-3)*

6) TOWN MANAGER

➤ **Storm Water Project update**

-TM Cooper explained all the required paperwork has been signed and the start date for the contractor to move equipment into town is February 22, 2021, to begin working on the storm water project. He stated all work must be completed by September 30, 2021, because the contract with the St. John’s River Water Management District (SJRWMD) ends October 1, 2021. He stated that two crews are being brought in to work on Clark Avenue and Poling Blvd. at the same time. He stated he wants to give the affected residents advanced notice of when to move their vehicles and/or if and when their driveway may be blocked. He stated Wayne Boone at the Penney Retirement Community (PRC) is being kept informed and knows all cars will have to be moved on both sides of Poling Blvd. He also stated PRC has been told to locate all their water lines and infrastructure before the contractor begins construction.

-TM Cooper stated he is putting all located pipes onto the Diamond Maps program, even if it is PRC’s. He expressed he wants to be able to help PRC locate and know where all their pipes are, this way, we can help as many residents as possible. He stated there is at least a two year waiting list to get on the Diamond Maps program and when PRC is ready, he will be able to transfer all the information he has onto their program. He stated he is looking forward to completing this project.

-CM DeVille suggested that a rain gauge be used to account for rain days in case there is a delay in construction and this way there would be documentation for the delay.

-TM Cooper stated he will implement a rainy day log and account for those days that work could not be done to justify delays.

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-TM Cooper explained to the Council Members how much research goes into these projects and he thanked the Town Hall office staff for their hard work and many months of research to facilitate the updates and projects being done in and around the town limits of Penney Farms.

➤ **Paso Fino Development Project Update (See Summary Update)**

-TM Cooper reminded the Council Members that this developer (Mark McGuigan) and his wife had promised to build 42 new homes at the East end of town in 2015, on Paso Fino Road. He stated this would have produced new revenue from water and sewer, as well as, enlarge the tax base and everyone was excited about the project. He stated this contractor

has not fulfilled any part of the development he presented and has just been digging a bigger pond (hole) in the area, which is now a 16.4 acre borrow pit.

-TM Cooper stated the developer has gone to the SJRWMD three separate times to get permission to make the pond bigger, without notifying the Town. He stated the developer found a loophole in the Town's Comprehensive Plan and upon further research, noticed our Town's Land Development Regulations (LDR's) does not have any land clearing permit restrictions. He stated the developer has sold the dirt and is making a lot of money.

-TM Cooper stated he was contacted by Mr. McGuigan on New Year's Eve, where the developer asked the Town Manager about possibly annexing in another parcel of land, which included another 36 acres, to possibly develop. TM Cooper stated he was candid with Mr. McGuigan and told him he has not done one thing that was promised to the Town in the originally approved development.

-TM Cooper had another in person meeting with Mr. McGuigan, and the developer was not consistent in his reasoning for annexing in the new acreage. He explained he went through a terrible divorce and gave the Town Manager several different scenarios of what could be developed, but he specifically wanted to dig another pond (hole). After this conversation, TM Cooper determined there may be only about five new homes built, if that, Mr. McGuigan did not commit to any one specific thing.

-TM Cooper admitted that he was very green when the first development was first proposed to the Town, but knowing what he knows now, he would have required some sort of performance guarantee.

-TM Cooper stated that after the last meeting with the developer he called the Town Attorney, who suggested he contact Janis Fleet, who helped write the Town's Comprehensive Plan. He requested Mrs. Fleet to help the Town write an amendment to the Town's Comprehensive Plan to close the loophole and not allow developers to come in and dig borrow pits only, calling them "storm water management systems", which is what happened with the Paso Fino project. He reported this has cost the Town \$1,000.00 to do, which has already been paid. He also asked for Mrs. Fleet to help write the language needed for a moratorium to be Town Council approved, for all potential developers, until the Town's Comprehensive Plan and LDR's can be looked over thoroughly and include all aspects of any new development located within the town limits of Penney Farms. He stated there will be additional costs for this, but this will protect the Town in the future.

-TM Cooper stated a lot of land has been sold around us and new development is coming, it is only a matter of time. The Town needs to make sure it is protected and can control its growth, on its terms, which is the goal of the moratorium and amendments.

-TM Cooper stated the Town has the power to go to Mr. McGuigan and shut down his dirt digging operation, but he stated that there are only a couple of months of digging left and to let him finish, to avoid any liability and/or litigation to the Town.

-CM DeVille commented that this project is nothing but a borrow pit. He asked the Town Manager what is expected to be the final result when the developer completes the SJRWMD permit with berm heights and overflows.

-TM Cooper stated he would like to have Mrs. Fleet interact with SJRWMD and make sure the permit is closed out properly. He stated he doesn't know if they have to close it up and/or they may vacate the property and leave it as it is. He further stated that SJRWMD should put the pressure on the developer to ensure proper permit compliance.

-CM DeVille wanted to know what the finished product would be for this "storm water management system"? He asked if it would be fenced to avoid passers-by to jump in and go swimming and drown.

-TM Cooper stated that the slopes and care to be taken are listed in the SJRWMD permit. He further stated the last time this developer went to SJRWMD, he has five years to complete the permit.

-TM Cooper stated SJRWMD has been made aware of this situation by Mrs. Fleet, but he is not sure how they will handle the situation. He further stated this type of thing has been happening all over North Florida, by other developers, so SJRWMD is now paying attention.

-CM DeVille asked if the developer should come before the Town Council and present his request for the new annexation and answer questions regarding the first proposal?

-TM Cooper stated that in his opinion, the developer has not yet come to the Town formally to ask for a new annexation. He stated that when and if the developer requests another annexation, he would have to go before the Town's Planning & Zoning Commission (P&Z) first, who would then present a recommendation to the Town Council for approval.

-CM DeVille asked again if an invitation should be extended to the developer to come before the P&Z because he approached the Town Manager with the request?

-TM Cooper stated that after the long meeting he had with Mr. McGuigan, at this time, and in his opinion only, he does not feel the developer will come to the Town to ask for the same thing. TM Cooper stated he will do everything he can to ensure the SJRWMD permit is closed correctly.

-TC Cooper stated that in addition to the previous comments made by the Town Manager, she directed the Town Council Members to refer to the timeline summary given to them in their packets, regarding this issue. She reminded the Council Members of the process of amending the Town's Comprehensive Plan and LDR's. She stated it will entail the details of what the Town needs to include in those documents, such as, the requirements for site plans, developments plans, and permits needed and language protecting the Town from more borrow pits, etc..

-TC Cooper stated with all of the growth going on all around us in Clay County, and property being sold within the town limits and nearby, the Town needs to be prepared for any new development coming. She further stated updating the Town's documents is the smart and prudent thing to do, but it is a long process.

-TC Cooper stated Mrs. Fleet will write an opinion of what needs to be amended to the Town's documents, then they will be reviewed by the Town Attorney and Town Manager, and then be sent to the State for approval, which may take up to 60 days to get a response and approval, without revisions; there will be required advertising and public hearings for a new Ordinance approving these changes, so we are looking at having this done later in the year.

-TC Cooper stated this is why the Town Manager would like to implement a moratorium now on all new development until the Town documents get amended.

-CM Sabin asked the Town Clerk what the timeline is to put the moratorium in place?

-TC Cooper reported that Mrs. Fleet is working on that now, under the Town Manager's direction, and we should have some information on a Resolution to be approved, within the next couple of weeks.

-TM Cooper stated that his goal is to get the moratorium done as soon as possible.

-CM DeVille noted that when dealing with Fleet & Associates, the Town's bills will hopefully be in the low thousands, he asked if the Town can handle this unbudgeted item?

-TM Cooper stated, that yes, we can. He stated he will remain frugal and there should be enough unrestricted monies to get this done. He further stated he may have to put off something else and tighten up elsewhere, but this is a necessity and needs to be done.

-CM Ryder commented to agree that a moratorium needs to be done as soon as possible.

-Mayor Andrews asked if there was any way to get SJRWMD to check with the Town when a permit is requested within the town limits?

-TM Cooper stated SJRWMD has told him, it is ultimately the responsibility of the individual municipality's Comprehensive Plan to protect itself. However, he has now arranged that SJRWMD will notify the Town of any permits being issued within the town limits.

-Mayor Andrews reiterated CM DeVille's earlier concern regarding Town liability on what will be left at the property on Paso Fino Road. He asked if the final inspection for the SJRWMD permit could be done jointly with the Town?

-TM Cooper stated the Town cannot put any additional requirements on the SJRWMD permit, but will do its best to ensure the compliance.

➤ **Re-Plat/Street Closure Update – Jax-Palatka Request (See Summary Update)**

-TM Cooper read from the summary sheet and explained that Susan Fraser is currently working with the Reinhold Corporation and has worked for Clay County for many years, and has expert knowledge of re-platting.

-TM Cooper stated Mrs. Fraser and Cooper Murphy originally came in to Town Hall in July 2020 to show the platted streets they would like to see shut down in the future, which they considered to be a minor re-plat for the Reinhold Corporation.

-TM Cooper stated both Cooper Murphy and Susan Fraser came back again in December of 2020 to officially announce that the Reinhold Corporation sold 12,000 acres of their land to Jax-Palatka, LLC and are now representing the new owners. He stated they presented another proposed re-plat package that included both Reinhold Corporation lands and Jax-Palatka, LLC lands along with a list of streets that were already closed and streets they want to be closed. He stated both representatives said they are doing surveys and title searches on each of these parcels and after that is completed, they will be back to formally request the re-plat, from the Town.

-TM Cooper stated after three months of research the Town now has all the supporting documentation, which after the Town's Attorney's review, it has been determined that the Town owns the streets. He stated the platted streets that are requested to be closed equal approximately 32.27 acres of land, even though they are in 60' strips.

-TM Cooper stated the Town had no re-plat policy in place; however, the Town Council has already approved a Re-plat Policy with Resolution 2021-01, at the January 2021 Town Council meeting, which now includes the procedures for a re-plat.

-TM Cooper stated both Mrs. Fraser and Cooper Murphy will be back in the next month or two to formally request a re-plat and ask the Town to close a list of streets. He stated that after further discussing this request with the Town Attorney, she stated the Town has an obligation to not just give land away, because that is illegal. He further stated that he intends to try and initiate some land negotiations.

-TM Cooper presented the three options for some land negotiating to the Town Council. (See options located in the green folder distributed) He asked the Town Council to review these options and comment and/or make other suggestions. He further explained the last page of the left side of the green folder is the picture of the proposed re-plat from the Reinhold/Jax-Palatka representatives.

OPTION 1 (Please read the description) TM Cooper added the following comments, regarding this option.

-TM Cooper stated in regards to the first option, the cement driveways and block storage areas behind the maintenance shop are on Reinhold property. He stated it would be nice for the Town to own it.

-TM Cooper stated he would like the Town to have control of one of the main drainage ditch areas throughout town that would allow access for maintenance, as part of this option.

*No further questions or comments on Option 1, at this time.

OPTION 2 (Please read description) TM Cooper added the following comments, regarding this option.

-TM Cooper stated this is a nice option for the Town, it would give the Town nice congruent lots

*No further questions or comments on Option 2, at this time.

OPTION 3 (Please read description) TM Cooper added the following comments, regarding this option.

-TM Cooper stated this option would include frontage on State Road 16 for possible future businesses.

-TM Cooper stated again that he would like to be able to have access to all drainage ditches in the town limits.

*No further questions or comments on Option 3, at this time.

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After reviewing the options with the Council Members, TM Cooper stated the Town needs to grow and increase its tax base; and be able to continue preserving the small town atmosphere the residents are accustomed to. He stated he doesn't know what may happen with these negotiations, they may not go along with anything, but the Town needed to be ready to negotiate. He further assured the Council Members, he has done his homework and is working with the specific professionals in conjunction with the Town Attorney to ensure to do what is best for the Town and its residents, for the future.

-CM DeVille asked, who is Jax-Palatka?

-TM Cooper stated Jax-Palatka is a company owned by a hedge fund that purchases land, the individual owner has yet to be identified.

-Mayor Andrews thanked the Town Manager for doing his due diligence and expressed his appreciation for the research that has been done with all of the items being discussed.

-CM Ryder commented that being able to maintain and access the water ditches is important to the Town. She stated all of the options sound good.

-CM Sabin commented that there are only two members of the Town Council that have served long term, on this Town Council, CM DeVille and Mayor Andrews, who have years of knowledge of the dynamic relationships the Town has had with the Reinhold Corporation, PRC and the town's people. He stated he feels these options are a reasonable approach to form new good-willed relationships with the entities in and around our town.

-TM Cooper stated the process will start when the Town receives the formal requests. He stated he will keep each Council Member informed of any updates and provide a timeline of events.

-Mayor Andrews stated his concern is for the Town being put in gridlock regarding property. He also asked if there was a way to stake out the areas that these options show.

-TM Cooper stated that he can show the Council Members exactly what the options are by getting on a golf cart and/or driving to the areas to physically to show them.

-Mayor Andrews referred to the Town Attorney's comment that it is illegal to swap land...

-TM Cooper corrected Mr. Andrews and clarified that it is illegal to give land away.

-VM Taylor requested a field trip to physically see the options presented, to understand them better.
-TM Cooper stated he can individually take each Council Member to see these options, but not as a group, as to not violate the Florida Sunshine Law.

-Mayor Andrews asked if the idea of the land negotiation had been presented to the Jax-Palatka representatives?
-TM Cooper stated no, not yet. He wanted to discuss these options with his Town Council first, to be prepared to make an approach for offers on the Town's behalf.
-Mayor Andrews asked for a timeline when it presents itself.
-TM Cooper stated he will make sure his Council receives a timeline when the process begins.

7) TOWN CLERK

➤ Upcoming Ethic Training

-TC Cooper stated the first Virtual class for the required Annual 2021 Ethics training has come out. She stated it will be on Wednesday, February 24, 2021, from 10:00am – 3:30pm. She stated there will be two sessions; one in the morning and one in the afternoon. She stated she was confident that there will be another session available later in the year and asked if anyone would like her to get them registered for this first session.

These were the requests for registration:

-Mayor Andrews
-CM DeVille
-VM Taylor
-CM Ryder

-TC Cooper stated she will get them registered and they will receive an email for confirmation.

OPEN DISCUSSION:

-TM Cooper added and reported to the Council Members that a pump that went out at the car wash lift station. He stated there will be a \$3,600.00 bill from that, to be paid out of the reserve. He further stated he will have the older pump rebuilt to have a spare to use at all of the lift stations.
-TM Cooper also reminded them, they will see the extra costs for Janis Fleet to help the Town with its moratorium and amending the Town's documents.

-Mayor Andrews asked if it would behoove the Town to put Janis Fleet on a retainer, rather than pay her a thousand dollars for each item.
-TM Cooper stated no, not to do that, because Mrs. Fleet charges by the hour and he gets invoiced for everything she does. He stated Mrs. Fleet told him she will be there, for the Town, when we need to call her.

There were no other questions or concerns and the meeting was adjourned by CM Sabin; seconded by CM DeVille. Motion was approved without dissent.

Meeting adjourned at 10:35am