

TOWN OF PENNEY FARMS
TOWN COUNCIL WORKSHOP MINUTES
4th Quarterly Town Council Workshop for 2019
Friday, November 15, 2019 9:00AM AT TOWN HALL

CALL TO ORDER:

Present: Mayor Tom DeVille; Vice-Mayor (VM) Paul Sabin; and Council Member (CM) Mickey Taylor

Absent: CM Ryder and CM Andrews

Additional Audience: Resident Gerry DeVille; Residents Mr. and Mrs Wightman

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.*

**** 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. ****

Mayor DeVille opened the meeting at 9:00am.

1) Town Clerk (TC) Cooper reminded the council that these next few items listed will be discussed in more detail in the future and will remain on the Town Council Workshop Agendas until completed. She stated the town staff has not had time to put together and provide the necessary justification documentation for these items to be discussed today. She quickly reviewed the following:

- *Approving an updated Bad Check Policy by Resolution.*
- *Approving an updated Town Solid Waste information sheet / Increase **Special Pick-Up fees only** by Resolution.*

-CM Taylor wanted clarification on who the fees would affect.

-TC Cooper stated that these new proposed fees are not increasing the normal garbage pick-up fees, just the special pick-up fees for things like appliances; furniture; and large yard debris. She explained the current fee of \$25.00 is not covering the costs involved.

-Town Manager (TM) Cooper stated there is some abuse with these special pick-ups and the new policy would put a stop to that.

- *Implementing the Town of Penney Farms to become a Tree city by Ordinance, which has been approved to apply for by a formal motion at the June 18, 2019 Town Council meeting.*
 - *Include Planning & Zoning Commission – Land Use Development Regulations*

-TC Cooper asked the council permission to call a Planning & Zoning Commission meeting for their input as well. That was approved.

-VM Sabin stated that the Penney Retirement Community should be apprised of this and be included in discussions.

-TC Cooper agreed and will notify them as well.

- CM Taylor asked if the Reinhold Corporation be included as well.
- TC Cooper agreed and will notify their representative.
- Mayor DeVille stated the ownership of the trees need to taken into consideration as well. He stated the J. C Penney Scenic Highway has trees that both belong to the state and are owner privately.

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

- Water Utility Chairman DeVille reviewed the following with the council:

- The water utility rates were increased according to the 2019 CPI Index by 2.36%, effective October 1, 2019, by approved Resolution 2019-06. Fiscal Year 2019/2020 Average Household increase = \$1.14 per month/ PRC total billing increase = \$165.00 per month. A Public Notice was posted July 1st to give notice to all residents.
- A credit was given to all residents for the water/sewer increase for the month of October 2019 for the September usage and implemented correctly on the November 2019 water bills, for the October usage.
- The water utility rates may be increased every year according to Resolution 2019-06, when the new annual CPI Index is announced. This Resolution will be restated to include “billed in arrears” in the title. There will be an effective date and proper notice given to residents.
- The Annual CUA increase was absorbed by the Town of Penney Farms for the new fiscal year of 2019/2020 and will be reviewed again next year, when the CUA announces its increase.

-VM Sabin stated that his finance committee will be watching the effects of not passing on the CUA increase this year, when making the recommendation to the town council for next year.

- New Saunders Road necessary repairs

-Chairman DeVille informed the council that J. C. Penney pumped water all the way out to Saunders Road and serves two residents that are located in Clay County, not the Town, but pay for water services only. He explained that this is a little over half a mile long water line that has had some problems.

-TM Cooper stated that he has done his best to patch this water line, but now the Town needs to replace the line. He reported another large leak and explained how much water is being lost with that line. He reported that this line will cost about \$27,000.00 - \$30,000.00 to replace and Jeff’s Excavating will allow the Town to tag onto the Clay County School Boards pricing for the repair.

-TM Cooper stated that Little Dairy Road has the same problem and will have to be addressed.

-Chairman DeVille stated that the Town would be scrutinized by the health department if the Town cut the water off. He further stated that the Town is married to this problem and will have to deal with it. He stated that the Town should ask our legal counsel for her advice.

-VM Sabin stated that the better course of action is to be good neighbors and fix this problem. He further stated the Town has a lot in stake in terms of its reputation and keeping its word.

-TM Cooper stated there are other lots in the area that if sold, could become new water customers.

-Mayor DeVille stated the general consensus from the town council is to move forward with the repairs on Saunders Road.

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

- No items

4) Seat #3 – HUMAN RESOURCES – Elizabeth Ryder

- In the Chairwoman Elizabeth Ryder’s absence, Town Manager Cooper updated the Town Council on new developments with Tracy Jones, as follows.

UNEMPLOYMENT CLAIM

-TM Cooper stated that after a telephone hearing with the State office on October 11, 2019, which the Town Attorney was present for, and the Town explained that this employee walked off the job, the State decided that T. Jones will be eligible and receive the unemployment benefits for one year.

-TM Cooper stated this will cost the Town \$550.00 per quarter and continue through 8/24/2020. A total of \$2,200.00 for T. Jones unemployment benefits will come out of this year's budget. This bill will be paid out of the money that was originally budgeted for T. Jones this year.

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WORKERS COMPENSATION CLAIM

-TM Cooper reported T. Jones has filed a workers compensation claim stating he hurt his neck this past April while lifting manhole covers. This injury was never reported until after this employee walked off the job.

-TM Cooper stated T. Jones does have an attorney and the Town has been notified.

-TM Cooper the Town has its Workers Compensation through the Florida League of Cities (FLC) and they have also been notified of the impending claim. The Town has been assigned an attorney and our Town Attorney has been kept abreast of any updates and the information.

-TM Cooper stated the town clerk has compiled this employees entire 35 year personnel file and sent it to the Town's representation at the FLC.

-TM Cooper informed the council that he has a meeting scheduled with the FLC Attorney on Wednesday, November 20, 2019 at 9:00am to discuss this claim in detail. He stated he will keep the Town Council informed as this case progresses.

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

-CM Taylor announced the Town's Christmas Parade is scheduled for December 14, 2019 and she is currently looking for a Santa and convertibles.

-TC Cooper reported she has ordered the toys and gift bags for the kids.

6) Seat #5 – FINANCE COMMITTEE – Paul Sabin

-Chairman Sabin stated that we need to discuss and confirm the items already approved at the 2019/2020 Town Council Budget Workshop because a formal motion is needed at an upcoming Town Council meeting.

-TC Cooper distributed a copy of the list of Items over and above the budget.

-TM Cooper reported that a decision on what items the Town Council wants to spend the money on needs to be clear. In the last month and a half many things have changed and he needs clear direction from the Town Council, on what to do. He reported that Council Member Andrews had his Public Works committee meeting and now wants sidewalks repaired and new speedbumps on Hoffman Street near the Playground Park to be installed. TM Cooper stated that he was told to him that one of the Town's children will be killed if the speedbumps are not done. TM Cooper stated he spent the \$2,400.00 and got it done, but this item needs to be included in the over and above the budget projects.

-TM Cooper stated that he will do whatever the Town Council wants him to do, but he needs clear direction. There are capital projects listed, to be done with the Ad Valorem revenues, as well, that need to be confirmed. He stated those items were what the Town told the public they were going to do with that money.

-TC Cooper distributed a copy of the list of capital projects that were to be paid for with the Ad Valorem Tax revenues.

-VM Sabin asked if the Town Council has the authority to change the projects because of the changed situation in the Town to revise the list presented.

-TC Cooper informed the Town Council that yes, confirmed by the auditor, they can change the projects listed, as long as they use the same revenue amount. She stated that she would need to know the changes for accounting purposes as well.

-VM Sabin stated that any requests from the Public Works committee should come through the Finance Committee with their proposal.

-VM Sabin stated that due to changing mindsets, these lists of spending money need to be possibly revised and addressed by the entire Town Council at a Workshop.

-TM Cooper expressed his opinion that the Town should stick with the originally approved projects because that is what was told to the residents.

7) TOWN CLERK

-TC Cooper stated she wanted to follow-up on recent comments from public meetings and read the following statement:

"I would like to thank the Mayor and the Council Members for the opportunity to speak and respond to some of the recent comments and accusations that have had a negative impact on our community and the Town staff.

I would like to emphasize that my remarks here today are not intended to come across as a disgruntled employee, but as a concerned and conscientious Town employee.

In my position, as the Town Clerk, I have witnessed a few public meetings that were not always pleasant or positive and have come to understand that there will always be decisions made that will not please everyone, especially when it comes to taxes, or increasing the rates or fees of any kind. However, this time, the accusations were made personal and directed towards the Town staff, so I felt the need to respond.

There are numerous distorted facts and rumors going around, not only in our community, but outside of the community as well. Some of the rumors have been circulating at the County level and even at the State level.

As you know, Cathie Parrott, the Town's grant writer, spends a lot of time advocating for the Town of Penney Farms for grants to support the Town's 100 year old infrastructure needs. I would like for the Town Council to know and read to you the comments made by one of our State Representative's to Cathie Parrott at the Clay County Legislative Meeting held on October 10, 2019. She stated when she was informed of these remarks and requested an audio recording of this meeting and the following is a direct quote from the State Representative:

"He stated he is going to provide some feedback and will look into this a little more, but his next comments are not directed at Cathie Parrott. He stated he will be looking into the City Council and the City Manager because he has been hearing about some significant millage increase and tax increases. He stated he looks at local governments like Keystone Heights, Green Cove Springs, Orange Park, and the Clay County Board of Commissioners who have just held their millage. He stated you have some local governments that are holding the line the best that they can and only they can justify the increase. He told her that a lot of small towns don't want the legislature coming in there and dictating how much you can raise taxes, but from what he sees happening in Penney Farms from afar, he will dig into this further. He stated that it is his understanding that you have 700 residents and you have a city manager who has made \$30,000.00 and that is probably what he should be paid for, for that size of town, now \$80,000.00. He stated there is some spending issues there and he told Mrs. Parrott that it is concerning. He stated the City Council make want to look some efficiencies with

the Clay County Utility Authority, the City of Green Cove Springs, or whether it is annexation. He stated if Penney Farms is struggling so much with the asks that you have had on your infrastructure for 700 and some people, your treasurer there is the Penney Retirement Community. He stated most of those residents are on fixed incomes and boy the Town is putting some burden on them. He stated he doesn't know what the answer is. There are a lot of people smarter than him to look into it, but it is very concerning, and he is not sure what they can do about it in the legislature, but they will look at it a little closer. He stated there is definitely some spending and taxation going on that will determine how the Town government will run in the long term." He ended the remarks, by saying "that is all".

-TC Cooper expressed her embarrassment and concern for the Town of Penney Farms. Every other City official got some sort of feedback and/or assurances that support would come, the Town of Penney Farms did not.

Please understand that those comments were made in front of every other Clay County municipal official, County Officers, and organizations there to address the delegation, 42 entities in total. I consider those comments inappropriate and I can only imagine the embarrassment Cathie Parrott felt. This should concern all of you as Council Members. I do wonder where this representative got his information from. I can tell you that no one from that representative's office has contacted this Town Hall for information.

The audio recording of this meeting was such a disappointment and to be honest, an embarrassment to the Town. A responsible person, upon hearing a concerning or negative subject, would investigate the facts from both sides in order to form an educated opinion. The same goes for people who have been told things and just run with it. I wonder how comments like that will help the Town of Penney Farms get State grants and needed funding, in the future.

In addition, the Town Manager and I have been accused of, and I quote, "of fraud, waste, and abuse". That kind of language is unfounded and untrue. Statements like that has the entire Town staff on the defense. It does not make for a productive setting nor does it encourage employee morale. The Town of Penney Farms has a very small staff and all of the employees are asked to perform many tasks, usually with unrelenting deadlines. Everyone should take the time and examine the job descriptions for each position and you will see how much work gets done and then understand the efforts made to have accurate information.

The Town Manager and I have voluntarily, from day one of our employment together, insisted that certain protocols be put in place, to avoid any assumed improprieties or conflicts of interest. Most of you know that neither of us sign any Town checks, only the council members sign checks. Every check that is written has two sets of initials or signatures for approval. And, ever since the Employee Handbook was approved in 2017, the Town Manager executes all of the employee's evaluations, except for mine, which is handled by the Human Resource Chair and another Council Member, separately.

The Town Manager has a threshold of spending up to \$5,000.00, but still asks for every needed item, regardless of the cost. He has always informed his Council of any emergency repairs and/or costly repairs. He has done his best to save the Town money and explains all monthly expenses in detail at the Finance committee meetings, itemized in the minutes of those meetings. When a resident or Council Member comes to him with an issue, he tries to take care of the issue immediately.

(1) One of the biggest rumors being spread about the Town is about salaries. It has been said that the Town Manager's salary and/or administration salaries have gone up 115% in the last five years. Please allow me to clarify those distorted numbers.

The employee salaries are discussed and approved every year at the Town Council Budget Workshop, to become effective, in the new fiscal year. **(A salary sheet was distributed)** You have to accommodate for the number of hour changes, as well as the hourly rate increase, those changes are significant. As far as benefits go, the Town can't control what the insurance costs each year would be, however, each year inquiries are made to check on small employer insurance premiums that are available, and because the Town has such a small staff, small employee group policies are hard to find. (Wendy elected not to get the Town's insurance since she was hired) The Town Manager just saved the

Town \$17,100.00, this fiscal year, in insurance costs alone, by electing to accept Medicare for himself and Alex Burney, instead of having the Town pay the high insurance premiums.

Also, please note that the Town of Penney Farms still has the lowest salaries for the Town Manager and Town Clerk positions in Clay County. **(A Clay County reference sheet was distributed)** I am not suggesting in any way that I am complaining about my salary and I think the Town is fair and takes care of its employees. However, I do take issue with the salaries being questioned now, after all of these years. There were many steps that were taken to approve the employee increases that are in place now.

(2) Another problem being actively discussed is the Town treating its residents unfairly with the implementation of the approved Ad valorem taxes at a 5 millage rate.

This has been on the Town Council's radar since the FY of 2015/2016, when the Town Manager reported the loss of \$32,000.00 in revenue from Clay County's fuel tax, beginning in 2020. There have been numerous meetings regarding this issue.

The Town Council was informed and followed the process to the letter. At the last Budget Workshop, no one from PRC attended, and there was a general consensus and understanding that a 5 millage rate would be approved, by **all** of the Council Members, and the budget was produced by those approvals. The Town Council agreed upon the projects the tax revenues would be spent on, from the capital projects list, which has over 5 million dollars of needed projects listed. The Town needs the Ad Valorem taxes to continue moving forward and complete many projects. The money was not going to salaries at the Town, as was stated in a previous public meeting, as "fraud, waste, and abuse", and "only benefitting people who do not live in Penney Farms". That is a huge misconception. That derogatory statement could only be directed at the Town staff.

The Town Council also needs to understand that the Penney Retirement Community (PRC) CEO was fully aware of the upcoming implementation of the 5 millage rate tax for some time before the public hearings and given an estimated amount that it would cost the retirement community.

When PRC's auditor needed a letter from the Town justifying the tax expense. The letter from the Town Manager, dated July 26, 2019 was immediately hand delivered to the PRC Administration. **(A copy of the letter dated July 26, 2019 was distributed)** At that time, the CEO informed the Town Manager there was no issue with the taxes, she just needed the numbers for her budget.

I would also like to point out there was not one PRC representative at the 1st Budget Hearing to oppose the Ad Valorem taxes, but at the 2nd and Final Budget Hearing, the PRC CEO opposed the action and many other items as well.

(3) The accusation that every franchise fee, permit fee and revenue coming into the Town of Penney Farms has been implemented by this town administration and is steady rising.

- Building Permit Fees – Were last raised in September 2016
- Franchise Fees:
 - FPL – In place since August 2011 (A 30-year contract) 10%
 - Propane Gas – In place since December 2013 10%
 - Solid Waste /Medical – In place since March 2016 10%

The only rates that would increase annually are the water and sewer rates and those are dictated by the approved Ordinances and Resolutions already in place. I'm curious as to why there is a problem with these fees, just now. There was no argument over 3 years ago, when the documentation was approved and implemented, and some of the fees have been in place for many years, way before we began working here.

Until recently, it should be known that during the majority of the last five years, when a water utility increase was to be implemented, PRC, especially the CEO was given proper notice to budget for it, with no issues.

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I can speak for all of the Town employees, when I say, there is one thing the Town Hall fully understands and that is that PRC is an integral part of the Town and it does want a good working relationship with PRC. The Town staff has always honored its agreements with PRC and treated the PRC Administration and residents with respect and dignity. The Town should and wants to improve its relationship with the PRC administration, but in my opinion only, the current CEO of the Penney Retirement Community has no respect for the Town, its staff, nor its policies. She has shown a pattern of not understanding the processes of the Town and usually reverts to threatening the Town with lawsuits and annexation.

I hope the Town Council understands that the Town of Penney Farms reputation is under attack at this time. The Town staff should not have to endure accusations of this nature, but will continue to serve all residents and persons who come through the Town Hall door professionally and with respect.

I am a dedicated employee to the Town and understand the responsibilities of my position as your Town Clerk. I want to be clear when I say that my goal today was not to make things worse, but to enlighten my Town Council about what has been happening in and around our community. There are people within this community, with their own agendas and motives, not speaking positively about our Town. We have to present the Town in a better light.

My personal goal here at work is to be a good Town representative to our staff, my officials and residents. The proper and correct information needs to be more openly discussed to promote better informed residents, better good consumers and knowledgeable voters. I trust our Town processes that have been heavily documented and put in place.

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I felt it was important to address these thoughts with my Town Council, at this time, while I had the opportunity to speak to all of you together, in an open meeting. Thank you for the opportunity to express my concerns to you. I know that every city or Town has its own issues and problems now and then, and people will talk no matter what.

The sad part about all of this negative chatter is it negates all of the hard work and efforts that have been put in to the improvement of the Town for its residents, the time it took to build trustworthy community relationships, is now going back to square one. I know we all can do better to improve our Town's image moving forward.

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-Mayor DeVille stated that this town staff has definitely raised the bar in the hard working efforts for the Town. He told the Town Clerk to hang in there and keep doing the good job she's doing.

-VM Sabin stated it has always been a pleasure to work with the Town Manager and Town Clerk and acknowledged the damage that has been done. He also stated he recognized how important it was for the town clerk to clarify the distorted information with corrected information.

-CM Taylor appreciated the Town Clerks comments and she too has heard some of the negative comments mentioned. She stated she appreciated what the Town staff does on a daily basis.

There being no further comments or questions, Mayor, Thomas DeVille adjourned the meeting at 10:32am