



Minutes

Town Commission
Regularly Scheduled Meeting
Tuesday • May 13, 2014 • 7:30 pm

1. Call to Order: 7:30 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:
Commissioners Attending:
 - Joseph Aufmuth Present
 - Michael Berkowitz Present
 - Virginia Mance, Mayor Pro-Tem Present
 - Richard Shutterly, Mayor Present
 - Mike Roberts Present (Upon swearing in)

 - Debbie Gonano, Town Administrator Present
 - Stephen Lee, Town Attorney Present
 - Patty Polk, Deputy Town Clerk Present

Motion made and seconded (Aufmuth/Berkowitz) to remove the 'Agenda Approval' from the consent agenda and to vote on the 'Agenda Approval' separately from the consent agenda for this meeting; passed 4-0

Motion made and seconded (Aufmuth/Mance) to amend the order of items and approve the agenda; passed 4-0
4. Swearing in of New Commissioner – Mike Roberts
Town Administrator, Debbie Gonano, swore in Commissioner Roberts. Congratulations offered.
5. Organizational Meeting: Vote for Mayor & Mayor Pro-Tem
Mayor Shutterly instructed Town Administrator Gonano to ask for nominations for Mayor. Nominations for Mayor were placed on the table:
Commissioner Mance nominated Commissioner Shutterly. Commissioner Aufmuth nominated Commissioner Mance. There being no other nominations for Mayor, a roll call vote was taken:
Commissioner Shutterly voted for himself. Commissioner Mance voted for Commissioner Shutterly. Commissioner Aufmuth voted for Commissioner Mance. Commissioner Berkowitz voted for Commissioner Shutterly. Commissioner Roberts voted for Commissioner Shutterly.
Mayor Shutterly was the successful candidate for Mayor.

Mayor Shutterly asked for nominations for Mayor Pro-Tem. Commissioner Aufmuth nominated Commissioner Mance. There being no other nominations for Mayor Pro-Tem, Commissioner Mance was the successful candidate for Mayor Pro Tem.
6. Consent Agenda Approval:
 - A. April 8, 2014 Regular Meeting Minutes and Canvassing Board Meeting of May 6, 2014
 - B. Review & Acceptance of Financial Transactions & Reports

Motion made and seconded (Aufmuth/Berkowitz) to accept the amended consent agenda containing the Meeting Minutes and Financial Transactions and Reports; passed 5-0

7. Citizens Forum:
Cholokka Blvd. Sidewalk Project:
- A. Debbie Martinez congratulated Mike Roberts on his recent win and expressed dismay regarding the negative campaign tactics that happened during the election.
 - B. Sabine Dickel stated that she had nothing to do with the negative campaign tactics mentioned above.
 - C. Ernesto Martinez would like to congratulate everyone also and also expressed disappointment about the negative campaign tactics.
 - D. Shirley Payton congratulated her cousin, Mike Roberts.
 - E. Mike Campbell, Seminary Avenue, expressed his belief about the subject of sidewalks being unneeded. There is a need for maintaining the current infrastructure.
 - F. Frank James, Cholokka Blvd, believes that Cholokka Blvd is our park, acknowledged that many people use this street, and that sidewalks would be helpful to people using this street, especially people confined to wheel chairs. The sidewalks would connect the east side of 441 and west side of 441 business community together, and hopefully we'll get a traffic light out on 441.
 - G. Barney Bennett, Florida Department of Transportation, is looking for direction from the Town Commission on the sidewalks.
 - H. Jeffery Forbes, Ocala Avenue, opposes the sidewalks. Shirley Payton, Tangerine Street, would like the current sidewalks repaired instead of installing new sidewalks.
 - I. Brenda Flowers, Ocala Avenue, is not opposed to sidewalks, but would like the money spent on the current sidewalks.
 - J. Stuart Smith, Okehumkee Street, ditto Mike Campbell.
 - K. Karen Hill, N Division Street, discussed Flexi-Pave which could be placed around the trees, but was concerned about the need to check tree roots, and expressed concern that the sidewalks would not be continuous.
 - L. Kate Hanson, Division Street, stated that sidewalks are good.
 - M. Beth Allerton, Micanopy Librarian, supports the sidewalks and benefits to the town.
 - N. Christine Steurer, Cholokka Blvd, opposes the sidewalks.
 - O. Gene Adkins, Cholokka Blvd, opposes the sidewalks.
 - P. Mike Adkins, Cholokka Blvd, opposes the sidewalks.
 - Q. Geri Smith, Okehumkee Street, opposes the sidewalks.
 - R. Les Singleton, Episcopal Church, opposes the sidewalks.
 - S. Phil Irwin, Eestaulkee Avenue, supports the sidewalks.
 - T. Mark Gregg, Cholokka Blvd, supports the sidewalks.
 - U. Linda Barrett, Cholokka Blvd, supports the sidewalks more now, than when she arrived tonight.
 - V. Sadie & Ken Patrick, Cholokka Blvd, opposes the sidewalks.
 - W. Bud DesForges, Seminary Avenue, supports the sidewalks.
 - X. Billy Mountain, Division Street, opposes the sidewalks.
 - Y. Peggy Carr, Pearl Country Store, supports the sidewalks.
 - Z. David Carr, Pearl Country Store, supports the sidewalks.
 - AA. Erik Perz, Eestaulkee Avenue, opposes the sidewalks.
 - BB. Bill Markham, Seminary Avenue, opposes the sidewalks.
 - CC. Dorothy Markham, Seminary Avenue, is concerned about there being no garbage can at the Gazebo.
 - DD. Faye Roberts, SW Whiting Street, supports the sidewalks.
 - EE. Joann Denning, Tusawilla Road, opposes the sidewalks.
 - FF. Tom Fowler, Seminary Avenue, opposes the sidewalks.
 - GG. Sabine Dickel, Tusawilla Road, opposes the sidewalks.
 - HH. Tom Brady, Cholokka Blvd, opposes the sidewalks.
 - II. Julie Penrod-Glenn, Division Street, supports the sidewalks.
 - JJ. Bob Mance, Smith Avenue, opposes the sidewalks.
 - KK. Layton Glenn, Division Street, doesn't care one way or the other.

Discussion ensued. Commissioner Berkowitz stated that it is good to see all the citizens attend this meeting, and that it appears an equal number of residents both support and oppose the sidewalk issue. Also, he stated that we are not taking the grant money just because it is being offered.

Mayor Shutterly reminded the residents that the Town will have an input in how the proposed sidewalks will be designed and felt that we should accept this opportunity, as we may not get another chance. He reminded residents that the proposed sidewalks would be installed on the County easement, not private property. The Mayor also reminded citizens that the Hwy. 441 Guidelines require sidewalks to be installed so as to connect to downtown. He also acknowledged that the support/opposition is divided. Additionally, he questioned if the Town would be liable if a handicapped person is hurt because there is not a sidewalk available. Attorney Lee does not believe we are liable for lack of availability of a sidewalk.

Mayor Pro-Tem Mance believes that most citizens in Town she spoke with are opposed to the sidewalks; thus she is opposed to the sidewalks.

Commissioner Aufmuth thanks everyone for coming out to express an opinion and for respecting others' opinions; however he opposes the sidewalks.

Commissioner Roberts is new to the commission, but expressed that we may want to make some future changes along Cholakka Blvd with the installation of new water lines and possible sewers and wondered what affect these changes might have on newly installed sidewalks.

Motion made and seconded (Aufmuth/Mance) to abandon the project; Motion passed by roll call 4 – 1 (Shutterly opposed)

8. Guests – None

9. Citizen Board and Committee Reports

A. Planning & Historic Preservation

Fro Warren gave a verbal status report.

B. Tree Committee gave report discussing that the Town's tree ordinance was omitted when the 2004 codification was completed. The Tree Committee has two recommendations.

1. Include as ordinance or special ordinances the previous tree ordinances 99.3, 81 and 81.4 into the 2004 code of ordinances.

2. Recommend the town commission direct the tree committee to work with the town to update the tree ordinance.

Motion made and seconded (Aufmuth/Mance) to direct the Town Attorney to work with the tree committee to create a tree ordinance; passed 5-0

Mike Campbell pointed out that we should address what we need to do with citizens who require tree permits until the new ordinance is complete. Attorney Lee stated that you can adopt an emergency ordinance to prevent tree cutting in the interim.

Motion made and seconded (Mance/Aufmuth) to adopt effective immediately as an emergency ordinance 88-1 until a new ordinance can be adopted. Attorney Lee recommended several updating amendments to the existing ordinance and minor editorials; passed 5-0

10. Town Attorney Reports:

A. Ordinance No. 2014-01 Human Rights Ordinance – Final Reading – Discussion ensued.

Motion made and seconded (Mance/Berkowitz) to adopt as submitted; passed 5-0

B. Resolution No. 2014-05 Traffic Signal Maintenance and Compensation Agreement – Attorney Lee presented. Discussion ensued.

Motion made and seconded (Mance/Aufmuth) to approve Resolution 2014-05 as submitted; passed 5-0

C. Attorney Lee reported that the Supreme Court decided that it is constitutional to begin a public meeting with prayer.

11. Town Administrator Report:

A. Clean-Up (3 dumpsters of household waste, 2 dumpsters of tires, and 3,307 Pounds of Hazardous Waste)

B. Elevator Renovation Completed

C. Purchase Tow-Behind Sweeper Attachment – Town Administrator Gonano presented. Discussion ensued.

Motion made and seconded (Aufmuth/Berkowitz) to approve up to \$5,400 for a sweeper; passed 5-0

D. Pre-fab Metal Maintenance/Garage Building Status – Tabled until next meeting

E. Financial Planning: Maturing CD and other investments - Town Administrator Gonano presented.

a. Would like to keep \$200,000 in our current checking account to meet planned upcoming expense and put the balance into a savings account earning .50% interest at Florida Citizens Bank.

b. Wells Fargo CD is maturing (interest .05%); should be cashed out and moved to Florida Citizens Bank.

c. Our current money market account should be combined with the proceeds from the maturing Wells Fargo CD and moved to a 36 month CD at Florida Citizens Bank paying 1.00%.

Motion made and seconded (Mance/Berkowitz) to move forward with the financial recommendations of the Town Administrator; passed 5-0

12. New Business:

A. Consideration of Written Policy Governing Use of Micanopy Properties/Meeting Rooms – Discussion ensued. The Town will need to secure the building, provide for cleaning, insurance liability issues, and other concerns which need to be addressed.

The Town Administrator was instructed to write a policy and bring to the commission for consideration. Julie Penrod-Glenn would like to use the activity room for a meeting and was instructed to bring a request to the Town Commission.

- B. Proposed Alachua County 1% Transportation Sales Surtax – Mayor presented. The proposed surtax would last a planned 8 years generating an estimated \$207,000 a year. This money would be restricted for repair of Town roads.

Motion made and seconded (Mance/Berkowitz) to present our previous list of roads; passed 5-0

- C. Sabine Dickel Request for Commission Run-Off Election Vote Recount & Public Inspection of the Ballots – Administrator Gonano presented and deferred to the Town Attorney for advice. Attorney Lee recommends allowing an inspection of the ballots. Discussion ensued.

Motion made and seconded (Mance/Aufmuth) to allow Ms. Dickel to inspect the ballots according to State Statute and that Mr. Roberts be invited to the meeting which Commissioner Mance will video tape; passed 4-1 (Roberts recused)

13. Unfinished Business:

A. Derelict Housing Status:

1. Total Derelict Houses Demolished = 3
2. Total Derelict Houses Planned for Demolition = 4
3. Derelict Houses to be Considered for Demolition = 2
 - a. 704 NW 1st Street
 - b. 704 W Smith Avenue

Motion made and seconded (Mance/Aufmuth) to move forward with 704 NW 1st Street and 704 W Smith Avenue; passed 5-0

- B. Consideration of New Waste Pro Solid Waste Contract – Dayna Miller, Waste Pro USA, presented a new 5-year contract to replace the expiring 3-year contract. Discussion ensued.

Motion made and seconded (Roberts/Mance) to accept the amended contract during discussion; passed 5-0

14. Town Commissioner Reports:

- Commissioner Joe Aufmuth – Is proud of the Town
- Commissioner Mike Berkowitz – Nothing
- Commissioner Ginny Mance – Congratulations to the two candidates and welcome to Mike Roberts and wish you success.
- Commissioner Mike Roberts – Nothing

15. Mayor Richard Shutterly Report: -

Welcome to Mike Roberts.

Alachua County League of Cities – The Boundary Adjustment Act did not pass because it was not taken to Tallahassee. The Alachua County League of Cities will present a proposal to Gainesville to do away with the Boundary Adjustment Act and keep Urban Reserve. They will set up a 10-member board to do a draft, and it will take an 80% vote to pass.

The Mayor will be out of town for the next Alachua County League of Cities meeting and would like Mayor Pro-Tem Mance to fill in for him; which she gladly accepted.

16. Adjourn: 10:50 PM

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Richard Shutterly, Mayor

Patty S. Polk, Recorder