



MICAHOPY, SEMINOLE CHIEF

Minutes

Town Commission

Regularly Scheduled Meeting

Tuesday • January 12, 2016 • 7:30 pm

1. Call to Order: 7:30 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:
Commissioners Attending:
 - Joseph Aufmuth On Sabbatical – Joined meeting via telephone
 - Michael Berkowitz, Mayor Pro-Tem Present
 - Virginia Mance, Mayor On Medical Leave – Joined meeting via telephone
 - Richard Shutterly Present
 - Mike Roberts Present

 - Debbie Gonano, Town Administrator Present
 - Stephen Lee, Town Attorney Present
 - Patty Polk, Deputy Town Clerk Present
4. Consent Agenda Approval:
 - A. Agenda Approval
 - B. Minutes of Regular Meeting December 8, 2015
 - C. Review & Acceptance of Financial Transactions & Reports
Motion made and seconded (Shutterly/Roberts) to approve the consent agenda as submitted; passed 5-0
5. Guests:
 - A. Richard Powell, CPA – F/Y 2015 Audit Report – Presentation of the Annual Financial Report for the fiscal year ended September 30, 2015. Mr. Powell stated that the Town’s audit had resulted in a clean opinion with no reportable findings and represented an accurate reflection of the high quality and standards of the financial practices and records of the Town. Mr. Powell reported that the Town was financially strong with net assets and fund balances of \$2,754,907.
Motion made and seconded (Aufmuth/Shutterly) to accept the F/Y 2015 Audit Report presented by Richard Powell, Powell & Jones CPA; passed 5-0
6. Citizen’s Forum (public comments limited to 5 minutes per speaker, please) – None
7. Citizen Board and Committee Reports:
 - A. Planning & Historic Preservation Board – Unavailable

 - B. Tree Committee – Karen Hill, Chair presented
Tree Committee members met last week and have been working on the draft tree protection ordinance previously reviewed by the Planning & Historic Preservation Board and the Town Commission. Revisions were made pending these reviews, resulting in this draft ordinance. Commissioner Mance questioned the requirement of an occupational license for tree service providers, on page 2 Sec 15-14. Attorney Lee answered that generally an occupational license is required if a vendor is doing business in the Town. Commissioner Mance also acknowledged that we want to convey a message for residents to follow the ordinance, but commented on Sec 15-21 Enforcement and Penalties (page 6) and the extensive penalties to be assessed. Town Administrator Gonano

will post the draft of the Tree Ordinance on the Town website micanopytown.com for review by our residents and will place this item on the February agenda for discussion. Commissioner Mance thanked the Tree Committee for all their hard work on this ordinance. Commissioner Aufmuth stated that with a month between readings, the first reading of an ordinance does not guarantee that it passes on the second reading.

8. Town Attorney Report:

A. Attorney Lee read Resolution 2016-01 – Election Resolution. Attorney Lee read resolution on short title.

Motion made and seconded (Mance/Roberts) to accept Resolution 2016-01 as submitted; passed 5-0

Julie Penrod-Glenn, N Division St, would like to know if absentee ballots will be mailed out to residents. Mrs. Gonano responded that they will be mailed upon request.

B. Attorney Lee presented a proposal in the amount of \$10,000 by Laura Dedenbach, Dedenbach Planning Associates, to update our Comprehensive Plan and the Sign Ordinance. Commissioner Roberts stated that this is a costly proposal; and suggested that we contact the Florida League of Cities to see other options. Commissioner Shutterly agrees about the cost and stated that he has been playing phone tag with Matt Surrency, President of the Florida League of Cities to find some other resources. Disappointedly, Laura Dedenbach updated our Land Development Code and Comprehensive Plan several years ago resulting in omissions and spelling errors. Commission agrees and directed Mrs. Gonano to do the research and bring to the next meeting.

9. Town Administrator Report: Town Administrator presented.

A. Veterans Memorial Plaque Dedication – Dedication Day December 12, 2015 was great with Bob Gasche, Master of Ceremonies, doing a phenomenal job. Thank you to everyone who made this day a success and which was well appreciated by Veterans with a turnout of over 100 people in attendance. David Holton and Raul Gonzalez did a great job with the back drop, stage, and greenery.

10. New Business:

A. MACS Request for Permission – Micanopy Fun Run April 30, 2016

Lindsay Hester Nunez, Erin Willis, Pam Bowman, Christina McDonald, and Kaylee Parsons represented MACS in proposing their color Fun Run April 30, 2016 following the same hugely-successful route as last year.

Motion made and seconded (Roberts/Shutterly) to approve the 5K Color Run presented by MACS school representatives; passed 5-0

B. AT&T Proposed MACS Fiber Optic Line Installation on Seminary – Mayor Pro-Tem presented and answered concerns raised by the Tree Committee and possible root damage to the trees. The Town was given a set of the proposed plans by AT&T proposing to use boring methods to install lines which will not damage any trees or their root systems. Discussion ensued with citizens who voiced concerns regarding possible damage to our water lines and/or property and who would be responsible for any repairs if needed. Mrs. Gonano will contact MACS School and AT&T to get liability information prior to granting permission.

Motion made and seconded (Roberts/Mance) to approve the plans from AT&T, if they indemnify us for any damage which might occur; passed 5-0

C. Suggested Park Rules – Mrs. Gonano explained the situation which had occurred at the basketball park and presented a list of suggested park rules to be considered by the Commission. Attorney Lee stated that if you want to have official enforcement, the Town will need an ordinance instead of a posted rule sign. Commission Shutterly agrees that we need a policy with hours and guidelines for people to follow.

Motion made and seconded (Shutterly/Aufmuth) to have Attorney Lee draw up a draft Ordinance for park rules; passed 5-0

D. LDC Section 2.02.04 (B) Uses Permitted by Right in C-1 – Proposed Addition Accommodating Concerts – Mrs. Gonano presented Bonnie Mountain's request to be able to have music concerts in C-1 zoning to be held at her 214 NE Cholokka Blvd location. The requested use is not allowed at this time in the permitted uses. Attorney Lee answered that accommodation of this request would either require a zoning change to a district that would allow that use, or the requested use could be added to the existing parcel zoning. Those are the choices. He is not sure if music is permitted in the C-2 zoning. Bonnie Mountain related that the Herlong Mansion (Zoned C-1) already has live music outside during weddings; but her request is for inside events during the hours of 7-9pm. Ms. Mountain summarized that in addition to the Herlong Mansion events, live music is played during parades, Light Up Micanopy, and during the Festival. Ms. Mountain's request has been heard at the Planning & Historic Preservation Board (P&HPB) as a concept review only, not as a public hearing with the proper posting, and Mrs. Glenn related that the P&HPB felt uninformed to make the decision. Issues such as maximum occupancy, parking, and crowd control would need to be considered. The P&HPB did not feel that they could give Ms. Mountain a variance.

Commissioner Shutterly questioned Attorney Lee about the process for a zoning change and if such change would involve the Comprehensive Plan? Attorney Lee answered that if the future land map shows Commercial zoning, then it could either be C-1 or C-2, so this wouldn't involve a Comprehensive Plan change. Bonnie Mountain stated that "the business in Micanopy is dying on the vine and something has to be done to bring business to Micanopy." Commissioner Shutterly doesn't have a problem with the venue and suggested that we have a workshop to work out the proper path to follow for this proposed change. A joint workshop of the Town Commission and the P&HPB is scheduled for January 25, 2016 at 6:00 pm. *(The meeting was rescheduled to Tuesday, February 2 at 6pm to accommodate the attorney's schedule.)* Don Duer, Whiting St, recommended that the Town consider noise control and hours of operation, as people may be trying to sleep. Mayor Pro-Tem Berkowitz stated that this will be considered at the workshop.

11. Unfinished Business:

A. Fire Department Grant Opportunities – Mrs. Gonano reported that grant possibilities presented by Congressman Yoho did not cover renovation or building of fire stations. Summit Professional Services was contacted and related that these fire fighter grants don't require a grant writer and are usually applied for by the Fire Department seeking the grant funding. None of the grants in this particular group would cover renovation or building of a fire station, so we are back to square one.

B. Sales of GPS Equipment – The commission voted last month to sell our GPS equipment which we are not using, and Town Administrator Gonano contacted Dyana Stewart, Florida Rural Water, who helped us compose the sale brochure for the GPS equipment, set a price, and fielded phone calls answering questions from potential buyers. Mrs. Gonano emailed municipalities listed in the Florida League of Cities directory, and the Town received two offers: one offer for \$4000 from the City of Palmetto and one for \$5000 from the City of Mulberry.

Motion made and seconded (Roberts/Mance) to accept the offer for \$5000 from the city of Mulberry, FL; passed 5-0

C. Generator Installation Bids – Mrs. Gonano reported that out of seven contractors contacted, we received 3 bids. The contractors indicated that they will do the job piece meal, giving us the choice to pick and choose the lowest prices for each installation from the contractors. Without having an engineered drawing, some of the contractors passed on the bidding, as situations might arise because of existing code conditions, etc. In that event, the Town could not hold a contractor accountable for any extra cost or work because we have not provided an engineered drawing. Questioning, Mayor Pro-Tem Berkowitz asked Mr. DesForges his opinion of the importance of an engineered drawing. Mr. DesForges explained that the Town would be at the mercy of the electrician vs. the engineering company. Explaining, Mr. DesForges stated that there are a lot of coordination issues in which most small electrical companies do not have the expertise, and the Town is opening itself up to having a system that may not function as well as you'd expect. Further, engineered drawings on this project may cost almost as much as the electrical contractor's work, and it's a decision that the Town will have to make. Commissioner Roberts thought that the first generator to be installed should be at the Water Plant. Commissioner Shutterly countered that the Town Hall and Library should be first, as this facility runs the whole Town and, if needed, the Fire Department could work out of Town Hall. Shutterly thought that the Fire Department generator should be installed second and the Water Plant last, as the Water Plant has a propane powered generator that will efficiently run one of the wells. Commissioner Roberts expressed his opinion that the installation costs are expensive, and he recommended Gary Williams, an electrical contractor, talk to us about this job and give us a cost estimate. Mayor Pro-Tem Berkowitz explained that adding another electrical contractor doesn't solve this problem, as we still would not have engineered drawings. Raymond Darby, Whiting St, recommends doing the job right and getting the engineered drawings. Mr. DesForges stated that when an engineer puts his stamp on the drawings, he is certified with the State of Florida, he knows what he's doing, and you have something to fall back on if it's not done right.

Motion made and seconded (Shutterly/Aufmuth) to direct Mrs. Gonano to obtain prices on engineered drawings on these three projects; passed 5-0

D. Removal of Tree on Easy St (NE 2nd) – Mrs. Gonano discussed this tree with the Tree Committee who previously denied the removal of this tree and would prefer to have the road moved instead of removing the live oak tree. The Tree Committee has not changed their position about saving the tree. Attorney Lee stated that this is a potential liability to the Town and maybe we should have a survey to see where the road should be and if it is on someone's property. Discussion ensued.

Motion made (Roberts) to get a survey to see where the road should be;

Motion dies for lack of a second. Much discussion ensued. Commissioner Aufmuth discussed that due to our previous discussions, we should get bids to survey the whole road and bring them to the next meeting for discussion. Mayor Mance suggested the solution might be to purchase the property from the owner if our road is on private property.

Motion made and seconded (Roberts/Mance) to get a survey to see whose property this tree is on and where our road should be; passed 5-0

- E. Citizens Board – Troy Blakely
 - 1. Resignation from Code Board
 - 2. Application for Planning & Historic Preservation Board

Motion made and seconded (Shutterly/Aufmuth) to accept Mr. Blakely’s resignation from the Code Board and application to the Planning & Historic Preservation Board; passed 5-0
- F. Public Hearing Schedule Discussion – Mayor Pro Tem Berkowitz presented discussing that Commissioner Shutterly previously presented his voters resignation card which is required proof of residency per our Town Charter; and it was not accepted by a few citizens still complaining. Richard Shutterly presented his driver’s license to the Commission for inspection stating that this is where he lives and that he is married. Raymond Darby, Whiting St, questioned the date of issue and where Commissioner Shutterly’s mail is delivered. Mr. Darby followed that he didn’t accept the voter’s registration card as proof of residency, which was produced at the last meeting upon request of Julie-Penrod Glenn. After Commissioner Shutterly produced his driver’s license, Mr. Darby stated that he accepts the driver license as proof of legal residence. Commissioner Aufmuth commended Commissioner Shutterly for his years of service and his upstanding ethics as a commissioner.

Motion made and seconded (Aufmuth/Roberts) to accept Commissioner Shutterly’s driver license as proof of his residence at 104 E Ocala Ave, Micanopy; passed 4-0; (Shutterly abstained)

Mayor Mance discussed Mrs. Shutterly’s letter to the Commission stating that she and Commissioner Shutterly are married and have been married for over 25 years. Mayor Mance summed up that this has been talked about for a very long time, and we should let Mr. & Mrs. Shutterly have privacy in their lives. This needs to be put to rest.

12. Town Commissioner Reports:

- Commissioner Joseph Aufmuth: The Gainesville Sun called him regarding his Commission seat, and he reassured them that he is very much involved via telephone and skype and has only missed two meetings because skype was not working. He appreciates working with the other Commissioners, and we have produced a good audit report which shows that we are doing a good job.
- Commissioner Mike Berkowitz: Thanked Commissioner Shutterly for his years of service and admitted that under the scrutiny pertaining to residency issues, he didn’t think that he would have kept his composure as well. Welcome to the New Year, and hopefully we can continue to do a good job for the Town.
- Commissioner Mike Roberts: Stated that Richard drives to Tallahassee and goes above and beyond for the Town. Commissioner Roberts stated that he has a grant-writer friend in Tennessee, Alan Baxter, and he will ask his friend to see what grants may work for the Town’s water system and/or the fire station.
- Commissioner Richard Shutterly: Appreciates the Commission’s support, this is his second year of a 3-year term during his 4th term. During his tenure, he has missed only 2 meetings and a workshop during the entire time. He represents the Town with the Florida League of Cities and does his part for the town and has not asked for any ‘thank you’ in response. He travels to Lake City for meetings and Tallahassee for legislative action. Commissioner Aufmuth had offered to resign but the Commission did not want that. Mayor Mance is missing meetings due to health issues; not because she doesn’t want to be here. Commissioner Shutterly stated that he is ethical, and if his position changes, he will let the Commission know.

13. Mayor Virginia Mance Report:

Thank you for the eloquent statement Commissioner Aufmuth. Last month she did ask for medical leave, her surgery was December 21, 2015, and the surgery went very well and her family had a quiet Christmas. She is doing her job as well as she can. She’s hoping the doctors will give her clearance soon to attend meetings. She loves the Town and being a Commissioner. It’s an honor and a privilege.

14. Adjourn: 9:45 pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Patty S. Polk, Recorder