



MICANOPY, SEMINOLE CHIEF

Town of Micanopy

Town Commission
Minutes Regularly Scheduled Meeting
Tuesday • March 13, 2018 • 7:30 pm

1. Call to Order: 7:30 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call
Commissioners Attending:
 - Joseph Aufmuth, Mayor Pro-Tem Present
 - Troy Blakely Present
 - Virginia Mance, Mayor Present
 - Timothy Parker Present
 - Mike Roberts Present

 - Debbie Gonano, Town Administrator Present
 - Patty Polk, Deputy Town Clerk Present
 - Scott Walker, Town Attorney Present
 - Courtney Johnson, Town Attorney Absent
4. Consent Agenda Approval
 - A) Agenda Approval
 - B) Minutes of Regular Meeting of February 13, 2018
 - C) Review & Acceptance of Financial Transactions & Reports
Motion made and seconded (Aufmuth/Parker) to approve the Minutes and Financial Reports as submitted; passed 5-0
5. Micanopy 2018 Town Commission Election – Swearing in of Commissioners
 - A) Commissioner Virginia Mance was sworn in for a new three-year term by Town Administrator Gonano
 - B) Organizational Meeting: Nominations & Vote for Mayor & Mayor Pro-Tem
 - 1) Nominations & Vote for Mayor: Town Administrator Gonano
Motion made and seconded (Mance/Blakely) to nominate Commissioner Tim Parker for Mayor; passed 5-0
Congratulations to Mayor Parker and thank you to Commissioner Mance.
 - 2) Nominations & Vote for Mayor Pro Tem: Mayor Parker
Motion made and seconded (Mance/Roberts) to nominate Commissioner Joe Aufmuth for Mayor Pro Tem; passed 5-0
Congratulations to Mayor Pro Tem Aufmuth.
6. Guests
7. Citizen’s Forum
 - A) DeDe DesForges asked permission for the Fall Harvest Festival Committee to use the ball park for vendors who wanted to camp in self-contained units.
Motion made and seconded (Mance/Aufmuth) to allow the ball park to be used for camping during the Fall Festival; passed 5-0
 - B) Librarian, Carolyn Wallace detailed activities happening at the library. She noted that the 3D printer is visiting during the month of March. Additionally some movies will be shown.
8. Citizen Board and Committee Reports
 - A) Planning & Historic Preservation Board
 - 1) Certificate of Appropriateness – Herlong Mansion Bed & Breakfast Sign Permit Approved
 - 2) Floor Area Ration (FAR) will be discussed at next meeting.

- 3) Sign Ordinance discussion was tabled.
- 4) Request for downtown business owner to apply for sign permit.

B) Tree Committee

1) Ad Hoc Committee

Ginny Beam, Committee Chair, was present and presented two bids obtained for construction of the pergola in Downtown Island #3. Ms. Beam briefly outlined the history of the pergola choice and design dating back a year earlier, including approval from the Ad Hoc Committee, P&HPB, and Commission. At the P&HPB's request, Ginny has been collecting bids to erect the pergola structure, brick pavers, and landscaping in downtown Island #3 at an estimated cost of \$18,000 to be paid for from our remaining 2008 Wild Spaces & Public Places (WS&PP) funding. Recently, a faction of the community planned to change the pergola design to a pavilion design and present the new idea to the P&HPB. Frank Dahmer, owner of the Shady Oak Gallery, presented a pavilion design kit to the Commission. Homeowner Bud DesForges spoke against an overpowering structure complete with a roof which would overshadow and block the view of the opposite side of the street. Further, the pergola structure has already been approved by the Commission; and Mr. DesForges wanted to know why you would want to throw a year's worth of work out. Mr. DesForges reminded the Commission that there has been plenty of time in the past year to present other ideas. Homeowner Deborah Kennedy complained that the Ad Hoc Committee had chosen the pergola at their second meeting, but the merchants wanted a roof on the structure. Town Administrator Gonano stated that the minutes are clear that the Ad Hoc Committee, the P&HPB, and the Commission have already approved the pergola structure and Ms. Beam has gone out of her way to collect the necessary estimates, which were asked for. Additionally, because of the estimate cost, a Request for Proposal (RFP) will be required. Commissioner Mance and the Commission stood with their original decision to accept the Ad Hoc Committee's pergola design which has been in process for over a year.

Motion made and seconded (Mance/Blakely) to accept the design and photos as presented by Ginny Beam for the pergola design and to write a Request for Proposal (RFP) for the pergola to be paid for with WS&PP funding; passed 5-0

Town Administrator Gonano will work with Attorney Walker to prepare the necessary RFP. Additionally, Ginny Beam volunteered to advise Mrs. Gonano about questions regarding specifications for the pergola RFP.

9. Town Attorney Report

A) Public Hearing Ordinance 2018-01 Medical Marijuana Dispensary Moratorium – Second & Final Reading

Attorney Walker performed the second and final reading of Ordinance 2018-01 setting a one year moratorium on medical marijuana dispensaries. The one-year moratorium (which started in December 12, 2017) will allow the Commission to study and plan zoning for the dispensaries. There was no public comment.

Motion made and seconded (Aufmuth/Mance) to approve the second and final reading of Ordinance 2018-01 setting a one year moratorium on medical marijuana dispensaries; passed 5-0

B) Delinquent Occupational License & Whiting Street Paving Assessment Liens

1) Occupational Licenses

- a) Gordon Johnson
- b) Gerald & Heather Riverstone

2) Whiting Street Paving Assessment Liens

- a) Gerald & Heather Riverstone

Attorney Walker did not have the lien paper work. This will be placed on the April agenda.

C) Fuel Tax Distribution Percentage Reduction

Attorney Walker reported that Alachua County and the City of Gainesville came to agreement and passed a new amendment to the Interlocal Agreement (ILA) creating a different gas tax distribution formula which will affect Micanopy. Attorney Walker had not expected that the Alachua County BoCC would actually change the distribution formula at this late date. The 21-day appeal period started with the date the agreement was signed. The passed amendment reduces the amount of fuel tax disbursed to Micanopy as follows:

- .90% Current Distribution Percentage through 12/31/19 (\$110,457 estimated revenue)
- .81% through 12/31/20 (\$99,411)
- .71% through 12/31/21 (\$87,138)
- .62% through 12/31/22 (\$76,093)
- .53% through 12/31/23 (\$65,047)
- .44% through 12/31/28 end of ILA agreement period (\$54,001)

The distribution percentages for the cities of Newberry, Alachua, and High Springs increased at the expense of Micanopy, LaCrosse, Waldo, Hawthorne and Archer. State Statutes mandate that the ILA gets reviewed in two years and Attorney Walker recommended that the Town start a review of this process now to contest and change future allocation percentages. Mayor Parker agreed with Attorney Walker that we should start reviewing now any possible future ILA amendments. Concerning the ILA amendment just passed, Attorney Walker explained that one option is to file an appeal. The appellate process is an expensive process and there have only been three cases which made it to the appellate court; but they were all settled. The appellate court differs to a default formula whereby a municipality's transportation-related expenses are averaged over five years. Attorney Walker indicated that transportation-related expense included such things probably not thought of as such, such as storage facilities for mowers and graders and other equipment and mowing and sidewalk labor. It would be hard to find an expert versed in equitable allocation formulas for this type of case; however, Attorney Walker expressed his opinion that the Alachua League of Cities should influence efforts to justly allocate the distribution percentages. Other areas to consider were total maintained road miles (Micanopy has about 13.5 miles) and population. Attorney Walker related that the City of Gainesville usurps the other municipalities because of their large street budget which includes the RTS bus system. Town Administrator Gonano interjected that upon her hiring in Micanopy, she immediately started to classify all street-related expenses more appropriately than had her predecessor. Having just experienced the same money grubbing of fuel tax dollars in Marion County, she knew to properly allocate all transportation-related expenses. Additionally, the default formula called for Micanopy's total street expenses to be averaged over five years as a percentage of the total of all nine municipality's street expenses averaged over the same five year period. Further, Mrs. Gonano stated the obvious that you can't spend street funds that you've never received. She stated her opinion that our miniscule percentage of street expense to the whole is not going to increase significantly under any allocation formula.

10. Town Administrator Report

A) *Historic Tour* brochure

Town Administrator Gonano presented a Historic Tour brochure compiled by her complete with color pictures and a map of each historical site listed. Gonano indicated that the brochure had been prepared using information from a previous black and white *Micanopy Historical Tour* brochure; *Micanopy, Florida: An Illustrated History* by Kevin M. McCarthy; and information gathered from detail supplied to the National Register of Historic Places when the application had been made in 1983.

B) Tentative 2018/2019 Budget

Town Administrator Gonano presented the first tentative budget for the upcoming fiscal year. Net year's budget is showing excess funds of \$112,798; however, many adjustments will be made to the budget prior to adoption in September 2018. Additionally, Gonano reminded the Commission that they will have to amend the current year's budget to accommodate the difference in costs of water plant upgrades in the amount of at least \$69,000.

C) Firehouse Playground Park FRDAP \$50,000 grant

Fred Fox, grant writer, had reported that the Town had secured the FRDAP grant which would probably become available in the second half of this year. The allocated funds will need to be adjusted for the new playground equipment paid for by the Town.

11. New Business

A) Proclamation: April is Water Conservation Month

The Town of Micanopy, working in conjunction with the State of Florida and the St. Johns River Water Management District proclaim April to be water conservation month and calls on every citizen and business to practice water conservation measures and to become more aware of the need to conserve water.

Motion made and seconded (Aufmuth/Mance) to adopt a proclamation designating April as Water Conservation Month; passed 5-0

B) Escheated Vacant Parcel #16720-028-027 (SW 6th Street)

After exhausting attempts to sell Parcel #16720-028-027, Alachua County Commission has begun the procedure to escheat the parcel to the Town of Micanopy. The Town Administrator is awaiting final approval of mineral rights from the BoCC. Town Administrator Gonano acknowledged that she knows of a buyer who is interested in the parcel if the Commission decides to sell the property.

C) Joint Alachua County/Micanopy Meeting Topics

A joint Alachua County/Micanopy Commission annual meeting has been scheduled for Tuesday, May 15 @ 7:00pm. Commissioner Mance volunteered to prepare an agenda for the upcoming meeting. Commissioner Mance related that she felt that the BoCC was interested in funding projects which might benefit Micanopy. Mayor Pro Tem Aufmuth,

who indicated that he would not be available for such meeting, suggested that we ask the County for help maintaining our streets.

D) Joint Water Policy Committee Status

Commissioner Mance, who was nominated by the municipalities and appointed to the Committee, represents the interests of eight municipalities. At the February 16, 2018 Joint Water Policy Committee meeting, Commissioner Mance related that they discussed storm water, wetlands, fertilizer, and pet waste. Mayor Pro Tem Aufmuth read from Commissioner Mance's report that "pet waste has been determined to be more polluting than septic tank leaching," and the validity of that County-generated statement was questioned by the Commission. Commissioner Mance explained that the County was concerned about apartment dwellers walking their pets and not using pet litter bags. The Wetlands Ordinance pertains to all municipalities and requires that land owners who are planning to build enter information pertaining to any designated wetlands existing on that property into a computer data base. The County is pushing the storm water issue again with no 'opt in' or 'opt out' option, forcing the use of BAM-lined retention ponds.

12. Unfinished Business

A) Micanopy Great American Cleanup – Saturday, April 7, 2018

Town Administrator Gonano announced that the Great American Cleanup Day had been set for Saturday, April 7, 2018 from 8:00am until noon. All volunteers are welcome.

B) Firehouse Playground Status

Town Administrator Gonano reported that the playground equipment, border, and mulch had been delivered and installed by our Public Works crew at a total cost of \$14,609. Having David & Raul assemble and install the playground equipment saved the Town an additional \$8,700. The playground has been very popular with the children.

C) Mittauer & Associates Water Plant Renovation Status

Town Administrator Gonano reported that per Mittauer & Associates, US Water (the contractor) has ordered and is awaiting delivery of the electrical switch gear, the well pump control panel, the generator, and the auto transfer switch. Expectations are that it will be at least another month before those components are on site. Town Administrator Gonano had notified US Water that the Micanopy Commission did not vote to accept Change Order #1. No response has been received relative to that notification. Commissioner Roberts suggested that we should cancel the contracts with Mittauer and US Water and sub the renovation out in-house. Town Attorney Walker recommended that the Town contact Joe Mittauer and request his presence at our next meeting. Additionally, Mr. Mittauer should be working on behalf of the Town to ensure that US Water is performing its contractual obligations, and he expressed his opinion that the Town should be willing to negotiate with Mittauer. Homeowner Bud DesForges agreed with Attorney Walker. Town Administrator Gonano reminded the Commission that they had voted for Mayor Parker to be the liaison with Mittauer & Associates for this project. Mayor Parker agreed and offered to have a meeting with Joe Mittauer to discuss the Town's concerns regarding this project.

13. Town Commissioner Reports

- Commissioner Joseph Aufmuth:
Thank you to Commissioner Mance for her years of service as Mayor; Congratulations to Mayor Parker. Commissioner Aufmuth reminded Mayor Parker that we are five equal members anxious to help when we can.
- Commissioner Troy Blakely:
Congratulations to Mayor Parker and Mayor Pro Tem Aufmuth. Thank you to Commissioner Mance. Thank you for citizen participation, especially Bud DesForges for his comments regarding the historic district earlier tonight.
- Commissioner Ginny Mance:
Congratulations to Mayor Parker and Mayor Pro Tem Aufmuth. We're here to help you along. Commissioner Mance loved the new Historic Tour brochure prepared by Mrs. Gonano. Usually the Mayor represents the Town at the Alachua League of Cities meetings and offered to attend and introduce Mayor Parker to the members. Congratulations regarding the completion of the playground. The Soccer Shots program is operational with about 25 children playing soccer.
- Commissioner Mike Roberts:
Congratulations to Mayor Parker and Mayor Pro Tem Aufmuth. Thank you to Commissioner Mance. Commissioner

Roberts wanted the Town Administrator to send an email out to the Commission whenever she and David and/or the Mayor are to meet so that the Commissioners would have an opportunity to attend, also. The Town Administrator, Commissioners Mance and Aufmuth answered that such a meeting would have to be a publically noticed meeting. Commissioner Mance stated further that she and Mayor Parker would be riding separately to the Alachua County League of Cities meeting for ethics reasons. Town Administrator Gonano agreed that it does not give the appearance of being ethical when Commissioners are seen together outside of a publically noticed meeting.

14. Mayor Tim Parker Report

Pastor Stokes has presented an invoice for installation of a septic tank system at the Willie Mae Stokes Community Center. Attorney Walker indicated that the matter could be discussed, but no action could be taken because it was not on the agenda, as it had been presented after the agenda had been posted. Commissioner Mance reminded the Commission that Attorney Walker had required the proof of Warranty Deed to the property and the Order of Summary Administration, which Pastor Stokes had provided. She also reminded the Commission that the minutes clearly reflected that the next step in the process was for Attorney Walker to draw up a contract with the Willie Mae Stokes Community Center, which would be approved by the Commission. Commissioner Mance wanted to ensure that municipal funds could legitimately be written to the 501c3 organization. Mayor Parker remembered that Attorney Walker had previously said that municipal money could not be given to a private entity, and he expressed concern that the two years of unpaid property taxes could cloud the issue. Attorney Walker offered to pull a title search, but he envisioned writing a legal contract giving a grant to the center to help fund improvements. The facility would be open to all people and serve a public purpose. Attorney Walker related that if the terms of the contract were not met by the 501c3, the Town might find itself chasing its tail trying to retrieve any funds given to them; and probably would not be successful. Commissioner Roberts was not in favor of giving any funds to the Center until the back taxes had been paid and the contract had been signed. DeDe DesForges wanted to know if the Center would be taking the children out of the existing tutoring program to join the Center's tutor program. The consensus was that the existing tutoring program sponsored by the Library would not be affected by the new Center. Town Administrator Gonano reported that Pastor Stokes had paid one year of back taxes, but that two years (\$2,132.38) were still due. Pastor Stokes had mentioned to Mrs. Gonano that he thought because they were a 501c3, they were not responsible for back taxes; which Mrs. Gonano thought was incorrect and told him so.

Thank you for the confidence of voting me for the position of Mayor; he appreciates the leadership of Commissioner Mance. The playground is appreciated. Thank you to Attorney Walker for helping with the Town. Thanks to all the people who sat through this meeting.

15. Adjourn: 9:49 pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Tim Parker, Mayor

Debbie Gonano, Recorder