



Minutes

Town Commission
Regularly Scheduled Meeting
Tuesday • March 10, 2015 • 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, Mayor Pro-Tem Present
 - Virginia Mance, Mayor Present
 - 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
Motion made and seconded (Berkowitz/Aufmuth) to approve the agenda as submitted; passed 5-0
 - B. Minutes of Regular Meeting held on February 10, 2015
 - C. Review & Acceptance of Financial Transactions & Reports
Motion made and seconded (Aufmuth/Mance) to accept the minutes of the February 10, 2015 meetings and the Financial Transactions and reports as submitted; passed 5-0
5. Micanopy 2015 Town Commission Election – Swearing in of Commissioner Virginia Mance
Town Administrator Gonano swore in Virginia Mance for the three-year Commission term.
 - A. Organizational Meeting:
Nominations open for Mayor
Commissioner Shutterly nominated Commissioner Mance
Commissioner Aufmuth nominated Commissioner Shutterly (Shutterly declines)
Nominations closed. Commissioner Mance unopposed as Mayor for the fiscal year 2015-2016 term.

Nominations open for Mayor Pro-Tem
Commissioner Shutterly nominated Commissioner Roberts
Commissioner Aufmuth nominated Commissioner Berkowitz
Nominations closed.
Commissioner Berkowitz appointed as Mayor Pro-Tem passed 4-1 (Shutterly opposed)
Commissioner Berkowitz is Mayor Pro-Tem for the fiscal year 2015-2016 term.

6. Guests:
- A. Liselotte Hof, Jewish American Society for Historic Preservation – Moses Levy Marker Placement/Downtown Center Island – Mrs. Hof, Micanopy Museum volunteer, presented the group’s desire to place a marker honoring Moses Levy in one of the downtown islands. Chris Monaco interjected that the Micanopy Trust for Historic Forts & Battlefields would like to place a sign for Fort Micanopy in the same location. All sign placement should be taken to the Planning & Historic Preservation Board for approval, and the sign wording should be approved by the Town Commission. The Planning & Historic Preservation Board will review locations for both signs.
 - B. Julie Penrod-Glenn – Investment Policy – Her suggestion for an investment policy has been discussed for the past year, and she thinks it is time to adopt a policy. Mrs. Glenn has provided a list of possible Public Deposit Funds banks (PDF’s) for the Commission’s review. Commissioner Aufmuth would like our Town Attorney to review McIntosh’s recently proposed investment policy and give an opinion.
7. Citizen’s Forum (public comments limited to 5 minutes per speaker, please)
- A. Brenda Maynard, Director of Micanopy Area Cooperative School (MACS) – this is a follow up to the 5K Fun Run: we had 129 participants, and it was a fantastic morning with no complaints. Thank you for letting us use the Town and for your support. We raised \$1,200 in profits which will be split with the Micanopy Middle School, as it was a combined effort. The Spring Fling with many activities and food available will be held at the ball park on March 13, 2015 from 2:30 – 7:00 pm and everyone is invited to attend for a small admission fee. We have invitations for the Commissioners to attend a Community Day for a tour of the school followed by lunch; which will be hosted by the students.
8. Citizen Board and Committee Reports:
- A. Planning & Historic Preservation Board – Fro Warren presented a summary of the P&HPB’s last meeting. Approval for a battlefield marker for the Micanopy Trust and Historic Forts & Battlefields was approved. Open air sales was discussed.
 - B. Tree Committee
 - 1. Arbor Day Celebration/Micanopy Area Charter School – Christine Steurer presented the Committee’s proposed plans to celebrate Arbor Day & Earth Day at the Micanopy Area Cooperative School on April 24, 2015 – 1:00 pm; they will have an Arbor Day ceremony with speakers. The Tree Committee, in conjunction with the Micanopy Community Garden and with student participation, would like to plant a fruit tree and a shade tree.
 - 2. Commissioner Shutterly inquired about the tree ordinance and was told that hopefully the ordinance will be presented to the Commission next month.
 - 3. Commissioner Shutterly discussed the tree trimming guidelines that Duke Energy has to follow. Mike Campbell responded that according to our tree ordinance, if Duke Energy does not have an express easement, Duke will need a tree permit from the Town to trim on private property. Christine Steurer stated that Duke Energy’s subcontractor, Burford Trees, put flyers on citizens’ doors, and Christine recommends calling them if you have concerns about tree trimming on your property.
9. Town Attorney Report:
- A. Town Hall & Neighboring Property Boundary Line Issues. Commissioner Shutterly would like to put a moratorium on any permits to move fences that interfere with property lines. Attorney Lee has no recommendation on this matter.
Motion made and seconded (Shutterly/Roberts) to put a 3 month moratorium on any activity with property line boundaries of Town Hall; (Withdrawn)
- Commissioner Aufmuth does not think we need a moratorium with our neighbors. Commissioner Aufmuth expressed his desire to work out problems with our neighbors, and Mr. Morris agreed. Mr. Morris stated that they do not have any plans involving moving the fence until next fall. Commissioner Shutterly withdrew the above motion. This matter will be placed on the next agenda for discussion.
10. Town Administrator Report:
- A. Micanopy Great American Clean Up Day – Saturday, April 18, 2015 – 8:00 am – Noon
 Waste Pro will have a trash truck driving through Town picking up bulk items, six dumpsters behind the Fire Station for drop off items including tires, and Alachua County will be here collecting hazardous waste.

11. New Business:
Public Hearing Opened 8:37 pm

A. Mark Richardson – Alcohol (Beer & Wine) Use – Public Hearing – Town Commission Appellate Review

Mark Richardson presented his desire to open an Art Gallery with the option for the customers to purchase a glass of wine or beer while they look at art and relax. The P&HPB was concerned with what happens when this business closes and then the next store owners could sell beer & wine. “Is it possible to tie the sale of beer & wine to their variance so it doesn’t automatically go to the next person?” Mayor Mance gave a brief history of this matter which went before the Planning & Historic Preservation Board for a public hearing, and the applicant was denied for Alcohol (Beer & Wine) use. The Certificate of Appropriateness was approved to allow an Art Gallery at this location. Our code states that the sale of alcohol within 200’ of a residence is not allowed and was not approved. Land Development Code 1.05.01(C) “*The word “shall” is mandatory and not discretionary. The word “may” is permissive.* See section 4.02.14(C)(1). “*No entrance or exit, except as provided below, connected to any portion of a building normally utilized by patrons of an alcoholic beverage establishment by a continuous and unobstructed path of travel shall be located within two hundred (200) linear feet of the district boundary line of a residential district, or of an existing dwelling in any zoning district.*”

Several residents within the 200’ of the establishment have stated that they do not want alcohol sold so close to their homes. Attorney Lee stated that the Commission has the legal authority to authorize this request. You can limit the usage by imposing a statement on the variance. If this appellate review is denied tonight and the applicant wants to appeal the Commission’s decision, then the next step would be in a court of law. The gallery’s possible days and hours of operation would be open from 11 am – 7 pm, closed on Mondays. Sunday hours can be adjusted to be open from 1 – 7 pm. Several shop owners support the Art Gallery serving wine and beer which they feel would be a good addition to Micanopy by benefitting shoppers and residents. Mike Campbell discussed the importance of imposing specific iron clad instruction on the variance with alcohol use and hours of operation. Monica Fowler stated that the Chamber of Commerce is divided regarding this issue. Several residents outside of the 200’ boundary line support the art gallery and look forward to the opening.

Motion made and seconded (Shutterly/Berkowitz) to issue the variance with two restrictions, #1) Indoor consumption between the hours of operation 11am – 7 pm, and #2) Issued only to Somewhere Along the Way owned by Mark Richardson and cannot be transferred;

Motion made and seconded (Shutterly/Berkowitz) to amend the above motion to include, Sunday alcohol sales hours from 1 – 7 pm and only beer and wine consumption; Motion failed 2-3 (Mance, Aufmuth, and Roberts opposed)

Public Hearing Closed 9:42 pm

12. Unfinished Business

A. Structural Red Iron Steel Maintenance Shop/Garage – Building Completion – Town Administrator discussed what it will take to complete this project including; electricity, lime rock driveway, plywood for the interior, equipment rental, and building identification signs.

Motion made and seconded (Aufmuth/Shutterly) to approve up to \$10,000 to complete the project; passed 5-0

B. Miller Offer to Purchase Parcel #16720-028-015 (.19 acres) – Town Administrator Gonano presented. The bordering property owner would like to purchase this lot and has offered \$6,000. If these two parcels are joined, the lot will be .44 acres and would still require a variance on which to build.

Motion made and seconded (Aufmuth/Roberts) to approve the sale of parcel #16720-028-015 for \$6,000; passed 5-0

C. Alachua County Quit-Claim Deed Parcel #16720-028-026 (.14 acres) – Town Administrator Gonano presented. The County would like the Town to sign the quit-claim deed so that they can sell it and get it back on the tax rolls. Attorney Lee approves the quit-claim deed.

Motion made and seconded (Aufmuth/Berkowitz) to approve the quit-claim deed for parcel #16720-028-026 as requested; passed 5-0

D. Commemoration Ceremony for Second Seminole War Soldiers and Seminoles – Chris Monaco presented a description of what the Micanopy Trust for Historic Forts & Battlefields are planning regarding a Memorial Day ceremony involving Native Americans and Soldiers, both participants in the Seminole War. The Micanopy Trust would like the Commission’s permission and support to hold this ceremony. Mayor Mance will speak at the event. ***Motion made and seconded (Aufmuth/Berkowitz) to approve the event to be held on May 25, 2015 at 3:00 pm, location to be determined later, and up to \$500 for supplies and staff to work; passed 5-0***

E. Micanopy Trust for Historic Forts & Battlefields - Monument Erection Letter of Approval – Commissioner Shutterly feels that it is inappropriate to put the battlefield marker at the Micanopy Native American Heritage Preserve (MNAHP), as he would rather see it downtown. He felt the inappropriate location would have visitors incorrectly believe that the event had happened at the MNAHP. People illegally use metal detectors at this preserve, and the battlefield monument will draw more attention to the park. Mr. Monaco agrees that the battle did not happen at this location. ***Motion made and seconded (Berkowitz/Aufmuth) to accept the letter to Mr. Michael Hart; passed 4-1 (Shutterly opposed)***

13. Town Commissioner Reports:

- Commissioner Joseph Aufmuth: Congratulations to Commissioner Shutterly for his service as Mayor and his achievements through the past year. The GIS utility mapping unit is at Jones Edmunds to retrieve collected data and the firm will work with us concerning the software. Commissioner Aufmuth suggested not putting guests with business items on the agenda under ‘Guests.’ Congratulations to Mayor Mance, we support you and will nudge you.
- Commissioner Mike Berkowitz: Thank you for voting me Pro-Tem. Will the water coming off the roof of Town Hall hit the generator when it’s moved to the pad constructed for that purpose? Town Administrator Gonano assures everyone that the rain runoff will not hit the generator.
- Commissioner Mike Roberts: Congratulations to Mayor Mance, our first female Mayor, and Mayor Pro-Tem Berkowitz.
- Commissioner Richard Shutterly: Congratulations to our new Mayor and Mayor Pro-Tem. Best of luck to you Mayor Mance. Commissioner Shutterly appreciates the accolades from Commissioner Aufmuth. The other generator has not been obtained yet, as we want to wait until we have a pad in place. The town looks better and better thanks to Town staff. Commissioner Shutterly would like to acknowledge Fro Warren and Tom Brady for all they do with the Planning & Historic Preservation Board.

14. Mayor Ginny Mance Report: Thank you again for the opportunity, and she looks forward to her new position. Appreciates all that Commissioner Shutterly does, including the traveling to Tallahassee. Thank you for all you do and have done as Mayor.

15. Adjourn: 10:40 pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Patty S. Polk, Recorder