



MICANOPY, SEMINOLE CHIEF

Town of Micanopy

Town Commission

Minutes Regularly Scheduled Meeting

Tuesday • June 12, 2018 • 7:30pm

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

 - Debbie Gonano, Town Administrator Present
 - Patty Polk, Deputy Town Clerk Present
 - Scott Walker, Town Attorney Present
 - Courtney Johnson, Town Attorney Present
4. Consent Agenda Approval
 - A) Agenda Approval
 - B) Minutes of Regular and Quasi-Judicial Meetings of May 8, 2018
 - C) Review and Acceptance of Financial Transactions and Reports
Motion made and second (Aufmuth/Mance) to approve the minutes and financial reports as submitted; passed 5-0
5. Guests
 - A) Carolyn Wallace, Alachua County Library District, Micanopy Branch
 The summer reading program is for all ages and the library offers many family-friendly programs including Science-on-the-Go, Amazing Animals, and Grow Gainesville.
 - B) David Robertson, Candidate for 8th Circuit Judge
 The Primary Election is on August 28th, and David Robertson, candidate for 8th Circuit Judge covering Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties was introduced and personally supported by Attorney Scott Walker. Mr. Robertson is currently the Chief Counsel for the Florida Department of Transportation (FDOT), managing staff attorneys and projects worth billions of dollars. Attorney Walker joked that David Robertson has six children; having four biological children and adopting two from Guatemala. Candidate Robertson spoke about the importance of electing circuit judges, including the ability of a judge to impact our communities and personal lives, criminal sentencing, and family law matters. Mr. Robertson detailed his 20-year career and experience including being the Managing Partner of a private practice for 10 years dealing with family law, child custody, real estate transactions, dealings with Suwanee River Water Management District, City Attorney, sexual harassment, age discrimination, consumer protection, warranty work, and litigation in State and Federal court. For the past 10 years, Candidate Robertson has served at FDOT working with eighteen different counties across north Florida including imminent domain and condemnation cases. Major Robertson is a veteran Army officer currently serving in the Army National Guard having been deployed overseas and dealing domestically with

hurricane support. Candidate Robertson, a resident of Alachua County for 17 years, has been endorsed by the Sheriffs of Baker, Bradford, Gilchrist, Levy, and Union Counties; the Gator Fire Counsel, Gainesville and Alachua County Fire Fighters Unions, and numerous endorsements from various municipal Chiefs of Police.

6. Citizen's Forum

- A) Sandy Tyson, Micanopy resident, wanted to thank the various police departments and County for keeping our Town safe during the recent manhunt involving a homicide subject who was subsequently apprehended in Micanopy.
- B) Gregory Caudill, Candidate for Alachua County Commission
Gregory Caudill (who has lived in unincorporated Alachua County and currently in High Springs) is a candidate for Alachua County Commission District 2. Candidate Caudill's top priority is making the County Commission realize that there is more to Alachua County than just Gainesville.
- C) Debra Newell living in the Micanopy outskirts wanted the County to provide Regional Transit System (RTS) bus service from Micanopy to Gainesville requiring a partnership between RTS and the Town of Micanopy. Commissioner Mance responded that she has been in contact with the Metropolitan Transportation Planning Organization (MTPO) for nearly a decade regarding this issue; to no avail. The MTPO is demographically based and has no intention of including Micanopy in their transportation plans; but we will continue to try to get bus service to Micanopy.

7. Citizen Boards and Committee Reports

- A) Planning and Historic Preservation Board, from summary previously presented by Chair Fro Warren
 - 1) Amendment to the Land Development Code (LDC) Text - Approved Medical Marijuana Dispensary Zoning, which has been sent to the Commission for two readings
 - 2) Certificate of Appropriateness – Approved Septic & Drain Field Installation (Brady recused)
 - 3) Variance – Approved Glen Gilson Accessory Structure in Front of a Principal Structure (Warren recused)Recusals and abstentions were defined by Attorney Johnson.
- B) Tree Committee, Committee Member Paul Cohen
 - 1) Paul Cohen was absent and it was mentioned that Ron Cohen, Paul's father passed last week.

8. Town Attorney Report

- A) Public Hearing – First Reading Ordinance No. 2018-02 Medical Marijuana Dispensing Center Zoning
Attorney Walker read Ordinance No. 2018-02 (prepared by North Central Florida Regional Planning Council) dealing with zoning for Medical Marijuana Dispenser Centers by title only. Attorney Johnson noted a required change to the ordinance in Section 2.01.05(C) (9) adding the word **'feet'** to the text, so that the text should correctly read, *"may not be located within five-hundred (500) 'feet' of the real property..."*
Further, Attorney Johnson explained that the substantial changes to be made are in Section 2.01.05(B)(2) prohibiting medical marijuana dispensaries in the historic districts, but providing for allowance of the facilities in Section 2.01.05(C)(9) in C-2 zoning located on Hwy. 441.
Motion made and seconded (Mance/Aufmuth) to pass Ordinance No. 2018-02 for zoning for Medical Marijuana Dispensing Centers on first reading by title only with the text 'feet' amendment in Section 2.01.05(C)(9); passed 5-0
- B) Public Hearing – Micanopy Academy Modular Classroom Placement P&HPB Decision Review
Attorney Walker explained that the Planning & Historic Preservation Board (P&HPB) had approved a site plan to allow placement of an accessory structure in front of the school; which decision was appealed by Commissioner Roberts as a violation of LDC Section 2.02.03(D). LDC Section 10.13 provides for a de novo appellate review of a P&HPB decision by the Town Commission. *"Accessory structure"* is defined in LDC 1.05.02(C) as *"A subordinate detached structure, the use of which is customarily and normally incidental to that of the principal use on the same lot and does not include residential uses."* By comparison, a *"Principal Structure"* is defined as *"The structure in which the principal use of the lot is conducted which includes any attached carport, shed, garage or any other structure which is a part of the principal structure and structurally dependent, totally or in part, on the principal structure. In a residential district, any dwelling shall be deemed to be the principal structure on the lot on which the same is situated."*

Persons desiring to give testimony were sworn in prior to being allowed to give comment. Attorney Walker explained that Commissioner Roberts, as the aggrieved party, would not need to be recused and would be allowed to participate in the quasi-judicial proceeding if there was no conflict of interest and if he felt that he could be free of potential bias or prejudice and had no interest which would lead to his special private gain or loss. LDC Section 10.10 provides the procedure for Quasi-Judicial Hearings:

- 1) The Commission shall determine whether it has jurisdiction over the matter: Yes.
- 2) Members of the Commission shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case: No.
- 3) Members of the Commission shall disclose and place on the record any ex-parte contacts relating to the matter before the Commission:
 - A) Commissioner Roberts was sworn in by Attorney Walker and disclosed that he had toured the school facility with an Alachua County Sheriff's deputy because of the deputy's concern for the safety of students with pending placement of the modular classroom. Questioned by Attorney Johnson if he felt that he could listen to the competent, substantial evidence presented to the Commission, Commissioner Roberts felt that he should recuse himself from the discussion for fairness to the school and Town, and that he should let the other Commissioners make a decision on the matter, but that he would still be allowed to speak on the matter. Commissioner Mance thought that because Commissioner Roberts' concern was for the safety of the students and that he had no financial gain to be expected, he should be allowed to vote on the matter. Commissioner Roberts agreed, and despite voiced concerns from Mayor Pro-Tem Aufmuth that Commissioner Roberts' decision had already been made, Commissioner Roberts stated that he could listen to the evidence and not be biased.
 - B) No other ex-parte contacts were disclosed by remaining Commissioners.
- 4) Introduction of the Petition by the Town:

Attorney Walker had previously given details in his presentation.
- 5) Presentation of Applicant's Case:

Principal Tara Lowe-Phillips and Assistant Principal, Kristin Walker presented the school's case and handed the Commission members a summary of responses pertaining to Commissioner Roberts' appeal letter. Not having previously seen this document, the Commission took a few minutes to read through the school's response.

 - a) "Micanopy Academy contends that the modular classroom building, which will be a vital part of our school community, does not fit the definition of an accessory building (Section 1.05.02(C)). This modular building contains two classrooms and is integral to the functioning of the school. Students in grades 9 and above will utilize this building for their core classes."
The definitions of 'accessory structure' and 'principal structure' were discussed at length.
 - b) "LDC Section 2.02.03(D) does not prohibit or regulate in any way the placement of an accessory building in front of a principal structure."
Commissioner Mance related that discussions with previous counsel about the absence of a front setback for accessory structures in 2.02.03(D) meant that placement of accessory structures in front of the primary structure was not permitted by the Code. Commissioner Aufmuth felt that the school was located in a residential R-2 Zone and that the R-2 Code was primarily written for residential uses and probably should not be applied to the school in the same manner.
 - c) "Micanopy Academy has taken the concern for traffic safety into account by staggering the arrival and departure times for middle and high school students to prevent overlap.
 - d) The parking lot is designed so that there is only one way in and one way out. Parents enter the lot from one gate, drop off their student(s), and exit from a different gate. We have never had a traffic incident even during busier times such as the Micanopy Fall Festival, an event that Micanopy Academy has provided parking for during the last three years. A bright yellow crossing area will be painted on the concrete road near the building to caution drivers. Staff will be present at both ends of the building during pick-up times.

- e) High visibility plays a critical role in mitigating all manner of criminal activity, including vandalism and violent attacks against the school. Placing our new building behind our current building would conceal it almost entirely from the observation of our staff and administration, providing opportunity for unwanted behaviors to take place. This would also be the least optimal placing for safety, as anyone would be able to approach the new building undetected from the wooded area surrounding the school.” *These claims were supported by the school with research from the Indiana Department of Education, Department of Homeland Security, and the National School Safety Center. Mayor Parker asked about school cameras and was answered that the school will have cameras installed by the beginning of the fall term. The school’s administrative offices are located in the front of the school, and school staff feels that provides the best security for students. Qualifications for School Resource Officers were discussed, including the need to be a licensed law enforcement officer.*
- f) The school also presented a survey of the school showing intended placement of the modular. Placement of a future building is shown on the survey, and Ms. Phillips stated that there would be a courtyard area between the two modular classrooms. *Mayor Parker questioned why the building could not be placed on the south end next to the existing building, while Commissioner Mance suggested on the north end of the building or directly behind the main building. Extended discussion concerning setbacks for principal and accessory structures. Stuart Cullen, the engineer, stated regarding placement: “The only other location would be directly behind the existing building as the setbacks would not allow it to the north or near the south property lines.” Resident Bud DesForges thought that the principal knew best where to place the classroom. Principal Lowe-Phillips was adamant about delivery and setup of the portable building by the beginning of the school year; but it was mentioned that the untimely planning of the school regarding the expansion procedure now caused the Town unnecessary undue pressure. Mayor Pro Tem Aufmuth called for a closer working relationship with the school.*
- 6) Presentation of Staff’s Case: None.
- 7) Presentation of Affected Party’s Case: None.
- 8) Rebuttal by Applicant: None.
- 9) Rebuttal by Staff: None.
- 10) Rebuttal by Affected Parties: None.
- 11) Public Input: The public supported the modular placement.
- 12) Deliberation and Vote of Commission:
 - Motion made and seconded (Aufmuth/Blakely) to uphold the decision of the P&HPB and allow placement of the modular as presented; passed 4-1 (Roberts opposed)***
- 13) Preparation of Final Order: Decision of P&HPB stands as is.
- 14) Approval of Final Order: Decision of P&HPB stands as is.

9. Town Administrator Report

10. New Business

A) 2018-2019 TRIM Process

The 2018-2019 TRIM process has started with receipt of the estimated taxable value of the Town. Town Administrator Gonano presented an update on next year’s preliminary budget and explained that at the July regular meeting, the Commission will have to decide if it will accept the rollback tax rate, which will generate the same revenue as the current year, or if it will adopt a different rate. Once adopted, the rate can go lower, but never higher. The budget is still being ‘tweaked.’ Commissioner Mance asked for a YTD budget and actual expense comparison.

Additionally, Town Administrator Gonano reminded the Commission that probably next month they will need to pass a budget revision resolution to accommodate the difference between the US Water contract amount of \$199,675 and the budgeted \$130,613.62.

- B) Seminary Avenue Tree Trimming
Town Administrator Gonano asked for permission for Public Works to perform minimal tree trimming on Seminary Avenue. Commissioner Roberts requested that minimal tree trimming be performed on all streets in Town, as required. Commissioner Mance asked for progress updates.
Motion made and seconded (Mance/Blakely) to approve minimal tree trimming by Public Works at their discretion on all Town streets to allow for safe vehicle passage; passed 5-0.

- C) Capital Improvements Meeting Summary
At the capital improvement meeting prior to this meeting, the Commission voted to prioritize the capital improvement schedule as follows: 1) Expansion and renovation of the fire house, 2) Renovation of Town Hall, 3) Ballpark recreation building, 4) Paving Town Hall/Library parking lot, and 5) Landscaping the two entrance triangles, including signage. Debby Preble, from Kimley-Horn, has offered to help the Town seek whatever grant funds might be available for various projects.

11. Unfinished Business

- A) Community Development Block Grant (CDBG) – Citizens Action Task Force (CATF)
Town Administrator Gonano has not had any luck with finding volunteers for the CDBG grant CATF.
- B) Mittauer & Associates Water Plant Renovation Status
Mayor Parker and Town Administrator Gonano had met with Joe Mittauer and US Water personnel to obtain a status update on the water plant renovation. US Water plans to have the work complete by the end of June. The Town will try to sell the existing 30HP pumps.
- C) RFP Pergola
Town Administrator Gonano received a bid for the pergola from Ratner Construction in the amount of \$55,950, which seemed to be somewhat excessive. The second contractor did not send a bid, although he was contacted twice. The Commission had also asked Gonano to investigate the information regarding the Amish pergola kit. In summary, the Montana Cedar structure would cost about \$9,445, without upgrades and not including installation. The Classic Southern Yellow Pine structure would cost about \$5,555, without upgrades and not including installation. Resident Bud DesForges thought that the Public Works crew should build the structure out of pressure-treated Southern Yellow Pine for a lot less money than the other options. Gonano answered that the Public Works crew is capable of building the structure, but would prefer not to work downtown under the constant scrutiny with varying public opinion regarding the structure. Resident Deborah Kennedy asked again for a structure with a roof; and the Mayor explained again that that was not what had been voted on by the P&HPB or Commission.
Motion made and seconded (Mance/Blakely) for Public Works to use P&HPB design to price out a material list for building the pergola; passed 5-0

12. Town Commissioner Reports

- Mayor Pro Tem Aufmuth – Reported that he had met with Duke personnel to investigate the reasons for constant power failures. Duke will take a look at needed tree trimming to help alleviate the problems. Also, Duke recommended that the Town hire an electrician to provide surge protection; however residential customers can take advantage of a surge-protection program offered by Duke.
- Commissioner Blakely had no comment.
- Commissioner Mance announced that she would be resigning from the Alachua County Joint Water Policy Committee. Additionally, she mentioned numerous autos being stored at the Thompson property, which she thought might be for sale. Town Administrator Gonano thought that Mr. Thompson was probably storing the cars on this lot, but that the actual car sales were being completed in Gainesville.
- Commissioner Roberts - has been in contact with the Florida Department of Transportation (FDOT) and reported that FDOT plans to install intermittent lights, activated by traffic, within the next few weeks. Additionally, the turn lane onto CR234 from Southbound Hwy. 441 will be extended by 300', but won't be completed until the year 2021-2022. A traffic light might also be installed.

13. Mayor Parker - Thanked Commissioner Roberts for his efforts with FDOT. He expressed that we had a good meeting with the water contractor, and it will feel good to get the project done. The Mayor also expressed an appreciation for public interest in the town meetings.
14. Adjourn 10:26pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Timothy Alvin Parker, Mayor

Debbie Gonano, Town Clerk