



Minutes

Town Commission
Regularly Scheduled Meeting
Tuesday • August 8, 2017 • 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
 - B. Minutes of Regular Meeting of July 11, 2017
 - C. Review & Acceptance of Financial Transactions & Reports
Mayor Pro-Tem Aufmuth recommended adding ACSO Traffic Update as Item 6A).
Motion made and seconded (Parker/Roberts) to add item 6(A) ACSO Traffic Update and otherwise approve the agenda as submitted; passed 5-0
5. Guests
6. Citizen's Forum
 - A. Sally Stein, Volunteer Director Micanopy Tutoring, thanked the Commission for their financial and other support since 2003 and asked for a \$1,000 donation for the current year, as already budgeted and approved. The program offers tutoring to children K-12th grade, with most of the children having low or failing grades when they enter the program. With tutoring being offered four days/week, the program has been successful in raising most all students' grades to at least a C average; and it was reported that successes of the 2003 tutor class included all of the students graduating from high school and having gone on to a working career, with four of them having graduated college.
Motion made and seconded (Aufmuth/Roberts) to approve funding the annual \$1000 tutor program donation; passed 5-0
 - B. Beth Allerton, Micanopy Branch of the Alachua County Library announced that the library has extended their internet bandwidth from 10 megabytes to 100 megabytes; and there should be no more buffering when accessing the internet.
 - C. Brenda Flowers complained that the blue plastic trash cans downtown need to be replaced, and she was directed to talk to the Chamber of Commerce, who had purchased and placed the trash cans.
 - D. Grace Fuller complained about noise and traffic speeds of unscheduled car rally participants passing through Town this past weekend. Lt. Sherry French, from the sheriff's office, who was in attendance for the traffic update, recommended that residents call ACSO with any traffic complaints.
 - E. Deborah Kennedy asked about the best method to contact the Commissioners; the Mayor answered that for public record retention requirements, an email should be sent to town hall, who would forward the email to the intended parties. Otherwise, the Mayor indicated that she is always available by phone.

- F. Sandra Mountain Tyson, whose family has long-standing ties to Micanopy, stated that she had attended the August 2nd meeting of the Tree Committee; and she was disappointed in the unprofessional manner in which the meeting had been conducted and the political non-agenda items which were being discussed by the attendees. The Tree Committee members made no attempt to stop political attacks against the sitting Mayor and Commission. Additionally, Mrs. Tyson expressed concern that the Town could be paying for advice given to a citizen who had consulted the Town attorney regarding an opinion on the proposed tree ordinance. Mrs. Tyson expressed her need to attend all future meetings to protect long-term Town citizens' interests. Attorney Walker indicated that he worked for the City on a "captured" basis; meaning he works on a monthly retainer vs. billable hourly rates.
- G. Carol Young has repeatedly complained about the need for a speed hump or additional speed limit signs to be placed in front of her house on Seminary Avenue to slow traffic. The Mayor was anxious to hear the upcoming traffic update.

6A. Alachua County Sheriff's Office (ACSO) Traffic Update

Capt. Steve Maynard and Lt. Sherry French analyzed partial data collected from ACSO's new 'speed spy' traffic recording device. The equipment had been placed by ACSO in three separate locations for seven days each within Town limits: 1) Seminary Avenue near the MACS school during school days, 2) Seminary Avenue near the water plant, and 3) Cholokka Blvd. near entry from US Hwy. 441 (both during the summertime). The device does not record a driver's face or tag; but recorded traffic data (coming and going) from 5,189 vehicles passing the MACS school, 4,539 vehicles at the water plant, and 6,144 vehicles on Cholokka Blvd. Data analysis showed that most vehicles passing near the school (24mph) and water plant (22mph) traveled at below the 30mph posted speed limit. In comparison, most vehicles passing on Cholokka Blvd. traveled at between 25-35mph, a speed higher than the 20mph posted speed limit. The County engineer will analyze the entire data collection package and make recommendations. Other traffic calming measures would require traffic engineering analysis. The ACSO officers deduced that existing speed humps are slowing traffic in Town, and that the Town should consider installing another speed hump on Cholokka Blvd. in the vicinity of town hall. State statute requires a driver to be in excess of 5mph of the posted speed limit prior to a speeding ticket being written. Mayor Mance asked to be placed on the wait list for additional use of the 'speed spy,' as the devices were currently being deployed elsewhere in the County.

7. Citizen Board and Committee Reports

A. Planning & Historic Preservation Board

Chair Warren discussed that a sign stating, "*In honor of the beloved citizens of Micanopy, both human and tree,*" had been placed at the MNAHP park and meant to commemorate citizens and trees, alike. Additionally, issues connected to property boundaries had arisen at the meeting, but without proper property surveys, there was no decision to be made by the P&HPB. Vinyl gutters and down spouts had been approved for the Patrick property. Planning for improvements to the firehouse playground were discussed. The pergola to be placed at Downtown Island #3 was discussed at length. Objectionable tents were removed from a Division Street property, but snipe signs are still posted at the Subway restaurant. Town Administrator Gonano reminded the Chair Attorney Lee recommended that our sign ordinance needs to be updated, but Chair Warren disagreed that anything other than sign content is questionable.

B. Tree Committee

Chair Matt Palumbo detailed approved tree permits, and that the committee had discussed the pros and cons of possible upcoming revisions to the tree ordinance respective of property owner rights.

1. Downtown Island Ad Hoc Committee

Gerry Morris indicated that the five trees had been planted and were being watered by a combination of public works staff, shop vendors, and volunteers.

Megan D'Andrea expressed that the function of the ad hoc committee had been fulfilled and she had no desire to continue on the committee and felt that the committee should be re-formed with other members to take on additional responsibilities, such as the pergola. Mayor Pro-Tem Aufmuth answered that any existing committee member could resign from the ad hoc committee, but he reminded the Commission that the ad hoc committee had received permission to extend their responsibilities to include the idea of building a pergola.

A model of a pergola had been built and presented to the Commission by Chair, Fro Warren. The proposed structure is 16' x 20'. The P&HPB will find an architect to stamp the design enabling building to start. A vote to proceed will be taken from the Commission when the final drawings and costs are presented and detailed.

Motion made and seconded (Aufmuth/Blakely) to move forward with an architect and engineered drawing and estimated costs for the pergola model; passed 5-0

8. Town Attorney Report: Attorney Walker presented

A. Roberts/Samarrai Property Line Issue

Attorney Walker advised that he had spoken to Commissioner Roberts and started research on the property line issue, and he advised the Commissioner to recuse himself from discussion and File Form 8B, if necessary. Commissioner Roberts claims that Mr. Samarrai built over his property line; the Roberts' have received a judgment from Judge

Monaco accepting Stacy Hall's survey and their attorney, Jim Gray, had filed a judgment on the Samarrai property. Mr. Samarrai currently has his property up for sale. Attorney Walker advised that the Town should take a 'wait and see' stance, as practically the problem could get resolved when an impending buyer cannot get clear title or financing because of the encroachment. Mrs. Roberts detailed that the court ordered Mr. Samarrai to take the structure back to its original footprint. Also, the P&HPB refused to issue a variance for setback easement, and Mrs. Roberts asked that Attorney Walker send a letter to Mr. Samarrai requesting that encroachment in the setback be removed; and Commissioner Roberts agreed that if requirements of the court order were met combined with Town enforcement of the setback, the problem would be solved. Mrs. Roberts asked that code enforcement require Mr. Samarrai to remove encroachment from the setback. Commissioner Aufmuth expressed his belief that this is a property owner dispute and that the Roberts' should take the matter up with the courts and have the legal judgement against Remzey Samarrai enforced.

Motion made (Blakely) to have the attorney perform additional research on the issue.

Attorney Walker detailed the code enforcement mechanism and possible liens with a maximum \$250/day penalty; although code enforcement violations do not attach to homesteaded property. The Town can enforce its ordinances through the court system, but it is an expensive process (not covered financially by the monthly retainer). Attorney Walker detailed that Smith Avenue, which passes between the Roberts and Samarrai properties, requires additional research as it may or may not be a platted city street. Walker also detailed that the Samarrai property is built into the setback and the Town may want to enforce that violation; but he wants to investigate whether Mr. Samarrai was issued a permit prior to building or being annexed into the Town.

Commissioner Roberts asked that the Town enforce the setback issue and require Mr. Samarrai to take his house back to its original footprint. Mayor Pro-Tem Aufmuth wondered about the number of properties in Town encroaching on the setbacks and the possibility of enforcement action against all of them and again stressed that the issue is an issue between private property owners and the Roberts' should seek relief from the court system. Commissioner Blakely pointed at Mayor Pro-Tem Aufmuth and answered that, "I wouldn't like it if you built on my property and you wouldn't like it if I built on yours." Mayor-Pro Tem Aufmuth took offense at being pointed at, and Commissioner Blakely apologized.

Mayor Pro-Tem Aufmuth responded that any citizen can file a code complaint.

Motion withdrawn (Blakely).

Commissioner Roberts replied that Mrs. Roberts had already filed a code complaint. Town Administrator Gonano summarized that Mrs. Roberts had filed a complaint, and knowing that there had been a long-term property dispute, Gonano had forwarded the complaint and supplemental information on to Attorney Walker for direction. Homeowner, Bud DesForges agreed with Attorney Walker that the dispute will be settled in conjunction with Mr. Samarrai's sale of the property.

9. Town Administrator Report

A. 2017/2018 Budget and Millage Rollback Rate 5.8114

Town Administrator Gonano announced that the rollback rate of 5.8114 had been accepted by the Commission. A tentative budget public hearing date has been set for Monday, September 11 @ 6:00pm, and the final budget public hearing date has been set for Monday, September 25 @ 6:00pm.

10. New Business

11. Unfinished Business

A. Mittauer & Associates Water Plant Upgrade Engineering Contract

Engineer, Greg Lang, of Mittauer & Associates presented an Engineering Services Agreement to the Town Commission. The contract includes update of a hodgepodge of equipment dating back to 1968: 1) preparation of an equipment inventory list, including a generator, and field measurements, including mechanical and electrical equipment placement, and 2) preparation of construction plans and specifications, including electrical and rewiring and contractor bid ads. Only one well is working at this time. Total engineering contract cost is \$17,860, including review of bids to determine if the bids meet specifications. Additional contractual representation, not recommended, is not included and would cost additional money. Mr. Lang complimented the knowledge of Town staff and the familiarity of the water plant by the Public Works staff. The estimated probable cost of project completion is estimated at between \$100-\$150,000.

Motion made and seconded (Aufmuth/Parker) to accept the engineering contract at \$17,860; passed 5-0

B. Ordinance No. 2017-01 Tree Ordinance

Mayor Mance detailed the current June 2016 version being presented. The Mayor summarized that the proposed ordinance has been around since 2014. The Mayor indicated that in recent past, the citizens had been expressing property rights issues and did not want the Town involved in removal of trees from their personal property. The Mayor asked that Town Administrator Gonano use the version labeled 2017-01 and revise the ordinance to grant rights to

property owners. Commissioner Parker thought that the ordinance wording needed to be changed to “roadway or platted roadway” and summarized that the Town was basically doing away with the permitting process. Mayor Pro-Tem Aufmuth cautioned that some roads do not have a right-of-way because of fences coming up to the roadway, and the like. The previous GIS map produced by Mayor Pro-Tem Aufmuth identified specimen trees within 25’ of the center line of the roadway; but the list had not been formally adopted by the Commission. Additionally, Aufmuth recommended that additional specimen trees located on private property could be added to the specimen tree list, as agreed on. Commissioner Blakely believed that the Town should not infringe on property rights.

Motion made (Parker/Aufmuth) that the Town set up a protected zone for trees in the right of ways of roadways or platted roadways from 25’ left or right of the centerline, including municipal lands; passed 5-0

Mayor Pro Tem Aufmuth recognized that on 25’ of the center of the road, the protected tree zone might only extend 10’ onto private property. Attorney Walker questioned if trees with canopies extending into the Zone would become protected. The current GIS map position is based on the trunk of the specimen trees. Brenda Flowers reminded the Commission that people were outraged when the Town removed two trees in January and suggested that the Commission shouldn’t make this change because residents would clearcut trees from their backyards. The Mayor responded that long-time Town residents overwhelmingly have told the Commission that the Town does not need to regulate something that is on private property. Responding to Grace Fuller, the Mayor indicated that there is a general violation penalty amount of \$500 provided for in the code (*Sec. 1-8*).

C. County-Wide Wetland Regulations Protection Ordinance Update/Municipal Exemptions

Looking at the provided map, Mayor Mance detailed that the County had designated a proposed urban core wetland exclusion area in the Micanopy C-1 & C-2 districts, but did not include platted and developed R-1 and R-2 districts. Developed land cannot be a Greenfield, and based on Mayor Mance’s objections, the County indicated that they would meet with all municipalities and apply codes to each municipality respective of their LDC; therefore this presented map will be changing hopefully to include all of Micanopy. New studies show that nitrate infiltration mainly comes from grass and vegetation; not storm runoff as originally thought; BAM is now being referred to as engineered soil.

12. Town Commissioner Reports:

- Commissioner Joseph Aufmuth:
Thanked everyone for their participation. You might not like my decision this time, but next time you might.
- Commissioner Troy Blakely:
Apologized for pointing at Mayor Pro-Tem Aufmuth again; Blakely admits that he is passionate about property rights.
- Commissioner Timothy Parker:
Enjoys everyone being here.
- Commissioner Mike Roberts:
Thanked Gonano for the Boil Water Notice phone call on Sunday.

13. Mayor Ginny Mance Report:

- The Mayor complimented Attorney Johnson for her Ethics Training workshop. Attorney Walker stated that Johnson will offer ex parte communication training in the near future.
The Mayor reflected on details about the vote last month to replace E-26’s water tank instead of repairing it per the Chief’s recommendation; we should have been careful about giving credence to the Chief’s decision, as no one is more familiar with the fire department. The Chief would like to have his opinion respected. As a result, the decision to build a new tank was put on a ‘rush’ status, as no itemized proposal or completion due dates were offered or taken into consideration. The Town had been left without firefighting capabilities for 12 hours. The Mayor reminded the Commission that Town Administrator Gonano is responsible for obtaining proposals; ensuring that the same requirements are offered to each competing company. Going forward, information for obtaining a bid should be provided to Town Administrator Gonano so that she could properly handle the procedure.

14. Adjourn: 10:40pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Debbie Gonano, Recorder