



Minutes

Town Commission

Regularly Scheduled Meeting

Tuesday • August 12, 2014 • 7:30 pm

1. Call to Order: 7:32 pm
2. Invocation & Pledge of Allegiance to Flag
3. Roll Call:
Commissioners Attending:
 - Joseph Aufmuth Absent with notice
 - Michael Berkowitz Present
 - Virginia Mance, Mayor Pro-Tem Present
 - Richard Shutterly, Mayor 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 on July 8, 2014 & Workshop on July 15, 2014
 - C. Review & Acceptance of Financial Transactions & Reports
Motion made and seconded (Berkowitz/Mance) to accept the consent agenda as submitted; passed 4-0
5. Guests:
 - A. Richard Powell, CPA – Presentation of the Annual Financial Report F/Y Ended September 30, 2013
Following the annual audit, Richard Powell presented the 2013 annual financial report. 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 \$2,572,843.

Mike Campbell complimented everyone on receiving the accolades about our financial report.
6. Citizen's Forum:
 - A. Jennifer Cialona, Eestaulkee Ave, just tumbled on the shuffle board court skinning her knee but she is okay and just wanted us to know that is it slippery and should be cleaned.
 - B. Mike Campbell, Seminary Ave, has been working at the MNAHP and has noticed that rains have developed gullies toward Tuscawillia Rd, and he suggests that the Town mow less often to allow the vegetation to grow and stop some of the wash-out effect. At present time, Mike thought that he may be under budget with his contract with the Town, and if we have funds left over, maybe we can purchase native seeds to plant in the erosion areas.
 - C. Brenda Maynard, Micanopy Area Cooperative Schools Director, has been able to expand the school by bringing in a portable class room. Thank you to Debbie Gonano and to public works for all their help.

- D. Karl Tarbox, Division St, suggested that we study the interest rates for CD's and invest the Town's surplus money. *(As previously reported, this has already been accomplished.)*

7. Citizen Board and Committee Reports:

- A. Planning & Historic Preservation Board – Unavailable
- B. Tree Committee – Mike Campbell presented that the tree committee would like to pursue the Tree City USA designation, and it requires 4 points to be designated.
1. A tree board or department, which we have in place.
 2. A community forestry program with an annual budget of at least \$2 per capita ($594 @ \$2 = \1188).
 3. Arbor Day observance (January 16) in Florida and (Nationally April 24) and a Tree City proclamation.
 4. A tree care ordinance.

Commission would like to pursue this and direct Town Administrator Gonano to pursue the application with the Arbor Day Foundation and add this item to our budget.

Mayor Pro-Tem Mance is willing to be the spokesperson for this project, and the school children are interested in helping with planting and watering.

8. Town Attorney Report:

- A. Alachua County Urban Reserve Act (Draft to repeal and replace the “Alachua County Boundary Adjustment Act”)

Attorney Lee suggested some changes to the Urban Reserve Act (URA), a repeal provision of the current URA and a provision for staff support and funding for the urban reserve board. Additionally, several statutes provide for different boards, allowing for participation by phone or other media should be added, and a procedure for replacing or substituting board members should be added.

Mayor Shutterly discussed the Urban Reserve Act and explained the purpose of this act is to promote long-term planning to designate urban reserve areas for each municipality.

Motion made and seconded (Mance/Roberts) to have the Town of Micanopy commission accept the draft of the Alachua County Urban Reserve Act and support the Act in its furtherance; passed 4-0

9. Town Administrator Report:

- A. Buy-Out Ricoh Copier Lease – We still haven't received the payoff amount yet and will bring it to your attention as soon as it is received.
- B. Water Operator – We have collected bids from several different water plant operators. Our procurement policy states that we need (3) bids from different operators. Bids were received from the current operator, Two Fold Water, totaling about \$10,554/year (not including chlorine); US Water's bid totaled \$7950/year; and Water Pro's bid was \$16,404. Town Administrator Gonano recommended to the Commission to consider hiring US Water, which will save us about \$3,000/year including chlorine and other water testing. US Water, a reputable company, comes highly recommended.

Motion made and seconded (Roberts/Berkowitz) to accept the bid from US Water as submitted; passed 4-0

10. New Business:

- A. Request for Proposal (RFP) – Town Administrator Gonano had prepared an RFP for the structural red iron steel maintenance shop/garage building; however Attorney Lee will add more detail for the construction of the above building.
- B. FMIT Insurance Asset Survey – The FMIT completed a comprehensive asset survey of the Town and has revised their premiums at an additional \$19,500 increase over last year's premium. The Commission may consider deleting insurance coverage on some listed assets. Town Administrator Gonano will work with FMIT to gather more information regarding the changes and bring back to our next meeting for discussion.
- C. Thrasher Warehouse Lease Terms – Mayor Pro-Tem Mance presented, as she attends the Thrasher Warehouse Board meetings. At the last regular meeting, discussion regarding the lease between the Thrasher Warehouse Board and the Town ensued. Mayor Pro-Tem Mance reported that the Thrasher Warehouse Board is not amenable to using the warehouse for parties and weddings. She presented an application for permitted uses. The lease terms were discussed and will need to be amended showing that the Town pays the warehouse utilities. Summarizing, Mayor Pro-Tem Mance identifies with the Thrasher Warehouse Board and similarly does not see a workable way to allow the Town Hall to be used for such activities.

A complete list of possible Town entertainment or meeting venues is unavailable.

11. Unfinished Business:

A. Applications for Service on P&HPB:

1. Sabine Dickel
2. Tim Parker

Applicant Billy Mountain had withdrawn his application. Discussion ensued and the submitting applicants presented their qualifications and answered questions from the commission.

Motion made and seconded (Mance/Roberts) to place Tim Parker on the Planning & Historic Preservation Board; passed 3-1 (Berkowitz opposed)

B. Jennifer Cialona – Benefit Payment Request:

Mayor Shutterly recused himself from this discussion and handed the gavel to Mayor Pro-Tem Mance.

Attorney Lee had researched this subject and presented his findings. Attorney Lee stated that the Town could not pay for a service it has not received. However, assuming that Ms. Cialona should have been a permanent part-time employee, per State Statute 95.11, Ms. Cialona would be limited to a two-year statute of limitations which started when she applied for consideration (*May 13, 2014*). Town Administrator Gonano calculated a total of \$1,889.46 consideration due to Ms. Cialona based on the date of the claim being submitted. On her separation of employment, Ms. Cialona had previously received compensation for 340 hours of pay (\$3,060) in addition to a separate check for an additional 80 hours (\$720), without timesheet verification. She had already received more money than she would have coming to her.

Mayor Pro-Tem Mance discussed the checks that Ms. Cialona received on October 31, 2013: \$3,060 and \$720. The money Ms. Cialona received was already too much. It is Mayor Pro-Tem Mance's impression that the Town should follow Attorney Lee's advice, and that Ms. Cialona has already been compensated.

Commissioner Berkowitz thought the two checks issued were a severance package at the time of dismissal, but they were not indicated as such. Attorney Lee is not aware of any Policy and Procedure Manual provision for severance packages. The Town cannot pay for services that we have not received. Mayor Pro-Tem Mance stated that there were no notations on the check and concluded that the check was written for hours that were not worked.

Motion made and seconded (Roberts/Berkowitz) to pay Ms. Cialona the money she is requesting of \$1,889.46; Discussion ensued. Motion and second withdrawn (Roberts/Berkowitz)

DeDe Des Forges stated that legally you may be right, but ethically you are wrong.

Sabine Dickel stated that she remembered that Mr. Kelley asked for compensation, but was denied for his period of part-time employment. That caused Ms. Cialona to ask for compensation. Ms. Dickel thought that the statute of limitation period for Ms. Cialona should be extended back to a period of two years from her last day of work instead of the date that she delivered the request for compensation.

Discussion ensued. Commission directed Town Administrator to recalculate and submit to the Commission the numbers covering the two-year period previous to Ms. Cialona's termination date of October 31, 2013.

Motion made and seconded (Berkowitz/Roberts) to pay Ms. Cialona for vacation and sick pay for the two years prior to October 31, 2013; passed 3-0 (Shutterly recused)

Mayor Pro-Tem Mance apologized for this situation and hoped that we can go on. She then passed the gavel back to Mayor Shutterly. Ms. Cialona admitted that her employment hours with the Town had fluctuated according to her health condition. She is happy to discuss this privately with anyone who is interested.

C. Derelict Housing Status:

1. Total Derelict Houses Demolished = 7
2. Total Derelict Houses Planned for Demolition = 4
3. Code of Ordinances Section 5.27. Assessing Liens

Town Administrator Gonano inquired if the Commission would like to proceed with assessing liens. Yes

12. Town Commissioner Reports:
- Commissioner Joseph Aufmuth: Absent with notice
 - Commissioner Mike Berkowitz: What is going on with the speed limit on Cholokka Blvd? We haven't heard anything recently. Commissioner Berkowitz reported that he has attended school board meetings and that MACS is doing great and will have some students picked up in the back of the school which will help with traffic. He would like the "No Parking" signs on the corner of 234 and NW Seminary Ave removed if possible. The middle school is getting some new board members.
 - Commissioner Ginny Mance: Looking forward to Arbor Day and it will be a nice addition to our Town.
 - Commissioner Mike Roberts: Nothing
13. Mayor Richard Shutterly Report: Nothing further - thank you.
14. Adjourn: 9:55 PM

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Richard Shutterly, Mayor

Patty S. Polk, Recorder