



MICANOPY, SEMINOLE

Minutes

Town Commission
Regularly Scheduled Meeting
Tuesday • October 10, 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
4. Consent Agenda Approval
 - A. Agenda Approval
 - B. Minutes of Regular Meeting of September 19, 2017
Minutes of the Tentative and Final Millage/Budget Hearings of September 25, 2017 and October 3, 2017 will be approved next month.
 - 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
Mayor Mance announced that the final millage and budget for 2018 was approved on October 3, 2017 with the rollback rate of 5.8114 mills and a budget of \$930,196. The Mayor thanked Town Administrator Gonano for the Annual Budget & Budget Message and stated that the Town was in a better financial position as a result of the financial administration of Gonano. Town Administrator Gonano thanked the Mayor for the compliments.
5. Guests: None
6. Citizen's Forum
 - A. Beth Allerton, Micanopy Librarian, announced that the library, in conjunction with MACS, was hosting a movie event presenting *Hotel Transylvania* for all to attend on Friday, October 27.
Beth Allerton announced that she was retiring on October 27 after 14 years of service to the Town of Micanopy. She thanked the Commission for all that they do. The Mayor spoke for the citizens in saying that Beth has been an awesome librarian and will be dearly missed. The citizens applauded Ms. Allerton.
 - B. Pastor Chris Stokes thanked the Commission for their support of the Willie Mae Stokes Community Center. The pastor reported that an unfortunate incident had occurred which had greatly disappointed him. An unidentified person had called Dell Computers (who had promised to donate \$22,000 worth of computers to the Center) and accused Pastor Stokes and the proposed Center of being an illegitimate organization not worthy of the intended donation, stated that there was lack of community support, that the building to house the Center had been condemned, and that the services to be provided were already being provided in the community. Pastor Stokes related that the Dell representative had been very upset because he felt that the organization had misrepresented itself, and Pastor Stokes had to do some damage control to save the project. Further, Pastor Stokes had been working on securing the title to the property on which the building was sitting. The Mayor called the incident unfortunate and Mayor Pro-Tem Aufmuth declared that he was disgusted. This item was discussed further in Unfinished Business item 11A).

7. Citizen Board and Committee Reports

A. Planning & Historic Preservation Board

Having no P&HPB members present, Deputy Town Clerk Patty Polk presented a sampling of Firehouse Playground information and asked the Commission to establish a budget from which the P&HPB members could work. Prices were presented in a wide range, but Mrs. Polk stated that we could potentially save the shipping costs and that our public works crew will install the playground equipment saving up to 45% of the cost of the equipment. Additionally, there is a wide range of color scheme choices and the plastic parts are warranted for 10 years. Once a budget is established, Mrs. Polk asked that the Commission fast track the RFP process to replace the playground equipment as soon as possible.

Motion made and seconded (Parker/Aufmuth) to allocate up to \$15,000 towards the firehouse playground equipment.

Mayor Pro-Tem Aufmuth stated that as a former park ranger, he recommended nixing any enclosed tunnel feature, ladders, and to consider other possible safety features. An RFP will be prepared incorporating that information into the requirements. Commissioner Roberts related that he had a contact at Rainbow Playgrounds. Town Administrator Gonano stated that these brochures had been presented as a sampling only. References for other playground equipment contractors should be forwarded to Town Hall to be included in the RFP mailing. There might be other substrate costs (sand, borders, etc.) which have not yet been identified. The Commission will readdress that issue when the need and costs get identified.

Commissioner Roberts asked about the amount that had been set aside for the playground project. Town Administrator Gonano reminded the Commission that the playground renovation was going to be self-funded because the Town, had been ranked #39 on the 2016 FRDAP grant cycle, but the State Legislature chose not to fund the 2016 cycle. The Commission voted only to replace the playground equipment and have the FRDAP ranking resubmitted for the 2017 FRDAP grant cycle for which the Town would probably receive \$50,000 for the playground renovation. The Town will not be able to reimburse itself for these funds from the WSPP funds.

Motion passes 5-0.

Town Administrator Gonano will work with the attorneys to complete an RFP prior to the next meeting for the Commission's review.

B. Tree Committee

Board Member Paul Cohen presented some hurricane information. The Tree Committee had held a meeting on October 4th and a permit was approved to remove a tree at his personal residence. Mr. Cohen asked about penalties and enforcement in the upcoming tree ordinance; which will be discussed in Unfinished Business item 11D). The Mayor asked for the Tree Committee minutes to be reviewed and approved prior to submission. Patty could help with preparation of minutes, if needed.

- 1) Downtown Island Ad Hoc Committee
No report.

8. Town Attorney Report

No report.

9. Town Administrator Report

No report.

10. New Business

A. Proclamation – Red Ribbon Week Proclamation for October 23-31st 2017

The Mayor read an email from Michael Manley asking for the Commission to pass a proclamation against drug, alcohol, and tobacco use. Mayor Pro-Tem Aufmuth read the proclamation.

Motion made and seconded (Blakely/Parker) to pass the Red Ribbon Week Proclamation; passed 5-0

B. Hurricane Irma Follow Up

The Mayor thanked Mrs. Gonano and Mrs. Polk for pre-storm and post-storm preparations and for opening the office after Hurricane Irma, despite the lack of power. Additionally, Mr. Holton and Mr. Gonzales, our public works crew, were to be recognized for their efforts in storm debris management. Town residents have been very complimentary towards the cleanup efforts. The Town has spent \$8,000 to date for hurricane debris pickup; an amount that could have been considerably more if not for the work of our public works crew. The Mayor thanked Attorney Walker and his staff for maintaining contact with the Town during the hurricane process ramifications.

1) County-wide Town Hall Post Irma Meeting

The Mayor attended a County-wide wrap-up meeting which intended to review the process and make necessary improvements.

- C. FEMA Registration, Town Hall Commission Chambers, Dates October 11 & 12 – 10:00am – 8pm
FEMA will be here tomorrow and Thursday to provide disaster assistance to residents in need. This has been advertised by the Mayor and an email has been sent to all residents on our Town email distribution list. Commissioner Parker offered to contact WKTK and WSKY to have the information broadcast on the radio.
- D. Micanopy Annual Fall Harvest Festival – October 28 & 29, 2017
DeDe DesForges complained about the amount of potential parking space which is typically blocked off for emergency access by the Fire Department. Sandy Tyson related that if parking is allowed on both sides of Seminary Avenue, it is impossible for emergency vehicles to pass. The Mayor made no promises, but she offered to speak to Chief Modican regarding the situation. Mrs. Tyson expressed concerns about pedestrians crossing State Road 441 without any police traffic control.

11. Unfinished Business

A. Willie Mae Stokes Community Center (WMSCC)

Attorney Walker explained that under the Florida Constitution, a municipality could not give money to a private individual or a corporation. Additionally, Attorney Walker thought it would be an improper use of public funds to put money into the building. Attorney Walker, looking for a way to legally contribute to the organization, summarized three criteria mandated by State Statutes for municipal funds earmarked to be spent on a 501(c)3: 1) The organization must serve a legitimate public purpose; 2) The funds must be controlled to a certain degree by the municipality to ensure that the money is being spent on a legitimate public purpose; and, 3) The organization receiving the funds should be open to all of the members of the public. Further, Walker repeated that Pastor Stokes has stated that the WMSCC will be open to children before and after school with transportation provided, open to seniors, open for tutoring, and will be sponsoring recreational programs. Walker summarized that these types of programs would appear to satisfy the mandated criteria. The attorney did agree with the Commission's decision to disburse funds to the WMSCC only after title has been produced showing that the Center owns the property; this would show a degree of control by the Town. Walker said that the Town has taken the first step by budgeting the requested funds in its upcoming budget. He now recommends that the Town enter into a contract with the WMSCC specifying that the Center will sponsor certain programs to satisfy the Town's standards. Once the title for the property is secured and the contract signed, the Town will need to decide how the funds are to be disbursed.

Motion made (Parker) to create and review a contract amenable to both parties with disbursement of funds in sections dependent on the Center's construction needs.

Mayor Pro-Tem Aufmuth recommended putting off a motion until we get facts gathered. Commissioner Parker was unclear about the construction process being followed by the Center. Pastor Stokes answered that they will do whatever is required, but that the site plan had already been submitted prior to the building being moved. The architect provided the required blueprints this past week and they are waiting for permits. The Pastor related that they are ready to proceed and to obtain a Certificate of Occupancy (CO) the Pastor related that they will need electrical service to the building, certification of the air conditioning system, and plumbing including two restrooms and a septic system. The Pastor asserted that none of the earmarked \$20,000 funding will be spent on anything other than the work and labor to be done to the building. Pastor Stokes questioned the Town's intended process of timely financial support. Commissioner Roberts recommended payment directly to the contractor. Attorney Walker countered that any funds disbursed should go directly to the 501(c)3 for disbursement to the contractors. Mayor Pro-Tem Aufmuth asked the Town Administrator regarding ease of the disbursements. Town Administrator Gonano deferred to the Attorney, but felt that the \$5,000 incremental payments should be disbursed after completion and building department inspection following each phase of the project. She asked for a 'heads up' from the Pastor prior to invoice submittal which would ensure timely payment. Commissioner Parker asked about the status of obtaining the title to the property. The Pastor answered that the process is proceeding with payment of a filing fee, submittal to the courthouse, and judge's signature on a Warranty Deed. Attorney Walker agreed that the Town will need a copy of the Warranty Deed and a copy of the Order of Summary Administration. Resident, Sandy Tyson, questioned the contract term thereby providing the Town benefit of a certain amount of years for the funding. Attorney Walker recommended a one-year term; but Commissioner Roberts thought that the contract term should be longer, possibly five years, to assure the residents of Micanopy receive a decent payback for their money. In comparison, Pastor Stokes related that Dell, who was donating \$22,000 in computer equipment, had simply asked for the Center to provide services for 60 students for a period of one year.

Motion made and seconded (Aufmuth/Blakely) to disburse to Willie Mae Stokes Community Center budgeted funds upon receipt of proof of Warranty Deed in four \$5,000 increments as needed, once work has been inspected, for the public purposes stated by our attorney for a period of one year.

The Mayor acknowledged that \$20,000 is a lot of money, but felt that the number of children to benefit from the planned programs would far outweigh the cost. Commissioner Parker asked about the Center's funding sources to meet expected expenses once the building is complete. Pastor Stokes answered that the Center is receiving grant funding and donations from private sources sufficient to support the Center's expected ongoing expenses; further, Stokes stated that the WMSCC will never ask the Town for additional funding. The pastor stated that there will be no payroll; the Center will operate with a volunteer staff. Mayor Pro-Tem Aufmuth recognized that this is a community, faith-based effort and

that the Center will do what it says it will do.

Mayor Pro-Tem Aufmuth called for the question.

Motion passed 5-0.

Attorney Walker recommended that any contract drawn between the two parties be approved at a Commission meeting prior to funds being disbursed. The Mayor offered to call a Special Meeting to review the required documents once they are obtained and found to be in good order.

B. Mittauer & Associates Status of Water Plant Upgrade

Joe Mittauer and Gregg Lang were present. Mr. Mittauer summarized that the Town hired Mittauer & Associates to put together water plant electrical drawing upgrades. The plant was built in 1968, had replaced the Well #1 pump last Spring, and had a failure in the electrical system of Well #1 this year. Because of the lack of available repair parts, the electrician recommended an overhaul of the entire system. Both wells have part-winding starters, which is a type of starter whose technology hasn't been used in about 30 years. Mr. Mittauer stated that the engineering company has done a detailed investigation of the water plant including measuring equipment and buildings, preparing an equipment inventory, and summarizing existing problems. Mr. Mittauer stated that the existing motors are overdrawing the existing horsepower and recommended that both of the existing 30hp pumps be upgraded to 40hp pumps, which will be very expensive and add to the cost of the project. They recommended that vector duty with soft start motors be installed; as well as a diesel generator, pump control system, and disconnect to a three phase electrical service capable of powering large motors. Existing components will be reused as necessary, and the new components will allow for some expansion in service. Building and electrical permitting starts at the Town, but completes at the County level.

Per Mittauer, if the Town is satisfied, the project is about ready to go to bid.

Answering Commissioner Roberts, Mr. Mittauer thought that the project will cost about \$200,000. Town Administrator Gonano suggested that the Town try to find a market for the two used 30hp pumps. Mr. Mittauer will prepare the required RFP. Town Administrator Gonano reminded the public that the upgrades to the water plant system will not do away with existing discoloration in the water due to iron deposits in the well.

C. Soccer Shots – Josh Hamilton

Josh Hamilton was introduced by Mayor Mance. Mr. Hamilton represents Soccer Shots, a national franchise started in 1997, which offers soccer training for children between the ages of 2-8. Mr. Hamilton states that the local franchise is in over 30 schools with over 500 participants enrolled this season. He suggested that the non-competitive soccer training could be scheduled after school on Wednesday afternoons. The training session lasts about 35 minutes, concentrating on fitness, skill, and sportsmanship. Soccer Shots provides all the necessary equipment. Interested parents would pay Soccer Shots directly. The Commission decided that, because no lights would be used, there would be no field use fee charged for use of the field. Mayor Pro-Tem Aufmuth recommended that a Certificate of Liability with the Town named as additional insured be produced by Soccer Shots.

Motion made and seconded (Roberts/Aufmuth) to, upon verification of insurance, allow use of the fields to Soccer Shots at no cost.

The sessions are 35 minute sessions/once week for four seasons (fall, winter, spring, summer) which last from 4 to 10/11 weeks. The Mayor related that MACS would allow for a registration table at the school and would be willing to send a flyer home with students. If the lights were to be used, there could be a fee established for use of the field. Mr. Hamilton agreed to clean the ballpark restrooms after use, as Soccer Shots would not be charged a field-use fee. Attorney Walker will write a contract for Soccer Shots.

Motion passes 5-0.

D. Ordinance No. 2017-01 Tree Ordinance Discussion

Answering Mayor Mance, Attorney Walker stated that he has read through the ordinance and felt that Town Administrator Gonano (with the Mayor's help) had made all of the changes discussed at the August meeting which would give rights to property owners. Walker stated that the revised ordinance is very straight forward and simply crafted while protecting specimen trees but also respecting property owner rights. Highlights of the ordinance sets forth protected trees and allows for changes, it identifies unprotected-invasive species and recommends removal of such, specifies the Canopy Tree Protection Zones as being within 25' of the center of the road, names the Town Administrator as the permit facilitator, sets forth requirements for utility companies, and recommends standards for removal and trimming trees. Code of Ordinances Sec. 1-8 provides for a general penalty of \$500/day. The Mayor stated her desire to wrap this months-long discussion up and send the ordinance for a first reading next month. Mayor Pro-Tem Aufmuth stated that the 25' Protection Zones would protect roughly 90% of the Town's specimen trees identified on the GIS list. Commissioner Parker believed that the Alachua County maps showed the right-of-way widths; but Mayor Pro-Tem Aufmuth countered that those easement widths were not certified from any deeds. Commissioner Parker, who had originally suggested the 25' buffer had changed his mind. The average lane of traffic is approximately 8-9 feet wide, and Parker felt that the 25' buffer would extend too far into private property. The Mayor reminded the Commission that the distance is measured from the center line of the road to the trunk of the tree and that the Town is only concerned about the specimen trees which had been previously identified. The property owner is responsible for the pruning and/or

removal of specimen trees in the Canopy Tree Protection Zone upon obtaining approval from the Town Administrator. Commissioner Blakely thought that with five Commissioners and four full-time employees, Micanopy did not need more government bureaucracy created by a Tree Committee. Mayor Pro-Tem Aufmuth answered that the tree committee is an unpaid board and has the expertise needed. Mayor Mance pointed out that the Tree Committee would no longer operate as a permitting authority but more as a public relations body. Commissioner Blakely thought that the Tree Committee has no more tree expertise than the Commission. Homeowner Grace Fuller responded that the Town is not made up entirely of the Commissioners and employees and that the government bureaucracy created by the Tree Committee is a small price to pay as the unpaid Tree Committee gives the people a way to have input into the future of the trees; nothing is closer to the heart of the Town's people than the trees and the trees contribute to the ambiance and economy of the Town. The Town has already identified the specimen trees, but a property owner can have a tree added to the list. Sandy Tyson recommended that the Town notify property owners who have a specimen tree on the list.

Motion made and seconded (Parker/Roberts) to accept the document as read and to move forward with a first reading.

Homeowner Holly Morris questioned and Mayor Pro-Tem Aufmuth specified that the identified specimen trees within 25' of the center of the road are protected by the Town from the property owners and/or utility companies without first obtaining a permit from the Town Administrator. Town Administrator Gonano recommended that Sec. 15-12(b) be clarified to omit trees on private property which were already included in the Canopy Tree Protection Zone. Attorney Walker will make the change.

Mayor Mance called for the question.

Passed 5-0.

12. Town Commissioner Reports

- Commissioner Joseph Aufmuth: Thanks everybody for staying.
- Commissioner Troy Blakely: Believes in private property rights and he believes too much government is bad.
- Commissioner Timothy Parker: The Thrasher Warehouse Board wanted 10-12 extra parking spaces for museum workers. The Thrasher Warehouse Board is working on the problem with the O'Steen's. Parker complimented Town staff for their actions throughout the hurricane.
- Commissioner Mike Roberts: Time to go home.

13. Mayor Ginny Mance Report

Santa Fe College offers programs for women aged 50 and over. Duke appreciated our letter of thanks.

14. Adjourn: 10:40pm

MINUTES APPROVED:

As submitted _____ as amended _____ at Town Commission Meeting _____

Virginia Mance, Mayor

Debbie Gonano, Recorder