

---

---

# Minutes

## Town Commission

### Regularly Scheduled Meeting

Tuesday • 14 January 2014 • 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                 | Present                     |
| • Virginia Mance, Mayor Pro-Tem     | Present (left ill @ 7:37pm) |
| • Richard Shutterly, Mayor          | Present                     |
| • Jason “Tug” Huddleston            | Absent with notice          |
|                                     |                             |
| • Debbie Gonano, Town Administrator | Present                     |
| • Stephen Lee, Town Attorney        | Present                     |
| • Patty Polk, Deputy Town Clerk     | Present                     |

Mayor Shutterly handed the gavel to Commissioner Aufmuth, as the Mayor’s voice is strained due to illness.

4. **Consent Agenda Approval:**

A. **January 14, 2014 Agenda Approval**

*Motion made and seconded (Shutterly/Berkowitz) to accept the agenda as amended moving 10(C) Duke Energy/Parcel #16720-031-000 Distribution Easement to 5(G) after Citizens Forum; passed 4-0*

B. **December 10, 2013 Regular Meeting Minutes**

C. **Review & Acceptance of Financial Transactions & Reports**

*Motion made and seconded (Berkowitz/Shutterly) to accept the December 10, 2013 meeting minutes and the Financial Transactions & Reports as submitted; passed 4-0*

5. **Citizen’s Forum:**

A. **Mark Gregg**, 101 NE Cholokka Blvd, is interested in hearing about the issue concerning the change of speed limit and golf carts on Cholokka Blvd. This item will be discussed during the Town Administrator’s report. Mr. Gregg will hold his words until then.

B. **Beth Allerton**, Micanopy Area Cooperative School (MACS) stated that the school was really pleased and would like to thank the Town for its leadership, decorations, and effort put forth during the Light-Up Micanopy event and during the entire festive season. Beth thought that the Town really got everything off to a fine start. Beth also wanted to let the Commission know that she, along with others, think Raul Gonzalez is a wonderful employee. Beth detailed that MACS raised around \$2,000 from the Light-Up Micanopy event.

C. **Layton Glenn**, 100 N Division St, Mr. Glenn recognized that that we have had a lot of rain and the garbage trucks are tearing up the Town’s dirt roads. Mr. Glenn stated that the road behind his house is almost un-drivable. Layton wanted to know if the roads could be fixed after the puddles dry. Commissioner Aufmuth directed Ms. Gonano to ask Waste Pro drivers to use care when traveling through the streets.

D. **Andy Toller**, Waste Pro, stated that it sounds like the guys are traveling a little too fast, and he will speak to the drivers about slowing down.

E. **Joe Pierce**, 502 W Smith Ave, Joe would like permission from the Town, as the Town is responsible for the Museum property, to utilize the back parking lot of the Museum on February 21, 2014 for a wedding rehearsal party that will be held at the Mosswood Farm Store. Joe stated that he had approached Mr. Thrasher regarding the request, with no luck. Commissioner Aufmuth would like to move this subject under our new business items, as this will require some discussion.

F. **Ido Gustovson**, Property owner on Evans Ct, Mr. Gustovson would like to have some goulashes available for people who come to Town Hall. He suggested that maybe you can put some rock & stuff in the driveway. Mr. Gustovson stated that this is incompetence; and he suggested that officials should resign, pretty quick.

G. **Duke Energy/Parcel #16720-031-000, 301 SW 3<sup>rd</sup> Ave**

Virginia Mance presented. Mrs. Mance stated that she had purchased this property a couple years ago for taxes and it is currently in her daughter's name. Electric service passes through the center of this property and on to the cemetery's well pump. Part of the electric service is overhead and part of the service is buried. In order to make this parcel useable, Duke Energy has agreed to bury the line at their cost along the property line but they are requiring easement agreements from the Town, as well as the Mance family. The Commission instructed that this item be added to the February agenda for future discussion.

Ido Gustovson interrupted the meeting and Commissioner Aufmuth asked him to wait to speak, informed him that he was out of order, and Mr. Gustovson will be asked to leave if he continues to interrupt.

6. **Guests:** None

7. **Citizens Board and Committee Reports:**

A. **Planning & Historic Preservation Board (P&HPB)**, Fro Warren gave report.

The Anchor is back in place downtown and the Anchor sign is being touched up with white paint. The P&HPB would like to have a meeting in February with the Town Commission to discuss a revised sign ordinance, Certificate of Appropriateness triggers, and Design Guidelines.

Attorney Lee responded that the Comprehensive Plan is the controlling document implemented by the Land Development Code (LDC). When the LDC has not been amended to incorporate all the provisions of the Comp Plan, the Comp Plan still supersedes the LDC.

8. **Town Attorney Report:**

A. **Resolution #2014-01 – 2014 Election.** – Attorney Lee presented and read Resolution #2014-01 by title.

*Motion made and seconded (Berkowitz/Shutterly) to approve as submitted; passed 3-0*

Commissioner Aufmuth stated that the election is March 11, 2014 with seat #4 and seat #5 open. Candidates qualifying to run for those seats can qualify during the period of January 20 – 23, 2014 from 7:30 am – 6:00 pm. If you would like to qualify for the election, go to Town Hall and sign up and talk to Ms. Gonano about the paperwork, get a campaign account, and run your campaign after the qualifying period is over. There is a whole series of steps.

B. **Alachua County Sale/Use of E-Cigarettes.** – Attorney Lee presented.

The Alachua County Commission has adopted an ordinance relating to the sale of e-cigarettes and, unlike the human rights ordinance, they have proactively decided to contact municipalities to see if we want to be included and have an opt in/opt out provision. As written, the ordinance only applies to the unincorporated areas and the county attorney has asked for our response to see if we want to be included. The ordinance itself prohibits the use of e-cigarettes anyplace that regular cigarettes are prohibited. The proposed ordinance prohibits the sale of e-cigarettes to minors and self-service merchandizing. If the commission wants to authorize him to respond to the county attorney, he can do that. Commissioner Berkowitz questioned the ordinance and if we can legally ban e-cigarettes. Attorney Lee stated that, to his knowledge, e-cigarettes are not state or federally regulated and that is why Alachua County has adopted this ordinance. Attorney Lee answered “Yes, we have the authority to opt into this ordinance.” Mayor Shutterly would like to invite interested establishments' owners to share their opinion on this. Commissioner Aufmuth would like to hold off on this until a future date. Attorney Lee will respond to the County attorney that we will consider the matter.

9. **Town Administrator Report:**

A. **Facility Upgrades:**

1. **Native American Heritage Preserve barn and pavilion re-roofing.** – Holt Professional Roofing, Inc. was voted to put new roofs on the park buildings, but Debbie has been unable to pinpoint a start date for the roofs. It has been a busy holiday season, and we have had some cold rainy weather. She will continue to follow up to get the job completed.

**2. Pre-fab metal maintenance/garage building.**

**Follow up on the three quotes previously obtained.**

**Armstrong Steel** – Pretty expensive and are not going to come down.

**Allied Steel** – If anything, the price will go up as steel prices are going up.

**Olympia Steel** – Is the only company who will work with us, as they are willing to take \$500 off the quote. At this point Olympia Steel looks like the best deal. Mayor Shutterly stated that the price for the building with the erection is \$47,000 for a 80' x 50' building including 4 doors and insulation, but without the slab. Erection is estimated at \$15,400 and is included in the total quote. Ido Gustovson stated that there is nothing wrong with the existing maintenance building. Why change it? Commissioner Aufmuth stated that the building is deteriorating.

***Motion made and seconded (Shutterly/Berkowitz) to have a special called meeting on January 21, 2014 – 6:30 pm, to discuss the pre-fab metal maintenance building; passed 3-0***

**3. Gutter and down spout installation on Town Hall.** Discussion ensued.

Mayor Shutterly's opinion is that there is no damage to the fascia or the building resulting from the lack of a gutter system. The Mayor stated that adding gutters will only move water away from an entrance; he did not feel that gutters were necessary and that they will be a chore to clean. Further, public works will have to rent a lift to clean them out once a year. They Mayor doesn't see the gutters as a necessity unless you want to add them over the entrances to direct water away from building openings. Commissioner Berkowitz is in agreement as long as the building is not being damaged. Keeping water away from entrances would be good. Ido Gustovson interrupted again stating his opinion regarding the incompetence of whoever put the downspout on the Library side of the building, which is putting more water into the parking lot.

Commissioner Aufmuth directed Ms. Gonano to add this item to the special called meeting of January 21, 2014.

**4. Library Entrance funnel down spout from flat roof.** – Completed.

**B. Drainage ditch maintenance.**

David Holton is planning on starting this project soon. A letter of explanation and a map has been sent out to the residents letting them know what we are planning to do and when it will be completed.

**C. Town investments – CD Rates.**

Town Administrator Gonano was looking at Town investments and came to the realization that we have almost 1.3 million dollars at Florida Citizens Bank and, to her belief, we might only be FDIC insured up to \$250,000. Also we have a CD at Wells Fargo in the amount of \$115,000 that is earning only .05%. Should we invest some of this money more wisely? We are carrying \$632,000 in the checking account. Discussion ensued. Mayor Shutterly recommended inquiring at the bank regarding insurance. Carl Tarbox suggested sending out a Request for Proposal (RFP) for investment banking. Commissioner Aufmuth would recommend that Ms. Gonano continue developing a proposal for the Town money and find out about the accounts insurance, and he recommended tabling the discussion until we have a full commission.

**D. Alachua County** called us and followed up with an email advising us that our Golf Cart signs do not comply with State Statutes and would like them removed. Additionally the County is in the process of doing a mile per hour (mph) survey and 20 mph does not meet State Statutes. Commissioner Aufmuth discussed that we went through the proper procedure to allow golf carts on our roads. Attorney Lee stated that the Resolution we adopted in 2007 provided for driving golf carts on Town roads. The County will come in and put crossing signs strategically in Town if we desire, for which a study will be required. Mayor Shutterly met with Brian Singleton previously, and he may be amenable to alternative solutions. Until the County does a study we will take no action.

**10. New Business.**

**A. Wild Spaces Public Places Reserve Fund (SW 6<sup>th</sup> Street Park, Community Garden, Bat Houses)**

Mayor Shutterly presented some ideas for which the WSPP reserve funds collected from a 2008 sales tax increase might be spent. Ideas included erecting bat houses, establishing a public park on SW 6<sup>th</sup> Street, and placing park benches in the shopping district. Commissioner Aufmuth would like a list to be presented at the next meeting. Joe Peirce discussed the possibility of picnic tables for the Community Garden area and or a Gazebo that could be used by the citizens as a gathering place. Julie Penrod-Glenn suggested asking the citizens for more ideas, by possibly placing a note on the water bills. Beth Allerton suggested using some of the money for a Veterans monument which is already in the works

Mr. Gustovson interrupted the meeting again and would not stop upon request of Commissioner Aufmuth. Mr. Gustovson left the meeting cursing expletives on his way out the door.

- B. **Cholokka Blvd. Proposed Sidewalk Project – Public DOT meeting scheduled for February 11, 2014 prior to the meeting from 5-7pm.** Discussion ensued. Sidewalks are planned for the County right-of-way, and the County will maintain them.
- C. **Duke Energy/Parcel #16720-031-000 Distribution Easement – Moved to 5(G).**
- D. **Fro Warren discussed that on February 1, 2014, Heritage Trees in Micanopy** is going to do a program with guest speaker Mike Campbell. An email reminder will be sent. Program begins at the Church of the Mediator.

**11. Unfinished Business:**

**A. Consideration of Employee Retirement Account.**

Discussed different retirement plans and the desire to have a representative from the Florida League of Cities do a presentation at an upcoming meeting (*March 11*) and include all of our full-time employees.

**B. Derelict Housing Status.**

Two properties were posted and notice sent out to the owners who had 14 days to appeal with no response. Is there any further notice needed before we bulldoze the houses down and clean up the mess? Attorney Lee will check on the next step in the procedure. Ms. Gonano will add this to the next agenda.

**12. Town Commissioner Reports:**

- **Commissioner Joe Aufmuth** –
- **Commissioner Mike Berkowitz** – Thrasher Museum parking is run by the Thrasher Museum Board, and we shouldn't over step their authority.
- **Commissioner Tug Huddleston** – Absent with notice
- **Commissioner Ginny Mance** – Absent (left early ill)

**13. Mayor Richard Shutterly Report:** - The Mayor plans on meeting with Mr. Glover and Mr. Pool to look at spots to put bat houses and get more information. Bats will decimate the mosquito population. He was surprised that our public works were cutting trees at the Museum, and he realizes that they had a tree permit.

**14. Adjourn: 9:30 PM**

**MINUTES APPROVED:**

As submitted \_\_\_\_\_ As amended \_\_\_\_\_ at Town Commission Meeting \_\_\_\_\_

\_\_\_\_\_  
**Richard Shutterly, Mayor**

\_\_\_\_\_  
**Patty S. Polk, Recorder**