

**Town Commission**

**Tuesday • February 9, 2021 • 7:00pm**

**Minutes Regularly Scheduled Meeting**

1.Call to Order 7:00pm

2. Invocation and Pledge of Allegiance to Flag

3. Roll Call

*Commissioners Attending:*

* Joseph Aufmuth, Mayor Present
* Timothy Parker, Mayor Pro Tem Present
* Troy Blakely Present
* Mike Roberts Present
* Virginia Mance Present
* Debbie Gonano, Town Administrator Present
* Patty Polk, Deputy Town Clerk Present
* Andrea Parker, Town Attorney Present
* Scott Walker, Town Attorney Present

4. Consent Agenda Approval

A) Agenda Approval

B) Minutes of Regular Meeting of January 12, 2021 and Charter Changes Workshop of January 19, 2021

C) Review and Acceptance of Financial Transactions and Reports

***Motion made and second (Parker/Mance) to approve the consent agenda; Passed 5-0***

***Motion made and second (Mance/Parker) to add Item 10.G) Firehouse Roof Estimates to the agenda; Passed 5-0***

5. Guests

A) Richard Powell, Powell & Jones, CPA – 2020 Annual Audit Report

Mr. Powell presented the annual audit resulting in the highest level of assurance and an accurate, clean, and unmodified opinion of the quality of the financial records and practices of the Town. There are two funds of the Town: General Fund and Enterprise Fund (water). General Fund total assets were $1,749,124, mostly comprised of cash investments and with liabilities of $15,309, and fund balances (cash reserves) of $1,733,815. The successful year produced total revenues in the General Fund of $796,082, total expenditures of $674,962; and an excess of revenues over expenditures of $121,120. Mr. Powell related that the total of restricted and unrestricted fund balances of $1,733,815, are a substantial reserve for a Town of our size. The Enterprise Fund ended the year with total assets of $711,200, total liabilities of $51,412, and unrestricted net worth of $314,951, which Mr. Powell pronounced as very adequate. The Enterprise Fund had total revenues of $196,467 and total expenses of $139,450 producing an excess of $57,017.

Both governmental and business (enterprise) assets are roughly 50% used up and on par with comparable municipalities. Accumulated reserves will eventually be used to replace depreciated capital assets. It is commendable that the Town has no loans or bond issues and the only long-term liability of $8,285 is the total of employee accrued compensated absences, which are fully covered by reserves. The year was financially very successful with both the General Fund and Enterprise Funds ending stronger than at the beginning of the year. The audit report procedure examining internal control for compliance with laws, regulations, and policies of the Town Commission; the Management Letter; and the Independent Accountant’s Report, all reported no findings. There were no questions from the Commission or citizens regarding the annual audit report. The Mayor thanked Town Administrator Gonano and Deputy Town Clerk Polk for their diligence in conducting Town business.

6. Citizen’s Forum – Public Comment

A) Bishop Chris Stokes *(Micanopy Athletic Association (MAA))* had been ill as of late, but Bishop Stokes had been

accumulating some of the information to requirements provided to him and required as part of the *Property Use Agreement* for the Micanopy Ballpark. The list included 1) Written plan *(provided)*, 2) Certificate of Insurance – Additional Insured *(certificate naming Town of Micanopy as additional insured still required)*, 3) List of references *(still required)*, 4) Copy of Babe Ruth League Charter *(provided)*, 5) List of board members and volunteers listing their qualifications, experience, addresses, and copies of background checks *(still required)*, 6) List of company sponsors *(still required)*, 7) List of players, including street addresses *(still required)*, 8) Copy of food handlers’ licenses *(provided)*, 9) Proposed schedule of days/times of ballpark use*(still required)*, 10) Promise to pay electric bill usage *(still required)*, and 11) Proposed schedule of maintenance *(still required).*

Bishop Stokes was in the process of holding registrations for the various sports programs offered, with 30 children signing up (22 from the Micanopy area, 3 from Gainesville, 1 from Williston, 1from Reddick, and 3 unidentified others.) The registering players will allow the MAA to form three T-ball teams and they’re half way to forming a baseball team. The goal is to add a sport every year until all needs are met. Bishop Stokes asked for permission to meet with public works to assess field, batting cage, and concession stand conditions, and he is planning Opening Day for March 27. Mayor Aufmuth responded that the checklist of items will need to be completed and submitted, and the Mayor asked about scheduling for field use in conjunction with the rugby team. Bishop Stokes said that if the Town would maintain the grass, the MAA would keep the field in playable condition and will be responsible for everything else. Answering Commissioner Roberts, the MAA is charging $80/player which will cover a portion of the insurance and the costs of uniforms.

B) Lena McNeer *(Alachua County Library District, Micanopy Branch)* introduced herself as the new manager of the Micanopy Branch Library.

C) Jeffrey Forbes *(206 E Ocala Avenue)* Jeffrey Forbes reported that Alachua County Growth Management was

working on a report for presentation to the Alachua County Commission for the designation of Tuscawilla Road as a *County Scenic Road*. Most of the road is located in Micanopy, and the Alachua County staff was looking for a letter of support from the Town of Micanopy. Commissioner Parker asked that if the designation was made, would that prevent commercial development from going forward, to which Mr. Forbes replied that he didn’t know that; however, the road buffers are currently 40’, but would be increased to 100’ with the designation. Commissioner Mance hoped that a designation would be relevant to commercial development of the Dollar General. Town Administrator Gonano wondered what obligations, restrictions, or responsibilities the Town would be taking on by supporting such a designation?

***Motion made and second (Mance/Parker) to write a letter of support for designation of Tuscawilla Road as a County Scenic Road; Passed 4-1 (Blakely opposed)***

7. Citizen Board and Committee Reports

A) Planning & Historic Preservation Board (P&HPB)

1) Certificate of Appropriateness

Chair Fro Warren reported that window graphic *Lotus & Buddha* signs had been approved for 116-118 Cholokka Blvd. A decision on a marquee sign was tabled.

2) Street Light Recommendation

As high pressure sodium (HPS) lights are no longer available from Duke, Chair Fro Warren reported that the P&HPB had met with Duke officials and had obtained six options and the associated costs for purchasing the light fixtures and estimated annual electric light charges for LED light replacement. The P&HPB members had voted 4-1 to make the recommendation to the Commission to accept Option #3 (at a cost of $10,816.67) which would change all of the existing lights for consistency, except one, to 50w 3000K Micro LED light fixtures. Dorothy Pernu, Micanopy’s Government & Community Relations Manager, was present to explain the various options and answer any questions. There was much Commission discussion about the practicality of spending $10,816.67 of taxpayers’ money to replace 126 existing LED light fixtures when many citizens liked the current lights. The Mayor asked Gonano if Transportation (Street) Reserves (totaling $294,551) could be used to fund the purchase of street lights; Gonano thought that street lights would fall into that category but would approve that expense through Mr. Powell. Commissioner Mance commented that she would like to see the change to 3000K, but she felt that the cost was exorbitant. Ms. Pernu defended the cost and related that the original cost estimate was $30,000.

***Motion made (Mance/Blakely) to accept the P&HPBs recommendation for Option #3 in the amount of $10,816.67 if existing Street Fund Reserves could be used to pay the cost.***

Commissioner Roberts thought that Street Reserves could be used to repair the streets and that replacing the street lights was a waste of taxpayers’ money. Commissioner Blakely thought that the Town should spend reserves to replace the street lights *and* repair pot holes in the streets. Commissioner Parker thought that the LED lighting’s purpose was for security and safety, and he was not in favor of substituting the current lights for dimmer lights, and he thought that the Town could apply for grant funds to repair the roads and pay for sewer infrastructure. Commissioner Mance wanted to apply street funds to repair the streets.

Mayor Aufmuth asked Deputy Town Clerk Polk to summarize street light comments, and Ms. Polk responded that despite having held numerous meetings and having sent frequent emails asking for feedback; a very small percentage of residents were complaining about the brightness of the LED street lights. Responding to the Mayor’s question to the public, Stoney Slaton *(104 NE Seminary Avenue)* supported the 50w 3000K Micro LED lights. Cheryl Roberts *(551 NW Seminary Avenue)* loved the existing LED lights as they made her feel safer. An unidentified Whiting Street resident felt that despite the bright lights, the streets were still pitch dark. Another unidentified resident asked for and was provided a brief history of the LED street light situation by Mayor Aufmuth. Having listened to the summary, the resident thought that it would be disrespectful to the P&HPB and residents to dismiss their recommendations. Chair Warren responded that there were an estimated ten residents at the P&HPB meetings. Bud DesForges *(554 NW Seminary Avenue)* concluded that the complaining has subsided because the residents felt that nothing would be done about the issue. Additionally, thought was given to the possibility that replacing the existing lights when residents were getting familiar with them might cause an entirely new wave of objections about lighting. Jeffrey Forbes agreed with everything that Mr. DesForges had said, plus he appreciated that the Commission were good stewards of the Town’s money; but he felt the $10,816.67 cost was worth the money and that the residents would stop complaining.

***Failed 2-3 (Mance, Parker, Roberts opposed)***

3) Speeding on Tuscawilla and Seminary

The P&HPB members wanted to request that the Sheriff be invited to a Commission meeting. Town Administrator Gonano reminded the Commission about the Sheriff’s *Speed Spy* device used in 2017 with results showing that there was no overall speeding issue in Micanopy at the three locations where the camera had been placed for seven days each. Commissioner Parker thought that the school should send out a notice to the parents asking them to slow their speed. Commissioner Mance supported an invitation being sent to Sheriff Watson. The Mayor asked about the installation of an approved *4-Way Stop* sign being installed at the intersection of Seminary Avenue and Division Street; the Town was awaiting instruction from the Town Attorneys as to new stop sign installation warnings and associated liability with new sign placement.

B) Tree Committee

Paul Cohen was planning an upcoming Tree Committee meeting. A 2020 Arbor Day celebration had not been required by the Arbor Day Foundation, but they were requiring a celebration for Arbor Day 2021, and Paul was working to plan for that. Mayor Aufmuth thought that it would be nice to hold the Arbor Day festivities during the Town’s Bicentennial celebration. Paul reported that Tree City USA were making awards easier for smaller communities to apply, and he was submitting the required paperwork.

8. Town Attorney Report

A) Proposed Charter Changes

**1) Condensing Section 201.**

Section 201. *Power of the Town. The Town of Micanopy shall have all governmental, corporate, and proprietary powers possible for a city to have ~~the rights and powers of local self-government~~ which are now, or hereafter may be provided by the United States Constitution and the constitutions and laws of the State of Florida, with specific reference to the “Florida Home Rule Power Act,” as though they were specifically enumerated in this Charter to enable it to conduct municipal government, perform municipal functions, render municipal services, and exercise any power for purposes except as otherwise provided by law or this Charter, ~~and this Charter, with specific reference to the “Florida Home Rule Powers,” such powers including but not limited to the following:~~*

*~~a) To organize and regulate its internal affairs and establish, alter, abolish and terminate offices, positions, and employments including citizens board positions; define functions, powers and duties and affix their terms, tenure and composition.~~*

*~~b) To adopt, amend and repeal such ordinances, resolutions, and codes as may be required for the government of the Town of Micanopy.~~*

*~~c) To acquire by purchase, gift, devise, condemnation, or otherwise, property, real, personal, or mixed within or without the Town, to be used for any purpose necessary or to meet the needs of the Town, and to operate, maintain, repair, and improve and all properties, real or personal, streets, sidewalks, and the like by expenditure of the monies of the Town for all lawful purposes.~~*

*~~d) To raise funds by taxation and to make such levy upon the taxable property of the town of Micanopy, and by license and tax upon privileges, businesses, occupations and professions whatsoever carried on and engaged in within the corporate limits of the Town such sums of money as the Town Commission, hereinafter provided form shall deem necessary for the purposes and means of the Town in such manner as shall be provided by ordinance of the said Town Commission. Said taxes shall be consistent with Florida Statutes.~~*

*~~e) To appropriate and expend money for any public purpose.~~*

*~~f) To borrow money for public purposes.~~*

*~~g) To levy special assessments upon property in a limited and determinable area for special benefits conferred upon such property by any town work, service or improvement and to provide for the payment of all or any part of the costs of the work, service or improvement out of the proceeds of such special assessment.~~*

*~~h) To levy special or local assessments for local improvements and to hold liens for public purposes.~~*

*~~i) To purchase hire, construct, own, operate, maintain or lease local public utilities, including but not limited to: bus lines, electric light and power, telephone and telegraph systems, and works for supplying the Town and its inhabitants with water, sewerage, gas for heating or other purposes. To fix and collect just and reasonable fees and charge for the services furnished by such facilities. To exercise jurisdiction, control and supervision over any municipal utilities, owned, operated, franchised, leased, or maintained by the Town.~~*

*~~j) To grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the Town and to its inhabitants.~~*

*~~k) To construct, acquire, operate, maintain, improve, or extend public improvements and projects for any public purpose to include but not limited to the following: public buildings, streets, alleys, sidewalks, avenues, boulevards, lanes, and promenades, drainage systems including both off street and on street facilities, garbage sewerage and other waste collections and disposals including the establishment of fees for the same. To regulate the speed and operation of any vehicle on public lands and vessels on waterways.~~*

*~~l) To compel abatement and/or the removal of any nuisances within the Town or upon property owned by the Town beyond its limits.~~*

*~~m) to establish and administer housing, urban renewal programs, conservation, flood controls, air pollution controls and drainage programs either single or in cooperation with governmental agencies and private enterprise in the development and operation of these programs.~~*

*~~n) to establish departments or systems.~~*

*~~o) To sue and be sued. To have a corporate seal, to contract and be contracted with, to have the power of eminent domain.~~*

Mayor Mance wanted to retain the original language in the Charter, as it specifically details the Commission’s responsibilities.

**2)** **Residency requirement.**

Section 301(b) *Composition; Eligibility; Election and Terms of Office. Only registered voters of the Town, eighteen (18) years of age or older, shall be eligible to hold the office of Town Commissioner. Each eligible voter shall be a Town resident for at least one year prior to the last day of the qualifying period*.

**3)** **Run-off elections.**

Section 301(d). *Composition; Eligibility; Election and Terms of Office. Election shall be by majority vote, in the event no candidate receives a majority for any one seat, a runoff shall be held between the two candidates receiving the largest number of votes.*

*(The above is current terminology, and the below is offered for consideration):*

*Those candidates for Town Commission receiving a plurality (the greatest number of votes at said election) shall be declared elected. In the case of a tie vote, the successful candidates shall be determined by lot (by flip of a coin by the Town Administrator).*

Commissioner Roberts brought up previous suggestions to change the current language *(indicated above)* to allow for the candidate receiving the largest number of votes to be declared the winner (underlined above), but he was not in support of that change. Commissioner Mance was also in favor of current language. There was no citizen comment on either choice of language. Town Administrator Gonano had suggested setting language which would detail when a run-off election would be held. Currently, the Town typically advertises a run-off election a week after the regular election. There is insufficient time to organize and hold a run-off election in one week; ballots need to be printed, absentee ballots need to be mailed out and received back, poll workers need to be hired and trained, and election equipment needs to be programmed. Attorney Parker and Commissioner Mance were charged with investigating an acceptable schedule for a run-off election.

**4) Eliminate for redundancy.**

Section 302. *General Powers and Duties.*

*~~c) The Mayor shall preside at all Commission meetings at which he is present.~~*

*~~d) The Mayor shall have the power to call the Commission into regular or special sessions.~~*

*~~e) The Mayor shall act as ceremonial head of the Town government.~~*

*~~f) The Mayor shall execute ordinances, resolutions, all contracts, and documents on behalf of the Town Commission of the Town of Micanopy.~~*

*~~g) The Mayor shall perform such other duties as delegated by the Town Commission as are not inconsistent with the general law or this Charter.~~*

**5) Change for redundancy.**

Section 303. *Mayor – Mayor Pro Tem. The Town Commission shall elect from its members at a meeting of all its members, officers of the Town who shall have the titles of Mayor and Mayor Pro Tem as specified in Section 301(e)(2) and (3). The Mayor shall have the power to call the Commission into regular or special sessions, shall preside at meetings of the Town Commission and shall be recognized as head of the Town Government for all ceremonial purposes. The Mayor shall execute ordinances, resolutions, all contracts, and documents on behalf of the Town Commission and shall sign all deeds, bonds or other instruments or writings relating or pertaining to real property, to which the Town is a party. The Mayor shall perform such other duties as delegated by the Town Commission as are not inconsistent with the general law or this Chapter. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. ~~The Mayor shall execute all contracts in the name of the Town of Micanopy. After each election of one or more Commissioners by the voters of the Town of Micanopy, the Town Commission shall, at its next regularly scheduled meeting, elect the Mayor and Mayor Pro-Tem.~~*

**6)** **Clarification of filling a vacancy on the Town Commission.**

Section 304(c)(1). *Vacancies: Forfeiture of Office; Filling Vacancies. If a vacancy occurs within 180 days of the next ~~a~~ regular Town election, the Town Commission, by majority vote of the remaining members, may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence. Said appointee shall serve until the next Town election.*

**7) For Clarification**

Section 304(c)(1). *Vacancies: Forfeiture of Office; Filling Vacancies. If a vacancy occurs within 180 days of a regular Town election, the Town Commission, by majority vote of the remaining members, may appoint a qualified person to fill the vacancy within thirty (30) days of its occurrence. Said appointee shall serve until the next regular Town election of the seat they have taken.*

***(However, this wording is probably not needed regardless of the date of appointment to the vacant seat, as the seat would be able to be filled only for the remaining seat term at the next regular election.)***

**8)** **Clarify meaning of ‘called’.**

Section 304(c)(2). *Vacancies: Forfeiture of Office; Filling Vacancies. If the Town Commission fails to appoint a Commissioner within thirty (30) days of the occurrence of the vacancy, or if the vacancy shall occur more than 180 days before the next regular Town election, the vacancy shall be filled by a special Town election to be held ~~called~~ not more than sixty (60) days after the date the vacancy shall occur.*

**9) Sunshine Law Issue?**

Section 308. *Procedure. The Town Commission shall meet regularly on the 2nd Tuesday of every month at such time and place as the Commission may prescribe by rule. Special or emergency meetings may be held on the call of the Mayor* ***or three or more members of the Town Commission****, whenever practicable, upon no less than six hours’ notice to each member. All meetings shall be public. Notices of meetings to the public shall be in accordance and consistent with the laws of the State of Florida.*

Attorney Parker had concerns about three Commission members being in communication regarding a meeting, but Mayor Aufmuth thought that the act of communicating to schedule a meeting did not violate Sunshine Laws. The Mayor asked Attorney Parker to obtain an Attorney General opinion on the matter.

**10)** **Taxes are passed via a Resolution, not an Ordinance.**

Section 309(c). *Action Requiring an Ordinance. ~~Levy taxes with respect to the property tax levied by adoption of the budget;~~*

**11) Delete.**

Section 310(b). *Ordinances in General.*

*~~The ordinance must be read in full on at least one date.~~*

**12)** **Impossible to pass the budget on or before the September Regular Commission Meeting because of the County and School budget schedules.**

Section 506(c). *Commission Action on Budget. The Commission shall adopt the budget by resolution on or before the end ~~first regular commission meetin~~g of September.*

**13)** **To align with current Federal, State, and Alachua County absentee ballot election laws.**

Section 605. *Absentee Voting. Absentee voting shall be permitted in all municipal elections in the same manner as now or hereafter provided for in connection with Federal, State, and Alachua County elections.~~, except that~~ ~~voting by absentee ballot before the Town Clerk, shall be permitted until 5:00 p.m. on the day before the election.~~*

**14) Eliminate for redundancy.**

Section 703. *Petitions.*

*d) Referendum petitions must be filed within thirty (30) days after the affidavit of the petitioners’ committee is filed with the Town Clerk. ~~who shall provide the forms for the petition.~~*

Attorney Parker will come back to the March meeting with corrections and recommendations.

9. Town Administrator Report

A) Clean-Up Day Saturday, April 24th

Town Administrator Gonano reported that the annual Great American Clean Up Day had been scheduled for Saturday, April 24th from 8:00am – 11:30pm.

10. New Business

A) 3 Month CD Matures February 21, 2021

Town Administrator Gonano presented CD options for public funds: 3 months @ .9%, 6 months @ .95%, 12 months @ .95%, 18 months @ 1.05%, and 24 months @ 1.2%. She recommended the 24 month CD @ 1.2%.

***Motion made and second (Roberts/Mance) to invest public funds in the 24 month CD @ 1.2%; Passed 5-0***

B) Additional Firehouse and Ballpark Playground Improvements

Town Administrator Gonano related that the basketball court had been completed, and, with a due date of April 30th, she was accumulating the necessary information to send to the DEP to close out the grant and obtain reimbursement. The FRDAP grant had been rewritten to apply the entire $50,000 for completion of the basketball court. The price of the court was $68,800, plus $800 for survey costs, and $1,500 for grant administration = $71,100 - $50,000 = $21,100 out of pocket for the Town.

Gonano was looking for approval from the Commission to replace the existing railroad ties at the Firehouse Playground with playground borders at a cost of $1,481.98 and to add *Playsafe Plus Mulch* to the playground area at the Firehouse Playground and to refresh the Ballpark playground mulch at a cost of $1,479.00 = $2,960.98.

***Motion made and second (Mance/Roberts ) to approve the expenses requested; Passed 5-0***

Additionally, Gonano was ordering new toddler, stand-up, and two-person swings for both playgrounds and a new gate for the Early Street side of the Firehouse Playground. Mayor Aufmuth asked the Town Administrator to research playground pole pads.

Stoney asked for trash receptacles for the downtown area, mistakenly believing that the existing trash receptacles, which were purchased by the downtown merchants, were intended for pet waste. The receptacles are emptied at least once/week.

C) Gainesville Chamber of Commerce Regional Contact

Commissioner Blakely had asked to be appointed as the regional contact from the Town of Micanopy to the Gainesville Chamber of Commerce.

***Motion made and second (Mance/Roberts) to appoint Commissioner Blakely as the regional contact to the Gainesville Chamber of Commerce; Passed 5-0***

D) Battle of Micanopy – Battlefield Site

Jeffrey Forbes was present to report that Gary Ellis, from Gulf Archaeology Research Institute, was applying for $135,000 in grant funds from the National Parks Service American Battlefield Protection Program (ABPP) for the purpose of conducting a study, analysis, and evaluation of the area assumed to be the Micanopy Battlefield site. Jeffrey Forbes, on behalf of Mr. Ellis who was not in attendance, summarized the battlefield history and asked for a letter of support for Gary Ellis from the Town of Micanopy.

***Motion made and second (Roberts/Parker) to provide a letter of support for Mr. Ellis; Passed 5-0***

E) Remzey Samarrai 1st Edition Octavo McKenney & Hall’s Micanopy Lithograph Gift

Former Micanopy Mayor Remzey Samarrai had contacted Mayor Aufmuth to offer the Town an original 10” x 12” 1842 First Edition Octavo McKenney Hall, History of the American Indians, Chief Micanopy lithograph for presentation and display at Town Hall.

***Motion made and second (Mance/Parker) to accept the gift of a lithograph from Remzey Samarrai; Passed 5-0***

F) Town Administrator Position

In accordance with her upcoming retirement, Town Administrator Gonano presented a current Job Description for the position of Town Clerk/Administrator including a general job description; essential job functions; qualification requirements; and knowledge, abilities and skills. Believing that the Florida League of Cities (FLC) site might be the best place to find an appropriate candidate with the required municipal background, Gonano also included a copy of the FLC Job Postings page as an example of where the position might be posted to receive the best candidates for the position. Other suggestions included the ZipRecruiter and Indeed job search sites. Mayor Aufmuth offered to work with Town Administrator Gonano to sort out the details, and he reported that Gonano agreed to train a replacement.

G) Firehouse Roof Estimates

Using provisions of Procurement Resolution 2020-11, Section 7, Town Administrator Gonano provided three proposals for reroofing the firehouse with a standing seam metal roof. Attempting to compare *apples to apples*, Gonano had received a quote from Keeler Roofing for a 24-gauge metal standing seam painted galvalume roof including peel and stick underlayment in the amount of $33,800. A quote had been received from Allen Roofing for a painted galvalume 24-gauge metal standing seam roof including peel and stick underlayment in the amount of $49,250. The final quote had been received from Big D Roofing for (unpainted) galvalume including peel and stick underlayment in the amount of $50,975. Whereas, Commissioner Roberts had asked for the proposals to include wrapping the fascia for ease of maintenance (which would have been additional cost), the roofers thought that the fascia was in good condition, just needed to be pressure cleaned and painted, and that wrapping the fascia was not needed. Commissioner Roberts liked the idea of painting a bronze color on the roof, in lieu of the galvalume. Commissioner Mance wanted approval from the P&HPB for the bronze roof color.

***Motion made and second (Roberts/Parker) to table the discussion until the March meeting after receiving the P&HPBs recommendation on the bronze roof color; Passed 5-0***

11. Unfinished Business

A) CRS Micanopy/Dollar General – Delegate Mance’s Report on December 17th DRC Meeting

Commissioner Blakely objected to a letter written and sent on October 5, 2020 by the Micanopy Commission to the BoCC; the letter had been approved unanimously (3-0) by attending members of the Micanopy Commission at a special meeting held on September 14, 2020 (Blakely and Roberts were not present).

Commissioner Mance had attended the December 17th Development Review Committee (DRC) first public hearing as an appointed delegate of the Micanopy Commission. The DRC board members were: Ivy Bell (Chair), Forrest Eddleton, and Beth Dodd. After some questions and answers, Forrest Eddleton had made a motion twice, both failing due to the lack of a second, *“to deny the preliminary development plan for not having allowed the Town of Micanopy the proper amount of time to analyze their comp plan, code, historic and cultural resources.”* Attorney Parker reported that after more discussion, Chair Ivy Bell made a motion, which was seconded by Beth Dodd, *“to approve the development with the condition that the applicant and the Town of Micanopy engage in a stakeholder’s process to address the issues of the architectural design, lighting mitigation and building orientation with the basis of architectural design criteria reported to Growth Management.”* Attorney Parker summarized that one option is to follow the DRCs recommendation to work with the developer; Mayor Aufmuth and Commissioner Mance balked at that recommendation because Alachua County DRC had never contacted or asked the Town of Micanopy to follow that process. Additionally, the Mayor wondered what authority does the Town of Micanopy have in enforcing anything that the Town concluded, as the parcel is outside of the Town’s purview? Attorney Parker agreed with the Mayor, but she summarized that the developer has been instructed to take the Town’s concerns under advisement and work with the Town, and she recommended setting up a workshop with a Commissioner, citizen, and the attorney to ensure feedback. Mayor Aufmuth wanted to involve the P&HPB in the workshop.

Commissioner Mance brought up Dollar General’s past 2009 attempt to build in the Town and reminded the Commission about the 99 Design Guidelines Checklist that the Dollar General had to meet to be allowed to build, and she thought that the P&HPB could use those same guidelines as a basis for working with this new development attempt. Mayor Aufmuth asked that the Checklist be emailed to all those concerned. Attorney Parker offered a second option for filing a lawsuit for $500 circuit court costs and attorney fees based on an existing temporary building moratorium in agricultural areas, the LDC not allowing two convenience marts (Reddick Hardware) within a mile of each other, and/or hardship procedural errors having been made. Commissioner Parker suggested that we should offer a different location for building the Dollar General within Town limits; then the Town could offer to purchase the property in question; however, Mayor Aufmuth summarized that Attorney Parker had been instructed to approach the property owner for potential purchase of the parcel back in September 2020 amid concerns about potential liability exposure concerning interference with ongoing contract negotiations. Commissioner Blakely thought the flaw was in the Town’s code by not permitting a building more than 4,000 square feet, and he pointed out that many Micanopy residents want a supermarket or general goods store; he thought that the Town should make an exception to allow a larger store. Chair Warren and Commissioner Mance disagreed and *incorrectly* replied that if Dollar General had wanted to build a 2-story building, the square footage allowed would increase to 8,000 square feet. *(However, LDC Article 6.17.04(A) Maximum Building Footprint. Except as provided, the building footprint of new and remodeled commercial buildings shall not exceed 4,000 square feet if the building is single story or 6,000 square feet if the building is two or more stories. To be allowed a building footprint larger than 4,000 square feet, upper stories shall contain at least 50% of the square footage of the ground floor in habitable space.)*

Commissioner Mance reported that she had been quite upset after the DRC hearing, as appearances had been that it was not an ‘honest’ hearing, and we had not received justice. Jeffrey Forbes described the December 17th DRC meeting as having been contentious and unprofessionally chaired by Beth Dodd. Mr. Forbes thought it might be a conflict of interest that Beth Dodd, who now worked in Alachua County Public Works, had been an employee of CHW Engineers, the firm that represents the developer of the Micanopy Dollar General site. Jeffrey complained to County Commissioner Ken Cornell about this matter, and Jeffrey believed that the Town of Micanopy had not received due process and needed to take the matter to court. Having spoken to the County attorney’s office about the matter, Attorney Parker reported that Ms. Dodd had worked for an entirely different department of CHW which was not connected to this project and that she would have received no personal gain from the approval of the development. Attorney Parker thought that the Town should follow the motion of the DRC and work with Concept Companies to effect a favorable building design. Commissioner Roberts related that the matter is the Town’s own fault, as the Dollar General has been trying to build whatever type of store the Town might want for the past twenty years with no luck; the Dollar General can’t be stopped and will be built regardless of what the Town might want. Bud DesForges agreed and wanted to work with them for an acceptable exterior design.

Jeffrey Forbes reported that Gerry Dedenbach from CHW Engineers was hosting a Zoom meeting for the Micanopy Stakeholders on Thursday, February 11 @ 6pm. Attorney Parker suggested a hybrid meeting with CHW, and Mayor Aufmuth again challenged the Town’s authority in such a meeting and replied that the Town is not equipped to satisfy the legal infrastructure required for such a meeting.

***Motion made and second (Parker/Roberts ) to negotiate a future workshop with Gerry Dedenbach of CHW; Passed 5-0.***

The Mayor thought that the Commission and P&HPB members should be present. Attorney Parker would coordinate with Gerry Dedenbach. The Commission thought it would be in the Town’s best interest to appoint a three-person delegation consisting of a resident, Commissioner, and P&HPB member to negotiate a workshop with CHW.

***Motion made and second (Roberts/Parker) to appoint resident Homer Moore to the Town’s Dollar General delegation; Passed 5-0***

***Motion made and second (Parker/Roberts) to appoint Commissioner Mance to the Town’s Dollar General delegation; Passed 5-0***

***Motion made and second (Parker/Roberts) to appoint P&HPB Member Marian Baron to the Town’s Dollar General delegation; Passed 5-0***

12. Town Commissioner Reports

* Commissioner (Seat 2) Tim Parker – 1) Announced that his son is getting married tomorrow at church to his Ukrainian bride and congratulations were offered.

2) Mayor Pro Tem Parker wanted Town Administrator Gonano to put together a job description; but she had already done that and had already presented it to the Commission.

* Commissioner (Seat 3) Ginny Mance – 1) Commissioner Mance appreciated the residents’ confidence in her ability to serve in Commission Seat #3 and, being the only qualifying candidate, not having to run an election campaign.

2) Commissioner Mance put the Dollar General matter into perspective by agreeing to work with the situation as it is.

* Commissioner (Seat 4) Troy Blakely – Commissioner Blakely appreciated the history of the Town and the opportunity to represent, serve, and protect the Town and people of the Town. Commissioner Blakely thanked Chair Fro Warren for his service on the P&HPB despite not agreeing with him on issues.
* Commissioner (Seat 5) Mike Roberts – 1) Commissioner Roberts felt that we had been blessed to have Town Administrator Gonano despite her being hardheaded, and he appreciated the staff having to sit in the office and deal with an awful lot, and acknowledged that he would hate to have people coming in and fussing at him.

2) Commissioner Roberts reported that there were lights which needed to be replaced in the downtown islands and that some lights at the basketball court needed adjustment.

13. Mayor (Seat 1) Aufmuth Report – 1) Mayor Aufmuth appreciated the Commission, attorney, and staff’s hard work on many different topics.

14. Adjourn 10:20pm

**MINUTES APPROVED:**

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

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**Joseph L. Aufmuth, Mayor Debbie Gonano, Town Administrator/Clerk**