

**Town Commission**

**Tuesday • March 10, 2020 • 7:30pm**

**Upon Adjournment of Canvassing Board Meeting**

**Minutes Regularly Scheduled Meeting**

1.Call to Order (after the canvassing board meeting): 7:50pm

2. Invocation and Pledge of Allegiance to Flag

3. Roll Call

*Commissioners Attending:*

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

4. Consent Agenda Approval

A) Agenda Approval

B) Minutes of Regular Meeting of February 11, 2020 and Special Meeting of February 18, 2020

C) Review and Acceptance of Financial Transactions and Reports

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

5. 2020 Town Commission Election – Swearing in of Commissioner & Organizational Meeting

A) Swearing in of Troy W. Blakely – Town Administrator Gonano swore in Troy W. Blakely

B) Organizational Meeting: Nomination & Vote for Mayor & Mayor Pro Tem

***Motion made (Blakely) to nominate Commissioner Parker for Mayor; Motion dies for lack of a second.***

***Motion made and second (Roberts/Burnett) to nominate Commissioner Aufmuth for Mayor; Passed 5-0***

***Motion made and second (Roberts/Blakely) to nominate Commissioner Parker for Mayor Pro Tem; Passed 5-0***

6. Guests

A) Carolyn Wallace, Alachua County Library District, Micanopy Branch

Ms. Wallace announced that the Quilters of Alachua County Day Guild have various quilts on display in libraries across the County; retro crafts for children are being offered; a DIY yard banner program is being offered for older children or adults; tax help is being offered through March and into April; a make-your-own art journal craft is being offered for teens; and the headquarters branch is presenting Chris Bohjalian, author of *The Flight Attendant,* as the featured author in the library’s Author Series.

7. Citizen’s Forum

A) Homer Jack Moore *(153 NW Seminary Avenue)* questioned the Town’s use of advisory emails and if they would continue to be used. Attorney Parker detailed that public records laws require that all emails, including email addresses, sent to the Town were subject to public information requests. Mayor Aufmuth stated that the Town was working on an opt-in email list; and Town Administrator Gonano confirmed that the Town has already started that opt-in list for recipients that understood and agreed that their email addresses were open to public information requests. The Town was obligated to inform water customers of the circumstances of the water plant failure this past weekend which warranted that the old email list had been resurrected and used to disseminate important information regarding the Boil Water Notice. Mayor Pro Tem Parker suggested using a robocall company to make information calls, and Gonano agreed that was one of the options being considered; but Attorney Parker agreed that such a list of phone numbers would also be subject to a public information request. Dr. Moore stressed that anybody requesting such an information list should be made to pay for that list and it shouldn’t be given away for free; however, State Statutes *(Section 119.07)* does not provide for such charges. Further, Dr. Moore thought that there should be a charge to the requester for the time spent by staff to contact email list recipients for an opt-out option; however, the list must be provided in its entirety upon the date of request (which had been done by the Town in response to the request).

B) Steven Eisenman *(105 NE Bay Avenue)* questioned Sunshine Law requirements and how they applied to elected officials’ and board members’ use of social media and general communication. Attorney Walker responded that citizens are expected to speak to their elected officials, and it is not a violation, but the official might have to disclose that conversation at some point as an *ex parte* conversation. It is not permissible for two elected officials to speak outside of a public meeting on a subject that will come for a vote. Use of social media is not recommended because violations may exist when two officials respond to the same conversation thread; or, if an email that expresses an opinion, is passed to another official.

C) DeDe DesForges *(554 NW Seminary Avenue)* spoke about problems experienced with petitioners during the Fall Harvest Festival and was told to make law enforcement aware of the situation. Ginny Mance *(255 W Smith Avenue)* suggested that the festival committee hire off-duty police officers, if needed.

D) Deborah Kennedy *(251 NW Seminary Avenue)* spoke about communication and Mayor Aufmuth assured Ms. Kennedy that all emails are forwarded by Town staff to the Commissioners. Additionally, the Mayor informed Kennedy that the LED lights will be reviewed by the P&HPB at the March 24 meeting. Mayor Aufmuth briefly summarized the existing lighting issues and assured her that a solution will be found. Answering her complaint about the Commission’s lack of knowledge regarding P&HPB meetings, the Mayor stated that the Commission’s involvement in the P&HPB meetings is ‘hamstringed’ by requirements of the Sunshine Laws.

E) Stoney Slaton *(104 NE Seminary Avenue)* wanted the Commission to hold a workshop to create a social media policy, as other municipalities have such policies. Also, he mentioned the upcoming 1821 bicentennial celebration and asked if there was a specific known date for that anniversary. Mayor Aufmuth responded that the date might have been associated with the establishment of *Wanton’s Trading Post.* Stoney produced a copy of an abstract from the Arrendondo Land Grant *(Micanopy being a part of the 289,645 acre land grant)* included in his house’s title work referencing December 22, 1817.

F) Michael Henderson *(Pastor, Grace Temple Outreach Ministries)* complained about accumulating trash and the need for road grading on SW 1st Avenue *(which is located outside of Town limits in the County).*

G) Carol Young *(101 NW Seminary Avenue)* thanked Town staff for coming in this past weekend to send out the Boil Water notifications and asked about the basketball court renovation status, which is awaiting engineer specifications.

H) Owenson Humphries *(106 NE Weaver Run)* asked for the road to be repaired on Weaver Run.

8. Citizen Board and Committee Reports

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

No report. Deborah Kennedy asked if the Commission gets a report from the P&HPB, and the Mayor responded that the P&HPB Chair usually sends out a monthly report. Ms. Kennedy asked if there was a problem with the Commission monitoring the *Micanopy Matters* social media page to keep informed about P&HPB actions. Attorney Walker responded that a Commissioner can attend a P&HPB meeting, watch a video on *Micanopy Matters*, or listen to citizen comment; but, the question becomes *ex parte* communication concerning quasi-judicial matters. Town Administrator Gonano related that in the past, Commissioners have been cautioned about attending P&HPB meetings, as the Commission acts as the appellate board for decisions of the P&HPB which are challenged *(LDC Article 10.13).*

B) Tree Committee

Paul Cohen and Gary Hunt were present. The application for Tree City certification had been completed and an Arbor Day celebration was discussed. Lacy Holtzworth, Arborist with Alachua County Parks and Conservation Lands, had suggested three separate community planting projects: 1) the Hwy. 441 and CR234 entrance triangles ($1500), 2) the post office median ($750), and 3) I-75 exit ramp at CR234, which is outside Town limits ($1800). Mr. Hunt explained that the costs for the projects were to be paid by the County. The Commission did not support the planting of five elm trees in the post office median, as the site is used for dumpster placement during the annual clean-up day. Other sites would need to be chosen for the plantings. Town Administrator Gonano reminded the Commission that they had sent the CR234 project to the P&HPB to work with the school for a recommendation, and the Commission asked the Tree Committee to work with the P&HPB. Commissioner Roberts stated that the road between the fire house and post office had been designed in the past as an emergency helicopter landing pad; but Town Administrator Gonano replied that she had asked Fire Chief Modican about that and was told that the area would not be used for that purpose.

9. Town Attorney Report

10. Town Administrator Report

A) Answering the Mayor, Town Administrator Gonano stated that the water tank is filled, awaiting water sampling, and once test samples are approved, will be placed back online; possibly as early as tomorrow.

11. New Business

A) Proclamation: March is Census Awareness Month

Mayor Aufmuth read a proclamation detailing the importance of the 10-year census and encouraged every Micanopy citizen to participate and respond to the 2020 Census. In addition to determining political representation in the US House of Representatives, state legislatures, and local governments; citizens’ correct responses benefit the community by providing the basis for distributing more than $675 billion in federal funds annually for vital programs including grants, housing assistance, rehabilitation loans, education, hospitals, roads, and other community services. Residents can respond online at *2020census.gov*, by phone, or by mail.

B) Kimley-Horn Engineering Agreement Proposal

Attorney Parker had reviewed, approved as to form, and presented an engineering design and permitting services, Professional Services Agreement in the amount of $99,595 from Kimley-Horn for the FFY 2018 Community Development Block Grant (CDBG) Neighborhood Revitalization Project. The CDBG project was awarded to the Town for the purposes of drilling a new well and two *unmet needs* projects, including a tank mixer and drive-by meters. Mayor Pro Tem Parker questioned the ability of Lewis Bryant, Kimley-Horn Project Engineer, to present an estimated cost and scope of services without first having performed an inspection of Well #1, which he had suggested be used as a test well for purposes of drilling the new well. Also, he was wondering what specs might be applied to the new meters. Town Administrator Gonano asked Attorney Parker if the agreement had to be accepted as is, or if terms of the agreement could be negotiated? Attorney Parker answered that terms of the contract which are not specifically outlined in the bid can be negotiated; otherwise, the contract could be put out for bid again. If the Town can not come to an agreement with the contractor, negotiations can be terminated and the process started over. Commissioner Burnett felt that the estimated costs for the design/build agreement were in line with expected costs, and didn’t think there would be much negotiation involved, and Mayor Pro Tem Parker agreed but wanted to see a break down of project cost estimates. Stoney Slaton agreed that the Commission should have full comprehension of contract terms prior to acceptance. Ginny Mance suggested that area comps for comparable well drilling be collected. Marian Baron *(108 Whiting Street)* found it surprising that only one engineer had responded to the RFP, despite having been advertised as required in the Gainesville Sun at the cost of almost $2000.

***Motion made and second (Parker/Burnett) to hold a meeting to discuss the Kimley-Horn contract; Passed 5-0***

Town Administrator Gonano will obtain a list of perspective dates from Kimley-Horn, determine Commission availability, and set a date.

12. Unfinished Business

A) Great American Cleanup – Saturday, April 4th from 8:00–11:30am

Town Administrator Gonano announced that the annual spring cleanup was scheduled for Saturday, April 4. As usual, hazardous waste, tires, and appliances were required to be brought to Town Hall. Residents were encouraged to bring other bulk items including beds/mattresses, metal, furniture, etc. to Town Hall; however, accommodations would be made for any resident who needs help to dispose of such items. Those residents were encouraged to call Town Hall up to a week prior to the clean-up day to make arrangements. Interested citizens wanting to help should contact Town Hall.

13. Town Commissioner Reports

* Commissioner (Seat 2) Parker – Mayor Pro Tem Parker spoke about 1) recent water tank cleanout procedure issues, including the ‘generator failure’ *(US Water checked the system, and it had worked as intended; although an alternator problem was found and corrected)*, 2) his lack of interest in participating in social media, 3) status of the basketball court renovation, 4) offered congratulations to Commissioner Blakely and thanks to the Mayor and Town attorneys. Stoney Slaton and Bud DesForges *(554 Seminary Avenue)* questioned the ‘generator failure’ but the system was found to have worked as designed.
* Commissioner (Seat 3) Burnett – Commissioner Burnett agreed that the water system needed to be checked; spoke about the quality of the Town’s water system and our efforts to control disinfection byproducts, including the use of chloramines; and he announced his resignation from Town Commission effective March 31st as a result of his impending move outside of Town limits.
* Commissioner (Seat 4) Blakely – Commissioner Blakey thanked his supporters for his recent win for a seat in the local Town Commission race, and he thanked the opposing candidate, Stoney Slaton, for running a good race. We will solve water and lighting problems in Town.
* Commissioner (Seat 5) Roberts – Commissioner Roberts stated that the commission candidates had run a good campaign, invited the citizens to visit the new playground at the ballpark, and asked that replacement of the bleacher seats be put on next month’s agenda *(but the Commission had already voted to repair the seats at the July 2019 meeting at a cost not to exceed $2000)* .

14. Mayor Aufmuth (Seat 1) Report – The Mayor congratulated the candidates in the race and said that a proclamation will be prepared for next month’s meeting declaring an election.

15. Adjourn 9:40pm

**MINUTES APPROVED:**

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

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