 **Town of Micanopy**

**MICANOPY, SEMINOLE CHIEF**

Town Commission

Minutes Regularly Scheduled Meeting

Tuesday • March 12, 2019 • 7:30pm

1.Call to Order: 7:30pm

2. Invocation and Pledge of Allegiance to Flag

3. Roll Call

*Commissioners Attending:*

* Timothy Parker, Mayor Present
* Joseph Aufmuth, Mayor Pro Tem Present
* Mike Roberts Present
* Troy Blakely Present
* Commission Seat #3 Vacant
* Debbie Gonano, Town Administrator Present
* Patty Polk, Deputy Town Clerk Present
* Scott Walker, Town Attorney Present
* Andrea True, Town Attorney Present

4. Consent Agenda Approval

A) Agenda Approval

B) Minutes of Regular Meeting of February 12, 2019 and Special Meeting of February 26, 2019

C) Review and Acceptance of Financial Transactions and Reports

Mayor Parker announced that Herlong Mansion owner, Dan Siari, had asked for a continuance for agenda item *9A) Public Hearing – Appeal of P&HPB Alcoholic Beverage Establishment Decision Herlong Mansion* until the next regular meeting to be held on April 9.

Additionally, Mayor Pro Tem Aufmuth asked for item *12A) Fred Fox Enterprises, Community Development Block Grant (CDBG)* to be moved to *7)* Citizen’s Forum.

***Motion made and second (Aufmuth/Roberts) to approve the suggested agenda changes; Passed 4-0***

***Motion to approve remainder of the consent agenda (Aufmuth/Blakely); Passed 4-0***

5. Micanopy 2019 Town Commission Election – Swearing in of Commissioners

A) Organizational Meeting:

1) Swearing in of Commissioners – Town Administrator Gonano swore in Commissioners Aufmuth and Parker for new three-year terms.

2) Nominations & Vote for Mayor:

Town Administrator Gonano opened nominations for the position of Mayor. Commissioner Blakely nominated Commissioner Parker to continue as Mayor. Commissioner Roberts nominated Commissioner Aufmuth for the position of Mayor. Both candidates accepted the nomination. Town Administrator Gonano called for a vote.

***Commissioners Blakely and Parker voted for Commissioner Parker as Mayor.***

***Commissioners Aufmuth and Roberts voted for Commissioner Aufmuth as Mayor.***

With Seat #3 vacant, the 2-2 vote failed. Attorney Walker recommended putting the nominations out again. Commissioner Roberts nominated Commissioner Aufmuth for Mayor. Commissioner Aufmuth nominated Commissioner Parker for Mayor. Both candidates accepted the nomination. Town Administrator Gonano called for the vote.

***Commissioners Blakely and Parker voted for Commissioner Parker as Mayor.***

***Commissioners Aufmuth and Roberts voted for Commissioner Aufmuth as Mayor.***

Attorney Walker recommended that, because we are stymied, Mayor Parker continue to serve until a fifth commissioner is seated at the April 9 meeting, breaking the tie vote.

***Motion made and second (Aufmuth/Roberts) to table the vote until the April 9th meeting; Passed 4-0***

3) Nominations & Vote for Mayor Pro Tem – tabled until April 9th

6. Guests

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

The library will be offering a *Super Wiggle Bots* program for children, an adults *Wayfaring Painter Presents* program creating vintage fruit crate labels and post cards, income tax preparation assistance through March by appointment only, and a costume-creation program. Headquarters will be offering the Authors Series on March 30th with best-selling author, Wiley Cash author of *‘The Last Ballad,’* a novel set in the Appalachian foothills of North Carolina.

7. Citizen’s Forum

A) Frank Dahmer *(201 Cholokka Blvd.)* read a commission-candidate resignation letter addressed to the Micanopy Commission; whereby he resigned immediately from the commission race for Seat #3. Per Attorney Walker, this resignation left one candidate remaining, Ed Burnett, for the vacant commission seat; no election would be required with only one seat open and one candidate to fill the seat.

B) Tara Zidonik *(211 SW Ed Glover)* asked about the Herlong Mansion appeal of the P&HPB decision to allow alcohol to be served, which she supported.

C) Pastor Chris Stokes *(356 NW Eestaulustee)* asked for *Speed Limit* and *Children at Play* signs to be erected near the Willie Mae Stokes Community Center. The community center opened on December 1st and is helping up to 20 kids/day, provides homework help in conjunction with the library tutor program, schedules field trips for children, provides adult resume writing help, and helped six people find employment. There is a program scheduled in conjunction with the sheriff’s office on March 20.

D) Grace Fuller *(751 NW Seminary Avenue)* stated that she would not be present on April 9th for the discussion regarding the Herlong Mansion alcohol appeal, but she supported the P&HPB decision.

E) David Massey *(102 NW Seminary Avenue)* voiced concern about water issues and the disappearing downtown businesses.

F) Bud DesForges *(554 NW Seminary Avenue)* asked about the progress of a grant to beautify the entrance triangles, especially the triangle park located near the school; the school traffic has parked on the triangle area and killed the grass. Mayor Parker related that the entrance triangle near the school is actually County-owned property. Cheryl Roberts *(551 NW Seminary)* pointed out that there is a town-limit sign located on the CR-234 right-of-way. Commissioner Roberts related that Commissioner Aufmuth had in the past made a motion to allow the school to park on the CR-234 right-of-way; Commissioner Aufmuth denied that statement. Town Administrator Gonano related that she had recently reviewed the school triangle area, and it is a County-owned right-of-way for CR-234 with no parcel number assigned to the property. Commissioner Roberts stated that the school traffic is tearing up the paved road which provides access to his property.

G) Raquel Vallejo *(201 NE Tahota)* stated that she was unaware and questioned election procedure and, specifically, the election qualifying period. Ms. Vallejo was opposed to commissioners elected by default, as no other candidates qualified for the open seats. A resolution is passed each January. It was explained that the process never changes; there is an election each March and the related qualifying period is each January. Linda Zidonik *(601 SW 1st Avenue)* interrupted Attorney Walker while he was explaining the election process; and he lectured her on the need for civility. Attorney Walker was not a supporter of sending legal-related mass emails to citizens. With threat of ADA non-compliancy issues, the website had been unpublished as of January. Attorney Walker pointed out that the situation will resolve itself when the website becomes ADA-compliant. Commissioner Roberts recommended that citizens attend the

meetings to keep abreast of Town issues. Grace Fuller recommended providing an informational brochure to new citizens or a separate face-book page; which such social media accounts would require public- information retention. David Massey recommended the Town release an email list to the residents; which idea was not favored by anybody. Raquel Vallejo recommended *Constant Contact* as a social media platform.

H) Fro Warren *(711 NE Cholokka Blvd.)* complimented the attorneys, and he appreciated their efforts.

I) Paul Cohen *(102 NE Seminary Blvd.)* recommended *Go Daddy* for web pages and mass mailings.

8. Unfinished Business

A) Fred Fox Enterprises, Community Development Block Grant (CDBG):

1) CDBG First Public Hearing Notice

The first public hearing was opened by the Mayor. David Fox, from Fred Fox Enterprises, was present to summarize the CDBG process and the four grant categories. Resident, Jennifer Vogel *(353 NW Eestaulkee Avenue)* asked about points scored for ‘shovel ready projects’ and leverage points; whereby the Town earns 1 point on the CDBG application for each $1,000 leveraged. Resident, Grace Fuller, asked about a cost estimate for water system improvements. Mr. Fox answered that it would be based on engineering. It is allowable for the project to be completed with grant funds in phases; although each segment needs to be fully operational at the end of the project. Mr. Fox recommended stating unmet needs projects, as well as a primary project, on the CDBG application. Ed Burnett *(304 SW Whiting Street)* asked about a sewer system project, and David Fox answered that the project chosen must benefit at least 51% low-to moderate (LMI) income requirements, equating to 67 households. Also, Mr. Burnett asked about the Economic Development category for business, and Mr. Fox explained that this type of category can be used for assisted living facilities or hotel lift stations, sewer mains, or anything on the right-of-way; which would require a developer to be on board. Answering Grace Fuller, schools do not qualify for this type of funding. The public hearing was closed. A second public hearing will be held on April 9th during the regular Commission meeting.

2) CATF Project Recommendation

The Citizens Action Task Force (CATF) had met in an advertised meeting on March 12th and chosen to recommend that the Town apply in the Neighborhood Revitalization category for water improvements. Mr. Fox explained the CDBG ‘point’ system; whereby the Town scores points for various categories. Mayor Pro Temp Aufmuth recommended that we need to close out the list of engineers; however, David Fox related that if the Town would be paying the engineer design costs with CDBG funds, a separate ad containing the ranking criteria would need to be advertised. Attorney Walker explained that the Competitive Consultants Negotiation Act (CCNA) is a binding process, which entails the Town expending general funds for engineering costs, involves looking at applicant qualifications, ranking the applicants on a list, selecting a suitable applicant for the project, and negotiating project fees and estimated costs. Once a firm is passed by on the list, the Town would not be allowed to approach the same engineer a second time. Attorney Walker summarized that, with the application due date of May 6, there is not sufficient time for the CCNA process. David Fox stressed the need to have an engineer upfront, and some engineers will prepare a cost estimate at no cost, risking that the Town will use their design and inspection services to complete the project. Attorney Walker recommended quickly putting the project out for bid to determine an estimated project cost.

***Motion made and second (Aufmuth/Roberts) to approve the CATF recommendation to apply for a CDBG Neighborhood Revitalization grant for water improvements; Passed 4-0***

3) CDBG Fair Housing Workshop

David Fox presented information in the *Fair Housing/Equal Opportunity for All* brochure hand-out distributed at the meeting.

A special meeting for the purpose of selecting a water improvement project was set for Thursday, March 28th at 5:00pm.

9. Citizen Boards and Committee Reports

A) Planning and Historic Preservation Board

Chair Warren was present and gave a report summarizing the P&HPB meeting of February 26th:

1) The P&HPB had approved the sale of beer and wine to guests at the Herlong Mansion; but there were to be no signs advertising the sale of alcohol.

2) The board had reviewed the tree ordinance and suggested two small changes: 1) setback from power lines from 15’ to 10’ and add ‘running’ bamboo to the invasive tree list.

3) The board reviewed the floodplain ordinance changes, but it was tabled awaiting additional information.

4) The board discussed and decided to allow Duke to place LED lights at the ballpark.

5) The board tabled a discussion of the town hall rear entrance steps.

6) The P&HPB discussed the ‘shade structure’ and are asking the Commission to appoint a new ad hoc committee to decide design and placement, budget, ongoing maintenance, and the additional of electric and/or water.

7) The board is finalizing a FAR change recommendation to the LDC.

B) Tree Committee, Committee Member Paul Cohen

Member, Paul Cohen, announced that Arbor Day is scheduled for Thursday, April 26th. Town Administrator Gonano volunteered to write an Arbor Day proclamation for the event. The Mayor answered that he will attend. Tree committee members are working on a brochure for residents.

10. Town Attorney Report

A) Public Hearing – Appeal of P&HPB Alcoholic Beverage Establishment Decision Herlong Mansion

Continuation until April 9th requested by Dan Siari, owner.

B) Ordinance 2019-01 Tree Ordinance – First Reading

1) Micanopy/Duke Vegetation Management Plan (VMP)

Attorney Walker read Tree Ordinance 2019-01 by title only. Mayor Pro Tem Aufmuth explained that the new tree ordinance would be finalized with the second reading next month on April 9th.

***Motion made and second (Aufmuth/Blakely) to pass Tree Ordinance 2019-01 on first reading; Passed 4-0***

Mayor Pro Tem asked Dorothy Pernu, Duke Community Relations Manager, about the standard commensurate LED light to be installed at the ball park to replace an existing high sodium light. Grace Fuller related that the P&HPB had requested a more “yellow” color light as opposed to a “daylight” color. Commissioner Roberts detailed street light outages in Town. The P&HPB will evaluate the sample LED light and determine if changes are needed. Resident, Ed Burnett, explained light bulb wattages.

***Motion made and second (Aufmuth/Roberts) to accept the P&HPB recommendation to install a sample LED light at the ball park; Passed 4-0***

C) Attorney Walker had researched statutes 101.1517 regarding the necessity of holding an election as a result of a candidate withdrawing and leaving only one candidate for the seat. No election is necessary.

D) Attorney Walker announced that Rich Maltby had accepted a partnership with Folds & Walker; the firm’s new name is now Folds, Walker & Maltby.

11. Town Administrator Report

A) Town Administrator Gonano offered congratulations to Mr. Ed Burnett, our pending new Town Commissioner.

B) Town Administrator Gonano summarized that FEMA & Florida Hurricane Irma Reimbursements had been received by the Town totaling $10,553 and with total expense of $13,398; out of pocket cost $2,845.

12. New Business

A) Proclamation: April is Water Conservation Month

Attorney Walker read the proclamation declaring April as Water Conservation Month.

***Motion made and second (Aufmuth/Blakely) declaring April as Water Conservation Month; Passed 4-0***

B) Great American Clean Up Day – April 13, 2019 – 8:00am-Noon

Mayor Parker announced that April 13, 2019 had been scheduled as the Great American Clean Up Day in Micanopy. The location is unchanged. Toxic waste will be disposed of by the County, including battery and drug disposal. Deputy Town Clerk Polk asked for all available Commissioners to come and help. Simple breakfast food, coffee, and drinks will be served; but there will be no lunch. Mayor Pro Tem Aufmuth related that the event is well received, and actually is fun.

C) Micanopy Fire Rescue (MFR) Quotes for Annual Preventative Maintenance (PM) & DOT Inspections

Town Administrator Gonano related that the annual PM and DOT inspections are due on all three fire vehicles (Engine E64, Brush Truck B64, Pumper P64 (E261)), and Chief Modican had received two estimates on each vehicle (from Mid State Power Systems & REV Technical). The Mid State Power System estimates were cheaper for all three vehicles.

***Motion made and second (Aufmuth/Roberts) to accept the Mid State Power estimates; Passed 4-0***

13. Town Commissioner Reports

* Mayor Pro Tem Aufmuth – Mayor Pro Tem Aufmuth looks forward to serving the Town for another term. The Town has gone through challenges with growth, historic preservation, and the need to keep current at the same time. Aufmuth stated that he does not participate in social media, and will not participate in social media. The Town seems to have this vile, conspiratorial segment of the citizenry. Commissioner Aufmuth noted the need for civility and praised Town staff for a great job and for doing the best we all can. Additionally, Aufmuth looks forward to our new Commissioner’s water expertise and noted that the Town needs to support the merchants; however, it is the merchant’s responsibility to bring new merchants in.
* Commissioner Roberts – Commissioner Roberts detailed Mr. Stone’s efforts in the last month to bring about change to the Micanopy ball park. Roberts summarized some of Dave Stone’s most recent videos displaying a bad temperament which he had posted to the Micanopy Matters Facebook page; whereby he ranted, cursed, and humiliated various Town residents. Most of the citizens in attendance agreed that the video was in extreme bad taste and uncalled for. Attorney Walker agreed that the Town has the right to write a letter severing all ties with the individual concerning improvements to the ball park and involvement in Micanopy organized youth activities. Commissioner Roberts noted that Mr. Stone has an extensive criminal background, including collecting money from customers and not completing work. Town Administrator Gonano volunteered to write a letter to Mr. Stone and have the letter reviewed by the attorneys. Resident, Holly Morris *(712 NE Cholokka Blvd.)* agreed that the video was scary and offensive. Resident, Grace Fuller, agreed and asked about Megan D’Andrea’s responsibility for removing offensive content from the Micanopy Matters Facebook page.

***Motion made and second (Roberts/Aufmuth) to write a letter to Dave Stone for the purpose of severing all ties with Mr. Stone relating to ball park improvements and organized youth activities; Passed 4-0***

* Commissioner Blakely – Commissioner Blakely related that he supported Pastor Stokes’ efforts at the Willie Mae Stokes Community Center and their need for new soccer goals at the ball park.

14. Mayor Tim Parker Report – Appreciated David Fox’s attendance at the meeting and looked forward to water system improvements. Thanks to Chair Warren and Dorothy Pernu.

Mayor Parker detailed WSPP funding and previously approved 2008 and 2016 projects. Uncompleted projects approved by Alachua County include adding bike trails to the ball park, modernizing ball park restrooms and concession facilities, ball park equipment, and ball park playground and pavilion improvements; which are all eligible for the WSPP County 50/50 funds. Other projects included planting indigenous plants at the Micanopy Native American Heritage Preserve (MNAHP) park, planting landscaping and signage in the triangle entrance parks, skateboard ramp park, public restrooms with water fountains, dog park, and retention pond. Town Administrator Gonano reminded the Commission that both these lists were compiled from Micanopy citizen input. Answering resident, Deborah Kennedy *(251 Seminary Avenue)*, Gonano reported that the pergola shade structure had never been suggested or put on either the 2008 or 2016 WSPP lists, as the pergola project was not suggested or

approved until May 2017. *(The 2008 list was revised and approved by the Commission in September 2014 and the 2016 list was submitted to the County in March 2016.)* Funding for any such pergola project would currently need to be paid from general funds. Frank Dahmer noted that downtown visitors have no structure to get out of bad weather and that we need a pavilion structure to provide such shelter. Additionally, Mr. Dahmer claimed that no one from the pergola ad hoc committee had ever asked for input from the downtown business merchants regarding any planned structure. Chair Warren responded that all shade structure meetings had been publically advertised and held in the median downtown; the fact that no merchants chose to participate in those meetings should not be held against the committee. Holly Morris wanted to create a parks committee to plan improvements and events; Commissioner Aufmuth answered that would be acceptable, but he reminded any such individuals that Sunshine Laws would preclude those citizens from discussing matters outside of public meetings. Resident, Jennifer Vogel, volunteered that the Micanopy Area Recreation Council (MARC) was still functional, but Deputy Town Clerk Polk answered that the organization had disbanded and was no longer operational; Ms. Vogel intended to contact MARC to verify the accuracy of that statement.

The Mayor issued a thank you to the attorneys, congratulations to Rich Maltby, and thanks to Mrs. Gonano.

15. Adjourn 10:16pm

**MINUTES APPROVED:**

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

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**Timothy Alvin Parker, Mayor Debbie Gonano, Town Clerk**