

**Town Commission**

**Tuesday • April 13, 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 Absent *(with notice)*
* 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 March 9, 2021 and Special Dollar General Stakeholder Meeting of April 6, 2021

C) Review and Acceptance of Financial Transactions and Reports

***Motion made and second (Parker/Blakely) to add Item 8E) Land Use & Planning and to accept the amended consent agenda; Passed 4-0***

5. Guests

A) Lena McNeer, Alachua County Library District

Librarian, Lena McNeer, thanked everyone for participating in the *Winter Reading Challenge* and reported that the library is now offering mobile hot spots.

6. Citizen’s Forum – Public Comment

Commissioner Blakely suggested reducing the Public Comment time limit from 5 minutes to 2 minutes. Mayor Aufmuth related that anyone is welcome to put a subject on the agenda at any time which would not limit speaking time to 2 minutes.

***Motion made and second (Blakely/Parker) to limit Public Comments to 2 minutes per speaker; Passed 4-0***

A) Homer Jack Moore *(153 NW Seminary Avenue)* commented on his latest edition of the *‘No Dog.’*

B) Chris Stokes *(New Beginnings Church, 355 NW Eestaulustee Avenue)* reported that the Willie Mae Stokes Community Center had held a COVID-19 vaccination site on April 6 and had vaccinated ninety six people. The second round of vaccinations is scheduled for April 27. Bishop Stokes is working with University Health to schedule vaccinations for homebound patients and additional vaccine dates for other interested patients.

Additionally, the athletic program official kickoff will be on Saturday, April 17, but the season was underway as of April 12. An opening ceremony is scheduled Saturday at 8:30am with four games scheduled. Everyone is invited. Bishop Stokes thanked the Town for its support.

C) Carol Young *(101 NE Seminary Avenue)* wanted to make comments about the planned *Speed Spy* and about the *STOP* sign for Division and Seminary but would wait for the topic to come up under *New Business Item 10D).*

D) Bud DesForges *(554 NE Seminary Avenue)* reminded everyone about the Town Clean Up Day on April 24th.

E) Sandy Tyson *(252 NW Seminary Avenue)* expressed her pleasure that there were sports in the ballpark again.

F) Sara Owen *(Lake Butler, Florida)* was an applicant for the position of Micanopy Town Clerk/Administrator.

G) Jeffrey Forbes *(206 E Ocala Avenue)* expressed dismay about the Commission’s decision to reduce the time limit from 5 minutes to 2 minutes for Public Comment. The Mayor responded that we were flexible.

H) America Gordon *(12498 West CR318, Williston)* wanted to speak about the Dollar General which was listed *as Item 11C) under Unfinished Business*.

7. Citizen Board and Committee Reports

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

1) Chair Fro Warren reported that at the March 30th P&HPB meeting, the Board had received some complaints from Stony Slaton about the downtown trash cans being too small, that the Boy Scouts’ sundial should be moved to a sunny location, and, along with Aaron Weber, thought that the speed limit should be reduced on Tuscawilla Road from 30mph to 20mph if the road is designated as a scenic roadway.

2) A variance (less than ½ acre) had been requested by Eliot Larkin for 102 SW 6 Street, but a variance had already been granted in June 2019 for that same purpose on that lot. Per Attorney Walker, once granted, variances ‘stay’ with the property forever. In an effort to set a policy, the P&HPB will discuss putting in a procedure to deal with building variances being requested for ¼ acre lots.

3) Until the results of the *Speed Spy* device can be obtained, speeding on Tuscawilla Road will be tabled.

B) Tree Committee – Not present.

8. Town Attorney Report

A) Final Reading Ordinance 2021-01 Vacating Hirsch Road Right-of-Way

Attorney Walker read the second and final reading of Ordinance 2021-01 for vacating a right-of-way on Parcel #16686-000-000 owned by Kim Hirsch by title only.

***Motion made and second (Roberts/Parker) to adopt Ordinance 2021-01 to vacate the right-of-way on the Hirsch property; Passed 4-0***

B) Resolution 2021-02 Opposition to Pre-exemption of Home Rule

Attorney Walker read Resolution 2021-02 expressing the opposition to pre-exemption of Home Rule.

***Motion made and second (Roberts/Parker) to adopt Resolution 2021-02 expressing opposition to pre-exemption of Home Rule; Passed 4-0***

C) Facility Use Application

In response to the Commission’s discussion and vote at the March meeting to approve a $200 refundable deposit for facility use, Town Administrator Gonano had prepared a corresponding *Facility Use Application*; Attorney Parker had provided legal language.

***Motion made and second (Parker/Blakely) to approve the Facility Use Application; Passed 4-0***

D) Proposed Charter Changes

**1) Condensing Section 201.**

Commission decided to leave existing language as is with no changes to be made.

**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 candidate 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.*

Commission decided to leave existing language as is with no changes. However, language is to be provided by Attorney calling for a run-off election three weeks from election day.

***Motion made and second (Roberts/Parker) to call for a run-off election three weeks from election day; Passed 4-0.***

**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 of the seat they have taken.*

To comply with the intent of the existing Charter language, ‘~~of the seat they have taken~~’ will not be added. The intent of the Charter is that no appointed member will serve longer than 180 days.

**7)** **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.*

**8) 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 any member ~~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.*

Commission decided to change language to allow any member of the Town Commission to call an emergency or special meeting. There is no Sunshine Law violation in the existing language.

**9)** **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;~~*

**10) Delete.**

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

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

**11)** **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.*

**12)** **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.~~*

**13) 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.~~*

E) Land Use and Planning

Attorney Walker summarized that different municipalities grant variances in a variety of ways: 1) Town Commission, 2) Planning & Historical Preservation Board, or 3) Board of Adjustment. Commissioner Roberts thought that variances and special use permits should come to the Town Commission for approval. The Mayor commented that the Town Commission always has the power to challenge any decision made by the P&HPB; to which Commissioner Blakely answered that the Commission first needs to be aware of the decision. Attorney Walker will summarize and report back on the various methods being used by other municipalities.

9. Town Administrator Report

10. New Business

A) Proclamation: *Declaring April as Water Conservation Month*

Mayor Aufmuth read a proclamation declaring April as Water Conservation Month.

B) Sale of Town’s Silverado Diesel Flatbed Truck

Town Administrator Gonano had worked with Public Works Supervisor David Holton to prepare an ad for the purpose of advertising the Town’s Silverado diesel flatbed truck. Gonano was asked to advertise the vehicle on govdeals.com.

C) Great American Cleanup – 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.

D) *Speed Spy* Traffic Study

Town Administrator Gonano had been in contact with Alachua County Sherriff’s office who had committed to lending the *Speed Spy* traffic device, but the Sherriff’s office had been unable to provide exact dates for the equipment use. Commissioner Roberts believed that most of the speeding on Seminary Avenue was from vehicles dropping off school students, and he didn’t want the people living on Seminary Avenue to be infringed upon by another *STOP* sign just because parents couldn’t get their children to school on time. Commissioner Blakely responded that there are quite a few motorcycles that speed past his house on Seminary Avenue.

Carol Young asked about the status of the 4-Way *STOP* sign for which the Commission had approved placement. Some neighbors around that intersection are waiting for the sign installment; however other neighbors are opposed to the sign placement. The P&HPB wanted to wait until they receive data from the *Speed Spy* device. Responding to comments made by Jack Moore regarding Tuscawilla Road traffic studies, Commissioner Parker wanted to wait until after traffic control designs are put in place for the planned commercial development.

11. Unfinished Business

A) Micanopy 200th Anniversary Celebration

Commissioner Mance had been working with Town Administrator Gonano to design light pole banners and estimate the related expenses for the 200th anniversary celebration banners; however, the final information was not yet ready for presentation.

B) Town Administrator Position Applicants

Responding applicants for the position of Town Administrator included Eston Burge from Virginia; Jennifer Cialona from Micanopy; Caden Gillespie from Arizona; Vance Lipsey from Colorado, and Sara Owen from Lake Butler. Their cover letters, resumes, salary history, and references were presented to the Commission. The Mayor wanted to follow fair hiring practices by compiling a set list questions to be presented to the candidates; whereby, the same questions would be asked by a particular Commissioner to each candidate. Mayor Aufmuth asked Attorney Walker for his input in moving forward with the hiring process. Attorney Walker reported that all meetings and interviews must be completed in public. Additionally, since all meetings are public meetings, the Commission should not ask the candidates to ‘*step out’* of the meetings of other applying candidates, but he’s never seen an applicant insist on attending interviews of other candidates. Walker suggested using *Zoom* to conduct out of state interviews with access information provided to the public. Attorney Walker offered to compile a list of questions which had been used for other municipalities for the hiring process and the Commission would submit additional questions, as well. Commissioner Parker asked for a list of accounting and other software currently being used by the Town. Mayor Aufmuth wanted to hold an organizational meeting prior to conducting interviews to develop a rubric to determine the questions and to consider applicants’ qualifications and experience. Commissioner Parker wanted to whittle down the list. Attorney Walker stated that the Commission has the right to set criteria that doesn’t infringe on any protected class (race/gender). Commissioner Blakely wanted to consider local candidates only; however, Mayor Aufmuth responded that they’re all good faith applicants. Commissioner Roberts thought that if a person took the time to file an application, they should be given the courtesy of an interview. The Commission set up a physical Special Meeting for Monday, April 19 @ 6:30pm to hold the organizational meeting. Town Administrator Gonano was asked to schedule Zoom half-hour meetings with the candidates at 6:00pm on Thursday April 22, Monday April 26, and/or Tuesday April 27.

C) Dollar General Stakeholders Meeting

Mayor Aufmuth summarized details of the Stakeholders’ Meeting held on April 6. Two Alachua County Commissioners (Prizzia & Wheeler) had been in attendance. The Mayor detailed his efforts to keep the meeting on track with what was asked by the County. There was a presentation made by the Dollar General representatives, followed by a Stakeholder question and answer period, and a citizen comment portion of the meeting. Mayor Aufmuth expressed pride in the manner in which representatives of Micanopy conducted themselves at that meeting.

1) Homer Jack Moore read a statement from Steven Eisenman who was not present at the meeting. *(The message was not clearly audible but was thought to be):* “Approval of the Dollar General store was conditional upon basic agreement of Stakeholders concerning orientation, lighting, and architecture. At the meeting last week, a resident speaker asked the speaker to reorientate the Dollar General to face 441. 2) to shield Tuscawilla Road from the headlights of entering and exiting cars and trucks, and 3) to make the Dollar General two stories in order to reduce its footprint and bring it into basic conformity with local architecture vernacular. Each of these suggested changes, all highly usable, were categorically rejected by the developers. There was, thus, no basic agreement between citizen Stakeholders and developers, and I would therefore ask Micanopy Commissioners to clearly convey that fact to the County Planning Board and County Commissioners and insist that a building permit be denied. I support litigation to prevent the development if that proves necessary.” *Steven Eisenman (105 NE Bay Avenue)*

Following, Mr. Moore thought that the opinion of the Town has weight with the County Commission and read a statement prepared by himself asking for the Town Commission to make motions on these five points:

1) “In satisfaction of the contingency placed upon the Developer to engage in a “Stakeholder’s Process,” that Alachua County will take Micanopy Stakeholder input into consideration and require modifications of the Development Plan to address Stakeholder concerns with respect to building orientation, lighting mitigation, and architecture, as follow:

2) That in accordance with Alachua County Uniform Land Development Code (ULDC) 404.73(b), the convenience store shall not exceed a total floor area greater than 8,000 square feet.

3) That in accordance with ULDC 403.13(a), the long axis of the building shall face US Highway 441.

4) That consistent with the spirit of ULDC 403.13(b) the driveway entrance to the convenience store shall be from a deceleration lane on southbound US 441.

5) That in accordance with ULDC 405.51(b), the structure shall demonstrate architectural design with a focus on local historical vernacular architectural features; that the Alachua Growth Management Department shall take as a report for review of local vernacular architectural design, as stipulated by the Development Review Committee, the 2015-16 Micanopy Historic District Survey Final Report, 22997 on file with the State of Florida Division of Historical Resources; and that the Development Plan be required to comply with Micanopy historical architectural vernacular for commercial retail space as defined therein, namely as multistory building.”

Responding to the above list, Mayor Aufmuth commented that he did not hear one person support the Dollar General at the April 6 meeting; Maybe if it was a store that supported good health, that would be another thing, but the location does not seem to be appropriate. There is no sidewalk going down Tuscawilla. Who is it serving if the people that need it most can’t walk to get there? The Mayor pointed out that there was no recommendation to move the store somewhere else in the five points listed above. Homer Moore is against the destruction of historical property, but he would support a Dollar General store in another location, as we live in a food desert.

2) America Gordon stated that the Town Commission has been so good at keeping out commercial property, free from too many beer and wine licenses, large signs, etc., and she wanted to know what the Town Commission can do to stop the Dollar General?

3) Sandy Tyson asked the Commission to remember that they represent all the Town’s citizens including the non-vocal people who do not participate in the meetings. If you’re going to oppose something, you should hear all residents. Sandy Tyson remembers that that specific property had been *“a honky-tonk bar called the Snake Pit, a place of ill repute. It’s not sacred ground like nothing has ever been put on it except the Indians in battle. It’s not like this is the first time that ground has ever been used. Where will this stop?”* The Mayor responded that it’s all part of our history and that the Park service tries to return everything to what William Bartram found here in 1774. Mayor Aufmuth responded that no citizens have talked to him in private about not wanting the store built here.

The Mayor pointed out that the property is not in Micanopy and does not fall under our Zoning or Comp Plan. Further, he stated that the Town Commission has done all it can do. We’ve written letters to the County pointing out various aspects of the planned development which are not acceptable to Micanopy. This matter is in the hands of the County, and the citizens need to attend the meetings and to stand up and to tell the County what they think, like Mr. Forbes and Mr. Moore have done. If the development is going to happen, it would be best to have a say in the project’s finished product.

Commissioner Parker, who seconded the below motion for discussion purposes, thought that the developer would merely change the name and type of the proposed store to bypass the requirements of the ULDC, and he thought that another location should be proposed to them. Answering Commissioner Roberts as to who owns the property, Attorney Walker thought that the Rhodes family owns the property, Concept Companies would eventually purchase the property and build a building for the tenant, and Dollar General would lease the building from the developer.

Commissioner Blakely commended the Mayor for his handling of the meeting; he personally liked the building design, but he doesn’t like the building location and thought it should be on Hwy. 441 in Commercial Zoning.

Bud DesForges did not think that the developers had provided adequate parking and questioned UDLC requirements which evidentially had not been met. He asked the Commissioners to pass along these questions from the Stakeholders to the County. Commissioner Blakely thought that the concerned Stakeholders should personally pass along their concerns to the County.

***Motion made and second (Roberts/Parker) to write a letter to Alachua County expressing Stakeholder points that were raised during the Stakeholders’ Meeting; Motion fails 2-2 (Blakely and Parker opposed)***

12. Town Commissioner Reports

* Commissioner (Seat 2) Tim Parker – 1) Commissioner Parker reported that it was good to be back after recent health problems.
* Commissioner (Seat 3) Ginny Mance – Absent.
* Commissioner (Seat 4) Troy Blakely – Commissioner Blakely wanted to see definitive proof that the site of the proposed Dollar General was the historic site of the 1836 Battle of Micanopy. Commissioner Blakely reported that there were several people at the Stakeholder Meeting that supported the Dollar General but did not comment because they felt intimidated.
* Commissioner (Seat 5) Mike Roberts – 1) Commissioner Roberts reported that the new bronze roof on the fire station looked good.

2) Commissioner Roberts again recalled that the Town of Micanopy had blown their opportunity twice previously to have a Dollar General in Town. Now, the Dollar General would be built in unincorporated Alachua County and the Town would have no control over the building. He thought that the owners of the original proposed Dollar General site should be approached about the possibility of building the Dollar General on that site.

13. Mayor (Seat 1) Aufmuth Report – Mayor Aufmuth commented about the street paving being done on US Hwy. 441 and thanked everyone for participating in tonight’s meeting.

14. Adjourn 8:43 pm

**MINUTES APPROVED:**

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

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