

**Town Commission**

**Tuesday • August 11, 2020 • 7:00pm •** *Via Virtual Conferencing*

**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 (joined at 7:03pm)
* Mike Roberts Present
* Virginia Mance Present
* Debbie Gonano, Town Administrator Present
* Patty Polk, Deputy Town Clerk Present
* Andrea Parker, Town Attorney Present

4. Consent Agenda Approval

 A) Agenda Approval

Mayor Aufmuth asked for a motion to move Item 10C) Planning & Historic Preservation Board LED Lights Recommendation to Item 6A).

***Motion made and second (Mance/Parker) to move the discussion to Citizen Board and Committee Reports; Passed 4-0)***

B) Minutes of Regular Meeting of July 14, 2020

 C) Review and Acceptance of Financial Transactions and Reports

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

5. Citizen’s Forum – Public Comment (Use Zoom meeting login or email townhall@micanopytown.com in advance of meeting)

A) Bud DesForges *(554 NW Seminary Avenue)* Glad to see the Micanopy Clean Up Day scheduled (September 12th)

B) Steven Eisenman *(105 NE Bay Avenue)* Asked Mayor Pro Tem Parker if the condition of the water will improve and possibly not require the use of chloramines with drilling the new well? Additionally, he questioned if the use of ultra- violet (UV) light had been considered as a solution to the disinfection byproduct (DBP) issue? Mayor Pro Tem Parker answered that UV had not been considered. Town Administrator Gonano related that over the past three years, in addition to chloramines, the Town has considered the use of chlorine dioxide, hydrogen peroxide, filtration, and tank mixers; as UV was never suggested by the water experts as a solution, Gonano took that as an indication that the process would not be suitable for the Town’s water treatment plant. Mayor Aufmuth was hopeful that the new well would produce better quality water; meanwhile chloramines were chosen to meet the Department of Environmental Protection (DEP) requirements.

Mayor Pro Tem Parker stated that we had asked the engineer to drill into the lower Floridan aquifer which he felt would produce cleaner water, but he felt that water quality samples for the new well should be taken at the wellhead *(Kimley-Horn (Special Meeting held on April 21st) had answered that when asked to drill to the lower aquifer, a deeper well would not guarantee better water quality and they need to be mindful of grant funding limitations).* Parker had spoken to members of other communities who were using chloramines with no complaints.

C) Danni Zinn *(104 SW Whiting Street)* was interested in getting an update on the Dollar General which she thought would be better located near I-95 and away from Native-American lands.

D) Stoney Slaton *(104 NE Seminary Avenue)* thanked the Town for the upcoming cleanup and asked about possible complications for environmentally sensitive land and marine life from flush valves with the use of chloramines. Town Administrator Gonano was not aware of any known danger to wildlife with the use of flush valves.

E) Grace Fuller *(751 NW Seminary Avenue)*, who is a P&HPB member, expressed dismay about the Town contracting with Duke Energy to install the LED street lights prior to installation of sample lights; that the Commission did not follow the decision suggested by the P&HPB. Mayor Aufmuth answered that the Commission had responded and followed the recommendation made by the P&HPB to accept the proposal from Duke Energy to upgrade the street lights *(April 23, 2019).* Town Administrator Gonano agreed that the P&HPB *(March 26, 2019)* was to have reviewed where to put sample LED lights and were to have viewed LED lighting in McIntosh prior to bringing their recommendation to the next meeting. Prior to having researched sample light placement, the P&HPB members present *(Fuller, Warren, Baird, & Brady*) voted unanimously at their following regular meeting *(May 24, 2019)* to recommend that the Duke proposal be accepted.

F) Winn Blazier *(201 E. Hunter)* was concerned about LED light issues and incorrectly cited lighting standards in Micanopy Land Development Code (LDC) Section 8.51.4 *(actually LDC 6.17.02)* which states *“Fixtures shall be designated “Full Cut Off” according to Illuminating Engineering Society of North America (IESNA) standards.”* Mr. Blazier summarized that Duke did not follow these guidelines and had not taken measures to minimize light pollution on private property.

G) Deborah Kennedy *(251 NW Seminary Avenue)* asked about Mayor Pro Tem Parker’s statement about drilling the new well into the lower aquifer, and Mayor Aufmuth answered that the new well will be drilled into the upper Floridan aquifer.

H) Carolyn Wallace *(Micanopy Librarian)* detailed that the Micanopy library is open Monday through Saturday from 9:30am-5:00pm for curbside pickup and the library offers computer-time and copier appointments.

I) Amelie Middlemas *(702 North Division)* was concerned about the LED lights.

J) Jennifer Cialona *(502 NW Eestaulkee Avenue)* was concerned about chloramines affecting her coy pond and bird bath. Mayor Aufmuth suggested purchasing a chloramine remover from a local pet shop for fish and fish tanks.

6. Citizen Board and Committee Reports

 A) Planning & Historic Preservation Board

LED Lights Recommendation (Moved from Agenda Item 10C).

Chair Warren was absent from the meeting, and Mayor Aufmuth asked Ms. Fuller if she would like to give a recap, but she declined, as it had been a long meeting. The LED lights had been discussed at the July 28th P&HPB meeting and a recommendation was made by the P&HPB to install 3000K LED lights on Tuscawilla and a backshield on pole #5610027 on East Evans Court.

Mayor Aufmuth was surprised that the sample lights were never installed for review by the P&HPB prior to the P&HPB making a recommendation to the Commission to proceed with the lighting change. Answering the Mayor, Dorothy Pernu, the Duke Government & Community Relations Manager, related that Duke had been present at the Commission meeting and had talked about sample lighting being installed for review. Duke never received a formal request to install sample lighting. Prior to the P&HPB making a request to install sample lighting, the P&HPB made a recommendation to the Commission for approval of the original agreement which specified 4000K lights. A signed agreement was received by Duke several months later. Town Hall had prepared a timeline of the events and would send it out to the Commission and P&HPB members.

Mayor Aufmuth summarized that we’re in this situation because the process was flawed and, he wanted a recommendation from Duke on how to proceed, while at the same time dealing with residents’ complaints. The Mayor wanted to make the situation comfortable for residents. Commissioner Mance agreed with everything that the Mayor had said. Commissioner Roberts wanted to remind the Commission that all residents’ opinions should be considered; and that there are many residents who like the LED lighting. Roberts wanted to have a physical meeting and allow citizens to voice their opinions. Mayor Pro Tem Parker estimated that about 60% of the citizens that he had spoken to approved of the LED lights, and he agreed with Commissioner Roberts that all opinions should be heard. Commissioner Blakely agreed with Commissioner Roberts about holding a physical meeting, and he agreed with some of Mayor Pro Tem Parker’s comments. Mayor Aufmuth agreed that he has heard from people who like the LED lights, but he felt that shouldn’t negate citizens who are having specific problems.

Dorothy Pernu wanted to correct a resident’s earlier comment and confirm that existing high-pressure sodium (HPS) lights were replaced with full cut-off LED lights on the roadway and in the neighborhoods according to IESNA standards. The P&HPB had passed a motion at their July 28th meeting to recommend to the Commission that four consecutive 4000K lights be replaced with 3000K 40w, LED bulbs in street lights on Tuscawilla Road and that one backshield be installed in response to a specific complaint received for pole #5610027 on Evans Court. Dorothy Pernu explained that a 4000K light was more white in color, while a 3000K was a softer, amber color. Duke had received corporate approval to install four Tuscawilla street lights and were working on approval to place the one backshield. Mayor Pro Tem Parker pointed out that Tuscawilla Road was a county-owned road, but Ms. Pernu indicated that had been discussed and was allowable.

Commissioner Roberts asked Dorothy Pernu if the Florida Department of Transportation (FDOT) required 4000K lights on streets for liability purposes. Ms. Pernu acknowledged that some roads require 4000K lights and the municipality can sign a waiver if the lights are shielded or reduced. Despite the Town’s email distribution of the P&HPB agenda, Deborah Kennedy complained that residents had been unaware that Duke was going to be present at the July 28th P&HPB meeting.

***Motion made and second (Roberts/Mance) to accept the P&HPB recommendation to replace three 4000K lights with 40w, 3000K lights on Tuscawilla Road.***

Bud DesForges was glad for the motion being made. Steven Eisenman supported the motion and wanted the Commission to get to the bottom of the failure to communicate and that people should be allowed to view the bulb changes and be able to have input. Danni Zinn didn’t have a problem with the existing lighting, but was concerned about trick-or-treaters and people who were experiencing a problem with the lights. Stoney Slaton appreciated Ms. Pernu being present and glad for the motion; and he thought that a list should be made of affected individuals. Grace Fuller was appreciative that the P&HPBs recommendation was being approved. Winn Blazier thought the Town was taking steps in the right direction and looked forward to better communication between all the boards. Deborah Kennedy expressed anger about the lack of communication between the Town Commission and the P&HPB and found it hard to believe that the Commission refused to have acknowledged watching the P&HPB meeting. *(As explained in recent meetings, the Commission has been cautioned by the Town Attorney regarding participation in P&HPB meetings, as the Commission acts as the appellate review board.)* Steve Joyner *(302 NW Eestaulustee Avenue)* agreed with what Mr. Slaton had said. Patty Crass *(no address given)* was glad that people could talk about this. Jennifer Cialona was in support of the motion and had heard negative comments from residents. Amelie Middlemas has a light across the street (pole #111048-098082) that is intruding into her bedroom and has talked to Duke and Town Hall about this matter.

Commissioner Mance acknowledged that it is a tough decision because of people supporting the LEDs and people opposing the lights. Also, Mance was curious about Duke’s ability to change lights on a State and/or County road. Also, Mance planned to research the Code’s street light design guidelines. She encouraged people to look at the upcoming sample light changes. Commissioner Roberts was confused about certain peoples’ comments about having safer neighborhoods with less light; he felt it was overall contradictory to law enforcements’ opinions. Mayor Pro Tem Parker thought that sample lights should be placed on Division Street for more people to judge the brightness; he liked the current LED lights on Tuscawilla. Parker asked for the cost to replace all the lights; Dorothy Pernu answered $300/each, but the cost would be reduced if all changes were made at the same time. Backshields cost $100/each, but costs could be reduced if changes are done in bulk. *(Town Administrator Gonano had previously calculated costs at 135 LED Lights @ $300 = $40,500.)* Mayor Pro Tem Parker wanted to establish a sample time-frame period. Commissioner Roberts recommended 60 days; Commissioner Blakely thought we could consider 90-120 days.

***Motion revised and second (Roberts/Mance) to accept the P&HPB recommendation to replace three 4000K lights with 40w, 3000K lights on Tuscawilla Road with a 60-day evaluation period; Passed 5-0***

Because of Mayor Pro Tem Parker’s suggestion, Grace Fuller misunderstood that the lights were going to be sampled on Division; but the motion was for Tuscawilla. Mayor Aufmuth thought that if Duke could place a sample light on Division, it would be helpful. Dorothy Pernu answered that she would try, but she could not guarantee that.

B) Tree Committee – No report.

7. Town Attorney Report

8. Town Administrator Report

 A) Preliminary Annual Budget – Rollback Millage Rate 5.5260

 1) Tentative Millage/Budget Public Hearing September 14, 2020

 2) Final Millage/Budget Public Hearing September 28, 2020

Town Administrator Gonano announced that there would be two physical meetings held upstairs in the Town Hall Activity Room as detailed above.

9. New Business

A) 11-Month CD Maturing August 21st

Town Administrator Gonano detailed that CenterState Bank is being purchased by Community State Bank and that she had met with Jeff Oody, President & CEO. Mr. Oody had recommended a short-term renewal period for the maturing CD.

***Motion made and second (Mance/Roberts) to renew the maturing CD for a period of 3 months; Passed 5-0***

B) Curb Inlet Damage by Micanopy Area Charter School Contractor

Town Administrator Gonano summarized that National Rent-a-Fence, a fence contractor hired by the Micanopy Area Charter School, was observed by a Town resident drive up and over a curb inlet at the intersection of Okehumkee Street and Eestaulkee Avenue, thereby crushing the curb inlet and causing an estimated $2,500 in damage. Town Administrator Gonano had been in contact with the school principal in an effort to have the issue resolved, but hadn’t been successful. She asked the Commission if they wanted to pursue the matter? Commissioner Mance recommended that the Town turn the matter over to our insurance agent to have them subrogate against the contractor’s insurance company; however, the curb inlet is not covered by the Town’s insurance. Mayor Pro Tem Parker thought that the school should be responsible. Commissioner Roberts and Commissioner Blakely asked for Attorney Parker’s recommendation. Attorney Parker will work with the Town Administrator, review the information to determine the best plan of action, and contact the contractor to move this forward. Bud DesForges thought that the fence contractor had been lost, because he had seen them driving past his house. Dani Zinn was concerned about the principal not taking responsibility for the issue, but was given responsibility for the welfare of children. Stoney Slaton agreed with Mayor Pro Tem Parker’s comments. Grace Fuller was concerned about the witness not being available to testify in court. Winn Blazier thought that the attorney should handle the situation.

***Motion and second (Parker/Roberts) to place the matter in the hands of the attorney; Passed 5-0***

C) Organized Ballpark Sports Program

Commissioner Mance related that she had been working with some parents to bring back an organized sports program to the ballpark. She was looking to create a committee of parents of elementary school-age children. Mayor Aufmuth interjected that he had been in contact with Bishop Stokes from the Willie Mae Stokes Community Center who was also working to create an organized ballpark sports program. The Mayor favored volunteer community-organized programs, in lieu of Town-sponsored programs.

10. Unfinished Business

A) Demolition and Construction of Basketball Court at Firehouse Playground Starting Week of August 17th

Town Administrator Gonano summarized that the sports court contractor was scheduled to start demolition next week, the concrete would be poured by the end of the month, and the concrete would need to cure for about a month. The new basketball court should be completed prior to the holidays.

B) Clean Up Day Scheduled Saturday, September 12th 8am-11:30am

The Town Administrator detailed that the September Clean Up Day had been scheduled for Saturday, September 12th from 8am – 11:30am. Because of COVID-19, only employees will be used for the event (no volunteers); masks are mandatory for employees and participating vehicles; no trash truck will drive around town; participants must use marked (household, tires, metal) dumpsters placed at the fire house; vehicle occupants must place their debris in the dumpsters; residents needing help can call Town Hall the week prior to Clean Up Day to make arrangements in advance; hazardous waste will be collected at the maintenance shop, as usual. Town Hall will not be open that morning. Mayor Aufmuth and Commissioner Mance will be available to help on Clean Up Day.

C) Planning & Historic Preservation Board LED Lights Recommendation

(Moved to Agenda Item 6A). Mayor Aufmuth skipped this item as it had been moved to Citizen Board and Committee Reports, and Deborah Kennedy complained because she had much more to say on the LED light topic.

11. Town Commissioner Reports

* Commissioner (Seat 2) Tim Parker – stated that the Town has an issue with development of the Dollar General at the corner of Hwy. 441 and Tuscawilla Road. He detailed that LDC Article 6.17.04(A) allows a maximum building footprint of 4,000sf for a one-story building and 6,000sf for a two-story building. Parker wanted to amend the code to allow for a 12,000sf one-story building and for an 18,000sf two-story building to allow for a Dollar General to be built in the Town to provide convenience for Town residents and to provide a revenue stream for the Town.

***Motion made (Parker/Blakely) to revise this ordinance***

Commissioner Mance was adamantly opposed to this change, as the Code was labored over for months and written to maintain the ambience of the Town of Micanopy by limiting inappropriately-sized buildings, as compared to existing structures in Town. Mance thought that a lot of thought would need to be put into this decision; and Mayor Aufmuth agreed that an ordinance couldn’t be changed in this manner. Commissioner Roberts wanted to set a workshop to discuss the issues.

***Motion amended and second (Parker/Blakely) to set a workshop to review Commercial District building footprints; Passed 4-1 (Mance opposed)***

The Mayor will call a workshop in October.

Mayor Pro Tem Parker wanted to hire a grant administrator for water system upgrades and installation of a sewer system. Mayor Aufmuth remembered sometime around 1985 issuing a 20-year bond to pay for water lines.

* Commissioner (Seat 3) Ginny Mance – would like to have a grant administrator look at street infrastructure improvements, as well. Mayor Aufmuth will call for an infrastructure improvement workshop. It’s a privilege to participate in the process.
* Commissioner (Seat 4) Troy Blakely – wanted to recognize and thank Bud DesForges for his presentation at the P&HPB meeting in support of the LDC requirements of R-2 half-acre lot requirements.
* Commissioner (Seat 5) Mike Roberts – would like to see the Town organize a *Walk Around Town Trash Pick-Up Day* for residents to show camaraderie and support by spending about half an hour picking up trash along the roadways.

12. Mayor (Seat 1) Aufmuth Report – pleasure to work with the Commissioners and glad to see projects progressing. He was glad to see the COVID-19 positivity rate drop and was looking forward to seeing the community join together again.

13. Adjourn 9:02pm

**MINUTES APPROVED:**

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

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