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Town Commission

Minutes Regularly Scheduled Meeting

Tuesday • August 13, 2019 • 7:30pm

1.Call to Order: 7:30pm

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 Absent
* Debbie Gonano, Town Administrator Present
* Patty Polk, Deputy Town Clerk Present
* Scott Walker, Town Attorney Present
* Andrea Parker, Town Attorney Present
* Rich Maltby, Town Attorney Present

4. Consent Agenda Approval

A) Agenda Approval

B) Minutes of Regular Meeting of July 9, 2019

C) Review and Acceptance of Financial Transactions and Reports

***Motion made and second (Parker/Blakely) to approve the consent agenda; Passed 4-0***

5. Guests

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

Carolyn Wallace reported that the library had recently undergone some renovation work. The library is still offering its Lego Space and story time programs. Also, on Saturday, the library will be offering a back to school spa with chair massages provided for parents.

6. Citizen’s Forum

A) Bishop Stokes reported on programs offered by the Willie Mae Stokes Community Center:

1) Bishop Stokes spoke about *Eagle Landing*, the Center’s first summer camp which had started in June.The program was operated with 27 children and was a huge success with trips to the planetarium, art museum, zoo, water slides, and other field trips.

2) The center held a *Back to School Bash* hosting 168 participants and giving away 146 backpacks filled with school supplies. Remaining supplies will be given to the schools.

3) The mobile health bus for adults, is scheduled for Monday, August 19th from 1:00-4:30pm and on every third Monday of the month. Regular care, with follow-up appointments will be held for patients each month. A goal of the health bus is to help people get signed up for health insurance. The Community Center is working to get dental clinic visits, as well.

Mayor Aufmuth congratulated Pastor Stokes on his promotion to the position of Church Bishop.

B) Sally Stein and Aquay Parks from the Micanopy Tutor Program were present to ask the Town for an annual donation to the tutor program which currently has about 36 students and which is assisted by student tutors from the University of Florida. Answering Mayor Aufmuth, Town Administrator Gonano acknowledged that the Town had budgeted $1,000 for this donation.

C) Bud DesForges *(554 NW Seminary)* reported that at the Thrasher Warehouse Preservation Board Meeting last night, the Board asked that the Town address soil erosion around existing railroad tracks and the County catch basin at the front of the warehouse property. Town Administrator Gonano will have public works assess the problem.

7. Citizen Board and Committee Reports

A) Planning & Historic Preservation Board (P&HPB) of July 23, 2019

Chair Fro Warren was present at the meeting and gave a report on the following:

1. The impossibility of controlling Airbnb rentals was discussed; except through requirement of a landlord occupational license.
2. The Micanopy sign ordinance is being reviewed by the North Central Florida Regional Planning Council (NCFRPC) relative to state statutes.
3. Differences between Principal and Accessory structures are being discussed and reviewed (LDC Article 2, Section 2.02).
4. Board Member comments addressed an existing unapproved/unpermitted non-conforming dog pen, a University of Florida student survey concerning cemeteries, and previous Board Member, Don Duer, recently passing away. Town Administrator Gonano asked Chair Warren that, if the dog pen issue had been brought to the P&HPB prior to being built, would the P&HPB have approved a variance for the structure? Chair Warren answered that probably not, as the massive dog pen meets the definition of a *structure* (LDC, Article 1, Section 1.05.02) and (despite being in C-2 zoning) has been built within the setback and on the property line. Attorney Walker will work with Town Administrator Gonano and the property owner to help resolve the issue.

B) Tree Committee

No report.

8. Town Attorney Report

A) Status of Acquisition of CR234 Bypass Property (Parcel #16811) & Entrance Triangle

1) Attorney Walker reported on acquisition of CR234 Bypass Property.

Attorney Walker had reached out to both FDOT and FDEP, who advised that parcel #16811 (206.8 acres), is leased to the Division of Recreation and Parks as part of Paynes Prairie State Park and that the State does not have any mechanism to dispose of property that hasn’t been classified as surplus property. To declare surplus property, the State has to follow three steps: 1) the State Park system would need to declare the parcel as no longer needed for conservation purposes, 2) the parcel would need to be noticed to universities and state agencies for lease, 3) and if no interest is received, the Acquisition and Restoration Council would approve the parcel as surplus lands. After the three criteria are satisfied, FDEP would surplus the parcel via competitive bid process. Another way to acquire use of the property would be for the Town to request a long-term lease, and Attorney Walker will start this process if directed to do so. Town Administrator Gonano asked if it might be easier to acquire only the smaller 50-acre portion of the parcel which is contiguous to Micanopy Town limits and located east of the Micanopy Bypass Road (CR234). Attorney Walker thought that it might not make a difference; the process would still be the same. Bud DesForges thought that future plans for the entire 206.8 acre parcel could be as a waste water treatment facility but that the attorney should emphasize when dealing with the State that the bisected 50-acre portion is needed by the Town as a future well site. Mayor Pro Tem Parker thought that the Town’s population will be growing and that the Town would need a sewer treatment plant and should try to acquire the entire 206.8 acre parcel for a future compact sanitary sewer plant. Otherwise, the Town could pump effluent to Gainesville across Paynes Prairie. Additionally, Parker stated that Duke Energy is looking for a battery storage location, and the Mayor Pro Tem thought that the 206.8 acre parcel would be a good spot for this. Further, Parker thought that if acquired, the parcel could be revenue-generating property at $1,000/acre by leasing the site out to Duke Energy as a solar field.

For purposes of drilling a well, Commissioner Burnett thought that the Town would have a better chance of acquiring the smaller 50-acre parcel bisected by the CR234 Bypass Road. Mayor Aufmuth agreed that the State might be more inclined to transfer control of the smaller 50-acre parcel, as the larger portion of the parcel is contiguous to conservation lands already being managed by the State. Bud DesForges agreed. Holly Morris *(712 Cholokka Blvd.)* thought that the larger portion would be a good site for a new school.

Attorney Walker asked the Commission to direct him to write a letter to State Parks and Recreation requesting parcel #16811 for use as a waste water treatment plant, a well field site, a solar field farm, or for other public use.

***Motion made and second (Parker/Blakely) for the Town Attorney to proceed with the acquisition of the entire 206.8 acre parcel #16811; Failed 1-3 (Aufmuth, Blakely & Burnett opposed)***

***Motion made and second (Burnett/Blakely) for the Town Attorney to proceed with the acquisition of the smaller 50-acre portion of parcel of #16811 east of CR234; Passed 3-1 (Parker opposed)***

2) Attorney Walker reported on acquisition of CR234 Entrance Triangle property owned by Alachua County. The attorney had contacted the County determining the process for the Town to acquire the CR234 Entrance Triangle. Alachua County required the Town to write a letter to the County Commission detailing a description or map of the property to be conveyed, an explanation of how the Town intends to use the property requested, and detailing any consideration that the Town proposes to pay the County for the property.

Attorney Walker asked the Commission to direct him to write a letter to Alachua County requesting that ownership of the CR234 Entrance Triangle be transferred to the Town for public use.

Commissioner Roberts was not present to answer questions about a recent development whereby he proposed that at the time the CR234 Bypass Road was built, a road on the entrance triangle was provided as a private drive to his adjoining property, and that he has plans to block the entrance with *No Trespassing* signs and blockades based on a recommendation from the County surveyor. Mayor Aufmuth acknowledged that the parcel acted as the entrance to Town, but he asked the Attorney that if ownership of the parcel was acquired, could the Town be subjected to liability issues, especially considering the location of the school, vehicle and pedestrian traffic, and parking issues? Attorney Walker answered that upon an injury on the Town-owned parcel, the Town would face liability and would absolutely get sued. Walker clarified that currently, the County, as owner of the property, would get sued; but that despite less liability exposure, if the Town is performing maintenance on the property the Town could also be held liable. Mayor Aufmuth thought that unless the parcel could be acquired for something other than a parking lot for the school, he would have no interest in acquiring the parcel. Bud DesForges, who had raised this issue several months ago, explained that the parcel is unsightly because of the school, and he felt that the school does not work well with the community.

***Motion made and second (Parker/Blakely) for the attorney to proceed with the acquisition of the CR234 Entrance Triangle; Motion and second withdrawn***

Mayor Aufmuth suggested that the P&HPB should address the entrance triangle area for solutions and perhaps the school should get involved with the issue.

B) Resolution 2019-12 Fee Schedule

Attorney Parker read Resolution 2019-12 by title only reflecting changes to the current fee schedule adding a field use fee of $20/night on ‘Exhibit A’ and Waste Pro contract changes to the solid waste collection costs reflected on ‘Exhibit B.’ After a motion by Commissioner Burnett, Mayor Aufmuth passed the gavel to Mayor Pro Tem Parker so that he could second the motion for discussion. Commissioner Blakely expressed opposition to big government and the schedule of fees already in existence (especially the fence permit fee) and described the fees as *“an encroachment into the citizens of our Town unnecessarily.”* Jeanie Caracciolo *(102 SW Ed Glover)* supported Commissioner Blakely’s viewpoint and stated that she had had to pay $150 in fees when building her house, including a fence permit fee. Fro Warren *(711 NE Cholokka Blvd.)* reported that he had paid a permit fee for installing a fence and Holly Morris questioned why a person would have to pay a fee to replace a roof?

***Motion made and second (Burnett/Aufmuth) to approve Resolution 2019-12 Fee Schedule; Failed 2-2 (Parker & Blakely opposed)***

***Motion made and second (Parker/Burnett) to table the discussion until next month; Passed 3-1 (Blakely opposed)***

Mayor Aufmuth stated that the object was not to ‘soak the citizens’, but that it costs money to run the Town. These charges help to provide services to ensure that the codes are followed and that your neighbor’s fence is not placed on your property, that it is placed in the proper spot, and that it doesn’t obstruct the roadway, etc. There’s a reason for the charges, as the permit fees ensure that things are completed correctly. Additionally, Town Administrator Gonano added that many times questions are referred to the land planners, who are paid by the Town to interpret the code and provide advice.

C) Consultant’s Competitive Negotiation Act (CCNA) Engineer Ranking Sheets

Attorney Parker presented a CCNA ranking sheet for evaluating engineers for the purpose of ranking and picking the top three engineering firms from the list previously approved by the Commission, or a choice can be made from the previously approved list for the best fit for a particular project. Attorney Parker stated that the safest choice for the Town is to rank according to the CCNA process. Attorney Walker related that the Commission, the Town Administrator, Public Works, a third party, or an appointed committee can complete the qualification ranking criteria for acceptable engineering firms. Finance is not considered at this time. The Commission will hold a Special Meeting for the purpose of completing the engineer ranking process on Monday, September 23, 2019 following the final budget hearing scheduled for 6:00pm; thus, the Special Meeting was scheduled at 6:15pm. Town Administrator Gonano will email the previously approved engineer submissions to the Commissioners. Additionally, Gonano will coordinate the ranking sheets prior to the scheduled meeting.

D) Business Tax Receipts/Occupational License Fees

1) Attorney Parker summarized two different processes for collecting unpaid Occupational License/Business Tax Receipt fees. The first is for the Town to file a claim in the court system possibly allowing the Town to collect attorney fees, and the second is for the Town to pursue the unpaid fees through the Code Enforcement process allowing the Town to collect attorney fees and penalties up to $250/day. If the fee goes unpaid, the Town would be in a position to file a lien on the property. Both Town staff and the attorneys have sent numerous letters and made many attempts to collect these unpaid annual fees now amounting to $50/year, including maximum penalties. Proceeding through the Code Enforcement Board would involve Code Enforcement Officer Gonano sending a certified letter to addresses of record for the two owners involved asking for payment; if unpaid, the process provides for a six month period prior to file a foreclosure suit and lien on the property. The process is a long-term process.

***Motion made and second (Burnett/Parker) to utilize the Code Enforcement Board to collect unpaid Occupational License/Business Tax Receipt fees; Passed 4-0***

2) Attorney Parker outlined a collection policy for collecting business tax receipts for insurance companies doing business within the Town limits. In order to collect these fees, the current ordinance would need to be amended, and the Florida League of Cities will act as the collection agent for the Town to collect these fees and splitting receipts successfully received with the Town.

***Motion made and second (Parker/Burnett) to use the Florida League of Cities as a collection company to collect business tax receipts from insurance companies and amend the ordinance to comply; Passed 4-0***

9. Town Administrator Report

A) Preliminary Annual Budget 2019-2020

1) Rollback Rate 5.6542

2) Tentative Millage/Budget Public Hearing Monday, September 9, 2019 @ 6pm

3) Final Millage/Budget Public Hearing Monday, September 23, 2019 @ 6pm

Town Administrator Gonano presented the most recently updated budget using the rollback millage rate of 5.6542; there are very few changes left to be made. The proposed budget includes $25,000 leverage for the CDBG grant for the water plant, $25,000 for downstairs Town Hall renovations, and $10,000 for a new commercial lawn mower; but it does not include an allocation for the fire station renovation. Alachua County will mail TRIM property tax notices to all property owners on August 16, 2019.

B) Water System Improvements - Automatic Flush Valves Installed

Town Administrator Gonano reported that twenty-five automatic flush valves were installed and operational the week of July 15, 2019.

10. New Business

REV E-261 Pumper Repair Estimate

Chief Modican presented an estimate for E-261 Pumper repair in the amount of $1,599.55. Another verbal estimate was received in the amount of $2,500.

***Motion made and second (Parker/Burnett) to approve pumper repair in the amount of $1,599.55; Passed 4-0***

11. Unfinished Business

A) CDBG Grant Status

1) Resolution 2019-13 504 Handicapped Accessibility Plan

David Fox presented the 504 Handicapped Accessibility Plan and Resolution 2019-13 was read by Attorney Parker by title only.

***Motion made and second (Parker/Blakely) to approve Resolution 2019-13 for the 504 Handicapped Accessibility Plan; Passed 4-0***

2) Workshop Attendance – Week of October 28th

Town Administrator Gonano was willing to attend the CDBG workshop, for which travel expenses will be reimbursed by the DEO.

B) Ballpark Improvement Project

1) RFP - Roofing

Town Administrator Gonano had provided information to Attorney Walker necessary to replace the roofs at the ballpark for the concession stand, 5 dugouts and 2 score keeper booths. To date, Gonano reported that the RFP had been emailed to 13 roofing companies with a mandatory response date of September 9th.

2) RFP – Playground Equipment

Town Administrator Gonano had provided information, based on a previous RFP for playground equipment, to Attorney Walker. To date, Gonano reported that the RFP had been emailed to 12 playground equipment companies with a mandatory response date of September 9th. Jeanie Caracciolo asked about the playground surface, and the details will need to be decided upon future approval of the structure.

3) Concrete Picnic Tables Quote

Town Administrator Gonano had been able to find a local concrete picnic table supplier in Gainesville. Concrete Precast is the same vendor used to purchase the concrete picnic table at the Micanopy Native American Heritage Preserve. Four tables (each weighing 2,200 pounds), including shipping and placement, were priced at $690/each totaling $2,760.

***Motion made and second (Burnett/Blakely) to approve the purchase of four picnic tables at the cost of $2,760; Passed 4-0***

C) Firehouse Playground Park – RFP Basketball Court

Town Administrator Gonano had worked with Attorney Parker to write an RFP to demolish and construct a new Firehouse Playground Park basketball court. To date, Gonano reported that the RFP information had been given to 13 contractors with a mandatory response date of October 7th. Eligibility for reimbursement requires that the FRDAP project be completed by April 30, 2021.

D) Firehouse Renovation Project

Mayor Aufmuth had recently visited the fire station and was embarrassed by the appearance of the building, but he acknowledged and appreciated the Chief’s initiative to clean up the space. Chief took full responsibility for the appearance of the building; and the Mayor acknowledged that the building has been untouched since it was built in 1976. Chief had recently instituted deep cleaning, decluttering, and painting projects in the station. The Mayor offered to fix anything that required repair. Mayor Aufmuth and Chief were enthusiastic about the possibility of gutting and remodeling the 587 sq. ft. (inside measurements) living quarters area and building an 18’ x 19’ bunk room area inside Bay 1, which is currently being used as an exercise area by fire department personnel. Chief had provided exhaust system information, estimated to cost about $10,000, to accommodate that plan. Mayor Pro Tem Parker had researched the possibility of building a living quarters area within a bay area and found that it would not be allowed because of code violations. Chief answered that these setups currently exist in Jacksonville, but that the issue would require research. Commissioner Burnett agreed that there would be life-safety codes which would need to be followed to build the living quarters in the bay area, but it was possible to build it. Mayor Pro Tem Parker asked if the Town had made contact with architect, Paul Stresing, and he was answered *yes*, Mr. Stresing had responded today. Attorney Maltby responded that Micanopy could piggyback on an existing contract that Mr. Stresing had with the Town of Newberry, that the Town could issue a Request for Qualifications (RFQ) for architectural services, or that the Town could do the CCNA ranking process. Parker wanted to know what the problem was with building a structure which we needed; and Mayor Aufmuth answered that the price tag could be an issue. Parker responded that the price tag was not yet determined. Aufmuth wanted to hire somebody to design a space that would best fit our needs at an acceptable price, whether that’s an addition to the outside or to redesign the inside. Mayor Pro Tem Parker recommended Paul Stresing to design the space, but the Mayor wanted to see other designs and prices prior to making a decision.

***Motion made and second (Parker/Blakely) to proceed with the redesigned bunk addition to the north as previously drawn; Failed 2-2 (Aufmuth & Burnett opposed)***

Mayor Aufmuth asked for a motion to approve an RFQ for architectural services. Mayor Pro Tem Parker answered that Paul Stresing had a good reputation in the County, and he asked Attorney Maltby where we would find architects and/or engineers to answer questions that we have. Attorney Maltby answered that we can advertise locally, in Orlando, or otherwise. Commissioner Burnett recommended that we rate the engineer firms through the CCNA process and ask for recommendations for proposals and designs for this process. Answering Mayor Aufmuth, Attorney Walker stated that we could choose an engineer/architectural firm to design the project only and get some cost run estimates for different options. Aufmuth summarized that we take action upon completion of the September 23rd special meeting.

12. Town Commissioner Reports

* Commissioner (Seat 2) Parker – Mayor Pro Tem Parker summarized that he was pro fire people, we needed a sanitary sewer system, and we needed water improvements. He is aware that there are many grants available for these projects.
* Commissioner (Seat 3) Burnett – Commissioner Burnett asked the Town Administrator about the progress of the hydrogen peroxide or chloramines approach to the disinfection byproduct issue. Gonano responded that the hydrogen peroxide solution shows promise, but she doesn’t have firm answers from Florida Rural Water Association (FRWA) yet. Also, Burnett agreed with the Mayor that the fire station is embarrassing, but we will get the proper information and make the correct decision.
* Commissioner (Seat 4) Blakely – Commissioner Blakely appreciates the Commission and audience comments, direction from the attorneys, and Town staff.
* Commissioner (Seat 5) Roberts – Commissioner Roberts was absent.

13. Mayor Aufmuth Report – Mayor Aufmuth summarized that 40 years has gone by since the fire station was built and it has not been touched since being built. Cleanliness is one issue, but we can fix problems and make the building respectable. The current condition of the fire station can be attributed to both the Town and the fire department personnel. If the conditions are stabilized, then we can take our time and not feel pressured when making decisions; we are willing to spend the money needed, but we can look for grant funding. Based on previous discussions, the Mayor had been expecting to see rampant black mold issues, but that is not the case. He’s glad to see the ballpark playground proceeding.

14. Adjourn 9:45pm

**MINUTES APPROVED:**

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

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