

**Town Commission**

**Tuesday • September 8, 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
* 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

B) Minutes of Regular Meeting of August 11, 2020

 C) Review and Acceptance of Financial Transactions and Reports

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

5. Guests

A) Raemi Eagle-Glenn, Candidate for Alachua County Commission, Seat #1

Raemi Eagle-Glenn will be holding a ‘meet and greet’ at the Micanopy gazebo on Friday, September 11th. Ms. Eagle-Glenn is running to fill Seat #1 currently held by Mike Byerly, who was voted out in the August primary election. Ms. Eagle-Glenn’s platform is based on: 1) jobs, 2) freedom, and 3) safety.

1) Ms. Eagle-Glenn acknowledged that this has been a big year for social justice, which she believed is achieved by equal access to good, ‘living wage’ paying jobs for all community members.

2) The Alachua County Commission was pondering if private citizens had to register private gatherings of ten people or more and provide the names of those attending. Ms. Eagle-Glenn is a civil rights attorney and is frightened by this authoritarian style of government which she feels can lead to civil rights abuses. Also, she is concerned about extreme ordinances regulating private land and land development. For two decades, the Alachua Commission has kept Alachua County’s potential for prosperity under its thumb. She is an environmentalist and member of a native American tribe. Environmental stewardship is important, but environmental regulation must not take the place of human needs and rights. Statewide, Alachua County has a 20% poverty rate, has the widest income gap, and pays among the State’s highest taxes; which are all deterrents to obtaining freedom.

3) Ms. Eagle-Glenn supports first responders and law enforcement as community partners to keep our communities safe. The number one purpose of government is to provide for public safety. We need to re-prioritize our County budget to provide for first responders and law enforcement. In reviewing the proposed County budget, the County wants to allocate funds to develop a green, state-of-the-art administration building; however, she thinks that the money would be better allocated by repairing road infrastructure and by adding new fire trucks and ambulances. She believes in putting the idea of big government aside and putting citizens first. Please vote November 3rd.

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

A) Jeffrey Forbes *(206 E Ocala Avenue)* addressed Mayor Pro Tem Parker’s motion last month made during *Commissioner Comments* to revise the US Hwy. 441 Design Guidelines (Section 6.17) of the Land Development Code (LDC) to allow for 12,000sf one-story buildings and 18,000sf two-story buildings. The Mayor, as Chair, asked for a second, which was provided by Commissioner Blakely. Mr. Forbes summarized that the motion was incorrect and that the Chair should have deemed the motion *out of order*, as no action could be taken by the Commission and no public notice had been provided. Prompted by Mayor Aufmuth, Parker had changed the motion to set up a workshop *(which has been set for October 20th)* to review building footprints in the Commercial District. Mr. Forbes is strongly opposed to changing the design guidelines, and he detailed Micanopy history. Permitting that type of development would not be protecting the Town’s heritage, and he has created an online petition which has been signed by 4,300 people opposing the planned Dollar General. Mr. Forbes felt that a design change of this magnitude will draw a large crowd, and he urged the Town Commission to postpone any workshops until those meetings can be held in person. Mr. Forbes ended with the statement, *“Sitting on the cusp of our bicentennial year, I stand amazed that on one end of Town we have to fight an unrelenting developer and on the other end Commissioners who would do better to leave the status quo alone.”*

B) Sally Stein *(Micanopy Friends of the Library Tutoring Program)* thanked the Town for its support. Because of COVID- 19, the tutor program is now meeting at 7:45am and are there until the end of the school day, as well as providing the after-school tutoring program until about 5pm. The tutors are providing virtual contact for the students. The program does have openings for additional students.

C) Amelie Middlemas *(702 North Division)* wanted to thank the Town for authorizing the 3000K 40w LED light change across from her house.

D) Brenda Maynard *(Principal, MACS Elementary School)* thanks to Miss Sally for start up of the school year.

E) James Walkup *(MACS School Board of Directors)* asked about the curb inlet damage which is listed as a separate agenda item.

7. Citizen Board and Committee Reports

 A) Planning & Historic Preservation Board – No report.

B) Tree Committee – No report.

8. Town Attorney Report

A) Release of Lien 203 NW Eestaulustee Avenue – Parcel #16520-031-001

Attorney Parker relayed that the lien in the amount of *$5,197.90* had been paid off by the owner.

***Motion made and second (Mance/Parker) to authorize the Mayor to sign the Release of Lien for Parcel #16520-031-001; Passed 5-0***

B) Curb Inlet Damage by Micanopy Area Charter School Contractor

Attorney Parker relayed that she had looked to see if terms of the school’s contract with the contractor provided for liability for damage, and indicated that Mrs. Maynard had provided the contractor’s information allowing her to get in touch with the contractor. Additionally, she had spoken to the witness of the incident. Parker was looking to get a written quote to repair the damage so that a demand for payment could be sent to the contractor. James Walkup summarized his understanding that a contractor of the school drove over and crushed a curb inlet about ½ mile from the school. Contact information for the contractor had been sent to the Town, but because that information had been turned over to the Town attorney, the contractor was unable to do anything to get it corrected. Attorney Parker will contact the contractor.

Attorney Parker wanted to amend the agenda to add Item 8C) COVID-19 Subrecipient Grant Agreement.

***Motion made and second (Parker/Roberts) to amend the agenda to include the COVID-19 Subrecipient Grant Agreement from the Alachua County CARES act as Item 8C).***

C) COVID-19 Subrecipient Grant Agreement

Attorney Parker explained that Alachua County had offered the Alachua County CARES Act COVID-19 Subrecipient Grant Agreement for the purposes of reimbursing the Town for COVID-19 related expenses, including PPE and medical supplies, disinfecting public areas, preparing public buildings for customers, both local sheriff FEMA payroll and non-payroll awards, public ordinance enforcement, equipping public employees for telework, and food delivery to residents. Town Administrator Gonano answered that the Town did not have reimbursable COVID-19 related expenses, only loss of income; but that she would check with the Micanopy Fire Department *(but they had no reimbursable expense, either).* Mayor Aufmuth wanted to know if there was any downfall from entering into the

agreement? Attorney Parker answered that the funds would be required to be returned if the Town did not comply with all emergency orders issued by the County. It is not an issue in Micanopy, but other County municipalities had issued resolutions stating that they would comply with emergency orders issued by the Governor, but not the County. Mayor Pro Tem Parker asked about disinfection costs for Town Hall and the elections, but expenses were negligible. Town Administrator Gonano asked about a deadline to enter into the agreement, but Attorney Parker did not see such a deadline; only that the reimbursement term goes until December 30th.

***Motion made and second (Roberts/Parker) to table discussion of the agreement until November; Passed 5-0***

9. Town Administrator Report

 A) Tentative 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

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

Town Administrator Gonano announced that Clean Up Day was scheduled for this upcoming Saturday.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 will be available to help on Clean Up Day.

10. New Business

A) 15-Month CD Maturing September 21st

Town Administrator Gonano recommended a short-term renewal period for the CD maturing on September 21st.

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

B) SCADA System Quote

Town Administrator Gonano outlined four quotes received to replace the SCADA system, which had been fried in a lightning strike. The SCADA unit is the emergency notification unit for the water plant. Gonano recommended that the Commission accept the Sanders proposal in the amount of $4,910 for a new SciText V1040 controller, EX-D16A3-RO8, IO-AI4-AO2, and cellular modem with a one-year warranty. The proprietary coding had already been paid for with the original Sanders Company unit. Mayor Pro Tem Parker asked about lightning protection which had been installed about two years ago. Commissioner Roberts answered that no lightning protection system will protect against a direct hit; and Commissioner Mance agreed. Mayor Pro Tem Parker thought that grounding rods should be installed because his personal equipment has never been damaged by lightning. Stoney Slaton *(104 NE Seminary Avenue)* interjected his opinion that the existing SCADA unit fried because the wiring should have been in non-metallic conduit and that should be considered for the new unit.

***Motion made and second (Parker/Mance) to accept the Sanders quote at $4,910; Passed 5-0***

C) E-64 Radiator Replacement

Town Administrator Gonano produced four quotes to have the radiator on Engine 64 replaced. Some of the proposals do not include a towing charge, and Chief had not yet provided some information about the other quotes which had been requested. Because REV had already inspected the engine, Chief Modican was looking to have them replace the radiator at $2,468.45.

***Motion made and second (Mance/Parker) to have repairs completed by REV at a cost not-to-exceed $2,468.45.***

Commissioner Roberts wanted the Town to get a quote from Marion Radiator in Ocala. Gonano asked the Commission to approve a not-to-exceed cost of $2,468.45.

***Motion amended and second (Mance/Parker) to have repairs completed at a cost not-to-exceed $2,468.45; Passed 5-0***

D) Resolution 2020-09 Opposing Alachua County Growth Management Charter Amendment

Attorney Parker read Resolution 2020-09 by title only opposing the Alachua County Proposed Charter Amendment establishing a County Growth Management Area. This issue is going before Alachua County citizens on the November 3, 2020 ballot.

***Motion made and second (Parker/Roberts) to approve Resolution 2020-09 opposing the Alachua County Growth Management Area; Passed 5-0***

E) North Central Florida Regional Planning Council (NCFRPC) Annual Agreement Renewal

Town Administrator Gonano presented the NCFRPC annual agreement renewal.

***Motion made and second (Mance/Parker) to adopt the North Central Florida Regional Planning Council Annual Agreement renewal agreement; Passed 5-0***

F) Citizen Committees – Planning & Historic Preservation Board (P&HPB) Qualification List

Commissioner Blakely thought that the ‘qualifications’ list might preclude some Town residents from serving on the P&HPB. Commissioner Blakely thought that applicants should be property owners; not merely citizens. However, Mayor Aufmuth was concerned about the legality of such restrictions. Personally, Commissioner Mance would not worry that an applicant’s professional experience was not in line with the listed qualifications. She thought that the questionnaire would be helpful in establishing good conversation with applicants so that the Commission can understand the applicants’ qualifications and how they would intend to adhere to the Town’s code.

***Motion made (Blakely) to drop the word ‘Qualifications.’*** Motion withdrawn.

Commissioner Mance answered that the list was compiled by Town Administrator Gonano to be used by the Commission as a tool and did not require a vote. Mayor Aufmuth agreed. After discussion regarding alternative terms such as *considerations* and *application*, the Commission thought that retitling the list as ‘Planning & Historic Preservation Board Questionnaire’ would determine citizen interest, but not disqualify interested residents.

11. Unfinished Business – None.

12. Town Commissioner Reports

* Commissioner (Seat 2) Tim Parker – 1) Mayor Pro Tem Parker acknowledged that he hadn’t seen a lot of support for renovating the fire house, and he wanted to add an agenda item for next month to explore options to let the County manage our fire department or to let the County build a new fire station out of Town. Town Administrator Gonano reminded the Commission that the vote on November 3rd would determine if the $15 minimum wage referendum would pass. Mayor Aufmuth asked for discussion of plans for the fire house to be placed on the infrastructure workshop agenda.

2) Mayor Pro Tem Parker asked if it was appropriate to give grant administrator recommendations to Town Administrator Gonano to include in the infrastructure workshop planned for October 20th. Mayor Aufmuth answered that it was.

3) Mayor Pro Tem Parker asked Town Administrator Gonano if water samples were being taken at the wellhead or if the samples taken that produced all the biological problems were taken downstream? Bactese tests are performed at the wellhead; however, Town Administrator Gonano answered that disinfection byproducts (DBPs) are created by adding chlorine to water containing organics, so it’s not possible to have DBPs coming out of untreated water at the wellhead. Mayor Pro Tem Parker wanted to know if the water coming from the wellhead had been tested for the presence of organics? Gonano replied ‘yes’ *(April 2019)*. Mayor Pro Tem Parker thought that the test results might need to be updated, and he wanted to place the item on the October agenda for discussion. Gonano reported that, despite the installation of chloramines, at least two additional DPB public water notices will need to be mailed because the DEP running averages exceed allowable levels; meaning that despite the addition of chloramines, it is impossible to meet disinfection byproduct annual Maximum Contaminant Level (MCL) limits.

Bud DesForges *(554 NW Seminary Avenue)* remarked that it was not good that Commissioners seem to be using their *Commissioner Reports* segment to make motions. Mayor Aufmuth asked for attorney opinion, as, during his tenure on the Commission, it has not been uncommon for Commissioners to make motions during *Commissioner Reports*. Attorney Parker replied that motions on small housekeeping matters, motions that will have no substantive outcome, are appropriate. Further, making a motion during *Commissioner Reports* is not governed by *Robert’s Rules of Order*, but on the municipality’s rules of procedure. Commissioner Mance added that former Attorney Steve Lee had advised that law dictates that motions for items of discussion should be listed on the agenda as *New Business*.

* Commissioner (Seat 3) Ginny Mance – 1) Commissioner Mance thanked Jeffrey Forbes for his involvement in the opposition to the Dollar General, and she wanted to determine if the Commission had any interest in writing another Dollar General opposition letter? Mayor Aufmuth called a Special Meeting for September 14th following the Tentative Millage/Budget Hearing.

2) Commissioner Mance was still trying to organize a ballpark volunteer organization.

3) Commissioner Mance wanted the Commission to consider a Charter change to require residency requirements for Town Commission election candidates. It was suggested by the public that they would like to see a Town Commission candidate reside in Town for a specific time frame, possibly a year, prior to being eligible to run for office. She wanted this item placed on next month’s agenda. Attorney Parker responded that the State requires a rational basis for the residency requirement; anything over one year has been found to be invalid.

* Commissioner (Seat 4) Troy Blakely – Commissioner Blakely thanked the Town for scheduling its Clean Up Day, and he apologized that he would not be in Town for the Tentative Budget Hearing or Dollar General opposition meetings to be held on September 14th.
* Commissioner (Seat 5) Mike Roberts – Commissioner Roberts wanted the Commission to consider building a new pavilion and stage (on the site of the old basketball half court) at the ballpark for use during July 4th festivities and for use at other family-friendly gatherings.

13. Mayor (Seat 1) Aufmuth Report – 1) Mayor Aufmuth acknowledged that Commissioners had made motions during *Commissioner Reports* in the past; but they had not been Town-altering changes. He did not feel that he had been fairly portrayed in what had been written about his handling of a motion by Mayor Pro Tem Parker at last month’s meeting; he knew that there was no possibility of changing an ordinance through passage of a motion. His concern is that the item proposed, Changing the Maximum Building Footprint for Commercial Buildings, may not get fair consideration in a Zoom meeting. Should the meeting be held as a physical meeting? The planned meeting *(to be held October 20th)* is a workshop for the purpose of exchanging information, ideas, and discussion only. In preparation for the workshop, the Commission should start to think about how we want to handle that; or if the workshop should be postponed?

2) Thank you to Jeffrey Forbes for his work.

3) Mayor Aufmuth had met with DEP Park Service personnel about their plans to perform a controlled burn on State property consisting of 33 acres and an extension located at the southwest corner of Hwy. 441 and CR234. Their plan is to remove additional hardwood trees prior to the burn. They will do their best to control the smoke expected for the Town and I75.

14. Adjourn 9:03pm

**MINUTES APPROVED:**

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

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