

**Town Commission**

**Tuesday • November 10, 2020 • 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 Absent *with notice*
* 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 October 13, 2020

 C) Review and Acceptance of Financial Transactions and Reports

Commissioner Mance asked to have Agenda Item 11F) CRS Micanopy/Dollar General added to the agenda as it would probably require a vote from the Commission.

***Motion made and second (Parker/Mance) to add Item 11F) and approve the amended consent agenda; Passed 4-0***

5. Guests

6. Citizen’s Forum – Public Comment

A) Stoney Slaton *(104 NE Seminary Avenue)* asked if the additional LED lighting fixture will be discussed or if Town Administrator Gonano will move that forward. Mayor Aufmuth summarized that an email detailing that new LED light information had been sent out. The evaluation period will end in December and a recommendation will be made by the P&HPB to the Commission at that time.

7. Citizen Board and Committee Reports

 A) Planning & Historic Preservation Board

1) In Chair Warren’s absence, Patty Polk related that Duke Energy had installed sample 50w 3000K Micro LED lights at 707 North Division Street and at 104 East Ocala Avenue. Duke will be available at the December 15th P&HPB meeting to answer any questions.

2) The P&HPB discussed speeding, speed humps, 4-way Stops, and crosswalks. They will be making a recommendation to the Commission.

B) Tree Committee

No Report.

8. Town Attorney Report

A) Curb Inlet Damage by Micanopy Area Charter School Contractor

Despite attempts to resolve the damage caused to the curb inlet, Attorney Parker reported that there is a lack of information, and she was unable to resolve the dispute with the school or school’s contractor. Town Administrator Gonano will have David put this on his to-do list. Commissioner Parker will send specifics for the repair to Gonano.

9. Town Administrator Report

A) Happy Veterans Day to all veterans and thank you for your service. Additionally, since we won’t meet until December, Happy Thanksgiving to all, especially under these trying COVID times.

10. New Business

A) 3 Month CD Matures November 21, 2020

Town Administrator Gonano related that a 3 Month CD is maturing on November 21, 2020. Interest rates had been obtained from Community Bank. Gonano expressed displeasure with the new bank because she’d had to request interest rates numerous times and finding that they’d reduced interest rates from .25% for checking to .05% and from .35% for savings to .1%. Gonano will compare interest rates from other banks. Mayor Aufmuth summarized that the bank transition had not gone well.

***Motion made and second (Mance/Roberts) to invest the maturing CD into a 3 month CD paying .9%; Passed 4-0***

B) Request for Speed Bump on North Division Street

Yvonne Patterson *(718 N Division Street)* requested that a speed bump be installed on Division Street to slow speeding traffic. Ms. Patterson had already brought the matter to the attention of the P&HPB, and the Board was in the process of making traffic recommendations to the Commission.

11. Unfinished Business

A) Citizen Board Term Expirations: Gary Hunt, Tree Committee & Stanley Strobles, Code Board

***Motion made and second (Mance/Parker) to reappoint Gary Hunt to Seat #2 on the Tree Committee and Stanley Strobles to Seat #4 on the Code Board both with terms expiring in December 2023; Passed 4-0***

B) Proposed Charter Changes

Attorney Parker detailed that a Charter amendment would require passage of an ordinance by the Commission and passage by the residents on a ballot. Mayor Aufmuth requested that Town Administrator Gonano detail suggested changes to the Charter in conjunction with her review.

Spelling and similar changes are not detailed here. Additions to the current code are underlined and deletions ~~strike through~~:

**1)** **The obvious change is Commissioner Mance’s suggestion for 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 voter should be a Town resident for at least one year prior to the first day of the qualifying period*.

**2)** **To prevent the expense of run-off elections.**

Section 301(d). *Composition; Eligibility; Election and Terms of Office. Election shall be by the candidate receiving the largest number of votes. ~~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.~~*

**3)** **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.*

**4)** **Clarify meaning of ‘held’.**

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.*

**5)** **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;~~*

**6)** **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.*

**7)** **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.~~*

Town Administrator Gonano had also questioned clarification of Section 305. Judge of Qualifications, but Attorney Parker thought that qualification was a matter for the courts to decide. Also, Gonano suggested deletion of some redundant language in Section 703(d) and if the position title of ‘Town Clerk’ should be updated to ‘Town Administrator’ in Section 806 and elsewhere. Additionally, Gonano had sent the Charter Article VI section dealing with elections to the Alachua County Supervisor of Elections for comment. Attorney Parker will review these suggestions prior to the December meeting. If time allows, a Charter Amendment could be put on the March 2021 ballot; or, if not, the changes could appear on the March 2022 ballot.

C) Land Development Code (LDC) Maximum Building Footprint Discussion

LDC Section 6.17.04(A): *The building footprint of new and remodeled commercial buildings shall not exceed 4,000 square feet if the building is single story or 6,000 square feet if the building is two or more stories. To be allowed a building footprint larger than 4,000 square feet, upper stories shall contain at least 50% of the square footage of the ground floor in habitable space.*

Commissioner Parker had invited George F. Young Engineers, Matt Walker and Grant Raudenbush, to speak about commercial footprints and areas of land. The engineers presented land development regulations from St. Petersburg, Gainesville, and Williston for comparison with the Micanopy LDC requirements. Mr. Walker related that land development codes are remarkably similar across the state, and that developers like to see familiar language in land development codes, because they know what to expect. Arbitrary commercial thresholds are not acceptable, as parcels are not created equal. Mr. Walker simplified his statement to include discussion about limitations on commercial maximum allowable footprints; and how changes to existing regulations would be a bad idea. Changing existing regulations would open the Town up to lawsuits by commercial land owners as a result of diminished property values. Mayor Aufmuth clarified that there are no proposed changes to the existing LDC; only discussions. Mr. Walker explained that statewide consistency and vetting of zoning codes being based on Floor Area Ratios (FAR) and Impervious Surface Ratios (ISR) have been established by land use attorneys and have been upheld by the Florida Supreme Court. For higher intensity commercial districts, higher FAR and ISR are allowable with lower setbacks and landscape buffers. In neighborhood commercial districts, lower FAR and ISR with greater landscape buffers, building setbacks, and lower building heights are permitted. Individual parcels can be controlled with landscape buffers, building setbacks, FAR and ISR controls, and through permitted and unpermitted uses. Additionally, historic districts can be restricted and controlled with overlay districts, which might require special architectural features. Attorney Parker clarified that there were currently no plans to reduce building footprints, and Mayor Aufmuth confirmed that the proper procedures had been followed when the current LDC was enacted. Answering Jeffrey Forbes *(206 East Ocala Avenue)*, Mr. Walker explained that any property owner who owned prior to the current codes being effective could potentially bring a lawsuit against the Town for limited use and loss of value of their land.

By bringing this issue up for discussion, Commissioner Parker had intended to change the code to allow for a grocery store to serve the residents of the Town, while controlling the appearance of any structure to be built. Mr. Walker explained that a building size of 4,000 square feet would be equivalent to the size of a Dunkin’ Donuts, Starbucks, or a Bank with no interior lobby. The standard size of a McDonalds, Wendy’s, or Burger King is 4,500 square feet. Commissioner Mance summarized that the Town is content with current LDC guidelines and that they are based on FARs, setbacks, parking lot designs, etc. The Mayor advised that, upon review, if there are problems with the current LDC, the Town will be happy to consider necessary changes.

D) Infrastructure Improvements

1) Water System

2) Sewer System

3) Streets

Mayor Aufmuth detailed that water infrastructure is currently being addressed with recent completion of the chloramine installation and plans for installation of Well #3. Mayor Aufmuth spoke about the growth coming from the South and expanding north and asked about grant funding opportunities for sewer and streets. George F. Young Engineers Matt Walker and Grant Raudenbush addressed questions about sewer and street upgrades with grant funds: specifically, Florida Department of Environmental Protection (FDEP) grants, St. John’s River Water Management District (SJRWMD) grants, Army Corps of Engineer grants, Florida Department of Transportation (FDOT), and Community Development Block Grants (CDBG).

Matt relayed information about other municipalities obtaining grant funding for water, sewer, and/or streets. Mr. Walker estimated that the Town would need about 3 to 5 acres for a wastewater treatment plant and explained that the size of sewer pipes is determined by the amount of water used, with residential estimated at about 50 gallons/day using a 6” sewer line. Customer sewer costs should be estimated at hook-up fees totaling $20,000-$30,000 and an additional 1½ to 2 times the cost of the monthly water bill. Commissioner Roberts thought that consideration needed to be given to residents who would not be able to afford the increase in monthly costs. The possibility of hooking into the County’s sewer line could be considered; but the cost to run the lines (11 miles) and add lift-station pumps would be expensive. Commissioner Parker asked about the cost that grant funding would cover and said that the Town didn’t want to pay out-of-pocket.

Mayor Aufmuth thought that some of the streets needed to be repaved, and he asked if a street inventory should be performed. Mayor Aufmuth thought that the engineers could put together a contract with estimated costs to perform a street inventory. Matt Walker offered staff to perform a GIS inventory including all Town assets and infrastructure, and Grant Raudenbush recounted $600,000 CDBG grants which would cover road paving. Town Administrator Gonano relayed that Micanopy currently has a CDBG grant open for well drilling which would have to be closed prior to applying for additional CDBG grant funding. Town Administrator Gonano offered that in 2016 Florida Rural Water Association (FRWA) had been hired and completed GIS water mapping.

E) Fire Department Expected Costs

Mayor Aufmuth had prepared extensive schedules detailing the effect on Micanopy Fire Rescue (MFR) because of passage of the $15 Minimum Wage amendment last week. The Mayor’s study had taken into account fire department personnel hours; current and six-year extended pay scales; total Town appraised property values; past, current, and estimated future millage rates; current and projected Alachua County Interlocal Agreement (ILA) revenues; current and projected MFR expenses; and ILA increases needed to maintain MFR at the same existing level of service. The estimates did not include fire department building renovation, new fire vehicles, or similar expenses. The Mayor had projected that fire department payroll, including payroll taxes, would increase 60% from $188,734 to $301,896 over the five-year phase in period. Ad valorem property tax is based on 96% of total taxable property values, allowing for early payment discounts (November 4%, December 3%, January 2%, February 1%). Currently, 1 mill produces about $34,200. The Mayor had estimated that by the year 2026, the millage rate, currently at 5.5260 mills, would have to increase to 7.85 mills to cover the extra payroll costs caused by the $15 Minimum Wage increase.

The Town has an Interlocal Agreement (ILA) with the County to provide fire/rescue service to 53 square miles of unincorporated Alachua County. The Mayor had projected that to cover the added cost, the current rate of $609.11/call, Alachua County would have to increase to $855.05 to cover the increased cost to the Town at the County’s same rate of reimbursement. For Alachua County to keep pace with the minimum wage increase, the rate would have to increase to $974.32/call. The Mayor compared the County’s current Fire Assessment Fee of 2.31 mills to the projected minimum increase in the Town’s millage rate of 2.32 mills. Mayor Aufmuth wanted to have a serious conversation with the County to determine if they want our service and how much they will pay for it. However, the Mayor feared that if we open the conversation with the County for fire services, it will open the door for the County to attempt a sheriff’s service assessment fee. Commissioner Parker was not in favor of spending money to renovate the fire department building, but felt that we should consider turning the fire service over to the County. Commissioner Mance felt that, regardless of the outcome, the building is owned by the Town and needs to be repaired. Town Administrator Gonano pointed out that if the citizens are going to pay the same rate, the County offers Advanced Life Support (ALS) services; whereas, Micanopy offers Basic Life Support (BLS) services. Additionally, the Mayor’s expense projections did not include other expense increases. Commissioner Roberts pointed out that the County has not increased any level of service to the Town of Micanopy in 40 years. Mayor Aufmuth summarized that the Town only collects $189,000 in property tax annually and that tax revenue doesn’t cover the Town’s expenses. The Town is still required to do things despite its small tax base. Further, the Mayor said *“Thank God that we have the staff that we do.”* Town Administrator Gonano thought that negotiations with the County would be possible and that the Town should approach the County from a position of ‘need’. The Commission tasked Gonano with contacting Alachua County Chief Theus to invite him to an upcoming meeting.

F) CRS Micanopy/Dollar General

Commissioner Mance wanted to attend the Development Review Committee (DRC) hearing on December 3rd as a representative of the Micanopy Commission. Attorney Parker recommended that if the Commission wanted Commissioner Mance to speak on behalf of the entire Micanopy Commission, she should be appointed as a delegate.

***Motion made and second (Roberts/Parker) to appoint Commissioner Mance to act as a delegate for the Micanopy Town Commission to attend the Dollar General meeting on December 3rd; Passed 4-0***

Jeffrey Forbes added that a public hearing to establish a 6-month moratorium on parcels zoned Rural Ag Commercial passed its first hearing. The second hearing is scheduled for the next regular County Commission meeting. Whereas, this does not affect the parcel currently under consideration by the County, Mr. Forbes plans to ask the DRC to grant no variances on this project, as the County was neglectful in properly rezoning these parcels.

12. Town Commissioner Reports

* Commissioner (Seat 2) Tim Parker – 1) Mayor Pro Tem Parker thanked Matt and Grant for attending the meeting.

2) Mayor Pro Tem Parker had predicted financial problems with the fire department and wanted to move on a decision.

3) Mayor Pro Tem Parker thanked the legal staff and Commissioner Mance.

4) Mayor Pro Tem Parker announced that his son, Sam, has only about a month left in Marine Corps basic training.

* Commissioner (Seat 3) Ginny Mance – 1) Commissioner Mance expressed that she was impressed with the level and quality of work and achievements put out by Town Administrator Gonano on a monthly basis; especially the Charter changes. Looking down the agenda, there is a wide variety of jobs she handles.

2) Commissioner Mance appreciated the amount of time Mayor Aufmuth devoted to the fire department schedules and the excellent analysis performed.

3) Commissioner Mance has viewed the LED street light on Ocala Avenue and thought that it was warm.

* Commissioner (Seat 4) Troy Blakely – *Absent*
* Commissioner (Seat 5) Mike Roberts – Commissioner Roberts thanked Attorney Parker for the ethics training last month, and he appreciated our unique Town and wanted to keep it that way.

13. Mayor (Seat 1) Aufmuth Report – 1) Mayor Aufmuth thanked the four members of Town staff (Patty, David, Clay, and Debbie) who ran the entire Town and took care of everything that the Town could come up with.

2) Mayor Aufmuth appreciated the volunteers who run the fall festival, the museum, supported the Town in spiritual and environmental ways, and make the Town better.

14. Adjourn 9:05pm

**MINUTES APPROVED:**

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

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