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**Planning & Historic Preservation Board**

Tuesday • February 25, 2020 • 7:00pm

**Minutes Regularly Scheduled Meeting**

1. Call to Order: 7:00 p.m.

2. Invocation & Pledge of Allegiance to Flag:

3. Roll Call:

Board Members

Ann Baird, Vice Chair -- Absent with notice

Marian Baron -- Present

H. Grace Fuller -- Present

Dakota Johnson -- Present

 Fro Warren, Chair -- Present

 Andrea Parker, Town Attorney -- Present

 Patty Polk, Deputy Town Clerk -- Present

4. Agenda Approval:

***Motion made and seconded (Johnson/Baron) to approve the agenda as submitted; passed 4-0***

5. Approval of Previous Meeting Minutes: January 28, 2020 – Regular Called Meeting Minutes

 ***Motion made and seconded (Fuller/Johnson) to approve the January 28, 2020 regularly called meeting minutes as submitted; passed 4-0***

6. Citizen’s Forum:

1. Michael Withee *(502 W Smith Ave)* He has put together a petition that he would like to pass out to everyone. They have some concerns about the new street lights, including aesthetics, seeing the stars, security concerns, health concerns, and things of that nature. As soon as they get ahold of the Town’s email list, they will be sending the petition through email.
2. Megan D’Andrea *(502 W Smith Ave)* They put a lot of time into researching the street lights and have spoken to a representative from Duke Energy about trying to formulate a solution that will work for everyone and not be too costly.
3. Bud DesForges *(554 NW Seminary Ave)* The lights seem to be very intense when you are driving down the street. People should attend the Town Commission and these Board meetings to be aware of what’s going on in the Town; he is surprised that so many people are here that didn’t know the new LED lights were being installed. DesForges answered Grace Fuller that sample lights had been set up at the ballpark and gazebo. Baron questioned how the residents would know when the sample lights had been installed. Chair Warren does not have an answer to that; but he knows the natural progression of events that happened. He stated that the P&HPB is an advisory board. Fuller stated that in reviewing some of the notes we received, that the installed bulbs are 4000k (kelvin) and that this Board had wanted to protect the night sky. On the chart provided to them, the 4000k is a white bulb and not the lowest kelvin we could’ve gone with. Duke was not given a kelvin rating specification, so they went with the 4000k, which is what they usually do. She questioned why Duke Energy didn’t ask for verification prior to installation. They could have been more proactive and asked what kelvin we wanted. Basically, we have been told that we will get used to it; this is an abrupt comment to make when so many people have observed a big difference.
4. Billy Markham *(753 NW Seminary Ave)* He is a commercial truck driver, and he loves the lights. They give you extra vision where your headlights do not; whether its animals or children. If your child or grandchild ran out into the street and got hit by a car, the first thing you’re going to say is that there should have been more light. Just like out at the intersection of 441/234; he’s seen it too many times. I know you all drive at night; what about the newer cars with LED lights coming at you?
5. Josh Mayer-Blazier *(210 E Ocala Ave)* A life-long resident of Micanopy, he is representing several people who couldn’t make it tonight. There are shields, motion detectors, and many different ways to deal with a lot of these problems. He is frustrated when he loses his night vision walking across his property. He has lights hitting him from three different directions. He understands LED lights, but they don’t have to be that bright. A lot of people are displeased with these lights. He would like to see them changed, or he suggested that maybe people just take care of it themselves. That has happened in this town before; maybe that doesn’t need to happen again.

Marian Baron stated that Debbie Gonano did approach Duke Energy, and she has received a response which she read to the group. Points stated by Dorothy Pernu of Duke Energy are that, *“The LED lights installed in Micanopy are ‘full cutoff lights,’ meaning that the lights direct down, not up. These are the types of lights recommended for your town’s needs. Full cutoff lights have an uplight rating of 0. Since they don’t shine up, these lights do not impact Dark Skies Compliance. This type of light fixture does not come with a full shield option. Full shielding would drastically change and interfere with the light footprint/output and then be out of compliance with Illuminating Society of America (IES) best practices. Shielding is available to prevent backlight only. Based on our experience with LED upgrades, we recommend leaving all lights in place ‘as is’ for three months. Then on an individual basis, the specific locations would be evaluated for potential back shielding. There can be a cost related to installing these shields.”* Duke mentions that there was discussion deciding on 3000k or 4000k which was not specified when they received direction to move forward with the LED upgrade for the entire Town. Baron commented that she had looked at some of the lights, and they don’t appear to have diffusers on them; whereas Fuller had inspected the lights and thought that some might have diffusers. Johnson read from the Feb 26, 2019 P&HPB meeting showing that Mike Roberts had stated that Duke Energy said that the LED lights will not have a diffuser on them for the first 90 days to give people time to get used to the new lights. Baron’s question is, do they have diffusers, or not? If not, when will they be installed? She would like to see a specification of the product. Fuller thinks that it would be appropriate to ask Duke Energy to have a representative come back to our meeting to answer these questions.

1. Amelie Middlemas *(702 N Division St)* She hasn’t slept very well since the lights were installed as her bedroom and living room are fully illuminated during the night, and she is retrofitting some black-out curtains. She had no idea this was coming down the pipeline; she works and that makes it difficult to attend Town meetings. Maybe an email of the minutes would be a good idea.
2. Gary Hunt, *(252 W Smith Ave)* He personally would like to see a baffle put on the light fixture which wouldn’t diminish the amount of light but would wash it downward. You wouldn’t have the issue of running over kids or dogs as you would still have the light. Right now, you do see the light directly from the elements and it is blinding, as well. He doesn’t believe there are diffusers. There must be some provision to direct the light downward while giving the same amount of light.
3. Deborah Kennedy *(251 NW Seminary Ave)* Has a picture of what they use on the beach to protect the turtles and the wildlife. They are on every LED pole up and down the coast; they cost $11.00 so they must be available. We all know that communication is a problem here. We wait two months to get minutes, and she can tell you that the minutes are not available online as she could not get them to open or download for the past three days. Debbie Gonano emailed them to her, but she cannot open them, so they are not available. Deputy Town Clerk Patty Polk stated that minutes are posted the following meeting after being approved. She was here for the P&HPB meeting when this light issue first came up and they said they would put up three different sample lights. Kennedy complained that there were never three lights put up; it was never done. Further, she opined that she was at a Commission meeting at which the Mayor said we put up a light at the Stokes Center, go look at it, because that’s what you’re getting. Ms. Kennedy claimed that she went to the Commission meeting and the Mayor acted as if he was unaware of what the P&HPB responsibilities are. It was Kennedy’s opinion that the Commission does not know what you discuss here, so you are always a month behind. Ms. Kennedy emotionally summarized to the Board that the work that you do here means nothing to the city, you are only an advisory board, they do what they want, and that they chose those lights because they were the cheapest. Kennedy further said that this started a year ago and that they were told by Duke Energy that if you wait, other lights will come out; we will have amber and lower wattage lights to choose from; they didn’t do it. Angrily, Ms. Kennedy said don’t blame the citizens for not knowing what’s going on. Were told to read the minutes that are two months old or come down here and read it on the wall; that’s ridiculous!

Additionally, Kennedy stressed that these meetings need to be videotaped and this would solve a lot of problems with the town being so upset. Chair Warren suggested Ms. Kennedy go to the Town Commission to videotape the meetings. She feels it is her right to videotape these meetings. Clarifying a few points, Attorney Parker explained that the reason why the chair is suggesting going to the Town Commission is because this Board is advisory and has no authority to make a decision on any of those issues. With videotaping, the Town would be subject to ADA violations and there are reasons why it needs to be taken very seriously when deciding to videotape and upload to a website. Closed captioning would apply to be compliant. Right now, there are a string of lawsuits throughout the State of Florida relating to closed captioning, and penalties can be very expensive. That’s why the recommendation is to go to the Commission because there is no authority at this level to make a decision that includes liability and extra expenses; the Chair reports at every Commission meeting and it can be brought up. Fuller questioned if there is anything standing in the way of a citizen making a recording of our public meeting and putting it on their *YouTube* site? Attorney Parker stated that as an attorney she doesn’t like something posted from the Town that is not closed-captioning compliant; however, if it is not on the official Micanopy website or a Micanopy *YouTube* site, but it’s on a citizens personal *YouTube* channel or personal site, there is no liability for the Town of Micanopy.

Marian Baron stated there are companies out there that do transcribe, are verbatim, and in this way minutes of the meetings can be sent directly to the Town Commission within a few days. There can be some control where the Commission doesn’t discuss a topic that is still being discussed in the P&HPB until they receive a recommendation; otherwise we are working on top of each other. Continuing, Kennedy stated that another month goes by and another month goes by; we don’t know what’s going on. Other towns video their meetings and get the information to the citizens. Polk informed Kennedy that we voice record our meetings, she is welcome to ask for a copy, and it will be provided. Kennedy has not liked any solutions discussed tonight.

Bud DesForges likes Barons point, get with Duke or the manufacturer, get the specifications of these lights, and do our own research to see what retro things have been designed for these lights. D’Andrea clarified what’s in their petition; they realize that the shields are probably out of our Town budget. They had contacted the 3-M company who makes amber colored adhesive tape that is weather and temperature proof. The tape would stick over the lights to mute the glare. Withee spoke with Stephen Gonzalez, Lighting Department Engineer with Duke Energy, and he is willing to work with us if we can find a supplier, which he had found today, and contractor; they are willing to talk with us about that.

1. Arlene Holmes *(NE Cholokka Blvd)* thanked Mike and Megan for doing the research. The lights are too bright, almost blinding to look at them. She would like a solution.
2. Mike Roberts *(551 NW Seminary Ave)* had spoken with Dorothy Pernu of Duke Energy and she reminded him that Duke had said that they would not put any kind of covers on those lights for at least 90 days. Additionally, he asked her if Duke has an amber cover that goes on those lights, and she said that they do not as of right now. What they’re telling me is that these lights are new to us, and if we had these lights 35 years ago, they would seem normal to us right now. Duke Energy sits back and lets larger companies install LED lights, then they follow the research after the bugs are worked out.
3. Cheryl Roberts *(551 NW Seminary Ave)* used to walk a lot, and she walked before the lights were installed. Once, three people were following her, and they were getting closer and closer, but she could not see them. She called her husband and he came to get her. Now the lights are bright, and you can see if people are around or following you.
4. Troy Blakely *(152 NW Seminary Ave)* it’s apparent that we have a few problems that need to be addressed, and he agrees with what DesForges said about doing our own research about how the lights might be dimmed.
5. Jerry Morris *(712 NE Cholokka Blvd)* does have a business downtown and there was a recent break-in, and if the lights were there then it might have prevented this break-in.
6. Robert Lockward *(103 NE Cholokka Blvd)* he spent two different nights collecting pole numbers of lights that did not work, he spoke to engineers at Duke Energy, and he was told that they were taking care of it, so he took them at their word. The problem is that there were 15 lights on Cholokka Blvd and Hwy 441 that did not work; if they would’ve fixed the lights that were there, we wouldn’t have a problem. Some lights are better than others; for those are really bright, maybe some kind of mitigation could help.
7. Frank Dahmer *(201 NE Cholokka Blvd)* the lights are too bright, too white, should be 3000k or lower, and need shielding because we do not need to light up the skies around here. We need to light the ground where we walk; it is dangerous without light.
8. Stoney Slaton, *(104 NE Seminary Ave)* with the new lights, the channel seems to be that the light trespasses into peoples’ yards or are pointed at their house. With the optics being removed from the previous bulbs, having a lateral shine now seems to be the main challenge. Looking at overall cost, if we request that Duke Energy go around at nighttime to assess lights shining into yards instead of streets, he thinks that path might rectify a lot of the challenges for the citizens versus putting shields on everything. We should ask Duke Energy to do a study in the first 90 days to determine who is actually being affected by the lateral light travel.
9. Michael Withee *(502 W Smith Ave)* the robbery Jerry Morris spoke about did happen under the light. In some cases, lights deter crime, but not always. He would like to look into using the 3-M tape As far as these diffuser strips go, he is not in tune with the Town budget. In the past, Wild Spaces Public Places money was used for street light work so there is a possibility that we may be able to use some of that money to get some of this tape. Duke Energy has been very open with him and very helpful. He is quoting Stephen Gonzalez of Duke Energy, that the amber LED lights should be available any day now; however, they are very expensive, the lights we have now are $9/month per light, the amber lights would be $27/month per light. These lights may not cast upward but they do cast laterally. They walk their dog every night and what they noticed is that in the dark places; you can’t even see into them because your night vision is constantly robbed. If you read the petition, you will see all the details which we do not have time to go into right now.
10. Megan D’Andrea *(502 W Smith Ave)* is concerned about how the bright lights will affect migratory birds, lightning bugs, and bats. Do we have an environmental scientist to do a study? Fuller read a section from Dorothy Pernu of Duke Energy’s email stating that LED lighting and its impact on wildlife has been studied (and continues to be studied). For every study that says it may affect wildlife, there are equal studies that show it has no effect on wildlife.
11. Bud DesForges *(554 NW Seminary Ave)* there has been a lot of good things said tonight, Kennedy spoke of getting information to the citizens quicker and that has been a problem for years, and he thinks it needs to be rectified. He thinks that a lot of things we do in Town is, “let’s do it and see what happens.” Well that’s what they did, and now we’re seeing what is happening. It looks like because of the contract that we’re stuck with these lights for 90 days. Meanwhile, he hopes that the citizens won’t do damage to the lights. We should take the collective ideas of everyone in this room and come up with a solution.
12. Gary Hunt *(252 W Smith Ave)* stated that with a baffle, you can get the same foot print of light from a 4000k without the blinding glare and still have safety.
13. Mike Roberts *(551 NW Seminary Ave)* it seems the best he remembers is that Duke showed a diagram of the foot print comparing the difference between a 3000k and a 4000k and there was very little difference. Remember those lights are owned by Duke Energy, they may or may not put tape or a shield on them.
14. Cheryl Roberts *(551 NW Seminary Ave)* reminded everyone that the old lights are being phased out. Over half of the lights didn’t work already. We didn’t have a choice, so the only thing we could do is find a solution to change them.
15. Troy Blakely *(152 NW Seminary Ave)* a special meeting might be appropriate for concerned citizens, have Duke Energy come down and give us our options and information first hand. We can begin to prioritize these problems and address them. Chair Warren will include this item in his report to the Commission.
16. Stoney Slaton *(104 NE Seminary Ave)* it should be noted that the retrofit kits that they decided to use, based on the economics of them, for our existing lights were a bad choice. They are probably widely used for other fixtures, not to say that these are readily special; nevertheless, when they removed the optics from the other lights, they changed the actual footprint of the existing light. They should be held accountable for that. If you go on their website you can find definitions of lighting terms, and those are the definitions that they like to respond to. The 90 days will tell with the citizens.
17. Deborah Kennedy *(251 NW Seminary Ave)* when Duke Energy was discussing these lights, they said we would have three options and that they were going to put up sample lights. Stoney talked about the diffusers which are shields that can be put on the lights. We missed our chance when they were here; they were willing to negotiate, but your suggestions were not relayed to the Town Commission. It was just decided, and they just went with it. We were told nothing. We never got the three lights. Information does not get from here to there. When do you get the minutes? How do the minutes get from you to the Commission? Are they sent email? Chair Warren’s assumption is that they get them online. He doesn’t know how they get them or when they read them.

H. Grace Fuller discussed communications and how we communicate. There is confusion on her part regarding who Board members can talk to and communicate with. Attorney Parker responded that per Florida Sunshine statutes, public officials, including the Commission and P&HPB members, cannot have communication with one another or outside of a public meeting on something that may be voted on at a Commission or P&HPB meeting. Chair Warren stated that the P&HPB members cannot speak to one another outside of a public meeting if it may come before the Board for a vote. The problem with social media is that public officials cannot comment on the same post as another Commissioner or Board member; two public officials cannot comment on the same thread, as then it can appear as if there is conversation outside of a public meeting. Attorney Parker stated that any Board member or Commissioner can talk to a citizen. The *ex parte* comes in when there is a quasi-judicial hearing at which it would need to be disclosed if there’s been communications with an involved party and if it would impact the ability to make a decision on that issue. Florida Sunshine Law is not ever meant to stop a Board member from communicating with a citizen, there can always be open communication there. If communication occurs on a social media platform and there are two public officials on it, no other Commissioner or Board member should post on that thread.

Chair Warren will make a recommendation to the Commission that we set up and schedule a workshop.

1. Mike Roberts *(551 NW Seminary Ave)* confirmed with Dorothy Pernu that Duke would have a representative available to answer questions. *(Duke representatives will be at the February 24 P&HPB meeting to answer questions.)* Chair Warren will send Debbie an email tomorrow regarding this topic. Fuller questioned how we can relay this information to as many people as possible in Town? Chair Warren will talk to Debbie tomorrow.
2. Bud DesForges *(554 NW Seminary Ave)* suggested that you tell everyone here that’s a citizen and have them come to the Commission meeting in two weeks; fill the room.
3. Stoney Slaton *(104 NE Seminary Ave)* maybe you can suggest to the Commission that the Town set up a social media policy. He googled social media for Towns, and it says you can talk on social media. Chair Warren asked Attorney Parker to be prepared to discuss this topic at the next meeting; she does not believe the social media policy referred to applies to Florida.

7. Public Hearings:

* Certificate of Appropriateness – Sign for commercial business

Parcel: 16693-000-000

Location: 302 NE Cholokka Blvd, Micanopy, FL 32667

Owner: Alberta Mountain

Applicant: Gloria Castenholz, Wren Wood Antiques

Quasi-Judicial Hearing

1. The Board shall determine whether it has jurisdiction over the matter. *Yes*
2. Members of the Board shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case. *None*
3. Members of the Board shall disclose and place on the record any ex parte contacts relating to the matter before the Board. *None, Marion Baron did speak with the applicant this evening before the meeting began inquiring about the application.*

Attorney Parker swore in Gloria Castenholz

1. Introduction of the petition by the Town. Chair Warren read the application as presented. The sign will be ½” thick x 38 ¼” wide x 22” high which is well underneath the required size for this building, it will be screwed to the building above the front door.
2. Presentation of the Applicant’s case. Ms. Castenholz would like the Board’s approval to put up her new business sign.
3. Presentation of Affected party’s case. *None*
4. Presentation of Staff’s case. *None*
5. Rebuttal by Applicant. *None*
6. Rebuttal by Staff. *None*
7. Rebuttal Affected Parties. *None*
8. Public Input. *None*
9. Deliberation and Vote of Board. H. Grace Fuller understands that the sign will go above the door in the arch, it will be colors similar to the photo presented which are blue, yellow, white, and black, and it is pretty.

Marian Baron, questioned if the existing wood surface that is currently on the building will be removed? They will remove the 302 if they can get it off, that is the only change to the existing wood surface.

***Motion made and seconded (Fuller/Baron) to approve the sign for Wren Wood Antiques located at 302 NE Cholokka Blvd; passed 4-0***

Bud DesForges *(554 NW Seminary Ave)* stated that you might want to inform the audience what the sign is made out of. Chair Warren stated that the sign is made out of a ½” piece of plywood.

1. Preparation of Final Order. Town staff and P&HPB Chair signatures.
2. Approval of Final Order. Signed document sent to applicant.

8. New Business: None

9. Old Business:

1. Town Entrance Triangle on NW Seminary Ave and CR 234 – Chair Warren stated that this is in limbo right now because there has been no need to push it forward.
2. Accessory Building & Recommendations – tabled until our new Board members can look it over and then we can decide if we should move forward with this document.
3. Airbnb/Short Term Rentals – Attorney Parker will continue to monitor the two cases being litigated and keep us informed. Fuller commented on this matter, as it is a nationwide concern. In some places people have been taking advantage of that by purchasing a building and dividing it into many rooms that can be rented out as short-term rentals. It is changing real estate values and changes a neighborhood where you have strangers coming and going every day. We have wanted to have some regulation on that. In the State of Florida, the owners of Airbnb have gotten to the legislature so that municipalities cannot ban Airbnb’s. This is in legislation right now in Tallahassee. Chair Warren stated that the regulation would be that no local authority can have any say in Airbnb’s. Mike Roberts stated that Governor DeSantis is saying that he wants this legislation to be in local municipality hands; not at the State level. Marian Baron questioned where in our code this is regulated? An occupational license is required by the Town for rentals.
4. Bicentennial Celebration 2021 – Keep this in mind. Meetings are held at Ryan Hall, the fellowship hall of the Church of the Mediator, on the 4th Thursday of the month at 7:00 pm.
5. Cemetery Lots – Lasts month’s meeting was enlightening as to the importance of the land around the cemetery. Chris Monaco spoke at our last meeting and informed us of some important battle history on this property. Fuller thinks that the Town Commission is going to set up a meeting with the Cemetery Association.

10. Board Member Comments:

* Dakota Johnson – Nothing
* H. Grace – She received a call from a citizen about the support posts being changed with simple unfinished 4”x4” posts on the Benjamin Building, at the corner of Cholokka Blvd and Seminary Ave. The building has had cedar support posts since being designated on the historical register in 1983. What is the next step? This building has a new building manager and they may not be aware of the Town and historic district regulations. Bud DesForges, as part of the Thrasher Warehouse Board, stated that they would have liked to have those posts to put up a display on the Museum property. DesForges advised the Chair to make the Town Commission aware of this. Chair Warren stated that this is an alteration and should have come before this Board and that the existing hurricane code has probably not been met.
* Ann Baird – Absent with notice
* Marian Baron – Is happy to be here, and she hopes she can contribute in some way and to the Town.
* Fro Warren – He has nothing prepared.

11. Adjournment: 8:28 pm

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MINUTES APPROVED:

As submitted\_\_\_\_As amended\_\_\_\_ at Planning & Historic Preservation Board Meeting\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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JP Warren, Chair Patty S Polk, Recorder