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**Planning & Historic Preservation Board**

Tuesday • July 28, 2020 • 7:00pm • *Via Virtual Conferencing*

**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 -- Present

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 (Baird/Fuller) to approve the agenda as submitted; Passed 5-0***

5. Approval of Previous Meeting Minutes: February 25, 2020 – Regular Called Meeting Minutes

***Tabled until the meeting recording can be verified for accuracy of item 6)(21) on page 4 by recorder Polk per H. Grace Fuller.***

7. Public Hearings:

* Variance to build on non-conforming lot – less than 85’ road frontage – has 53’ frontage & less than ½ acre

Parcel: 16520-018-001

Location: 408 NW Okehumkee St, Micanopy, FL 32667

Owner: Dalo Properties, LLC

Applicant: Giovanni Mazzurco/McKibbin Enterprises Inc.

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*

*Attorney Parker swore in witnesses Danny McKibbin and Bud DesForges*

1. Introduction of the petition by the Town. Chair Warren read the application as presented.
2. Presentation of the Applicant’s case. Danny McKibbin presented his application to build a house on a non-conforming lot and he has been granted variances on other lots.
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. Bud DesForges *(554 NW Seminary)* has several issues with this. The Micanopy Land Development Code (LDC) Section 2.02.03(D) states the minimum building lot area as ½ acre and, Mr. DesForges said that the Town doesn’t have to grant a variance for every ¼ acre lot to everyone who applies. For one thing, that means we have three septic tanks for this acre because he owns all three lots on this acre. Mr. DesForges summarized the following: Property #1 (parcel #16520-18) is a conforming ½ acre parcel, Property #2 (parcel #16520-18-1) that Mr. McKibbin bought a couple weeks later is a ¼ acre parcel that he is asking to build on tonight, and on 3/07/2019, Mr. McKibbin bought Property #3 (parcel #16520-18-2) the remaining ¼ acre parcel. Prior to breaking ground on the current house under construction, this gentleman’s corporation had the opportunity to come to the Town and put the two separate ¼ acre lots back together to make it a conforming ½ acre lot, and he chose not to for a financial gain on his part. I suggest that we deny this variance and let him sell this ¼ acre to the buyer of the house currently under construction, limiting total septic tanks to two on the one acre. If this was someone in town who was a long-term resident and wanted to build on this lot, I would have no problem granting the variance. A corporation coming into Town and buying up all these quarter acre lots and building on them; Mr. DesForges has a serious problem with this type of activity, and the citizens in this town should, too.

Wilbur Perry *(305 NW Okehumkee Street)* lives across from this property, and he agrees with Bud DesForges about the septic tanks. Rachel Mangione *(502 Eestaulkee Avenue)* also agrees with Bud DesForges. Chair Warren asked Attorney Parker how other Town’s deal with these types of issues such as when the LDC is changed from ¼ acre lots being the minimum buildable lot standard to ½ acre lots being the minimum buildable lot standard. Attorney Parker was not sure how to respond to this question; more restrictive measures require a variance to build on a non-conforming lot. A special exception has a slightly different application than a variance. Chair Warren summarized that each request for a variance is assessed on a case-by-case basis. Attorney Parker responded that she believes so, and she can talk to Attorney Walker, as he will have a better idea of when the change occurred. Warren is curious about how other municipalities handle the situation as this gentleman has come before them numerous times, and the Board has granted his requested variances, but the P&HPB has never had citizen input against the variance requests until this moment. H. Grace Fuller would like to know the history behind these lots being divided into ¼ acre lots. Chair Warren explained that the change was made to have less crowding. Fuller asked if these were ¼ acre lots and then the code changed to require ½ acre lots? Chair Warren responded that most of these lots were platted as ¼ acre parcels in the original plat and that sometime in the past approximate 15 years, the Town changed the code to ½ acre minimum buildable lots with a minimum 85’ road frontage.

Bud DesForges opined that this Town was laid out in one-acre plots with 30’ wide streets and 20’ alleyways in between the lots. Years ago, some alleyways were vacated by the Town, and the alleyway property was split between adjoining property owners. Further, DesForges stated that the Town decided that ¼ acre lots were a good idea and then later decided that ½ acre lots were a better idea. *(The 2002 LDC provides for ¼ acre parcels in some residential zoning districts; but those specific zoning districts were omitted from the 2013 LDC.)* Owners of those ¼ acre lots have two options: leave the parcel as is or offer to sell the parcel to an adjoining property owner. Mr. DesForges thought that Mr. McKibbin probably told the seller that this lot was unbuildable in Micanopy because you have to have half an acre; that is just my assumption and that’s how I would have done it if I was a businessman going after that. Further, Mr. McKibbin knew that he wanted to build on that ¼ acre, and Mr. DesForges doesn’t feel bad that we denied this variance and stuck with our LDC’s ½ acre minimum buildable requirement. Mr. DesForges felt that for those people who have a ¼ acre lot and it’s a hardship, or a family who has lived here a long time, then you can look at granting them a variance under a hardship situation. Otherwise, have the other adjacent land owner buy the ¼ acre from them or leave it undeveloped; that is my opinion.

Danny McKibbin answered that something is wrong, and you know what they say about making assumptions. As far as the lot being a ¼ acre with three septic systems is a non-issue, as properties are divided up all across this country with multiple septic systems. The Town has city water meaning that there are no wells located in close proximity to septic tanks; this is why the Health Department allows us to do this in the first place. Beyond that, we have accepted a contract on the home that is already being built as is on ¼ acre. Further, Attorney Scott Walker had explained to Mr. McKibbin that the Town does not have the right to take away the use of a property whether it is a ½ acre or ¼ acre if it is an independent parcel zoned for use by the Town and that the owner has the right to use it for that specified use. Ann Baird asked if there are other blocks have three septic systems on an acre of land?

Polk & Warren checked the Micanopy map and found that across Okehumkee Street, there are other one-acre parcels that are split into ½ acres with several being split into ¼ acre parcels. It is rather prevalent in that area to see one-acre plots sectioned into ¼ acre lots. Stoney Slaton *(104 NE Seminary Avenue)* would like Mr. McKibbin to address the issue that Mr. McKibbin stated in September 2019, that he did not intend to build cookie-cutter houses. Danny McKibbin responded that was not his statement; it was determined that the statement was made by Ricky Allen. Slaton apologized for his mistake. Slaton continued his statement regarding ¼ acre lots, and stated that we do not need this here in Micanopy. He agrees with others as there are many small lots being taken and divided instead of being revitalized as they once were. *(LDC 10.04 Lot splits in Micanopy must conform to the LDC and must be at least ½ acre and allow for 85’ road frontage)*. Further, Slaton said that in regards to septic systems, we do not need any more septic systems than the Town can already have here; not because of the water problem but because of the aquifer problem. That is something the Federal Government has told Micanopy directly, you can find that online, you would only be contributing to an existing challenge that we are trying to get rid of. That’s all I have to say, thank you.

Chair Warren questioned Slaton that the Federal Government stated that we have a problem with our septic tanks; is that what I’m understanding? Slaton responded that that has been stated before that some of the older septic tanks do not even have bottoms in them and are leaking into the ground. It is an unregulated situation here, as no one goes around checking the septic tanks. McKibbin responded that there may be an issue in Micanopy, but the Health Department has not quit issuing septic system permits. The Health Department regulates and inspects all the systems throughout the construction process.

Marion Baron is less concerned about septic tanks. Marion Baron read that LDC Section *1.03.01* states, *It is the intent of this Section to permit these non-conformities to continue until they are eliminated, but not to encourage their survival.* And LDC Section *1.03.03(A) Combining lots. Where two (2) or more contiguous nonconforming lots with continuous frontages are under the same ownership, or where a nonconforming lot is contiguous to another lot under the same ownership, such lot or lots shall be combined to form one (1) or more lots meeting the requirements of the district in which they are located*. She is not comfortable having an investor come into Town, swoop up all these ¼ acre lots, and build cookie-cutter houses. The parcels in question have already been stripped of all the trees, and she feels there are remedies for hardships and for extended family.

Fuller questioned if there is one owner for all three of the lots that have been cleared and was answered that McKibbin owns all three of them now. Mr. McKibbin has accepted a contract on the home that is being built, and the buyer is waiting to close. Bud DesForges asked McKibbin if he would offer to sell that lot to the buyers? McKibbin responded that he offered to sell the lot to them, and unfortunately, they do not want it. People want smaller lots with less maintenance. DesForges answered, tell them to go to another Town. Fuller answered that she is uncomfortable with us assigning and making assumptions about motivations and not being as respectful as a Board and as a Town.

1. Deliberation and Vote of Board.

Chair Warren closed the public input section of this hearing and allowed for deliberation and vote of the Board. In an effort to help address the issue, Attorney Parker read the standards for considering a variance:

***LDC Section 10.06.03*** *Limitations on Granting Variances.*

 *A. The Planning and Historic Preservation Board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.*

 *B. The Planning and Historic Preservation Board shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:*

*1. There are practical or economic difficulties in carrying out the strict letter of the regulation.*

*2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.*

*3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.*

*4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.*

*5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.*

Attorney Parker summarized that the Board is considering this specific property in an R-2 zoning district given the nature of an R-2 lot and the unique circumstances of this lot, whether or not a variance is needed.

Fuller is not excited about it and the fact that there is a two-story house on the (neighboring) lot among one-story houses. She does regret that Mr. McKibbin has made some investment to build, but she is aware that it is not an onerous investment if he is not allowed a variance. She is also concerned that we may be setting a precedent. She doesn’t know who cleared that lot, there was a huge tree, she thinks it was an oak tree *(actually a camphor)*, that was all plowed down; seemingly to allow building closer together. Lara Colley stated that the tree was a camphor tree, which is an invasive tree. Fuller thanked Lara for the clarification. Ann Baird agrees with a lot of what Fuller just said, and she thinks that it will give the appearance of town houses, real close together. She thinks that appearance fits into the category of *(#4 above)* changing the essential character of the area surrounding the site. Attorney Parker stated that to follow procedure correctly there has to be a preparation of final order; we do need a motion on this variance.

***Motion made and seconded (Fuller/Baron) to deny this variance based on the discussion at this meeting; Passed 5-0***

Chair Warren informed Danny McKibbin that he can file an appeal to the Town Commission *(LDC Section 10.13),* and Mr. McKibbin said he will file an appeal tomorrow morning. *(No appeal was received.)*

1. Preparation of Final Order.
2. Approval of Final Order.
* Certificate of Appropriateness – Install 22kw Generator

Parcel: 16682-001-000

Location: 505 NE Cholokka Blvd, Micanopy, FL 32667

Owner: George H. Heslep

Applicant: Trademark Electric

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*

*Attorney Parker swore in witness George Herbert Heslep III.*

1. Introduction of the petition by the Town. *Chair Warren read the application as presented.*
2. Presentation of the Applicant’s case. Mr. Heslep presented his application to have power during the hurricane by installing a whole house generator. Chair Warren described the side of Mr. Heslep’s building where the generator will be placed. H. Grace Fuller questioned why a variance is needed, and Chair Warren responded that this application is a Certificate of Appropriateness (CA), and not a variance.
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

Bud DesForges questioned if this is a propane or diesel tank, and if the tank will be buried or above ground. Mr. Heslep responded that it will be an above-ground propane tank. DesForges stated that the proposed generator is manufactured by Generac and they are pretty quiet. Ann Baird lives 200 yards from the proposed generator and did research agreeing that these generators are pretty quiet.

1. Deliberation and Vote of Board.

H. Grace Fuller 51” x 36” x 40” tall are the dimensions of the unit. She has learned from the past that she is not really good with dimensions and needs to see a picture. Heslep responded that it will be approximately the same height as the A/C unit and will be placed next to the A/C. Fuller appreciates the fact that all of the electrical stuff is painted in a brown color that makes it recede against the brick wall. She asked if the nearby A/C unit is staying there, as she understands that there is an A/C unit on the other side of the building as well? Heslep answered that that is correct and that both A/C units will stay where they are; there used to be four A/C units and he has removed two A/C units already. Warren stated that this is just a generator. Marion Baron received an email today to add to the application a propane tank to be located behind the building. Unseen in this photo is where the propane line will be? Heslep responded that he is planning to place the propane line on the wall parallel to the electrical conduit.

Fuller questioned if a fence will be placed in front of the units to break up the visual? Heslep will put up a fence if the Board would like. Vice-Chair Baird stated that as you drive along Cholokka Blvd, just about every building has an A/C unit next to the building. Baron stated that our code requires that fences and walls abutting a building shall be designed as an extension of the building. The walls may be brick, stone, wood, stucco or other matching product of the building, but chain link, plastic, or PVC fencing would not be permitted. Would you consider putting up a low brick wall to screen all the mechanical equipment as well as protect it from all the truck traffic? Heslep responded that he would be happy to protect the mechanical equipment but a brick wall may prevent maintenance; we would need a fence with a door. Baron stated that the wall doesn’t have to be turned and enclosed into the wall; it could be just a low wall in front. Baird stated that you wouldn’t be able to match the brick. Warren stated that brick doesn’t appeal to him as it would need to be architecturally significant and match the building. After some discussion, Baron agreed that you would need access to the A/C unit and the generator. Warren stated that if we’re going to ask for a fence, a wooden fence would be able to be unscrewed, work on your equipment, and put it back up with minimal effort; and it wouldn’t necessarily have to be an architectural detail. DesForges stated that the electrical equipment and A/C unit have been there for years, everybody is used to it, this is not a large generator, and within a matter of a month people won’t even realize that it is there. Also, Mr. Heslep was nice enough to put the propane tank around the back. Fuller answered that to those of us who drive up and down Cholokka Blvd, seeing it frequently, the generator will become wallpaper and background. However, since the gentleman is willing to put up a fence, a wooden fence would look nicer in the long run. Just because we have been letting everything show doesn’t mean that we have to continue to do so. DesForges agreed that a wooden fence would look nice, but now Heslep will have to come before you again with a CA for a fence. Heslep will be glad to put up a wooden fence but with hurricane season coming up, he is on a wait list for the generator and may not be able to get a fence contractor in a timely manner. Would you want the fence high enough to cover the electrical boxes? Board consensus is no, not that high.

***Motion made and seconded (Baird/Johnson) to approve the Certificate of Appropriateness for the Generac generator with the stipulation that within a year that a fence is built around it; Passed 5-0***

1. Preparation of Final Order
2. Approval of Final Order
* Variance to build an addition to an existing home – Does not meet required side set back

Parcel: 16520-045-000

Location: 707 NW Eestaulkee Ave, Micanopy, FL

Owner: Lara Colley

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*

*Attorney Parker swore in witness Lara Colley*

1. Introduction of the petition by the Town. *Chair Warren read the application as presented. Attorney Parker is sharing the drawings on the screen.*
2. Presentation of the Applicant’s case. Lara Colley appreciates the opportunity to present this application for variance to you. She has been planning this addition to the house since 2008 when she purchased the property. Recently she found out that the property line is much closer than she originally thought. When she bought the property, there is an unimproved 8th Street easement, which is the road east of the property. Sadly, she was under the incorrect assumption that the easement was part of her property, and that after 8th Street was abandoned, it was not deeded to the property owner prior to her. *(Town ordinances don’t show that the 8th Street easement was ever vacated by the Town.) T*hey are planning to improve the home by adding a screened front porch, and they are requesting a variance.
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

Bud DesForges questioned how the amount of encroach into the side property line? Ms. Colley responded two feet.

1. Deliberation and Vote of Board

Baird thinks that it fits into the character of the Town. Fuller has a question as she is not clear of all the directions; does the porch face the dirt road that faces the ballpark? Yes, it faces Eestaulkee Ave (3rd Ave). Ms. Colley explained that if you’re facing the home looking at the left side of the house; the porch will not extend any further than the home already does.

***Motion made and seconded (Baird/Fuller) to approve the variance allowing the porch to go into the side setback by two feet as submitted; Passed 5-0***

1. Preparation of Final Order
2. Approval of Final Order

8. New Business: None

9. Unfinished Business:

 A. LED Street Lights – Discussion

Dorothy Pernu, Duke Energy Government Relations Representative and Duane Young, LED Subject Matter Expert, were present. Fuller discussed the document titled “Micanopy LED Upgrade” and wanted to know who asked the questions and who answered them? Pernu responded that the questions were asked by Town Administrator Gonano and answered by Dorothy Pernu and her lighting team, as well as others. DesForges thinks that residents are getting used to the LED lights and if someone has a problem with them, he’s sure that Duke can come up with a baffle. Pernu explained that it is a backshield that provides shielding on the backside of the light preventing light from shining into homes. Amelie Middlemas *(702 N Division Street)* there is a light on Church Avenue and Division Street and it is very bright, illuminating the entire exterior and interior of her home including her bedroom and other windows. She called Duke several times asking for this light to be baffled or shielded in some way. It’s been several months now, and Duke Energy said that they cannot do anything unless directed by the Town. Pernu stated that the lights are rented by the Town of Micanopy, so Duke would need to take direction from the Town to make that change. We would be able to drop the wattage on that light and evaluate it for a potential shield. Ms. Middlemas would very much appreciate that *(Duke made that change)*.

Winn Blazier *(201 NE Hunter Avenue)* has emailed and talked to the Town, and they say that he should just get used to it. Sorry, Bud I’m not used to it. There is a light on NE Hunter Avenue that is 100’ away and it hurts; you walk outside and your peripheral vision hurts. The light that used to be there was an amber light and it turned off and on, but it lit up the street. This LED lights up his property across his land, all the way to his house, and into his neighbor’s property which the neighbor doesn’t like either; he needs a reduction or baffle or something. Dorothy Pernu responded to Mr. Blazier and asked for a pole number (#458561) which will be helpful in evaluating the light and to make a better recommendation to the Town on how best to address the problem. All recommendations from the Town can come in a group.

Stoney Slaton *(104 NE Seminary Avenue)* asked if a light study had been done for the Town whereby each individual light is assessed for the individual situation? In Ms. Middlemas’ case the light trespass is crossing the street to her house because the light is simply too bright. Dorothy Pernu answered that they do not do a light survey when they are doing an LED conversion. Duke did a direct replacement from high pressure sodium (HPS) to LED and replaced light for light; other than that, its HPS vs. LED. Slaton asked that given that you haven’t performed a light study, is there any anticipation of light trespass occurring in this instance with a fixture that has no lens, or were the lights replaced one for one? Because in Micanopy there are several determining factors that would make you want to do such a thing; such as the ballpark with open, wider areas vs. much narrower streets. Also, not all the light fixtures or arms to which they are attached are at the same elevation; that also is a challenge with some of the effects of light trespass crossing the street. Additionally, you said that you have a baffle that can be placed on the back of the fixture; do you have a light baffle that can be placed on the front of the fixture? Attempting to understand what Mr. Slaton was asking, Dorothy Pernu answered that they replaced light for light, so in the Town there existed roadway LEDs, neighborhood LEDs, and flood LEDs. On the HPS side (and Duke also has those same type of fixtures on the LED side) the protocol is to replace a neighborhood HPS light with a neighborhood LED light. HPS full cut off fixtures (meaning that the light is shining down, not up and out) are replaced with LED full cut off fixtures. The same example applies with the roadway LED; that it is a certain type of fixture that is a one-to-one replacement for a roadway HPS light, so there is the potential, and she believes that this was discussed at a previous meeting, that on the main roads the Town chose 4000K, but there was an option to choose 3000K on the smaller neighborhood roads. The 3000K brings the softness of the lights down some. Slaton stated that based on his twenty years of professional production lighting experience, he understands light, light output, the effects of too much light vs. dark, and the challenges that can occur with that as well. Slaton asked if there was a baffle that can be placed on the back of the fixture? Dorothy Pernu again responded that a backshield is available which helps with intrusion onto personal property and into homes. Shields are not available to put around the light because that would change the lighting structure, making the light uncompliant with FDOT and other standards. Following Ms. Pernu’s response, Slaton summarized that if there is no shield that goes on the front or the back, then there is no way to control the light trespass that is happening onto peoples’ private properties. Further, regardless of the FDOT regulations or their idea of how the light should be cast here in Micanopy, there is a direct challenge with the fact that light is going too far into peoples’ properties, and he would like Duke to have a way of controlling that, possibly by developing a shield for the front fixture. Stoney recommends that if Duke does not want to change the elevation of the fixtures; what Duke would need to do is to have a shield developed in different heights to effectively control the amount of outward light; exactly what you’re trying not to do based on FDOT standards, needs to happen here in Micanopy. The main issues are that the light trespasses on peoples’ private property, and that the lights are too hot. If most of the fixtures were the 3000K instead of the 4000K, he is sure that people would be more pleased with the actual effects of the LED lighting. His recommendations as a citizen would be that all lights should be replaced with a 3000K at Duke’s expense and that Duke develop a front shield for various heights because it would be more cost effective then adjusting all the fixtures. Dorothy Pernu asked Duane Young to address Mr. Slaton’s recommendations. Young explained that the reason that Duke does not offer front shields is because all of the lights are manufactured to Illumination Engineering Society of North America (IESNA) standards and are compliant for liability reasons in the event of car or other accidents. If front shields were to be installed, the Town would be required to sign a release form, which is basically a waiver form stating that Duke Energy is not responsible for anything that is caused by lower than recommended lighting levels. Duke does not recommend this option because of increased liability risks to the Town. Dorothy Pernu summarized that Slaton had mentioned replacing 4000K with 3000K, which is a Town decision. Duke’s standard specification was 4000K, the signed proposal from the Town was received by Duke, and 4000K lights were installed.

Chair Warren asked for citizen comment. Gary Hunt *(252 W Smith Avenue)* stated that the elements in the LED light panel are blinding. Mr. Hunt thought that the 4000K LED lights could be inexpensively shielded to focus the light downward to prevent the blinding effect. He would like to have the light in front of his house blocked. Duane Young responded that lights are manufactured to specifications and can’t be altered. Hunt asked what is done with turtle nesting areas? Young answered that LED lights at or below 2000K are used for turtle nesting areas. Responding to Dorothy Pernu’s request to restate the reason why a 360 degree shield cannot be used, Duane Young answered that Duke Energy does not use street side shields. Duke only uses house side backshields, as all our lights are manufactured and installed to IESNA standards; if Duke were to shield the light on the front, it would no longer meet standards and would present a liability. Gary Hunt is going to present the Town with a prototype, as it can be made quite easily; then the Town could see something in their hands. Further, Mr. Hunt can’t understand how a shield could increase the Town’s liability, as there would still be the same amount of light and it would be safer because there wouldn’t be glaring light. Pernu addressed and thanked Mr. Hunt for his last point, but she explained that Duke would not be able to manufacture or install a shield on the street lights, as the Town rents the lights from Duke Energy and modifications are not allowed by others. If the Town makes the decision to put full shields on some of the lights, they can make that request of Duke, sign a waiver, and Duke would install the full shields at the Town’s cost.

Dr. Stephen Eisenman *(105 NE Bay Avenue)* explained that there is a high light on 5th Ave that he can see from his house, which is bright and shines into his living room. He is not sure if it is the front or the back of the light; if it could be shielded, that would be great. He would like this added to the list. One recommendation that had been made was to reduce the lights from 4000K to 3000K; and he thought that it might help in this case. He knows that this Planning Board has addressed lighting in the Town before, but he is not clear if its recommendation was fully accepted by the Town Commission. If it was, there are a lot of people in Town who are unhappy with the implantation of that. He does know that the Town’s Comprehensive Plan under Section VII, Historic Preservation Element - Policy 1.1.5: states “*The Town shall maintain design guidelines to place streets and sidewalk surfaces, street furniture, street lights, and similar municipal appurtenances in visual harmony with surroundings in historic districts.”* He is wondering if the P&HPB is satisfied with the lights as they exist now and whether these lights are in keeping with Comp Plan Policy 1.1.5. It doesn’t seem to him that there is anything about these lights that is the least bit consonant with the historic character of the surrounding architecture or streetscape. This may be a long review that you need to take, but it would be good if there was a determined examination of the historic nature of the community and the lights that would be most appropriate to that. It may be that lowering the height of the lights or changing the lights to 3000K LED lights in addition to whatever modifications are made now, would be good if this Planning Board reviewed once more whether the streetscapes and the lighting is consonant with the vision of the Comprehensive Plan.

Adrienne Doyle and husband, Simon Fitzwilliam *(108 E Evans Court)* there is an exceptionally bright light that is adjacent to their property that shines into their bedroom and, also, SE Tuscawilla Rd was a beautiful, dark road from which the stars could be seen prior to these LED lights being installed. She is still not used to the LEDs, they are very jarring and bright, and she feels like it makes the darkness even darker, which seems dangerous to her. Marion Baron added that Tuscawilla Road has a lot of wild life, preserves, and is a very sensitive area. Fitzwilliam appreciates the initiative of the Town by updating and upgrading the lights, but feels that they are too bright. Duane Young responded that the biggest difference with lowering the wattage is the reduced amount of lumens output. Lumen output is basically how much light is on underneath the light (brightness). Lowering the wattage means that the light is not as bright. Kelvin is the actual color; lowering a 4000K to a 3000K will still be the bright white light, but 3000K is a little less intense and a bit more mellow with a slight tinge of yellow, but not quite amber which is much lower on the color spectrum. Also, Mr. Fitzwilliam asked what was the light wattage in front of their house and about the wattage and kelvin on Tuscawilla Road? Pernu stated that all the lights were converted to 4000K, so the question relates to the wattage. Young answered that the light in front of the Fitzwilliam/Doyle house is a 50w LED bulb. Fitzwilliam questioned if that is a standard bulb to the Town? Duane Young responded that whatever HPS light was there, the LED is generally half the wattage of the HPS light; so, if the bulb had been a 100w HPS, a 50w LED light would have been installed. Fitzwilliam would like to know if there are any other options of reducing light intensity other than installing a shield, reducing wattage, or lowering the kelvins. Young responded that those are the only options. Responding to Marion Baron, Duane Young explained that the lights do not have dimming capability. Baron questioned if an automatic timer can be put on them to be shut off at a certain time at night. Young responded that all the lights are designed with photo cell sensors, going off and on with existing light.

Doyle said that she had heard that some of the residential lights were 3000K. Dorothy Pernu answered that that had been an option that had been provided. Marion Baron questioned Pernu if a proposal had ever been presented to the Town for 3000K and if so, was it the same cost? Pernu responded that Duke was not requested to put together a proposal for 3000K, that Duke’s original proposal for 4000K was presented to the Town Commission, who sent it to the P&HPB for a recommendation, and that proposal was accepted by the P&HPB.

Bud DesForges stated that Duke needed to do a light study in Micanopy because Micanopy is very unique and not the average Town. Obviously, the people are not getting used to the lights and that’s not working for Micanopy. The biggest problem with these lights is that the existing fixtures were retrofit; the whole fixture was not changed. Duke added an LED light bulb to the existing can, took away the glass that was above the HPS which did do some diffusing, and put a glaring LED in an existing fixture. Pernu countered that Duke did not do that; these lights were specifically built individually with the entire head of the HPS being removed and a new full fixture placed on the pole. DesForges thinks that he can take Duke around and show them different. DesForges stated that Duke used LED fixtures that don’t have lenses over them. How smart is that? Young clarified that Duke uses the same bracket and the same pole, but that they use new fixtures. Young responded that the fixtures are manufactured to the required specifications. DesForges answered that that doesn’t mean anything, Micanopy is different, the Town needs to bite the bullet, spend some money, do a study, and get what we want; either that or tell Duke to shut all the lights off. Chair Warren stated that he thinks it is time to have a workshop with the Commission, P&HPB, the citizens, and Duke to figure out what we want.

Deborah Kennedy *(251 NW Seminary Avenue)* said that she has been involved with this the whole time, been to all the meetings, and she, incorrectly, reported that the Town totally ignored the P&HPB recommendations. *(The Town Commission accepted the P&HPBs April 23, 2019 recommendation to accept the Duke proposal.)* She is not happy with these lights and is not going to get used to them. She is a resident of Flagler Beach and has a house there. Flagler Beach and Florida Power & Light protect turtles with shields that go completely around the lights; she doesn’t understand, Further, she surmised that Duke is a North Carolina company and must have turtle shields. Young responded that Duke doesn’t use turtle shields; Duke uses turtle-friendly amber lights in the turtle nesting areas. Here on the coast in the St. Pete/Clearwater area, Duke uses 2000K amber lights; the lights are manufactured to meet the specifications so that the turtles can’t see. Deborah Kennedy complained that the Town is like a prison yard out there, the sky is totally lit up, the whole character of the Town is changed, they are more dangerous because it is so dark, and you are blinded by the light. Further, Ms. Kennedy said I think you are totally wrong. You had citizen input at the P&HPB meeting, you had a lot of citizen input, and then the Town just went ahead and said go over to the Willie Mae Stokes place and see what you are getting; that’s what they said to us. These are just a mess; you have an historic wall lit up like it’s a Walmart parking lot; it’s horrible. Kennedy complained about a light that is across and down the street from her house, and it shines in her bedroom window; there is no way that your little shield is going to help with that. Pernu responded that there is the option in these situations that if this Board would like to make a recommendation to the Town Commission and it is approved, Duke can come in, evaluate individual situations for potential lower wattage and/or backshields, make the recommendation, and provide that information to the Town for their decision. Fuller questioned if that is a $300/light change? Pernu answered that Duke quoted an average cost per light, so a light changed out vs. a shield is different cost. Duke will provide a cost to combine all the changes at one time. If Duke has a list of all the areas of concern with the pole numbers, a truer cost could be provided after evaluation.

Young stated that Duke has the ability to put up a sample light, as they had previously offered in two earlier meetings. Ms. Kennedy blurted out that that was offered but never happened. Kennedy is not blaming Duke or the P&HPB, but she is blaming the Town Commission. Fuller asked for clarification on the installation of the sample lights. Pernu answered that sample lights were not installed because Duke was never directed to put them up. Pernu answered that they offered the Commission, as well as the P&HPB, the opportunity to have sample lights put in and, we had direction from the P&HPB for approval. She read the timeline provided by the Town Administrator that the P&HPB in its February 26, 2019 meeting, made a motion to have sample lights installed; at the March 26, 2019 meeting, the P&HPB did not come to a conclusion about where the lights should be installed; and at the April 23, 2019 P&HPB meeting, the P&HPB made a motion to recommend to the Town Commission to accept the proposal from Duke Energy to upgrade the street lights to LED fixtures. Fuller interrupted asking to make it clear, “Were sample lights put up?” Duke Energy did not put up any sample lights. Deborah Kennedy complained about communication being awful, our P&HPB said it over again and again that we want to keep the historicalness of this Town. Kennedy continued that anyone who came into this Town had to drive past the sign that says Historical Micanopy, so to offer standard lighting was not fair; and that she doesn’t remember seeing a full plan, she only remembers that we approved 3000K because that was the lowest that we were offered to keep the historical feeling and ambiance in this Town. She does remember being told at a meeting that sample lights were put up and that we could go look at them. Further, now I’m told that they were never put up. Communication has been awful throughout this whole thing, and she doesn’t know how we are going to fix it without a whole lot of money being spent and a lot more extra effort; that if communication would have been right from the beginning and coming back and checking to make sure you know that we’re doing the standard 4000K across the board. Continuing, she had heard at the meetings that people stated that they wanted to protect the dark sky, to protect all of the wildlife, and yet standards offered, somebody approved, and now we have a lot of unhappy people. Baird distinctly remembers all of those conversations vividly. Kennedy stated that she has looked at the meeting minutes and all of the conversation about the lights, and it states that Attorney Walker left the meeting and discussion ensued and that is the problem. Communication is bad and that is why she records all of the meetings because things get left out. You all had discussions on this, you had all of our presentations, and it was reduced to ‘discussion ensued’. This is what we got.

Stephen Eisenman stated that we may have a way forward now based upon what Fuller and Kennedy have said here today. Duke is willing to put up, at no cost, a sample 3000K light for us to look at. If we recommend to the Commission to do that, then we can look at that light and a determination can be made by the community as to whether we want to shift all the lights from 4000K to 3000K lights to make it closer to the character of the Town as Fuller has described it. Can I ask this Board to make that recommendation to the Commission so that we can see a lower kelvin light to decide whether it is worth the investment to make the change? Warren agreed that that is a wise idea, or at least to set up a workshop with the Commission, P&HPB, and citizens to potentially get together and come to an agreement.

Baird questioned about our initial cost to put up each light. Young responded that Duke did an LED conversion and did not charge for installation of the lights. Baird asked, and now that we are not happy with what happened, it is going to cost the Town $300 per light? Young responded that is correct because we installed what was in the signed proposal. Fuller stated that about four years ago, when she started attending these meetings, there was a P&HPB member who resigned from the Board and expressed his displeasure that as an advisory board, it seems like the Commission does not particularly pay attention to what we recommend. It is not entirely on Duke, and it is not entirely on us if we were not given all of it. She would like to state that she thinks the Town Commission should take responsibility for this as well; perhaps most of the responsibility.

Slaton wanted to suggest that if you are going to put up a sample light, it should be put up on Tuscawilla. If the Town is going to move forward with doing something beyond where we are right now on the zoom meeting; his opinion is that we consider this meeting a workshop. If the Commission was interested in any of this, they would be attending right now and would not have put this off on this Board as they have done continuously for months now. *(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.)* He would do this as the workshop and simply state that a decision be made tonight and make a recommendation to the Commission now as there is no more time to waste. Warren responded that this meeting was not advertised as a workshop, and he does think a workshop is a good idea. Slaton thinks that a decision should be made tonight. Eisenman suggested that a free sample light should be put in so it isn’t really moving forward; it is giving us more information so it should be presented to the Commission as an information thing which then may lead to a workshop where a decision or recommendation is made.

Baron heard what Slaton had to say, but she is not ready to make any decision tonight and does agree with having a workshop. We may want to consider hiring a lighting consultant rather than haphazardly changing a wattage here and there; we may want to approach this in a more planned and calculated way and do it the right way. She agrees with Fuller that the Town has a lot of responsibly for this matter, the people of the Town spoke at the P&HPB meetings about what their desires where and what kind of lighting they would like. *(April 23, 2019 Motion made and seconded (Baird/Brady) to recommend to the Town Commission to accept the proposal from Duke Energy to upgrade our street lights to LED fixtures; Passed (Baird, Brady, Warren & Fuller) 4-0 with no specified conditions.)* After the P&HPB essentially approved moving forward and changing lighting fixtures, nobody sat down with the Commission and P&HPB and asked “If this what the P&HPB was asking for?” She thinks the Town has a lot of responsibly for signing off on a proposal without understanding if it complies with the will of the people of this Town. She would also like to ask Duke Energy if it’s possible to get a survey of all the replacement lights, including a map of fixture locations and wattage? Duane Young answered that we can print a list as we keep an inventory of all the pole tags and lights, and it should be accurate because we recently did the upgrade. Doyle questioned why 4000K is the standard recommendation? Young responded that it is based off of wattage per lumen, basically FDOT output required for acceptable and best night driving. IESNA and FDOT recommendations require what is manufactured. Baron questioned if this is for major arteries and not residential streets. Young responded that IESNA recommends it for any road at all heights.

Deborah Kennedy, back to communication, she doesn’t think any decision should be made tonight as people do not know that Duke Energy is here tonight. Warren responded that this was labeled as a discussion, and he apprehensive to make decisions tonight without the public being fully aware of what we are doing here tonight. We need to get a sample light which the Commission will need to direct Duke to install; until the next commission meeting, we won’t be able to move forward. Eisenman would like the Board to recommend to the Commission to install a sample 3000K light so the Town can have a sense as to what the options are. Fuller added that the Town send an email out communicating where the light is. Holly Morris *(712 NE Cholokka Blvd)* has been to all of these meetings where the lights have been discussed, and she has observed that Commission keeps putting this issue back to the P&HPB and that the Commission really wants this Board to tell them what to do. Just go ahead and get sample lights put in so that we can see what they are and then go to the Town and tell them what you want to happen.

Warren stated that this Board specially asked for three sample lights and it did not happen. We are an advisory board and cannot make any decisions that have anything to do with money or outlay of capital. Warren suggest that the citizens go to the Commission and state their desire. Morris would like to see a sample of the turtle light put up on Tuscawilla Road. Young does not recommend the turtle light as they generally cost three times as much to rent. Duke can install up to four sample lights in a row, we can’t do one in this part of Town and one in another part of Town; keep that in mind. Fuller reminded everyone that not all of Tuscawilla Road is in the Town limits. Baird questioned if we would put front and back shields and change the kelvin. Young would not recommend the two shields as that will leave you with virtually no light. Warren stated that he is the chair of this meeting, and in thirteen minutes this meeting will be adjourned. No one responded. Hunt suggested that we do include a shield on one of the samples just so we can see it. Pernu doesn’t think that they can put a shield on one of the 3000K lights, but they may be able to put a shield on one of the 4000K that is having trouble. She will need to get leadership approval for that, as she doesn’t know if they have ever done that. Dorothy offered to replace some 3000K lights along Tuscawilla Road as the samples, and we can make the request to see if we can put a house backshield on a particular 4000K light that someone has a concern with. Baron stated that we might want to put that shield on Evans Court. Morris questioned if we can get a sample of a lower wattage? Young stated that they can put up whatever wattage the Town requests as long as it’s the same wattage in each of the sample lights requested; 40 watts is the lowest possible. Fuller questioned if the liability risks would still be covered with the lower wattage and 3000K. Fitzwilliam has a question regarding other lights in Town that may have lower wattage. Pernu stated that Ms. Hill had listed a small audit of some lighting, and her lists shows some of the following 40w LED lights: the first speed hump on Whiting Street, Smith light, Smith and Ed Glover Street, Seminary and Ogehoee Street, Division and Eestaulkee Avenue, in front of Stokes Community Center.

***Motion made and seconded (Fuller/Baron) that Duke Energy give us some sample lights at 3000K on Tuscawilla Road with 40w bulbs and to place a shield on the light at 108 Evans Court, pole #5610027***

Pernu stated that you need to clarify if you want one, two, three, or four lights in a row and that you understand that the house backshields need to be approved by Duke Energy first before the shield can be installed.

***Above motion amended and seconded (Fuller/Baron) to say three to four lights, whichever stays there within the Town limits; Passed 5-0***

Slaton questioned if the turtle light is 2000K amber. Young responded that the turtle lights are 2000K and the rental rate on these lights is three times as expensive as the lights you currently have. Kennedy complained that she had shown the Commission pictures of turtle lights on A1A, and they wouldn’t consider them.

10. Board Member Comments:

• H. Grace Fuller would like to readdress the entrance triangle on Seminary Avenue and CR234, as the school has

 purchased the property adjacent to it. Warren will have it added to a future agenda.

• Ann Baird – It is good to be back to business after having four to five months off.

* Dakota Johnson agrees with Ann that it is good to be back to business after being appointed to the Board, only having a couple meetings, and then being on vacation.

11. Chair Report – Fro Warren thinks that the Commission needs to hear from concerned citizens regarding any concerns that they may have about the lights or any suggestions they may have.

12. Adjournment 10:03 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