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**Planning & Historic Preservation Board**

Tuesday • September 22, 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 -- Absent with notice

Fro Warren, Chair -- Present

Andrea Parker, Town Attorney -- Present

Patty Polk, Deputy Town Clerk -- Present

4. Consent Agenda Approval:

Approval of Previous Meeting Minutes: July 28, 2020 and August 25, 2020 Regular Called Meeting Minutes

***Motion made and seconded (Fuller/Baird) to approve the agenda, July 28, 2020 Meeting Minutes (amended) and August 25, 2020 Regularly called Meeting Minutes as submitted; Passed 4-0***

H. Grace Fuller had wanted “at a meeting” struck from a sentence at the top of page 9 from the July 28, 2020 meeting minutes.

5. Citizens Forum

6. Public Hearings

* Final Site Plan Review – Duke Energy Battery Storage Facility

Parcel: 16799-004-000

Location: 304 NE Hwy. 441, Micanopy, FL 32667

Owner: Duke Energy Florida, LLC

Applicants: Dorothy Pernu, Duke Energy, Government & Community Relations Manager

Adam Nygaard, Duke Energy, Project Manager

Sean Harrington, Construction and Engineering Manager

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 the following:* *Dorothy Pernu, Adam Nygaard, Sean Harrington, and Stoney Slaton*

1. Introduction of the petition by the Town. *Chair Warren stated that this is a continuation of the site plan review from our last meeting and Attorney Parker clarified that this is the final site plan review.*
2. Presentation of the Applicant’s case*. Dorothy Pernu thanked everyone for the opportunity to continue with their presentation for the battery storage project site plan review. As you know Adam Nygaard, Project Manager for battery energy storage, Sean Harrington, Construction and Engineering Manager for that portion of the project are with us today. After the previous meeting there were some questions that needed to get answered and supplemental documents had been sent in answer to those questions. Adam Nygaard presented the supplemental documents on his screen. The first document he shared was a picture of what the fence mesh would look like, and it was clarified that the mesh will be placed on the east and west fences. Discussion ensued on the 3-5 year longevity of the mesh. Ann Baird questioned the ability to lower the mesh during a hurricane. Harrington answered that this is a permanent fence, with the mesh engineered to withstand any wind-load requirements. Lighting will be installed at the entrance gate, on the control house, and on both sides of each battery enclosure. The lights will be 3000K LEDs with motion sensors; the lights will not be on all the time. The wattage varies between 12 to 25 watts with three different types of lights being used. Another question which had been posed regarded noise; Duke had performed a dBA noise study (A-weighted decibels – relative loudness of sounds in air as perceived by the human ear). Results showed that the worst spot, located near the fence line, were approximately 59 – 60dBA. This noise level was produced with all four HVACs on one side running at the same time, as well as the inverters. The operational duty cycle should be such that only two of the HVACs on each side will run at a time. A 55dBA contour spills out of the fence line about 30’ to the east towards Micanopy. Fuller wanted the record to show that Duke had covered all the questions from the previous meeting.*
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 – *Stoney Slaton (104 NE Seminary Avenue) appreciates the efforts everyone is going through for the Town. He is excited to see this project getting underway and to be completed. He knows it will have an overall positive effect on the Town. He also liked the noise study having being done.*
9. Deliberation and Vote of Board.

***Motion made and seconded (Fuller/Baird) to approve the final site plan for the Duke Energy Battery Storage Facility with the following four conditions: 1) The mesh to be placed on the east and west side of the fence to be replaced when needed; usually 3 – 5 years, 2) Duke Energy to maintain the native, natural vegetation buffer on the southside of the property, 3) All signage will be safety signs and fence-mounted signs, and 4) Lighting not to exceed 25w 3000K; Passed 4-0***

*Chair Warren questioned what happens if the battery storage unit needs to be expanded in the future or will the batteries get smaller in the future? Nygaard responded that there are no plans for this in the next two decades, but Duke would come back to the Town before any expansion is done. Monument signs were discussed, and Duke will come back to the Board if a permanent sign is desired.*

13. Preparation of Final Order. *Office to prepare the paperwork.*

14. Approval of Final Order*. Signatures on documentation.*

*The Board thanked Dorothy Pernu, Adam Nygaard, and Sean Harrington for working with them on this and for being so responsive. The environmental study was very impressive and covered every detail.*

* Certificate of Appropriateness – Windows

Parcel: 16746-002-000

Location: 112 NE Hunter Ave, Micanopy, FL 32667

Owner: Stephen & Jennifer Elder

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 the following: Stephen Elder, Jennifer Elder, and Stoney Slaton*

1. Introduction of the petition by the Town. *Chair Warren read the application on short title as presented.*
2. Presentation of the Applicant’s case. *Stephen Elder wants to replace the windows for what is currently there with matching windows. The Elders plan to replace the front double window and two windows on the rear of the house.* *The building has a lot of interesting history; it is not historical in any nature but it is one of the most unusual pieces of property. The Elders have lived next door to this house for 35 years, and they look forward to bringing it back.*
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 – *Stoney Slaton told the Elders that he wanted to make sure that they know that they have the support of the Town for getting that building going again. There has been some buzz going around that the Elders had taken possession of the building and people are excited to see something happen to it, instead of it just sitting there.*
9. Deliberation and Vote of Board.

*H. Grace Fuller stated that anytime people are willing to bring things back to keep the character of the Town, whether it is historic or not, she always applauds. Ann Baird agrees with Fuller that she is all for preserving what we have and the repairs that need to be made. Marian Baron is in agreement. Chair Warren is not opposed to it at all.*

***Motion made and seconded (Baron/Baird) to approve the Certificate of Appropriateness as submitted; Passed 4-0***

13. Preparation of Final Order. *Office to prepare paperwork.*

14. Approval of Final Order. *Signatures on Documentation.*

7. New Business

* Speeding on Tuscawilla Rd and Seminary Ave – Marian Baron discussed speeding problems in Town. Tuscawilla Rd had a pretty serious accident recently, and thankfully the driver wasn’t seriously hurt. People have almost been hit while walking their dogs on Tuscawilla Rd. People drive very fast from Hwy 441 on Tuscawilla Rd into Town; maybe another speed hump or a *STOP* sign may help. Also, on Seminary Ave people drive fast from the bypass through Town to Tuscawilla to get to Hwy 441 as quickly as possible. Additionally, cars rush to pick up children from the Micanopy Area Cooperative School. Baron is making a suggestion to the Board to make a motion to ask the Commission for funds to place a speed hump on Tuscawilla Rd and Seminary Ave. Baird has also noticed that the afternoon sun prevents drivers from seeing pedestrians on the road; is there any signage which would get people’s attention? Baron responded that there are only speed limit signs, and she doesn’t know if additional signs would help. There is a 30mph speed limit sign on Tuscawilla Rd, but people ignore the sign; it’s like a race track.

Fuller stated that the signs on CR234 are very inconsistent; and that is a major understatement. When an accident occurs on I-75, traffic is redirected to CR234 headed towards Hwy 441; when CR234 backs up, people head down Seminary Ave. There is a sign that states *RESUME SPEED* but is not followed up by a speed limit sign, and traffic takes this to mean that the speed limit is 40-50 mph. Attorney Parker discussed briefly that we have two potential issues here: Seminary Ave is owned by the Town and Tuscawilla Rd is owned by the County. If a motion is made, we have a lot more discretion when it comes to Seminary Ave. For Seminary Ave, Florida Statutes 3.16.006 and 3.16.008 states that the Town has jurisdiction to put in signs and speed humps so long as they conform with FDOT specifications. With Tuscawilla Rd, the appropriate motion may be to work with the County for additional speed humps or signage. There may be a need for two separate motions for this discussion. Stoney Slaton wanted to know at what point does Tuscawilla Rd become a County road? Patty Polk responded that the entire road is Alachua County property. Slaton questioned if Cholokka Blvd is also a County-owned road. Chair Warren responded ‘yes’.

Patty Crass suggested that a larger sign might be more effective. Chair Warren responded that he doesn’t think that it’s effective at all; a speed hump is more effective because it may damage your car. Fuller stated that having speed humps that people are not aware of does not deter; so possibly putting up a *CAUTION: SPEED HUMPS* sign on Seminary Ave may help slow people down. Slaton stated that he lives on Seminary Avenue between Cholokka Blvd and Division St and that you can set your watch by the time that traffic starts racing up Seminary Ave. He offered the possibility of putting two more stop signs on the corner of Seminary Ave and Division St, thereby making it a 4-way stop; and then put another speed hump between Division Street and the closest existing speed hump, making three speed humps on Seminary Ave. In regards to the speed hump on Cholokka Blvd, he sees people drive around the speed hump and into the parking space on the side of the road. He’s waiting for someone to catch the curb and go into a roll down the road. Maybe the speed hump could be repainted and extended to the curb? Chair Warren responded that painting the speed humps on this road is the County’s responsibility and it is against state law to avoid a speed hump and that can result in a ticket.

Megan Forbes *(206 E Ocala Ave)* noted that the existing speed table is directly in front of their property. She concurs with everything that has been said tonight. She believes that there are three reasons we need additional speed tables on Tuscawilla Rd and Seminary Ave; two are for the betterment of the Town in general and the third is for an immediate and critical need to protect life. There have been three known recent cases where cars traveling at a high rate of speed have hit the current speed table and have physically crashed either into a common gathering area in our Town or into a front yard. First and foremost, we need an additional speed table east of the current speed table so that those who might have an accident would end up in a ditch or wooded property, but not in the center of Town. The Town was instrumental in getting the first speed table installed, and she thinks that the Town can be instrumental in getting a second one installed. She and Ms. Baron have both suffered as victims of close calls early in the morning. The second reason that we need additional speed tables both on Tuscawilla Rd and Seminary Ave is that, while there are a few local residents who are repeat offenders, the majority of the speeders are commuters from Marion County, and they have no qualms whatsoever about flying through the Town at 50mph; no amount of signage will stop this. She has seen multiple cars drive through *STOP* signs in our Town because we have no law enforcement. We’re better than being a ‘cut through’ for I-75, and she does not know how to prevent this. However, we can put up enough barriers on Seminary Ave and Tuscawilla Rd so that it is no longer convenient, or that it is no longer conceived to be faster to cut though our Town to get to Marion County. It would make our Town more appealing to visitors, tourists, and guests if we put a speed table and pedestrian safety cross walk between the Micanopy Native American Heritage Preserve and the Alachua County Conservation Thrasher park. Ms. Forbes is grateful to Ms. Baron for putting this on the agenda, and she will do everything she can to support us and take it to the Commission to have the County address the situation. If the Sheriff’s office can be involved, that would be great, too.

Chair Warren stated that he doesn’t think the Sheriff will help in this situation. The Sheriff could sit out there and write tickets all day if she wanted to. He appreciates those three points, he has written them down, and it is obvious that we need to compose a letter and send it to the Town Commission. He believes that as a Board we should draft a letter and approve it at our next meeting and send it on to the Commission.

Fuller stated that Ms. Forbes put together her presentation very well, and it really speaks to the issue in a tempered way. Baird questioned who would make the move to address the County. Chair Warren responded that the Town Commission would be responsible to take action with the County. Chair Warren will draft a letter, send it to the Town Administrator, and she will forward it to this Board for review before our next meeting.

8. Unfinished Business

* Entrance Triangle Seminary Avenue and CR234 – H. Grace Fuller presented

At the southeast corner of the intersection of Seminary Ave and CR234, the buildings have been torn down, and she has heard that the Micanopy Area Coop School has purchased this property. We were tasked in the past to either move forward with asking the County to deed the Entrance Triangle on which the Micanopy sign is located to the Town, or that the County should maintain ownership of the land. *(August 13, 2019 Mayor Aufmuth suggested that the P&HPB should address the entrance triangle area for solutions and perhaps the school should get involved with the issue.)* Last week, two cypress trees were planted in that triangle by Alachua County. Fuller stated that because the Town sign is located on this triangle and it is a main entrance into Town, the Town should take responsibility and control over that piece of property. Fuller is concerned that this property will become a parking lot, but that the triangle could be used as a visual buffer to the school property. Warren answered that if that does turn into a parking lot, then he would like to see a pedestrian walkway across the road to the school. Baird questioned if the County can lease that triangle to us? Chair Warren stated that we should research how to obtain this property and go from there. Fuller questioned liability, and the Town would be liable as owners of the property. Attorney Parker believes that the liability factor was the reason that stopped the previous discussion. She will check the minutes. *(August 13, 2019 Attorney Walker answered that upon an injury on the Town-owned parcel, the Town would face liability and would absolutely get sued.)* Slaton said that last year there was a young man that painted both of the entrance signs, and that the Town should not worry about the liability issue and take liability for the sign.

9. Board Member Comments:

* Marian Baron (Seat 1) – None
* Ann B. Baird (Seat 2) – None
* Stephen (Dakota) Johnson (Seat 3) – Absent with notice
* Grace Fuller (Seat 5) – None

10. Chair Report Fro Warren (Seat 4) – Zoom meetings are exciting (laughter). Chair Warren agrees with Former Board Member Megan Forbes’ comments: Megan Forbes gave kudos to everyone for carrying on through all of this and for pulling off Zoom meetings. She really appreciates it. Good job.

11. Adjournment 8:25 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