

AUGUST 2, 1994

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 2, 1994, at 6:16 p.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Also present were:

Mark P. Barnebey, Senior Assistant County Attorney
 Susan G. Romine, Deputy Clerk, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Stephens.

ORDINANCE 94-37: LAND DEVELOPMENT CODE AMENDMENTS

Public hearing (Notice in the Bradenton Herald 7/27/94) was held to consider

ORDINANCE 94-37 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

1. PROVIDING FOR THE PROHIBITION OF THE IMPORTATION OF DOMESTIC WASTEWATER RESIDUALS AND DOMESTIC SEPTAGE FROM OUT OF COUNTY FOR LANDSPREADING ACTIVITIES AND CREATING ADDITIONAL REQUIREMENTS FOR THE REGULATION OF PERMITTED LAND SPREADING ACTIVITIES;
2. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
3. AMEND THE USE CHART, FIGURE 6-1;
4. AMEND CERTAIN WATERSHED OVERLAY DISTRICT STANDARDS;
5. AMEND AND ADD TO THE SPECIAL APPROVAL CHART;
6. AMEND CERTAIN CONDITIONAL USE STANDARDS INCLUDING, BUT NOT LIMITED TO, LANDSPREADING AND MINIWAREHOUSES; AND
7. AMEND CERTAIN PRIVATE STREET REQUIREMENTS.
 PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Carol Clarke, Director, Planning, Permitting and Inspections, advised that this is the second of two public hearings to consider Land Development Code text amendments. These amendments deal with two items: landspreading and private streets. It is the recommendation of staff that the amendments regarding landspreading not be adopted at this time.

The issues that have been identified with landspreading deal with: enforcement of existing regulations; notice to the County; and notice to current and future property owners. Staff recommended concerns be addressed with the following:

1. Manatee County formally request Department of Environmental Protection (DEP) assign high priority to landspreading complaints. It is recommended that correspondence be directed to the Tampa DEP office, the Secretary, our Legislative Delegation, and the Governor.
2. Manatee County formally request notification from DEP of pending and approved permits for landspreading.
3. Manatee County request DEP require recording permits in the public records in the receiving County and propose legislation to require such notice.
4. Manatee County propose legislation requiring notice of pending and approved permits be given to receiving communities.
5. Manatee County request DEP for the opportunity to provide comments regarding access and drainage issues for proposed applications.

Ms. Clarke submitted the following items into the record: Letter from Richard Harvey, Division of Water Facilities Director, Environmental Protection Agency (EPA), to Mark Ogles, State Representative; letter from Chester Pierson in opposition to landspreading activity; letter and informational packet from Jack Myers, Blue Septic Tank Service, Inc.; copies of articles from Joe Citro and Karen Collins, Environmental Action Commission (EAC) Director.

Ordinance 94-37 with Attachment A is an amendment regarding private street requirements:

ORDINANCE 94-37 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING CERTAIN PRIVATE STREET REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ordinance 94-37 with Attachment B is an amendment relating to landspreading:

ORDINANCE 94-37 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

1. CREATING ADDITIONAL REQUIREMENTS FOR THE REGULATION OF PERMITTED LANDSPREADING ACTIVITIES;
2. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
3. AMEND THE USE CHART, FIGURE 6-1;
4. AMEND CERTAIN WATERSHED OVERLAY DISTRICT STANDARDS;
5. AMEND AND ADD TO THE SPECIAL APPROVAL CHART;
6. AMEND CERTAIN CONDITIONAL USE STANDARDS INCLUDING, BUT NOT LIMITED TO, LANDSPREADING AND MINIWAREHOUSES; AND
7. AMEND CERTAIN PRIVATE STREET REQUIREMENTS.

PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Trudy Bentley, representing Manatee County Public Health Unit, reported that investigations in the Duette area did not identify any long-term human health effects in conjunction with sludge. She stated there is no indication of any imminent health risk.

Discussion: If there are problems with the cattle; symptoms; direct the permitting agency to conduct an onsite inspection for each site prior to permit being granted.

Doris Schember stated the landspreading issue should be examined more thoroughly prior to approval.

Gene Matthews stated landspreading activity is already regulated by the state or federal government.

Gordon Troch, Duette resident, addressed problems with landspreading activity and stated the ranchers should be advised of the impact of landspreading activity.

Mike Nelson, Mike's Septic, Inc., reported there are no reports by veterinarians indicating problems with animals due to landspreading.

Joe Citro, Duette resident, stated he wanted landspreading activities stopped. He opposed importing sludge from other counties.

Robert Tatum, Davis Water and Waste Industry, Inc., gave an overview of the responsibilities of a company that spreads sludge. He opposed the Ordinance and any increase regulation concerning land application of wastewater residuals (biosolids).

(Mr. Chetlain absent for portion of discussion)

Albert Alderin addressed concern regarding the conditions of the roads due to the trucks hauling the biosolids.

Catherine Fernald, representing Manatee Save Our Bays, presented and submitted copies of articles relating to all types of contaminants.

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(Cont'd)

Gloria Rains, representing Manasota 88, advised there should be limits on importations of sludge. She addressed: notice on deeds where land has been used for sludge; records should be kept for five years and furnished to the County and available for public inspection; removal of heavy metals prior to application of sludge.

Harris Bowers, J & J Baker Enterprises, Inc., stated he is in support of staff recommendations. He supported the use of quality biosolids.

John Zimmerman, Public Works Water Division Manager, responded to the concerns regarding the water quality in Manatee County.

Mark P. Barnebey, Assistant County Attorney, stated there are legal concerns regarding prohibition of materials being imported into the County. He cited a recent Supreme Court case wherein a similar type of prohibition was found unconstitutional.

Discussion: A local ordinance would address staff concerns; setbacks; hours of operation; the role and responsibilities of EAC; signs should be posted on the properties; need formal notification from DEP when a permit is issued; which law would supersede (County or State); air quality; not duplicating DEP regulations; etc.

H. Hamilton Rice, Jr., County Attorney, suggested that, if the landspreading text is to be adopted, the hearing be continued for additional legal research.

Discussion: The only site with complaints (Duette) is not being monitored; direct DEP representative to address the problem in Duette; appropriateness of the site and whether the site can handle this type of operation; additional rules; contact Legislative Delegation with concerns about enforcement by DEP; establish a method enabling signs to be placed on the property; necessary to protect the Duette residents.

Mr. Bowers and Mr. Nelson stated that the utilities permit requires that the material be treated.

Discussion: Suggested that EAC respond to complaints; advertised public notice included the prohibition of importation of domestic wastewater residuals/septage, which was excluded from Attachment B; etc.

Mr. Barnebey advised that there were two versions of the Ordinance submitted. Attachment A included only the private street amendments; and Attachment B included the landspreading restrictions. He advised that staff recommended Ordinance 94-37 with Attachment A.

Motion - Ordinance 94-37, Attachment B

Motion was made by Mr. McClash, and seconded by Mr. Chetlain, to adopt Ordinance 94-37, Attachment B.

Discussion: Permitted site not in compliance with proposed Ordinance; hours of operation; will there be an additional operating permit required from Manatee County; drainage feature of the site be provided and berms be placed to protect the property; requiring traffic analysis from other types of haulers; etc.

Mr. Barnebey advised that Attachment B would deal with existing operations as non-conforming uses. The Code requirements state as long as operations are continued without ceasing for a period of one year, operations may continue. Therefore, this Ordinance does not affect any of the present sites, unless operations cease for one year.

Voting "Aye" were Mrs. Glass, Mr. McClash and Mr. Chetlain. Voting "Nay" were Mrs. Harris, Mrs. Hooper, Mr. Gause, and Mr. Stephens. Motion failed to carry.

Motion - Ordinance 94-37, Attachment A

Motion was made by Mrs. Harris, seconded by Mrs. Glass and carried unanimously, to adopt

ORDINANCE 94-37 (ATTACHMENT A) AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMENDING CERTAIN PRIVATE STREET REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECORD S43-1999

Motion - Staff Recommendations

Motion was made by Mr. McClash, seconded by Mr. Chetlain and carried unanimously, to authorize staff to proceed with the recommendations as outlined in the staff report (No. 1-5).

MEETING ADJOURNED

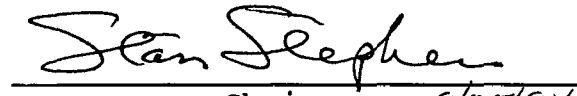
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman

8/25/94

Adj: 8:11 p.m.
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