

JULY 8, 1996

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Monday, July 8, 1996, at 6:00 p.m.

Present were Commissioners:

Stan Stephens, Chairman
Patricia M. Glass, First Vice-Chairman
Gwendolyn Y. Brown, Second Vice-Chairman
Lari Ann Harris, Third Vice-Chairman
John R. Gause
Maxine M. Hooper
Joe McClash

Also present were:

Ernie Padgett, County Administrator
H. Hamilton Rice, Jr., County Attorney
Judy LaMee, Director of Communications and Development,
representing R. B. Shore, Clerk of Circuit Court

The meeting was called to order by Chairman Stephens.

LAWSUIT: HILLIARD, ET AL., VS. MANATEE COUNTY

Motion was made by Mr. McClash, and seconded by Mrs. Hooper, to authorize special counsel to make an offer of judgment to the plaintiffs in the matter of Hilliard, et al., vs. Manatee County, pending in the Middle District Court of Florida, Case No. 95-729-CIV-T-17(C) on the following bases:

1. Payment for back overtime wages going back 2 years from the date the lawsuit was initially filed;
2. Based on a calculation at one-half time the regular rate of pay for hours worked in excess of 40 in a 7-day work week;
3. Which total is not to exceed \$500,000 for all claims of plaintiffs, exclusive of attorney fees and costs; and
4. Plus a reasonable attorney fees to plaintiffs' counsel to be agreed upon by the parties, or if not, to be determined by the court.

Mrs. Harris declared a conflict of interest and abstained from voting inasmuch as her husband is involved in the settlement.

Motion carried 6 to 0.

ORDINANCE 96-33 - LANDSPREADING

Public hearing (Notice in the Bradenton Herald 6/23/96) was held to consider

ORDINANCE 96-33 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING A LANDSPREADING CODE; PROVIDING A TITLE; PROVIDING FOR GENERAL PROVISIONS OF INTENT AND PURPOSE; ADOPTING CHAPTER 62-640, F.A.C., RULES OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND CHAPTER 10D-6, F.A.C., RULES OF THE FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES BY REFERENCE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR MINIMIZATION OF LAND USE CONFLICTS; PROVIDING FOR A LANDSPREADING PERMIT PROCESS; PROVIDING FOR LANDSPREADING SITE REQUIREMENTS; PROVIDING FOR LANDSPREADING PERMIT FEES; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CEASE AND DESIST ORDER; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Karen Collins, Environmental Management Department (EMD) Director, reviewed a memorandum (7/8/96) to the Board outlining several changes to the proposed ordinance. She recommended that points (10) and (20) of the memorandum be deleted. Various correspondence was entered into the record including a Program Comparison chart and a map depicting landspreading areas. Also submitted was a memorandum (7/8/96) from Jeffrey Steinsnyder, Assistant County Attorney, addressing changes to be incorporated into the Ordinance.

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She addressed items: current and proposed setbacks; wetlands; minimum of 100 acres; cease violation; haulers; weight of trucks; Florida Right to Farm Act; ordinance does not limit out-of-county sludge; weighing trucks; "strictly" prohibiting versus prohibiting; permit fees; monitoring by EMD or Code Enforcement; additional staffing/funding; centralized composting facilities; Hillsborough County does not prohibit out-of-county sludge; weekend response from staff; Sheriff enforce restrictions; etc.

Speaking in favor of the Ordinance with various changes were:

Rex Jensen, Schroeder-Manatee Ranch; **Gloria Rains**, ManaSota 88 and Manatee Save Our Bays; **Howard Perly**; **John and Linda O'Connor**; **Diane Citro**; **Vicki Kelsey**; **Joe Citro**, who submitted a petition; **Richard Dean**; **Pheme Webb**; **Earl Imes**; **Paul Sayers**; **Linda Francis**, Sarasota/Manatee Sierra Club, submitted comments from the Club; and **Amy and James Stein**.

Speaking in opposition to landspreading were:

Caroline Eckert; **Dan Kumarich**; **James Leonard**; **Harry Wright**; **Barbara Hair**, VOCAL of Manatee County; and **Clarence Troxell**.

Issues of concern addressed by area residents were: health; odor; truck traffic; wells; contaminants; toxic build-up; heavy metals; pollution; out-of-county sludge; landfill; methane gas; sludge dumped adjacent to water; deed should reflect the use of sludge on the property; approval of existing conservation plans; trucks use paved roads; school bus routes; flooding; viruses; Sheriff regulating restrictions; raise bond amount; charge extra fees for out-of-county sludge; property values; Sheriff obtain scales for weighing trucks; etc.

Speaking in opposition to the ordinance on behalf of the haulers were: **John Mansur**, **Jack Myers**, **Irwin Keller**, Blue Septic Tank Service; **Mike Nelson**, Mike's Septic, Inc.; **Mark Scott**, Delta Pioneer, Inc.

Items addressed on the haulers behalf: 100-acre sites; setbacks; agronomic rate charges; nitrogen reduction in sludge makes it ineffective; hours of operation; apply for grant instead of apply for permits; Health Department governing dumping; regulations; etc.

A letter (6/25/96) was submitted from **Harris Bowers**, J & J Baker Enterprises, Inc., regarding biosolids and recycling. A packet containing names of residents in opposition, notes and information regarding harmful effects of sludge were submitted.

Discussion: DEP permitting; inspections; monitoring; liquid sludge; 8,700 trucks coming into Manatee County; 84 percent outside County.

Ms. Collins recommended adoption of the ordinance as amended. She recommended the ordinance not be effective for 90 days. A fee resolution will come back, as well as interlocal agreements.

Discussion: Effective January 1, 1997; paved roads or dirt roads; no hauling on Sunday or during school bus hours; soil and water conservation plan requirements; bonds; hours of operation; enforcement staff; etc.

Mr. Steinsnyder stated the Board cannot legally prohibit other counties from dumping in Manatee County.

Discussion: Current conservation plan; jurisdiction regarding soil and water conservation; conservation personnel review; county facilities; one set of scales for four counties; septic versus sludge; nitrogen level of sludge is same as DEP; etc.

Recess/Reconvene. All members present except Ms. Brown.

Ms. Collins submitted an ordinance incorporating the County Attorney's comments.

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Mr. Steinsnyder reviewed the ordinance and suggested paragraph D. be added to Section 14 as follows:

D. Enforcement of this ordinance can also occur pursuant to the method outlined in Chapter 162, Florida Statutes, that will bring in the citation system and the Code Enforcement system should that be desired.

Discussion: Pump septic tank on Sunday in case of emergency; emergency clause; cost impact will be brought back.

(Enter Ms. Brown)

Ms. Collins recommended the last sentence of V.B.3., be deleted regarding Agronomic Rate.

Motion was made by Mr. Gause, and seconded by Mr. McClash, to adopt Ordinance 96-33 as corrected at this meeting.

Discussion: Currently used sites to be in compliance by January 1, 1997; new permits should be in compliance by October 1, 1996; permitting structure not being in place does not impede monitoring or rectifying violations immediately; etc.

Motion carried unanimously.

RECORD S45-377

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 7/22/96

Adj: 9:15 p.m.
/gbh