

JANUARY 13, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 13, 1998, at 9:08 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Gwendolyn Y. Brown, First Vice-Chairman (entered during meeting)
Joe McClash, Second Vice-Chairman
Jonathan Bruce, Third Vice-Chairman
Stan Stephens
Lari Ann Harris
Amy Stein

Also present were:

Ernie Padgett, County Administrator
Mark Barnebey, Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

FLORIDA POWER AND LIGHT - ORIMULSION WORK SESSION

Discussion: Clarification on the type of meeting at 3 p.m., regarding the use of Orimulsion fuel at the Florida Power and Light Plant; intent of the Board to take action in this regard; noticed in the Bradenton Herald (1/13/97) as a work session; special meeting notice posted on the Administrative Center; confusion in the advertisement.

Further discussion followed during which the Chairman announced that the Board will convene a public information work session to allow staff to interact with the public. Discussion will be limited to the new proposals by Florida Power and Light.

(Enter Ms. Brown during discussion)

ORDINANCE 98-01: LAND DEVELOPMENT CODE AMENDMENT (TELECOMMUNICATION TOWERS)

Public hearing (Notice in the Bradenton Herald 1/5/98) was held to consider

ORDINANCE 98-01 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 REGULATIONS RELATING TO TELECOMMUNICATIONS USES AND STRUCTURES, INCLUDING REGULATIONS RELATING TO MAXIMUM BUILDING HEIGHTS, SATELLITE DISH ANTENNA, ADMINISTRATIVE AND CONDITIONAL USES, TALL STRUCTURE AND OBJECT HEIGHT LIMITATIONS, AND ENTRANCEWAYS, REPEALING ORDINANCE 97-68, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Jon Prettyman, Planning Department, stated this is the first of two public hearings. He noted that the six-month moratorium on issuance of permits for telecommunication towers will expire on February 17, 1998. He submitted the following items into the record:

- Draft Ordinance 98-01 with draft Exhibit A
- Draft Addendum to Exhibit A
- FCC Fact Sheets 1 and 2
- Fax letters (dated 12/17/97) from John M. Ariale, representing OPM-USA, Inc., and Erin R. McCormick, representing American Portable Telecom (dba Aerial Communications)
- Letters (2) from Rex Jensen, Schroeder-Manatee Ranch, Inc.

Mr. Prettyman stated Ordinance 98-01 proposes regulations on telecommunication towers and antennae. The Land Development Code (LDC) amendment would control the location, construction and height of towers and antennae. He reviewed provisions of the Telecommunications Act.

He presented photographs (23) of different types of towers and support structures referenced in the amendment, i.e., monopole tower; lattice tower with platforms and multiple antennae; camouflaged tower; guyed tower; finishes on towers; tower buildings and facilities; co-location antennae; mobile radio antennae; landscaped and fenced towers; an existing tower on Cortez Road and abandoned tower sites.

JANUARY 13, 1998

(Continued)

He stated Ordinance 98-01 contains separation provisions from other towers, adjacent uses, and residential areas, and encourages co-location, which would allow an increase in tower height by 40 feet to accommodate additional users, and/or relocation of an existing tower within 50 feet of its existing location. Manatee County has 60 towers, but has the potential for an additional 300 towers.

Mr. Prettyman reviewed height restrictions; principal use antennae and satellite antennae. He addressed current permitted locations and FCC's regulations.

He displayed a series of maps (FO) showing the location of towers in residential areas; school facilities; historical structures; existing roadway classifications; floodplains; airport zone and object height limitations (Map A); County tower inventory; permitted areas; proposed restricted areas and hurricane vulnerability zones.

Discussion: Allowing towers in flooding areas; flooding areas versus hurricane vulnerability zones; existing defined areas outlined in the Code; nonconforming towers; the majority of population is near the coastline; placement of antennae where users are located.

Carol Clarke, Planning Director, stated issues of concern relate to safety and vista protection from waterfronts. Staff is developing a series of maps applying the individual criteria to study geographic and cumulative effects.

She stated staff conducted an industry workshop (12/11/97) during which time, the primary concerns focused around distance separation; insurance and bonding requirements and the use of guyed towers.

(Depart Mrs. Harris)

Extensive discussion followed on the separation provisions; that cost be a consideration with regard to implementation of General Standards for permitted locations; Landscaping and Screening requirements for different zoning categories; aesthetics; coloring; privacy or solid fence as opposed to chain-link fence; building height; administrative approval versus special permit approval; fall radius; antenna projection over sidewalks; height limitations on camouflage towers; restrictions on lattice-type towers; obtain data from Homestead, Florida, on the effects of the high-wind storm (Hurricane Andrew); staff position on accessory use exception; accessory antennae; type of lights permitted with height restrictions are incorporated into the draft ordinance.

(Depart Mr. Stephens during discussion)

Erika Barrett, Planning Department, addressed the purpose and intent of Ordinance 98-01. Staff concern is to limit tower exposure to residential areas by encouraging co-location, encouraging antenna mounting on alternative support structures (buildings, steeples), and the construction of camouflage towers for aesthetic purposes.

(Depart Mrs. Stein)

She reviewed the land use charts and stated staff also had concern of trying to accelerate the review process for the industry while providing the flexibility to make choices.

(Enter Mr. Stephens)

Discussion: SP1 use for lot areas of 14 acres or more; Special Permit process in A-1 designation rather than administrative permit; other separation requirements incorporated into the Code; intent to have less effect on adjacent properties; include limitation criteria on the land use charts; upper limits for maximum heights; separation between telecommunications towers 85 feet in height or greater.

(Enter Mrs. Stein during discussion)

Ms. Barrett displayed a sample map to show proposed tower location next to residential and vacant parcels and locating towers more centrally on the sites. She stated Ordinance 98-01 sets the minimum leased parcel size at 100 by 100 feet to allow for adequate ingress and egress of all emergency vehicles.

Discussion: Apply sidewalk standards to towers sites if the property is located on the side of the street that has a sidewalk; clustering towers in certain areas; towers over 500 feet; property that does not fall under current provisions; Future Land Use Categories will be examined and brought back at the next meeting.

(Depart Mr. McClash)

Ms. Barrett stated Ordinance 98-01 also provides for separation distances from arterial roadways for safety and aesthetic purposes. The Ordinance also contains a 500-foot setback requirement along interstates and limits the types of uses found along entranceways. The Ordinance also requires tower owners and operators to submit an Annual Report to assist in determining who is responsible for the towers/antennae. Also included is the requirement for the owner or operator of a tower to provide a Performance Bond as guaranty of the developer's obligation to remove the tower upon its abandonment.

(Enter Mr. McClash)

Discussion: Method to assure the removal of abandoned structures; delete "two hundred" from the beginning of the sentence of Section 3.3.2; Section 3.7(Lighting) should be clarified; no studies prove that towers close to residence pose a hazard, etc.

(Depart Mr. Stephens)

Mr. McClash requested the language in Section 3.2 be clarified to state that a one-time, 40-foot height increase of an existing tower may be accomplished with an administrative permit to achieve co-location.

Mr. Prettyman displayed a picture of a mobile radio source antenna.

Jan Gerdeman, Telecom Planners Inc., addressed the summarization of Section 704 of the Telecommunications Act of 1996 (pages 24-28 of Fact Sheet 1) and brief guidelines from the FCC.

(Depart Mr. McClash)

Russ Thomas, representing Sprint, submitted a legal analysis (1/13/98) of proposed Ordinance 98-01. He stated the Ordinance needs substantial revision as several of the provisions appear to violate FCC regulations. He stated that the separation requirements, as proposed, will have tremendous impact and prohibitive effect upon service.

Ann Coyer, representing Manatee Amateur Radio Club, stated the proposed regulations pose a threat to the continued, effective and economical communications provided by volunteer amateur radio operators. She requested amateur radio operators be excluded from the Ordinance.

Wayne Rilko, Quality Aggregates, Inc., spoke of plans to construct a tower for internal dispatch, radio service use. He stated concern that the proposed, 100-foot height restriction for accessory towers within agriculturally-zoned areas may be inadequate to serve the needs of the company and suggested that a height of 200 feet.

The Chairman closed the public hearing and announced that the second public hearing is scheduled for January 29, 1998, at 9:00 a.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

[Signature]

Clerk
Adj: 11:45 a.m.
/rll

[Signature]

Chairman 3/17/98