

# Minutes

## Agricultural & Natural Resources Advisory Committee

Thursday, July 12, 2012, at 9:00 am

Charlotte County Administrative Center

18500 Murdock Circle, Room #B-207

Port Charlotte, FL 33948-1094

### MEMBERS PRESENT

Mike Jones, Chairman  
Andy Dodd, Vice Chairman  
Matthew Sullivan, Jr.  
Chris Hencher  
Dan Ryals  
Orrin Webb

### MEMBERS EXCUSED

Fred Walters, Secretary  
Wes Brumback

### MEMBERS ABSENT

#### GUEST

Ms. Barbara Carlton  
Ms. Terri Behling

#### STAFF

Joanne Vernon, Assistant County Engineer  
Ralph Mitchell, Staff Liaison  
Matt Trepal, Staff Liaison  
Inga Williams, Principal Planner  
Gayle Moore, Recording Secretary

### CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **July 12, 2012**, meeting of the **Agricultural and Natural Resources Advisory Committee** was called to order at 9:04 a.m. by **Chairman Jones** who noted that there was a quorum present. The Chairman requested that all smart phones be turned off for the duration in order to avoid interference with the recording.

### ADDITIONS/DELETIONS TO AGENDA

*None.*

### APPROVAL OF MINUTES

**Chair Jones** requested a clarification to language on page five, in the 3rd paragraph. **Mr. Sullivan** moved approval of the minutes of the May 10, 2012 meeting, second by **Mr. Ryals**. The motion carried with a unanimous vote.

### COMMISSIONER COMMENTS

**Commissioner Duffy** was not present at the time of Commissioner Comments, and **Chair Jones** noted the group would return to this portion when the Commissioner arrived.

## **NEW BUSINESS**

❖ *Review of Draft Revisions to ANRAC Rules of Procedure (original ORD 92-82)*

### **Review of the Draft Revisions to ANRAC Rules of Procedure**

**Chairman Jones** noted that the actual ordinance creating the group was different from the Rules of Procedure, and noted that various versions of the Rules have been created over the years, which he said he had reviewed. He directed members' attention to the draft copy prepared by Inga Williams for their consideration.

Commissioner Duffy arrived and the group returned to the Commissioner Comments portion of the agenda.

**Commissioner Duffy** spoke about the proposed meeting with Rep. Rooney; she expressed frustration at the difficulties in arranging for this meeting due to the Congressman's schedule. She suggested it might be best to wait until after the primary in order to actually arrange the event.

**Commissioner Duffy** said that she would provide additional updates at relevant points as the meeting progressed.

**Chairman Jones** returned to discussion of the draft Rules, focusing on the election of new members to the committee's empty seats, and election of officers from among the committee members, and which members would be required for a carrying vote. He then referenced the draft language, suggesting additions to the draft language already proposed by Inga Williams who created the first draft. The first point concerned membership, with the requirement that five of the nine members be ag owners or managers of ag operations; he noted this has been an aspect which is hard to maintain and that members might want to reconsider it. He noted that the draft language calls for five commodity production members, although the Committee has been operating with four for some time now and, with the absence of Arnie Sarlo, is actually down to three. So the question for the committee to consider is how many commodity seats are really required.

**Matt Sullivan** brought up the candidacy of Steve Smith, for the vacant seat, noting that Mr. Smith is connected with Babcock; he is Ranch Manager replacing Arnie Sarlo. Discussion ensued on the requirements for the empty seat and whether that person needs to fill all or only one of the categories. **Mr. Dodd** commented on the idea that five members should come from the commodities categories, which might be fine, but stated he wasn't in agreement that a representative from each category is required or that there could be no duplication of representatives within a category. He felt limiting representation to the categories might tie the Committee's hands.

[Mr. Webb arrived.]

**Mr. Dodd** continued his comments on how he thought the commodities should be represented, emphasizing that it should reflect current Charlotte Co. ag production; further discussion ensued on approaches to balancing the representation. **Chairman Jones** commented on original intentions and how that has evolved over time and should continue evolving, which would help 'untie hands' as far as keeping membership current.

Next addressing Section E, **Mr. Dodd** objected to the language requiring that each nominee must represent the expertise of member being replaced, as that did not seem to him to be necessary; **Chairman Jones** said that he agreed.

No other suggestions were immediately forthcoming on the draft. **Chairman Jones** noted that no official action was required today, and that the discussion was merely to establish with members that the process was underway to improve the Rules. He felt the changes being presented did meet the original intent of the Committee.

It was agreed to consider the candidacy of Steve Smith later in the process; **Chairman Jones** said he would return his mark-ups and ask Inga Williams to provide a clean draft for next time, and he anticipated that action could be taken on the matter at the next meeting.

### **OLD BUSINESS**

- ❖ *Proposed Article XXIII - Excavation and Earthmoving Ordinance Revisions*
- ❖ *Nominating Committee Report*

### **Update on Excavation Ordinance Rewrite**

**Ms. Vernon** said the response to online comments was ongoing and staff was responding to that, but nothing major had changed; she also noted that the draft was going to the Board workshop on July 17th, and after getting those comments, the draft would be updated to reflect Board direction, and would then go forward to the hearing process. **Commissioner Duffy** noted that the workshop would be at the Mid County library and that participation was invited. **Ms. Vernon** noted that the fee information would also be discussed at that workshop, and the information would also be online.

**Chairman Jones** said he felt all the comments made by Board members had been addressed in the draft. **Commissioner Duffy** raised a question regarding the proposed limitation on hours of operation; **Ms. Vernon** said it would be addressed by variance. **Chairman Jones** noted the outcome would be in question then each time, depending on the public's current "hot buttons". **Ms. Vernon** expressed concern over leaving the matter too open.

Further discussion ensued as to impacts on the public and the best way to address these concerns with regard to agriculture as compared to excavation. **Mr. Webb** objected to restrictions for ag people who are not moving material off their site; **Ms. Vernon** said there could be the exemption for material remaining on site, which **Mr. Webb** and **Mr. Sullivan** both agreed would be an improvement. **Ms. Carlton** said it would be appropriate to exempt farm residences from consideration in the 2 mile radius limit. **Mr. Sullivan** brought up the question of whether the two miles is in relation to the point of origin or the point of dumping. **Commissioner Duffy** asked for his preferred solution; **Mr. Sullivan** responded that he felt it was unreasonable to have the restriction when and how you can move about on site. **Chairman Jones** brought up objections previously raised by Mr. Brumback, about constraints on drainage projects and the occasional need to dig seven days a week in order to manage the work properly. Further discussion ensued on these issues. **Ms. Vernon** said she didn't see that ever being an issue at a variance process; **Chairman Jones** responded that while staff may be sympathetic, it's a public process and the public can still speak against it, so he wants protective language that would prevent public having that influence, especially on future staff who may have different ideas.

**Commissioner Duffy** extended an invitation to Ms. Vernon and the Committee members to convene after the meeting to brainstorm solutions so they would be on the table, ready to be discussed at the workshop.

**Chairman Jones** returned discussing the schedule of events on the draft ordinance, seeking to clarify what happens after July 17<sup>th</sup> workshop; **Ms. Vernon** and **Mr. Trepal** said that the next step would be the Planning and Zoning Board and then the Board of County Commissioners. The question was raised whether the matter could still go to Aug. P&Z, and the recording secretary mentioned that the August P&Z meeting may have already been cancelled. It was noted that, at worst, the matter would go to the Board by October. **Commissioner Duffy** said that she wanted one person from ANRAC at the workshop table to answer question. **Mr. Dodd** made the suggestion that Mr. Brumback be the one to attend, noting that he and Mr. Sullivan have the most experience; **Mr. Sullivan** said he could come if Mr. Brumback could not. **Chairman Jones** offered to follow up with scheduling this. Nothing further being offered on earthmoving, the next agenda item was addressed.

### **Nominating Committee Report**

**Chairman Jones** and **Mr. Sullivan**, noted Mr. Steve Smith was keeping up with the minutes already, which spoke highly of his suitability for membership on the Committee which demonstrates he is interested. **Chairman Jones** called for any other comments and, none being offered, **Mr. Dodd** moved the group offer him the seat, second by **Mr. Sullivan**, the matter carried on a unanimous vote. Chairman Jones and Mr. Sullivan agreed to exchange contact information so that the official contact be made.

**Chairman Jones** noted only the Chair had been elected during the last meeting, but others seats were still outstanding: Vice Chair, Secretary. **Mr. Sullivan** suggested maintaining the status quo; **Mr. Dodd** agreed. It was noted that Mr. Walters' situation needed to be clarified, and so the vote needed to be delayed until that was determined.

### **CORRESPONDENCE AND COMMUNICATIONS**

**Chairman Jones** commented on the handout materials from staff member Ralph Mitchell, and invited him to make any comments he had. **Mr. Mitchell** offered some updates on current events.

### **PUBLIC COMMENTS**

**Ms. Carlton** commented on the proposed management plan for Babcock Ranch, and there will be some committee meetings soon; she noted that no one seemed to be taking the lead, floundering with regard to leadership, funding, etc. She stated her feeling that this was worthy of the Committee's attention.

**Mr. Dodd** said he went to a management review meeting a couple of years ago and things were on track then; **Ms. Carlton** responded, mentioning a recent meeting where it seemed directionless and the fact that their stated initiatives, e.g., conservation, were not moving. **Mr. Dodd** noted the spread of Cogan grass (an invasive) throughout the area; **Chairman Jones** noted it was originally brought in for reclamation of mine lands and had (like so many other introduced species) gotten out of hand.

**Chairman Jones** asked Ms. Behling how things are going with the water district; **Ms. Behling** responded with regard to the District's intentions regarding cutting the Florida Friendly programs they do with the extension offices; the decision was made to keep it for the next year's budget but

the District had asked for reevaluation of programs to ensure efficiency. Community education grants are now completely gone, except for a few youth programs.

**Ms. Carlton** praised SWFWMD, noting that funding for FARMS and for some IFAS and other programs were still in place; **Ms. Behling** noted that a hog hunt had been scheduled for Deer Prairie Creek in Sarasota County but that there had been some protests about the use of dogs during the hunt. Further discussion ensued on this matter; it was generally noted that hog populations are out of control, their reproductive rates are extraordinary, and that the hunts are far more efficient than traps.

**Commissioner Duffy** asked why the commission had to approve of hunts; **Ms. Behling** says she is looking into that. Discussion ensued regarding the effect on the roads and grounds which have been rooted up by these hogs, and have become impassable in many places. Commissioner Duffy established that hogs are not protected in Charlotte County; they are considered as belonging to the property owner of whatever property they are on; they are only regulated on state lands.

**Commissioner Duffy** provided her views on scrub jays and on Commissioner Starr's letter to Fish and Wildlife, and their response which was to suspend their review of the County's new (draft) habitat conservation plan. Further discussion ensued on the matter. **Chairman Jones** said he had been considering asking for a scrub jay update from Andy Stevens for a future agenda topic, to get caught up on the latest efforts, and to try to understand how it will affect the membership in future.

#### **MEMBER COMMENTS**

**Mr. Dodd** indicated he wants to review impact fees which are too high, and clarified that he is focused on transportation costs; housing built for ag labor should not be subject to this because it's not road traffic being generated. Tiered impact fees are not a good solution, but DCA, which advocated for them is gone now, and **Mr. Dodd** suggested it was time to rethink the matter. **Commissioner Duffy** noted the sunset was extended for all impact fees other than roads; she believes there is agreement that tiered fees should be done away with because it's unfair to east county.

#### **STAFF COMMENTS**

*None.*

#### **FUTURE MEETING TOPICS**

**Chairman Jones** commented on the date of the next meeting and called for agenda topic suggestions in addition to considering Mr. Smith for membership.

#### **NEXT MEETING**

❖ *September 13, 2012 at 9:00 a.m. in Room B-207*

#### **ADJOURNMENT**

There being no further business to come before the Committee, **Chairman Jones** called for adjournment at 10:05 a.m.

Approved by the Committee on:  
September 13, 2012