

Minutes

**Agricultural & Natural Resources Advisory Committee
Thursday, September 13, 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
Dan Ryals
Chris Hencher
Matthew Sullivan, Jr.
Steve Smith
Orrin Webb

MEMBERS EXCUSED

Wes Brumback

MEMBERS ABSENT

Andy Dodd, Vice Chairman – via teleconference

GUEST

Various speakers on the subject of the Calusa Green landfill proposal

STAFF

Matt Trepal, Staff Liaison
Joanne Vernon, Excavation Administrator
Inga Williams, Principal Planner
Ralph Mitchell, Staff Liaison
Gayle Moore, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF QUORUM

The **September 13, 2012**, meeting of the **Agricultural and Natural Resources Advisory Committee** was called to order at 9:06 a.m. by **Chairman Jones** who noted that there was a quorum present.

ADDITIONS/DELETIONS TO AGENDA

Chairman Jones added the Sept, 5 2012 press release regarding expansion of the Florida panther population. **Mr. Webb** added the discussion of Calusa Green landfill project.

APPROVAL OF MINUTES

Mr. Webb moved approval of the minutes of the July , 2011 meeting, second by **Mr. Sullivan**. The motion carried with a unanimous vote.

COMMISSIONER COMMENTS

Commissioner Duffy was not present at this time.

PUBLIC COMMENTS

Mr. Sullivan spoke to the issue of his involvement in the landfill project, just to ensure that everyone was aware of that.

Mr. Joel Beverly who is a local rancher and State Director for the Charlotte County Cattlemen's

Assoc., spoke regarding the presence of cattle on the lands surrounding the proposed landfill, pointing out that the potential impact on the cattle and the water is unknown at present, and he wants those possible effects taken into consideration.

Mr. Brian Paul, land owner in the DeSoto County area, mentioned his concerns, especially with regard to agricultural and environmental issues.

Mr. Lindsey Harrington, landowner in East County, noted that Mr. Laishley was considered a friend, whose many projects he had supported, and he was 'blindsided' by the landfill project, which he notes does not meet the Comprehensive Plan. He felt it was the business of the committee to have discussed this issue in the past and vetted it. He stated that the impact on the land and residents from the traffic alone would be enormous and suggested that costs to repair the road which he estimated a \$7million/mile to restore and maintain. He spoke about other uses of the lands out there, and that he felt this use was clearly a heavy industrial use. He stated on behalf of himself and the people he knows, that low-density residential was the preferred use and the landfill use would involve impacts including vermin, birds and other aspects that would be detrimental to the residents and their interests, and the agricultural industry there. He felt that notice was inadequate.

Mr. Kevin McHugh, resident and analytical chemist with a specialty in plastic liners by geomembrane producers for the landfill industry; he stated that based on his professional opinion, all landfill liners leak or will leak within their lifetime. He provided a substantial amount of technical details about how this failure happens, as well as the kinds of toxic materials that would be part of the leachate. At the conclusion of his presentation he noted his well was within two miles of the proposed project.

Mr. Fred Hill, resident of the area, stated he has joined a coalition of residents to oppose the matter, and noted they have hired attorney Stumpy Harris to assist them. He noted he had been present at the Planning and Zoning meeting on Sept. 10th, and he restated that the project was inconsistent with the Comp Plan, and that there was no local need for the project. He spoke at length about the traffic in the area and the possible impacts from the anticipated truck traffic; he also spoke to the issue of the threat to the drinking water. **Mr. Hill** stated he knew Mr. Laishley personally, and has spoken to him about the negative aspects of the project; he indicated that Mr. Laishley seemed to be reconsidering the project. He spoke at length about the issues surrounding the notice process, and commented that the notice for a project of such regional significance should have been different than the usual notice procedure. He also mentioned possible impacts on Babcock ranch, which he said may be, as stated by Ms. Waksler, fifteen miles from the entrance but is at other spots merely two miles from the project borders. He asked the Committee to recommend that the matter not go forward to the County Commissioners.

Mr. Jack Porter, a resident of the area, stated his well was within two miles of the proposed project. He is also the president of the Bermont Drainage District which is within one mile, and while he as an individual had received notice, he was concerned that the Drainage District had not been informed about the project prior to his getting the postcard notification. He also mentioned the nearby Paradise Park Mobile Home Park who he said would be writing letters against the project. He mentioned specific health issues with his family members that also would be impacted by the project. He asked that the Committee recommend the Commissioners vote against the project.

Mr. Hill asked to make another comment; he noted that the Planning & Zoning meeting was packed with opposition despite what was perceived as short notice. He asked the Committee to imagine how many people would have turned out against the project if there had been more advanced notice. In his further comments about notice, he stated that residents of that area don't

get the paper of record, so they depend on the mailed notices. Further comment was offered from Mr. Hill and Mr. McHugh regarding the nature of the notice and impacts on the residents of the area. Mr. Hill stated his determination to fight the project until it was withdrawn or denied.

Mr. Jerry Grella spoke about arriving late and spoke about the terrible conditions on Bermont Road, noting that this would certainly get worse under heavy truck traffic.

Mr. Jim Stevens, landowner on Rt. 74, with cattle; he stated that he agreed with comments against the project.

Ms. Lisa Monsanna, manager at Lady Moon Farm, stated her concern about the possibilities of bird-borne disease that may come onto the property; she also noted that buyers regularly come to the farm, and voiced fears that the nearby landfill would negatively impact their business.

Mr. Hill asked to speak once again, this time regarding the amount of traffic passing by the intersection of Bermont and SR31; he noted that cars are one kind of traffic, but heavy trucks are another thing entirely. He reminded the group of the number of auto accident fatalities in this area, and there are no current plans to upgrade the road or add lanes.

Mr. Harrington asked to speak again and mentioned Dr. David Brown whose wife was killed on that road due to the rutting on the road. **Mr. McHugh** asked to add comments on the subject of the gases, quoted a technical manual regarding the composition of gases associated with landfills. He read a list of those common gases associated with such projects, noting that they are all carcinogenic compounds.

No further public comment was offered. **Chairman Jones** called for comments from the committee members on the landfill project. New member **Mr. Smith** stated he was generally for property rights, but noted that such rights cut both ways; he said he also thought the staff had done a good job on their staff report. He acknowledged the various comments on how the matter had been brought forward without adequate notice to surrounding land owners, and stated he thought the Commission should put off hearing the matter until more study was done.

Principal Planner Inga Williams noted she had received a request from the applicant requesting a continuance, and so it would not be going forward on Oct. 9th and **Mr. Sullivan** confirmed that. He also offered that he felt commentary or a vote from him would be out of place. **Mr. Webb** commented, noting that he had been in agriculture all his life, and said he did not see the need for this project. He stated his sense that the unwanted projects all get thrown out into East County, not taking into account how important this property. He also commented on the handout regarding enlargement of the panther habitat area; even though panthers were felt to have killed cattle, he nonetheless felt that that such an endangered species was important and their continued was assisted by the people of **Mr. Hill** asked Ms. Williams to clarify the status of the request for continuance. **Ms. Williams** noted that such a request is automatically granted upon payment of the required fee. She also noted that no new date had been sent. **Ms. Williams** spoke to the issue of the noticing timeline, rebutting the perception that the notice postmarked August 30th was "late"; describing the process, she noted that in this case, the staff report was late, but the notice was not. She also pointed out that notice was sent to a three mile radius rather than the statutory 200 feet. As to the addition of the word 'landfill' in addition to the term "Planned Development" she agreed that this was one area of the notice that was flawed. She stated that such wording would be included in the upcoming ad indicating continuance. **Mr. Hill** suggested that a regional landfill should be noticed beyond even the 3 miles we increased it to, considering the enormous impact it was likely to have, far into the future. More information was requested regarding the time frame for sending out the notices, and the recording secretary responded to that request, providing details of the administrative process.

Further discussion ensued about how the notification process works. Guests who had been present in order comment on the landfill project then left the meeting, and the regular meeting agenda then recommenced. The membership continued their discussion.

Mr. Webb made the following motion: Due to the impact that would be felt by the agricultural entities in the area, the ANRAC Committee members support staff's recommendation of denial for the landfill project and also the Planning and Zoning Board recommendation of denial, and so advise the County Commission, second by **Mr. Ryals**. (**Mr. Dodd** added the language to the motion that it should reference the decision of the P&Z Board to deny the project.)

Mr. Sullivan excused himself for the motion discussion.

The vote to support the motion was unanimous.

Mr. Hencher asked how that denial will have an effect; **Chairman Jones** commented, with confirmation from **Ms. Williams**, that the Board can still approve what the P&Z recommended for denial. The **Recording Secretary** noted that the minutes of this meeting would be forwarded to Commission Duffy so she could have the advantage of the Committee's vote. **Mr. Smith** asked if the matter would be heard by the current Commission or the new members, and it was anticipated the matter would go before the new commission.

Mr. Sullivan returned to the meeting room; it was determined that Mr. Dodd was still dialed into the meeting.

NEW BUSINESS

Chairman Jones noted that it was time once again to review the committee roster and the expiration dates of the members' terms. A question was raised regarding the end date of Mr. Smith's new term and the Recording Secretary was asked to confirm that information after the meeting. As **Chairman Jones** reviewed the roster, it was noted that a number of terms (including his own) will expire this December. The Recording Secretary was directed to send notice prior to November meeting asking for members with expiring terms to indicate their intentions.

Further discussion ensued on the special content of this meeting and the comment was made that this is among the proper business of the committee, especially as it relates to property rights.

Chairman Jones next referred to the Fish & Wildlife material on the panther habitat matter, confirming that all members had gotten the information; it's meant to be a clarification of the intentions of the program and to get a handle on the migratory habits of the animals, and how to protect them. Further discussion ensued on the question about how they get across all the barriers (river, major roadways, etc.) to their migrations. **Mr. Smith** noted that it is only the male animals, never the females, that are swimming the rivers and crossing the other barriers, due to loss of territory.

Mr. Dodd requested a copy of this meeting handout be sent to him. **Chairman Jones** noted that any members already involved in Federal projects have had to deal with this already; all owners of large properties will eventually have contact with these requirements.

OLD BUSINESS

Chairman Jones then asked Ms. Vernon to comment on progress on the Excavation ordinance; **Ms. Vernon** said only the fee information had been added to the web since the last meeting. The matter has gone to workshops, and she noted Commissioners apparently still have issues, but she does not yet know what the substance of those issues might be; until that's sorted out, it can't go forward. **Chairman Jones** indicated the group would await the presence of Commissioner Duffy at the next meeting for any further discussion.

Mr. Hencher indicated he would be needing to leave; he was excused at 10:10 a.m.

Chairman Jones next addressed the Scrub Jay Conservation Plan. A brief comment was made on it having been moved along to the Fish and Wildlife Service for approval, something which would not be expected to move particularly quickly; there is an extensive report and a summary than can be reviewed online. **Chairman Jones** asked for any comments on the plan as currently presented, indicating that his only issue was the lands identified by the surveys which are the basis for the incidental take permit; he wondered if this will become an unfunded mandate, because of the County's obligation to maintain the mitigation properties and it is projected to cost over \$38 million over 30 years. His concern is that if the 18,000 lots are not sold as anticipated, there will be no funding for this mandate.

Moving on to the next matter, **Chairman Jones** called for comments on Ms. Williams's draft revision of the Committee's rules of procedure; the **Chairman** commented on the original ordinance and language that may no longer be necessary, such as the language dealing with the nine original members. He noted the requirement that at least five of the nine members be ag land owners or operators involved in commodity production; he feels that the group has worked for most of its existence with only 4 members, and asked Ms. Williams if she left it at five in the draft because that seemed necessary.

Mr. Dodd commented that members should not have to come from specific categories, as long as there was representation for each commodity, but without a requirement of only one from each category; **Chairman Jones** suggested that, e.g., two from citrus might be appropriate since it would better represent the overall balance of commodities actually being farmed locally. He feels that it could be less restricted; **Ms. Williams** indicated her feeling that the group should do what seemed appropriate, noting that she had no objections and would work according to their direction, asking only that they do it by a vote.

County Staff member Ralph Mitchell had sent around a Farm Bill related emailed; he had no additional comments on that material. **Chairman Jones** said he assumed people had been tracking this matter and were aware than many things could expire at the end of this fiscal year, which is coming soon; any programs that could be affected need to be commented on.

STAFF COMMENTS

Ralph Mitchell provided information on new pests, including a new type of whitefly now present in Charlotte County, attacking only a narrow range of plants, but producing copious honeydew which leads to sooty mold. **Chairman Jones** asked if this affects any row crops; it is more an ornamental plant issue. Another insect, the royal palm bug, has come on due to the milder winter last year; their effects are primarily aesthetic. **Mr. Mitchell** had a handout about the Master Gardner symposium activities. He also addressed a type of fertilizer than can be used during the period when our ordinance restricts some applications. He also indicated that Nov. 14th there would be training for home applicators to become qualified in herbicide and pesticide application.

MEMBER COMMENTS

Chairman Jones addressed Mr. Sullivan regarding the nominating committee finding a replacement for Mr. Walters; some possibilities were mentioned. **Mr. Webb** mentioned Lindsey Harrington among others. Residency requirements were discussed as well as the alternative of property ownership (as opposed to commodity people who must actually be in the business.)

Chairman Jones officially welcomed Mr. Smith to the Committee, noting the unusual nature of this particular meeting. He also asked that the transcribed minutes come to him promptly so he can get the letter of recommendation of denial to the Commission.

FUTURE MEETING TOPICS

None discussed.

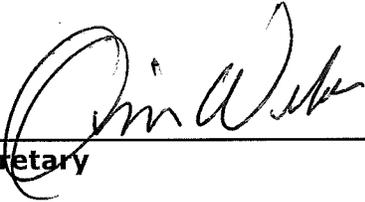
NEXT MEETING

November 8, 2012 at 9:00 a.m. in Room B-207

ADJOURNMENT

The meeting was adjourned at 10:03 a.m. as moved by **Mr. Sullivan** and seconded by **Mr. Hencher**.

**Approved by the Committee on:
November 8, 2012**



Secretary