

PLANNING AND ZONING BOARD
REGULAR MEETING/PUBLIC HEARING
November 05, 2009, 6:00 P.M.
Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL 33873

MINUTES

Planning and Zoning Board

Ralph Arce, present
James Barncord, present
Roger Conley, present
Gordon Norris, Vice Chairman present
Oscar Ortiz, excused
Charles Parker, present
Carl Saunders, absent
Mike S. Thompson, Chairman, present
Vida Tomlinson, excused

Staff

Doug Knight, Interim Planning/Develop. Director,
present
BJ Haney, Planner II, present
Ken Evers, County Attorney, present

News Media: The Herald-Advocate

Chairman Thompson called the Regular Meeting to order at 6:00 P.M.; a quorum was present.

Board Member Conley offered a prayer of guidance for the meeting; those in attendance pledged allegiance to the American Flag.

Board was advised the Public Notice for the Regular Meeting/Public Hearing was published in The Herald-Advocate on October 22 and October 29, 2009 with Affidavit of Publication on file.

Interim Director Knight advised that all advertisements/public notices were properly posted.

Chairman read the Planning and Zoning Board's General Rules of Procedure located on Page Three of the Board's Agenda.

As a Notary Public Haney administered Oath to those wishing to offer testimony.

MOTION by Board Member Norris, second by Board Member Barncord to approve Minutes of October 01, 2009 Joint Meeting/Public Hearing with Board of County Commissioners for Amendment to Hardee County "Comp Plan" Future Land Use Map—Ordinance No. 2010-01 AND Joint Workshop with BCC to discuss Evaluation and Appraisal Report (EAR)-required Amendments to the "Comp Plan" as printed and mailed. Motion carried unanimously.

MOTION by Norris, second by Board Member Parker to approve Minutes of October 01, 2009 Regular Meeting/Public Hearing as printed and mailed. Motion carried unanimously.

Agenda No. 09-16—CONTINUED FROM 10/01/09

Board was advised that no additional public notice was required to be advertised for this CONTINUED-to-a-date-certain Agenda item.

Knight advised of the request from Jimmy T. Spiker by and through by and through the Authorized Representative for approval of a **Site Development Plan** to construct/operate a mini-warehouse storage complex on 2.04+/-acres zoned C-2 (General Commercial) in the Town Center Future Land Use District.

Board and County Staff were provided with a copy of the Application for **Site Development Plan** containing the Staff Report including the Staff's Findings, Conclusion, Recommendation and Recommended Conditions prior to the 11/05/09 public hearing.

Knight highlighted the Staff Report including the Conclusion, Recommendation for Approval and Recommended Conditions.

Staff's findings and the balance of the Staff Report were entered into the record as evidence; no were objections presented.

Applicant's Authorized Representative Don Chancey of Chancey and Associates, P.O. Box 352, Wauchula, FL 33873 was sworn.

Chancey presented a brief overview of the proposed project:
located on Hwy. 17 where the former structure burned
decided to install mini-warehouse complex using existing slab;
building No. 1 will be 10 ft x 100 ft in size;
building No. 2 will be 20 ft x 100 ft in size;
metal structures will be only for storage;
we have allowed for landscape on the West side; the south area is common access
for the restaurant (and other existing businesses);
there is a cement wall between Applicant's property and Cemex;
plans are to construct in one phase;
have letter from State of FL DOT that Applicant can continue to use existing
driveway.

Chairman called for public input; none received.

Board reviewed request and upon MOTION by Conley, second by Barncord voted to approve the **Site Development Plan** to construct/operate a mini-warehouse storage complex on 2.04+/- acres zoned C-2 (General Commercial) in the Town Center Future Land Use District. based on staff's findings, conclusion, recommendation for approval and recommended conditions, and based on the testimony received and the evidence presented at the public hearing. Motion carried unanimously.

Agenda No. 10-01

Records show that Agenda No. 10-01 is a request from Crewsville Groves Inc. as Property Owner authorizing Waste Services of Florida, as the Applicant by and through the Authorized Representative to request approval of a **Special Exception** and approval of a **Site Development Plan** to construct/operate a Regional Landfill on 875+/- acres of a 1,620+/- acre parent tract zoned A-1 (Agriculture) and in the Agriculture Future Land Use District.

Board and County Staff were provided with a copy of the Application for **Special Exception**, and application for **Site Development Plan** containing the Staff Report including the Staff's Findings, Conclusion Recommendation for approval and Recommended Conditions prior to the 11/05/09 public hearing.

Applicant's Authorized Representative J. Steven Southwell, Esq., POB 1748, Wauchula, FL 33873 was sworn.

Southwell advised the application was submitted for a Class I landfill that is a permitted use in the A-1 (Agriculture) zoning district under an approved Special Exception.

Southwell gave the credentials for Waste Services of Florida Inc and introduced:

Tim Salapeg, Project Manager for WSF;
Shawn McCash, Sr. Vice President, WSF;
(Robert) "Bo" Conerly, P.E., Kimley-Horn and Associates;
David Goldman;
Kenneth Cargill, Professional Engineer;
Gary _____; Professional Engineer;
Christopher Hatton, Kimley-Horn and Associates.

(Robert) "Bo" Conerly, Kimley-Horn and Associates, 04 West Oak Street, Arcadia, FL 34266 was sworn and presented an overview of some of the components of the project.

Conerly's power point presentation contained an aerial map depicting the location of the project, the project's components, the operational component, the landfill characteristics and leachate collection.

Kenneth Cargill, _____ was sworn and spoke regarding the leachate collection system and the liner system.

Cargill stated that:

the landfill is a state of the art design that will be permitted through the State and County agencies and other required regulatory agencies;
plans are for a double layer liner system that has been in use since the early 1980s;
the landfill will be environmentally sound.

Cargill described the cover system by stating the requirement is that every day the working face of the landfill, which will be less than one acre in size, must be covered with six inches of soil or of initial cover.

For liquid(s) in the liner Cargill described the drainage system that will use a sump collection area for temporary storage, and then the liquids are pumped into trucks and transported off-site for treatment and disposal;

Cargill pointed out that all gases emitted by the landfill must be managed and described how the methane gas can be collected and controlled; the methane gas can be converted into energy. The liner will be on-grade, is not permeable and its material is suitable for this project. There is a clay liner underneath the plastic layer and between the layer and liner there is a material known as bentonite that expands and is designed to seal any breaches in the seams of the liner preventing the liquid(s) from escaping.

A question was posed and the answer was that no hazardous and bio-hazardous waste would be allowed in the landfill.

Conerly discussed the roadway construction portion of the project noting that there are plans to construct Ten-Mile Grade roadway to a paved surface.

It was reported that the paving of Ten-Mile Grade will be done before the landfill is built; there is one entrance planned; there will be a mixture of contract haulers and WSF haulers bringing waste to the proposed landfill; plans are to operate 6 A.M. to 6 P.M. Monday through Friday and to operate a half day on Saturday.

Christopher Hatton, Kimley-Horn Associates, _____ was sworn and discussed the roadway and traffic studies.

Gary _____, pointed out that the design for Ten-Mile Grade as a paved road is a 20-year design-life.

There were several questions posed that Norris wanted the County's Engineer to answer. Norris advised the record should show the County Engineer is not present.

It was questioned what class of road is Ten-Mile Grade and County Manager Albritton pointed out that all local roads have a Level of Service (LOS) D.

Board was advised that the question was posed to (Public Works Director) Kevin Atchley and he reported to Knight that an LOS D on Crewsville Rd. should be able to handle 700 peak-hour trips per day.

The Board was given an overview of the landfill's plans pertaining to environmental protection; explained there is a rigorous process for State and Federal permitting, there is an extensive liner system and leachate collection system, there will be regular monitoring and reporting, there will be on-site monitoring wells, there will be financial assurance for closure.

Conerly described economic benefits of the landfill to the County.

BOARD RECESSED AT 7:05 P.M.; RECONVENED at 7:10 P.M.

For the record Knight read the Recommendation for approval and Recommended Conditions numbered 01.-10 for the Special Exception, and advised the Recommendation for approval is for the Site Development Plan too.

Knight entered the Staff's findings into the record as evidence; and entered the balance of the Staff Report into the record as evidence; no objections were presented.

Conley asked how many counties or municipalities would be bringing waste into Hardee County, and requested a list of those entities.

Tim Salapeg, WSF advised that at present negotiations are on-going. Salapeg advised that although WSF is fully funding the construction and maintenance of Ten-Mile Grade, we are still in negotiations with the County including how to maintain Crewsville Rd. to St Rd 66; we estimate \$02-03 million dollars to build Ten-Mile Grade.

It was questioned that since negotiations are on-going and all the facts are not decided isn't the cart being put before the horse.

Board was advised that County Staff is still working to get something ready to present to the citizens.

There was discussion regarding the dangerous intersection of Hwy. 17 and St Rd 66 in downtown Zolfo Springs.

Board was advised that when landfill is operational it will employ between 12 and 15 people on site.

There was discussion that the County's present landfill will last another three years, will take \$03-04 million dollars to close the existing cell, will cost about \$03 million to expand the County's landfill to the available 5.0 acres.

Chairman called for public input.

Nancy Craft, downtown Sweetwater was sworn. Craft encouraged the Board to consider the increased traffic that the proposed land will generate and consider the health, safety and welfare of the whole County; this project will cost the County money.

Jim Casesa, 4134 Fish Branch Rd., Zolfo Springs, FL 33890 was sworn. Casesa advised he was representing himself and about 20 neighboring landowners near the proposed landfill site.

Casesa posed several questions concerning the proposed operation and location, and encouraged the Board to hold the proposed project to the provisions of Section 7.12.00 of the County's Land Development Code, and put this on a slower track.

Casesa presented into evidence a copy of Form 10-K Waste Services, Inc., WSIID filed 02/26/09 (for the period: 12/31/08)—Annual Report, and Form 10-Q Waste Services Inc., WSIID filed 07/23/09 (for the period 06/30/09)—Quarterly Report.

Chris Nickerson, 3206 Steve Roberts Special, Zolfo Springs, FL 33890 was sworn and expressed concern about the bird issue mentioning there are some health issues with birds in the dairy pasture.

Nickerson also expressed concern and asked for assurance that the landfill's proposed 30 ft-deep borrow pit planned for location next to Nickerson land would not dry out the Nickersons's north pasture.

Kirk Bishop, 6383 St Rd 66, Zolfo Springs, FL 33890 distributed a hand-out, citing it as information only and not as evidence, pertaining to some of the negative impacts of a landfill. Bishop expressed concern about the acceptance of medical waste and household waste that has hazardous contents. Bishop discussed leachate contamination.

Julie Watson, 6385 Still Court, Zolfo Springs, FL 33890 was sworn and spoke in opposition of the proposed landfill.

Cynthia Krahl, 6689 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and read her statement opposing the proposed landfill. Krahl presented a copy for the record.

Carol Stone, 5091 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and expressed concern about what happens to the monitoring of this site after the 30 years of the landfill's life. Stone pointed out that a report from Phillips Petroleum showed every day things in household waste can cause leakage of the liner fingernail polish, fingernail polish remover, lipstick, etc. Stone discussed land creepage and advised that she does not want this landfill or anything else for our children and grandchildren to have to take care of.

Maurice Henderson, 380 Boyd Cowart Rd., Wauchula, FL 33873 was sworn and stated he owns property within one-half mile of the proposed landfill site. Henderson advised that as a member of the County Commission when Crewsville Rd. was built he knows it was built as a as a farm-to-market road and was a mix-in-place road; there is no base, maybe some clay; that road will not stand up to heavy truck traffic; there are dangerous curves that need to be addressed.

Clark Zelyk, 4756 Crewsville Rd., Zolfo Springs, FL 33890 was sworn and stated he lives within two miles of the proposed landfill site. Zelyk pointed out the hazards of hydrogen sulfide and how it could affect the nearby cattle.

Farrell Johnson, (6578 Gordon Rd., S.E.), Zolfo Springs, FL 33890 was sworn and stated he lives East of Charlie Creek. Johnson encouraged care to be taken about the rubber in the liner because he works for a company that builds curtain walls-ditches around landfills to contain the contaminated water.

Talmadge Albritton, 723 Hanchey Rd., Wauchula, FL 33873 was sworn and expressed concern that this only provides a service for 30 years what happens to the need for garbage disposal after that? Albritton suggested shipping the County's garbage elsewhere.

MOTION by Norris, second by Barncord to DENY the request for a Special Exception and the request for approval of a Site Development Plan based on the fact there is conflicting information about the hazardous waste, there are road issues, and this is not good for the health and safety of citizens. Motion carried unanimously.

BCC to hold a public hearing and receive a recommendation from the Planning/Zoning Board pertaining to the Special Exception on Thursday, November 19, 2009, 8:35 A.M. or as soon thereafter.

Board was reminded of next Regular Meeting/Public Hearing scheduled for Thursday, December 03, 2009, 6:00 P.M.

With no further business to come before by Board, the Regular Meeting/Public Hearing was adjourned at 8:55 P.M.

B.J. Haney, Acting Recording Secretary