

**CITY OF FORT MEADE
REGULAR CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 9, 2014**

A Regular Meeting of the Fort Meade City Commission was held on Tuesday, September 9, 2014, at the City Hall Commission Chambers, 8 West Broadway, Fort Meade, Florida.

1. CALL TO ORDER:

The Meeting was called to order at 6:58 PM by Mayor Elliott.

2. ROLL CALL:

Mayor	Robert Elliott	Present
Vice Mayor	Maurice Nelson	Present
Commissioner	James Watts	Present
Commissioner	Barbara Manley	Present
Commissioner	Richard Cochrane	Present

Staff Present

City Manager	Fred Hilliard	Present
City Attorney	Tom Cloud	Present
Deputy City Clerk	Melissa Newman	Present
City Planner/ Assistant Deputy Clerk	April Brown	Present
Finance Director	James (Mel) Parker	Present
Public Works Director	Jackie Cannon	Present
Human Resource Director	Donna Parker	Present

Also present: Polk County Sergeant Andy Beymer.

3. INVOCATION AND PLEDGE TO THE FLAG:

Ms. April Brown led the invocation. Mayor Elliott led the Pledge to the Flag.

4. ADDITIONS AND/OR DELETIONS

None.

5. CONSENT AGENDA

- A. Minutes of the Budget Workshop of August 12, 2014, City Manager Evaluation of August 12, 2014, the regular Commission meeting of August 12, 2014 and the Special meeting of August 26, 2014.

Motion Commissioner Nelson, second Commissioner Watts to approve the Budget Workshop of August 12, 2014, City Manager

Evaluation of August 12, 2014, the regular Commission meeting of August 12, 2014 and the Special meeting of August 26, 2014.

Motion carried with all yeas.

6. PRESENTATIONS/AWARDS/REPORTS:

Mayor Elliott read a Proclamation proclaiming the week of November 14-22, 2014 as Polk County Family Week.

7. PUBLIC FORUM:

Citizen comments for items not on the agenda (3-minute maximum length).

- A. Ms. Lisa Weems representing the Help of Fort Meade came before the commission requesting \$238.34 to pay for flyers to be sent with utility bills to residents informing them of the adult education program offered through HELP. Ms. Weems explained that they do advertise but feel they are not reaching everyone and would like to give everyone the opportunity to take advantage of these services.

Motion Commissioner Cochrane, second Commissioner to Watts to fund the \$238.34 for HELP to pay for the flyers.

Motion carried with all yeas.

Mr. Brian Ackley representing the Fort Meade Chamber of Commerce came before the commission requesting an additional \$3,000 contribution to the Chamber from the FPU economic development fund. Mr. Ackley wanted to emphasize a couple of things; the expense statement from the Chamber that was sent out, that the Chamber was not just looking for a handout and that they recognize the need and want to help themselves and also the upcoming Chamber sponsored fundraiser in November. Mr. Ackley stated that they are applying for the Polk Arts Alliance grant to help fund the Battle of Bowlegs.

Commissioner Manley suggested we see how the fund raiser goes and then they can come back to the commission if they still need assistance.

8. UNFINISHED BUSINESS

- A. **PUBLIC HEARING: Adopt Ordinance 14-09 Power Cost Adjustment. 2nd Reading.**

Mayor Elliott opened the public hearing.

Mayor Elliott closed the public hearing.

Motion Commissioner Cochrane, second Commissioner Nelson to adopt Ordinance 14-09 on second reading.

Motion carried with all yeas.

B. PUBLIC HEARING; Adopt Ordinance 14-10 Stormwater Rates. 2nd Reading.

Mayor Elliott opened the public hearing.

Mayor Elliott closed the public hearing.

Motion Commissioner Cochrane, second Commissioner Watts to adopt Ordinance 14-10 on 2nd Reading.

9. NEW BUSINESS

A. Cemetery Update Report

Alicia Walton presented a PowerPoint presentation to the commission to give a visual of what the progress of the data entry into the cemetery software is. She explained that in some cases there are more grave sites in the ground than that are on paper and some of the numbers are very out of sequence. Ms. Walton stated that the data entry is about 50% done and the goal is to publish the information so that it is accessible via the internet.

B. Update on Small Matching Historical Preservation Grant

City Planner, April Brown stated that the city was awarded a historic assessment survey to determine if we would be awarded the grant money.

C. Consider FY 2013 Bad Debt Write-Off

Motion Commissioner Cochrane, second Commissioner Nelson to give their blessing to approve FY 2013 bad debt write-off and to commend staff for the work they been doing to decrease the amount of charge off.

Motion carried with all yeas.

D. Consider Traffic Signal Maintenance and Compensation Amendment 2014/2015.

Motion Commissioner Cochrane, second Commissioner Watts to approve the traffic signal maintenance and compensation agreement.

Motion carried with all yeas.

10. CITY ATTORNEY COMMENTS:

“I will hold my comments for Item 11 A, as part of the City Manager’s presentation.”

11. CITY MANAGER COMMENTS:

A. Biosolids Distribution Services

City Manager Hilliard: “We had a meeting Monday, September 8th at 10 am here in city hall with the folks from Biosolids representing them and uh we talked about utilities, because utilities is one of those issues that seems to be neglected in the past. We also talked with them about land use and regulations there. We talked to them about several, several things and we did send the letter that you got, I sent to you, I provided to them that day and said we would be entertaining an injunction in court on Friday if they didn’t comply with such as the impact fee. At that same time we also talked with them and they in good faith came back and stated they would like to comply with the issues that we had, regarding zoning, business license, building permits and all the issues that we had talked about, laid out. I like to ask the commission would you entertain refraining that and allow them, the folks from Biosolids to go through the zoning practice, the zoning issues, the land use issues, the design issues, the issues to utilities agreement, to control odor and the utility services to that facility with no guarantees but they would have to go through public hearings and public comment both at the Planning Board and the Commission Board, Commission meeting to get approval and authorization, that way they would come back to this Board and comply with all the issues we have outstanding. I think, personally I think that’s a fair way to deal with it, there has been things on both sides that have been somewhat misconstrued but I think the original intent of the operation that Steve had started was basically pressing sludge and using that sludge, assuming that he was going to the Bioset system, and to process it. They’ve gone a little, a step ahead of us and we weren’t dually notified of what was going on and we’ve had some issues arise from it that may or may not be controlled. We can also would entertain if this is the pleasure of the Commission, we could also entertain hiring an expert that we do have already working with us to make sure that we are safeguarded. He’s a sanitary engineer, well-known in his field; I think got impeccable credentials and can help us find out where this will end up. But I think giving them an opportunity to go through it would be a better way than proceeding through court. We can go to court anytime and seek an injunction. But this way the facts would come out on the table, we would know, they would know what they have to live by and we move on.”

Commissioner Nelson: “Have the odor issues been under control?”

Mr. Hilliard: "Odor issues have been under control lately, ok and I'm not sure, I haven't been out there, I'm not sure what's been operating out there.

Ms. Nelson: "Clayton, can you answer that for me please"

Mr. Clayton Frazier: "There has been considerably less odor but in the last couple of days there has been, I have smelled it again but you're seeing the trucks moving again too that weren't moving in the beginning after the original meeting."

Mr. Hilliard: "Ok, I don't know, I haven't talked to Clayton."

Ms. Nelson: "But he's out there."

Mr. Hilliard: "I know, I know he's out there, I go by that place and I roll down my windows now when I go out that way.

Ms. Nelson: "I do too."

Mayor Elliott: "We should not have to do that. You know obviously the options that you mentioned are out there for anyone in the public to go through the proper channels to get things done so I think we need to stand our ground where we are right now with the issues at hand, where all the rules have been broken. It's not fair for the public to suffer for that."

Mr. Hilliard: "Ok"

Ms. Nelson: "and it's all over town, you know at one time it was in one specific area but now it's all over Fort Meade and that's not healthy.

Mr. Hilliard: "Ok"

City Attorney Cloud; "May I speak?"

Mr. Elliott: "Yes"

Mr. Cloud: "Thank you. You know from a big picture the more we look the more we find and there is some things that just don't make any sense. The deficiencies we found they have no business license, they have no land use designation, their zoning is inappropriate for what their current operation is, they owe us, by our calculations, almost \$400,000.00 in sewer impact fees, they have no utility agreement, they have committed odor violations under you ordinances, they are currently violating your sewer use ordinance, even though your sewer use ordinance is a relic for the 1960's they have somehow managed to find a way to violate it, which is incredible to me. And the unexplained questions are; why was there no

disclosure about the use of the Bioset facility by Mr. Lanier and his partner in the beginning? Why was there no notice from the Department of Environmental when this permitting took place even though routinely they notify the cities in which these projects take place? Why have we had an intentional delay in the production of public records by the Department of Environmental Protection for what should be routine permitting emails. And in our first tranche of documents we received today the documents relate to the City of Hollywood even though we made no such request, there's something that don't quite jive there and uh other questions we that don't know the answer to yet. Well we can file suit by Friday, I've got Judge Buddy Campbell you know he sat on two different appellate courts in Florida, he's very well known here in Polk County, he's my law partner in our Lakeland office, he and I are going to handle this case. And either one of two things has happened either there has been a fraud or there has been a mistake related to utility service, its one or the other. Either way if payment isn't made the City has an outstanding argument for terminate services. There are cases from as long ago as the 1890's in Florida that say no citizen or business can have free service and that's what going on. You have two options, you can sue to close or you can give the current tenant the opportunity to apply to rectify these deficiencies and by that I mean all of them and with the recognition that there is no guarantee when these hearings are held on land use and zoning but if they apply in good faith, to me that would be a good indication that in fact this situation arose on the part of the Biosolids group. Ok. If they are willing to come in and file these applications now, that to me would be an indication that they were unaware that we were unaware and I believe that because we are continuing to find out things through the public records request that we need to know in moving forward that it is prudent for you to extend an opportunity to Biosolids to make these applications. They have indicated to us in the meeting from the president on down that they are willing to file these applications and make good on what they have deficiencies on in the city. I believe if you're gonna go to court you stand a much better chance in court having given these people an opportunity to set things right, I really believe that is the right thing to do. I don't believe the odors are as bad as they were though it is clear that the odors were very bad and for whatever reason the Department ignored it. There is no question that took place because we know in discussions with members of their staff that they were present when these odors took place, their inspector, one of their inspectors would not leave the car when they got on site because of the odors just would not leave it, couldn't eat lunch afterwards. It doesn't show up in the inspection report for some strange reason, haven't gotten to the bottom of that yet, want to get to the bottom of that, find out why. But, in the mean time you have a company, that have indicated, they have said to Fred and to me that they would like an opportunity to make things right and I believe it is the right thing for you to do to give them this opportunity to make things right."

Commissioner Manley: "How long do we give them; I mean this has been going on for months so how much longer do we give them?"

Mr. Cloud: "Well are any representatives from the company here tonight?"

Attorney Bart Allen: "Good evening, for the record, Bart Allen attorney for Biosolids Distribution LLC and I am here representing them. As far as our time line goes, certainly, following our last hearing, when was it, two weeks ago now, we immediately began reaching out to the city to initiate discussions. We were able to, with the cooperation of Mr. Cloud and Mr. Hilliard, really appreciate them working with us. We had a meeting yesterday morning, as you heard, and my client is committed to working through these issues with the city and addressing any outstanding issues that they need to address they are willing to do that and willing to do that as expeditiously as possible. As far as a specific time line, well certainly you're talking about, from what I understand a land use hearings, public hearings, utility agreements, I can't put a definite line on those but we did talk about that at the meeting yesterday and we both agreed we would work through those as expeditiously as possible. Certainly we're not going to delay working on issues or filing applications unnecessarily. We certainly want to have this brought to a head as quickly as possible. Would agree with Mr. Cloud's comments regarding this being the right thing to do. Our clients are here, there was a business that was started and they came in and stepped into the shoes of and if there were deficiencies it wasn't aware to them at the time of purchase and they are willing to stand up and do what's right and make things right. So I can't give you a hard time line and I just can't Commissioner.

Commissioner Manley: Ok, can anybody tell us why the odors coming back.

Mayor Elliott: "Well I have a question, at the last meeting weren't we told they would cease immediately hauling trucks in? I think you told us that because I was there the next day"

Mr. Allen: "We made that offer certainly and based on the tenure of the ` ending of the meeting last time Mayor Elliott I don't believe that offer was accepted based on y'all's comments.

Mayor Elliott: "Sounds to me like somebody has a problem telling the truth here because I was there the next day and saw three trucks in person coming right down that road.

Mr. Allen: Since August 19th that facility has reduced its intake.

Mayor Elliott: "Since our last meeting. I'm not talking reduction cause we were told there wouldn't be any."

Mr. Allen: "I don't believe that is accurate"

Mayor Elliott: "That's the way I understood it"

Mr. Cloud: "Well you know it's hard, it's really hard to get people, the people that represent the citizens of this community to hold back when we can't get something as simple as a date for filing applications, this is not rocket science. You know, I mean what do you need a week to file the applications for zoning and land use, come in and meet with April, I mean how hard is it."

Mr. Allen: "Mr. Cloud, I asked you yesterday morning what we need to file for and at that time yesterday morning we didn't know what we even needed to apply for. So I mean that's certainly something that we, I can't file for something I don't what, I just can't file an application that says application for whatever you want, I need to know what I'm filing for because I got to prepare the documents."

Ms. Manley: "So you are asking the city to give you a list of what you need to file for? Is that what you're asking?"

Mr. Allen: "That is correct Commissioner"

Ms. Manley: "You're in this business and you don't know what you need to file for"

Mr. Cloud: "I tell you what we will get you the list tomorrow. Let me tell you what the list is going to involve Commissioner; it's going to involve filing for a comprehensive plan amendment for that property for the specific use they want to use, because if not, this is not a use that is recognized in your comp plan, it is not a use that is recognized in your zoning code, it doesn't exist it just doesn't and it needs to. So all you have to do is file an application to request a land use designation for the specific use that you are using, we'll setup a new land development designation in the future land use map, that's item 1. Item 2 is to file a rezoning application to rezone or create a new district for this use. Sure, that's the easiest way to do it."

Ms. Nelson: "So if they have to file all these applications are the not legally in business?"

Mr. Cloud: "No. They are not legally in business."

Ms. Nelson: "So they cannot bring trucks out there"

Mr. Watts: "Well, unless I'm mistaken, there is no permit to apply for to violate our odor code."

Mr. Cloud: "Right, but what Fred and I were looking at is that if you had these applications filed you would have a way to address, under your codes, these requirements, since they obviously weren't addressed on the front end and that's what we're suggesting. We can outline that list; there are three applications for land use that need to be applied for, a site plan, a future land use map amendment and a rezoning for that property. In addition they need to apply for sewer service."

Mr. Cochrane: "This is just for case and point, if they apply for all three of those and any one is not granted, then this whole process is dead in the water?"

Mr. Cloud: "It is correct, there cannot be guarantees of those processes but going into those processes we've, guys and gals all I can tell you is that we give them an opportunity to do this and they fail to come through, to produce, to answer the questions, I don't believe there is a judge out there that's gonna deny us an injunction."

Ms. Manley: "I just think there needs to be a dead line."

Mr. Cloud: "I agree with you and that's what I'm trying to get to is I mean, I have turned around"

Mr. Allen: "And I'm just trying to find out what I need to apply for"

Ms. Manley: "Well you need to find that out tomorrow what you need to apply for"

Mr. Allen: "I understand that Commissioner Manley"

Mr. Cloud: "We just told you four things to apply for, a comprehensive plan amendment and look, make the application, if we need to work through the details of it we can do that but file the application for an amendment to the future land use map, a rezoning for that property, for the use you request, we will create a new district for it if we have to, the site plan for the site and sewer service, those are the four items that need to be applied for. Once those have been applied for, we can deal with the business license and we can deal with the business permit but you don't even get to those two issues under the city code until those four items have been applied for. If they can be applied for a week from Friday which folks, I have filed comp plan amendments in 24 hours ok and I've done them in jurisdictions a lot more complicated than here, Orange County, Hillsborough County, Palm Beach County, it isn't hard to do. We have

much less in the way of paper work requirements to file than any of those jurisdictions. So if we can get these applications filed by Friday week, I think that's a reasonable time to get these processes moving.

Ms. Nelson: "So my point is nothing should be going on as a business out there until all of this paperwork is in process, am I correct?"

Mr. Cloud: "Well, I was not taking that position but I would say"

Mr. Elliott: "That would be my position; I don't know how they can combine any part of the process"

Ms. Nelson: "That's my position, how can they operate as a legal business without the stuff that is required by the city to operate as a legal business."

Mr. Cloud: "That is certainly your choice. What I was thinking is that they have been operating for"

Ms. Nelson: "Illegally"

Mr. Cloud: "Yes that's true they have been operating illegally at this site and that as long as you don't have another odor outbreak in this city"

Mr. Elliott: "Which is partially irrelevant"

Mr. Watts: "Which we just heard"

Ms. Manley: "That we do have"

Ms. Nelson: "Which you just said it was, it is still a problem; trucks going in there is still a problem when we requested that they stop so I just prefer them to get everything in place before they continue the operation. That's my stand."

Mr. Cloud: "Ok"

Mr. Elliott: "And I think that's a fair assessment; I don't know how we support somebody illegally doing business, that's not a fair shot to do that to the rest of the community"

Ms. Nelson: "If that's the case I'm gonna turn the business license to the House of Israel license out and go operate."

Mr. Cloud: "Well, you are the commission, we work for you."

Mr. Hilliard: "Your decision"

Mr. Cloud: "I can give you my best advice, and I think you have two options here, and I've given you those two options."

Ms. Nelson: "Well my stand is for them to get legal, cease operation until they get legal, that's my point."

Mr. Elliott: "If that's a motion, I will second that cause that's exactly what they need to do. You got our marching orders"

Mr. Cloud: "Yes sir"

Mr. Watts: "Do we need a motion and have a motion and a second on the floor, do we need to vote on that?"

Ms. Manley: "Do we need to vote?"

Mr. Cloud: "It couldn't hurt"

Mr. Hilliard: "It'd be best"

Mr. Elliott: "You wanna make a motion"

Ms. Nelson: "I make a motion that they cease operation until they become legal with the City of Fort Meade."

Mr. Elliott: "I think we, do we have a second?"

Mr. Watts: "I'll second"

Mr. Elliott: "I think we've had plenty of discussion but any other discussion?"

Mr. Cochrane: "Just one quick one! You're saying until there, I would really love to find a way for them to never operate again. That's Rick's opinion only Rick's opinion. If we open this up for them to jump through all the hoops and then get back into operation um"

Ms. Manley: "But if there not, but if there's not a"

Mr. Cochrane: "I understand, I understand but before they knew this was stinking and they continued to let it go, they just had absolutely no concerns for this community absolutely none! But that's all I've got to say."

Ms. Manley: "But I don't understand how they can jump through all the hoops, if there's not, if there's not a proper land designation, if they're

operating outside of the proper land designation, I don't see how they can get"

Mr. Cloud: "You'd have to amend your plan to allow them to do that"

Mr. Elliott: "Why would we do that?"

Ms. Manley: "But we don't have to?"

Mr. Elliott: "No and I think we would most definitely not do that, that would be ludicrous to do that."

Mr. Cloud: "No you do not have to do that"

Any other conversation, we have a motion on the floor and a second, all in favor"

All commissioners: "Aye"

Mr. Elliott: "Opposed? None. Motion carried."

How about the date for utilities and the dollar issue and that letter that we received, are we still going to pursue that?

Mr. Cloud: "Yes, oh yes."

Mr. Elliott: "Perfect, I think we need to"

Mr. Cloud: "Yes sir, because in affect your customers, every man, woman and child that is connected to your system is subsidizing this business right now."

Mr. Elliott: "That's correct"

Ms. Manley: "And being adversely affected by the smell from the plant"

Mr. Allen: "May I ask just a quick question here"

Mr. Elliott: "Sure"

Mr. Allen: "I just want to understand the ramifications of the decision you just made relating to the operation of our business, its uh, the city is moving to put a moratorium on the business, is that correct?"

Mr. Cloud: "No, that is not correct. There is no ordinance before this city to place a moratorium, anything we do is going to be through due process of the law, do you understand that?"

Mr. Allen: "I understand that, that is why I was asking the question"

Mr. Cloud: "No, nobody is going to adopt an edict, we are going to following the law and we're going go before a judge, ok"

Mr. Allen: "Ok, I just wanted to be clear, thank you."

Mr. Elliott: "I say we move to more pleasant subjects but we're going to FMPA, so it's about the same, on pot to the next. Item 11B"

Mr. Hilliard: "FMPA contract rate of delivery, Mr. Harrington will be meeting with Frank Gaffney this week"

Mr. Allen: "I'm sorry, I apologize for coming back up, I know it's rude and inconsiderate, my client would like to make just a quick statement if, prior to moving on to new matters if that's acceptable with the commission"

Mr. Elliott: "Sure, we hassle that but it's fine, sure"

Mr. Tom Anderson, owner of Biosolids Distribution: "Thank you Mayor"

Mr. Elliott: "Please state your name and address for the record"

Mr. Anderson: "Tom Anderson, I'm the owner of which is BDS and EAP. We bought the business from Steve Lanier and Kerry Hammock, I think a year and a half ago, and what I like to say first of all is we want to be good citizens. We bought it from a local business and we now employ 17 people, they are good jobs, lot of these people live right in town here and there is no intention to do anything illegal, never has been ok and that operated there for three years and most of the time without any problems creating those good jobs. What happened is, in the rainy season we tried to help out other people and brought in sludge, we didn't know that the sludge had sat at the City of Orlando for 5 to 10 days in the trailers getting ugly and by the time we figured it out, all the ruckus started and the minute we figured it out, it's hard to try to bring sludge somewhere else. It's the DEP, they have rules and regulations, we operate within those rules and regulations in 25 plants in America. We don't have odor complaints anywhere else, this is not a Bioset problem, it's the raw material that we use, because of the rainy season other cities couldn't get rid of it ok. And we immediately done interim things; we cut the liquid down to 70% which was there for 3 or 4 years, for 3 years since 2011 was going on, the cake we lowered by two thirds, we sealed the building, we've doubled the cleanup crew, we increased the misters inside and we have portable scrubbers, we planted eucalyptus trees, we done everything we could. The cake is still coming, other, the other thing that I don't think

has ever really been clear is, we in good faith, Steve Lanier and Kerry Hammock had an agreement with the city to exchange, we took all of your biosolids for 3 years and processed them for nothing in exchange for letting us run the water back to the city. That's a signed agreement, now there's a debate whether the right person signed it but how do we know who is supposed to sign it. So in 2012 we got an award for a good company, bringing all the good jobs here, so we have tried, now what, and we are spending a lot of money right now, we flew in last week the premier expert Dr. Bob Reamers in the whole biosolids in the United States, he has 700 published papers on the subject, what to with the odors ok. We had our engineer here today designing how we can do receiving stations so the sludge never has to touch the ground. We've had hired a firm to do samples, they'll be back the 18th. We're working with Jacob's Air to determine what to do for scrubbers. We came here in good faith, EAP existed and Steve Lanier has been a citizen here for years from what I understand, he had this business, it was designed from day 1 to have a bioset, it produces fertilizer. That fertilizer is used on every farm within 400 miles of here. Ok, we have millions of"

Mr. Elliott: "Not everyone, cause I have got and I don't use it, almost everyone."

Mr. Anderson: "Ok, I apologize, I'm not trying to exaggerate, a lot of farms. We've sold millions of tons of that fertilizer through the state. We've spent millions of dollars getting a fertilizer license with the EPA. We've got two and a half million dollars invested in that facility there ok and if gets shut down there's a lot of harm to everybody there who uses that facility around here. So, I really want you to consider what you are doing. If we can't become good citizens, if we can't operate without odors, we'll make that decision our self. Ok, but you just don't have a the facts; the city had an agreement with us, we took millions of gallons from the city that we normally charge .08 cents a gallon in exchange for running the water back. When I bought the company, there is a letter that says that's what's going to happen; I don't know who signed it or who didn't, it was signed by Mr. Hilliard, ok. So, we in good faith operated that way for three years. It's hard to say we are doing anything illegal, I mean you can't say we, how can you say we are doing something illegal, we both were using each other. Two to three trucks a day come from the City of Fort Meade's sewer plant to our facility, employees of yours. For three years we done something illegal, that just doesn't make any sense to me. We need to have a little common sense, we tried to help the city, we tried to create good jobs. It just, it's business, you know there's 17 employees that live and work at that plant. We have another company in Sebring that has 40; we're starting to do maintenance there. We want to be good neighbors and we will be or we will get out of town our self, but rendering this out without all the facts is not the right thing to do.

Mr. Elliott: "Well you mentioned common sense; common sense would have been to go through the proper channels when you set up business."

Mr. Anderson: "We bought a company that was in business"

Mr. Elliott: "That's irrelevant"

Mr. Anderson: "How can that be irrelevant without us knowing that?"

Mr. Elliott: "Because your business is different than the existing business in my mind."

Mr. Anderson: "In the original meeting the bioset brochure was handed out ok. I know everybody that was in the meeting, there is no different intent, it's got an ag license that's called Environmental Ag Products; agriculture means the product has been approved for application on agricultural land, that's what the bioset is. It's limed all the nutrients from human waste and lime combined, so you can do one application instead of two. It cuts the trucking to the farm field in half, that's why it's called Environmental Ag Products, it was that way since the beginning. My son wrote the business plan four years ago for Steve and Kerry, nothing changed."

Ms. Manley: "Something changed Mr. Anderson, because we just, the beginning of this year started having the odor problem. Something had to have changed; ok, the rainy season you can blame the smell on the rainy season, we have a rainy season every year. Something changed"

Mr. Anderson: "The volume changed, ok, the volume changed. The trucks come in, we lay it on the ground and then we put it in the bioset process. Once it goes in the bioset process it's completely sealed, it will never have an odor, ok. What changed was the volume changed. The rules and regulations in Florida are changing, they no longer allow class b in the Okeechobee water shed, bioset is really the method of choice to put good stuff on the ground that doesn't hurt the Lake Okeechobee waters. So our volumes increased and we, we need to, we need to deal with that volume before we start it up again and that will require a receiving station so the trucks come in, they'll dump into a receiving station that has a remote control cover on it, that has odor control on it, the truck will dump in there, it closes the cover and it gets processed. There won't be any sludge on the ground. When we were doing a truck an hour or something like that, it would come in dump, it would be in the thing within 45 minutes, as the volume increased, the material sat there. And it still, what happened when the rainy season got here starting in May and, I don't ever heard of the Mormon ranch, the Mormon ranch takes more sludge than anybody else in Florida, it got so wet they shut down fields and so everybody was looking for places to go. And our volume went up expeditiously because

we were the thing of choice. For the facility, I apologize, we took too much volume ok and that created the odors. We cut the volume back now to what we can handle to keep the odors intact, so that's what changed. "

Mr. Watts: "But the last couple of days the odors are back"

Mr. Cochrane: "Well, it took action from this commission for that volume to change; the volume didn't just change on its own"

Ms. Manley: "Right. You didn't say ok we've got a problem; we must be taking too much so we better stop. We had to get involved, people had to start complaining, I had to smell it two blocks east of here"

Ms. Nelson: "And I smell it seven blocks past the red light, so and then it's nine blocks forward to the red light so that's maybe like one more block, so you go like 17 blocks I smell it"

Mr. Anderson: "If we didn't go fast enough, I again apologize. It was really surrounding this material it's from a plant called Iron Bridge in Orlando and that plant, unbeknownst to us, couldn't get into the Desirate Ranch. They had all these trailers stored there, when we agreed to take it we didn't know the stench was 5 days old, 6 days old, the most of it, some of it was up to 11 days old. We didn't know that, that happened over a two week time and that's when the thing accelerated and it took us a while to figure that out and we should have acted faster.

Mr. Elliott: "It didn't take us long to figure it out. It's not fair for your business to affect the community in the way it did and our other businesses"

Mr. Anderson: "I agree with that and I apologize and I also think that there's a lot of peoples lively hood surrounding there and it's really not fair with a little bit of information to say that we weren't operating legally and then affect a lot of other people in the other direction too.

Ms. Nelson: "There are a lot of people that work for you that could get sick in the long run so in the long run we could be doing you a favor, they could get sick in the long run behind that.

Mr. Anderson: "You know, the thing to consider is we are approved by the FD by the Florida Department of Environmental Protection ok, they have come out and inspected it, we operate within their permit. That permit was published in the paper in Fort Meade for everybody to read and know what was going on, so if there's any problem with health risk out there believe me they would shut us down ok.

Mr. Elliott: "I don't believe that"

Ms. Nelson: "I don't believe that cause that smell that smell is horrible"

Mr. Anderson: "You can go on any blog tonight in twenty other states and they are doing it somewhere everywhere"

Ms. Nelson: "Well I still stand on what I said"

Mr. Anderson: "Well I would like you to reconsider that, it has a lot of bad ramifications for a lot of people that live right here"

Mr. Elliott: "Sure. Well thank you for your input, we appreciate that"

Mr. Anderson: "Thanks for your time."

Mr. Elliott: "Let's we'll move back to the other fun rate of delivery."

B. FMPA Contract Rate of Delivery

City Manager Hilliard stated that Mr. Harrington will meet with Mr. Gaffney to discuss the city's ability to do its own daily load planning. FMPA is concerned with other members issuing CROD because they feel this could hurt the organizations viability. So they will do everything they can to make us the escape-goat.

C. FMPA Interest Rate Swaps

City Manager Hilliard stated he was on a phone conference for the meeting and stated it looked like it would cost somewhere between \$138,000,000. to \$98,000,000 to terminate the interest rate swap and it's going to raise your bill an average of .03 cents an hour on your energy side and on demand probably about .50 cents. That will impact the bill for the next fifteen years.

D. Stormwater project on 98 East

City Manager Hilliard stated that the stormwater project on the North side of Broadway in front of Hancock is underway to sheet-flow the water in the ditch to Peace River

E. Stormwater rate increase

City Manager Hilliard stated that rate increase letters were being sent to customers.

F. Water rate issues

City Manager Hilliard stated that the water rates were not increased by 2% along with the sewer rates so they have been initiated as of .

Attorney Cloud: "Commissioners, if I could just ask as special disconcertion, we are not getting a very good response from the department on our public records request; first they tried to charge us a \$1,000.00, claiming they were going to search for exempt public records, which we didn't ask for any exempt public records. We just asked for permitting emails, which we didn't ask for law suit stuff, we didn't ask for you know any HR stuff, we didn't ask for any confidential documents or anything like that. I called up Pat Gleeson at the Attorney General's office and her eyes shot up when she heard about this too. I'm hopeful that they will see the light and turn over these documents without charging us a bunch of money but if they don't I just need your authorization to sue em under the public records act if they don't turn these documents over in a timely fashion.

Mr. Watts: "Please, I can support that action"

Mr. Elliott: "These documents are for in regard to the biosolids?"

Mr. Cloud: "The biosolids, that's right and the agency who has these emails which it does not appear they are being very responsive, they gave us a bunch of emails from Hollywood, doesn't have anything to do with Fort Meade and I don't know why they are doing that, maybe there is something I haven't seen yet but they are not, that's my concern, now if they turn them over and don't charge us beyond the \$100.00 we paid them for then we have not reason to sue them and they will have complied with the public records act but I don't want to have to wait a month to come back here if we get jerked around anymore in getting those public records so that's all I'm asking is just authorization. If they honor the request, if they give us the documents."

Mr. Watts: "Do we need to vote on that issue

Mr. Cloud: "Yes I would like for you to, yes sir."

Mr. Watts: "Mr. Mayor, I move that we extend counsel the right to sue in the records act.

Ms. Nelson: "Second"

Mr. Elliott: "We have a motion and a second, any more discussion? If not all in favor"

All Commissioners: "Aye"

Mayor Elliott: "Opposed. None. Go for it. Go get it."

Mr. Cloud: "Yes sir."

Mr. Watts: "Boy, you're a feisty thing today"

Mr. Cloud: "I'm just tired of it, I asked for them a week ago, we should have those documents, there is no reason for them to interpost this exempt review."

Mr. Watts: "Well I know we talked about it last month that you were going forward to get it."

Mr. Elliott: "Somebody would be coming after us in a heartbeat. Commissioner Manley, you're first"

12. CITY COMMISSION COMMENTS:

Commissioner Manley stated that she and Commissioner Watts attended the Florida League of Cities conference in Hollywood at it was very informative and a lot of resources and she enjoyed it.

Ms. Manley extended an invitation to the Ridge League Dinner this Thursday in Haines City.

Ms. Manley stated that the pavilion at Peace River Park needs some improvement.

Commissioner Nelson stated she witnessed a new driver for Republic driving way too fast.

Commissioner Cochrane stated that Republic was picking up commercial dumpsters at about a quarter to six in the morning.

Mayor Elliott questioned the commercial dumpsters at Circle K stating he didn't think they belonged to Republic.


13. STAFF REPORTS

None.

14. ADJOURNMENT

There being no further business to conduct, Motion Commissioner Manley, second Commissioner Nelson to adjourn the Regular Commission meeting of September 9, 2014 at 8:44 PM.

Motion carried with all yeas.



Robert Elliott, Mayor

ATTEST:



Melissa Newman, Deputy City Clerk