

**WORKSHOP OF THE BOARD OF COUNTY COMMISSIONERS
HELD ON SEPTEMBER 11, 2012 AT 1:00 PM
IN THE COUNTY COMMISSIONERS' MEETING ROOM
ROOM 103, ADMINISTRATION BUILDING
ARCADIA, FLORIDA**

The Board of County Commissioners held a Workshop on September 11, 2012 with the following persons present:

Chairman, Buddy Mansfield, Dist#1
Commissioner, Jim Selph, Dist#2
Commissioner, Judy Schaefer, Dist#3
Commissioner, Elton Langford, Dist#4
County Administrator, C. Guy Maxcy
County Attorney, Donn Conn

Utilities Director, Eddie Miller
County Extension Director, Ken Johnson
Office Manager, Lauri Jones
Transcribing Secretary, Jill Thompson
County Coordinator, Mandy Hines

CALL TO ORDER

1:08 PM

Donn Conn started the Workshop to discuss two (2) Draft Ordinance Revisions. The Phosphate Mining Ordinance and the Biosolids (Sludge) Ordinance. Mr. Conn provided the Board with a copy of the strike through version of both Ordinances as well as the clean version. He stated that the Planning Commission had met last week. He did not ask the Planning Commission to take any action but they did have a discussion on the two Ordinances. A public hearing with the Planning Commission will be scheduled possibly on October 2, 2012. A public hearing with the BOCC is scheduled for the second meeting in October. Also there is a meeting scheduled with the Economic Advisory Committee later this month to give them an overview of the two Ordinances and receive input.

Mr. Conn gave a brief summary of what we are trying to accomplish with the two revisions. We are dealing with outdated language in both Ordinances. We are attempting to conform the Ordinances to the current law and identify unnecessary language.

Mr. Conn stated that overall, we still want to preserve and improve regulations that protect the resources and welfare of all the residents and businesses in DeSoto County.

Mr. Conn discussed the Phosphate Mining Ordinance. This is the Ordinance with the least amount of revisions. Below are some of the revisions that need to be dealt with.

- **Current Ordinance was adopted in 1999**
- **Mining is now exempt from the DRI process**
- **Statutory and rule reference are outdated**
- **Staff positions are outdated**
- **Numbers refer to former LDR**
- **Excessive copies**

Revisions Mr. Conn discussed are as follows:

- **Section 1 - Phosphate Mining and Reclamation Activities**
- **Section 2 – Phosphate Mining Master Plan-** The current Ordinance requires 15 sets of the Master Mining Plan Application. In the revision that Mr. Conn has proposed, it would be reduced to 10 sets. Commissioner Mansfield questioned Mr. Conn why he would only require 10. Mr. Conn stated it would save the County duplication costs.
- **Section 3 – Operating Permit-** Go for multiple years. Will be a need to renew and have additional years authorized. This revision allows the Board to grant extensions of permits for good cause. A new application process will not be necessary if qualified an applicant is qualified for an extension.
- **Section 4 – Procedures for Processing Application-** Staff will not approve the applications. The Board will approve the Master Plan and the Operating Permit at a Public Hearing. If a permit is nearing the expiration and they are not qualified for an extension, they will need to ask for a renewal six months in advance.
- **Section 5 – Enforcement-** If there is a problem, there is no requirement that negligence be proven, just that damage has occurred. Mr. Conn proposed a revision that takes the Special Master out of the process. There are Civil and Criminal penalties as in the current Ordinance. Civil penalties are \$100,000.00 a day for each offense.

Mr. Conn gave a summary of what has been reviewed. He mentioned that vested rights are recognized in the Ordinance. We are trying to protect both industry and private property owners. There will be some flexibility as it relates to wetland mitigation if in fact, other permits; State or Federal require that mitigation. With regard to flood control, that is something that the local Ordinance would have to follow.

Mr. Moe Brown spoke to the Board on the information presented. He does not agree with the LDR being moved into the Code of Ordinance. Mr. Brown stated the hundred year floodway is different from the hundred year floodplain. The floodway is the velocity of water carried over a period of time. Mr. Brown stated he does not see the need for fencing around the slime pond area. It is private property. He also feels the 200 ft. setback is too low and should be increased. Mr. Brown also gave his opinion on the difference between a variance and a waiver.

Mr. Conn commented on Mr. Brown's statements.

Bart Arrington with The Mosaic Company gave comments on Mr. Conn and Mr. Brown's presentations. He submitted a letter addressed to Mr. Conn regarding the Phosphate Mining Code Revisions presented. Mr. Arrington stated there are a couple of issues that have come up since he and Mr. Conn last corresponded that should be considered.

- Reduce the number of copies of applications from 10 to 5.
- Consider staff (DRC) granting approval for the Operating Permit.

Commissioner Selph questioned Mr. Arrington about building fence in the clay settling areas. He is concerned with the well being of animals on the property. He feels there should be a fence around the clay settling areas. Bart stated that the Ordinance calls for the sand clay reclamation area to be

fenced. Mr. Arrington suggested taking this out of the Ordinance. Mr. Conn chose not to remove it.

Donn Conn spoke about the Biosolids (sludge) Ordinance. The Ordinance was adopted in 2004 after the settlement of a lawsuit. The settlement agreement is incorporated in the Ordinance. The grandfathering invested rights under the settlement agreement expired in December 2009. Mr. Conn feels the County is safe and no need to remove. In addition to removing all reference to the litigation, we would like to make sure that the Ordinance provides a necessary level of regulation. In doing that, we have referenced the Florida Department of Environmental Protection Rules. It states that in order to operate either by hauling or spreading sludge or Biosolids in DeSoto County, you will need to comply with the State rules. Mr. Conn stated there is an Ordinance he has proposed that deals with two types of permits. One is for the spreaders and the other for the haulers. He has removed all permitting requirements from the individual property owners. If there is any enforcement action that needs to be taken, it will be taken against the permit holder and not the private property owner. The application fee has been increased from \$500.00 to \$1,000.00 for land spreading.

Ken Johnson gave comments on how the State regulations handle Biosolids and his thoughts on the industry in general. He stated a major concern throughout the Ordinance is insuring local compliance. Commissioner Selph commented on EPA and AA material (fertilizer). There was further discussion on the subject.

Mr. Conn stated that currently the Board is looking at a draft when it goes to public hearing, there will be a Resolution. There will be purpose and intent and public purpose language. Mr. Conn feels the comments have been helpful.

ADJOURNMENT

There being no further business, Chairman Mansfield adjourned the meeting at 2:39 PM.

ATTEST:

**BOARD OF COUNTY COMMISSION
DESOTO COUNTY, FLORIDA**

**C. GUY MAXCY
COUNTY ADMINISTRATOR**

**JURIL O. MANSFIELD
CHAIRMAN**