

FEBRUARY 26, 1982

The Board of County Commissioners, Manatee County, Florida, reconvened in the Courthouse, Bradenton, Florida, Friday, February 26, 1982, at 3:49 p.m.

Present were Commissioners:

Vernon E. Vickers, Chairman  
Edward W. Chance, Vice-Chairman  
Claude E. McGavic  
Westwood H. Fletcher, Jr.  
Patricia M. Glass

Also present were:

Keith Roberts, Assistant County Attorney  
Robert F. Fernandez, Acting County Administrator  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Greg Spears, The Bradenton Herald; Libbey Allison, Sarasota Herald-Tribune, and others who entered during the meeting.

The meeting was called to order by Chairman Vickers.

BEKER SETTLEMENT OFFER

Richard M. Goldstein, Attorney for the County in Environmental Affairs, reported that the Staff has discussed the Settlement Offer with Beker representatives and some major points in dispute still exist.

Mr. Harllee addressed some of the major differences and offered compromises relating to monitoring of soil radiation, specified amount of tonnage allowed, the amount of money to be contributed by Beker for maintenance of State Road 64 and construction of a wellfield, time allotted for completing construction of a railroad, and designation of preservation areas.

Mr. Eckenrod addressed some of the environmental issues such as "restricted" access to the mining site, a soil radiation monitoring program to include Radium 226, and the amount of acreage to be undisturbed.

Charles Hunsicker, Manatee County Utilities Department, outlined those issues relating to dam construction and wellfields, and made recommendations as to the amount of Beker's contribution for the construction of wellfields and terms of payment.

Mr. Davis addressed the issues of transportation, specifically the haul route, restrictions on truck traffic, and the cost of resurfacing and maintaining State Road 64.

Dave Keston, with Post, Buckley, Schuh & Jernigan, Engineering Consultants to Beker Phosphate, responded to questions regarding the costs of restoration of State Road 64.

Mr. McGavic moved that staff be authorized to draft an appropriate settlement agreement to be brought back to this Board for consideration. Motion was seconded by Mr. Chance. Voting "Aye" were Commissioners McGavic, Chance, Glass and Vickers. Voting "No" was Commissioner Fletcher. Motion carried.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 7:30 p.m.

The Board reconvened at 7:57 p.m. with all members present.

BEKER PHOSPHATE: SUBSTANTIAL DEVIATION DETERMINATION

Public Hearing

The Chairman declared the public hearing open for the purpose of reviewing the change in plans by Beker Phosphate Corporation to ship phosphate rock from its Wingate Creek Mine to Port Manatee by truck

instead of by railroad, and to determine whether that change constitutes a substantial deviation from the Development of Regional Impact (DRI) previously approved by the Board, and any other changes as may be proposed by Beker. (Notice published in The Bradenton Herald, February 5, 12, and 19, 1982.)

Richard M. Goldstein, Attorney for the County, submitted certified copies of Manatee County Exhibits as follows:

- Exhibit 1 - DRI Development Order approved January 28, 1975
- Exhibit 2 - Resolution modifying a portion of a DRI Development Order and a Resolution granting Special Exception and Approving Master Plan adopted April 12, 1977
- Exhibit 3 - Annual reports of Beker Phosphate Corporation for 1976, 1978, 1979 and 1980 contained in the records of the Tampa Bay Regional Planning Council

Mr. Fletcher moved to accept the items/documents into the record. Motion was seconded by Mr. McGavic and carried unanimously.

Richard Eckenrod, Phosphate Mining Coordinator for the County, gave sworn testimony in response to questions by Mr. Goldstein.

Mr. Goldstein submitted Manatee County

- Exhibit 4 - Letter from James W. May, Chief, Bureau of Land and Water Management, State of Florida, Department of Veteran and Community Affairs, dated June 10, 1981, regarding the process of substantial deviation determinations.

Motion was made by Mr. Fletcher to accept the letter into the record. Motion was seconded by Mr. McGavic and carried unanimously.

Sworn testimony regarding the truck transportation issue was given by five individuals:

- 1) Charles Mudd, Environmental Science and Engineering, formerly employed by Tampa Bay Regional Planning Council (TBRPC).
- 2) Jim Hosters, Deputy Director, Hillsborough County City/County Planning Commission, formerly employed by Tampa Bay Regional Planning Council.

John Harllee, Attorney representing Beker Phosphate Corporation, described the proposed route for hauling phosphate rock from the Wingate Creek Mine to Port Manatee.

- 3) Dave Keston, Civil Engineer, Post, Buckley, Schuh and Jernigan.
- 4) Richard Hall, Transportation Engineer, Post, Buckley, Schuh and Jernigan.
- 5) Dart Morales, Environmental Specialist, Post, Buckley, Schuh and Jernigan.

After a brief recess, the Board reconvened with all members present.

Sheila Benz, Tampa Bay Regional Planning Council, was available to answer any questions.

Willard Stuckey, member of the Ellenton Area Civic Association, spoke in opposition to phosphate trucks moving through the community and expressed concern regarding noise, air pollution, traffic congestion and road damage.

Gloria Raines, representing Manasota 88, concurred with comments by Mr. Stuckey.

Fred Suthergreen, President of the Ellenton Area Civic Association, spoke in opposition to trucking phosphate through the Ellenton area.

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Cont'd

During discussion, the Board indicated additional information and further review of the submitted documents would be required prior to making a determination.

Mr. McGavic moved that this hearing be continued, that staff be instructed to gather additional information as requested by individual members of the Board and that Beker be requested to participate in the gathering and dissemination of that information. Motion was seconded by Mr. Chance and carried unanimously.

BEKER SETTLEMENT OFFER (CONTINUED)

Mr. Goldstein submitted a proposed agreement between Beker and Manatee County which includes all items that have been negotiated.

Mr. McGavic moved that the Board enter into the settlement agreement as presented and the Chairman be authorized to sign. Motion was seconded by Mr. Chance and carried unanimously.

RECORD AGREEMENT S31-1020RETIRED SENIOR VOLUNTEER PROGRAM

Motion was made by Mrs. Glass that the Chairman be authorized to send a letter to the Retired Senior Volunteer Program, endorsing the Program and congratulating the members of the organization for their outstanding contribution to the community. Motion was seconded by Mr. Chance and carried unanimously.

TRAVEL AUTHORIZATION


Upon motion by Mr. Chance, seconded by Mr. Fletcher, Mrs. Glass was unanimously authorized to travel to Tallahassee, Florida, March 3, 1982 to attend the State Association of County Commissioners meeting.

MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:

  
 Clerk

  
 Chairman 8/17/82

Adj. @ 10:36 p.m.