

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Wednesday, December 15, 1982 at 1:46 p.m.

Present were Commissioners:

Vernon E. Vickers, Chairman  
Kent G. Chetlain  
Westwood H. Fletcher, Jr.  
Patricia M. Glass

Absent was: Edward W. Chance, Vice-Chairman

Also present were:

Mary Greenwood, County Attorney  
Robert F. Fernandez, 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; Jud Magrin, Sarasota Herald-Tribune; Pat Wasson, WBRD; Betty Kohlman, St Petersburg Times, and others who entered during the meeting.

The meeting was called to order by Chairman Vickers.

Proceedings recorded by Court Reporter  
Rebecca Abbadessa (for Beker)

BEKER, SUBSTANTIAL DEVIATION - PUBLIC HEARING

Public hearing continued from December 7, 1982 was opened for the purpose of determining whether or not action by Beker Phosphate Corporation, in changing its method of transporting phosphate rock (from mine site to Port Manatee) by truck instead of by rail, constitutes a substantial deviation from the Development Order approved for Beker and its Wingate Creek Mine on January 28, 1975.

COUNTY PRESENTATION

Rich Goldstein, Special Counsel for County, reviewed the substantial deviation proceedings from July 23, 1981 to date:

- = On July 23rd, 1981, the Board of County Commissioners determined that the switch from railroad transportation of Beker's phosphate rock to truck constituted a change.
- = In February 1982, the Board began the original part of substantial deviation hearing.

After summarizing testimony from the previous hearings, he stated the Board will have sufficient evidence at the close of the hearing today to make a determination based on one of the two steps defined under Chapter 380, Florida Statutes:

- (1) Does the change constitute an additional adverse regional impact that contemplates a regional impact which was initially reviewed by the Regional Planning Agency. (in this case, the Tampa Bay Regional Planning Council)
- (2) Does the change constitute a regional impact of an item that was not reviewed by the Regional Planning Agency.

BEKER PRESENTATION

John Harllee and Roy Young, Attorneys for Beker, were present. Mr Harllee questioned eligibility of Mr Chetlain for participation in this quasi-judicial proceeding as he was not a member of the Board during the previous hearings. He further stated for the record that County Staff has not requested Beker to participate in compiling and disseminating information as instructed at the meeting of February 26, 1982.

DECEMBER 15, 1982

Cont'd

COUNTY TESTIMONY

Witnesses called by Mr Goldstein and giving sworn testimony were:

Daisy Gant, Manatee County School Bus Driver for six-and-one-half years - testified as to the route she travels daily; worsening condition of the portions of State Road 64 over which she has traveled daily during the past year; difference in the condition of SR 64 east of the mine and west of the mine.

Gertrude Bauknight, Manatee County School Bus Driver for eleven years - testified as to the route she travels daily; worsened condition of that portion of State Road 64 west of Beker Mine toward Bradenton; that she has reported the hazardous conditions (slime spill, 18-inch dropoff, vandalized barricades, etc) to the Florida Highway Patrol.

Dick Eckenrod, Manatee County Phosphate Coordinator - testified to his observation of Beker trucks transporting rock; violations by the trucks (load leakage), and that Florida Department of Transportation has found at least two trucks overweight.

Mr Harllee cross examined Mr Eckenrod.

BEKER TESTIMONY

Dave Keston, of Post, Buckley, Schuh & Jernigan, Inc, Consulting Engineers and Planners, employed by Beker to perform a transportation analysis on hauling of phosphate by truck (document identified as Wingate Creek Mine Transportation Analysis distributed to the Board) - testified as to preparation of the report under his supervision and summarized his conclusion that hauling of 1.2 million tons of phosphate material had no significant impact on County Roads and did not change any level of service on the roads.

Mr Keston was cross examined by Mr Goldstein.

BEKER EXHIBITS

- Exhibit No. 1 - Wingate Creek Mine Transportation Analysis prepared for Beker Phosphate Corporation by Post, Buckley, Schuh & Jernigan, Inc
- Exhibit No. 2 - Excerpt from The Manatee Plan Policy Document, as Amended October 27, 1981
- Exhibit No. 3 - Letter to Richard M. Eckenrod (6/2/81) from William A. Ockunzzi, TBRPC, with attachment "Future of the Region" an Adopted Policy Statement for the Tampa Bay Region
- Exhibit No. 4 - Letter from Richard M. Eckenrod (6/17/81) to Lewis G. Bartow, Re: Beker Phosphate Corp. Wingate Creek Mine - Method of Product Transportation.

Recess/reconvene. All members present except Mr Chance.

PUBLIC COMMENT

Gloria Rains, Manasota 88, and Hilda Quy, Isaac Walton League, expressed their opinions that there has been substantial deviation.

Flora Bell Brown, Don Miller, Richard Knight and Larry Robinson, employees of Beker, spoke favorably of the company's effort to comply with County requirements and that they felt trucks hauling Beker phosphate material had no adverse affect on County roads.

Mike Taylor, Michael Brown, and William Baker, drivers for Gould Trucking contracted by Beker to haul phosphate, reiterated their compliance with regulations, stressing the fact that Gould trucks were not the trucks causing complaints/problems.

It was pointed out by Counsel that the hearing is solely to determine whether or not there has been a substantial deviation in the Beker Development Order, not whether violations were committed.

Will Stukey, Ellenton Area Civic Association, objected to trucks hauling the material through Ellenton and suggested a moratorium be declared on phosphate trucking.

Doris Shemberg, League of Women Voters, requested the proceedings be summarized so that she could report to the League.

Closing summations were made by Mr Goldstein and Mr Young.

Motion: Finding of Fact - Substantial Deviation

Mr Fletcher moved to find that the use of trucks rather than rail to transport phosphate material from the Beker Wingate Creek Mine, which this Board on July 23, 1981 found to be a change from the Development Order approved for Beker on February 28, 1975, is a substantial deviation from Beker's DRI approval for the Wingate Creek Mine, and to direct Counsel to prepare a resolution incorporating findings based on the evidence presented for the record during these public hearings that will support Board's determination in this matter, for presentation to the Board for its consideration at its regularly scheduled meeting, Thursday, December 16, 1982. Motion was seconded by Mrs Glass and carried unanimously.

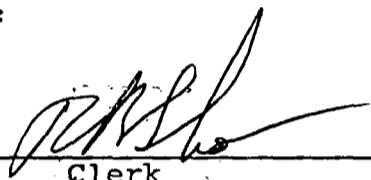
Public hearing was continued to December 16, 1982, 9:00 a.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 3/29/83

Adj: