

JOINT MEETING/PUBLIC HEARING
PLANNING/ZONING BOARD AND BOARD OF COUNTY COMMISSIONERS

January 20, 2011, 6:00 P.M.

Hardee County Board of County Commissioners Board Room
412 W. Orange Street, Courthouse Annex, Room 102, Wauchula, FL

MINUTES

PLANNING AND ZONING BOARD

Ralph Arce, present
Roger Conley, present
Gordon Norris, present
Oscar Ortiz, present
Charles Parker, present
Monica Reas, present
Mike S. Thompson, present
Vida Tomlinson, present

STAFF

Lex Albritton, County Manager, present
Kevin Denny, AICP, Director, Planning/Development
BJ Haney, Planner II, present
Sandy Meeks, BoCC Office Mgr., present
West Palmer, Mining Coordinator, present
Debra Butler, Mining Specialist, present
Ken Evers, County Attorney, present
Deputy Clerk of Court Laura Barker, present

BOARD OF COUNTY COMMISSIONERS

Minor L. Bryant, Vice Chairman, District One, present
Sue Birge, District Two, present
Terry Atchley, Chairman, District Three, present
Grady Johnson, District Four, present
Dale Johnson, District Five, present

No News Media Identified

Board of County Commissioners Chairman Atchley called the Board of County Commissioners to order. A quorum was present.

Planning/Zoning Board Chairman Thompson called the Planning/Zoning Board to order. A quorum was present.

Invocation presented by Sheriff Arnold Lanier; followed by the pledge of allegiance to the American flag.

Boards were advised that the Public Notice for the Joint Public Hearing to receive 2010-2011 Annual Unit Review for the Hardee Phosphate Complex for CF Industries Inc. was advertised on January 06, 2011 in *The Herald Advocate* with Affidavit of Publication on file.

Boards and County Staff were provided with a copy of Annual Unit Review and a copy of Hardee County Mining Staff Summary dated January 10, 2011, a copy of proposed Resolution 2011-16 for the 2010-2011 Annual Unit Review prior to the Joint Public Hearing.

Mining Coordinator Palmer stated the purpose of the Joint Public Hearing and presented Staff's Summary/Report (copy attached to original Minutes) Palmer noted that the Joint Public Meeting information packets for the Boards included:

- 01/10/11 Memo to County Manager advising the Annual Review documents have been reviewed by County Staff and there are no outstanding issues
- 01/10/11 Staff Summary
- Summary Table of the CF Industries Inc. Development Order conditions.

Palmer enumerated items 1-8 in the Staff Summary and stated that the current and proposed operations within the Hardee Phosphate Complex DRI (Development of Regional Impact) comply with the Hardee County Unified Land Development Code (ULDC), and stated that staff recommends approval of the 2010-2011 Annual Unit Review.

A question was posed and Palmer advised that approximately 10,737 acres have been disturbed by mining operations in the South Pasture; 1,809 acres have been reclaimed through initial revegetation, approximately 2,248 acres are available for reclamation.

Nick Katzaras, General Manager, CF Industries, Inc., 6656 Royal Forest Dr., Lakeland, FL was sworn and introduced CF Staff Kenny Miller, Land Management and Environmental Permitting, Gary Blitch. Miller and Blitch were sworn.

Katzaras highlighted safety, work force levels and productions levels for CF Industries for the annual review period.

Katzaras pointed out that CF has 123 employees that are Hardee County residents and 27 managerial employees are Hardee County residents. Katzaras noted that CF paid 1.8 million dollars in ad valorem taxes and 10.8 million dollars in severance taxes to the State of Florida.

Miller, 2008 Griffin Rd., Wauchula, FL spoke to not mined and reclaimed properties in ag uses, uses of reclaimed water from City of Wauchula and Hardee County, advised that South Pasture permitting efforts have begun and a third dragline became operational in 2010. Miller presented a slide presentation depicting West Pasture and East pasture activities.

Blitch, 4245 Waylan Dr., Mulberry, FL advised of Environmental Monitoring that included 2010 Rainfall measurements of 46 inches, deep well pumping three percent of the annual quantity permitted by Southwest Florida Water Management District. Blitch also highlighted the 2010 permitting activities.

George Opterbeck, 6545 Longwood Trace Ln., Lakeland highlight reclamation activities and status of reclamation progress.

A question was posed from the Boards and Blitch stated that Table 10A of the Annual Unit Review summarizes disturbed acre-age and mining and reclamation operations in the South Pasture as of 08/31/10, and that:

- 1,809 acres--Reclamation Complete (includes areas reclaimed through initial revegetation and released areas);
- 0,846 acres—Active Reclamation (mucking, topsoiling, contouring and grassing);
- 1,027 acres—Active Sand/Clay Mix Consolidation.

Blitch highlighted progress of Aquifer Recharge and Recovery Project (ARRP) and presented a slide presentation showing ARRP overview and regulatory approval summary, that included ARRP components, treatment wetlands established and sand filter basin. Blitch pointed out that the State required two years of sampling before an operational permit can be issued.

Randy Selgrad, Vice Present and Treasurer, CF Industries, Inc., Deerfield, IL was sworn and provided financial responsibility information that included Results of Operations ending 12/31/2010 and key statistics/leverage. Selgrad advised that net sales are up. (NOTE: pertaining to demonstration of financial responsibility for reclamation of land to be mined in the 2011 nit Plan and reclamation of lands previous mined or covered by a settling pond or sand/clay mix setline area and not yet reclaimed Section C.03.a of the Annual Unit Review shows that the fee is \$5,000 for each acre of land to be mined in the year following the anniversary date

<i>Projected to be mined in 2011:</i>	
Phase III (south Pasture)	414 acres
Amount of fee/acre	\$5,000= \$2,070,000.

A question was posed from the Boards and Blitch advised that reclamation plans require specifications and land use codes to follow for forested wetlands and uplands and plant species are planted that are suited to the area. (NOTE: C.01.c(04) of the Annual Unit Review document provides a detailed description and location of the vegetation to be planted).

A question was posed to the Boards and Katzaras responded that the 'third dragline' could indeed be utilized for some reclamation projects.

BoCC Chairman Atchley pointed out the Annual Unit Review is public record and citizens are invited to review the reports.

A question was posted to the Boards and Katzaras responded that CF's position on economic development is things that are good for the citizens.

A question was posed to the Boards and Blitch advise that there a 6.5 million gallons of water for daily use and CF only uses three percent of the permitted amount.

A question was posed to the Boards and Blitch pointed out that CF continues to use the sand-clay mix settling area and will probably do so through 2014; after 2014 it will probably be clay.

BCC Chairman called for public input.

Dennis Mader, 4224 Solomon Rd., Ona, FL was sworn and asked how come annual review is being done now instead of in December.

Palmer advised that last year the County received the document timely, but the County's review took a little longer.

Mader inquired what and how much re-agents are being used on a day to day basis.

It was said that 6-8,000-gal.-trucks are utilized, six to eight truckloads. Mader requested to review the West Pasture mining.

Frank Kirkland, (3840) Fussell Rd., Bowling Green, FL was sworn and inquired what is happening with the clay settling area (on CR 663 North)?

Katzaras responded the land may possibly be used for a power plant in the future.

Steve Spinks, 4325 Hwy. 17 N., Bowling Green was sworn and expressed thanks to CF and to the goodness of the employees; being an employee there I have learned that mining is not a 'boogie-man'; the company takes great steps to ensure the water that leaves the site is purer than what you drink from the faucet.

MOTION by P/Z Board Member Norris, second by P/Z Board Member Parker to recommend to the Board of County Commissioners approval of 2010-2011 Annual Unit Review for CF Industries, Inc. Motion carried unanimously.

MOTION by Commissioner Dale Johnson, second by Commissioner Grady Johnson to accept the P/Z Board's recommendation, and to approve the 2010-2011 Annual Unit Review for CF Industries Inc. (and to authorize BoCC Chairman to sign **Resolution No. 2011-16**). Motion carried unanimously.

Chairman Atchley adjourned the BCC and P/Z Joint Public Hearing at 7:10 P.M.

Respectfully submitted,

"BJ" Haney, Acting Recording Secretary