

T. Mims flip flops on IEP Proposal

Just prior (7 March 13, 2013) to a judicial proceeding initiated by T. Mims Corp it submitted a document to the court titled The Mims Project. In this document he completely changed the focus of the Innovation Environmental Park project submitted to the BoCC in Feb 2010 and June 2010. The judicial proceeding is called a Request for Summary Judgment and was against Polk County and was scheduled for March 8 2013. In it he alleged the BoCC had wrongly denied T. Mims Corp the right to utilize all 1700+ acres identified in the earlier documents for the purpose of constructing a LANDFILL similar to that at the North County Landfill. (NCLF). In effect Mims wanted to have the court completely change the focus of the project without entertaining the objections that would arise from such a project change. Under the IEP project he proposed what was billed as a State of the Art Recycle facility with mfg. and jobs, it was played as an Economic Development opportunity to the BoCC. Contrast this with the latest document sent to the court that renamed the project to The T. Mims Project and completely changed the project purpose/emphasis to a landfill, essentially a mirror of the North Polk county landfill. This document made no mention of the Recycle opportunities and benefits claimed by the initial project and in fact took great care to avoid mentioning any Economic benefits to the county. What is particularly galling is T. Mims seeks \$30 million in damages he supposedly suffered as a result of the county restriction of his initial project to 800+- acres approved in June 2010.

The initial hearing was heard on Friday March 8 with a continuation to 14 March. I do not understand why there was no press coverage, when Republic was overpaid \$1.2m by the county T. Mims made it a point to insure press coverage of the event yet when he has \$30m at stake he remains moot? Could it be he wanted to deprive the citizens any knowledge of the fact he flip flopped on the project and essentially refuted the statements he made under oath in front of the BoCC in 2010. The county was represented at the hearing By Mr. Robin Gibson and Mims was represented by Mr. Hooker and Mr. Davidson. The presentations took 2 full days.

On Friday morning after some legalese about just was being decided Mr. Gibson presented the county's position and noted that the court received at the 12th hour a document that wherein Mr. Mims desired to retitle the request to the T. Mims Project and change the focus of to a landfill. In this document Mims made no mention of those things presented at the BoCC meetings, i.e. NEW, Innovative, different, state of the art with important opportunities for the County in terms of employment and manufacturing possibilities. This new project was all about a landfill on the order of the NCLF. Mr. Gibson then cited state Supreme Court decisions that took dim view of such actions and they felt that it was inappropriate for parties to attempt to have the court involved in such actions.

One needs to recall in the earlier BoCC hearing the commissioners, after hearing from many parties, reduced the size of the project to 800 acres and forwarded the decision to the state for review. It was made clear to the developer the area he was working with and that there would be conditions placed on the project after state review. When the project was approved and came back from the state a second BoCC hearing was held and the county and Mr. Mims agreed on the constraints placed on the project and a document was drawn up and signed by both parties.

In this hearing Mims asserted that he had been 'forced' to sign the document and the project would not be economically viable as presented. He furthermore asserted that Republic services was in a conspiracy with the county at the time to deny him his project. What was particularly galling was the statement that he (Mims) did not realize there was any resident objections and felt that Republic was the instigator of any opposition to the project.

I feel it is important to interject here that this could not be any further from the truth. Mulberry City Commission and Fort Mead City Commission are on record as opposing the project. More importantly was the efforts of the residents of Bradley, Rolling Hills/Pierce, Pinedale and Oak Terrace. We started town meetings in Oct of 2009 and continued them until June of 2010 (at least 10 in all). In those meetings and some committee meetings we developed the strategy we used to stop this project. From those meetings came t-shirts, yard signs, radio ads, newspaper ads, letters to the editor, TV coverage, petitions (2000+ that included virtually every resident of these communities), letters/emails, postcards, phone calls to the BoCC members and individual discussions with the commissioners by people we selected to present facts as we knew them. In addition we had discussions with the county staff to clarify how we had to present our facts to the BoCC and to make sure our facts were just that. In addition to formal presentations many residents showed great courage by getting up in front of the BoCC and making it clear we did not want this project. Realize, we had little if any knowledge of Landfills, recycling, land rights and county Land Use Codes, so we had a lot of learning to do. Even with the internet you need to know what to search for and what to ask about in the search. In the course of gathering information we contacted the county waste management

folks and people at Republic services. This contact was in no way a conspiracy, we asked the questions and they answered them. The county staff was always quick to emphasize they were providers of information and would not be taking sides.

An effort like this has to have dedicated people and MONEY. Lawyers cost money. Ads cost money. On the people side folks like Susan Mc Duffie, Rev Moates, Beth and Jim of Clark Environmental, Frankie Smith and Brent Geohagen stepped up to help. The money side was a different story, no business would help, even though they agreed with us about not siting a landfill in south Mulberry, we received no help. We continued using what people could contribute, we did what we could with what we had.

My source for information on waste processing on the commercial side was Mark Talbot of Republic Services. I called him cold in October 2009 with questions and like the county he was always professional in providing information. In January 2010 he (not his company) felt Mims seemingly endless source of money, not the facts of the project, was putting our effort at an unfair advantage so he (NOT Republic Services) offered to help us with expenses and a quick lesson in PR. I said ok (I would have taken money from the devil at point) on the condition that this was the communities fight to wage and there were no strings, we were not stooges of Republic and he said there were no strings to his support, he stated he felt to Mims was a bully and we deserved some help.). Brent Geohagen (our lawyer) said it does not matter who spent what, what is important is what is presented to the BoCC. We were obligated to present facts, true and accurate, that is what was important and that is what we did. I challenge anyone who thinks we were being manipulated by Republic to read the ads we put in the paper, watch the videos of the BoCC meetings and listen to our presentations, you will see democracy at work. Citizens/residents put together a professional product with obligations to no one. As I told Mark, it does not matter who wants to put a landfill this close to our communities we do not want it and we would fight anyone including Republic.

Why did we have to resort to paid ads? We felt obligated to inform the citizens of Polk County of what was at stake in this project. Newspapers seemed unwilling to commit time and effort examine the facts and present an unbiased representation of the facts. Given the latest project redefinition by T. Mims, IE I want a landfill and demand you pay me \$30 million because you did not give it to me in June 2010 ask where is independent journalism? If you give front page coverage to a \$1.5 million story about Republic Services should you not give a few pages examining the story behind a \$30 million dollar claim by T. Mims? Our biggest disappointment of all had to be our own commissioner Randy Wilkerson, it is the one BoCC decision that virtually every person in his district opposed yet he voted for it.

In all we heard 6+ hours of conspiracy claims, duress claims and the world is against my client statements from Mims lawyer's, things that if true (which were not) did not matter. There was not one shred of evidence presented to show the BoCC had not treated the Mims proposal and community objections unfairly while making a decision on facts that were in evidence at the hearing. The proposal as presented had great attraction and benefits for the county, a commercial landfill as presented in his latest submission has no economic advantage for the county. On Thursday afternoon 14 March 2013 the county lawyer (Robin Gibson) educated everyone on just what law and good government is all about. Our society is based on legislative and judicial balances, the legislative side is messy filled with intrigue and efforts on all sides to promote their own agendas. The judicial side is about the law, the folks on this side must have clean hands as they are the makers of enforces of the laws that hold our society together. He felt that the BoCC proceedings were what good governance is all about, both sides were well represented professional and respectful of the BoCC. In the 8 March 2013 court proceeding the Mims presentation was all about the legislative side the various messy things that go in that venue. He then noted in the end it did not matter, none of what was presented sullied the hands of the BoCC. What mattered today was that court was being asked to ignore the time, expense and concerns of the residents involved in the original project and make a major change in the focus of the project that clearly was not entertained at the BoCC. Mr. Gibson presentation included Mr. Mims own sworn testimony that emphatically rejected that he wanted a landfill and his project was new, innovative and held many benefits to the county. He then contrasted this to what was asserted in the 12th hour document, the Mims Project was all about a landfill with the demand that the court grant all the privileges of the NCLF. His point was there was nothing new, innovative and had zero benefits for the county and especially the residents of the four nearby communities. Based on this argument he asked that the judge rule for the county in the matter before it.

At this time the judge has not made his decision public.