

MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD AT THE CENTENNIAL BUILDING LOCATED AT 2201 CENTENNIAL DRIVE, OCTOBER 4, 2011 AT 6:00 P.M.

The following were present: Mayor Magidson, Commissioners Gingell, Kennedy, Patterson and Buzzett. City Manager Charlie Weston, Attorney Tom Gibson and City Clerk Jim Anderson were also present.

Consent Agenda:

Minutes:

Motion by Commissioner Buzzett, 2nd by Commissioner Gingell, to approve the Minutes for the August 16, 2011, Workshop Meeting and the September 20, 2011, Regular Meeting. All in Favor; Motion carried 5-0.

Regular Agenda:

City Attorney:

Ordinance 472 Water Rates:

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to have the 2nd reading of Ordinance 472. All in Favor; Motion carried 5-0.

Public Hearing:

No one from the public spoke on Ordinance 472.

Ordinance 473 Sewer Rates:

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to have the 2nd reading of Ordinance 473. All in Favor; Motion carried 5-0.

Public Hearing:

No one from the public spoke on Ordinance 473.

Motion by Commissioner Patterson, 2nd by Commissioner Gingell, to approve Ordinance 473. All in Favor; Motion carried 5-0.

Resolution 2011-06, State Revolving Fund, Funding Request for the Water Distribution System Upgrades:

Motion by Commissioner Kennedy, 2nd by Commissioner Patterson, to approve Resolution 2011-06. All in Favor; Motion carried 5-0.

Development Order Request, Rentech Inc., 521 Premier Drive:

Mr. Weston indicated that the City Commission needs to consider approval of the Planning and Development Review Board's recommendation to issue a Development Order to Rentech Inc.

Bo Creel, from EPCI Services who is the City Building Inspector, reviewed the timeline for the Development Order Request as follows: June 30, 2011, Rentech applied for a Development Order; July 5, 2011 the City notified Rentech that its application was incomplete; August 1, 2011, the Technical Advisory Committee meet to review the application; August 5, 2011, the Technical Advisory Committee reconvened and found the application complete; August 30, 2011, the PDRB met and gave a Recommendation of Approval for a Development Order for Rentech.

Mayor Magidson noted that the Development Order Application and FINDINGS are in the Commission Agenda for review. Also included are the Minutes from the PDRB meeting on August 30, 2011, indicating their recommendation of approval for a Development Order for Rentech.

Public Hearing:

Sim Weeks, the Rentech Project Manager for the Port St. Joe Renewable Energy Center, gave a presentation to the Commission. See attached Ex. (A).

Commissioner Gingell asked, "Can you harvest the understory without damaging the trees?"

Mr. Weeks responded, "We will be taking all of the materials that the paper mills and other such companies can't use."

Commissioner Kennedy asked, "Will you be using any C & D Materials?"

Mr. Weeks responded, "No, we have no plans to use C & D Materials."

Attorney Robert Hartsell representing Bill and Barbara Dorris approached the Commission. He provided a binder titled Document Submittals of Biomass Accountability Project, Inc. 10/4/11 Hearing. He also noted that he has an Affidavit from Dr. Ronald H. Staff and feels that the project is in violation of the City Land Development Regulation for the following reasons: Obnoxious fumes, explosion risk, untested technology, generates hazardous waste and the Regional Planning Board should approve any plant that produces hazardous materials. He questioned the ability to pump water from the fresh water canal and noted the materials will have to be constantly wet down. He also noted that exotic invasive plants can be used in the Development Order Request as a fuel source, he recommends making a condition not to use. The Flood Map is also misleading, not all of the property is zoned X, 185 is VD & AD. Noise and disturbances are another issue due to the anticipated increase in truck traffic. He also found no height indications on the DO Request and should be communicated with Eglin Air Force Base.

Marilyn Blackwell:

Thru public records request, she has obtained hundreds of pages of documents that mislead the public.

John Hooper:

Mr. Hooper noted that the plant will create several major pollutants. One hundred to two hundred truckloads of wood products will be needed at the plant every day. In order to sustain the materials needed for fuel they will need to plant Arundo Donax. He asked, "Who will be getting rich? Who will pay the price? The

taxpayers. "The City has deferred to DEP for the Air Permits. Mr. Hooper also asked, "Who will cover the cost to repair our roads from the traffic of two hundred trucks a day?"

Michael Noll:

Mr. Noll, who is from Valdosta, Ga., noted that Bio Mass Plants have risk and confusion issues with resources. The cost of fuel will become expense when resources are limited. Thousands of doctors have testified against Biomass Plants. The risk of such things as asthma, heart conditions, etc. will increase as well. We should keep our air clean.

Bob Fulford:

Mr. Fulford, who is from Tallahassee, indicated that Mr. Farris and the Biomass Groups seek out small towns. This thing sounds too good to be true. I'm requesting a referendum to vote on it.

Commissioner Kennedy asked, "Mr. Fulford, why are you here?"

Mr. Fulford responded, "I'm concerned they will get rich."

Mayor Magidson asked, "Do you have any facts?"

Mr. Fulford responded, "Most of the money they will get will be Government Money."

Mayor Magidson noted that we need to have facts. Originally, the proposed Bio Mass Plant was seeking Department of Energy subsidies, but it is his understanding that funds are no longer available.

William Dorris:

Mr. Doris is opposed to the project due to its adverse effects on health and the Real-estate Market. This will not be clean energy. This will send a message that the City doesn't care about its citizens. He asked, "Where is another plant like this one?"

Mr. Weeks responded, "A very similar gasifier is located in Burlington Vt. It has a different power plant but the same type gasifier."

Mr. Dorris asked, "Will this be the first plant this size?"

Mr. Weeks responded, "Yes."

Mayor Magidson asked, "Mr. Dorris, did you make any comments to DEP concerning the Air Permit?"

Mr. Dorris responded, "No, I just found out about the project."

Mayor Magidson noted that multiple newspaper articles have been published as well as public hearings.

Dr. Ron Saff:

Dr. Saff, from Tallahassee, indicated that he is here on his own dime. The Fl. Medical Association is deeply concerned about Biomass Plants. Leon and Liberty Counties kicked proposed Biomass Plants out. There is no safe Biomass Plant. The air we breathe should not make us sick. This is a huge financial risk, if the plant is approved, I likely will become wealthier. DEP has a horrible track record. Most cities in Florida have a grade of C, D, or F for Air Pollution.

Commissioner Buzzett asked, "Dr. Saff, does your organization have any opinions on paper mills?"

Dr. Saff responded, "Nothing specific on paper mills."

Mayor Magidson asked, "Dr. Saff, did you make any comments on the Air Permit?"

Dr. Staff responded, "Not on this one."

Mayor Magidson asked, "Dr. Saff, did you file an appeal?"

Dr. Saff responded, "No."

Mr. Fulford stated that two times he had the opportunity to file an appeal, but was out maneuvered.

Mayor Magidson noted that if an appeal was properly filed, the court would have to hear it.

Mr. Fulford responded, "Not true."

Diane Brown:

Ms. Brown, from Bay County, is representing Gulf Citizens for Clean Renewable Energy. She has 266 petitions signed by citizens and/or property owners. An appeal was filed by local residents, but withdrawn because the governor was asked to intervene, expedite the process and only allow 30 days for the appeals process. Without ample time, they had to withdraw their appeal. Attorney Sheehan wrote a letter to the County and City requesting a joint public meeting and numerous documents have been submitted to the PDRB for review.

Patricia Hardman:

Ms. Hardman noted that project will be paid with private funds and it seems some people have a problem with DEP Standards. She stated, "I'm confused that some people are asking the City to review the Air Permit, when they have exceeded all the requirements. I've been to six or seven public meetings myself on the proposed plant and found nothing misleading. I've never found DEP friendly to development and I'm asking the City Commission to issue a Development Order."

Landy Luther:

Mr. Luther indicated that an incredible amount of new information has been found since the last public hearing in 2009. He is concerned about the PDRB Meeting. We had a fair amount of people speak, but it looked like it was an injustice.

Mayor Magidson noted that he can't speak for the PDRB and asked, "Did you address this issue?"

Mr. Luther responded, "We were not allowed to. No dialog took place. We had a fair amount of people speak, but the finding sheet had already been issued."

Mayor Magidson noted that the PDRB recommended approval of the DO request he assumed, because Rentech met all the requirements.

Randy Misnick:

Mr. Misnick indicated that Mayor Magidson noted that the former paper mill paid for a lot of kids to go to college. Mr. Misnick stated that this was done at a sacrifice. History was made when the mill was demolished. He encouraged the City Commission to do what is right by voting down the Biomass DO.

Debbie VanVleet:

Ms. VanVleet indicated that this is not DEP's decision. This is the City Commission's decision and they have profited from this community. Do no harm then do good.

Patricia Petrie:

Ms. Petrie asked, "Is this a good match?" We need to remember the health risk. Regulations are not strict enough on Biomass Plants. Tourism will take a dip if the Biomass Plant is approved.

Kenny Strange:

Mr. Strange asked for everyone to stand up that has had a family member lose their job. "Our family members are moving away. I went to the Biomass Plant on the campus of South Carolina and it was quiet and clean. This county is dying, DEP has approved and I hope the City Commission votes for it," he stated.

Erica Bruckner:

Ms. Bruckner asked, "Can you tell us how much revenue the City will receive? What does the City have to gain?"

Mayor Magidson responded, "Any industry in Port St. Joe will have a payroll trickling down to businesses, property tax & water bills. I've heard a lot of very good arguments on both sides, but wanted to know that this project has been out in the public arena."

Ms. Bruckner indicated that hundreds of people didn't know about the project.

Nathan Peters, Jr.:

Mr. Peters noted that he served twenty six years as an elected official and feels the need to voice his opinion. The county has investigated the Air Permit for two years and they have met all of the DEP requirements. This is no comparison to the paper mill and our community needs the jobs.

Craig Seay:

Mr. Seay approached the Commission in reference to his water quality. "I'm here about my water and I can't drink my water."

Mayor Magidson responded, "We have been working on this for two years."

Christopher Teaf:

Mr. Teaf is a Health Scientist from Tallahassee. He noted that knowledge of the facility shows that it will be required to meet all requirements. The facility is not dangerous. We should focus on making the plant safe and functional.

David Warriner:

Mr. Warriner indicated that he attended the PDRB Meeting on August 30, 2011 and spoke to the Board as did a complete list of other citizens. He saw no acceleration in the meeting. This community has suffered tremendously. This is a \$200M project with a two year construction period and a \$2M a year payroll. Glenn Farris is an honorable man and they have gone thru due process to get a Development Order.

Dan Transmiere:

Mr. Transmiere is with the Apalachicola River Keepers. He sent a letter to DEP and asked to meet with them. The answer he received was "No." We have a lot of indications that our Air Regulations are behind. You, as a local government, are the only ones to look at the overall picture. We will see a reverse in the community if you allow a Biomass Plant. 1M gallons a day of water essentially will come from the Apalachicola River. Do you want to lose Eco Tourism for twenty five jobs? He also believes that people are gearing up to grow invasive plants for the Biomass Plant. You will lose more than you will gain.

Gina Vicari:

I said, "They would never pass a Biomass Plant." This shouldn't be just the Commission's decision, this should be our decision.

Lee Touchton:

Ms. Touchton is the president of the NAACP in Valdosta, Ga. The NAACP was not on the list when they met with the public, only businesses were listed. She noted that 75% of these type facilities are in African/American communities. She also indicated that Dr. Teaf has a background in promoting chemicals and encouraged people to review the information surrounding Glenn Farris in Tallahassee.

Mayor Magidson noted that the proposed Biomass Plant will be built in an industrial area.

Amy Rogers:

The majority of people affected live in Highland View and North Port St. Joe with low incomes. We don't have fair representation on the PDRB.

Mayor Magidson responded, "Your question after the PDRB meeting was, Where is the African /America representation?" Rawlis Leslie was absent from the meeting.

George Rhynes:

Mr. Rhynes was the former president of the NAACP in Valdosta, Ga. and stated, "It seems like the mayor answered most of the questions."

Mayor Magidson responded, "Each Commissioner is permitted to speak as they wish."

Mr. Rhynes noted that we can think something is safe if they tell us.

Commissioner Gingell indicated that Mr. Rhynes is a visitor in our community. Commissioner Gingell stated, If I would like to speak, I will. There is a representative from North Port St. Joe on the PDRB, but we don't ask a person's "means" to serve on a board."

Mayor Magidson noted that no one has pointed a finger except from the podium. He was offended by anyone calling him names or saying he had taken money. He has not received a dime.

Ms. Rogers asked, "Why isn't anyone from Highland View on the PDRB?"

Commissioner Gingell responded, "Highland View is not in the City."

Mayor Magidson noted that Highland View citizens are welcome at City meetings.

Ms. Rogers would like to see an Advisory Board made up of Highland View residents.

Commissioner Patterson asked, "If you were born, raised and lived here for more than twenty years and want me to vote no, please stand up. If you are against something, you should voice your opinion."

Charles Gathers:

Mr. Gathers attended the meeting in 2009 and was in favor of the Biomass until he found additional information. The college campus that was viewed doesn't represent the proposed plant. I don't want it if it possibly could hurt my children.

Twenty five jobs don't necessarily mean people from Port St. Joe will get them. I'm tired of being dumped on. Let's make sure we represent the people.

Marnie Valent:

Ms. Valent doesn't see the relevance of Commissioner Patterson's question and would have to give strong consideration before moving to Port St. Joe full time.

Commissioner Gingell understood that the University of Florida has stopped all projects with non-native grasses.

Mayor Magidson noted that he is not sure the Department of Agriculture would allow it.

Diane Brown indicated that she has a picture showing a field of non-native grass's at Stone Mill Creek.

Mr. Weeks stated, "We have no intention to use Arundo Donax."

Commissioner Buzzett noted that Glen Ferris has indicated Arundo Donax would not be used and would like it indicated in the Development Order.

Attorney Gibson indicated that issue of explosives is covered in the LDR.

Mr. Creel noted that the issue of explosives will be mitigated during construction; we don't have enough information at this time on the equipment. All fire code will be met as well as code on obnoxious odors.

Lynn Kennerly:

Ms. Kennerly asked, "How do you plan to dispose of all the ash?"

Mr. Milton Ferris noted that he is the Vice President of Rentech and was exposed to Agent Orange. He will not work with any process that would create Dioxins. We are not here to expose people unjustly.

Mr. Weeks responded, "We have not decided on what will be done with the ash, but we will follow all the rules and regulations for disposal."

Mayor Magidson noted that he is not a scientist and doesn't know how to measure Dioxins, but he does know we have experts at the State and if they say it meets the requirements, he believes them. People keep saying this will be the first of this type plant. He asked, "How can the American Lung Association say it's bad, if this is the first?"

David Warriner indicated that the Commission has been more than kind for letting everyone speak.

Mayor Magidson noted that there has been a lot of discussion, but we are also here to consider the PDRB's recommendation to issue a Development Order to Rentech.

Motion by Commissioner Buzzett, 2nd by Commissioner Kennedy, to approve the Planning and Review Board's Recommendation to issue a Development Order for Rentech, but will not allow the burning or use of invasive plants or grasses. All in Favor; Motion carried 5-0.

Commissioner Comments:

Commissioner Patterson wished that we would have had more people present here. I need the community to come forward," he said.

Commissioner Gingell requested that we follow thru with the County and Roy Lee Carter at the County Extension Office to make sure all the Arundo Donax Fields have been removed and are monitored periodically.

Mayor Magidson indicated that we allowed the meeting to continue on to allow everyone to speak.

Motion by Commissioner Gingell, 2nd by Commissioner Patterson, to adjourn at 9:32 P.M.

Approved this 18th day of October 2011.



Jim Anderson, City Clerk



Mayor Magidson