

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
February 13, 2007**

The Board of County Commissioners of Leon County, Florida met in regular session on February 13, 2007 at 3:00 p.m. with Chairman DePuy presiding.

Present were Commissioners Thael; Dailey; Rackleff; Proctor, and Desloge. Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; Director of Finance, David Reid and Board Secretary Diane Norvell.

At the request of Chairman DePuy, the Board meeting opened with The National Anthem sang by the New Madrigal Singers.

**Invocation and Pledge of Allegiance**

The Invocation was provided by Commissioner Proctor. Chairman DePuy then led the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- a. Resolution in Honor of the Retirement of Sandy O'Neal, Board Secretary, After 30 Years of Dedicated Service to Leon County

Chairman DePuy presented the attached Retirement Resolution. Clerk of the Circuit Court Bob Inzer presented Mrs. O'Neal with a plaque "In Appreciation of 30 Years of Service and Best Wishes from Friends at the Leon County Clerk of the Circuit Court."

- b. Commissioner Desloge presented the attached resolution was presented to the Chris Floyd, American Red Cross of the Big Bend, designating February 12 – 16, 2007 as Hazardous Weather Awareness Week. Citizens were encouraged to participate in the American Red Cross Disaster Resistant Neighborhood Program.
- c. Commissioner Proctor gave a brief presentation and presented the attached resolution to Dr. Julian White, FAMU Band Director, honoring and saluting the FAMU Marching 100 Band on their Super Bowl Appearance XLI. Dr. White introduced the band leaders and section leaders, and thanked the Board for their support.
- d. Presentation of *American City and County Magazine* 2006 America's Crown Communities Award for Heart Ready Efforts

County Administrator Alam announced the Leon County received an *American City and County Magazine's* 2006 America's Crown Communities award for the County's heart-ready efforts. He stated that only three counties and four cities, seven jurisdictions, in the United States received the award. Mr. Alam recognized Ms. Jennifer Meale for preparing and submitting the application and Chief Quillin for implementing the application and Chief Quillin for implementing the heart-ready program.

Emergency Medical Services (EMS) Chief Quillin recognized Deputy Chief Mac Kemp for all his efforts, and listed the steps being taken by Leon County EMS to ensure the best outcome for citizens who suffer cardiac problems:

- Placing Automated External Defibrillators (AED) in County facilities and law enforcement vehicles, and intend to soon have them in all County facilities
- Working with the School Board, law enforcement, and other agencies to place AEDs in school public safety vehicles, and community

*Chairman DePuy announced that Commissioner Sauls is absent due to illness.*

#### Consent Agenda

Commissioner Thael moved, duly seconded by Commissioner Dailey and carried unanimously, 6/0 (Commissioner Sauls was not present), to approve the following Consent Agenda with the exceptions of Items 12 and 24 which were addressed as described below:

1. Approval of Minutes: January 9, 2007 Workshop and Public Hearing on Cycle 2007-1 Comprehensive Plan Amendments, and January 9, 2007 Regular Board Meeting

The Board approved Option 1: Approve the minutes of the January 9, 2007 Workshop and Public Hearing on Cycle 2007-1 Comprehensive Plan Amendments, and January 9, 2007 Regular Board Meeting.

2. Approval of Memorandum of Understanding Between Leon County and the City of Tallahassee Regarding Joint City/County Meetings Minutes

The Board approved Option 1: Approve the Memorandum of Understanding between Leon County and the City of Tallahassee regarding Joint City/County Meeting Minutes.

3. Acceptance of the Leon County Research Development Authority Nominating Committee Nomination for Appointment to the Leon County Research Authority Board of Governors

The Board approved Option 1: Accept the nomination of Mr. Bill Hebrock by the LCRDA Nominating Committee.

4. Approval of Payment of Bills and Vouchers Submitted for February 13, 2007 and Pre-approval of Payment of Bills and Vouchers for the Period of February 14 through February 26, 2007

The Board approved Option 1: Approve the payment of bills and vouchers submitted for approval February 13, 2007, and pre-approve payment of bills and vouchers for the period of February 14, 2007 through February 26, 2007.

5. Adoption of Revisions to Personnel Policies and Procedures; Section III – Recruitments, Selection, and Appointment

The Board approved Option 1: Approve revisions to Personnel Policies and Procedures, Section III; Recruitment, Selection, and Appointment

6. Adoption of Proposed Policy for the Collection of Delinquent Emergency Medical Services Accounts

The Board approved Option 1: Adopt the proposed Collection of Delinquent Emergency Medical Services Accounts Policy.

7. Approval to Implement a Vehicle Replacement Program with Medium-duty Ambulance Remounting

The Board approved Option 1: Approve the Implementation of a Medium-duty ambulance-remounting program and approve the associated budget amendment.

8. Approval of Agreement

The approved Option 1: Approve the Agreement between Leon County and North Florida Community College Establishing a Student Internship Program at the Emergency Medical Services Division.

9. Approval to Submit 2006/2007 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant Applications

The Board approved Option 1: Authorize the submittal of the 2006/2007 Florida Department of Health, Bureau of Emergency Medical Services matching grant applications.

10. Ratification of Board Actions Taken at the January 23, 2007 Workshop on Proposed Private Business Accelerator Program

The Board approved Option 1: Ratify the Board actions taken at the January 23, 2007 Workshop on a Proposed Private Business Accelerator Program to Stimulate Local Business Development in Leon County.

11. Approval to Issue a Request for Proposals for Engineering Services for the 2007 Community Development Block Grant – Economic Development Category for the Capital Circle Commercial Park Project

The Board approved Option 1: Approve the issuance of a request for proposals for engineering services for the 2007 Community Development Block Grant – Economic Development Category for the Capital Circle Commercial Park Project.

12. Approval of Work Study Contract Between Leon County and Florida State University

Commissioner Proctor pulled this item for discussion and inquired if the Work Study Contract was open to other universities in town. Mrs. Andrea Simpson, Health and Human Services, responded that the County also works with FAMU for internship; however, the subject contract is between Leon County and FSU. County Administrator Alam explained that County provides funding for 3 or 4 internships per year with FAMU.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Sauls was not present), to approve Option 1: Approve the Florida State University Community Service Work Study Contract and authorize the Chairman to execute.

*(The Board then entered discussion of Item 24.)*

13. Acceptance of Points of Light Foundation and Matching Volunteer Services of Manatee County Grants for Family Volunteer Day

The Board approved Options 1, 2, and 3: 1) Accept the Family Volunteer Day Grants from Points of Light Foundation in the amount of \$750, and Volunteer Services of Manatee County in the amount of \$750, and Volunteer Services of Manatee County in of \$500; 2) Approve the Memorandum of Understanding with Youth Service of America and authorize the Chairman to execute; 3) Approve the resolution and associated budget amendment.

14. Acceptance of *Make A Difference Tallahassee* Sponsorships from Booth Associates in the Amount \$3,000 and from Woodmen of the World in the Amount of \$500

The Board approved Options 1 and 2: 1) Accept the Make a Difference Tallahassee Sponsorship from Booth Associates in the amount of \$3,000 and

Woodmen of the World in the amount of \$500; 2) Approve the Resolution and associated budget amendment request.

15. Acceptance of Donation from the Estate of John J. S. Murphy in the Amount of \$54,800

The Board approved Option 1: Accept the donation from the Estate of John J. S. Murphy to the LeRoy Collins Leon County Public Library System in the amount of \$54,800, and approve the resolution and associated budget amendment request.

16. Request to Schedule Joint City/County Workshops and Public Hearings on the cycle 2007-2 Comprehensive Plan Amendments

The Board approved Option 1: Schedule the public hearings and workshops on the Cycle 2007-2 Comprehensive Plan Amendments.

17. Acceptance of Two Conservation Easements from Rich Capitol, LLC.

The Board approved Option 1: Approve and accept for recording the two conservation easements from Rich Capitol, LLC for the Capital Walk Apartments Type C Site Plan project.

18. Approval of Resolution Authorizing Submittal of a Florida Recreational Trail Program Grant Application for Pedrick Pond

The Board approved Option 1: Approve the attached Resolution Number 07-01, authorizing staff to submit application for a Florida Recreational Trails Program Grant for the construction of a trail at Pedrick Pond.

19. Approval of an Agreement with the Florida Fish and Wildlife Conservation Commission to Maintain Street Signage Associated with the Great Florida Birding Trail Program

The Board approved Option 1: Approve the agreement with the Florida Fish and Wildlife Conservation Commission to Maintain Street Signage Associated with the Great Florida Birding Trail Program and authorize the Chairman to execute.

20. Authorization of an Agreement with the Florida Fish and Wildlife Conservation Commission to Maintain Street Signage Associated with the Great Florida Birding Trail Program

The Board approved Option 1: Accept the high bid for Creek Run Townhouses unrecorded vacant parcel located at 1862 Brookside Blvd., and authorize the Chairman to execute the necessary documents to affect the sale.

21. Authorization of Joint Partnership Agreement with the Florida Department of Transportation in the Amount of \$200,000 for the Interstate 10 Project

The Board approved Options 1 and 2: 1) Approve the Joint Participation Agreement with Florida Department of Transportation for the Interstate 10 Project in the amount of \$200,000, and authorize the Chairman to execute; 2) Approve the resolution and associated budget amendment:

22. Acceptance of Status Report on Activities with the Northwest Florida Water Management District

The Board approved Option 1: Accept the status report on activities with the Northwest Florida Water Management District.

23. Adoption of Resolution for Acquisition of Property by Eminent Domain for Kerry Forest Parkway Extension Project

The Board approved Option 1: Adopt the attached Resolution R07-02 for acquisition of property by Eminent Domain for Kerry Forest Parkway Extension Project:

24. Consideration of Owner's Counteroffers for Acquisition of Parcels Needed for Buck Lake Road (Mahan Drive to Davis Drive) Widening Project

Commissioner Proctor pulled this item for discussion and voiced concern over the difference the County initially offered for one subject property (\$27,000) and the counter offer of the Carbonells of \$63,000. County Attorney Thiele clarified that this item involves a combination of two parcels of property and is not such a large disparity with the combination (from \$50,000 to \$67,000). Other factors are involved such as the potential impacts to the site and the County opines that the factors that the Court would take into consideration, specifically a jury, mitigates in favor of accepting the offer. Also, from the County's standpoint, the project needs to move forward and there is value to the time frame involved.

Commissioner Rackleff moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Sauls was absent), to approve Options 1 and 2: 1) Accept the counteroffer of James Cadwallader for Parcels 313/713 in the amount of \$233,374, inclusive of attorney's fees and costs, and authorize the county Administrator and the County Attorney to execute any and all documents necessary to effect the settlement of the eminent domain proceeding as directed; 2) Accept the counteroffer of Nester and Gloria Carbonell for Parcels 310/810 in the amount of \$63,000, inclusive of attorney's fees and costs, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to effect the settlement of the eminent domain proceeding as directed.

*(The Board then entered discussion on Items 26.)*

25. Request to Approve Travel Expenses for Commissioner Rackleff to Attend the 6<sup>th</sup> Annual New Partners for Smart Growth Conference in Los Angeles, CA on February 8 – 10, 2007

The Board approved Option 1: Approve travel expenses, retroactively.

General Business

26. Approval of Preliminary Policy Guidance for Development of the FY 08 Operating and Capital Budget Including Setting Discretionary Funding Levels for Outside Agencies

County Administrator Alam explained that staff would like direction regarding the development of the upcoming budget.

Mr. Rosenzweig, Assistant County Administrator, explained that staff is seeking preliminary guidance in developing numbers to bring forward a tentative budget in June. Preliminary revenue estimates will be brought back in the mid year report in April. Workshops will be scheduled for June 19, 26, July 11, 12, 13. They have added a few extra dates this year due to the complexity that this year's cycle might entail. Mr. Rosenzweig pointed out that this part of the budget process is governed by Discretionary Guidelines Ordinance. The ordinance lays out the calendar, establishing certain funding maximums as it relates to outside agency funding requests and the Board should provide any other guidance at this point in time.

Mr. Rosenzweig explained that a very important aspect is that the property tax reform that the governor proposes on its face could involve \$17 to 20 million to County government. This does not take into consideration any of the concept of portability (i.e., Save Our Homes cap). During the session, the legislature will probably be talking about expenditure caps to local governments and they may impose a restriction to not raise an operating budget more than 4 percent. If this occurred, the County would have to reduce the millage rate, reduce revenues, and decrease services to address where the Board wants to increase services, such as supporting a joint dispatch operations.

Mr. Rosenzweig referred to the page 3 of the agenda request which identifies 8 things that need to be discussed: 1) address funding for the new emergency communications systems and joint dispatch facilities; 2) Board priorities established at the December 11, 2006 meeting – Performing Arts Center and Financial Feasibility; 3) Complete funding obligation of the Sheriff Salary study conducted three years ago (this is the third year funding); 4) A recommendation to not include any new positions in next year's budget cycle regardless of

program expansions; 5) Need to develop a budget placing a priority on funding mandated services in support of our existing capital investments over those funding requests for non-mandated services (particularly since we are a political subdivision of the State) and have obligations per the Constitution and the Statutes to fund things that other governments do not. It is important to focus on making certain that the County does not fall down on those obligations while adding new programs at their expense; 6) Need to look at providing the highest level of service at the lowest cost to the citizens; 7) The Board should maintain the reduction in services that were called for last year (\$1.8 million) which was partially used to reduce the millage rate; 8) discretionary funding levels and set maximum funding levels.

Some other major issues and recommendations involve the following as well as other items:

- The joint dispatch and emergency communications will be costing \$50 – 60 million and funding level will
- No new County positions and send letters to constitutional officers requesting same
- Discretionary funding and suggested levels of funding:  
CHSP – leave it at \$684,950  
Emergency Reserve for CHSP funding - \$57,000  
Line Item Agency Funding – this supports agencies that are not CHSP eligible (North Florida Legal Services and Tallahassee Senior Citizens Agency

The items referenced by Mr. Rosenzweig are summarized on page 8, table 5 of the agenda request and he elaborated on the items, which gives a total a budget for the current year and what the maximum is for the upcoming year and an overall reduction of about \$300,000.

As shown on page 8, there are four items that should be part of the budget process:

- Private business accelerator funding an additional \$300,000 to the program
- Highest retreat priorities – economic development – suggested holding off on how to address it until after workshop of February 27.
- Ongoing request for continued funding of the trauma center of \$300,000
- Recommended deferring any discussion on how the Board wants to fund indigent health care until after the March 13, 2007 workshop.

(Page 9 and 10 in the agenda request are recitation of all the items Mr. Rosenzweig covered this evening and approval of Options 1 – 10 were recommended for approval.)

Commissioner Deloge referred to Item 4 sponsorships which amounts to approximately \$20,000. He noted that each Commissioner has \$9,500 in

personal accounts and some of that probably does not get spent. He suggested figuring out a way to use those funds and run it through individual Commissioners' budget. In response, Mr. Rosenzweig stated that this is allowable under policy.

Commissioner Deloge suggested rolling the \$300,000 earmarked for the Trauma Center into the Bond Neighborhood and Wee Care Programs for funding purposes. Mr. Rosenzweig indicated that this would be appropriate and recommended doing so.

Commissioner Rackleff voiced concern regarding the continued funding for the trauma center and wanted to know what the financial plan is. Mr. Rosenzweig advised that staff has forward a formal request to the CEO requesting the information. Commissioner Rackleff also inquired about the Emergency Medical Services (EMS) MSTU funding and start up costs, etc. He pointed out that it is still at one-half mill for funding and he thought the cost would be reduced once start-up costs were completed. Mr. Rosenzweig pointed at that all the capital cost requirements are not completed so the additional revenue is still needed for several years.

Commissioner Rackleff moved and was duly seconded by Commissioner Desloge to adopt Options 1 – 10 with the exception of Option 4 and suggested that these event organizations seek funding from individual Commissioners' personal account:

Commissioner Dailey indicated concern that the CHSP contributions would remain stagnant this year while the needs of the community are increasing. Commissioner Dailey moved a friendly amendment, accepted by the maker of the motion, that the Community Human Services Partnership (CHSP) budget be increased by \$65,000 (added to the CHSP \$684,950).

Commissioner Thaeil pointed out that with no new positions, it would be a challenge for staffing and hours of operation at the new libraries and other county services. Staff would be bringing back various options.

Commissioner Thaeil encouraged the Board to reconsider funding the historic level of Board support for Event sponsorship; he suggested leaving it in the budget and then if appropriate, take it out later.

Commissioner Proctor moved a substitute motion and was duly seconded by Commissioner Thaeil to approve Options 1 through 10.

Commissioner Desloge suggested that the County should audit and review the CHSP process. County Administrator Alam explained that the City of Tallahassee and the United Way also contribute funds to CHSP and work with the County in the CHSP process, and are hiring an auditor to review the CHSP

process. Mr. Vince Long, Assistant County Administrator, advised that staff is looking at the Center for Prevention, FSU, for conducting the review at no cost.

Commissioner Proctor moved a substitute motion, duly seconded by Commissioner Thael, to accept staff's recommendation, Options 1 – 10.

Commissioner Dailey inquired if the substitute motion included the additional \$65,000 for CHSP, and Commissioner Proctor responded that it did not.

Mr. Rosenzweig noted that special event funding is not governed by the ordinance, but staff is seeking guidance from the Board and would take policy direction very serious. If the Board wishes to take it out of the budget, staff would not bring it back up in the process.

Commissioner Thael explained that tonight the Board is establishing the maximum cap and items could be removed later if the Board chose to do so.

Commissioner Thael withdrew his second to the motion, and then moved a substitute motion to approve Options 1 – 10 with the addition of adding \$65,000 for Community Human Services Partnership (CHSP) as a placeholder until the Board moves into their budget hearings. Commissioner Dailey seconded the substitute motion.

Commissioner DePuy offered a friendly amendment, seconded by Commissioner Dailey, to ask staff to prepare a report on the FY 07 one-time funding agencies before the Board considers continued funding of an agency and makes final budget decisions.

Commissioners DePuy and Dailey used the example of "Mothers in Crisis" where an agency may be eligible for CHSP process yet there is statutory language that says that the County cannot directly fund them because of the qualifications. Commissioner Dailey asked if there is any "wiggle room"; what are the options available and asked that this be made a part of the report.

Commissioner Thael clarified the motion: Approve staff recommendations, Options 1 – 10, including the \$65,000 increase CHSP funding, the audit of the County's portion of the CHSP funds, and inclusion of Table #3's \$304,000 with staff reporting on each agency for continued funding.

The motion carried unanimously, 6/0 (Commissioner Sauls was absent).

Options 1: Direct staff to develop the tentative budget given the following guidance:

- Address funding of the new radio communications system and joint dispatch
- Address Board retreat priorities as established December 11, 2006

- Provide the third and final year of funding for the Sheriff's Salary study
- Do not add new positions to the budget, and authorize the Chairman to request that the Constitutional Officers do the same in their budget requests
- Place a priority on funding of mandated service programs and support for existing infrastructure over non-mandated service programs
- Continue to review programs for areas of opportunity to provide high levels of service at reduced costs

Option 2: Direct staff to provide maximum discretionary funding levels for the development of the tentative FY08 budget as follows:

CHSP	\$684,950
CHSP Emergency	\$57,950
Line Item Funding for Agencies	\$1,161,659
Midyear Funding	\$15,000
Event Sponsorship	\$20,000
Youth Sports Teams	\$4,750

Option 3: Direct staff to seek applications for line item funding from the following agencies:

- Big Brothers/Big Sisters
- Cultural Resource Commission – Grant Program
- Cultural Resource Commission/Local Arts Agency
- Cultural Resource Commission/Cultural Plan Implementation
- Dick Houser Center for Childhood Services, Inc.
- DISC Village
- Keep Tallahassee-Leon County Beautiful
- Mission San Luis
- St. Francis Wildlife Association
- Tallahassee Trust for Historic Preservation
- Whole child Leon (United Way Big Bend)

Option 4: Direct staff to include direct funding in the budget for the following events:

• Celebrate America 4 <sup>th</sup> of July Celebration	\$2,500
• Dr. Martin Luther King Celebration	\$4,500
• Capital City Classic	\$5,000
• Friends of the Leroy Collins Public Library	\$2,500
• NAACP Freedom Funds Award	\$1,000
• After School Jazz Jam	\$2,000
• Soul Santa	\$2,500

Option 5: Increase Article V, Chapter 29.008 funding to \$176,500 to Legal Services of North Florida in order to maintain the current level of funding for indigent legal services.

Option 6: Provide additional funding up to \$144,499 in the Parks and Recreation operating budget to contract with the Tallahassee Senior Citizens Foundation to provide elderly services in the unincorporated areas of the County through the community centers.

Option 7: Direct staff to tentatively include \$300,000 for Vision 2020 LLC to assist in the stimulation of local business development as discussed at the January 23, 2007 workshop on the proposed private business accelerator program.

Option 8: Consider additional economic development funding requirements subsequent to the Board's February 27<sup>th</sup> workshop on Economic Development Issues.

Option 9: Direct staff to include \$300,000 for Tallahassee Memorial Hospital for the operation of a regional trauma Center and direct staff to request an application in support of this funding request.

Option 10: Consider funding options for indigent health care subsequent to the outcome of the forthcoming March 13, 2007 Board Workshop, on the provision of healthcare services provided by neighborhood clinics.

27. Approval of Appointments to the Downtown Community Redevelopment Area's Project Review Committee

County Administrator Alam explained that this is important committee that would review all projects and all proposals that exceed \$500,000 that go for CRA funding. It consists of two City Commissioners and two County Commissioners (Commissioner Proctor and former Commissioner Grippa). He further clarified that the Downtown Community Redevelopment Area's Project Review Committee is a subcommittee of the CRA. Board approved. Mr. Alam explained that the composition of the CRA might change from five City Commissioners and four County Commissioners. Mr. Rosenzweig pointed out that if the revised composition of the CRA changes, then the Project Review Committee might disband (since there would more County representatives involved). Mr. Alam pointed out that it is still possible that both committees would remain.

Chairman DePuy pointed out that this item was under serious discussion at this point and suggested that the item be delayed until next month.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael  
to continue the appointments until resolution of this item.

Mr. Rosenzweig explained that even if the committee gets reconstituted, the City still has to go through extensive work to reestablish it. The City still have projects coming up which have to be resolved.

Commissioner Thael withdrew his second and Commissioner Rackleff  
withdrew his motion.

Commissioners Dailey Desloge indicated interest in serving on the Project Review Committee. Commissioner Proctor stated that he would like to continue serving.

Commissioner Thael moved to nominate Commissioners Rackleff and Dailey to  
serve on the Project Committee.

Commissioner Proctor moved a substitute motion to nominate Commissioner  
Proctor and Dailey to serve on the Project Review Committee. Vice-Chair  
Thael assumed the Chair and Commissioner DePuy seconded the substitute  
motion.

Commissioner Dailey offered to remove his name from the nomination, and suggested that Commissioners Proctor and Rackleff serve on the committee. Commissioner Dailey stated that in a few weeks if an additional two members are added to the committee, perhaps he and Commissioner Desloge could be added to the committee.

Commissioner Proctor withdrew his substitute motion and then moved a new  
substitute motion, seconded by Commissioner DePuy, to appoint Commissioner  
Proctor and Rackleff to the Downtown Community Redevelopment Area's  
Project Review Committee. The motion carried 5 – 1 (Commissioner Desloge  
voted in opposition and Commissioner Sauls was absent).

*The Board then entered discussion regarding Item 30.*

28. Authorization to Proceed with the Acquisition of Properties Located Within the Fred George Basin, Identified as Map 1 on the Blueprint 2000 Project Definitions Report, and Authorization to Seek Blueprint 2000 Funding

County Administrator Alam stated that the acquisitions are estimated to cost over \$4.6 million. Staff's recommendation is to seek \$2.6 million from Blueprint 2000 and apply for a Florida Communities Trust Grant match fro \$2 million.

Commissioner Dailey moved and was duly seconded by Commissioner Thael to approve Options 1 and 2: 1) Authorization to seek Blueprint 2000 funding for

the pre-acquisition of a fee and less-than-fee simple interests in the Ghazvini, Maples, Cavanaugh, Schwartz, and Christine Maples properties listed in Table 1 within Fred George Basin (Requires County and City Commission action on February 26, 2007 Blueprint 2000 IA meeting).

Option 1: Direct staff to submit a Florida Communities Trust Grant application in May 2007 (or in May 2008 if all properties are not closed by May 9, 2007) for the matched reimbursement for all five properties in Table 1 within Fred George Basin and reimburse Blueprint 2000 any FCT funds received. The motion carried unanimously, 6/0 (Commissioner Sauls was absent).

29. Consideration of a Proposed Ordinance Amending the Leon County Land Development Code to Establish Regulations for Outdoor Paintball Ranges

Commissioner Desloge moved duly seconded by Commissioner Dailey to approve Options 1, 2, and 3:

Option 1: Direct staff to convene the Growth and Environmental Management Citizens User Group to review and provide comment on the proposed Outdoor Paintball Range Ordinance;

Option 2: Direct staff to have the Tallahassee-Leon County Local Planning Agency conduct a Public hearing on March 6, 2007, to provide a determination as to the consistency of the proposed Ordinance with the Comprehensive Plan;

Option 3: Direct staff to advertise the first of two Public Hearings regarding a proposed Ordinance amending the Leon County Land Development Code to establish regulations for Outdoor Paintball Ranges for Tuesday, February 27, 2007 at 6:00 p.m. The motion carried unanimously, 6/0 (Commissioner Sauls was absent).

30. Consideration of First District Court of Appeal Opinions in Leon County vs. Stephen S. Dobson, III, PA., Case No. 1D05-4326; Rudy Maloy vs. Board of County Commissioners of Leon County, Case No. 1D05-4445

County Attorney summarized the item and explained that Mr. Burns, Special Counsel, is in the audience if there should be questions. Mr. Burns is the point person on the trial court level and the appellate court level on these two companion cases. The County was sued in two separate cases when the County Commission voted to not pay attorney fees and costs for former Commissioner Maloy regarding a criminal case which was brought against and for which a jury returned a "not guilty" verdict; and for an ethics case that a Division of Administrative Hearing Officer rendered a decision in Rudy Maloy's favor. Afterwards, the Board voted to not pay any of the fees and litigation ensured. The trial court awarded the fees to Attorney Dobson (Rudy Maloy's criminal attorney) and Mr. Maloy assigned his rights to Mr. Dobson. Subsequently, the trial judge rendered a ruling in the ethics case and found in the County's favor and declined to award to Mr. Maloy, the attorney's fees (approximately \$200,000). Both sides appealed to the First District Court of Appeal and Mr. Thiele received rulings that upheld the trial court in its decision

including the Court's decision that in the Dobson case, the lawyers for Mr. Dobson were not entitled to award of their attorneys' fees (estimated at one-half million dollars) and for what is called prejudgment interest. Mr. Thiele stated that the Court will uphold and award post judgment interest.

Mr. Thiele pointed out that the Board will need to decide whether to accept a decision in the Dobson case. He stated, as far as the County is concerned, the Maloy case is over unless Mr. Maloy attempts to appeal to the Florida Supreme Court. On the Dobson case, the Board can repeal a ruling if they so desire - the Court may or may not accept jurisdiction.

Mr. Thiele stated that there are two issues: does the Board wish to appeal the Dobson Case to the Florida Supreme Court or pay \$281,000; if the Board does pay the amount, then the County Attorney's Office will continue to pursue contributions from FDOT.

Commissioner Thaele entered discussion about Mr. Maloy paying the \$30,000 back which was the deductible paid by Leon County. Mr. Thiele advised that the amount was requested but there was no response by Mr. Maloy. There was also discussion about policies for County Commissioners and officials retaining outside counsel.

Commissioner Thaele moved to approve Option 5: Authorize payment in Leon County v. Stephen S. Dobson, III, P.A., Case No. 1D05-4326 in the amount of \$238,836.98, plus post judgment interest, should Mr. Dobson not seek further appellate review, and authorize budget action to authorize payment expenditure from the Risk Financing Fund, to be accomplished without further action of the Board. The motion was declared dead for lack of second.

For the record, County Attorney Thiele, reported that he and Mr. Burns have talked a lot about this case and Mr. Thiele believes that if the Board does not pay this, there is a potential for setting significant legal precedence in Florida if the County does prevail.

Commissioner Rackleff moved and was duly seconded by Commissioner Thaele to continue this item and file a notice of appeal, and schedule a "shade meeting" (attorney-client meeting), in the morning of Tuesday, February 27 (in anticipation of taking action at the February 27 regular Board meeting).

Mr. Thiele stated that in order to preserve the County's right, he would go ahead and file the notice of appeal and preserve the jurisdiction (30 days); even though they would not be mandated to pursue it.

The Chairman announced that the motion is approval of Option 3 with the addition of the Shade Meeting on February 27<sup>th</sup>. The Board concurred.

Option 3: Authorize the County Attorney to defend the County should a Notice of Appeal be filed by Rudy Maloy seeking Supreme Court review of the First District Court of Appeal opinion in Rudy Maloy v. Board of County Commissioners for Leon County; Case No. 1D05-4445.

The motion carried unanimously, 5/0 (Commissioners Proctor was out of chambers and Commissioner Sauls absent).

*The Board recessed at approximately 5:00 p.m. and reconvened at 6:00 p.m.*

**Scheduled Public Hearings, 6:00 p.m.**

31. *First and Only Public Hearing to Consider the Imposition of an Additional One-Cent Tourist Development Tax*

Pursuant to legal advertisement, a public hearing was conducted.

The following citizens appeared and spoke in support of the additional one-cent tax for the Performing Arts Center:

Martha Olive-Hall of 272 Rosehill Drive, President of the Tallahassee Ballet; Louis Griffin, 1345 Thomasville Road, Executive Director of the Tallahassee Symphony Orchestra (TSO), read a letter of support from Mary Bedford, President of TSO; Mira Hamilton of 2416 Shalley Drive; Margo Bindhardt of 8001 Witch Blvd. Miccosukee, member of the Council on Culture and Arts; Former County Commissioner Bob Henderson of 497 Stone House Road, Founder of the Big Bend Community Orchestra and The Artist Series; Teresa Widmer of 330 Ponce Street; Moises Chiullan, Vice President of Tallahassee Little Theatre; Waldie Anderson of 3321 Dartmoor Drive, founder of Community Orchestra and Artists Series; Kim Williams of 917 Summerbrooke Drive; Carolyn Bridger of 3321 Dartmoor Drive; Andre Thomas of 3232 Constellation Court; Former County Commissioner Lee Vause of 57 Springview Drive; Barbara Aguirre of 5768 Bravehart Way; Former County Commissioner and School Board Superintendent Bill Montford of 208 S. Monroe Street; and Phillip King of 505 Truett Drive.

The following speakers expressed concerns regarding additional tourist development tax:

Dr. Mark Bonn, FSU College of Business, appeared as representative on the Tourist Development Council; Chucha Barl of 4335 Bradfordville Road; Mary Brogan Museum; Pace Allen, Manager of Park Plaza Hotel; and, Thomas Waits of 104 Gardenia Drive, Chairman of the Tourist Development Council, read a summary into the record which explains the marketing plan for the bed tax.

Commissioner Rackleff moved and was duly seconded by Commissioner Thael  
to approve Option 1: Conduct the continuation of the first and only public  
hearing and adopt the proposed Leon County Ordinance imposing and levying  
an additional one cent Tourist Development Tax.

(Vice-Chairman Thael assumed the Chair.) Commissioner DePuy moved a  
substitute motion, duly seconded by Commissioner Proctor, to schedule a  
referendum at the earliest possible date for citizens to decide on how to fund  
the Performing Arts Center. Commissioner DePuy stated that if the referendum  
is successful, he would vote for the fifth cent tax.

Commissioner Thael stated that he hopes that the City of Tallahassee would  
participate and make a commitment. Commissioner Proctor expressed  
concerns that there is a lack of commitment by the City of Tallahassee, Florida  
State University, Florida A & M University, Tallahassee Community College,  
and the School Board in regards to the Performing Arts Center. He also  
indicated that the community had problems that need addressed and were  
more of a priority such as health care.

Commissioner Thael confirmed with County Attorney Thiele that a  
supermajority vote (5 out of 7 Commissioners) was necessary.

The substitute motion failed 2 – 4 (Commissioners Dailey, Desloge, Rackleff,  
and Thael) voted in opposition, and Commissioner Sauls was absent.)

Commissioner Thael suggested waiting until Commissioner Sauls returns and  
a full Board can vote on the issue.

Commissioner Thael moved a substitute motion, seconded by Commissioner  
Dailey, to continue the Commissioner discussion on the proposed ordinance to  
February 27, 2007. The substitute motion carried 4 – 2 (Commissioners DePuy  
and Proctor voted in opposition and Commissioner Sauls was absent).

32. First and Only Public Hearing to Consider the Settlement Proposal in the Matter  
of Mariana Oaks, LLC v. Leon County and Leon County Board of County  
Commissioners

Pursuant to legal advertisement, a public hearing was conducted.

County Attorney Thiele explained that he met with all the parties (neighbors,  
neighbors' representatives, applicants, and attorney for the applicants). He  
summarized the item and stated that the applicant has agreed to 19 of the 21  
conditions. The two conditions which the applicant did not agree to are the  
density reduction (only one unit) and the installation of advanced septic  
systems. In addition, he stated that the proposal before the Board is the best  
that can be negotiated.

The following speakers appeared:

Ann Bidlingmaier, former Chairperson of the Canopy Roads Citizens Committee, stated that it is premature to approve this development.

Gary Yordon, former County Commissioner and representing the neighborhood, stated that the development is not compatible with the area.

Eddie Bass, Moore Bass Consulting, stated that he is the civil engineer on this project and the project meets the County's land use regulations and comprehensive plan.

Bert Bevis, Bert Bevis Realty, requested the Board approve the subdivision.

Rick Batemen, attorney representing the applicant, also appeared.

Jim Jacobsen, on behalf of several neighbors who filled out speaker cards, made a presentation opposing the subdivision development.

Tony Biblo, Development Services Director, answered questions by the Commissioners and explained the development review process that the applicant went through.

Commissioner Thael disclosed his ex parte communication.

Following a lengthy discussion, Commissioner Rackleff moved, duly seconded by Commissioner Thael, to approve Option 1: Conduct the first and only public hearing and reject the proposed settlement offer and do not approve the Mariana Oaks Site and Development Plan as currently proposed. The motion failed 2 - 4 (Commissioners Dailey, DePuy, Desloge, and Proctor voted in opposition and Commissioner Sauls was absent).

Commissioner Proctor moved, duly seconded by Commissioner Dalley and carried 4 - 2 (Commissioners Rackleff and Thael voted in opposition, and Commissioner Sauls was absent), to approve Option 2: Conduct the first and only public hearing and accept the proposed settlement offer and approve the Marianna Oaks Site and Development Plan as currently proposed.

33. Second and Final Public Hearing to Adopt a Proposed Ordinance Amending the Leon County Land Development Code to Prohibit Off-Site Outdoor Advertising Signs (Billboards) in the Lake Protection Zoning District

Pursuant to legal advertisement, the second and final public hearing was conducted.

Commissioner Thael moved and was duly seconded by Commissioner Desloge to approve Option 1: Continue the second and final public hearing to adopt a proposed ordinance amending the Leon County Land Development Code to prohibit off-site outdoor advertising signs (billboards) in the Lake Protection Zoning District to February 27, 2007 at 6:00 p.m. The motion carried unanimously, 6/0 (Commissioner Sauls was absent).

34. First and Only Public Hearing to Adopt a Resolution Authorizing Special Improvements for the Cloudland Drive 2/3 Paving Project

The following speakers appeared:

Robert Clift, Dr. Charles Smith, Michael Josefezyk, Russell Daws, and Barbara Haverton express support of staff recommendation which is to authorize the special improvements.

Bill Cunningham requested more time to review the 2/3 process.

Commissioner Dailey moved, duly seconded by Commissioner Desloge and carried unanimously, 6/0 (Commissioner Sauls was absent), to approve Option 1: Conduct the first and only public hearing, adopt the attached Resolution R07- authorizing the special improvements for the Cloudland Drive 2/3 paving project, and authorize the Chairman to execute.

See attached resolution:

35. First and Only Public Hearing to Adopt a Proposed Abandonment Resolution for a Portion of County Right-of-Way Known as Vineland Drive

Speaker Jay Liles indicated support for staff recommendation which was to approve the abandonment.

Commissioner Desloge moved, duly seconded by Commissioner Dailey and carried unanimously, 6/0 (Commissioner Sauls was absent), to approve Option 1: Conduct the public hearing and adopt the attached Abandonment Resolution R07- for a portion of County right-of-way known as Vineland Drive.

### County Administrator

County Administrator Alam announced the following:

- The Florida Department of Environmental Protection, Division of Recreation and Parks, will hold public workshops regarding Lake Talquin State Park:  
Tuesday, February 27, 2007 at 7:00 p.m. at Fort Braden Community Center  
Wednesday, February 28, 2007 at 9:00 a.m. Fort Braden Community Center

County Administrator Alam announced that Jennie Khoen, Public Information Officer, would be leaving Leon County and returning home to Chicago. Ms. Jenn Meale has been promoted to Public Information Officer.

### Discussion Items by Commissioners

#### Commissioner Thaeil

- Requested County staff continue to dialogue with FDOT regarding sedimentation break at the I-10 widening project to ensure that it does not happen again.

#### Commissioner Desloge

- Requested that staff assist in coordinating a Town Hall meeting in Miccosukee regarding the community center.

Commissioner Desloge moved that the Board agenda an item regarding the County's representation on Capital Region Transportation Planning Agency (CRTPA). The motion failed 3 – 3 (Commissioners Proctor, Rackleff, and Thaeil voted in opposition, and Commissioner Sauls was absent).

- Requested staff review the recommendations by the Council of Neighborhood Associations (CONA) on Residential Preservation regulations.

#### Commissioner Rackleff

- Reported on the Smart Growth Conference he attended and stated that there are studies showing a connection between public health and urban sprawl. In addition, he stated that there were several public health officials at the conference.
- The Board directed Don Lanham, Grants Coordinator, to develop a grant proposal for the EPA program "Smart Growth Implementation Assistance."

#### Commissioner Dailey

- Requested that staff follow-up with DEP regarding the effects of I-10 widening project on Lake Jackson
- Requested staff provide a complete financial and management audit of the Tourist Development Council. Commissioner DePuy, as a TDC Board member, indicated that such material and information is available through the TDC staff.

Commissioner Proctor

- Introduced Mr. Gonzalez, representing St. Joe Company, updated the Board on St. Joe's commitment to the Southside Project. St. Joe is moving forward with the Development of Regional Impact (DRI) and Comprehensive Plan Amendments and working with staff and interested parties.

Desmond O'Neill, St. Joe Manager for the region, reiterated that St. Joe is committed to the Southside Project.

- Requested staff bring back an agenda item on the Woodville Recharge Study on February 27<sup>th</sup> for the Board's endorsement and conditional approval, prior to the start of the U.S. Congressional legislative session.

Chairman DePuy

- Announced that the Habitat for Humanity Ribbon Cutting is on Friday, February 16, 2007 at 4:00 p.m.
- Requested a resolution for the Ghazvini family for all their good works for Leon County.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

APPROVED: \_\_\_\_\_  
C.E. DePuy  
Chairman

ATTEST:

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Bob Inzer  
Clerk of the Circuit Court