

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 13, 2008

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Sauls presiding. Present were Commissioners DePuy, Proctor, Rackleff, Dailey, and Desloge. Chairman Sauls announced that Commissioner Thael was out of state attending an ICLF Action Summit Conference. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

Invocation was provided by Chairman Sauls who then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Proctor presented a Resolution congratulating the Lincoln High School Black History Brain Bowl Team as the 2008 History and Culture Competition State Champions.
 - Accepting the Resolution on behalf of the team was Coach Levon Terrell and Team Captain Rasheeta Turner. Ms. Turner thanked the Commission for the Recognition and commented that all team members were awarded college scholarships. Coach Terrell also thanked the Commission for the honor and noted that team members put in a lot of hard work to accomplish their success. Team members include: Jaszymme Simmons, Co-Captain, Stenza Daniels, Amber Barnes, Jasmine Gray and Sierra Robinson.
- Chairman Sauls presented a Resolution to Kristopher Hook, declaring May 13, 2008 as Kristopher Hook Day. Mr. Hook is a member of the Bradfordville Volunteer Fire & Rescue Department and volunteers for many local service projects and programs. He was awarded the Tallahassee Democrat's Volunteer of the Year and will represent Leon County at the prestigious 2008 Jefferson Awards for Public Service banquet in Washington D.C. Mr. Hook thanked the Board for the Honor.
- Chairman Sauls presented a Resolution designating May 18-24, 2008 as "Public Works Week". Mr. Patrick Carsey, Chairman of the Big Bend Chapter of American Public Works Association (APWA) accepted the Resolution. Chairman Sauls noted the Commission's appreciation for the efforts of the public works department. Mr. Carsey thanked Commissioners on behalf of the APWA for the Commissions support and invited Chairman Sauls to their annual "Road-e-o" on May 22, 2008.

- Commissioner Desloge presented a Resolution designating May 18-24, 2008 as "Emergency Medical Services Week". A contingent of professionals from various Leon County emergency service providers were in attendance. Resolutions were presented to:
 - Chief Sue Dick, representing the Tallahassee Fire Department
 - Chad Abrams, representing EMS
 - Dr. Carlos Oller, Assistant Medical Director, Capital Regional Hospital Emergency Department
 - Brian Dunmeyer, TCC EMT and Paramedic Program

Consent

Commissioner Proctor moved, duly seconded by Commissioner Desloge to approve the following Consent Agenda with the exception of items 6 & 9 and 13, which were pulled for discussion. The motion carried 6-0 (Commissioner Thaeil absent).

1. **Approval of Minutes: March 25, 2008 Workshop on Quasi-Judicial Hearings; March 25, 2008 Regular Meeting; Joint City/County Workshop Regarding the Protection of Wakulla Springs; and the April 8, 2008 Regular Meeting**

The Board approved Option 1: March 25, 2008 Workshop on Quasi-Judicial Hearings; March 25, 2008 Regular Meeting; Joint City/County Workshop Regarding the Protection of Wakulla Springs; and the April 8, 2008 Regular Meeting

2. **Approval of Amendment #3 to Contract C2160 Between the Department of Corrections and Leon County for Drug Court Substance Abuse Treatment for Offenders in the Second Judicial Circuit**

The Board approved Option 1: Approve Amendment #3 to Contract C2160 between the Department of Corrections and Leon County for Drug Court Substance Abuse Treatment for Offenders in the Second Judicial Circuit.

3. **Approval of Payment of Bills and Vouchers Submitted for May 13, 2008 and pre-approval of bills and vouchers for the period of May 14 through May 26, 2008.**

The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for May 13, 2008 and pre-approve bills and vouchers for the period of May 14 through May 26, 2008.

4. **Approval of the Contract for the Sheriff's Service of Process with the Florida Department of Revenue, Child Support Enforcement**

The Board approved Option 1: Approve the Contract for the Sheriff's Service of Process with the Florida Department of Revenue, Child Support Enforcement and authorize the Chairman to execute.

5. Request to Schedule a Workshop on Proposed Evaluation and Appraisal Report-Based Comprehensive Plan Amendments Regarding Housing Element and Residential Preservation Future Land Use Map Category for Tuesday, June 10, 2008 from 1:00 – 3:00 p.m.

The Board approved Option 1: Request to Schedule a Workshop on Proposed Evaluation and Appraisal Report-Based Comprehensive Plan Amendments Regarding Housing Element and Residential Preservation Future Land Use Map Category for Tuesday, June 10, 2008 from 1:00 – 3:00 p.m.

6. Acceptance of the Status Report on Commissioner Discussion items

Commissioner Proctor asked that this item be pulled from the Consent Agenda.

Commissioner Proctor requested clarification on the final March 25 item (scheduling of meeting between Commissioner Proctor and Speaker Rubio). He stated that the status indicated that it was “done and the meeting was not scheduled”. He asked that the record reflect that extensive efforts were made by his office to schedule the meeting and it was Speaker Rubio’s office that would not schedule the meeting.

Commissioner Proctor moved, duly seconded by Commissioner Dailey to approve Option 1: Accept the status report on Commissioner Discussion Items with the correction noted by Commissioner Proctor. The motion carried 6-0 (Commissioner Thael absent).

7. Approval of an In-kind Transfer of a Leon County Surplus Ambulance to the Tallahassee Community College Foundation in Exchange for Continuing Education Training for Leon County Emergency Medical Services Emergency Medical Technicians and Paramedics

The Board approved Option 1: Approve the in-kind transfer of a Leon County surplus ambulance to the Tallahassee Community College Foundation in Exchange for Continuing Education Training for Leon County Emergency Medical Services Emergency Medical Technicians and Paramedics.

8. Approval of an Agreement with the Florida Department of Environmental Protection to Fund Additional Statistical Processing of Aquifer Vulnerability Data to Assist in the Development of a Spring Protection Zone

The Board approved Options 1 & 2: 1) Approve the Grant Agreement with the Florida Department of Environmental Protection for additional statistical processing of aquifer vulnerability data, and authorize the Chairman to execute, and 2) Approve the Resolution and the associated Budget Amendment Request.

9. Acceptance of 2006-2007 Annual Report of the Code Enforcement Board and the Code Compliance Program

Commissioner Proctor asked that this item be pulled from the Consent Agenda.

Commissioner Proctor inquired from Emma Smith, Code Enforcement Board, if any issues regarding open pits had been received by their office and if a current county code exists that deals with open pits as a public nuisance. Ms. Smith responded that no complaints had been received by their office and there are currently no ordinances in place which would allow staff to regulate open pits.

Commissioner Proctor stated that he had asked for guidance from County Attorney Thiele on the open pit issue.

Mr. Thiele shared that sand pits or mines have some regulatory measures provided by the federal government and other agencies, but they do not address the barricade or fencing issue. He commented that his research indicated that the County is not preempted from having such a regulation. Mr. Thiele added that, at Commissioner Proctor's request, a draft ordinance which would address the subject matter had been developed by his office. He offered to share a copy of the draft ordinance with Commissioners but recommended that the board direct that the matter be agendaed for an upcoming Commission meeting.

Commissioner Proctor stated that he is very concerned that there are other areas within the County that have open pit issues and the County has no ordinance in place to cover this very dangerous matter. He asked that the Board consider doing "something to close that gap".

Chairman Sauls stated that she had had spoken to the County Attorney and recommended that the matter be agendaed for discussion at a future meeting.

Commissioner Proctor moved, duly seconded by Commissioner DePuy that the draft ordinance provided by the County Attorney be agendaed for further discussion and consideration. The motion carried 6-0 (Commissioner Thael absent).

Chairman Sauls asked that the agenda item include what other communities have done and what regulations they may have in place to deal with the issue.

Commissioner Desloge confirmed with Ms. Smith that the first notification of code non-compliance is a certified letter. Commissioner Desloge asked if there may be some other method of notification, i.e., door hanger or note left at the residence. She explained that at one time a voluntary compliance letter was sent, but after a Board Workshop, it was decided that the first notice of violation would be a letter. She indicated that staff can return to the original method of communication, but it would prolong the time in which the person could come into compliance. Commissioner Desloge opined that since staff are on site a notice could be left to give a "heads up" that the owner would be cited for a violation and an official letter of non-compliance would be sent. County Attorney Thiele stated that he will review the matter and advise.

Commissioner Proctor referenced attachment 5 of the agenda package. He pointed out the large discrepancy in the amount of the original fine (\$334,797.00) to the amount actually collected (\$17,856.50). He asked Ms. Smith about improved methods of collection. Ms. Smith reviewed the collection process, pointing out that their primary goal is compliance. Commissioner Proctor commented that the Code Enforcement Office has an opportunity to be self sustaining, but it is not. He indicated that he does not know, with limited County resources, if the department is needed. Mr. Thiele verified that the County is not required to have a Code Enforcement Program, but that enforcement of a vast majority of County ordinances are done through this office.

Commissioner Proctor, after confirming with Mr. Thiele that this is not required, declared that he would like to put a "flag by this" item as the Board approaches budget discussions on programs and services that the County needs and does not need to provide.

Commissioner Desloge commented that he thinks the office performs a needed function within the County, but acknowledged that the management of the program could be discussed.

Commissioner Rackleff established that there are four staff employed by the department. He asserted that it is important for the Commission to know what kind of staffing and capability the County has to enforce code.

Chairman Sauls noted that there are other departments within the County that do not take in enough revenue to support their offices, and the Code Enforcement Office is not an exception.

Commissioner Desloge moved, duly seconded by Commissioner Proctor to approved Option 1: Accept the 2006-2007 Annual Report of the Code Enforcement Board and the Code Compliance Program. The motion carried 6-0 (Commissioner Thaell absent).

10. Acceptance of a Conservation Easement from Cecil L. Davis, Jr.

The Board approved Option 1: Approve and accept for recording the conservation easement from Cecil L. David, Jr. Type A Site Plan project.

11. Acceptance of Maintenance Agreement and Surety Device for Fallschase Commercial Subdivision

The Board approved Option 1: Accept the two-year Maintenance Agreement and Surety Device for Fallschase Commercial

12. Approval of the Plat of Palafox Preserve Subdivision for Recording in the Public Records

The Board approved Option 1: Approve the plat of Palafox Preserve for recording in the Public Records.

13. Acceptance of a Status Report on the Lake Munson Restoration Project

County Administrator Alam stated that this agenda item requests acceptance of the status report for the Lake Munson muck removal project. Commissioners were reminded that at the September 11, 2007 meeting they were advised by citizens of the availability of funds from the State, and staff were encouraged to pursue these monies. Mr. Alam shared that public works staff have worked hard in an attempt to get the funds. Several meetings with the private citizens and Florida Fish & Wildlife Conservation staff have been conducted and it has been determined that there are no funds currently available for this type project.

Chairman Sauls reported that she has received three phone calls from individuals who were unable to attend tonight's meeting, but wanted to go on the record as supporting the further clean up of Lake Munson. These individuals are: Ms. Leitha Kilgore, Mr. Robert Cornell and Ms. Faye Vaughn.

Speakers:

Jessie Brown, 1717 Old Briar Trail, thanked the Commission for their support in the removal of muck for the Lake Munson restoration. She indicated that although efforts to secure funding from the Fish and Wildlife Conservation Commission have not produced desired results; she is disappointed that other possible funding sources have not been pursued or discussed. Ms. Brown asked that the Commission accept Dr. William Landing, Chair of the Leon County Scientific Advisory Committee, offer to help form and coordinate a restoration team, as this seems to be the best hope of moving forward with the project.

Margaret Fogg, 1312 Carson Dr., expressed that she would like for the clean-up of Lake Munson to continue. Ms. Fogg encouraged Commissioners to carry on with planning so that a plan would be in place when funding does become available. She maintained that Lake Munson impacts Wakulla Springs and if there is interest and money in cleaning up the Springs, Lake Munson should be considered part of that. Ms. Fogg provided letters of support for the Lake Munson clean up from individuals who were unable to attend the Commission meeting.

Donna McKenzie, 1772 Old Briar Trail, stated that she has lived on south end of the lake for 38 years and during that time there has been a continuing battle to try to make the environment around the lake healthy. Ms. McKenzie shared that she has had cancer twice since living there.

Chairman Sauls established that Dr. Landing, Chair of the Science Advisory Committee has offered to help form a committee to work on the issue. She suggested that the Board support this offer. She encouraged staff to continue their efforts to pursue grants and other funding that may be available.

Commissioner Rackleff acknowledged the progress that is being made by the City and County to assist in the clean up efforts of Wakulla Springs. He opined that the lack of progress on the Lake Munson/Munson Slough clean up has contributed to the problem.

Commissioner Rackleff asked the cost of the clean up project. Tony Park, Public Works Director, responded that staff estimates the cost between \$18 and \$20 million dollars. Commissioner Rackleff established that there are no funds earmarked for the project at this time. He added that this is a compelling need and believes the County is not doing enough.

Commissioner Rackleff moved, duly seconded by Commissioner Proctor to form and coordinate a restoration team headed by Dr. William Landing to look at and provide a plan on the Lake Munson clean up.

Commissioners engaged in considerable discussion on the Lake Munson issue.

Commissioner Proctor discussed the issue of water quality in Lake Munson which was raised in the April 16, 2008, letter from Lawson Snyder, Florida Fish and Wildlife Conservation Commission to Mr. Park. Commissioner Proctor voiced concern over spending large amounts of money on restoration efforts, i.e., 1) there are no established thresholds on what a restoration would look like; 3) the treatment plant has spray heads installed which directly impact lake quality 4) no place to dispose of the lake muck due to the high level of toxicity it contains and 5) is unclear of what habitat would be enhanced as part of the clean up:

Chairman Sauls established with Theresa Heiker, Stormwater Management Coordinator, that a report on the total maximum daily load (TMDL) limit of the amount of nutrients that can be discharged into the lake to maintain a healthy lake will be available later this summer. Ms. Heiker stated that the TMDL is a regulatory limit that can then be enforced onto the City to meet that standard; this will give the County a little more leverage in improving the water quality coming into the lake. Chairman Sauls confirmed that this report is coming out late summer.

Commissioner Rackleff confirmed with Ms. Heiker, that statutory fines of up to \$10,000 per day could be assessed to the County by regulatory agencies for its failure in improving the lake's water quality.

Commissioner Proctor inquired from Ms. Heiker the number of other "degraded" lakes within the County. Ms. Heiker stated that there were approximately 5-6 water bodies on the current list with different levels of impairment but added that Lake Munson is the most impaired water body. Commissioner Proctor engaged in discussion with Ms. Heiker on her assessment of the source of the

water contamination. He maintained that the water source (treatment plant) that contributes to the contamination of Wakulla Springs is the same source that is affecting the water quality at Lake Munson.

Commissioner Dailey opined that two of the most important issues facing the Commission is 1) sustainable growth of the community and 2) water quality. He supports the motion on the table to form the restoration team and wants to be prepared so that when funding is available plans are in place to move forward. He added if there are any dollar amounts tied to putting the plan together, they should immediately come back to the Commission. Commissioner Dailey noted that there was approximately \$25,000 left over from the environmental conference that the Board set aside specifically for environmental projects and environmental studies. He noted that assisting with the development of a plan would be an appropriate use of these funds if needed.

Motion on the table carried 6-0 (Commissioner Thael absent).

14. Adoption of a Resolution to Convey a Right-of-Way Easement Across the National Guard Armory's Leased Property to the City of Tallahassee

The Board approved Option 1: Adopt the Resolution conveying a right-a-way easement to the City of Tallahassee.

15. Approval of Agreement Awarding Bid to Dixie Grading & Paving, Inc. in the Total Amount of \$587,526 for the Intersection Improvements at Bradfordville and Centerville Roads and Bradfordville and Velda Dairy Roads

The Board approved Options 1 & 2: 1) Waive the informality of the requirement that Florida Department of Transportation Certification be included with the bid, and 2) Approve the Agreement awarding bid to Dixie Grading & Paving, Inc. in the total amount of \$587,526 for the intersection improvements at Bradfordville and Centerville Roads and Bradfordville and Velda Dairy Roads, and authorize the Chairman to execute.

Citizens to Be Heard on Non-Agendaed Items (3-minute limit)

Dr. Rich Miller, 9754 Faraway Farm Road stated that he accepted an offer of free fill for property. He has been cited by the Growth and Environmental Management (GEM) Office for not having appropriate permits to receive the fill. He has attempted to resolve the issue and is requesting that the Commission direct the County Administrator to investigate this problem and return with a reasonable resolution.

Leonard Marshall, P.O. Box 11113, expressed a problem with the Clerk of the Courts Office. He reported that due to an input error by the Clerk's Office, he lost his job. He requests the Commissioner's assistance in getting the problem corrected.

Brian Armstrong, 7025 Lake Basin Road advised that he and a number of other interested citizens have formed a group called "MERGE" (Committee for More Efficient Results in Government Effectiveness). He affirmed that the intent of MERGE is to conduct an evaluation of whether a more efficient and effective government can be realized by merging county and city governments. He requested assistance from the Commission in ensuring that required information is received on a timely basis from staff. He added that MERGE will come back before the Commission and provide a report on its progress.

General Business

16. Request to Reschedule the June 18-20, 2008 Budget Workshops to July 8-11, 2008

County Administrator Alam explained that the request to reschedule the Budget Workshops is made to allow the Property Appraiser's Office more time in which to provide a more reliable revenue projection.

Commissioner Proctor moved, duly seconded by Commissioner Rackleff to approve Option 1: Reschedule the June 18-20, 2008 budget workshops to July 8, 2008 at 9:00 a.m. - 3:00 p.m. and July 9 - 11, 2008 at 9:00 a.m. to 5:00 p.m. The motion carried 6-0 (Commissioner Thaell absent)

17. Approval of a Resolution and Associated Budget Amendment Request for Additional Ambulance Coverage

County Administrator Alam referred to information provided in the agenda packet. Mr. Alam mentioned that the Emergency Medical Services (EMS) transports have increased significantly the last few months and the increased revenue is sufficient to support the on-going costs associated with the additional vehicle and other associated costs.

Commissioner Dailey moved, duly seconded by Commissioner Desloge to approve Option 1: Approve the Resolution and associated Budget Amendment Request for additional ambulance coverage. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Thaell absent).

The Board then entered into County Attorney Discussion Items.

The Board reconvened at 6:00 p.m.

Scheduled Public hearings, 6:00 p.m.

Chairman Sauls announced that Agenda Item #21 has been withdrawn.

18. First and Only Public Hearing on a Proposed Ordinance Amending Chapter 11, Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of a Primary Health Care Implementation Advisory Board" and the Associated Enabling Resolution Establishing the Healthcare Advisory Board.

Commissioner DePuy moved, duly seconded by Commissioner Rackleff to approve options 1, 2, 3, & 4: 1) Conduct the first and only public hearing and adopt the proposed Ordinance amending Chapter 11, Article XVII, Section 11-531 of the Code of Laws of Leon County, entitled "Creation of Health Care Advisory Board."; 2) Adopt the associated Enabling Resolution creating the Healthcare Advisory Board; 3) Adopt the amended Healthcare Advisory Board Bylaws, and 4) Confirm the appointment of representatives identified by the organizations for the Healthcare Advisory Board.. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Thaell absent).

19. First and Only Public Hearing on a Proposed Ordinance Amending Chapter 8, Article V, of the Code of Laws of Leon County, entitled "SHIP Program Administration," and the Associated Enabling Resolution to Establish an Affordable Housing Advisory Committee.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge to approve Options 1 & 2: 1) "Conduct the first and only public hearing and adopt the proposed Ordinance amending Chapter 8, Article V, of the Code of Laws of Leon County, entitled "SHIP Program Administration", and 2) Adopt the associated Enabling Resolution to establish an Affordable Housing Committee. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Thaell absent).

20. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the RA (Residential Acre) Zoning District to the R-1 (Single Family Detached Residential) Zoning District (PRZ #080002)

Speaker: Mr. Luis Serna, GPI Southeast, Inc, 3559 Timberland School Road advised that he represents the applicant and is available to answer any questions. He noted that a favorable recommendation had been received by staff and the planning commission and requested that the application be approved.

Commissioner DePuy moved, duly seconded by Commissioner Desloge to approve Option 1: Conduct the first and only quasi-judicial public hearing and adopt the proposed Ordinance, amending the official Zoning Map from RA (Residential Acre) to the R-1 (Single Family Detached Residential) Zoning District, based upon the findings of fact and conclusions of law set forth herein and any evidence submitted at the Hearing hereon. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Thaell absent).

21. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the official Zoning Map to Change the Zone Classification from the LP (Lake Protection) Zoning District to the PUD (Planned Unit Development) Zoning District (PRZ080003)

ITEM WITHDRAWN

22. First and Only Public Hearing for the Proposed Abandonment of Portions of County Right-of-Way Known as Lake Drive and Adopt an Abandonment Resolution.

County Attorney Thiele explained that additional information on this item had been obtained by his office. The information was received yesterday and he requested that the item be continued until the next public hearing (June 10, 2008) to allow time for his staff to review the documents.

Chairman Sauls noted a speaker request from Mr. Granger and established that he understood that the issue would be continued until June 10, 2008.

Commissioner Proctor moved, duly seconded by Commissioner Dailey that the item be postponed until the next public hearing date, which is June 10, 2008 at 6:00 p.m. The motion carried 6-0 (Commissioner Thaell absent)

Commissioner Dailey stated, for the record, that Mr. Granger asked that since he was here, had a prepared statement and was the one who asked for the abandonment, if he could still speak. Commissioner Dailey advised that it was the Chair's prerogative since it was going to be postponed. Chairman Sauls confirmed with Mr. Granger that Board members had his written statement and asked if he wished to address the Board. Mr. Granger indicated that he did not wish to speak. Mr. Thiele stated that the document would be made part of the record and would be included in the agenda packet for the June 10, 2008 meeting.

Commissioner Dailey confirmed with the Mr. Thiele that disclosure, for quasi judicial purposes, of communications on the issue could be done at the June 10, 2008 public hearing.

23. Public hearings to Adopt Special Improvement Liens and Adopt a Non-Ad Valorem Assessment Roll for Cloudland Drive 2/3 Paving Project.

County Administrator Alam explained that the Board is requested to adopt a Special Improvement Lien and a non-ad Valorem assessment roll. Mr. Alam related that the Cloudland Drive paving project has been completed and the resulted assessment was a couple thousand dollars under estimate. The total project cost was \$151,931.15 which equates to an assessment of \$7,995.85 per lot.

Speakers:

Mr. Jimmy Callaway, 3031 Lakeshore Drive thanked the Commissioners and staff for the great job in getting this project completed and noted that the property owners are satisfied with paying the per lot assessment.

Bill Pafford, 3025 Cloudland Drive, commented that he was pleased with the completed work. He expressed concern that homeowners who purchased property after the vote was taken to approve the project (2004) are now financially responsible for their portion of the project. He asserted that

homeowners who voted for the improvement should be held legally responsible for the improvement.

Mary Ann Chalmers, 842 Mays Road, voiced her pleasure in having Cloudland Drive paved and noted appreciation for the work

Dr. Charles Smith, 3039 Cloudland Drive, expressed his appreciation for the paving work done. Mr. Smith noted a letter he had prepared to the Commission dated April 4, 2008 and shared pictures. He questioned the manner in which the property liens were assessed. He opined that it is not equitable for each property owner to be assessed the same amount when some property has more footage than others. Dr. Smith also commented that concrete pipes are not visible on the south end of the street and are visible on the north end and believes that this should also impact how much each lot owner has to pay.

Commissioner Dailey noted his appreciation to staff for the good work and asked Joe Brown, Director of Engineering Services, to comment on the engineering of the road. Mr. Brown explained the factors used in determining the draining system needed for the project.

Commissioner Dailey confirmed with County Attorney Thiele that when special assessments are done and a private real estate transaction occurs, it is the responsibility of the realtor and the property owner to disclose such issues to the potential buyer. Commissioner Dailey offered to Mr. Callaway to discuss further is needed.

Commissioner Dailey requested that Mr. Alam explain how the per parcel assessment was determined. Mr. Alam commented the basis for the assessment was that the improvements would benefit each property owner equally. Mr. Thiele added that that was staff's conclusion and advised that is a valid basis by which the Board can make similar conclusion. Commissioner Dailey confirmed with Mr. Alam that the method of assessment was suggested by the homeowners and voted on by a majority of homeowners.

Commissioner Dailey moved, duly seconded by Commissioner Desloge to approve Options 1 & 2: 1) Conduct the public hearing and adopt a Resolution imposing Special Improvement Liens for the Cloudland Drive paving project, and 2) Conduct the public hearing and adopt a Resolution for the Non-Ad Valorem Assessment Roll for the Cloudland Drive paving project. The motion carried 6-0 (Commissioner Thaele absent)

24. Conduct First of Two Public Hearings on Adopting an Ordinance Amending Chapter 10, Article VII, Division 2, of the Leon County Code of Laws Entitled "Residential Development Pursuant to Comprehensive Plan Policy 2.1.9"

County Attorney Thiele reported that the Board directed his office to prepare an amendment to provisions in the Leon County Land Development Regulations that would address a problem dealing with the applicability of the non-family

heir 2.1.9 provision in the code. He added that the draft ordinance addresses this issue and this is the first public hearing on the proposed ordinance.

Speaker:

Lonnie Yarbrough, 8632 Miles Johnson Road, reiterated his request that he has lived on the property for the last 21 years and in a doctrine of fairness would like to have the opportunity to apply for 2.1.9.

George Lewis II, 203 N. Gadsden St, #6, noted a typographical error in the minutes provided as part of the agenda package. He also noted that the minutes reference Commissioner Desloge's motion that this ordinance be changed to incorporate permission to include artificial persons. He suggests that the change as proposed doesn't make it clear that one is picking up artificial entities such as trusts, estates, guardianships, or corporations. He noted there are different ways to hold title that people can still retain a beneficial interest and still retain the right to claim homestead exemption. He voiced concerned that just adding a record interest in the parcel does not cover all those instances.

Commissioner Rackleff asked County Attorney Thiele his opinion on Mr. Lewis's observations. Mr. Thiele responded that it was his intent to make the scope of the ordinance as limited as possible and that his office will bring the Board another clarification of the 2.1.9 in another package.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge to approve Option 1: Conduct first of two public hearings on adoption of an Ordinance amending Chapter 10, Article VII, Division 2, of the Leon County Code of Laws entitled "Residential Development Pursuant to Comprehensive Plan Policy 2.1.9" and schedule the second public hearing for June 10, 2008 at 6:00 p.m. The motion carried 5-0 (Commissioner Proctor out of Chambers and Commissioner Thaell absent)

Citizens to be Heard on Non-Agendaed Items (3 minute limit)

Hugh Martin, 4580 Thomasville Road, requested assistance with a problem with the Leon County Environmental Office regarding trucks belonging to renters at a property owned by Mr. Martin. He suggested that a commissioner should attend the code enforcement meetings to see what is going on. Commissioner Desloge (Mr. Margin's district representative) assured him that the issue would be addressed and asked his aide to get with Mr. Martin to get further information.

Dorothy (Dot) Spence, 3982 Chaires Cross Road, addressed the board on two issues: 1) renaming of the ball fields at Chaires and 2) waiving of County permit fees to rebuild two houses destroyed by the tornado.

After discussion by Commissioners and staff (David McDevitt, Director of Growth and Environmental Management and the county attorney) concerns over waiving the permit fees were noted, i.e., a precedent being set in these type

situations, a lack of established criteria and problems that could occur in waiving fees for some and not others.

Commissioner DePuy offered that if the amount of permit fees is in the neighborhood of \$1,000 or less, he is willing to raise the funds as a private citizen and not set a precedent with county tax dollars. He encouraged other Commissioners to join him in raising funds for the individuals who lost their homes.

Commissioner Rackleff advised that he would get with the County Parks Director and determine the criteria used to rename a ball field and report back to the Commission on his findings.

Commissioner Dailey noted that it is appropriate that the community center board have a role in this issue and would like for them to provide a formal recommendation to the Commission.

Commissioner Dailey questioned the County's role in providing assistance to individuals who lose their entire homes to a natural disaster and requested that the Commission look at a future policy to deal with this topic. He requested that staff look into 1) what community resources are available in Leon County and 2) what types of financial assistance may be available to assist in permitting fees, etc.

Brad Harvey, 704 W. Madison Street, Co-owner of the Collection Point noted that provides testing for individuals for pre-trial and probation compliance. Mr. Harvey shared that he provides this service for a \$10.00 fee and the County does the same for \$5.00. Mr. Harvey asked that this service be re-evaluated. He opined the County is trying to create a monopoly. He also indicated that he had concerns over staff of the Probation and Supervised Pre-Trial Release Program. He asserted that staff are no help and are non responsive to questions. Mr. Harvey also expressed concerns over the Indigent Program.

Matthew Williams, 1984 Register Road, voiced his concern over the pre-trial and probation system in Leon County. He supported the comments made by Mr. Harvey. Mr. Williams questioned bid procedures used by the purchasing department for the Indigent Waiver Program. He also noted that he had informed Pre-Trial and Probation staff of problems with GPS.

Kevin Koelemi, 2225 Amelia Circle, The Angels Arch Recovery Solutions, Inc. noted that he has been unsuccessful in attempts to assist individuals in resolving problems with the Pre-Trial and Probation staff. He commented that the County is charging an administrative fee for alcohol testing, not a corresponding fee for drug testing. He stated that this was unfair. He asked that everyone work together to resolve these issues quickly and fairly.

Chairman Sauls asked County Administrator Alam for an update. Mr. Alam explained that the Board recently approved a \$5.00 administrative fee for testing. He offered that there were several options that could be looked at and

requested direction from the Board to bring this particular issue back to the Board in the form of an agenda item.

Commissioner Dailey moved, seconded by Commissioner Desloge to have staff bring the issue back for further review. The motion carried 6-0 (Commissioner Thaeil absent).

County Attorney (Herb Thiele)

- Reported that his office continues to pursue the challenge to the Conflict Attorney issue. He noted that Manatee County voted last week to join the lawsuit, in addition to Alachua County. Mr. Thiele reported that the Legislature provided zero funding this year for this function and stated that they would have something filed within the next few weeks.

County Administrator (Parwez Alam)

- Noted that the HBO Movie "Recount" on the last General Election will be shown on HBO on May 25, at 9:00 p.m. A lot of the filming of the movie was done at the courthouse.
- Stated that County Health Department staff have suggested June 10, 2008 as a possible date for the Workshop with the Health Department that was requested by Commissioner Proctor. He noted that a Planning Department Year-End Report Workshop is currently scheduled for that date and suggested that the time of the Health Department Workshop be scheduled from 10:00 a.m. to 12:00 and the Planning Department Workshop be held as scheduled from 1:00 p.m. – 3:00 p.m.
 - Commissioner Desloge noted that last year all recipients of the health care funding come forward and give the commission an update. He opined that the workshop should be expanded to include other providers receiving funding.
 - Commissioner Proctor indicated that he is concerned over the programmatic and qualitative aspects of the health department. He expressed concerns over how the health department is dealing with community health issues.
 - Commissioner Desloge suggested that other providers be invited to attend to provide answers to questions and provide information on how an issue may be handled by their organization.
 - Commissioner Rackleff confirmed from Mr. Alam that the Health Department is state funded. Mr. Rosenzweig established that the County spends well over \$1.5 million in County funds on the health department. Commissioner Rackleff noted that we do the same thing for the courts and other state programs. He clarified that we contribute less than 15% of the total health department budget. He asserted that the County does not have authority over the activities of the health department and that their tasks are established by the State Department of Health.
 - *Commissioner Desloge moved, duly seconded by Commissioner Proctor to set the Health Department Workshop on June 10, 2008 from 10:00 a.m. to 12:00 p.m. and that other providers that receive County funded be invited to attend also.*

- *Commissioner Rackleff offered a substitute motion that the Workshop not be held and the issue be turned over to the Health Advisory Board. Motion failed for lack of second.*
- *The original motion on floor carried 5-1 (Commissioner Rackleff in opposition and Commissioner Thaeff absent)*

The Board entered recess at 4:55 p.m.

Discussion Items by Commissioners

Commissioner DePuy

- Requested a Resolution for Miko Schramel who is retiring. Ms. Schramel has operated the 2nd floor snack bar in the courthouse for many years.
- Requested a Resolution for Sandy Cook, Park Ranger at Wakulla Springs who retiring after 37 years of service.
- Requested a Resolution acknowledging the Silver Slipper's 70th Anniversary.
- Requested that staff be directed to assist the Department of Health in completion of paperwork to apply for a \$5,000 grant from the National Safety Council. The grant is intended to assist in the teaming of local providers of injury and prevention safety in designating Leon County as a "Safe Community". Staff were directed to assist in the preparation of appropriate paperwork and bring back as an agenda item.

Commissioner Dailey

- Requested follow-up on issues brought up during the public hearing:
 - Mr. Marshall – David Reid, Finance Director, made contact with Mr. Marshall and will follow-up on his issue.
 - Rick Miller – Commissioner Desloge requested that the County Administrator look into his situation and determine if any relief can be provided.

Commissioner Desloge

- Directed County Attorney Thiele provide a status on flooded property issue. Mr. Thiele responded that this will be addressed at the June 10, 2008 Commission Meeting.
- Requested approval to send a thank you letter on behalf of the Board to Senator Lawson for his support and efforts on our behalf relating to the agriculture bill relative to storm water issues.
- Commissioner Desloge clarified that ambulance "transport" means an emergency transport; not individuals being moved from hospital to a nursing home or some other type health care facility.
- Provided an update on EMS/fire negotiations with City of Tallahassee. He and Commissioner Gillum continue to discuss specifics of the merger. Discussions continue on how the two governments will work together and what is the appropriate way to work together. He stated that he is a supporter of consolidation and indicated that at some point he would like to "step up and reopen some level of community dialogue" relative to having that discussion. This needs to be tempered with the fact that the County's Charter is up for review in 18 months and a

committee will be seated to do that review. Commissioner Desloge went on record as saying "I think its time that we at least start to open this dialogue. It's time that we start talking between the two governments about ways to be more efficient." He stated his commitment to the fire/EMS merger, but indicated there are philosophical differences that need to be worked out. Commissioner Desloge stated that he will begin raising the questions about how the Board can take the next step relative to some kind of dialogue between the two governments and between the Commission on how to take the next step for consolidation.

Commissioner Rackleff

- Mentioned that local gas tax collections for the next fiscal year will be 10% less than this fiscal year. He suggested that the Board take a thorough look at growth management practices and determine how to cope with the change in society and in the economy.
- Announced that his team came in second in the "Walk Through Florida" competition.
- Mentioned that consolidation has never gotten more than 40% of the vote and people in the unincorporated areas do not want consolidation. He does not think it is beneficial to continue to pursue. Commissioner Rackleff did indicate support of functional consolidation in key areas, i.e., Fire and EMS and encouraged Commissioner Desloge to continue to pursue this endeavor with the City.
- The FSU Master Plan has been revised and requested a presentation by the FSU planning staff to provide Commissioners with a brief presentation on what the Master Plan is. Commissioners indicated no objection to this request and Chairman Sauls asked the County Administrator to follow up on the request.

Commissioner Proctor

- Complimented staff on an outstanding job in a tough climate where there are a lot of cuts and morale issues.
- Noted the great job Ken Morris, Intergovernmental Affairs Coordinator, did on keeping the Commission informed during the legislative session.
- Asked for an agenda item to look at a comprehensive plan for transportation. He supports a policy to conserve gasoline. He also suggested if needed, to join the City of Tallahassee in the bulk purchase of gasoline. County Administrator Alam stated that an agenda item would be brought back for review to determine if the policy should be revised. Mr. Alam also noted that the issue would be discussed at the Budget Workshop.
- Asked Alan Rosenweig, Assistant County Administrator, about county commission salary increases from the legislature. Mr. Rosenweig stated that effective October 1, 2008, compensation will increase \$1.00, he will not know what next year's raise will be for several months. He confirmed that, for the current year, Commissioner overall compensation has gone down.

Chairman Sauls

- Received a request for \$1,000 from Mt. Zion AME Church, for their Come Together Day, Saturday, July 26. Commissioner Proctor offered to raise those funds privately.
- Received a request from the Tallahassee Urban League to purchase a table for \$1,200 for eight people for their 39th Anniversary and Concert on May 23, 2008.
- Requested a Resolution for County employee Sam Jugger who is retiring.
- Requested a Resolution acknowledging Small Business Week, May 13-15, 2008.
- Requested a Resolution for World Tobacco Free Day, May 31, 2008.
- Requested a Resolution for National Foster Care Month for May.
- Received a request from the Brevard County Board of County (BCBCC) Commissioners asking for a Resolution regarding the nation's space program. A sample Resolution was provided by the BCBCC. No action was taken on this topic by Commissioners.
- Received a request from the Myasthenia Gravis Foundation asking for a proclamation declaring Myasthenia Gravis Month in Leon County. Commissioners' indicated support for the proclamation.
- Noted that the legislature has changed the set-up of the Value Adjustment Board (VAB) and the county attorney is now not allowed to serve as the attorney for that Board (an outside special counsel must be hired). Chairman Sauls noted that this is another unfunded mandate from the legislature. She asked Mr. Thiele to provide information on this topic. He responded that a memo has been distributed to Commissioners suggesting that the 2007 VAB convene before the new policy takes effect. He advised that one county commissioner and one school board slot has been eliminated from the VAB and two citizens have been added.
- Commissioner Proctor noted that the Supervisor of Elections has engaged in a lawsuit over Judge Harley's position. He asserted that out of courtesy the Commission should have been made aware before actions against the Governor are taken to ensure that the Board wishes to pursue and fund the endeavor. Chairman Sauls indicated that she was not aware of any contact by the Supervisor's office on the issue and asked the County Attorney what jurisdiction the Board has over situations such as this. Mr. Thiele advised that any expenditures incurred are fully funded by the Board through general revenue dollars and he verified that the County was not involved in the decision to pursue this suit. Commissioner Proctor requested that the Board support asking Chairman Sauls to make an inquiry as to the cost of this litigation. Commissioner Rackleff objected to the request. County Administrator Alam stated that he would contact Supervisor of Elections Sancho to get details of the situation and inform the Commission of his findings.

Receipt and File

- Comcast Notice of Detailed Outline of Price Changes and Program Changes

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 7:50 p.m.

APPROVED: _____

Jane G. Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court