

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
October 28, 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, Thael, Proctor, Rackleff, Dailey, and Desloge. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause

Invocation was provided by Commissioner Thael who then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Dailey presented a Resolution congratulating and honoring Tim Knight, a senior at Chiles High School, as a State of Florida Representative to Boys Nation in Washington, D.C. Commissioner Dailey noted that he was one of only two representatives from Florida to attend Boys Nation.
- Commissioner Desloge presented a Resolution to Don May, on behalf of his daughter, Hailey May and other local children with Diabetes, recognizing November 14, 2008 as World Diabetes Day.
- Ion Sancho, Supervisor of Elections, gave a brief presentation on the upcoming election and Help Americans Vote Act (HAVA) implementation issues.
 - He announced that Governor Crist issued an Executive Order which extended the hours for early voting to 7:00 p.m. on October 29-31, and extended weekend early voting to 12 hours. Mr. Sancho added that early voter turnout is at unprecedented levels and he anticipates that one-third of all Leon County voters will have cast ballots by November 4.
 - Mr. Sancho stated that with the extension of voter times, additional staff with computer experience was needed and his office is attempting to find additional help. County Administrator Alam offered the assistance of County employees and requested Mr. Sancho contact his office with the number of staff needed.
 - Mr. Sancho reported that Leon County is currently in full compliance with the HAVA; however, due to a ban by the State on the disability voting equipment that was purchased in 2006 a new voting system would need to be purchased and in place by the 2012 election cycle.
 - Commissioner Rackleff suggested that the County consider allowing employees time off to assist in the voting process.
- Ben Cowart, City of Tallahassee, gave a presentation on the City's efforts to obtain renewable energy as an alternative energy source. He provided

a detailed presentation on the City's Contract with Green Power Systems; project entitled "Renewable Fuel Tallahassee". Highlights of his presentation included:

- City staff were directed to further investigate renewable energy options;
- Staff identified municipal solid waste and woody biomass as possible fuel sources;
- The proposed plant utilizes municipal solid waste as its primary fuel source;
- The contract was approved by City Commission in June 2007;
- Does not compete with BG&E Project for fuel;
- Has potential to reduce or slow the expansion of landfills;
- Would offer rate stability to local governments and residents;
- Maintains the current solid waste operation of the County and builds on the strengths of those operations;
- Contract is for energy only, no capacity payments or bonus/penalty payments;
- Timeline for securing a site and finalizing municipal solid waste contract is September 30, 2009, and
- Commercial operations date of October 2011.
- Scott Maddox, representing Green Power Systems, established that the process does not compete with the County's recycling efforts. Mr. Maddox introduced Colonel Dick Basford, President of Renewable Fuels, a subsidiary of Green Power Systems, and Richard Breitmoser, Sr. Vice-President of Renewable Fuel.
- Colonel Basford presented a detailed power point presentation on Green Power Systems and how the plasma arc technology operates:
 - Company's mission statement: reduce the use of fossil fuel; reduce and eliminate the quantity of material going into landfills; reduce disposal cost and reduce greenhouse gases.
 - Not incineration and he does not want it to be confused with an incinerator. The facility uses plasma arc technology in the use of plasma torches in an oxygen starved environment to convert organic matter into a synthesis gas.
 - Plasma is found in nature, i.e., lightening, northern lights,
 - Pointed out that a fleet of trucks haul solid waste from Leon County to Jackson County daily;; which consumes 265 gallons of diesel fuel a day;
 - Operating facilities produce clean energy with no visible emissions, no odor; is very quiet, and any non-organic matter introduced (glass, tin cans) are vitrified into a non-toxic commercially viable product;
 - Encourages aggressive community recycling as a part of the overall program;
 - Blueprint of facility was provided;
- Mr. Maddox stated that the action requested today is to direct staff to enter into discussions on what an agreement would look like for the municipal solid waste provided that appropriate permits are obtained.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge, to direct staff to enter into discussions with Green Power Systems on an agreement for municipal solid waste, dependent on the project getting through the permitting process, and bring back a proposed draft agreement for consideration by the Board. The motion carried 7-0.

Commissioner Desloge remarked this is a project worth exploring and pursuing.

Commissioner Proctor asked the amount of tonnage needed to make the project work on a daily basis and does the community produce an adequate amount of tonnage to accommodate the need. Mr. Basford explained that between 700 and 800 tons a day of garbage. He added that they would be able to utilize additional types of waste, i.e., tires, bio solids from the City's water treatment plant. Norm Thomas, Solid Waste Director, stated that between the City and County, there are 750 tons a day generated. Mr. Basford pointed out that by the commercial operation date of 2011 there would be an increase in the amount of garbage produced and available.

Commissioner Proctor asked that the project receive a thorough "financial vetting" by staff. Commissioner Rackleff responded that he was in agreement and that was implied in his motion.

Commissioner Desloge established that Waste Pro (City) and Waste Management (County) would play a role in the project and should be factored in. Commissioner Proctor asked whether the County's contract with Waste Management would be affected. Mr. Maddox stated that there is a "new technology" provision in the contract and that this is the first step with municipal solid waste and there would be many more between now and 2011.

- Dave Ramsey, United Way of the Big Bend (UWBB) reaffirmed the value of the Community Human Services Partnership (CHSP) and its relationship with the City and County in the CHSP process.
 - Mr. Ramsey shared that questions had arisen regarding whether the CHSP process operated within the Sunshine Law and that the UWBB conducted a series of meeting with its Board, volunteers, and CHSP citizen review teams (CRTs) to discuss the process of working within the Sunshine Law. The outcome of those meeting included:
 - UWBB openness: beginning immediately all dates, times and location of all meetings will be posted on its website to ensure that any citizen who wished to hear the process is welcome.
 - The absolute reaffirmation of the CHSP process.
 - In regards to the CRTs and application of work, the CRTs will work in the Sunshine and the three funding organizations should make a statement to that effect.
 - Each of the three funding organizations will each have one vote. Currently the city has two, county has two and the UW Board has two and one for United Partners for Human Services.

- Seek and welcome the input from additional members to the Board.
- The votes of the three person board must be a consensus vote rather than a majority vote.

Consent

Commissioner Dailey moved, duly seconded by Commissioner Desloge, to approve consent item, with the exception of items 11 & 14 which were moved from the agenda. The motion carried 7-0.

1. Approval of Revised Minutes of July 8, 2008

The Board approved Option 1: Approve the revised minutes of July 8, 2008.

2. Approval of Payment of Bills and Vouchers Submitted for October 28, 2008, and Pre-Approval of Payments of Bills and Vouchers for the period of October 29 through November 17, 2008: \$3,527,981.00

The Board approved Option 1: Approve payment of bills and vouchers submitted for October 28, 2008, and pre-approve payment of bills and vouchers for the period of October 29 through November 17, 2008: \$3,527,981.00

3. Approval to Purchase Upgraded Budget Development Software

The Board approved Option 1: Approve the purchase of the upgraded GovMax V5.0 budget development software, and authorize staff to negotiate an agreement with MethodFactory.

4. Acceptance of Report on Waiving Emergency Medical Service Fee for the Red Hills Horse Trials Event

The Board approved Option 1: Accept report on waiving the Emergency Medical Service fee for dedicated ambulance and medical services for the Red Hills Horse Trials.

5. Ratification of Board Actions Taken at the October 14, 2008 Workshop on the 2009 State and Federal Legislative Priorities

The Board approved Option 1: Ratify the Board actions taken at the October 14, 2008 Workshop on the 2009 State and Federal Legislative Priorities

6. Approval of the Leon County board of County Commissioners' 2008 Installation and Reorganization Ceremony Agenda

The Board approved Option 1: Approve the Leon County Board of County Commissioners' 2008 Installation and Reorganization Ceremony Agenda

7. Acceptance of a Florida Department of Health, Bureau of Emergency Medical Services Matching Grant for the Creation of a Public Education and Injury Prevention Program

The Board approved Option 1: Accept the matching grant from the Department of Health, Bureau of Emergency Medical Services in the amount of \$67,875, and approve the Resolution and associated Budget amendment Request.

8. Approval to Transfer four Communications Officer Positions from the Leon County Sheriff's Office to the Emergency Medical Services Division

The Board approved Option 1: Approve the transfer of four Communications Officer positions from the Leon County Sheriff's Office to the Emergency Medical Services Division, and approve the Budget Amendment Request.

9. Acceptance of the 2008/09 Edward Byrne Memorial Justice Assistance Grant Award for the Enhanced Pretrial/Probation Program

The Board approved Option 1: Accept the 2008/09 Edward Byrne Memorial Justice Assistance Grant Awards for the Enhanced Pretrial/Probation Program, and authorize the Chairman to execute.

10. Approval of Letters of Agreement with the Agency for Healthcare Administration for a Florida Department of Health Matching Grant and the Medicaid Lower Income Pool Program, and Approval to Amend the Agreement between Leon County and Bond Community Health Center, Inc.

The Board approved Options 1, 2, 3, and 4: 1) Approve the Letter of Agreement with the Agency for Healthcare administration in the amount of \$58,079 to access AHCA/DOH funds for Bond Community Health Center, Inc., and authorize the County Administrator to execute; 2) Approve the Letter of Agreement with the Agency for Healthcare Administration in the amount of \$138,260 to access Medicaid Lower Income Pool funds for Bond Community Health Center, Inc., and authorize the County Administrator to execute; 3) Approve the Amendment to Contract with Bond Community Health Center, Inc. for the provision of primary healthcare services, and authorize the County Administrator to execute, and 4) Approve the Amendment to Women's and Children's Contract with Bond Community Health Center, Inc. for the provision of primary healthcare services, and authorize the County Administrator to execute.

11. Approval to Renew the Agreement Between the Tallahassee Lenders Consortium and Leon County for the Provision of Housing Down Payment Assistance and Home Counseling Services

The Board approved Option 1: Approve the renewal of the Agreement between Tallahassee Lenders Consortium and Leon County for the provision of the Housing Down Payment Assistance Program and authorize the Chairman to execute.

12. Approval of Agreement Between the Capital Area Chapter of the American Red Cross and Leon County for the Disaster Mitigation and Education Initiative

The Board approved Option 1: Approve the Agreement with the Capital Area Chapter of the American Red Cross to administer the Disaster Mitigation Program, and authorize the Chairman to execute.

13. Approval of Agreement with the Leon County Sheriff's Office for Law Enforcement Services at the Main Library

The Board approved Option 1: Approve the Agreement with the Leon County Sheriff's Office for Law Enforcement Services at the Main Library, and authorize the Chairman to execute.

14. Approval of a Quit Claim Deed and Acceptance of Six Conservation Easements from Greystone, LLP

The Board approved Option 1: Approve the recording of a Quit Claim Deed by the County, and accept for recording the six Conservation Easements from Greystone, LLP for the Greystone Subdivision Type B Site Plan project.

15. Approval of an Interlocal Agreement Between the City of Tallahassee and Leon County to Manage and Control Illicit Discharges to the Leon County Municipal Separate Storm Sewer System (MS4)

The Board approved Option 1: Approve the Interlocal Agreement between the City of Tallahassee and Leon County to Manage and Control Illicit Discharges to the Leon County Municipal Separate Storm Sewer System (MS4), and authorize the County Administrator to execute.

16. Approval of Agreement Awarding Bid to CSI/Concrete Services, Inc. in the Amount of \$228,025 for Americans with Disabilities Act Modifications to Parks & Recreation Facilities

The Board approved Options 1 & 2: 1) Approve the Agreement awarding with CSI/Concrete Services, Inc. in the amount of \$228,025.00 for the ADA Modifications to Parks & Recreation Facilities, and authorize the County Administrator to execute, and 2) Approve the Resolution and associated Budget Amendment Request in the amount of \$100,000.

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

General Business

17. Approval of the Selection and Recruitment Process for an Executive Director of the Leon County Tourist Development Council (TDC)

County Administrator Alam announced that Ken Morris, Assistant to the County Administrator, had been named Interim Executive Director of the TDC.

Mr. Russell Daws, Chairman of the TDC, thanked the Chairman and County Administrator for the quick and rapid response to the TDCs request for assistance. He stated that the TDC convened a special meeting on October 21, 2008 to review the existing position description and to determine the selection and recruitment process for the hiring of a permanent TDC Director. He summarized the Committee's recommendations and stated that the TDC supports staff recommendation.

Commissioner DePuy opined that the recruitment process was fully vetted and ready to be implemented.

Commissioner DePuy moved Option 1, to approve the selection and recruitment process for an Executive Director of the Leon County Tourist Development Council. The motion failed for lack of a second.

Commissioner Desloge complimented and voiced his appreciation to Mr. Daws for his efforts and work on the TDC Board. He recommended that the Board review the TDC strategic plan and determine if the TDC is appropriately structured before hiring an executive director. Commissioner Desloge suggested a workshop be scheduled to thoroughly review the program and suggested that an interim appointment be made.

Commissioner Rackleff agreed with Commissioner Desloge and opined that the Council's mission and how it views its mission should be addressed and is more important than finding a new director. He inquired if an interim director could be appointed from existing TDC staff and stated that a management audit is needed before moving forward.

Commissioner Thaelle stated that specific problems needed to be identified and pointed out that the Commission approved the TDC's Bylaws, which provides the structure of the TDC (allows the TDC Board hiring authority upon review and approval of the County Commission) and if the structure is changed, it would require that the Bylaws be revised. Commissioner Thaelle expressed his confidence in the TDC Board leadership; however, he agreed that structural changes were needed.

Commissioner Thaelle moved, duly seconded by Commissioner Desloge, to schedule a workshop on the tourist Development Council structure and overview of Tourist Development Council programs for Tuesday, November 25, 2008 from 12:00 - 3:00 p.m. The motion carried 6-1 (Commissioner DePuy in opposition)

18. Approve the Agreement with Marpan Recycling for Class III Waste Management and Recycling Services

County Administrator Alam summarized the agenda item. He noted that the County solicited bids through a competitive process to locate a firm that would assist the County with meeting part, or all, of its long term Class III waste

management needs. He explained that class III waste consists of concrete and all other debris that is not taken to the transfer station (it is not household garbage). An Evaluation Committee, comprised of staff from the County, City of Tallahassee and Wakulla County was formed to review the responses and develop ranking criteria. The Committee determined that Marpan Recycling met all objectives and criteria and it is their recommendation that the Board approve the agreement to enter into recycling services with Marpan.

Mr. Alam advised that the agreement would: 1) significantly increase the amount of recycled material; 2) significantly increase the remaining landfill capacity; 3) reduce the amount of material to be land filled from an average of 240 tons a day to approximately 100 tons a day; 4) reduce operating hours and staff, and 5) reduce operating and capital expenditure costs. Mr. Alam also pointed out that the volume of waste expected from Marpan Recycling at the agreed upon disposal fee would be insufficient to cover all of the operating costs associated with the solid waste facility; this would require, at some point in time, the tipping fees at the transfer station to be raised \$3 to \$5 a ton or .40 cents per household, per month.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge to approve Option 1: Approve the Agreement with Marpan Recycling for Class III waste management services and recycling, and authorize the County Administrator to execute.

Commissioner Proctor stated support for the motion and appreciated the vetting of the project. He noted that he had toured the facility and wanted to make sure that when Woodville Highway is widened it continues far enough to accommodate the trucks and traffic associated with the plant. Commissioner Proctor asserted that the project speaks to the need to find alternate methods of dealing with waste. He confirmed with Mr. Alam that the proposed increase in tipping fees would be adequate and would not conflict with the transfer station, Waste Management, Green Power, or rural collection sites.

Commissioner's Proctor, Thael and Rackleff commended Mr. Kim Williams of Marpan Recycling for his commitment to the future, his faith in the community and for bringing this creative and innovative solution to an important and growing problem before the Commission.

Commissioner Rackleff noted that this is the type of private sector project that is needed more and he encouraged other individuals in the business community to follow suit.

Commissioner Proctor inquired if there had been any rewards provided to Mr. Williams for his creativity for which might serve as an inducement for others. Commissioner Desloge responded that Mr. Williams had proceeded with the project privately and not availed himself to any subsidies or incentives. He added that the County should ensure that individuals in the community who are providing jobs and stimulating the economy are not penalized.

Kim Williams expressed appreciation to the Commission for discussing the project and noted that the only subsidy that was available to a recycling operation is an exemption from Florida sales tax for equipment.

The motion carried 7-0.

Commissioner Proctor moved, duly seconded by Commissioner Thaell, to allow Commissioner Proctor extended time during Commissioner Discussion time to discuss the proposed Biomass plant. The motion carried 7-0.

The Board entered into recess at 5:00 p.m.

Scheduled Public Hearings, 6:00 p.m.

19. Joint City/County Adoption Hearing on Cycle 2008-1 Comprehensive Plan Amendment

Attending: County Commission: Chairman Sauls and Commissioners Desloge, Dailey, DePuy, Rackleff, Thaell and Proctor. City Commission: Mayor Marks, and Commissioners Lightsey, Gilliam, and Katz (Commissioner Mustian absent); Senior Assistant City Attorney Linda Hudson, County Attorney Herb Thiele, County Administrator Parwez Alam and Board Secretary Rebecca Vause

Facilitator: Fred Goodrow, Chief of Comprehensive Planning, Tallahassee-Leon County Planning Department

1. Call to Order: Chairman Sauls called the Joint City/County Adoption Hearing on Cycle 2008-1 Comprehensive Plan Amendments to order at 6:00 p.m.
2. Introductory Comments by Staff

Mr. Goodrow explained that the purpose of the Public Hearing was to receive public input and adopt the Cycle 2008-1 amendments for forwarding to the Department of Community Affairs (DCA).

Mr. Goodrow notified Commissioners that the following Map Amendments had been withdrawn:

Map Amendment PCM 080105 from Suburban to University Transition located at the intersection of Tennessee Street and Dixie Drive.

Map Amendment PCM 080104, 509.23 acres located on the south side of Mahan Drive 3/10ths mile east of its intersection with Wadesboro Road.

Mr. Goodrow advised that the Ordinances had been revised to remove Map Amendment PCM 080104 and an updated Ordinance had been provided to Commissioners.

Commissioner Thael established with County Attorney Thiele that the public hearing noticed for Map Amendment PCM 080104 did not need to be conducted.

3. Cycle 2008-1 Amendments

A. Consent Agenda/Action

1. Map Amendments (Joint Action)

Staff recommended adoption as transmitted to DCA

PCM 080101

PCM 080108

PCM 080102

2. Text Amendments (Joint Action)

PCT 080110

PCT 080111

PCT 080112

The following individuals spoke on Map Amendment PCM 080108:

- Edwina Stephens, 608 Famcee Avenue, College Terrace Subdivision, asked that the zoning not be changed and that the neighborhood's quality of life be maintained.
- Shirley Gooding-Butler, 3978 Calle De Santos Road, requested that the Commission approve the zoning request.
- Darwin Gamble, 1248 Halifax Court, representative from the Greater Brandt Hills Neighborhood Association stated opposition to the amendment as it would allow a lot of incompatible uses of the property which is next to the College Terrace Neighborhood and would increase the cost of the right of way which would be needed for Orange Avenue widening.

Commissioner Rackleff requested information on how the zoning change would impact the eventual purchase price of the property. Linda Hudson, Assistant City Attorney responded that the property would be appraised on its highest and best use of the property no matter what the property is zoned. Mr. Tedder added that the zoning would not change with the action requested but would correct an error discovered in the comp plan. Commissioner Rackleff expressed concern with the proposed change and noted that he would, at the appropriate time, move to remove the item from the Consent Agenda.

Commissioner Katz requested clarification from staff on the proposed change and noted that he would, at the appropriate time, move to remove the item from the Consent Agenda.

Commissioner Lightsey pointed out that the proposed change, from Residential Preservation to Government/Operational Open Space would provide more protection for College Terrace Neighborhood.

Commissioner Rackleff moved, duly seconded by Commissioner Desloge, to approve the Consent Agenda with the exception of PCM080108. The motion carried 6-0 (Commissioner Proctor absent)

Commissioner Gilliam moved, duly seconded by Commissioner Lightsey, to approve the Consent Agenda as presented.

Commissioner Katz moved, duly seconded by Commissioner Gilliam, to amend the motion to remove PCM 080108 from the Consent Agenda. The motion carried unanimously.

Commissioner Gilliam moved, duly seconded by Commissioner Lightsey to approve the Consent Agenda with the exception of PCM 080108. The motion carried unanimously.

Commissioner Rackleff moved, seconded by Commissioner Thael, to deny Map Amendment PCM 080108.

Commissioner Thael requested that Commissioner Rackleff accept an amendment to approve as Government Operational the west end of property only. The amendment was accepted by Commissioner Rackleff.

The motion on the floor to approve PCM 080108 as amended, failed 2-4 (Commissioners Sauls, Desloge, DePuy and Dailey in opposition; Commissioner Proctor absent).

Commissioner Desloge moved, duly seconded by Commissioner DePuy, to accept staff's recommendation to approve PCM080108. The motion carried 5-2 (Commissioners Rackleff and Thael in opposition)

Commissioner Gilliam moved, duly seconded by Commissioner Lightsey, to approve the City's previous position to approve the rezoning (PCM 080108).

Commissioner Katz offered an amendment to bifurcate the property. The amendment failed due to lack of a second.

The motion on the floor to approve staff's recommendation to approve Map Amendment PCM 080108 carried 3-1 (Commissioner Katz in opposition)

B. Adoption of Cycle 2008-1 Plan Amendment Ordinance (City Only)

Assistant City Attorney Hudson stated that the Ordinance in the Agenda material had been revised to delete amendment PDM 080105, which was withdrawn.

Ms. Hudson read into the record City Ordinance No. 08-0-65AA.

Commissioner Lightsey moved, seconded by Commissioner Katz, to approve City Ordinance 08-0-65AA. The motion carried unanimously.

C. Discussion Agenda/Action (County Only Action)

PCM 080104 (withdrawn by applicant)

D. Adoption of Cycle 2008-1 Plan Amendment Ordinance (County Only)

Commissioner Proctor moved, duly seconded by Commissioner Desloge to approve Adoption of Cycle 2008-1 Plan Amendment Ordinance. The motion carried unanimously.

4. City Rezoning and Land Development Code Amendment Public Hearings (City Action Only)

- A. First and Only Public Hearing on Ordinance No. 08-Z-55; Proposed Amendment to the Official Zoning Map from Residential Preservation 2 to MRCN Mahan Residential Corridor Node on 5.4 acres at the northwest corner of Mahan Drive and Dempsey Mayo Road. The property is owned by James Shealey, Cottondale, FL and Yogshri, LLC. This rezoning implements Comprehensive Plan Map Amendment PCM 080101.

Ms. Hudson stated that this is the first and only public hearing on proposed City Ordinance 08-Z-55 and the Ordinance was read into the record.

Commissioner Gilliam moved, duly seconded by Commissioner Lightsey to approve City of Tallahassee Ordinance No. 08-Z-55. The motion carried unanimously.

B. Withdrawn

- C. First and Only public Hearing on Ordinance No. 08-Z-57; Proposed Amendments to the official Zoning Map from Urban Pedestrian 2 to OS Open Space District on 1 acre located at the northeast corner of Orange Avenue and Pasco Street. The property is owned by the City of Tallahassee. This rezoning implements Comprehensive Plan Map Amendment PCM 080108.

Ms. Hudson stated that this is the first and only public hearing on the proposed City Ordinance 08-Z-57 and the Ordinance was read into the record.

Commissioner Gilliam moved, duly seconded by Commissioner Katz, to approve City of Tallahassee Ordinance 08-Z-57. The motion carried unanimously.

- D. First and Only Public Hearing on Ordinance 08-0-63: An ordinance of the City amending the definitions of floodplain, flooding, and floodway in the Chapter 1 & 5 of the Tallahassee Land Development Code. This Ordinance implements Comprehensive Plan Text Amendment PCT 080108.

Ms. Hudson noted that the Ordinance included in the Agenda packet was incorrect; the corrected Ordinance was distributed to City Commissioners.

Ms. Hudson stated that this is the first and only public hearing on proposed City of Tallahassee Ordinance 08-0-63 and the Ordinance was read into the record.

Commissioner Lightsey moved, duly seconded by Commissioner Katz, to approve City of Tallahassee Ordinance 08-0-63. The motion carried unanimously.

5. County Rezoning Public Hearings (County Action Only)

- A. First of Two Quasi-Judicial Public Hearings on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from Residential Corridor to Residential Corridor Node on 29.79 acres located at the intersection of Mahan Drive and Thornton Road. The proposed rezoning Ordinance implements Comprehensive Plan Map Amendment PCM 080102.

Commissioner Rackleff moved, duly seconded by Commissioner Thael to approve PCM 080102. The motion carried unanimously.

- B. First of Two Quasi-Judicial Public Hearings on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from Rural to Urban Fringe. The proposed rezoning ordinance implements Comprehensive Plan Comprehensive Plan Map Amendments PCM 080104. **WITHDRAWN by applicant**

6. **Comprehensive Plan Process Change Proposals (City and County Action)**

Mr. Goodrow stated that the item addressed three Comprehensive Plan process change proposals that staff were asked to bring back before the Board of County Commissioners and City Commission for review and approval. He explained that the proposals relate to 1) limiting the number of cycles to one per year; 2) changing the review process for small scale amendments to allow these to occur four times a year, and 3) changes in the text amendment submittal process. He added that staff suggest that a process be created that text change requests first come before the appropriate Commission for approval to move forward so that staff is not processing text amendments unnecessarily. Mr. Goodrow stated that no review or analysis would be done by the Commissions at that time.

Commissioner Thael expressed concerns with two of the three recommendations. He supports limiting the number of cycles to one, but expressed concern that a majority vote be required to move a text change request forward. He suggested that a less than majority vote would be more appropriate, i.e., 2 of 5 for City, 3 of 7 for County.

Speakers:

- Pamela Hall, 5051 Quail Valley Road, stated support for vetting of text amendment requests. She voiced that the standards used for considering whether an amendment moves forward should be less than the standard that is used for adopting amendments and requested that the process be more clearly defined as to what Commission will consider what type requests.

At Commissioner Lightsey's request, Mr. Goodrow provided clarification on the how small and large scale amendments are currently processed.

- George Lewis, 203 N. Gadsden Street #6, commented that there has been a continual limiting of public participation in the comp plan amendment process. He noted that most text amendment changes were rarely citizen initiated and were mostly generated internally. He agreed with Ms. Hall that a full majority vote of Commissioners not be required to bring forward an amendment. Mr. Lewis requested that all policies on how the comp plan process is managed be placed on the Planning Department's web site so that the public can participate in the process more readily.
- Alfredo Cruz, 3425 Laura St., CONA Board representative, expressed CONA's support of streamlining the process; however, he expressed their concern at staff's recommendation that the number of opportunities for public input be reduced from two to one.
- Becky Subrahmanyam, 1257 Cornerstone Lane, spoke of her concern on the proposed change in the text amendment process and favored a reduction in the number of commissioner votes required to move an amendment forward. She added that the comp plan amendment process should be stated very clearly and asked that Commissioners consider public input on small map amendment changes very carefully.
- Darwin Gamble, 1248 Halifax Court, representative from the Greater Brandt Hills Neighborhood Association stated the Association supports the recommendation of one comp plan amendment cycle per year. He added that small scale map amendments can cause a lot of damage to a neighborhood, depending on the proposed land use change and expressed concern that combining small scale amendments with zoning

ordinances four times a year would require citizens to track four additional amendment cycles. Mr. Gamble reported that the Association does not have a position on using the Commission's as a "screening committee" before an amendment is considered; more information is needed.

Commissioner Lightsey moved, duly seconded by Commissioner Gillum, to approve conducting one Comp Plan amendment cycle per year. The motion carried unanimously.

Commissioner Lightsey moved to process small scale amendments twice a year and increase public hearing from one to two. The motion carried unanimously.

Mayor Marks clarified with Ms. Lightsey that the intent of her motion was to increase, not decrease the number of public hearings. He expressed opposition to any action that would reduce the number of public hearings.

Commissioner Lightsey moved, duly seconded by Commissioner Katz, to approve routing Comp Plan text amendments through the City Commission however, the amendment would require a vote from two Commissioners to process the amendment. The motion carried unanimously.

Commissioner Gillum requested that more attention be given to the policy and process by which amendments are brought before the Commission for consideration.

Commissioner Thaell moved, duly seconded by Commissioner Rackleff to approve 1) conducting one Comp Plan amendment cycle per year; 2) process small scale amendments twice a year and increase public hearing from one to two, and 3) approve routing Comp Plan text amendments through the County Commission, however, the amendment would require a vote from three of the seven Commissioners to process the amendment. The motion carried unanimously.

Chairman Sauls closed the Public Hearing at 7:10 p.m.

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

Speakers:

Julie Adamson, 1496 Bent Willow Dr., stated that she was the Chair of the Stormwater Planning Committee for the Timber Lake Neighborhood. She added that the Committee was formed on September 19, 2008 by the homeowners to work toward a favorable solution to the reoccurring flooding issues. She expressed appreciation to the Commissioners for being aware and concerned of their issues and urged the Board to consider ways, including cautionary steps, to reduce the magnitude of flooding. Ms. Adamson advocated that the Board consider more stringent guidelines for elevation changes.

Bob Finch, 1498 Grey Fox Run, shared what his family has endured since his home flooded and looks forward to working with the Commission to find solutions.

Kimberly Rolfe, 1491 Gray Fox Run, articulated the effects of the flood on her family.

Jim Renner, 1510 Grey Fox Run, noted his concern over the City of Tallahassee's removal of a pump which is used to remove excess water from the basin and requested the County's assistance in solving the problem.

Jacqueline Suttle, 1468 Gray Fox Run, requested the Board's assistance with the flooding situation in their neighborhood.

- Commissioner Rackleff stated that the County will attempt to address in a comprehensive way what happened and how to prevent and mitigate the effects of the flooding. He asked Joe Brown, Director of Engineering Services to provide a brief summary of what type of solutions are being considered.
 - Mr. Brown reported that staff had been looking at various options available to relieve the flooding problem and noted that the Workshop on January 29, 2009 will include options and cost information for the neighborhood, as well as other areas similarly impacted by flooding.
- Commissioner Desloge stated dealing with the flooding issues in the community had been the most difficult for him during his tenure on the Commission. He assured residents that the issue and all options would be thoroughly reviewed.
- Commissioner Thael credited the residents with organizing the Committee and addressing the situation. He noted one option being looked at is the inter-basin transfer and asked Mr. Brown to address this issue.
 - Mr. Brown confirmed that the situation would meet the criteria in code to allow the inter basin transfer and had been done in another neighborhood.
- Mr. Brown responded to Commissioner Proctor's questions on the City's decision to reposition the pump station.

Commissioner Proctor requested staff to provide a briefing to him on Agenda Item #15, "Approval of an Interlocal Agreement Between the City of Tallahassee and Leon County to Manage and Control Illicit Discharges to the Leon County Municipal Separate Storm Sewer System Element", specifically elements 1.4 and 1.5 and the charges the county would have to pay to the City for sewage spills.

County Attorney (Herb Thiele)

- Updates to the following issues were provided:

- A challenge to the constitutionality of the funding mechanism for the conflict counsel was filed (with 25 other counties). The State filed motions to dismiss, of which all were denied. A final hearing has been scheduled for December 12, 2008.
- The County brought a lawsuit against a landowner who had committed significant environmental violations and chose to ignore the Court. The Court ordered the property owner to pay \$215,000 to the County for restoration of damages and granted another \$62,000 in staff time; for a total amount due to the County of \$314,000. The County Attorney commented that the defendant may appeal, but he is confident the County will prevail.
- Litigation challenging the constitutionality of "Save our Homes" Amendment and portability was brought against Leon County, Property Appraiser, Tax Collector, Charlotte and Palm Beach Counties. The Court entered an order in favor of the County finding that the "Save Our Homes" Amendment was constitutional, and dismissed the entirety of the case against the County and other defendants. Mr. Thiele expects an appeal to be filed, but the ruling is a "significantly good order", which he believes is sustainable upon appeal.

County Administrator (Parwez Alam)

- Mentioned that the Tourist Development Council Workshop would be scheduled for November 25 at 9:00 a.m.

Discussion Items by Commissioners**Commissioner Desloge**

- Requested a Resolution for Premature Awareness Month
- Provided an update on discussions with Lake Anna Homeowners Association regarding the clean up of stormwater problems.
- Requested that staff bring back standards and procedures for recognizing long-standing, exemplary volunteers that serve on County Citizen Committees.
- Requested the County Attorney bring back a Resolution supporting other municipalities that are seeking legislation which would require the State Legislature to follow the Sunshine Law.

Commissioner Rackleff

- *Commissioner Rackleff moved, duly seconded by Commissioner Proctor, to donate \$250 from his Commission account to the big Bend Homeless Coalition in honor of Kay Freeman. The motion carried 7-0.*
- Noted that the National Institute of Health/National Cancer Institute stopped a major study of the use of selenium.

Commissioner Thael

- Requested a Resolution congratulating Chris Knabb on 30 years of service with Legal Services of North Florida.

- Requested a Resolution posthumously in memory of Kay Freeman to be presented to her family at some time in the future.
- Requested a Resolution for the Watershed Protection Champion, Tall Timbers.
- Announced that the Watershed Management Policy Board meeting was postponed due to the memorial service for Kay Freeman.

Commissioner Proctor

- *Commissioner Proctor moved, duly seconded by Commissioner DePuy, to donate \$150 from his Commission account to Jake Gaither Community Center for its Halloween Carnival and Spook House. The motion carried 7-0.*
- Requested a Resolution congratulating Dr. James Ammons on his inauguration as the 10th President of FAMU.
- Disseminated questions he had on an article by Bruce Ritchie in the Tallahassee Democrat on the permitting by the Department of Environmental Protection (DEP) for a proposed biomass gas plant near Innovation Park.
 - He confirmed with the County Attorney Thiele that his office had not been contacted by DEP or the applicant and had no knowledge of the project.
 - He inquired from the County Attorney what the County's options/opportunities are to protest the DEP permit after the protest period. County Attorney Thiele responded that it is jurisdictional and the County must exercise its protest rights within the protest timeframe.
 - Asserted that the Capital Medical Society had addressed the biomass plant issue and Leon County's government had no knowledge of the project.
 - Inquired the level of interest on the Board in pursuing the issue.
- Commissioner Rackleff indicated his interest in pursuing the issue and asked County Attorney Thiele what was involved in a permit challenge.
 - Mr. Thiele stated that it would require expertise that is not available in-house. He added that if the Board directed, he would pull and review the permitting file and file a challenge as a "place holder" to preserve the County's ability to pursue the issue further.
- Commissioner Thaeff offered that he had heard concerns from members of the medical community who had expressed concerns about emissions from the plant. He voiced that the project had the potential to be a "very good thing" and would help the community move toward greater energy independence. However, he wanted to ensure the citizens that if there are problems, they would be addressed. He stated his support to further explore the issue and shared that he had not had conversations with anyone on the project.
- Commissioner DePuy suggested that due to the short timeframe, the County Attorney be instructed to write a letter to the State that expresses the County's concerns and request answers to questions the County may

have. That information would be forwarded to Commissioners for appropriate action.

- Commissioner Rackleff confirmed with the County that the project could proceed without a permit challenge being filed, either by the County or by another individual. He opined that it was appropriate for the County to file a permit challenge tonight to allow sufficient time for a review of the project.
- *Commissioner Rackleff moved, duly seconded by Commissioner Proctor, to file a permit challenge.*
- Commissioner Dailey asked if the concern was the air quality or that a facility is built without first coming to the County.
 - Commissioner Proctor asserted that he was concerned about the health, safety and welfare of the community from health risks associated with the facility and noted that the Capital Medical Society had expressed their apprehension about associated health hazards. He added his disappointment over the lack of communication from FSU and wanted to ensure that a precedent was not established where the County would be bypassed in proposed endeavors which could impact the community.
- Commissioner Dailey stated that he shared the concerns; however he would not support the motion and supported a more diplomatic approach. He encouraged any individual Commissioner to file the necessary paperwork to get the injunction. He offered that County permits would be required to build the facility and the County, would at that time have an opportunity to weigh in on the issue, when appropriate.
- Chairman Sauls asked the County Attorney if Board approval would be required for permitting. Mr. Thiele responded that it would depend on the type of facility being permitted.
- Commissioner Thaeff asserted that his core concerns were noise, odor and quality of emissions from the plant and that it would be appropriate to have appropriate authorities answer questions regarding these issues.
- *Commissioner Dailey made a substitute motion, seconded by Commissioner DePuy, to have the Board Chairman send a letter to the City asking that it join with the County, by co-signing a letter to DEP Secretary, to get answers to the concerns raised.*
- Commissioner Dailey noted that if the City declined to co-sign the letter, the letter would be sent on behalf of the Leon County Commission.
- Commissioner Proctor asserted that both approaches could be pursued.

The Board engaged in additional dialogue about the issue.

The substitute motion carried 4-3 (Commissioners Proctor, Rackleff and Thaeff opposed).

Chairman Sauls

- Requested a Resolution in support of national designation for the Big Bend Scenic Highway.
- Requested a Resolution for Victor Beane on his retirement.

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- Requested a Resolution for the Volunteer Firefighter of the Year.

Receipt and File

- Comcast – Updated Maximum Permitted Rates for Regulated Cable Services

Adjourn

There being no further business to come before the Board, the meeting was adjourned at 8:35 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

BY: _____
Bob Inzer, Clerk of the Court
Leon County, Florida