

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
March 19, 2009

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Desloge presiding. Present were Commissioners Akinyemi, Thael, Proctor, Rackleff, Dailey, and Sauls. 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 Akinyemi presented a Resolution to the Oasis Center for Women and Girls in Honor of Women's History Month (March 2009) and Women's History Day on March 24, 2009.
- Kelly Otte, representing The Oasis Center for Women and Girls, expressed concern that it is difficult to locate a single source of information on significant contributions by women. She announced that a women's History Day luncheon would be held on Tuesday, March 24, 2009, 11:30 - 12:45 p.m. at St. John's Episcopal Church.
- Jennifer Knapp, Springtime Tallahassee Executive Director, thanked the Board's for its support and provided additional information on festival activities, which included vendors, entertainment, parade route, funding and expenses and the variety of events.
 - Ms. Knapp offered that Springtime funding was traditionally provided through private contributions and vendor fees, however, sponsorship dollars were down this year approximately \$60,000.
 - Board assistance was requested since the event puts "heads in beds".
 - A 2006 TDC Economic Impact Study indicated that the event has an economic impact of \$5 million; bringing in 13,000 visitors who book one-third of all hotel rooms (839 rooms).
 - In response to the Board's request for additional information on the expenditure of the requested funds, two options were offered
 - 1) Allocate \$5,000 to the four major festival categories: Parade, Jubilee in the Park, Seafood Festival at Kleman plaza, and event liability, or
 - 2) Contribute to the cost of Springtime Tallahassee's general liability insurance (\$23,000)
 - *Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to accept the report and allow Springtime Tallahassee to use its discretion on how to appropriate the TDC funds. The motion carried 6-0 (Commissioner Rackleff out of Chambers)*

CONSENT

Commissioner Thael moved, duly seconded by Commissioner Sauls, to approve the following Consent Agenda with the exception of Items 5, 6, & 7, which were pulled for discussion. The motion carried 7-0.

1. **Approval of Minutes: January 29, 2009 Workshop on Emergency Preparedness; January 29, 2009 Workshop on Stormwater/Infrastructure Improvements to Address /Flooding; and February 12, 2009 Regular Meeting.**

The Board approved Option 1: Approve the minutes from the January 29, 2009 Workshop on Emergency Preparedness; January 29, 2009 Workshop on Stormwater/ Infrastructure Improvements to Address/ Flooding; and February 12, 2009 Regular Meeting.

2. Authorize the Chairman to Execute a Resolution and Joinder to Interlocal Agreement with the Florida Development Finance Corporation to Expand Conduit Financing Options

The Board approved Option 1: Authorize the Chairman to execute a Resolution and Joinder to Interlocal Agreement with the Florida Development Finance Corporation to Expand Conduit Financing Options

3. Approval of Payment of Bills and Vouchers Submitted for March 19, 2009, and Pre-Approval of Payment of Bills and Vouchers for a the Period of March 20 through March 25, 2009: \$2,012,044

The Board approved Option 1: Approve payment of bills and vouchers submitted for March 19, 2009 and pre-approval of payment of bills and vouchers for the period of March 20 through March 25, 2009: \$2,012,044

4. Approval of Sheriff's Request for Utilization of Law Enforcement Trust Fund Monies

The Board approved Option 1: Approve the transfer of \$39,440 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for the funding of the requested programs.

5. Request to Schedule a Consistency Review by the Planning Commission and Two Public Hearings for Consideration of an Ordinance Amending the Land Development Code Regarding the Eligibility Criteria for Family-Heir 2.1.9 Subdivision

Chairman Desloge requested that the item to be pulled for further discussion and requested that staff provide clarification on the issue.

Tony Biblo, GEM Development Services Director, explained that 2.1.9 eligibility criteria state that the property owner is eligible to make application as long as any subdivision or conveyance of the parcel has not occurred after February 1, 1990, as this voids eligibility. He noted concern that there have been, at times, improperly subdivided lands and this action will attempt to rectify this. He added that there are approximately 800 improperly subdivided properties within the County.

Chairman Desloge confirmed that a new "loop hole" was not being created.

Commissioner Akinyemi clarified that the scope of the requested consistency review would apply to 2.1.9 subdivisions only and to one very limited aspect of eligibility.

County Administrator Alam provided that the issue would be presented to the Planning Commission and would be brought back to the Board for approval.

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Direct staff to schedule a consistency review by the Planning Commission and two Public Hearings for the purpose of considering adoption of an Ordinance amending the Land Development Code to modify the eligibility criteria to apply for family-heir 2.1.9 subdivision for the limited purpose of correcting improperly subdivided property. The motion carried 7-0.

6. Approval of a Resolution and Associated Budget Amendment Request to transfer \$4,844 from the Contingency Fund to Reimburse Growth & Environmental Management for Permitting Fees Related to the Construction of the "Extreme Makeover" Home

Commissioner Dailey requested that the item be pulled for further discussion.

Commissioner Dailey stated that, on principle, he would not support a motion to accept the agenda item. He expressed concern that the issue was not brought to the Board earlier and that paying the permit fees would establish a precedent.

Chairman Desloge agreed with Commissioner Dailey's concerns and noted the significant amount of staff time spent on this project.

Mr. Alam stated that in the future, items would be brought to the Board in advance.

Commissioner Rackleff pointed out that project resulted in a lot of free publicity for the community.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approve the Resolution and associated Budget Amendment Request to transfer \$4,844 from the Contingency Fund to reimburse Growth and Environmental Management for permitting fees related to the construction of the "Extreme Makeover" home. The motion carried 5-2 (Commissioners Proctor and Daily in opposition)

7. Approval of an Agreement Awarding Bid to Pro-Steel Buildings, Inc. in the Amount of \$391,127 for the Leon County Sheriff's Heliport Addition Located at the Tallahassee Regional Airport

Chairman Desloge requested that the item be pulled for further discussion.

Chairman Desloge asked for explanation on the bid award and questioned how the process could be improved in the future so that these types of situations would not occur.

Keith Roberts, Purchasing Director, responded that the apparent low bidder was deemed non-responsive to the 3% aspirational target for minority contractors, nor did they submit a Good Faith Statement (as required by Board policy). Therefore, the bid was awarded to the second lowest bidder as they exceeded the MBE aspirational target by committing to 4.19% minority contracting.

Commissioner Thael stated that the Board establishes and enforces the rules and added that he would like to wait until the Board receives the Disparity Study before any policy changes are proposed.

Mr. Roberts responded that the MWBE policy would be reviewed in depth upon receipt of the Disparity Study.

Commissioner Proctor moved, duly seconded by Commissioner Thael, to approve Option 1: Approve the Agreement awarding bid to Pro-steel Buildings, Inc. in the amount of \$391,127 for the Leon County Sheriff's Heliport addition located at the Tallahassee Regional Airport, and authorize the County Administrator to execute.

Chairman Desloge asked Mr. Roberts to give thought on what could be done to alleviate these types of occurrences.

The motion carried 7-0.

8. Approval of the Plat of Apalachee Parkway Commercial Center Subdivision for Recording in the Public Records

The Board approved Option 1: Approve the plat of Apalachee Parkway Commercial Center for recording in the Public Records.

9. Approval of Resolution of Intent to Lease Acreage to the Seminole Radio Control Club, Inc. and Related Lease Agreement

The Board approved Options 1 & 2: 1) Determine the proposed lease for the Seminole Radio Control Club meets the Section 125.38 Florida Statutes Exemption and therefore does not require competitive bidding, and 2) Approve the Resolution and Lease Agreement between the Seminole Radio Control Club, Inc. and Leon County, and authorize the County Administrator to execute the Lease Agreement.

10. Approval to Name the Pond and Park at the NW Corner of W. Tennessee and Capital Circle NW the Martha Wellman Park

The Board approved Option 1: Approve the naming of the pond and park at the SW Corner of W. Tennessee and Capital Circle NW as the "Martha Wellman Park".

11. Adopt a Resolution Providing Authorization to Submit Application for a Florida Recreations Trails Program Grant for the Miccosukee Canopy Road Greenways

The Board approved Option 1: Adopt the Resolution providing authorization to submit an application for a Florida recreation Trails Program Grant for the Miccosukee Canopy Road Greenways, and authorize the Chairman to execute.

12. Approval of revisions to Exhibits D and E of the Interlocal Agreement Between Leon County and the City of Tallahassee for the functionally Consolidated Provision of Countywide Emergency Medical/Advanced Life Support and Fire Services

The Board approved Option 1: Approve proposed revisions to Exhibits D and E of the Interlocal Agreement for Fire - EMS/ALS services with the City of Tallahassee

13. Acceptance of the FY 2007/08 Annual Audit and Financial Report

The Board approved Options 1 & 2: 1) Accept the FY 2007/08 Annual Audit and Financial Report, and 2) Authorize the Chairman to sign letter in response to the audit findings in the Management Letter.

14. Acceptance of 2007-2008 Annual Report of the Code Enforcement Board and the Code Compliance Program

The Board approved Option 1: Accept the 2007-2008 Annual Report of the Code Enforcement Board and the Code Compliance Program

15. Acceptance of the 2008 Concurrency Management Annual Report

The Board approved Option 1: Accept the 2008 Concurrency Management Annual Report

16. Acceptance of the 2008 Board of Adjustment and Appeals Annual Report

The Board approved Option 1: Accept the 2008 Board of Adjustment and Appeals Annual Report

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

No citizens to be heard on non-agendaed items

GENERAL BUSINESS

17. Consideration to Re-establish the Advertising and Public Relations Contracts for the Tourist Development Council (TDC)

County Administrator Alam provided a summary of the item and noted that it was the staff's recommendation to not resume advertising and public relations contracts for the TDC until provisions of the Transition Plan had been met. At that time, the issue would be brought back to the Board for direction.

Commissioner Dailey established with Mr. Alam that a new executive director would be hired within a week and stated that the contracts were an important tool and resource that were needed in administering the program. He voiced his support in moving ahead with the advertising and public relations contracts and not wait until October 1.

Commissioner Proctor indicated his support to postpone awarding the contracts to allow the new TDC Director to have input into the hiring of contractors. He inquired on the status of the Board's recommendation that the TDC hold a "retreat" to come up with fresh ideas and confirmed with Mr. Alam that the Board could direct the completion of the Transition Plan without resuming the contracts.

Mr. Alam advised that all activities associated with the transition plan would be done within three to four months, if not sooner.

Commissioner Rackleff articulated that he was reluctant to authorize spending for the contracts until a new executive director was hired, oriented and meets with the Board, and the strategic plan is finalized.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi to approve Option 1: Complete the Tourist Development Transition Plan and resume advertising and public relations services no later than October 1, 2009.

Commissioner Dailey mentioned that he was representing the voices of the TDC that they would like to move forward on this issue. Mr. Morris confirmed that this was the direction of the TDC.

Commissioner Akinyemi submitted that the Board could send a strong message of support to the new director by ensuring their involvement in determining the scope and hiring of the ad and public relations firms. He opined that an aggressive director could have the contracts in place before October 1, 2009.

Commissioner Proctor asked what the timeline was for the TDC transition plan and retreat. Mr. Alam stated that the selection of a TDC Director should occur in one week; the Tallahassee Area Convention and Visitors Bureau (TACVB) management audit would be done within 30-45 days; and, at that time a strategic plan meeting would be scheduled with the Board. Mr. Alam noted that within the next 60-75 days all activities would have been completed.

Commissioner Thael pointed out that Commissioner Dailey, as the Board's designee to the TDC, had a better understanding of the needs of the TDC and he would follow his lead on this issue.

Commissioner Dailey commented that the TDC asked him to bring this issue back to the Board for reconsideration and expressed concern that their request for action was not supported.

Commissioner Dailey moved, duly seconded by Commissioner Rackleff, to Call the Question. The motion carried 7-0.

The motion on the floor to approve Option 1 carried 5-2 (Commissioners Dailey and Thael in opposition).

18. Authorization to Accept a Cycle 2009-2 Comprehensive Plan Amendment to Apply the 2.1.9 Non-Family Heir Provision to the Woodville Rural Community District

County Administrator Alam stated that this was an issue that was raised by Commissioner Sauls and requested Wayne Tedder, Director of Planning and Tony Biblo, GEM Development Services Director, provide information on the issue.

Mr. Tedder explained that staff had been working with the Lewis family on property owned in Woodville; it is approximately 180 of which 42 acres is within the Woodville Rural Community District (WRC) and, therefore, cannot be divided under the provision of the 2.1.9 policy. Mr. Tedder noted that in order to permit the family to use the options suggested they must be included in this amendment cycle (2009-2). There are complications for the property owners moving forward with the rezoning request as there are multiple ownership on the parcel and every person who has ownership on that parcel would have to join the rezoning application. This could be a very complex situation and the zoning code allows the property owners, planning commission or county commission to initiate rezoning. Staff believe that the best way to handle the ownership issue is for the Board to initiate the zoning.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to authorize planning staff to initiate the rezoning process.

Commissioner Thael discussed with staff the proposed development and confirmed that it would be within the future Primary Springs Protection Area and subsequently subject to the performance based septic system requirement.

Mr. Tedder responded to Commissioner Dailey's questions about the timing of the request. Commissioner Dailey asked if there was anything in writing to support staff's recommendation.

Commissioner Rackleff concerned about the number of subdivided lots and offered that the process be delayed until the family is in full concurrence on what would be done with the property.

There was considerable dialogue between Commissioners and staff regarding the size of the proposed development, the rezoning request, the timing of the request and the family's options on the rezoning and staff's assistance in the process.

Commissioner Dailey recommended postponement of action for one week to allow time for staff to fully vet the issue and recommended action.

Commissioner Sauls withdrew the original motion.

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to continue the item to April 9, 2009. The motion carried 7-0.

19. Authorization to Issue a Request for Proposals for Professional Engineering Services to Conduct the Bannerman Road Corridor Study

County Administrator Alam explained that the project was budgeted as a current fiscal year Capital Improvement Project (ICP) and included new markings and signs, resurfacing, and intersection improvements. He added that this project came to light when discussing possible stimulus funding projects and that the Corridor Study was needed for any future improvements to Bannerman Road. Mr. Alam noted that the project was recommended in the Capital Region Transportation Planning Agency (CRTPA) Plan, which identified Bannerman Road as a road segment to be improved for capacity increase.

Commissioner Thaeff inquired if the study would include a multi-modal component to move people more efficiently and effectively. Joe Brown, Engineering Services Director, stated that the study would evaluate all forms of transportation applicable to the area.

Commissioner Thaeff moved, duly seconded by Chairman Desloge, to approve Options 1 & 2: 1) Authorize staff to issue a Request for Proposals for professional engineering services to conduct the Bannerman Road Corridor Study, and 2) Authorize staff to have an option to negotiate with the same Consultant for the preparation of final design plans and associated engineering services upon selection and approval of the preferred alternative by the Board.

Commissioner Akinyemi requested that the RFP include measurement criteria to assess a bidder's knowledge and experience in multi modal transportation practices and their ability to understand the changing dynamics of travel patterns.

The motion carried 7-0.

20. Expirations, Vacancies, and Appointments to the Adjustment and Appeals Board, Capital Region Transportation Planning Agency, Census 2010 Complete Count Committee, Contractors Licensing and Examination Board, Miccosukee Recreation Council, Minority/Women Small Business Enterprise Committee, Science Advisory Committee, and Value Adjustment Board

Adjustment and Appeals Board:

- *Commissioner Dailey moved, duly seconded by Commissioner Sauls, to approve J. Cameron Yarbrough. The motion carried 6-0 (Commissioner Akinyemi out of Chambers)*

Capital Region Transportation Planning Agency

- Commissioner Proctor appointed Dr. Charles Wright
- Commissioner Akinyemi appointed Mark Tancig

Census 2010 Complete Count Committee

- *Commissioner Sauls moved, without objection, to confirm her three appointments. The motion carried 6-0 (Commissioner Akinyemi out of Chambers)*
- Commissioner Dailey continued his appointments
- Commissioner Desloge appointed Kelly Otte and Coman Leonard
- Commissioner Proctor appointed Juanita Gaston

Contractors Licensing and Examination Board

- Commissioner Dailey continued his appointment.
- Commissioner Proctor reappointed William Muldrow

Miccosukee Recreation Council

- Commissioner Dailey reappointed Matt Morris

Minority/Women Small Business Enterprise Committee

- Commissioner Dailey appointed Tracy Cohen

Science Advisory Committee

- Commissioner Akinyemi appointed Scott Hannahs
- Commissioner Proctor reappointed Michael Abazinge
- Commissioner Thael reappointed Jeff Chanton

Commissioner Proctor moved, duly seconded by Commissioner Thael, to request the Science Advisory Committee to make a presentation to the Board on the State of the Science in the community. The motion carried 6-0 (Commissioner Akinyemi out of Chambers)

Value Adjustment Board

- *Commissioner Desloge moved, duly seconded by Commissioner Sauls, to reappoint Douglas Dane to the Value Adjustment Board. The motion carried 7-0.*

The Board recessed at 5:00 p.m.

Chairman Desloge reconvened the meeting at 6:00 p.m.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

21. Second and Final Hearing To Adopt a Proposed Ordinance Amending Article III "On-Site Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County

Chairman Desloge acknowledged the large number of citizens attending the public hearing that wanted to speak on this issue.

Alex Mahon, Environmental Health Director, summarized the revisions to the Ordinance, made after the first public hearing and the Wakulla Springs symposium. Detailed information regarding the performance-based treatment systems (PBTS) was shared and highlights of Mr. Mahon's presentation included:

- Deletion of the 70% and the 10 mg/L requirement and accept a 245 National Sanitation Foundation (NSF) testing.
- Laundry system repairs would be exempt from new system requirement.
- Existing functioning septic systems would not have to be replaced with a PBTS.
- Due to high cost of installing a PBTS, an "opt out" program could be established for homeowners who are financially eligible (80% of poverty level or qualifies for the County's Local Housing Assistance Program).
- New repairs would require a five-year County operating permit which would require that the homeowner pump out the system once during that time and be visually inspected by Health Department staff to ensure system is functioning properly.
- Homeowners would be required to obtain a biennial operating permit from the health department for the PBTS, which would require the homeowner to continue a maintenance contract with an approved contractor for the life of the system.
- PBTS required in all new construction.
- All proposed PBTS would be managed using Leon County Operating Permits, as currently required in the State Administrative Code.
- PBTS require electrical power to operate, thus when power is out the system would not function properly and back-up could occur in the home.

Board Discussion:

Commissioner Rackleff discussed with Mr. Mahon the accuracy of the information contained in the flyer distributed to homeowners by the Florida Home Builders Association and confirmed that under the current ordinance language, if a septic system fails and the homeowner does not qualify for an exemption, a PBTS would be required. Commissioner Rackleff discussed the potential effects of a failing system and its potential to contaminate groundwater and/or surface waters.

Commissioner Akinyemi inquired if "new construction only systems" would meet the nitrogen reduction goals? Mr. Mahon remarked that nitrogen levels would "hold the line" and in time results would be realized and noted that there are other sources of nitrogen, i.e., spray fields, fertilizers, atmospheric deposition, livestock, etc. Mr. Mahon responded to Commissioner Akinyemi's request for information and analysis of SB 274, the Florida Springs Protection Act, currently under consideration by the Legislature.

Commissioner Thael stated that the Board takes this issue very seriously and referred citizens to the Leon Aquifer Vulnerability Assessment (LAVA) study that looks at how pollutants, from a variety of sources, interact with groundwater, aquifer, the springs, and ultimately the Gulf of Mexico. This study identifies failing septic systems as a contributing factor to these issues; however, he noted the County's contribution through its permitting process and pollutants into our rivers from Georgia have also contributed to the problem. He acknowledged that the City has agreed to spend \$220 million to upgrade their system to reduce nitrogen levels from the sprayfield. Commissioner Thael remarked that based on current ordinance language, households with an annual income level of \$49,700 or meet the local housing assistance plan threshold, which is \$204,000 would qualify for assistance or would qualify for an exemption.

Commissioner Sauls shared that numerous calls had been received from residents concerned about the cost of the systems and commented that with the difficult economic times this was the wrong time to add this additional burden onto the citizens. She requested that the Ordinance be deferred until the outcome of SB 274 is known as the Legislature may impose these mandates and everyone would have to comply with the law.

Commissioner Dailey directed his questions to Mr. Mahon:

- Is the Dept. of Health studying PBTS technologies? Mr. Mahon indicated that there were studies currently ongoing.
- How many septic systems in the targeted areas would qualify as being failing? Mr. Mahon responded that is unknown as it would depend on the age of the system, if it is hydraulically overloading, or was improperly installed.
- Has a study been done in the targeted area to determine how many people would qualify for financial exemption? Commissioner Dailey offered that there is a County financial aspect to this issue and would there be sufficient funds for all who qualify. According to Mr. Mahon, no income studies had been conducted.
- How many septic system companies, locally and regionally, are qualified to work on or install these systems? Mr. Mahon stated that there were several companies in Wakulla and Leon Counties.
- What health risks are associated with power outages? Mr. Mahan explained that anytime flooding occurs on a residential property that has a well and septic system, there would be some sewer intrusion and it is assumed to be contaminated.

Commissioner Dailey noted several concerns and commented that the County had not done its due diligence to the citizens and favored postponing any action until the pending legislation is resolved; costs to the County are established; revenue funding source are identified, and town-hall meetings are held with citizens and members of the industry.

Commissioner Proctor agreed with comments expressed by fellow commissioners and referred to his previous efforts to bring central sewer to south of Capital Circle. He opined that the Board had never previously placed this type of burden in protecting the health, safety and welfare of the community or individual homeowners and taxes are paid to the government to provide these types of services.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, to continue indefinitely the Ordinance until it has been completely vetted by staff and the Board has had time to review.

Commissioner Sauls stated that it seemed that there were a number of illegal repairs being done in Wakulla County since the adoption of their ordinance and expressed concerned that this type of situation would occur in Leon County.

Commissioner Rackleff stated that he could not support the motion and offered the following:

- He explained that the total maximum daily load (TMDL) is a federal program that determines how much pollution is being dumped into water sheds and a pollution reduction standard is established.
- State and local governments must spend a tremendous amount of revenue to correct these problems.
- County currently has an \$18 million shortfall.
- Failing septic tanks systems contributes to the nitrogen levels of Wakulla Springs and the County must act to correct the problem.

- Reminded Commissioners of an Interlocal Agreement signed with Wakulla County to respond to the issue.
- Postponement of action would only make the situation worst and more expensive.

Commissioner Dailey agreed that the TMDL should be addressed, however, expressed confidence that a community solution that does not place a financial burden on the citizens can be found. He articulated that available resources from the state and federal levels should be explored and expressed his support for the motion on the table.

It is noted that all Commissioners expressed concern over the health and well being of Wakulla Springs.

Commissioner Thaelle asked County Attorney Thiele to expound on his concerns about the County's failure to meet established TMDL standards. Mr. Thiele responded that it is the responsibility of local governments to ensure that water bodies under their control meet the standards of the Clean Water Act and this is increasingly more difficult as pollutants flow downstream into our lakes. As a result, the Federal government could file suit against the County mandating a clean up of these water bodies, which would require significant resources to accomplish. Commissioner Thaelle established that the passage of the ordinance (in some version) is an effort to meet those TMDL standards.

Mr. Thiele pointed out that the Board of County Commissioners adopted a Comprehensive Plan Amendment that mandates implementation of the Primary Springs Protection Zone and regulatory measures to meet those protections. He reminded Commissioners of the consequences if comprehensive plan requirements are not complied with.

Commissioner Thaelle reiterated the concerns expressed by Mr. Thiele and asserted that efforts must be made to address these problems. He suggested that the Board consider an adjustment to the income eligibility criteria to 150%. He opined that this higher percentage would cover a lot of homeowners within the Primary Springs Protection Zone.

There continued to be considerable Board discussion on this issue.

Commissioner Dailey stated that efforts should be intensified to limit the pollution coming into our water resources from South Georgia. Commissioner Dailey requested that Commissioner Proctor amend his motion to instruct the County Attorney to reengage formally with our legislative delegation, state agencies, Governor's Office, Attorney General's Office, surrounding counties and local industry leaders to assist in addressing the issue of pollutants from Georgia into our water sources.

Commissioner Proctor, and the seconder of the motion, Commissioner Sauls, accepted the amendment.

Chairman Desloge commented that he would support the motion to delay; however, the problem was not going away and would come back before the Board for further discussion and action. He proposed that the Board move forward with a vote on the motion and then allow citizen input.

The motion on the floor, as amended, carried 5-2 (Commissioners Rackleff and Thaelle in opposition).

During speaker comment, Commissioner Proctor requested that consideration of a central sewer system be incorporated into his motion, as this would alleviate some of the problem and would spread out the cost more equitably. *This amendment was not voted on and therefore is not part of the approved motion.

Speakers:

The following individuals spoke in favor of deferring the item to allow for further review:

- Pamela Hall, 5051 Quail Valley Road
- Larry Hendricks, 406 Alpha Avenue
- Chad Hanson, 14 Egret Street, Crawfordville
- Kent Zaizer, 4038 Longleaf Ct
- Elmer Leek, 4679 Cypress Point Rd
- Mike Sundin, 133 Love Ridge Court
- Anthony Gaudio, 2335 Grassroots Way
- Charles Pattison, 926 E. Park, Representing 1000 Friends of Florida
- Danny Mill, 211 Belleview Dr.
- Sylvia Tomberlin, 7364 Nuts Rut Rd.
- Keith Hetrick, 6306 Weeping Willow Way, General Council, Florida Homebuilders Assn.
- Stan Derzypolski, 4345 Jackson View Dr.
- Barbara Rambo, 7420 Fieldcrest Dr.
- Victoria Butler, 9417 Barwick Dr.
- Charles Hart, 37 Tram Circle, Sopchoppy
- Ed Morgan, 2234 Springview Trail
- David Ramba, 4670 Grove Park Dr., lobbyist for Florida Homebuilders Assn.
- Randall Musgrove, 6500 Musgrove Lane
- Wanda Musgrove, 6500 Musgrove Lane
- Ed Dion, 1105 Lothian Dr.
- Tom Kilbourn, 7853 JB Clark Rd.
- Rick Malphurs, 6538 Treasure Oaks Circle

The record reflects receipt of a petition containing 33 signatures in opposition to the "Leon County Board of County Commissioners approving a mandate requiring an upgrade to an electric powered septic system".

Chairman Desloge summarized that there was a "common theme" among the speakers that although the topic was deferred there were concerns about a timetable and requested that staff continue to vet the issue for the Board's consideration.

22. Second and Final Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Sauls moved, duly seconded by Commissioner Thaell, to approve Option 1: Conduct the Second and Final Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Appropriate Sections of Chapter 10 of the Land Development Code to Implement Comprehensive Plan Reform, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon. The motion carried 7-0.

23. **Second and Final Public Hearing on a Proposed Ordinance Amending the Land Development Code to Establish a Primary Springs Protection Zone and Development Standards to Initiate Implementation of Comprehensive Plan Policy 4.2.5:[C]**

Speakers:

- Chad Hanson, 14 Egret Street, Crawfordville, President of Wakulla Watershed Coalition, emphasized the need to protect the watershed and expressed support for approval of the ordinance.
- Larry Hendricks, 406 Alpha Ave., spoke in favor of the Ordinance as it is important to identify the primary area that is causing the problem.
- Curtis Baynes, 1323 E. Tennessee St., articulated that the ordinance would put an unfair burden on the Southside of the county and voiced opposition to the ordinance.
- Anthony Gaudio, 2335 Grassroot Way, stated that the Board should re-establish the Septic System Advisory Committee.

Commissioner Sauls moved, duly seconded by Commissioner Thaell, to defer the item until a decision regarding on-site sewage disposal systems is made.

Commissioner Rackleff offered that the Board could move forward to establish a Springs Protection Zone, with minor modifications to the proposed Ordinance and address the septic tank standards issue. He requested the maker of the motion to consider this amendment to the motion. Commissioner Sauls, as maker of the motion, did not accept Commissioner Rackleff's amendment.

Commissioner Rackleff offered a substitute motion to adopt Option 1, as amended: conduct the second and final public hearing and adopt the proposed Ordinance, with the exception of Section 2, (c)(1), amending the Land Development Code to establish a Primary Springs Protection Zone and development standards to initiate implementation of Comprehensive Plan Policy 4.2.5:[C]. The motion was seconded by Commissioner Dailey.

Commissioner Akinyemi suggested that the item be brought back at the July 9, 2009 meeting, to allow time to re-establish the Septic System Advisory Committee and to continue activity on the issue. He also discussed options available relative to enforcement.

Commissioner Thaell stated that a holistic approach should be taken with this issue since Item 21 was deferred. He added that the Board should consider reauthorizing a group to look at water quality and how it affects the quality of the springs and agreed that the group should be broadened to have more voices. He noted his concurrence with the April 9 date recommended by Commissioner Akinyemi.

Commissioner Rackleff confirmed with staff that the ordinance prevents clustering that would create new sources of pollution.

Wayne Tedder, Director of Planning, cautioned the Board in delaying action in establishing identified boundaries, as there may be development projects that would need to be addressed by the proposed policies. Mr. Tedder recommended passage of the Ordinance as amended.

Commissioner Thaell withdrew his second of the original motion.

The substitute motion carried 6-1 (Commissioner Proctor in opposition)

- 24. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official zoning Map to Change the Zoning classification from the R-1 (Single Family Detached, Two-Family Attached Residential) Zoning District to the R-5 (Manufactured Home and Single Family Detached) Zoning District (PRZ #090001)**

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Thael moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Conduct the First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official zoning Map to Change the Zoning classification from the R-1 (Single Family Detached, Two-Family Attached Residential) Zoning District to the R-5 (Manufactured Home and Single Family Detached) Zoning District, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon. The motion carried 7-0.

- 25. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the RA (Residential Acre) to the C-2 (General Commercial) Zoning District (PRZ #080026)**

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Dailey moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the first and only Quasi-Judicial Public Hearing and adopt the proposed Ordinance amending the Official zoning Map from the RA (Residential Acre) zoning district to the C-1 (General Commercial) zoning district, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon. The motion carried 7-0.

- 26. First and Only Public Hearing for the Type "C" Site and Development Plan Application for the Proposed Hope Evangelical Presbyterian Church**

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Conduct the first and only Public Hearing on the Type "C" site and Development Plan Application for the Hope Evangelical Presbyterian Church and approve the application, based on the findings of fact and conclusions of law included herein and those established within the DRC's record, including the DRC's recommended conditions of approval, as well as any evidence received at the public hearing. The motion carried 7-0.

- 27. First of Two Public Hearings on an Ordinance Regulating Off-site Signs**

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to continue consideration of the Ordinance until Thursday, April 9, 2009 at 6:00 p.m., and authorize the County Attorney's Office to bring back a small extension of the current Off-site Sign Moratorium. The motion carried 7-0.

- 28. Conduct first and Only Public Hearing to Amend Chapter 18, Article IV of the Code of Laws of Leon County Relating to Stormwater Utility**

Pursuant to the attached legal advertisement, a public hearing was conducted.

County Attorney Thiele explained that this item would set up a methodology that could be used by homeowners and neighborhoods to make stormwater improvements.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: Conduct the first and only public hearing and adopt the attached proposed ordinance. The motion carried 7-0.

29. Conduct the First and Only Public Hearing to Consider Adoption of an Ordinance Regarding Funding of Fire Rescue Services

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Akinyemi established with Mr. Thiele that the Board was not committing to an assessment amount by adopting the ordinance.

Commissioner Rackleff moved, duly seconded by Commissioner Thael, to approve Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance. The motion carried 7-0.

30. Conduct the First and Only Public Hearing to Consider Adoption and Enactment of a Flood Disclosure Ordinance

Pursuant to the attached legal advertisement, a public hearing was conducted.

Commissioner Akinyemi expressed concern over the County's ability to enforce the ordinance. Mr. Thiele explained that it would be handled on a complaint basis. He added that the County could pursue action through the Courts and it would provide the purchaser another venue to pursue a claim against the seller.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: conduct first and only public hearing and adopt the proposed Flood Disclosure Ordinance. The motion carried 7-0.

31. Conduct the First and Only Public Hearing to Adopt an Ordinance Authorizing the Levying and Imposition of an Additional One Percent (Fifth Cent) Tourist Development Tax

Pursuant to the attached legal advertisement, a public hearing was conducted.

County Attorney Thiele pointed out that the Agenda packet included the proposed Ordinance and a chart which showed how the four existing pennies were adopted and the statutory restrictions of their usage. Information also included information on the proposed fifth cent. Mr. Thiele explained implementation of the fifth cent tax would require at least five affirmative votes.

Speakers:

The following spoke in favor of the fifth-cent Tourist Development Tax:

- Mark Ravenscraft, 519 S. Ride Dr., stated that the Board had opportunity to put a "real shot in the arm" to a significant segment of the local economy and voiced support of the fifth-cent tax
- Mike Sheridan, 535 Woodfert Ct., spoke in favor of the fifth-cent tax and marked the Performing Arts Center was a proper expenditure of the funds as it would have a positive economic impact on the community and local businesses.

- Dorothy Lee McPherson, 24236 Lanier St. noted her support for the ordinance as it would enable area residents to get quality entertainment in an appropriate facility and would enhance the local economy.
- Peggy Brady, 3011 Brandemere Dr., Council on Culture & Arts (COCA) Executive Director, expressed appreciation for the Board's partnership in tourism and noted that the Arts Exchange Project would also benefit from ½ of the one percent of the tax and encouraged adoption of the fifth-cent.
- Chuchea Barber, 4335 Bradfordville Rd., TDC Board representative, stated that the TDC looked forward to working with the Commission to insure that the funds are utilized to promote a sustainable tourism economy. (A letter from Russell Daws, TDC Chairman, was presented to the Clerk for inclusion into the official record)
- Jon Moyle, 1006 Washington St., President of Florida Center for Performing Arts and Education Center, expressed support for the proposed measure and commented that the Legislature provided a "tool" for local governments to use in providing funding assistance to local projects, such as the PAC and the Arts Exchange.
- Jason Johnston, 1320 Hendrix Rd, voiced his support for the proposed tax and stated that it would be added to the list of high profile events available in the area.
- Ann McKenzie, 2735 Everett Lane, Chairman of COCA Board, echoed comments of previous speakers in support of the proposed tax and offered that the PAC and Arts Exchange have both committed to meet benchmarks set by the Board before the money is spent.

The record reflects receipt of 47 e-mails that were sent to Chairman Desloge and other Commissioner expressing support for the enactment of the fifth cent tax.

The following spoke against levying of the fifth-cent Tourist Development Tax:

- Tommy Waits, Gardenia Dr., pointed out that the Board did not extend the TDC advertising, public relations or research contracts last Fall and, and withdrew funds from the TDC reserves to meet unexpected promotional opportunities and events. He opined that the contracts were an important component to an effective tourism program. It suggested that the Board not spend any bed tax money that had not been referred to the TDC as to its potential impact as it violates the spirit and intent of the State law. He urged the Board to delay raising any taxes until there is improvement in the local and statewide economy.
- Denise Allen, 104 W. Fifth Ave., local hotel management company owner, stated that the tax would affect local families seeking shelter during emergencies.
- Melissa Sleeman, 3506 Crosshaven Lane, requested that the issue be brought to the voters of Leon County and asserted that there already venues in place to accommodate the performing arts.
- Pace Allen, 104 W. Fifth Ave., urged that private donations be used to build the Performing Arts Center and asserted his opposition to the tax.
- Karen Lindsey Pelham, 1921 Mary Ellen Dr., spoke against funding for the Performing Arts Center as there were other more dire needs in the community.
- Preston Scott, 7421 Laurel Ridge Lane, stated his opposition to tax monies being used to fund a Performing Arts Center and asked the Board not enact the fifth-cent tax, but that consideration be given to redirecting the fourth-cent to tourism promotion. He asked that the issue be put out as a referendum.
- Erwin Jackson, 1341 Jackson Bluff, strongly encouraged the Board to not build a Performing Arts Center (PAC) and asked that it focus on the needs of the community. He opined that the PAC would be a drain on the taxpayers of Leon County and would adversely affect the Civic Center.

Commissioner Dailey asked for a point of clarification of the Ordinance and noted that he wanted to ensure that proper language was included. He clarified that it was his intent that commencing fiscal year 2011/2012, and all performance measures had been met, that 50% of the second one percent tax would be utilized to support a proposed performing arts center; and the other 50% to be utilized for Council on Culture & Arts funding directly related to the Arts Exchange.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Conduct the first and only public hearing and adopt the proposed ordinance.

Commissioner Akinyemi affirmed that this was one tax he intended to support as it was a good investment in the community and would add to the quality of life for citizens and assist in attracting businesses and new residents. He opined that a quality performing arts center had the ability to draw convention events and that the Arts Exchange would be the home of the Boys Choir. He urged support for the motion.

Commissioner Rackleff stated he would support the motion and advocated for its passage. He stated the additional tax would represent an "annual grant" of \$817,000 for cultural institutions, the tourism economy and had very little impact on local residents. He noted that lodging would be increased eighty cents for a total tax of \$4.00 per night. Commissioner Rackleff remarked that this was a very modest increase in traveler cost, but was a very significant increase in funds available to develop the local tourist economy and the economy as a whole.

Chairman Desloge announced that he would support the measure and deemed it appropriate for reasons cited by fellow Commissioners. He pointed out the performance measures that must be met before any funding would be allocated.

The motion carried 7-0.

ADD-ON AGENDA ITEM

32. Ratification of Board Actions Taken at the March 19, 2009 Budget Workshop

Commissioner Akinyemi requested that staff look at alternative sources of revenue as well as raising taxes. He offered as an examples, such as: 1) providing services to neighboring counties; 2) owning and operating own utilities (Woodville central sewer); 3) sustainable energy plans (information was provided on a solar power plant operated by Florida Power & Light, and 4) creative usages for unused real estate.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to approve Option 1, as amended: Ratify actions taken at the March 19, 2009 Budget Workshop and amend Item XII to include a direction to staff to continue to look at alternatives sources of revenue as well as raising taxes. The motion carried 6-0 (Commissioner Proctor out of Chambers)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3 minute limit)

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Thael

- *Commissioner Thael moved, duly seconded by Chairman Desloge, to request an agenda item to set a date certain to hold the public hearing on the On-site Sewage Disposal Systems Ordinance. The agenda item should include:*
 - *Consideration of appointing a citizens septic system advisory committee;*

- *Information on whether there are stimulus money available to provide assistance to citizens;*
- *Status report on Florida Legislation, Senate Bill 274, and a review on the probability of its passage;*
- *Review and/or adoption of a fertilizer ordinance;*
- *Review of whether the County should own and operate a utility, rather than each homeowner being responsible;*
- *Organize a test of the performance-based treatment system to determine how it functions under different circumstances;*
- *Review of agricultural contribution of cows and how that could be constrained, and*
- *Consideration/adoption of a County septic system inspection program.*
- *After a brief discussion, Commissioner Thaelel amended his motion to request staff schedule Workshop on the septic system issue to be held in April.*
- *Commissioner Rackleff requested that staff explore the option of building of a sewer system for the Woodville area, or a larger area, and how it could be financed.*
- *The motion carried 6-0 (Commissioner Proctor out of Chambers)*

Commissioner Sauls

- Requested staff to provide an update on the Chason Woods Development.
- Requested staff to bring back an agenda item in April or May to discuss the criteria used to evaluate the capacity of special events held at the County parks. In particular, the impact of recent events at Williams Landing on the residents and the fishing community.
- Requested staff look into the possibility of creating a 100-foot hard surface "landing strip" at the Apalachee Regional Park for the Seminole Radio Control Club.

Commissioner Akinyemi

- Requested a Resolution for Dr. Na'im Akbar in honor of his retirement from FSU's Psychology Department.
- Reminded Commissioners of the FAC Legislative Day at the Capital on March 25, 2009.

Commissioner Dailey

- Commended staff on the hard work done to prepare for the Budget Workshop, Regular Meeting and Public Hearings.

Commissioner Rackleff

- *Commissioner Rackleff moved, duly seconded by Commissioner Sauls, for authorization to travel to Washington, D.C. to visit several federal agencies and investigate possible programs that the County could received funding and expend a total of no more than \$700. The motion carried 6-0 (Commissioner Proctor out of Chambers)*
- *Commissioner Rackleff moved, duly seconded by Commissioner Sauls, for authorization to expend \$250 from his Commission account for the Wine Festival reception at the Brogan Museum. The motion carried 5-1 (Chairman Desloge in opposition and Commissioner Proctor out of Chambers)*
- *Commissioner Rackleff moved, duly seconded by Commissioner Thaelel, to direct staff to prepare an agenda item to appropriate \$30,000 from the Tourist Development Council Reserve Fund as a one-time grant for the Mary Brogan Museum to put on the Bernard Kinsey exhibit that begins in September. The motion carried 6-0 (Commissioner Proctor out of Chambers).*

Commissioner Desloge

- Requested a Proclamation celebrating 4-H Centennial for April 9, 2009.
- Requested a Proclamation for Partners of Children's Week for March
- Requested a Resolution acknowledging Holocaust Remembrance Day
- Requested a Proclamation for Students Working Against Tobacco
- Requested that staff schedule a presentation by Big Bend Rio regarding broadband in the County's unincorporated areas.
- Requested an update on the Apalachee running site.
- Requested a Resolution for FSU Men's Basketball Coach Leonard Hamilton and Senior Toney Douglas, congratulating them on their ACC awards.

RECEIPT AND FILE: Leon County Board of County Commissioners Supervised Pretrial release Program Annual Report (July 1, 2008 - December 31, 2008)

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____

Bryan Desloge, Chairman
Board of County Commissioners

BY: _____

Bob Inzer, Clerk of the Court
Leon County, Florida