

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 12, 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, Rackleff, Dailey, Proctor and Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause

The meeting was called to order by Chairman Desloge at 3:00 p.m.

The Invocation was provided by Commissioner Jane Sauls, who then led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS:

- Chairman Desloge presented a Resolution designating May 17-23, 2009 as Emergency Medical Services (EMS) Week to Leon County's EMS Chief Quillin, Chad Abrams, Mac Kemp, and Darryl Hall; and, Wes Roberts, Andrea James, and Bob Obernier from the Tallahassee Fire Department.
 - Chairman Desloge expressed his appreciation for the EMS Team and stated that Chief Quillin has one of the best teams in the Country.
 - Chief Quillin accepted the Resolution and stated that they would continue to work hard to maintain its status as one of the best EMS systems in the Country.
- Chairman Desloge presented a Resolution designating May 2009 as National Historic Preservation Month.
 - Eduardo Robles and Andy McLeod, Tallahassee Trust for Historic Preservation (TTHP) Board Members, accepted the Resolution and urged participation in the TTHP's Roundtable Discussion on the success of Myers Park and its historic designation to be held on May 21, 2009.
- Chairman Desloge presented a Resolution Recognizing May 16, 2009 as "The Eagle Makers of Troop 109 Day".
 - Greg Conner Jordon Morrow, Troop Leader and 8th grader at Holy Comforter
 - Chairman Desloge acknowledged the strong scouting program in Leon County and its large number of Eagle Scouts; and thanked the many Scout Leaders who give much of their time to the success of the Program.
 - Greg Conner accepted the Resolution and thanked the Commission for the Recognition. He stated that father involvement has been a key to the Troop's success and shared that the Troop has created 171 Eagles in the last 50 years.
- Commissioner Rackleff presented a Resolution to Leon County Library Service's Poetry Slam Winners. The following Poetry Slam Winners presented their poetry in celebration of national Poetry Month:
 - 1st Place: Victoria Jackson, Godby High School, "Head High, My Dear Child";
 - 2nd Place: Johnnie Walters III, Godby High School, "Insanity", and
 - 3rd Place: Charmaine Thomas, Rickards High School, "Fire"

CONSENT:

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to approve the following Consent Agenda, with the exception of Items 5 & 16. Item 5 was removed from the Agenda and Item 16 was pulled for further discussion.

1. Approval of Minutes: March 26, 2009 Workshop on Establishment of Citizen Charter Review Committee and April 9, 2009 Regular Meeting

The Board approved Option 1: Approve the minutes of the March 26, 2009 Workshop on Establishment of Citizen Charter Review Committee and April 9, 2009 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for May 12, 2009 and Pre-Approval of Payment of Bills and Vouchers for the Period of May 13 through May 25, 2009: \$2,146,466

The Board approved Option 1: Approve the Payment of Bills and Vouchers Submitted for May 12, 2009 and Pre-Approval of Payment of Bills and Vouchers for the Period of May 13 through May 25, 2009: \$2,146,466

3. Acceptance of the Agreement with Zeitgeist Consulting for Consulting and Facilitation Services for the Tourism Assessment and the Tourism Strategic Planning Session.

The Board approved Option 1: Approve the Agreement with Zeitgeist Consulting for Consulting and Facilitation Services for the Tourism Assessment and the Tourism Strategic Planning Session.

4. Request to Schedule Two Public Hearings to Consider a Proposed Ordinance Establishing the Process for Review of Development Excepted from Site and Development Plan Application Review for Tuesday, June 9 and July 14, 2009 at 6:00 p.m.

The Board approved Options 1 & 2: 1) Schedule two Public Hearings to consider adoption of a proposed Ordinance establishing the process for review of development excepted from site and development plan applications review on Tuesday, June 9 and July 14, 2009 at 6:00 p.m., and 2) Direct staff to have the proposed Ordinance reviewed for consistency with the Comprehensive Plan by the Planning Commission at a public hearing.

5. Approval of Amended Bylaws for the Local Hazard mitigation Strategy Steering Committee

This item was removed from the Agenda

6. Ratification of Board Actions Taken at the April 21, 2009 Tallahassee-Leon County Economic Development Council Workshop

The Board approved Option 1: Ratify Board actions taken at the April 21, 2009 Tallahassee-Leon County Economic Development Council Workshop

7. Authorization to Purchase a Mobile Emergency Animal Shelter Unit at an Estimated Amount of \$40,000

The Board approved Options 1 & 2: 1) Authorize staff to purchase a mobile emergency animal shelter unit at an estimated amount of \$40,000 and 2) Approve the Resolution and associated Budget Amendment Request.

8. Authorization to Acquire Right-of-Way Necessary to Complete the Buck Lake Road Reconstruction Project

The Board approved Option 1: Authorize the acquisition of the right of way necessary to complete the Buck Lake Road Reconstruction Project using existing budgeted funds.

9. Approval of Amendment No. 2 to Extend the Joint Project Agreement with Ochlockonee River Soil and Water Conservation District to Implement the Lake Munson Slough Shore Protection Project

The Board approved Option 1: Approve Amendment No. 2 to Extend the Joint Project Agreement with Ochlockonee River Soil and Water Conservation District to Implement the Lake Munson Slough Shore Protection Project to November 9, 2009, and authorize the County Administrator to execute.

10. Adoption of a Resolution Authorizing the Conveyance of a Guy Wire Easement to the City of Tallahassee Across County Property

The Board approved Option 1: Adopt the Resolution authorizing the conveyance of a Guy Wire Easement to the City of Tallahassee.

11. Approval of a Local Agency Program Agreement Between Leon County and Florida Department of Transportation; Adoption of a Resolution Authorizing the Execution of the Agreement; and, Approval to Waive Certain County Procurement Requirements to Utilize Federal Stimulus Funds

The Board approved Options 1, 2, & 3: 1) Approve the Local Agency Program Agreement Between Leon County and Florida Department of Transportation, and authorize the Chairman to execute; 2) Adopt the Florida Department of Transportation Disadvantaged Business Enterprise Program goals and Local Agency Program/Federal-AID Contract Requirements and waive the Leon County local preference and Minority Women Small Business Enterprise requirements, and 3) Approve the Resolution and associated Budget Amendment Request.

12. Adoption of Resolutions Authorizing the Conveyance of Perpetual Easements for the Wildlife Passage (a/k/a Lake Jackson Ecopassage) to the Florida Department of Transportation Across County Property.

The Board approved Option 1: Adopt the Resolutions authorizing conveyance of Perpetual Easements for the Wildlife Passage to the Florida Department of Transportation

13. Request to Schedule a Public Hearing to be Held on Jun 9, 2009, to Enact an Ordinance Amending Section 7-28(a), Leon County Code of Laws, Relating to Court Costs for Teen Court

The Board approved Option 1: Authorize staff to advertise the first and only public hearing to consider the adoption of an ordinance amending Section 7-28(a), Leon County Code of Laws, relating to Court Costs for Teen Court, for June 9, 2009 at 6:00 p.m.

14. Acceptance of the FY 2008/2009 Mid-Year Financial Report

The Board approved Option 1: Accept the FY 2008/2009 Mid-Year Financial Report.

15. Acceptance of Vision 2020, LLC Quarterly Report

The Board approved Option 1: Accept the Vision 2020, LLC Quarterly Report

16. Acceptance of a Status Report Regarding Carrying Capacity at County Park and Recreation Facilities for Special Events

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

Speakers:

- Jason Callaway, 134 Lazy Creek Run, asked for clarification on the proposal for use of crew boats on Lake Talquin.
- Kevin Swisher, 810 Briandav Street, expressed concerns about boaters being denied access to approximately 1/3 of the lake during crew functions and trainings. He also requested clarification and more information on the issue.
- Fred Jones, 4053 Apalachee Parkway, spoke as the owner of Parkway Marine and as representative for Tallahassee Bass Anglers. He voiced concern over the closure of portions of the lake during crew events. The lake has for years been a fishing lake. He stated that he was not against crewing, but an alternate site needed to be located for their functions

Chairman Desloge asked staff to address the concerns. Tony Park, Public Works Director stated that the agenda item was prepared only to address parks capacity; however he noted that the Crew Club has some long term goals that include the use of Lake Talquin for crewing purposes. He added that the Fish and Wildlife Commission (FWC) controls the use of Lake Talquin and the County has jurisdiction over the use of the park and its landing. Mr. Park indicated that staff was not prepared to address this issue in detail at this time.

Mr. Alam explained that the purpose of the agenda item was in response to Commissioner Saul's concerns regarding events held at County parks when the number of individuals attending exceeds the capacity of the park; this causes problems with traffic, parking, etc. He commented that the crew issue could come before the Board at a later date.

Commissioner Sauls cited problems such as too much traffic on residential streets, parking on residential lots, and homes being put up for sale due to traffic, as a result of the increased number of individuals attending and participating in crew events. She expressed concern over FWC's authority to close off a portion of the lake especially the main river channel that is used by boaters. She suggested that at some point the FWC be invited to make a presentation to the Board. Commissioner Sauls added that nothing has been brought to the Board by the Rowing Association.

Commissioner Thael remarked that he had received numerous e-mails and phone calls on this issue. He mentioned that a conflict has surfaced between the rowing community and fisherman. He encouraged staff to bring together all affected parties in an effort to help bring better understanding and to address concerns. He also noted the legality of parking on residential property and offered that alternative methods of transporting individuals to the event would need to be secured. He encouraged staff

would like to see staff directed to persuade more dialogue between the rowing clubs and representatives from fishing and boating.

Chairman Desloge articulated support for Commissioner Thael's suggestion to encourage dialogue between the rowing clubs and fishermen/boaters.

Citizen comment continued.

- Jerry Shuler, 1354 Williams Landing Road, shared that he coordinates a large bass tournament at the landing once a year which attracts approximately 1,000 people total. Residents are aware of the tournament, arrangements are made prior to the tournament to accommodate the large number of people, i.e., overflow parking provided, portable bathroom facilities, etc. and there has not been a problem in the past. He stated that rowing events have grown and the lake and facilities cannot accommodate the large number of people that attend the events.
- Cliff Mundinger, Jr., 4766 Preston Johnson Rd., stated that he has been active in the Lake Talquin community for approx 12 years and noted that it was unwise for FWC to allow portions of the lake to be blocked off and unavailable to boaters and fisherman.
- Tony Williams, 15111 Blountstown Hwy., local fisherman, concurred that that there is no way for the landing to support 4,000 -6,000 people who might attend crewing events. He stated that "give and take" from both sides was needed.
- David Mock, 836 Sir Richard Rd., stated he has lived and fished Lake Talquin for over 40 years and pointed out that the fishing tournament referenced by Mr. Shuler raised \$50,000 for Sheriff's Youth Boys Ranch. Mr. Mock stated that rowing club's proposal requested that the County spend \$750,000 on the park. He commented on problems experienced by boaters trying to load boats at landing and asked that the County designate parking for boat trailers only. He recommended that the crew clubs use Seminole Reservation for its functions. *Mr. Mock presented signed petitions containing 69 names of individuals in opposition to the use of Williams Landing and Lake Talquin for team rowing/regattas to be included in the official record.
- John Cutrer, 4400 Blountstown Hwy., owner of Tri-State Marine, voiced his support for a meeting between the two parties to try to work out an agreement and announced that he wanted to participate in the discussions. He offered that there were eight bass clubs in town and suggested that the presidents of each club be included. He voiced his and other anglers/boaters right to use the lake. He commented that the Dept of Natural Resources (DNR) determines the use of the lake.
- Sarah Johnson, 4267 Woodbridge Rd., President Tallahassee Women's Bass club, indicated her support for a "town hall meeting" to address the issue and requested that she be included in the discussions. She suggested that Gadsden County be included as they share part of the lake. She voiced her opposition to a portion of the lake being closed for the rowers and the capacity of Williams Landing for special events.

Commissioner Sauls submitted, for inclusion in the official record, the following documents:

- Correspondence from Mike & Nancy Thomas, residents of Williams Landing Road, expressing concerns about the Tallahassee International Rowing Association's Development, and
- Petitions containing 230 signatures of individuals opposed to the use of Lake Talquin for team rowing/regattas.

Commissioner Sauls expressed appreciation for individuals appearing before the Commission to voice concerns and looks forward to open dialogue on the issue. She stated that she wanted to know what governing body has authority to close the channel off from boaters and asked that residents stay in contact with her office and that as many individuals as possible involved in discussions.

Commissioner Dailey suggested that staff include as part of the agenda packet an analysis of resources that might be available for the crew team, such as Maclay Gardens, Lake Bradford or Lake Hall.

Commissioner Thael stated that the County needed to perform a parking and traffic analysis and added that the County has authority to control traffic safety.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 2: Direct staff to review Policy 06-1, "Use of Scheduling of Parks & Recreation Facilities" to incorporate review by other agencies when the proposed attendance of a Parks and Recreation Special Events Application reaches 250 or exceeds the available on-site parking capacity. In addition, direct staff to bring back an agenda item on the formation of a committee, a comprehensive review of parking, options for more appropriate venues, and park capacity issues.

Commissioner Rackleff established with County Attorney Thiele that the County would be preempted on use of the lake by the FWC as they have jurisdiction. He inquired on the availability of a Management Plan by FWC. Mr. Thiele indicated that he was unaware of such a plan, however he would make inquiries.

The motion carried 7-0.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

Speaker:

- Gary Brand, 1413 Highland Dr., expressed concern over the removal of 130 mature oak trees to widen Mahan Drive from Capital Circle to I-10. He requested that the Board rescind its approval of the current plan and ask the Dept. of Transportation (DOT) to come up with a new plan that incorporates a "simple widening of Mahan" so the 130 live oaks can be saved. He shared that the tree on Highland and Mahan Drive is 19 feet in circumference and was here when Tallahassee was founded in 1823 and should not be cut down.

Commissioner Akinyemi commented that he believed the Board was going to look at the landscape plan and noted that this should be done quickly to determine if there are other options.

John Kraynak, Environmental Compliance Director, indicated that the Florida Department of Transportation is looking at potential design modifications to save the tree at Highland Drive and also looking as possibly revising the sidewalk plan to save even more trees. He stated that contracts have been signed and DOT must be careful not to make any major redesigns as it would increase the contract amount.

County Administrator Alam asserted that efforts are being made to save the one Highland tree and offered that there would be over 1,200 trees replanted along Mahan Drive. Mr. Kraynak added that over \$1 million dollars will be spent on landscaping.

Chairman Desloge asked Commissioner's to address their comments on the issue during Commissioner's time.

GENERAL BUSINESS

County Administrator Alam explained that he felt it important that the Board, prior to its discussion on item number 17 (consideration of five cent gas tax), have information to make a more informed decision and agenda items 17a and 17b have been added to provide additional information for the board's consideration. Consideration of the gas tax is now agenda item 17c.

- 17a. Acceptance of Status Report Regarding the evaluation of Alternative Revenue Sources that could be Generated from Renewable Energy

County Administrator Alam explained that Commissioner Akinyemi requested information on alternative revenue sources that could be generated from renewable energy. He stated that discussions have been held with solar system providers and the City financial staff regarding a solar farm, solar systems on individual homes and office buildings and added that although these efforts would have a positive environmental and job growth impact, the initiatives would not be revenue generators for the County at this time.

Mr. Alam shared that in response to Board direction to identify alternative revenue sources, staff have identified two tangible options: 1) issuance of an RFP for the conversion of methane gas at the landfill to energy could generate \$150,000 annually, and 2) renovation of the traffic court building which would eliminate the need to move County staff into the Bank of America (BOA) Building. This would allow for the leasing of the eighth floor of the BOA and other space which could generate upwards of \$300,000 annually. He advised that county staff would continue to seek other alternative revenue opportunities as they become available.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Accept the status report regarding the evaluation of alternative revenue sources that could be generated from renewable energy, and 2) Direct staff to pursue an agenda item exploring opportunities for implementation of solar on residential, commercial, and County-owned facilities, such as rebates, grants, low interest loans, tax credits, expedited permitting, reduced permitting fees, feed-in tariffs, power purchase agreements, property tax exemptions, and sales tax exemption. The motion carried 7-0.

- 17b. Additional Information Regarding the Proposed Increases to the Stormwater and Solid Waste Non-Ad Valorem Assessments

County Administrator Alam explained that Board direction was needed regarding raising stormwater and solid waste non-ad valorem assessments as the budget is being prepared. Previously the Board was advised that the fee increase could be done through the TRIM notice; however, the County Attorney has advised that this is not an option and notices would have to be mailed first class to approximately 30,000 residents at a cost of \$20,000.

Commissioner Thael inquired how other Florida Counties are able to use the TRIM notice approach and this was not an acceptable method for Leon County. Patrick Kinney, Assistant County Attorney, responded that a plain reading of the Statute indicates, in their opinion, that TRIM notices could not be used to effectuate the first class notice, when the increase is beyond the maximum rate a special assessment.

Commissioner Thaeil confirmed with County Administrator Alam that both the stormwater and solid waste programs are currently being subsidized through general revenue funds and asked the impact on the property tax situation if the County does not increase the fees.

Mr. Alam stated that if one of the three proposed increases (stormwater, solid waste or gas fee) were not implemented, the County would be in very difficult situation and the county would have to look at making serious cuts. He noted that as directed by the Board at the Budget Workshop, County departments, along with Constitutionals, were requested to cut their budgets by seven percent; this was based on an increase in the stormwater/solid waste fees. Assistant County Administrator Rosenzweig added the approximately \$5.5 million of general revenue funds are currently being used to subsidize the two programs. He advised that if the fees were phased in over a five year period approximately \$1.5-\$1.7 million would be added next year in general revenue.

Commissioner Dailey offered that a \$30 increase every year for the next five years might be too aggressive (in light of the current economy) and proposed that the fee increases be implemented over a 10-year period.

Chairman Desloge emphasized that these are not new fees; the programs have been paid for through other revenue streams. He stated that now is the time to show discipline and fund programs/services in the manner in which the money is designed to be used for, i.e., collect gas tax to be used for roads, etc. and feels strongly that this would provide an opportunity to build some transparency in the money that is collected and how it is used. He asserted that if the Board decides not to proceed with the increases, services will have to be cut or the millage would have to be adjusted.

Commissioner Rackleff articulated agreement with Chairman Desloge and noted that stormwater fees have not increased for 15 years. He stated that phasing in over a ten year period would be too long.

Commissioner Rackleff moved, duly seconded by Chairman Desloge, to approve Option 1: Direct staff to proceed with the five-year phased in approach to both the stormwater and solid waste non ad valorem assessments. Direct staff to schedule a public hearing for July 14, 2009 and mail the first class notice letters.

Commissioner Thaeil established with staff that without the fee increase, an additional 10-12 percent or \$4-5 million, reduction in the budget would be required.

Commissioner Dailey reiterated his preference to extend the fee out over a 10-year period; with the understanding that if the economy improves, the issue could be readdressed.

Commissioner Akinyemi stated that he would reluctantly support the motion. He urged staff to continue to look at alternative sources of revenue, such as partnering with other counties to accept their waste for a fee, etc.

Commissioner Rackleff stated that the approval of the motion was important to the stimulation of the local economy. He was not in favor of extending the fee out over 10-years as it would cut the revenue in half and would result in considerable deferred maintenance. He urged support of the motion.

There was considerable discussion amongst Commissioners regarding this issue.

Commissioner Thaeil requested that the item be continued to after the dinner break.

It was determined that discussion on the proposed gas tax was needed prior to a decision being made on this issue. Item 17b was readdressed upon conclusion of the dinner break.

Commissioner Rackleff withdrew his motion.

**The Board entered into discussion on item 17c and readdressed this issue after the public hearing.*

Commissioner Thaeil moved, duly seconded by Commissioner Sauls, to approve Option 2: Do not direct staff to proceed with the five-year phases in approach to both the stormwater and solid waste non ad valorem assessments. The motion carried 6-0 (Commissioner Proctor out of Chambers)

17 c. Request to Schedule a First and Only Public Hearing to Consider a Proposed Ordinance for the imposition of the Additional Five-Cent Gas Tax for Tuesday, June 9, 2009 at 6:00 p.m., and Authorization to Proceed in Drafting an Interlocal Agreement with the City of Tallahassee for the Distribution of the Funds.

- Steve Ghazvini, 2646 Millstone Plantation Road, spoke in support of the gas tax. He stated it was important for the government to lead the community and assist in stimulation of the economy. He stated that these are difficult times and bold decisions have to be made. (*note: Mr. Ghazvini's comments were made prior to the dinner break.)

Commissioner Proctor requested that proposed projects to be funded by the gas tax be identified.

Commissioner Thaeil shared that property tax revenue has been used to subsidize road maintenance and offered that it was more appropriate for users of the roads to pay for their upkeep. He stated that a very sophisticated community education initiative was needed to explain why the additional tax is imposed.

Commissioner Thaeil moved, duly seconded by Chairman Desloge, to approve Options 1 & 2, as amended: 1) Schedule the first and only public hearing to consider a proposed ordinance for the imposition of an additional five-cent gas tax for Tuesday, June 9, 2009 at 6:00 p.m., 2) Authorize the County Administrator to finalizes an Interlocal agreement for the distribution for the additional five-cent gas tax with the City of Tallahassee, and 3) Conduct an extensive community education program.

Commissioner Dailey advised that he would not support the motion on the table, for a number of reasons: 1) not comfortable asking residents to bear the burden of an additional tax; 2) need to be more creative and instead of building more roads work with the City on traffic management especially during peak driving times; 3) not appropriate to use a portion of the revenue received from the tax to help maintain an acceptable fund balance; 4) more information and better plans are needed from StarMetro, and 5) exhaust all other possible sources of revenue completely.

Commissioner Akinyemi stated that his support of the motion would be contingent upon the inclusion of funds being dedicated to the promotion and development of alternative energy sources.

Commissioner Akinyemi requested the motion be amended to dedicate \$500,000 to the promotion and development of alternative energy sources and form a partnership with the City to aggressively promote these issues. The maker of the motion (Commissioner Thael) expressed that he would prefer to keep the motion in tact and that Commissioner Akinyemi offer his suggestions as a separate motion.

Commissioner Rackleff asserted that transportation costs should be shifted to users and encouraged support for the motion. He stated that there would be no additional state transportation monies as the County has not maximized its gas tax revenue collections. He mentioned that two proposed StarMetro routes would provide transit services to residents in unincorporated areas. Commissioner Rackleff stated that \$2.6 million of property tax revenue would be needed to subsidize the transportation program if the tax was not enacted.

County Administrator Alam clarified that there would be no "banking" of funds and they could only be used for roads, sidewalks, bike trails, intersection improvements, resurfacing or any other transportation project.

Commissioner Proctor asked if the funds could be used for sidewalks for Palmer Avenue.

Mr. Alam affirmed that they would be eligible and offered that Commissioner Proctor make as a condition of his support for the tax, the construction of sidewalks for Palmer Avenue.

There continued to be considerable discussion on this topic by Commissioner on topics such as opportunities for stimulus monies for transportation projects; duration of tax; proposed projects; split of tax with the City; inappropriate use of property taxes for road maintenance and projects.

Commissioner Rackleff emphasized the need to implement the tax and opined that it was appropriate to use the projected gas tax revenues to fund transportation projects. He advised that if not approved (along with the Board action to not increase solid waste and stormwater fees) \$8.1 million would be required from property taxes for the next fiscal year. He declared that he would not support "another nickel out of property taxes for the transportation program" as these projects should be funded from an appropriate source of funds.

Commissioner Dailey Called the Question.

Commissioner Proctor asked the maker of the motion to include in the motion the installation of sidewalks for Palmer Avenue. Commissioner Thael stated that the recommendation was reasonable and asked the Chairman to include the issue as an element of the Interlocal Agreement with the City.

Commissioner Sauls stated that although she was not in favor of the gas tax, she was willing to move the issue to public hearing; however, all projects funded with the revenue should be processed through the County's protocol.

Current motion on the floor: Commissioner Thael moved, duly seconded by Chairman Desloge, to approve Options 1 & 2, as amended: 1) Schedule the first and only public hearing to consider a proposed ordinance for the imposition of an additional five-cent gas tax for Tuesday, June 9, 2009 at 6:00 p.m., 2) Authorize the County Administrator to finalizes an Interlocal agreement for the distribution for the additional five-cent gas tax with the City of Tallahassee, 3)

Conduct an extensive community education program, and 4) Sidewalks for Palmer Avenue be included as an element of the Interlocal Agreement with the City. The motion carried 6-1 (Commissioner Dailey in opposition).

Commissioner Akinyemi moved, duly seconded by Commissioner Thael, to allocate \$500,000 of revenue generated from the new tax be used to provide incentives and promote alternative energy resources and that an Inter Local Agreement be entered into with the City for a \$500,000 match of funds. The motion is contingent upon the City's agreement to match the funds. The motion carried 7-0.

18. Approval of Clemons Rutherford & Associates and Morris Allen & Associates for Architect and Engineering Services for the Design of the Public Safety Complex

Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Approve the Public Safety Communication Board (PSCB) and Selection Committee's Recommendation of Clemons Rutherford & Associates and Morris Allen & Associates to provide the architectural and engineering services for the Public Safety Complex, and 2) Direct staff to proceed with contract negotiations and authorize the County Administrator to execute the contract in a form approved by the County Attorney. The motion carried 7-0.

19. Approval of Agreement Awarding Bid for the Timberland Road and Timberland School Intersection Improvements

County Administrator explained the item and noted that the total project amount is \$843,268 and that Dixie Paving and Grading provided the lowest responsive bid.

Commissioner Proctor expressed his disappointment in the minority participation goal of 3% and stated that it is not reflective of the County's minority population base of 40.6%. He stated that he will support the award, as it meets the "letter of our law", however he opined that 3% is not adequate.

Commissioner Thael asked if the project included sidewalks from Timberlane School Road to the West. Tony Park, Public Works Director, stated that the sidewalk was going to extend to Trillium Road, which is the first road west of Timberland School Road. He referred to the map included in the agenda item and stated that the sidewalk begins in front of Gilchrist Elementary School.

Commissioner Thael inquired the Board's interest in building a sidewalk in front of Meadow Wood Cemetery, which is on the north side of the road and asked if this addition could be added to the motion, when appropriate.

Commissioner Dailey agreed that sidewalks should be included and asked about the possibility of continuing the sidewalk to Live Oak Plantation Road because the sidewalk ends short of a bike trail.

Mr. Alam stated that meetings have been held with City and County staff to look at developing a sector plan to connect sidewalk to greenways, bike trails, etc. and he anticipates that a recommendation would be brought back to the Board within the next 30 days.

He requested the County Administrator follow-up on the \$500,000, saved when the Capital Regional Transportation Planning Agency (CRTPA) did not construct a turn lane at Piedmont and Meridian.

Wayne Tedder, Planning Director, stated that staff could develop a detailed survey/inventory of bike lanes, side walks, etc, and added that planning staff would work with Public Works and the City to provide options.

Commissioner Akinyemi echoed Commissioner Proctor's comment and concerns regarding minority participation. He inquired on the completion of the Disparity Study and learned that a draft is anticipated in late May for analysis and then brought forward to the Board with recommendations.

Commissioner Proctor expressed his frustration that sidewalks have not yet been installed on Palmer Avenue. Mr. Alam responded that the sidewalks being discussed are "outside the city limits" and Palmer Avenue is inside the city limits. He advised that he has discussed this issue with the City Manager and asked Commissioner Proctor to have FAMU write a letter to the City stating the need for the sidewalk.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approve an Agreement awarding the Bid to Dixie Paving and Grading, Inc. for the construction of Timberlane and Timberlane School Road intersection improvements including the Gilchrist Elementary School turn land in the total amount of \$843,268, and authorize the County Administrator to execute. The motion carried 7-0.

The Board recessed for dinner break at 5:15 p.m. and reconvened at 6:00 for the Scheduled Public Hearings.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

20. First and Only Public Hearing on the Submittal of the FY2009 Justice Assistance Grant - American Recovery and Reinvestment Act of 2009

County Administrator Alam announced the Public Hearing.

County Administrator Alam explained that public notification on how the Justice Assistance Grant would be allocated was required for submittal of funds. He noted that the City of Tallahassee was authorized to receive \$715,000 and the County approximately \$176,000. Federal rules require that the City and County file a joint application for the total JAG allocation of \$890,869.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff, to approve Option 1: Conduct the first and only public hearing and approve the submittal of the FY 2009 Justice Assistance Grant - American Recovery and Reinvestment Act of 2009.

Commissioner Thaelle inquired who would have input into the allocation of the funds. Don Lanham, Grants Program Coordinator, responded that Tallahassee Police Department and Leon County Sheriff's Office would meet to discuss the allocation as the funds can only be used for law enforcement activities.

The motion carried 5-0 (Commissioner Dailey and Proctor out of Chambers)

21. First of Two Public Hearings for Consideration of an Ordinance Amending the Land Development Code Regarding the Eligibility Criteria for Family-Heir 2.1.9 Subdivision

County Administrator Alam announced the public hearing.

Speaker:

George E. Lewis, 203 N. Gadsden St., #6, voiced concern that the proposed ordinance applies only to those areas outside the Urban Service Area; thus leaving a gap.

Commissioner Sauls moved, duly seconded by Commissioner Thael, to approve Option 1: Conduct the first of two Public Hearings for Consideration of an Ordinance Amending the Land Development Code Regarding the Eligibility Criteria for Family-Heir 2.1.9 Subdivision, and schedule the second and final Public Hearing for Tuesday, June 9, 2009 at 6:00 p.m. The motion carried 6-0 (Commissioner Proctor out of Chambers)

22. First of Two Required Public Hearings on a Proposed Ordinance Regulating Off-Site Signs

County Attorney Thiele announced the first of two public hearings on a proposed ordinance regulating off-site signs.

Speakers:

- Bob Ippolito, 2705 Killarney Way, President of Killearn Estates Homeowners Assn., shared pictures to illustrate the billboard clutter and recommended that the County adopt the City's position on the issue.
- Brad Trotman, 2705 Killearn Way, stated that he had attended many meeting with the industry and staff and offered that if billboards are to be reduced the Ordinance needed to be strengthened. He suggested that the County match the City's ordinance.
- Rip Caleen, 3048 Godfrey Place, stated that this issue had been worked on for months. He presented five ordinance revisions recommended by citizens group:
 1. Minimum spacing of 2,000 feet between billboards on the same side of the street.
 2. Multi-Vision Swap Ration: remove three existing billboards for each new multi-vision billboard.
 3. Digital swap ration: remove five existing billboards for each new digital billboard.
 4. Minimum setback of 1,000 feet from residentially zoned property for all billboards.
 5. Delete the portion of the Ordinance allowing non-conforming billboards.
- Paul Sexton, 215 S. Monroe Street, represented Lamar Advertising, offered proposed amendments to the ordinance, which he opined would mitigate the impact the Ordinance would have on the industry. These included:
 1. Provide for commercial nodes within extended Gateway Overlay Areas;
 2. Do not increase the spacing between signs
 3. Strike the new 660 foot around the corner standard
 4. Do not increase the trade-in rates.
- Thornton Williams, 215 S. Monroe St., Lamar Advertising representative, stated that the industry is opposed to the Ordinance as presented and asked that the Board consider the four amendments presented by Mr. Sexton. He mentioned that Lamar Advertising contributes to the economic viability of the community.
- Ana Sutherland, 4146 Chelmsford Rd., employee of Lamar Advertising, shared with Commissioners letters of support for Lamar Advertising from local non-profit organizations in the community and provided data on the company and its economic impact on the community. She offered that Lamar provides, i.e., free advertising to non-profits and how the billboards are used to broadcast emergency information, such as "Amber Alerts" and Tropical Storm updates.

- Charlotte Audie, 619 S. Ride, spoke as a life long resident, wife of small business owner and as President/CEO of Florida Outdoor Advertising Assn. She noted the importance of outdoor advertising and urged Commissioners to consider all the benefits that outdoor advertising provides to the community.
- Tom Morgan, 2996 Fenwick Court East, Foxcroft Neighborhood, remarked that the ordinance is a good effort to protect the County's "gateways" and protects the community from visual clutter. He asked the Board to make the minimum distance to a residential zoned property 1,000 feet and also to consider the more stringent swap standards discussed.
- Ann Bidlingmaier, 1920 Harriet Dr., stated that she has been involved in sign ordinance issues for a long time and commented that digitals and multi-visions are distracting and cluttered. She supports the 1,000 feet from residential homes and the combining of City and County ordinances.
- Loyd Childree, 1393 Manor House Drive, introduced Lamar staff and submitted that they are an integral part of the community. He pointed out that staff's analysis included in the agenda item stated that the concerns raised by the citizens representing the neighborhood interests would make more off site signs non-conforming and render more potential locations ineligible for new digital billboards, thus reducing the effectiveness of the exchange strategy. He offered that the ordinance would have an economic impact and asked that the business community be allowed to decide if they want to use their product. He affirmed that he was willing to come back to the table for further discussion.
- Gary Brand, 1413 Highland Dr, indicated that billboards are highly distracting and suggested that staff look at the accident rate in the area of digital billboards.
- The record reflects an e-mail from Penny Kehoe stating her opposition to electronic billboards.

Commissioner Proctor acknowledged receipt of letters of support and endorsement for Lamar from some of the best and most productive organizations and entities in the community. He referenced a partnership between the Leon County Sheriffs Department and Tallahassee Police Department with Lamar to provide information about violent, wanted offenders and missing or endangered children and adults on the company's digital billboards, free of charge and offered that Lamar is a part of the community's public safety and protection infrastructure. Commissioner Proctor indicated his opposition to billboard advertising of gun shows, guns, alcohol, and tobacco around schools and neighborhoods.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve Option 1, as amended: Conduct the first of two public hearing on a proposed Ordinance amending the Land Development Code to revise regulations for off-site signs, and schedule the second and final public hearing to consider adoption of the Ordinance for Tuesday, June 9, 2009 at 6:00, and instruct staff to incorporate into the Ordinance for the second public hearing the following four amendments: 1) Section 10-9.302 (b)(4) to extend the 200 foot right of way to the intersection with Bucklake Road; 2) Section 10-9.302 (h) strike the 660 foot standard; 3) Section 10-9.302(h)(1) maintain the spacing between signs as exists in current ordinance, and 4) Section 10-9.307 continue the swap out standards in their current configuration.

Commissioner Rackleff stated that he was inclined to listen to the neighborhoods and asked staff how the proposed County Ordinance differs from the City's sign ordinance. Tony Biblo, Developmental Services Director, responded that some of the differences include the City's ordinance requires different spacing between signs, different spacing requirements between signs and residentially zoned areas; the exchange ratios are different and the City is not prohibitive of signs on a specific corridor. Mr. Biblo offered

that one ordinance was not more prohibitive than the other and stated that there was value in having varying standards.

Commissioner Rackleff confirmed that there is not much difference in density and function between a city billboard and county billboard.

Commissioner Rackleff offered a substitute motion to conduct the first of two public hearing on a proposed Ordinance amending the Land Development Code to revise regulations for off-site signs, and schedule the second and final public hearing to consider adoption of the Ordinance for Tuesday, June 9, 2009 at 6:00, and instruct staff to incorporate the recommendations presented by the neighborhood associations. The motion failed for lack of a second.

Commissioner Akinyemi stated that he wanted to find a compromise between the two parties and asked Mr. Biblo to further elaborate on the differences in the City and County ordinances and the value in having two differing ordinances. Mr. Biblo responded that several meetings have been held with homeowners and the industry in an attempt to reach a consensus on the content of the ordinance and the proposed ordinance is staff's best effort to be fair to both parties.

Commissioner Thael voiced his support for functionally consolidated ordinances where appropriate. He opined that the sign ordinance "was close, but not there yet" and urged staff to further explore a consolidated ordinance with the City.

Commissioner Dailey concurred with Commissioner Thael and commented that the intent of the new ordinance was to "tweak" the ordinance that was originally passed by the Board in 2007. He stated that the ordinance offered by staff was not acceptable by homeowners or the industry and, thus he would not support the inclusion of either party's recommendations. He offered that the Ordinance passed by the Board in 2007 be retained and brought forward at the June 9 Public Hearing. Commissioner Dailey stated that he would ask staff to "go back to the drawing board" in an attempt to create an ordinance acceptable to both parties and noted the importance in knowing what changes the City is proposing if the County is to consider a consolidated ordinance.

Commissioner Dailey made a substitute motion, duly seconded by Commissioner Rackleff, to not adopt the proposed ordinance and present the 2007 Ordinance at the June 9 Public Hearing.

County Attorney Thiele responded that the current moratorium expires on June 15 and thus, there would not be sufficient time to enact Commissioner Dailey's recommendations.

Commissioner Dailey proposed a couple of suggestions: 1) the City be invited formally to sit down with the County in the Sunshine and "hammer the issue out", or 2) The Chairman and Mayor develop a product to bring back to their respective Boards for consideration.

Commissioner Proctor noted the absence of digital billboards on the Southside of the County. He also opined that 18 months was a long time for a moratorium and urged that a Commissioner be appointed to facilitate a compromise acceptable to all parties.

There continued to be considerable Board discussion on this issue.

Commissioner Dailey requested that the motion be amended to ask the Chairman to bring the issue up at the Mayor/Chair meeting.

County Attorney Thiele explained the necessity for the Board to adopt a document that would modify the original 2007 Ordinance and mend the deficiencies that it contains. He recommended that the Board adopt Option 1 and instruct staff, in conjunction with the Chair or his designee, to develop an Ordinance that most closely aligns with the City's Ordinance and would incorporate as much as possible, the recommended changes by the neighborhood associations and the industry.

Chairman Desloge offered a history on the implementation of the original sign ordinance and suggested that staff's recommendation be accepted and move forward with the caveat that a timeline be established for the issue to come back to the Board.

Commissioner Dailey withdrew his substitute motion.

Commissioner Proctor voiced frustration that staff's recommendation was not accepted and that the measure was not moved forward and did not support delaying until the City takes action on the issue. He recommended that the Chair bring forward the four measures presented by the industry.

Commissioner Akinyemi made a substitute motion, duly seconded by Commissioner Desloge, to approve Option #1, as amended: Conduct the first of two Public Hearings on a proposed Ordinance, amending the Land Development Code to revise regulations for off-site signs; direct staff to continue to work with neighborhoods and the industry to resolve differences and develop an Ordinance that more closely aligns with the City's Ordinance as an agenda item to be brought back on a date to be determined and, schedule the second and final Public Hearing to consider adoption of the Ordinance for Tuesday, June 9, 2009 at 6:00 p.m. The motion carried 6-1 (Commissioner Dailey in opposition).

The Board took a short break at 7:55 p.m. and reconvened at 8:10 p.m. The Board entered into discussion on Items 17b and 17c.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers)

- Ralph Mason, 1701 W. Pensacola Street, distributed information regarding Leon County's population and the number of registered voters by age and pointed out that the 18-25 group represented the largest voting block (26%) of all age groups in the County. He offered that this population needed to be represented on the Charter Review Committee (CRC) and requested that the Commission consider appointing a representative to the CRC from that age bracket.

Chairman Desloge suggested that Mr. Mason follow-up with an e-mail to Commissioners to provide his name and address as he made some great points.

Commissioner Akinyemi voiced support for Mr. Mason's suggestion and stated the importance of student representation. He encouraged Commissioners to consider Mr. Mason's remarks.

COMMENTS/DISCUSSION ITEMS

COUNTY ATTORNEY

- County Attorney Thiele distributed a memorandum describing the Mediation Settlement Agreement reached between the County and property owner for the acquisition of land needed for construction of the Kerry Forest Extension Roundabout Project. He added

that funding was in the Public Works budget and Board ratification of the Agreement is requested.

Commissioner Rackleff confirmed that this was a joint City/County project and that the County contracted with the City to do its portion; which was approximately \$1.5 million, plus right away.

Commissioner Rackleff moved, duly seconded by Chairman Desloeg, to ratify the Agreement. The motion carried 7-0.

COUNTY ADMINISTRATOR

- County Administrator Alam pointed out that June 9 Budget workshop is scheduled for 9:00 a.m. – 3:00 p.m.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Proctor

- Requested a Resolution commending Comcast and its staff/volunteers for their assistance in spring cleaning at the McCray Boys and girls Club of the Big Bend.
- Requested information on the status of the summer youth program.
- Requested a Resolution for the Lincoln High School Black History Brain Bowl Team for winning the State Championship for the third time in four years.
- Shared a proposal which outlined his support for the possible merger of the County and City MBE offices to take effect starting the 2009-2010 budget year.
 - **Commissioner Proctor moved, duly seconded by Commissioner Akinyemi, to bring back an agenda item which addresses the issue of merging the County and City MBE offices. The motion carried 7-0.**

Commissioner Thaeil

- **Commissioner Thaeil moved, duly seconded by Commissioner Sauls, to direct staff to bring back an agenda item to reconstitute the Septic System Advisory Committee, based on the recommendations received from Anthony Gaudio, the Chairman of the previous Septic System Advisory Committee. The motion carried 7-0.**
- Reported that the American Lung Association has graded Leon County a “C” for air quality. He asked the County Attorney to determine if there was some action that the County could take if the source(s) could be identified.
 - County Attorney Thiele responded that the County could have “standing” to bring a Clean Air Act claim and stated that his office could provide the parameters of what would be necessary to do an air quality study for purposes of determining the source of pollutants and currently there is no source of funding for that.
 - **Commissioner Thaeil moved, duly seconded by Commissioner Desloge, to direct the Science Advisory Committee to analyze the issue of air pollutions and brought back to the Board as an agenda item for consideration. The motion carried 6-0 (Commissioner Proctor out of Chambers)**
- Announced that any persons wanting to donate gifts and comfort items to the two children hospitalized and orphaned as a result of a car crash on I-10 could contact Lt. Ken Ellis at 921-7915.

Commissioner Sauls

- **Commissioner Sauls moved, duly seconded by Commissioner Desloge, to direct staff to bring back an agenda item regarding the dissolution of the Woodville Community Center Focus Group and the Woodville Recreation Council. The motion carried 6-0 (Commissioner Proctor out of Chambers)**

Commissioner Akinyemi

- Reported that his fifth and final workshop would be held tomorrow, May 13, at 5:30. He stated that he would make a presentation at the July 14th Board (or later) meeting to report on the results from the workshops.
- Requested that a public hearing be scheduled for a Septic System Workshop.
- Expressed concern about the removal of the mature oak trees along Mahan Drive, and that the tree at Highland Drive should not be removed. He requested that the Board do a quick review of the Mahan landscape plans. He added that staff, in the future, should track planning and bring to the Board landscape plan.
 - Commissioner Rackleff recommended that the Board pass a Resolution, which would put the Board on record, stating that 1) there be a review of all tree removals; 2) the number of trees removed be minimized; 3) urge design changes that are minor and do not hold up the project, and 4) retain the original concept of the plan.
 - Tony Park, Public Works Director, confirmed that a Resolution to the Dept. of Transportation (DOT) would be helpful. He added that the landscape permit, issued by GEM, requires an arborist be on the project to look at tree issues and assist in making decisions.
 - County Administrator Alam stated that staff would work with DOT in an effort to save as many trees as possible; however, this is a project that was designed four to five years ago. He added that the landscaping plans have been before the Board and he does not want to put the project in jeopardy.
 - The Board continued further discussion on the issue.
 - County Attorney Thiele shared that although statutorily DOT is not required to obtain any County permits or share proposed plans, they have been extremely cooperative in including the County in the project. He added that Growth Management and Public Works staff have worked hard to get DOT cooperation.
- ***The Resolution was accepted Without Objection.***

Commissioner Dailey

- Announced the retirement of Judith Dougherty as his Commission Aide. He requested a Resolution honoring her 11 years of dedicated service and remarked that he would extend an invitation to former Commissioner Dan Winchester to participate in the presentation of the Resolution.
- Announced Jay Revell as his new Commission Aide.

Commissioner Rackleff

- ***Commissioner Rackleff moved, duly seconded by Commissioner Desloge, to authorize his travel to Washington, D.C. to attend a "Climate Summit". The motion carried 7-0.***

Chairman Desloge

- Requested a Resolution on the retirement of Carl Johnson, Sr.
- Requested a Resolution for Christine Francis' family recognizing her excellent work as Assistant Finance Director.
- Requested, on behalf of Anita Davis, a Resolution for the Friends of Distinction, a local group that assists military families.
- Requested a presentation by a group of physicians on a single-payer healthcare system at the May 26, 2009 meeting.
- Requested a presentation by Tallahassee Memorial Healthcare to provide an update on the Trauma Center to be scheduled for a future Board meeting.
- Shared that he had met with the Tax Collector on the \$25 occupational business tax imposed on all businesses located in the County. He shared that it is a tough tax to administer and collect and is concerned that it doesn't serve a purpose.

- **Commissioner Dailey moved, duly seconded by Commissioner Desloge, to direct staff to do a review of the occupational business tax to include recommendations, and bring back as a budget discussion item. The motion carried 7-0.**

Receipt and File: None

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

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