

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
July 14, 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, Thaell, 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

At the invitation of Commissioner Thaell, the invocation was provided by Deacon Chris LeBlanc, Good Shepherd Catholic Church. Commissioner Thaell then led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS

- Commissioner Proctor welcomed Ms. Patrice Minor-Floyd, Director of the Javacya Arts Conservatory and the Mary Roberts Chamber Orchestra.
- Ms. Floyd introduced the lead players of the String Section of the Mary Roberts Chamber Orchestra who played a musical selection for the Board. Ms. Floyd commented that the students were also members of the Tallahassee Youth Symphony and Tallahassee Fiddlers and ranged in age from 8 to 12 years old.
- Chairman Desloge presented a Resolution to Ray Burroughs, Director of Building Review and Inspection, honoring his 32 years of dedicated service to Leon County and its citizens.
- Chairman Desloge presented the following 2009 Neighborhood Recognition Awards:
 - Unincorporated Neighborhood: Majestic Oaks
 - Small Neighborhood (99 homes or less): Avondale
 - Large Neighborhood (200 or more homes): Woodland Drives
 - 2009 Neighbor of the Year: Rob Reinhardt, Seminole Manor Neighborhood Association
- Chris Holley, Florida Association of Counties (FAC) President and John Wayne Smith, FAC Legislative Director, presented Chairman Desloge the 2009 FAC Presidential Advocacy Award in recognition of his leadership and commitment to the FAC mission during this past legislative session.
- Dr. Ron Saff presented information regarding Vehicular Idling and Co2 Emissions.
 - He asked for a commitment from the County in support of an anti idling educational campaign, such as video clips/manuals to encourage bus drivers to not idling while waiting on children at schools and awarding individuals for not idling. He requested approval of a resolution of support.
 - *Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to direct staff to bring back an agenda item on an anti idling educational campaign, to include policy on County vehicles and the proposed resolution. The motion carried 7-0.*
- Commissioner Akinyemi reported that he conducted five workshops in an effort to reach out to citizens and to encourage their involvement in issues being considered by the Board.
 - Commissioner Akinyemi introduced his aide Catherine Jones who presented a summary of findings resulting from Commissioner Akinyemi's "Community

Workshops: Making Government Accessible to the Residents of Leon County". Her presentation included feedback on topics such as: county government accessibility; environmental stewardship; economic development, and general comments provided by residents.

- Ms. Jones announced that in approximately one month Commissioners would be provided with a complete summation of the questionnaires, and stated that a presentation would be made at a later date on suggestions for improved involvement with County residents.

1. Presentation and Update on Public Information Projects to Enhance Communications for Citizens

Vince Long, Deputy County Administrator, asked Jon Brown, Public Information Officer and Pat Curtis, Management Information Services (MIS) Director, to update the Board on enhanced communication technologies to reach out to the citizens.

Ms. Curtis and Mr. Brown presented information on communication initiatives between Public Information and MIS. These projects include:

- An electronic subscription/distribution list service which provides a range of subscription services to keep residents updated on County information via e-mail and/or text message to a mobile device.
- Emergency Information Portal: Citizens can sign up to receive accurate and timely information on any emergency or informational messages sent from the County. This site can be access through the haveahurricane.com portal. Examples of information that could be access included: road closures, shelter information, evacuations, sandbag locations, resource links, health advisories, etc. He noted the importance of this tool as it can be accessed and updated very quickly in the event of an emergency situation.
- Mr. Brown advised that the emergency portal would be set up to overtake the County's web site in the event of an emergency situation.

Commissioner Akinyemi noted the volume of e-mails through LEONListens and suggested that this information be tracked. He recommended that the GovDelivery service be better publicized. Mr. Brown assured the Board that a public awareness campaign for the service would be conducted.

Chairman Desloge echoed Commissioner Akinyemi's comments and asked that the information be tracked and advertised effectively.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to approve Option 1: Accept the update regarding Public Information projects that enhance Leon County government communication for citizens. The motion carried 6-0 (Commissioner Proctor out of Chambers).

CONSENT

Commissioner Thael moved, duly seconded by Commissioner Dailey, to approve the following Consent Agenda with the exception of items 6, 8, 9, 21, 23, and 36, which were pulled for discussion. The motion carried 6-0 (Commissioner Proctor out of Chambers).

2. Approval of Minutes: May 12, 2009 Workshop Regarding On-site Sewage Disposal Systems; May 12, 2009 Regular Meeting; May 26, 2009 Workshop on the Citizen Charter Review Committee Policy Issues; May 26, 2009 Joint City/County

Workshop on Cycle 2009-2 Comprehensive Plan Amendments; and May 26, 2009 Regular Meeting

The Board approved Option 1: May 12, 2009 Workshop Regarding On-site Sewage Disposal Systems; May 12, 2009 Regular Meeting; May 26, 2009 Workshop on the Citizen Charter Review Committee Policy Issues; May 26, 2009 Joint City/County Workshop on Cycle 2009-2 Comprehensive Plan Amendments; and May 26, 2009 Regular Meeting

3. Approval of Resolutions Certifying the Special Assessment Rolls to the Tax Collector

The Board approved Option 1: Approve the Resolutions certifying the non-ad valorem assessment rolls for the Arvah Branch, Beech Ridge Trail, Centerville Trace, Cloudland Drive, Crown Ridge, Frontier Estates, Gateshead Circle, Journey's End, Miccosukee Meadows, Oakhill Farms, Pine Lakes, The Glen at Golden Eagle, Winfield Forest, and Yorktown Pond subdivisions to the Leon County Tax Collector.

4. Approval of Payment of Bills and Vouchers Submitted for July 14, 2009 and Pre-Approval of Payment of Bills and Vouchers for the Period of July 15 through August 24, 2009: \$806,899.00

The Board approved Option 1: Approve of Payment of Bills and Vouchers Submitted for July 14, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of July 15 through August 24, 2009: \$806,899.00

5. Approval of the FY 2009-Mid-Year Adjustments

The Board approved Options 1 & 2: 1) Approve the Mid-Year Salary and Operating Adjustments Resolution and Associated Budget Amendment Request, and 2) Approve the realignment of \$400,000 from the Sheriff's FY 2009 Law Enforcement operating budget to the capital outlay budget.

6. Approval of Funding Request in the Amount of \$1,000 for the 12th Annual Roast & Toast Scholarship Dinner in Honor of Tallahassee Mayor John Marks

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

Commissioner Dailey opined that it was not appropriate to use public funds for this request and that Commissioners should fund at a personal level.

Commissioner Dailey moved, duly seconded by Commissioner Thael, to approve Option 4: Do not approve the funding request for the 12th Annual Roast & Toast Scholarship Dinner. Tickets to the dinner would be purchased using Commissioner's personal funds. The motion carried 6-0 (Commissioner Proctor out of Chambers)

7. Approval of Funding Request for the Leon County Census 2010 complete Count committee in the amount of \$12,500

The Board approved Option 1: Approve the funding request for the Leon County Census 2010 Complete Count Committee in the amount of \$12,500, and approve the associated Budget Amendment Request.

8. Request to Reschedule the First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 2009/20 to Thursday, September 10, 2009

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

County Administrator stated that due to a scheduling conflict, the City has requested that the County reschedule the public hearing from Wednesday, September 9 to Thursday September 10, 2009. He advised that the County has first preference and can choose whatever date best suits the Board.

Commissioner Thaell stated that he has a conflict with September 10, 2009 date and he would be unable to attend the public hearing. He suggested that the original date be maintained and request the City to reschedule.

Commissioner Thaell moved, duly seconded by Commissioner Akinyemi, to approve Option 2: Do not reschedule the first public hearing regarding tentative millage rates and tentative budgets for FY 2009/2010 to Thursday, September 10, 2009 at 6:00 p.m. The motion carried 7-0.

9. Request to Schedule the First and Only Tax Equity and Financial Responsibility Act (TEFRA) Hearing for the Issuance of \$3.3 million in Conduit Financing for Goodwill Industries-Big Bend, Inc. on Tuesday, August 25, 2009 at 6:00 p.m.

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

Commissioner Thaell stated that he pulled the item to recommend that the County waive the application fee for Goodwill Industries (Option 3).

Speakers:

- Davie Ringelstein, 2801 Hwy 280 S., Birmingham, Alabama, stated that he was a bond lawyer appearing on behalf of Regions Bank, which is making the tax exempt loan to Goodwill Industries. He requested the Board's consideration to schedule the TEFRA hearing for August 25, 2009 and to waive the applicant fee. He offered that Goodwill Industries was a non-profit organization performing a good service within the County. He clarified that all out of pocket expenses incurred by the County would be paid; only the application fee was being requested to be waived.
- Fred Shelfer, 10939 Luna Point Drive, remarked that it was Goodwill's intent to build a new store in Bradfordville; which is part of their effort to improve their presence in Leon County and further their mission of helping individuals with disabilities and disadvantages in the job market obtain employment. He pointed out that Goodwill has already doubled the number of intakes performed this year and offered that their ability to meet the needs of the community is being strained. He requested the Board's consideration to waive the \$20,000 in fees.

Commissioner Thaell commented that the rewards for the Board's support of the request outweigh the small application fee. In light of its commitment to assist people with employment challenges obtain and retain employment is a direct benefit to the citizens of Leon County.

Commissioner Thaele moved, duly seconded by Commissioner Dailey, to approve Options 1 & 3: 1) Authorize staff to schedule the first and only Tax Equity and Financial Responsibility Act (TEFRA) hearing on Tuesday, August 25, 2009 for the purpose of issuing \$3.3 million in tax-exempt bonds for Goodwill industries-Big Bend, Inc., and 3) Waive Sections 7.b.i and ii of the County's Conduit Policy that requires Goodwill Industries-Big Bend, Inc. to pay a \$15,000 application fee and \$5,000 issuance fee related to its conduit financing.

Commissioner Dailey established with County Administrator Alam that the impact to waiving the fee was \$20,000 less in General Revenue dollars and Mr. Alam also advised that TEFRA hearings are only done for non-profit organizations. Commissioner Dailey stated that he was aware that this was an unprecedented move; however, further review reveals that Goodwill does a fascinating job of taking locations within the community that would otherwise be blighted areas and turn them into Goodwill facilities. He stated that would decide these types of requests on a case by case basis and would support the motion.

Commissioner Rackleff inquired whether application fees were applied to past applicants. County Attorney Thiele responded that Apalachee Mental Health, the most recent applicant, was assessed the fee.

Commissioner Sauls commented that Goodwill was a wonderful organization that does good things for the community; however, she was unsure how the Board could waive the fees for one non-profit and not all. She noted that TEFRA hearings only apply to nonprofit organizations and opined that this would set a precedent that she was unsure she wanted to establish. She stated that she could not support the request at this time.

Commissioner Akinyemi disclosed that he was a member of the Goodwill Industries Board of Directors. He provided that County Attorney Thiele had determined that, since his Goodwill Board position was voluntary, there was no conflict of interest and he could participate in discussions and vote on the request. He advised that he would support the motion.

Commissioner Proctor discussed with Mr. Shelfer the budgetary situation at Goodwill Industries and established that Goodwill Industries had an annual budget of \$16 million. Commissioner Proctor stated that he was unclear of the hardship to Goodwill in paying the application fee. He opined that the \$20,000 was the cost of doing business and echoed Commissioner Sauls' concerns of waiving the fee and establishing a precedent for future requests.

Commissioner Thaele called the question.

Chairman Desloge stated that the fees were a way for the County to off-set some expenses incurred by the County and added that it was unfair to charge one non profit and not another. He will not support the motion.

The motion failed 3-4 (Commissioners Proctor, Desloge, Rackleff and Sauls in opposition).

Commissioner Thaele moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Authorize staff to schedule the first and only Tax Equity and Financial Responsibility Act (TEFRA) hearing on Tuesday, August 25, 2009 for the purpose of issuing \$3.3 million in tax-exempt bonds for Goodwill Industries-big Bend, Inc., and 2) Do not waive Sections 7.b.i and ii of the County's Conduit Financing Policy that requires Goodwill Industries - Big Bend, Inc. to pay a \$15,000 application fee and \$5,000 issuance fee related to its conduit financing. The motion carried 7-0.

10. Authorization to Allow all Qualified firms that Submitted Proposals in Response to the Request for Qualifications for Insurance Broker Services to Proceed to the Second Phase of the Selection Process and Authorization to Disregard Minor Bid Irregularities

The Board approved Option 1: Authorize staff to allow all qualified firms that submitted proposals in response to the Request for Qualifications for Insurance Broker Services to proceed with the second phase of the selection process; and direct staff to disregard minor bid irregularities.

11. Request to Schedule a Public Hearing Regarding the Proposed Purchase of the Huntington Oaks Plaza Property

The Board approved Option 1: Authorize staff to schedule a Public Hearing on the County's proposed purchase of the Huntington Oaks Property.

12. Approval of the Amended Declaration of Restrictive Covenants and Limited Partition Associated with the Public Safety Complex

The Board approved Options 1 & 2: 1) Approve the amended Declaration of Restrictive Covenants and Limited Partition Associated with the Public Safety Complex, and authorize the Chairman to execute, and 2) Authorize the County Administrator to execute all documents necessary to effectuate a Limited Partition that divides the 8.10 (+/-) - acre Public Safety Complex Site from the larger County-owned parcel, contingent upon the City of Tallahassee's purchase of an undivided one-half interest in the Public Safety Complex Site.

13. Ratification of Board Actions Taken at the June 3, 2009 Tourist Development Workshop and Strategic Planning Retreat

The Board approved Option 1: Ratify actions taken at the June 3, 2009 Tourist Development Workshop and Strategic Planning Retreat.

14. Request to Schedule a Workshop on the Leon County Tourism Strategic Plan for Tuesday, September 8, 2009 from 1:00 p.m. to 3:00 p.m.

The Board approved Options 1: Schedule a Workshop for Tuesday, September 8, 2009 from 1:00 p.m. to 3:00 p.m.

15. Acceptance of Four 2008/2009 Florida Department of Health, Bureau of Emergency Medical Services Matching Grants in the Amount of \$213,186

The Board approved Options 1 & 2: 1) Accept the four 2008/2009 Florida Department of Health, Bureau of Emergency Medical Services Matching Grants in the amount of \$213,186, and 2) Approve the Resolution and associated Budget Amendment Request.

16. Acceptance of Three Conservation Easements from Marshall Gibbs and John Michael Shannon

The Board approved Option 1: Approve and accept for recording the three conservation easements from Marshall Gibbs and John Michael Shannon for the Talquin Meadows Type B Site Plan project.

17. Approval of a Purchase and Sales Agreement with Daniel Schwartz for Property Located Within the Fred George Basin Greenway Project

The Board approved Option 1: Approve the Purchase and Sales Agreement for the two parcels of land owned by Daniel Schwartz for property located within the Fred George Basin Greenway Project.

18. Authorization to Submit an Application to the United States Department of Agriculture for a Rural Housing Preservation Grant

The Board approved Option 1: Authorize staff to submit an application to the U.S. Department of Agriculture for the Rural Housing Preservation Grant.

19. Approval of a Resolution Amending the State Housing Initiatives Partnership Location Housing Assistance Plan

The Board approved Option 1: Approve the Resolution Amending the State Housing Initiatives Partnership Local Housing Assistance Plan

20. Approval of Agreements with Brehon Institute for Family Services, Inc. and the Florida Baptist Children's Homes for the Choose Life License Plate Program for FY 08/09

The Board approved Options 1 & 2: 1) Approve the Agreement with Brehon Institute for Family Services Inc. for the allocation of \$5,428 from the Choose Life License Plate Program for the remainder of FY08/09, and 2) Approve the Agreement with Florida Baptist Children's Homes, as the lead agency for a coalition with A Women's Pregnancy Center and the Pregnancy Help and Information Center, for the proportionate allocation of \$16,284 from the Choose Life License Plate Program for the remainder of FY 08/09.

21. Approval of Modifications to the Direct Emergency Assistance Program Guidelines

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

County Administrator Alam explained that the item requests modifications to the Direct Emergency Assistance Program guidelines to align the program with 2009 standards.

Commissioner Thaell mentioned that in order to benefit from the program, a family must be renting at or under \$300 a month and opined that this is not possible in today's market. He stated that the Board's review and revision of the policy based on current and accurate rental rates was needed.

Vince Long, Deputy County Administrator, clarified that the agenda item addresses the deficiencies in the current policy and will allow more residents to utilize the program.

Commissioner Thaell moved, duly seconded by Commissioner Dailey, to approve Option 1: Approve the proposed modifications made to the Direct Emergency Assistance Program Guidelines. The motion carried 7-0

22. Approval to Allocate Funds for Fiscal Year 2008/09 in the Amount of \$154,492 to the Leon County School Board Pursuant to the Leon County Expanded Drivers' Education Program

The Board approved Options 1 & 2: 1) Approve the allocation of Fiscal Year 2008/09 Leon County Expanded Driver Education Program funds in the amount of \$154,492 to the Leon County School Board, and 2) Authorize the County Administrator to draft and execute an Agreement with the Leon County School Board for services pursuant to the Leon County Expanded Drivers' Education Program.

23. Approval of Resolution to Notify the State of Florida of the County's Intent to Lease Surplus State Properties

County Administrator Alam shared that the State of Florida has notified the County of surplus properties to be bought or leased. He explained that approval of the Resolution would signify the County's intent to lease the properties. Mr. Alam pointed out that the State has informed the City, FSU and the School Board of the available properties and they have already submitted their resolutions of intent. He explained that at the end of the process, all of the local governments would convene to determine the best use of the surplus properties.

Speaker:

- Manny Joanos, 2427 Owls Head Rd., representing the School District and Superintendent Jackie Pons expressed the School District's desire to acquire the Bloxham Property and hoped that there would not be a conflict with the County. He requested that the County remove the Bloxham Building from the resolution language. He noted that the Resolution being considered by the School Board at its meeting tonight, had been provided to the Chairman.

Commissioner Dailey went on the record in support of the School District's acquisition of the Bloxham Building.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1, as amended: Approve the Resolution notifying the State of Florida of the County's intent to lease surplus state properties and per the request from the School District, strike the Bloxham Building from the language in the Resolution.

Commissioner Akinyemi asserted that the County should clearly indicate that it is not in competition for control of the Bloxham Building and that the proposed use of the site by the School District would be a key magnet school.

Commissioner Proctor asked the maker of the motion (Commissioner Dailey) to include in the motion the County's support for the School Board's acquisition of the Bloxham Property. The amendment was accepted by Commissioner Dailey.

Commissioner Rackleff established with the County Administrator that this action was a way to ensure that the property did not end up in the hands of "a profit making entity"; and did not mean that the County would buy or was in competition with the School District for the property. Commissioner Rackleff wanted to underscore his commitment, and looks forward to the School Board establishing the site as a magnet school.

Commissioner Thael asserted his desire to ensure that the school system has access to the building.

Chairman Desloge reaffirmed that the County's intent was to secure the building so that it did not become available to the private sector.

County Administrator Alam recommended that the property be left in the Resolution, but that there be a clear commitment that it be turned over to the School Board.

Commissioner Sauls made a substitute motion to leave the Bloxham property in the language of the Resolution; however state clearly that it would be turned over to the School Board. The substitute motion was seconded by Commissioner Rackleff.

There was agreement among the Commissioner's of the Board's desire to ensure that the Bloxham Building ended up with the School District. There continued to be discussion on the most appropriate method to accomplish this goal.

Commissioner Sauls, based on comments by Mr. Joanos that the School Board has requested that the Commission remove Bloxham from its list of properties to be leased, withdrew the substitute motion.

The motion on the floor: Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1, as amended: Approve the Resolution notifying the State of Florida of the County's intent to lease surplus state properties and remove the Bloxham Building from the Resolution language and add the County's support for the School Board's efforts to acquire the Bloxham Building. The motion carried 7-0.

24. Acceptance of the Public Safety Coordinating Council's Recommendation to Issue a Request for Proposals in the Amount of \$100,000 for the Diversion Through Vocational Training Program

The Board approved Option 1: Accept the Public Safety Coordinating Council's recommendation and authorize the County Administrator to issue a Request for Proposals for no more than \$100,000 for the "Diversion Through Vocational Training Program".

25. Ratification of the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues

The Board approved Options 1 & 2: 1) Ratify the Board actions taken at the May 26, 2009 Workshop on Citizen Charter Review Committee Policy Issues, and 2) Authorize the Chairman to appoint the college student representative to the Leon County Charter Review Committee.

26. Approval to Award Bid to Childers Construction Company in the Amount of \$1,976,932 for Design-Build Services for Repairs of the Traffic Court Building

The Board approved Option 1: Approve the award of the design-build project for repairs of the Traffic Court building to Childers Construction Company for \$1,976,932, and authorize the County Administrator to execute the contract in a form approved by the County Attorney.

27. Approval of Awarding Bid to Sperry & Associates for Design-Build Services of the Household Hazardous Waste Facility

The Board approved Option 1: Approve the bid award to Sperry & Associates for design-build services for the Household Hazardous Waste facility, and authorize the County Administrator to execute the contract in a form approved by the County Attorney.

28. Acceptance of an Assignment of Drainage Easement Interests and Right-of-Way Deed from Linene Woods Home Owners Association, Inc.

The Board approved Option 1: Accept the assignment of Drainage Easement Interests and Right-of-Way Deed from Linene Woods Home Owners Association, Inc.

29. Request to Schedule a Public Hearing for the Abandonment of Gem Terrace Road for Tuesday, August 25, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule the public hearing for the abandonment of Gem Terrace Road for Tuesday, August 25, 2009 at 6:00 p.m.

30. Request to Schedule a Public Hearing for the Abandonment of Nicholwood Road for Tuesday, August 25, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule the public hearing for the abandonment of Nicholwood Road for Tuesday, August 25, 2009 at 6:00 p.m.

31. Request to Schedule a Public Hearing for the Abandonment of a Portion of Old St. Augustine Road Between W.W. Kelley and U.S. Highway 27 South for Tuesday, August 25, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule the public hearing for the abandonment of a portion of Old St. Augustine Road between W.W. Kelley and the U.S. Highway 27 South for Tuesday, August 25, 2009 at 6:00 p.m.

32. Acceptance of New Performance Agreement, Maintenance Agreement, and Surety Devices for Rivers Landing Phase I Subdivision

The Board approved Option 1: Accept the new Performance Agreement, Maintenance Agreement, and Surety Devices for Rivers Landing Phase I Subdivision.

33. Adoption of a Resolution Supporting the Conveyance of an Easement across Miccosukee Greenway from the State of Florida to the City of Tallahassee

The Board approved Option 1: Adopt the Resolution supporting the conveyance of an easement across the Miccosukee Greenway from the State of Florida to the City of Tallahassee.

34. Approval of Agreement Awarding Bid for Two Intersection Improvements Along Meridian Road

The Board approved Option 1: Approve an Agreement awarding the bid to Allen's Excavation Inc. for the Construction of Intersection Improvements along Meridian Road at Bannerman and Ox Bottom Roads for a total amount of \$692,945, and authorize the County Administrator to execute Agreement.

35. Ratification of Detailed Work Plan Budget for Florida Department of Agriculture and Consumer Services Arthropod/Mosquito Control State Aid

The Board approved Option 1: Ratify the Detailed Work Plan Budget for Florida Department of Agriculture and Consumer Services Arthropod/Mosquito Control State Aid

36. Approval to Dissolve the Bradfordville Historic School House Focus Group

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

Chairman Desloge noted that there have been recent efforts to ensure that the committee structure is effective, efficient, serves the community and is a wise use of citizen and staff time. He voiced that the Bradfordville Historic School House Focus Group has served its purpose very well and he recommended that the Group not be dissolved, but that their meeting schedule be revised to one to two meetings per year. He stated that he would Chair the meetings and work with the Group.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, to not dissolve the Bradfordville Historic School House Focus Group, but to revise their meeting schedule be revised to one to two meetings per year with Commissioner Desloge Chairing the meetings. The motion carried 7-0.

Commissioner Akinyemi stated that he was scheduled to make his appointment and inquired how this would affect this action. Chairman Desloge recommended that Commissioner Akinyemi hold off on the appointment until a later date.

37. Approval of a Revised Joint Use Agreement Between Leon County and the School Board of Leon County

The Board approved Option 1: Approve the Joint Use Agreement between Leon County and the School Board of Leon County, and authorize the County Administrator to execute

38. Approval of an Interlocal Agreement Between the City of Tallahassee and Leon County Regarding the Small Quantity Generator Notification and Verification Program

The Board approved Option 1: Approve the Interlocal Agreement between the City of Tallahassee and Leon County regarding the Small Quantity Generator Notification and Verification Program, and authorize the County Administrator to execute

39. Adoption of Resolution for Acquisition of Property by Eminent Domain for Buck Lake Road Widening Project from Davis Drive to Pedrick Road

The Board approved Option 1: Adopt the Resolution for Acquisition of Property by Eminent Domain for Buck Lake Road Widening Project from Davis Drive to Pedrick Road

40. Request to Schedule a Public Hearing Regarding a Proposed Ordinance Amending Section 10-2.341 of the Land Development Code of Leon County to Add an Alternate Member to the Board of Adjustment and Appeals for Tuesday, August 25, 2009 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding a proposed Ordinance Amending Section 10-2.341 of the Land Development Code of Leon County by adding an Alternate Member for the Board of Adjustment and Appeals for August 25, 2009 at 6:00 p.m.

41. Approval of Travel Expenses for Commissioner Rackleff to Attend the Institute of Transportation Engineers Annual Meeting in San Antonio, Texas, August 10-12, 2009

The Board approved Option 1: Approve travel expenses for Commissioner Rackleff to attend the Institute of Transportation Engineers Annual Meeting in San Antonio, Texas, August 10-12, 2009.

42. Acceptance of Staff Report on Determination of Cemeteries in the Lake Protection Zoning District as a Permitted Use

The Board approved Option 1: Accept staff report on determination of cemeteries as a permitted use in the Lake Protection Zoning District.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

- Keith Roberts, 4217 Ben Blvd., President of the Tallahassee Area Chapter of the National Institute of Governmental Purchasing (NIGP), invited Commissioners to attend the 17th Annual Purchasing Conference, Trade Show and Reverse Trade Show on August 11 and 12, 2009. He noted that on August 12, from 10:00 a.m. to noon international author and procurement specialist Michael Asner, who will conduct a half-day workshop on ethics and public procurement.

Commissioner Akinyemi asked if the workshop included discussions on minority access and participation in the procurements process, and if not could be added to the agenda. Mr. Roberts responded that there were three tracks dealing with procurement: 1) ethics, 2) green procurement, and 3) updates by State agencies. He provided that the State Office of Supplier Diversity holds workshops on this issue and a number of procurement professionals attends these workshops.

GENERAL BUSINESS:

43. Consideration of Participation in a Regional Study of Management Alternatives for Nitrate Load Associated with Septic Tanks

County Administrator Alam explained that the item is a request for Phase I of an On-site Treatment Disposal Systems (OSTDS) Alternatives and Management Feasibility Study. The cost of the study is \$60,000, and would be shared equally (\$20,000 each) with the City of Tallahassee and Wakulla County.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Accept the update report on the April 28, 2009 Wakulla Springs Symposium from the 1000 Friends of Florida and 2) Participate in Phase I of the Regional Study of Management Alternatives for Nitrate Load Associated with Septic Tanks, and authorize staff to execute a budget amendment to realign \$20,000 from the General Fund contingency for this purpose.

Commissioner Sauls questioned moving forward with the study and asked why not wait until the State's study is completed.

Kim Dressel, Senior Assistant to the County Administrator responded that the State's study relates to the efficiency of performance based treatment systems and the proposed study deals with management of nitrate reductions. She noted that the studies deal with two different issues and would compliment each other.

The motion carried 7-0.

The Board recessed at 5:15 p.m. and will reconvene at 6:00 p.m. for the public hearings.

44. Acceptance of Status Report for the Timberlane Road Bicycle and Pedestrian Study

County Administrator Alam explained that staff was asked to provide a report on the Timberland Road Area Bicycle and Pedestrian Connectional Study. He advised that the total cost was approximately \$6 million; to be split with the City \$4.1 million City and \$1.9 million County). He mentioned that the Plan was also included in Agenda Item #49, which is a proposal for the TIGER Grant. Mr. Alam noted that these projects would be included with the TIGER Grant; however, if the TIGER Grant is not funded the issue would be brought back to the Board with recommendations on how to do this.

Commissioner Thaell voiced support to extend the sidewalk to the Hawks Nest neighborhood.

Mr. Alam shared that this could be done with appropriate direction from the Board. Tony Park, Public Works Director, remarked that his office has estimated that cost of the sidewalk extension to be \$160,000. Commissioner Thaell confirmed with Mr. Park that funding would be available through the Community and Safety Mobility Account.

Commissioner Thaell moved, duly seconded by Commissioner Dailey, to approve Option 1, as amended: Accept the status report on the Timberlane Road Bicycle and Pedestrian Study and to proceed with extending the sidewalk to Woodley Road, which is West of the Hawks Nest Neighborhood entrance.

Commissioner Rackleff expressed support for the motion and pointed out that this was another example of not getting it right the first time. He stated that the County needs to get serious about dealing with the "backlog" of sidewalk projects.

Commissioner Akinyemi remarked that he wanted to ensure equity within the County in the location of sidewalks being built and added that the City was also addressing this issue.

Commissioner Proctor stated that he was very concerned about the public's safety on Timberlane Road; however, he will not support the motion as there is a greater need for a sidewalk along Palmer Avenue. He offered that it was "overboard" to spend over \$6 million during these economic times on a bike trail and sidewalks.

Chairman Desloge thanked staff for putting the plan together. He added that this is only a plan or idea and it may or may not come to pass. Chairman Desloge asserted the need for the project.

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

45. Authorization to Submit an Application for the Neighborhood Stabilization Program 2 Grant Under the American Recovery and Reinvestment Act, 2009

County Administrator Alam provided that the item seeks Board authorization to submit a Neighborhood Stabilization Program 2 (NSP2) Grant Request and that this was part of the stimulus program with a total of \$1.9 billion available nationwide. He remarked that the minimum award is \$5,000,000 and would be used to acquire, rehabilitate and re-market foreclosed and abandoned homes properties and vacant land. The submission deadline is July 17, 2009.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: Authorize staff to submit an application for the Neighborhood Stabilization Program 2 Grant under the American Recovery and Reinvestment Act, 2009

Commissioner Rackleff affirmed his support for the motion and emphasized that this was an opportunity to reaffirm the commitment to the Southern Strategy where there is a great need for affordable housing and to reverse the decline in population in that area.

The motion carried 7-0.

46. Approval of Organizational, Programmatic, and Transitional Issues for the Tourism Development Department Consistent with the Board's Ongoing 2009 Strategic Planning Process

County Administrator Alam commented that the item seeks Board approval of recommendations pertaining to Tourist Development and Economic Development including recommendations from the Tourist Development Council (TDC) on a proposed structure and budget for incorporating the direct marketing and visitor services functions of the Tallahassee Area Convention & Visitors Bureau within County Administration.

Commissioner Dailey mentioned that as the Board's representative on the TDC Board, he has been wholeheartedly impressed with the new TDC Director, Lee Daniel. He mentioned that he has been involved in the development of this and fully endorses the recommendations.

Commissioner Dailey moved, duly seconded by Commissioner Thael, to approve Options 1, 2, 3, 4, 5, 6, 7: 1) Approve the proposed staffing and FY2010 budget for Leon County Tourism Development Department; 2) Transfer economic development responsibilities to current Intergovernmental Affairs Coordinator, and approve reclassification of the position to Director of Legislative Affairs and Economic Development; 3) Approve the identification of the new marketing structure as "Visit Tallahassee" to external markets; 4) Approve the issuance of a Request for Proposals for tourism-related advertising, promotional, and public relations services; 5) Waive the Purchasing Policy requirements, and authorize staff to contract with The Bonn Marketing research Group, Inc. for the FY 2008 Fourth Quarter and Year-End reports in the amount of \$16,000; 6) Authorize staff to negotiate an agreement with The Bonn Marketing Research Group, Inc. for tourism research services, within the budgeted limits, commencing October 1, 2009, and authorize the County Administrator to execute the agreement, and 7) Schedule the first and only public hearing on proposed changes to the Leon County Tourist Development Plan, Exhibit A of Ordinance 95-15 and amendments to Article III, Section 11-47 of the Leon County Code of Laws for Tuesday, August 25, 2009 at 6:00 p.m.

Commissioner Thael mentioned that he was particularly pleased to see that Mr. Daniel's whole focus is now going to be on tourism development and opined that the right person has been found to assist in economic development.

Commissioner Rackleff expressed concerns regarding the research firm selected (The Bonn Marketing Research Group, Inc.) and noted that he has been very disappointed in past performance, notably with the analytical level of the work. He articulated the need for a higher level of analysis of where we are and where we need to go and that clear research direction and expectancies needed to be expressed. Commissioner Rackleff commented on the need to figure out how to market the community and discover "niches" unique to the area.

Lee Daniel, Tourism Development Council Director, assured Commissioner Rackleff that he would work very closely with the Bonn Group and offered that he and the Evaluation Committee were impressed with the very creative ways presented by Bonn regarding marketing of the special niche market. Mr. Daniel stated that he would be reviewing closely the use of the Internet in marketing activities.

Commissioner Proctor proclaimed that research serves as a tool to further the expanse and reach of the Visitors Bureau and plays a vital role in providing a roadmap on how to advance future marketing efforts. He opined that the Bonn Research Group has been touted as Florida's best and he is confident that the Bonn Group can meet the County's requests and challenges. Commissioner Proctor reiterated his suggestion for some type of Memorandum of Understanding between Leon and Wakulla Counties whereby Leon County is able to market the "Wakulla County community as Tallahassee South Beach".

Mr. Daniel announced that the Strategic Plan would be presented in September and indicated that regionalism was included. He pointed out that a new coop group has been formed in the Panhandle, Crystal Vision 3000, that is looking at developing the entire region. Mr. Daniel stressed that Leon County definitely wants to be included in this venture.

Chairman Desloge noted that his previous concern was not with the research, but what was done with the research. He pointed out that the TDC Board included a representative from Wakulla County.

The motion carried 7-0.

47. Approval of Proposed Memorandum of Understanding (MOU) Regarding the Functional Consolidation of County and City Growth & Environmental Management/Building Inspection

County Administrator Alam mentioned that this had been shared with the City Manager prior to placing on the County's Agenda and no comments had been received. He added, if approved, a request would be made to place the issue on the City Commission Agenda for their consideration.

Commissioner Dailey moved, duly seconded by Commissioner Thael, to approve Option 1: Approve the proposed Memorandum of Understanding regarding the functional consolidation of County and City Growth & Environmental Management/Building Inspection.

Chairman Desloge announced that this issue is on the Mayor/Chair agenda for discussion at their meeting on July 15. He offered that this was a great fit and the potential to have one set of rules and guidelines would greatly benefit the community.

Commissioner Proctor concurred and noted his support for the consolidation of City/county MBE offices.

Speaker:

- Dale Fuller, Executive Director, Tallahassee Builders Association, voiced appreciation for the County's efforts in pursuing the functional consolidation of the two departments. She requested that if a task force or work group is established to study the issue, that a representative from the construction industry be included.

Chairman Desloge shared that Todd Sperry has expressed his endorsement of the consolidation effort.

The motion carried 7-0.

48. Acceptance of the Receipt of the Tentative FY 2009/2010 Budget, Ratification of the Revisions Subsequent to the June 9, 2009 Budget Workshop, and Establish the Maximum Millage Rate for TRIM

A copy of the proposed Fiscal Year 2009/2010 Annual Budget & Capital Improvement Program was distributed to the Board.

County Administrator Alam presented the budget and commented that:

- An additional \$750,000 is available by the increase in traffic violations and that these funds, in conjunction with expenditure reductions, be used to fund actions taken by the Board at its Budget Workshop rather than using the fund balance, and
- This was the last opportunity to consider a change in the millage and to collect the fire services fee through non ad valorem.

Alan Rosenzweig provided a brief overview of property tax reform and a recap of the millage rate.

Mr. Alam and Mr. Rosenzweig provided information on establishing the millage, effects of legislative mandates limiting the collection of property taxes and methods to alter the millage in upcoming years. There was considerable Board discussion on the topic of millage and the County's potential property tax revenue.

Commissioner Rackleff expressed concern over the effects of reduced property taxes, such as reduction of services and capital projects and a reduction in the workforce.

Commissioner Proctor indicated that he was very comfortable establishing a higher maximum millage rate for TRIM as he did not want to "hamstring" the County in future years. He stated that the Board, and future Boards, need to be empowered with the authority to act on the needs of the community.

Commissioner Proctor moved Options 1, 2, 3, & 6c: 1) Accept the Tentative FY 2009/2010 budget and ratify the changes made subsequent to the June 9, 2009 Budget Workshop; 2) Schedule the first and only public hearing to change the surcharge on non-criminal traffic infractions from \$15 to \$30 for August 25, 2009; 3) Establish the Emergency Medical

Services (EMS) millage rate at 0.5 mills for TRIM, and 6c) establish the maximum millage rate for TRIM at 8.7112 mills. The motion failed for lack of a second.

Commissioner Rackleff offered that this was the Board's last chance to add a decent base of property tax revenues. He stated that he was hesitant to lock the Board into a 7.85 millage as this would result in a "slow motion descent into under funded, low quality public services".

Commissioner Dailey asserted that he was very comfortable establishing the millage at 7.85 mills. He added that the Board has the ability, with a super majority vote, to adjust the millage rate in the future.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Options 1, 2, 3, & 6a: 1) Commissioner approved Options 1, 2, 3, & 6: 1) Accept the Tentative FY 2009/2010 budget and ratify the changes made subsequent to the June 9, 2009 Budget Workshop; 2) Schedule the first and only public hearing to change the surcharge on non-criminal traffic infractions from \$15 to \$30 for August 25, 2009; 3) Establish the Emergency Medical Services (EMS) millage rate at 0.5 mills for TRIM, and 6a) Establish the maximum millage rate for TRIM at 7.85 mills.

Commissioner Thaell offered that he could support an increase to 8.4998 mills if a creative way could be found to fund fire services out of millage. He opined that the fire services should be removed and provided for through the general operation of government.

Commissioner Akinyemi stated that he would support the motion on the floor and would work to find ways to increase building and property values and to encourage community development.

Chairman Desloge voiced support for the motion and opined that the past Board's have been prudent and fiscally conservative and that the County is in sound financial shape.

The motion carried 4-3 (Commissioners Thaell, Proctor, and Rackleff in opposition)

49. Acceptance of Staff Report on the Leon County Sidewalk Program Prioritization Process and Consideration of the TIGER Discretionary Grant Program

County Administrator Alam announced that the agenda item provides a report on the Leon County Sidewalk Program Prioritization Process and requests consideration of the Transportation Investment Generating Economic Recovery (TIGER) Grant Program. He stated that the agenda item includes a copy of the Bicycle and Pedestrian Master Plan (BPMP) that was approved by both the City and the County through the Capital Region Transportation Planning Agency (CRTPA) and that is the priority list that is being followed. He mentioned that the Plan may need to be placed on the CRTPA agenda for review. Mr. Alam stated that staff would work with the City on a joint application for TIGER Grant funding and announced that Tony Park and Harry Reed are available for any questions the Board may have.

Commissioner Dailey gave kudos to Commissioner Rackleff for bringing the issue of combining the sidewalk programs and pursuing TIGER Grant funding to the attention of the Board.

Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to approve Options 1 & 2: 1) Accept staff report on the Leon County Sidewalk Program Prioritization

process; and 2) Direct staff to work with the City of Tallahassee on a joint application of the TIGER Grant to be presented for Board consideration at its August 25, 2009 meeting.

Commissioner Proctor expressed disappointment in the sidewalk distribution, noting the exclusion of Palmer Avenue and stated that he cannot support the motion.

Chairman Desloge indicated that the issue of sidewalks for Palmer Avenue has been discussed at the Mayor/Chair meetings and learned that the City has the funding and is willing to put them in, however right of way cannot be obtained.

Commissioner Rackleff expressed optimism that partnering with the City on TIGER grant funding for sidewalk projects gives a better opportunity to be awarded the funds. He agreed that the installation of sidewalks at Palmer Avenue was important.

Commissioner Sauls inquired about the sidewalk from Ft. Braden School to the library. Harry Reed, CRTPA indicated that monies saved from the Mahan Drive project can be used for sidewalks and this issue will be brought back to the Board in September.

Commissioner Akinyemi referenced the Bicycle and Pedestrian Master Plan which was included in the Board's packet and confirmed with Mr. Park that there were approved projects with community funding. He suggested that the Board consider a five year cycle of review for pedestrian and bicycle projects. *Commissioner Akinyemi offered as a friendly amendment, that the motion include Option 3, Direct staff to schedule a workshop to revise criteria and develop new processes for sidewalk construction prioritization. Commissioner Rackleff, as the maker of motion, accepted the friendly amendment and offered that this action may alleviate some of Commissioner Proctor's concerns.*

There continued to be dialogue regarding sidewalk needs and projects both within the city and county.

Chairman Desloge suggested that a representative from the City be present at the Workshop.

Fellow Board members were complimentary of Commissioner Rackleff for his work on this issue and in bringing it to their attention.

The motion as amended carried 7-0.

50. Consideration of Establishing a Leon County Human Relations Advisory Committee

County Attorney Thiele reported that the proposed Resolution establishes a Leon County Human Relations Advisory Committee (HRAC) and would serve as an advisory board to the Commission. He advised that the Resolution was done in accordance with a request from Commissioner Dailey.

Speakers:

- Jeff Peters, 3539 Apalachee Parkway, local attorney working on this issue expressed support for the establishment of the Committee and opined that it was important to have input from a number of individuals, including the LGBT community. He stated that the Committee would be an important step in giving a voice to a significant number of residents of the County who contribute in a number of ways. He urged support of the proposed Resolution.

- Ronald Bunting, 1511 Old St. Augustine Rd., recalled that past Commission's have recognized the need for this type of support. Shared that he served this Country as a Navy diver and asserted that he should not be ignored, sidelined or to not have representation. He advocated support for the Resolution and opined that this section of the community needed more of a voice in housing, employment, etc.

Commissioner Dailey thanked citizens for their response to the proposed Committee and noted that a lot of support had been received for its creation. He established his support for the Committee as he strongly believes in the public's participation in the process. He stated that the HRAC would debate and discuss human relations issues important to the community, such as race relations, underage drinking and alcohol related problems on campuses, and neighborhood and gang related issues to name a few and would advise the Board on these issues.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Adopt the Enabling Resolution and authorize the County Administrator to proceed in accordance with BCC policy 03-15 regarding Board-Appointed Advisory Committees.

Commissioner Thael commended Commissioner Dailey for his insight in recognizing that local government does have an important to address the quality of life issues of the community. He concurred that there are multiple issues for this Committee to address and that it was important that citizens feel that they own the government. He noted that he too had received numerous e-mails on this issue and that significant input had been received from the LGBT community. Commissioner Thael suggested that the Board consider review of the housing amendment that was passed years ago and opined that fair housing was an issue to possibly be addressed by the Committee. He noted that the Knight Foundation's Soul of the Community Study would be a useful tool. He stated that it was important to know the City's position as their input was necessary. Commissioner Thael stressed the need to build an inclusive community and stated that he was interested in how other cities or counties that have adopted non-discrimination ordinances/laws address citizen life styles.

Commissioner Rackleff indicated that he would support the motion. He emphasized his intention to bring back to the Board some very concrete steps that can be taken to amend the Fair Housing Code and to provide protection against employment discrimination against members of the LGBT community. He stated that this was a very immediate need and he was especially concerned about employment discrimination. He noted receipt of numerous e-mails in support from the LBGGA.

Commissioner Akinyemi articulated that inclusiveness is one of the most important responsibilities as a community leader and the Resolution provides an avenue for individuals to address their human and civil rights and have them heard in a very dignified way. He stated his intent to vote for the motion.

Commissioner Proctor inquired of the responsibility of the Committee and its role as an "advisory" committee to the Board. Mr. Thiele responded that the Committee would be advisory in nature but would determine which issues to bring to the attention of the Board; however, they have no binding affect on the Board or the County. Commissioner Proctor remarked that there is no formula or routine established by which appointed committees report to the Board and offered that the committees should be encouraged to appear/report to the Board as their input is valued. He also noted that there needed to be more functionality in the use of individuals who volunteer to serve.

Commissioner Sauls confirmed that the Committee was not handled or established any differently from other County committees.

Commissioner Proctor asserted that the "tent" of the Committee be expanded and stipulated that he would not support the establishment of a gay coalition and that the term human relations should embrace those traditional terms, i.e., civil, age, race and women's rights and should not be gender specific.

Chairman Desloge asked the maker of the motion to consider the inclusion of some type of "sunset provision" if it is determined that the Committee had outlived their original intent. Chairman Desloge offered that he did not want to lose focus of the original intent of the formation of the Committee.

Commissioner Dailey suggested that an agenda item regarding putting in a sunset provision for all committees to put forward; however did not want to include it at this time.

The motion to approve Option 1 carried 7-0.

Commissioner Rackleff moved, duly seconded by Commissioner Proctor to extend the Board meeting by 15 minutes.

51. Expirations, Vacancies, and Appointments to the Code Enforcement Board and Planning Commission

The following appointments were made by the Board:

Code Enforcement Board

- Commissioner Dailey reappointed Curtis Whigham
- Commissioner Desloge reappointed Betsy Williams
- Commissioner Proctor continued his appointment
- Commissioner Rackleff reappointed Debo Powers

Planning Commission

- *Commissioner Rackleff moved approval of Darryl Jones, seconded by Commissioner Proctor. The motion carried 7-0.*

Chairman Desloge pointed out that large group of applications was received for citizen committees and he expressed appreciation for the response.

This concluded the General Business Agenda and the Board now received input from Citizens to be Heard.

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

SCHEDULED PUBLIC HEARING, 6:00 P.M.

52. Second and Final Public Hearing to Adopt an Ordinance Amending Chapter 10 of the Land Development Code to Correct Scrivener's Errors and Inadvertent Discrepancies

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

County Attorney Thiele announced the Public Hearing.

Commissioner Thael moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the second and final hearing to consider an ordinance amending Chapter 10 of the Land Development Code, to correct scrivener's errors and inadvertent discrepancies and adopt said ordinance. The motion carried 6-0 (Commissioner Proctor out of Chambers).

53. Conduct the Second and Final Public Hearing to Consider Amendments to the Flood Damages Waiver Ordinance

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

County Attorney Thiele announced the Public Hearing.

Mr. Thiele distributed a substitute page 3 of 5 of Attachment 1.

Commissioner Sauls moved, duly seconded by Chairman Desloge, to approve Option 1: Conduct the second and final public hearing and adopt the proposed ordinance amending the flood damages waiver ordinance. The motion carried 6-0 (Commissioner Proctor out of Chambers).

54. Second and final Public Hearing to Adopt a Proposed Ordinance to Amend Chapter 10 of the Leon County Code of Laws Relating to Revising Regulations Pertaining to Communication and Broadcasting Antenna and Antenna Support Structures

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

County Administrator Alam announced the public hearing.

Commissioner Thael moved, duly seconded by Commissioner Sauls to approve Option 1: Conduct the second and final Public Hearing and adopt a proposed Ordinance amending Chapter 10 of the Leon County Code of Laws related to revising regulations pertaining to communication and broadcasting antenna and antenna support structures. The motion carried 7-0.

55. Second and Final Public Hearing to Adopt an Ordinance Amending the Land Development Code to Amend Portions of the Environmental Management Act

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

County Administrator Alam announced the public hearing.

Speaker:

- George E. Lewis II, 203 N. Gadsden Street #6, noted that many of his previous comments had been incorporated into the Ordinance. He expressed concerns regarding several aspects of the Ordinance and provided comment on the following: 1) closed basin determinations (pg 10); 2) Good forestry/silviculture practices (pg 24); 3) pg. transfer of development rights (pgs. 68, 69, 70, 71), and 4) criteria for granting public sector infrastructure variances (pg 87).

Commissioner Thael established with Tony Biblo, Growth & Environmental Management Development Services, that the Planning Commission found the Ordinance consistent with the Comprehensive Plan. Mr. Biblo also noted for the record, that the proposal is not a transfer of density rights, doesn't increase the developable

level of intensity or density on any portion or parcel and it doesn't diminish the development potential on the other parcel.

There was further discussion on comments provided by Mr. Lewis.

Tony Kraynak, Environmental Services Director, noted a minor change to the ordinance, attachment 1, page 81 of 88, line 28. Mr. Kraynak stated that staff recommends adding the word "special development zone," to ensure that all of the trees are protected in the special development zones as they are today. **The section now reads: "(5) Any tree located within a special development zone, conservation or preservation area as described in section 10-4.202.** Mr. Kraynak offered that the changes made on page 5 inadvertently removed the tree protection afforded in that portion of the Ordinance. He added that the County Attorney's Office has deemed that change would be non substantive and as such would not affect the hearing process.

Commissioner Thaele moved, duly seconded by Commissioner Akinyemi, to approve Option 1 with staff's modification: Conduct the second and final Public Hearing and adopt the Ordinance amending portions of the Environmental Management Act.

The motion carried 7-0.

56. Second and Final Public Hearing to Adopt a Proposed Ordinance Amending the Land Development Code Regarding Exceptions to the Site and Development Plan Approval Process

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

County Administrator Alam announced the public hearing.

Commissioner Sauls moved, duly seconded by Commissioner Thaele, to approve Option 1: Conduct the second and final Public Hearing and adopt a proposed Ordinance amending the Land Development Code regarding exceptions to the site and development plan approval process. The motion carried 7-0.

57. First of Two Public Hearings to Consider a Proposed Ordinance Amending the Land Development Code to Revise Regulations for Temporary Off-site Construction Staging

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

County Administrator Alam announced the public hearing.

Commissioner Sauls moved, duly seconded by Chairman Desloge, to approve Option 1: Conduct the first of two public hearings on a proposed Ordinance amending the Land Development Code to revise regulations for temporary off-site construction staging areas, and schedule the second and final Public Hearing for Tuesday, August 25, 2009 at 6:00 p.m.

Commissioner Thaele established with staff that the ordinance requires that the site be returned to its pre-development condition.

The motion carried 7-0.

Commissioner Akinyemi commented on concerns regarding the absence of public input at public hearings. He opined that a better effort was needed to ensure that the public knows what is being proposed and its potential impact.

Chairman Desloge concurred and offered that the new GovDelivery service could be utilized to address this concern.

Commissioner Rackleff noted that the legal advertisements are baffling and are hard to understand and inquired if there was a way to provide more explanation on the subject of the hearing. County Attorney Thiele responded that current law requires land use advertisements be done as a display ad and agreed that they are difficult to understand. He offered that this was a legislative issue that could be addressed by the Florida Association of Counties (FAC). Mr. Thiele added that there was nothing to prevent another ad that included all ordinances up for hearing that had a "lay persons description" of its content.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi, to instruct the County Attorney to develop a policy that provides more explanation about advertisement of upcoming public hearings, to include costs and options.

Commissioner Sauls inquired about the fiscal impact.

Chairman Desloge offered to communicate with FAC in an attempt to revise legislative requirements for advertising of ordinances. Mr. Thiele suggested that the League of Cities be included.

Commissioner Proctor suggested that the County's web site be utilized to publicize public hearings. Mr. Thiele stated that he would work with the Public Information Office to incorporate a "notification of upcoming ordinances" link on the web site.

The motion carried 7-0.

58. First of Two Public Hearings to Consider an Ordinance Amending the Land Development Code to Modify Standards for Accessory Structures and Uses

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

County Administrator Alam announced the public hearing.

Commissioner Sauls moved, duly seconded by Chairman Desloge to approve Option 1: Conduct the first of two Public Hearings to consider a proposed Ordinance amending the Land Development Code to modify standards for accessory structures and uses in all zoning districts, and schedule the second and final public hearing to consider adoption of the Ordinance for Tuesday, August 25, 2009 at 6:00 p.m. The motion carried 7-0.

59. First and Only Public Hearing Regarding Compliance of the Site and Development Plan for Phase I of the Summerfield Development with the Conditions Set Forth in Ordinance No. 04-40.

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

County Administrator Alam announced the public hearing.

Mr. Alam explained that the item requests Board determination regarding compliance of the Site and Development Plan for Phase I of the Summerfield development with the conditions set forth by the Board in Ordinance 04-40.

Speakers:

- Michael Brezin, 1401 N. Randolph Circle, President, Lake Jackson Protection Alliance (LJPA) read a statement expressing concerns about the site plan as some consistencies have not been addressed. He stated that the attempted settlement offer to Arbor Properties was rejected. Mr. Brezen presented a settlement offer to the County, citing conditions that staff intend to enforce conditions before permitting, and wanted to get terms of the settlement memorialized in a legal agreement between the Plaintiffs, Petitioners and County. A copy of Mr. Brezin's statement and terms of the agreement are attached.

Commissioner Thael confirmed with County Attorney Thiele that the offer extended by Mr. Brezen was an agreement in writing to conditions of approval in the development order that would end the litigation and opined that this was a good deal. He asked Mr. Thiele of his concerns. Mr. Thiele stated that he has not discussed the settlement agreement and is concerned with the parts that deal with future phases as this is not the entirety of the Summerfield parcel. He stated that he would need to check with Growth Management staff on Phase II development.

- Pamela Hall, 5051 Quail Valley Road, commented that staff have done a superb job in protecting the habitat, water quality and balancing that with the development plan. She stated that future phases of development should adhere to the same standards and that Lake Jackson should be protected.
- Doug Hall, 215 S. Monroe, attorney representing Arbor Properties, stated that they have looked at each argument raised and do not see any legal deficiencies. All requirements of the site plan have been met and the developer has stepped up and tried to do more than the code required to address the concerns of opponents of the project. Mr. Hall noted that he has not reviewed the settlement agreement; however has no intent to accept the agreement. He opined that LJPA could not settle with only one of three parties in a lawsuit and it would not end the litigation. Mr. Hall commented that all conditions have been met and requested the Board's approval.
- Gary Yordon, 502 N. Adams, representing Arbor Properties, reiterated that all requirements have been met and requested that the Board approve staff's recommendation which finds the Phase I Development Plan in compliance.

Chairman Desloge announced the Closure of the Public Hearing.

Commissioner Rackleff dialogued with Mr. Thiele on the legalities of the proposed agreement and indicated his willingness to consider the settlement offer. Mr. Thiele advised that the settlement agreement would not be legally binding unless all parties were in agreement, including Arbor Properties. Commissioner Rackleff stated that he wanted to bring the issue to a conclusion that would protect Lake Jackson and would protect the integrity of the SDZ protections.

Commissioner Proctor stated that Arbor Properties has completed every requirement imposed by the County and opined that the development would stimulate the economy. He offered that the County has forced Arbor Properties to go through the Courts and has imposed standards that have reduced the project by 50%. He asserted that he would support staff's recommendation and urged the Board to move the project forward.

Commissioner Proctor moved, duly seconded by Chairman Desloge, to approve Option 1: Find the Summerfield Phase I Site and Development Plan compliant with the conditions set forth in Ordinance No. 04-40.

Commissioner Dailey restated each issue presented by the Lake Jackson Alliance and the two concerns by Secretary Pelham and asked staff to respond. After considerable dialogue, Commissioner Dailey summarized that staff has ensured that all issues and concerns have been addressed.

Commissioner Dailey offered that there were two issues: 1) legal and 2) approval of Phase 1. He remarked that he was prepared to move forward with approval of Phase I and wanted to "keep the door open" for settlement. He stated that he hoped that Arbor Properties would sit down at the table in an effort to come to a resolution.

Commissioner Dailey made a substitute motion to approve Option 1 and direct the County Attorney to endeavor to settle the totality of the pending litigation with all parties. The motion was seconded by Commissioner Sauls.

Commissioner Akinyemi mentioned that his review of the issue revealed that staff had done a thorough review of the situation and he was satisfied with their recommendation. He also noted the merits of the proposed settlement and voiced his desire for resolution. He stated that he would support the substitute motion.

Commissioner Thaelle asserted the need for the County to get out of the lawsuit and wondered what incentives the developer had for settlement if the Development Plan was approved. He asked if the motion could include as a condition of approval of the Site Plan, a reasonable timetable for the parties to reach a settlement.

Mr. Thiele pointed out that Commissioner Dailey's motion achieves those goals and that there were significant incentives to be achieved by all parties in resolution of the lawsuit. He voiced his belief that an agreement could be reached.

Commissioner Rackleff discussed the possibility of requiring the developer to put in sidewalks and *asked the maker of the motion to accept a friendly amendment to include this provision.* Mr. Biblo shared that sidewalks were required in Phase I and staff will continue to encourage the addition of sidewalk in future developments.

Commissioner Dailey responded that he did not want to put additional issues on the table, other than the conditions put forth by staff, and did not accept the friendly amendment.

There was considerable dialogue among Commissioners on this topic. There was agreement in the Board's desire to find a resolution to this long standing situation and the Board encouraged all parties to work together in an effort to resolve the issue. The Board expressed confidence in Mr. Thiele's ability to accomplish this goal.

The substitute motion to approve Option 1, as amended carried 7-0.

The Board took a short break at 8:10 p.m. and reconvened at 8:15 p.m.

60. Public Hearings to Impose special Improvement Liens and Adopt a Non-Ad Valorem Assessment Roll for the Pasadena Hills 2/3 Project and Adoption of a Resolution Certifying the Special Assessment Roll to the Tax Collector

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

County Administrator Alam announced the public hearing.

Commissioner Dailey moved, duly seconded by Chairman Desloge to approve Options 1, 2, & 3: 1) Conduct the public hearing and adopt a Resolution imposing Special Improvement Liens for the Pasadena Hills 2/3 Paving Project; 2) Conduct the public hearing and adopt a Resolution for the Non-Ad Valorem Assessment Roll for the Pasadena Hills 2/3 Paving Project, and 3) Adopt the Resolution Certifying the Non-Ad Valorem Assessment Roll for the Pasadena Hills 2/3 Paving Project to the Tax Collector. The motion carried 4-0 (Commissioners Rackleff, Akinyemi and Sauls out of Chambers).

61. First of Two Public Hearings to Consider Amending Section 10-6.109, Relating to Governmental Right-of-Way Takings, to Expand the Scope to Include Off-Site Signs

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

County Attorney Thiele announced the public hearing.

Mr. Thiele explained that when the board adopted the off-site sign regulations there was a concern raised about whether or not that would "lock in" a condemnation and require Blue Print or other governmental entities to have to acquire a non conforming billboard, rather than to allow that billboard to be relocated. He advised that this ordinance, while not amending the sign code, would address that concern and potentially save the condemnation cost of an off-site billboard.

Speakers:

- Loyd Childree, 1393 Manor House Dr., Vice President/General Manager Lamar Outdoor Advertising, stated that the adopted an Ordinance on June 9 had rendered approximately 90% of the billboards in Leon County non-conforming. He discussed the considerations given by the Board on how to "navigate through" the "unintended consequences" of the proposed Ordinance and inquired when the Board would address additional issues brought up such as tree trimming and the revisiting of the Bucklake Gateway. Mr. Childree voiced concern about the unintended consequences as a result of the proposed new change, specifically the change that would require the billboard to be relocated "on the remaining property".
- Rick Bateman, 401 E. Virginia, spoke on behalf of Lamar Outdoor Advertising, stated that the Board should address the "on the remaining property" aspect of the proposed ordinance and offered that the ordinance, while meeting the goals set by the Board, diminished the value of Lamar's property in Leon County.

Commissioner Thaele expressed concerned about the law of unintended circumstances and was unsure that the ordinance was ready to be adopted. His concerns included: 1) what standard is the billboard in question not conforming to; 2) what affect the ordinance would have on the location of the board; 3) would the amendment allow relocated boards to be placed even closer to residents or passing vehicles. Commissioner Thaele requested that these issues be resolved prior to the second public hearing.

Mr. Thiele explained that the Ordinance was intended to keep Blue Print from having to vet a complete compensation, including business damages for the taking of an off-site sign; however there are a number of issues that need to be resolved.

Commissioner Thaele established with Mr. Thiele that the Ordinance would result in Blue Print not having to expend as much money as they would without the Ordinance and would enable Blue Print to acquire the necessary right of way for the Capital Circle project.

Chairman Desloge confirmed that the Buck Lake extension and tree trimming issues are being worked on by staff and will be brought back to the Board.

Commissioner Thaele moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the first of two public hearings to consider adoption of an ordinance amending Section 10-6.109 relating to governmental right-of-way takings, and schedule the second public hearing for Tuesday, August 25, 2009 at 6:00 p.m. The motion carried 7-0.

The Board returned to the General Business Agenda, Item 44.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS:

Speaker:

- Sandra Frazier, 1230 Hemlock Dr., President of the Twin Lakes Homeowners Association. Informed the Commission of a severe public safety issue in Twin Lakes due to rotting culverts and distributed the structural study dated September 11, 2007 (a photo included), which noted the need for culvert replacement. She stated that she made the Commission aware of the situation in February and County Attorney Thiele was charged to assist in finding resolution. Ms. Frazier noted that although meetings had been scheduled between neighborhood residents and the land owner, no resolution has been made, as the land owner would not discuss the issue of repair. She advised that this continues to be a serious situation and requested that the Board make this a priority issue.

Commissioner Akinyemi asked for the County Attorney's advice on resolving the issue.

Mr. Thiele stated that he had spent over 50 hours trying to resolve the situation with the two parties. His concern for the County's position is that this is an absolutely private roadway and the County has no maintenance or repair obligation and secondly the culverts extend significantly onto property not owned by the HOA. He stated that he is very reluctant to suggest to the Board that a private property owner be forced to allow another private property owner to construct improvements on their land without their authorization. Mr. Thiele opined that this is a private property dispute and there are ways of resolving that do not involve the County. He added that he has met with both parties and attempted to broker a resolution with no success. He articulated that he would not recommend the County repair the culvert.

Commissioner Akinyemi reiterated his desire to help negotiate a compromise between the two parties.

Mr. Thiele commented if the project was redesigned to utilize the easement available to the HOA most of the repairs could be done however they have spent \$10,000 on a design that encroaches on private property. He added that both public works and growth management have reviewed the plans, but have not offered to resign the plans.

Ms. Frazier asserted that the HOA has not asked the County for any money all repairs have been funded through special assessment and attempts had been made to find alternate solutions to the problem with no success.

Commissioner Rackleff indicated that he had visited the site and this is a problem that needs to be solved. Is unclear why can't be redesigned to not use adjacent property.

Mr. Alam explained that the adjacent property owner (Mr. Barrett) has a vested interest in developing the 15 lots he owns in the subdivision and he cannot develop these until sewer is pulled and he wants the cost of the entire sewer to be shared by the neighborhood. The residents will not agree to this, he will not grant permission to utilize his property, thus the dispute. He offered that in terms of public safety, the construction easement has to be condemned. Mr. Thiele expressed concern over the County's ability to demonstrate the public purpose test.

Chairman Desloge asked about public safety guidelines to establish public access.

Commissioner Sauls asked if this was a civil matter between homeowners and property owner that could be remedied in court.

County Attorney Thiele advised that a motion was needed to extend the meeting.
Commissioner Rackleff moved, duly seconded by Commissioner Thaele to extend the Commission meeting until midnight.

Commissioner Akinyemi moved, duly seconded by Chairman Desloge, to develop a resolution that strongly encourages the adjacent property owner (Mr. Barrett) and homeowners to meet in a good faith effort to reach an agreement to include permitting the installation of sewer pipes within the neighborhood. If an agreement was not reached, the County would proceed with the condemnation.

Commissioner Thaele stated that he would not support the motion, and opined that the way to get action was to condemn the road.

Commissioner Thaele made a substitute motion, duly seconded by Commissioner Rackleff, to direct the County Attorney to proceed with a condemnation of the road.

Commissioner Sauls established that although the County would not incur a cost to repair the culvert the condemnation cost would be incurred by taxpayers. Mr. Thiele also confirmed that this has not been done during his tenure. Commissioner Sauls expressed concern about the pending precedent on approving this action since this is a private road and in light of similar situations all around the County.

Mr. Thiele explained that no action would take place on this issue until the Board's approves the appropriate resolution that would be prepared and presented at the Board's August 25 meeting.

Commissioner Akinyemi encouraged continued discussions between the parties while the County Attorney's Office initiates the process for condemnation. The Board endorsed this suggestion.

The motion carried 7-0.

- Marquita Smith, 2315 Jackson Bluff Rd., FAMU student and member of the LGBT community thanked Commissioner Dailey and the County Attorney for bringing the Human Relations Advisory Committee forward to the Board. She pointed out that she has not recommended Florida, particularly FAMU, to friends in other states as she feels they would be discriminated against. She feels that the advisory committee should focus on issues of the LGBT community, as she is provided no legal protections. She expressed that it was not fair to be treated as a second class citizen.

- Dr. Louise Ritchie, 1001 Lasswade Drive, thanked Commissioner Dailey for introducing the Human Relations Committee. She expressed support for citizens who don't have the coverage she has a black female senior citizen and noted the discrepancy in accessible housing or employment. Ms. Ritchie requested the Board focus on the needs of people who are being overlooked and asked that Board appoint members that will bring attention to gay rights and hold hearing on employment and housing discrimination involving gays. She offered her services on the committee.

COMMENTS/DISCUSSION ITEMS

County Attorney (Herb Thiele)

- Advised that there are plans, unless an objection is received by the Board, to participate in a lawsuit to challenge the basis by which tourist development dollars are received as there is some concern that the full amount off retail sales dollars are not being received. Outside counsel has been retained on a contingency fee so there is no cost for the action and Mr. Thiele believes that there is "a fair shot at prevailing" in part. No objection to this action was noted by the Board.

DISCUSSION ITEMS BY COMMISSIONERS

Commissioner Proctor

- *Commissioner Proctor moved, duly seconded by Chairman Desloge, to direct staff to bring back an agenda item to review the County's policy on the effects of high temperatures to employees who work outside, including heat exhaustion and hydration. The motion carried 6-0 (Commissioner Rackleff out of Chambers).*
- Thanked Cumulus Broadcasting, Comcast and The Moon for hosting "Tallahassee Remembers Michael Jackson" and requested a Resolution recognizing their efforts.
- Invited fellow Commissioners and the community to the "Community Athletic Kickoff" to be held on August 11, 2009 at the Fairground.
- Proclaimed that District 1 has the very best seafood establishment in the County (The Seinyard) and proposed a cook off in the Fall and welcomed other Commissioner's to bring the best from their districts to participate in the cook off.

Commissioner Thael

- Shared that he had visited Second Harvest Food Bank and learned more about their operation and their challenges in feeding the areas hungry. He noted three items the County could do to support their efforts: 1) provide continuous drop off barrel for non perishable items at branch libraries and community center locations; 2) look into storage availability at Tharpe Street to address immediate storage needs of Second Harvest, and 3) run public service announcements on the County's Web-site requesting donations for the organization. He noted that these efforts would be at no cost to the County.
 - *Commissioner Thael moved, duly seconded by Commissioner Rackleff to bring back an agenda item to address the issues noted by Commissioner Thael. The motion carried 7-0.*
 - Commissioner Sauls encouraged Commissioners and the public to visit the facility and see for themselves the wonderful work being done to provide for the needy in the community.
- Stated that the need for weatherization services (residents 200% below poverty level) outweigh stimulus monies available for the program. He added that the construction industry benefits from the program as it provides more jobs.

- He suggested the implementation of a revolving loan fund, to be repaid through the tax bills, for residents who desire to weatherize their homes and are 200% below the poverty level.
- *Commissioner Thaele moved, duly seconded by Commissioner Dailey, to bring back an agenda item to explore the feasibility of a revolving loan fund up to \$1 million dollars (amount to be determined at a later date) to assist qualified residents in the cost of weatherizing their homes. The motion carried 7-0.*

Commissioner Sauls

- *Commissioner Sauls moved, duly seconded by Commissioner Proctor, to direct staff to review information and explore the feasibility of the installation of benches in parks and greenways; the cost paid for by bench advertisers. The motion carried 7-0.*

Commissioner Akinyemi

- Shared that he was appointed as Co-Vice Chair of the President's Task Force on Homelessness at the recent Florida Association of Counties Conference and stated that he would revisit with the Board its support of the development of a 10-year Homelessness Plan.
- Emphasized the importance of community involvement and reminded Commissioners of the discussion at the Board Retreat on holding a meeting (Board meeting or Community Outreach meeting) in the community.
 - Commissioner Akinyemi requested the Board's commitment before the end of December to achieve this. He suggested that staff bring back possibilities and site ideas.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Proctor, to place on the September 22 Board meeting agenda a discussion on the scope of a Procurement Review Committee, to include not only MBE, but open access and promotion of contracting.*
 - Commissioner Proctor confirmed with County Administrator Alam that there was no Procurement Advisory Committee in place at this time.
 - *Commissioner Proctor requested that the motion include the possible establishment of a Procurement Advisory Committee. The amendment was accepted by the maker of the motion (Commissioner Akinyemi)*
 - *The motion as amended carried 7-0.*

Commissioner Dailey

- *Commissioner Dailey moved, duly seconded by Chairman Desloge, to approve his travel to attend the Florida Chamber of Commerce Leadership Florida Advisory Council meeting; not to exceed \$300 from his Commissioner account. The motion carried 7-0.*
- Requested a Resolution honoring the Chaires-Capitola Green Team, District 20 All Start Tournament Champions.
- Requested a Resolution honoring the Meridian Park Nationals 12 Year Olds, who are the State Champions, which includes pitcher John Scott Dailey (Commissioner Dailey's nephew).

Commissioner Rackleff

- Expressed thanks for all the good wishes and speedy recovery for his wife Ester.

Chairman Desloge

- Distributed information on the 2009 Florida Senior Games tentatively planned for late May of 2010. He added more information would be forthcoming on this topic.

Receipt and File:

- Capital Region Community Development District Proposed Budget Fiscal Year 2010

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 11:58 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

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