

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
October 13, 2009

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Desloge presiding. Present were Commissioners Akinyemi, Thael, Proctor, Rackleff, Dailey, and Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause

Invocation was provided Rev. Mark Byrd, Gentle Shepherd Metropolitan Community Church. Chairman Desloge led the Pledge of Allegiance.

Awards and Presentations:

- Commissioner Proctor presented a Resolution recognizing October 2009 as “Breast Cancer Awareness Month” and acknowledged the efforts by Neighborhood Health Services (NHS) to improve the accessibility of health care services and the quality of life within the community. Commissioner Proctor shared that NHS sponsored a breast cancer awareness program that included breast cancer information sessions, health screenings, and free mammograms
 - Patrick Wiggins, Executive Director and Joyce Willis, Director of Health Development, accepted the Resolution on behalf of Neighborhood Health Services and thanked the Board for its support.
- Chairman Desloge congratulated the Public Information Office (PIO) on its receipt of two national awards from the City-County Communications and Marketing Association for the 2008 Annual Report and for collaborative efforts with the City of Tallahassee for the “Fruit of the Loop” public outreach campaign, the Silver Circle and Savvy Award, respectively. He also noted a separate Award of Distinction in the Printed Tools of Public Relations for its 2008 Annual Report.
- Ron Garrison, StarMetro Director, provided information on StarMetro’s 2010 Decentralization Plan which included planned improvements to the bus system “2010 Innovation in Transit”. He offered that the proposed enhancements would:
 - reduce transit travel time;
 - increase bus service frequency;
 - reduce downtown transfers;
 - provide enhanced night and weekend service;
 - improve on time bus performance;
 - provide more “me” time;
 - save money (\$9 K year);
 - offer less traffic congestion;
 - enhance efficiency and connectivity for regional travel;
 - increase ridership, and
 - decrease the carbon footprint;

He added that the proposed launch date is late 2010/early 2011 and for more information or to get involved call 891-5283 or visit www.talgov.com/starmetro

Commissioner Akinyemi voiced a need for downtown shuttle/trolley and asked what the County could do to assist in these efforts. Mr. Garrison responded that he welcomed an opportunity to discuss ideas with the Commission.

Commissioner Thaelle inquired how bus shelters are addressed in the plan. Mr. Garrison stated that the goal is to double the number of shelters available; however at a cost of \$14,000 each the intent is to make best use of locations.

Commissioner Rackleff expressed his support for the use of transit service; however, cited the lack of pedestrian infrastructure as an impediment to bus ridership. He asked that the Capital Region Transportation Planning Agency (CRTPA) and City/County traffic engineers be engaged to help identify trouble spots and develop strategies for improvement.

Chairman Desloge and the Board acknowledged Commissioner Akinyemi's 50th birthday.

Chairman Desloge shared that the "Apalachee Regional Park Trail" located at 7550 Apalachee Parkway, held its Grand Opening on Saturday, October 10 with over 1,000 attendees. He recognized the efforts of Pat Plocek, Director of Parks & Recreation, Leigh Root, Dale Walker and other Public Works staff on their efforts to establish the new track and trail system. Chairman Desloge shared that the trail was designed and built with the County and running community working together.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Thaelle to approve the following Consent Agenda with the exception of items 3, 10, 11, 22, 25, and 27, which were pulled for discussion. Item 14 was removed from the Board's Agenda. The motion carried 7-0.

1. **Approval of Minutes: June 3, 2009 Joint City/County Transmittal Hearing on Cycle 2009-2 Comprehensive Plan Amendments; August 25, 2009 Regular Meeting; September 8, 2009 Tourist Development Council Strategic Plan Workshop; September 8, 2009 Regular Meeting; and September 9, 2009 Public Hearing on Tentative Millage and FY 2009/10 Budget**

The Board approved Option 1: Approve the minutes of the June 3, 2009 Joint City/County Transmittal Hearing on Cycle 2009-2 Comprehensive Plan Amendments; August 25, 2009 Regular Meeting; September 8, 2009 Tourist Development Council Strategic Plan Workshop; September 8, 2009 Regular Meeting; and September 9, 2009 Public Hearing on Tentative Millage and FY 2009/10 Budget.

2. **Approval of Payment of Bills and Vouchers Submitted for October 13, 2009 and Pre-Approval of Payment of Bills and Vouchers for the Period of October 14 through October 26, 2009**

The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for October 13, 2009 and Pre-Approval of Payment of Bills and Vouchers for the Period of October 14 through October 26, 2009

3. **Ratification of the Board Action Taken at the September 22, 2009 Leon County Educational Facilities Authority Workshop**

Commissioner Rackleff requested that the item be pulled for discussion.

Commissioner Rackleff noted bonds for Heritage Grove project are selling well below their core value; and, while the County is not financially liable for the debt, he expressed concern that the County's name was linked to the EFA.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Option 1: Ratify actions taken at the September 22, 2009 Leon County Educational Facilities Budget Workshop.

Chairman Desloge asked that the motion be amended to authorize him to send a letter to the EFA requesting a timeframe for receipt of answers to questions by Commissioners in a letter to EFA dated September 8, 2009.

Commissioner Rackleff accepted the amendment.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Option 1, as amended, Ratify actions taken at the September 22, 2009 Leon County Educational Facilities Budget Workshop, and authorize the Chairman to write a letter to the EFA requesting a timeframe for receipt of answers to questions submitted by Commissioners in a letter dated September 8, 2009.

Commissioner Rackleff disclosed that he, as an individual, had sent a public records request to the EFA requesting specific items concerning the SouthGate bonds.

The motion as amended carried 7-0.

4. Approval of the Interlocal Agreement with Sarasota County for GovMax Budget Development Software

The Board approved Option 1: Approve the Interlocal Agreement with Sarasota County for licensing, hosting, and support of the Govmax V5.0 budget development software, and authorize the County Administrator to execute.

5. Approval of a Funding Request by the City of Tallahassee for \$40,000 in matching Funds to support Extension of StarMetro Bus Service on Mahan Drive

The Board approved Option 1: Approve the funding request by the City of Tallahassee of \$40,000 in matching funds to support the extension of StarMetro bus service on Mahan Drive and approve the associated Budget Amendment Request.

6. Authorization to Carry Forward FY 2009 Appropriations

The Board approved Option 1: Authorize the carry forward of FY 2009 appropriations to the FY 2010 budget, and approve the associated resolution and budget amendment.

7. Adoption of Revised Policy No. 03-01, "Approval Authority for the Acquisition, Disposition and Leasing of Real Property" and Approval of FY 09/10 Budget for Huntington Oaks

The Board approved Options 1 & 2: 1) Adopt the Revised Policy No. 03-01, "Approval Authority for the Acquisition, Disposition and Leasing of Real Property", and 2) Approve the Resolution and associated Budget Amendment Request to establish the FY 09/10 Budget for the operation of the Huntington Oaks property.

8. Acceptance of Assignment of Agreement Between the Tallahassee Area Convention & Visitors Bureau and Creative Strategy Consulting LLC in the amount of \$2,000 per month.

The Board approved Option 1: Accept the Assignment of Agreement between the Tallahassee Area Convention & Visitors Bureau and Creative Strategy Consulting LLC in the amount of \$2,000 per month, and authorize the Chairman to execute.

9. Approval to Renew the Agreement Between Leon County and North Florida Community College Emergency Medical Services Technology Program

The Board approved Option 1: Approve the renewal of the Agreement between Leon County and North Florida Community College to provide internships for North Florida Community College Emergency Medical Services program.

10. Request to Schedule Two Public Hearings Regarding a Proposed Ordinance Amending Article III "On-site Sewage Disposal Systems" of Chapter 18 "Utilities" of the Code of Laws of Leon County for Tuesday, November 10 and December 8, 2009 at 6:00 p.m.

Commissioner Akinyemi asked that the item be pulled for further discussion.

Commissioner Akinyemi discussed with Alex Mahon, Environmental Health Director, the differences between the proposed ordinance and the one presented at the January public hearing.

Mr. Mahan summarized the three major changes: 1) additional definitions added; 2) implementation dates changed, and 3) exemptions to requirement.

Commissioner Akinyemi reminded fellow Commissioners of the public outpour at the January public hearing and indicated that he wanted, between now and the next scheduled public hearing, to dialogue or meet with residents in an effort to provide more information, facts and the importance of the proposed standards. Mr. Mahan announced that a meeting with the Tallahassee Builders Association has been scheduled.

Commissioner Sauls suggested that the November public hearing be cancelled. She noted that meetings with Woodville and southside residents were well attended and the residents expressed concern over the pending ordinance. Commissioner Sauls also remarked that a Septic Tank Committee has been formed and felt the Board should allow it time to do their work and report their findings to the Board.

Commissioner Sauls moved, duly seconded by Commissioner Proctor, to not schedule the two public hearings.

County Attorney Thiele advised that the Board could postpone the public hearings for a time; however the issue would have to be addressed as it is in the Comprehensive Plan. He suggested that the Board take action fairly soon.

Chairman Desloge indicated that he would support the postponement as long as a timeline to bring it back is established.

Commissioner Proctor reiterated Commissioner Saul's concerns and opined that the Committee should be allowed time vet the issue. He addressed the issue of inequity of targeting a specific population and forcing them to pay for these modifications. He inquired about federal grants that may be available. He opined that the Comprehensive Plan was laced with numerous dates that have not been met and there is precedent in not meeting Comp Plan requirements within a certain timeframe and asserted that he is willing to wait.

County Administrator Alam offered that this is a good example of why this level of specificity should not be included in the Comprehensive Plan and suggested that the requirement be removed. Mr. Thiele articulated that he was unsure of how successful the County would be at eliminating the requirement from the Comprehensive Plan and added that the County would be required to have a policy on protecting the Spring.

Commissioner Akinyemi stated that the goal is to come to a resolution and inquired about the possibility of spreading out the cost countywide.

Commissioner Akinyemi made two friendly amendments that were accepted by Commissioner Sauls. 1) Expand the scope of the Septic System Loan and Inspection Program Committee to include the review of the proposed Ordinance, and 2) schedule the public hearings for the end of the first quarter (March 2010).

Commissioner Rackleff commented that he will meet with representatives of Wakulla County and the City of Tallahassee to discuss the County's part of the agreement to clean up the water at Wakulla. He opined that there is a responsibility to clean up Wakulla Springs and offered that urban development and careless attitudes about septic tanks has contributed to the ruin of Wakulla Springs. He indicated that he was willing to assist in anyway possible affected homeowners, but the adoption of septic tank system standards is needed. Commissioner Rackleff requested that the Board receive a copy of the proposed Ordinance language.

Commissioner Sauls established that septic tanks from the Springs Protection Area contribute 8 to 9 percent of the pollutants to Wakulla Springs and stated that this was not a significant enough number to place this burden on the citizens of Woodville and the Southside.

The motion as amended carried 7-0.

11. Request to Schedule a Workshop to Consider Initiating Action in Preparation of Potential Adoption of the Hometown Democracy Constitutional Amendment for Tuesday, October 27, 2009 at 12:00 - 1:30 p.m.

Commissioner Rackleff requested that the item be pulled for further discussion. He expressed concern about the number of amendments offered to the Comprehensive Plan and stated that the Commission should be more responsible in actions relative to the Plan.

Commissioner Rackleff moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Schedule a Workshop to Consider Initiating Action in Preparation of Potential Adoption of the Hometown Democracy Constitutional Amendment for Tuesday, October 27, 2009 at 12:00 - 1:30 p.m.

Speaker: "

- Pam Hall, 5051 Quail Valley Rd., asserted that it was important the public be educated on the Comp Plan and proposed amendments and suggested that some type of educational campaign be offered.

The motion carried 7-0.

12. Adoption of a Proposed Policy "Use of Leon County Board of County Commissioners' Official Stationery"

The Board approved Option 1: Adopt the proposed new policy "Use of Leon County Board of County Commissioners' Official Stationery."

13. Approval to Renew Primary Healthcare Program Contracts for Fiscal Year 2009/10

The Board approved Option 1: Approve the renewal of the Primary Healthcare Program Contracts with Capital Medical Society Foundation and Neighborhood Health Services, and authorize the County Administrator to execute.

14. Approval of the Annual Contract Between Leon County and the State of Florida Department of Health for the Provision of Public and Mental Health Services in Leon County

This item was removed from the Agenda.

15. Approval of an Enterprise Licensing Agreement Between Environmental Systems Research Institute, Inc. and Leon County

The Board approved Option 1: Approve the Enterprise Licensing Agreement between Environmental System Research

16. Approval of Agreement Awarding Bid to Hale Contracting, Inc. for the Construction of Sidewalk Improvements Along Dempsey Mayo Road in the Amount of \$145,240.

The Board approved Option 1: Approve the Agreement awarding the bid to Hale Contracting, Inc. for the construction of sidewalk improvements along Dempsey Mayo Road in the amount of \$145,240, and authorize the County Administrator to execute.

17. Approval of Agreement Awarding Bid to Hale Contracting, Inc. for the Construction of Sidewalk Improvements Along Perkins Road in the Amount of \$19,780.

The Board approved Option 1: Approve the Agreement awarding bid to Hale Contracting, Inc. for the construction of sidewalk improvements along Perkins Road in the amount of \$19,780, and authorize the County Administrator to execute.

18. Approval of Agreement Awarding Bid to Hale contracting, Inc. for the Construction of Sidewalk Improvements Along Velda Dairy Road in the Amount of \$255,019.

The Board approved Option 1: Approve the Agreement awarding the bid to Hale Contracting, Inc. for the construction of sidewalk improvements along Velda Dairy Road in the amount of \$255,019, and authorize the County Administrator to execute.

19. Acceptance of new Performance Agreement for Sagebrook Mill Subdivision

The Board approved Option 1: Accept the New Performance Agreement for Sagebrook Mill Subdivision.

20. Acceptance of the Windwood Hills 2/3 Paving Project Petition

The Board approved Option 1: Accept the Windwood Hills 2/3 Paving Project petition and authorize staff to begin right-of-way and easement acquisition.

21. Ratification of Agreement with the Florida Department of Agriculture and Consumer Services for Arthropod/Mosquito Control State Aid and of the State Mosquito Control Certified Budget FY 09/10.

The Board approved Options 1, 2, &3: 1) Ratify the Agreement with the Florida Department of Agriculture and Consumer Services for Arthropod/ Mosquito Control State Aid; 2) Ratify the State Mosquito Control Certified Budget FY 09/10, and 3) Approve the Resolution and associated Budget Amendment Request.

22. Approval of Project Developer's Attestation of Title and Regulatory Attestation Regarding the Sale of Carbon Credits Associated With the Apalachee Landfill Gas Collection and Treatment System

Commissioner Thael requested that the item be pulled for further discussion. He recognized the efforts of the County's Solid Waste staff and shared that through the sale of the carbon credits the County will realize additional revenues in excess of \$1 million over the next 20 years.

Commissioner Thael moved, duly seconded by Commissioner Rackleff, to approve Option 1: Approve the Project Developer's Attestation of Title and the Regulatory Attestation associated with the Apalachee landfill gas collection and treatment system, and authorize the Chairman to execute. The motion carried 7-0.

23. Approval to Award Bid to Consolidated Resource Recovery, Inc. for Yard Debris Management Services

The Board approved Option 1: Award bid to Consolidated Resource Recovery, Inc. for yard debris management services and authorize the County Administrator to execute the Agreement, in a form approved by the County Attorney.

24. Acceptance of Status Report on Parking for County Services in the Downtown Area, Including County Services in the Bank of America Plaza

The Board approved Option 1: Accept status report on parking for the County services in the downtown area, including County services in the Bank of America plaza.

25. Acceptance of Vision 2020, LLC Quarterly Report

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

County Administrator Alam noted that the Board had appropriated, to date, a total of \$810,704 to Vision 2020, which was established to develop a private business accelerator program focused on expanding growth in targeted local businesses. He noted that Vision 2020 has received commitments in the amount of \$2,050,000, with approximately \$810,000 cash on hand.

Speaker:

- Bill Crona, Vision 2020 Board Member, thanked the Board for its support.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Option 1: Accept the Vision 2020, LLC Quarterly Report. The motion carried 7-0.

26. Acceptance of the Status Report Regarding the Leon County Wellness Program, Wellness Works!

The Board approved Option 1: Accept the status report regarding the Leon County Wellness Program, Wellness Works!

27. Acceptance of Status Report on Preservation of Fleischmann Cemetery (aka Munree Cemetery)

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

Speaker:

- Wilbert Ferrell, 1419 Lonnie Rd., thanked the Commission for its interest in Munree Cemetery and requested the County's assistance in an initial clean up, an identification of graves, establishment of boundaries, etc.

Commissioner Desloge stated that the County spends approximately \$1,000 per acre annually to maintain pauper cemeteries throughout the County. He expressed support to assist in the initial clean up of the site (to a degree); however was concerned over establishing a precedent for this type of long term on-going maintenance. He requested that staff use this as a "test case" to determine cost and to come up with a policy relative to handling these types of requests.

Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Option 1, as amended: Accept the status report on Preservation of Fleischmann Cemetery (aka Munree Cemetery), and direct staff to bring back an agenda item regarding the number of cemeteries, maintenance costs, and the establishment of a possible cemetery maintenance policy

Commissioner Proctor asserted that the County has some responsibility for the maintenance of public burial sites.

The motion as amended carried 7-0.

Citizens to be Heard on Non-Agendaed Items

3-minute limit per speaker; there will not be any discussion by the Commission.

General Business

28. Acceptance of Status Report and Request for Board Direction on the Matter of Jeffrey S. Phipps, Joanne E. Kowal, C. Tomoka Brady and Patrick M. Wright v. Leon County, Mary B. Sellers and Arbor Properties, Inc., Case No: 04-CA-002801 and Lake Jackson Protection Alliance, et al v. Leon County, Case No: 04-CA-002800 (Summerfield Litigation)

County Attorney Thiele provided a brief summation of the issue, explained the options available and stated that the topic is before the Board for specific instruction on how to proceed.

Speakers:

- Mike Brezin, 1401 N. Randolph Circle, President of the Lake Jackson Protection Alliance spoke against the County joining in the appeal. He opined that an appeal would slowdown benefits from approval of Phase I and would remove lake protections and hinder public participation in policy.
- Pam Hall, 5051 Quail Valley Rd., asked that the Board not join the appeal. She stated that Lake Jackson was an ecological habitat in need of protection.

- Doug Hall, 215 S. Calhoun, representing Arbor Properties, advised that Arbor Properties has the legal right to appeal and it did not matter what action the Board takes. He opined that the County, by joining the appeal, would have the opportunity to address the District Court of Appeals and have a say in how the Court decides the issue.
- Gary Yordon, 502 N. Adams St., representing Arbor Properties, urged the Board to join in the appeal and added that there would be minimal legal costs to the County.

Commissioner Rackleff asserted that he had no interest in pursuing an appeal and added that he was opposed to the development when it was approved and continues to oppose it.

Commissioner Rackleff moved, duly seconded by Commissioner Dailey, to approve Option 3: Accept the status report and direct the County Attorney's Office to not pursue any appellate rights of Leon County in this matter.

Chairman Desloge asked the County Attorney to address the "worst case scenario" should the County decide to just walk away. The County Attorney responded that the developer could sue the County; however, his bigger concern was that this has a correlation with the Comprehensive Plan amendment being considered. He stated that there are serious concerns if the County did not approve the Comp Plan amendment and didn't appeal.

Commissioner Proctor advocated that the County stay in the suit so as to have a voice at the next level on this matter.

Commissioner Dailey voiced his appreciation to all parties for their efforts in coming to an agreement on Phase I. He commented that he has repeatedly stated that the County should not be part of the lawsuit.

Commissioner Thaeff asserted his belief that the court's ruling is correct and would not support the County joining in the appeal. He added that the County Attorney's staff time would be better off serving the citizens of Leon County.

Commissioner Akinyemi stated that he would support the motion. He noted his responsibility to protect natural resources and ecological life of Lake Jackson.

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

The Board entered into recess at 5:10 p.m. He announced that the Board would reconvene in five minutes for a joint meeting with the City Commission to approve the contractor for the public safety complex.

29. Board Consideration of Enactment of an Ordinance Amending Article II, "Noise Control" by Adding a New Subsection Entitled "Train Whistle or Horn Noise" and Authorize County Attorney to Schedule First and Only Public Hearing.

County Attorney Thiele noted the agenda item was presented at the request of Commissioner Rackleff. He advised that Federal Railroad Administration (RFA) rules, such as additional signage and the establishment of "quiet zones" would have to be followed prior to the ordinance being enacted.

County Administrator Alam added that the cost to implement the FRA rules could be as high as \$1.9 million.

Commissioner Rackleff stated that he proposed this as it could provide quality of life benefits for residents who live near trains; however, the potential cost is "eye popping" and could preclude the County from taking this action. He did not want to abandon the idea and suggested that the RFA could provide some technical assistance a solution could be found.

Commissioner Rackleff moved, duly seconded by Commissioner Proctor, to approve Option 1: Direct County Administration with the assistance of the County Attorney's Office to seek approval by the Federal Railroad Administration to establish "Quiet Zones" within Leon County and after approval is received, schedule a public hearing on the enactment of said ordinance.

Chairman Desloge opined that potential homeowners are aware of the location of a railroad prior to the purchase of a home and commented that he would not support the motion.

Commissioner Akinyemi established with Mr. Thiele that that initial costs of the effort would be minimal except for the significant amount of staff time required.

Commissioner Sauls stated that she viewed this as a safety issue and could not support the motion.

The motion failed 2-5 (Commissioners Desloge, Thaele, Sauls, Dailey and Akinyemi in opposition)

30. Approval of Participation in the Big Bend Regional Health Information Organization (BBRHIO)

County Administrator Alam explained that the BBRHIO has requested that the County's Emergency medical Services (EMS) participation in the health information exchange and provide EMS patient care records to the system. He noted that the cost is approximately \$24,000 annually. Mr. Alam remarked that the County Attorney has raised some legal concerns in terms of sharing of information.

County Attorney Thiele stated that his concerns were 1) providing medical information to an entity over which the County has no control and 2) the push to hold BBRHIO harmless.

Commissioner Thaele asserted that it was essential for the County to participate in the BBRHIO. He stated that he understood the County Attorney's concerns; however, the benefits of faster and better access to medical information during an emergency prevail over those concerns. He pointed out that there were currently 22 organizations participating in the information exchange and suggested that a review of how other organizations have dealt with the confidentiality issue was warranted.

Commissioner Thaele moved, duly seconded by Commissioner Rackleff, to approve Options 1 & 2: 1) Approve the participation in the Big Bend Regional Health Information Organization; direct the County Attorney's Office to develop a contract, and authorize the County Administrator to execute such contract, and 2) Direct the County Attorney's Office to bring back an agenda item if the issues cannot be resolved.

Commissioner Rackleff submitted that this is part of a national effort to digitize medical records so they can be easily transferred among providers in ways that can be lifesaving

and cost effective. He opined that the liability issue has been confronted and overcome by other providers and this endeavor would be a major advancement for public health.

Commissioner Proctor pointed out that the County Attorney has advised against support of the issue. He stated that the information is limited to those who utilize the EMS, has nothing to do with health and is misdirected.

Chairman Desloge shared that that the program was developed a group of local doctors. He noted that both hospitals and most major doctor groups are included. He offered that the goal is to have one set of medical information/medical history for medical providers to utilize during an emergency and is clearly a way to improve the level of care. Chairman Desloge submitted that assuming the concerns of the County Attorney can be addressed, he strongly supported the motion.

Commissioner Proctor confirmed that the issue would be brought back before the Board for further review.

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

31. Authorization to negotiate a Contract with Reynolds, Smith and Hill (RS&H) for the Bannerman Road Corridor Study

County Administrator Alam explained that the Board at its September 22, 2009 meeting voted to rescind its previous action and directed staff to re-agenda this item for consideration.

Speakers:

- David Van Leuven, 3728 Lifford Circle, stated that there are several individuals who would like to address the issue before the Board and respectfully requested the Board delay action until its next meeting. He questioned the appropriateness of Board action on a non-agendaed item.
- Drew Roark, 2017 Chimney Swift Hollow, wanted to introduce the project team to the Board. He shared that all firms are local and employ a total of 110 employees.
- Sean Pittman, 402 North Ride, thanked the Commission for readdressing the issue. He stated that there was some questions regarding the scoring of proposals and that staff's evaluation of the process indicated that there was nothing inappropriate. He requested that that Commission accept staff's recommendation and approve the contract with Reynolds, Smith and Hill.

Commissioner Proctor commented that staff have determined that the final ranking of the three firms is a result of qualification comparison and no inequity existed.

*Commissioner Proctor moved, to approve option 1, seconded by Sauls.
Authorize staff to negotiate a contract with Reynolds, Smith and Hill to provide professional services for the Bannerman Road Corridor Study.*

Commissioner Dailey asked County Attorney Thiele to address Mr. Van Leuven's concerns. Mr. Thiele stated that the original motion to re-agenda the matter for further consideration was proper; however he suggested that the Board should consider Mr. Van Leuven's request for a continuance.

Commissioner Akinyemi stated that he was not opposed to awarding the bid to RS&H, however the current bid process is too subjective and a more fair unbiased method is needed.

The motion carried 7-0.

32. Status Report on the Board of County Commissioners' Office Operating Expense Account

Chairman Desloge remarked that the issue was being addressed as there was some concern over the lack of oversight over the account. He stated that he was supportive of the revised policy which would allow the Chairman or his/her designee to authorize expenditures from the account.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Options 1 & 2: 1) Accept the status report on the Board of County Commissioners' Office operating account, and 2) Accept staff's report on the Board of County Commissioners' Office Account, and adopt a revised Policy 03-3, "Internal Operations and Protocols, Commission Office." The motion carried 7-0.

33. Consideration of Appointments to the Leon County Citizen Charter Review Committee

- Commissioner Akinyemi appointed Catherine Jones and Donna Harper
- Commissioner Dailey appointed Lester Abberger and Lace deHaven-Smith
- Commissioner Desloge appointed Sue Dick and Chris Holley.
- Commissioner Sauls appointed Tom Napier and Linda NicholSEN
- Commissioner Thaell appointed David Jacobsen and Marilyn Wills
- Commissioner Proctor appointed Chuck Hobbs and Rick Bateman
- Commissioner Rackleff appointed Jon Ausman and Larry Simmons

- *Commissioner Dailey moved, duly seconded by Commissioner Sauls, to appoint Ralph Mason as the College Student Representative. The motion carried 7-0.*

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to appoint Ann Porter as the Woodville Representative to the Septic System Loan and Inspection Program Planning Committee. The motion carried 7-0.

Scheduled Public Hearings, 6:00 P.M.

34. Joint City/County Adoption Hearing on Cycle 2009-2 Comprehensive Plan Amendments and Joint City/County 2010-1 Transmittal Hearing

Attending: County Commission - Chairman Desloge and Commissioners Sauls, Dailey, Akinyemi, Rackleff, Proctor and Thaell. City Commission - Mayor Marks and Commissioners Lightsey, Ziffer, Gillum, and Mustian. Also in attendance were County Attorney Herb Thiele; Assistant City Attorney Linda Hudson, County Administrator Parwez Alam and Board Secretary Rebecca Vause

Call to Order: Chairman Desloge called the Joint City/County Adoption Hearing on Cycle 2009-2 Comprehensive Plan Amendments and the 2010-1 Comprehensive Plan Amendment Cycle Public Hearing to order at 6:15 p.m.

Introductory Comments by Staff:

Fred Goodrow Chief of Comprehensive Planning explained that the purpose of the hearings is to 1) provide an opportunity to receive public input and vote for the Adoption of Cycle 2009-2 Comprehensive Plan Amendments for forwarding to the Department of Community Affairs (DCA) and 2) to receive public input and transmit the 2010-1 Comprehensive Plan Amendment Cycle.

Mr. Goodrow shared that DCA has objected to two of the amendments:

Cycle 2009-2 Amendments

A. Consent Agenda/Action

Map Amendments (Joint Action)
Staff recommends adoption as transmitted to DCA)

PCM 090203	PCM 090206
PCM 090203	PCM 090207
PCM 090204	PCM 090208
PCM 090205	

Text Amendments (Joint Action)

PCT 09213	PCT 090216
PCT09013	PCT090217
PCT090214	PCT090218
PCT090215	(as amended by staff)

- *PCM 090211* recommended for approval by staff as modified.
- *PCT 090222* recommended for approval as transmitted.

Public Speakers:

PCT 090222

- Becky Subrahmanyam, 1257 Cornerstone Lane, voiced support for adoption of the amendment without the 800 feet requirement and suggested that that requirement be done as a separate Comprehensive Plan amendment.
- Pamela Hall: 5051 Quail Valley Road, shared that the Water Resource Committee has weighted in on this issue and originally suggested that expansion not be allowed. She also suggested the elimination of the 800 square feet language.

Commissioner Dailey shared that the amendment was proposed in an attempt to accommodate Leon County Schools and their potential expansion for Canopy Oaks School and. He expressed support for removing the language referring to the 800 square feet; but approve the comprehensive plan amendment dealing with Canopy Oaks.

On behalf of the County, Commissioner Dailey moved, duly seconded by Commissioner Thaell, to strike the provision which deals specifically with the design standards for 800 square feet expansion, but move forward with the original intent of the Comprehensive Plan dealing specifically with Canopy Oaks School.

Bryan Weibler, Comprehensive Plan, recommended that the motion include the elimination of "Expansion Standards" also, as these were developed to address the 800 square foot expansion. *Commissioner Dailey accepted the recommendation and amended his motion to include staff's recommendation to eliminate "Expansion Standards" language.*

Wayne Tedder, Planning Director, stated that due to the previous discussion on the Summerfield Development, he wanted to ensure that any possible legal issues be "put on the table". County Attorney Thiele advised that he "highly recommended" that the Commission at least adopt the motion offered by Commissioner Dailey as part of the Comprehensive Plan package.

The County's motion as amended carried 7-0.

On behalf of the City, Commissioner Mustian moved, duly seconded by Commissioner Lightsey, to strike the provision which deals specifically with the design standards for 800 square feet expansion, but move forward with the original intent of the Comprehensive Plan dealing specifically with Canopy Oaks School and eliminate "Expansion Standards" language. The motion carried 5-0.

PCM 090205

- Wade Pitt, 805 W. Gadsden, Moore Bass Consulting, representing the property owners advised that he was available for question. He urged adoption of the amendment.

On behalf of the County, Commissioner Sauls moved, duly seconded by Commissioner Thaell, transmittal of Comprehensive Amendments Cycle 2009-2 Amendments. The motion carried 7-0.

Adoption of Cycle 2009-2 Plan Amendment Ordinance (City Only)

Assistant City Attorney Linda Hudson, read into the record Ordinance 09-0-43, an Ordinance of the City of Tallahassee adopting amendments to the 2010 Tallahassee/Leon County Comprehensive Plan; providing for severability and conflicts; and providing an effective date.

Commissioner Lightsey moved, duly seconded by Commissioner Gillum to accept City Ordinance 09-0-43. The motion carried 5-0.

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

- A. Ms. Hudson read into the record: First and Only Public Hearing Regarding on Ordinance No. 09-Z-35; Proposed Amendment to the Official Zoning Map from R-3 Single and Two Family Residential District to OR-1 Office Residential District on 1.22 acres fronting on the east and west sides of Cadiz Street. These properties are specifically described as 118, 124, and 125 Cadiz Street. This rezoning implements Large Scale Comprehensive Plan map amendment PCM 090205. (No speakers)

Commissioner Ziffer moved, duly seconded by Commissioner Gillum, adoption of Ordinance No. 09-Z-35. The motion carried 5-0.

- B. Ms. Hudson read into the record: First and Only Public Hearing on Ordinance No. 09-Z-36; Proposed Amendment to the Official Zoning Map from Residential

Preservation 1 and R-2 Single-Family Detached District to OS Open Space District on 27.6 acres lying south of Creek Road and east and west of North Ridge Road; Silver Lake City Park; and a lot at the Northwest corner of Creek Road and Bunche Avenue. This rezoning implements Large Scale Comprehensive map amendment PCM 090206. (No speakers)

Commissioner Lightsey moved, duly seconded by Commissioner Mustian, adoption of Ordinance No. 09-Z-36. The motion carried 5-0.

- C. First and Only Public Hearing on Ordinance No. 09-Z-37; Proposed Amendment to the Official Zoning Map from Residential Preservation 2 District to UP-2 Urban Pedestrian District on 1.07 acres fronting on Orange Avenue between Pasco and Holton Streets and also located on the northwest corner of Orange Avenue and Holton Street. This rezoning implements Large Scale Comprehensive Plan map amendment PCM 090208. (No speakers)

Commissioner Gillum moved, duly seconded by Commissioner Lightsey, adoption of Ordinance No. 09-Z-37. The motion carried 5-0.

County Rezoning Public Hearings (County Action Only)

- A. First and Only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the Lake Protection Zoning District to the OS Open Space zoning District (PRZ #090011). The proposed rezoning Ordinance implements Comprehensive Plan map Amendment PCM 090202.
- B. First and only Quasi-Judicial Public Hearing on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the Residential Preservation Zoning District to the CP Commercial Parkway Zoning District (PRZ #090012). The proposed rezoning Ordinance implements Comprehensive Plan Map Amendment PCM 090204.
- C. First of Two Quasi-judicial Public Hearings on a Proposed Ordinance Amending the Official Zoning Map to Change the Zone Classification from the CP Commercial Parkway and M-1 Light Industrial Zoning Districts to the OS Open Space Zoning District (PRZ #090015).

Commissioner Sauls moved, duly seconded by Commissioner Thael, adoption of Cycle 2009-2 Amendment Ordinances. The motion carried 7-0.

Transmittal Hearing for Cycle 2010-1

Mr. Goodrow announced the Transmittal Hearing for Cycle 2010-1.

Action on Proposed Transmittal Items:

PCM 100101 PCT 100102 PCT100103

Speaker:

PCT 100103

- Pamela Hall, 5051 Quail Valley Rd., spoke on behalf of the Water Resources Committee and noted their support of staff's recommendation.

Mr. Tedder wanted to ensure that the Commissions were aware that this issue relates directly to earlier discussions on performance based systems by the County Commission. He pointed out that this amendment removes the detail, but continues to require performance based septic tank systems within the Wakulla Springs Water Shed boundary.

Commissioner Proctor established with Mr. Tedder that the amendment would continue to require enhanced sewer systems by residents of the Wakulla Springs Water Shed boundary, however it would change the requirement to allow a little more flexibility. Commissioner Proctor asserted that the action targets specifically Southside residents and places an inequitable burden on citizens living in this particular part of the County. He opined that the nine percent reduction was an inadequate return for the burden that would be placed on southside residents.

Commissioner Proctor moved to delete this item from the Comprehensive Plan and not move forward with the matter. The motion died for lack of a second.

On behalf of the County, Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve transmittal of Comprehensive Plan Amendments Cycle 2010-1(PCM 100101; PCT 100102, and PCT 100103). The motion carried 6-1 (Commissioner Proctor in opposition).

On behalf of the City, Commissioner Lightsey moved, duly seconded by Commissioner Mustian, to approve transmittal of Comprehensive Plan Amendment Cycle 2010-1 (PCM 100101; PCT 100102, and PCT 100103). The motion carried 5-0.

Upon conclusion of Joint City/County issues, members of the City Commission departed the Chambers.

The County Commission conducted a Public Hearing to hear input and vote on the following items.

- First and Only Quasi-Judicial Public Hearing Regarding the Rezoning from Residential Preservation to Commercial Parkway Located at the Northeast Corner of Woodville Highway and Briandav Street, PRZ 090012. (No speakers)

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve. The motion carried 6-0 (Commissioner Proctor out of Chambers).

- First of Two Public Hearings Regarding the Rezoning from Lake Protection to OS Open Space on 16 acres on Timberlane School Road, PRZ 090011. (No speakers)

Commissioner Dailey confirmed that Open Space means "no development".

Commissioner Dailey moved, seconded by Commissioner Sauls, to conduct the first public hearing and schedule the second public hearing for November 10, 2009 at 6:00 p.m. The motion carried 6-0 (Commissioner Proctor out of Chambers).

- First of Two Public Hearings Regarding the Rezoning from Commercial Parkway and M-1 Light Industrial to OS Open Space on 23.5 acres Fronting on the Southside of W. Tennessee Street, PRZ 090015. (No speakers)

Commissioner Dailey moved, duly seconded by Commissioner Rackleff to conduct the first public hearing and schedule the second public hearing for November 10, 2009 at 6:00 p.m. The motion carried 6-0 (Commissioner Proctor out of Chambers).

The 2009-02 Comprehensive Plan Adoption Hearing and 2010-1 Transmittal Hearing adjourned at 7:00 p.m.

The County Commission reconvened at 7:15 p.m. to address the remainder of its agenda (beginning with Item 35).

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

County Administrator Alam announced the public hearing.

Commissioner Dailey moved, duly seconded by Commissioner Thael to approve Option 1: Conduct the second and final public hearing and adopt the proposed Ordinance amending appropriate sections of Chapter 10 of the Land Development Code to implement Comprehensive Plan Reform, based upon the findings of fact and conclusions of law made by the Planning Commission and included herein, and any evidence submitted at the Hearing hereon. The motion carried 7-0.

36. First and Only Public Hearing to Consider a Request for a Notice of Proposed Change to amend the Development Order (DO) for the Killearn Lakes Development of Regional Impact (DRI)

County Administrator Alam announced the public hearing.

Tony Biblo, Growth & Environmental Management (GEM) Development Services Director, provided the Board with a summary of the requested action.

Speaker:

- Richard Thoma, 3412 Valley Creek Drive, expressed concerns regarding the process used to notify residents of proposed zoning changes and over the environmental impact of the development on the private lake maintained by homeowner dollars. He requested that the Board take action to protect the lake.

John Kraynak, Environmental Services Director, engaged Commissioner Thael's remarks regarding concerns expressed by Mr. Thoma.

Commissioner Akinyemi confirmed with Mr. Biblo that the Planning Commission determined that the application was consistent with the Comprehensive Plan and that the proposed change does not constitute a substantial deviation. Mr. Biblo also disclosed that the proposed change was noticed in the Tallahassee Democrat, mailed to the Killearn Lakes and Golden Eagle Homeowners Associations and signs were posted at the affected site.

Commissioner Proctor discussed the process required in notifying residents of zoning changes and offered that notices should have been sent to homeowners impacted by the proposed change, even though it may not be required.

Chairman Desloge mentioned the use of automated technology, possibly in conjunction with the City, to help keep citizens better informed.

Commissioner Proctor moved, duly seconded by Commissioner Thael, to approve Option 1: Conduct the first and only Public Hearing and approve the Killearn Lakes Development of Regional Impact Fourth Notice of Proposed Change. The motion carried 7-0.

37. First and Only Public Hearing to Consider a Proposed Ordinance Amending the Land Development Code to Restrict Fertilizer Content and Application Rates

County Administrator Alam announced the public hearing.

Commissioner Akinyemi moved, duly seconded by Commissioner Rackleff to approve Option 1: Conduct the first and only Public Hearing and adopt a proposed Ordinance amending the Land Development Code to restrict fertilizer content and application rates. The motion carried 7-0.

38. First and Only Public Hearing Regarding the Purchase of a Parcel for the Fred George Basin Greenway Project

County Administrator Alam announced the public hearing. He pointed out that the two funding source for the properties are 1) a Florida Communities Trust (FCT) grant from the Department of Community and 2) Blueprint 2000; no county funds are being utilized for the purchase. He noted the purchase price of \$1,380,000 and \$230,000; which are within the maximum approved purchase price.

Commissioner Dailey stated very specifically for the record that, if space allows, plans should include a 90-foot baseball diamond on the site, as there is a desperate need on the Northwest side of town for this size field.

Commissioner Dailey moved, duly seconded by Commissioner Thael, to approve Options 1 & 2: 1) Conduct the first and only public hearing and approve the Purchase and Sales Agreement for the maples Family parcel for the maximum approved purchase price of \$1,380,000, and authorize the County Administrator to execute, and 2) Conduct the first and only public hearing and approve the Purchase and Sales Agreement to purchase the Christine Maples parcel for the maximum approved purchase price of \$230,000, and authorize the County Administrator to execute.

Commissioner Proctor inquired of the proposed use of the property. Vince Long, Deputy County Administrator responded that the land is being purchased for environmental purposes and because of its environmental sensitivity to the area. He added that the management plan contemplates the future use of this property as a "park property" mostly passive, but with the opportunity of a recreational site. He advised that these issues will come back before the Board for further discussion.

The motion carried 7-0.

39. First of Two Public Hearings on the Proposed Second Amendment to "Lauder" Development Agreement Pursuant to §163.3229, Florida Statutes.

County Attorney Thiele announced the public hearing. He advised that the development agreement is set to expire at the end of December and a request from the property owner has been received to extend another three years. He noted that the Board was still well within the maximum of a 20-year agreement.

Commissioner Thael inquired about development of the property and Mr. Thiele confirmed that approval of the agreement would essentially be a "placeholder" and would lock in the same agreement that has been in place for a decade, he added that no additional development rights are being granted by approving the agreement.

At Commissioner Thael's request, Chairman Desloge shared the proposed development of the area.

Commissioner Thael moved, duly seconded by Commissioner Sauls to approve Option 1: The Board approved Option 1: Conduct first of two public hearings to approve the Second Amendment to "Lauder" Development Agreement pursuant to §163.3229, Florida Statutes, until December 31, 2013, and schedule the second public hearing for November 10, 2009 at 6:00 p.m. The motion carried 7-0.

Add-On Agenda Item

40. Approval to Cancel the Public Hearing, Advertised for November 10, 2009 to Consider the Purchase of the Circuit City Property and approval of Associated Budget Adjustments

County Administrator Alam advised that the owners of the Circuit City have withdrawn their offer.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Options 1 & 2: 1) Direct staff to cancel the Public Hearing, advertised for November 10, 2009 to consider the purchase of the Circuit City Property, and 2) Approve the Budget Amendment Request and associated Board resolution to remove the additive funding from the Supervisor of Elections' budget. The motion carried 7-0.

There was discussion on the future direction on relocation/consolidation efforts for the Supervisor of Elections Office. It was the conclusion of the Board that, at this time, no further action would be taken on this issue.

Citizens to be Heard on Non-Agendaed Items:

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

Comments/Discussion Items:

County Administrator

- Jon Brown, Public Information Officer, announced the launching of a new component "Leon County TV" on Channel 16, which will give information on happenings in Leon County government, EMS, libraries, animal control, parks and recreation, etc.

Discussion Items by Commissioners:

Commissioner Proctor

- Expressed concern with continuing forward with the Comprehensive Plan regarding performance based septic systems. He asserted that progressing with the policy would put an extraordinary hardship on citizens relative to the noted two percent decrease in nitrogen that would be achieved by imposing the new standards.
 - Would like to derail movement of the comp plan amendment
 - *Commissioner Proctor moved, duly seconded by Commissioner Sauls, to reconsider the Comprehensive Plan Amendment regarding Primary Springs Protection Zone requirement for performance-based septic systems. The motion failed 2-5 (Commissioners Akinyemi, Dailey, Desloge, Rackleff and Thael in opposition)*
 - Commissioner Rackleff called for a point of order and alleged the motion was out of order.
 - County Attorney Thiele advised that a motion to agenda would be required.

- *Commissioner Dailey moved, duly seconded by Chairman Desloge to Call the Question. The motion carried 5-2 (Commissioners Proctor and Sauls in opposition)*
- *The motion to reconsider failed 2-5 (Commissioners Akinyemi, Dailey, Desloge, Rackleff and Thaeil in opposition)*
- Requested staff provide an update on all information available related to the proposed Septic System Ordinance and the Loan and Inspection Program.
- Commended fellow Commissioners on the actions taken today at the WMBE Workshop.
- Requested that the issue of a four-day work week be readdressed at the Board Retreat.
- Requested a Proclamation in honor of FAMU graduate Robert "Bullet" Bob Hayes' induction into the NFL Hall of Fame, to be presented at FAMU Presidential Gala.
- *Commissioner Proctor moved, duly seconded by Commissioner Sauls, to appropriate \$450 from his commission account to support FAMU Homecoming Sunday. The motion carried 7-0.*
- Wished his Mom a Happy Birthday tomorrow.

Commissioner Thaeil

- Offered condolences to Commissioner Dailey and wife Jenny on their recent loss.
- Announced that he and wife Georjean will be part of WFSU-FM radio pledge drive on Saturday, October 17, 2009.

Commissioner Sauls

- Reiterated the undo hardship that would be imposed of residents affected by the new septic tank standards for a very small return in the decrease in nitrogen.
- Requested a Resolution for Alzheimer's Day.
- Thanked staff for the wonderful picnic.

Commissioner Akinyemi

- Requested a Resolution for the Knight Foundation in recognition of its donation of 150 Net books to the Leon County Library.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to donate \$250 from his Commission account for the Music Fest, a fundraiser for Refuge House. The motion carried 7-0.*
- Voiced his commitment to save Wakulla Springs. He requested staff prepare a timeline or "roadmap" which includes a series of steps to be conducted between now and March to ensure a better more successful outcome.

Commissioner Rackleff

- Added his thanks to staff for the development of the cross county running trail.
- Noted the approval of three sidewalk projects totaling \$420,000 in stimulus money will have a positive impact on citizens quality of life.
- Requested the Board to schedule a presentation by the Council on Culture and Arts for Tuesday, October 27, 2009.
- Requested the Board to schedule a brief presentation by the First Presbyterian Church on its solar panel roof project.
- *Commissioner Rackleff moved, duly seconded by Commissioner Proctor to approve travel to Washington D.C to pursue additional grant money and to attend in February the New Partners for Smart Growth Annual Meeting. The motion carried 7-0.*
- Announced that he also will participate in the WFSU-FM radio pledge drive and will be on tomorrow at 6:00 a.m.

Chairman Desloge

- Requested a Resolution in support of Commissioner Thael's appointment to the NACo Board of Director.
- Requested the Board schedule a presentation by Big Bend Pop Warner for October 27, 2009 Board meeting.
- Requested a Resolution recognizing Volunteer Firefighter Day, October 17, 2009.
- Requested a Resolution in support of Disability Employment Awareness Month to be presented at the October 27, 2009 meeting.
- Announced his appointment to the FAC Board of Directors, Florida Substance Abuse and Mental Health Corporation.
- Added his sympathies to Commissioner Dailey and wife Jenny.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Thael, to direct staff to prepare an agenda item regarding available technology for public notices. The motion carried 7-0.*
- Requested the County Attorney to conduct a brief seminar with all local elected officials on the Honest Services Act.

Receipt and File:

- Fallschase Community Development District annual Meeting Schedule – Fiscal Year 2010
- Capital Region Community Development District Fiscal Year 2010 Meeting Dates

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bryan Desloge, Chairman
Board of County Commissioners

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