

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
November 10, 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

Chairman Desloge called the meeting to order.

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

Awards and Presentations:

Chairman Desloge stated that there had been requests made from residents to allow input to the Jackson Bluff Dam Spillway Project. He noted that although it was not the norm, he would allow citizen input limited to three minutes on this issue

- Presentation by the Florida Fish and Wildlife Conservation Commission and the Ochlockonee River Soil & Water Conservation District on the Leon County Munson Slough Realignment Project

Sean McGlynn, Supervisor, Ochlockonee Soil & Water Conservation District, and Michael Hill, Supervisor, Game & Fish Commission made a presentation on the Munson Slough Realignment Project. They stated that the Project has been completed and was a cooperative effort between Leon County, the Soil & Water Conservation District and the Fish & Game Commission. The project was budgeted for \$193,000; but was completed for approximately \$60,000. It was conveyed that the wetlands had been eroded due to a misdirected water flow; however the banks have now been stabilized. Mr. McGlynn requested that County's assistance in removing the plastic sheathing that remained in the lake.

The Board commended the District and Fish & Game Commission on its efforts to clean up Lake Munson.

Commissioner Thaell moved, duly seconded by Commissioner Akinyemi to direct staff to collaborate with the District and Commission on creative approaches to address the Next Check Dam.

Commissioner Akinyemi confirmed with Mr. Hill that the recent improvements had no affect on the water quality of Lake Munson.

Commissioner Proctor inquired what impacts, if any, would the City's planned expansion of the sewer treatment plant and the proposed raising of the Lake Jackson Bluff Dam a foot, have on the lake. Mr. McGlynn explained that Lake Munson has actually benefited from the building of the sprayfield and that that stormwater has the most impact on the lake and that this comes from the slough. County Administrator Alam, in response to Commissioner Proctor's concerns regarding the expansion of the treatment plant, indicated that staff would follow up on this issue.

Commissioner Thaell restated his motion: Direct staff to work with the District and

the Commission to determine the next phase of this project - Next Check Dam and to assist in the removal of the plastic sheathing from Lake Munson. The motion carried 7-0.

- Presentation by The Zimmerman Agency Tourism Department on the FY 2010 Tourism Advertising Campaign

Lee Daniel, Tourist Development Council (TDC) Director, introduced Curtis and Carrie Zimmerman, who provided a detailed presentation on the *Visit Tallahassee* advertising campaign.

Commissioner Thaelle suggested that more attention be given to the City's night life, noting that the city has fabulous musicians, remarkable art, dance, theater, etc. He remarked on the city's large tennis community and its resources that could be utilized to bring people to the area. He also established that the preservation of the area's natural resources was very important to the success of this campaign as these are major differentiating features for the community.

Mr. Daniel announced a total redesign of the Visit Tallahassee website; which will help address those areas defined by Commissioner Thaelle.

Commissioner Rackleff recommended that copies of the Democrat's *Limelight* be distributed and available at local hotels. He remarked that resumption of Amtrak service would help tourism efforts.

Commissioner Akinyemi suggested that the video's imagery reflect more technology and arts/culture and that consideration be given to 30 second and one minute spots.

Commissioner Dailey voiced his appreciation that the video contains all local footage and is reflective of the community.

Chairman Desloge asked that the TDC work in cooperation with the Chamber, FSU, FAMU, and TCC to "sell Tallahassee" and wanted to make sure that the entities compliment and not compete with each other. He also suggested that Leon County be integrated into the message.

- Dale Keen, Veterans Affairs Director, announced that the Veterans Day parade has been cancelled due to predicted weather conditions.

Commissioner Thaelle inquired if there were other Veteran Day activities that the community could participate in. Mr. Keen noted the various activities within the community recognizing and celebrating veterans and also mentioned that information was available on their web site.

- Presentation on the Jackson Bluff Dam Spillway Project

Theresa Heiker, Leon County Public Works, provided an update on the City's Jackson Bluff Hydroelectric Dam project. Highlights of her presentation included:

- Dam originally constructed in 1927 as a private facility and was leased by the City (from the State) in 1981.
- A dam safety inspection was conducted by the Federal Energy Regulatory Commission (FERC) in 2003; which identified a concern with the "fuse plug".

- City engineers concurred with this finding.
- City has been working with FERC to move forward with the construction. Construction contract has been awarded and permit applications are pending with the Northwest Florida Water Management District and Florida Department of Environmental Protection (DEP).
- Public notices were run in the Gadsden County Times and four public meetings were held.
- Fuse plug spillway is the area of most concern.
- Proposed dam changes include:
 - Top of dam will be increased from 77 to 79 feet;
 - Spillway decreased to 69.5 from 72.3, and
 - Normal water level for lake will remain at 68.5
- City has acknowledged a water level increase of approximately 0.2 feet.

Commissioner Sauls introduced David Stoutamire, Liberty County Commissioner and Mike Rundell, Franklin County EOC Assistant Director. She requested that impacted counties, i.e., Franklin, Wakulla, Gadsden and Liberty be included in information and discussions regarding this issue.

Commissioner Thaelle noted that it was important for accurate information to be disseminated into the community regarding this project. He also voiced concern over the lack of information received by the City and that the County had not been officially notified of the project particularly since this was a major infrastructure project that may affect Leon County citizens.

County Administrator Alam reported that he has spoken to the City Manager and was advised that the modifications were required by FERC, due to failures by dams of this type in other states. He shared that City staff will make a presentation on the project to the Board at its December 8, 2009 meeting.

County Attorney Thiele established that the City opines that they are exempt from the permitting process and are only required to report to FERC; the application was done as a courtesy. He noted that no permits have yet been issued.

Commissioners continued to express concerns regarding the potential for downstream flooding resulting from the modifications. Dialogue continued with Ms. Heiker.

Commissioners Sauls and Thaelle requested a copy of Ms. Heiker's presentation and asked that the County Attorney guide the Board's actions and share memos and other information on the matter. Commissioner Thaelle commented on the importance of communication between the two governments.

Commissioner Proctor asked about compensation for homeowners whose homes may be flooded due to increased water levels resulting from the dam changes. Mr. Thiele confirmed that all legal options and analysis would be presented to the Board for consideration.

Speakers:

- David Stoutamire, Liberty County Commissioner voiced his appreciation for the Board's involvement in this situation and shared that the City of Tallahassee had provided no notifications or information on the project to Liberty, Franklin or Wakulla County Commissions. He opined that no consideration had been given to residents living south of the dam and shared his concerns regarding the proposed

project. Mr. Stoutamire shared that he had asked the Department of Environment Protection (DEP) and the Apalachee River Planning Council to look into the situation as the modifications would be "devastating" to Wakulla, Franklin and Liberty Counties. He mentioned that communication from the "power house" to residents along the river was needed when the river levels are expected to rise as a result of spillway overflow. He favored a meeting of all affected entities.

- Pat Simpson Riedell, 2144 Shady Oaks Drive, remarked that she owned a lot one mile from the dam and has lost approximately one-third of her property due to erosion of the river's banks.
- Tom Jacobs, 2623 Ben Stoutamire Road, commented that property owners must rely on the existing dam structure and not something that will fail and does not feel that they have the responsibility of past indiscretions in design or construction. He asserted that property owners were not properly noticed of the proposed changes and pointed out that the City has acknowledged that property downstream will get more flooding.
- Wanda Musgrove, 2797 NE Musgrove Lane, Hosford, FL, mentioned that she lives on property that has been in her family for over 140 years and, due to mismanagement of the dam by the City, will have to find another place to live. She expressed grave concern about the situation and stated that this was a "crisis situation".

Chairman Desloge confirmed that the County Attorney will provide direction on how the County should proceed. He added that he wanted to ensure that the City has an opportunity to make a presentation and asked Commissioners to submit any questions for the City in advance. He thanked Commissioner Stoutamire and others for making the trip to Tallahassee to express their concerns.

Commissioner Proctor requested that the Board take up Item #16 and citizens be allowed to comment prior to the dinner break. Chairman Desloge indicated that the Board should continue to move forward with the agenda as presented.

Consent:

Commissioner Dailey moved, duly seconded by Commissioner Sauls to approve the following Consent Agenda with the exception of Items 1, 9, 15, which were pulled for discussion. Item 10 was removed from the agenda. The motion carried 7-0.

1. Acceptance of a Conservation Easement from Jess and Sherry Van Dyke

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

County Administrator Alam explained that the 0.22 acres proposed easement preserves, in perpetuity, a historic cemetery and allows descendants to visit the cemetery at reasonable times. The property owners have agreed to maintain the cemetery at their own cost, thus there will no cost to the County.

Speaker:

- Jess Van Dyke, 16624 Sunray Rd., indicated support for the Conservation Easement and urged the Board's acceptance, but added that they were doing so under duress as part of an enforcement action by the Department of Growth and Environmental Management (GEM). Mr. Van Dyke distributed a report entitled "Big Bureaucracy v. Little Farm Building" which chronicled interactions with the GEM regarding construction of a small building on their property. He also noted that there were problems at GEM and remarked that the report included five

recommendations to improve GEM and asked the Commission's consideration of the recommendations. He stated that the report was available on the web at www.fixgem.wordpress.com

Commissioner Thael moved, duly seconded by Commissioner Sauls to approve Option 1: Approve and accept for recording the conservation easement from Jess and Sherry Van Dyke. The motion carried 7-0.

2. Approval of the Agreement Between Leon County and the State of Florida, Department of Health, for the Provision of Mental Health Services in Leon County for FY 2009/10

The Board approved Option 1: Approve the Agreement between Leon County and the State of Florida, Department of Health, for the provision of mental health services in Leon County for FY 2009/10, and authorize the County Administrator to execute.

3. Approval of Amended By-Laws for the Community Development Block Grant Citizens Task Force Advisory Committee Regarding Committee Membership

The Board approved Option 1: Approve the amended Bylaws for the Community Development Block Grant Citizens Advisory Task Force expanding the Task Force's membership.

4. Adoption of Proposed New Community Development Block Grant Housing Assistance Plan Anti-Displacement and Relocation Policy

The Board approved Option 1: Adopt the proposed new Community Development Block Grant Housing Assistance Plan Anti-Displacement and Relocation Policy.

5. Adoption of a Resolution to Support Allocating All State Affordable Housing Trust Funds for Affordable Housing Programs

The Board approved Option 1: Adopt the Resolution to support allocating all State Affordable Housing Trust Funds for affordable housing programs.

6. Approval of Payment of Bills and Vouchers Submitted for November 10, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of November 11 through November 16, 2009. \$3,138,882.00

The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for November 10, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of November 11 through November 16, 2009. \$3,138,882.00

7. Approval of memorandum of Agreement to Provide Matching Funds for the Federal Election Activities Funds and Approval of a Resolution and Associated Budget Amendment

The Board approved Options 1 & 2: 1) Approve the Memorandum of Agreement to provide matching funds for the Federal Election Activities funds, and authorize the Chairman to execute, and 2) Approve the Resolution and Associated Budget Amendment Request.

8. Adoption of a Resolution Approving the Local Funding Agreement Between the Florida Department of Transportation and Leon County for Mahan Drive Landscaping

The Board approved Option 1: Adopt the Resolution approving the Local Funding Agreement between the Florida Department of Transportation and Leon County for the Mahan Drive landscaping, and authorize the Chairman to execute any and all documents associated therewith.

9. Approval of Agreement Awarding Bid to Pace Analytical for Water Quality Analysis Services Associated with the Water Quality Monitoring Program

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

County Administrator Alam explained that several proposals had been received and staff recommends that the bid be awarded to Pace Analytical for water quality analysis.

Commissioner Thael voiced his support for staff's direction and stated that this shows how, by bringing the Water Quality Monitoring Program in-house, tax payer money can be saved. Mr. Alam confirmed that the County has saved approximately \$280,000 by initiating these actions.

Commissioner Thael moved, duly seconded by Commissioner Sauls to approve Option 1: Approve the Agreement awarding the bid to Pace Analytical for Water Quality Analysis Services associated with the Water Quality Monitoring Program, and authorize the County Administrator to execute. The motion carried 7-0.

10. Approval of a Cost Sharing Agreement Between Leon County and Florida Department of Transportation for the Continuation of Funding for the National Pollutant Discharge Elimination System Permit Compliance Requirements

The Board approved Option 1: Approve the Cost Sharing Agreement Between Leon County and Florida Department of Transportation for the Continuation of Funding for the National Pollutant Discharge Elimination System permit, and authorize the Chairman to execute.

11. Approval of a Renewal to the Park Maintenance Agreement Between Leon County and the City of Tallahassee for the Tallahassee-St. Marks Historic Railroad Trail Extension

The Board approved Option 1: Approve the Notification of Renewal to the Park Maintenance Agreement Between Leon County and the City of Tallahassee for the Tallahassee-St. Marks Historic Railroad Trail Extension, and authorize the County Administrator to send written documentation to the City for concurrence of a two-year renewal.

12. Authorization to Delete 197 Analog 800MHz Radios from the Property Control Records

The Board approved Option 1: Authorize the deletion of 197 analog 800MHz radios from the Property Control Records

13. Approval of Budget Amendment Request to Realign Funds in the Tourism Development Marketing Program Budget for FY2010

The Board approved Option 1: Approve the Budget Amendment Request to realign funds in the Tourism Development Marketing Program Budget for FY 2010

14. Acceptance of the FY 2008/09 Combined Commissioner Discussion Items Status

Report

The Board approved Option 1: Accept the FY 2008/09 combined status report on Commissioner Discussion Items.

15. **Acceptance of a Status Report Regarding Flooding Solutions to the Fairbanks Ferry Road, Crooked Road and Chaires/Capitola Areas**

County Administrator Alam explained that the item provides a status report regarding flooding issues affecting the residents at Fairbanks Ferry Road, Crooked Road and Chaires/Capitola Areas. He noted that staff has identified a funding opportunity through the Community Development Block Grant Disaster Recovery fund in the amount of \$1.2 and \$2.75 million for Fairbanks Ferry Road and Chairs/Capitola areas respectively; however alternative solutions and a funding source for the Crooked Road area has not been identified.

Speakers:

- Stephen Belovary, 4986 Crooked Road, pointed out that no formal notice had been given to residents regarding the proposed modifications to the dam and asked that the Board re-evaluate flooding solutions due the proposed project. He also cited concerns about safety during a flood and asserted that communication was essential.
- Cathy Frances-Belovary, 4986 Crooked Road, asked about the possibility of the County's buying out of Crooked Road properties that flood and expressed concerns about Wakulla, Liberty and Franklin County residents. She stated that the City of Tallahassee stands to benefit; but residents downstream who receive no benefit will be subject to a great deal of harm.
- Kent Johnson, 5004 Crooked Road, voiced concern about how the City's management of the dam and suggested that the Federal Energy Regulatory Commission (FERC) review the required Lake Talquin level.
- Kanani Johnson, 5004 Crooked Road, shared that 35% of the 14 flood events on record from 1960 were when the lake went above 69.5 feet and the river was above 22 feet. She declared that the City needed to manage the dam differently and appealed to the Board to do whatever was necessary to change the proposed spillway project and its potential for flooding Crooked Road properties. Ms. Johnson provided a chart which compared Pre and Post Construction Hydraulic Conditions (Jackson Bluff Dam). A copy of this document is attached.
- Tom Jacobs, 4944 Crooked Road, presented a power point presentation illustrated by pictures on how the flow of the Ochlockonee River will change and its affect on properties.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, to approve Option 1 & 2, as amended: 1) Accept the status report on flooding solutions to the Fairbanks Ferry Road, Crooked Road, and Chaires/Capitola Areas, and 2) Direct staff to negotiate with the City for a reduction in flooding frequency with operational changes at the CH Corn Hydroelectric Dam and Station and direct staff to look into the County's liability regarding flooding of properties of Leon County property owners. The motion carried 7-0.

Chairman Desloge inquired about status of individuals wanting to address the Board on Item #16. He offered that those individuals that could not remain could e-mail their comments to the Board and suggested that the Board adjourn for dinner and reconvene at 6:00 for Public Hearings.

The Board adjourned at 5:25 p.m. and will reconvene at 6:00 p.m. for the scheduled Public

Hearings.

Citizens to be Heard on Non-Agendaed Items

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

General Business

16. Review and Consideration of the Current "Mosquito Control No-Spray Program"

Chairman Desloge remarked that there were a number of citizens wanting to speak on this issue and announced that public input would be limited to three-minutes.

County Administrator Alam provided a summary of the item. He shared that the item requests Board direction regarding changes and/or modifications to the Mosquito Control No-Spray Program. He commented that recent conflicts between persons who are opposed to mosquito control spraying and those who support the spraying for pest relief have resulted in the need to address the manner in which the Mosquito Control Program is administered. He noted that the No Spray Program includes 122 identified no-spray areas in the County and includes the following categories: 1) Call Before Spraying; 2) Do Not Spray Subdivision; 3) Do not Spray Property Area, and 4) 48-Hour Written Notice.

Chairman Desloge read into the record a letter from Kimberly Punausuaia, Orchard Walk Homeowners Assn President, which indicated that a ballot vote had been conducted and the majority of homeowners voted to request the County spray their neighborhood. A copy of the ballots were included.

Commissioner Rackleff requested that staff provide a factual account of the circumstances surrounding the current conflict associated with the Orchard Walk Neighborhood. Tony Park, Public Works Director, explained that the County responded to a request from the Orchard Walk Homeowners Associations for a mosquito spray; and as per policy and agreement with the neighborhood a 48-hour notice was provided.

Commissioner Thael indicated that he was interested in learning more about the health related concerns related to spraying. He suggested that staff 1) identify other jurisdictions who have adopted no spray policies to find out their success; 2) identify possible alternatives to spraying and 3) determine whether the alternatives to chemical spraying is more, equal to or less expensive. Commissioner Thael also suggested that a workshop be scheduled to further discuss the issue.

Speakers:

- Dr. John Ness, 515 Frankshaw Rd., voiced concern over the unnecessary chemical exposure to spraying and favored a process to look at other safer options.
- Ashley Simmons Hotz, Monticello, stated that she and her husband have been chemically injured by pesticides and are members of the Chemical Injury Information Network. She encouraged the Board to adopt a Real Integrated Pest Management Program; which if done with integrity would concentrate on larvae control and spraying of pesticides would be done as a last resort. Ms Simmons-Hotz cited various studies and articles published on the harmful effects of chemicals. A copy of this information was distributed to the Board.
- Richard Hotz, Monticello, referred to a study by Dr. Grace Ziem which noted the health effects of pesticide spraying.
- Sallie Worley, Monticello, spoke to the Board as the Director of the One Heart

Earth Center, a concerned citizen, wife and grandmother and expressed concerns about the spray "drifts" which are harmful to dragonflies, bees, bats, purple martins, and other wildlife. She suggested that more holistic, natural alternatives be pursued.

- Jack Davis, 831 Washington St., Member of the Council of Neighborhood Associations (CONA) Board of Directors, referenced the City's personal pollution (TAPP) campaign currently being done to educate residents on how personal behaviors affect the environment. He stated the issue is of concern to CONA and supported further discussion. He also indicated that CONA would like to be part of the workshop.
- Steve Medina, 322 Yacht Club Drive, Ft. Walton Beach, stated that he spent 25 years as an environmental lawyer and has been involved in class actions resulting in judgments against chemical companies. He opined that local governments are at significant risk of litigation through the indiscriminate use of pesticides particularly from the road side spraying. He urged hesitancy in using chemicals.
- Rex Thomas, 1916 Talpeco Rd., stated that he is the owner of a local pest control company and was employed with the County's Mosquito Control Program from 1988-1994. He asserted that the County has one of the best mosquito control programs in the State and the no spray program is flexible enough to provide citizens with needed protection from mosquitoes. He urged the Board to not eliminate the adulticiding program.
- Bernie Windham, 12164 Whitehouse Rd., voiced opposition to spraying and provided information and references on the health effects of pyrethroid pesticides.
- Ben Fusaro, 379 Rob Roy Trail, provided a presentation on "Mosquito Challenge" and remarked that spraying destroys the mosquito's natural predator and that it takes considerably more time for the dragonfly to regenerate than a mosquito.
- Virginia Johnson, 209 Natural Bridge Rd., Monticello, delivered a statement from Dillon Ardt, 8th grader at St. Peter St. Francis School in Connecticut which expressed opposition to mosquito spraying.
- Sarah Johnson, 209 Natural Bridge Rd., Monticello, read a letter on behalf of Chad Hanson, Wakulla County who asked that the Board reevaluate its Mosquito Control Program as it does not reduce the number of mosquitoes but kills beneficial insects. He offered that the program's objectives should be reviewed and a more effective public education campaign was needed. He also requested that aerial spraying cease.
- Dr. John Naby, 21629 Teal Court, Land of Lakes, FL, proclaimed that he was exposed to the pesticides from mosquito spraying and is very concerned over the health affects of this exposure to himself, his family and others. He advocated for a less intrusive manner to control mosquitoes and encouraged the Board to conduct a workshop.
- Fran Vellanti, 4012 Colleton Ct., stated that she is on the state's chemically sensitive list and requested that the Board stop all toxic spraying. She submitted that the State's Pesticide Structural Act needed to be changed.
- Michele Hatton, 1549 Chuli Nene, Apalachee Bee Keepers Association, pointed out that pesticides are harmful to bees and that one-third of all crops are pollinated by bees.
- Michael Callan, 1549 Chuli Nene, expressed concern over the effects of pesticides on bees and does not believe that people should be subjected to poisons. He noted that mosquitoes are a part of life in Florida.
- Dr. Termotto, 1306 Sumerlin Dr., expressed dissatisfaction with the process in which this manner was addressed. He shared an expert opinion issued by Dr. Garth Nichol森, President of the Institute of Molecular Medicine in California

on the indiscriminate use of pesticides and insecticides and its affects on chronic opportunistic infections. He expressed concern for the individuals who have been exposed to the toxins and indicated his support for a Workshop.

- Michael Page, Chief, Bureau of Entomology and Pest Control, Florida Dept. of Agriculture, advised that Leon County is not in violation of any State or Federal Law when conducting mosquito control. He added that indiscriminate or widespread spraying is not conducted and that the County uses a number of integrated pest management techniques, such as education and source reduction, biological control, surveillance and trapping and well as chemical controls. He pointed out that the County conducts 3-4 times more larvae siting than it does spray missions. He summarized that the Departments of Health, Agriculture, Environmental Protection, and Center for Disease Control support mosquito control to prevent mosquito-borne disease.

Commissioner Akinyemi noted the need to balance the rights of both sides of the issue (those who favored spraying and those opposed). He also commended staff and offered that the County has a good and balanced plan in place.

Commissioner Akinyemi moved, duly seconded by Commissioner Thael, to direct staff to schedule a Workshop on the current Mosquito Control No-Spray Program and place a moratorium on spraying in the area that has registered complaints until after the Workshop.

County Administrator Alam stated that the Mosquito Control Program's season is over. *Commissioner Akinyemi amended his motion to withdraw the request to set a moratorium.*

Commissioner Thael conveyed that he would like for the workshop to include information and discussion on the results of no spray policies that may have been adopted by other jurisdictions (local, state, regional, national); to include

- how long the policy has been in place;
- has it diminished the existence of mosquitoes and disease;
- cost impacts, and
- health outcomes.

He concurred that the County has a great program utilizing the limited resources available; however was open to discussion of what can be done to utilize these resources better.

Commissioner Proctor acknowledged the comments expressed by the public and expressed concern about the information that was shared. *He requested that the motion be amended to include review and input by the Science Advisory Committee (SAC). Commissioner Akinyemi accepted the amendment and asked that the SAC be invited to attend the workshop.*

Commissioner Sauls stated that she will support the motion; however reminded the Board that there are two sides to this issue and suggested that both sides be represented at the Workshop.

Commissioner Thael emphasized that he was not in favor of eliminating mosquito control, but suggested that a better and more effective method could be identified that would not harm citizens or other wildlife.

Chairman Desloge voiced his appreciation for the public's patience and input and remarked that the Workshop would provide an opportunity to learn, discuss and

determine the most appropriate method of control.

The motion, as amended, carried 7-0.

17. Acceptance of Status Report on Sidewalk Requirements for New Development Within the Lake Protection Zoning District

County Administrator Alam explained that the item responds to the Board's request to provide information on regulatory requirements for the provision of sidewalks within the Lake Protection (LP) zoning district. He noted that the County's current policy toward sidewalks within the LP zoning district does not require new residential developments to provide sidewalks but does require sidewalks for new commercial, office and institutional uses. Mr. Alam added that the County may use funds, generated in part through the payment of the fess in-lieu of sidewalk provision, to finance the construction of sidewalks within older more densely developed areas.

Commissioner Dailey stated that the agenda item does not specifically address the Kingsway Christian Church. He summarized that the Church located on Hwy. 27 North wants to construct a 600-800 foot structure and County regulations require the installation of sidewalks on 27 North and the side street. He opined that common sense needs to apply on when and where the policy is implemented or that a new policy was needed. He noted that installation of the sidewalks would significantly impact the overall project cost and most likely would preclude it from moving forward. Commissioner Dailey pointed out that there are no sidewalks on that particular stretch of Hwy. 27 or in the subdivision behind the church. He further proclaimed that the County's Bikeways and Pedestrian Master Plan places sidewalks on Hwy. 27 North as priority #106 and that over \$270 million dollars would have to be spent on other sidewalk projects before they would be installed on Hwy 27 North. He agreed that the church should be responsible for the installation of the sidewalks when the County has put in connector sidewalks. He deemed this issue important enough that the County should consider some type of language so its not an either/or situation and that cases such as this can be handled on an individual basis.

Commissioner Proctor expressed support for an exemption and inquired from the County Attorney how the requirement could be waived. He inquired if a "use index" could be crafted to exempt facilities that would have limited public use.

County Attorney Thiele advised that the Board not "pick and choose" a waiver of the policy. He referenced a previous case involving a church that the County required to meet the sidewalk requirement. He recommended that should the Board desire to come up with some exemptions, the Church could be given temporary relief by having them execute an Infrastructure Improvement Bond (or placeholder) which would allow staff time to bring back an amended ordinance dealing with modifications to the sidewalk requirement.

Commissioner Rackleff expressed that as a big proponent of sidewalks he is willing to apply the policy uniformly to all new developments. He noted that the church is located relatively close to the new Branch Library at Huntington Oaks and Canopy Oaks School. He added that the proposed exception has no place in good, uniform growth management and ignores the future needs of the community. He shared a nationwide study entitled "Dangerous By Design" which showed that Tallahassee has a higher pedestrian death rate than Atlanta, Georgia. Commissioner Rackleff opined that the requirement that the Church install sidewalks along the property line is proper and necessary and he does not see a need for an exception.

Commissioner Akinyemi agreed that these situations should be looked at on a case by case basis and would support the temporary waiving of the requirement.

Commissioner Sauls inquired how the County would enforce the installation of sidewalks years down the road, should the Board decide to defer the requirement.

Mr. Thiele suggested that the Board direct staff to bring back an exemption methodology that assures that the property owner would, in the future, have to incur the cost of sidewalk installation when some "triggering mechanism" occurs; and in the short term, work it out so that the church is exempted from the sidewalk requirement, but not waive the requirement that they be put in.

Commissioner Rackleff asked for a point of information from the County Attorney. He asked if the church could be required to donate the right of way now for the sidewalk. Mr. Thiele responded that under normal circumstances they would be required to donate the right-of-way anyhow; but agreed that the Board should make assurances now that the property is dedicated to the public for the sidewalks, whether or not it's constructed.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to direct staff to meet with Kingsway Church to come up with some legally binding arrangement that requires Kingsway Church to build, at their own expense sidewalks at the appropriate time.

Commissioner Proctor stated for the record that he will not support the mandate for a sidewalk for the church that requires them to pay for a sidewalk when neither the City, County nor State will pay for a sidewalk on Palmer Avenue. He also suggested looking at establishing a 2/3 Program for sidewalks.

Commissioner Dailey suggested that the sidewalk policy be addressed at the retreat or a workshop be scheduled.

Commissioner Dailey restated his motion: Direct staff to meet with Kingsway Christian Church to come up with some legally binding arrangement that requires Kingsway Church to build, at their own expense, sidewalks at the appropriate time that the County has a trigger mechanism dealing with the Master Plan. In addition, request that staff bring back this issue at the Board's Retreat or schedule a workshop. The motion carried 7-0.

18. Consideration of Purchase of One Parcel from Susan Cavanaugh for the Fred George Basin Greenway Project

County Administrator Alam explained that the item seeks Board direction on the purchase of the last parcel for the proposed Fred George Basin Greenway Project. He shared that the parcel was assessed at \$35,000; however the owner is requesting \$49,000. Staff recommends approval at the assessed value.

Commissioner Rackleff moved, duly seconded by Commissioner Sauls, to approve Option 1: Approve the purchase of the Susan Cavanaugh parcel for the maximum Approved Purchase Price of \$35,000.

Speaker:

- Brian Messer, 3098 White Ibis Way, appeared representing the property owner and indicated that he was available to answer any questions. He stated that the asking price of approximately \$4,000 an acre was fair.

Commissioner Akinyemi offered a substitute motion to purchase the property, as a compromise, at \$43,750.00.

Don Lanham, Grants Program Coordinator, confirmed that \$35,000 is the Maximum Approved Purchase Price (MAPP) approved by the Florida Communities Trust, which will pay 50% of this amount. He added that any amount approved over the \$35,000 would be 100% incurred by the County.

Upon establishing with County Administrator Alam that the project was still under budget, *the substitute motion was seconded by Commissioner Dailey.*

Chairman Desloge confirmed with Mr. Messer that the proposed compromised purchase amount of \$43,750 would not be acceptable to the property owner.

Commissioner Rackleff pointed out that the property appraised at \$35,000 and offered that there was no compelling public interest in offering more than it is worth. He commented that the funds saved could be used for other conservation projects in the County. He urged withdrawal of the substitute motion.

Mr. Alam clarified that the monies for the project are State and Blueprint 2000 funds and cannot be used for other County projects and that it has never been a Board policy to not purchase property over appraised value.

Commissioner Thael held discussions with staff on the make up of the parcel, its ecological value and potential for future development.

Chairman Desloge indicated that he would not support the substitute motion.

Commissioner Dailey withdrew his second of the substitute motion, therefore the substitute motion died.

The original motion to approve Option 1: Approve the purchase of the Susan Cavanaugh parcel for the maximum Approved Purchase Price of \$35,000 carried 6-0 (Commissioner Proctor out of Chambers)

19. Consideration to Schedule and Co-Host a Leon County Community-Wide Mental Health Summit

County Administrator Alam announced the item.

Commissioner Proctor suggested that the Summit include A Life Recovery Unit operated by Bethel Church, Bethel Missionary Baptist Church, Leon County Jail and Homeless Shelter.

Chairman Desloge suggested the inclusion of both hospitals, as they are the largest recipient of mental health patients.

Commissioner Thael mentioned that the County's Healthcare Advisory Board (HAB) has held discussions regarding this community problem and had initiated the planning of the Summit. He noted that Art Cooper, HAB Vice Chairman and Chairman of the HAB's Mental Health Subcommittee will facilitate the meeting and is available for Commissioners questions or input. He commented that juvenile mental health has become a serious crisis in the community and suggested that the National Association of Mentally Ill (NAMI) and the Department of Juvenile Justice should also be invited.

Commissioner Thaeff moved, duly seconded by Commissioner Desloge, to approve Options 1 & 2: 1) Authorize the Leon County Healthcare Advisory Board to co-host a community-wide Mental Health Summit with the Leon County Criminal Justice Mental Health and Substance Abuse Advisory Council, and 2) Schedule the Mental Health Summit for Wednesday, January 20, 2010 from 8:30 a.m. – 3:30 p.m. at the Tallahassee Community College's Center for Workforce Development. In addition, the motion includes the inclusion of those entities mentioned by Commissioners Desloge, Thaeff and Proctor: Life Recovery Unit operated by Bethel Church, Bethel Missionary Baptist Church, Leon County Jail, Homeless Shelter, both hospitals, NAMI, and Department of Juvenile Justice.

Commissioner Akinyemi pointed out the correlation between homelessness and mental health and asked the maker of the motion to consider a friendly amendment to add homelessness to the Summit Agenda. Commissioner Thaeff, as the maker of the motion, did not accept the friendly amendment.

Commissioner Proctor asked that a proclamation be done declaring the week of the summit "Leon County Mental Health Awareness Week" and that media coverage and energy be given to this issue. He also requested that the Board make this issue a priority at the Retreat.

The motion carried 7-0

20. Consideration of a Funding Request for the Hope Community's First Annual Kay Freeman Luncheon in the Amount of \$2,500

This item was removed from the Agenda.

21. Consideration of Reimbursement of Expenses Associated with the Implementation of an After-the-Fact Environmental Compliance Mitigation Permit

County Administrator Alam explained that the item was brought forward by Commissioner Dailey and the reimbursement requested is \$13,053.

Commissioner Dailey offered that he has been involved in this situation for over three years and does not agree with the County's position on this issue. He summarized the matter for the Board noting that the Jones family has lived on the property for over three generations; prior to the County's land development code or comprehensive plan. He explained that the family was found to have violated County Code; however have taken steps to come into compliance. Commissioner Dailey opined that if the County was serious about the stormwater capacity on State Road 12/Fairbanks Ferry Road, the County should have done the work itself. He asked the Board to consider reimbursement to the Jones Family for the "hard" cost totaling \$6,052.25.

Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 2, as amended: Approve the reimbursement of "hard" costs (totaling \$6,052.25) associated with the implementation of the requirements of a required after-the-fact environmental mitigation permit, and approve the budget amendment utilizing general contingency funds for the reimbursement.

Commissioner Sauls indicated that this was a very unfortunate situation, but could not support the motion as it would establish a terrible precedent.

Commissioner Proctor asked how the reimbursement would alter the continuing flooding situation and what further assistance will the County provide to help alleviate flooding. Commissioner Dailey responded that the reimbursement directly reflects the

work the County should have done and that the County is pursuing a grant which will provide several millions of dollars for flooding relief in the Fairbanks Ferry and Chaires/Capitola areas. Commissioner Proctor indicated his support for the motion.

Commissioner Rackleff articulated that he would not support the motion as the family has been in violation for 10 years and amounted fines totaling almost one-half million dollars. He noted that the County forgave all fines when the family came into compliance. He agreed with Commissioner Sauls that this would set a very bad precedent.

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

The Board reconvened at 6:00 p.m.

Commissioner Dailey explained that recipients of the following resolution were still in school at 3:00 and it was decided to postpone the presentation of the resolution until 6:00.

- Commissioner Dailey presented a Resolution congratulating the Meridian Nationals 12-Year Old Baseball State Champions.
- Head Coach Patrick Dorsey accepted the Resolution on behalf of the team.

The Board now began the scheduled Public Hearings (Items 22-25).

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

22. Second and Final Hearing on the Proposed Second Amendment to "Lauder" Development Agreement Pursuant to §163.3229, Florida Statutes, and Authorize Chairman to Execute Second Amendment to "Lauder" Development Agreement

County Attorney Thiele announced the public hearing.

Commissioner Dailey moved, duly seconded by Commissioner Thaell, to approve Option 1: The Board approved Option 1: Conduct Second and Final Hearing and approve the proposed Second Amendment to "Lauder" Development Agreement which extends the term of said Agreement to December 31, 2013, pursuant to 163.3229, Florida Statutes, and Authorize Chairman to Execute the Second Amendment to "Lauder" Development Agreement. The motion carried 6-0 (Commissioner Rackleff out of Chambers)

23. Second and Final Quasi-Judicial Public Hearing 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)

County Administrator Alam announced the public hearing.

Commissioner Sauls moved, duly seconded by Commissioner Thaell, to approve Option 1: Conduct the Second and Final Quasi-Judicial Hearing and adopt the proposed Ordinance Amending the Official Zoning Map from the CP Commercial Parkway and M-1 Light Industrial Zoning districts to the OS Open Space zoning district, based upon the findings of fact and conclusions of law included herein, and any evidence submitted at the Public Hearing hereon. The motion carried 6-0 (Commissioner Rackleff out of Chambers).

24. Second and Final 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)

County Administrator Alam announced the public hearing.

Commissioner Thaele moved, duly seconded by Commissioner Sauls to approve Option 1: Conduct the second and final quasi-judicial hearing and adopt the proposed Ordinance amending the Official Zoning Map from the Lake Protection zoning district to the OS Open Space zoning district, based upon the findings of fact and conclusion of law included herein, and any evidence submitted at the Public Hearing hereon. The motion carried 7-0.

25. First and Only Public Hearing to Consider a Proposed Ordinance Amending the Land Development Code Clarifying the Criteria of the Uniform Street Naming and Property Numbering System

County Administrator Alam announced the public hearing.

Commissioner Dailey moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct the first and only Public Hearing and adopt a proposed Ordinance, amending the Land Development Code to clarify the criteria of the Uniform Street Naming and Property Numbering System. The motion carried 7-0.

This concluded the Public Hearings and the Board entered into discussion of General Business Item #16.

Citizens to be Heard on Non-Agendaed Items:

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

- Curtis Baynes, 1323 E. Tennessee St., questioned the County's policy regarding providing a severance package to terminate "at-will" employees. He opined that at-will employees should not be compensated unless employed with the County through a contract and recommended that the County review their policy on this issue.

Commissioner Thaele agreed that a review was warranted and suggested that the Board address this policy, possibly at the Board Retreat. He also questioned if there are instances where certain employees should be employed via an employment contract.

Commissioner Thaele moved, duly seconded by Commissioner Desloge, to request an agenda item, which 1) provides information on the County's severance policy and 2) examines the placement of certain employees under contractual agreement which would specify their rights and their obligation to the County, to be discussed at the Board Retreat.

Commissioner Desloge stated that the Board needed better clarity of the process and offered that Commissioners should have more knowledge when an employee leaves and a severance package is offered.

The motion carried 7-0.

Discussion Items by Commissioners:

Commissioner Proctor

- *Commissioner Proctor moved, duly seconded by Commissioner Thaele, to approve the expenditure of \$200 from his Commissioner Account in support of the Tallahassee Boys Choir Christmas Gala, to be held on December 12. The motion carried 7-0.*

- *Commissioner Proctor moved, duly seconded by Commissioner Thaell, to approve the expenditure of \$200 from his Commissioner Account in support of the Women of Alpha Upsilon Zeta Chapter of Zeta Phi Beta Sorority, Inc Scholarship Banquet to be held Saturday December 12. The motion carried 7-0.*
- Requested a Resolution honoring Leroy Vann, a punt returner for the FAMU football team, who tied an NCAA punt return record. Approved without objection.

Commissioner Thaell

- Stated that the County can save taxpayers a lot of money with the termination of the contract for the Program Manager for the Joint Dispatch Facility. He noted that the contract can be terminated within 30 days and offered that the County has internal staff which can complete the remainder of the project for a savings of \$1.5 million.
 - *Commissioner Thaell moved, duly seconded by Commissioner Desloge, to direct staff to bring back at the earliest possible time, an agenda item to address the termination of the Program Manager contract for the Joint Dispatch Facility at a savings of \$1.5 million. The motion carried 7-0.*
- Reported that the Consumer Choice Act of 2000 authorizes the Department of Agriculture and Consumer Services to have sole authority in responding to cable and video customer complaints. He pointed out that the County can no longer intervene on residents' behalf in customer complaints. Commissioner Thaell opined that this was an unfortunate law.
- Shared that the Kay Freeman Luncheon will be held on November 19 at the Ramada Inn North at 11:15 a.m. He encouraged everyone to attend if possible.
- Shared that he had recently been appointed to the National Association of Counties (NACo) Board of Directors.

Commissioner Sauls

- Requested that surrounding counties (Liberty, Gadsden, Wakulla and Franklin) representatives be notified and invited to join the December 8, 2009 Board meeting; at which time the City of Tallahassee will provide information on the DCH Corn Hydro Dam Spillway Modifications.

Commissioner Akinyemi

- Shared that he will join the Conservation Leaders Network, an organization that focuses on working with county commissioners to protect American's natural resources and encouraged others to join also.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to authorize the expenditure of \$100 from his Commissioner Account in support of Tabernacle Missionary Baptist Church efforts to certify five individuals (\$20 each) in substance abuse counseling. The motion carried 7-0.*

Commissioner Dailey

- Congratulated Commissioner Desloge on his completion of the Iron Man Florida Triathlon Event.

Commissioner Rackleff

- Requested a Resolution for the International Managers and Volunteers Recognition Day, to be presented on November 17, 2009
- Shared that he accepted, on behalf of the Board, a certificate from the Family Tree acknowledging the Board's establishment of its Human Rights Committee. He noted that Commissioner Akinyemi also attended.
- Voiced his concern for the number of pedestrian deaths locally and throughout the State. He referenced a report entitled "Dangerous by Design" that indicates that

Florida has four cities that rank in the top five nationally for pedestrian deaths. He stressed the need to address this issue and opined that the mobility plan being developed can assist in this effort.

- Wished his aide Kate Brady a happy birthday.
- In honor of Veterans Day, invited everyone to attend the breakfast at the American Legion Hall at 7:00 a.m. and the breakfast at the VFW on W. Tennessee Street.

Chairman Desloge

- Requested a Resolution recognizing Lung Cancer Awareness Month; to be presented on December 8.
- Congratulated the Leon Girls Volleyball Team on their victory.

Receipt and File:

- Comcast – Federal Communications Commission Form 1240, Updating Maximum Permitted Rates for Regulated Cable Services; Federal Communications Commission Form 1205, Determining Regulated Equipment and Installation Costs

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 9:11 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bob Rackleff, Chairman
Board of County Commissioners

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