BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
December 8, 2009

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

Invocation was provided by Commissioner Thaell; who then led the Pledge of Allegiance.

Chairman Rackleff announced that, in response to a request by Chief Judge Charles Francis, the Board would at this time take up Item #36, Approval to Establish an On-Site Urinalysis Testing Program.

Awards and Presentations:

- Presentation Regarding the Palmer-Munroe Community Center on Jackson Bluff Road

  City Commissioner Andrew Gillum was introduced. Commissioner Gillum offered his congratulations to newly elected Chairman Rackleff and Vice Chairman Dailey.

  Commissioner Gillum provided an update on the Palmer-Munroe Community Center. He appeared to request the Board's support to establish the Community Center as a Teen Center that would focus exclusively to meet the needs of teens 13-19 years of age. The facility would provide a safe, fun, recreational environment but would also provide a host of other services, such as teen mentoring and dispute resolution. He shared that discussions have been conducted for 3 ½ months and have included Commissioner Bryan Desloge, representatives from the Department of Juvenile Justice, Parks & Recreation and community advocates. Commissioner Gillum requested that the Board consider partnering with the City and other potential community funding partners to transform the Palmer-Munroe Center into a facility to help develop and grow young people into responsible young adults.

  Chairman Rackleff confirmed with Commissioner Gillum that City and County staff have been working collaboratively on this effort, along with Commissioner Desloge, Public Defender Nancy Daniels, Sheriff's Office, and Superintendent of Schools.

  Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to direct staff to bring back an agenda item in January on the establishment of a Teen Center for ages 13-19 at the Palmer-Munroe Community Center. The motion carried 7-0.

  Commissioner Proctor offered that he was open to the County joining the City's efforts in this initiative and added that it coincided with one of the Board's recently established priorities. He also invited Commissioner Gillum to make a presentation to the Juvenile Justice Coordinating Council.

  Commissioner Thaell commended Commissioner Gillum for bringing this issue forward and noted the need for the State Attorney to be involved.

- Commissioner Proctor presented a Resolution to LeRoy Vann, Florida A&M University, which recognized and honored his record setting performance this past

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year for punt/kick-off yards. He noted that Mr. Vann set nine school and conference records and five NCAA football records in punt/kick-off return yards.

- Commissioner Desloge presented a Resolution on behalf of Moffitt Cancer Center, Designating December 2009 as Lung Cancer Awareness Month.

  Ms. Christy Harrison accepted the Resolution on behalf of Tallahassee Memorial Cancer Center and Moffit Cancer Center. She introduced Joy Belanger who provided her personal story as a Stage 4 lung cancer patient.

- Presentation by Goodwill Industries-Big Bend, Inc. on its Electronic Recycling Initiative

  Fred Shelfer, President, Goodwill Industries- Big Bend, Inc. announced that Goodwill will open an Electronic Store and Recycling Center on Friday, December 11. He stated that Goodwill is donated a large amount of e-cycle product which will either be sold at the new location or recycled. Mr. Shelfer announced that a number of special education students would be employed to sort and distribute the donated e-cycle. He invited the Board to attend the Grand Opening and asked the County to support Goodwill's mission by donating its obsolete and excess e-cycle products.

  Commissioner Akinyemi thanked Mr. Shelfer for Goodwill's efforts within the community; especially in their hiring of individuals with disabilities.

  Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to direct staff to bring back an agenda item on ways that the County can help/support Goodwill's electronic recycling program initiative. Although there was no official vote taken, Chairman Rackleff commented that there was no objection and County Administrator Alam indicated that staff would bring an agenda item back.

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- Pastor Brant Copeland of First Presbyterian Church made a presentation on the Church's Solar Panel Roof Project.

- Presentation on the Jackson Bluff Dam Spillway Project

  Mr. Rob McGarrah, Power Production Manager, City of Tallahassee, provided a detailed presentation on the proposed modifications to the Corn Hydro Electric Facility. Upon conclusion of the presentation Commissioners were provided an opportunity to ask questions regarding the project.

  Chairman Rackleff inquired if there was a warning system and communication procedures in place during a flood situation. Mr. McGarrah responded that an Emergency Action Plan has been developed and is required under their operating license. It is designed to be used to make notification to downstream residents and emergency support agencies. He advised that interactions occur with Leon, Liberty, Franklin, Gadsden and Wakulla emergency offices during high water events.

  Commissioner Thaell expressed concern that the County government and its citizens were not kept informed or provided an opportunity to participate in project development. He deemed that permitting agencies would have an obligation to have public hearings to inform and involve those jurisdictions that were representative of citizens of the affected areas. He indicated that many citizens have been very desirous of an opportunity to convey their concerns and to suggest alternatives approaches to engineering.

Commissioner Thaell confirmed with Mr. McGarrah that:

- The Federal Energy Regulatory Commission (FERC)required the City to make modifications to deal with concerns with respect to the failure of the emergency spillway;
- Permit approval received from FERC; state permits are pending;
- Construction has been deferred until next year;
- No requirement by FERC to conduct public hearings;
- "Open House" has been held in attempt to inform public;
- Engineers are looking at possible physical modifications in response to concerns from downstream residents, and
- Would be significant undertaking to raise spillway crest to 72 feet.

Commissioner Thaell commented that it seemed that the City was attempting to respond to citizens concerns and he encouraged continued communications. He also asked that the City seriously consider any modifications that are reasonable, affordable and also would preserve safety.

Commissioner Proctor expressed disappointment that the County was not provided information on the project. He learned that the hydro plant's life span is infinite, but there may come a time when it is too expensive to maintain. Mr. McGarrah remarked that the City is committed to operating the dam through the operating license period which is a 40 year operating license.

Commissioner Proctor inquired if the City would consider the creation of a catastrophic fund to reimburse residents who may be affected by flooding events. Mr. McGarrah stated that this issue should be addressed with City Attorney Jim English. Commissioner Proctor requested clarity about indemnification and flooding responsibility as he opined that the County should not be held accountable for flooding as a result of the City's actions.

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Commissioner Akinyemi verified that the project is being done solely as a safety project and that it would not change generating capacity for electricity. He shared that a visual of the homes affected would be beneficial.

Speakers:

- Commissioner Davis Stoutamire, Liberty County, asserted his concern over the City's proposed plans and that residents and governing bodies of affected counties were not notified. He stated that the City has been invited to make a presentation to the Liberty County Commission and commented that any assistance the Board could give would be appreciated.
- Commissioner Cheryl Sanders, Franklin County commented that they are more affected by flooding than residents on the upper part of the river. She encouraged a meeting where constituents will have an opportunity to ask questions and noted the need for all counties to work together. She asked how the City plans to minimize flooding downstream and asked for the Board help to facilitate this situation.

Commissioner Rackleff recognized Commissioners from Jefferson County in attendance.

- Kanani Johnson & Tom Jacobs, 5004 Crooked Road, representing concerned Ochlockonee River residents, provided a power point presentation in opposition to the spillway modification at the C.H. Corn Hydroelectric Facility as proposed.

The presentation included concerns to the proposed design; significant historical hydrologic data; state expectations & summary, and photo documentation of flooding. A copy of the presentation was presented for included in the official record.

- Kent Johnson, 5004 Crooked Road, echoed the concerns expressed by previous speakers and opined that there are changes that could be made to the City's plans. He thanked the Board for their consideration of residents concerns.

Chairman Rackleff assured fellow commissioners and all residents that the County is committed to help in every way possible.

Commissioner Sauls established with Mr. McGarrah that they were willing to meet with surrounding counties to address their concerns. She advised that the Leon County Commission was very concerned and asked other counties and their residents be given serious consideration.

Chairman Rackleff remarked that there were serious engineering and hydrological issues involved in this project. He suggested that staff come back possibly in January, with an engineering review which would provide some independent verification about engineering assumptions and to also address communication and emergency preparedness issues.

County Attorney Thiele advised that there are ways for the County to interject itself on this issue should the Board desire to do so and advised that the County has access to services of an independent engineering firm.

County Administrator Alam recommended that staff be directed to work with the City regarding the issues of lake management and project design and bring information back to the Board in January. The Board accepted Mr. Alam's recommendation.

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Commissioner Proctor reiterated his concern over liability and asked if the City would take responsibility for the situation they create in regard to water safety. He also inquired from Mr. Thiele 1) if the Federal government has delegated its authority in the area of hydro electricity, 2) variances between private vs government owned utility, 3) is there governmental immunity and would the affecting party be held accountable for damages generated by function and activity by which they are operating.

- Presentation of the Economic Development Council's (EDC) FY 2009 Annual Report

  Kim Williams, EDC Board Chairman, thanked the Commission for the opportunity to appear and present the work of the EDC over the last year. He noted that the EDC work consists of four elements of economic development: product development; existing industry; marketing competitive assets to attract capital investment and entrepreneurial assistance. He introduced the following individuals who provided information on their interactions with the EDC and in the ways that the EDC has help their organization grow and succeed in today's market.

  - Pam Bauer, Hotel Duval, shared that they are a $15 million redevelopment project located in Leon County's Enterprise Zone and through their association with the EDC were able to qualify and apply for various tax credits and refunds. She added as EDC partner they are finding new and beneficial resources and connections to enhance the competitiveness of their product.
  - Pam Butler, AEGIS Business Technologies, indicated that by joining the EDC they had ensured that they had the best information available to expand their business. She shared that the

EDC program has allowed them to explore the role of small businesses and have used resources such as professional networking, capital investors, and untapped markets, which have allowed them to market themselves differently.

- Pamela and Arthur Aveling, King Arthur Tools, conveyed that their partnering with the EDC has expanded their national and international contacts which will enable them to continue their expansion into other International markets, which will bring many benefits back to the community in such areas as addition of staff, purchase of capital investments, and business expansion.
- Shawn Flood, The Gotcha Group, was unable to attend. Mr. Williams shared on his behalf that the EDC facilitated over 30 meeting for the Group.

Mr. Williams indicated that this concluded their report and commented that a written report had been distributed.

Chairman Rackleff introduced Danny Monroe, Chairman, Jefferson County Commission who addressed the Board. He voiced the importance of the continuance of current agreements with Leon County regarding fire, ambulance, and law enforcement as they are a small county.

Chairman Rackleff adjourned the meeting at 5:35 and advised that it would reconvene at 6:00 p.m. for public hearings.

Consent:

Commissioner Dailey moved, duly seconded by Commissioner Sauls, to approve the following Consent Agenda with the exception of Items 14, 20, 26 & 30, which were pulled for discussion. The motion carried 7-0.

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1. **Approval of Minutes: October 13, 2009 MWSBE Division Disparity Study Update; October 27, 2009 Hometown Democracy Workshop; October 27, 2009 2009/2010 Legislative Priorities Workshop; and, October 27, 2009 Regular Meeting**

   The Board approved Option 1: Approve the minutes of the October 13, 2009 MWSBE Division Disparity Study Update; October 27, 2009 Hometown Democracy Workshop; October 27, 2009 2009/2010 Legislative Priorities Workshop; and, October 27, 2009 Regular Meeting.

2. **Approval of Payment of Bills and Vouchers Submitted for December 8, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 9 through January 18, 2010: $8,222,631.00**

   The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for December 8, 2009, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 9 through January 18, 2010: $8,222,631.00

3. **Approval to Terminate the Program Manager Agreement with URS and to Approve Modifications to the Memorandum of Agreement with the City of Tallahassee Regarding the Construction of the Public Safety Complex.**

   The Board approved Options 1 & 2: 1) Authorize the County Administrator to terminate, for convenience, the Program Manager Agreement with RUS, pursuant to Article 10.2 of the Agreement, and 2) Approve the first amendment to the Memorandum of Agreement with the City of Tallahassee and authorize the Chairman to execute.

4. Request to Schedule a Workshop Regarding Mosquito Control for Tuesday, February 9, 2010 at 1:00 - 3:00 p.m., a Workshop Regarding the Apalachee Center, Inc. for Tuesday, February 23, 2010 at 12:00 - 1:30, and a Workshop Regarding Homelessness for Tuesday, February 23, 2010 at 1:30 - 3:00 p.m.

The Board approved Options 1, 2, & 3: 1) Schedule a Workshop Regarding Mosquito Control for Tuesday, February 9, 2010 at 1:00 - 3:00 p.m.; 2) Schedule a Workshop Regarding the Apalachee Center, Inc. for Tuesday, February 23, 2010 at 12:00 - 1:30, and 3) Schedule a Workshop Regarding Homelessness for Tuesday, February 23, 2010 at 1:30 - 3:00 p.m.

5. Approval of FY 2009 Capital Projects Carry Forward Adjustments Resolution and Associated Budget Amendment

The Board approved Option 1: Approve the FY 2009 Capital Projects Carry Forward Adjustments, Resolution and associated Budget Amendment.

6. Approval to Submit a Re-certification Application for Recognition as a 2009 Tree City USA

The Board approved Options 1 & 2: 1) Approve the submission of a re-certification application for recognition as a 2009 Tree City USA, and authorize the Chairman to execute, and 2) Authorize the County Administrator to modify the County's 2009 Tree City USA application, if necessary.

7. Authorization to Submit a Mental Health & Substance Abuse Reinvestment Grant Contract Amendment Request

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The Board approved Option 1: Authorize the submittal of the contract amendment request for the Mental Health and Substance Abuse Reinvestment Grant.

8. Permission to Apply for Historic preservation Matching Grant for the Smith-Grambling House, Located in Miccosukee, Florida

The Board approved Option 1: Authorize staff to submit a matching grant application for the Smith-Grambling House.

9. Approval of Letters of Agreement with the Agency for Healthcare Administration for a Florida Department of Health Matching Grant and the Medicaid Lower Income Pool Program and Approval to Amend the Agreements Between Leon County and Bond Community Health Center, Inc.

The Board approved Options 1 & 2: Approve the Letter of Agreement with the Agency for Healthcare Administration in the amount of $53,725 to access Medicaid Lower Income Pool funds for Bond CHC, approve the First Amendment to the Contract with Bond CHC reducing its FY 09/10 funding to $275,655, and authorize the County Administrator to execute, and 2) Approve the Letter of Agreement with the Agency for Healthcare Administration in the amount of $100,316 to access AHCA/COH Grant funds for Bond CHC, approve the First Amendment to the Contract with Bond CHC for Women & Children's Services reducing its FY 09/10 funding to $147,944, and authorize the County Administrator to execute.

10. Approval to Submit an Application for HandsOn Network Family Volunteering Grant in the Amount of $5,000

The Board approved Option 1: Approve the submittal of HandsOn Network Family Volunteering Grant Application in the amount of $5,000 and authorize the county Administrator to execute.

11. Adoption of Revisions to Policy No. 96-1, "Purchasing and Minority Women Small Business Enterprise Policy," Small Business Training Element and Other Enhancements to Improve Minority and Small Business Participation

The Board approved Options 1 & 2: 1) Adopt revisions to Policy No. 96-1, "Purchasing and Minority Women Small Business Enterprise Policy," Small Business Training Element, and 2) Accept staff's report on regional partner training opportunities.

12. Approval to Award the Bid to the *Tallahassee Democrat* for the Advertisement of the Leon County 2009 Delinquent Tax Notices

The Board approved Option 1: Award the bid to the Tallahassee Democrat for the advertisement of the Leon County 2009 Delinquent Tax Notices at the rate of $.30 per square inch.

13. Adoption of Proposed Policy, "Heat Stress Prevention"

The Board approved Option 1: Adopt proposed policy, "Heat Stress Prevention" and direct Risk Management to provide education and other resources to implement this policy and direct individuals Departments/Divisions to enforce this policy.

14. Adoption of an Enabling Resolution Establishing a Sustainability Task Force

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Commissioner Akinyemi requested that the item be pulled for further discussion. He voiced support for the establishment of the Task Force; however, requested that the Board delay action until discussion of Items 31 & 32, as they are related. He also requested that the Board continue this item to allow time for the Chair to meet with the Mayor to discuss the possibility of a Joint Sustainability Task Force; along with other City/County collaborations.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to defer until February to allow time for the Chair to meet with the Mayor to discuss the possibility of a Joint Sustainability Task Force.

Chairman Rackleff indicated that he would meet with Mayor Marks on Thursday and will bring this issue up for discussion.

Commissioner Proctor suggested that a new name be considered for the program. At this time, there was no support for this suggestion; however, it was noted that this could be discussed in the future.

The motion carried 7-0.

15. Request to Schedule the First and Only Public Hearing for Board Consideration of a Proposed Ordinance Amending Chapter 10, Article VI, Section 10-6.812 of the Leon County Code of Laws, entitled "Communication antennas and communication antenna support structure", for January 19, 2010 at 6:00 p.m.

The Board approved Option 1: Schedule the First and Only Public Hearing for Board Consideration of a Proposed Ordinance Amending Chapter 10, Article VI, Section 10-6.812 of the Leon County Code of Laws, entitled "Communication antennas and communication antenna support structure", and Section 10-6.813 of the Leon County Code of Laws entitled "Broadcast antennas and broadcast antenna support structures" for January 19, 2010 at 6:00 p.m.

16. Acceptance of a Conservation Easement from Holy Temple Pentecostal Church, Inc.

The Board approved Option 1: Approve and accept for recording a conservation easement from Holy Temple Pentecostal Church, Inc.

17. Acceptance of Two Drainage Easements in Killearn Lakes, Unit 3

The Board approved Option 1: Accept Both Drainage Easements in Killearn Lakes, Unit 3, and authorize staff to record in the Public Records.

18. Approval of Easement for House Encroachment Area in Favor of Pine Landings LLC.

The Board approved Option 1: Approve the Easement for House Encroachment Area.

19. Authorization for a Joint Project Agreement with Ochlockonee River Soil and Water Conservation District to remove a check dam from the Lake Munson Slough

The Board approved Option 1: Staff to negotiate a Joint Project Agreement with the ORSWCD for a total amount not to exceed $55,000 and authorize the County Administrator to execute.

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20. Adoption of Revised Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners"

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

County Attorney Thiele explained that the Board had requested staff review the rules of procedure related to workshop meetings. He added that a technical change had been made in the Chair's ability to second a motion. He stated that it has been the Board's practice, for at least two-three years, to have workshop meetings involve discussions by the Commission and staff only; and the rules have been rewritten to reflect this process. Mr. Thiele pointed out that there is nothing to prohibit a Commissioner from calling someone forward with information, if desired.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Approve and adopt the modifications to Policy No. 01-05, Rules of Procedure for Meetings of the Leon County Board of County Commissioners as proposed.

Commissioner Akinyemi stated that he requested the item be pulled as he wanted to ensure public input into an issue was received and to ensure that this was adequately stated in the Board's procedures. *He offered a friendly amendment to specify in Section D that individual Commissioners are not prohibited from requesting input from members of the audience or invited guests.*

Commissioner Desloge indicated that all issues that come before the Board in a workshop setting eventually appear on the Commission Agenda, at which time public input is received. He felt the current system whereby the receipt of public input is at the discretion of the Chair is appropriate.

Commissioner Proctor expressed concern that individuals with expertise on a particular topic being discussed were not invited to speak.

Commissioner Akinyemi withdrew his friendly amendment.

The motion carried 7-0.

21. Adoption of Supplemental Resolution Regarding Huntington Oaks Plaza Land Exchange Ratifying Conveyance of County's View Pointe Property to View Pointe, LLC

The Board approved Option 1: Adopt Supplemental Resolution regarding Huntington Oaks Plaza land exchange ratifying conveyance of County's View Pointe Property to View Pointe, LLC.

22. Acceptance of the 2009/10 Recovery Act Edward Byrne Memorial Justice Assistance Grant Award

The Board approved Options 1 & 2: 1) Authorize the County Administrator to execute the Agreement for the 2009/10 Recovery Act Edward Byrne Memorial Justice Assistance Grant for Leon County and approve the Resolution and associated budget amendment request, and 2) Authorize the County Administrator to execute an Agreement with the City of Tallahassee and the Leon County Sheriff's Office directing the use of the funds.

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23. Acceptance of the 2009/10 Regular Edward Byrne Memorial Justice Assistance Grant Award

The Board approved Options 1 & 2: 1) Authorize the County Administrator to execute the three subgrantee Award Certificates for the Edward Byrne Memorial Justice Assistance Grant for Leon County, and approve the Resolution and associated Budget Amendment Request, and 2) Authorize the County Administrator to execute an Agreement with the City of Tallahassee and the Leon County Sheriff's Office directing the use of the funds.

24. Adopt Proposed Leon County Fallen Hero Recognition Policy

The Board approved Option 1: Adopt the proposed Leon County Fallen Hero Recognition Policy.

25. Approval of the FFY 2008 Federally Funded Subgrant Agreement for CDBG Emergency Set-Aside Funding with the Department of Community Affairs and Approval of a Resolution and Associated Budget Amendment

The Board approved Options 1 & 2: 1) Approve the Federally-funded Subgrant Agreement for CDBG Emergency Set-Aside Funding and Authorize the County Administrator to execute, and 2) Approve the Resolution and Associated Budget Amendment.

26. Acceptance of Status Report Regarding Performance-Based Septic System Issues and Approval to Release a Request for Proposals for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options

County Administrator Alam announced that the item requests Board approval for the release of a Request for Proposals (RFP) for Services to Identify Onsite Sewage Treatment and Disposal Systems and Management Options. He commented that Leon and Wakulla Counties along with the city of Tallahassee have budgeted $20,000 each ($60,000 in total) to fund a study to identify options for onsite sewage treatment disposal systems, where central sewer is not available, and options for managing the permitting, operations and maintenance of those treatment options.

Speaker:

- Anthony Gaudio, 2335 Grassroots Way, expressed concern that the way the RFP is written would preclude the more experienced groups from responding. He opined that there are not a huge number of firms that have extensive experience and knowledge and the RFP would limit the pool of potential respondents.

County Attorney Thiele responded that the prohibition was developed for this RFP to address Conflict of Interest concerns. Chairman Rackleff confirmed with Mr. Thiele that the prohibition would terminate once the bid has been awarded.

Commissioner Proctor commented that staff was being prudent to include this provision. He expressed concern that the RFP did not include consideration of central sewer. Mr. Alam clarified that this option was included in the RFP and was addressed on page 24.

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Commissioner Thaell opined that this was a reasonable, organized approach to be compliant with the law.

Commissioner Thaell moved, duly seconded by Commissioner Sauls, to approve Options 1 & 2: 1) Accept status report regarding performance-based septic system issues, and 2) Authorize staff to release the RFP for services to identify onsite sewage treatment and disposal system and management options for Wakulla and Leon Counties.

In response to comments by Commissioner Akinyemi, County Attorney Thiele stated that better clarification in the RFP on Section 1.b.III: Prohibited Related Work would be provided. Mr. Thiele advised that it was not the intent to preclude indefinitely anyone in the advanced septic tank business.

Commissioner Proctor learned from Kim Dressel, Senior Assistant to the County Administrator that the Board will be provided in March: 1) information on the Loan Program; 2) information on the Countywide Inspection Program, and 3) information relative to the Ordinance itself. She added that the Ordinance only deals with a performance based treatment system, it does not deal with how to move forward relative to where there will be sewer, cluster systems, etc. These are issues that will be identified by the study.

Commissioner Proctor recommended that the March date be extended to allow more time to receive the results from the study; and to more thoroughly analyze the new findings.

The motion to approve Options 1 & 2 carried 7-0.

27. Acceptance of the Knight Foundation Grant

The Board approved Option 1: Accept the Knight Foundation Grant and authorize the Chairman to execute the Grant Agreement.

28. Acceptance of Status Report on Leon County Executive/Senior Management Service Employee Benefits

The Board approved Option 1: Accept Status Report on Leon County Executive/Senior Management Employee Benefits

29. Acceptance of Status Report on the American Recovery and Reinvestment Act of 2009

The Board approved Option 1: Accept the status report on the American Recovery and Reinvestment Act of 2009.

30. Acceptance of the FY 2008-2009 Fourth Quarter County Grant Program Quarterly Leveraging Status Report

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

Chairman Rackleff acknowledged the efforts of Don Lanham, Grants Program Coordinator, for his work and noted that the County started out the fiscal year with $9 million in grant funding and ended the 4th quarter with a total of $11.6 million.

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Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Accept the FY 2008-2009 Fourth Quarter County Grant Program Quarterly Leveraging Status Report. The motion carried 7-0.

31. Acceptance of the FY09 Fourth Quarter Status Report on the County Sustainability Program

The Board approved Option 1: Accept the fourth quarter status report on the County Sustainability Program

32. Acceptance of Status Report on the Sustainability Communities Summit 2010

The Board approved Option 1: Accept the status report on the Sustainable Communities Summit 2010.

33. Acceptance of Staff's Report on the City-County Coordination of Housing Programs

The Board approved Option 1: Accept Staff's Report on City-County Coordination of Housing Programs.

34. Acceptance of the Fiscal Year 2009 Annual Performance and Financial Report

The Board approved Option 1: Accept the FY 2009 Annual Performance and Financial Report.

35. Acceptance of the Investment Oversight Committee (IOC) Annual Investment Report for Leon County

The Board approved Option 1: Approve the Investment Oversight Committee's Annual Investment Report for Leon County

Citizens to be Heard on Non-Agendaed Items
3-minute limit per speaker; there will not be any discussion by the Commission.

Speaker:
- Albert McGonigal, 10372 Rebel Circle, spoke on behalf of VFW Post 3308, stating that the members wanted the Board to know that they sincerely appreciate the improvements to their cemetery.

The Board now entered into discussion on the "Consent Agenda".

General Business

36. Approval to Establish an On-site Urinalysis Testing Program

Chief Judge Charles Francis appeared on behalf of himself and Judge James Hankinson, Circuit Judge, to express their support for the implementation of the program. He added that the reliability of the testing procedure which the Court relies on to determine an individual's liberty was of utmost importance to all judges involved in the criminal process. He shared that he and Judge Hankinson were available to answer any questions.

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County Administrator Alam outlined the program. He noted that staff had, at the request of the judiciary, conducted a study to analyze the feasibility of on-site urinalysis testing. He indicated that the program could be set up at no cost to the County, as the fees would pay for the program; however it would require the addition of new employees and a capital outlay expenditure of approximately $42,000.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Options 1 & 2: 1) Authorize County staff to establish an on-site urinalysis collection and testing program with a initial fee of $20; authorize the establishment of four permanent and one part-time position, and 2) approve the budget resolution and associated amendment establishing the operating budget and one-time capital project.

Commissioner Proctor established with Wanda Hunter, Probation Director, that the additional staffing requirements were based upon the number of tests that are actually expected to be performed.

The motion carried 7-0.

The Board returned to the start of the Agenda for Presentations and Awards.

37. Consideration of the Initiation of a Pilot Weatherization Revolving Loan Program

County Administrator Alam shared that President Obama has announced today the availability of a $12,000 rebate for every home for weatherization enhancements; thus may alleviate the need for the County's pilot program. Mr. Alam suggested that the Board postpone action on this item until the January 8 meeting, at which time more information can be brought to the Board.

Commissioner Proctor moved, duly seconded by Commissioner Dailey, to defer the issue until the January.

Commissioner Akinyemi expressed concern that the federal program is not a substitute for the County's proposed weatherization efforts.

Commissioner Thaell commented that the County needs to know how interested citizens are in making their homes more energy efficient. He also noted that the County's intent was to help homeowners finance these improvements, as opposed to the federal program which would require an outlay of expenses by the homeowner followed by reimbursement.

Commissioner Akinyemi made a substitute motion to Approve Option 1: Approve the initiation of a pilot weatherization revolving loan program and approve the associated budget amendment request. The motion was seconded by Commissioner Thaell. The substitute motion failed 3-3 (Commissioners Sauls, Desloge and Proctor opposed and Commissioner Dailey out of Chambers).

The original motion to defer the item until January carried 6-0 (Commissioner Dailey out of Chambers).

38. Board Consideration of Enactment of a Proposed Ordinance Amending Chapter 10, Section 10-7.529 of the Leon County Code of Laws Entitled "General Requirements for Sidewalks with New Development; Fee In-Lieu of Sidewalk Construction"

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County Attorney Thiele explained the item was requested by the Board to address the "sidewalk to nowhere" issue raised by Commissioner Dailey. He recommended approval of the proposed Ordinance, which will allow a property to not have to install sidewalks in the Urban Services Area (USA) when the cost of the sidewalk is more than 10% of the renovation or expansion. He opined that this addresses Commissioner Dailey concerns and allows time for staff to review the matter on a more expansive basis. He noted however that it does not eliminate the basic premise of requiring sidewalks in the USA.

Chairman Rackleff confirmed with Mr. Thiele that there is no requirement for a donation of right of way or for the construction of a sidewalk in the future by the Church. Chairman Rackleff expressed concern that future County Commissions will be required to purchase right of way from the Church for sidewalks and proclaimed that the Church could designate right of way for future sidewalks.

Commissioner Dailey thanked the County Attorney's Office for its due diligence on this matter and expressed comfort in moving forward to public hearing. In response to Chairman Rackleff's concerns about future sidewalks, he reminded the Board that the installation of sidewalks on North Monroe is County priority #105. He appreciated the County Attorney's recommendation that the size of a renovation project be considered in the County's requirements for installation of sidewalks.

Commissioner Dailey asserted that he would not bring an exemption for a large expansion project in Lake Protection (Lake Jackson) to the Board and opined that it was irresponsible of government to hold property owners hostage to build a sidewalk when the government has no plans or dedicated money to build the sidewalk project.

Commissioner Dailey moved, duly seconded by Commissioner Proctor, to approve Option 1: Direct the County Attorney's Office to finalize the proposed ordinance amending Chapter 10, Section 10-7.529 and to schedule same for the first of two public hearings to be held on January 12, 2010 at 6:00 p.m.

Commissioner Akinyemi also expressed concern that the County would down the road be required to purchase right of way and suggested that the Ordinance have some type of provision requiring the organization to be responsible for installation of sidewalks or at a minimum to donate right of way. He also engaged in dialogue with David McDevitt, Growth & Environmental Management Director, on the 10% provision of the Ordinance.

Commissioner Desloge indicated that he would support the motion and remarked that issues of concern can be addressed at public hearing.

Chairman Rackleff established with Mr. Thiele that the 10% is a per event clause. Commissioner Dailey conveyed that he would prefer the Ordinance contain language stipulating that the exemption could only be used "one time".

Chairman Rackleff stated that he will vote against the motion as there an important principle to defend. He opined that this action will open up a "Pandora's box" for developers to never have to install sidewalks.

The motion carried 6-1 (Chairman Rackleff in opposition).

39. Board Consideration of Owners' Full Compensation Settlement Offer in Eminent Domain Litigation Involving Parcel Needed for Buck Lake Road (David Dr. to Pedrick Rd.,) Widening Project

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County Attorney Thiele advised that the item was a request from the County Attorney's Office for approval of a settlement proposal to acquire a parcel needed for the Buck Lake Road Widening Project. He recommends approval of the proposal.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approved Option 1: Accept the settlement offer of Luther L. Pararo, III, individually and as Trustee, for parcel 328 in the amount of $360,000, inclusive of attorney's fees and costs, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to effect the settlement of the eminent domain proceedings as directed. The motion carried 7-0.

40. Appointment to the Council on Culture & Arts

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve the following appointments to the Council on Culture & Arts, as recommended by the Council on Culture & Arts (COCA):

- *Karen Lambert, Tourism*
- *Janet Hinkle, Business/Finance*
- *John Lawrence, History/Heritage*

The motion carried 7-0.

The Board entered into discussion on Item #48.

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

Scheduled Public Hearings, 6:00 P.M.

41. First and Only Public Hearing Regarding Revisions to the Local Preference Ordinance

County Administrator Alam announced the public hearing. He provided a brief overview of the proposed Ordinance emphasizing that this was done at the direction of the Board to give preference to local contractors.

Commissioner Thaell moved, duly seconded by Commissioner Desloge, to approve Options 1, 2, & 3: 1) Conduct the first and only public hearing and adopt revisions to the Local Preference Ordinance; that in summary provide for the following:

a. *Under a competitive bid solicitation for construction work in excess of $250,000, when the lowest responsive and responsible bid is submitted by an individuals or firm that is not a local business, then the local business that submitted the lowest responsive and responsible bid shall be offered the opportunity to perform the work at the lowest bid amount, if that local business's bid was not greater than 110% of the lowest responsive and responsible bid amount; and*
b. *Creates an aspirational target, based on market and economic factors, of 85% as follows: Contractor shall agree to engage not less than 85% of the dollar value of Trade Contractor work with local firms (based in Leon, Wakulla, Jefferson, or Gadsden Counties) unless the successful individuals or firms prove to the County's satisfaction, tat the Trade Contractor work is not available locally.*
c. *Incorporate a 3-year sunset provision.*

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The motion carried 5-0 (Commissioners Dailey and Akinyemi out of Chambers)

42. First of Two Public Hearings to Consider a Proposed Ordinance Amending the Land Development Code to Revise the Flood Plain Management Regulations

County Administrator Alam announced the first of two public hearings. He explained that the Federal Emergency Management Agency (FEMA) has updated its Flood Insurance Rate Maps (FIRM); which requires the adoption of this Ordinance.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first of two Public Hearings to consider an Ordinance amending the Floodplain Management regulations, and schedule the second and final Public Hearings for Tuesday, January 19, 2010, at 6:00 p.m. The motion carried 6-0 (Commissioner Akinyemi out of Chambers)

43. First and Only Public Hearing on the Eastside Library, a Type "C" Site and Development Plan

County Administrator Alam announced the first and only public hearing.

Commissioner Thaell moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first and only Public Hearing on the type "C" site and development plan application for the Eastside Branch Library and approve the application, based on the findings of fact and conclusions of law included herein and those established within the DRC's record, including the DRC's recommended conditions of approval, as well as any evidence received at the Public Hearing. The motion carried 6-0 (Commissioner Akinyemi out of Chambers)

Mr. Alam recognized Mr. Ivan Johnson, architect, and affirmed the great job that is being done on the County's behalf by Mr. Johnson's firm.

44. First and Only Public Hearing to Adopt a Resolution of Intent to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Rainbow Acres 2/3 Paving Project

County Administrator Alam announced the first and only public hearing.

Commissioner Desloge moved, duly seconded by Commissioner Thaell, to approve Option 1: Conduct a Public Hearing and adopt a Resolution of Intent to Utilize the Uniform Method of Collection for the Rainbow Acres 2/3 Paving Project

Commissioner Proctor established that residents of Rainbow Acres would be assessed the fee through a special assessment on their property tax bill.

The motion carried 7-0.

45. First and Only Public Hearing Regarding a Proposed Ordinance Amending Chapter 14, Article I, Section 14-2.2, "Regulation of Open-Pit Mining and Construction and Demolition Debris Disposal Operations"

County Attorney Thiele announced the first and only public hearing on an Ordinance to make a minor technical change to the wording with regard to regulation of open pit mining. He advised that it makes clear that the fencing requirement applies to both current and previously used mines.

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Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct first and only public hearing and adopt the proposed ordinance amending Chapter 14, Article I, Section 14-2.2 entitled "Regulation of Open-Pit Mining and construction and Demolition Debris Disposal Operations" of the Leon County Code of Laws.

Commissioner Thaell inquired how the Ordinance was working in terms of compliance. He indicated that he had been alerted by some local mine operators that they were "not happy" with the manner in which the Ordinance was being implemented. David McDevitt, Growth and Environmental Management Director, responded that three mines were brought to the Code Board for compliance. He added that a list had been developed consisting of approximately 45 mine sites that are being investigated as 1) possibly being a previous mining site, 2) an on-going mining site or 3) an abandoned mining site. Mr. McDevitt indicated that staff has worked its way through about one-fourth of the sites on the list attempting to ensure that property owners are in compliance. Commissioner Thaell clarified that a non-functioning mine would have to be fenced.

Mr. McDevitt advised that a lot of the mines were made non-conforming when the County adopted the Comp Plan in 1990 and were further non-conforming when site specific zoning was adopted in 1996. He noted that some of the mining sites have non-residential zoning that are not consistent with a mining operation; thus requiring operators to prove their continuing use. This has caused some issues between the County and mining operators.

Commissioner Akinyemi established with McDevitt the manner in which mining operators were notified of the adopted Ordinance. Mr. McDevitt stated that all active

mine operators were notified by mail when the Ordinance was adopted. Commissioner Akinyemi was provided a history on the development of the current Ordinance and was assured that the mining community was involved in the drafting of the Ordinance. County Attorney Thiele advised that all those persons were notified and all active mines have now complied with the fencing requirement; this is more of a housekeeping matter.

The motion carried 7-0.

46. Conduct First and Only Public Hearing on Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Fire Protection Services

County Attorney Thiele announced the first and only public hearing. Mr. Thiele remarked that the proposed Resolution does not authorize the collection; it only establishes the methodology for collection.

Commissioner Thaell commented that he continues to believe that the best way to collect the fee is through a non-ad valorem tax assessment and stated that he would like to have discussion next year on the manner in which the fee is collected. County Administrator Alam advised that property owners can have the fee assessed on their tax bill by not paying the quarterly statements.

Commissioner Desloge offered that a lot of thought was given to this issue and although it may not be perfect it was the most reasonable method at this time. He suggested that the method of collection be evaluated next year.

Commissioner Thaell verified with Mr. Thiele that residents can pay the entire years assessment at one time. Commissioner Thaell asked that the bill be redesigned to offer this option; there was discussion on this topic with Mr. Thiele pointing out that the City would have to make changes to the bill and it was too late to make that change this year. Alan Rosenzweig, Assistant County Administrator, advised that if directed, staff would work with the City to make this change next year.

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Commissioner Thaell requested staff contact and notify the City that the County may want to modify the billing process to allow for a single payment of annual fire services fee. He asked that this issue be addressed at a future Chair/Mayor meeting.

Commissioner Desloge moved, duly seconded by Commissioner Dailey, to approve Option 1: Conduct he first and only public hearing regarding intent to utilize the uniform method of collecting non-ad valorem assessments for fire protection services and adopt the attached proposed resolution. The motion carried 7-0.

Chairman Rackleff asked the Board's indulgence to move "Citizens to be Heard on Non-Agendaed Items" up on the Agenda and to allow public comment now. There was no opposition to this request.

ADD-ON

47. **Ratification of Board Actions Taken at the December 7, 2009 Annual Retreat** (this issue will be taken up under Consent Agenda)

The Board approved Option 1: Ratify the actions taken at the December 7, 2009 Board Retreat.

48. Authorization for the County Administrator to Modify Community Redevelopment Block Grant Application for Disaster Recovery Funds (this issue will be taken up under General Business)

County Administrator Alam explained that, due to the fact that the Board will not meet again until January 19, 2010 and the grant application deadline is January 15, 2010, he asked that the Board authorize him to work with the City and if appropriate and necessary, to add City projects to the priority list. He stated that the City has advised that the application requires the County "must consider the needs of all municipalities within the incorporated as well as unincorporated area of the county".

Commissioner Sauls established that the $1.4 million is for County projects.

Commissioner Desloge moved, duly seconded by Commissioner Thaell, to approve Option 1: Authorize the County Administrator to work with the City and, if needed, submit a portion of the Community Development Block Grant disaster Recovery Funds Grant application in support of City-related projects and modify the County allocation accordingly.

Commissioner Dailey stated for the record the irony that the County will give the City 14% of the $10 million grant for flood projects and cited that the City's presentation earlier on the proposed dam modifications will place more County residents at risk of flooding. He suggested that the County advise the City that it would be more than willing to work with them on flood projects when the risk assessment is received on the effects the dam construction will have on residents of Crooked Road.

Commissioner Proctor established with Mr. Alam that the City has submitted no projects.

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The motion carried 7-0.

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 Attorney

- Advised that there is reason to believe that the State has not been collecting the appropriate amount of Transit Rental Taxes and recommended that the Board authorize the County Attorney's Office, along with outside counsel, to institute a lawsuit (similar to the one pending regarding the collection tourist development taxes) requesting that the Department of Revenue and others collect the appropriate amount of Transit Taxes. He noted that this would be done on a contingency fee, at no cost to the County if the lawsuit does not prevail.

  Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to authorize the County Attorney's Office to move forward with a lawsuit regarding collection of "Transit Rental Tax." The motion carried 7-0.

- Wished all a Happy and Safe Holidays.

County Administrator

- Suggested that a Budget Workshop be scheduled for Tuesday, January 26, 2010 from 12:00 – 3:00 p.m. There was no objection to the suggestion and Chairman Rackleff directed that the County Administrator move forward to schedule the Budget Workshop.

Discussion Items by Commissioners:

Chairman Rackleff reminded Commissioners that there is a three-minute limit on Discussion Items and this rule will be enforced.

Commissioner Proctor

- Wished Commissioners and residents a Merry Christmas.
- Requested that the pictures associated with Board Priority #3 regarding Protection of Water bodies be replaced with a picture that better symbolizes lake protection and #4 be replaced with a picture that is more associated with a job.

Commissioner Desloge

- Conveyed a Safe and Happy Holidays to everyone.
- Requested a Resolution for Joy Becker, on her retirement as Volleyball Coach from Leon High School
- Requested a Resolution for Bobby and Ann Bowden, honoring and recognizing their contributions to FSU and FSU football for the past 30 years.

Commissioner Sauls

- Shared that she had received a call from a resident on a private section of Ben Stoutamire Road, located off Hwy 20. Due to rains, the road has become almost impassable and emergency vehicles can barely get in to respond to urgent situations. She advised that the residents do not have the funds to fix the problem; which is estimated at $500-$1000. She asked for suggestions and guidance on how to help the residents.

  County Administrator Alam advised that if it was the will of the Board, the County would make the necessary repairs to the road.

  Commissioner Sauls moved, duly seconded by Commissioner Dailey, to authorize a one-time expenditure ($500-$1,000), in the interest of public safety, to make repairs to Ben Stoutamire Road. The motion carried 7-0.

- Echoed fellow Commissioners for a safe and happy Christmas and New Years.

Commissioner Akinyemi

- Expressed happy holidays to all residents, staff and Board members.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to donate $150 from his account to the Soul Santa Program. The motion carried 7-0.*
- Inquired on the County's plans for honoring Veterans at the Christmas Parade.
  - Jon Brown, Public Information Officer, stated that staff are incorporating a veterans theme into the County's entry into the Winter Festival Parade. In addition, the County's Veteran Services office has been in contact with local veteran organization and ROTC groups.

Commissioner Thaell

- Wished everyone a wonderful holiday season and looks forward to the year ahead.

Commissioner Dailey

DRAFT

- Expressed his wishes for a happy holiday season.

Commissioner Rackleff

- Requested a Resolution for Arbor Day to be presented at the January 19, 2010 meeting.
  - He noted that Arbor Day is January 25, 2010 with a planting to take place at Stoneler Road Park
- Pointed out the Hanukkah begins on Friday, December 11.
- Requested consideration of policy/procedures regarding Awards and Presentation. He asked the Board to consider:
  - That issues requiring a lot of discussion such as the City's presentation on Talquin Dam be scheduled as a Commissioner Discussion Item, and
  - The number and length of presentation at each meeting be minimized.

Receipt and File:

- none

ADJOURN

There being no further business to come before the Board, the meeting was adjourned at 8:01 p.m.

LEON COUNTY, FLORIDA

ATTEST:

DRAFT

BY: _____
Bob Rackleff, Chairman
Board of County Commissioners

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