

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
April 27, 2010**

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

The Invocation was provided by Reverend Nancy Dahlberg, pastor of the United Church in Tallahassee, a member church of the United Church of Christ. Commissioner Thael then led the Pledge of Allegiance.

Awards and Presentations

- Chairman Rackleff welcomed Ken Armstrong, Executive Director, United Way of the Big Bend, who presented the Bronze Award to the Board of County Commissioners and the Cornerstone Award to the County for raising \$1,08,421 on its 2009 United Way Local Government Campaign. Mr. Armstrong noted that the Leon County Sheriff's Office won the Outstanding Campaign Award for the entire Big Bend Area.
- A Resolution and Memo was presented by Chairman Rackleff to the Emergency Medical Services (EMS) Division recognizing its award of Elite Accreditation/Exclusive Certification Status by the Commission on Accreditation of Ambulance Services. EMS Chief Tom Quillin accepted the recognition on behalf of EMS.
- Chairman Rackleff presented a Resolution Designating May 16 - 22, 2010 as National Public Works Week. Tony Park, Public Works Director, thanked the Board for its support and accepted the resolution on behalf of the Public Works Department.
- Chairman Rackleff presented a Resolution in Honor of the Retirement of Helen Moeller, Library Services Director, and recognized and congratulated her on 18 years of dedicated service to Leon County and its citizens.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve the Consent Agenda with the exception of Items 3, 5, 16 & 25, which were pulled for further discussion. Item 4 was removed from the agenda. The motion carried 7-0.

1. Approval of Minutes of the March 23, 2010 Regular Meeting.

The Board approved Option 1: Approve the minutes of the March 23, 2010 Regular Meeting.

2. Authorization to Issue a Request for Proposals for Professional Auditing Services

The Board approved Option 1: Approve the issuance of a Request for Proposals for Professional Auditing Services.

3. Authorization to Negotiate a Contract with Lombardo Associates, Inc. to Complete a Feasibility Study for the Purpose of Reducing Nitrate Load to Wakulla Springs from Onsite Sewage Treatment and Disposal Systems.

Commissioner Proctor requested that the item be pulled for further discussion. He inquired if the feasibility study would include consideration of providing central sewer to the Woodville area. Kim Dressel, Senior Assistant to the County Administrator responded that one of the tasks would be to identify areas where central sewer would be a viable option. Commissioner Proctor also confirmed with Ms. Dressel that the City of Tallahassee and Wakulla County are equal entities in the contract.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., opined that the performance based treatment systems were not an appropriate method to treat sewage on the Southside of the County and suggested that the County consider how to extend central sewer to this area.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve Option 1: Authorize staff to negotiate, and the County Administrator to execute, a contract with Lombardo Associates, Inc. to complete a feasibility study for the purpose of reducing nitrate load to Wakulla Springs from onsite sewage treatment and disposal systems. The motion carried 7-0.

4. Adoption of a Resolution Expressing Opposition to the Proposed Hometown Democracy Constitutional Amendment

THIS ITEM WAS REMOVED FROM THE AGENDA

5. Ratification of the April 13, 2010 Workshop on the Status Report of the Citizen Charter Review Committee

Commissioner Proctor requested that the item be pulled for further discussion. He inquired on the schedule for additional charter review amendments. Vince Long, Deputy County Administrator, responded that the public hearing on the proposed amendments would have to be held by July 13, 2010 in order to place the charter amendments on the November general election ballot. He recalled the Workshop held on April 13 on the status report of the CRC and noted that no additional amendments had been offered.

Commissioner Proctor expressed concern regarding the Board's lack of involvement in the charter review process and in the development of proposed amendments. He shared a desire to have input into proposed charter amendments, such as the establishment of a Citizen Utility Advisory Board. He requested that the Board consider setting a time for the Board to discuss this issue further.

Commissioner Desloge noted that the Charter Review Committee (CRC) had completed their job (with input from each Commissioner) and presented a status report; however, the Board with a simple majority vote could place an amendment on the ballot.

County Administrator Alam indicated that the Board would need to let staff know quickly of any amendment to be considered.

Commissioner Proctor indicated that he would bring this issue up under his Commissioner Time.

Commissioner Desloge moved, duly seconded by Commissioner Thael, to approve Option 1: Ratify the Board actions taken at the April 13, 2010 Workshop on the Status Report of the Citizen Charter Review Committee.

Commissioner Akinyemi clarified for the record that he had offered at the Workshop an amendment for the Board's consideration; however, his motion failed 3-4. He spoke in support of Commissioner Proctor's comments, especially regarding the establishment of the Citizen Utility Advisory Board.

Commissioner Akinyemi offered a substitute motion, duly seconded by Commissioner Proctor, to schedule a workshop on the possibility of Board-initiated Charter amendments for sometime in May.

Speakers:

- Curtis Baynes, 1323 E. Tennessee St., opined that some of the amendments were very bad and wanted to make sure there would be an opportunity for the public to speak in more detail on the amendments. He also suggested that the County's exclusive agreement with the City of Tallahassee for water and electric in certain areas contributes to high utility costs.
- Rick Bateman, 401 E. Virginia St., spoke on the CRC's consideration of the establishment of a Citizen Utility Advisory Board. He noted that the City had reappointed a citizen advisory board and he suggested that they be given an opportunity to address and rectify the issues of concern to citizens. He reminded the Board of their ability to establish a utility review committee or advisory committee at any time.

Commissioner Desloge recalled that he had asked for an agenda item to establish a "date certain" for the City to respond to the concerns expressed by citizens of the unincorporated areas; however he did indicate a willingness to allow the City an opportunity to address the concerns.

Commissioner Akinyemi explained that it was his intention to accept the status report and then offer a substitute motion to schedule a workshop. He clarified with County Attorney Thiele that by approving the agenda item, which is ratification of the Board's action at the Workshop, the Board would not be precluded from doing something in the future. Mr. Thiele reminded the Board that formal recommendation from the CRC would not be brought forward until August and the public hearing is scheduled for August 23, 2010.

Commissioner Akinyemi withdrew his substitute motion.

The original motion to accept Option 1 carried 6-1 (Commissioner Proctor in opposition).

Commissioner Akinyemi moved, duly seconded by Commissioner Proctor, to schedule a workshop on the possibility of Board-initiated Charter amendments for Tuesday, May 11, 2010 at 1:30 p.m.

Chairman Rackleff, to address the issue brought forward by Mr. Baynes, submitted that the agreement between the County and City was part of a very broad, multi-faceted agreement and wanted to assure City officials that the Board was not bringing into question the agreement.

Commissioner Proctor opined that the CRC process was flawed as the Board has not had opportunity to vet or deliberate the issues.

Mr. Alam explained the date requirements for placing the charter amendments on the November ballot and provided clarification on the agreement for electric services between the City and County.

Commissioner Akinyemi's motion to schedule a workshop carried 7-0.

6. Acceptance of the Community Development Block Grant – Economic Development Category Closeout Report for the Capital City Commercial Park Project

The Board approved Option 1: Accept the Community Development Block Grant – Economic Development Category Closeout Report for the Capital Circle Commercial Park Project, and authorize the Chairman to execute.

7. Acceptance and Approval of the Community Development Block Grant FY 2008 Disaster Recovery Program Grant Agreement in the Amount of \$10,179,232

The Board approved Options 1, 2, 3, & 4: 1) Accept and approve the Community Development Block Grant Disaster Recovery Program Grant Agreement, and authorize the Chairman to execute; 2) Approve the Resolution and associated Budget Amendment Request; 3) Authorize the County Administrator to execute all other documents relating to the management of the Disaster Recovery Program agreement, and 4) Authorize an OPS position, funded by the administration portion of the Grant, to the Division of Health and Human Services.

8. Acceptance of the Science Advisory Committee Summary Statement for the Lake Munson Workshop

The Board approved Option 1: Accept the Science Advisory Committee Summary Statement for the Lake Munson Workshop, and direct staff to implement the Lake drawdown recommendations.

9. Approval of a Resolution Amending the State Housing Initiative Partnership Local Housing Assistance Plan

The Board approved Option 1: Approve Resolution amending Leon County's State Housing Initiative Partnership Local Housing Assistance Plan.

10. Authorization for Bond Community Health Center, Inc. to Utilize Annual Primary Healthcare County Funding as Matching Funds for the provision of Dental Services

The Board approved Option 1: Authorize Bond Community Health Center, Inc. to utilize its annual primary healthcare County funding as matching funds to the Agency for Health Care Administration for the provision of dental services at Bond Community Health Center.

11. **Request to Schedule a Workshop Regarding the Establishment of a Citizen Group to Focus on Community Health Issues for Tuesday, June 8, 2010 at 2:00 – 3:00 p.m.**

The Board approved Option 1: Schedule a workshop regarding the establishment of a citizen group to focus on community health issues for Tuesday, June 8, 2010 at 2:00 – 3:00 p.m.

12. **Approval of Payment of Bills and Vouchers Submitted for April 27, 2010, and Pre-Approval of Payment of Bills and Vouchers for the Period of April 28 through May 10, 2010: \$3,902,397.17**

The Board approved Option 1: Approve payment of bills and vouchers submitted for April 27, 2010, and pre-approve payment of bills and vouchers for the period of April 28 through May 10, 2010: \$3,902,391.17

13. **Approval to Establish a Budget for the Supervisor of Elections Military and Overseas Voter Empowerment Act Implementation Grant.**

The Board approved Option 1: Approve the establishment of a budget for federal election grant funds in the amount of \$6,435 to implement the requirements of the Military and Overseas Voter Empowerment Act, and approve the Resolution and associated Budget Amendment Request.

14. **Approval to Cancel the May 11, 2010 Workshop on FY 10/11 Budget.**

The Board approved Option 1: Cancel the May 11, 2010 Workshop on FY 10/11 Budget.

15. **Authorization to Realign a Portion of the Property Appraiser's Operating and Capital Budgets.**

The Board approved Option 1: Authorize the realignment of the Property Appraiser's operating budget for capital technology expenditures, and approve the Resolution and associated Budget Amendment Request.

16. **Acceptance of the Leon County Educational Facilities Authority's (EFA) FY 2009 Annual Report and Audit**

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

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., suggested that the County divest itself from Southgate, as it is currently off the tax roll and could generate \$263,000 in property taxes for local government.

Commissioner Desloge stated that the Board should be proactive with the independent authorities and suggested that minimum standards be established for all the entities, such as Innovation Park, Civic Center, and EFA.

Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Option 1, as amended: Accept the Leon County Educational Facilities Authority's FY09 Annual Report and Audit. In addition, direct staff to bring back an agenda item with minimum administrative standards for the governance of entities such as Innovation Park, Civic Center, EFA, etc.

Chairman Rackleff expressed support for the motion and agreed that uniform minimum standards for transparency, accountability, etc have been missing and are much needed.

Commissioner Proctor requested staff also conduct a cost benefit analysis and marketability study of the properties owned by the EFA.

Commissioner Akinyemi clarified that the County does not own any property through the EFA and secondly the organization has a definitive plan in place and is moving forward with its implementation.

Commissioner Desloge amended his motion to include a request that staff to find a way for the Board to appoint a liaison to the EFA.

The motion as amended carried 7-0.

- 17. Approval of Agreement Awarding Bid to M of Tallahassee, Inc. for the Construction of Buck Lake Road Phases II & III in the Amount of \$4,979,998 and Approval of a Joint Project Agreement with the City of Tallahassee for Utility Work**

The Board approved Options 1, 2, & 3: 1) Approve the agreement awarding bid to M of Tallahassee, Inc. in the amount of \$4,979,998 for the Construction of Buck Lake Road Phases II & III, and authorize the County Administrator to execute; 2) Approve the Resolution and associated Budget Amendment Request, and 3) Approve the Joint Project Agreement with the City of Tallahassee for utility work, and authorize the County Administrator to execute.

- 18. Approval of Agreement with Reynolds, Smith, and Hill for the Bannerman Road Corridor Study from Meridian Road to Thomasville Road**

The Board approved Option 1: Approve the Agreement with Reynolds, Smith and Hill to perform the Bannerman Road Corridor Study in the estimated lump sum amount of \$993,740 plus \$5,297 for optional services, and authorize the County Administrator to execute.

- 19. Request to Schedule a Public Hearing for the Abandonment of a Portion of County Road 12 right-of-Way off Highway 319 for Tuesday, June 8, 2010 at 6:00 p.m.**

The Board approved Option 1: Schedule the public hearing for the abandonment of a portion of County Road 12 right-of-way off State Road No. 61 for Tuesday, June 8, 2010 at 6:00 p.m.

20. Adoption of an Enabling Resolution Establishing the Mosquito Control Citizens' Committee

The Board approved Option 1: Adopt the Enabling Resolution establishing the Mosquito Control Citizens' Committee.

ADD-ON:

25. Approval to Amend the 2002 Gum Road Target Area Master Plan

The item was pulled at the request of Mr. John Gibby.

County Administrator Alam explained that this item was approved by the Board at its April 13, 2010 meeting. The item had the wrong Attachment #1 and therefore, the item was resubmitted with the corrected attachments and placed back on the agenda.

Speaker:

- John Gibby, 4887 Gum Road, advised that he lived across from the Gum Road Transfer Station and asserted that the County has not followed through on commitments to Gum Road residents. He also expressed concern over the Board's decision to accept waste from Wakulla County into the transfer station.

Due to the concerns raised by Mr. Gibby, Commissioner Sauls moved, duly seconded by Commissioner Thaeil, to delay action on this item until the next meeting, to allow more time to review and staff an opportunity to discuss Mr. Gibby's concerns.

Commissioner Akinyemi offered that the item relates to a permit needed by Blueprint 2000 from DEP to complete the construction of Capital Circle NW and could be approved now and the issues raised by Mr. Gibby can be addressed at a later time.

Commissioner Thaeil requested that the Board make an effort to resolve the issue of long haul trucks transporting trash from the transfer station to Jackson County using Highway 90 West instead of I-10, which was the commitment of the Board to the Gum Road Citizens Committee.

Mr. Alam emphasized the need for the Board to hear input from Jim Davis, Blueprint Director, on this issue. There was concurrence among the Board to delay action on this item until the arrival of Mr. Davis.

Commissioner Sauls withdrew her motion.

At the request of Commissioner Proctor, the Board now moved into deliberations on Item #22.

Chairman Rackleff recognized the arrival of Mr. Jim Davis. Mr. Davis provided the Board with a detailed explanation for the agenda and shared the consequences of not approving staff's recommendations.

Due to the complexity of the issue and the pending issues before the Board, Commissioner Desloge suggested that the Board approve staff's recommendations and ask that County staff, along with Blueprint 2000 staff and Mr. Gibby meet to discuss this issue and possible resolution and bring back to the Board.

Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Options 1, 2 & 3 as amended: 1) Approve the amendment of the Gum Road Target Area Master Plan to support Blueprint 2000's execution of a conservation easement with the Florida Department of Environmental Protection on a portion of Blueprint Parcel 244, 2) Direct Public Works and Blueprint 2000 staff to investigate other alternatives to satisfy the requirements of the Target Planning Master Plan, including, but not limited to, expansion of the approved FDEP mitigation pond and identifying alternative locations within or external to the Target Planning Area to achieve the balance of flood storage, and 3) Direct Public Works staff to develop a Capital Improvement Project to construct the floodplain storage identified in the Target Planning Area Master Plan, and direct County staff, Blueprint staff and Mr. Gibby to meet and to bring back information on this issue.

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

Speakers:

- Ted Thomas, 1469 Vieux Carre Dr., expressed support for the purchase of the 114-acre parcel on which to move the North Florida Fairgrounds. He stated that the proposed cost of living increase to County employees could be utilized for the purchase and asserted that the fairgrounds when sold to a new developer would provide a profit and turn a tax exempt property into a tax paying enterprise.
- Michael Rosenthal, 4045 Kilmartin Dr., voiced his opposition to the proposed 2.6% raise for County employees.
- Curtis Baynes, 1323 E. Tennessee St., echoed the previous concerns about pay increases for County employees and commended Commissioner Desloge on his position on this issue.

The Board now entered into discussion on Item #26 "Chairman's Report on Innovation Park"

General Business

ADD-ON: (this item will be taken up as the first item under General Business)

26. Chairman's Report on Innovation Park

Chairman Rackleff provided a detailed update on the "crisis" surrounding the Leon County Research and Development Authority (LCRDA), including management concerns, alleged embezzlement and recommendations for future direction.

Commissioner Proctor moved, duly seconded by Commissioner Thaell, to accept the report.

Commissioner Thaell voiced his concerns over the troubling report provided by Chairman Rackleff and encouraged the LCRDA to take all appropriate precautions to address the obvious deficiencies that have come to light. He requested County Attorney Thiele to provide the Board information on its responsibilities or obligations as it pertains to the Authority. Mr. Thiele shared that the LCRDA is a separate legal entity and its debts, obligations and employees are not those of the County. He added that the Board has oversight and removal authority of its appointed Board members, but does not have authority to manage the functions of the organization. Commissioner Thaell confirmed that it was the responsibility of the "sitting LCRDA Board" to exert management control and address the clear deficiencies that appear to exist.

Chairman Rackleff gave his assurance that he would continue to work to stabilize the situation and articulated that there were opportunities to make the Park a center of scientific research and economic development.

The motion carried 7-0.

Commissioner Thaeff moved, duly seconded by Commissioner Sauls, to waive the rules to consider the nomination of Phil Blank to serve on the Board of Governors (BOG).

Commissioners Desloge and Dailey offered that it may be more prudent to postpone the appointment for a couple of weeks to allow time for additional nominees to be considered.

Chairman Rackleff urged the Board to move swiftly to make the appointment as there are significant issues to be dealt with by the BOG.

The motion to waive the rules carried 6-1 (Commissioner Dailey in opposition).

Chairman Rackleff requested a motion to appoint Mr. Phil Blank to fill a vacancy on the Research and Development Authority Board of Governors.

Commissioner Sauls moved, duly seconded by Commissioner Proctor, to appoint Phil Blank to fill a vacancy on the Research and Development Authority Board of Governors. The motion carried 7-0.

The Board returned to conclude discussions on Item #25.

21. Request to Schedule the First and Only Public Hearing to Adopt a Proposed Ordinance Amending Chapter 9 of the Code of Laws of Leon County Regarding Human Rights for Tuesday, May 11, 2010 at 6:00 p.m.

Kim Dressel, Senior Assistant to the County Administrator provided a detailed summary of the proposed Ordinance. She explained that the proposed ordinance addressed four areas: general provisions, employment discrimination, equal access to places of public accommodations and fair housing and would provide more protection from discrimination to those of the lesbian, gay, bisexual and transgendered community in terms of employment, housing and other areas.

Chairman Rackleff expressed appreciation to Ms. Dressel and Dan Riggo, Assistant County Attorney, for their efforts on this issue. He mentioned that this was a very carefully thought out ordinance and looked forward to moving the ordinance forward to public hearing.

Speakers:

The following individuals appeared and expressed support for the proposed ordinance:

- Jeff Peters, 3539 Apalachee Parkway
- Rev. Mark Byrd, 1288 Mosswood Chase
- Michael Conn, 1960 Buford Blvd.
- Gail Dixon, 2427 Basswood Lane
- Tom Hicks, 300 S. Duval St.
- Mallory Wells, 280 John Knox Rd

- Jim Van Riper, 2024 Ted Hines Dr.,
- Sue Dick, Greater Tallahassee Chamber of Commerce stated that the Chamber will work to educate members on the ordinance.
- Angel deArmeni, 2019 Autumn Lane
- Joseph Kikta, 918 Abbiegail Dr.
- Kristen Dozier, 367 Whetherbine Way East suggested that information be produced for distribution to local businesses explaining ordinance.
- Andrea Jones, 705 Bivins Ave.
- Susan Watson, 900 Lagoon Dr., representing Civil Liberties Union
- Barbara Ross, 1806 Tamiami Dr.
- Sean Stanley, 3067 Hawks Landing Dr.
- David Luke, 1603 Valley Rd.
- Jerry Edwards, 1603 Valley Rd.
- Jimmers Micallee, 9516 Sunhawk Blvd.
- Justin Ford, 700 W. Virginia St.
- Marty Bennett, 7764 Maclean Rd.
- Amanda James, 485 Forest Green Dr.
- Cathryn Simmons, 485 Forest Green Dr.
- Kylan Simmons, 485 Forest Green Dr.,
- Philip Coltharp, 2750 Old St. Augustine Rd.
- Amy Adams, 3330 N. Shore Circle
- Brant Copeland, 1110 Sandhurst Dr., First Presbyterian Church
- Susan Gage, 1407 S. Meridian St.
- Scarlett Sinclair, 700 W. Virginia St.
- Danielle Holbrook, 421 E. Jennings St.
- Jackie Watts, 2034 Atapha Nene
- Jessica Tice, 1512 Callen St.
- Rachel Cornwell, 3700 Capital Circle SE
- Petra Doan, 3342 Nottingham Dr.
- Kathleen O'Neal, 700 N. Woodward Ave.
- Marion Banzhaf, 1528-B Pullen Rd.
- David Conroy, 3204 Whitney Dr. E
- Elizabeth Kamphansen, 3342 Nottingham Dr.
- Marquita Smith, 1555 Delaney Dr.
- Shirin Leclere, 4613 Cypress St.
- Ron Bunting, 1511 Old St. Augustine Rd.
- Terry Galloway, 1402 S. Meridian St.
- Michael Joseph, 1404 S. Magnolia Dr.
- Glenn Belay, 1404 S. Magnolia Dr.
- Rev. Paul Anway, 1951 N. Meridian Rd.
- Myles Robertson, 2024 Ted Hines Dr.
- John Corrigan Byrne, 423 All Saints
- Joanna Winters, 226 Columbia St.
- Dora Williams, 1445 E. Lafayette St.
- Margeaux Motz, 1132 E. Tennessee St.
- Brian Lupiani, 607 McDaniel St.

The following individuals appeared and expressed opposition to the proposed ordinance.

- Martha Clark, 7797 Cornucopia Lane
- Jerry Thornton, 3721 Fermanagh Circle, Thomasville Road Baptist Church
- Larry Perry, 2801 Thomasville Rd., Freedom Church First Assembly of God Church
- Russ LaPeer, 445 NE 8th Ave., Ocala
- Nathan Dunn, 2553 Noble Court
- Ted Thomas, 1469 Vieux Carre Dr.
- Dennis Murphy, 1412 Seminole Dr.
- David Ward, 10416 Rose Rd.
- David L. Williams, 1906 Nanticoke Circle
- Paul Hatfield, P.O. Box 3106
- Pam Olsen, 2756 Whitmore, International House of Prayer
- Bill Snyder, 10450 Veterans Memorial Dr.
- Irvin Clark, 315 Hoffman Dr., Gospel Life Baptist Church
- Morgan White, 2672 Bow 'n Arrow Trail
- Connie Murphy, 1412 Seminole Dr.
- Clarence Hallmark, 4416 Cool Emerald Dr.
- Alan Granger, 3415 Apalachee Parkway
- Scott Beigle, 415 N. Monroe St.
- Ronald Kelly, 1428 Ox Bottom Rd.
- Roger Wynn, 11255 Buck Lake Rd.
- Tracye Hines, 1630 Crosspoint Way

Chairman Rackleff stated that this concluded speakers for this issue and thanked the public for their participation and comments.

Due to comments by some speakers, Commissioner Thael requested information regarding the County's exemption from the ordinance. County Attorney Thiele explained that the ordinance, as written, does not apply to any entity that has sovereign immunity, such as the County, City of Tallahassee, State of Florida or universities; however upon its adoption, County staff would request direction to develop revised personnel policies to address this issue.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to move the issue to the November general election ballot to put forth to the voters.

Commissioner Proctor expressed a concern that the revisions did not extend to churches and opined that the business community would be exposed to liabilities. He remarked that the Board has an obligation to put forth protections for the entire community but a matter this important and universal should be presented on the ballot for the citizens to decide.

Commissioner Sauls voiced appreciation for the public's input and agreed that the issue should be put forward to the public for a vote. She expressed her support for the motion.

Commissioner Desloge pointed out that this is a very divisive issue and that he would support the motion for a public referendum. He had some concerns about the exemption of churches and those organizations with sovereign immunity. Commissioner Desloge discussed with the County Attorney the difficulty in local employers defending themselves against discrimination suits and confirmed that the County has a housing ordinance in place.

Commissioner Akinyemi thanked staff, citizens and clergy for their participation and spoke of his support for the ordinance and opined it was the Commissioners responsibility to do the right thing. He referenced attachments 7 & 8 of the agenda packet.

Commissioner Akinyemi offered a substitute motion, duly seconded by Commissioner Thaele to approve Options 1 and 2: 1) Schedule the first and only public hearing to adopt a proposed Ordinance amending Chapter 9 of the Code of Laws of Leon County regarding Human Rights for Tuesday, May 11, 2010 at 6:00 p.m. and 2) Direct staff to develop revised personnel policies, to extend protections on the basis of gender identity and expression, for the Board's consideration.

Commissioner Thaele stated that he had received much input from citizens, both in support and opposition to the ordinance; and, after much thought and deliberation he will support the draft ordinance. He stated that he was opposed to injustice and inequality and it was more important than ever to expand rights to citizens.

Commissioner Dailey voiced his full support for the substitute motion and will save his comments for the public hearing.

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

22. Board Direction Regarding the Gadsden Street Property and the Riley House

County Administrator Alam explained the two options (Plan "A" and Plan "B") presented for the Board's consideration.

Commissioner Akinyemi moved, duly seconded by Commissioner Proctor, to continue this item to May 25, 2010 to allow the Committee additional time to review the proposed plans and to publicly notice the meetings.

Commissioner Thaele encouraged that Commissioner Akinyemi be recognized as the point person for the Board on this issue.

The motion carried 7-0.

The Board now returned to the first Citizens to be Heard on Non-Agendaed Items.

23. Acceptance of Status Report on the Noise Control Ordinance

County Attorney Thiele summarized the proposed Ordinance and stated that it defines "rural area" and addresses late night parties that continue outside of a perimeter that serves alcohol.

Commissioner Desloge moved, duly seconded by Commissioner Sauls to approve Options 1 and 2: 1) Accept status report and direct the County Attorney's Office to schedule a first and only public hearing amending Chapter 12 of the Leon County Code of Laws entitled "Noise Control Ordinance" to define "rural area" as those depicted on the Leon County zoning map for May 11, 2010 at 6:00 p.m. and 2) Accept status report and direct the

County Attorney's Office to schedule a first and only public hearing amending Chapter 3 of the Leon county Code of Laws entitled "Alcoholic Beverages" to create a buffer between the establishment selling alcoholic beverages and consumption of same by its patrons after the (2:00 a.m. termination of hours of sale), for May 11, 2010 at 6:00 p.m.

Commissioner Thael stated that he had asked specifically for the County Attorney's Office to look into controlling excessive dogs barking in rural areas and asked if that issue was addressed in the "Noise Control Ordinance". Mr. Thiele responded that in his opinion the current ordinances were sufficient to address this issue and that he would distribute to the Board the memo produced by his office on this issue. Commissioner Thael inquired into the status of the barking dog issue he has brought up at an earlier meeting and Mr. Thiele stated that he would look further into this and provide information.

The motion carried 7-0.

24. Appointments to the Sustainability Task Force

- *Commissioner Desloge moved, duly seconded by Commissioner Proctor, to confirm the appointments of Vicki O'Neal, City of Tallahassee Utilities; Sharon Liggett, Sustainable Tallahassee; Dave Cartes, FSU IESES; and Dan Ard, Talquin Electric. The motion carried 7-0.*
- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, to appoint Luis Serna in the Urban and Regional Planning Category. The motion carried 7-0.*
- *Commissioner Sauls moved, duly seconded by Commissioner Desloge, to appoint Matt Scaringe in category of Engineering. The motion carried 7-0.*
- *Commissioner Proctor moved, duly seconded by Commissioner Thael, to appoint Lisa Williams in the category of Civic Engagement or Dispute Resolution. The motion carried 7-0.*
- *Commissioner Desloge moved, duly seconded by Commissioner Dailey, to appoint Mike Rogers in the 'Green' Building Construction category. The motion carried 7-0.*
- *Commissioner Sauls moved, duly seconded by Commissioner Desloge, to appoint Dennis Tober in the category of Environmental Systems. The motion carried 7-0.*
- *Tom Cordi was appointed as the representative in Energy Systems category. The motion passed 7-0.*
- *Commissioner Akinyemi moved, seconded by Commissioner Thael, to appoint Jo Laurie Penrose as representing the Transportation Systems category. The motion carried 7-0.*

Citizens to be Heard on Non-Agendaed Items (3-minute limit per speaker; Commissioner may discuss issues that are brought forth by speakers.)

- Chairman Rackleff confirmed that there were no Citizens to be Heard on Non-Agendaed Items.

Scheduled public Hearings, 6:00 p.m.

- None

Comments/Discussion Items

County Attorney Thiele:

- Shared that the Presbyterian Retirement Communities has requested the Board conduct a TEFRA hearing on May 11. They own and run the Westminster Oaks and are planning renovations in excess of \$13 million to the facility.

Commissioner Discussion Items

Commissioner Proctor:

- Expressed his disappointment in the City's request that the County Attorney pay their attorney's fees to defend against the Lake Talquin Dam suit brought by the County (and surrounding counties).
 - Commissioner Proctor inquired why Leon County was singled out (as there were multiple counties involved in the suit against the City) and offered the City's action was retaliatory in response to the County's pursuit of a Citizens Utility Board. He asked County Attorney Thiele to comment on this issue.
 - Mr. Thiele advised that the County has responded by offering that the case had merit and the City's motion was intended to be retaliatory or unfounded.
 - Commissioner Proctor asked that Chairman Rackleff in next mayor/chair meeting attempt to get some understanding on this issue.

Commissioner Desloge:

- Shared that he will host a meeting of children's mental health and substance abuse providers on April 29 to discuss services being provided and funding and how the County might assist in facilitating in this area.
- Advised that he has been nominated to be a fellow in the Florida National Resource Leadership Institute.
 - *Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve expenditures from his Commissioner account for expenses associated with the fellowship. The motion carried 7-0.*

Commissioner Sauls

- Requested a Resolution for the 75th Anniversary for Tallahassee Board of Realtors
- Requested a Resolution for the 75th Anniversary or the Pilot Club of Tallahassee.

Commissioner Akinyemi

- Appreciated the civil tone from citizens regarding the human rights debate.

Commissioner Dailey

- Requested a presentation by the Canopy Oaks Elementary School "Green Team" regarding their recycling efforts to be placed on the May 25th agenda.
- Complimented staff at the recycling program on the great job they are doing.

Receipt and File: none

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 9:44 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bob Rackleff, Chairman
Board of County Commissioners

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