

**Board of County Commissioners
Leon County, Florida
Regular Meeting
May 11, 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.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was provided by Commissioner Bill Proctor, who then led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS:

- Chairman Bob Rackleff presented a Resolution Designating May 16-22 as National Dog Bite Prevention Week. Richard Ziegler, Leon County Animal Control accepted the Resolution on behalf of the Leon County Health Department and Animal Control and thanked the Board for the recognition.
- Commissioner Cliff Thael presented a Resolution Designating May 8-16 as National Tourism Week. Lee Daniel, Tourist Development Council (TDC) Executive Director, and Russell Daws, TDC Board Chair accepted the Resolution.
- Marion Missy McGee, Partnership Specialist, U.S. Census Bureau, Atlanta Regional Census Center presented an update on the current door-to-door Census operation.

1. Presentation and Acceptance of Status Report on the Boys & Girls Club of the Big Bend

Buddy Streit, Executive Director, provided a brief update on the organization's current status. He noted that the organization has experienced some revenue difficulties in the last couple of years; however, he was pleased to report that due to some very decisive and proactive actions the financial status for the 09/10 was very positive. He shared that the clubs in both Franklin and Jefferson Counties were closed; however the three Clubs in Leon County remain unchanged. He voiced his appreciation for the County's continued support.

Commissioner Proctor expressed his appreciation for the organization's commitment to continue to provide quality services, especially during these difficult times. He conveyed both his personal and the Board's continued commitment.

The Board approved Option 1: Accept the status report on the Boys & Girls Club of the Bing Bend.

CONSENT AGENDA

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve the Consent Agenda with the exception of Items 3, 5, 7 and 12, which were pulled for further discussion. The motion carried 7-0.

2. Approval of Minutes: March 3, 2010 Joint City/County Public Hearing on Cycle 2010-2 Comprehensive Plan Amendments; March 23, 2010 Workshop on Cycle 2010-2

Comprehensive Plan Amendments; and, April 13, 2010 Workshop on the Charter Review Committee's Final Report and Proposed Amendments

The Board approved Option 1: Approve the Minutes of March 3, 2010 Joint City/County Public Hearing on Cycle 2010-2 Comprehensive Plan Amendments; March 23, 2010 Workshop on Cycle 2010-2 Comprehensive Plan Amendments; and, April 13, 2010 Workshop on the Charter Review Committee's Final Report and Proposed Amendments

3. Approval to Establish Position and Joint Funding with the City of Tallahassee in Support of the Public Safety Complex Construction Project

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

County Administrator Alam reminded the Board of the \$1.5 million savings realized by the termination of the URS contract. He also recalled that when the contract with URS was terminated, the Board was notified that staff would eventually have to be hired to facilitate the completion of the project. This is the first position to be established. He added that the City of Tallahassee would provide 50% of the funding for the position.

Commissioner Desloge commended staff for bringing this cost saving idea forward. He asked for a timeline for completing the project. Mr. Rosenzweig provided that the project was in the design phase, a ground breaking is scheduled for the first quarter of 2011 and move in the summer of 2012.

Commissioner Thaeil pointed out that this was a great example of identifying ways to save money or to redirect those funds to a more critical need.

Commissioner Thaeil moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approve the establishment of a Project Coordinator position with joint funding the City and County.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., questioned the need for the hiring of a Project Coordinator, as there was current staff capable of handling these responsibilities.

Mr. Alam emphasized that this was an extremely complex project, whereby the County had removed the URS contract resulting in a \$1.5 million savings. He shared that the additional workload taken on by County staff with the elimination of the contract has resulted in the need for this entry level position. He mentioned that upon completion of the project, it is anticipated that there will be a need for a Facility Manager and this position will be evaluated for possible reclassification at that time. Mr. Alam proclaimed that even with the additional staffing requirements that will eventually be needed, the County will have attained a significant cost savings to the project.

The motion to approve Option 1 carried 7-0.

4. Approval of the Gateway Tallahassee, LLC Recovery Zone Proposal and Resolution Transferring the County's Recovery Zone Facility Bond Allocation to the City of Tallahassee

The Board approved Options 1 & 2: 1) Approve the Gateway Tallahassee, LLC proposal for Recovery Zone Facility Bonds, and 2) Approve the Resolution transferring \$3.582 million of the County's Recovery Zone Facility Bond allocation to the City of Tallahassee for the Gateway Tallahassee, LLC proposal.

5. **Request to Schedule the First and Only Public Hearing to Adopt a Non-ad Valorem Assessment Roll for Fire Rescue Services Assessments for Tuesday, July 13, 2010**

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

County Attorney Thiele summarized the reasons this item is before the Board and reasons for scheduling a public hearing.

Speaker:

- Curtis Baynes: 1323 W. Tennessee St., requested information on the fiscal impact of the item.

County Attorney Thiele responded that the scheduling of a public hearing has no fiscal impact. Commissioner Desloge clarified that there would be a fiscal impact if the item was not set for public hearing.

Commissioner Thaelle expressed that he has advocated for a long time that the fire services fee should be assessed annually as a non-ad valorem assessment and not invoiced separately each quarter. He added that was a fairer more cost effective process.

Commissioner Thaelle moved, duly seconded by Commissioner Desloge, to approve Option 1: Schedule the first and only public hearing regarding the adoption of a non-ad valorem assessment roll for fire rescue services assessment to be held on July 13, 2010.

In response to questions from Chairman Rackleff, Mr. Rosenzweig clarified that this action applies only to those 5,900 residents who have failed to pay the fire services fee when billed. He noted that government and tax-exempt properties would continue to be billed direct.

Commissioner Desloge confirmed that those residents who prefer to have the fee assessed on the taxes can elect to not pay the quarterly invoices; however, the fire services fee would be assessed for two years (current and next year). Mr. Rosenzweig shared that the notices have been modified to allow residents to indicate a preference in billing.

Commissioner Akinyemi expressed an interest in applying the annual assessment to all households. Mr. Rosenzweig indicated that Board would need to direct staff tonight if this was the direction it wished to proceed.

Commissioner Akinyemi offered a substitute motion to approve Option 1 and direct staff to begin the process to place fire services fee on the property tax bill.

Commissioner Thaelle withdrew his motion.

*Commissioner Akinyemi moved, duly seconded by Commissioner Thaelle, to approve Option 1 and direct staff to begin the process to place fire services fee on the property tax bill. *Upon the recommendation by the County Administrator to keep the actions separate, Commissioner Akinyemi withdrew this motion.*

Chairman Rackleff recognized the original motion by Commissioner Thaelle to approve Option 1 as the current motion on the table. The motion carried 7-0.

Commissioner Akinyemi moved, duly seconded by Commissioner Thaelle, to consider placing the fire services fee on the property tax bill. Upon further clarification and dialogue with Mr. Rosenzweig and County Attorney Thiele on the complexities of this action Commissioner Akinyemi withdrew this motion.

6. Approval of Payment of Bills and Vouchers Submitted for May 11, 2010 and Pre-approval of Payment of Bills and Vouchers for the Period of May 11 through May 24, 2010: \$9,632,976.14

The Board approved Option 1: Approve payment of bills and vouchers submitted for May 11, 2010 and pre-approve payment of bills and vouchers for the period of May 11 through May 24, 2010: \$9,632,976.14

7. Approval of an Interlocal Agreement Between the Florida Department of Environmental Protection for Stream Condition Index Sample Analysis

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

County Administrator Alam noted that this was a one year program that would result in an \$85,000 savings to the County.

Commissioner Thaelle stated that he pulled the item to ensure that the same type and quality of services would be provided under the new contract. He commended staff for identifying this cost savings.

Commissioner Thaelle moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approval of an Interlocal Agreement between the Florida Department of Environmental Protection and Leon county for Stream Condition Index Sample Analysis, and authorize the County Administrator to execute.

Commissioner Proctor submitted that these types of initiatives provide an opportunity for County employees to be incentivized or rewarded for identifying cost saving measures within the County. He also suggested that the savings be earmarked for the development of a Water Commission.

The motion to approve Option 1 carried 7-0.

8. Approve the County's Voluntary Acquisition of Property Associated with the Ben Boulevard Improvements Project

The Board approved Option 1: Approve the County's voluntary acquisition of the property located at 4049 McLeod Drive in the amount of \$260,000, and authorize the County Administrator and the County Attorney to execute any and all documents necessary to effect the purchase of property.

9. Acceptance of a Perpetual Easement for a Portion of Bice Road from U.S. Forest Service

The Board approved Option 1: Accept the perpetual easement for a portion of Bice Road from U.S. Forest Service.

10. Acceptance of Assignment of Right-of-Way Easement Interest and Request to Schedule the First Public Hearing Regarding Special Improvements for Windwood Hills 2/3 Paving Project on Tuesday, June 8, 2010 at 6:00 p.m.

The Board approved Options 1 & 2: 1) Accept Assignment of Right-of-Way Easement Interests from the Windwood Hills Home Owners Association, Inc. to Leon County, and 2) Schedule the first public hearing for Windwood Hills 2/3 paving Project for Tuesday, June 8, 2010 at 6:00 p.m.

11. Acceptance of the Assessment Roll of Rainbow Acres 2/3 Paving Project and Request to Schedule Public Hearings for Tuesday, June 8, 2010 at 6:00 p.m. Regarding the Proposed Special Improvement Liens and Adoption of a Non-Ad Valorem Assessment Roll

The Board approved Options 1 & 2: 1) Accept the Assessment Roll for the Rainbow Acres 2/3 Paving Project, and 2) Schedule public hearings to consider a Resolution imposing special improvement assessment liens and adoption of a Non-ad Valorem Assessment Roll for Tuesday, June 8, 2010 at 6:00 p.m.

12. Request to Schedule a Workshop on Solid Waste Issues for Tuesday, September 7, 2010 at 1:30 - 3:00 p.m.

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

Commissioner Akinyemi commended staff for its work on this issue. He suggested that staff in preparing for the upcoming workshop consider a paradigm shift in the manner in which waste and recycling is dealt with, i.e., smaller waste bins and larger recycling bins and the cost of such a change in philosophy. He mentioned three areas that he wanted staff to address: 1) provide an update on methane gas; 2) provide an update on the concept called solar arc, and 3) feasibility study to a build solar farm at the landfill.

County Administrator Alam shared that staff are working on the three areas mentioned by Commissioner Akinyemi and offered for staff to provide a short report on each at this time.

Mr. Rosenzweig, Assistant County Administrator, provided that the County has entered into a two-year binding Agreement with Renewable Fuel Tallahassee and expects construction in April 2011; a proposed Invitation to Negotiate on constructing a solar farm or other renewable energy sources at the solid waste facility is being developed and will be brought to the Board for authorization, and the methane analyzer machinery will be installed this month.

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Option 1: Schedule a workshop regarding solid waste issues for Tuesday, September 7, 2010 at 1:30 - 3:00 p.m. The motion carried 7-0.

13. Acceptance of the Commissioner Discussion Items Status Report for FY 2009/10 First and Second Quarters

The Board approved Option 1: Accept the Commissioner Discussion Items status report for FY 2009/10 first and second quarters.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-minute limit per speaker; there will not be any discussion by the Commission).

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

GENERAL BUSINESS: (Item #20 will be taken up at the conclusion of the Public Hearings)

14. Update on Gum Road Target Master Plan and Blueprint 2000

Mr. Alam advised that per Board direction a meeting was held between staff, Blueprint 2000, Florida Department of Environmental Protection (DEP) and Mr. Gibby to find a resolution to this situation. He was pleased to report that the issue has been resolved and DEP has agreed to allow relocation of the required conservation easement outside of the Target Area Master Plan site.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: Revoke the amendment to the Gum Road Target Area Master Plan allowing the conservation easement with the Florida Department of Environmental Protection on a portion of blueprint Parcel 244.

Commissioner Sauls commented that she was very pleased that all parties involved were able to reach resolution on this issue.

Speaker:

- John Gibby, 4887 Gum Rd., voiced his support for Option 1 and requested that staff be directed to provide quarterly updates, beginning in July, including funding options. Mr. Gibby also read into the record a statement regarding the Gibby Family Trust Map and the family's willingness as a large land owner in the area to work with all parties to find resolution to this matter.

In response to comments by Commissioner Sauls, County Administrator Alam stated that staff will continue to work with Mr. Gibby and bring this issue back to the Board as soon as possible. He noted the generosity of the Gibby Family regarding the donation of land.

The motion to approve Option 1 carried 7-0.

ADD-ON:

21. Approval of Proposed Memorandum of Understanding Regarding the County's Provision of Services to the Leon County Research and Development Authority on an Interim Basis

Chairman Rackleff provided a detailed summary of the issues and the proposed Memorandum of Understanding (MOU). He shared that the offer of County and Clerk services was made in an effort to assist the organization in reducing its administrative costs and would expire September 30, 2010. He noted that the proposed MOU would be presented to the Authority's Board of Governors (BOG) for consideration on May 18, 2010. He added that the cost to the County would not be significant and this action would benefit this very important Leon County asset.

Commissioner Desloge confirmed that the MOU, after approval by the BOG would come back to the Commission for approval. He voiced some concern over the County becoming too involved in an independent authority and established that the BOG has responded favorably to the offer of County assistance. Chairman Rackleff noted that the MOU preserves the independent nature of Innovation Park and has the potential to save \$200,000. Chairman Rackleff also advised that a search committee has been established to seek applications for a new executive director.

Commissioner Akinyemi thanked Chairman Rackleff for his due diligence in this matter and clarified with Chairman Rackleff such issues as reimbursement for services, BOG support for the MOU and length of agreement.

Commissioner Akinyemi moved, duly seconded by Commissioner Thaell, to approve Options 1 & 2: 1) Approve and authorize the County Administrator to execute the proposed Memorandum of Understanding (MOU) regarding the County's provision of services to the Leon County Research and Development Authority on an interim basis, and 2) Authorize the County Administrator to develop and execute an Interlocal Agreement with the Authority, consistent with the MOU's provisions.

Commissioner Dailey asked for a point of clarification. He clarified for the record with County Attorney Thiele that the Interlocal Agreement, developed from the MOU and agreed to by the BOG, would be brought back to the Board for approval.

County Administrator Alam reported that the Clerk's Finance Department, under the direction of David Reid, has already met with Authority staff and has begun providing assistance to the Authority in regards to reconciliations, paying bills, etc.

Commissioner Dailey voiced some concern about the additional workload for staff and inquired if the Board should wait for the Authority, as an independent body, to ask for assistance.

Chairman Rackleff reminded the Board that the current situation at the Park was urgent and that accurate financial information and competent legal advice was critical to the Park at this time. He opined that a delay would have an adverse impact on the Park and remarked that public trust in the Park is low and actions needed to be taken to repair the confidence of educational partners such as FSU, FAMU and TCC.

Commissioner Desloge reiterated the need for the BOG to review the Agreement and agree on what services they wish for the County to provide and the Agreement be brought back to the Board for approval.

Commissioner Akinyemi established with David Reid, Finance Director, that the Clerk's office has been well received by Authority staff and that Chairman Rackleff as the Treasurer of the Authority was given responsibility to get current bills paid, accounts receivable billed and bank reconciliations.

Commissioner Akinyemi amended his motion to include that the Interlocal Agreement be brought back to the Board for approval at its next meeting.

Commissioner Proctor dialogued with Mr. Thiele on what if any legal mandate exists for the County to provide assistance to the Park and received clarification on Chairman Rackleff's role on the Authority. Commissioner Proctor submitted that there were a plethora of issues that warranted the Board's prudence i.e., allegations of criminal misconduct, allegations of sexual harassment and inadequate counsel and urged the Board to be cautious in moving forward. He also noted that there was no cap on the amount of assistance being suggested and requested that an assessment of damages be done.

The motion to approve Options 1 & 2, as amended carried 6-0 (Commissioner Proctor out of Chambers)

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., stated that the County has an expenditure problem and recommended that detailed financial information be included in the Bills and Vouchers agenda item.

COMMENTS/DISCUSSION ITEMS

County Attorney: nothing

County Administrator: nothing

Discussion Items by Commissioners

Commissioner Proctor: nothing

Commissioner Desloge:

- Requested a Resolution for the Leon High School Girls Tennis Team on winning the State Championship.
- Requested a Resolution for Eagle Scouts troop, to be presented at an Eagle Scout event.
- *Commissioner Desloge moved, duly seconded by Commissioner Sauls, to direct staff to bring back a cost estimate for creating an "access point" for kayaks, canoes, etc. from Piney Z's Heritage Park to Apalachee Regional Park. The motion carried 7-0.*
- *Commissioner Rackleff directed staff to bring back information regarding the developers of Preservation Point either entering into a "land swap" or donate land to complete the "missing link" between Buck Lake Road and Alford Arm. The motion carried 7-0.*

Commissioner Sauls: nothing

Commissioner Akinyemi:

- Expressed congratulations to Maggie Theriot, Sustainability Coordinator, for a successful Sustainability Summit.
 - Ms. Theriot shared that over 400 individuals attended the event throughout the two day event and hopes to have monthly or quarterly "lunch and learn" sessions to continue discussions on sustainability efforts. She expressed appreciation to Commissioners for their participation and support for the event.
 - Commissioner Akinyemi requested a Resolution acknowledging Ms. Theriot's efforts and the success of the Summit.
 - Commissioner Thae'll voiced concern over the oil spill in the Gulf and emphasized that it was important to begin the development of some adaptation strategies to address potential impacts from the spill.
- Requested staff provide an update on the following activities/issues, how they tie in, and when they would come before the Board: 1) conservation subdivision public hearings; 2) waste water issues to include City's Master Sewer Plan and 3) septic tanks/sewer in the primary springs protection zone.

Commissioner Thae'll:

- *Commissioner Thae'll moved, duly seconded by Commissioner Desloge, to direct staff to bring back an agenda item on moving forward with a Request for Proposals (RFP) on the feasibility of the redevelopment of the existing Fairgrounds site to include current zoning and land use regulations/permits and an urban land use planning analysis on the feasibility of the redevelopment of the site. The motion carried 6-0 (Commissioner Proctor out of Chambers).*
- County Administrator Alam confirmed that the motion was limited to the existing fairgrounds site.

Commissioner Dailey:

- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, to request an agenda item, not to be placed on Consent Agenda, for an update on the mosquito control policy, specifically the impacts since the ¼ mile buffer was implemented.*
 - Commissioner Akinyemi requested the new mosquito control policy information be posted to the County's website.
 - Commissioner Akinyemi asked when the appointments to the Mosquito Control Advisory Committee would be made. Assistant County Administrator Rosenzweig stated that the appointments would be on the May 25 agenda.
 - *The motion carried 6-0 (Commissioner Proctor out of Chambers).*

Commissioner Rackleff

- Requested a Resolution to recognize Deloitte Consulting Yearly Impact Day - Volunteer Outreach in the Community.
- Requested a Resolution in support of Brevard County's attempts to keep the Kennedy Space Center and Cape Canaveral open and encourage efforts in actively seeking legislative assistance to sustain Florida's economy. A copy of the proposed Resolution was distributed.
- Announced the grand opening of the Farm Share Facility in Gadsden County on May 21.
- Shared that a Family Fun Day would be held on Saturday, May 15 by the Timberlake Homeowners Association celebrating the solution to the flooding problem.

The Board entered into its dinner break at 5:13 p.m. and will re-adjourn at 6:00 p.m. to conduct the public hearings.

The Board reconvened at 6:00 p.m. to conduct the public hearings.

PUBLIC HEARINGS:

15. Conduct the First and only TEFRA Public Hearing and Adopt the Resolution and Approve the Interlocal Agreement Regarding Presbyterian Retirement Communities, Inc.

County Attorney Thiele announced the public hearing. Mr. Thiele explained that this was not a bond issue of Leon County and there was no fiscal obligation; however, an Interlocal Agreement was needed as one of the facilities that is owned and would be improved by the proceeds is located in Leon County. He advised that the documents have been reviewed by his office as well as bond counsel and approval is recommended.

Chairman Rackleff confirmed that there were no speakers on this issue.

Commissioner Desloge confirmed with Mr. Thiele that all incurred costs would be covered by the Agreement.

Commissioner Desloge moved, duly seconded by Commissioner Thaele, to approve Option 1: Conduct the first and only TEFRA public hearing and adopt the Resolution and approve the Interlocal Agreement regarding Presbyterian Retirement communities, Inc. The motion carried 6-0 (Commissioner Proctor out of Chambers).

16. Conduct First and Only Public Hearing on Adopting Ordinance Amending Section 12-57 ("Exemptions") of Chapter 12, Article II Entitled "Noise Control" of the Leon County Code of Laws

County Attorney Thiele announced the public hearing. Mr. Thiele advised that the Ordinance was being amended to better define where hunting exemptions to noise control would occur. The document has been reviewed by the County Attorney's Office and adoption was recommended.

Speaker:

- Carol Kio-Green, 4823 Sullivan Rd. requested clarification as she lives in the unincorporated area, but not "rural area" and has on occasion the need to discharge a firearm at large poisonous snakes that may appear around her home. She requested that language be included to address this concern.

Mr. Thiele explained that the amendment would not prohibit the discharge of a firearm, assuming it is done under other lawful conditions.

Commissioner Desloge moved, duly seconded by Commissioner Thael, to approve Option 1: Conduct first and only public hearing and adopt ordinance amending Chapter 12 of the Leon County Code of Laws entitled "Noise Control Ordinance" to define "rural areas" as those depicted on the Leon County zoning map. The motion carried 7-0.

17. Conduct First and Only Public Hearing on Ordinance Amending Section 3-3 ("Hours of Sale") of Chapter 3 Entitled "Alcoholic Beverages" of the Leon County Code of Laws

County Attorney announced the public hearing. He advised that there have been issues for law enforcement regarding the congregation of individuals around a business after it has stopped its sale of alcohol (2:00 a.m.). He stated that the amendment establishes a parameter around such businesses. Mr. Thiele shared that the amendment has been reviewed by the Sheriff's Office and adoption is recommended.

Chairman Rackleff confirmed that there were no speakers on this issue.

Commissioner Thael moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct first and only public hearing and adopt ordinance 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). The motion carried 7-0.

18. First and Only Public Hearing for the Type "C" Site and Development Plan Application for the Proposed Chason Woods Conservation Subdivision

County Administrator Alam announced the public hearing. Mr. Alam advised that staff recommend the denial of the Plan Application and the Conservation Subdivision Application; however the County Attorney has distributed a memo recommending that the item be continued until the September 7, 2010 public hearing.

County Attorney explained that a request from the applicant was received to allow them time to negotiate acquisition of the property by the State. He concluded that the continuance would not harm the County's position on its recommendation and suggested that the continuance be granted and that public comment not be taken, as the applicant was not available to hear or defend it. He shared that this is and would be a quasi judicial hearing.

Chairman Rackleff, under advisement from the County Attorney, announced that public comment would not be taken at this time; however individuals would be provided an opportunity to make comment at a later date.

Commissioner Desloge moved, duly seconded by Commissioner Dailey, to continue the public hearing to Tuesday, September 7, 2010 at 6:00 p.m.

Commissioner Thael indicated that he would not have supported passage of the application as the development could have a detrimental effect on Wakulla Springs.

The motion carried 7-0.

19. Conduct First and Only Public Hearing Amending Chapter 9 of the Code of Laws of Leon County Regarding Human Rights

Chairman Rackleff asked that civility and respect be extended and recognized to all individuals speaking on this topic. He stated that based on comments by Commissioners regarding

proposed changes to the Ordinance, he proposed that the Board engage in discussion regarding any significant changes to be offered on the Ordinance.

Commissioner Desloge expressed concerns with the employment section of the ordinance and its burden on small businesses. He indicated that he could support strengthening of the housing area and the inclusion of reasonable access; however he struggled with the employment portion and the additional problems that would be created.

Commissioner Dailey thanked residents and notably Senator Dave Aronberg for their interest in this topic and attending the public hearing. He shared that throughout his many conversations with members of the community regarding the proposed Ordinance; the common concern expressed was over the employment portion of the Ordinance. He continued that should the proposed language be adopted, Leon County would be the only community in the State that would have judicial as the remedy for private cause of action. He reminded fellow Commissioners that the initial recommendation brought forward by the Human Rights Advisory Committee (HRAC) as a remedy for private cause of action was to handle administratively; however, the Board did not approve this recommendation due to the additional burden it would place on the County to handle these issues internally. He opined that a revision from judicial to administrative would have the endorsement of the business community. He suggested that the public hearing be postponed and that the Board consider amending the language to establish an administrative and not judicial process for private cause of action. He advised that a public hearing date could be established tonight so as to ensure that the item would be brought back for public input and consideration.

Commissioner Dailey moved, duly seconded by Commissioner Desloge, to postpone the Ordinance to allow time for appropriate parties to rewrite the judicial remedy for private cause of action to an administrative procedure for private cause of action.

Commissioner Akinyemi thanked everyone for their attendance and their interest in this matter. He stated that his support for the Ordinance was unconditional; however, did express concern about its impact on small businesses. Commissioner Akinyemi offered two amendments for the Board's consideration: 1) add mediation as first cause of action (page 4, line 30), and 2) change business size to a graduated scale from 15 to 5 employees (page 8, line 20). A copy of Commissioner Akinyemi's proposed language is attached. He concluded that doing nothing is not an option.

Commissioner Proctor proclaimed that the public hearing should be conducted and a vote taken tonight and that he was prepared to vote in support of the Ordinance. He acknowledged that although he had advocated for the issue be presented and decided on by the voters, he "has succumbed" that this will be a vote of the Commission. He questioned why churches were being granted governmental sovereign immunity and asserted that discrimination cases should be argued before the Courts and not be handled through an administrative process.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve Option #1: Conduct first and only public hearing and adopt the Ordinance amending Chapter 9 of the Code of Laws of Leon County regarding Human Rights.

Commissioner Sauls maintained her position that this issue should be brought forward on the ballot for the voters to determine; however, she was prepared to hear public testimony tonight and for the Board to vote the issue "up or down".

Commissioner Dailey, in light of the opinions expressed by the Board, withdrew his motion.

Commissioner Thaeil opined that some of the concerns regarding claims of discrimination against businesses may be overstated and pointed out that the ordinance proclaims that the County does not believe in discrimination. He also clarified that mediation was included in the proposed language.

Kim Dressel, Senior Assistant to the County Administrator at the request of the Board provided a detailed synopsis of the Ordinance.

Chairman Rackleff invited Jim Van Riper, Chairman of the Human Rights Advisory Committee, to provide a rundown on the Committee's actions and the development of the Ordinance.

The following individuals appeared and spoke in favor of the Ordinance:

- Jim Van Riper, 2024 Ted Hines Dr.
- Thomas Jefferds, Jr., 1204 Carraway St.
- Senator Dave Aronberg, 405 Senate Office Bldg.
- Susan Gage, 1407 S. Meridian St.
- Amanda James, 485 Forest Green Dr.
- George Brophy, 6744 Johnstown Loop
- Jeff Peters, 3539 Apalachee Parkway
- Sheila Ortiz-Taylor, 4146 Diplomacy Circle
- Jon Ausman, 2202 Woodlawn Dr.
- Joy Lynn Lewis, 4146 Diplomacy Circle
- Yolanda Fairell, 1800 Miccosukée Commons Rd.
- Isabelle Potts, 1407 S. Meridian St.
- Chris Gorsuch, 963 Victory Garden Dr.
- Linda Wright, 502 Middlebrooks Ct.
- Reverend Mark Byrd, 1288 Mosswood Chase
- Larry Martin, 8311 Clearlake Lane
- Brian Lee, 1603 Sauls St., Leon County Democratic Party
- Kim Ross, 1603 Sauls St.
- Linda Miklowitz, 2542 Arthur's Ct.
- Scott Campbell, 918 Tamarack Ave.
- Winnie Miles, 919 W. King St., Quincy
- Carolyn Allen, 919 W. King St., Quincy
- Marcy MacDonell, 1007 Cap Tram Rd.
- John Hudson, 2132 Atchena Nene
- Elizabeth Woodsmall, 1510 Twin Lakes Circle
- Rebecca MacDonell, 1007 Cap Tram Rd.
- Glenn Belay, 1404 S. Magnolia Dr.
- Rachel Cornwell, 3700 Capital Circle SE
- Sean Stanley, 3067 Hawks Landing Dr.
- Marilyn Wills, 2326 Kilkenny Dr., West, League of Woman Voters
- Edward Denham, 930 Alachua Ave.
- Agnes Furey, 3053 Rain Valley Circle
- Jackie Madsden, 5624 Doonesbury Way
- Cody Traweek, 5624 Doonesbury Way
- David Conroy, 3214 Whitney Dr.
- Brant Copeland, 1110 Sandhurst Dr.
- Gregg Cooley, 301 Hoffman Dr.
- Jeffrey Butirro, 1415-C McCauley Rd.
- Joseph Kikta, 918 Abbiegail Dr.
- Jim Walker, 705 Okaloosa St.

- Kristin DeHan, 705 Okaloosa St.
- Paul Stewart, 8193 Wenonga Court
- Joanne Taylor, 2921 Foxcroft Dr.
- Lisa Comingore, 2719 W. Tharpe St.
- David Luke, 1603 Valley Rd.
- Gerald Edwards, 1603 Valley Rd.
- Jessica Tice, 1512 Callen St.
- Lee Johnson, 2121 Trescott Dr. with suggested revision
- Ed Deaton, 9601 Miccosukee Rd.
- Dr. Annie Tuttle, 2118 Old Fort Dr.
- Scarlett Sinclair, 700 W. Virginia St.
- Petra Doan, 3342 Nottingham Dr.
- Elizabeth Kamphausen, 3342 Nottingham Dr.
- Anna Lee, 847 E. Park Ave.
- Carlos Alvarez, 1451 Lafayette Cove Rd.
- Ralph Mason, 3105 N. Shannon Lakes Dr.
- Kara McNeely, 2458 Goldenrod Way
- Christy Crandall, 2205 Atapha Nene
- Marion Banzhaf, 1528-B Pullen Rd.
- John Corrigan Byrne, 423 All Saints Dr.
- Chelsea Rice, 1409 Branch St.
- Loren Rice, 1409 Branch St.
- Margeaux Mutz, 1132 E. Tennessee St.
- Rev. Paul Anway, 1951 N. Meridian Rd., United Church of Tallahassee
- Rahni Spencer, 1612 Levy Ave.
- Stephanie Rubanowice, 1816 Wales Dr.
- Danielle Holbrook, 4212 E. Jennings
- Lynn Hartmann, 1172 Brafforton Dr.
- Edward Kring, 1147 Academic Way
- Kevin Koelemij, 2225 Amelia Circle
- Sarah Tso, 1132 E. Tennessee St.
- Emory Hingst, 1507 Payne St., St. Stephen Lutheran Church, Emeritus
- Rosa Lovett, 14090 High Hill Circle
- Philip Coltharp, 2750 Old St. Augustine Rd.
- Debo Powers, 9601 Miccosukee Rd., Principle Schools of Arts & Sciences
- Shani Hervey, 1753 Augustine Place
- Edward Osburn, 1909 Grimes Lane
- Ginny Smith, 3148 Oak Hammock Lane
- Rick Minor, 3400 Old Bainbridge Rd.
- Katrice Brown, 1011 Crossing Brook Way
- Chip Collette, P.O. Box 10161, with suggested revisions
- Kristopher Ferrell, 1514 Dacron Dr.
- Jeff Smerling, 429 W. 6th Ave.
- Kathleen O'Neal, 700 N. Woodward Ave.
- David Simison, 1818 Doris Dr.

The following individuals appeared and spoke in opposition to or delay of the Ordinance:

- Pam Olsen, 2820 Sharer Rd. International House of Prayer
- Rick Malphurs, 6538 Treasure Oaks Circle
- Sallie Hallmark, 1111 Copper Creek Ct.
- Reverend Randy Ray, 5028 Centennial Oak Circle, North Florida Baptist Church
- Steven Davis, 510 W. Tennessee St., Haven of Rest Rescue Mission

- Paul Hatfield, P.O. Box 5106
- Bill Snyder, 10450 Veterans Memorial Dr.
- Larry Perry, 2801 Thomasville Rd., Freedom Church
- Thomas LeDuc, 7932 Briancreek Rd.
- Greg Roberts, 2898 Bell Dr., Indian Springs Baptist Church
- Don Wesolowski, 2201 High Rd.
- Michael Sheedy, 3037 Stillwood Ct.
- Bobby Kelly, 1428 Ox Bottom Rd.
- Roger Wynn, 11255 Bucklake Rd.
- Nathan Dunn, 2553 Noble Court
- Alan Townsend, 9438 Wakulla Springs Rd.
- Mina O'Connell
- Carol Kio-Green, 4823 Sullivan Rd.
- Lisa Gaines
- Marcia Jones, 400 Capital Circle SE
- Carol Kio-Green, 4823 Sullivan Rd.

Chairman Rackleff closed the public hearing.

Commissioner Thaell in response to comments made by some of the speakers established with County Attorney Thiele, for the record, that there was nothing at this time in Federal Law that provides protections for sexual orientation or identity.

Chairman Rackleff established that there was a current motion on the floor to approve the proposed ordinance.

Commissioner Desloge responded to some of the comments directed to him and Commissioner Sauls, due to their voiced opposition to the proposed ordinance. He asserted that the ordinance was a "poor piece of legislation" and created a system that penalizes the small business owner. He also pointed out that it did not apply to the public sector and thus only about 15% of the workforce would be protected. He submitted that the role of government was to protect people and that he would vote in opposition to the proposed ordinance because this is not a moral issue and poor public policy.

Commissioner Akinyemi stated that he was very pleased and proud of the proposed ordinance and the protections it will allow. He explained that the ordinance would expand protections to two additional classes, for a total of 12 and would provide protections for all 12 classes in public accommodation and employment.

Commissioner Thaell commented that this process would move us forward as a society and the time has come to stop thinking about differences and look to common humanities. He noted that although the ordinance was not perfect and he had some concerns, he will vote in favor of its passage as changes can be made as necessary. He thanked everyone for their patience and civility during this process.

Commissioner Dailey stated that he looked forward to supporting the ordinance.

Commissioner Sauls declared that she has not supported this issue from the beginning and continues to have concerns about its impact on the business community. She pointed out that the churches have not been held harmless. She referenced comments and information brought forward by Carol Kio-Green that the Board did not have authority to take this action and asked Mr. Thiele to respond. Mr. Thiele opined that the County as a Charter County has Home Rule Authority to adopt the ordinance.

Chairman Rackleff stated that he was very proud of all individuals who spoke and were committed to this issue. He conveyed that he has a strong public policy of commitment to the ordinance and as the proud father of a gay son wanted Leon County to be known as a welcoming community. He expressed his support for the LGBT community and looked forward to providing them the same rights as other citizens in the community.

The motion to approve Option 1: Conduct first and only public hearing and adopt the Ordinance amending Chapter 9 of the Code of laws of Leon County regarding Human Rights carried 5-2 (Commissioners Desloge and Sauls in opposition).

Commissioner Dailey moved, duly seconded by Commissioner Dailey to extend the meeting until 11:15 p.m. The motion carried 7-0.

20. Approval of Revisions to Leon County Personnel Policies and Procedures Manual to Include "Gender Identity or Expression" and other Protected Classes in its Workplace Harassment, Discipline and Equal Employment Opportunity Practices Prohibiting Forms of Discrimination

County Administrator Alam explained that the requested revisions are needed for the County's compliance with the Human Rights Ordinance just passed by the Board.

Commissioner Akinyemi moved, duly seconded by Commissioner Dailey, to approve Option 1: Adopt revisions to the Leon County Personnel Policies and Procedures Manual to include additional protected classes including "gender identity or expression" and assure employees who are in the process of sex or gender transition are provided reasonable access to private areas.

Speaker:

- Rev. Greg Roberts, 2898 Bell Dr., voiced concern about what he considered "creeping regulation".
- Carol Kio-Green, 4823 Sullivan Rd., requested that the County enact personnel policies that eliminates the possibility of an employee being fired for their political activity or expressing their professional opinion.

Commissioner Dailey asked staff to explain the County's non interference clause. Vince Long, Deputy County Administrator explained that there was policy included in the Administrative Code that prohibits County Commissioner involvement in the day to day duties of County employees. Commissioner Dailey in response to comments and concerns expressed by Rev. Roberts asked County Attorney Thiele to explain the religious exemptions to the Ordinance. Mr. Thiele explained that the ordinance specifically exempts all religious organizations and their hiring practices; there were only minor instances whereby the ordinance would apply.

Commissioner Sauls established with Mr. Thiele that churches are not held completely harmless; as those churches who own a facility that is deemed a commercial enterprise is not exempt.

The motion to approve Option 1 carried 5-2 (Commissioners Desloge and Sauls in opposition).

RECEIPT AND FILE:

None.

ADJOURN:

There being no further action to come before the Board the meeting was adjourned at 11:08 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bob Rackleff, Chairman
Board of County Commissioners

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