

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
September 14, 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 Thaell, 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 Thaell, who then led the Pledge of Allegiance.

**Awards and Presentations**

- Chairman Rackleff presented a Resolution Designating September 2010 as Ovarian Cancer Awareness Month. Ms. Kelly Smith, President, Ovarian Cancer Alliance of North Florida (OCANFL) accepted the Resolution on behalf of the organization, its Board and over 70 volunteers.

**Consent:**

*Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve the following Consent Agenda as presented. The motion carried 7-0.*

**1. Approval of Minutes: July 13, 2010 Regular Meeting**

*The Board approved Option 1: Approve the minutes of the July 13, 2010 Regular Meeting.*

**2. Adoption of Revised Policy No. 02-12, Leon County Investment Policy**

*The Board approved Option 1: Adopt the revised Policy No. 02-12, Leon County Investment Policy.*

**3. Acceptance of Two 2009/2010 Florida Department of Health, Bureau of Emergency Medical Services Matching Grants in the Amount of \$41,133.**

*The Board approved Option 1: Accept the two 2009/2010 Florida Department of Health, Bureau of Emergency Medical Services Matching Grants in the Amount of \$41,133.*

**4. Approval of a Social Services Referral Program Between Leon County's Emergency Medical Services Division and Big Bend 2-1-1.**

*The Board approved Option 1: Approve the Social Service Referral Program between Leon County's Emergency Medical Services Division and 2-1-1 Big Bend.*

**5. Approval of an Agreement with the City of Tallahassee to Fund Two Positions in the Leon County Pre-Trial Release GPS Monitoring Program from a Justice Assistance Grant.**

The Board approved Option 1: Approve the Agreement with the City of Tallahassee to fund two positions in the Leon County Pre-Trial Release GPS Monitoring Program from a Justice Assistance Grant, and authorize the County Administrator to execute.

6. **Approval of an Agreement with the Florida Department of Emergency Management for a Joint Dispatch Center Project Grant in the Amount of \$2,133,705.**

The Board approved Options 1 & 2: 1) Approve the Agreement with the Florida Department of Emergency Management for a Joint Dispatch Center Project Grant in the amount of \$2,133,705, and authorize the County Administrator to execute the Agreement and all documents relating to the management of the Joint Dispatch Center Project Grant, and 2) Approve the Resolution and Associated Budget Amendment Request.

7. **Acceptance of Declaration of Covenants and Restrictions from Leon County for the Fort Braden Library**

The Board approved Option 1: Approve and accept for recording the Declaration of Covenants and Restrictions from Leon County for the Fort Braden Library project.

8. **Acceptance of the Status Report on Current Building Permit Fees for Residential Weatherization Permits**

The Board approved Option 1: Accept the status report on current building permit fees for residential weatherization permits.

9. **Acceptance of a \$15,000 Donation from the Friends of the Library for the Literacy Program**

The Board approved Option 1: Accept the \$15,000 donation from the Friends of the Library and approve the Resolution and associated Budget Amendment Request.

10. **Approval of Payment of Bills and Voucher Submitted for September 14, 2010, and Pre-Approval of Payment of Bills and Vouchers for the Period of September 15 through September 20, 2010: \$2,832,809**

The Board approved Option 1: Approve payment of bills and vouchers submitted for September 14, 2010 and pre-approve payment of bills and vouchers for the period of September 15 through September 20, 2010: \$2,832,809.

11. **Approval of Memorandum of Agreement to Provide Matching Funds for the Federal Election Activities Funds**

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

12. **Approval of the Payment in Lieu of Taxes (PILOT) Reimbursement to the Tallahassee Housing Authority**

The Board approved Option 1: Approve the reimbursement of Payment in Lieu of Taxes to Tallahassee Housing Authority in the amount of \$21,935, and approve the Resolution with associated Budget Amendment Request.

13. **Request to Reschedule the Workshop Regarding the County's 2/3 Paving Project Program and the Private Road Repair Program for Tuesday, December 14, 2010 at 1:30 – 3:00 p.m.**

*The Board approved Option 1: Reschedule the workshop regarding the County's 2/3 Paving Project Program and the Private Road Repair Program for Tuesday, December 14, 2010 from 1:30 – 3:00 p.m.*

14. **Adoption of a Resolution Authorizing the Conveyance of the Polk Drive Realignment and Contiguous Property to the City of Tallahassee, with Reservation of a Drainage Easement**

*The Board approved Option 1: Adopt the Resolution authorizing conveyance of the Polk Drive property to the City, reserving a drainage easement for County use.*

15. **Acceptance of a Drainage Easement across Lot 10, Block "BB" in Killearn Lakes, Unit 3**

*The Board approved Option 1: Accept Drainage Easement and authorize staff to record in Public Records.*

16. **Acceptance of an Access and Sidewalk Easement from Otfried and Heidi Guhrt**

*The Board approved Option 1: Accept the Access and Sidewalk Easement from Otfried and Heidi Guhrt for recording in the Public Records.*

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

- Chris Mason, 8712 Manchester Court, expressed appreciation to the Board, County Attorney Thiele, Kate Brady, law enforcement, fire department and code enforcement for their efforts in resolving the noise and commercial burning related issues in his neighborhood.

**General Business**

17. **Approval of the First Amendment to the Interlocal Agreement with the Leon County Research and Development Authority**

County Administrator Alam explained that a letter from the Authority's Chairman had been received requesting an extension of the original agreement through December 31, 2010. Mr. Alam shared that a great deal of services have been provided over the last few months by the County and Clerk Offices to the Authority and the new agreement includes a provision whereby the Authority would reimburse the County \$11,000 per month during the extension period.

***Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Option 1: Approve the First Amendment to the Interlocal Agreement with the Leon County Research and Development Authority, authorize the County Administrator to make minor modifications to the Amended Agreement, and authorize the County Administrator to execute the Amended Agreement in its final form.***

Commissioner Thaeil expressed concerns regarding the December 6 deadline for hiring of the new Executive Director and suggested more flexibility in this date. County Administrator Alam conveyed that the date was established to enable a smoother transition from County staff to new Authority staff; however, Commissioner Thaeil was assured that should an executive director not be on board by that date, another extension request would be brought back for the Board's consideration.

The Board voiced its appreciation to staff for their assistance to the Authority during the past few months.

Commissioner Proctor expressed his disappointment that no applicant from the Tallahassee area was being considered for the executive director position and asked that the search effort be revisited. He stated for the record that the County has an interest and a policy in its selection process for "local consideration" and he opined that efforts should be made, when possible, to consider local individuals. County Administrator Alam pointed out that the position is open until filled.

Chairman Rackleff indicated that he would bring these concerns to the attention of the Authority and the Selection Committee.

***The motion to approve Option 1 carried 7-0.***

18. **Approval of the Second Amendment to the Lease Agreement with Downtown Babies**

County Administrator Alam stated that the agenda item seeks Board direction relative to a proposed Second Amendment to the Lease Agreement with "Downtown Babies". He noted that Downtown Babies occupies space on the ground floor of the Bank of American Annex and a request has been received from the organization to maintain its occupancy and pay no rent for the balance of their lease term (September 2010 through October 2011) for a rent reduction of \$41,750. Mr. Alam acknowledged that the facility provides a much needed service to the downtown area and they have advised that they are attempting to find an alternate site.

***Commissioner Dailey moved, duly seconded by Commissioner Desloge, to approve Option 1: Approve the Second Amendment to the Lease Agreement with Downtown Babies, and authorize the County Administrator to execute. The motion carried 6-1 (Commissioner Proctor in opposition).***

19. **Acceptance of the Septic System Loan and Inspection Programs Planning Committee Recommendations Final Report**

County Administrator Alam requested that Kim Dressel, Senior Assistant to the County Administrator, provide to the Board a brief overview of the agenda item. Ms. Dressel's presentation included a summary of the Committee's recommendations and stated that the full report was included in the Board's agenda packet. She advised that the Committee's recommendations, if adopted, would be in conflict with a Comprehensive Plan policy which requires that a failed existing traditional system located within the primary springs protection zone (PSTZ) be replaced with a performance based system; thus, staff recommends adoption of the recommendations and direction to proceed with an amendment to the Comprehensive Plan.

Commissioner Proctor expressed frustration on what he deemed was a "paradigm shift" from protection of Wakulla Springs to protection of the aquifer. He asserted that to impose these requirements on the residents of the Southside was not fair as they should not be responsible for shouldering the financial burden of aquifer protection and that central sewer was needed for the area.

Commissioner Akinyemi recalled that the Committee had been tasked with exploring both a loan and inspection program. He cited staff's report and the Committee's recommendations and engaged in considerable dialogue with Alex Mahon, Environmental Health Director, on topics such as 1) requirements of inspection program; 2) provision for local contracting and certification; 3) funding options considered for the loan program; 4) the Responsible Management Entity (RME) feasibility study; 5) implementation of Senate Bill 550, and 5) the identification and designation of areas of vulnerability within Leon County, other than those in the PSTU.

Commissioner Proctor expressed disappointment that the Committee's recommendations did not address that protection of Wakulla Springs was the responsibility of the entire county, not just Southside residents.

Speakers:

- Curtis Baynes, 1323 E. Tennessee, submitted that nitrate levels in Wakulla Springs are directly associated with the treatment facility on Tram Road not on-site treatment systems and that residents north of Code Scarp should be required to protect the springs and aquifer as well. He also suggested a five year building moratorium outside the PSPZ until those areas develop the infrastructure to collect, treat and dispose of effluent without sending it into the PSPZ.
- Ann Porter, 9355 Elgin Rd., shared that she was a member of the Committee representing the Woodville community. She stated that this was a countywide issue and there needs to be full understanding by everyone before implementing septic tank requirements just for the southside.
- Ed Morton, 2234 Springview Trail, voiced opposition to southside residents being held responsible for pollutants to the aquifer and Wakulla Springs and opined that the type of soil on the southside made it an inappropriate location for the treatment facility to have been built.
- Anthony Gaudio, 2335 Grassroots Way, stated that he was a member of the Committee and reiterated that the ordinance has nothing to do with the new State requirements regarding pump outs and inspections. He added that the ordinance requires the installation of advance treatment systems only to new installations and has no impact on systems that are currently installed. He recommended adoption of the Committee's recommendations.
- Gene Allen, P.O. Box 772, Quincy, spoke on behalf of his wife, Cathy Allen, owner of a mobile home park on the southside who is concerned about the fiscal impact of the proposed ordinance on residents who have limited incomes. He requested that the recommendations be tabled until the impacts of the State's new regulations are known. He also asked that more scientific study be done on where the pollutants are coming and suggested that the issue be addressed in the most responsible and economical way possible.
- Pamela Hall, 5051 Quail Valley, informed the Board that she was also a member of the Committee. She articulated that residents of the city and those in the county on city sewer are paying huge amounts to reduce the nitrogen impact to Wakulla springs from the spray field and asserted that it was the responsibility of all residents to pay their share. She also conveyed that septic systems south of Cody Scarp have a higher impact on the aquifer than those in the north and that different

technology was needed for this area. Dr. Hall pointed out that the Committee recognized the expense of the new technology, therefore recommended that the new ordinance only apply to new developments.

- Homer Tedder, 6028 Fox Rd., a Committee member, urged the Board to adopt a policy that would affect the entire County, not just the Southside. He also suggested that the Board not "lock itself into performance based systems" as there are other system technologies available that meet the National Standards Institute 245 requirements.
- Peter Okonkwo, 361 Collinsford Rd., Committee Chairman, stated for the record that the Committee worked extremely hard to come up with a consensus. He advised that outside expertise was obtained and viewed various studies to develop its recommendations. He stated that the Committee was mindful of the impact any changes would have on current residents, thus the recommendation that only new developments and installations be required to install or upgrade to performance based systems. He urged the Board to pursue the creation of a RME.
- Rick Malphurs, 4861 Lake Park Dr., questioned the Board's reasoning for an ordinance. He opined that septic systems were not the cause of pollutants to Wakulla Springs and noted that Southside residents in particular have spoken out against this many times.

Commissioner Dailey recognized and thanked staff and the Committee for its hard work.

**Commissioner Dailey moved, duly seconded by Commissioner Thael, to approve Option 1, as amended: Accept the Septic System Loan and Inspection Programs Planning Committee Final Report, and table discussion until the true impact of Senate Bill 550 is known and results from the jointly commissioned (City of Tallahassee/Leon County/Wakulla County) study are received.**

Commissioner Desloge echoed his thanks to the Committee and pointed out that the proposed language would apply to newly installed or failed systems only. He opined that this was a "watered down" version, which did reflect the concerns from the community. In response to claims that residents of the Southside were being singled out, he cited the Bradfordville water standards that were imposed on residents of that area to specifically protect lake quality on the northeast side. He stated that although he would like to see this go further, he opined that this was a step in the right direction.

Commissioner Proctor asserted that the Board has not done enough in its protection of Lake Munson and expressed disappointment that the Board had not challenged the City of Tallahassee in its dumping of raw sewage into the lake. He maintained that the new requirement would affect future development on the southside. He inquired from

County Attorney Thiele the intent of Option 1 and whether or not the Board by accepting this option would accept and approve the Committee's recommendations. Mr. Thiele advised that the motion, without direction to draft an ordinance or amend the comp plan, would be just an acceptance of the report. Commissioner Proctor deemed the Committee had been "sunset".

Commissioner Thael mentioned that the City is spending approximately \$220 million in sprayfield improvements in an effort to reduce its contribution of nitrogens into Wakulla Springs and the aquifer and noted that the County has had some success in its "battles" with upstream polluters in Georgia to limit their contaminants into local waters. Commissioner Thael maintained that there was a tie-in of spring degradation

to water quality and was concerned on how this would impact the health of residents. He opined that all residents are responsible for improving water quality and questioned why the County should wait five years to identify and include other areas in the adoption of stricter septic tank requirements.

Commissioner Dailey stated that his motion addressed his hesitancy to move forward based on a "four page report" and asserted that it was prudent to allow time for the effects of SB550 to become known and to receive the report commissioned by the City and Leon and Wakulla Counties and when additional information is received the issue should be revisited. He also questioned if all nitrogen reducing options had been explored and stated that he had concerns about the creation of an RME.

Commissioner Akinyemi assured residents of the Board's concern over the impact of the proposed ordinance. He maintained his position that solutions to this issue should be equitable, reasonable and affordable. He looked forward to further discussion on this issue once all the additional information has been received and discussed the possibility of a workshop. He confirmed with County Attorney Thiele that the current motion would table this issue until all information has been received, which should be no later than April 2011.

Commissioner Sauls voiced appreciation for citizen input and based on information that has been received and information that is anticipated, deemed it inappropriate to move forward at this time.

Commissioner Proctor advocated that the Board should pursue a bond issue to pay for central sewer to the southside.

Chairman Rackleff expressed disappointment that the Board was not taking action to protect Wakulla Springs and the aquifer, as this was one of his goals as a Commissioner. He proclaimed that over-development, a neglect of responsibilities and septic tanks in the southside were major sources of contamination. He commented that he would not support the motion as it unnecessarily delayed a decision that will eventually have to be made.

**The motion carried 5-2 (Commissioners Rackleff and Thael in opposition)**

The Board recessed at 5:08 p.m. and reconvened at 6:00 to conduct the public hearings (Items 27-31).

**20. Consideration of Providing Educational and Informational Material for the Citizen Charter Review Committee's Proposed Charter Amendments**

County Administrator Alam explained that staff, as directed, developed an informational booklet and an associated website to educate and inform residents on the proposed Charter Amendments. The booklet would be developed internally and 3,500 copies would be produced at an approximate cost of \$1,550. He added that the Supervisor of Elections has requested 2,000 copies of any material for distribution throughout their offices. Mr. Alam shared that copies of the information would also be available at the libraries and through the web-site.

***Commissioner Sauls moved, duly seconded by Commissioner Akinyemi to approve Option 1: Authorize staff to produce an educational and informational booklet and an associated website to educate and inform Leon County citizens on the***

***Citizen Charter Review Committee's proposed Charter Amendments for the November 2, 1010 general election ballot.***

Commissioner Thaelle commented that the number of copies to be produced was insufficient and suggested that the amount be increased.

***Commissioner Sauls amended the motion to include authorization for the County Administrator to produce additional copies as requested by the Supervisor of Elections.***

Commissioner Akinyemi reminded staff that radio and television public service announcements could be utilized to help disseminate the information.

***The motion as amended carried 7-0.***

21. **Consideration of the Renaming of Capital Park to Beasley-Nims-Tookes Park**

County Administrator Alam stated that background data and information citing reasons to rename Capital Park "Beasley-Nims-Tookes Park" had been provided to the Board at its August 17 meeting by Delaitre Hollinger, and the item responds to the Board's direction for an agenda item to consider the request.

Speakers:

- Delaitre Hollinger, 501 Alpha Avenue, stated that the three individuals were deserving of the tribute as they touched and influenced many lives. He opined that the name change would not only honor their name, but provide more economic growth and benefit to the community and could encourage questions by younger persons regarding the history of the community.
- Delois Hollinger, 501 Alpha Avenue, voiced pride in her son's interest in leaders of the past as it was important for young people to know the history and have individuals to look up to and emulate. She clarified that the Park would continue to be "Capital Park" and encouraged the Board to approve the renaming.

The record reflects receipt of a "Petition for Proposal to rename Capital park for staunch community leaders as the Beasley-Nims-Tookes Park" and a letter of support from the Dorothy Nash Tookes family.

Commissioner Thaelle acknowledged his support for the proposal; however, stated that there was some confusion from individuals and groups who utilize the park about the proposal and how the recognition would be displayed. He reiterated that the proposal was not to rename Capital Park, only one of the fields.

***Commissioner Thaelle moved, duly seconded by Commissioner Desloge, to defer a decision on this issue until the first meeting in November to provide an opportunity to meet with and get input from individuals and groups who utilize the park and better communicate the proposal.***

Commissioner Desloge applauded the efforts of Mr. Hollinger but expressed a concern that the City was not aware of the proposal. He remarked that better communication was needed and that the County's renaming procedures should be "tightened up".

There was continued discussion among the Board regarding the need to postpone the item as it was acknowledged that sufficient information had not been provided to users of the Park. It was also emphasized that the proposal was not to rename Capital Park, but to rename one of the fields in honor of Dr. Nickie Beasley, Mr. Harry "Nick" Nims, and Mrs. Dorothy Nash Tookes. It was also noted that both Commissioners Proctor and Thaell had communications with the families of the honored individuals and received support for the proposal.

**The motion carried 7-0.**

22. **Acceptance of the Nominating Committee for the Leon County Research Development Authority Nominees for Appointments to the Leon County Research Development Authority Board of Governors**

County Administrator Alam remarked that the Nominating Committee had received 10 requests for appointment to the Leon County Research and Development Authority Board of Governors (Authority) and four names have been recommended for the Board's consideration.

Commissioner Sauls inquired the process to be used to make the nominations. She suggested that the Board utilize a "written ballot" whereby Commissioners can submit names for consideration. This suggestion was supported by Commissioner Desloge.

Chairman Rackleff expressed concern that the Nominating Committee did not recommend Mr. Bill Hebrock for reappointment to the Board. He indicated that he would not limit his considerations to those names presented by the Committee.

Chairman Rackleff opened the floor for nominations for the first of two appointments.

- Commissioner Desloge nominated Eric Miller.
- Commissioner Thaell nominated Bill Hebrock.
- Commissioner Dailey nominated Dave Ramsay.
- Commissioner Sauls nominated John Bell.

In response to comments expressed by Commissioner Desloge regarding the Ordinance which establishes the Nominating Committee and the Board's duty to accept the recommendations, Commissioner Thaell requested a legal opinion from the County Attorney. It was the opinion of Mr. Thiele that the Board was not bound only by the names recommended by the Nominating Committee and could consider all applications submitted for appointment.

Commissioners' Sauls, Desloge and Akinyemi conveyed concerns about the process whereby nominations are made. It was remarked that the process was unfair and did not allow all Commissioners an opportunity to submit individuals they supported for appointment.

Commissioner Dailey stated that although appreciative of the recommendations from the Nominating Committee he interpreted them only as recommendations. He submitted that, with the formation of the new Innovation Board, further discussion of Innovation Park was warranted, in particular a review of the Initial Park Charter.

**Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to appoint Bill Hebrock and Dave Ramsay to the Leon County Research and Development Authority Board of Governors.**

Chairman Rackleff appreciated the recognition of Mr. Hebrock's service and acknowledged the application of Barney Bishop, who he deemed would bring to the Board contacts and opportunities that currently do not exist on the BOG. Chairman Rackleff recommended that appointments be made separately.

After some discussion regarding the need to have separate appointments offered, Commissioner Dailey withdrew his motion.

**Commissioner Dailey moved, duly seconded by Commissioner Akinyemi, to appoint Bill Hebrock to the Leon County Research and Development Authority Board of Governors. The motion carried 7-0.**

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., suggested that any individual to be considered for appointment should address the Board and provide explanation on what they would bring to the BOG and what they would do to be part of the solution.

Commissioners Proctor and Thaell responded to Mr. Baynes comments, with Commissioner Thaell pointing out that he had spoken to three of the applicants who in fact did provide their vision and goals for the BOG.

**Commissioner Thaell moved, duly seconded by Commissioner Proctor, to appoint Barney Bishop to the Leon County Research and Development Authority Board of Governors.**

Commissioner Akinyemi and Sauls reiterated their concerns about the nominating process. Commissioner Sauls moved, duly seconded by Commissioner Desloge, to redo the vote. The motion was not recognized by Chairman Rackleff.

The Board acknowledged the number of high quality applicants and in particular Mr. Bishop and Ramsay's interest in membership to the Innovation Board. Commissioner Dailey recommended that the Board appoint one of those two individuals tonight and the other be designated as an "ex-officio" member, who would attend meetings immediately in a non-voting capacity and would be appointed by the incoming Chairman as their official designee in November.

Commissioner Thaell accepted the friendly amendment and the action was deemed in order by Chairman Rackleff.

**Commissioner Thaell's amended motion: Appoint Barney Bishop to the Leon County Research and Development Authority Board of Governors, effective October 1, 2010; and appoint Dave Ramsay as an ex-officio member (non-voting) to be formally appointed to the Board of Governors as the Chairman's designee at the November Commission meeting. The motion carried 7-0.**

23. **Acceptance of Staff Report on the Creation of a Commission on the Status of Women**

County Administrator Alam explained that the Board had directed staff to provide additional information on the creation of a Tallahassee-Leon County Commission on the Status of Women, with the goal of promoting awareness on issues that affect women. He noted that the Oasis Center offered to staff the Commission and has requested funding in the amount of \$20,000 per year (\$10,000 from the County and City respectively) for the administration of the Commission. Mr. Alam noted that staff had surveyed eight counties that had established similar commissions and learned that, with the exception of Dade and Duval County, funding is not provided and support is provided by the County as needed.

Speakers:

- Kelly Otte, 1075 Alameda Dr., Oasis Center for Women and Girls, commented that there was no one place charged with looking out for the overall welfare of women in the community. She shared that the funding request was submitted as the Oasis Center is the perfect entity to facilitate and staff this effort as they have gathered together women throughout the community who are organized and interested in this issue.
- Gail Dixon, 2427 Basswood Lane, addressed the Board to affirm her support for Option 3. She mentioned that it was important for this to be a citizen-based effort and there were 100 founding members of the Oasis Center who have committed their time, effort and money to bring awareness to women's issues.
- Darryl Jones, 1994 Darryl Drive, stated that he was a member of the Oasis Center for Women and Girls and asserted his support for Option 3. He opined that Ms. Otte and the Oasis Center have been good stewards of resources they receive and the support will enable them to set themselves apart in the community to provide these services.

Commissioner Proctor voiced support for the establishment of the Commission but asked that it not focus on negatives and undertakes a progressive agenda. He encouraged better participation by women in the County's bid process.

***Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to approve Options 1, 3 & 4: 1) Accept staff report on the establishment of a Commission on the Status of Women; 3) Authorize staff to draft an enabling resolution establishing the Tallahassee-Leon County Commission on the Status of Women with staff support from the Oasis Center for women and Girls with an annual budget of \$10,000, contingent on participation by the City of Tallahassee, and 4) Authorize staff to prepare a contract with the Oasis Center for Women and girls for staff support to the Tallahassee-Leon County Commission on the Status of Women.***

There was considerable discussion regarding the \$10,000 request as the Oasis Center is eligible for Community Human Services Partnership (CHSP) funding, which by the County's Ordinance on Discretionary Funding Guidelines would make it ineligible for additional funds. County Attorney Thiele suggested that the Board enter into an agreement with the Oasis Center to provide staff support to the Commission and not treat it as a CHSP project.

Commissioner Akinyemi commended Ms. Otte on her great work and stated that he looked forward to moving this issue forward.

Shington Lamy, Special Projects Coordinator, dialogued with Chairman Rackleff on the current motion and clarified the options available to the Board to satisfy the funding request and establish the Commission.

***County Attorney Thiele clarified that the Board's intent was to: 1) accept staff's report; 2) direct staff to bring back an enabling resolution to create the Commission on the Status of Women, and 3) enter into an agreement with the Oasis Center for the sum of \$10,000 to provide the County's portion of the staffing to the Commission. Commissioner Proctor accepted the County Attorney's wording as his motion; however added that County funding was not contingent on participation by the City of Tallahassee.***

Commissioner Dailey remarked that he was "100% supportive" of the establishment of the Commission on Women but had serious reservations about the funding mechanism. He cited three reasons: 1) this was a request for recurring funds outside of the budget process and he has consistently voted against these types of requests; 2) although the motion would meet the letter of the law, it does not meet the spirit of the County's own law, and 3) extremely concerned about the precedent the action would establish.

***A substitute motion was offered by Commissioner Dailey to approve Options 1 & 2: 1) Accept staff report on the establishment of a Commission on the Status of Women, and 2) Authorize staff to draft an enabling resolution establishing the Tallahassee-Leon County Commission on the Status of Women with staff support from the County and City. The motion was seconded by Commissioner Desloge.***

Commissioner Sauls proclaimed her support for the establishment of the Commission but too was troubled about the funding issue. She asked Ms. Otte about grant opportunities that might be available. Ms. Otte responded that the Center continuously pursues any and all funding sources. Ms. Otte addressed the concerns about the ordinance and opined that the new Commission was not a program, but a service and as such would not be allowed under the CHSP.

Commissioner Akinyemi concurred with Ms. Otte's understanding of the ordinance. He also noted that the Oasis Center was uniquely qualified to offer this service and that it would be more cost effective to fund the Center as opposed to utilizing County staff to provide support. Commissioner Akinyemi suggested that the commission be funded for one year and then be submitted for line item funding in recurring years.

Commissioner Dailey offered to amend his motion to create the commission, earmark \$10,000, (with commitment by the City for \$10,000) and dedicate the resources of the County's Grant Office to identify and apply for grants (where the \$20,000 could be used as seed money in public/private partnership).

Chairman Rackleff although understanding of the budget concerns, maintained that the original motion was "a pretty straight forward, simple proposition". He asserted that the commission would not be established as a social service, but was a government function that would address a wide-range of issues affecting women. He stated that he would not support the substitute motion and urged its defeat.

Commissioner Proctor requested that the commission not be so limited as to not include issues of relevance to children and suggested that a Commission on the status of children was needed within the community.

**The substitute motion failed 2-5 (Commissioners Rackleff, Thael, Akinyemi, Sauls and Proctor in opposition).**

**The original motion as restated carried 5-2 (Commissioners Dailey and Desloge in opposition).**

24. ***Acceptance of a Status Report on the Remedial Action Plan Regarding Issues at the Apalachee Solid Waste Management Facility***

County Administrator Alam provided an overview of the item: He explained that 52 monitoring wells are located throughout the site to detect impacts to the groundwater from the different disposal cells at the facility and four wells have shown contaminant levels which exceed the state statutory limits. A Remedial Action Plan (RAP) has been developed to help address these issues.

John Locklear of HDR Engineering, Inc., the County's environmental and solid waste management consultant, provided a presentation on his evaluation of the matter, the development of the RAP and recommended approaches to the problem. (A copy of the RAP was provided as part of the Board's agenda packet.) Mr. Locklear stated that key components of the plan included the installation of additional wells to help identify the potential contamination on the southern boundary of the site and air sparging, first conducted on a pilot scale and when on a full scale.

Chairman Rackleff confirmed with Mr. Locklear the location of the current and proposed wells and received additional information on the contaminated area. Chairman Rackleff also established that with the addition of the two suggested wells, the County would have in place a sufficient number of wells to monitor contaminate levels.

It was noted by County Administrator Alam that since March 2003, the disposal cells have been utilized for the disposal of grass clippings, etc. Mr. Alam explained that the process would be a long term effort with initial costs of \$450,000 and \$40,000 to \$60,000 annually to maintain. He mentioned that funds were available in the Solid Waste Enterprise Fund for this effort. Mr. Locklear pointed out that although the proposed was a long-term solution, immediate impacts would be realized on the worst contaminant (benzene).

Speakers:

- Terry Ryan, 2538 Stonegate Dr., stated that he was representing the Demand Clean Tap Water Now Organization, a group of citizens concerned about the quality of tap water in Tallahassee. He suggested that a status report on the facility be included on the Board's agenda at least quarterly and that approval of the RAP be delayed for 30 days. Mr. Ryan also expressed concerns about the iron and ammonia levels.
- Dr. Ron Saff, 2300 Centerville Rd., addressed the Board to voice his concern over benzene leaching from the landfill to the aquifer. He noted that a private subdivision was located across from the landfill and was concerned about the potential for the contaminant to migrate into neighborhood wells and opined that the RAP should address this issue. He mentioned that the contaminants

are a potent carcinogen that should not be ingested or used on lawns. Dr. Saff recommended that the County notify homeowners of the identified contaminated well and should measure the amount of benzene that may be present in the private wells also. He stated that the Clean Water Advisory Panel was available and willing to work with the County.

There was continued discussion between the Board and Mr. Locklear regarding the potential that the contamination from the landfill had extended into private wells. Mr. Locklear assured the Board that one of the two proposed monitoring wells would be located at the southern most area of the property and would be utilized to determine the extent of contamination to the south. Norm Thomas, Solid Waste Management Director, also provided that the drinking water of the neighborhood in question was provided by community water wells run by Talquin and have tested clean. He added that water from private wells was primarily used at this time for lawn irrigation.

Commissioner Proctor stated that he respected the opinion of Dr. Saff and was also concerned about the possible harmful carcinogens associated with the contaminants. He agreed that the County had a responsibility to ensure the health, safety and welfare of residents.

***Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval of Options 1 & 2, as amended, 1) Accept the status report on the Remedial Action Plan regarding issues at the Apalachee Solid Waste Management Facility, and 2) Approve the Resolution and associated Budget Amendment Request, which provides \$400,000 from the Solid Waste Fund's retained earnings and direct staff to conduct water sampling of private wells in the neighborhood for benzene and other contaminants.***

***The motion carried 7-0.***

25. **Consideration of Funding Request for Sponsorship for the Tallahassee Builders Association Green Building Group Expo in the Amount of \$1,000**

County Administrator Alam explained the agenda item.

***Commissioner Desloge moved, duly seconded by Commissioner Proctor, to approve Option 1: Approve the funding request for a sponsorship for the Tallahassee Builders Association Green Building Group Expo in the amount of \$1,000, and approve the associated Budget Amendment Request.***

***Commissioner Dailey recalled that this was a recurring request and suggested that this issue be included in Office of Sustainability's budget in the future. The motion was amended to include the recommendation by Commissioner Dailey.***

***The motion as amended carried 7-0.***

26. **Expirations, Vacancies and Appointments to the Audit Advisory Committee, Enterprise Development Zone Agency, Human Services Grant Review Committee, and Water Resources Committee**

Audit Advisory Committee (full Board: two appointments)

- ***Commissioner Thaell moved, duly seconded by Commissioner Desloge, to appoint Jep Larkin and Mark Ryan. The motion carried 7-0.***

Enterprise Development Zone Agency (Full Board: three appointments)

- **Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to appoint Kim Rivers, Charles Schreiber, and David Vincent. The motion carried 7-0.**

Human Services Grant Review Committee (Commissioners Proctor and Sauls)

- Commissioner Dailey appointed Eric Hartwell
- Commissioner Sauls appointed Linda Nicholsen and Janice Piotrowski
- Commissioner Proctor continued his appointment

Water Resources Committee (Commissioner Proctor)

- Commissioner Proctor appointed Eric Friall

The Board concluded its General Business Agenda and entered into Citizens to Be Heard.

**Scheduled Public Hearings, 6:00 p.m.**

**27. First and Only Public Hearing to Establish the Annual Solid Waste Disposal Service Charge and Adopt a Special Assessment Roll**

Chairman Rackleff announced the public hearing and confirmed that there were no speakers on the item.

County Administrator Alam commented that the annual disposal service charge is applied to all single-family residences with the exception of apartment complexes, mobile home parks and public lodging and is used to pay the cost for waste delivered to the County's disposal facilities by Waste Management and from the Rural Waste Service Centers. He added that the current rate of \$40.00 has remained unchanged for over 15 years.

**Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first and only public hearing and approve the Resolution establishing the annual disposal service charge, the Resolution adopting the annual disposal service charge non-ad valorem assessment roll and the Resolution certifying the roll to the Tax Collector. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).**

**28. First and Only Public Hearing to Adopt the Stormwater Non-ad Valorem Assessment Roll and Certify the Entire Roll to Tax Collector**

Chairman Rackleff announced the public hearing and confirmed that there were no speakers on this issue.

County Administrator Alam announced that the current rate of \$20 per year was established in 1995 and has remained unchanged.

**Commissioner Thael moved, duly seconded by Commissioner Desloge, to approve Options 1 & 2: 1) Conduct the first and only public hearing and approve the Resolution adopting the stormwater non-ad valorem assessment roll and authorize the Chairman to execute, and 2) Certify the roll to the Tax Collector. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).**

29. **First of Two Public Hearings for Adoption of the Tentative millage Rates and the Tentative Budgets for FY 10/11**

Chairman Rackleff announced the public hearing.

Speaker:

- Curtis Baynes, 1323 E. Tennessee, commended the Board for its efforts to hold the millage rate down; however, encouraged caution to not use non-recurring revenue for recurring expenses items. He also expressed concern over costs associated with the Joint Dispatch Center and suggested that the Sheriff not patrol within the City limits.

Chairman Rackleff closed the public input portion of the public hearing.

County Attorney Thiele announced that this was the first of two required public hearings on the Leon County 2010/2011 budget. The second and final public hearing is scheduled for September 21, 2010 at 6:00 p.m.

Assistant County Administrator Alan Rosenzweig read the following statements into the record:

- The proposed aggregate Millage rate is 8.35 mills which is 2.59% under the aggregate rollback Millage rate of 8.5664 mills.
- The proposed Countywide Millage rate is 7.85 mills which is 2.49% under the countywide rollback millage rate of 8.0458 mills.
- The proposed Emergency Medical Services MSTU Millage rate is .5 mills which is 2.04% under the Emergency Medical Services MSTU rollback Millage rate of 0.5102 mills.
- The proposed Primary Healthcare MSTU Millage rate is 0 mills which is 100% equal to the Primary Healthcare MSTU rollback Millage rate of 0 mills.

***Option 1: Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 1: Adopt, via attached Resolution, R10-85, the tentative FY10/11 countywide millage rate of 7.8500 mills. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).***

***Option 2: Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Option 2: Adopt, via attached Resolution, R10-86, the tentative FY 10/11 Countywide budget. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).***

Commissioner Akinyemi and Commissioner Thaele requested that consideration be given to funding for homelessness and ECHO Ministries, respectively.

***Option 3: Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 3: adopt via attached Resolution, R10-87, the tentative FY 10/11 Emergency Medical Services MSTU millage rate of 0.5000 mills. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).***

***Option 4: Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Option 4: Adopt, via attached Resolution, R10-88, the tentative FY10/11 Emergency Medical Services MSTU budget. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).***

*Option 5: Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 5: Adopt, via attached Resolution, R101-89, the tentative FY 10/11 primary Healthcare MSTU millage rate of 0.0000 mills. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).*

*Option 6: Commissioner Thaell moved, duly seconded by Akinyemi, to approve Option 6: Adopt, via attached Resolution, R10-90, the tentative FY10/11 Primary healthcare MSTU budget. The motion carried 5-0 (Commissioners Dailey and Proctor out of Chambers).*

*Option 7: Commissioner Thaell moved, duly seconded by Commissioner Desloge, to direct staff to advertise, in accordance with the Florida Statutes, the tentative millage rates and budgets for FY 10/11 and the date, time and place of the public hearing to adopt the final millage rates and budgets for FY 10/11. The motion carried 6-0 (Commissioner Dailey out of Chambers).*

30. **Public Hearings to Impose Special Improvement Liens and Adopt a Non-Ad Valorem Assessment Roll for Rainbow Acres 2/3 Paving Project and Adopt a Resolution Certifying the Special Assessment Roll to the Tax Collector**

Chairman Rackleff announced the public hearing.

County Administrator Alam explained that the item was continued by the Board and Commissioner Proctor was authorized by the Board to meet with staff and residents of the neighborhood in an attempt to reach resolution on this issue.

Speaker:

- Mickey Britt, 4407 Millwood Lane, requested that the meetings be "closed captioned" for the hearing impaired.

Mr. Britt read into the record narrative expressing his disagreement with the assessment and the project. (A copy of Mr. Britt's statement is attached as part of the official record.)

Commissioner Proctor reported that he had met with members of the Rainbow Acres Community and appreciated the Board's willingness to allow him an opportunity to attempt resolution to the matter. He cited an article from the *Tallahassee Democrat* dated January 15, 2001, entitled "Rainbow Residents Stuck in the Mud" and referenced a petition of Rainbow Acres property owners whereby the 2/3 vote was obtained. Commissioner Proctor expressed a concern that the quoted cost of the project in 2001 was \$378,000 or a charge of \$4,115 per property owner; however the final cost of the project was

\$1,065,402 or an assessment of \$11,838 per owner. He conveyed that it was difficult for him to support an \$11,000 lien on the properties when signatures were secured for \$4,100. He stated that the matter warranted further review and requested that the Board allow him additional time to work through the issues with staff and residents.

*Commissioner Proctor moved to table the matter and allow for the Board to review the matter further and come back with a reasonable settlement. The motion died for lack of a second.*

Chairman Rackleff established with County Attorney Thiele that the County was required by State Law to certify the assessment roll to the tax collector by September 15, 2010, and should the roll not be certified by that date, the County would have to wait a full year before the assessment could be levied. Chairman Rackleff also confirmed that the project cost was escalated due to the need to purchase 32 parcels through the power of eminent domain; however property owners were informed in 2002 of the new cost of approximately \$11,000.

Commissioner Desloge pointed out that the County has spent over \$1 million on the project and needed to recover the funds. He also pointed out that the project was motivated by the fact that emergency vehicles, school buses, etc. were unable to get into the neighborhood due to the poor conditions of the road.

Chairman Rackleff learned from Alan Rosenzweig, Assistant County Administrator, that the County has a "rolling fund" and the upcoming budget, should the revenues not be collected this year, would not be affected.

Commissioner Proctor discussed the concerns of residents regarding the manner in which right of way was obtained, i.e., some was donated and others purchased; and conveyed that residents who donated believe that they deserve a lesser assessment amount than those who received payment. He also voiced concern that in some cases the lien imposed would be 50% or greater than the assessed value of the property.

In light of the comment by Mr. Rosenzweig, ***Commissioner Proctor moved that the Board postpone levying the assessment on the residents of Rainbow Acres until next year and attempt to reconcile the numbers. The motion died for a lack of a second.***

***Commissioner Dailey moved, duly seconded by Commissioner Desloge, to approve Options 1, 2, & 3: 1) Conduct the public hearing and adopt the Resolution imposing Special Improvement Liens for the Rainbow Acres 2/3 Paving Project; 2) Conduct the public hearing and adopt a Resolution for the Non Ad Valorem Assessment Roll for the Rainbow Acres 2/3 Paving Project, and 3) Adopt the Resolution Certifying the Non-Ad Valorem Assessment Roll for the Rainbow Acres 2/3 Paving Project to the Tax Collector.***

Commissioner Akinyemi cited the delays and postponements that have occurred in an attempt to resolve this situation. He also stated that he was sympathetic to the issue, but at some point the funds expended by the County should be recouped. He voiced his reluctant support of the motion.

Commissioner Thae'll engaged in considerable dialogue with County Administrator Alam and County Attorney Thiele on issues such as 1) the process by which right of way was acquired; 2) was there a statute of limitation on the petition; 3) why stimulus funds were not used; 4) requirement whereby owners are obligated to disclose the lien to potential buyers, and 5) method used to calculate assessment. He ascertained from Mr. Thiele that the petition was valid and that residents had been notified of the increased costs of the project with no contrary petition submitted stating that the improvements were not requested. Commissioner Thae'll voiced his support for the motion.

Commissioner Proctor reiterated his opposition to the motion.

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

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

Chairman Rackleff announced the public hearing.

County Administrator Alam explained that staff recommends approval of Options 1 and 2; deny the requested lot size deviation and conservation subdivision application.

County Attorney Thiele recommended that the Board approve the developer's request for an indefinite postponement. He added that the applicant has been notified of expected payment of costs incurred with re-advertisement of the public hearings should be matter be brought back to the Board and that quarterly reports on their progress to work out a purchase agreement with the State of Florida were required.

***Commissioner Desloge moved, duly seconded by Sauls, to accept staff's recommendation to continue the matter indefinitely and to place back on the Board's agenda upon further public notice.***

Commissioner Dailey revealed that he had held two meetings regarding this issue. The first was held on June 15, 2009 with Eddy Bass of Moore-Bass Consulting who is involved with development of the site, and on July 13 with Ron Richmond who represents the property owner's dealings with the State of Florida.

Speaker cards were submitted by Bob Fulford and Larry Hendricks; however, County Attorney Thiele advised that due to the motion on the floor to continue this issue, receipt of public comment was not appropriate as the other party was not present.

Commissioner Akinyemi established with the County Attorney that there was credible support to indicate that negotiations were being conducted in good faith between the developer and the Department of Environmental Protection and agreement is anticipated in Spring of 2011. Commissioner Akinyemi pointed out that the applicant was aware that this issue would be taken up by the Board and expressed disappointment that the developer was not represented.

***The motion carried 5-2 (Commissioners Proctor and Akinyemi in opposition).***

The Board concluded the public hearings and returned to its General Business Agenda, Item #20.

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

- Charles Futch and Susan Drake, 2953 N. Drendell Way, appeared before the Board to request assistance and express concerns about a proposal by the Planning Department to put in a new access road for the City to city-owned property in the Welaunee Toe that would run through their home and gardens and the Miccosukee Greenway. They stated that the proposed road would cost over \$3 million, not including stormwater management facilities.

Commissioner Thael indicated that he had attended a joint meeting of the Canopy Roads Citizens Advisory Committee and Friends of the Miccosukee Canopy Roads Greenway who concluded that none of the recommended easements were appropriate and that a more creative approach was needed. He agreed that a more thorough review of this issue was warranted.

Commissioner Desloge pointed out that this issue had been raised at a previous meeting and County Administrator Alam confirmed that a workshop would be scheduled for the Board to discuss this issue in more detail with staff.

Commissioner Akinyemi requested that staff bring all plans and options considered to the planned workshop.

It was determined that no additional action was needed by the Board at this time.

- Chuck Stensland, 2811 Nepal Dr., referenced a Leon County rule requiring mobile food dispensing vehicles to move every 12 hours as compared to requirements by the City of Tallahassee and the State of Florida requiring movement once a week. He noted that the County's rules supersede that of the State and requested that the County consider changing its rule to match the State and City.

Commissioner Dailey clarified that the site in question was Chubos hot dog stand located on North Monroe and issues surrounding the facility had been brought before the Board previously. He requested that this matter be brought back again as an agenda item to specifically address the County's requirement that mobile food units must move every 12 hours.

Mr. McDevitt shared that staff had done an exhaustive review of similar size counties in Florida and reported that the County's requirements are consistent with the majority of counties; in fact very few defaulted to the State's requirements. Mr. McDevitt conveyed that these types of operations are becoming more popular and expressed concerns about the impact a change in the rule would have.

***Commissioner Thael moved, duly seconded by Commissioner Dailey, to direct staff to bring back an agenda item to address the County's regulations related to mobile food units specifically the requirement that they must move every 12 hours. The motion carried 7-0.***

Chairman Rackleff noted that a motion was needed to extend the meeting until 11:15 p.m. ***Commissioner Proctor moved, duly seconded by Commissioner Desloge to extend the meeting until 11: 15 p.m. The motion carried 7-0.***

#### **Comments/Discussion Items**

**County Administrator Alam:** none

#### **County Attorney Thiele:**

- Advised that Board direction was needed in regard to the Corn Hydro Dam Project (Talquin Dam) litigation matter. He recalled that the Board had in June entered into a Settlement Agreement (along with Franklin, Wakulla and Liberty Counties) with the City of Tallahassee with regard to a challenge to the permitting for the project; however, the Administrative Law Judge reserved jurisdiction of making a determination on the issue of the Motions for Attorney's Fees. Mr. Thiele advised that the matter was scheduled to

be heard before the administrative law judge however the City of Tallahassee proposed a settlement of the fees issue prior to the hearing. He added that a memorandum dated August 30 to the Board provided further detail and background on this issue and the proposed settlement agreement (a copy of which is included in the record).

- Mr. Thiele conveyed that the City had expended a total of \$279,300 (outside counsel and engineering fees) compared to the County's expenditure of \$62,905.88 (outside counsel, engineering and deposition fees). He noted that the County's expenses were considerably less by the use of in-house counsel; however, it should be acknowledged that considerably time was spent by the County Attorney's staff amounting to approximately \$30,000.
- Mr. Thiele explained the formula proposed by the City on how the fees should be calculated and remarked that the Settlement Agreement proposed by the City would obligate the County to pay to the City \$108,197.42.
- Mr. Thiele opined the City's motions against the County were retaliatory in nature for having filed the original petition. He emphasized that any issues raised by the County on this issue were warranted and not in any way frivolous, nor were they intended to delay or to cause additional fees to the City.
- Mr. Thiele stated that he was obligated under the Rules of Professional Responsibility to bring this matter to the Board publically for a decision on how to proceed.
- It was noted also that none of the other three counties who were part of the original petition were subject to the motion for fees.
  - Commissioner Desloge went on record stating that "he would like to see this go away" as he deemed this a no-win for the taxpayers. He commended County Attorney Thiele on his efforts in this endeavor and suggested that the \$30,000 in in-house counsel fees to added to the total calculated amount.

Chairman Rackleff noted that it was 11:15 and a motion to extend the meeting was needed. **Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to extend the meeting until 11:30 p.m. The motion carried 7-0.**

Commissioner discussion continued on the item brought forward by County Attorney Thiele.

- Commissioner Dailey announced that he would recuse himself from the discussion and any votes on this matter as his wife is a partner in the law firm representing the City of Tallahassee in this issue.
- Commissioner Akinyemi recalled that he had insisted during the shade meeting that the County place a "no fee" condition in the original settlement. He asserted that the County has attempted to be good stewards of taxpayer money in this issue by utilizing in-house staff compared to the City's expenditure of \$188,000 in outside counsel.
- Commissioner Proctor asserted that the County's challenge to the permit was warranted and not frivolous and to settle would almost accede to what the City has charged against the County Attorney and his actions on behalf of the County. He submitted that the County had a right to express concerns about downstream flooding and proposed that the Board "give freedom" to the County Attorney to proceed.
- **Commissioner Proctor moved, duly seconded by Commissioner Rackleff, to reject the City's offer of settlement for Attorney's Fees and proceed to hearing on the motions.**
- **County Administrator Alam requested that the motion include payment of the County Attorney's fees associated with this matter. Commissioner Proctor amended his motion to include the recommendation.**

- Commissioners Rackleff and Sauls voiced their support for the motion and in the County's obligation to protect county residents who may be impacted by flooding due to the proposed project.
- Commissioner Thaeil stated that he could not support the motion and commented that the County had won the battle in the court of public opinion and did not believe it was in the best interest of city or county residents to continue this conflict.
- **The motion, as amended carried 4-2 (Commissioners Thaeil and Desloge in opposition and Commissioner Dailey abstaining).**

***Commissioner Thaeil moved, duly seconded by Commissioner Sauls, to extend the meeting until 11:40 p.m. The motion carried 7-0.***

#### **Commissioner Discussion Items**

##### **Commissioner Proctor:**

- ***Commissioner Proctor moved, duly seconded by Commissioner Desloge, requesting an agenda to include a status report on the animal shelter. The motion carried 7-0.***
- Expressed concern over the sites being considered by the Veterans Administration for their new facility.
  - Chairman Rackleff agreed and suggested that representatives of the Veterans Administration (VA) be invited to address the board on this matter. (Staff was directed to schedule a presentation by the VA.)
  - Commissioner Proctor advocated for a Resolution in support of alternate sites that take into consideration the needs of the community.
- ***Commissioner Proctor moved that the Board consider a CRA for the Springfield, Bond and South City communities. The motion died for lack of a second.***

##### **Commissioner Desloge:**

- Confirmed with Don Lanham, Grants Coordinator, that funding for the mental health grant will expire in April 2011.
  - ***Commissioner Desloge moved, duly seconded by Commissioner Thaeil, to request an agenda item on the mental health funding issue to include options to be considered when funding terminates.***
  - Commissioner Dailey established that Commissioner Desloge was referring to the mental health contract for the court system. He stated that he had serious concerns and suggested that a workshop be scheduled on this matter.
  - Commissioner Thaeil suggested that staff's analysis include the cost of "doing nothing".
  - ***Commissioner Desloge amended his motion to direct staff to schedule a workshop. The motion carried 7-0.***

***Commissioner Sauls moved, duly seconded by Commissioner Akinyemi, to extend the meeting until 12:00 a.m. The motion carried 7-0.***

##### **Commissioner Sauls**

- Requested approval of a Resolution for VFW Post 3308 for Outstanding Post in Florida and one of two Outstanding Posts nationally, which was presented on September 11, 2010. Approved without objection.

Commissioner Akinyemi

- **Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to waive the rules to discuss the County becoming a member of the Florida Society of Sustainability Professionals. The motion carried 7-0.**
- **Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, that Leon County join the Florida Society of Sustainability Professionals.**
  - Commissioner Dailey inquired why this was not being handled at the staff level and wondered about the precedent being established by authorizing expenditure of funds outside of a department's particular budget.
  - Chairman Rackleff offered a friendly amendment to fund the \$750 membership from his Commissioner Account and in subsequent years, build the expense into the department's budget.
  - **Commissioner Akinyemi accepted the friendly amendment. The motion as amended carried 7-0.**
- **Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to expend \$300 from his Commissioner account in sponsorship of MusicFest 2010: Sounds of Hope, a Benefit for Refuge House in the amount of \$300, to be held on October 17, 2010. The motion carried 7-0.**
- **Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to expend \$250 from his Commissioner account in support of The Foundation for Leon County Schools "Friends of the Foundation Soiree" to be held on September 30, 2010. The motion carried 7-0.**

Commissioner Thael

- **Commissioner Thael moved, duly seconded by Commissioner Desloge, to bring back an agenda item to consider funding for Tallahassee Business Resources in the amount of \$3,000. The motion carried 7-0.**
- Mentioned the confusion that citizens and towing companies have regarding the existence of two separate towing ordinances (City and County). **He moved to request to direct staff to bring back an agenda item to address this issue. (There was no second to the motion nor a vote taken; however it was accepted without objection by the Board.)**
- Noted that an AT&T Cell tower is planned for the corner of Buck Lake Road and Pedrick Drive which is causing a lot of concern among unincorporated residents. He asked that staff hold discussions with neighbors and the City to determine if there are any alternatives.
- David McDevitt, Growth & Environmental Management Director, shared that his office has received a tremendous amount of calls on this issue and he has spoken with representatives from nearby neighborhoods and the County is providing assistance as appropriate. He noted that an appeal has been filed with the City. He noted that the plan was approved by the City's DRC over objections from the Planning Department that the tower was inconsistent with the approved PUD for the site.
- Mr. McDevitt was requested to provide a memo to the Board noting the background and details about this issue.
- **Commissioner Thael moved, duly seconded by Commissioner Desloge, to ask staff to bring back an agenda item relating to real estate disclosures, whereby a seller is required to disclose to a future buyer that there is an assessment on the property, such as 2/3-23/ projects that involve the County. The motion carried 7-0.**

Commissioner Dailey

- Acknowledged Greg Donovan, student of the London School of Economics who has been in Tallahassee for the past month on an international internship and will return home tomorrow. Appreciation was expressed for his hard work.

Chairman Rackleff

- Stated that he would circulate a revised performance evaluation form for County Administrator Alam and County Attorney Thiele. He requested Commissioner input as soon as possible.
- ***On behalf of Chairman Rackleff, Commissioner Sauls moved, duly seconded by Commissioner Rackleff, to invite management of Elbeit Systems to provide a briefing/presentation to the Board on its closing and request staff provide information on the issue such as any requirements placed on them, projections of prospective use of the building and reasons for the closure. The motion carried 7-0.***

Receipt and File: NONE

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 12:00 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: \_\_\_\_\_  
Bob Rackleff, Chairman  
Board of County Commissioners

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