BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
December 14, 2010

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

The Invocation was provided by Clarke Campbell-Evans, Senior Pastor, Saint Paul's United Methodist Church. Vice-Chairman Akin Akinyemi then led the Pledge of Allegiance.

Awards and Presentations

- Courtney Atkins, Executive Director, Whole Child Leon, provided a presentation on the interactive web-site *Whole Child Leon Connection*, a newly developed tool to help parents connect with available community resources. (Visit www.WholeChildLeon.com to access the Whole Child Leon Connection Resource Guide.) She also thanked the Commission for the opportunity to establish a "Family Connection Corner" kiosk on the first floor of the Courthouse.
  - Commissioner Dozier, a member of the Steering Committee for Whole Child Leon, encouraged Commissioners to review the material provided and visit the web-site.

Consent:
Commissioner Akinyemi moved, duly seconded by Commissioner Desloge to approve the Consent Agenda with the exception of Items 6, 8, 24 and 27, which were pulled for further discussion. The motion carried 7-0.

1. **Approval of Minutes: October 12, 2010 Regular Meeting; October 12, 2010 Joint City/County Comprehensive Plan Public Hearing; and, October 19, 2010 Regular Meeting**

   The Board approved Option 1: Approve the Minutes of October 12, 2010 Regular Meeting; October 12, 2010 Joint City/County Comprehensive Plan Public Hearing; and, October 19, 2010 Regular Meeting.

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

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

3. **Request to Schedule a Workshop Regarding Use of Social Media for Tuesday, February 22, 2011 from 1:30 – 3:00 p.m.**

   The Board approved Option 1: Schedule a Workshop Regarding Use of Social Media for Tuesday, February 22, 2011 from 1:30 – 3:00 p.m.

4. **Ratification of Board Actions Taken at the October 19, 2010 Workshop on the 2011 State and Federal Legislative Priorities**

   The Board approved Option 1: Ratify the Board actions taken at the October 19, 2010 Workshop on the 2011 State and Federal Legislative Priorities.

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

The Board approved Options 1 & 2: 1) Approve the submission of a re-certification application for recognition as a 2010 Tree City USA, and authorize the Chairman to execute, and 2) Authorize the County Administrator to modify the County's 2010 Tree City USA application, if necessary.

6. **Approval of a Proposed Airport Use Agreement Between Leon County and the City of Tallahassee to Provide Visitor Information Services at the Tallahassee Regional Airport**

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

County Administrator Alam announced that the City has requested the item be withdrawn to allow the newly hired Airport Manager an opportunity to review the agreement. He added that a new agreement would be brought back to the Board.

The item was withdrawn without objection.

7. **Approval of the First Amendment to the Memorandum of Agreement Between Leon County, City of Tallahassee, and Leon County Sheriff Regarding the Establishment of the Public Safety Communications Board**

The Board approved Option 1: Approval of the First Amendment to the Memorandum of Agreement between the County, the City, and the Leon County Sheriff, which established the Public Safety Communication Board to ensure the creation of a joint dispatch center.

~~8. **Approval to Award Bid to Nelsonic Industries, Inc. for Custodial Services for the Group II (Leon County Libraries) in the Amount of $327,125.**~~

Item 8 was removed from the Agenda and a Replacement Item was provided. (See the following)

8. Replacement Item: **Authorization to Extend the Current Contract with C&L Associates for Custodial Services for Group II (Leon County Libraries) on a Month-to-Month Basis**

Mr. Alam explained that a Notice of Intended Bid Protest was received from C&L Associates and a new agenda item will be brought forward once the bid protest is resolved. He mentioned that the current contract expires on December 31, 2010 and Board approval is requested to extend the current contract with C&L Associates on a month-to-month basis, to ensure there is no lapse in custodial services.

The Board approved Option 1: Authorize staff to extend the current contract with C&L Associates for custodial services for Group II (Leon County Libraries) on a month-to-month basis.

9. **Approval Awarding Bid to USSI for Custodial Services for Group IV (Leon County Other Buildings) in the Amount of $309,410**

The Board approved Option 1: Approve awarding bid to USSI for custodial services, utilizing "green" cleaning products, at the Group IV (Leon County Other Buildings) in the

amount of $309,410, for a 24-month period, and authorize the County Administrator to execute an Agreement, in a form approved by the County Attorney.

10. Acceptance of Three Conservation Easements from Charles T. Hart, III and Leigh D. Hart

The Board approved Option 1: Approve and accept for recording the three conservation easements from Charles T. Hart, III and Leigh D. Hart for the Hart Limited Partition Subdivision project.

11. Approval of Conveyance of a Quit Claim and Release of Easement to Miccosukee United Methodist Church, Inc., and Acceptance of Two Conservation Easements from Miccosukee United Methodist Church, Inc.

The Board approved Option 1: Approve conveyance of a Quit Claim and Release of easement to Miccosukee United Methodist Church, Inc., and accept for recording the two Conservation Easements from Miccosukee United Methodist Church, Inc. for the Miccosukee United Methodist Church Type A Site Plan project.

12. Approval of Payment of Bills and Voucher Submitted for December 4, 2010, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 15, 2010 through January 17, 2011: $4,031,130.00

The Board approved Option 1: Approve payment of bills and vouchers submitted for December 4, 2010 and pre-approve payment of bills and vouchers for the period of December 15, 2010 through January 17, 2011: $4,031,130.00

13. Approval to Award the bid to the Tallahassee Advertiser for the Advertisement of the Leon County 2010 Delinquent Tax Notices

The Board approved Option 1: Award the bid to the Tallahassee Advertiser for the advertisement of the Leon County 2010 Delinquent Tax Notices at the rate of $.31 per square inch.

14. Acceptance of Perpetual Easement from Killearn Acres Homeowners Association, Inc.

The Board approved Option 1: Accept the Perpetual Easement Killearn Acres Homeowners Association, Inc.

15. Approval of Contract Amendment No. 4 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District

The Board approved Option 1: Approve Contract Amendment #4 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District, and authorize the County Administrator to execute.

16. Approval of the Plat of Smith Estates Subdivision for Recording in the Public Records

The Board approved Option 1: Approve the plat of Smith Estates Subdivision for recording in the Public Records, subject to successfully obtaining all necessary joinders.

17. Authorization to Negotiate a Settlement Agreement, Execute Documents, and Record Deed(s) Necessary for the Acquisition of 8.4 Acres from St. Joe Company in Connection with the Timber Lake Subdivision Flood Mitigation Project

The Board approved Option 1: Approve the settlement in the acquisition of the St. Joe Parcel for a purchase price not to exceed $590,000, plus reasonable attorney's fees and closing costs, and authorize the County Administrator and the County Attorney to finalize the terms of the two draft Agreements, with minor changes consistent with Board direction, and to execute any and all documents necessary to effect the settlement of this eminent domain acquisition as directed.

18. Acceptance of the Water Quality Report for Selected Lakes and Streams

The Board approved Option 1: Accept the Water Quality Report for Selected Lakes and Streams.

19. Approval of Recording the Plat of Cortona Hills Subdivision and Acceptance of a Two-Year Maintenance Agreement and Surety Device; Approval of a Quit Claim Deed and Acceptance of New Conservation Easement; and Acceptance of a One-Year Performance Agreement & Surety Device

The Board approved Options 1, 2 & 3: 1) Approve the Plat of Cortona Hills for recording in the Public Records; 2) Accept Two-Year Maintenance Agreement and Surety Device, and 3) Approve the Quit Claim Deed and accept the new Conservation Easement.

20. Approval of a Standard Lease Agreement for Leon County Parks & Recreation Housing

The Board approved Option 1: Approve the Park Housing Lease Agreement for Leon County Parks & Recreation Housing, and authorize the County Administrator to execute Lease Agreements with Robert R. Vernon and Trudy L. Gates.

21. Acceptance of Funding for Gopher Tortoise Habitat Management for St. Mark's Headwaters Greenways from the Florida Fish and Wildlife Conservation Commission

The Board approved Options 1 & 2: 1) Accept funding in the amount of $11,024 for gopher tortoise habitat management for St. Mark's Headwaters Greenways from the Florida Fish and Wildlife Conservation Commission, and 2) Approve the Resolution and associated Budget Amendment Request.

22. Authorization to Assign Fringe Benefits Management Company Cafeteria Plan Administration to WageWorks, Inc.

The Board approved Option 1: Authorize the assignment of Fringe Benefit Management Company (FBMC) Cafeteria Plan Administration to WageWorks, Inc. for the continuation of flexible benefits account services until the end of 2012 plan year.

23. Approval of a Revised memorandum of Understanding Regarding the Palmer Munroe Teen Center and Restorative Justice Program in the Amount of $150,000

The Board approved Option 1: Approve the revised Memorandum of Understanding with the City of Tallahassee regarding the Palmer Munroe Teen Center and Restorative Justice Program.

24. Acceptance of the Affordable Housing Advisory Committee's 2011 Report

Commissioner Proctor requested that the item be pulled for further discussion. He discussed with Lamarr Kemp, Housing Division, the effects of the current housing crunch on the ability of low income residents to purchase homes. Mr. Kemp shared that the affordable housing marking has been "fairly robust" over the last 14 months, with 96 closings by first time home buyers. Commissioner Proctor also learned that there are incentives in place for developers to include affordable housing in new developments.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve Option 1: Accept the Affordable Housing Advisory Committee's 2011 Report of Recommendations. The motion carried 7-0.

25. Acceptance of Status Report on Policy No. 97-3, "Naming of County Owned Facilities, Structures, Buildings, Geographical Areas or Other Property"

The Board approved Option 1: Accept the status report on Policy No. 97-3, "Naming of County Owned Facilities, Structures, Buildings, Geographical Areas or Other Property", and maintain the current policy without changes.

26. Fiscal Year 2010 Annual Performance and Financial Report

The Board approved Option 1: Accept the FY 2010 Annual Performance and Financial Report.

27. Acceptance of the 2010 State of the Southern Strategy Report

Commissioner Proctor requested the item be pulled for further discussion. He voiced some concern that a report of this significance was placed on the Consent Agenda.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., questioned how the cost to extend sewer to all unsewered areas of the USA of almost $10,000 per connection, was more cost prohibitive than the same cost (almost $10,000) for the installation of a performance based treatment system.

Commissioner Proctor requested that a Southside Townhall Meeting be scheduled, and invite the City and School Board to participate, so that the contents of the Southern Strategy Report could be communicated to residents and to receive their input.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi, to approve Option 1, as amended: Accept the 2010 State of the Southern Strategy Report, and direct staff to schedule a Southside Townhall meeting to share the contents of the Report. The motion carried 7-0.

28. Acceptance of a Status Report on the Tallahassee-Leon County Animal Services Center

The Board approved Option 1: Accept the status report on the Tallahassee-Leon Community Animal Service Center.

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

- Dorothy Inman Johnson, Chair of the Leon County Affordable Housing Advisory Committee, appeared along with other Committee members, to show their support for the Affordable Housing Advisory Committee's 2011 Report of Recommendations. She added that the Committee worked diligently in the development of the recommendations which had, in almost every category, staff support.
- Curtis Baynes, 1323 E. Tennessee, followed-up on his previous recommendation that the County terminate its exclusive agreement with Waste Management. He expressed concerns about universal collections, especially if done by one provider and suggested that the function be opened up to competition.
- Steve Martin, 2625 Stonegate Drive, stated that he attended the Thornton Road Extension Workshop and expressed serious concerns to the Board. He "strongly recommended" that the County pay close attention to the City's annexation policies.

General Business:

29. Acceptance of the FY 09/10 Tallahassee-Leon County Economic Development Council Annual Report and Authorization to Restructure the FY 10/11 Economic Development Council (EDC) Grant Agreement

County Administrator Alam stated that the item seeks acceptance of the report and authority to restructure the current Agreement between the County and the EDC. He further explained that recent changes to Florida law require economic development organizations that receive local funding submit a report to the local governing bodies detailing how the funds were spent and results of these efforts on behalf of the County.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to approve Options 1 & 2: 1) Accept the FY 09/10 Tallahassee-Leon County Economic Development Council Annual Report, and 2) Authorize staff to restructure the 2010/11 Agreement between Leon County and the Tallahassee-Leon County Economic Development Council Annual Report. The motion carried 7-0.

30. Approval of Resolution Increasing Membership of the Leon County Research and Development Authority and Approval of Resolution Appointing Members to the Authority

County Administrator Alam articulated that the agenda item responds to actions taken by the Board at its November 16, 2010 meeting, and requests approval of proposed Resolutions to 1) make formal the appointment of Dave Ramsay (who has been serving in an ex-officio capacity), 2) identify a member of the Leon County Commission to serve on the LCRDA, and 3) increase the LCRDA from nine to 11 members; which would allow for the appointment of one additional citizen representative.

Commissioner Desloge moved, duly seconded by Commissioner Sauls the appointment of Dave Ramsay as a full member of the Leon County Research and Development Authority (LCRDA). The motion carried 7-0.

Chairman Dailey opened the floor for nominations.

Commissioner Desloge moved the nomination of Eric Miller for appointment to the LCRDA.

Commissioner Desloge remarked that the agenda item includes a listing of individuals who had gone through the vetting process and were recommended for appointment by the Nominating Committee for the LCRDA.

Commissioner Dozier pointed out that the LCRDA Board as currently comprised, included no female representatives, and opined that it was important for there to be better diversity among its members. She stated that although all of the individuals presented previously by the Nominating Committee were well qualified for appointment she recommended that the LCRDA Nominating Committee be reconvened to consider new applications.

Commissioners Maddox and Proctor voiced their support to reopen the nominating process.

Commissioner Dozier moved, duly seconded by Commissioner Maddox, to reconvene the Nominating Committee to consider applications for the Leon County Research and Development Authority.

Chairman Dailey clarified that the motion would not require those individuals who had already been through the nomination process and had been approved by the Nominating Committee to resubmit applications for appointment.

The motion carried 7-0.

Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to appoint Commissioner Dozier as the Board's representative to the Leon County Research and Development Authority (LCRDA). The motion carried 7-0.

County Attorney advised that the Board could now adopt Options 1-3; however, the slot for the new appointment referenced on the Membership Resolution would be left blank at this time.

Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Options 1, 2, & 3: 1) Approve "Resolution of Board of County Commissioners of Leon County, Florida, Setting Forth the Membership of the Leon County Research and Development Authority; Providing for Bylaws; Providing an Effective Date", and appoint David Ramsay to the Leon County Research and Development Authority; 2) Appoint a member of the Leon County Board of County Commissioners to the Leon County Research and Development Authority (The appointment of Commissioner Dozier was approved), and 3) Approve "Resolution of Board of County Commissioners of Leon County, Florida, Setting Forth Appointments of Membership to the Leon County Research and Development Authority; Providing an Effective Date", as amended to reflect the Board's appointments (Phil Blank, Barney Bishop, Bill Hebrock, and Ray Eaton.). The motion carried 7-0.

31. Consideration of Waiving Program Requirements for Policy No. 06-3, "Homestead Loss Prevention Program"

County Administrator Alam provided an overview of this issue. He summarized that the homesteaded property noted was valued at less than $40,000, however, almost $80,000 in special assessments were due. Mr. Alam advised that to his knowledge, the County has never foreclosed on a homestead property and recommended that he and the County Attorney be directed to look into all options and try to resolve this issue.

Commissioner Sauls stated that the property was located in her district and her office has been working with Mr. Thiele and Mr. Alam to find resolution.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to authorize the County Administrator and County Attorney to review all options to resolve the issue and bring back to the Board. The motion carried 7-0.

32. Acceptance of a Status Report Regarding the Placement of the Mississippi Blues Trail Marker

County Administrator Alam reported that staff met with representatives from the Henry family, the Riley House and Bradfordville Blues Club and a consensus was reached that the brown directional markers would be acceptable in the right-of-way, with an appropriate distance away from Sams Lane.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 1: Accept the status report regarding the placement of the Mississippi Blues Trail Marker. The motion carried 7-0.

33. Consideration of Enactment of an Ordinance Amending Chapter 12, Article I of the Leon County Code of Laws to Add a New Section 12-9 Entitled "Failure to Disclose Known Property Assessments to Prospective Buyers or Tenants"; Request to Schedule Same for a First and Only Public Hearing for January 18, 2011 at 6:00 p.m.

County Attorney Thiele explained that the draft Ordinance was requested by the Board and would penalize sellers and landlords who fail to disclose known property assessment to prospective buyers or tenants.

Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve Option 1: Direct the County Attorney's Office to finalize the proposed ordinance and to schedule same for a first and only public hearing to be held on January 18, 2011 at 6:00 p.m. The motion carried 7-0.

34. Expirations, Vacancies and Appointments to the affordable Housing Advisory Committee, Housing Finance Authority, Human Services Grant Review Advisory Committee, J.R. Alford Greenways Citizen's Advisory Committee, Library Advisory Board, Miccosukee Canopy Road Greenways Citizen's Advisory Committee, Apalachee Regional Planning Agency, and Community Redevelopment Agency

Affordable Housing Advisory Committee (4 Board appointments)

- *Commissioner Desloge moved, duly seconded by Commissioner Sauls, to confirm the appointment of Darryl Jones as the Planning Commission's representative. The motion carried 7-0.*
- The remaining three appointments were continued.

Housing Finance Authority (Sauls and Dailey):

- Commissioner Sauls appointed Allen Stucks, Sr.
- Commissioner Dailey continued his appointment

Human Services Grant Review Committee (Akinyemi, Desloge, Dozier, Maddox, Proctor)

- Commissioner Akinyemi reappointed Suzanne Phillips
- Commissioner Desloge reappointed Tim Coughlin

- Commissioner Dozier reappointed Kaleema Mohammed
- Commissioner Maddox appointed Tim Naddy
- Commissioner Proctor appointed Debra Weeks

J.R. Alford Greenways Citizens Advisory Committee (7 Board and each Commissioner)

- The Board confirmed the following appointments: Pat Plocek, Lead Land Managing Agency (Parks & Recreation); Robin Turner, FDEP Greenways and Trails Program; Steve Hodges, Tallahassee-Leon County Planning Department, and Stan Rosenthal, Cooperative Extension.
- The Board continued the confirmation of representatives from the Ochlockonee River Soil & Water Conservation District and a Local Conservation Organization.
- The Board designated Commissioner Desloge as the local elected official appointment.
- Commissioner Akinyemi appointed Dan Abel
- Commissioner Desloge appointed Ken Foster.
- Commissioner Proctor appointed Curtis Baynes.
- Commissioner Dailey, Dozier, Maddox and Sauls continued their appointments.

Library Advisory Board (Dozier, Proctor, Maddox)

- Commissioner Dozier reappointed Brian Lupiani
- Commissioner Proctor reappointed Joe Musgray
- Commissioner Maddox reappointed Lester Abberger

Miccosukee Canopy Road Greenways Citizen's Advisory Committee (7 Board and each Commissioner)

- The Board confirmed the following appointments: Pat Plocek, Lead Land Managing Agency (Parks & Recreation); Robin Turner, FDEP Greenways and Trails Program; Steve Hodges, Tallahassee-Leon County Planning Department; Stan Rosenthal, Cooperative Extension, and Chuck Mitchell, Friends of the Miccosukee Canopy Road Greenway.
- The Board continued the confirmation of representatives from the Ochlockonee River Soil & Water Conservation District and a local conservation organization.
- The Board designated Commissioner Akinyemi as the local elected official appointment.
- Commissioner Akinyemi appointed Randie Denker.
- Commissioner Desloge appointed Brian Corbin.
- Commissioner Proctor appointed Thelma Crump.
- Commissioner Sauls appointed Zoe Kulakowski.
- Commissioners Dailey, Dozier and Maddox continued their appointments.

Apalachee Regional Planning Council

- Without objection, Commissioner Sauls was reappointed.
- Ms. Coble will follow-up with the City regarding a new City appointee.

Community Redevelopment Agency (4 County Commissioners)

- *Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to appoint Commissioners Dailey, Desloge, Maddox and Sauls. The motion carried 7-0.*
  - Commissioner Dozier indicated an interest in serving on this committee and Board discussion ensued regarding the expansion of County representation on the Agency. Mr. Thiele advised that it was not within the Board's authority to expand the CRA; however Chairman Dailey will address this issue at the next Community Redevelopment Agency meeting.

- The motion carried 7-0.

County Administrator Alam advised that former Commissioner Thaell had been the Board's liaison for ICLEI and a new appointment was needed.

- *Commissioner Desloge moved, duly seconded by Commissioner Maddox, the appointment of Commissioner Dozier. The motion carried 7-0.*

ADD-ON: (The following two items will be taken up under General Business)

40. Board Consideration of Offer of Settlement by the City of Tallahassee of the Disputed Attorneys' Fees Motions in the Jackson Bluff/Lake Talquin Dam Modification Litigation Styled *Leon County, et al v. City of Tallahassee, et al, (DOAH Case No. 10-1688)*

County Attorney Thiele stated that background on the proposed Settlement Agreement was provided in the Board's Agenda Packet. He summarized that the settlement offer of $90,996 represents expert witness fees incurred by the City by Mead & Hunt for engineering services. Mr. Thiele stated, for the record, that he believes the County has significant ability to win the case.

Chairman Dailey advised of a conflict of interest as his wife works for the law firm hired by the City on this issue. He stated that he would recuse himself from any discussion and vote on this matter.

The gavel was turned over to Vice Chairman Akinyemi.

Commissioner Proctor voiced support for staff recommendation 2 to not approve the offer of settlement. He emphasized that the County took the action to protect those County residents who might have been affected by the project. He urged the Board to do what's right and challenge the City in this matter.

Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve Option 2: Do not approve or accept the City of Tallahassee's offer of settlement in the amount of $90,996.00 for the disputed attorneys' fees motions in the matter of Leon County, et al v. City of Tallahassee, et al, DOAH Case No. 10-1688.

Commissioner Desloge opined that it was inappropriate to continue to use tax payer money in this dispute.

Commissioner Desloge offered a substitute motion, duly seconded by Commissioner Dozier, to approve Option 1: Approve and accept the City of Tallahassee's offer of settlement in the amount of $90,996.00 for the disputed attorneys' fees motions in the matter of Leon County, et al v. City of Tallahassee, et al, COAH Case No. 10-1688.

Commissioner Dozier stated that although the County has a good case and was correct in challenging the actions of the City, she expressed concern over the amount of money being expended by both governments to continue this conflict.

Commissioner Akinyemi confirmed with County Attorney Thiele that the County has, to date, expended over $100,000 in engineering and legal fees and the City has expended an estimated $400,000.

Commissioner Proctor established that the Board had insulated him from personal responsibility on this matter. He referenced comments by the County Attorney that the County has significant ability to win the case and urged defeat of the substitute motion.

Commissioner Sauls opined that the County has been penalized for representing its residents and asserted that the County needed to "fight for the right" to protect its citizens.

Commissioner Akinyemi ascertained from Mr. Thiele that the County would spend an additional $50,000 to continue the dispute. Mr. Thiele acknowledged that City taxpayers would save money by the Board's acceptance of the settlement agreement.

The substitute motion carried 4-2 (Commissioners Sauls and Proctor in opposition and Commissioner Dailey abstaining).

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve the payment with the appropriate budget action. The motion carried 6-0 (Commissioner Dailey abstaining).

41. Ratification of Board Actions Taken at the December 14, 2010 Annual Retreat

Commissioner Proctor stated that he appreciated the attitude and spirit of congeniality during the Retreat and looked forward to implementing the goals established. He went on record in his praise of staff for their efforts and hard work to ensure a successful Retreat.

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Options 1 & 2: 1) Ratify the actions taken at the December 13, 2010 Board Retreat, and 2) Approve the committee dissolution forms for the Fort Braden and Miccosukee Community Center focus groups; the Miccosukee Recreation Council; the Frenchtown/Southside Revitalization Citizens Advisory Committee, and the Leon County Human Relations Committee.

Commissioner Akinyemi recalled that the Board had decided to establish a small group of citizens, to include current members of the Miccosukee Recreation Council, to provide citizen input and involvement with regard to the potential development of a new community center. County Administrator Alam confirmed that this was the direction received by staff and was included in the ratification.

Commissioner Dozier commented that although understanding of the Board's reasoning for dissolving the Human Relations Committee stated for the record that there may be issues that arise in the future that may need to be addressed by the Committee.

Commissioner Proctor suggested that staff reconsider the pictures chosen to represent the Board's priorities #7 and #9.

The motion carried 7-0.

Chairman Dailey announced that this concluded the General Business portion of the Agenda and the Board would enter into Commissioner Discussion items.

Public Hearings, 6:00 p.m.

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

35. Continuation of Second and Final Public Hearing on the Proposed Ordinance Modifying the Criteria Considered by the Board of Adjustment and Appeals when Reviewing Requests for Variances Pursuant to Sec. 10-2.347 of the Leon County Code of Laws and Adding an Attendance Requirement for Members of the Board of Adjustment and Appeals.

County Attorney Thiele announced the public hearing and confirmed there were no speakers on the issue.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct second and final hearing and adopt the proposed Ordinance modifying the criteria considered by the Board of Adjustment and Appeals when reviewing requests for variances pursuant to Sec. 10-2.347, and adding an attendance requirement for members of the Board of Adjustment and Appeals. The motion carried 5-0 (Commissioners Akinyemi and Proctor out of Chambers).

36. Continuation of First and Only Public Hearing for an Ordinance Amending the Process to Appeal Decisions on Site and Development Plans.

County Attorney Thiele requested that the public hearing be continued until January 18, 2011 at 6:00 p.m.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, to continue the public hearing until January 18, 2011 at 6:00 p.m. The motion carried 6-0 (Commissioner Akinyemi out of Chambers).

37. First and Only Public Hearing on a Stipulated Settlement Agreement with Department of Community Affairs Regarding Comprehensive Plan Cycle 09-02

County Attorney Thiele announced the public hearing and confirmed that there were no speakers on the issue.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first and only public hearing and approve the Stipulated Settlement Agreement with the Department of Community Affairs regarding Comprehensive Plan Cycle 09-02. The motion carried 7-0.

38. First and Only Public Hearing on a Remedial Amendment Considered Pursuant to the Stipulated Settlement Agreement with Department of Community Affairs Regarding Comprehensive Plan Cycle 09-02

County Attorney Thiele announced the public hearing and confirmed there were no speakers on the issue.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 1: Conduct First and Only Public Hearing and approve the Ordinance adopting a Remedial Amendment to the 2030 Comprehensive Plan, pursuant to a Settlement Agreement with the Department of Community Affairs. The motion carried 7-0.

39. Public Hearing to Adopt a Resolution of Intent to Utilize the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments for Linene Woods 2/3 Paving Project

County Administrator Alam announced the public hearing and confirmed there were no speakers on the issue.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first and only Public Hearing and adopt the Resolution of Intent to Utilize the Uniform Method of Collection for Linene Woods 2/3 paving project. The motion carried 7-0.

Citizens to be Heard on Non-Agendaed Items

Chairman Dailey confirmed that there were no Citizens to be Heard.

This concluded the Board's Regular Meeting Agenda. (Comment/Discussion Items were conducted prior to the Board's dinner break). Chairman Dailey adjourned the meeting.

Comments/Discussion Items

County Administrator Alam:

- Wished everyone a Happy Holiday and New Year.

County Attorney Thiele:

- Announced that there would be a Florida Association of Counties (FAC) Workshop for new commissioners in Gainesville on January 27, 2011.
- Extended wishes for all to have a safe and Merry Christmas.

Commissioner Discussion Items

Commissioner Desloge:

- Expressed his appreciation to County Attorney Thiele for his hard word on the Talquin Dam litigation issue.
- Requested staff reach out to other Constitutional officers, School Board, and City regarding Honest Services.
  - County Attorney Thiele responded that staff will try to schedule a workshop for the Board to provide an update on Honest Services and will invite other Constitutional Officers to attend.
- Requested Resolutions for Barbara Goldstein and Rita Blank in recognition of their contributions in keeping alive the memory of the Holocaust to be presented at a January Board meeting. Approved without Objection.
- Requested Resolutions for a number of recent Eagle Scouts from Troop 109 to be presented December 19th at the Court of Honor (Lorence Jon Bielby, Matthew Edward Neal, Emerson Whatley George, and Dylan Spencer Spann). Approved without Objection.
- Recognized County Attorney Herb Thiele for his published articles for the Florida Bar and the Florida Association of Counties.
- Recognized Deputy County Administrator Vincent Long for his contributions to the Florida County Government Guide and for the introduction included in the FAC "New Commissioners" publication.

Commissioner Dozier:

- Confirmed that travel to the New Commissioner Training provided by the FAC was included on the list of Board approved workshops and travel schedule.
- Using the Thornton Road Extension Workshop as an example, she expressed concern that there was not enough time to ask questions of presenters and recommended that,

in the future, staff schedule workshops and allow time for Commissioners to ask questions after presentations.

Commissioner Proctor

- Requested a Resolution for Michelle Gayle, Principal at Rickards High School recognizing the improvement in School Accountability from a "D" to an "A"; and a Resolution for Jean Ferguson, Principal at Godby High School, recognizing the improvement in School Accountability from an "F" to a "B" to be presented at a meeting in January. Approved without Objection.
- Requested staff consider scheduling the Southside Townhall meeting in March.
- *Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve sn expenditure of $250 from his commission account to purchase a table at the Delta Sigma Theta Sorority Crimson Cabaret fundraiser to be held on January 15, 2011. The motion carried 7-0.*
- *Commissioner Proctor moved, duly seconded by Commissioner Sauls, to approve an expenditure of $200 from his Commission account to support the Alpha Upsilon Zeta Chapter of Zeta Phi Beta Sorority Stork's Nest Tallahassee Ray and Catherine Scholarship Banquet. The motion carried 7-0.*
- *Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve an expenditure of $300 from his Commission account to purchase a table at the Tallahassee Nights Live Graduation Edition Event, held December 12, 2010. The motion carried 7-0.*
- *Commissioner Proctor offered a motion to send a letter requesting that the City of Tallahassee refund to utility customers the $8 million in utility fee overcharges that has been placed in City reserves. The motion died for lack of a second.*

Commissioner Maddox

- Extended Merry Christmas and Happy New Year Greetings.
- Expressed it a privilege to be a part of the Board's priority setting process.

Commissioner Sauls

- Commended the Board and staff on a great Retreat.
- Wished Merry Christmas greetings.

Commissioner Akinyemi

- *Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve an expenditure of $146.70 from his commission account to purchase fruit for the Soul Santa Program. The motion carried 7-0.*
- Offered his wishes to all for a Happy Holidays.

Chairman Dailey

- Requested a Resolution honoring the Challenger Space Shuttle crew on the 25th Anniversary of the Challenger Space Shuttle accident; to be presented at a memorial service sponsored by the local Challenger Center. Approved without objection.
- Stated that he would like to request David Kidd, U.S. Communities, to make a presentation to the Board at its January 25, 2011 Meeting. Approved without objection.
- Submitted for the Record, minutes of the Mayor/Chair meeting. He shared that discussions included:
  - County representation on the City's Citizen Utility Board. The Mayor re-emphasized his willingness to work with the County to ensure proper County representation on the Board.
    - County Administrator Alam informed the Board that the City did not wish to hold a joint meeting; however, the City was willing to include County

representatives on the existing Board and minutes from the meetings will be provided to the County.
    - Chairman Dailey shared that he had made suggestions on ways to strengthen County involvement and ensure that County residents' concerns are addressed. He also mentioned that he was not interested in creating a separate County Citizen Utility Board, as the County has no utility authority.
- Collaborative efforts between the City, County and Big Bend Homeless Coalition to pursue any available grant funding to address homelessness.
- The exclusion of the School Board in the amended Memorandum of Understanding for the Palmer Munroe Teen Center.
    - The School Board, although not providing assistance in the same manner as the City and County, i.e., financial support, will provide support through "other types of services".
- Remarked on the Settlement between the County and City regarding the Talquin Dam issue (refer to item 40).
    - County Attorney Thiele clarified that the Mayor/Chair minutes reflect an incorrect settlement amount. The correct and approved settlement amount is $90,996.00
- Ways to reach out to new Governor and Cabinet to welcome to the community.
    - Commissioners were invited to participate in a meeting to be held on Friday to start the planning process.
- The City's interest in working with the County in sustainable issues.
    - Commissioner Akinyemi suggested that "energy independence" by included as an agenda item for a joint retreat.

The Board entered into recess at 5:00 p.m. and will reconvene at 6:00 to conduct its public hearings.

Receipt and File:

- Northwest Florida Water Management District Annual Report and 2011 Governing Board Meeting Schedule
- Official Certificate of County Canvassing Board (Leon County Charter Amendments)

Adjourn:

There being no further business requiring the Board's attention, the meeting was adjourned at 6:06 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
John Dailey, Chairman
Board of County Commissioners

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