

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
February 8, 2011**

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 Vice Chairman Akin Akinyemi, Jane Sauls, Nick Maddox, Bill Proctor, Kristin Dozier, and Bryan Desloge. 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 Associate Minister Reverend Derrick E. Hinton, Jr. of the Tabernacle Missionary Baptist Church. Commissioner Proctor then led the Pledge of Allegiance.

Awards and Presentations

- Vice Chairman Akin Akinyemi presented a Resolution to Lincoln High School's Principal, Football Coach, Athletic Director and members of the football team, congratulating the Lincoln High School Trojans Football Team as the 2010 FHSAA Class 4A State Champion.
- William Sheftall, along with Heidi Copeland, Natural Resources Agents, made a presentation on "Community Sustainability Through Education" and recognized the commitment of Leon County Extension Volunteers as "Sustainable Floridians" Volunteer Instructors. Ms. Copeland with assistance from Chairman Dailey presented Sustainable Floridian Certificates to the extension volunteers who had completed the instructor curriculum.
- JP Hurd, Senior Purchasing Agent, Turner Construction Company, spoke briefly on the partnership between Turner Construction, the City of Tallahassee and Leon County to educate small and minority owned businesses. He shared that the Turner School of Construction Management will host a series of classes on some of the leading practices within the industry on February 21-24, 2011. Mr. Hurd requested an opportunity to appear before the board to report on the success of the classes.

Commissioner Akinyemi established that the target audience for the classes was small and minority owned businesses or "anyone with a passion for construction".

- Commissioner Bryan Desloge presented Resolutions to Barbara Goldstein and Rita Blank in Recognition of their Contributions in Keeping Alive the Memory of the Holocaust.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Akinyemi to approve the Consent Agenda with the exception of Items 2, 5, 18, 19 and 20, which were pulled for further discussion. The motion carried 7-0.

- 1. Approval of Minutes: December 14, 2010 Workshop on the City of Tallahassee's Updated Water and Sewer Master Plans; December 14, 2010 Workshop on the Thornton Road Extension Project; and December 14, 2010 Regular Meeting**

The Board approved Option 1: Approve the minutes of December 14, 2010 Workshop on the City of Tallahassee's Updated Water and Sewer Master Plans; December 14, 2010

Workshop on the Thornton Road Extension Project; and December 14, 2010 Regular Meeting

2. Approval of 2011 Action Plans

The item was pulled for further discussion by Commissioner Maddox.

Commissioner Maddox commended the work by staff to implement the priorities identified by the Board at its recent Retreat. He asked that the Commission consider adding the penny sales infrastructure tax to the priorities.

Commissioner Maddox moved, duly seconded by Commissioner Dozier, to approve Option 1, as amended: Approve the 2011 Action Plans for the FY 2010/2011 Board Retreat Priorities, with the addition of the one-cent infrastructure tax to the 2010/2011 list of Board priorities.

Commissioner Desloge confirmed with County Administrator Alam that staff would bring back an action plan for the additional priority.

Commissioner Dozier was recognized for initially bringing this issue forward.

The motion to approve Option 1 as amended carried 7-0.

3. Acceptance of a State of Florida E911 Board Grant in the Amount of \$984,632 for the purpose of Upgrading the E911 System

The Board approved Option 1: Accept the E911 Board Grant and approve the Resolution and associated Budget Amendment Request.

4. Ratification of Board Actions Taken at the January 18, 2011 Workshop on the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program

The Board approved Option 1: Ratify the Board actions taken at the January 18, 2011 Workshop on the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.

5. Approval of Waiver to Policy No. 00-2, "Public Use of Courthouse" for the Florida Association of Counties' Legislative Day Reception at the Leon County Courthouse on March 23, 2011

The item was pulled for further discussion by Chairman Dailey. He shared that a request had been made by the Tallahassee Film Society that the Amtrak station (Railroad Square) be excluded from the County's policy on the prohibition of serving/consumption of alcoholic beverages during events such as the previewing of films, etc. Additionally, Deputy County Administrator Vincent Long advised that the Tallahassee Film Society request was appropriate given the nature of the site and suggested that the Tourist Development Council location also be considered for exclusion from the alcoholic consumption provision of the policy.

In responding to comments by Commissioner Desloge that exemptions be handled on a case by case basis, Chairman Dailey suggested that the item be approved as presented and staff be directed to bring back an agenda item specifically looking at revising the policy dealing with the Amtrak Station and the Tourist Development Council locations.

Commissioner Dozier stated that she supported more flexibility in the use of the facilities, but agreed that the Courthouse Rotunda might be a unique location which should be considered on a "per event" basis.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Option 1, as amended: Waive Leon County Policy No. 00-2, "Public Use of Leon County Courthouse" to apply only to the provision related to the consumption of alcoholic beverages, for the Florida Association of Counties' Legislative Day Reception March 23, 2011 from 5:30 - 8:00 p.m. and direct staff to bring back an agenda item exploring revisions to the current policy regarding consumption of alcoholic beverages at the TDC and Amtrak facilities. The motion carried 7-0.

6. Approval to Provide Home Maintenance Education Through Leon County Housing Services' Home Expo

The Board approved Options 1 & 2: 1) Approve the home maintenance education through the Leon County Housing Services' Home Expo, and 2) Approve the Resolution and associated Budget Amendment Request to establish budget authority associated with the Leon County Housing Services Home Expo.

7. Authorization to Participate in the Florida Housing Finance Corporation's Hardest Hit Program

The Board approved Options 1 & 2: 1) Authorize staff to participate in the Florida Hardest Hit Program and authorize the County Administrator to execute all program documents associated with the program, and 2) Authorize staff to assist program-eligible residents within the incorporated and unincorporated areas of Leon County.

8. Authorization to Submit a Comprehensive Plan Amendment

The Board approved Option 1: Approve the submission of the proposed amendment as described.

9. Approval of the Revised Justice Information System Interlocal Agreement Between Leon County and the Leon County Clerk of the Court Office

The Board approved Option 1: Approve the revised Justice Information System Interlocal Agreement between Leon County and the Leon County Clerk of the Court Office.

10. Approval of Payment of Bills and Voucher Submitted for February 8, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 9 through February 21, 2011: \$7,273,516.00

The Board approved Option 1: Approve payment of bills and vouchers submitted for February 8, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of February 9 through February 21, 2011: \$7,273,516.00

11. Approval of Amendment to the Contract for the Sheriff's Service of Process with the Florida Department of Revenue, Child Support Enforcement

The Board approved Option 1: Authorize the County Administrator to execute the Amendment to the Contract for the Sheriff's Service of Process with the Florida Department of Revenue, Child Support Enforcement.

12. Approval of Agreement with the City of Tallahassee to Provide Street Sweeping Services

The Board approved Option 1: Approve the Agreement with the City of Tallahassee to provide street sweeping services, and authorize the County Administrator to execute.

13. Approval of a Resolution for an Exchange of Easements between Century Link and Leon County

The Board approved Option 1: Approve the Resolution for an Exchange of a Communication Easement for a Temporary Construction Easement between CenturyLink and Leon County.

14. Acceptance of a Warranty Deed for the Right-of-Way Interest and Request to Schedule the First Public Hearing for Terre Bonne 2/3 Paving Project for Tuesday, March 15, 2011 at 6:00 p.m.

The Board approved Options 1, 2, & 3: 1) Accept the Warranty Deed for Right-of-Way Interest from the Terre Bonne Property Owners Association, Inc. to Leon County; 2) Schedule the first public hearing for Terre Bone 2/3 Paving Project for Tuesday, March 15, 2011 at 6:00 p.m., and 3) Approve the Resolution and Associated Budget Amendment request.

15. Approval of Resolution of Intent to Lease Acreage to the Tallahassee Astronomical Society and Related Lease Agreement

The Board approved Options 1 & 2: 1) Determine the proposed lease for the Tallahassee Astronomical Society meets the Section 125.38 Florida Statutes Exemption and therefore does not require competitive bidding, and 2) Approve the Resolution of Intent to Lease Acreage and Lease Agreement between the Tallahassee Astronomical Society and Leon County, and authorize the County Administrator to execute the Lease Agreement.

16. Acceptance of the Commissioner Discussion Items Status Report for FY 2009/10 Ongoing and FY 2010/11 First Quarter

The Board approved Options 1 & 2: 1) Accept the FY 2009/10 ongoing status report on Commissioner Discussion Items, and 2) Accept the FY 2010/11 first quarter status report on Commissioner Discussion Items.

17. Acceptance of the FY 2010-2011 First Quarter County Grant Program Quarterly Leveraging Status Report

The Board approved Option 1: Accept the FY 2010-2011 First Quarter County Grant Program Quarterly Leveraging Status Report.

18. Acceptance of the FY11 First Quarter Status Report on the County Sustainability Program

The item was pulled for further discussion by Commissioner Dozier.

Commissioner Dozier commended Maggie Theriot, Sustainability Coordinator, on her efforts in acquiring grants and in the savings being realized throughout the County through the sustainability efforts. She offered that the difference between what is spent to maintain the Office of Sustainability and the benefits received are quite amazing and requested that Ms. Theriot provide highlights of the report.

Ms. Theriot shared that the Energy Efficiency Conservation Block Grant which totaled \$1.17 million (part of the stimulus funds) is estimated to result in energy savings of \$170,000 per year, or \$1.7 million of savings in only 10 years. In addition, she commented on the Clean Energy Grant, which will allow the Cooperative Extension Building to become a net zero energy building (first of its kind in the region) realizing a savings of \$76,000 per year going forward. She added that there are many projects being implemented throughout the County which continue to save money.

Ms. Theriot announced that the County was the recipient of an ICLEI-Local Governments for Sustainability Award, as runner up in the Nation for energy conservation innovation.

Commissioner Dozier moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Accept the FY11 first quarter status report on the County Sustainability Program. The motion carried 7-0.

19. Acceptance of the Leon County Housing Services Division Impact Fee Proviso (IFP) Program Summary

The item was pulled for further discussion by Commissioner Dozier.

Commissioner Dozier remarked that this was a unique and successful program and requested that staff present the information publicly.

Candice Wilson, Health and Human Services Director, provided a brief summary of the programs; sharing that the Housing Services Division was awarded \$1.5 million to provide foreclosure prevention and down payment assistance programs. Each program was allotted \$750,000. Ms. Wilson informed the Board that the programs were managed with existing staff as no administrative funds were provided as part of the grant. The Down Payment Assistance Program aided 87 residents in becoming first-time homebuyers. The program expended \$659,675 and resulted in \$10.4 being added to the local Ad Valorem Tax Base.

Ms. Wilson explained that the goal of the Foreclosure Prevention Program was to help bring an amicable solution between the lender/banker and the homeowner in order to bring the homeowners' mortgage current through loan modification. She articulated that although the program represented a challenge, staff was able to avert 72 homes from foreclosure, of which 38 were assisted without the utilization of grant funds. Ms. Wilson expressed dismay that many banks would not work with her office to prevent foreclosure of additional homes. She voiced her appreciation to her staff for their hard work to make the programs a success and also recognized the assistance of volunteer interns from FSU and FAMU.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Option 1: Accept the Leon County Housing Services Division Impact Fee Proviso Program Summary. The motion carried 7-0.

20. Acceptance of the Leon County Senior Outreach Program FY 2009/10 Annual Report

The item was pulled for further discussion by Commissioner Desloge.

Commissioner Desloge recognized and thanked Sheila Salyer, Executive Director, Tallahassee Senior Citizens Foundation and Susan Davis, Program Coordinator, Leon County Senior Outreach Center, for their great work and encouraged Board members to visit the Tallahassee Senior Center and other outlying senior programs. He went on record to request staff to consider an outlying senior activity center in the revamping of the Northwest shopping center and when appropriate consider as a budget item.

Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Accept the Leon County Senior Outreach Program FY 2009/10 Annual Report. The motion carried 7-0.

21. Acceptance of Status Report on Transfers of Leon County Surplus Computing Equipment to Goodwill Industries

The Board approved Option 1: Accept the status report on transfers of Leon County surplus computing equipment to Goodwill Industries.

22. Acceptance of Status Report on Regarding the Implementation of the Gum Road Target Area Planning Committee's Recommendations

The Board approved Option 1: Accept the status report regarding the implementation of the Gum Road Target Area Planning Committee's recommendations.

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

- Nathan Bailey, 3495 Carnation Court, appeared to express his concerns about the parks and recreation surcharges that are charged to County residents who use City utilities. He stated that the charges amount to \$30-\$40 per month and suggested that a flat rate be applied monthly to all residents.
- Rev. William Faust, 6504 Meridian Rd., remarked on the efforts being made to have the Old Lincoln High School designated as a historic landmark and requested Chairman Dailey's continued assistance.
- Rick Bateman, 401 S. Virginia St., stated that he represents Phone Sweeps, LLC. He acknowledged the proliferation of Internet Cafes and the County's need to bring about some type of regulation. He agreed that regulation was needed and clear lines drawn for enforcement. He stated that he had been involved with other Counties in passage of similar ordinances and offered his assistance to the County Attorney and Board in the development of a County ordinance. He added that he had forwarded a proposal to Commissioners for their review and consideration.

General Business

23. Consideration of County - City Growth & Environmental Management/Building Inspection Functional Consolidation Proposed Memorandum of Understanding

County Administrator Alam explained that a previous MOU was approved by the Board in 2009 and presented by the County Administrator to the City Manager formally requesting it be agendaed for City Commission consideration/approval. He added that

this issue has been discussed many times by the City Commission and in Mayor/Chair meetings, and the City has consistently not wanted to consider the MOU. Mr. Alam stated that should the County Commission wish to pursue the functional consolidation of City and County growth and environmental management functions, the process outlined by the proposed MOU remains the best way to facilitate that objective.

Speakers:

- Curtis Baynes, 1323 E. Tennessee St., commented that he supported consolidation in theory; however, did not support consolidation at any cost. He offered that the City and County spend \$10.1 million in Growth Management functions and he urged the Board to view this as an opportunity to economize the operations.
- George Lewis, 203 N. Gadsden St., #6, voiced his support of merging the Growth Management departments and suggested that the County adopt in total the City's application process.
- Todd Sperry, 11914 Steeds Run, Chairman, Tallahassee Chamber of Commerce Board of Directors, advised that the Chamber Board has taken a position in support of the consolidation of Growth and Environmental Management. He thanked the Chairman for his leadership on this topic and urged the Board to move forward with its discussions with the City.

Commissioner Akinyemi appreciated the thorough history of this initiative provided in the agenda item and cited County Administrator Alam's efforts through the years. He opined that the time was right for the change and voiced his support to move toward consolidation of the Growth and Environmental Management (GEM) department. He indicated that members of the Chamber, City Commission and local business leaders were excited about the possibility of consolidation; however, based on feedback received suggested that the proposed MOU may be too restrictive. Commissioner Akinyemi conveyed that he had crafted two alternative MOUs for the Board's consideration. (A copy of the two MOUs is attached.) He explained that version #1 was a one page document that simply states that the City and County agree to work together to create a single department. Version #2 utilizes the proposed MOU in the agenda packet, with modifications on the areas of frequency of meeting and the make-up of the proposed implementation team. Commissioner Akinyemi noted that he preferred version #1 but was willing to support the direction and will of the Board. He emphasized that he did not want the MOU language to be an impediment to moving the issue forward.

Commissioner Sauls expressed her support for the consolidation of the GEM department.

Commissioner Desloge articulated that this was a great idea that was long overdue. He commented on the need to establish better relations with the City and opined that independent criticism of City actions could possibly impede these types of initiatives.

Commissioner Dozier echoed her support for the proposed consolidation. She cited the stifled efforts of the past and advocated for an MOU that was friendly, yet specific to ensure that both Commissions are engaged and committed to the process and should include a timeline to accomplish the task.

Commissioner Maddox voiced his strong support for the initiative and concurred with Commissioner Desloge on building a stronger relationship with the City Commission. He stated that while he was appreciative to Commissioner Akinyemi for his proposed MOU, he too expressed preference for an MOU that establishes clear goals and establishes a path to move forward.

Commissioner Maddox moved, duly seconded by Commissioner Desloge, to approve Option 1: Direct the County Administrator to send the proposed Memorandum of Understanding to the City and request a response by a time certain and report back to the Board.

Commissioner Proctor stated that the MOU put forth by Commissioner Akinyemi was excellent and suggested that Commissioner Maddox consider the document as a starting point to move the idea forward. He mentioned the close proximity of the City and County GEM departments. Commissioner Proctor indicated that he would require a better definition and understanding of what "efficiencies" are trying to be achieved. He asserted that he would not support, through consolidation, the reduction of GEM staff nor any increase in costs to County residents.

Chairman Dailey reminded the Board that one of his goals as incoming Chair was the consolidation of the GEM departments. He maintained that the County's message has been clear since the Board adopted the original MOU in 2009. He opined it was time to learn the City's position and if they are not interested in pursuing the merger, the County will concentrate on other priorities. He will support the motion on the table.

Commissioner Akinyemi provided a summary of the changes contained in his proposed MOU and offered a friendly amendment that the two MOUs presented by him be transmitted, along with the MOU proposed by staff, to the City for their consideration.

Chairman Dailey stated for the record, that the question to the City is "do you want to sit down with the County in a formal manner to move forward with consolidation?" He stated that the County's intent was very clear and he was comfortable moving forward.

Commissioners Dozier and Desloge indicated that they would not support multiple MOUs being sent to the City. Commissioner Dozier noted that the City could make suggested changes or draft their own MOU for the County's consideration. It was agreed that one clear message was needed.

Commissioner Maddox indicated that he would prefer to keep his motion intact and the City can make suggested changes as they deem appropriate.

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

The Board recessed at 5:12 p.m. and will reconvene at 6:00 p.m. to conduct the public hearing.

24. Consideration on Whether to Issue a Request for Proposal for County Employee Health Insurance

County Administrator Alam explained that the item requests Board direction on the issuance of a Request for Proposal (RFP) for employee health insurance for the year 2012. Mr. Alam noted the following should the Board decide to replace CHP as the County's healthcare provider: 1) the majority of County employees (96%) are enrolled in CHP; 2) potential physician network disruption; 3) employees continue to give very high satisfaction ratings to CHP, and 4) is a local provider and the loss of approximately \$17 million paid through premiums would have impact on the local economy. He also pointed out that the issuance of an RFP could provide competition to CHP and possibly reduce premiums.

Speaker:

- Bart Gunter, 3449 Mahoney Dr., Rogers Gunter Vaughn Insurance, Inc. provided the Board an update on an effort to combine the resources of the City, County and School Board in a pooling approach to health care. He also voiced his opposition to the release of an RFP as there are not enough market players to provide comparison.

Commissioner Proctor continued dialogue with Mr. Gunter on the possible joint proposal confirming that it continued to be a viable option to be pursued. Commissioner Proctor emphasized his interest in protecting the interest of County employee's and stated that he would continue to advocate for a 90% county contribution in healthcare.

Commissioner Dozier commented that there are limited options and the County was fortunate to have a great partner in Capital Health Plan.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Option 2, as amended: Renew Health Insurance Services with Capital Health Plan/Blue Cross Blue Shield for the 2012 Plan year and contract for consulting services estimated from \$20,000 - \$35,000. In addition, direct staff to bring back as an agenda item whatever proposal is received.

The motion carried 7-0.

25. Consideration of Membership of the Leon County Research and Development Authority

County Administrator Alam commented that the item relates to the membership on the Innovation Park Board. He recalled that the Board recently approved a Resolution expanding the membership to 11; however, up to that point it had always been a nine member board.

Commissioner Desloge commented that Innovation Park was moving in a positive direction, i.e., new executive director and new Commissioner; thus providing a "clean opportunity" to return to nine members.

Commissioner Desloge moved duly seconded by Commissioner Maddox, to approve Option 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", setting forth a nine member LCRDA Board.

Commissioner Proctor submitted that maintaining an 11-member Innovation Park Board would allow more transparency, accountability, brain power and experience which would support the Board's efforts in reaching its mission and purpose.

Commissioner Dozier commented that she has attended two Innovation Park Board meetings and has met with both University Presidents. She offered for the Board's consideration the preference by both FSU President Barron and Kinfe Redda (FAMU representative) to maintain the Board at nine members, as they felt their voices would be diluted if increased to 11.

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

26. Approval of the Fiscal Year 2011/2010 Budget Calendar

County Administrator Alam highlighted the dates for the scheduled Board Budget Workshops.

Commissioner Sauls moved, duly seconded by Commissioner Dozier, to approve Option 1: Approve the Fiscal Year 2011/2012 Budget Calendar.

Commissioner Proctor requested the Board's consideration to reschedule the March 16, 2011 Budget Workshop to March 17, 2011.

Commissioner Sauls amended her motion to reflect the March Budget Workshop to be scheduled for Thursday, March 17, 2011.

Commissioner Akinyemi confirmed with Assistant County Administrator Alan Rosenzweig that both the Miccosukee and Chaires-Capitola Community Centers would be brought back as a comprehensive budget item for discussion, as well as a review of all community centers.

The motion to approve Option 1 as amended: Approve the Fiscal Year 2011/2012 Budget Calendar, to reflect the March Budget Workshop scheduled for Thursday, March 17, 2011 carried 7-0.

27. Consideration of a Funding Request in an Amount not to exceed \$31,000 to support the Mary Brogan Museum's Baroque Paintings Project

County Administrator Alam explained that the item responds to a funding request from the Mary Brogan Museum for \$31,000. Mr. Alam deferred to Commissioner Dozier to provide an update on the request.

Commissioner Dozier announced that the Brogan Museum has commitments of \$99,000 towards meeting its initial goal of \$100,000; however, they are still short of their second goal of \$50,000 needed by February 15. She acknowledged that this was a very challenging budget time and that decisions on contributions to organizations outside of the budget cycle were difficult. Nonetheless, Commissioner Dozier cited the great economic impact the exhibit would have on the community, noting the \$25,000 donation by the Italian Caucus, the involvement of the Governor and First Lady and an expected visit by the Italian Ambassador and other Italian dignitaries. She pointed out that the City has pledged \$10,000 in support and advocated that the County, at a minimum, match the City's pledge.

Commissioner Maddox conveyed that this was a clear opportunity to get involved in a project that would bring out of town tourists and provide an asset to County residents. He noted that the Brogan Museum has raised \$99,000 and suggested that the Board consider funding the request from Performing Arts Center (PAC) money in place of general revenue funding.

Commissioner Akinyemi invited Chucha Barber, Brogan Museum CEO, to provide additional information on the budget and activities associated with the exhibit. Ms. Barber explained that the total project budget was \$358,496 of which \$311,614 has been raised through private donations. The funds are required to restore nine paintings, shipping of the exhibit and insurance. Ms. Barber shared that the exhibit will open to the public on March 18; however the Governor and First Lady will on March

16 host a private tour of the exhibit followed by a reception. She conveyed also that the exhibit has generated media attention both internationally and nationally.

Commissioner Dozier responded to Commissioner Maddox's suggestion that PAC monies be used for the exhibit. Although she supported and agreed that the use of the PAC monies for this purpose was appropriate, she was unsure if there was sufficient time to amend the Interlocal Agreement with the City. She asked if the City Commission could be requested to consider the request at their next meeting; however, in lieu of that decision the County go ahead and made a decision on an appropriate donation.

Commissioner Maddox moved Option, as amended: Authorize staff to contact the City of Tallahassee to amend the current CRA Interlocal Agreement to support projects such as the Mary Brogan Baroque Paintings display from the designated Performing Arts Center Tourist Development tax revenue, but with the understanding that should the Interlocal Agreement not be amended, the County would provide funding through general revenue dollars. (It is noted that there was no second to the motion; however the motion was recognized by the Chairman.)

Commissioner Maddox commended Ms. Barber on the fundraising efforts and found it extraordinary that they were able to raise such a large donation amount during these trying economic times.

Commissioner Proctor recalled previous exhibits brought to the community by Ms. Barber and the Brogan Museum and proclaimed that the community was very fortunate to have her leadership, energy and vision working on its behalf. He also venerated the energy of Commissioners Dozier and Maddox and their support of the arts.

Chairman Dailey noted his uneasiness to sending a request to the City on such short notice requesting consideration of an amendment to the Interlocal Agreement. He suggested that there was support on the Commission to approve Option 2, with an appropriate dollar amount attached.

Commissioner Maddox stated that he was not opposed to Option 2, but wanted to recognize the efforts of Ms. Barber and the amount of monies collected for this worthy project.

Commissioner Dozier offered a substitute motion, duly seconded by Commissioner Akinyemi, to approve Option 2: Approve the funding request in an amount not to exceed \$31,000 of \$15,000 from General Fund Contingency and approve the Budget Amendment Request.

There continued to be Commissioner discussion on the viability of Option 1; however, it was agreed that there was not sufficient time to pursue an amendment to the Interlocal Agreement for this particular project.

The substitute motion carried 7-0.

28. Consideration of Commissioner Proctor's Banking Services Memorandum

Without objection, Chairman Dailey requested that the item be moved to the beginning of the General Business Agenda to accommodate a scheduling conflict of Clerk Bob Inzer.

County Administrator Alam stated that pursuant to Board direction, he had contacted the City, Clerk and School Board about their interest in holding a summit to discuss local banking and community investment. (This was an issue originally proposed by Commissioner Proctor.) He shared that the City continues to consider the request and the School Board has indicated a willingness to participate.

At the invitation of the Board, Clerk of Court Bob Inzer addressed the Commission. He provided clarification on the County's current banking policy. He pointed out that the firm(s) administering the County's banking services are selected via a Request for Proposals (RFP). Additionally, those funds identified for investment are invested pursuant to County policy that was recommended by the County's Investment Oversight Committee; however, should the Board desire, the policy could be amended to direct investment dollars toward local institutions.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., urged the Board to consider Commissioner Proctor's efforts to use local businesses whenever possible.

Commissioner Proctor voiced his appreciation to Clerk Inzer for his leadership in the oversight of the County's investments. He then spoke at length regarding the intent of his proposal and proclaimed the need to create opportunities for local businesses. He referenced Ms. Wilson's report on foreclosures in the County and commented on his disappointment in learning of the reluctance of local banks to work with her office and homeowners to revisit loans. Commissioner Proctor remarked that the \$1.5 billion collected by local governments through fees and taxes and deposited in local banks could be better leveraged to benefit citizens, businesses and employees.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi, to approve Option 2: Direct staff to work with the Clerk to develop a summit on Banking, Procurement and Investment of Public Funds and bring an agenda item to the Board to schedule the event.

Commissioner Akinyemi indicated his support for the idea and stated that the proposal was consistent with the County's local preference policy and the City's recently initiated "Shop Local" Campaign.

In response to an inquiry about the Board's jurisdiction to set policy for another Constitutional Officer, Clerk Inzer responded that Statute provides that the Clerk govern the RFP process in selecting the banking institution to be used for the County's operating account or checking account. Clerk Inzer reiterated that the policy could be changed to redirect investment monies to local banks.

Commissioner Dozier commented that although Commissioner Proctor has raised some good issues she could not support the motion. She opined that County policy governing investments and banking services were a "different ballgame" from other procurements. She stated that scheduling of a summit may not be the best use of staff time and recalled that the School Board already banked local and the City had been unresponsive in our invitation to participate. Commissioner Dozier did indicate an interest in pursuing dialogue to: 1) bolster the County's local preference purchasing and 2) identify other ways to help the community and individuals who may not have access to capital in other ways.

Commissioner Desloge opined that the County continues to be well served by the services of the Investment Oversight Committee and noted that local banks can,

through the RFP process, participate in the method by which banking services are procured. He indicated that although well intended and a great idea he could not support the motion.

Commissioner Proctor confirmed with Clerk Inzer that his office does not handle banking for either the City or School Board. Commissioner Proctor articulated that the County should have its own standard in the manner in which local monies are used and urged support for the motion.

The motion failed 2-5 (Commissioners Dailey, Desloge, Maddox, Sauls and Dozier in opposition).

Commissioner Desloge moved, duly seconded by Commissioner Sauls to approve Option 1: Accept the report on banking services and take no further action at this time. The motion carried 6-1 (Commissioner Proctor in opposition).

29. Acceptance of Status Report on the Implementation of the Sidewalk Requirements of the Land Development Code

County Administrator Alam shared that Commissioner Desloge had requested that staff provide a report on the implementation of the sidewalk regulations, as a result of recent concerns over sidewalk requirements expressed by a constituent.

Commissioner Desloge indicated that the situation has been resolved without requiring a change in the code.

Commissioner Desloge moved, duly seconded by Commissioner Maddox, to approve Option 1: Accept the Status Report on the Implementation of the Sidewalk Requirements of the Land Development Code.

Commissioner Dozier indicated that she has followed similar sidewalk issues dealt with by the Board in the past. She stated that while she was supportive of pedestrian friendly communities, expressed a concern that exemptions are being handled in a piecemeal manner and wondered if the policy should be readdressed.

Growth and Environmental Management Director, David McDevitt, provided a history of the implementation of the sidewalk requirement and exemptions to the policy. Mr. McDevitt, in response to questioning by Commissioner Dozier, recommended that the County continue to deal with these situations on a case-by-case base, as this was only the second time this has come up.

Commissioner Dozier articulated that she would favor a more in-depth review of the policy should more requests for exemptions be received.

Commissioner Proctor requested that staff provide him an update on the amount of funds in the District 1 Sidewalk Trust Fund.

The motion carried 7-0.

30. Consideration of Retention of Outside Counsel Regarding Leon County and Leon County Tourist Development Claims for Gulf Oil Spill

County Attorney Thiele explained that Board direction was needed on the County's participation in a claim against BP for losses incurred by the County due to the oil spill.

He advised that his office had been approached by attorney Donald Hinkle who, along with other firms and individuals, has established a "legal team" to seek damages associated with the spill. Mr. Thiele indicated that should the Board decide to retain the "legal team" the retention would be done by contract on a contingency fee basis.

Chairman Dailey announced a direct conflict as Hinkle & Foran is a client of his company and he is part of an economic team that is working with other communities on this issue. He will recuse himself from all discussion and vote. (A copy of Form 8B, Memorandum of Voting conflict for County, Municipal, and Other Local Public Officers is included as part of the official record.)

The gavel was relinquished to Vice Chairman Akinyemi.

Commissioner Dozier voiced her support and commented that the County would not incur any cost by joining the suit. She acknowledged that although the County may not have realized any direct impact from the spill; it did possibly experience a decline in sales tax revenues due to residents of neighboring counties not visiting and shopping in Leon County.

Commissioner Dozier moved, duly seconded by Commissioner Sauls, to approve Option 1: Direct County Attorney's Office to enter into contingency fee agreement with Donald Hinkle and affiliated firms and personnel for pursuit of damages and expense claims regarding the Gulf Oil Spill.

Commissioner Desloge mentioned that he was unsure that damages can be proved and a number of counties are doing a lot of different things. He pointed out that the Florida Association of Counties (FAC) has taken no position at this time and opined that the County "should sit on it for a while" and see what transpires with other Counties.

Commissioners Maddox, Proctor, Akinyemi and Sauls voiced their support for the motion.

Commissioner Desloge was assured by County Attorney Thiele that his office would provide a report of the "legal teams" findings for its review and discussion prior to moving forward with a lawsuit. Mr. Thiele stated that he would include this provision in the contingency fee agreement. Commissioner Desloge offered this as a friendly amendment, which was accepted by Commissioner Dozier.

Commissioner Proctor established with Mr. Thiele that the County would expend funds only if it opted out of the suit after expenses had been incurred on its behalf. Commissioner Proctor reiterated his support for the motion.

Commissioner Desloge continued dialogue with Mr. Thiele regarding his concerns regarding potential expenses and outcomes of the issue. Mr. Thiele responded that his office would write the contingency fee agreement in such a way as to ensure that the County would not be left "holding the bag."

The motion, as amended carried 5-1 (Commissioner Desloge in opposition and Commissioner Dailey abstaining.)

The gavel was returned to Chairman Dailey, who resumed the Chair position.

31. Consideration of Pursuit of Potential Rezoning Ordinance(s), Ch. 163 Development Agreement, and Related Actions Necessary to Effectuate the DeSantis

Proportionate Share Traffic Mitigation Agreement, as well as the Reallocation of Certain Non-Residential Uses and Densities Along Bannerman Road

County Attorney Thiele provided a brief overview of the item. He advised that a significant amount of staff time would be required to effectuate the plan as modifications would need to be made to the DeSantis Settlement Agreements, the Bradfordville Sector plan, the enactment of rezoning ordinance(s), modifications of the covenants and restrictions and potential modifications to the Settlement Agreement; thus Board direction was being requested.

Commissioner Proctor discussed with County Attorney Thiele requirements of the Bradfordville Settlement Agreement and highly recommended that the Board appoint either an at-large or the District 4 Commissioner to be involved in this action. He stated that discussions should also incorporate input from those individuals involved in the agreement and within the area.

Commissioner Dozier commented that the action seemed like a good move for the developer, neighborhood and the County and should be explored. She concurred that community involvement was paramount to implementing the plan successfully.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Option 1, as amended: Direct the County Administration and County Attorney's Office to consider the pursuit of planned unit development ordinance, development agreement, and related actions necessary to effectuate the DeSantis Proportion Shared Traffic Mitigation Agreement, as well as the reallocation of certain no-residential use along Bannerman Road, to also include engaging those parties that were part of the Bradfordville Study Area.

Commissioner Desloge shared that he has had no less than 25 meetings specifically on this issue over the last couple of years and conveyed his commitment to serve as the Board designee on this matter. He commented that the area would ultimately be developed and the plan offers an opportunity to preserve green space, the environment and provides a "Win-Win" for everybody.

Commissioner Sauls emphasized the importance that the Bradfordville Agreement not be violated and the community be involved.

Responding to questions and concerns by Commissioner Akinyemi, Mr. Thiele stated that the development could not violate any of the Bradfordville Sector Plan or any

agreements entered into and that he would not bring to the Board a development he felt would violate any restrictions. Commissioner Akinyemi confirmed that this was not a comprehensive plan amendment and the owner of the property would be the applicant.

The motion carried 7-0.

ADD-ON:

- 34. Approval of Resolution Supporting ACS State and Local Solutions as a "Qualified Target Industry" Applicant, and Approval of the County's required Local match of up to \$100,000 from the County's Qualified Target Industry (QTI) Escrow Account Managed by the Tallahassee-Leon County Economic Development Council, and Approval to Bring Back a Budget Discussion Item to Increase QTI Funding.**

County Administrator Alam requested Ken Morris, Director of Legislative Affairs and Economic Development, provide background on this issue to the Board.

Mr. Morris explained that the item requests approval of a Resolution supporting ACS State and Local Solutions (ACS) as a "Qualified Target Industry" (QTI) applicant and noted that this was the fifth QTI project brought forward in the past four months. Mr. Morris remarked the proposal requests County and City contributions of \$100,000 (the City will take up this item at its next meeting), with additional contributions provided by the State. He shared that ACS is looking to expand its workforce by 250 employees over a five-year period. He added that due to the success of the QTI program, a projected budget shortfall of approximately \$29,000 is anticipated by 2014 and staff propose to bring this back as a budget discussion item to consider future funding levels.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., stated that ACS has entered into an agreement with the City to operate the red light camera program. He opined that this was corporate "double dipping" and he did not support the request.

Beth Kirkland, Executive Director, Economic Development Council, was invited to provide additional information on ACS and the proposal.

Commissioner Dozier moved, duly seconded by Commissioner Akinyemi, to approve Option 1: Approve the Resolution supporting ACS State and Local Solutions as a Qualified Target Industry applicant and the required County match in the amount of \$100,000 to be paid based on the company's job creation performance and direct staff to bring back a budget discussion item to consider increasing the annual funding of the Qualified Target Industry program. The motion carried 6-1 (Commissioner Proctor in opposition).

Chairman Dailey reconvened the Board at 6:00 and began its scheduled public hearings.

Scheduled Public Hearings, 6:00 p.m.

32. Conduct the First and Only Public Hearing Regarding Amending the Discretionary Funding Ordinance and Adopt Proposed Revisions to Policy No. 93-44, Fiscal Planning.

County Administrator Alam announced the public hearing and Chairman Dailey confirmed there were no speakers on the item.

Commissioner Sauls moved, duly seconded by Commissioner Dozier, to approve Options 1 & 2: 1) Conduct the First and Only Public Hearing Regarding Amending the Discretionary Funding Ordinance, and adopt the Amended Ordinance, and 2) Adopt the proposed revised Policy No. 93-44, Fiscal Planning. The motion carried 6-0 (Commissioner Proctor out of Chambers).

33. Conduct the First and Only Public Hearing for the Proposed Abandonment of Washington Street in Woodville Terrace Subdivision

County Administrator Alam announced the public hearing and Chairman Dailey confirmed there were no speakers on the item.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, to approve Option 1: Conduct the first and only public hearing to consider and adopt a Resolution for the

abandonment of Washington Street in Woodville Terrace Subdivision. The motion carried 6-0 (Commissioner Proctor out of Chambers)

This concluded the scheduled public hearings and the Board returned to General Business, Item #24.

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

- Clifford Buchanan, 951 Williams Landing Rd., shared a brief presentation on the wildlife he has been filming at Lake Talquin for the past five months. He requested that the Board make an exception from the two-week restriction on campground host stay by extending his stay at the Lake Talquin County Park.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to extend campground host use for Mr. Buchanan to April 30, 2011. The motion carried 6-0 (Commissioner Proctor out of Chambers).

Comments/Discussion Items

County Attorney Thiele:

- Submitted for inclusion in the public record, a letter dated February 8, 2011 from Sidney L. Matthew, counsel for the Gibby family, regarding the Gibby Family Trust and the Gum Pond TPA/Pond #3.

County Administrator Alam:

- Mentioned that the Board had in years provided financial support to FAMU in their celebration of Black History Month. He confirmed that a written funding request had not been received; thus, the Board took no action to provide funding for this year.
- Requested Ken Morris, Legislative Affairs and Economic Development Director, provide a brief overview of the Governor's budget recommendations. A memo summarizing the Governor's two-year budget was distributed to the Board. Highlights of the recommended budget include:
 - Reduction in spending by \$4.5 billion;
 - Elimination of 8,671 jobs (unsure at this time how many would be located in Leon County);
 - Mandatory 5% employee contribution into FRS and changes in accrual rates, and
 - Possible efforts by the State to reduce revenue sharing to local governments.

Mr. Morris advised that it was early in the legislative process and that he would keep the Board apprised as the session progresses.

Commissioner Proctor expressed concerns about the proposed budget proposal as Leon County would be one of the top counties impacted by these cuts.

Commissioner Discussion Items

Commissioner Desloge:

- None.

Commissioner Dozier:

- Requested a Resolution recognizing S.A.I.L. High School as one of only six nationwide to receive the College Board's Award for Excellence and Innovation in the Arts, to be presented at the February 22, 2011 meeting. *Approved without objection.*

- Requested Board approval for her to sit down with City Commissioner Gil Ziffer to discuss issues surrounding culture and arts in Leon County. This issue was raised by Commissioner Ziffer at the City's recent Retreat and he welcomed an opportunity to discuss this issue with the County. *The Board without objection appointed Commissioner Dozier as the Board's liaison on this issue.*

Commissioner Proctor

- Requested continued monitoring of the potential impacts to government employees as a result of the Governor's proposed budget.
- *Commissioner Proctor moved, duly seconded by Commissioner Sauls, to spend \$600 from his Commission account for the Tallahassee Knights Live, Black History Month Celebration. The motion carried 7-0.*

Commissioner Maddox

- None.

Commissioner Sauls

- Expressed concern regarding the possible closure of four parks throughout the County based on the Governor's proposed Budget. She asked if there was some way the County could help keep them open.
 - County Administrator Alam stated that the cost of maintaining the parks amounted to approximately \$170,000 annually and added that staff would bring the issue back as a Budget Discussion Item at the Budget Workshop.
- Requested that staff look into the lack of lighting at the intersection of Capital Circle NW and Highway 20.
- Requested a Resolution for Ashley Dozier, one of only 10 students from Leon County (in the last 19 years) to be asked to participate in a leadership conference in Washington, D.C. *Approved without objection.*

Commissioner Akinyemi

- Requested a presentation by the Leon County Recidivism Task Force on the Jail Recidivism Program to be placed on the February 22, 2011 Agenda. *Approved without objection.*
- Announced that he serves on the Planning Committee of the Homeward Bound Council; a community initiative to help homeless individuals get the resources they need to get back on their feet. He advised that a Homeward Bound Council meeting will be scheduled in March and invited fellow commissioners to attend.
- Expressed a constituent concern regarding a safety issue at the entrance of Thomasville Road to the School of Arts & Sciences. There is no "School Zone" caution light or sign or reduction in speed, and Thomasville Road is very busy. He stated that he was unsure who maintains jurisdiction.
 - Public Works Director, Tony Park, advised that jurisdiction is with the Department of Transportation; however he would look into the issue and brief Commissioner Akinyemi.

Chairman Dailey

- Shared that for the past four years he has been working with Rev. Faust to get the Old Lincoln High School listed in the National Registry of Historic Places. He asked staff provide a status report on initiative. *Approved without objection.*
- Requested staff look into the drainage issue at Shady Oaks.

Receipt and File: Letter to Office of Program Policy Analysis and Government Accountability dated January 19, 2011 from Wanda G. Hunter, Probation Director

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 8:28 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____

John Dailey, Chairman
Board of County Commissioners

BY: _____

Bob Inzer, Clerk of the Court
Leon County, Florida