

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
March 15, 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 Commissioners Akin Akinyemi, Nick Maddox, Bill Proctor, Kristin Dozier, Bryan Desloge, and Jane Sauls. Also present were County Administrator Parwez Alam, County Attorney Herb Thiele, Finance Director David Reid and Board Secretary Rebecca Vause.

The Invocation was provided by Chairman John Dailey who then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Jane Sauls presented a Resolution to Ashley Dozier, honoring her attendance at the National Youth Leadership Forum held in Washington D.C. in February 2011, her exemplary academic performance and her extra curricula activities. It was also shared that Ms. Dozier has signed a letter of intent to the College of Central Florida for a full athletic scholarship in softball.
 - Ms. Dozier thanked Commissioner Sauls and the Board for the honor. She acknowledged her participation in the County's Parks and Recreation programs and the role that has played in her becoming a college caliber softball player.
 - On behalf of District 2 Commissioner Sauls presented a check to Ms. Dozier to help alleviate some of the costs associated with her trip to Washington, D.C. and her college expenses.
- Commissioner Desloge recognized Haley Helms and Emma Montgomery, Roberts Elementary School Essay Winners.
 - Commissioner Desloge invited Ms. Helms and Ms. Montgomery to read their winning essays; of which each requested that the County make improvements to the Miccosukee softball field.
 - Chairman Dailey commented that the County takes requests such as these very seriously and suggested that the Board discuss at its upcoming Budget Workshop the status of all fields, including Miccosukee. This was accepted without exception.
- Christic Henry, Council of Neighborhood Associations' (CONA) President, presented information on the 2011 Neighborhood Symposium and Community Expo that will be held on Saturday, March 26, 2011 at the Educational Annex of the First Presbyterian Church. Additional information on the event can be accessed at www.econa.org. Ms. Henry thanked the Board for its support of CONA.
- David Kidd and Steve Swendiman, representing the National Association of Counties (NACo) provided a brief overview of the U.S. Communities Program. The program is a government purchasing alliance created to provide public agencies the opportunity for savings in the procurement process. It was noted that Leon County is part of the over 47,000 registered agencies who can utilize the program to get the best pricing from suppliers.
- Dot Inman-Johnson, Chairperson, and Charles Milsted, Vice-Chairman, presented the Affordable Housing Advisory Committee's 2011 Final Report and Recommendations.

Ms. Inman-Johnson stated that she was pleased to formally submit the Committee's 2011 Final Report of Recommendations and the Amended State Housing Initiative Partnership (SHIP) Plan. She praised the cooperation received from County staff (Housing, Public works, Growth Management and Planning Departments); which helped ensure that the Committee would meet

the legislatively mandated timelines and their proposed recommendations could be supported by staff.

Mr. Milsted voiced concerns over possible legislative actions that could impact affordable housing and asked the Board's assistance to help maintain funding for this critical need.

1. Adoption of the Affordable Housing Advisory Committee's 2011 Final Report and Recommendations

Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, approval of Options 1 & 2: 1) Adopt the Affordable Housing Advisory Committee 2011 Final Report of Recommendations, and 2) Adopt the amended State Housing Initiative Partnership Local Housing Assistance Plan, and authorize the Chairman to execute the associated Resolution. The motion carried 6-0 (Commissioner Proctor out of Chambers).

Consent:

Commissioner Desloge moved, duly seconded by Commissioner Sauls, approval of the Consent Agenda. Item 11 was removed from the agenda. The motion carried 6-0 (Commissioner Proctor out of Chambers).

2. Acceptance of the FY 2009/10 Annual Audit and Financial Report

The Board approved Options 1 & 2: 1) Accept the FY 2009/10 Annual Audit and Financial Report and 2) Authorize the Chairman to sign letter in response to the audit findings in the Management Letter.

3. Approval to Cancel the Board's May 3, 2011 Regular Meeting and the May 3, 2011 Workshop on Cycle 2011-1 Comprehensive Plan Amendments

The Board approved Options 1 & 2: 1) Cancel the Board's May 3, 2011 regular meeting and 2) Cancel the County's May 3, 2011 Workshop on Cycle 2011-1 Comprehensive Plan Amendments

4. Acceptance of Two Conservation Easements from Apostolic Church of Tallahassee, Inc.

The Board approved Option 1: Approve and accept for recording the two conservation easements from Apostolic Church of Tallahassee, Inc. for the Apostolic Church Type C Site Plan project.

5. Appointment of Member to the Board-Appointed Citizen's Committee to Assist with Implementation of Phase 2 of the Countywide Minimum Environmental Regulations Ordinance

The Board approved Option 1: Appoint Ms. Carmen Green to serve on the Citizen's Committee to assist staff with the development of the Phase 2 Countywide Minimum Environmental Regulations Ordinance.

6. Acceptance of Volunteer Florida's BEST Neighborhoods Grant in the Amount of \$25,000

The Board approved Options 1 & 2: 1) Accept the Volunteer Florida BEST Neighborhoods Grant in the amount of \$25,000, and authorize the County Administrator to execute the associated Agreement, and 2) Approve the Resolution and associated Budget Amendment Request

7. Approval of the Joint Use Agreement Between Leon County and the City of Tallahassee for Network Access via the City's Conduits and Utility Pole Infrastructure

The Board approved Option 1: Approve the Joint Use Agreement between Leon County and the City of Tallahassee for network access via the City's conduits and utility pole infrastructure, and authorize the County Administrator to execute.

8. **Approval of Payment of Bills and Voucher Submitted for March 15, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of March 16, 2011 through April 11, 2011: \$1,682,398.00**

The Board approved Option 1: Approve payment of bills and vouchers submitted for March 15, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of March 16, 2011 through April 11, 2011: \$1,682,398.00.

9. **Acceptance of Two Drainage Easements along McCracken Road**

The Board approved Option 1: Accept two Drainage Easements along McCracken Road, and authorize staff to record in Public Records.

10. **Adoption of Resolution Authorizing the Conveyance of a Parcel of County Property to Blueprint 2000 for the Capital Cascade Trail Coal Chute Pond**

The Board approved Option 1: Adopt the Resolution authorizing conveyance of a parcel of County property to Blueprint 2000, and authorize the Chairman to execute the corresponding County Deed.

11. **Adoption of Proposed Mosquito Control Integrated Pest Management Policy**

THIS ITEM WAS REMOVED FROM THE AGENDA.

12. **Acceptance of the 2010 Tallahassee-Leon County Board of Adjustment and Appeals Annual Report**

The Board approved Option 1: Accept the 2010 Tallahassee-Leon County Board of Adjustment and Appeals Annual Report.

13. **Acceptance of the 2010 Concurrence Management Annual Report**

The Board approved Option 1: Accept the 2010 Concurrence Management Annual Report

14. **Acceptance of 2009-2010 Annual Report of the Code Enforcement Board and the Code Compliance Program**

The Board approved Option 1: Accept the 2009-2010 Annual Report of the Code Enforcement Board and the Code Compliance Program

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

- Chairman Dailey confirmed that there were no speakers on Non-Agendaed Items.

General Business

15. **Acceptance of Status Report Regarding the County's Interlocal Agreement with the Leon County Research and Development Authority (LCRDA)**

County Administrator Alam explained that the item provides the Board, with a status report on the Interlocal Agreement between Leon County and the Leon County Research and Development Authority (LCRDA).

Chairman Dailey acknowledged the presence of LCRDA Board Chairman, Phil Blank and invited him to address the Board. Mr. Blank introduced fellow Board members Dr. Fred Leysieffer (representing FSU) and Sam McCall (representing the Mayor), and executive director Dr. Catherine Kunst. Mr. Blank noted that the organization was in crisis a year ago; however, reported that with the aid of County and Clerk staff is now "headed in the right direction". He shared that measures have been implemented to ensure that they are a transparent organization with strong Audit and Strategic Planning Committees and a strong oversight function. He read a Resolution from the LCRDA Board which expressed their appreciation to County and Clerk staff for their hard work and assistance.

Dr. Kunst provided a three month progress report. She shared the LCRDA Board has worked tirelessly to provide strong leadership and structure and that new by-laws have been created; new personnel and harassment policies are now in place and new committee structures have been implemented. Dr. Kunst also shared that a strategic planning workshop was recently held, under the leadership of Commissioner Dozier, with many community partners to discuss and consider a new vision for the Park. She too expressed appreciation to County and Clerk staff for the tremendous assistance provided to her since her hire in January.

Commissioner Dozier commented that considerable work has been done and she has enjoyed her appointment to the LCRDA Board. She credited the achievements made by Dr. Kunst since her hire and stated that she was optimistic about the future of the organization.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, approval of Option 1: Accept the Status Report regarding the County's Interlocal Agreement with the Leon County Research and Development Authority. The motion carried 6-0 (Commissioner Proctor out of Chambers).

16. Board Direction Concerning Scheduling an Arts Summit

County Administrator Alam requested further direction from the Board on this issue.

Commissioner Desloge suggested that the issue be tabled at this time, as staff has been tasked with other Board assigned priorities.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, that this issue be tabled until a later date.

Commissioner Dozier opined that the issue was part of the Board's scope as arts and culture have been deemed a part of economic development and funds have been committed as such. However, she agreed that this was not the appropriate time to move forward with a large summit, but hoped the issue could be readdressed in a few months, should the need arise.

The motion to table carried 7-0.

17. Authorization to Negotiate an Agreement with Real Estate InSync in Response to the Request for Qualifications for the Fairgrounds Redevelopment Market Feasibility Assessment

County Administrator Alam explained that the agenda item seeks authorization for staff to pursue an agreement with Real Estate InSync (REI) to conduct a market feasibility assessment

of the North Florida Fairgrounds. He noted that the Board had budgeted up to \$75,000 for this effort. Mr. Alam relayed that an evaluation committee had reviewed the responses received in response to the Request for Qualifications (RFQ) and recommends approval of REI.

Commissioner Desloge advised that he would recuse himself from discussion and vote as he has a business relationship with the contractor.

Commissioner Dozier voiced interest in having the fairgrounds property assessed as a potential site for a sports complex. She opined that it may be a better location for developments that could emerge around the complex than the location currently being considered (Apalachee Parkway). Commissioner Dozier suggested that the RFP for assessing the Apalachee Parkway site as a sports complex be stopped and a new RFP be issued which looks at the fairgrounds and Apalachee Parkway properties and also includes a relocation site for the fairgrounds (possible acquisition of property across from the flea market).

Commissioner Dozier moved, duly seconded by Commissioner Maddox, to not approve the RFQ and direct staff to bring back a new RFQ that considers all three properties and an assessment of where a sports complex should be located.

Commissioner Maddox stated for the record that ESPMedia Productions Corporation (which is a partner in the proposal) had done work on his election campaign; however, the County Attorney has advised that there is no conflict of interest. Commissioner Maddox continued that he was in agreement with Commissioner Dozier and that the \$75,000 could be better used to assess multiple property sites. He stated that this was a great opportunity to consider all properties and determine the best and highest use for all three.

Commissioner Proctor submitted that this was his first opportunity to hear of this new proposal for the fairgrounds property and was disappointed to learn of this idea. He proclaimed that this was not the vision of the residents of the surrounding neighborhoods nor was it his as the District Commissioner. He remarked that a sports facility unfortunately creates a gentrification and discourages people from wanting to live in the area.

Commissioner Proctor offered a substitute motion to approve Option 1: Authorize the County Administrator to negotiate an Agreement with Real Estate InSync, up to \$75,000, in response to the Request for Qualifications for the Fairgrounds Redevelopment Market Feasibility Assessment. The motion died for lack of a second.

Commissioner Akinyemi indicated his support for redevelopment of the property, but wanted to ensure that it be done right. He received clarification from Commissioner Dozier that her motion would cancel the two current RFPs and a new RFP would be issued to look at the three properties. Commissioner Akinyemi stated that he would support the motion.

Commissioner Dozier acknowledged the work done through the years by Commissioner Proctor on this endeavor. She clarified that her objective is to expand the options for the property and to pursue its best and highest use. She also expressed concerns that a multi-use development in the current economy would be difficult to pursue. She opined that the release of one RFP instead of two would save the County money and would allow information to be produced so that the Board can make an informed decision. Commissioner Dozier declared that she did not want any degradation of the neighborhood and that the Board should ensure that any project would benefit the neighborhoods surrounding the property.

Commissioner Maddox also addressed the concerns expressed by Commissioner Proctor and voiced appreciation and respect for his efforts. He reiterated that a sports complex would open up the site to such things as retail and hotels and would bring the needed attention and look to the southside community.

Commissioner Sauls indicated that she was a member of the Fairgrounds Board and relayed their openness to relocate, should an appropriate site be obtained. She noted that she has been involved in this issue for many years also and supports the motion as it provides an opportunity to ascertain an appropriate fit for the area.

The motion carried 6-0 (Commissioner Desloge abstaining).

County Administrator Alam announced that staff would be prepared to bring this issue back to the Board at its next meeting.

18. Consideration of Establishing a Procedure Regarding Funding Requests in Support of Outside Agencies from the Commissioner District Budget

County Administrator Alam stated that the Board had requested an agenda item on how funding request from outside agencies should be handled.

Commissioner Desloge thanked Chairman Dailey for bringing this issue forward and suggested that the proposed policy was reasonable. He expressed concerns about the additional workload to be created for staff by the policy; however, review and scrutiny of such requests is important.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 1: Direct staff to amend Ordinance 06-34, "Discretionary Funding Guidelines" to require all funding in support of outside agencies from the Commissioner District Budget to occur only after being considered through a regularly scheduled agenda item and to schedule such for public hearing.

Commissioner Sauls suggested that the motion include any requests (small or large) received outside the budget cycle be agendaed for consideration. Commissioner Desloge accepted the suggested amendment.

Commissioner Maddox asked that the Board consider the additional burden that would be placed on staff to review all requests and prepare agenda items. He also pointed out that a process exists whereby Board approval is needed to expend funds from the Commissioner Accounts on small funding requests. He commented that this action restricts a Commissioner from supporting a worthy request from his district.

Commissioner Proctor stated that he was "miffed" as he thought two funding requests from the last meeting would be agendaed this week. He stated that he was unsure how to proceed with the two requests under the new provisions.

County Administrator Alam pointed out that Commissioner Accounts are funded in the amount of \$9,500.

Commissioner Dozier indicated that she could support the motion, but agreed that a process should be explored on how to handle requests received outside of the budget cycle. She too commented on the additional workload for staff and mentioned the establishment of a small fund whereby small request could be supported.

Commissioner Akinyemi cited the reasons he could not support the motion as stated: 1) staff will be inundated with requests for review; 2) no distinction made between general fund and Commissioner Accounts and Commissioners should be allowed some discretion in utilization of the fund, and 3) rules currently exist to allow these types of requests to be approved by the Board. *He offered a friendly amendment that the process be limited to general fund requests and only those requests over a certain amount (\$250.00) are agendaed.*

Commissioner Desloge as maker of the motion did not accept the amendment. He opined that this is tax payer money and commission travel accounts have turned into a "little social service agency". He suggested that if a Commissioner feels strongly about an event or organization, personal contributions should be offered.

A substitute motion was offered by Commissioner Akinyemi that any general fund request be agendaed and only those requests over \$250 would be agendaed. The substitute motion was duly seconded by Commissioner Proctor.

Commissioner Proctor opined that the proposed policy would remove a Commissioners subjective decision making and diminish their judgment in the use of their discretionary accounts. He asserted that the current policy has been in place for some time and support of these types of requests has never been challenged.

Commissioner Maddox commented that the voters have entrusted commissioners to make wise decisions on the use of tax dollars. He stated that he was comfortable with a dollar amount being attached to the fund and echoed that there is an existing policy to approve such requests and will support the substitute motion.

There continued to be discussion on the issue by the Board with Commissioners Dailey, Dozier and Desloge voicing concerns about the manner in which the discretionary funds are utilized. It was commented that the fund should be used for commission expenses, i.e., travel and office expenses.

The substitute motion failed 3-4 (Commissioners Dailey, Desloge, Dozier and Sauls in opposition).

Chairman Dailey confirmed that the original motion to approve Option 1 as moved by Commissioner Desloge was back on the table.

Chairman Dailey commented that he would vote in favor of the original motion; however, opined it did not go far enough. He mentioned that the Article XI of Ordinance, 06-34, should be retitled "Office Account Guidelines" as he feels strongly that only travel and office supplies should be funded through the account. Chairman Dailey declared for the record, that he would not from this point forward vote to approve any more funding requests from any office accounts for festivals, events or specific organizations.

Commissioner Proctor offered a friendly amendment to accept the Chairman's recommendation to retitle Article XI of Ordinance 2006-34 from "Discretionary Funding Guidelines" to "Office Account Guidelines". Commissioner Desloge accepted the friendly amendment.

Chairman Dailey asked Commissioner Desloge to restate his motion: Approve Option 1, as amended: Direct staff to amend Ordinance 06-34, "Discretionary Funding Guidelines" to require all funding in support of outside agencies from the Commissioner District Budget to occur only after being considered through a regularly scheduled agenda item and to schedule such for public hearing, in addition any requests (small or large) received outside the budget cycle should be run through the CHSP and rename the discretionary account.

Commissioner Dozier questioned the inclusion of the CHSP process in the motion as not all requests will qualify for CHSP consideration. She stated that if it is the Board's decision to not consider any requests out of office accounts, another process by which to funnel those request may be needed.

Commissioner Sauls responded that monies are set aside to support funding requests, such as for sporting and art events, etc. and that most organizations are aware that this funding opportunity exists.

Chairman Dailey agreed and pointed out that funding opportunities and processes are available, such as 1) annual budget process; 2) CHSP process for human services; 3) COCA for arts, and TDC for sports.

Mr. Rosenzweig, Assistant County Administrator, provided clarification on the Ordinance, specifically section 2.604 and sought clarification on the motion from the Board. There was continued discussion among the commissioners on the wording of the motion.

Chairman Dailey passed the gavel to Commissioner Akinyemi and asked to be recognized.

Commissioner Dailey offered the following substitute motion: Under Sec. 2-604 (c) (2), amend (2) by striking "at a regular meeting of the board" and insert "for approved travel and office supplies". Section 2-604 (c)(2) now reads " Expenditures shall only be authorized from this account for approved travel and office supplies." The substitute motion was seconded by Commissioner Dozier.

Commissioner Proctor established with Mr. Rosenzweig that the Board contributes \$825,000 to the CHSP of which none of the decisions made by that entity come before the Board. He also confirmed with Mr. Rosenzweig that (2) of Section 2-604 (c) was intended to address funding requests that are currently being brought for approval under Commissioner Discussion time. He commented on the positive economic impact that many of the tournaments or events supported by a district or at large Commissioner has on the local economy. Commissioner Proctor proclaimed that he nor previous Boards have acted outside of the scope of policy as this policy was established to respond to requests from non profits who do not qualify for CHSP or United Way consideration. He maintained that this was a "matter of the heart" and requested that Commissioner Dailey withdraw his motion and the Board retain the status quo.

Commissioner Akinyemi emphasized that the current motion would preclude consideration of any funding requests. Commissioner Dailey reminded the Board of the various funding opportunities available to outside organizations.

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

19. Ratification of Board Actions Taken at the February 8, 2011 Solid Waste Workshop Related to Universal Collection

County Administrator Alam introduced the item.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., stated that he did not support mandatory universal garbage collection; however, should the Board decided to move forward, he asked that it consider: 1) elimination of the current garbage collection monopoly and 2) making the program revenue neutral.

Commissioner Sauls reiterated her opposition to this action. She submitted that some citizens would not subscribe to mandatory collection and would use forest roads to dispose of garbage. In addition, she noted that some rural roads are not large enough to accommodate large trucks and there were too many other unresolved issues. She advocated the need to keep the roll off sites open.

Commissioner Sauls moved, duly seconded by Commissioner Proctor, approval of Option 6: Do not ratify the actions taken by the Board on the February 8, 2011 Universal Collection Workshop.

Commissioner Akinyemi thanked staff for their excellent work on this issue and deemed that mandatory collection within the USA was the appropriate direction to take. He also noted that rates would have to be increased to make the program revenue neutral. Commissioner Akinyemi asserted a need for greater recycling participation and recalled his request for larger recycling containers for rural residents. Norm Thomas, Solid Waste Director responded that any attempt to make recycling more convenient would help, including the distribution of larger containers. Mr. Thomas added that the County is limited in its recycling efforts at this time as the County's current recycling vendor is unable to accept all recyclables items. Mr. Thomas referenced a single stream recycling program whereby all recyclables are put into one container and a curbside vendor picks up and separates the items. He cited that communities that utilize this method of collection enjoy greater recycling participation; however, this method would require a significant change in what our current vendor is able to do. Commissioner Akinyemi ascertained that the current collection agreement ends in April 2013 and an RFP for the collection of recyclable materials will be developed over the next year.

Commissioner Akinyemi offered a substitute motion, which was duly seconded by Commissioner Desloge, to approve Options 1, 2, 3, 4, & 5: 1) Ratify the Board actions taken at the February 8, 2011 Solid Waste Workshop related to Universal Collection; 2) Proceed with developing the franchise renewal process to include implementing universal collection inside the unincorporated USA effective October 1, 2013 which would include a pay-as-you-throw options; 3) direct staff to prepare a future agenda item with options to implement pay-as-you-throw at the rural waste collection centers in order to eliminate the general revenue subsidy; 4) Authorize an extension of the existing franchise agreement with Waste Management, Inc. from March 2013 to September 2013; 5) Direct staff to begin implementing the proposed communications plan and prepare a future agenda item providing a more refined timeline and budget.

Commissioner Dozier although understanding of the concerns about illegal dumping and the mandatory fee, supports the substitute motion as this was the direction of the future. She conveyed that there was a high interest in recycling throughout the community and in being good stewards of the environment. Commissioner Dozier offered that recycling is a lucrative private sector enterprise and mentioned a program in Hillsborough County whereby glass is crushed and provided to road companies for use in their base. She suggested that staff consider all possible recycling options.

The substitute motion failed 3-4 (Commissioners Sauls, Dailey, Proctor and Maddox in opposition).

Chairman Dailey recognized the motion by Commissioner Sauls to approve Option 6 as the motion on the table.

Commissioner Maddox indicated that he was mindful of the need to move in the direction of mandatory collection and for the program to be self-sustaining; however, he could not at this time support placing an additional burden on residents in light of possible changes to the FRS system and other budgetary actions being proposed by the legislature.

Additional comments were made by Commissioner Proctor emphasizing the remarks made by Commissioner Maddox and the hardship that would be imposed on residents by the additional charge and Commissioner Sauls who reiterated her opposition to the universal collection in the unincorporated area.

The motion to approve Option 6 carried 4-3 (Commissioners Akinyemi, Dozier and Desloge in opposition).

The Board recessed at 5:20 p.m. and reconvened at 6:00 p.m. to conduct the scheduled public hearings.

20. Expirations, Vacancies, and Appointments to the Housing Financing Authority/Affordable Housing Advisory Committee J.R. Alford Greenways Citizen's Advisory Committee and the Miccosukee Canopy Road Greenways Citizen's Advisory Committee

- Affordable Housing Advisory Committee (Full Board: one appointment)
 - Commissioner Sauls moved, duly seconded by Commissioner Desloge, the appointment of John Boston Clark. The motion carried 7-0.
- Bannerman Road Corridor Study Citizens Advisory Committee (Commissioner Proctor)
 - Commissioner Proctor continued his appointment.
- Community Health Coordinating Committee (Full Board: one appointment)
 - Commissioner Desloge moved, duly seconded by Commissioner Dozier, the appointment of Carl Mahler. The motion carried 7-0.
- Contractors Licensing and Examination Board (Commissioners Desloge and Dozier)
 - Commissioner Desloge appointed Steven Kunst.
 - Commissioner Dozier continued her appointment.
- Educational Facilities Authority (Commissioner Akinyemi)
 - Commissioner Akinyemi appointed Lynn Tipton.
- Minority/Women Small Business Enterprise Advisory Committee (Commissioner Dailey)
 - Commissioner Dailey appointed Cheryl Garbark
- Science Advisory Committee (Commissioners Akinyemi, Dozier, Maddox, and Proctor)
 - Commissioner Akinyemi reappointed Scott Hannahs
 - Commissioner Dozier continued her appointment.
 - Commissioner Maddox reappointed Robert Deyle
 - Commissioner Proctor reappointed Michael Abazinge.

Chairman Dailey informed the Board that a Commissioner appointment was needed to serve on the Civic Center Authority. He recommended the Commissioner Sauls continue to serve on this Authority, as there is pending litigation and continuity is needed. The appointment of Commissioner Sauls to serve on the Civic Center Authority was approved without objection.

Chairman Dailey reconvened the Board at 6:00 and the following public hearings were conducted.

Scheduled Public Hearings, 6:00 p.m.

21. First and Only Public Hearing on a Proposed Ordinance Awarding the Refunding of the 1998B Capital Improvement Bonds

Deputy County Administrator Alan Rosenzweig announced the first and only public hearing and Chairman Dailey confirmed that there were no public speakers on this issue.

Mr. Rosenzweig stated that the proposed action would allow the County to realize, over a three year period, \$390,000 in net present savings.

Commissioner Desloge moved, duly seconded by Commissioner Sauls, to approve Option 1: *Conduct the first and only public hearing and adopt the proposed Ordinance awarding the refunding of the 1998B Capital Improvement Bonds to Bank of America/Merrill Lynch, the lender with the lowest rate, and authorize the Chairman and County Administrator to execute all appropriate documents, in a form approved by the County Attorney, necessary to complete the transaction. The motion carried 6-0 (Commissioner Proctor out of Chambers).*

22. First and Only Public Hearing on a Proposed Ordinance Amending the Land Development Code to Provide Countywide Environmental Standards

County Administrator Alam announced the first and only public hearing on an ordinance to adopt the minimum countywide environmental standards that was approved by Leon County voters in December 2010. He noted that the amendment would be implemented in two phases: Phase 1 includes combining existing City and County stormwater treatment protection ordinances into one document, effective Countywide, and Phase 2 will consist of coordinating with the City to merge other environmental regulations into one minimum countywide Ordinance. Mr. Alam informed the Board that a Memorandum of Understanding (MOU) was received by the City late the day before; however, staff has not had an opportunity to review.

Chairman Dailey confirmed that there were no public speakers on this issue.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, the approval of Option 1: Conduct the first and only Public Hearing and adopt the Ordinance amending the Land Development Code to provide Countywide Environmental Standards.

Commissioner Dozier thanked staff for their hard work on this and noted that the inclusion in the Ordinance to extend the deadline if necessary should help satisfy some of the City's concerns.

Chairman Dailey referenced the proposed ordinance and asked if Section (3), last sentence "If minimum environmental standards are not adopted by that date,.....", should be amended to include a date certain. Assistant County Administrator Vince Long responded in the affirmative that a date be inserted.

Commissioner Sauls accepted a friendly amendment from Commissioner Desloge to insert a date certain.

Speaker:

- Stephen Martin, 2625 Stonegate Dr., expressed concerns about the possibility of the State lessening its environmental standards and recommended that the Board take measures to ensure that its local ordinance, if more stringent, would apply.

Chairman Dailey expressed his appreciation to County and City staff and leaders for the cooperative spirit in implementing the Charter amendment.

The motion as amended carried 7-0.

23. **Public Hearing to Adopt a Resolution Authorizing the Special Improvements for Terre Bonne 2/3 Paving Project**

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

Commissioner Sauls commented that this project did not require the acquisition of right of way, which makes the project easier and the amount more palatable to the homeowners.

Commissioner Desloge moved, duly seconded by Commissioner Sauls approval of Option 1: Conduct the Public Hearing and adopt the Resolution authorizing the Special Improvements for Terre Bonne 2/3 Paving Project. The motion carried 7-0.

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

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

Speaker:

- Tom Guilday, 1983 Centre Point Dr., representing Johnny Petrandis, spoke to the Board about legal actions taken against Mr. Petrandis by the County involving the clearing of property in the SE portion of the County without appropriate permits. He noted the initial judgment in favor of the County of \$2 million, which has subsequently been reduced to \$314,000, and stated that a settlement proposal had been presented in an effort to resolve the issue.
- Kristina Petrandis, 8288 Bucklake Road, wife to Johnny Petrandis, appeared before the Board to apologize for the seven-eight years that this situation has gone on. She asserted that the land was cleared as a pasture for cows and was not intended for development. She voiced a desire to resolve the issue and move forward.

County Attorney Thiele provided an overview of the issue. He shared that the amount owed to the County at this time is almost \$370,000 (court fine plus interest). He opined that the \$15,000 settlement offer is "insulting and woefully inadequate" and read aloud segments of the court order on which it based its findings. Mr. Thiele advised that the Court ordered Mr. Petrandis to: 1) pay to the County the amount of money necessary to correct the environmental damage (approximately \$252,000) and 2) reimburse the County approximately \$61,000 in Growth and Environmental Management staff time spent in an attempt to get Mr. Petrandis to do what he was supposed to do. He emphasized that, to date, Mr. Petrandis has not done anything that he has been required by the Court to do. Mr. Thiele recommended the Board reject the settlement proposal of \$15,000 and the County continue its efforts to affect the Courts Order, which is too remediate the property and make the County whole for its expenses.

Commissioner Proctor established with Mr. Thiele that the property in question consisted of 88 acres of wet lands, a habitat for gopher, tortoise and other protected species and high quality forest, and that 50 of the 88 acres were degraded. County Attorney Thiele also confirmed that he would not recommend acceptance of an amended proposal that included the reimbursement

of \$61,000 and the replanting of trees, as he was unsure that Mr. Petrandis would follow through on the commitments.

Commissioner Akinyemi indicated his desire to find resolution to this matter; however, realized that the County needed to be reimbursed and the property restored.

Chairman Dailey based on his inquiry about replanting, learned that Mr. Petrandis, per Court Order, is not allowed on the property to replant and cannot do anything until a permit is issued by the County. Mr. Guilday also noted that the settlement proposal was based on an estimate of \$15,000 (far less than the \$252,000 noted) to restore the property to its original agricultural designation as a timber farm.

Commissioner Proctor deemed the fine excessive and noted that Mr. Petrandis was being fined for an action that would not require permitting under current codes.

Commissioner Proctor moved, duly seconded by Commissioner Akinyemi to direct the County Attorney to offer a counter proposal of \$61,000 in recovery of staff time and \$15,000 in remediation.

Commissioner Maddox although understanding that this has been a lengthy matter for County, commented that he was not comfortable making a decision on this matter without more information. He suggested an agenda item be prepared so that an informed decision can be made. He also suggested that Mr. Petrandis and his representative come back with something other than \$15,000, in light of the County Attorney's recommendation not to accept.

Commissioner Dozier indicated that she could support an agenda item; however, was ready to leave this matter in the hands of the Courts and County Attorney. She acknowledged the struggle in balancing growth management and zoning codes and what is good for the quality of life/environment vs. development/business. She has ascertained that Mr. Petrandis did not follow the rules in place at that time and is skeptical that the \$15,000 proposal would make the property whole again. She indicated that any settlement offer would need to include the varying assessment of environmental damages and the cost of remediation.

Commissioner Desloge expressed a concern about making a hurried decision and *offered a substitute motion to bring back an agenda item for Board discussion at the next meeting. The substitute motion was duly seconded by Commissioner Maddox.*

Both Commissioner Proctor and Sauls voiced their support for the substitute motion and encouraged that more reasonable options be brought back for consideration.

Commissioner Akinyemi inquired about the County's authority to accept an amount less than the Court has dictated. Mr. Thiele remarked that the Court would have to be petitioned to reduce the amount.

The substitute motion carried 7-0.

Commissioner Proctor requested that the agenda item include an overall picture of the taxes and contributions of Mr. Petrandis to the community. The Chairman indicated that this was a fair request and directed the County Attorney to include this information in the agenda item.

Comments/Discussion Items

County Attorney Thiele:

- None.

County Administrator Alam:

- Noted that the Board had taken action to cancel its May 3, 2011 meeting and that a Comp Plan workshop was scheduled for that same day. He asked if the Board wanted to reschedule the workshop.
 - The Board, without objection, approved the cancellation of the May 3, 2011 Cycle 2011-1 Comp Plan Amendment Workshop.
- Reported that a Town Hall Meeting on the Southern Strategy Area is scheduled for Thursday, April 7 at 6:00 p.m. at the Fairgrounds. The meeting will include a panel discussion to include representatives from the Southside Business Association, Chamber, Enterprise Zone Development Agency, the Knight Creative Communities Initiative, Leon County School Board and FAMU.
- He informed the Board that the Florida Association of Counties (FAC) Legislative Day will hold its Legislative Day on March 23 at the Turnbull Center beginning at 8:00 a.m. A reception will be held at the Courthouse beginning at 5:30 p.m.

Commissioner Discussion Items

Commissioner Desloge:

- Requested a Resolution recognizing National Travel and Tourism Week, May 7-15, 2011 to be presented on April 26. Approved without objection.
- Asked that the Chairman write a letter to legislative leaders on behalf of the Board stating its support for legislation for some type of regulation and oversight of Internet cafes.
 - Chairman Dailey expressed hesitancy in sending such a letter as he understood that it was the Board's decision to wait until after the session to move on this issue.
 - *Commissioner Desloge moved, duly seconded by Commissioner Dozier, to send communication to the Legislature stating the Board's support of regulation and oversight of Internet Cafes.*
 - Commissioner Akinyemi noted that he was unsure he would support regulation prior to further discussion by the Board.
 - Chairman Dailey stated that he would be unable to support the motion and had previously stated his preference to wait until the end of session.
 - The motion carried 4-3 (Commissioner Dailey, Akinyemi and Proctor in opposition).
 - Chairman Dailey indicated that he would send the letter to the Speaker of the House and Senate President. Commissioner Desloge will work with staff on language for the letter.
- Requested an update on the search for a new Blue Print 2000 Executive Director.
- Indicated that he would like to meet with Tony Park regarding Miccosukee Park and some of the issues raised by the two girls who spoke earlier.

Commissioner Dozier:

- Shared that her office will prepare a Proclamation for the Oasis Center for Women and Girls recognizing their Trailblazer Honorees to be presented at their 2011 Women's History Month Luncheon on March 30, 2011. She also acknowledged community efforts to publicize Women's History Month.

Commissioner Proctor

- Requested a Resolution recognizing the accomplishments of the Girls and Boys Basketball Teams from Rickards and FAMU High. He congratulated the teams on making it to the State Championships, with the Rickards Boys Team repeating as State Champions. Approved without objection.
- Informed the community that he would not be participating in the 2011 Springtime Tallahassee Parade as he opined that this is not the time to indicate even a silent endorsement of proposed policies.

- Commissioner Proctor expressed concerns about the proposed legislative budget and the looming cuts to state agency staffing, which would impact local residents.
- *Commissioner Proctor moved, duly seconded by Commissioner Dailey, to direct staff to prepare an agenda item to be presented at the next meeting, which looks at legislative proposals as currently presented and how they may impact Leon County and its residents. The report should also include impacts to constitutional officers. The motion carried 7-0.*

Commissioner Maddox

- None.

Commissioner Sauls

- Requested a Resolution honoring Dave Colombo, who will be retiring at the end of the month. Approved without objection.

Commissioner Akinyemi

- None.

Chairman Dailey

- Stated that a formal request had been received from FAMU requesting Board support in its pursuit of funding for a School of Dentistry. Chairman Dailey strongly encouraged Board support for the request.
- *Commissioner Akinyemi moved, duly seconded by Commissioner Desloge, to approve a Resolution in support of FAMU's legislative request for funding for a School of Dentistry. The motion carried 7-0.*
- Requested a Resolution in honor of Public Works employee Wayne Haase, who will be retiring after 29 years of service. Approved without objection.
- Requested a Resolution recognizing May 15-21, 2011 as Public Works Week. Approved without objection.

Receipt and File:

- None.

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
John Dailey, Chairman
Board of County Commissioners

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