

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
April 26, 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.

In the absence of Chairman John Dailey, Vice Chairman Akin Akinyemi called the meeting to order at 3:00 p.m. He explained that Chairman Dailey was in route and expected shortly.

At the invitation of Commissioner Kristin Dozier, the invocation was provided by Cantor Tanya Greenblatt from Temple Israel. Commissioner Dozier then led the Pledge of Allegiance.

Awards and Presentations

- Commissioner Bryan Desloge presented a Resolution designating May 7-15, 2011 as National Travel & Tourism Week. The resolution was accepted by Lee Daniel, Tourist Development Director on behalf of Tourist Development staff and all individuals in the community who work hard to increase tourism into the County.
- Commissioner Bryan Desloge presented a Resolution designating May 15-21, 2011 as "Emergency Medical Services Week". EMS Chief, Tom Quillin accepted the recognition on behalf of the EMS Division, the Leon County Volunteer Fire Departments, and the Tallahassee Fire Department.
- Commissioner Kristen Dozier, on behalf of the Board of County Commissioners, presented Resolutions recognizing and commending the selfless efforts and teamwork of six Good Samaritans, who risked their personal safety and well-being to save two individuals trapped in a vehicle: Martin Green, Robert Jones, Wyndi Pelt, Harriet Sespico, Annalisa Warner and Curtis Whigham.
- Commissioner Bill Proctor presented a Resolution recognizing the accomplishments of the FAMU Developmental Research School (DRS) Boys Basketball Team for their appearance in the 2010-2011 State Championships. The recognition was accepted by Coach Granger who expressed his appreciation to Commissioner Proctor and the Board for the honor. In addition, Ms. Rivers, FAMU DRS principle, voiced her appreciation for the Board's recognition of the student athletes.
- Commissioner Bill Proctor presented a Resolution acknowledging the achievement of the FAMU Developmental Research School Girls Basketball Team in reaching the State Championship Playoffs. Coach Aliyy accepted the honor and spoke on the academic achievements of the student athletics.
- Commissioner Bill Proctor presented a Resolution recognizing the performance of the Lincoln High School's Black History Brain Bowl in winning the statewide competition held on March 25, 2011. Commissioner Proctor stated that this was Lincoln's fourth State title in six years and that participants of the team will be awarded full academic scholarships to attend a Florida college or university of their choice.

Chairman Dailey arrived and assumed his position as Chairman.

1. Presentation on the Midtown Action Plan

Chairman Dailey advised that this item has been moved to the General Business Agenda and will be address following discussion of Add-on Item #21, which will be address first on the General Business Agenda.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Dozier, to approve the Consent Agenda. The motion carried 6-0 (Commissioner Desloge out of Chambers).

2. Approval of Minutes: March 15, 2011 Social Media/Networking Workshop; March 15, 2011 TABOR Presentation; March 15, 2011 Honest Services Workshop; and, March 15, 2011 Regular Meeting.

The Board approved Option 1: Approval of Minutes for March 15, 2011 Social Media/Networking Workshop; March 15, 2011 TABOR Presentation; March 15, 2011 Honest Services Workshop; and, March 15, 2011 Regular Meeting.

3. Ratify the Actions Taken at the April 12, 2011 Infrastructure Sales Tax Extension and Consideration of the Water and Sewer Master Plans Workshop

The Board approved Option 1: Ratify Board Actions taken at the April 12, 2011 Infrastructure Sales Tax Extension and Consideration of the Water and Sewer Master Plans Workshop.

4. Acceptance of a Conservation Easement from John Terry Bell

The Board approved Option 1: Approve and accept for recording a Conservation Easement from John Terry Bell.

5. Acceptance of a Conservation Easement from Kingsmill, LLC

The Board approved Option 1: Approve and accept for recording a Conservation Easement from Kingsmill, LLC for the Kingsmill Type B Site Plan project.

6. Approval of Agreements Awarding Continuing Supply Services to TLC Engineering for Architecture and Schmidt Consulting Group, Inc. for Development and Design of Structured Wiring/Cable Solutions for Data, Voice, Video, and Security Systems

The Board approved Option 1: Approve the Agreements Awarding Continuing Supply Services to TLC Engineering for Architecture and Schmidt Consulting Group, Inc. for Development and Design of Structured Wiring/Cable Solutions for Data, Voice, Video, and Security Systems.

7. Approval of Payment of Bills and Vouchers Submitted for April 26, 2011, and Pre-Approval of Payment of Bills and Vouchers for the Period of April 27, 2011 through May 23, 2011: \$1,907,258.00

The Board approved Option 1: Approve Payment of Bills and Vouchers Submitted for April 26, 2011, and Pre-Approve Payment of Bills and Vouchers for the Period of April 27, 2011 through May 23, 2011: \$1,907,258.00

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

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

9. Request to Schedule First and Only Public Hearing for Board Consideration of a Proposed Ordinance Related to Procedures of the Code Enforcement Board (CEB) for May 24, 2011 at 6:00 p.m.

The Board approved Option 1: Direct the County Attorney's Office to finalize the proposed ordinance related to procedures of the Code Enforcement Board and to schedule same for a public hearing to be held on May 24, 2011 at 6:00 p.m.

10. Acceptance of a Status Report on Revisions to the Leon County Awards of Excellence Program

The Board approved Option 1: Approve the submittal of the Volunteer Florida BEST Neighborhoods Grant Application in the amount of \$25,000, and authorize the County Administrator to execute.

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

21. Consideration of County Administrator's Intent to Resignation

(This item was addressed by the Board immediately upon approval of the Consent Agenda).

County Administrator Parwez Alam formally announced his resignation as County Administrator and read into the record his letter of resignation, effective June 29, 2011.

Commissioners individually commented on Mr. Alam's professionalism, brilliance, management style, leadership, and vision for Leon County. They also reflected on his accomplishments, such as the County's strong fiscal health; the creation of a Division of that is responsible for Parks & Recreation Department that has built parks, ball fields, greenways, etc; the transition of Emergency Medical Services to the County; transformation of the tourist Development function, and countless other successes. Commissioner Proctor referred to him as the "dean of Florida County Administrators".

Chairman Dailey discussed the need to move forward quickly and swiftly in planning for the transition to a new County Administrator. He submitted that he has had discussions with city and county managers, the Florida Association of Counties, and the Florida League of Cities, and all agreed that the most talented and qualified individual for the job is Deputy County Administrator Vince Long. He continued that Mr. Long has been Mr. Alam's deputy for five years and employed by the County for 15 and the Board is very familiar with his management style and leadership. He proclaimed his 100% support for Mr. Long. He suggested that he, as Chairman of the Board, be directed to negotiate an employment contract with Mr. Long which would be brought back to the Board for ratification. Chairman Dailey indicated an interest in hearing fellow Commissioner's comments to this recommendation.

Commissioner Desloge concurred with Chairman Dailey's comments and asserted that the County needs someone who understands the "lay of the land" and can guide the County through these tough economic times.

Commissioner Desloge moved, duly seconded by Commissioner Akinyemi, to accept County Administrator Alam's Letter of Intent to Resign, effective June 29, 2011; approve Mr. Alam's eligibility for the Voluntary Separation Incentive Program; extend a formal offer of the County Administrator position to Mr. Vincent Long; and, authorize the Chairman to negotiate a contract with Mr. Long and bring back to the Board for consideration at the May 24, 2011 meeting.

Commissioner Dozier acknowledged Mr. Long's qualifications, ability and dedication; however remarked that she believed the ideal situation would be for the Board to do a national search, as it would strengthen and affirm the Board's action to hire Mr. Long.

Commissioner Akinyemi expressed confidence in Mr. Long's ability and commented that the transition of Mr. Long into the County Administrator position would result in significant savings. He also suggested that the Board should allow some flexibility in the position to be eliminated.

Commissioner Maddox commented that he had the same thoughts as Commissioner Dozier regarding the need for a national search; however, was "very comfortable" with Mr. Long being the next County Administrator.

Commissioner Sauls remarked that she was "happy to support" Mr. Long's appointment as County Administrator.

Commissioner Proctor stated that he has "selected substance over procedure" in his endorsement for Mr. Long and did not feel a need to conduct a national search.

Commissioner Desloge commented on the process for the hiring of a County Administrator and offered that it may be appropriate to establish for the future a succession plan policy. He emphasized that with the appointment of Mr. Long as County Administrator a senior management position would be eliminated, resulting in great savings to the County.

Commissioner Proctor confirmed that the motion did not include a direction to initiate a national search. He also raised the issue of annual evaluations of the County Attorney and County Administrator and would like to see the evaluation process reflective of the actual position.

Mr. Alam thanked the Board and stated that he had been an honor to work with the present and past commissions. He also expressed appreciation for the confidence the Board has shown in him.

The motion carried 7-0.

Mr. Long commented that he was humbled and honored to be able to follow his mentor, Mr. Alam.

1. Presentation on the Midtown Action Plan

Wayne Tedder, Planning Director, shared that his staff have been working on the "Mid-town Sense of Place Initiative". He introduced the project manager, Zach Galloway, who presented

the Draft Mid-Town Action Plan to the Board. A copy of the action plan was included as part of the Board's agenda packet.

Commissioner Dozier voiced her enthusiasm for the project and complimented staff on the inclusion of citizens and businesses in this process. She appreciated the efforts of the private sector to revitalize and re-event the area and encouraged staff to preserve the organic personality of Midtown. She commented on her concerns regarding pedestrian and bicycling safety and inquired about ideas to address this issue. Mr. Galloway shared that this was an important topic that had been much discussed and cited the installation of traffic calming devices, increased enforcement, public education and infrastructure improvements as some ways to address this issue. Commissioner Dozier voiced her support for the installation of sidewalks along 6th and 7th avenues and encouraged the advancement of this phase. Lastly, she suggested consideration for the use of natural gas for the proposed outdoor lighting in place of gas lighting. Mr. Galloway responded that he would contact the City's Gas Department and request more information on the planning for outdoor lighting.

Commissioner Dozier moved, duly seconded by Commissioner Akinyemi to approve Option 1: Accept the report on the Midtown Action Plan.

Commissioner Desloge inquired about the possibility of creating a roundabout for the "four corners" intersection (Thomasville, Centerville & 7th Ave) and learned from Mr. Galloway that the CRTPA has allocated funds for a study; however, it is a very big ticket item and there is no timetable for the study. Commissioner Desloge also asked the timetable for the Market Square plans. Mr. Galloway stated that the Market Square plans should be on the Board's agenda in late summer.

Commissioner Akinyemi commended staff for working with CRTPA and ascertained from Mr. Galloway the role the CRTPA has played in development plans. In response to Commissioner Akinyemi's questions about budgeting and timeframes, Mr. Galloway shared that the funds noted in the plan have been allocated by the City of Tallahassee and he will meet with City Public Works staff to discuss and establish a schedule; but is hopeful that construction on some items can begin in the Fall.

Commissioner Proctor expressed concern regarding Meridian Road's southbound intersection at 7th Avenue and Thomasville Road and asked about future plans for the area. Mr. Galloway remarked that the area has created considerable discussion and residents and local business owners have also expressed their displeasure with the intersection. Mr. Galloway shared that the area will require extensive study and is a top priority.

The motion carried 7-0.

11. Authorization for Leon County Emergency Medical Service's Participation in Establishing an Honor Flight Hub in Leon County

County Administrator Alam explained that the Honor Hub would provide transportation and coordination of WWI, WWII, Korea, and Vietnam veterans to tour memorial sites in Washington D.C at no charge. He added that the flights would occur one to two times a year and the costs associated with the trips could be absorbed in the current EMS operating budget.

Emergency Medical Services (EMS) Chief Quillin appeared before the Board to request its support of an Honor Flight Hub in Leon County. He shared that the program began in 2005 and 50,000 Veterans have utilized Honor Flight to visit their respective memorials. There are

100 hubs in 38 states throughout the Country. Chief Quillin then presented a short video on the Honor Flight program.

Commissioner Proctor confirmed that the actual costs to the County would be for a paramedic or EMT to provide a medical escort, if needed.

Commissioner Sauls provided her enthusiastic support for the program and opined that this was a wonderful opportunity for Leon County to lend its support to the program.

Commissioner Sauls moved, duly seconded by Commissioner Dailey, to approve Option 1: Authorize the Leon County Emergency Medical Services' participation in establishing an Honor Flight Hub in Leon County.

Commissioner Dozier thanked Chief Quillin for bringing this to the Board. She noted the "amazing response" to the Veterans Day Parade and remarked that this provides another opportunity for the community to recognize and elevate veteran issues. She commented on the need to promote the program so that all veterans who choose can participate.

Chief Quillin thanked the Board for its support and recognized the work and efforts of Mac Kemp, Deputy Chief of EMS Operations for bring this issue to the forefront.

The motion carried 7-0.

Chairman Dailey adjourned the Board at 5:00 p.m. for its dinner break and will reconvene at 6:00 p.m. to conduct the public hearing.

Upon conclusion of the public hearing, the Board reconvened at 7:15 p.m.

12. Consideration of a Proposed County Commission Redistricting Map and Request to Schedule a Public Hearing Regarding an Ordinance to Adopt the Proposed County Commission Redistricting Map for Tuesday, June 14, 2011 at 6:00 p.m.

County Administrator Alam summarized the item. He shared that County staff have analyzed the census data to develop a redistricting map that provides for nearly equal proportion of the Leon County population, as possible in each Commission district, while complying with the requirements of the District Court order of a minority-majority district and a minority-access district. As a result, Districts 3 and 5 will experience minor adjustments. Mr. Alam noted that a community meeting in the areas to be impacted by the changes will be scheduled.

Commissioner Dozier thanked staff for their analysis and appreciated that the two areas highlighted for redistricting are contiguous and provide an appropriate opportunity to equalize the districts.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Options 1 & 2: 1) Authorize staff to submit, for presentation, the proposed County Commission Redistricting Map to the National Association of the Advancement of Colored People (NAACP) and the U.S. Justice Department, and 2) Schedule a public hearing regarding an Ordinance to adopt the proposed County Commission Redistricting Map for Tuesday, June 14, 2011 at 6:00 p.m. The motion carried 6-0 (Commissioner Akinyemi out of Chambers).

13. Consideration as to Whether to Amend the Local Preference Ordinance

County Administrator Alam stated that the issue was brought forward at the request of Commissioner Proctor. He advised that the County has a policy that requires the utilization of minority contractors on County contracted projects. Mr. Alam requested direction as to whether the current local preference provisions meet the Board's objectives in this regard, or if a workshop is desired.

Commissioner Proctor distributed a June 2009 agenda item that he stated set the groundwork for the existing disparity study. He also distributed an excerpt from the current Disparity Study, "Utilization and Availability Analyses" which illustrated the race/ethnicity/gender of percentage of total estimated dollars awarded. He asserted that the number of African American individuals working on job sites was disproportionately low and that the County's WMBE policies have failed the African American community.

Commissioner Proctor moved Option 2: Schedule a workshop to consider amending the Local Preference Ordinance for Tuesday, June 14, 2011 at 1:30 – 3:00 p.m. The motion died for lack of a second.

Commissioner Dozier commented that she shared Commissioner Proctor's concerns regarding unemployment among African American residents and would support efforts to identify ways to increase construction jobs within the community to ensure that individuals of all ethnicities have an opportunity for employment.

Commissioner Dozier moved Option 1: Do not amend the Local Preference Ordinance, and do not schedule a workshop to consider the issue. The motion died for lack of a second.

Commissioner Akinyemi commented on the importance of encouraging and mentoring young black men in methods to overcome unemployment. He stated that he was, at this time, satisfied with the points that were established for the Disparity Study for minority participation and did not deem it appropriate to dedicate staff resources to the scheduling of a workshop to discuss this issue. He opined that a contractor could not be forced to hire a particular population of worker, but the County should continue to look at ways to encourage the hiring of minority populations.

Commissioner Maddox discussed the difficulty in the County attempting to dictate to contractors the percentage of minorities (women, blacks, hispanics) to be employed on a project prior to being awarded the contract.

Commissioner Desloge moved, duly seconded by Commissioner Dozier, to approve Option 1: Do not amend the Local Preference Ordinance, and do not schedule a workshop to consider the issue. The motion carried 6-1 (Commissioner Proctor in opposition).

14. Adoption of Revisions to Section VII (7.08), "Attendance and Leave" of the Leon County Personnel Policies and Procedures Manual and the Repeal of Policy No. 04-02, "Payout of Accumulated Leave Balances for Long-Term Employees"

County Administrator Alam recalled that the Board had requested that staff, at is April 12, 2011 meeting, bring back the item as an agenda item. He then provided the Board an overview of staff's recommendation.

Commissioner Proctor stated that the repeal of the policy could catch some employees "off-guard" and believed that the County should live up to and fulfill expectations dealing with leave, compensation, etc.

Commissioner Proctor moved, duly seconded by Commissioner Dozier, to approve Options 1 & 2: 1) Adopt revisions to Section VII (7.08), "Attendance and Leave" of the Leon County Personnel Policies and Procedures Manual to reflect the change in the 240-hour annual leave maximum accrual time period from October 1 to January 1 of each year, and eliminate the carry-forward process for all employees under the Board of County Commissioners; and 2) Allow currently eligible employees an opportunity to participate in the Payout of Accumulated Leave Balances for Long Term Employees Policy and repeal Policy No. 04-02 effective June 30, 2011.

Commissioner Sauls established with Mr. Alam that the Board could choose any date for the repeal; however the payout amount would increase. She offered a friendly amendment that the repeal date be changed from June 30, 2011 to September 30, 2011. The friendly amendment was accepted by Commissioner Proctor.

Commissioner Dozier expressed some concern that extending the repeal date would incur additional expense and inquired the additional number of employees that would be affected by the change. Lillian Bennett, Human Resources Director, stated that there were another 20-30 employees that would be eligible if the repeal date was extended to September 30. Commissioner Dozier conveyed that she would prefer to be provided with numbers before moving forward with the amendment to the motion.

Commissioner Dozier offered a substitute motion, duly seconded by Commissioner Akinyemi, to postpone action on the item and direct staff to bring back the issue as an agenda item at the May 24 meeting to include a cost analysis with a September 30, 2011 effective date.

In response to inquiry from Commissioner Proctor, Alan Rosenzweig, Assistant County Administrator, stated the funds come from the contingency fund and is a one-time payment. Funds must be available in the respective Department and, therefore, would be reviewed on a case-by-case.

The substitute motion carried 5-2 (Commissioners Sauls and Proctor in opposition).

15. Consideration of the Voluntary Annexation Proposal from the City of Tallahassee to Annex City Property on Miccosukee Road, Known as the "Welaunee Toe"

County Administrator Alam stated that staff's recommendation should be to object to the annexation and recommended the Board approve Option 2. He noted that the proposed annexation would result in an enclave; therefore, it would not meet the requirements of Florida Statutes, Chapter 171.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve Option 2: Object to the proposed voluntary annexation proposal of the "Welaunee Toe" parcel from the City of Tallahassee and initiate the mediation process established by the Comprehensive Plan. The motion carried 7-0.

16. Consideration to Reject all Invitation to Negotiate Proposals for the Electrical Power Production Project at the Leon County Solid Waste Management Facility

County Administrator Alam provided an overview of the item. He noted that of the five proposals received, two firms were requested to provide additional information to further

evaluate their proposals. Mr. Alam reported that, based on the additional information received by the two firms, the Evaluation Committee has unanimously agreed to recommend that all responses to the ITN be rejected. He pointed out that staff is committed to the pursuit of grant and other financial opportunities to expand the County's needs from renewable resources.

Commissioner Akinyemi commended staff on its continued efforts in this area and suggested that staff look at any kind of incentive the next time it puts out an ITN and suggested that the County pursue Talquin Electric as a potential partner.

Commissioner Akinyemi moved, duly seconded by Commissioner Sauls, to approve Option 1: Reject all Invitation to Negotiate proposals for an Electrical Power Production Project at the Leon County Solid Waste Management Facility. The motion carried 7-0.

17. Board Authorization and Approval to Enter into Memorandum of Understanding Agreement with the Department of Homeland Security pertaining to its E-Verify Program

County Attorney Thiele explained that the E-Verify Program is an electronic method to determine whether or not a person is an American citizen or is legally authorized to work in the United States. He noted that participation in the E-Verify Program is required, by Executive Order of the Governor, to enter into a contract with any agency under the control of the Governor's Office. (Currently, the County's Human Resources department performs thorough background checks and verifications.) The County has a number of contract renewals with the Department of Revenue, Department of Transportation and Department of Environmental Regulation, all of which contain a mandate that the County agree to utilize the E-Verify Program. Mr. Thiele expressed some concerns that the contract language states that the program be utilized for all employees on the project, where the MOU only allows utilization for new hires. His office is attempting to resolve this issue.

Commissioner Proctor conveyed his support for the program and suggested that the County consider such verifications for its contracts.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, to approve Option 1, as amended: Approval and authorization for Chairman to execute the Memorandum of Understanding with the Department of Homeland Security effective June 1, 2011, and to implement its use pursuant to the parameters set forth in this agenda request, and direct staff to bring back an E-verify program for County contracts that is consistent with Federal and State law.

Commissioner Desloge established with Mr. Thiele that the County has no option but to enter into the MOU. Mr. Thiele added that his office would need to contact Homeland Security to determine if the County can expand the requirement to its contracted entities. Commissioner Desloge requested that the Board be kept updated on this issue.

Commissioner Akinyemi discussed a number of issues with Mr. Thiele, such as the parameters by which the program would be utilized by the County and the cost of implementation. Mr. Thiele also shared that to his knowledge, no other County has applied this requirement to their contracted providers and there was potential for an organized entity to offer a challenge.

The motion as amended carried 7-0.

18. Consideration of Proposed Ordinance Regulating Internet Cafes

County Attorney Thiele offered a detailed summarization of the issue and explained the differences between the varying ordinances included in the agenda item. He stated that the ordinances included are: #1) patterned after the ordinance adopted by Seminole County which prohibits Internet cafes in their entirety. #2) developed by County Attorney's Office to be a regulatory, not prohibitive ordinance. This proposed ordinance would regulate hours of operation and locations, and require licensing and monthly inspection fees, background checks for all employees and owners, posting of gambling addiction warning and help line numbers, installation of video surveillance and prohibit convicted felons from participation. #3) modeled after an adopted Duval County ordinance which prohibits slot machine-like spinning reels. #4) provided by industry representatives which propose regulation of cafes in lieu of prohibition and require the selling of a product such as phone cards or Internet time.

Speakers:

- Adam Regar, Mathis & Murphy, P.A., 1200 Riverplace Blvd. appeared as a representative for Allied Veterans and to voice support for regulation not prohibition of Internet cafes. He provided the Board a copy of the adopted Duval County ordinance and a letter from Mel Cook, Enforcement Director for Duval County, in which he shared his experience in using the regulatory ordinance. Mr. Regar remarked that the Duval County ordinance has resulting in much self policing among the industry.
- Rick Bateman, 519 E. Virginia, appeared as a representative of several internet cafes and internet care software companies. He recommended an ordinance that merges the County's proposed ordinance with the Duval County ordinance and opined that this would make for a "good ordinance" that would serve the purpose of the Commission and would be defensible in court.

Commissioner Desloge presented a short video of an incident in Apopka related to the armed robbery of an internet café. He asserted that since a complete ban of the industry was not practicable, he supported strong regulation, such as was proposed by the County Attorney.

Commissioner Dozier acknowledged that there are other kinds of establishments where the type of incidents exemplified by Commissioner Desloge occur; however, internet cafes do lend themselves to this type of crime. She stated that after review of the various ordinances, she would support the ordinance proposed by staff.

Commissioner Dozier moved, duly seconded by Commissioner Desloge, to approve Option 3: Direct the County Attorney to advertise the ordinance attached hereto as Attachment #2 (regulating Internet Cafes) for public hearing on May 24, 2011.

Commissioner Dozier suggested that, if adopted, the ordinance be reviewed in approximately a year to ensure that it is providing the regulation intended and if needed make more stringent.

Commissioner Akinyemi thanked staff and industry representatives for their work thus far on this issue. He conveyed that regulation was needed; however, was concerned about some of the requirements contained in the ordinance proposed by the County Attorney's Office. He discussed with Mr. Thiele the scheduling of a meeting between staff and industry representatives to attempt the creation of an ordinance that could be agreed to by all parties.

Commissioner Akinyemi offered a substitute motion, duly seconded by Commissioner Sauls, to schedule a workshop and ask those in the Internet café industry and staff to meet in an attempt to get to agreement on a proposed ordinance and bring back the product to the Board for approval.

Commissioner Desloge deemed this as an issue of public safety and stated that he could not support further delay of regulation.

Commissioner Proctor cited past examples where staff has worked in conjunction with industry representatives on issues of contention and would support the substitute motion.

Commissioner Maddox expressed concerns that a workshop would produce the same product that was presented in the agenda item. He ascertained from Mr. Thiele that there are approximately six areas of dispute between staff and the industry. Based on dialogue with Commissioner Maddox, Mr. Thiele suggested that the Board not adopt Option 3, but direct his office to schedule the public hearing for June 14, 2011 and in the mean time work with industry reps on an agreeable ordinance. In addition, those areas not agreed to by staff and industry would be "flagged" and identified as part of the agenda item.

There was continued discussion regarding Mr. Thiele's recommendation and it was agreed that this was a positive direction and a good compromise.

Commissioner Akinyemi withdrew his substitute motion.

Chairman Dailey announced that the original motion made by Commissioner Dozier to approve Option 3 was back on the table.

Commissioner Dozier amended the original motion to reflect County Attorney's recommended language, as follows: Schedule the proposed Ordinance regulating Internet Cafes for public hearing on June 14, 2011; work with the internet café industry; bring back a proposed ordinance with flexibility for Board to amend without having to make substantial changes; and, the County Attorney will reflect comparison on issues where industry and County Attorney's office disagree.

The Board encouraged both staff and industry representatives to make sincere effort to reach a compromise so as to bring back a product for the Board's approval that was agreed to by all.

The motion as amended carried 7-0.

19. Expirations, Vacancies, and Appointments to the Bannerman Road Corridor Study Citizens Advisory Committee, Code Enforcement Board, Commission on the Status of Women and Girls, Contractors Licensing and Examination Board, and Science Advisory Committee

Bannerman Road Corridor Study Citizens Advisory Committee (Commissioner Sauls)

- Commissioner Sauls appointed Stan Peacock. Approved without objection.

Code Enforcement Board (Commissioner Akinyemi)

- Commissioner Akinyemi appointed Bonnie Johnson. Approved without objection.

Commission on the Status of Women and Girls (two appointments each - all Commissioners)

- Commissioner Akinyemi appointed Kelly Otte and Dr. Patty Ball Thomas.
Approved without objection.
- Commissioner Dailey appointed Robin Thompson and Barbara Moro.
Approved without objection.
- Commissioner Desloge appointed Jeanne O'Kon and Kelly Dozier.
Approved without objection.
- Commissioner Dozier appointed Kris Knab and Elizabeth Goldsmith.
Approved without objection.
- Commissioner Maddox appointed Shairi Turner and Lorraine Ausley.
Approved without objection.
- Commissioner Proctor appointed Denise Manning and Juanita Powell Williams.
Approved without objection.
- Commissioner Sauls appointed Stephanie Land and Patricia Smith.
Approved without objection.

Contractors Licensing and Examination Board: (Commissioner Dozier)

- Commissioner Dozier reappointed Helen Arnold.

Science Advisory Committee (Commissioner Dozier)

- Commissioner Dozier reappointed Robert Newburgh.

Chairman Dailey reconvened the Board to conduct the public hearing at 6:00 p.m.

SCHEDULED PUBLIC HEARING

20. Joint City/County Public Hearing on Cycle 2011-1 Comprehensive Plan Amendments

Attending: County Commission - Chairman John Dailey and Commissioners Akin Akinyemi, Jane Sauls, Kristin Dozier, Nick Maddox, Bill Proctor and Bryan Desloge. City Commission - Mayor John Marks and Commissioners Andrew Gillum, Gil Ziffer, Mark Mustian, and Nancy Miller. Also in attendance were County Attorney Herb Thiele; Assistant City Attorney Linda Hudson, and Board Secretary Rebecca Vause.

Call to Order: Chairman Dailey called the Joint City/County Public Hearing on Cycle 2011-1 Comprehensive Plan Amendments to order at 6:00 p.m.

Facilitator: Fred Goodrow, Chief of Comprehensive Planning, Tallahassee-Leon County Planning Department.

Introductory Comments by Staff:

Mr. Goodrow stated that this scheduled public hearing provides an opportunity for the Joint Commission to receive public comment on the proposed 2011-1 amendments. He advised that no action was required by either Commission at this time. Mr. Goodrow noted that the City Commission would consider their amendments at a workshop to be held on May 4 at 3:30 in the City Commission Chambers and a Joint Workshop is scheduled for May 24, 2011 at 6:00 p.m. in the County Commission Chambers. The first transmittal hearing is scheduled for June 28 at the County Commission Chambers at 6:00 p.m.

Mr. Goodrow announced that speaker cards were available and should be completed by anyone wishing to speak on a proposed amendment. He requested that public comment be limited to three minutes each.

Mr. Goodrow informed the Joint Commissions that Amendment PCM110105 has been withdrawn.

Review Proposed Cycle 2011-1 Comprehensive Plan Amendments

PCM110101 – Bellevue Way and Murat Street: This is a request to change the future Land Use Map designation of two lots from “Urban Residential-2” to the “University Transition” category. The two lots total 0.48 acres and are located immediately south of Bellevue Way, between Murat Street and Pauls Drive. The existing Urban Residential-2 category allows a variety of housing types ranging from 4 to 20 dwelling units per acre. The proposed University Transition category allows higher density housing up to 50 dwelling units per acre and non-residential land uses typically required by students and the universities.

Mr. Goodrow remarked that staff recommends that the entire neighborhood be changed to Urban Transition based on a past study conducted of the area. He noted that home ownership occupancy in the area has continued to decrease.

Speakers:

- Rex Cleveland, 310 Murat Street, spoke in opposition to staff's recommendation. He asked that the applicant's request be granted but that the entire neighborhood not be rezoned.
- John Mayo II, 1809 Bellevue Way, (applicant) appeared in support of the amendment. He asserted that the overwhelming majority of homeowners are in favor of the rezoning.

PCM110102 – Killarney Way near Shamrock South: This is a request to change the Future Land Use Map designation from the “Residential Preservation” category to the “Suburban” category on a 0.6-acre parcel on the south side of Killarney Way near its intersection with Shamrock South. The existing Residential Preservation category allows residential uses up to 6 dwelling units per acre. The proposed Suburban category allows higher density housing up to 20 dwelling units per acre and a wide variety of office and commercial uses.

Speakers:

- Bob Apgar, 322 Beard St., appeared on behalf of the applicant Scholastic Opportunities, Inc and requested the Board's support of the amendment. He stated that the change is consistent with the comprehensive plan and is compatible with all surrounding uses. He also noted that the amendment is supported by the Killarney Homeowners Association.
- Christine Bertoch, 2919 Kerry Forest Parkway, stated that the change would make the property consistent with other properties and asked for Board consideration of the amendment.

PCM110103 – Ruby Tuesday site on West Tennessee Street: This is a request to change the Future Land Use Map designation from the “University Transition” category to the “Suburban” category on a 1.11-acre parcel on the south side of West Tennessee Street near the intersection with Calhoun Street. The existing University Transition category allows residential uses up to 50 dwelling units per acre and other non-residential land uses typically required by students and the universities. The proposed Suburban category allows a wider variety of office and commercial uses and would reduce allowed housing density to 20 dwelling units per acre.

PCM110104 – Fred George Basin Greenway: This is a request to change the Future Land Use Map designation from “Urban Residential-2” and “Residential Preservation” to the “Recreation/Open Space” category on 161.5-acres of land purchased in 2009-2010 by Leon County to create the Fred George Basin Greenway. Designating the property as

Recreation/Open Space is a requirement of the state grant program used to help purchase the property.

PCM110105 – St. Joe Property on Apalachee Parkway
WITHDRAWN

PCT110106 – Mobility Element: The Mobility Element is a rewrite of the existing Transportation Element to 1) streamline the element by combining duplicative policies, and 2) upgrade the element to address land use coordination and complete streets which cater to all users regardless of age, ability, or travel mode.

PCT110107 – Future Transportation Right-of-Way Needs Map: This is a request to update the Future Transportation Right-of-Way Needs Map. As required by the Comprehensive Plan, the Future Transportation Right-of-Way Needs Map should be updated to ensure consistency with the adopted 2035 Long Range Transportation Plan for the Capital Region.

PCT110108 – Long Range Transportation Plan Cost Feasible Maps: This is a request to update the long range transportation plan cost feasible maps in the Comprehensive Plan. Existing maps in the "Comprehensive Plan will be updated to ensure consistency with the adopted 2035 Long Range Transportation Plan for the Capital region.

PCT110109 – Economic Development Element: This is a proposed text amendment to delete the optional Economic Development Element from the Comprehensive Plan.

PCT110110 – Urban Fringe and Conservation Subdivisions: This is a proposed text amendment to implement direction from the Board of County Commissioners to redefine the Urban Fringe area as a more residential rural area, remove the Urban Fringe "25-75" clustering option, keep Conservation Subdivisions with a density of one unit per three acres, and establish one unit per ten acres as the density for traditional subdivision in Urban Fringe.

- Shawn Wesley, 4700 Chaires Crossroad, stated that there appeared to be no formula proposed to compensate property owners for any potential reduction in property values resulting from the amendment. In addition, he was concerned about existing and future agriculture use. Recommended three acre minimum stay as is.
- John Simmons, 8800 Green Oak Dr., advocated for middle ground which considers property rights vs. majority interests. He indicated support for one unit per three acres and modifications to conservation subdivisions to reduce the reserve area.
- Anna Lee, 4560 Chaires Crossroad, resides on 10 acres and would be affected by the change. She supports the proposal and is willing to give up rights to keep the rural and natural setting.
- Pam Tempson, 3979 Camino Real, spoke in support of the amendment as it would hopefully decrease negative environmental impacts. Thinks important to preserve the area and its character and noted concern about development impacts on Wakulla Springs and habitat loss.
- Pamela Hall, 5051 Quail Valley Rd, confessed that she has been waiting 10 years for this amendment as it is firmly based in Comprehensive Plan policy. She stated that urban development would save the environment and fiscal conditions for both governments. She suggested one unit per 10 acres for parcels over 30 acres and conservation subdivisions at one unit per three acres.
- Doug Alderson, 960 Towhee Rd, voiced his support for the amendment.
- Carlos Alvarez, 847 E. Park Ave., thanked staff for community meetings. He stated he was a large property owner and supported the amendment. He inquired about an economic impact statement and was concerned that this was not done. He mentioned

that the barrow pit was supposed to be part of the Chaires Park and asked that the County move the barrow pit to the usage contained in the Comprehensive Plan.

- Frank Govett, 1629 Hill n Dale, addressed the Board in support of the planned amendment as presented. He noted that should the Department of Community Affairs be abolished the important duty of protecting existing subdivisions and lands would fall to the Commission. He also supported the abolishment of the 25-75 program.
- Gary Yordon, 4568 Grove Park Dr., conveyed his support for the amendment. He also commented on the need to plan for future growth and suggested that a provision be included that specifies that if the urban service area expands over a property, the owner has the right to apply for urban density zoning.
- Scott Henderson, 8068 Lantern Light Rd., offered that he was a landowner within urban fringe and is impacted by issues before the Board. He expressed support for maintaining the rural environment and does not support one unit per 10 acre proposal. He encouraged Commissioners to look at setting criteria to create compatibility and distributed a document with suggested standards for Conventional Urban Fringe Subdivisions and Conservation Subdivisions.
- Ed Deaton, 9601 Miccosukee Rd., stated his support for the amendment. He also mentioned the need for planned growth and asked that the Board give consideration to future agricultural land needs.
- Charlie Donohue, 985 Sora Rd., recommended approval of the proposal as presented. He also supported the suggestion of limiting minimum lot size of one acre.
- Darrin Taylor, Carlton Fields, 215 S. Monroe St., Suite 500, appeared as a representative for St. Joe Land and spoke in opposition to the amendment as it would significantly reduce the base density of Urban Fringe from 1 unit per 3 acres to 1 unit per 10 acres, thereby negatively impacting land values and vested property rights. He shared that St. Joe own 3600 acres designed as urban fringe and is the largest land owner affected by the amendment. He recommended that the Commission: 1) retain base density; 2) delete the clustering provisions; and 3) require proposed conservation subdivisions to be rezoned as a PUD.
- Neil Fleckenstein, 13093 Henry Beadel Dr., Tall Timbers Research Station, indicated support for the amendment. He asserted that the proposal encourages growth within the USA and provides cost effective infrastructure as well as protecting the rural character in both the urban fringe and rural environments.

Mr. Goodrow advised that this concluded public comments. He assured both Commissions that staff would be prepared to address and discuss all comments at future workshops.

Commissioner Gillum remarked on the thoughtfulness of the public when addressing this issue. He asked that staff provide at a later date its rationale in advocating an increase in urban fringe from one unit per three acres to one unit per 10 acres. He also ascertained from Bryan Weibler, Comprehensive Planner, that the current minimum size lot to enter into conservation subdivision is ½ acre; however, Mr. Weibler shared that staff has proposed a "no minimum lot size" and that the lot size be established by the infrastructure available. Commissioner Gillum requested information on existing large scale subdivisions that are currently platted and would be impacted by the change.

Commissioner Proctor requested that staff be prepared to discuss at the upcoming workshop comments by Mr. Taylor and Commissioner Yordon. He commented that the Southside needed to remain open to expansion and would not support the proposed one dwelling on 10 acres. He referenced comments by Mr. Taylor and requested that staff provide information on other large tract property owners who might be impacted by the proposed amendment. He also requested that #5 be exempted from the universal policy.

The public hearing was concluded at 7:06 p.m. and was adjourned by Chairman Dailey.

Chairman Dailey stated that the Board would reconvene at 7:15 to continue its General Business Agenda, Item #12.

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

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

Comments/Discussion Items

County Administrator Alam:

- None.

County Attorney Thiele:

- None.

Commissioner Discussion Items

Commissioner Desloge:

- Congratulated the Leon Lacrosse Team on its first round win in the district championship

Commissioner Dozier:

- None.

Commissioner Proctor

- Referred to his memo regarding the creation of a Task Force on Youth Issues. He suggested the Task Force be structured immediately with recommendations to come back to the Commission at the end of the summer. Also, in conjunction with the findings from the Task Force, he expressed support for the formation of a Commission on the Status of Males for Leon County, similar to the Commission on the Status of Women and Girls.
- Expressed his appreciation to staff and all participants for their assistance in ensuring a successful Southern Strategy Area Town Hall meeting.

Commissioner Säuls

- None.

Commissioner Maddox

- Voiced his concerns regarding the tragedies surrounding the death of two Leon County young, black males and requested the Board's consideration of the scheduling of a "Summit on the Status of the Black Male". He asserted that greater awareness and community engagement was needed to reduce the violence impacting black males.
 - Commissioner Maddox suggested topics such as black on black crime; teen violence; youth development and mentoring; absence of the black male in the family; entrepreneurial mentoring, etc., be discussed and explored.
 - Commissioner Dozier expressed her appreciation to both Commissioners Maddox and Proctor for bringing this issue forward and offered her support for the idea. In addition, she commented that the Summit would draw upon all of the expertise within the community and therefore provide a base for the establishment of the Commission referenced by Commissioner Proctor.
 - Commissioner Proctor agreed and stated that the Task Force could then be charged with the establishment of parameters and objectives. He envisioned the Summit and the proposed Task Force working in conjunction to address the issue.

- Chairman Dailey suggested that staff meet with Commissioner Maddox to flush out specifics of the Summit.
- *Commissioner Maddox moved, duly seconded by Commissioner Akinyemi, to direct staff to bring back an agenda item to discuss a proposed agenda, scope and scheduling of a Summit on the Status of Black Males. The motion carried 7-0.*

Commissioner Akinyemi

- *Commissioner Akinyemi moved, duly seconded by Commissioner Proctor, to schedule a presentation by the Public Safety Coordinating Council Task force at the May 24, 2011 meeting. The motion carried 7-0.*

Chairman Dailey

- Asked about flexibility in County contracts regarding the fluctuations in gas prices and requested that this information be provided to the Big Bend Contractors Association.

Receipt and File:

- Northwest Florida Water Management District Financial Statements for FY 2010

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
John Dailey, Chairman
Board of County Commissioners

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