

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

AGENDA

REGULAR MEETING

**Tuesday, January 21, 2014
3:00 P.M.**

County Commission Chambers
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL

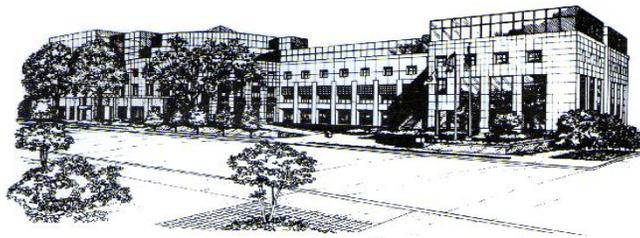
COUNTY COMMISSIONERS

Kristin Dozier, Chairman
District 5

Bill Proctor
District 1

Jane Sauls
District 2

John Dailey
District 3



Mary Ann Lindley, Vice Chair
At-Large

Bryan Desloge
District 4

Nick Maddox
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

The Leon County Commission meets the second and fourth Tuesday of each month. Regularly scheduled meetings are held at 3:00 p.m. The meetings are televised on Comcast Channel 16. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Selected agenda items are available on the Leon County Home Page at: www.leoncountyfl.gov. Minutes of County Commission meetings are the responsibility of the Clerk of Courts and may be found on the Clerk's Home Page at www.clerk.leon.fl.us

Please be advised that if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at this meeting or hearing, such person will need a record of these proceedings, and for this purpose, such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. The County does not provide or prepare such record (Sec. 286.0105, F.S.).

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Community & Media Relations, 606-5300, or Facilities Management, 606-5000, by written or oral request at least 48 hours prior to the proceeding. 7-1-1 (TDD and Voice), via Florida Relay Service.

Board of County Commissioners
Leon County, Florida
Agenda
Regular Public Meeting
Tuesday, January 21, 2014, 3:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Jane Sauls

AWARDS AND PRESENTATIONS

- Proclamation Designating January 25, 2014 as “Arbor Day”
(Chairman Kristin Dozier)
- 1. Presentation and Acceptance of \$100,000 Donation from the Friends of the Library
(Cay Hohmeister, Library Director, and Susan Jefferson, Friends of the Library President)

CONSENT

- 2. Approval of Minutes: November 19, 2013 Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone Workshop; November 19, 2013 Board Reorganization and Regular Meeting; December 10, 2013 Workshop on Consideration of Leon County Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless; December 10, 2013 Workshop on 2014 State and Federal Legislative Priorities; and, December 10, 2013 Regular Meeting
(Clerk of the Court/Finance/Board Secretary)
- 3. Approval of First Extension of the Agreement for Auditing Services with Thomas Howell Ferguson P. A. and Law Redd Crona & Munroe P.A.
(Clerk of the Court/Finance)
- 4. Acceptance of an Update Regarding the Tourist Development Council Chairman Appointment
(County Administrator/County Administration/Agenda)
- 5. Ratification of Board Actions Taken at the December 10, 2013 Workshop on the 2014 State and Federal Legislative Priorities
(County Administrator/Economic Development & Business Partnerships/Intergovernmental Affairs)
- 6. Approval of Payment of Bills and Vouchers Submitted for January 21, 2014 and Pre-Approval of Payment of Bills and Vouchers for the Period of January 22 through February 10, 2014
(County Administrator/Financial Stewardship/Office of Management & Budget)
- 7. Approval to Renew the Agreement Between Leon County and Tallahassee Community College for the Provision of Internships for Emergency Medical Services Technology Students
(County Administrator/Public Services/Emergency Medical Services)
- 8. Request to Schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County for Tuesday, February 25, 2014 at 12:00 – 1:30 p.m.
(County Administrator/Public Services/Emergency Medical Services – Public Works/Engineering Services)

9. Approval to Waive the Street Renaming Application Fee for the “Sgt. Dale Green Way”
(County Administrator/Public Works & Community Development/DSEM/Development Services)
10. Approval of Contract Amendment No. 7 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District
(County Administrator/Public Works & Community Development/Public Works/Engineering Services)
11. Approval of the Plat of Pine Dove, Phase I Subdivision for Recording in the Public Records
(County Administrator/Public Works & Community Development/Public Works/Engineering Services)
12. Adoption of Proposed Revised Policy No. 06-1, “Use and Scheduling of Parks & Recreation Facilities”
(County Administrator/Public Works & Community Development/Public Works/Parks & Recreation)
13. Approval to Rename the Lake Jackson Community Center in Memory of Judith Anne Dougherty
(County Administrator/Public Works & Community Development/Public Works/Parks & Recreation)
14. Ratification of Waiving the Emergency Medical Services Fee for the Florida State University National Football Championship Community Celebration on January 18, 2014
(County Administrator/Public Services/Emergency Medical Services)

Status Reports: *(These items are included under Consent.)*

15. Acceptance of Status Report on 2013 Transfers of Leon County Surplus Computing Equipment to Goodwill Industries
(County Administrator/Management Information Services)
16. Acceptance of the 2013 Concurrency Annual Report
(County Administrator/Public Works & Community Development/DSEM/Development Services)
17. Acceptance of the Status Report of Minority and Women Business Enterprise Expenditure
(County Administrator/Economic Development & Business Partnerships/MWSBE)
18. Acceptance of Update on the December 5, 2013 Woodville Town Hall Meeting
(County Administrator/Public Works & Community Development/PLACE/Planning)
19. Acceptance of Status Report on the Remedial Action Plan to Address Groundwater Issues at the Apalachee Solid Waste Management Facility
(County Administrator/Resource Stewardship/Solid Waste)

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; there will not be any discussion by the Commission

GENERAL BUSINESS

20. Ratification of Board Actions Taken at the December 9, 2013 Board Retreat
(County Administrator/County Administration)
21. Ratification of Board Actions Taken at the December 10, 2013 Workshop on the Consideration of Leon County Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless
(County Administrator/County Administration)
22. Consideration to Schedule Workshops on the Sales Tax Committee Report and Cultural Plan Update Committee Report
(County Administrator/County Administration)
23. Acceptance of the Status Report on Efforts to Mitigate the Impact of the Lafayette Street Construction Project on Local Businesses and Consideration of the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Business Program
(County Administrator/County Administration)
24. Consideration of Scheduling NACo Community Dialogue Meeting and Related Board Healthcare Workshop
(County Administrator/Human Services & Community Partnerships/Primary Health)
25. Acceptance of Status Report on the Proposed Broadcast Auto-Dialer Ordinance to Assist with Sign Code Enforcement Issues
(County Administrator/Public Works & Community Development/DSEM/Development Services)
26. Approval of Sidewalk Implementation Program for a Portion of the Local Option Fuel Tax and Submittal of Sidewalk List for Inclusion in the Regional Mobility Plan
(County Administrator/Public Works & Community Development/Public Works/Engineering Services)
27. Acceptance of a Status Report for Bannerman Road Transportation Improvements
(County Administrator/Public Works & Community Development/Public Works/Engineering Services)
28. Consideration of Full Board Appointment of a Commissioner, as Liaison, to the Educational Facilities Authority
(County Administrator/County Administration/Agenda)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

29. Second and Final Public Hearing on a Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC
(County Attorney)
30. First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement
(County Administrator/Public Works & Community Development/DSEM/Development Services)

31. First and Only Public Hearing on a Proposed Ordinance Adopting a Small Scale Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue Related to the Future Land Use Map
(County Administrator/Public Works & Community Development/PLACE/Planning)

GENERAL BUSINESS

(These items will be taken up after public hearings)

32. Approval of the Proposed First Modification to 2002 Settlement Agreement Between Killearn Lakes Homeowners' Association, Inc. and Leon County
(County Attorney)
33. Approval of the Proposed Amended Settlement Agreement Between Lake McBride Property Owners Association and Leon County
(County Attorney)

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.

COMMENTS/DISCUSSION ITEMS

Items from the County Attorney

Items from the County Administrator

Discussion Items by Commissioners

RECEIPT AND FILE

- Capital Region Community Development District Record of Proceedings for the October 13, 2013 Meeting
- Northwest Florida Water management District 2014 Schedule of Meetings

ADJOURN

*The next Regular Board of County Commissioners Meeting is scheduled for
Tuesday, February 11, 2014 at 300 p.m.*

All lobbyists appearing before the Board must pay a \$25 annual registration fee. For registration forms and/or additional information, please see the Board Secretary or visit the County website at www.leoncountyfl.gov

2014

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PUBLIC NOTICE
2014 Tentative Schedule

All Workshops, Meetings, and Public Hearings are subject to change

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays from 12:00 to 3:00 p.m.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
January 2014	Wednesday 1	Offices Closed	NEW YEAR'S DAY
	Monday 13	1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA); City Commission Chambers
	Tuesday 14	No Meeting	BOARD RECESS
	Thursday 16 – Friday 17	FAC Advanced County Commissioner Workshop	Seminar 2 of 3 UF Hilton, Gainesville; Alachua County
	Monday 20	Offices Closed	MARTIN LUTHER KING, JR. DAY
	<u>Tuesday 21</u>	3:00 p.m.	Regular Meeting
		<u>6:00 p.m.</u>	Second and Final Public Hearing on a Proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC.
			<u>First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement</u>
			<u>First and Only Public Hearing on a Proposed Ordinance Adopting a Small Scale Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue Related to the Future Land Use Map</u>
	Thursday 23	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
February 2014	<u>Tuesday 11</u>	<u>8:30 – 10:30 a.m.</u>	<u>Workshop on the Sales Tax Committee Final Report and Recommendations</u>
		<u>10:30 a.m. – 12:30 p.m.</u>	<u>Workshop on the Cultural Plan Update Committee Report</u>
		1:30 p.m.	Workshop on Cycle 2014-1 Comprehensive Plan Amendments
		3:00 p.m.	Regular Meeting
	Monday 24	3:00 – 5:00 p.m.	Intergovernmental Agency (IA) City Commission Chambers
	<u>Tuesday 25</u>	<u>12:00 1:30 p.m.</u>	<u>Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County</u>
		1:30 p.m.	Joint City/County Workshop on Cycle 2014-1 Comprehensive Plan Amendments
		3:00 p.m.	Regular Meeting
	Thursday 27	9:30 a.m.	CRA Meeting; City Commission Chambers
March 2014			
	<i>Saturday 1 – Wednesday 5</i>	<i>NACO Legislative Conference</i>	<i>Washington Hilton Washington, D.C.</i>
	Monday 10	1:00 p.m.	CRTPA Meeting; City Commission Chambers
	Tuesday 11	3:00 p.m.	Regular Meeting
	Tuesday 25	No Meeting	NO MEETING
	Thursday 27	9:30 a.m.	CRA Meeting; City Commission Chambers
		<i>FAC Legislative Day</i>	FSU Turnbull Conference Center Tallahassee
April 2014			
	<u>Thursday 3</u>	<u>8:30 a.m. – 3:00 p.m.</u>	<u>NACo Community Dialogues to Improve Health Location to be determined</u>
	Tuesday 8	3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Transmittal Public Hearing on Cycle 2014-1 Comprehensive Plan Amendments
	Monday 14	9:00 a.m. – 1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA) Retreat
	<i>Thursday 17 – Friday 18</i>	<i>FAC Advanced County Commissioner Workshop</i>	<i>Seminar 3 of 3: UF Hilton, Gainesville; Alachua County</i>
	Tuesday 22	3:00 p.m.	Regular Meeting
	Thursday 24	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
May 2014	Tuesday 13	3:00 p.m.	Regular Meeting
	Monday 19	1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA); City Commission Chambers
	Monday 26	Offices Closed	MEMORIAL DAY
	<u>Tuesday 27</u>	<u>1:30 – 3:00 p.m.</u>	<u>Workshop on County Health Programs</u>
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Joint City/County Adoption Public Hearing on Cycle 2014-1 Comprehensive Plan Amendments
	Thursday 29	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
June 2014			
	Tuesday 10	3:00 p.m.	Regular Meeting
	Monday 16	1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA); City Commission Chambers
		3:00 – 5:00 p.m.	Intergovernmental Agency (IA) City Commission Chambers
	<i>Tuesday 17- Friday 20</i>	<i>FAC Annual Conference</i>	<i>Hilton Bonnet Creek Orange County</i>
	Tuesday 24	3:00 p.m.	Regular Meeting
	Thursday 26	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
July 2014			
	Friday 4	Offices Closed	JULY 4TH HOLIDAY
	Monday 7	9:00 a.m. – 5:00 p.m.	FY 2014/15 Budget Workshop
	Tuesday 8	9:00 a.m. – 3:00 p.m.	FY 2014/15 Budget Workshop, <i>if necessary</i>
		3:00 p.m.	Regular Meeting
	Wednesday 9	9:00 a.m. – 3:00 p.m.	FY 2014/15 Budget Workshop, <i>if necessary</i>
	Thursday 10	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	<i>Friday 11– Monday 14</i>	<i>NACo Annual Conference</i>	<i>Morial Convention Center Orleans Parish/New Orleans, Louisiana</i>
	Tuesday 22	No Meeting	BOARD RECESS
	<i>TBD</i>	<i>National Urban League Annual Conference</i>	<i>Cincinnati, Ohio</i>

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
August 2014	<i>Friday 8 – Sunday 10</i>	<i>Chamber of Commerce Annual Conference</i>	<i>Omni Amelia Island Plantation</i>
	Tuesday 12	No Meeting	BOARD RECESS
	Tuesday 26	3:00 p.m.	Regular Meeting
September 2014			
Monday 1		Offices Closed	LABOR DAY HOLIDAY
	<i>Sunday 14– Wednesday 17</i>	<i>ICMA Annual Conference</i>	<i>Charlotte/Mecklenburg North Carolina</i>
	Monday 15	1:00 p.m.	CRTPA Meeting; City Commission Chambers
		3:00 – 5:00 p.m. 5:30 p.m.	Intergovernmental Agency (IA) Meeting FY 2015 Budget Public Hearing City Commission Chambers
	Tuesday 16	3:00 p.m.	Regular Meeting
		6:00 p.m.	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 2014/2015 *
	<i>Wednesday 17– Friday 19</i>	<i>FAC Policy Committee Conference and County Commissioner Workshops</i>	<i>Sandestin Beach Resort Walton County</i>
	<i>Wednesday 17– Saturday 20</i>	<i>Congressional Black Caucus Annual Legislative Conference</i>	<i>Washington, D.C.</i>
	Thursday 18	4:00 p.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Tuesday 23	3:00 p.m.	Regular Meeting
		6:00 p.m.	Second Public Hearing on Adoption of Millage Rates and Budgets for FY 2014/2015*
October 2014			
TBD		<i>FAC Advanced County Commissioner Program</i>	<i>Part 1 of 3 UF Hilton, Gainesville; Alachua County</i>
	Tuesday 14	3:00 p.m.	Regular Meeting
	Monday 20	9:00 a.m. – 1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA) Retreat
	Thursday 23	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Tuesday 28	3:00 p.m.	Regular Meeting

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
November 2014	Monday 11	Offices Closed	VETERAN'S DAY OBSERVED
	Monday 17	1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA); City Commission Chambers
	Tuesday 18	3:00 p.m.	Installation of Newly-Elected Commissioners Reorganization of the Board Regular Meeting
	Thursday 20	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Thursday 27	Offices Closed	THANKSGIVING DAY
	Friday 28	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
December 2014			
	<i>Wednesday – 3 Friday 5</i>	<i>FAC Legislative Conference</i>	<i>Sawgrass Marriot St. John's County</i>
	<i>Wednesday 3</i>	<i>New Commissioner Workshop</i>	<i>Sawgrass Marriot St. John's County</i>
	<i>Friday 5</i>	<i>FAC Workshop</i>	<i>Sawgrass Marriot St. John's County</i>
	Monday 8	9:00 a.m. – 4:00 p.m.	Board Retreat
	Tuesday 9	3:00 p.m.	Regular Meeting
	Thursday 11	9:30 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
	Tuesday 23	No Meeting	BOARD RECESS
	Thursday 25	Offices Closed	CHRISTMAS DAY
	Friday 26	Offices Closed	FRIDAY AFTER CHRISTMAS DAY
January 2015			
	Thursday 1	Offices Closed	NEW YEAR'S DAY

Citizen Committees, Boards, and Authorities 2014 Expirations and Vacancies

www.leoncountyfl.gov/committees/expire.asp

VACANCIES

Affordable Housing Advisory Committee

Board of County Commissioners (3 appointments)

A member who represents employers within the jurisdiction.

A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

A member who represents essential services personnel, as defined in the local housing assistance plan

Council on Culture & Arts

Board of County Commissioners (1 appointment)

A member who represents Tourism

EXPIRATIONS

JANUARY 31, 2014

Joint City/County/School Board Coordinating Committee

Board of County Commissioners (1 appointment)

FEBRUARY 28, 2014

Value Adjustment Board

Board of County Commissioners (2 Commissioner appointments)

MARCH 31, 2013

Contractors Licensing and Examination Board

Commissioner - District IV: Desloge, Bryan (1 appointment)

Commissioner - District V: Dozier, Kristin (1 appointment)

Science Advisory Committee

Commissioner - At-large II: Maddox, Nick (1 appointment)

Commissioner - District II: Sauls, Jane (1 appointment)

Commissioner - District III: Dailey, John (1 appointment)

Commissioner - District IV: Desloge, Bryan (1 appointment)

APRIL 30, 2014

Commission on the Status of Women and Girls

Board of County Commissioners (4 appointments)

Commissioner - District I: Proctor, Bill (1 appointments)

Commissioner - District III: Dailey, John (1 appointments)

Commissioner - District V: Dozier, Kristin (1 appointments)

Tallahassee City Commission (3 appointments)

Tallahassee Sports Council

Board of County Commissioners (2 appointments)

MAY 31, 2014

Minority, Women & Small Business Enterprise (M/WSBE) Committee
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)

JUNE 30, 2014

Adjustment and Appeals Board
Board of County Commissioners (2 appointments)
Tallahassee City Commission (1 appointment)

Planning Commission
Board of County Commissioners (1 appointment)
Tallahassee City Commission (1 appointment)
Leon County School Board (1 appointment)

Workforce Plus
Board of County Commissioners (4 appointments)

JULY 31, 2014

Big Bend Health Council, Inc.
Board of County Commissioners (4 appointments)

Educational Facilities Authority
Board of County Commissioners (2 appointments)

Enterprise Zone Agency Development (EZDA) Board of Commissioners
Board of County Commissioners (3 appointments)

Water Resources Committee
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

AUGUST 31, 2014

Code Enforcement Board
Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District II: Sauls, Jane (1 appointment)

SEPTEMBER 30, 2014

Health Coordinating Committee
Board of County Commissioners (5 appointments)

Council on Culture & Arts
Board of County Commissioners (1 appointment)

Research and Development Authority at Innovation Park
Board of County Commissioners (2 appointments)

OCTOBER 31, 2014

Audit Advisory Committee

Board of County Commissioners (2 appointments)
Clerk of the Courts (3 appointments)

Tourist Development Council

Board of County Commissioners (3 appointments)
Tallahassee City Commission (2 appointments)

DECEMBER 31, 2014

Human Services Grants Review Committee

Commissioner - At-large I: Lindley, Mary Ann (1 appointment)
Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Proctor, Bill (1 appointment)
Commissioner - District II: Sauls, Jane G. (1 appointment)
Commissioner - District III: Dailey, John (1 appointment)
Commissioner - District IV: Desloge, Bryan (1 appointment)
Commissioner - District V: Dozier, Kristin (1 appointment)

Joint City/County Bicycle Working Group

Board of County Commissioners (2 appointments)
Tallahassee City Commission (4 appointments)

Library Advisory Board

Commissioner - At-large II: Maddox, Nick (1 appointment)
Commissioner - District I: Bill Proctor. (1 appointment)
Commissioner - District V: Kristin Dozier (1 appointment)

**Leon County
Board of County Commissioners**

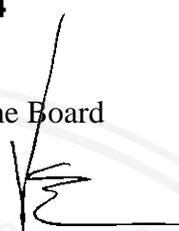
Notes for Agenda Item #1

Leon County Board of County Commissioners

Cover Sheet for Agenda #1

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of \$100,000 Donation from the Friends of the Library

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Cay Hohmeister, Library Director

Fiscal Impact:

This item has a fiscal impact. The \$100,000 donation from the Friends of the Library provides for the enhancement of library services and programs.

Staff Recommendation:

Option #1: Accept the \$100,000 donation from the Friends of the Library, and approve the Resolution and associated Budget Amendment Request (Attachment #1).

Report and Discussion

Background:

The Friends of the LeRoy Collins Leon County Public Library System (Friends of the Library) was formed in 1954 to build community interest, pride, and financial support for the library system. The Friends of the Library donate funds for the enhancement of library services and programs. Interest earned by the Friends of the Library Endowment and the Friends' fundraising activities throughout the year facilitate these donations.

Analysis:

Funds will support the purchase of books and library materials, including downloadable e-books and e-audiobooks, as well as programming for families. The donation will be allocated as follows:

\$87,000	Books and library materials
\$13,000	Special event programming (i.e. children's author for Children's Book Week or summer reading program)

Options:

1. Accept the \$100,000 donation from the Friends of the Library, and approve the Resolution and associated Budget Amendment Request (Attachment #1).
2. Do not accept the \$100,000 donation from the Friends of the Library.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Resolution and Budget Amendment Request

VSL/AR/CH

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2013/2014; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 21th day of January, 2014.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

FISCAL YEAR 2013/2014
BUDGET AMENDMENT REQUEST

No: BAB14010
 Date: 12/30/2013

Agenda Item No: _____
 Agenda Item Date: 1/21/2014

County Administrator

Deputy County Administrator

 Vincent S. Long

 Alan Rosenzweig

Request Detail:

Revenues

Account Information					Current Budget	Change	Adjusted Budget
<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>			
127	913115	337716	000	Friends Endowment	30,525	100,000	130,525
							-
							-
							-
							-
							-

Subtotal:

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>			
127	913115	53400	571	Other Contractual Services	2,184	10,000	12,184
127	913115	56600	571	Books, Publication & Library Material	27,827	87,000	114,827
127	913115	55200	571	Operating Supplies	45	3,000	3,045

Subtotal:

130,056

Purpose of Request:

The Friends of the LeRoy Collins Leon County Public Library System are donating \$100,000 for the enhancement of library services and programs. This funding will support the purchase of books and library materials, including downloadable ebooks and e-audiobooks, as well as programming for families.

Group/Program Director

 Senior Analyst

 Scott Ross, Director, Office of Financial Stewardship

Approved By:

Resolution

Motion

Administrator

**Leon County
Board of County Commissioners**

Notes for Agenda Item #2

Leon County Board of County Commissioners

Cover Sheet for Agenda #2

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Minutes: November 19, 2013 Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone Workshop; November 19, 2013 Board Reorganization and Regular Meeting; December 10, 2013 Workshop on Consideration of Leon County Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless; December 10, 2013 Workshop on 2014 State and Federal Legislative Priorities; and, December 10, 2013 Regular Meeting

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Betsy Coxen, Finance Director, Clerk of the Court
Lead Staff/ Project Team:	Rebecca Vause, Board Secretary

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the minutes of the November 19, 2013 Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone Workshop; November 19, 2013 Board Reorganization and Regular Meeting; December 10, 2013 Workshop on Consideration of Leon County Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless; December 10, 2013 Workshop on 2014 State and Federal Legislative Priorities; and, December 10, 2013 Regular Meeting.

Attachments:

1. November 19, 2013 Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone Workshop
2. November 19, 2013 Board Reorganization & Regular Meeting
3. December 10, 2013 Consideration of Leon County Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless Workshop
4. December 10, 2013 2014 State and Federal Legislative Priorities Workshop
5. December 10, 2013 Regular Meeting

WORKSHOP
Proposed Solutions to Promote Sustainable Growth
Inside the Lake Protection Zone
November 19, 2013

The Leon County Board of County Commissioners met for a Workshop to discuss proposed solutions to promote sustainable growth inside the lake protection zone on Tuesday, November 19, 2013 at 1:00 p.m.

Present were Chairman Nick Maddox, Vice Chairman Kristen Dozier and Commissioners John Dailey, Mary Ann Lindley, Jane Sauls, Bryan Desloge and Bill Proctor. Also present were County Administrator Vincent Long, County Attorney Herb Thiele and Board Secretary Rebecca Vause.

Facilitator(s): Vincent Long, County Administrator
Wayne Tedder, Director, Planning, Land Management and Community Enhancement (PLACE)
Cherie Bryant, Interim Planning Manager
David McDevitt, Director, Development Support & Environmental Management
Maggie Theriot, Director, Office of Resource Stewardship
John Kraynak, Environmental Services

Chairman Maddox called the Workshop to order at 1:00 p.m.

County Administrator Long introduced the workshop and stated that it was being held to present recommendations to advance one of the Board's Strategic Initiatives, which is to promote sustainable growth within the Lake Protection Zone. He introduced Brian Wiebler, who provided a brief presentation on the issue.

The following areas were discussed in detail by Mr. Wiebler:

- **What is Sustainable Growth?** – The most widely utilized definition is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Staff recommends “Smart Growth” principles as a framework for the analysis. The 10 Smart Growth principles include:
 1. Mix land uses;
 2. Take advantage of compact building design;
 3. Create a range of housing opportunities and choices;
 4. Create walkable neighborhoods;
 5. Foster distinctive, attractive communities with a strong sense of place;
 6. Preserve open space, farmland, natural beauty, and critical environmental areas;
 7. Strengthen and direct development towards existing communities;
 8. Provide a variety of transportation choices;
 9. Make development decisions predictable, fair, and cost effective, and
 10. Encourage community and stakeholder collaboration in development decisions.

- **What is the Lake Protection Zone?** – Two areas are used to discuss Lake Jackson: the first is the Lake Protection Future Land Use Map category, which is approximately 10,000 acres and was established as “a protection category that is specific to the well documented scientific concerns regarding the degradation and continuing pollution of Lake Jackson”, and the second area is the Lake Jackson Drainage Basin, which is the approximately 27,000 acre full drainage basin for the lake.

- **Current Residential Density and Uses in Lake Protection** – the majority (42%) of the 10,000 acres within the lake protection zone is dominated by single family homes.
- **Impervious Area as a Predictor of Stream Health** – currently 9.1% of the land in the Lake Jackson Watershed is covered with an impervious surface and the EPA indicates that streams are more likely to be impacted when Impervious Area exceeds 10%.
- **Lake Jackson Special Development Zones (SDZ)** – are buffer areas beyond the wetlands and floodplains that surround Lake Jackson and were established to help protect water quality by controlling the amount of land that may be disturbed.

He summarized that the Lake Protection Zone Category has been successful at creating a primarily single-use residential area; creating a large lot/low density development and keeping the total impervious area to a low level. However, it has not been very successful at creating a mixture of land uses; reducing per capita impacts; creating a range of housing choices; creating walkable neighborhoods, and providing a variety of transportation choices.

- **Staff Recommendations and Implementation Phases** – Twelve recommendations were developed by staff to express, and be consistent with, one or more Smart Growth principles. A description of each recommendation and the workplan and schedule for implementation was provided.

This concluded staff's presentation and Board discussion ensued.

Staff responded to a number of questions brought forward by Commissioner Lindley. She confirmed that while this project specifically addressed Lake Jackson, the Planning Department continuously attempts to maintain the Urban Services Area (USA) throughout the community and that the PUD process would not be needed with the implementation of a Node zoning district. When asked for clarification on Recommendation "D", Mr. Wiebler explained that staff, at this time, was only requesting authorization to coordinate with the City to bring back potential common cluster development options for both the incorporated and unincorporated areas within Lake Protection.

Commissioner Dailey expressed enthusiasm to see this move forward. He referenced a recent meeting between his office, County staff and Friends of Lake Jackson wherein the water quality of the lake was brought up. He established that staff continues to test water samples from the lake along with its tributaries to monitor the health of the lake. Commissioner Dailey acknowledged the presence of members of the Friends of Lake Jackson and asked that they be provided access to any data or information possessed by the County regarding this issue. He mentioned Recommendation "L" and recalled the management report currently being developed for the lake by the Department of Environmental Protection (DEP). He stated that this was a critical piece of information on how to manage the lake and asked that, as staff move forward with community and stakeholder collaboration, this report be referenced and utilized.

Commissioner Dailey remarked that the Lake Jackson Community Center's annual meeting was held recently and shared some of the comments and suggestions that came out of the meeting: 1) better signage needed on Monroe Street; 2) more handicapped parking spaces needed closer to the library, and 3) outdoor seating (at the library) for those patrons awaiting public transportation. He voiced an interest in pursuing as a legislative priority, both at the state and federal level, funding to re-establish some the County boat landings as a "destination" place and specifically mentioned Crowder Landing on Highway 27.

Commissioner Dozier indicated that she could support Commissioner Dailey's desire to re-establish some of the County boat landings as a destination place and suggested a Statement

of Commitment be provided to state and federal entities signifying that the County has already incorporated walking trails and blue-ways together in the Greenways Master Plan. She conversed with staff on “node” zoning, development of vacant parcels, redevelopment of existing developed areas and how the non-conforming areas would be addressed. Commissioner Dozier also asked about the conflicts between the Comprehensive Plan and the Lake Protection Zone and ascertained that the Comprehensive Plan might need to be “tweaked” to include language to accomplish the nodal concept.

Commissioner Proctor discussed the water quality of Lake Jackson. Staff responded that overall the lake’s water quality was fair; however, improved in the northern portion of the lake. Regarding Commissioner Proctor’s inquiry about the water quantity of the lake, staff responded that the lake was at the “mercy of Mother Nature” and recent rainfall patterns. Commissioner Proctor also wondered if the County’s policy on holding ponds was affecting the lake.

Commissioner Lindley moved, duly seconded by Commissioner Dozier to approve Option 1: Accept the following staff recommendations and recommended implementation phases:

- A. Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection Stormwater standards.*
- B. Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.*
- C. Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.*
- D. Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.*
- E. Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.*
- F. Direct staff to review the existing exemption for sidewalks in the Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.*
- G. Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.*
- H. Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.*
- I. Maintain the existing Urban Service Area boundary line to promote infill and nodal development.*
- J. Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.*
- K. Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.*
- L. Direct staff to include community and stakeholder collaboration in the development of policy changes related to recommendations in this report.*

Phasing of Recommended Actions: Given the size and complexity of the recommended project concepts, staff recommends the following workplan and schedule for implementation:

Phase I (Ongoing Efforts)

Recommendation G: Continue implementation of the sense of place planning projects at the Lake Jackson Town Center and the Market District.

Recommendation I: Maintain the existing Urban Service Area boundary line to promote infill and nodal development.

Recommendation J: Continue to seek funding for the Tallahassee – Leon County Greenways Master Plan.

Recommendation K: Direct County staff to continue to implement the current two-track permitting system to expedite review and provide reductions in the level of review for projects that implement Smart Growth principles.

Phase II (Comprehensive Plan Amendment Cycle)

Recommendation E: Direct staff to initiate a comprehensive plan text amendment and Land Development Regulation changes to remove the half-acre restriction in the unincorporated area when sewer is available.

Recommendation H: Direct staff to initiate a comprehensive plan map amendment to reflect the Overstreet addition to Maclay Gardens as Recreation/Open Space.

Phase III (Code and Policy work in 2014)

Recommendation F: Direct staff to review the existing exemption for sidewalks in the Lake Protection and bring back draft land development regulation changes with increased requirements for developments that have the potential for walkability.

Recommendation B: Direct staff to develop and bring back land development regulation changes requiring site design standards for the new Lake Protection Node zoning district.

Recommendation C: Direct staff to identify non-conforming land uses in Lake Protection that cannot be addressed by the new Lake Protection Node zoning district and bring back a plan to address them.

Phase IV (2015-1 Comprehensive Plan Amendment Cycle)

Recommendation A: Direct staff to develop and bring back a new Lake Protection Node zoning district for the Lake Protection land use category that allows non-residential uses and higher density housing while requiring the Lake Protection Stormwater standards.

Recommendation D: Direct staff to coordinate with the City and bring back a potential common cluster development option for both the incorporated and unincorporated areas within Lake Protection that also incentivizes use of the cluster option.

The motion carried 7-0.

Chairman Maddox adjourned the workshop at 2:06 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

BY: _____
Bob Inzer
Clerk of the Circuit Court & Comptroller

DRAFT

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
BOARD REORGANIZATION &
REGULAR MEETING
November 19, 2013**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Nick Maddox presiding. Present were Vice-Chairman Kristin Dozier, and Commissioners Bill Proctor, Mary Ann Lindley, John Dailey, Bryan Desloge, and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, and Board Secretary Rebecca Vause.

Chairman Maddox called the meeting to order at 3:00 p.m.

Invocation and Pledge of Allegiance

Chairman Maddox asked that all join hands and recite the Lord's Prayer. Chairman Maddox then led the Pledge of Allegiance.

At this time, Chairman Maddox offered Commissioner Lindley an opportunity to make comment on the agenda item (scheduled for January) regarding the County's home rule authority to close the gun show loop hole. Commissioner Lindley conveyed that while gun violence remains a concern, two pragmatic (and for her defining) reasons for not moving forward with the ordinance were repeated by the considerable public response received on this issue. She cited a worry over the difficulty to implement and enforce such an ordinance and opined that the County should not adopt "window dressing laws".

Commissioner Lindley moved, duly seconded by Commissioner Desloge, to withdraw staff's direction to bring back an agenda item in January 2014 regarding the selling of firearms in public places, such as gun shows. The motion carried 6-1 (Commissioner Proctor in opposition).

BOARD REORGANIZATION

Remarks and Presentation

The Honorable Bob Inzer, Clerk of the Circuit Clerk and Comptroller, presided over the Reorganization of the Board of County Commissioners of Leon County, Florida. He recognized distinguished guests in attendance: former County Commissioners Gary Yordon and Jim Crews; Mayor John Marks, City Commissioner Scott Maddox, Interim Fire Chief Wes Roberts, Interim Police Chief Tom Coe, EMS Chief Tom Quillin, Judges John Cooper and Angela Dempsey, TCC President Jim Murdaugh, United Way President Heather Mitchell and School Board member Dee Crumpler.

Clerk Inzer then recognized County Commissioners Nick Maddox, Kristin Dozier, Mary Ann Lindley, Jane Sauls, John Dailey, Bill Proctor and Bryan Desloge.

• **Remarks by Outgoing Chairman Nick Maddox**

Chairman Maddox remarked on his tenure as Chairman. He thanked the Board for their engagement and teamwork as it dealt with numerous controversial and pending issues. These included, but were not limited to 1) potential closure of the rural waste service centers, 2) stormwater fee increase, 3) fifth-cent gas tax, 4) change in solid waste collection services, and 5) proposed gun ordinance. He expressed appreciation for the County's "amazing" staff and again thanked fellow Commissioners for helping create a

positive year. Small tokens of appreciation were given to each Commissioner by Chairman Maddox. Chairman Maddox concluded his remarks by thanking his aide Cathy Jones for the outstanding job she continues to do and his wife Tina for her support and understanding during the past year.

Vice-Chairman Dozier presented outgoing Chairman Maddox with a gavel as a token of appreciation from the Board. She thanked the Chairman for leading the Board through a number of challenging issues with efficiency and humor.

Commissioners and staff individually shared outgoing comments to Chairman Maddox acknowledging and thanking him for his guidance and leadership.

Clerk Inzer called for nominations of Chairman of the Board of County Commissioners for the upcoming year.

- *Commissioner Dailey moved the nomination of Commissioner Kristen Dozier as Chairman of the County Commission, which was duly seconded by Commissioner Bryan Desloge. The motion carried 7-0.*

Clerk Inzer called for nominations for Vice-Chairman of the Board of County Commissioners for the upcoming year.

- *Commissioner Desloge moved the nomination of Commissioner Mary Ann Lindley as Vice-Chairman of the County Commission, which was duly seconded by Commissioner John Dailey. The motion carried 7-0.*

Clerk Inzer administered the Oath of Office to newly elected Chairman Kristen Dozier and presented her the Gavel.

- **Incoming Chairman's Remarks**

Chairman Dozier expressed her appreciation for the honor of being the Board's Chairman for the next year. She commented on the incredible work of County staff, who is led by County Administrator Vince Long and County Attorney Herb Thiele, as they are the reason Leon County is recognized repeatedly as a standard of excellence. Chairman Dozier noted the long line of elected officials who have worked to make this a community where businesses thrive and residents are proud to live and maintained that it was the Board's responsibility to keep building on that foundation. She highlighted the research being done at local universities and the County's recent commitment to entrepreneurs through its support of the small business incubator. She opined that this resource would be the economic engine of the future and stated that she looked forward to continuing that process and progress in the upcoming year.

Benediction

The Benediction was provided by Father Dave Killeen, Rector at St. John's Episcopal Church.

Recess for Reception

Chairman Dozier announced that a small reception would be held in the 5th floor reception area and invited all to attend. Commissioners were reminded that the Board would reconvene at 4:30 p.m. to conduct its regularly scheduled meeting.

This concluded the Board's Reorganization.

REGULAR BOARD AGENDA

Chairman Dozier called the meeting back to order at 4:30 p.m.

Awards and Presentations

- None.

Consent:

Commissioner Desloge moved, duly seconded by Commissioner Dailey to approve the Consent Agenda with the exception of Item 8, which was pulled for further discussion. The motion carried 7-0.

1. Approval of Minutes: September 24, 2013 Regular Meeting and October 8, 2013 Regular Meeting

The Board approved Option 1: Approve the minutes of the September 24, 2013 Regular Meeting and October 8, 2013 Regular Meeting.

2. Approval of Payment of Bills and Voucher Submitted for November 19, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of November 20, 2013 through December 9, 2013

The Board approved Option 1: Approve the payment of bills and vouchers submitted for November 19, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of November 20, 2013 through December 9, 2013.

3. Approval of FY 2013 Year End Budget Adjustments

The Board approved Option 1: Approve the Resolution and associated Budget Amendment Request for FY 2013 year-end budget adjustments.

4. Approval of the Agreement Between Leon County and Children's Home Society of Florida for the Provision of State-Mandated Child Protection Examinations for FY 2013/14

The Board approved Option 1: Approve the Agreement between Leon County and Children's Home Society of Florida for the provision of State-mandated child protection examinations for FY 2013/14, and authorize the County Administrator to execute.

5. Adoption of Resolution for the Housing Finance Authority to Join the Escambia County Multi-County Single Family Mortgage Revenue Bond Program, Series 2013-2017

The Board approved Options 1 & 2: 1) Adopt the Resolution authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Leon County, and authorize the Chairman to execute, and 2) Ratify the Interlocal Agreement between the Escambia County Housing Finance Authority and the Housing Finance Authority of Leon County Florida, executed October 10, 2013.

6. Approval of the Letter of Agreement with the Agency for Health Care Administration for the FY 13-14 Low Income Pool Award on Behalf of Tallahassee Memorial Healthcare, Inc.

The Board approved Option 1: Approval of the Letter of Agreement with the Agency for Health Care Administration for the FY 13-14 Low Income Pool Award on behalf of Tallahassee Memorial Healthcare, and authorize the County Administrator to execute; and, authorize the County Administrator to approve any and all future modifications to this Agreement in a form approved by the County Attorney.

7. Request to Schedule the First and only Public Hearing on a Proposed Ordinance to Establish Low Impact Development Standards and Incentives for Tuesday, December 10, 2013 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only Public Hearing on a proposed Ordinance to establish low impact development standards and incentives for Tuesday, December 10, 2013 at 6:00 p.m.

8. Approval of the Joint Participation Agreement with the Florida Department of Transportation for the SR 20 and Geddie Road Traffic Signal Installation and Turn Land Improvement

Commissioner Sauls requested the item be pulled for further discussion.

Commissioner Sauls noted the hard work and efforts of Public Works staff with the Florida Department of Transportation (DOT). She commented that the resurfacing and the addition of a traffic signal would make the road safer for residents and inquired when construction would begin.

Kathy Burke, Engineering Services Director, responded that the project is currently in design; however, has not yet been permitted. She anticipated that construction would begin August or September 2014.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Options 1, 2 & 3: 1) Approve the Joint Participation Agreement with the Florida Department of Transportation for the design and construction of a southbound turn lane and traffic signal at SR 20 and Geddie Road intersection, and authorize the County Administrator to execute; 2) Approve the Resolution approving the Joint Participation Agreement as referenced in the Joint Participation Agreement, and authorize the Chairman to execute, and 3) Approve the Resolution and associated Budget Amendment Request. The motion carried 7-0.

9. Approval of Agreement of Purchase and Sale Agreement of Mitigation Credits with Westervelt Ecological Services, LLC in the Amount of \$117,800 for the Killearn Lakes Unit 1 Flood Relief Project

The Board approved Option 1: Approve the Agreement of Purchase and Sale Agreement of Mitigation Credits with Westervelt Ecological Services, LLC in the amount of \$117,800 for the Killearn Lakes Unit 1 flood relief project, and authorize the County Administrator to execute.

10. Approval of First Amendment to the Highway Beautification Maintenance Memorandum of Agreement

The Board approved Option 1: Approve the First Amendment to the Highway Beautification Maintenance Memorandum of Agreement, and authorize the County Administrator to execute.

11. Acceptance of the Final FY 2012/13 Ongoing Commissioner Discussion Items Status Report

The Board approved Option 1: Accept the FY 2012/13 Final Commissioner Discussion Items Status Update.

12. Acceptance of "Sense of Place" Initiative Status Report

The Board approved Option 1: Accept the "Sense of Place" Initiative status report.

13. Acceptance of Status Report on the County Sustainability Program

The Board approved Option 1: Accept the status update on the County Sustainability Program

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

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

General Business

14. Approval of Agreement Awarding Bid to Sandco, Inc. in the Amount of \$1,774,344 for the Construction of the Killlearn Lakes Unit 3 Drainage Improvement Project

County Administrator Long introduced the item. He stated that Sandco, Inc. was the lowest responsive bidder and met all aspirational goals for the project.

Commissioner Maddox moved, duly seconded by Commissioner Sauls, approval of Option 1: Approve the Agreement awarding bid to Sandco, Inc. in the amount of \$1,774,344 for the construction of the Killlearn Lakes Unit 3 Drainage Improvement Project, and authorize the County Administrator to execute. The motion carried 7-0.

15. Ratification of Board Actions Taken at the Workshop on Consideration of Future Uses for the One-Cent of Tourist Development Tax Currently Dedicated to a Downtown Performing Arts Center(s)

County Administrator Long summarized the item and called attention to an additional recommendation (1d) which authorizes the County Administrator to meet with the City Manager prior to the CRA meeting to discuss additional policy options related to the reimbursement of the demolition of the John's Building for CRA consideration. These discussions may be mutually beneficial to the County and the City and help avoid the re-opening of the entire interlocal agreement, advance the larger goals of the CRA, and result in CRA support of the Board's actions.

Speaker:

- Curtis Baynes, 1323 E. Tennessee St., questioned whether the Board should use Tourist Development Tax funds for improvements to the Civic Center which is now controlled by Florida State University.

Commissioner Dailey stated that he would not support staff's recommendation so as to stay consistent with his stance on this issue at the workshop. He added that he looked forward to further discussions on this issue.

Commissioner Proctor moved, duly seconded by Commissioner Desloge, approval of Option 1: Ratify Board actions, including the additional recommendation outlined in this item, taken at the October 29, 2103 Workshop on the Future Uses for the One-Cent of Tourist Development Tax Currently Dedicated to a Downtown Performing Arts Center(s). The motion carried 6-1 (Commissioner Dailey in opposition).

16. Consideration of Full Board Committee Appointment to the Canopy Roads Citizen Advisory Committee, Educational Facilities Authority, and Tourist Development Council

The Board approved the following appointments:

- *Commissioner Sauls moved, duly seconded by Commissioner Desloge, to reappoint Mary Ann Koos and Robert Farley to the Canopy Roads Citizens Advisory Committee. The motion carried 7-0.*
- *Commissioner Maddox moved, duly seconded by Commissioner Sauls, to appoint Patrick Dallet to the Educational Facilities Authority. The motion carried 7-0.*
- *Commissioner Sauls moved, duly seconded by Commissioner Desloge, to appoint Jonathan Brashier to the Tourist Development Council. The motion carried 7-0.*

SITTING AS THE LEON COUNTY ENERGY IMPROVEMENT DISTRICT

17. Adoption of a Resolution Authorizing Issuance of Not to Exceed \$200,000,000 Revenue Bonds and Authorizing Validation Proceedings for the Commercial PACE Program

County Attorney Thiele provided a brief summary the issue, stating that the proposed action would commence a process that began more than three years ago when the Board created the Leon County Energy Improvement District. In October 2012 the District authorized the issuance of an RFP for third-party administration of a commercial PACE program in which Ygrene was selected as the program's administrator. He stated that Ygrene has identified approximately 6,000 commercial properties that could choose to participate in the program and a bond issuance of \$200 million, with an average financing of \$250,000, would allow 13% or 800 of those properties to participate in the program. County Attorney Thiele noted that the revenue bonds would be a "draw down" bond; that is, not all of the bonds would be issued that are authorized, but only those which are necessary to fund the qualified improvements for the energy efficiencies and savings. The buyer of the bonds would be Ygrene and the debt service on the bonds would be the periodic payments for the lien on the property for the amount of commercial improvements. He emphasized that at no time would Leon County or the Leon County Energy Improvement District be liable for any of the debt service for the bonds. He indicated that representatives from Ygrene are in attendance and available for questions.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of Option 1: Adopt Resolution authorizing the issuance of not exceeding \$200,000,000 revenue bonds by the Leon County Energy Improvement District, and further authorizing the commencement of validation proceedings by the General Counsel for the Leon County Energy Improvement District in the Second Judicial Circuit in and for Leon County and to further pursue the matter to final judgment.

Commissioner Proctor commented that the program appeared “abstract” and asked for clarification on the tangible benefits of the program. County Attorney Thiele explained the program in detail. He mentioned that the program would be marketed and made available to all commercial property owners (who have the fiscal capability to qualify). He noted that one huge benefit of the program is that the lien would not have to be paid off when the property is sold, the new owner would assume the lien. He submitted that the program provides a significant alternative to commercial financing and may provide motivation to property owners to make energy improvements they might not be able to afford.

Commissioner Proctor expressed concern that the commercial PACE program deviated from the County’s current lien program for residential liens, pointing out that the residential lien program does not allow the transfer of a lien upon sale of the property; however, the commercial program does allow this transfer. He also was concerned about the County’s limited control over the program. Commissioner Proctor stated that he could not support the motion as there appeared to be two sets of rules for commercial and residential property owners.

Speaker:

- Curtis Baynes, 1323 E. Tennessee Street, restated the intent of the program and appreciated that the County would not be liable for the debt service for the bonds. He noted the lack of reference to debt subordination and suggested a provision may need to be added to address this issue.
- County Attorney Thiele assured the Board that these situations would be dealt with as they occur and worked out to ensure the County has a fair position on the debt. He added that he was very comfortable that there are staff (Ygrene and County) to fix any problems.

Commissioners Lindley and Dozier expressed support for the program. Chairman Dozier added that the program has met with a lot of excitement from the construction industry and believes that it will help small businesses owners who may not be able to access capital for energy improvements.

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

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

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

Comments/Discussion Items

County Attorney Thiele:

- Congratulated Commissioners Dozier and Lindley on their election as Chairman and Vice-Chairman, respectively.

County Administrator Long:

- The following announcements/updates were offered:
 - Regarding the ongoing community discussion to relocate the homeless shelter out of Frenchtown, he announced receipt of a letter requesting the County participate in support of the overall capital project funding and mentioned that Mr. Kearney will be setting up meetings to meet with each commissioner to further discuss the project. Current discussions include relocating the services provided by the shelter

and the renaissance community center into a new co-located facility adjacent to the Hope Community Campus on West Pensacola Street.

- County Administrator Long requested Board direction on whether staff should prepare an agenda item or schedule a workshop regarding the issue and offered a date of December 10 at 12:00.
- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, to schedule a workshop, before placing the issue on an agenda. The motion carried 7-0.*
- Introduced Ben Bradwell as new Veterans Services Manager.
- On Thursday, December 5th at 6:00 p.m., Leon County will host a Town Hall Meeting at the Woodville Community Center. The meeting will be facilitated by Commissioner Proctor and will be focused on Woodville water quality, stormwater and central sewer.
 - Chairman Dozier requested that the Sales Tax Committee be invited to attend the town hall meeting in Woodville
- On Tuesday, December 10th at 9:00 a.m., the County will recognize the 10 years of Leon County Emergency Medical Services.
- Congratulated Commissioners Dozier and Lindley on their election to Chair and Vice-Chair and thanked Commissioner Maddox for a great year under his leadership.

Commissioner Discussion Items

Commissioner Proctor:

- Thanked the Board for its support of the upcoming Woodville Town Hall meeting. He extended an invitation to all citizens to attend the meeting to gauge interest, pro or con, for sewer in Woodville. He requested that St. Joe, a large property owner in the area, and the School Board be invited to the meeting.
- Announced that the Rickards High School Band has been invited to play at the Tampa Bay Buccaneers vs. San Francisco 49ers game on December 15th. He added that contributions can be made to Rickards High School to help alleviate the band's expenses.
- Congratulated Commissioners Dozier and Lindley on their appointments.

Commissioner Dailey:

- Extended "Happy Thanksgiving" wishes.

Commissioner Sauls:

- Echoed congratulations to Commissioners Dozier and Lindley.
- Wished all a "Happy Thanksgiving".

Commissioner Maddox:

- Wished "Happy Thanksgiving" to everyone.
- Extended congratulations to Commissioners Dozier and Lindley.

Commissioner Desloge:

- Thanked Commissioner Maddox on a great year and stated that he looked forward to working with Chairman Dozier.

Vice-Chairman Lindley:

- *Commissioner Lindley moved, duly seconded by Commissioner Proctor, to draft a Proclamation for the unveiling of the Florida State Historical Marker for the Taylor House Museum of History in Frenchtown, to be presented at the event on December 6, 2013. The motion carried 7-0.*

- *Commissioner Lindley moved, duly seconded by Commissioner Desloge, to agenda a “fair share” funding request from the Disabled American Veterans in the amount of \$10,962 toward the purchase of a 12-passenger van to transport veterans to appointments for the December 10th meeting. The motion carried 7-0.*

Chairman Dozier:

- On behalf of Chairman Dozier: *Commissioner Dailey moved, duly seconded by Commissioner Proctor, approval for the annual Arbor Day Proclamation. The motion carried 7-0.*
- Announced that agreement has been reached between the FSU, FAMU and the Leon County Research and Development Authority (LCRDA) for restructuring of the LCRDA.
 - Commissioner Dailey commended Chairman Dozier for her leadership on this issue.
 - On behalf of Chairman Dozier: *Commissioner Maddox moved, duly seconded by Commissioner Dailey, to agenda a status report on the Leon County Research and Development Authority Memorandum of Understanding with FSU and FAMU, and Strategic Plan for December 10, 2013. The motion carried 7-0.*
- Complimented staff on their handling of problems associated with Waste Pro collections; however, there continues to issues to be addressed.
 - Commissioner Desloge also was complimentary of staff’s efforts. He asked that problems be brought to the attention of County staff or Commissioners with either call or e-mail and to include the address where the problem is occurring.
 - On behalf of Chairman Dozier: *Commissioner Maddox moved, duly seconded by Commissioner Desloge, to agenda a status report on Waste Pro collection services issues. The motion carried 7-0.*

Receipt and File:

None.

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 5:17 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

BY: _____
Bob Inzer
Clerk of the Circuit Court and Comptroller

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
WORKSHOP
Consideration of Leon County Funding
Participation in Support of the Comprehensive
Emergency Services Center to Support the Homeless
December 10, 2013**

The Leon County Board of County Commissioners met for a Workshop to discuss County funding participation in support of the comprehensive emergency services center to support the homeless on Tuesday, December 10 at 12:00 p.m.

Present were Chairman Kristen Dozier, Vice Chairman Mary Ann Lindley and Commissioners John Dailey, Nick Maddox, Jane Sauls, Bryan Desloge. Commissioner Bill Proctor was absent. Also present were County Administrator Vincent Long, County Attorney Herb Thiele and Board Secretary Rebecca Vause.

Facilitator(s): Vince Long, County Administrator
Alan Rosenzweig, Deputy County Administrator

Chairman Dozier called the workshop to order at 12:06 p.m.

County Administrator Long introduced the workshop and recalled that the Board had directed staff to bring the funding request back in a workshop setting prior to placement on the Board's agenda.

Mr. Rosenzweig provided a brief summary of the funding request. His presentation included, but was not limited to an overview of the history of the current emergency shelter, the 2013 reports of alleged abuse at the Shelter, the subsequent evaluation of Shelter operations and the resulting recommendation for the Shelter to identify an alternative site and begin planning for the construction of a new facility. Mr. Rosenzweig's report provided information on the acquisition of a new property (located on West Pensacola Street). The new facility would be 36,000 square feet with separate dormitories for single men and women and would be capable of serving 390 individuals. It is anticipated that 40 organizations and agencies would provide services in the facility and discussions are being held with TMH to provide daily on-site health, wellness and medical services.

Regarding the specific financial request, Mr. Rosenzweig shared that the project's total cost is estimated at \$4.5 million and the funding request is for \$500,000 each from the County, City and the United Way payable in equal installments over five years to offset overhead expenses, including rent. He noted that any shortfall raised and actual expenses would be provided by the Beatitude Foundation, Inc. Mr. Rosenzweig pointed out that the funding request is not eligible per the County's Discretionary Funding Guidelines Ordinance, as the Ordinance does not allow programs or expenses that are CHSP eligible to be funded outside of the CHSP process. The County does allow for non-CHSP eligible expenses, such as capital improvements, to be funded. He concluded that there are a number of unknown factors, including the on-going state of the economy, the continued federal funding for homelessness programs and potential operational efficiencies through the new facility that could impact the overall cost and revenues. Hence, it is not known whether additional or on-going support will be requested from the County after the initial five-year commitment is completed.

Mr. Rosenzweig informed the Board that should it wish to consider the funding request further, the Beatitude Foundation, the Shelter and the Renaissance Community Center (RCC) be requested to modify the funding request to come into compliance with the County's Ordinance.

Commission Discussion

Commissioner Maddox moved, duly seconded by Commissioner Desloge, approval of Option 1, as amended and Option 2: 1) Accept staff's report on the Comprehensive Emergency Services Center ~~take no further action~~, and 2) Request the Beatitude Foundation, the Shelter, and the Renaissance Community Center to modify the funding request to come into compliance with the County's Discretionary Funding Guidelines Ordinance and agenda at a future Commission meeting.

The Board expressed its appreciation to all individuals and organizations that have stepped up and tackled this very difficult and important task.

Chairman Dozier confirmed that the new facility would accommodate the needs currently being served by the emergency cold weather shelters. She conveyed that she has received a number of calls and concerns about the proximity of the proposed facility to the Dick Howser Center. Chairman Dozier also mentioned the potential for future funding and the need to "work within our means"; however, she was happy to support the endeavor moving forward.

The motion carried 6-0 (Commissioner Proctor absent).

Adjourn:

There being no further business to come before the Board, the workshop was adjourned at 12:18 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

BY: _____
Bob Inzer
Clerk of the Circuit Court & Comptroller

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
WORKSHOP
2014 State and Federal
Legislative Priorities
December 10, 2013**

The Leon County Board of County Commissioners met for a Workshop to discuss the County's 2014 State and Federal Legislative Priorities on Tuesday, December 10, 2013.

Attending were Chairman Kristen Dozier, Vice Chairman Mary Ann Lindley and Commissioners John Dailey, Nick Maddox, Jane Sauls, Bryan Desloge, and Bill Proctor. Also present were County Administrator Vincent Long, County Attorney Herb Thiele and Board Secretary Rebecca Vause.

Facilitator(s): Vince Long, County Administrator
Ken Morris, Director of Economic Development and Business Partnerships
Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator
Jeff Sharkey, Capitol Alliance Group

Chairman Dozier called the workshop to order at 12:25 p.m.

Opening remarks were provided by County Administrator Long, who then introduced Ms. Paredes to make staff's presentation.

Ms. Paredes shared that the 2013 Florida Legislative Session is set to begin on March 4th and will conclude on May 3rd. She mentioned that the Florida Association of Counties Legislative Day is scheduled for March 27th and added that Commissioner Desloge will again facilitate the County's "Community Legislative Dialogue" meetings. She shared that although an estimated budget surplus of \$846 is projected, Governor Scott has announced that he plans to advance \$400 million in tax cuts during the 2014 session and will continue the practice of requesting that all state agencies submit a budget that reflects a 5% cut in funding.

Staff presented the following 2014 State and Federal appropriation requests for the Board's consideration:

- | | |
|--|----------------------|
| • Capital Circle Southwest | \$119.1 million |
| • Woodville Highway | \$26.6 million |
| • EMS Healthcare Innovation Grant | \$920,241 |
| • Entrepreneurial Excellence Program | \$650,000 |
| • Woodville Sewer | \$500,000 |
| • Lake Talquin International Rowing Training Center | \$150,000 |
| • Daniel B. Chaires Park | \$95,000 |

The following State Policy/Substantive Issues were presented for the Board's consideration:

- State Workforce: Oppose further benefit reductions.
- Communications Services Tax: Support legislation that is revenue neutral and enhances reliability as revenue source.
- Internet Sales Tax: Support legislation that promotes an equitable competitive environment between "brick and mortar" businesses and remote businesses operating in Florida.
- Library State Aid Funding: Support state and grant funding for public library programs.
- Florida Association of Counties (FAC) Issues: Support the 2014 FAC Legislative agenda unless specific issues conflict with Leon County's interest.

Commissioner Maddox recalled the recent Woodville Townhall meeting where it was learned that central sewer services were not desired by the residents. He asked, in light of this information, if the Board should continue to pursue that appropriation. He mentioned that he would support it moving forward should the District 1 Commissioner and staff so recommend.

Commissioner Dailey recalled how there used to be a beach-like area at Crowder Landing where families went swimming, skiing, picnicking, etc. and indicated that he would like to explore funding options, at both the State and Federal levels, for beach renourishment at Lake Jackson (Crowder Landing specifically).

Commissioner Dailey moved, duly seconded by Commissioner Desloge, to direct staff to pursue options during the upcoming legislative session related to beach renourishment around Lake Jackson and other County parks as appropriate; however, Crowder Landing to be used as starting point. The motion carried 6-0 (Commissioner Proctor out of Chambers).

Pursuant to a request from Commissioner Desloge, County Attorney Thiele stated that his office would bring back a status report at the January meeting on the Wakulla Springs Basin Action Management Action Plan.

Commissioner Maddox offered two legislative priority requests related to funding for a Visitor Center at Maclay Gardens and SSTIDE Funding for the FSU Medical School. After considerable discussion it was determined that it would be more appropriate for the County to extend its support for the two endeavors; however, not to place the two issues on the County's legislative priority list.

The following action was taken by the Board:

1. Visitor's Center at Maclay Gardens

Commissioner Maddox moved, duly seconded by Commissioner Dailey, to direct staff to actively support the Department of Environmental Protection's process to receive funding for a Visitor's Center at Maclay Gardens. The motion carried 6-0 (Commissioner Proctor out of Chambers).

2. SSTRIDE Funding for FSU Medical School.

Commissioner Maddox moved, duly seconded by Chairman Dozier, to provide a letter of support and direct staff and the lobbying team to advocate on behalf of FSU for funding for the SSTRIDE Program. The motion carried 6-0 (Commissioner Proctor out of Chambers).

Commissioner Proctor was asked to comment on the Woodville Townhall meeting. He shared that residents were resistant to central sewer for a number of reasons, i.e., the cost for hook-up, did not want to change, etc. He remarked that the Woodville area contributes over 300 times the amount of nitrogen into the aquifer than other areas of the County with central sewer and that it was up to the Board to decide if this is tolerable and acceptable. He opined that central sewer to Woodville should continue to be pursued and hoped that other financial assistance may come available to help residents to connect to the service.

Commissioner Proctor voiced his support for the legalization of medicinal marijuana.

The following Federal Policy/Substantive Issues were presented for the Board's consideration:

- Baseball fields at FCI: Working with local and DC personnel for authorization.
- Veterans Affairs National Veterans Cemetery: Support sufficient appropriations for the construction of the Veterans Affairs National Cemetery in Leon County.
- Moving Ahead for Progress in the 21st Century (MAP-21): Support the reauthorization of MAP-21 at or above the current level of funding for surface transportation programs.

Ms. Parades concluded that staff recommends approval of the state and federal priorities, as amended.

Commissioner Proctor stated that he was opposed to the Governor's plans to advance \$500 million in tax cuts and hoped that the County would adamantly oppose such an action.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the 2014 State and Federal legislative priorities, as amended by the Board. The motion carried 7-0.

Adjourn:

There being no further business to come before the Board, the workshop was adjourned at 1:30 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

BY: _____
Bob Inzer
Clerk of the Circuit Court & Comptroller

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
December 10, 2013**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chairman Kristin Dozier presiding. Present were Vice-Chairman Mary Ann Lindley, and Commissioners John Dailey, Bryan Desloge, Nick Maddox, Bill Proctor and Jane Sauls. Also present were County Administrator Vincent Long, County Attorney Herb Thiele, and Board Secretary Rebecca Vause.

The Invocation was provided by Commissioner Bryan Desloge, who then led the Pledge of Allegiance.

Awards and Presentations

- Wayne Tedder, Director, Planning, Land Management & Community Enhancement (PLACE) utilized a video to provide the Board an update on the Cascades Park Grand Opening. He announced that the anticipated completion date was March 2013 and added that a media campaign would be launched to publicize its opening.
 - Commissioner Desloge requested that a link to the video be sent to Commissioners.

Consent:

Commissioner Sauls moved, duly seconded by Commissioner Dailey to approve the Consent Agenda with the exception of Item 16, which was pulled for further discussion. The motion carried 7-0.

1. Approval of Minutes: October 29, 2013 Workshop on Consideration of Future Uses for the One-Cent of Tourist Development Tax Currently Dedicated to a Downtown Performing Arts Center(s) and October 29, 2013 Regular Meeting

The Board approved Option 1: Approve the minutes of the October 29, 2013 Workshop on Consideration of Future Uses for the One-Cent of Tourist Development Tax Currently Dedicated to a Downtown Performing Arts Center(s) and October 29, 2013 Regular Meeting

2. Adoption of Proposed Policy Notice 2014 Tentative Schedule and the 2014 Board Travel Schedule

The Board approved Options 1, 2, 3 & 4: 1) Adopt the Leon County Board of County Commissioners' Public Notice 2014 Tentative Schedule; 2) Approve the 2014 Board of County Commissioners' Travel Schedule and authorize Commissioners' travel to the scheduled events; 3) Schedule the Board's Installation of Newly-elected Commissioners and Reorganization on Tuesday, November 19, 2014, and 4) Schedule the Board Retreat for Monday, December 8, 2014.

3. Ratification of Commissioners' Appointments to the Human Services Grant Review Committee and Library Advisory Board

The Board approved Options 1 a-g and 2 a-d:

- 1) Ratify Commissioners' appointments to the Human Services Grant Review Committee as follows:
 - a. Commissioner Dailey reappoints Kent Safreit.
 - b. Commissioner Desloge appoints Jaime Garner.
 - c. Commissioner Dozier appoints Greg Cowan.

- d. Commissioner Lindley reappoints Jim McShane.
 - e. Commissioner Maddox reappoints Gerard LaMothe, Jr.
 - f. Commissioner Proctor reappoints Cynthia Gardner.
 - g. Commissioner Sauls reappoints Janis Weisz Piotrowski.
- 2) Ratify Commissioners' appointments to the Library Advisory Board as follows:
- a. Commissioner Dailey reappoints Bill Summers.
 - b. Commissioner Desloge reappoints Christopher Timmons.
 - c. Commissioner Lindley reappoints Pamela Doffeck.
 - d. Commissioner Sauls reappoints Julie Lovelace.

4. Acceptance of the Economic Development Council's FY 2013 Annual Report and Approval of the FY 2014 Agreement in the Amount of \$199,500

The Board approved Options 1 & 2: 1) Accept the Economic Development Council's FY 2013 Annual Report, and 2) Approve the FY 2014 Agreement between Leon County and the Economic Development Council in the amount of \$199,500 and authorize the Chairman to execute.

5. Approval of Payment of Bills and Voucher Submitted for December 10, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 11, 2013 through January 20, 2014

The Board approved Option 1: Approve the payment of bills and vouchers submitted for December 10, 2013, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 11, 2013 through January 20, 2014.

6. Acceptance of the Fiscal Year 2013 Annual Performance and Financial Report

The Board approved Option 1: Accept the FY 2013 Annual Performance and Financial Report.

7. Acceptance of a Conservation Easement from June C. Diehl

The Board approved Option 1: Approve and accept for recording the Conservation Easement from June C. Diehl.

8. Ratification of Board Action Taken at the November 19, 2013 Workshop on Proposed solutions to Promote Sustainable Growth Inside the Lake Protection Zone

The Board approved Option 1: Ratify Board actions taken at the November 19, 2013 Workshop on Proposed Solutions to Promote Sustainable Growth Inside the Lake Protection Zone.

9. Approval of the Proposed Local Agency Program Supplemental Agreement with the Florida Department of Transportation for the Design and Construction of Lafayette Street Improvements from Seminole Drive to Winchester Lane

The Board approved Options 1 & 2: 1) Approve the proposed Supplemental Agreement with the Florida Department of Transportation for the Design and Construction of Lafayette Street Improvements from Seminole Drive to Winchester Lane, and authorize the County Administrator to execute, and 2) Approve the Resolution and associated Budget Amendment Request realizing an additional \$145,837 from the Florida Department of Transportation into the County budget.

10. Approval of the Proposed Amendment to the Agreement with Sandco, Inc. for the Design and Construction of Lafayette Street Improvements from Seminole Drive to Winchester Lane

The Board approved Option 1: Approve the proposed Amendment to the Agreement with Sandco, Inc. for the design and construction of Lafayette Street improvements from Seminole Drive to Winchester Lane, and authorize the County Administrator to execute.

11. Approval of the Plat of Kingsmill Subdivision for Recording in the Public Records and Approval and Acceptance of Performance Agreement and Surety Device

The Board approved Option 1: Approve the plat of Kingsmill subdivision for recording in the Public Records, contingent upon staff's final review and approval, and approve and accept the Performance Agreement and Surety Device.

12. Approval of the Aerial Larviciding Agreement with the Leon County Sheriff's Office

The Board approved Option 1: Approve the Aerial Larviciding Agreement with the Leon County Sheriff's Office, and authorize the County Administrator to execute.

13. Approval of a Memorandum of Agreement with the Florida Department of Transportation for the Maintenance of a Section of Highway 27 (Apalachee Parkway)

The Board approved Option 1: Approve the Memorandum of Agreement with the Florida Department of Transportation for the Maintenance of a Section of Highway 27 (Apalachee Parkway), the associated Resolution, and authorize the County Administrator to execute.

14. Acceptance of the final FY 2012-2013 County Grant Program Leveraging Status Report

The Board approved Option 1: Accept the FY 2012-2013 County Grant Program Leveraging Status Report.

15. Acceptance of Affordable Housing Advisory Committee's 2014 Report of Recommendations

The Board approved Options 1 & 2: Accept the 2014 Affordable Housing Advisory Committee's Report of Recommendations, and 2) Direct staff to prepare an agenda item for the February 25, 2014 meeting to consider the Affordable Housing Advisory Committee recommendations.

16. Acceptance of a Status Report on the Update of the 100-year Floodplain Data in Geographical Information System, Based on Site-Specific Analysis Received During the Development Review Process

Chairman Dozier requested the item be pulled for further discussion.

County Administrator Long introduced the item.

Chairman Dozier referenced an aerial flood mapping project conducted by FEMA several years ago and how the resulting map placed several properties into the floodplain, which might not need to be there. She requested staff explore options over the next few years to fund a ground flood mapping project to replace the FEMA aerial mapping.

Commissioner Desloge moved, duly seconded by Commissioner Lindley, approval of Option 1, as amended: Accept the status report on the update of the 100-year floodplain data in Geographical Information System, based on site-specific analysis received during the development review process, and direct staff to explore any possible future funding opportunities for flood plain mapping for areas, such as Lake Lafayette basin.

The motion carried 7-0.

17. Acceptance of a Status Report and Approval to Rename the South Segment of Bennett Street to “Preston Court”

The Board approved Option 1: Accept the status report and approve the renaming of the south segment of Bennett Street to “Preston Court.”

18. Acceptance of a Status Report and Approval to Rename One Block of DeSoto Street to “Officer Dale Green Way”

The Board approved Option 1: Accept the status report and approve the renaming of one block of DeSoto Street to “Officer Dale Green Way”.

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

- Shannon Booker, 922 E. Lafayette Street, co-owner of Kwik Kutz, asked the Board to consider the extreme hardship that the construction on Lafayette Street has had on his business, which rely heavily on walk-in traffic.
- Mahir Rutherford, 922 E. Lafayette Street, co-owner of Kwik Kutz, stated that he felt there had not been enough community outreach regarding the impact that the Lafayette Street construction would have on businesses along the corridor and requested that there be some protocols established in the planning stages to assist small businesses that may be affected by construction projects. He too mentioned how the decrease in walk in traffic has negatively affected the business and asked that the Board consider the hardship and “right the wrong”, not just for their business but all small businesses on Lafayette Street. He voiced his appreciation to Chairman Dozier and County Administrator Long for their efforts to find resolution to this problem.
 - Chairman Dozier indicated that she would bring this issue back up under “Commissioner Discussion” time.

General Business

19. Acceptance of a Status Report on the Leon County Research and Development Authority (LCRDA)

County Administrator Long introduced the item.

Ron Miller, LCRDA Executive Director, provided an update and highlights of 2013 activities at Innovation Park. He summarized the benefits of the Innovation Park restructuring of land holdings and new Memorandum of Understanding with FSU and FAMU. He mentioned that the LCRDA has received clean audits for three consecutive years and continues to operate within budget. Mr. Miller articulated the goals for 2014:

- Complete property transfers and related agreements;
- Finalize and begin to execute strategic plan including possible development of remaining LCRDA controlled land, redevelopment of LCRDA owned buildings, facilitation of university technology commercialization, and creation of a sense of place at Innovation Park;
- Execute 2014 Technology Commercialization Grant Award Program;
- Award 10 EEP Scholarships;
- Conduct four EDC Research & Engineering Roundtables, and
- Revise Innovation Park Covenants & Restrictions.

Chairman Dozier commended Mr. Miller for his work at Innovation Park and stated that she was very excited about the future of the LCRDA.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Accept the status report on the Leon County Research and Development Authority regarding the status of Innovation Park. The motion carried 7-0.

20. Acceptance of Status Update Regarding Curbside Collection Service Provided by Waste Pro, Inc.

County Administrator Long introduced the item and indicated that the Board had requested the update at its last meeting. He stated that while there were some challenges associated with the transition of vendors, he was proud of how County staff had “stepped up” and provided excellent customer service during this time.

Robert Mills, Solid Waste Director, provided an update on the transition process to Waste Pro for curbside collection:

- Waste Pro received 8,700 calls and hired additional staff to take and respond to the influx of calls;
- The previous vendor had communicated to Waste Pro that there were 23,500 customers; however, the actual number was 26,000. This miscommunication caused a delay in carts being delivered to customers, resulting in the high volume of calls. To date all carts have been delivered, with the exception of those customers that have signed up within the last week.
- Yard debris collection issues have been resolved by additional trucks being added to assist in collection. To date, call volume has drastically diminished, with only a few calls now being received.

Mr. Mills concluded that he expects Waste Pro to continue to respond to concerns of citizens.

Commissioner Desloge commended staff for their efforts and added that collection problems should be addressed to Waste Pro at 606-1899; however, if resolution is not reached residents should call Solid Waste at 606-1800.

Chairman Dozier shared that she received an e-mail from Kim Williams, Marpan Recycling, announcing that recycling for the month of November was up 13.6% from last year.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Accept the status update regarding curbside collection service provided by Waste Pro, Inc. The motion carried 7-0.

21. Approval of the Tourism Signature Event Grant Program

County Administrator Long introduced the item and recalled that during the budget process the Board had placed \$125,000 into a proposed Tourism Signature Events Grant Program and directed staff to bring back an agenda item detailing the process and criteria for this grant program.

Lee Daniel, Tourism Director, provided an overview of the item and submitted that the proposed grant program offers a great opportunity to enhance economic development through tourism. He articulated that the Division of Tourism Development currently operates three grant programs: sports grant program, special events program, and the meetings and conventions transportation grant program. He conveyed that the Tourist Development Council (TDC) recommends that proposed signature events generate at least 1,500 room nights to be eligible for funding and that applicants not be limited to a specific application deadline (this will allow for year round consideration of signature event opportunities as they arise). Mr. Daniel shared that the funding model is based on an approximately 1:3 return of Tourist Development Tax funds given the anticipated direct local economic impact of signature events and the TDC suggests staff actively promote the availability of these funds and proactively contact and meet with local event holders. In addition, the TDC recommends that staff review the program near the end of this fiscal year and bring back any revisions the TDC feels appropriate.

Commissioner Maddox expressed appreciation to Mr. Daniel for his leadership as Tourism Director and stated that he was excited to see the grant program move forward.

Commissioner Maddox moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the Tourism Signature Event Grant Program. The motion carried 7-0.

22. Consideration of Funding Request from the Disabled American Veterans in the Amount of \$10,963 Toward the Purchase of a New Replacement 12-Passenger Van

County Administrator Long introduced the item. He shared that the item has a fiscal impact; however, funding is available in the Veterans Services Military Grant Program budget. He noted that the County proportionate share is estimated at \$10,963 or 35% of the cost of the van and a funding request has been made of the 10 neighboring counties the DAV services.

Commissioner Desloge established that three counties (Franklin, Gadsden, and Liberty) have committed their share of the costs and five other counties are taking the request to their Boards for approval. He voiced support for the funding, with the condition that the majority of the counties also contribute.

Commissioner Desloge moved, duly seconded by Commissioner Lindley, to approve Option 1, as amended: Approve the funding request from the Disabled American Veterans' in the amount of \$10,963 toward the purchase of a new replacement 12-passenger van, with the condition that the majority of the 10 neighboring counties move forward with the "fair share" funding request.

The motion carried 7-0.

23. Approval of FY 13/14 Insurance Coverages

County Administrator Long introduced the item and stated that the analysis provides a detailed background and the results of the competitive procurement of all lines of

insurances, exclusive of health. He noted the slight increase in cost, which was anticipated and properly budgeted.

Commissioner Dailey conveyed that he has a business relationship with the Florida League of Cities. He noted that Florida Municipal Insurance Trust, which is being recommended for "Excess Workers' Compensation" insurance is a separate corporate entity, with a separate Board of Directors from the Florida League of Cities. He confirmed with County Attorney Thiele that he has no conflict of interest on this item.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Approve the FY 13/14 insurance coverages, and authorize the County Administrator to place insurance coverages for Property; Excess Workers' Compensation; and General Liability as specified in Option 1:

- *Excess Workers' Compensation; Florida Municipal Insurance Trust \$185,294.*
- *General Liability (including Public Official; Employment Practices Liability; Auto and Medical Malpractice); OneBeacon \$436,490 and Admiral Ins. Co. \$11,021.*
- *Property Insurance (total insured value \$351,218,716); Zurich \$798,110.*
- *As the provider for General Liability, authorize Brown & Brown to place Pollution; Accidental Death & Dismemberment; and, Aviation Liability Coverages.*

24. Approval of Agreement Awarding Bid to Capital Asphalt, Inc. in the Estimated Amount of \$7,147,326 for the Asphaltic Concrete Materials and Services, Continuing Supply Contract

County Administrator Long introduced the item. He indicated that Capital Asphalt, Inc. was the lowest responsive bidder and met the County's aspirational WMBE goals. He added that the item had been budgeted and adequate funding is available.

Commissioner Proctor remarked that the contract calls for the resurfacing of 32 miles of County roads and asked that staff consider the inclusion of some Woodville area roads, as none are listed as part of the proposed resurfacings. He added that this was brought up at the recent Woodville Townhall meeting. County Administrator Long clarified that the list of roads was consistent with the Board's current Capital Improvement Plan. Commissioner Proctor suggested that the Board look at the geographic distribution of the projects and asked if there was a way to "reshuffle" the projects to include Woodville. County Administrator Long responded that staff would follow the direction of the Board; but also pointed out that a capital project prioritization list would be coming back to the Board based on the new fifth cent gas tax.

Tony Park, Director of Public Works & Community Development, conveyed that the resurfacing list is based on an annual evaluation of all County maintained roads. He noted that the list can be amended as warranted by a road's changed condition. Commissioner Proctor asked that Mr. Park follow-up on the concerns brought forward by Woodville residents.

Commissioner Dailey moved, seconded by Commissioner Sauls approval of Option 1: Approve Agreement awarding bid to Capital Asphalt, Inc. in the estimated amount of \$7,147,326 for the Asphaltic Concrete Materials and Services, Continuing Supply Contract for a two-year period, and authorize the County Administrator to execute. The motion carried 7-0.

25. Consideration of Full Board Appointment to the Tourist Development Council

County Administrator Long introduced the item.

Commissioner Lindley moved, duly seconded by Commissioner Desloge, to appoint T. Bo Schmitz, to the Tourist Development Council. The motion carried 7-0.

26. Consideration of Full Board Appointments of Commissioners to Authorities, Board, Committees and/or Councils

The Board approved the following appointments:

- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, reappointment of Commissioner Sauls to the Apalachee Regional Planning Council, for a term of two years. The motion carried 7-0.*
- *Commissioner Dailey moved, duly seconded by Commissioner Desloge, to appoint Commissioner Lindley as a Substitute Member to the Canvassing Board and appoint Commissioner Desloge as an Alternate Substitute Member to the Canvassing Board. The motion carried 7-0.*
- *Commissioner Maddox moved, duly seconded by Commissioner Sauls, to reappoint Commissioner Desloge to the Tourist Development Council for a term of two years. The motion carried 7-0.*
- *Commissioner Desloge moved, duly seconded by Commissioner Lindley, reappointment of Commissioners Dailey and Dozier to the Economic Development Council, for terms of two years. The motion carried 7-0.*
- *Commissioner Dailey moved, duly seconded by Commissioner Sauls, to reconfirm the appointment of Commissioner Maddox to the Workforce Region 5 Consortium. The motion carried 7-0.*

Chairman Dozier announced that the Board had concluded its General Business Agenda and would now enter into Commissioner Discussion.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

The Board reconvened and conducted the following public hearings.

27. First and Only Public Hearing on a Cycle 2013-1 Comprehensive Plan Amendment to Expand the Woodville Rural Community

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

Commissioner Maddox moved, duly seconded by Commissioner Dailey, approval of Option 1: Conduct the first and only public hearing and adopt the Cycle 2013-1 Comprehensive Plan Amendment to expand the Woodville Rural Community. The motion carried 7-0.

28. First and Only Quasi-Judicial Public Hearing on a Proposed County Ordinance Amending the Official Zoning Map to Change the Zoning Classification from the Rural (R) and Residential Acre (RA) Zoning Districts to the Woodville Retirement Community AKA DISC Village Planned Unit Development Zoning District

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

Commissioner Maddox moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only quasi-judicial public hearing and adopt a proposed Ordinance amending the Official Zoning Map to change the zoning classification from the Rural (R) and Residential Acre (RA) Zoning Districts to the Woodville Retirement Community aka DISC Village Planned Unit Development Zoning District, based upon the findings and conclusions of the Planning Commission, the information contained in this report, and any evidence submitted the hearing hereon. The motion carried 6-1 (Commissioner Proctor in opposition).

29. First and Only Public Hearing on a Proposed Ordinance to Amend the County's Abandoned Property Registration Ordinance

County Attorney Thiele announced the public hearing and confirmed there were no speakers on this issue. He stated that since the Ordinances' adoption, staff has worked with the banking industry to work out some issues with the Ordinance.

Commissioner Dailey commended the County Attorney's Office for their work on this issue.

Commissioner Sauls moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only public hearing and adopt a proposed Ordinance amending the County's Abandoned Property Registration Ordinance. The motion carried 7-0.

30. First of Two Public Hearings on a Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC

County Attorney Thiele announced the public hearing. He summarized the item and articulated that earlier this year a Development Agreement proposal was on the Board's agenda. However, the Agreement was not acceptable to the neighboring homeowners, and staff was directed to work with the applicant, as well as the neighborhood associations, on a compromise.

Speakers:

- Katherine Marois, 7738 McClure Dr., voiced opposition to the proposed Development Agreement due to a number of issues that she opined have not been explored by Commission. She commented that the proposed Development Agreement would worsen existing community infrastructure problems, such as: unsafe, congested roads; flooding and poor drainage control; inadequate stormwater management, and overcrowded schools. Additionally, she submitted that the development would negatively impact the health, environment and quality of life by degraded water quality to Lake McBride and a loss of green and open space enjoyed by wildlife and residents. She asked the Board hear the concerns and address the serious negative impacts that the proposed development would bring to the Bradfordville community. (A written version of Ms. Marois' comments was provided and is attached for the record.)
- Charles McClure, 7698 McClure Dr., spoke in opposition to the proposed Development Agreement. A written document articulating his questions was presented to Commissioners and submitted for the record (the document is included as part of the official record). His questions included: Why the need for more commercial space when a number of unoccupied building already exist?; What is the schedule and plan for widening Bannerman Road and how will this construction affect the existing congestion?; What types of traffic studies have

been done to estimate the impact on existing traffic congestion?, and What environmental impacts can be expected to water quality, increased storm water runoff and flooding, loss of trees and other natural vegetation? He urged the Board to vote in opposition to the proposed development.

- Jim Marois, 7738 McClure Dr., stated that as a member of the McBride Hills Homeowners Association and the Lake McBride Homeowners Association he strongly opposed the proposed Development Agreement. He disagreed with staff's recommendation as outlined in the agenda item. He urged the Board to preserve the beauty of the area and protect Bradfordville's exceptional qualities against this poorly planned, unnecessary and detrimental development. (A copy of Mr. Marois' comments are included as part of the record.)
- Claude Walker, 5428 Crofton Court, CEO of Summit Group the developer, appeared and conveyed that they have met with representatives of Killlearn Lakes and Lake McBride Property Homeowners Associations numerous times in an effort to reach agreement. He advised that both sides have made concessions i.e., apartment complex has been removed and additional residential and commercial density has been offered by the neighborhood. He stated that while there are pending issues, it is anticipated that these will be "ironed out" prior to the second public hearing. He asked the Board to support the proposed Development Agreement.
- Susan Harnden, Attorney for Killlearn Lakes Homeowners Association, read into the record a position statement signed by the Killlearn Lakes Homeowners Association, Inc. (A copy of the signed document is attached for the record.)
- Fred Breeze, 6937 McBride Court, informed the Board that he has been part of the negotiating team representing three of the major Homeowners Associations South of Bannerman Road, as well as individual homeowners who don't belong to any HOA. He reported that the three associations have come to an agreement with Summit Group and the terms contained in the pending agreement.
- Scott Henderson, 599 Tung Hill Dr., distributed a list of recommendations for the Board to consider. He opined that there were areas of the agreement that should be done at the expense of the developer; not the County taxpayer. He also voiced concerns about the valuation of land being granted by the developer. (A copy of the recommendations is included as part of the record.)
- Steve Greenwell, 7067 Standing Pines Lane, displayed a proposed solution to the traffic problems that would arise from the development; such as, putting a turn-about at the proposed Beech Ridge Trail and Bannerman Road intersection. (A copy of Mr. Greenwell's proposal is attached.)

Commissioner Dailey stated that he liked the roundabout idea and suggested it be given consideration.

Commissioner Desloge commented that he had been involved with the development for four to five years and has attended numerous meetings. He commented that more green space was the end goal and he opined that, left to natural evolution, all four corners of Bannerman and Thomasville Roads would be completely developed; however, the proposal calls for the northwest corner to be improved into a green space for all to enjoy. He too indicated an interest in further review of the roundabout and noted that the Bradfordville Sector Plan will be brought back for some revisions and consideration would be given to the recommendations/comments provided by citizens. He also remarked that the Bradfordville area has the highest water quality standards in the County. Commissioner Desloge concluded his comments by stating that he was pleased with the progress and was confident that the remaining issues would be resolved by the second public hearing in January.

Commissioner Desloge moved, duly seconded by Commissioner Dailey, approval of Options 1 & 2: Conduct the first of two public hearings on a proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC, and 2) Schedule the second and final public hearing on a proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC, for Tuesday, January 21, 2014 at 6:00 p.m. or as soon thereafter as same may be considered. The motion carried 7-0.

31. First and Only Public Hearing on a Proposed Resolution Regarding Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Fire Rescue Services

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

Commissioner Desloge moved, duly seconded by Commissioner Sauls, approval of Option 1: Conduct the first and only public hearing and adopt the proposed Resolution regarding intent to utilize the uniform method of collecting non-ad valorem assessments for fire rescue services. The motion carried 6-1 (Commissioner Proctor in opposition).

32. First and Only Public Hearing to Adopt a Resolution Affirming Bay County Florida's Reissuance of Industrial Revenue Bonds, Series 2012, for Goodwill Industries and Adding an Additional Non-Profit Corporation Owner, GIBB Foundation, Inc.

County Administrator Long announced the public hearing. He stated that the industrial revenue bonds are being reissued through Bay County, Florida and no Leon County revenue or assets are being utilized to secure this debt.

Chairman Dozier confirmed that there were no speakers on this issue.

Commissioner Sauls moved, duly seconded by Commissioner Lindley, approval of Option 1: Conduct the first and only public hearing and adopt the Resolution affirming Bay County, Florida's reissuance of Industrial Revenue Bonds, Series 2012, for Goodwill Industries and adding an additional non-profit corporation owner, GIBB Foundation, Inc. The motion carried 7-0.

33. First and Only Public Hearing to Consider Adoption of a Proposed Ordinance to Establish Low Impact Development Standards and Incentives

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

Commissioner Desloge moved, duly seconded by Commissioner Lindley, approval of Option 1: Conduct the first and only Public Hearing and adopt a proposed Ordinance to Establish Low Impact Development Standards and Incentives. The motion carried 7-0.

34. First and Only Public Hearing to Adopt a Proposed Ordinance to Reauthorize the Levy of the 6th Cent Local Option Fuel Tax

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

Commissioner Lindley moved, duly seconded by Commissioner Desloge, approval of Option 1: Conduct the first and only public hearing and adopt the proposed Ordinance to reauthorize the levy of the 6th Cent Local Option Fuel Tax. The motion carried 6-1 (Commissioner Proctor in opposition).

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

- Oretha Jones, 438 W. Brevard, Executive Director, Neighborhood Medical Center (NMC), appeared reiterating their request for a letter of support from the Board for their FQHC application. She asserted that they did not enter into the process in a competitive manner and had in fact, provided Bond a letter of support for its initial FQHC application. She indicated that NMC decided to submit an application once it was learned that Bond's application had been returned and had at that time reached out to Bond in a collaborative effort. Ms. Jones stated that their request for collaboration resulted in being told by Bond that their submittal of an FQHC application would be considered "malicious collaboration" and if they pursued FQHC status, Bond "would not work with you (NMC) on anything ever again". She asserted that NMC has done what the Board had directed and felt that they were being penalized for something they are not responsible for. She reiterated NMC's attempts to reach out to Bond in a spirit of cooperation.
 - Commissioner Maddox ascertained from County Administrator Long the scope of the upcoming health care workshop. He then spoke fervently of his disappointment of being misled by Bond and its stated intention to establish a working relationship with NMC. He voiced a desire to have a discussion to cease funding for Bond.
 - Ms. Jones stated that it was not her intent to cause harm to Bond or for them to lose any funding; only wanted an opportunity for NMC to be able access the benefits of being a FQHC.
 - Commissioner Desloge commended Ms. Jones for the work being done at NMC and conveyed that it was the County's best interest to have thriving health care providers who work together. He declared that he too was concerned about the lack of cooperation extended from Bond to NMC.
 - Chairman Dozier stated that while she did support the motion offered during the Board's earlier discussion on this matter, she remains in support of a letter for NMC. She added that the Board will have an opportunity to further discuss this issue at the upcoming workshop and during next year's budget discussions.
- Keith Lewis, 2922 Lewiswood Lane, spoke regarding the Perry Lewis Living Trust and questioned why the County in its Comprehensive Plan process changed the zoning of the west side of the property to Residential Acre, which created inequality in the parcels overall property value. He stated that a Declaration of Unity was signed by all to put the land back to Rural and asked why this had not been done.
 - David McDevitt, Development Support & Environmental Management Director, provided that that the land is owned by the Lewis family and is divided into multiple parcels owned by various family members. He explained that when the Comprehensive Plan was adopted in 1990, the eastern portion of the land was left outside the Woodville Rural Land Use designation, which established a portion of their property as one unit per acre, and for the other property – one unit per 10 acres. He indicated the best approach may be to place the entire property in Rural zoning which would give the family a greater amount of flexibility. Mr. McDevitt also shared that there is an ongoing lawsuit amongst family members.
 - Commissioner Proctor inquired if the property, being part of a Living Trust, could be grandfathered in and not be subsumed in the land use designation. He also asked

- about the application of 2.1.9 in this instance and, as the County desires to keep families whole, suggested staff look into the 2.1.9 to help reconcile the situation.
- County Administrator Long shared that the situation is more straight-forward when there is agreement among the family; however, when there is discord, it becomes more difficult. He indicated that staff awaits Board direction; however, suggested that staff be directed to bring back updated information on the situation.
 - Liz Olson, 2917 Lewiswood Lane, continued the discussion initiated by Mr. Keith Lewis. She requested information on the boundaries for Commissioners Sauls and Proctor. Ms. Olson read a prepared statement detailing the circumstances of the dilemma. She elaborated on the family turmoil created by the rezoning and wanted to know why the County created Residential Acres under a Family Heir 2.1.9 for one person without the beneficiaries knowledge and/or consent. She referenced the pending lawsuits and opined that the County should be responsible for the expenses associated with them. She reiterated the family's desire to have all the property designated Rural.
 - Jerry Lewis, 2896 Lewiswood Lane, further elaborated on the issues brought forward by Mr. Keith Lewis and Ms. Olson. He opined that the County should be held accountable for the mistakes it made in rezoning portions of the Lewis property.
 - Commissioner Proctor requested that staff include as part of its status report guidance on a Board initiated Comprehensive Plan Amendment that might unify the property.
 - *Without objection, the Board requested staff provide a status report with more information on the Lewis family's land use issues to include guidance on a Board initiated Comprehensive Plan Amendment.*

Comments/Discussion Items

County Attorney Thiele:

- Extended holiday greetings from the Thiele Family.

County Administrator Long:

- Thanked the Board for a great Retreat.
- Wished all a happy holidays.
- Reminded the Board that Commissioner Desloge requested staff apply for a NACo grant to support a one-day community dialogue meeting to discuss how the County could improve the community's overall health.
 - He announced that the County has been selected as one of six counties to participate in the NACo Robert Wood Johnson Community Dialogue Grant.
 - He added that staff continues to receive detailed information from NACo on the specifics related to the award and how the dialogue would be conducted. Once the information is received, staff will await Board direction on the timing to schedule a workshop on healthcare (that was discussed at the Board's Retreat); which can be done either prior to or after the community dialogue meeting.

Commissioner Discussion Items

Commissioner Proctor:

- Acknowledged staff's efforts and excellent job in the Woodville Townhall meeting.
- Gave a "Shout Out" to 1) FSU Football for their recent ACC Championship and their participation in the National Championship game; 2) FSU Soccer team (competed in the National Championship game), and 3) FAMU for securing SAC reaccreditation.
- Wished all a joyous Christmas.
- Reflected on the life of Nelson Mandela.
- Asked when the recommended list of projects might be presented from the Sales Tax Committee for Board consideration. County Administrator Long responded that the

Committee's last meeting is in January and as soon as it completes its work, staff will schedule a time to bring the recommendations to the Board.

Commissioner Dailey:

- Recalled a home in Edinburgh Estates that had recently burned. He conveyed that because the neighborhood was outside of the Urban Services Area (USA) when established, the developer was not required to install the infrastructure that allows for fire department hook-up. He deemed this a serious situation and wondered if there are other areas within the unincorporated area that are in the same situation and how these situations can be addressed.
 - *Commissioner Dailey moved, duly seconded by Commissioner Proctor, to direct staff to schedule a workshop on the issue of fire safety infrastructure for those neighborhoods outside of the urban services area.*
 - Commissioner Desloge mentioned that financial aspects of how to address this issue would also be part of the discussion.
 - Chairman Dozier mentioned that she has had similar situations in her district and the installation of a gravity tank was necessary to be able to get adequate water pressure. She also requested that Talquin be invited to attend the workshop.
 - *The motion carried 7-0.*

Commissioner Sauls:

- Wished all a merry and safe Christmas.

Commissioner Maddox:

- *Commissioner Maddox moved, duly seconded by Commissioner Proctor, Proclamations for Jameis Winston for winning the Heisman Trophy and the FSU football team, in anticipation of their winning the national championship title. To be presented after the game. The motion carried 7-0.*

Commissioner Desloge:

- *Commissioner Desloge moved, duly seconded by Commissioner Maddox, to direct staff to bring back an agenda item on transportation needs of Bannerman Road. The motion carried 7-0.*
- Extended a happy holidays to all.

Vice-Chairman Lindley:

- Thanked County staff for all their hard work to ensure a successful Board Retreat.
- As part of the EMS 10-Year Celebration she attended this morning, she learned that paramedics would be required to take on a greater brunt of healthcare and there would be an increase in assistance and support needed.
 - *Commissioner Lindley moved, duly seconded by Commissioner Desloge, to modify the Strategic Initiative regarding EMS to continue to pursue grants and other assistance for EMS. The motion carried 7-0.*
 - County Administrator Long stated that staff would bring the modification back as part of the Retreat ratification.

Chairman Dozier:

- On behalf of Chairman Dozier: *Commissioner Desloge moved, duly seconded by Commissioner Maddox, approval for a Proclamation for Radon Awareness Month, to be presented on January 21, 2014. The motion carried 7-0.*
- On behalf of Chairman Dozier: *Commissioner Desloge moved, duly seconded by Commissioner Lindley, to present a Proclamation for Larry Fuchs commemorating his contributions to the community, at a memorial service at Lemoyne Art Center on December 16, 2013. The motion carried 7-0.*

- Shared that a request for a letter of support has been received from Neighborhood Medical Center (NMC) for the FQHC grant application. She recalled that a letter of support had already been provided to Bond for their FQHC application and offered that the same be provided to NMC.
 - Commissioner Desloge commented that Bond's application was returned and NMC sees this as an opportunity to step in. He opined that having NMC and Bond as competing entities does not serve the community and suggested that the Board take a more proactive stance and encourage Bond and NMC to submit a joint application. He stated that one FQHC provider with multiple locations would better serve the community.
 - Commissioner Dailey agreed and expressed frustration at the situation. He stated that the Board has wanted to see a change and recalled that he made a motion during the budget process to withhold funding until changes were made. He proposed that the letter of support of Bond be rescinded and the Bond send one letter in support of a single application.
 - In response to Commissioner Maddox, Candice Wilson, Director, Office of Human Services & Community Partnerships, shared that the application cycle for a FQHC provider ranged from one to three years (generally three years). She confirmed that the first part of the NMC application was due December 20th, with additional information to be provided by January 10, 2014.
 - Commissioner Maddox expressed a concern about Commissioner Dailey's recommendation as he wants to ensure there is a FQHC provider in Leon County. He indicated that he was inclined to give letters of support to both organizations.
 - Commissioner Lindley recollected that when the Board was contemplating its funding for Bond, they had come forward in a spirit of cooperation and collaboration toward NMC. She stated that unfortunately nothing has changed and the Board should use its funding leverage to expect a better administrative operation going forward. She voiced her support for one letter of support for a joint application.
 - Chairman Dozier tended to agree with Commissioner Maddox. She expressed concern about the timing and did not want to prevent either from being able to submit an application.
 - County Administrator Long weighed in with options for the Board to consider; which included Board support for one funding application or any variation of the two. He also noted that Bond's funding will continue unaffected at this time; however, suggested that Bond and NMC be given the time between the Board's upcoming healthcare workshop and the beginning of next year's budget process to put together a joint application for the following year and funding would be contingent upon that.
 - Ms. Wilson clarified that URSA would only fund one FQHC and the application could be submitted without the support of the Board; however, part of the application process includes a letter of support from the community.
 - Commissioner Proctor voiced frustration at how URSA has created what he deemed was a competition between NMC and Bond and suggested that the County contact URSA and solicit their assistance in unifying the two organizations.
 - Commissioner Desloge remarked that the goal is to have functional, working thriving clinics that are responsive to the needs of its clients.
 - *Commissioner Desloge moved, duly seconded by Commissioner Lindley, to provide a letter of support for both NHS and Bond to include the County's desire for one FQHC.*
 - Commissioner Dailey commented that he could not support the motion, as a stronger message needed to be sent. He suggested one letter of support and if necessary County resources would be provided to ensure timely submission of a joint application.

- Commissioner Desloge amended his motion: Direct the County Administrator to contact NHS and Bond informing them the Board will support one joint application and will make resources available to ensure timely submission. (The amendment was agreed to by Commissioner Lindley, the seconder of the motion).
- Commissioner Dailey inquired if the deficiencies identified in its review of Bond by URSA had been resolved. Ms. Wilson stated that she has not received a final update on whether all the issues have been resolved.
- Chairman Dozier remarked that she would support one letter; however, reiterated her concerns about the time needed to prepare a joint application. She stated that she would be more supportive of more community discussion and placing more requirements on next year's funding.
- **County Administrator Long clarified that it was the Board's intent to rescind the existing letter of support to Bond.**
- Commissioner Maddox conveyed that he could not support the motion on the table as it was not strong enough. He advocated the Board provide the two letters which includes a request for URSA to grant FQHC status for one year to whoever receives the qualification.
- Commissioner Sauls indicated that she would support the motion on the floor and expressed disappointment that the Board has not seen the promised change.
- Commissioner Lindley moved, duly seconded by Commissioner Desloge, to call the question. The motion carried 7-0.
- **The amended motion on the floor as clarified by the County Administrator: Direct staff to send a letter to HRSA indicating that the Board would support one joint application; followed by a letter to Bond and NHS advising them of the Board's actions and offering County support in their development of a joint application. Additionally, rescind the previous letter of support for Bond. The motion carried 6-1 (Commissioner Maddox in opposition).**
- Chairman Dozier sought Board direction regarding both the NACo community dialogue meeting and the Board's direction to schedule a subsequent workshop on community health.
 - Commissioner Desloge moved, duly seconded by Commissioner Maddox, to schedule the proposed healthcare workshop, subsequent to the community dialogue meeting. The motion carried 7-0.
- Chairman Dozier followed-up on comments provided by Mr. Booker and Rutherford regarding construction along Lafayette Street. She mentioned that the construction work is essential and that while staff had reached out to the businesses, she was concerned that tenants may not have been contacted directly. She requested staff look at ways to help mitigate the impact on the business and review issues like Lafayette Street and bring back a report to the Board.
 - Commissioner Maddox asked the County Attorney Thiele to speak to the law associated with mitigation of losses due to construction. County Attorney Thiele responded that as long as a business is accessible in some way, compensation is not allowed under Florida Law.
 - Commissioner Maddox stated that while he supported mitigation, he was concerned about the precedent it might set. He asked that the report be very specific.
 - Commissioner Maddox moved, duly seconded by Commissioner Dozier, to direct staff to review the circumstances and issues like Lafayette Street construction and provide a report to Commissioners as soon as possible.
 - Chairman Dozier commented that while the County cannot compensate every single business affected by construction, there may be extreme circumstances that can be looked at.
 - Chairman Dozier suggested a holiday Public Service Announcement in support of businesses along Lafayette Street.

- *Commissioner Maddox amended his motion to include the issuance of Public Service Announcements to remind the public of the businesses along Lafayette Street and any other communication to the public, as appropriate, so that businesses on Lafayette Street are not forgotten during construction.*
- *The motion as amended carried 7-0.*

Chairman Dozier stated that the Board would recess for its dinner break and reconvene at 6:00 to conduct the regularly scheduled public hearings.

Receipt and File:

None.

Adjourn:

There being no further business to come before the Board, the meeting was adjourned at 7:25 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

BY: _____
Bob Inzer
Clerk of the Circuit Court & Comptroller

**Leon County
Board of County Commissioners**

Notes for Agenda Item #3

Leon County Board of County Commissioners

Cover Sheet for Agenda #3

January 21, 2013

To: Honorable Chairman and Members of the Board

From: Betsy Coxen, Finance Director

Title: Approval of First Extension of the Agreement for Auditing Services with Thomas Howell Ferguson P. A. and Law Redd Crona & Munroe P.A. for FY 2013 and FY 2014

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/Project Team:	Betsy Coxen, Finance Director

Fiscal Impact:

This item has been budgeted and adequate funding is available..

Staff Recommendation:

Option #1: Approve the First Extension of the Agreement for Auditing Services with Thomas Howell Ferguson P. A. and Law Redd Crona & Munroe P.A. for FY 2013 and FY 2014 (Attachment #1).

Report and Discussion

Background:

At its June 22, 2010 meeting, the Board approved the authorization and execution of an Agreement with Thomas Howell Ferguson P.A. and Law Redd Crona & Munroe P.A. for professional audit services. The Agreement expired upon completion of the audit for FY 2012; however, the Agreement allows for two – two-year extensions.

Analysis:

The First Extension of the Agreement would extend auditing services with Thomas, Howell, and Ferguson P. A. and Law, Redd, Crona & Munroe P.A. for another two years (FY 2013 and FY 2014). The First Extension and Engagement letter (Attachment #2) will include the yearly fees for the audit services. The audit process will be managed by the Finance Department.

Options:

1. Approve the First Extension of the Agreement for Auditing Services with Thomas Howell Ferguson P. A. and Law Redd Crona & Munroe P.A. for FY 2013 and FY 2014 (Attachment #1).
2. Do not approve the First Extension of the Agreement for Auditing Services with Thomas Howell Ferguson P. A. and Law Redd Crona & Munroe P.A. for FY 2013 and FY 2014.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. First Extension of of the Agreement for Auditing Services
2. Engagement Letter

FIRST EXTENSION OF THE AGREEMENT FOR AUDITING SERVICES

This Agreement is entered into by and between Leon County, Florida, a charter county and political subdivision of the State of Florida, hereinafter "County," and Thomas Howell Ferguson P.A. and Law, Redd, Crona & Munroe, P.A., hereinafter referred to as "Auditor."

WITNESSETH:

For and in consideration of the mutual covenants, restrictions, and representations set forth herein, the sufficiency of which is hereby acknowledged, County and Auditor do hereby agree as follows:

1. County and Auditor entered into an Agreement dated July 15, 2010, which provides for the fiscal years ending September 30, 2010; September 30, 2011; and September 30, 2012, as well as for two 2-year extensions to said Agreement. The County hereby exercises its discretion as provided for in the Agreement, and extends the Agreement for the first of the allowed 2-year extensions, providing for the fiscal years ending September 30, 2013, and September 30, 2014.
2. County and Auditor agree that the fees paid to Auditor for services rendered for the fiscal years ending September 30, 2013, and September 30, 2014, shall be as set forth in the attached Exhibit "A," Letter Agreement.
3. County and Auditor agree to the terms set forth in the attached Exhibit "A", Letter Agreement, insofar as they do not conflict with the provisions of the July 15, 2010, Agreement for Auditing Services, except as set forth herein.
4. All other provisions of the July 15, 2010, Agreement for Auditing Services remain in full force and effect.
5. This agreement shall become effective upon full execution hereof by both parties.

IN WITNESS WHEREOF, the parties evidence their agreement through the execution of this AGREEMENT by their duly authorized signatories.

THOMAS HOWELL FERGUSON P.A.

WITNESS: _____

BY: _____

PRINT NAME: _____

WITNESS: _____

DATE: _____

LAW, REDD, CRONA & MUNROE, P.A.

WITNESS: _____

BY: _____

PRINT NAME: _____

WITNESS: _____

DATE: _____

ATTEST: BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

LEON COUNTY, FLORIDA

BY: _____

BY: _____

Kristin Dozier, Chairman
Board of County Commissioners

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE

DATE: _____

By: _____
Herbert W.A. Thiele, Esq.
County Attorney

Thomas Howell
Ferguson P.A.

CERTIFIED PUBLIC ACCOUNTANTS

Law, Redd, Crona
& Munroe, P.A.

January 7, 2014

Board of County Commissioners
Leon County, Florida
301 South Monroe Street
Tallahassee, Florida 32301

ATTN: Mr. Bob Inzer, Clerk of the Circuit Court
Ms. Kristin Dozier, Chairman

This letter is to explain our understanding of the arrangements for the services Thomas Howell Ferguson P.A. and Law, Redd, Crona & Munroe, P.A. (collectively the Firm) are to perform for Leon County, Florida, (the County) for the years ending September 30, 2013 and 2014. We ask that you either confirm or amend this understanding.

Audit Services

We will perform an audit of the County's governmental activities, business-type activities, aggregate discretely presented component units, each major fund, and the aggregate remaining fund information as of and for the years ending September 30, 2013 and 2014. Our audit will include audits of the basic financial statement of the Board of County Commissioners, Clerk of Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector. We understand that the financial statements will be prepared in accordance with accounting principles generally accepted in the United States of America. The objective of an audit of financial statements is to express an opinion on those statements.

We will also perform the audit of the County as of September 30, 2013, so as to satisfy the audit requirements imposed by the Single Audit Act and the U.S. Office of Management and Budget (OMB) Circular No. A-133.

We will conduct the audit in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States and the provisions of the Single Audit Act, OMB Circular A-133 and OMB's Compliance Supplement, the *Rules of the Auditor General*, the provisions of the Florida Single Audit Act, and guidance provided in the audit guide titled *Government Auditing Standards and Circular A-133 Audits* issued by the American Institute of Certified Public Accountants dated October 1, 2009. Those standard, circulars, supplements, or guides require that we plan and perform the audit to obtain reasonable rather than absolute, assurance about whether the financial statements are free of material misstatement whether caused by error or fraud. Accordingly, a material misstatement may remain undetected. Also, an audit is not designed to detect errors or fraud that are immaterial to the financial statements. The determination of abuse is subjective; therefore, *Government Auditing Standards* do not expect us to provide reasonable assurance of detecting abuse.

Board of County Commissioners
Leon County, Florida

Page 2
January 7, 2014

An audit of financial statements also includes obtaining an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements, and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, we will communicate to management and the governing board any significant deficiencies or material weaknesses that become known to us during the course of the audit.

We will also communicate to the governing board and the audit committee (a) any fraud involving senior management and fraud (whether caused by senior management or other employees) that causes a material misstatement of the financial statements, (b) any illegal acts, violations of provisions of contracts or grant agreements and abuse that come to our attention (unless they are clearly inconsequential), (c) any disagreements with management and other serious difficulties encountered in performing the audit, and (d) various matters related to the entity's accounting policies and financial statements.

In addition to our reports on the County's financial statements, we will also issue the following reports or types of reports:

- A report on the fairness of the presentation of the County's schedule of expenditures of federal awards and state financial assistance for the year ending September 30, 2013.
- Report(s) on internal control related to the financial statements and major programs. These reports will describe the scope of testing of internal control and the results of our tests of internal controls.
- Report(s) on compliance with laws, regulations, and the provision of contracts or grant agreements. We will report on any noncompliance which could have a material effect on the financial statements and any noncompliance which could have a direct and material effect on each major program.
- A schedule of findings and questioned costs.
- Report on County Funded Court Related Costs.
- Report to the Audit Committee
- Schedule of Transactions – Landfill Escrow Account
- Consent Letters (as needed).
- A management letter in accordance with Chapter 10.550, *Rules of the Auditor General*, State of Florida.

Board of County Commissioners
Leon County, Florida

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January 7, 2014

The federal and state financial assistance programs that you have told us that the County participates in and that are to be included as part of the single audit are listed as Attachment A.

The component unit whose financial statements you have told us are to be included as part of the County's basic financial statements is the Housing Financing Authority of Leon County. Component units whose financial statements you have told us will be omitted from the basic financial statements are listed on Attachment B.

Our report(s) on internal control will include any significant deficiencies and material weaknesses in controls of which we become aware as a result of obtaining an understanding of internal control and performing tests of internal control consistent with requirements of the standards and circulars identified above. Our report(s) on compliance will address material errors, fraud, abuse, violations of compliance requirements, and other responsibilities imposed by state and federal statutes and regulations and assumed by contracts; and any state or federal grant, entitlement of loan program questioned costs of which we become aware, consistent with requirements of the standards and circulars identified above.

Board of County Commissioner's Responsibilities

Management is responsible for the financial statements, including the selection and application of accounting policies, adjusting the financial statements to correct material misstatements, and for making all financial records and related information available to us. Management is responsible for providing us with a written management representation letter confirming certain representations made during the course of our audit of the financial statements and affirming to us that it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole and to the opinion units of the financial statements.

Management is responsible for establishing and maintaining effective internal control over financial reporting and for informing us of all significant deficiencies and material weaknesses in the design or operation of such controls of which it has knowledge.

Management is responsible for identifying and ensuring that the entity complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the entity involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others.

Board of County Commissioners
Leon County, Florida

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January 7, 2014

Management is also responsible for (a) making us aware of significant vendor relationships where the vendor is responsible for program compliance, (b) following up and taking corrective action on audit findings, including the preparation of a summary schedule of prior audit findings, and a corrective action plan, and (c) report distribution including submitting the reporting packages.

The governing board and elected officials are responsible for informing us of its views about the risks of fraud within the County, and its knowledge of any fraud or suspected fraud affecting the County.

The County agrees that our report on the financial statements will not be included in an official statement or other document involved with the sale of debt instruments without our prior consent. Additionally, if the County intends to publish or otherwise reproduce the financial statements and/or make reference to us or our audit, you agree to provide us with printer's proofs or a master for our review and consent before reproduction and/or release occurs. The County also agrees to provide us with a copy of the final reproduced material for our consent before it is distributed or released. Our fees for any additional services that may be required under our quality assurance systems as a result of the above will be established with you at the time such services are determined to be necessary. In the event our auditor/client relationship has been terminated when the County seeks such consent, we will be under no obligation to grant such consent or approval.

During the course of our engagement, we may accumulate records containing data that should be reflected in the County's books and records. The County will determine that all such data, if necessary, will be so reflected. Accordingly, the County will not expect us to maintain copies of such records in our possession.

The assistance to be supplied by County personnel, including the preparation of schedules and analyses of accounts, will be discussed and coordinated with Betsy Coxen, Finance Director. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report.

Other Terms of our Engagement

The County hereby indemnifies the Firm and its shareholders, principals, and employees and holds them harmless from all claims, liabilities, losses, and costs arising in circumstances where there has been a known misrepresentation by a member of the County's management, regardless of whether such person was acting in the County's interest. This indemnification will survive termination of this letter.

It is agreed by the County and the Firm or any successors in interest that no claim arising out of services rendered pursuant to this agreement by or on behalf of the County shall be asserted more than two years after the date of the last audit report issued by the Firm.

Board of County Commissioners
Leon County, Florida

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January 7, 2014

Our fees are based upon the time required by the individuals assigned to the engagement, plus direct expenses. Interim billings will be submitted as work progresses and as expenses are incurred. Billings are due upon submission. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$237,850 and \$245,000 for the fiscal years ended September 30, 2013 and 2014, respectively. Fees for subsequent years will be mutually agreed upon and limited to a 3% increase unless changes in the County's operational or organizational structure, or changes to the professional standards under which the audit is conducted, require a significant change in the audit approach or manner in which the audit is required to be conducted.

In the event we are requested or authorized by the County or are required by the County or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagements for the County, the County will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

The working papers for this engagement are the property of the Firm. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs, and the U.S. Government Accountability Office shall have access to the audit working papers upon their request; and that we shall maintain the working papers for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency. Access to requested workpapers will be provided under the supervision of the Firm's audit personnel and at a location designated by our Firm.

From time to time and depending upon the circumstances, we may use third-party service providers to assist us in providing professional services to you. In such circumstances, it may be necessary for us to disclose confidential client information to them. We enter into confidentiality agreements with all third-party service providers and we are satisfied that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others.

If circumstances arise relating to the conditions of your records, the availability of appropriate audit evidence, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, misappropriation of assets, or noncompliance which in our professional judgment prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawal from the engagement.

Board of County Commissioners
Leon County, Florida

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January 7, 2014

You have informed us that you intend to prepare a comprehensive annual financial report (CAFR) and submit it for evaluation by the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program. Our participation in the preparation of the CAFR is to consist of assisting with the production and technical review of the CAFR. The County is responsible for preparing the CAFR. All costs incurred in the production of the CAFR will be reimbursed by the County.

The two overarching principles of the independence standards of the *Government Auditing Standards* issued by the Comptroller General of the United States provide that management is responsible for the substantive outcomes of the works, and therefore, has a responsibility and is able to make any informed judgment on the results of the services described above. Accordingly, the County agrees to the following:

1. Betsy Coxen, Finance Director, will be accountable and responsible for overseeing the draft of the financial statements and trial balance adjustments associated with the individual constitutional officers.
2. Betsy Coxen, Finance Director, will establish and monitor the performance of the draft of the financial statements and trial balance adjustments to ensure that they meet management's objectives.
3. Betsy Coxen, Finance Director, will make any decisions that involve management functions related to the draft of the financial statements and trial balance adjustments and accept full responsibility for such decisions.
4. Betsy Coxen, Finance Director, will evaluate the adequacy of services performed and any findings that result.

This letter constitutes the complete and exclusive statement of agreement between the Firm and the County, superseding all proposals, oral or written, and all other communication, with respect to the terms of the engagement between the parties. It is hereby understood and agreed that this engagement is being undertaken solely for the benefit of the County and that no other person or entity shall be authorized to enforce the terms of this engagement.

Board of County Commissioners
Leon County, Florida

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January 7, 2014

In accordance with *Government Auditing Standards*, a copy of our most recent peer review report is enclosed for your information.

If this letter defines the arrangements as you understand them, please sign, date, and return it to us in the provided business reply envelope. A copy has been enclosed for your files. We appreciate your business.

Very truly yours,



Thomas Howell Ferguson, P.A.



Law, Redd, Crona & Munroe, P.A.

LEON COUNTY, FLORIDA

By: _____

Ms. Kristin Dozier, Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of Circuit Court

By: _____

Approved as to form:
Office of the County Attorney
Leon County, Florida

By: _____

Herbert W.A. Thiele, Esq.
County Attorney



Richard H. Caton, CPA
 M. Timothy Farrell, CPA
 Thomas H. Gregory, CPA
 Daniel J. Hevia, CPA
 Robert L. Ingham, CPA
 Troy Kimbrough, CPA
 James G. Newman, CPA
 Paula D. Popovich, CPA
 Larry W. Sharer, CPA
 Byron C. Smith, CPA
 Charles L. Stuart, CPA
 Richard G. Ulrich, CPA
 Carlos R. Vila, CPA

System Review Report

To the Shareholders of Thomas Howell Ferguson, P.A.
 And the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Thomas Howell Ferguson, P.A. (the firm) applicable to non-SEC issuers in effect for the year ended May 31, 2013. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice applicable to non-SEC issuers of Thomas Howell Ferguson, P.A. in effect for the year ended May 31, 2013, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Thomas Howell Ferguson, P.A. has received a peer review rating of *pass*.

Gregory, Sharer & Stuart, P.A.

Gregory, Sharer & Stuart, P.A.
 August 1, 2013

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Gregory, Sharer & Stuart, P.A.

Richard H. Caton, CPA
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 Richard G. Ulrich, CPA
 Carlos R. Vila, CPA

System Review Report

To the Shareholders of Law, Redd, Crona & Munroe, P.A.
 And the Peer Review Committee of the Florida Institute of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. (the firm) in effect for the year ended March 31, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Law, Redd, Crona & Munroe, P.A. in effect for the year ended March 31, 2011, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Law, Redd, Crona & Munroe, P.A. has received a peer review rating of *pass*.

Gregory, Sharer & Stuart, P.A.
 September 8, 2011

CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS CONSULTANTS
 100 Second Avenue South • Suite 600 • St. Petersburg, Florida 33701-4336
 (727) 821-6161 | Fax (727) 822-4573
www.gsscpa.com

Board of County Commissioners
Leon County, Florida

Attachment A
Continued

Federal Grantor/Pass-Through Grantor/Program Title	CFDA / CSFA Number	Program or Award Amount	GRANT PERIOD
<u>FEDERAL PROGRAMS</u>			
<u>U.S. Department of Agriculture</u>			
Direct Program:			
USDA Housing Preservation Grant	10.433	100,000	09/27/10 - 10/30/11
Pass through Florida Department of Agriculture & Consumer Services:			
Specialty Crop Block Grant	10.170	29,000	11/30/09 - 06/30/11
Pass through Florida Department of Agriculture & Natural Resources			
Conservation Services: NRCS Slope Stabilization Grant	10.923	80,025	07/09/13 - 01/18/14
Pass through Florida Department of Financial Services:			
Secure Rural Schools and Community Self Determination	10.665	56,955	10/01/12 - 09/30/13
Secure Rural Schools and Community Self Determination - Title III	10.665	10,062	10/01/09 - 09/30/10
Secure Rural Schools and Community Self Determination - Title III	10.665	9,582	10/01/10 - 09/30/11
Secure Rural Schools and Community Self Determination - Title III	10.665	8,690	10/01/11 - 09/30/12
Total U.S. Department of Agriculture			
<u>U.S. Department of Health and Human Services</u>			
Pass through Florida Department of Revenue:			
Child Support Enforcement-Service of Process	93.563	0	07/01/11 - 06/30/14
Child Support Enforcement - Title IV D Incentive	93.563	3,085	10/01/12 - 09/30/13
Total U.S. Department of Health and Human Services			
<u>U.S. Department of Homeland Security</u>			
Pass through Florida Department of Economic Opportunity			
Post Disaster Redevelopment Plan Grant	97.039	60,400	02/08/11 - 05/07/12
Pass through Executive Office of the Governor			
Joint Dispatch	97.039	2,133,705	08/12/10 - 08/12/13
Total U.S. Department of Homeland Security			
<u>U.S. Department of Housing and Urban Development</u>			
Pass through Florida Department of Economic Opportunity			
Emergency Housing Set Aside-CDBG	14.228	262,273	12/08/09 - 12/08/11
CDBG Disaster Recovery Program - Admin	14.228	137,489	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Affordable Rental Housing County	14.228	395,242	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Timber Lake Flood Control	14.228	2,400,000	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Franklin Blvd Flood Relief Improvements	14.228	4,200,000	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Fairbanks Ferry Emergency Access Corridor	14.228	958,869	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Selena Rd Flood Mitigation	14.228	1,000,000	04/06/10 - 04/05/12
CDBG Disaster Recovery Program - Hope Community	14.228	317,304	10/01/12 - 10/31/13
CDBG Disaster Recovery Program - Lakeside Flood Control	14.228	57,782	10/01/12 - 10/31/13
CDBG Disaster Recovery Emergency Funds (DREF) - Oakridge Flooded Property	14.228	1,590,853	11/15/11 - 11/14/13
CDBG Disaster Recovery Emergency Funds (DREF) - Timberlake Flood Control	14.228	155,000	11/15/11 - 11/14/13
CDBG Disaster Recovery Emergency Funds (DREF) - Capital Cascade Trail	14.228	1,660,959	11/15/11 - 11/14/13
CDBG Disaster Recovery Emergency Funds (DREF) - Lakeside Flood Control	14.228	589,429	11/15/11 - 11/14/13
Total U.S. Department of Housing and Urban Development			

Board of County Commissioners
Leon County, Florida

Attachment A
Continued

Federal Grantor/Pass-Through Grantor/Program Title	CFDA / CSFA Number	Program or Award Amount	GRANT PERIOD
<u>FEDERAL PROGRAMS (Continued)</u>			
<u>U.S. Department of Interior</u>			
Direct Program:			
Payment in Lieu of Taxes	15.226	190,363	10/01/12 - 09/30/13
Total U.S. Department of Interior			
<u>Fish & Wildlife Service, Department of the Interior</u>			
Pass through Florida Department of Financial Services:			
Secure Rural Schools and Community Self Determination	15.234	63,898	10/01/07 - 09/30/08
Total U.S. Department of Interior			
<u>U.S. Department of Justice</u>			
Direct Program:			
State Criminal Alien Assistance Program	16.606	35,912	10/01/12 - 09/30/13
Pass through Florida Department of Law Enforcement:			
Byrne Grant - JAG Enhanced Pretrial GPS - Fed Stimulus	16.804	124,000	10/01/11 - 09/30/12
Byrne Grant - JAG Enhanced Pretrial GPS - Fed Stimulus	16.804	108,085	10/01/12 - 09/30/13
Total U.S. Department of Justice			
<u>U.S. Department of State</u>			
Pass through Florida Department of State:			
Voter Education Funding & Pollworker	90.401	46,783	07/01/12 - 06/30/13
Total U.S. Department of State			
<u>U.S. Department of Transportation</u>			
Pass through Florida Department of Environmental Protection			
Miccosukee Canopy Rd Greenway	20.219	75,000	01/19/10 - 01/18/12
Miccosukee Canopy Rd Greenway	20.219	250,000	02/22/11 - 02/21/13
Pass through Florida Department of Transportation:			
Lafayette Street Improvements	20.205	850,000	05/08/12 - 06/30/14
Big Bend Scenic Byway Plan Implementation (Phase 2)	20.205	47,264	02/12/13 - 09/30/13
Big Bend Scenic Byway Plan Implementation (Phase 2)		660,156	09/30/13 - 12/31/14
Total U.S. Department of Transportation			
<u>Corporation for National and Community Service</u>			
Direct Programs:			
BEST Neighborhoods Grant	94.021	20,000	01/01/12 - 09/15/12
Total National Endowment for the Arts			
TOTAL FEDERAL AWARDS			

Board of County Commissioners
Leon County, Florida

Attachment A
Continued

Federal Grantor/Pass-Through Grantor/Program Title	CFDA / CSFA Number	Program or Award Amount	GRANT PERIOD
<u>STATE FINANCIAL ASSISTANCE</u>			
<u>Florida Department of Agriculture & Consumer Services</u>			
Direct Projects:			
State Mosquito Control	42.003	18,500	10/01/12 - 09/30/13
Total Florida Department of Agriculture & Consumer Services			
<u>Florida Department of Transportation</u>			
Direct Projects:			
State Highway Project Reimbursement	55.023	1,000,000	11/05/12 - 11/04/15
<u>Florida Department of Health</u>			
Direct Projects:			
State EMS Matching Grant	64.003	10,380	07/01/11 - 06/30/12
State EMS Matching Grant	64.003	30,753	07/01/11 - 06/30/12
State EMS Matching Grant	64.003	25,740	07/01/12 - 06/30/13
State EMS Matching Grant	64.003	15,788	07/01/12 - 06/30/13
State EMS Matching Grant	64.003	16,000	06/14/13 - 06/30/14
Emergency Medical Services County Grant	64.005	52,900	10/02/12 - 11/29/13
Closing the Gap Grant - Maternal and Infant Mortality	64.056	130,000	10/01/11 - 06/30/12
Total Florida Department of Health			
<u>Florida Department of Management Services</u>			
Direct Project:			
Sheriff-E911 Grant	72.002	984,632	02/22/11 - 12/31/12
Total Florida Department of Management Services			
<u>Florida Department of State</u>			
Direct Projects:			
Lake Jackson Branch Library Construction	45.020	500,000	10/01/05 - 09/30/12
State Aid to Libraries	45.030	165,913	07/01/12 - 06/30/13
Total Florida Department of State			
<u>Florida Housing Finance Corporation</u>			
Direct Projects:			
State Housing Initiatives Partnership Program - FHOP	52.901	137,372	07/01/11 - 06/30/14
State Housing Initiatives Partnership Program	52.901	137,372	07/01/12 - 06/30/15
State Housing Initiatives Partnership Program	52.901	37,174	07/01/13 - 06/30/16
State Housing Initiatives Partnership Program	52.901	168,640	07/01/13 - 06/30/15
Total Florida Housing Finance Corporation			
TOTAL STATE AWARDS			

Board of County Commissioners
Leon County, Florida

Attachment B

The component units excluded from the basic financial statements are as follows:

- Leon County Health Facilities Authority
- Leon County Research and Development Authority
- Leon County Education Facilities Authority
- Leon County School District
- Leon County Health Department
- Tallahassee – Leon County Civic Center Authority
- Fallschase Special Taxing District
- Northwest Florida Water Management District

**Leon County
Board of County Commissioners**

Notes for Agenda Item #4

**Leon County
Board of County Commissioners**

Cover Sheet for Agenda #4

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of an Update Regarding the Tourist Development Council Chairman Appointment

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the update regarding the Tourist Development Council Chairman appointment.

Report and Discussion

Background:

On April 12, 2011, the Board adopted Policy No. 11-2, "Membership on Boards, Committees, Councils, and Authorities", which was written to delineate the authority to appoint members of the Board of County Commissioners to various boards, committees, councils, and authorities (collectively, Committees), and the terms of those appointments. The Policy represents those Committees that require County Commission membership and appointments to be appointed by the full Board and/or the Chairman. At the time of Policy adoption, the Board directed staff to amend the Tourist Development Council (TDC) Code to allow the Chairman to appoint his or herself, or another Commissioner, to the TDC. Policy No. 11-2 was revised on April 23, 2013 to reflect that the Chairman's appointment to the TDC would be for a period of two years.

At its December 10, 2013 meeting, the Board considered the full Board appointments of Commissioners to authorities, boards, committees and/or councils, including the TDC. As part the agenda item (Item #26), staff inadvertently included the TDC appointment to be made by the full Board, and the Board correspondingly appointed Commissioner Bryan Desloge to serve a two-year term as the Vice-Chairperson on the Tourist Development Council.

Analysis:

In the list presented to the Chairman of the Chairman appointments to various authorities, boards, committees and/or councils the TDC was also listed. To address this duplication, staff reviewed Policy No. 11-2 and Florida Statutes relative to TDC membership.

The Policy reflects that the member shall be appointed by the Chairman for a two-year term. Section 125.0104(4)(e), Florida Statutes (2010) requires

"The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council."

Therefore, based on the review, Chairman Dozier appoints Commissioner Desloge to serve a two-year term as the Vice-Chairperson on the Tourist Development Council..

Options:

1. Accept the update regarding the Tourist Development Council Chairman appointment.
2. Do not accept the update regarding the Tourist Development Council Chairman appointment.
3. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #5

Leon County Board of County Commissioners

Cover Sheet for Agenda #5

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Ratification of Board Action Taken at the December 10, 2013 Workshop on the 2014 State and Federal Legislative Priorities

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator, County Administration Ken Morris, Director of Economic Development and Business Partnerships
Lead Staff/ Project Team:	Cristina L. Paredes, Special Projects and Intergovernmental Affairs Coordinator

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Ratify the Board actions taken at the December 10, 2013 Workshop on the 2014 State and Federal Legislative Priorities.

Report and Discussion

Background:

Each year, the Board conducts a workshop with staff on the County's state and federal legislative priorities. On December 10, 2013, the Board held a workshop to discuss the legislative issues for the 2014 state and federal sessions.

Analysis:

Staff provided the Board with an oral report on six appropriation requests and eight substantive issues proposed for the 2014 state and federal legislative sessions.

The appropriation requests approved by the Board were as follows:

- | | |
|---|-----------------|
| • Capital Circle Southwest | \$119.1 million |
| • Woodville Highway | \$26.6 million |
| • EMS Healthcare Innovation Challenge Grant | \$920,241 |
| • Entrepreneurial Excellence Program | \$650,000 |
| • Woodville Sewer | \$500,000 |
| • Daniel B. Chaires Park (FRDAP Grant) | \$95,000 |

In addition to the appropriation requests listed, the Board directed staff to seek out possible state and federal grants related to beach re-nourishment programs for the lake shores in Leon County with a specific focus on Crowder Landing at Lake Jackson. The Board also directed staff to work with the County's community partners to support funding for the state-run visitor center located at Maclay Gardens (currently included in the Florida Department of Environmental Protection's work plan) and the Florida State University's SSTRIDE program, which helps high school and middle school students prepare for medical school.

The Board discussed state and federal substantive policy issues that are expected to be considered during the 2014 legislative session. Staff presented eight state and federal substantive issues, specific to Leon County. These issues were subsequently approved by the Board. The issues presented by staff to the Board are as follows:

State Substantive Issues

- Advocate for the protection of the state workforce.
- Support Communication Services Tax legislation that is revenue neutral; simplifies administration and collection of the current tax; enhances the stability and reliability as an important revenue source for local government; and provides for the opportunity for market-based growth.
- Support legislation that promotes an equitable competitive environment between 'brick and mortar' businesses and remote businesses establishments operating in Florida.
- Support state aid grant funding for public library programs.
- Support the 2014 FAC legislative program unless specific issues conflict with Leon County's interests.

Federal Substantive Issues

- Continue to work Patton Boggs to secure the usage of property at the Federal Correction Institution facility for the purpose of constructing baseball fields.
- Support sufficient appropriations for the construction of the Veterans Affairs National Cemetery in Leon County.
- Support the reauthorization of MAP-21 at or above the current level of funding for surface transportation programs.

Staff will prepare the Board's legislative priorities in a Quick Reference Guide to assist Commissioners and the lobbying team in advocating at the Capitol with legislators.

Options:

1. Ratify the Board actions taken at the December 10, 2013 Workshop on the 2014 State and Federal Legislative Priorities.
2. Do not ratify the Board actions taken at the December 10, 2013 Workshop on the 2014 State and Federal Legislative Priorities.
3. Board direction.

Recommendation:

Option #1.

Initials:

VSL/AR/KM/CLP

**Leon County
Board of County Commissioners**

Notes for Agenda Item #6

Leon County Board of County Commissioners

Cover Sheet for Agenda #6

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Payment of Bills and Vouchers Submitted for January 21, 2014, and Pre-Approval of Payment of Bills and Vouchers for the Period of January 22 through February 10, 2014

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/Project Team:	Scott Ross, Director, Office of Financial Stewardship

Fiscal Impact:

This item has a fiscal impact. All funds authorized for the issuance of these checks have been budgeted.

Staff Recommendation:

Option #1: Approve the payment of bills and vouchers submitted for January 21, 2014, and pre-approve the payment of bills and vouchers for the period of January 22 through February 10, 2014.

Report and Discussion

This agenda item requests Board approval of the payment of bills and vouchers submitted for approval January 21, 2014 and pre-approval of payment of bills and vouchers for the period of January 22 through February 10, 2014. The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the January 21, 2014 meeting, the morning of Monday, January 20, 2014. If for any reason, any of these bills are not recommended for approval, OMB will notify the Board.

Due to the Board not holding a regular meeting the fourth Tuesday in January or the first Tuesday in February, it is advisable for the Board to pre-approve payment of the County's bills for January 22 through February 10, 2014 so that vendors and service providers will not experience hardship because of delays in payment. The OMB office will continue to review the printouts prior to payment and if for any reason questions payment, then payment will be withheld until an inquiry is made and satisfied, or until the next scheduled Board meeting. Copies of the bills/vouchers printout will be available in OMB for review.

Options:

1. Approve the payment of bills and vouchers submitted for January 21, 2014, and pre-approve the payment of bills and vouchers for the period of January 22 through February 10, 2014.
2. Do not approve the payment of bills and vouchers submitted for January 21, 2014, and do not pre-approve the payment of bills and vouchers for the period of January 22 through February 10, 2014.
3. Board direction.

Recommendation:

Option #1.

VSL/AR/SR/cc

**Leon County
Board of County Commissioners**

Notes for Agenda Item #7

Leon County Board of County Commissioners

Cover Sheet for Agenda #7

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval to Renew the Agreement Between Leon County and Tallahassee Community College for the Provision of Internships for Emergency Medical Services Technology Students

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tom Quillin, Chief, Division of Emergency Medical Services
Lead Staff/ Project Team:	Chad Abrams, Deputy Chief, Division of EMS Darryl Hall, Quality Improvement & Education Manager

Fiscal Impact:

This item has no fiscal impact to the County, as the Agreement is not associated with any transfer of funds.

Staff Recommendation:

Option #1: Approve the renewal of the Agreement between Leon County and Tallahassee Community College to provide internships for Emergency Medical Services Technology students (Attachment #1).

Report and Discussion

Background:

The County entered into an Agreement with Tallahassee Community College that established internship opportunities for EMS Technology students on April 15, 2004. The internship program allows students to experience the daily work performed by members of the County's Division of EMS and is a valuable learning tool in the educational process. Further, completion of an internship is a requirement of the Florida Department of Health for students to qualify for Emergency Medical Technician (EMT) and Paramedic certifications. A majority of the EMT's and Paramedics employed by the County have graduated from this program.

Renewal of this Agreement is essential to the following FY2012 & FY2013 Strategic Initiatives that the Board approved at the January 29, 2013 meeting:

- Provide internships, Volunteer Leon Matchmaking, Summer Youth Training program, 4-H programs, EMS Ride-Alongs, and enter in agreements with NFCC and TCC which establish internship programs at EMS for EMS Technology students.

This particular Strategic Initiative aligns with the Board's Strategic Priorities – Economy and Governance:

- Ensure the provision of the most basic services to our citizens most in need so that we have a “ready workforce” (EC6); and,
- Sustain a culture that respects, engages, and empowers citizens in important decisions facing the community (G3).

The Agreement is subject to annual renewal upon the mutual consent of both parties. The current renewal period was approved by the Board at the October 9, 2012 meeting.

Analysis:

Tallahassee Community College has requested that the Agreement be renewed in its current form for an additional one-year term (Attachment #2).

Options:

1. Approve the renewal of the Agreement between Leon County and Tallahassee Community College to provide internships for Emergency Medical Services Technology students (Attachment #1).
2. Do not approve the renewal of the Agreement between Leon County and Tallahassee Community College to provide internships for Emergency Medical Services Technology students.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Agreement with Tallahassee Community College
2. Request for renewal from Tallahassee Community College

AGREEMENT

THIS AGREEMENT, made this 15 day of April, 2004 between LEON COUNTY, FLORIDA, (hereinafter referred to as "County") and the TALLAHASSEE COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES (hereinafter referred to as "BOARD").

WITNESSETH

WHEREAS, the COUNTY provides emergency medical services within the jurisdictional boundaries of Leon County, in accordance with Florida Statute; and

WHEREAS, the President of Tallahassee Community College has recommended to the Board that an EMS Technology Program (hereinafter referred to as the Program) be established by the Board for the purpose of preparing emergency medical technician and paramedic students from Tallahassee Community College, and that the Program contains certain ambulance-based learning experiences required for State certification and national accreditation of the program, and that some phases of this specialized training be implemented and take place with the County Advanced Life Support EMS; and

WHEREAS, the Board wishes to implement in full the recommendations of the President of Tallahassee Community College for the appropriate course content and proper instructional and practical experiences; and

WHEREAS, the County desires that selected EMT and paramedic training and clinical experiences occur within the vehicles and facilities of the County EMS Service under their professional supervision.

NOW, THEREFORE, in consideration of the mutual agreements of the parties as hereinafter set forth, it is agreed as follows:

1. The County agrees to permit selected specialized clinical and field-internship training of students enrolled in the College EMS Technology programs by providing a clinical environment for students to observe and practice hands-on patient care through the cooperation and assistance of County EMT's, paramedics and other employees with the faculty/staff-employees of the Board in the following manner and subject to the following conditions:

- a. Program guidelines developed by the Board shall be provided to and approved by the County before any such students shall be permitted access to County EMS facilities.
- b. The County agrees to the use of Program guidelines, which the TCC faculty member, the Program Medical Director, and the Program Clinical/Coordinator will develop and coordinate with the involved County

supervisors. The Program guidelines may require modification from time to time to parallel the upgrading of the EMT and paramedic training to insure quality in the training and to meet State certification and national accreditation requirements. The County will make a reasonable effort to accommodate changing Program guidelines and accreditation requirements when such guidelines and requirements are not inconsistent with the policies, practices, goals and objectives of the County EMS service. Any changes to the Program guidelines shall be approved by the County prior to implementation.

- c. The students will have the opportunity to ride in the emergency vehicles and provide patient care, under direct supervision of a County EMS EMT or paramedic preceptor and shall not be in the patient compartment alone during patient transport and shall not be used to meet staffing requirements.
 - d. The students shall have access to the same personal protective equipment as County employees during the clinical rotations.
 - e. The County shall provide to the school, a policy for notifying the Program about students who are exposed to infectious diseases while on clinical assignment. The school will be responsible for notifying the student.
 - f. The County will be responsible for making available first aid and emergency department care for any student injured while on clinical assignment. Charges for services rendered shall be the sole responsibility of the Board. All follow-up or on-going care shall be the responsibility of the individual student.
 - g. The County upon the recommendation and advice of the Board shall adopt and implement guidelines regarding students, to include but not be limited to:
 - i. Selection process of paramedic student preceptors
 - ii. Scheduling of student clinical shifts
 - iii. Student dress code
 - h. The County at its sole discretion may allow TCC EMS faculty and staff to ride shifts in the emergency vehicles.
2. The Board shall appoint a physician to serve as EMS Technology Program Medical Director. The Program Medical Director shall approve the medical content of the Program.
 3. The County EMS Medical Director and the TCC EMS Program Medical Director shall formulate and agree upon student practices to be allowed during clinical rotations, provided all guidelines, as adopted pursuant to Section 1(g) above, are fully complied with.

4. The Board agrees that each student, prior to participating in the clinical training, shall have, on file, proof of the following:
 - a. A physical exam with immunizations
 - b. A level II criminal background check
 - c. TCC liability and incident insurance acceptable to the county
 - d. Signed "Assumption of Risk", and "Confidentiality Agreement"
5. The County shall adopt upon the recommendation and advice of the Board a policy for the removal of any faculty, employee or student from any EMS vehicles or County facilities. This policy shall at a minimum consist of reasons for removal and procedures for notification of Program administrative personnel.
6. The Board agrees and recognizes that the County may at any time require the withdrawal of any faculty, employee or student from any EMS vehicles or County facilities whose conduct or work with patients or County personnel is not in full accord with the County's rules and regulations or standards of performance. TCC shall immediately comply with such request. If time or circumstances permit, such requests by the County shall be made in writing to the Dean of the Technology and Professional Programs Division, and shall include the reasons for the requested withdrawal, otherwise the County may take any action it deems appropriate and necessary in this regard.
7. The County and Board expressly agree that all faculty/employees under this Agreement shall remain agents or employees of the Board and shall not at any time during the term of the Agreement be deemed to be the personnel, employees, or agents of the County.
8. The County and Board agree that all students shall remain students of the Tallahassee Community College and shall not at any time during the term of this Agreement be deemed to be the personnel, employees or agents of the County or Board. Furthermore, no student shall be subject to call or be considered County staff while participating in clinical training.
9. The County and Board agree that they will never act, or represent that they are acting, as agents of each other, nor incur any obligations on the part of the other without first obtaining the express written authority of the party who is to be obligated.
10. Insurance
 - a) The Board agrees that it will be solely responsible for all salaries and costs of its own personnel, agents, and employees. The Board shall provide annual proof of professional liability insurance coverage in an amount not less than \$1,000,000 per occurrence and \$3,000,000 annual aggregate covering students, faculty, clinical coordinator, and medical director. The County shall be listed as an insured party on the Certificate of Insurance

- b) The Board agrees to provide Worker's Compensation coverage for all of its employees which meets Statutory Limits in compliance with the applicable state and federal laws and Employer's Liability with a limit of \$500,000 per accident, \$500,000 disease policy limit, \$500,000 disease each employee.
11. The Board and TCC agree to be responsible, to the extent provided by law, for the acts and/or omission of their respective officers, employees and agent. However, this paragraph shall in no way act as a waiver of sovereign immunity or of any other defenses which either party may have to the prosecution of a legal action or any allegations made thereunder.
12. The Board shall carry out its obligations under this Agreement in full compliance with the privacy regulations pursuant to Public Law 104-191 of August 21, 1996, known as the Health Insurance Portability and Accountability Act of 1996, as amended (hereinafter "HIPAA"), to protect the privacy of any personally identifiable Protected Health Information ("PHI") that is collected, processed or learned as a result of the Program contemplated under this Agreement. In conformity therewith, the Board agrees that it will:
- 1) Not use or further disclose PHI except as permitted under this Agreement or as required by law;
 - 2) Use appropriate safeguards to prevent user disclosure of PHI except as permitted by this Agreement;
 - 3) Mitigate, to the extent practical, any harmful effect that is known to the Board of use or disclosure of PHI by the Board in violation of this Agreement;
 - 4) Report to the County any use or disclosure of PHI not provided for by this Agreement of which the Board becomes aware;
 - 5) Ensure that any agents, employees or instructors to whom the Board provides PHI, or who have access to PHI, agree to the same restrictions and conditions that apply to the Board with respect to such PHI under this Agreement;
 - 6) Make PHI available to the County and to the individual as a right of access as required under HIPAA within 30 days of the request by the County regarding the individual;
 - 7) Incorporate any amendments to PHI when notified to do so by the County;
 - 8) Provide an accounting of all users or disclosures of PHI made by the Board as required under HIPAA privacy rule within 60 days;
 - 9) Make their internal practices, books and records relating to the use and disclosure of PHI available to the Secretary of the Department of Health and Human Services for purposes of determining the Board's and the County's compliance with HIPAA; and at the termination of this Agreement, return or destroy all PHI received from, or created or received by the Board on behalf of the County, and if return is infeasible, the protections of this Agreement will extend to such PHI.

- B. Notwithstanding any of the other provisions of this Agreement, the Agreement may be terminated by the County if the Board has violated a term or provision of this section pertaining to the Board's material obligations under HIPAA privacy rules, or if the Board engages in conduct which would, if committed by Leon County, result in a violation of the HIPAA privacy rule by the County.
 - C. Return or Destruction of Health Information: Upon termination, cancellation, expiration, or other conclusion of this Agreement, the Board, if feasible, shall return to Leon County or destroy all PHI and all health information, in whatever form or medium, including any electronic media under the Board's custody or control or which the Board received from or on behalf of Leon County, including any copies of and any health information or compilation derived from and showing an identification of such PHI or such health information. The Board shall complete such return or destruction as promptly as possible, but not later than 30 days after the effective date of the termination, cancellation, expiration or other conclusion of this Agreement. Within such 30-day period, the Board shall certify under oath in writing to the County of such return or destruction has been completed or, if return or destruction is not feasible or lawful, a written justification explaining why such PHI could not be returned or destroyed.
 - D. Continuing Obligations: The Board's obligation to protect PHI and health information received from or on behalf of the County or any other source shall be continuous and shall survive any termination, cancellation, expiration or other conclusion of this Agreement.
 - E. Response to Subpoenas: In the event that the Board receives a subpoena or similar notice or request from any judicial, administrative or other party arising out of or in connection with this Agreement, including, but not limited to any unauthorized use or disclosure of PHI or any failure in the Board's security measures, the Board shall promptly forward a copy of such subpoena, notice or request to the County and afford the County the opportunity to be part of the decision making with regard to the subpoena, including, but not limited to, responding to the subpoena.
13. The County and Board agree that this Agreement may be cancelled at any time by either party hereto, with or without cause upon ninety (90) days written notice to the other party to be effective at the completion of the clinical experience of the ongoing classes. No new class will started during the ninety (90) day period.
14. This Agreement shall remain in effect from January 1, 2004 through October 1, 2004 and then subject to annual renewal upon the mutual consent of both parties.

- 15. No alteration, modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by both of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this 15th day of April, 2004, at Tallahassee, Leon County, Florida.

TALLAHASSEE COMMUNITY COLLEGE
DISTRICT BOARD OF TRUSTEES

WITNESS: _____

BY: William D. Law, Jr.
William D. Law, Jr.
President
Tallahassee Community College

WITNESS: _____



LEON COUNTY, FLORIDA

BY: Jane G. Sauls
Jane G. Sauls, Chairman
Board of County Commissioners

ATTESTED BY:

Bob Inzer, Clerk of Circuit Court

BY: [Signature]

Approved as to Form:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: [Signature]
Herbert W.A. Thiele, Esq.
County Attorney



December 17, 2013

Leon County Board of Commissioners
301 South Monroe Street
Tallahassee, FL 32301

Dear County Commissioners:

Please acknowledge our request for Leon County to renew the contract between Tallahassee Community College and the Leon County Board of County Commissioners regarding the TCC Emergency Medical Services Technology Program. We request the contract extension from October 1, 2013 to September 30, 2014.

Your support is greatly appreciated as TCC continues to graduate well qualified and locally based individuals to serve Leon County's EMS and Paramedic needs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Murdaugh', with a long horizontal stroke extending to the right.

Jim Murdaugh, Ph.D.
President

**Leon County
Board of County Commissioners**

Notes for Agenda Item #8

Leon County Board of County Commissioners

Cover Sheet for Agenda #8

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Request to Schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County for Tuesday, February 25, 2014 at 12:00 – 1:30 p.m.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director of Public Works and Community Development Tom Quillin, Chief, Emergency Medical Services
Lead Staff/ Project Team:	Kathy Burke, P.E., Director, Engineering Services Christine Coble, Agenda Coordinator

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Option #1: Schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County for Tuesday, February 25, 2014 at 12:00 – 1:30 p.m.

Report and Discussion

Background:

At the December 10, 2013 meeting, Commissioner Dailey expressed concern about the lack of fire safety infrastructure in older established neighborhoods, specifically fire hydrants, in regards to the house that burned in Edinburgh Estates because there were no fire hydrants. He requested staff identify how to move forward in these situations and added that the issue is worth discussion. The Board directed staff to schedule a workshop on the issue of fire safety infrastructure needs for those neighborhoods in unincorporated areas of Leon County.

Analysis:

The Board's calendar reflects that Tuesday, February 25, 2014 at 12:00 – 1:30 p.m. is available.

Options:

1. Schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County for Tuesday, February 25, 2014 at 12:00 – 1:30 p.m.
2. Schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County for an alternate date.
3. Do not schedule a schedule a Workshop on Fire Safety Infrastructure Needs in Unincorporated Leon County.
4. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #9

Leon County Board of County Commissioners

Cover Sheet for Agenda #9

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval to Waive the Street Renaming Application Fee for
“Sgt. Dale Green Way”

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Development Services Director Lisa Oglesby, Addressing Program Coordinator

Fiscal Impact:

This item has a \$240 fiscal impact to the Department of Development Support and Environmental Management (DSEM) special revenue fund.

Staff Recommendation:

Option #1: Approve the request to waive the street renaming application fee for
“Sgt. Dale Green Way.”

Report and Discussion

Background:

On December 10, 2013, the Board approved a status report for the renaming of a one-block segment of DeSoto Street in memory of Tallahassee Police Sergeant Dale Green. The request for street renaming was submitted to the Addressing Steering Committee (ASC) on October 24, 2013 through Detective Gregory Frost, Director of Administrative Services with the Tallahassee Police Department. During the initial review process with the applicant, it was noted that there would be a renaming fee of \$900. The required fee is outlined in the Development Services & Environmental Management (DSEM) Fee Schedule, which was adopted by the Board on March 11, 2008, and became effective on October 1, 2008 (Attachment #1).

Analysis:

Final approval for street name changes must be approved by the Board before any street name changes can occur, pursuant to Section 10-11.108 of the Leon County Code of Laws (Attachment #2). The fee schedule is adopted by the Board; therefore, it was noted to the applicant that neither the ASC, nor staff, has the authority to waive the associated renaming fee. The only exception to the required renaming fee occurs if the street renaming resolves a safety hazard to life and property in accordance with the Addressing and Street Naming Policies and Procedures Manual (Attachment #3).

The street renaming fee is comprised of both the application fee (\$240) and the legal notice fee (\$660), totaling \$900. On December 20, 2013, staff received a formal request from the Tallahassee Police Department to waive the required \$240 application fee (Attachment #4). The Tallahassee Police Department stated that they would pay for the direct costs associated with the legal advertisement. If approved, the County would incur a one-time expenditure from the DSEM special revenue fund.

Options:

1. Approve the request to waive the street renaming application fee for “Sgt. Dale Green Way.”
2. Do not approve the request to waive the street renaming application fee for “Sgt. Dale Green Way.”
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. DSEM Fee Schedule
2. Section 10-11.108 of the Leon County Land Development Regulations
3. Street Renaming Policy from the Addressing and Street Naming Policies and Procedures Manual
4. Request from Gregory Frost, Director, Administrative Services Bureau, Tallahassee Police Department

**DEVELOPMENT SUPPORT & ENVIRONMENTAL MANAGEMENT DEPARTMENT
FEE SCHEDULE
REVISED MARCH 19, 2012**



**EFFECTIVE DATES:
DEVELOPMENT SERVICES & ENVIRONMENTAL SERVICES - OCTOBER 1, 2008
BUILDING PLANS REVIEW & INSPECTION - 1/23/07**

DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT
THE RENAISSANCE CENTER, 2ND FLOOR
435 NORTH MACOMB STREET
TALLAHASSEE, FL 32301
(850) 606-1300

rev 3/12

Fee Category	Fee
Administration	
Copy of Chapter 10, Code of Laws	\$60
Copy of Land Development Regulations Policies and Procedures	\$12
DEVELOPMENT SERVICES FEES	
Zoning	
Letter of Zoning Certification	\$90
Residential Compliance Certificate (RCC)	\$45
Permitted Use Verification (PUV)	\$242
Revision to PUV	\$60
Project Status Determination for Single Family/Manufactured Housing/Other Development Orders	\$120
Board of Adjustment and Appeals Variance Request	\$300
(+ Direct Notice and Legal Advertisement Fee)	\$660
Planned Unit Development (PUD)	Refer to Type D Site Plan for Fees
Major Modification to PUD Concept Plan	\$4,800 (+ direct notice fee of \$2,640)
Minor Modification to PUD Concept Plan	\$1,500
Concurrency Management	
Residential	\$156 first dwelling unit + \$24/additional dwelling unit
Non-residential	\$228 first 1,000 sq. ft. + \$48/additional 1,000 sq. ft.
Extension of Concurrency Certificate (2 Years)	20% of original fee
Revision of Approved Concurrency Certificate	50% of original certificate fee, not to exceed \$600
Other Jurisdiction Concurrency Application Review	\$90
Concurrency Review with Comp. Plan Amendment Proposal	(See concurrency review fees)
Subdivisions, Site and Development Plans	
Sketch Plan (required for pre-application)	Type A, Limited Partition and all others \$600
Subdivision Exemptions	
Boundary Settlement	\$756
Conveyance to Government and Franchise	\$540
Creation of Equal or Larger Parcels	\$756
Corrective Instruments	\$540
Additional Dwelling Unit without Subdivision (per unit)	\$228
Prior Improperly Subdivided Lots (Letter of Exception)	\$228
Unity of Title	\$156
Release of Unity of Title	\$132
Judicial Exception	\$300
Policy 2.1.9 Subdivision	\$900
Limited Partition Subdivision	\$3,828
One into Two Lot Subdivision	\$1,920
Type "A" Site and Development Plan (maximum of \$6,000, + \$950 direct notice fee)	
Non-Residential	\$2,436 + \$0.85/sq. ft. of building + \$950 direct notice fee
Residential	\$4,476 + \$96/dwelling unit + \$950 direct notice fee
Type "B" Site and Development Plan (maximum of \$12,000, + \$1,690 direct notice fee)	
Non-Residential	\$3,828 + \$0.56/building sq. ft. + \$1,690 direct notice fee
Residential	\$6,024 + \$78/dwelling unit + \$1,690 direct notice fee
Type "C" Site and Development Plan (maximum of \$12,000, + \$2,640 direct notice fee)	
Non-Residential	\$3,756 + \$0.55/building sq. ft. + \$2,640 direct notice fee
Residential	\$4,500 + \$48/dwelling unit + \$2,640 direct notice fee
Type "D" Site and Development Plan (maximum of \$6,000 + \$2,640 direct notice fee)	
Residential or Non-residential Final Plan	\$3,000 + \$2/dwelling unit or \$12/acre + \$2,640 direct notice fee
Administrative Staff Approval Process (ASAP)	\$600
Minor Modification to Approved Site and Development Plan	\$756
Major Modification to Approved Site and Development Plan	\$1,500
Substantial Change to Approved Site and Development Plan	See review fees
Request for Deviation from Development Standards	\$600
Request for Parking Standards Committee Review	\$600
Site and Development Plan Approval Extension (3 Year)	\$1,200
Additional (continued DRC meeting)	\$300
Notice of Intent to Appeal DRC Decision	\$90 + \$30 for each additional party

Fee Category	Fee
Plats	
Residential (Public Works)	\$360, + \$6 per dwelling unit
Non-residential Plat (Public Works)	\$360, + \$60 per acre in excess of 1.0 acres
Vacate and Abandonment of Recorded Plats	
Roads, Plats, or Utility/Drainage Easements	\$600
Direct Notice and Legal Advertisement Fee per Request (Public Works)	\$360
Address Assignment and Street Naming	
New Address Assignment	\$156
Address / City of Tallahassee (for utility setup)	\$156
Street Name Change Application	\$240 (+ direct notice fee of \$660)
Street Name Sign Fee (Public Works)	\$284
Land Use and Code Compliance Determinations	
Off-site Sign (Billboard) "Site Plan" Review	\$600
Modification to Approved Off-site Sign	\$480
Temporary Sign Application	\$60
Other Sign Permit Compliance Reviews	\$240
Temporary Use "Site Plan" Review	\$210
Alcoholic Beverage License Review	\$300
Annexation / De-annexation Review	\$600
Developments of Regional Impact (DRI)	
DRI Application for Development Approval (ADA)	\$18,000
DRI Substantial Deviation	\$9,600
DRI Notice of Proposed Change (no substantial deviation)	\$6,000
Development Services Miscellaneous Fees	
Development Agreement	\$10,200
Revision to Approved Development Agreement	\$3,600
Regional Activity Center Designation	\$10,200
Other Jurisdiction Comp Plan Amendment Review (per amendment)	\$120
Notice of Claim of Vested Rights	\$360
Research Fee	\$90/hour
ENVIRONMENTAL SERVICES FEES	
Environmental Management Permit (EMP) Standard Form	
Residential Subdivisions (one dwelling unit per lot)	Base fee of \$2,388 for 1 st 5,000 sq. ft. of impervious area + \$0.13/sq. ft. over 5,000 sq. ft., with a max of \$90,000.
Non-residential and Others	Base fee of \$2,388 for 1 st 5,000 sq. ft. of impervious area + \$0.13/sq. ft. over 5,000 sq. ft., but less than 100,000 sq. ft., + a fee of \$0.24/sq. ft. for 100,000 sq. ft. and above.
EMP Short Form/Residential and Non-residential	
Short Form A	\$372
Short Form B – Low Intensity	Base fee of \$720 for 1 st 5,000 sq. ft. of disturbed area + \$0.02/sq. ft. in excess of 5,000 sq. ft.
Short Form B – High Intensity	Base fee of \$1,344 for 1 st 5,000 sq. ft. of disturbed area + \$0.01/sq. ft. over 5,000 sq. ft.
EMP Environmental Analysis	
Part 1 – Natural Features Inventory (NFI), without Flood Plain	\$1,584 base fee + \$28/acre over 5 acres
Part 1 – NFI with Floodplain	\$2,064 base fee + \$29/acre over 5 acres
NFI for Policy 2.1.9, Limited Partition and Judicial Subdivisions	\$1128
NFI – No Impact	\$180
Part 2 – Environmental Impact Analysis (EIA), without Floodplain	\$1,356 base fee, + \$24/acre over 5 acres
Part 2 – EIA with Floodplain	\$1,890 base fee, + \$30/acre over 5 acres
Part 2 – EIA with Floodplain and Off-site Stormwater Discharge	\$1,890 base fee, + \$36/acre over 5 acres
Amendments/Resubmittals/EMP Extension Requests	
Amendment to Approved EIA or EMP	50% of initial fee up to maximum of \$1,200
Request for Additional Information (RAI)*	
Request for EMP Extension	
Landscaping and Related Permits	
Landscape Permit	Base fee of \$780 for 1 st 5,000 sq. ft. of impervious area + \$0.01/sq. ft. over 5,000 sq. ft., but less than 50,000 sq. ft. + a fee of \$0.02/sq. ft. 50,000 sq. ft. and above

Fee Category	Fee
Tree Removal Permit	Base fee of \$114 for first 100 trees + \$1.97 per tree in excess of 100 trees
Vegetative Management Plan	\$120
EMP Inspections	
Follow-up Inspection (after unsatisfactory follow-up to violation inspection)	\$240
Repeat Final Inspection (after unsatisfactory environmental final inspection)	\$288
EMP Operating Permits	
Operating Permit (fee is not required for individual single family lots)	\$628
Operating Permit Renewal	\$120 if less than 5,000 sq. ft. impervious and no structures or filters; all others \$300
Communication Towers	
Communication Tower Bond	\$1,022
Communication Tower Bond Renewal	\$540
Communication Tower Bond Cancellation	\$360
Environmental Compliance Miscellaneous Fees	
General Utility Permit	\$14,190
Board of County Commissioners' Environmental Management Act Variance Request	\$1,440
Discovery Inspection Fee for No-permit Violations	\$120 - \$1,200
Research Fee	\$90/hour
BUILDING PLANS REVIEW & INSPECTION FEES	
Building Permits – New Construction and Additions	
City of Tallahassee Fire Plan Review Fee	\$0.02 per sq. ft. under roof
Industrial Permits	\$0.34 per sq. ft. under roof
Commercial Permits	\$0.51 per sq. ft. under roof
Residential Permits	\$0.48/sq. ft. under roof including porches, garages, carports and detached accessory structures
Plans Review Fees, Commercial (based on construction costs)	
\$50,000 - \$100,000	\$74.41
\$100,000.01 - \$500,000	\$104.43
\$500,000.01 - \$1 million	\$139.68
\$1,000,000.01 - \$2 million	\$211.47
\$2,000,000.01 - \$3 million	\$281.97
\$3,000,000.01 - \$5 million	\$348.54
Over \$5 million	\$706.22
Remodeling & Repair Work (based on cost of the building construction)	
\$1.00 - \$2,000	\$91.38
\$1,000.01 - \$15,000	\$212.78
\$15,000.01 - \$50,000	\$386.40 + \$15.60/thousand over \$15,000.01
\$50,000.01 - \$100,000	\$998.63 + \$14.10/thousand over \$50,000.01
\$100,000.01 - \$500,000	\$1644.80 + \$7.77/thousand over \$100,000.01
\$500,000.01 - \$1 million	\$5,305.15 + \$3.97/thousand over \$500,000.01
Electrical Permit Fees	
Electrical Permit Fee	\$62.66
Open Electrical Work	
For the wiring of ea. fixture, drop or receptacle device, or to ea. wall or pendant switch not attached to the fixture including fixtures, drops or receptacle devices and switches when installed at the same time as the wiring for branch circuits	\$0.90
Electric Signs	
For each electrically illuminated sign requiring less than 1,650 watts	\$32.40
For each electrically illuminated sign requiring more than 1,650 watts, but less than 3,350 watts	\$41.77
Fans	
For each ceiling fan, bath exhaust fan, kitchen range hood, or exhaust fan permanently attached to the branch circuit wiring	\$3.42
Light Fixtures	
For each lighting fixture, including drop lights, recessed lights, wall or flush receptacles or other receptive devices not having soldered joints	\$1.20

Fee Category	Fee
Motor Generators	
For each electrical motor of ¼ hp or less operating at 600 volts or less	\$6.03
For each electrical motor of over ¼ hp and not over 5 hp operating at 600 volts or less	\$13.07
Electrical Services	
Temporary Electric Service	\$32.64
Permanent Electric Service of 200 amps or less	\$15.66
Permanent electric service or panel of over 200 amps, but not over 400 amps	\$36.55
Permanent electric service or panel of over 400 amps, but not over 600 amps	\$48.30
Permanent electric service or panel of 600 amps, but not over 800 amps	\$62.66
For a permanent electric service or panel of over 800 amps, add for each 100 amps or fraction thereof over 800 amps	\$6.03
Gas Permit Fees	
Gas Permit Fee	\$73.10
Inspection of gas piping at one location (including both rough and final piping inspection)	\$73.10 for 1-4 outlets, inclusive; \$15.53 for each additional outlet
Inspection of conversion burners, floor furnaces, incinerators, boilers or control heating or air conditioning units	\$73.10 for one unit; \$15.53 for each additional unit
Inspection of vented wall furnaces and water heaters	\$34.70 for one unit; \$15.53 for each additional unit
Mechanical Permit Fees	
New construction with complete HVAC equipment and duct work	\$159.26 for each system
Existing buildings where additional mechanical work is done, or HVAC equipment change-outs are made	\$79.63
Plumbing Permit Fees	
Plumbing Permit Fee	\$91.38
For each plumbing fixture, floor drain or trap (including water and drainage piping)	\$8.51
Each House Sewer	\$8.51
Each Water Heater and/or Vent	\$8.51
Water Treatment Equipment	\$8.51
Repair or Alteration of Drainage or Vent Piping	\$8.51
Vacuum Breakers and Backflow Preventers (1-5)	\$8.51
Manufactured Home Fees	
Manufactured Home Permit (inclusive)	\$385.09
Swimming Pools	
In-Ground Pools	\$382.48
Above-Ground Pools	\$78.32
Solar Installations	
Solar Photovoltaic Systems	\$169.70
Solar Water Heating Systems	\$182.76
Miscellaneous Fees	
Automated Permits	\$112.26
Building Re-Inspection Fee	\$65.27
Demolition Fees	\$197.12 for any building or structure
Driveway Connection Fee (Single Family Residence and Mobile Home)	\$82.24
Moving any Building or Structure	\$436.00
State Notice of Commencement	\$5.00
State Surcharge Fee	3% of permit fee total, but not less than \$4
Temporary Facilities	\$74.41 for tents or temporary facilities for revivals, carnivals, etc., for periods not to exceed 30 days

* RAI – If a 3rd RAI is needed to address the same issue.

Sec. 10-11.108. - Authorization for address corrections.

The county administrator and/or city manager or designee is hereby directed to require changes as necessary in existing street names and street address numbers, so as to bring such names and numbers into reasonable conformance with the property numbering maps and the adopted uniform street naming and property numbering system policies and procedures.

- (1) *Standards for renaming and renumbering.* Any changes in the names of streets must be approved by the Board of County Commissioners. The county administrator and the city manager shall require address numbers to be changed to streets which are not in reasonable conformance with this article. Street name changes may be required by the Board of County Commissioners only if they duplicate or are phonetically similar to or are otherwise easily confused with other street names in the same response area for the "Enhanced 9-1-1 Emergency Telephone System." Street and address number changes shall be coordinated, to the extent possible, with the City of Tallahassee. When one of two duplicated or phonetically-similar or otherwise confusing street names must be changed the appropriate adopted policies and procedures will be followed.
- (2) *Street renaming.*
 - a. When any street is to be renamed pursuant to the requirements of this article, the Leon County Growth and Environmental Management Department shall notify by mail all property owners, as set forth in the most recent county tax rolls, whose lands abut such street, and shall make a reasonable attempt by public notice to notify the residents or businesses occupying such lands, that the street will be renamed. Cost of all installation of signs shall be the responsibility of appropriate local government. This includes public and private streets regardless of its intersections to public or private streets.
 - b. Public notices of the new street name shall be provided in the form of a display advertisement to run in a local public newspaper of general circulation at least 30 days prior to the effective date of change. The advertisement will identify the change of the street name and the effective date of the change. The cost associated for the implementation of this action will be that of the appropriate local government agency as set forth in this article.
 - c. For street number changes without street name changes. The city manager and or county administrator or their designees shall notify by mail the affected property owners, as shown on the latest tax rolls, of any street number changes and the effective date of the change.
- (3) *Contents of notice.* The notices provided for in subsection 10-11.108(2)b. above, shall clearly identify the change in street name as it affects each property owner and/or occupant; shall identify the effective date of the change; and shall set forth the property owner's and occupant's obligations pursuant to this article.
- (4) *Recorded plats.* Notwithstanding any other provisions to the contrary in Chapter 10 of the Leon County Code of Laws, the county administrator or their designee is authorized to record a document in a form approved by the county attorney that would notify property owners, in recorded final plats in Leon County, when street names that are specifically listed on the recorded final plat are changed or otherwise modified in accordance with the terms and conditions of the Leon County/City of Tallahassee Street Naming and Uniform Property Numbering Ordinance. The form of the document shall list

the plat book and page number of the recorded final plat being referred to along with the former and newly designated street name. In no event shall a replat be required of the recorded final plat for the purposes of the street naming change.

(Ord. No. 09-39, § 8, 11-10-09)

Attachment #2
Page 2 of 2

Joint Addressing Steering Committee Street Renaming Policies

Effective with the adoption of the proposed Joint Leon County/City of Tallahassee Street Naming and Property Numbering System Ordinance, the County Administrator and City Manager authorized and directed the Joint Addressing Steering Committee (ASC) to change those street names that were a safety hazard to life and property in accordance with these procedures. All duplicate or phonetically similar streets names slated by the ASC must be presented as an agenda item to the Board of County Commissioners or to the Tallahassee City Commissioners prior to moving forward on the re-naming of the selected streets targeted for renaming by the ASC.

Street names will be required to be changed at the direction of the ASC if they duplicate, are phonetically similar to, or create emergency delays for 9-1-1 response agencies, as well as be otherwise easily confused with other street names.

When duplicated, phonetically similar or otherwise confusing street names must be changed. The following priority order shall be considered:

- (a) Street names with rural route boxes.
- (b) The change which would affect the least number of people.
- (c) The street with the least number of intersections.
- (d) The most recently named street.

The Addressing Steering Committee will determine which street names to change using the above criteria.

The new street name will be selected by the Joint Addressing Steering Committee.

New street name suggestions will be collected from the abutting property owners and must have a 100% agreement between property owners before the chosen name can be approved.

DSEM will have the responsibility of approving street names submitted for use by the affected property owners.

Notices of address change will be sent to the affected property owners by DSEM or the City of Tallahassee Growth Management Department (TGM), depending on the location of the subject street within or out of the incorporated area.

Public notices of the street to be renamed shall be in the form of a display ad in a local public newspaper of general circulation and on a site project sign. Citizen input will be encouraged.

The Joint Addressing Steering Committee will hold community meetings if necessary to inform and to respond to citizens' questions and concerns.

The Fire Department will coordinate the time and location of each community meeting.

All streets that have names changed will also have the numeric portion of their address reviewed and reassigned concurrently, if necessary.

Property owners will be notified of their new street name and address number by mail with an effective date of forty-five (45) days. Property owners will be responsible for notifying all renters of address changes.

The new street name will be published in a public daily newspaper with an effective date.

Appropriate effective dates will be used to provide a smooth transition for citizens and businesses from their old address to their new address.

- a. Effective dates will typically be 30-60 days advanced notice, followed by a one year phase-in period.

Conditions under which street names will not be approved by DSEM are:

- a. An incomplete or non-existing street name change application.
- b. A street name will not be approved as a new name if the new street name is not located within the same subdivision as the name being requested.
- c. A street name will not be approved if it creates a duplicate street name or is considered to be too similar to an existing street name.
- d. A street name will not be approved if it may be confused when spoken or written with an existing street name.
- e. A street name will not be approved if it may be considered an ethnic, religious, gender, or racial slur.

Ryan Culpepper - FW: "Office Dale Green" / Desoto Street

From: "Frost, Greg" <Gregory.Frost@talgov.com>
To: "McDevitt, David" <McDevittD@leoncountyfl.gov>
Date: 12/20/2013 11:45 AM
Subject: FW: "Office Dale Green" / Desoto Street
CC: "Rosenzweig, Alan" <RosenzweigA@leoncountyfl.gov>, "Culpepper, Ryan" <Cu...>

David,

I spoke with Alan Rosenzweig regarding our request for a fee waiver related to renaming a street in honor of Sgt. Dale Green. It is my understanding that any waiver will need to be approved by the County Commission. Please accept this as our formal request for that approval. Because the county will have direct costs associated with advertising the change in the Democrat, the Police Department is prepared to pay for those direct costs, but would appreciate the waiver of any additional administrative costs. Several years ago we renamed the street that runs next to TPD HQ in honor of Officer Ponce De Leon and we would like to follow that precedent by renaming a street for Sgt. Dale Green. Hopefully these requests will be very seldom!

I appreciate the work Lisa and Ryan have put in assisting us with this project...they are good representatives for Leon County. Please let me know if you or your staff need additional information.

With Regards,

*Gregory A. Frost, Director
Administrative Services Bureau
Tallahassee Police Department*

"A Tradition of Service Since 1841."



From: Frost, Greg
Sent: Monday, December 16, 2013 9:37 AM
To: 'Lisa Scott'
Cc: Culpepper, Ryan; Long, Vince; Coe, Tom; Airon, Ross
Subject: RE: "Office Dale Green" / Desoto Street

Lisa,

Thanks for the update. When the City Commission approved our request they also approved waiving the associated fee. If your procedures require additional approval from the County Commission, please consider this a request for their approval.

The following link will provide the City's agenda item as approved:
<http://www.boarddocs.com/fla/talgov/Board.nsf/goto?open&id=9CCKBM510E5C>

Let me know if you require additional information.

Regards,

Greg

*Gregory A. Frost, Director
Administrative Services Bureau
Tallahassee Police Department*

"A Tradition of Service Since 1841."



From: Lisa Scott [<mailto:ScottL@leoncountyfl.gov>]
Sent: Friday, December 13, 2013 4:11 PM
To: Airom, Ross; Frost, Greg
Cc: Culpepper, Ryan
Subject: RE: "Office Dale Green" / Desoto Street

Mr Frost

This email is intended to update you on the status of the Dale Green/Desoto street renaming request. As I am sure you are aware the agenda item was approved on consent by The Board of County Commission at their Tuesday December 12, 2013 board meeting. However, as we discussed some weeks ago, once the board approved the renaming request, there would be a matter of the \$900.00 street renaming fee necessary to complete the process. This fee is necessary to cover the advertisement cost as required by the addressing ordinance. When we discussed this topic it was noted that we at Development Support and Environmental Management (DSEM) do not have the authority to waive renaming fees unless the fee is associated with a duplicate street renaming project approved by the Addressing Steering Committee.

If your department wishes to pursue the waiving of this renaming fee, it is my understanding an additional agenda item to the Board of County Commissioner would be necessary. All fees are required to be paid before any notification process can be completed for this request.

Please, if you have any questions or concerns, do not hesitate to contact me. Once the fee has been paid it is just a matter of the notification process being completed.

Respectfully,

Lisa Scott
Addressing Program Coordinator
Development Service Division
Department of Development Support & Environmental Management
Renaissance Center 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301
(850) 606-1300
FAX (850) 606-1301
www.leoncountyfl.gov
"People Focused. Performance Driven"

Please note that under Florida's Public Records laws, most written communications to or from county staff or

officials regarding County business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

>>> "Frost, Greg" <Gregory.Frost@talgov.com> 10/10/2013 1:49 PM >>>

Yep...I've already spoken with Lisa and received excellent guidance! 😊

From: Aiom, Ross
Sent: Thursday, October 10, 2013 1:38 PM
To: Frost, Greg
Cc: Oglesby, Lisa
Subject: RE: Traffic Signs

Hi Greg,

Please notify Lisa Oglesby with Leon County regarding change of street name and get approval, then I can send a job order to change the name.

Thanks.

Ross Aiom

Traffic Studies Supervisor
Traffic Mobility Division
City of Tallahassee
(850)891-8265
Ross.Aiom@talgov.com

From: Frost, Greg
Sent: Thursday, October 10, 2013 1:05 PM
To: Aiom, Ross
Subject: Traffic Signs

Ross,

Thanks for the voice-mail with the costs associated with our street renaming proposal. We're taking the agenda item to the Commission with a cost factor of \$400 for two signs. Once all steps for approval are complete, do I need to work through you to have the signs made and installed?

Hope all is well.

Greg

*Gregory A. Frost, Director
Administrative Services Bureau
Tallahassee Police Department*

"A Tradition of Service Since 1841."



**Leon County
Board of County Commissioners**

Notes for Agenda Item #10

Leon County Board of County Commissioners

Cover Sheet for Agenda #10

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Amendment No. 7 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works & Community Development Kathy Burke, P.E., Director, Engineering Services
Lead Staff/ Project Team:	Theresa B. Heiker, P.E., Stormwater Management Coordinator

Fiscal Impact:

This item has a fiscal impact to the County in the amount of \$73, 176. The funds are included in the FY 14 Budget.

Staff Recommendation:

Option #1: Approve Amendment No. 7 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District (Attachment #1), and authorize the County Administrator to execute.

Report and Discussion

Background:

The Northwest Florida Water Management District (NFWFMD) initiated surface water quantity data collection in 1986 as part of the Stormwater Master Plan for the urban basins for the City of Tallahassee and Leon County. The work continued under a 1989 tri-party agreement for water quantity and dry weather data collection, and, subsequently, under a contract executed in 1992. The Board approved a new contract on October 28, 1997, with the additional provision for supplementary monitoring efforts as needed for a specified cost. The NFWFMD updated the Contract in 2006 to incorporate specific monitoring activities performed independently for the City and Leon County. This item seeks Board approval of a one-year extension for rainfall and stream level monitoring. The Contract Amendment would expire September 30, 2014.

Analysis:

The NFWFMD has provided exceptional service since the program's inception. NFWFMD staff installs, maintains, and operates the gauging equipment to measure water elevations, stream flows, and rainfall throughout the County. Monthly data summaries are provided, as well as an annual report. NFWFMD staff responds promptly to inspection and repair of gauges, as well as to downloading data immediately following storm events as needed. The data collected includes five-minute rainfall totals, surface water discharges (average and peak flows), and surface water elevations.

The base annual Contract costs for 28 stations are shared between the City, the County, and the NFWFMD. The actual compensation amount of \$87,338 in the Contract represents the financial contributions shared equally by the City and the County (\$43,669 each), while the NFWFMD provides in-kind services valued at \$43,669, the same as the City and County's contributions. The Contract Amendment identifies the cost to install additional monitoring equipment, upon request, and the associated annual maintenance expense.

Supplementary services provided to Leon County, listed on Contract Amendment Attachment C, support the water level recorders on the Ochlockonee River and the Lauder Pond (Bradfordville Pond #4); the rainfall gage at Commonwealth Boulevard; the telemetered water level and discharge recorder for Lake Munson; and, the additional gauges for the Capital Area Flood Warning Network (CAFWN). The satellite-telemetry system at each CAFWN site increases the annual station operation and maintenance cost. The supplemental work adds \$29,507 for a total County cost of \$73,176. The Contract Amendment is fully funded in the FY 2013/14 Budget. The continuation of the program is subject to future year appropriations by the City and County.

Options:

1. Approve Amendment No. 7 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District (Attachment #1), and authorize the County Administrator to execute.
2. Do not approve Amendment No. 7 to the Stormwater Flow Monitoring Contract with the Northwest Florida Water Management District.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Amendment No. 7 to Stormwater Flow Monitoring Contract

VSL/TP/KB/TH/la

AMENDMENT NO. 7 TO STORMWATER FLOW MONITORING CONTRACT

CONTRACT NO. 07-002

This AMENDMENT, entered into the last date noted below, by and among the City of Tallahassee, a municipal corporation created and existing under the laws of the State of Florida, hereinafter referred to as the "CITY", LEON COUNTY, a political subdivision of the State of Florida, hereinafter called the "COUNTY" and the Northwest Florida Water Management District, an agency operating under the authority of Chapter 373, Florida Statutes, hereinafter referred to as the "DISTRICT", provides for the continuation of the Stormwater Flow Monitoring Contract (No. 07-002) between the aforementioned parties for an additional one-year period through September 30, 2014. The compensation section of the Contract is also amended to provide an additional \$73,176.12 from the COUNTY and an additional \$90,879.12 from the CITY for a total of \$164,055.24 in compensation to the DISTRICT for the one-year continuation period.

This Contract may be continued for additional one-year periods as provided for and pursuant to the provisions of paragraph twelve of the original Contract.

The operation and maintenance of the Stormwater Flow Monitoring Program by the DISTRICT for the 2013/2014 contract period is described in "ATTACHMENT A (2013/2014 Revision)" which is attached hereto and made a part hereof by reference.

The CITY and the COUNTY shall have the option to separately request the DISTRICT to provide supplementary monitoring services as provided for and pursuant to the provisions of paragraph eleven of the original Contract. Compensation for Supplementary Monitoring services shall be invoiced to the party requesting the services in accordance with the fee schedule described in "ATTACHMENT B (2013/2014 Revision)" which is attached hereto and made part hereof by reference. All supplementary services shall be invoiced quarterly to the party requesting the services as provided for and pursuant to the provisions of paragraph nine of the original Contract.

Supplementary monitoring services requested by the COUNTY are described in "ATTACHMENT C (2013/2014 Revision)" which is attached hereto and made a part hereof by reference.

Supplementary monitoring services requested by the CITY are described in "ATTACHMENT D (2013/2014 Revision)" which is attached hereto and made a part hereof by reference.

All other items and conditions of the original Contract remain in full force and effect.

The parties hereto have duly executed this AMENDMENT in quintuplicate on the day and year indicated below, to indicate the continued performance under the Contract through September 30, 2014.

Page 2 of 2
Amendment No. 7 to Stormwater Flow Monitoring Contract

LEON COUNTY, FLORIDA

By: _____
County Administrator

Date: _____

ATTEST:
Bob Inzer, Clerk of the Circuit Court and
Comptroller, Leon County, Florida

Approved as to Form:
Leon County Attorney's Office

By: _____

By: _____
Herbert W. A. Thiele, Esq.

Date: _____

Date: _____

CITY OF TALLAHASSEE

ATTEST:

By: _____
City Treasurer-Clerk

By: _____
City Manager

Date: _____

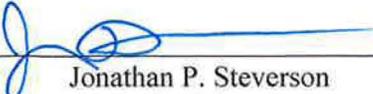
Date: _____

Approved as to Form:
City Attorney's Office

By: _____
City Attorney

Date: _____

**NORTHWEST FLORIDA
WATER MANAGEMENT DISTRICT**

By:  _____
Jonathan P. Steverson
Executive Director

Date: 1/26/13

**ATTACHMENT A
(2013/2014 Revision)**

The Stormwater Flow Monitoring Program includes twenty-eight surface water and rainfall data collection stations in the City of Tallahassee and Leon County. The cost estimates and scope of work for maintaining and operating this program are outlined below.

This monitoring program is intended to collect dry weather and storm event stage and discharge data at major outfall locations in Leon County and the City of Tallahassee, Florida. The data collected in this program will aid in partially fulfilling U.S. Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) stormwater regulation requirements. More specifically the data will: provide continuing records of precipitation and surface water discharges; provide flow volumes which will aid in estimating annual pollutant loads; aid to verify improvements as a result of actions taken under the City/County Comprehensive Stormwater Management Plan. The data will also be needed for updating hydrologic and flooding elevation data as actual growth and development occurs. The continuation of this monitoring program is recommended as part of the Comprehensive Stormwater Management Plan.

Monitoring Station Descriptions

<u>Station Type</u>	<u>Number of Sites</u>	<u>Station Map Number (see attached map)</u>
Stream Discharge	10	4, 6, 10 ^a , 14, 15 ^a , 20 ^a , 72 ^a , 100 ^a , 128, 660 ^a
Stream Stage	4	19 ^a , 39 ^a , 70 ^a , 750 ^a
Stream Stage/Velocity	1	35 ^a
Stream Stage/Rainfall	1	125/125
Stream Discharge/Rainfall	2	3/601 ^a , 31/618 ^a
Rainfall station	<u>10</u>	602 ^a , 605 ^a , 606, 610 ^a , 613 ^a , 616 ^a , 623 ^a , 626 ^a , 628 ^a , 631 ^a
Total Stations	28	

Annual Station Operation and Maintenance^(b)

<u>Station Type</u>	<u>Annual Cost</u>	<u># Stations</u>	<u>Total Cost</u>
Stream Discharge	\$3,130.00	10	\$31,300.00
Stream Stage	\$1,910.00	4	\$ 7,640.00
Stream Stage/Velocity	\$3,330.00	1	\$ 3,330.00
Stage/Rainfall Station	\$2,230.00	1	\$ 2,230.00
Stream Discharge/Rainfall	\$3,330.00	2	\$ 6,660.00
Rainfall Station	\$1,910.00	10	\$19,100.00
		Subtotal	\$70,260.00

Annual Iridium Data Telemetry Service^(c)

<u>Data Type</u>	<u>Annual Cost</u>	<u># Stations</u>	<u>Total Cost</u>
Stage	\$ 864.00	10	\$ 8,640.00
Stage+Rainfall	\$1,021.92	2	\$ 2,043.84
Stage+Velocity	\$1,021.92	1	\$ 1,021.92
Rainfall	\$ 596.88	9	\$ 5,371.92
		Subtotal	\$17,077.68

TOTAL PROJECT COST **\$87,337.68**

City of Tallahassee Annual Cost (50% of Total Project Cost) **\$43,668.84**

Leon County Annual Cost (50% of Total Project Cost) **\$43,668.84**

- (a) Site uses Iridium satellite telemetry.
- (b) Station Operation and Maintenance includes: maintenance, operation, data retrieval in a computerized format, discharge measurements at stream stations, computation of station flow rating, display of real-time data on the District's website, storage of data in District Surface Water Database, monthly data reports, and delivery of digital data collected on the Project. All stormwater monitoring equipment operated, maintained, purchased or replaced for the Joint City/County Stormwater Monitoring Program, shall remain as property of the District, except platforms used to mount monitoring equipment.
- (c) Iridium data telemetry service provided by Sutron Corporation at rates provided in Attachment E.

- Remainder of page intentionally blank -

ATTACHMENT B
(2013/2014 Revision)

Revised Cost Schedule – Amendment No.7 Supplementary Monitoring Services

Pursuant to Paragraph 4 of Amendment No. 6 to the Stormwater Flow Monitoring Contract, a revised fee schedule is provided for installation, operation and maintenance of additional monitoring stations as requested by the City or County.

A. <u>New Stream Station Installation Costs</u>	<u>Unit Price</u>
Construction materials and supplies	\$ 400.00
Data logger, battery, cables	\$1,795.00
Water level sensor (high res., w/lightning grnd sys.)	\$1,200.00
Station installation labor	<u>\$2,100.00</u>
Total Cost:	\$5,495.00⁽¹⁾
B. <u>New Rainfall Station Installation Costs</u>	<u>Unit Price</u>
Construction materials and supplies	\$ 400.00
Data logger, battery, cables	\$1,795.00
Hydrologic Services – TB3 tipping bucket w/mount	\$1,075.00
Station installation labor	<u>\$1,300.00</u>
Total Cost:	\$4,570.00⁽¹⁾
C. <u>New Telemetry System Installation Costs</u>	<u>Unit Price</u>
Construction materials and supplies	\$ 300.00
Communication equipment	\$1,639.00
Communication programming	\$ 250.00
System installation labor	\$ 900.00
Total Cost:	\$3,089.00⁽²⁾
D. <u>Annual Iridium System Service Fees</u> ⁽³⁾	
Rain Data, 5-minute data, 15-minute report	\$ 596.88/yr
Stage Data, 5-minute data, 15-minute report	\$ 864.00/yr
Rain+Stage Data, 5-minute data, 15-minute report	\$1,021.92/yr
Stage+Stage Data, 5-minute data, 15-minute report	\$1,021.92/yr
Stage+Velocity Data, 5-minute data, 15-minute report	\$1,021.92/yr

Station Operation and Maintenance Costs

<u>Station Type</u>	<u>Annual Station Cost</u> ⁽⁴⁾
Stage or Rainfall Station Operational Cost	\$1,910.00
Stage+Rainfall Station Operational Cost	\$2,230.00
Stage+Discharge Station Operational Cost	\$3,130.00
Stage+Discharge+Rainfall Station Operational Cost	\$3,330.00

- (1) Equipment, materials, and installation costs are for non-telemetered stream and rainfall stations.
- (2) Cost of addition of telemetry to a new monitoring station.
- (3) Iridium data telemetry service provided by Sutron Corporation at rates provided in Attachment E.
- (4) Annual cost for Station Operation and Maintenance is \$1,910.00 for stream or rainfall stations, \$2,230.00 for stream plus rainfall stations, and \$3,130.00 for stream discharge stations. Station Operation and Maintenance costs will be billed on a quarterly basis for the prorated cost for active stations and include: maintenance, operation, data retrieval in a computerized machine readable format, display of real-time data on the District's website, storage of data in District's Surface Water Database, monthly data reports, and delivery of digital data collected on the Project. All stormwater monitoring equipment operated, maintained, purchased or replaced for the Stormwater Monitoring Program Supplemental Services, shall remain as property of the District, except platforms used to mount monitoring equipment.

**ATTACHMENT C
(2013/2014 Revision)**

**Stormwater Monitoring Project
Revised Cost Schedule – Amendment No.7
Supplementary Monitoring Services - Leon County**

Monitoring Station Description

<u>Station Type</u>	<u>Number of Sites</u>	<u>Station Location (map number)</u>	<u>Annual Cost</u> ⁽¹⁾
Stage Station	2	Lauder Pond, Ochlockonee River (680, 752)	\$ 3,820.00
Telemetered Rainfall	1	Commonwealth Blvd (648)	\$ 1,910.00
Telemetered Rainfall	4	Capital Area Flood Warning Network (654, 753,803, 804)	\$ 7,640.00
Telemetered Stage+Discharge	1	Lake Munson Outfall (776)	\$ 3,130.00
Telemetered Stage+Rainfall	3	Capital Area Flood Warning Network (555, 729, 810)	\$ 6,690.00
TOTAL OPERATIONAL SERVICES COST			\$ 23,190.00

Annual Iridium Data Telemetry Services

<u>Data Type</u>	<u>Annual Cost</u>	<u># Stations</u>	<u>Annual Cost</u> ⁽²⁾
Stage+Rainfall	\$1,021.92	3	\$ 3,065.76
Stage	\$ 864.00	1	\$ 864.00
Rainfall	\$ 596.88	4	\$ 2,387.52
TOTAL DATA TELEMETRY SERVICES COST			\$ 6,317.28

TOTAL SUPPLEMENTARY SERVICES COST \$ 29,507.28

- (1) Annual cost for Station Operation and Maintenance is \$1,910.00 for stream or rainfall stations, \$2,230.00 for stream plus rainfall stations, and \$3,130.00 for stream discharge stations. Station Operation and Maintenance costs will be billed on a quarterly basis for the prorated cost for active stations and include: maintenance, operation, data retrieval in a computerized machine readable format, display of real-time data on the District's website, storage of data in District's Surface Water Database, monthly data reports, and delivery of digital data collected on the Project. The County maintains ownership of the equipment and materials for the CAFWN monitoring stations. The County will be responsible for repair costs, replacement equipment and materials for monitoring stations in this program.
- (2) Iridium data telemetry service provided by Sutron Corporation at rates provided in Attachment E.

**ATTACHMENT D
(2013/2014 Revision)**

**Stormwater Monitoring Project
Revised Cost Schedule – Amendment No.7
Supplementary Monitoring Services – City of Tallahassee**

The City Monitoring Services includes the operation and maintenance of 11 surface water and rainfall data collection stations for the City of Tallahassee. The cost estimates for maintaining and operating this program are provided below. These monitoring stations will provide hydrologic data for City of Tallahassee. Operation of individual stations can be discontinued at the request of the City during the period of this Contract. The District will invoice the City quarterly for the pro-rated operational costs for active stations.

Operational Services

<u>Station Type</u>	<u>Number of Sites</u>	<u>Station Location (map number)</u>	<u>Annual Cost</u> ⁽¹⁾
Stage stations	6	Two Southwood Stormwater Ponds (698, 699) RSF (688) Killearn Lake Stations (Kinsale, Killarny, Kanturk)	\$ 11,460.00
Telemetered Stage	2	Central DD, Boone Blvd (687 ^a , 689)	\$ 3,820.00
Telemetered Rainfall	6	City Rainfall Network (681 ^a , 682 ^a , 683 ^a , 684 ^a , 685 ^a , 686 ^a)	\$ 11,460.00
Continued Maintenance of ALERT Equipment	6	City "ALERT" Network (681, 682, 683, 684, 685, 686)	\$ 1,200.00
USGS Coop Station	1	Spring Creek (1/3 cost share)	\$ 14,825.00
TOTAL OPERATIONAL SERVICES COST			\$ 42,765.00

Annual Iridium Data Telemetry Services

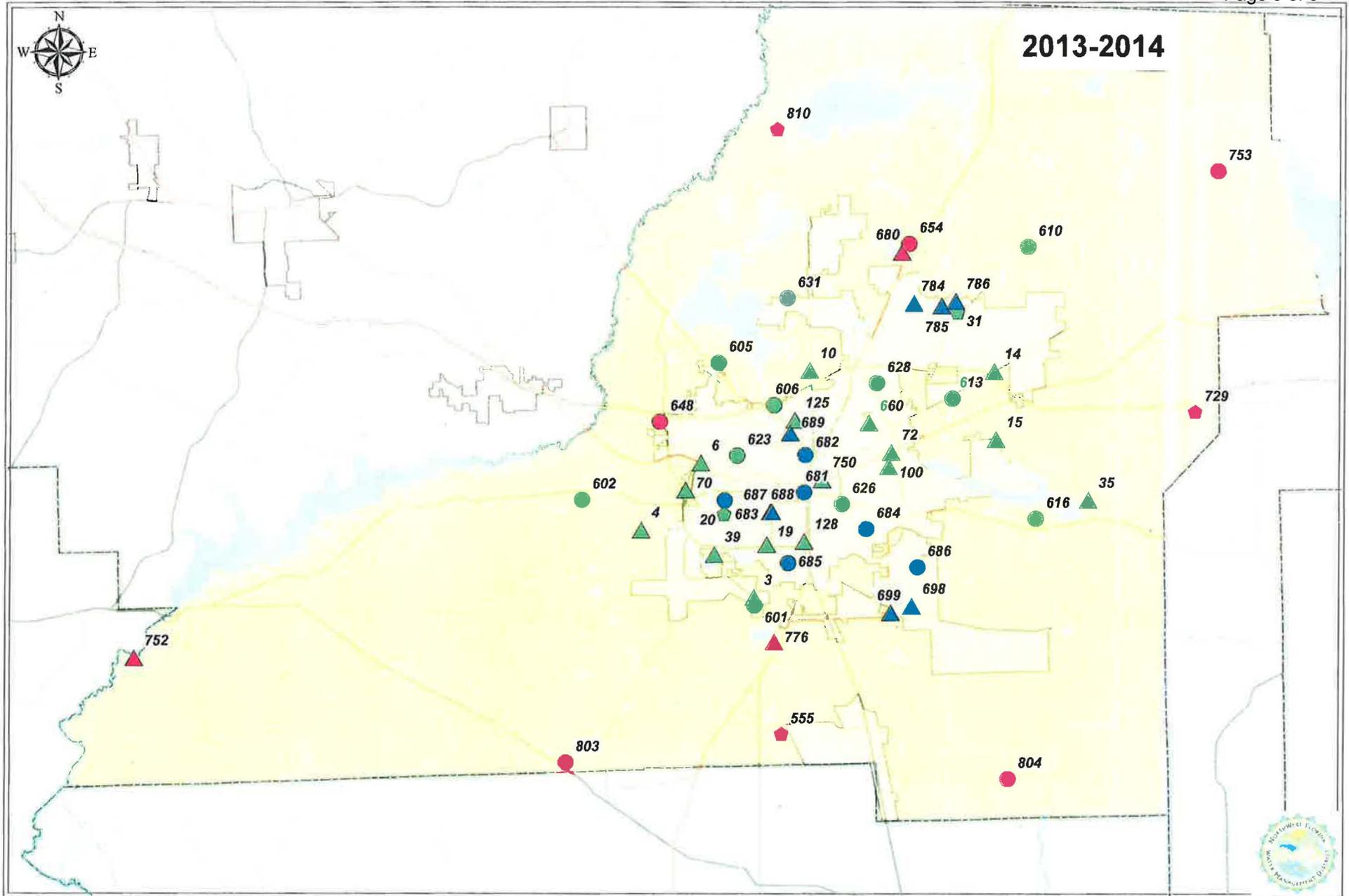
<u>Data Type</u>	<u>Annual Cost</u>	<u># Stations</u>	<u>Annual Cost</u> ⁽²⁾
Stage	\$ 864.00	1	\$ 864.00
Rainfall	\$ 596.88	6	\$ 3,581.28
TOTAL DATA TELEMETRY SERVICES COST			\$ 4,445.28
TOTAL SUPPLEMENTARY SERVICES COST			\$ 47,210.28

- (1) Annual cost for Station Operation and Maintenance is \$1,910.00 for stream or rainfall stations, \$2,230.00 for stream plus rainfall stations, and \$3,130.00 for stream discharge stations. Station Operation and Maintenance costs will be billed on a quarterly basis for the prorated cost for active stations and include: maintenance, operation, data retrieval in a computerized machine readable format, display of real-time data on the District's website, storage of data in District's Surface Water Database, monthly data reports, and delivery of digital data collected on the Project. The City maintains ownership of the ALERT equipment and materials for the monitoring stations. The City will be responsible for repair costs, replacement equipment and materials for ALERT equipment in this program.
- (2) Iridium data telemetry service provided by Sutron Corporation at rates provided in Attachment E.

ATTACHMENT E
(2013/2014 Revision)

Stormwater Monitoring Project
Cost Schedule – Amendment No.7
Sutron Iridium Telemetry Data Services

Sutron Corporation 22400 Davis Drive Sterling, VA 20164 Phone (703) 406-2800 Fax (703) 406-2801					DATE April 15, 2013 Quotation # IN-13-6045	
Kristopher Barrios Director – Field Services Section Northwest Florida Water Management District 850.539.5999 x223 office kristopher.barrios@nfwfmd.state.fl.us					Quotation valid until: July 14, 2013 Prepared by: Ted Soto	
					 ISO 9001:2000	
ITEM	PART NUMBER	DESCRIPTION	UNIT PRICE	QTY	AMOUNT	
00120143-000 (Sutron order 501120 – Leon County)			\$	11,078.40		
	• 501120-001 Opt 8A Plan Rain Only	– 10 stations x \$596.88	\$ 596.88	10	\$ 5,968.80	CAFV
	• 501120-002 Opt 8F Plan Rain&Stage	– 5 stations x \$1021.92	\$ 1,021.92	5	\$ 5,109.60	CAFV
00120351-000 (Sutron order 501141 – Hydrological Telemetry Equipment)			\$	5,184.00		
	• ISBD50K.1	– 6 stations x 12 months x \$72.00/month	\$ 864.00	6	\$ 5,184.00	COT
00120676-000 (Sutron order 501189- Datalogging Equipment)			\$	14,736.00		
	• ISBD.50K.1M – 3 RAINFALL ONLY/ 14 STAGE ONLY	o 18 x \$72.00/month x 12 month	\$ 864.00	17	\$ 14,688.00	
	• ISBD.100K.1M – 1 RAINFALL AND STAGE	o 1 x 12 months x \$126.00/month	\$ 3,024.00	0	\$ -	
		o 1 x 30 overages/month x 12 months x \$1.30/overages	\$ 936.00	0	\$ -	
	Suspension of iridium modems - Qty 2 at \$24 each		\$ 24.00	2	\$ 48.00	
SUBTOTAL					\$ 30,998.40	
FREIGHT					\$ -	
TOTAL					\$ 30,998.40	



**Leon County
Board of County Commissioners**

Notes for Agenda Item #11

Leon County Board of County Commissioners

Cover Sheet for Agenda #11

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of the Plat of Pine Dove, Phase I Subdivision for Recording in the Public Records.

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E, Director, Public Works & Community Development Kathy Burke, P.E., Director, Engineering Services
Lead Staff/ Project Team:	Jim Pilcher, P.S.M., Chief of Survey and Right-of-Way

Fiscal Impact:

This item does not have a fiscal impact.

Staff Recommendation:

Option #1: Approve the plat of Pine Dove, Phase I subdivision for recording in the Public Records (Attachment #1).

Report and Discussion

Background:

Pine Dove, a private residential subdivision, was approved by the Development Review Committee as a type "B" site and development plan on October 11, 2006 (Attachment #2). A minor modification to the site and development plan was approved on May 13, 2009 to allow the development to proceed in a series of phases (Attachment #3). The plat presented is Pine Dove, Phase I.

The development being platted consists of 36.56 acres containing 36 residential lots.

Analysis:

Pine Dove, Phase I subdivision is located in Section 20, Township 1 South, Range 2 East on the east side of Williams Road approximately 1.7 miles south of the Old St. Augustine Road and Williams Road intersection (Attachment #4).

The appropriate departments and agencies have reviewed and inspected the subdivision. The comments have been reviewed and approval of the plat is recommended.

Since Pine Dove Phase I is a private subdivision and all infrastructure is complete, no performance or maintenance agreements/surety devices are required.

Options:

1. Approve the plat of Pine Dove, Phase I subdivision for recording in the Public Records (Attachment #1).
2. Do not approve the plat of Pine Dove, Phase I subdivision.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Plat of Pine Dove, Phase I
2. October 11, 2006 Development Review Letter
3. May 13, 2009 Development Review Letter
4. Location Map

VSL/TP/KB/JP/la

PINE DOVE ESTATES PHASE I

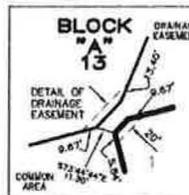
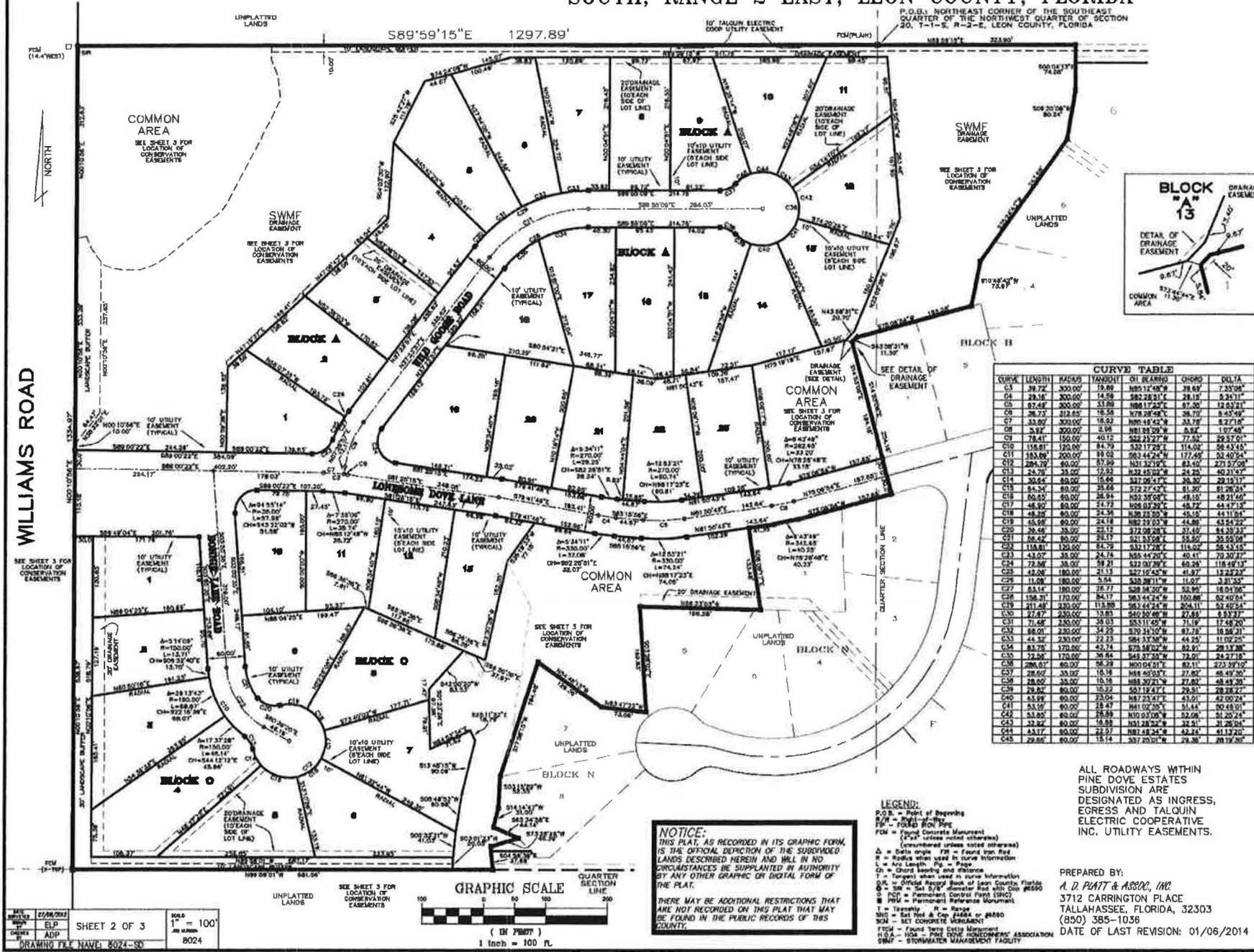
A SUBDIVISION LYING IN SECTION 20, TOWNSHIP 1 SOUTH, RANGE 2 EAST, LEON COUNTY, FLORIDA

ALL PERMANENT REFERENCED MARKERS ARE MARKED WITH A 3/4" PEG OR WITH A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE.



ALL SURVEY CORNERS ARE MARKED WITH A 3/4" PEG OR WITH A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE.

589°59'15"E 1297.89'

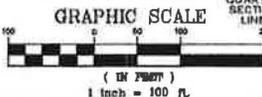


CURVE	LENGTH	RADIUS	TANGENT	CH. BEARING	CHORD	DELTA
C01	39.72	300.00	19.99	S89°12'56\"	38.89	7.33°08'
C02	29.85	300.00	14.98	S82°28'11\"	29.15	9.24°11'
C03	87.49	300.00	33.89	S08°17'32\"	87.30	12.63°21'
C04	26.73	312.45	16.38	N78°28'48\"	26.70	8.45°48'
C05	33.02	300.00	16.52	N88°48'53\"	33.18	8.27°16'
C06	5.87	300.00	2.98	N81°52'57\"	5.84	1.07°40'
C07	78.41	150.00	40.12	S22°25'27\"	77.52	20.87°01'
C08	116.81	120.00	64.79	S32°17'20\"	114.00	36.43°45'
C09	183.96	200.00	102.02	S63°44'25\"	182.40	64.40°24'
C10	24.78	35.00	12.92	S32°45'28\"	24.25	40.31°47'
C11	20.45	60.00	10.49	S47°09'41\"	20.30	29.19°17'
C12	64.34	60.00	34.48	S72°27'27\"	61.30	31.26°24'
C13	60.62	60.00	38.94	S52°35'28\"	48.10	48.21°46'
C14	46.50	60.00	24.73	N08°03'20\"	48.72	64.47°15'
C15	48.48	60.00	24.36	S28°23'25\"	48.15	44.11°41'
C16	48.08	60.00	24.18	S28°23'25\"	48.08	43.54°22'
C17	39.48	35.00	22.12	S72°08'28\"	37.40	64.35°33'
C18	58.42	60.00	29.17	S21°33'28\"	58.50	35.05°09'
C19	130.81	120.00	64.79	S32°17'20\"	128.00	58.13°15'
C20	43.07	35.00	24.16	S55°45'20\"	40.41	70.30°17'
C21	72.86	38.00	38.21	S22°00'39\"	69.28	118.49°13'
C22	42.06	180.00	21.13	S27°12'52\"	41.87	12.24°24'
C23	11.98	180.00	5.94	S38°36'17\"	11.97	3.21°43'
C24	63.14	180.00	31.77	S28°54'50\"	62.95	18.04°56'
C25	106.31	170.00	64.17	S83°44'24\"	100.86	52.40°04'
C26	211.48	220.00	115.80	S83°44'24\"	206.11	57.49°54'
C27	27.67	220.00	13.83	S40°30'48\"	27.64	9.13°17'
C28	71.48	220.00	38.03	S55°11'45\"	71.19	17.48°20'
C29	68.01	220.00	34.25	S70°41'02\"	67.78	18.88°21'
C30	44.87	220.00	22.73	S84°13'06\"	44.85	11.09°25'
C31	83.78	170.00	42.14	S78°59'24\"	83.45	28.13°38'
C32	22.50	170.00	11.25	S48°37'35\"	22.01	24.27°16'
C33	288.67	60.00	144.34	N00°04'31\"	283.11	87.23°10'
C34	28.02	60.00	14.01	N88°03'07\"	27.82	48.49°30'
C35	28.02	35.00	14.01	N88°03'07\"	27.82	48.49°30'
C36	53.82	60.00	26.91	N10°03'05\"	52.08	51.20°24'
C37	32.87	60.00	16.44	N31°48'24\"	32.51	31.26°04'
C38	43.17	60.00	21.59	N87°48'24\"	42.24	41.12°20'
C39	29.85	60.00	14.94	S37°20'17\"	29.38	39.19°30'

ALL ROADWAYS WITHIN PINE DOVE ESTATES SUBDIVISION ARE DESIGNATED AS INGRESS, EGRESS AND TALQUIN ELECTRIC COOPERATIVE INC. UTILITY EASEMENTS.

LEGEND:
 P.O.B. = Point of Beginning
 P.M. = Point of Measurement
 P.F. = Found Iron Pipe
 F.M. = Found Metal
 (2\"/>

NOTICE:
 THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED BY AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
 THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



SHEET 2 OF 3
 DRAWING FILE NAME: 8024-S0
 8024

PREPARED BY:
 A. D. PIATT & ASSOC., INC.
 3712 CARRINGTON PLACE
 TALLAHASSEE, FLORIDA, 32303
 (850) 385-1036
 DATE OF LAST REVISION: 01/06/2014

ALL PERMANENT REFERENCE MONUMENTS ARE MARKED WITH A 6" x 6" CONCRETE MONUMENT HAVING A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE AND ARE MARKED WITH A METAL CAP AS SHOWN UNLESS NOTED OTHERWISE



ALL OTHER MONUMENTS ARE MARKED WITH A 5/8" NICKEL WITH A PLASTIC CAP AS SHOWN UNLESS NOTED OTHERWISE

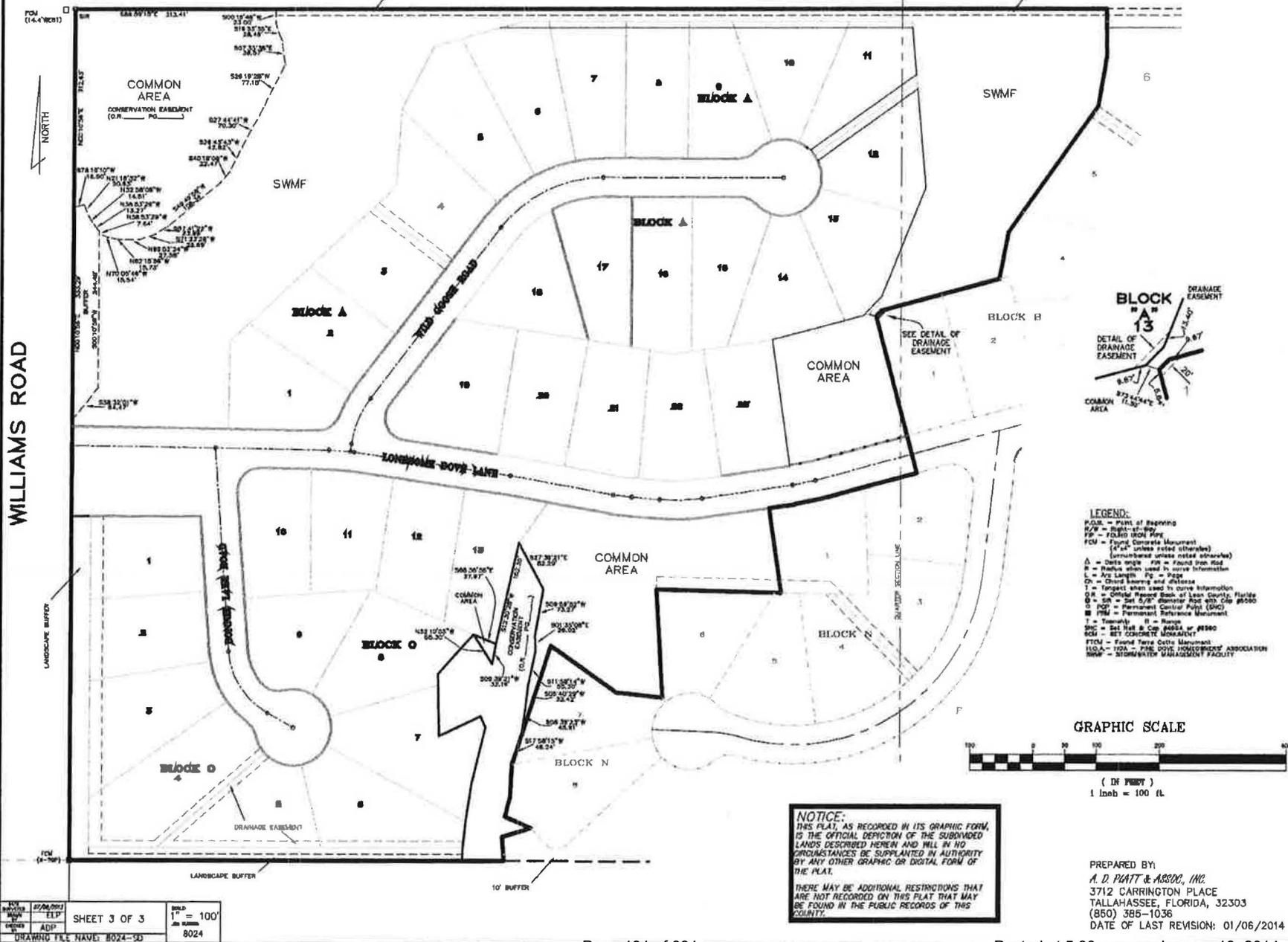


PINE DOVE ESTATES PHASE I

A SUBDIVISION LYING IN SECTION 20, TOWNSHIP 1 SOUTH, RANGE 2 EAST, LEON COUNTY, FLORIDA

10' TYPE "A" BUFFER EASEMENT / CONSERVATION EASEMENT TYPE "C"

10' TYPE "A" BUFFER EASEMENT / CONSERVATION EASEMENT TYPE "C"



DATE	22/06/2013	SHEET	3 OF 3
PROJECT	ELP	SCALE	1" = 100'
DRAWN	ADP	NO.	8024
DRAWING FILE NAME	8024-3D		



BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street
Tallahassee, Florida 32301
(850) 488-4710

Office of Growth and Environmental Management
Development Services
3401 West Tharpe Street
Tallahassee, Florida 32303
Phone (850) 606-1300

Commissioners:
WILLIAM C. PROCTOR, JR.
District 1
JANE G. SAULS
District 2
DAN WINCHESTER
District 3
TONY GRIPPA
District 4
BOB RACKLEFF
District 5
ED DEPUY
At-Large
CLIFF THAELL
At-Large
PARWEZ ALAM
County Administrator
(850) 488-9962
HERBERT W.A. THIELE
County Attorney
(850) 487-1008

October 11, 2006

Elliot Varnum, PE
Varnum & Associates, Inc.
3559 Timberlane School Road
Tallahassee, FL 32312

RE: Pine Dove Conservation Subdivision Type "B" Site and
Development Plan, LSP050046
Tax Parcel Identification Numbers: 32-21-20-201-000-0; 32-20-20-003; 002; 004; 201;
005; and 202-000-0

Dear Mr. Varnum:

The above mentioned project has been approved by the Development Review Committee in accordance with Sections 10-1479 and 10-852 of the Land Development Code. A copy of the site and development plan with approval signatures is being transmitted herewith for your records. By copy of this letter, signed copies are also being distributed to appropriate reviewing parties.

Please call if you need additional information.

Sincerely,

Scott Brockmeier
Planner II

cc: David R. McDevitt, AICP, Growth and Environmental Management Director (letter only)
Adam Antony Biblo, AICP, Development Services Director
Joseph L. Brown, III, P. E., Director of Engineering Services - Public Works
Kimberly Wood, PE, Chief of Engineering Coordination - Public Works
Bruce Kessler, City of Tallahassee Water Utilities
Tony Park, PE, Public Works Director
Wayne Tedder, AICP, Tallahassee-Leon County Planning Department
Michael Clark, AICP, Development Services Coordinator (letter only)
Ed Jarriel, Deputy Building Official (letter only)
Nawfal Ezzagaghi, PE, Environmental Review Supervisor
Lisa Oglesby, Addressing Program Team Leader
Pine Dove Estates, LLC, 2858 Remington Green Circle, Tallahassee, FL 32308



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5302 www.leoncountyfl.gov

Growth and Environmental Management Department
Development Services Division
Renaissance Center, 2nd Floor
435 N. Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

Commissioners

BILL PROCTOR
District 1

JANE G. SAULS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

BOB RACKLEFF
District 5

CLIFF THAELL
At-Large

AKIN AKINYEMI
At-Large

PARWEZ ALAM
County Administrator

HERBERT W.A. THIELE
County Attorney

May 13, 2009

Pine Dove Estates, L.P.
c/o Dan McClellan
P.O. Box 15887
Tallahassee, FL 32317

RE: Pine Dove Estates (LSP050046) – Request for a minor modification to the approved site and development plan
Tax Parcel Identification Number(s): 32-20-20-002-000-0,
32-20-20-002-000-0, 32-20-20-002-000-0, 32-20-20-002-000-0,
32-20-20-201-000-0, 32-20-20-202-000-0, 32-21-20-201-000-0

Dear Mr. McClellan:

Development Services has reviewed your proposed minor amendment to the referenced site and development plan that was initially submitted to our office on November 11, 2008. The application has been revised to address the deficiencies noted in our letter dated November 26, 2008. The request to develop the site in a series of phases is approved as follows:

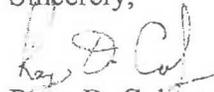
1. The modification proposes to develop the site in five (5) phases; and,
2. Phase I of the development includes the area of the site within the western portion of the proposed development. Phase I includes thirty-six (36) total lots: Lots 1-23 of Block "A" and Lots 1-13 of Block "O"; and,
3. Phase II consists of the area of the development directly east of Phase I. Phase II includes thirty-five (35) total lots: Lots 1-10 of Block "B", Lots 1-13 of Block "L", Lots 1-4 of Block "M" and Lots 1-8 of Block "N"; and,
4. Phase III consists of the area of the development directly east of Phase II. Phase III includes thirty-two (32) total lots: Lots 1-10 of Block "C", Lots 1-5 of Block "D", Lots 1-11 of Block "J", Lots 1-6 of Block "K"; and,
5. Phase IV consists of the area of the development directly east of Phase III. Phase IV includes nineteen (19) total lots: Lots 1-7 of Block "E", Lots 1-12 of Block "I"; and,
6. Phase V consists of the area of the development directly east of Phase IV and is bounded by the eastern perimeter of the Pine Dove Estates subdivision. Phase V includes sixteen (16) total lots: Lots 1-4 of Block "F", Lots 1-4 of Block "G", Lots 1-8 of Block "H".

Pine Dove Estates Subdivision – Minor modification request
May 13, 2009
Page 2 of 2

A copy of the approved site plan is being transmitted herewith. This approval shall not be construed to grant exemption from any other development regulation or permitting requirement as may otherwise be applicable. This review does not include analysis of environmental constraints. All environmental constraints on site must be addressed in a manner consistent with the Conservation Element of the Comprehensive Plan and the County Environmental Management Act.

If you have any questions regarding this letter, please let me know.

Sincerely,



Ryan D. Culpepper
Development Services Administrator

cc: Adam A. Biblo, Director, Development Services (letter only)
Joseph L. Brown, III, P. E., Director of Engineering Services, LCPW (letter only)
Kimberly Wood, Chief of Engineering Coordination, LCPW
Russell Snyder, Land Use Division Co-Manager, TLC PD
Nawfal Ezzagaghi, Environmental Review Supervisor
Maurice Majszak, Tallahassee Fire Department
Ed Jarriel, Deputy Building Official (letter only)
Michael Clark, Development Services Coordinator (letter only)
Lisa Oglesby, Addressing Program Coordinator (letter only)
Marcus Curtis, Planner I (letter only)
Thomas Harp, Planner I (letter only)
Pine Dove Estates, L.P., P.O. Box 15887, Tallahassee, FL 32317



LOCATION MAP

NOT TO SCALE

**Leon County
Board of County Commissioners**

Notes for Agenda Item #12

Leon County Board of County Commissioners

Cover Sheet for Agenda #12

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Adoption of Proposed Revised Policy 06-01, "Use and Scheduling of Parks & Recreation Facilities"

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development
Lead Staff/ Project Team:	Leigh Davis, Director of Parks & Recreation

Fiscal Impact:

This item has a fiscal impact to the County. This impact is anticipated to be minimal. Revenue generation from time slots provided to tutoring programs may fill slots at Community Centers that would otherwise remain available for rental opportunities.

Staff Recommendation:

Option #1: Adopt the proposed revised Policy 06-01, "Use and Scheduling of Parks & Recreation Facilities" addressing the minimum lead time for securing reservations and the use of Community Centers for tutoring programs (Attachment #1).

Report and Discussion

Background:

County staff was recently asked to waive rental fees for the use of the Lake Jackson Community Center for the purpose of providing tutoring programs to middle and high school students. In considering the request, staff determined that it would be in the best interest of the County to include, in policy, how such requests should be handled and the conditions/limitations that would be required for such a request to be approved.

Analysis:

Section 5.8 of Policy 06-01, provides that, "Request for a waiver by groups providing education opportunities for citizens and those providing programs for County senior citizens" can be considered by the Director of Parks & Recreation provided that the request is made in writing at the time of rental and that a brief description of the purpose, goals, and if the citizens are paying a fee for this activity.

The Section does not address limitations to the duration of or the time slot for such programs. In an effort to best accommodate all potential users, staff is proposing modifications to the policy that addresses limitations. Specifically, the waiver for tutoring programs directed towards K-12 students should be limited to three days per week and will be restricted to only one four-hour time slot. Additional slots for expanded days during peak test times such as FCAT testing and mid-term or final exams will be considered based solely on availability and the waiver would apply. Any additional days on a recurring basis outside of the three days will otherwise incur the regular rental fee of the Center.

In addition, in reviewing the policy, it was discovered that the minimum time for securing reservations for use of Community Centers was inconsistent with the Division's practice and that the minimum time for securing picnic pavilions was not addressed at all. The two types of facilities are handled differently because of the level of staffing required and the need for advance scheduling for Community Center attendants. Section 4.1 has been amended to address both of these oversights.

Options:

1. Adopt the proposed revised Policy 06-01, "Use and Scheduling of Parks & Recreation Facilities" addressing the minimum lead time for securing reservations and the use of Community Centers for tutoring programs (Attachment #1).
2. Do not adopt the proposed revisions to Policy 06-01, "Use and Scheduling of Parks & Recreation Facilities" addressing the minimum lead time for securing reservations and use of Community Centers for tutoring programs.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Proposed revision to Policy No. 06-01, Sections 4.1 and 5.8

Board of County Commissioners Leon County, Florida

Policy No. 06-1

Title: Use and Scheduling of Parks & Recreation Facilities

Date Adopted: ~~October 11, 2011~~ January 21, 2014

Effective Date: ~~October 11, 2011~~ January 21, 2014

Reference: N/A

Policy Superseded: Policy No. 79-8, "County Community Service Facility," adopted September 25, 1979; Policy No. 92-10 amended 10/27/92; Policy No. 94-3, amended April 26, 1994; and Policy No. 02-6, "County Community Service Facilities," adopted July 9, 2002; Policy No. 06-1, "Use and Scheduling of Parks and Recreation Facilities," adopted January 10, 2006; amended February 26, 2008; amended January 19, 2010; amended October 11, 2011

It shall be the Policy of the Board of County Commissioners of Leon County, Florida that:

Policy No. 06.1, adopted January 10, 2006 and amended on ~~February 26, 2008~~ October 11, 2011, is hereby amended, and a new amended policy is hereby adopted in its place, to wit:

1. Purpose

- 1.1 The purpose of this policy is to assure that the Parks & Recreation Division facilities are utilized for recreational, athletic, cultural, educational, social, civic, fraternal, governmental, religious, political, charitable, and community service functions that meet the needs and interests of the community, as well as set clear policies, procedures, and rental fees regarding such uses.
- 1.2 Exclusive use of any facility requires an advance reservation and is subject to rental fees, security deposits, and staffing fees (set up and take down). Some facilities may not be reserved for exclusive use.

2. Authority

- 2.1 The Division of Parks & Recreation is responsible for developing, communicating, and monitoring policies, procedures, and standards for the use and scheduling of Parks & Recreation facilities.

3. Facilities Available

- 3.1 The Parks & Recreation Division makes available for rent buildings, rooms, community centers, picnic shelters, campsites, open space, boat ramps, and athletic fields. Times and dates available are at the discretion of the division.

4. Reservations

- 4.1 Reservations shall be made for community centers no more than 365 days and no less than ~~seven (7)~~ fourteen (14) calendar days prior to the date(s) of use. Reservations for pavilion rentals can be made no more than 365 days and no less than two (2) calendar days prior to the date(s) of use. Reservations are guaranteed after all necessary forms and payments are received and approved at the Parks & Recreation Division administrative office located at 2280 Miccosukee Road, Tallahassee, FL 32308.

Group activities or special events that involve 50+ people attending or participating may require a permit from the Division of Parks & Recreation for use of any park or recreation facility or site. The applicant should submit such permit_request no later than 30 days prior to the event. Events involving 100+ people or additional preparation by park personnel must be submitted 60 days prior to the proposed special event date.

- 4.2 All applicants must be at least 18 years of age or older and must provide proof of residency in Leon County for priority consideration.
- 4.3 The Parks and Recreation Division reserve the right to set aside certain dates for functions sponsored in part or by Leon County.

5. Fees

- 5.1 Full rental fees, security deposits, staffing fees, and permit applications are due at the time of the reservation is submitted.
- 5.2 Payment by check, cash, credit card, or money order is required for the building and staff fees.
- 5.3 A security deposit shall be required for any damage/clean-up expense. The deposit will be returned if no damage occurs and the facility is clean after use. The Parks & Recreation Division reserves the right to bill the applicant for additional expenses relating to, but not limited to, janitorial services, maintenance/repair services, staff time, or emergency services that were required because of the use.
- 5.4 Checks or money orders must be made payable to the Leon County Board of County Commissioners.

Policy No. 06-1
Use and Scheduling of Parks & Recreation Facilities

- 5.5 Applicants shall forfeit the rental opportunity if the checks are not honored by the bank. Any future requests will require fees paid by cash or money order only. Applicant will be responsible for bank service fee.
- 5.6 The Parks & Recreation Division may require additional staff for rentals where attendance is expected to exceed 50 people. An off duty sheriff deputy/deputies may also be required at the applicants expense.
- 5.7 The Parks & Recreation Division may require two division representatives for any teen event if the attendance exceeds 50 people. If attendance is, greater than 50 people the applicant must hire one off-duty Leon County Sheriff deputy for each additional 50 people. In addition, the applicant must provide adequate adult supervision at all times. (Refer to Section 7.13). All teen events that occur after 6:00 P.M. may require a deputy.
- 5.8 Request for a waiver of the user fee for non-profit organizations that would like to collaborate with Leon County must be made in writing at the time of rental request. Included in the request shall be the purpose of the rental activities to be conducted as well as a brief description of the organization, purpose, goals, and pertinent information including the 501 (c) (3) determination letters from the IRS along with the Department of Revenue Consumers Certificate of Exemption.
- Request for a waiver by groups providing education opportunities for citizens and those providing programs for County senior citizens, must be made in writing at the time of rental request. Included in the request shall be the purpose of the rental activities to be conducted as well as a brief description of the purpose, goals, and if the citizens are paying a fee for this activity.
- Fee waivers for tutoring programs for K-12 students will be limited to three days per week on a recurring basis. Additional slots for expanded days during peak test times such as FACT testing and mid-term or final exams will be considered based solely on availability and the waiver could apply. Any additional days on a recurring basis, outside of the three days and exam periods will otherwise incur the regular rental fee of the Center. Tutoring Programs will also be restricted to only one four-hour time slot.
- Based on the information provided, the Director of the Division of Parks & Recreation will make a determination of the eligibility of a waiver.
- 5.9 All fees for County charges will be established by Resolution of the Leon County Board of County Commissioners.

- 5.10 Additional fees may be charged by the County or City for services provided above normal service level. (Examples are the permit fees that may be charged by the City or County.)

6. Cancellations

- 6.1 Cancellations must be made in writing and received by the Parks & Recreation Division at least seven days in advance of the use date in order to receive a refund. If notice is not received before the seven day period, the rental fee is forfeited. However, security deposits and staff set up and take down fees will be refunded. The receipt must be presented for refund to be processed.

The refund will be mailed in approximately four to six weeks. Refund checks will be made out to the entity whose name appears on the payment check and mailed to the address shown on the rental agreement.

7. General Rules and Regulations

- 7.1 Use of the facility is guaranteed for the period specified in the permit, use beyond that period is neither expressly nor implicitly granted. Event set-up and take down must be included in the rental period.
- 7.2 The minimum rental period for a building or room use is ½ day (4 hours).
- 7.3 Building capacities are based on fire safety codes and are not to be exceeded for any reason.
- 7.4 Facilities are to be left in the same conditions as before use. Chairs, tables, and other furnishings are to be returned to their designated storage place. Floors are to be swept and cleaned if necessary and trash cans are to be emptied. All decorations, fasteners, and other items brought into the facility are to be removed and disposed of properly. Decorations that mar surfaces are not permitted.
- 7.5 Leon County signs, forms, and other materials are not to be removed or altered unless authorized by the division representative in charge.
- 7.6 The Leon County Parks & Recreation Division will not be responsible for providing or supervising any specialized equipment such as cooking equipment, storage, sound reproduction or amplification equipment, stages, platforms, special lighting equipment, film projecting apparatus, power extension cords, or any other specialized equipment. The division representative in charge may disallow the use of specialized equipment for safety reasons or to ensure division policy is followed.

- 7.7 The number of tables and chairs provided are limited to the number on site and available. Any additional tables and chairs are the responsibility of the applicant.
- 7.8 The Leon County Parks & Recreation Division shall not be held responsible for loss or injury incurred in the use of any facility if said loss or injury is a result of circumstances beyond the control of Leon County or its officers or agents. It is incumbent upon the user to ensure that all normal safety practices are observed. Dangerous undertakings are strictly prohibited. All accidents or injuries must be reported to a Division representative immediately.
- 7.9 It is not the purpose of the County to make the parks and recreation facilities available to any person, group of persons, or organizations for personal gain or private profit.
- Non-profits and school events may be allowed to collect admission fees for approved Special Events (Section 11) to offset costs associated with conducting the event. Admission fees will be approved by the Director of the Division of Parks & Recreation as part of the Special Event Application approval.
- 7.10 The division representative that may be present during the use period shall ensure the facility is open on time, clean and orderly, and the facility is used safely and properly. In no way is the division representative an employee or agent of the applicant.
- 7.11 Alcohol, fireworks, and weapons are not permitted on Leon County Parks & Recreation Division managed property. Tobacco products are not permitted inside Parks & Recreation Division facilities.
- 7.12 Vending of any merchandise is not permitted without written permission from the Parks & Recreation Division Director.
- 7.13 No fires are allowed except in provided barbeque grills and pits.
- 7.14 Individual minors or groups of minors must be properly supervised by adults when using park facilities. Groups composed of minors, including teen events, must be supervised by one (1) adult for each fifteen (15) minors throughout the rental period.
- 7.15 Any person or group in violation of the established rules and regulations, established laws, or constituting a public nuisance, may be required to leave the facility and premises. In addition, the Parks & Recreation Division representative may cancel the rental and deny any future rentals (Refer to Section 8.6).

- 7.16 Applicants' reserved areas are those specifically designated in the permit. Other buildings, rooms, athletic fields, courts may be scheduled by other participants or remain open to the general public.
- 7.17 Permits/reservations cannot be transferred, assigned, or sub-let to any other group or organization for any reason.
- 7.18 Animals, except service animals, are not allowed in Parks & Recreation Division buildings.
- 7.19 The applicant is responsible for all actions, behavior, and damages caused by his/her guests/attendees.
- 7.20 Structures that require installation of poles, wires, wood supports, etc. must have prior approved by the Division Director or his representative.
- 7.21 It is recommended that the applicant or its designee occupy picnic shelters by 11:00 AM the day of the rental.

8. Denial of Rental

The Parks & Recreation Division reserves the right to deny use of facilities based on any the following criteria:

- 8.1 The facility is not available for the requested date and time. This would include events that conflict with Parks & Recreation Division events, conflicts with County government or related business, or if the facility is already rented.
- 8.2 Uses deemed potentially damaging to the facility.
- 8.3 There are simultaneous non-compatible uses of adjacent facilities.
- 8.4 The proposed activity violates Federal, State, or Local Laws.
- 8.5 Potential noise or sound levels deemed to be disruptive and offensive to surrounding neighborhoods and to the comfort of guest or facility visitors.
- 8.6 Individuals or groups that have demonstrated in previous rentals with the Parks & Recreation Division or other entities not to be in the best interest of Leon County. This may include but not limited to, non-payment, improper use, damage, failure to adequately control participants or spectators, breach of contract, non-compliance of rules, or inaccurate information provided on the application.
- 8.7 Activities that, due to traffic or congestion, would cause access problems for scheduled events or the surrounding community.

- 8.8 Activities that are offensive to the accepted community standards.
- 8.9 Activities that are discriminatory in nature in matters such as sex, race, religion, creed, color, or national origin.
- 8.10 Activities that are incompatible with Leon County mission to provide for the health, safety, and welfare of the public.
- 8.11 In lieu of denial of rental application, the Parks and Recreation Division may require additional permitting or security of individuals or groups whose prior rental of County facilities has resulted in documented traffic congestion, damage to facility, non-compliance with County rules and policies, or complaints of noise or offensive behavior.
- 8.12 Prior violations of Rules and Regulations or Policies will be cause for denial of rentals.

9. Use of facilities by Leon County Board employees

- 9.1 Employees and employee organizations shall be permitted to use County facilities on the same basis, and subject to the same conditions that apply to the general public. However, such use shall be limited to the extent that it does not conflict with the best interest of the County, and that the facility is not required for the use of the County, government, or other related businesses.

10. Request to use Parks & Recreation Facilities by Private Organizations on a regular basis

- 10.1 The purpose of this section is to provide the requirements for organizations that want to use facilities for reoccurring events.
- 10.2 Upon request by a private organization, the Parks & Recreation Division will verify the availability of the facility.
- 10.3 The Parks & Recreation Division will provide the representative with a Licensing Agreement. Upon completion of the Agreement, it will be submitted to the Parks & Recreation Director at 2280 Miccosukee Road, Tallahassee, FL 32308. A copy of the organization's 501 (c) (3), Internal Revenue Service status letter, or Florida Department of Revenue tax certificate needs to be included. All groups may be required to pay building rental fees.
- 10.4 Once approval or denial is given, a Licensing Agreement or Letter of Denial is sent to the organization with a copy to the Community Center Supervisor.

- 10.5 If approval is given, the organization makes all arrangements with the Community Center Supervisor for use of the facility. A copy of the organization's Tax Exempt form needs to accompany each payment or be on file if taxes have been waived.
- 10.6 A private organization is allowed to use the facility on a regular basis for 12 months with no more than two six-month extensions.
- 10.7 The Parks & Recreation Division reserves the right to deny the usage of a facility, based on Section 8.
- 10.8 Organizations are not allowed to store equipment/items at the facilities.
- 10.9 Organizations are not allowed to decorate facility with their literature.
- 10.10 The Parks & Recreation Division reserves the right to cancel the Licensing Agreement at any time due to non-payment, non-compliance with rules and regulations, or misuse of the facility.

11. Special Events

11.1 Definitions:

A. Special Event

A preplanned activity proposed to be held on Leon County park property for the purposes of entertainment, celebration, amusement, cultural recognition, arts and crafts displays, sports demonstrations and/or competitions, non-profit fundraisers, or similar activities that impact normal park operations and interfere with the use of the park by the general public, including activities that involve a caterer, vendor, party planner and/or specialized equipment. The Director of Leon County Division of Parks & Recreation will determine the capacity of a site to determine if the event can be held at the site. This determination will be based on the size of the park and the type of park. i.e.: greenways, passive, active, community center.

B. Applicant

An organization or individual that is conducting/hosting the Special Event. The Special Event Form will be issued in the name of the Applicant, and the Applicant will be responsible for submission of required documentation and for all payments and damages provided herein. This Special Event Form cannot be transferred or sublet to another party. (Refer to Section 7.16)

- C. Attendance
Includes event participants, spectators, volunteers, and/or event crew.
- D. County Co-sponsored Special Event
A Special Event hosted in part by Leon County and other individuals and/or organizations.
- E. County Sponsored Special Event
A Special Event hosted by Leon County.
- F. Event Organizer
The individual that is considered the lead planner for the activity being proposed, and will be the point of contact for the Parks & Recreation Division. .

11.2 Policy Statement:

Leon County supports Special Events to enhance the quality of life for its citizens. Leon County recognizes that there may be many social, cultural, and financial benefits in hosting special events in the County. Such benefits include a better quality of life, economic growth, increased tourism, and recreation opportunities. Recognizing the importance of Special Events, the County shall establish policies and procedures that will allow for the planning and management of personnel and financial resources in the support of such events conducted at County park facilities.

11.3 Special Event Fees:
(Refer to Sections 5 and 6).

11.4 Special Event Procedures:

- A. Persons and/or organizations planning to conduct a Special Event in a County Park must complete a Special Event Form and submit it to:

Leon County Parks & Recreation Division
2280 Miccosukee Road
Tallahassee, Florida 32308

- B. Submission deadlines:

Refer to Section 4.1

- C. A Site Map may be required depending on scope and size of event. It should include but may not be limited to placement of things such as:
1. Barricade locations
 2. Vendor locations
 3. Portable restroom locations
 4. Trash receptacle locations
 5. Park roads requested for closure
 6. Tent locations, etc.
 7. Trail closures
 8. Off site parking
 9. Handicap parking locations
- D. Security Plan may be required depending on scope and size of event. Requirements will be determined in coordination with the park staff and the local law enforcement office. Event organizer may be required to hire off duty law enforcement officers in addition to other security that may be needed on site. Events that have over 500 people present will require approval by local law enforcement prior to proceeding with other event arrangements. This request must be submitted at least two weeks prior to the event.
- E. Traffic flow plan may be required depending on scope and size of event. If so, include route for run/walk, entering and leaving the event, or any other request affecting the flow of traffic. At all times an open traffic lane must be maintained for emergency vehicles to enter and leave the area.
- F. Application information will be used by staff to draft a Special Event Form for use of the park.
- G. A certificate of liability insurance will be required naming Leon County as additional insured in an amount predicated on the anticipated attendance, as determined by Leon County Risk Management.
- H. Trash receptacles will be provided by the Parks & Recreation Division for Special Events with anticipated attendance of less than 200. If anticipated attendance is 200 or more, the Applicant must arrange for additional receptacles and dumpster(s) and provide the Parks & Recreation Division with the name and phone number of the company providing the receptacles and dumpster(s), the date of delivery, and the date of removal. Indicate placement on the Site Map, so it can be approved by the Parks & Recreation Division.

- I. The Applicant may be required to provide portable restrooms depending on scope and size of the Special Event as determined by the Parks & Recreation Division. Multi-day events will require daily cleaning service. Portable restrooms may be placed one day prior to the Special Event, and must be removed from the site within 48 hours after the end of the Special Event. Applicant shall provide the name and phone number of the provider, the date of delivery and the date of removal. Indicate location on the Site Map.
- J. The Applicant shall provide a Clean-up Plan to explain how Applicant will ensure that all debris will be properly disposed of, how all equipment brought in for the Special Event is to be removed, and how the park and/or facility will be restored to the same condition as it was prior to the Special Event.
- K. Parking for the Special Event will be required to stay within the designated parking lots at the park. All other vehicles will have to be parked off site. The Applicant will be required to submit a plan showing the location of the off site parking, permission letter from the owner to use the area, and describe how the users will be transported to and from the site of the event. All associated fees for parking must be paid by the applicant. A permit from the Department of Growth and Environmental Management for off site parking is required.
- L. The Applicant will be responsible for all signage required for the Special Event.
- M. The County Parks & Recreation Division will only perform additional maintenance to a site for a Special Event that complies with the “Best Management Practices” for maintaining the site for the use it was designed. Anything requested by the Applicant that does not conform to “Best Practices” as articulated in the Florida Forest Stewardship Management Plan will be denied.
- N. The number of Special Events allowed at any one site may be limited by the County. Applicants may be required to combine their Special Event with other events to reduce the number of Special Events held per site.
- O. The Applicant shall sign the Special Event Form and return it to the Parks & Recreation Division with payment of all fees and deposits within 14 days of its receipt. If not received during the 14-day period, the Parks & Recreation Division will cancel the Special Event reservation request. The insurance certificate confirming the required coverage is due a minimum of 14 days prior to the Special Event date. Failure to provide the above will result in the forfeiture of all pre-paid fees and the use of the park.

- P. A damage deposit is required in addition to the regular event fee. The deposit amount shall be \$100 or 25% of the fee, whichever is greater. If the reserved area is found to be in good condition following the event, the deposit will be refunded four - six weeks after the Special Event. If repairs are needed, the Applicant's deposit will be utilized to repair damage to park property resulting from the Special Event. In addition, the Applicant will also be responsible for the cost of any damage repair over and above the deposit amount.
- Q. If the Applicant cancels in writing at least 30 days prior to the event, then fees and deposits paid can be applied to another event or will be refunded. If the Applicant cancels in writing 15 – 29 days prior to event, then the total deposit and one half of the fees can be applied to another event or refunded.
- If notice is not received before the 14-day period, the rental fee is forfeited. However, security deposits and staff set up and take down fees will be refunded. The receipt must be presented for refund to be processed. The refund will be mailed in approximately four to six weeks. Refund checks will be made out to the entity whose name appears on the payment check and mailed to the address shown on the Special Event Form.
- R. Applicant is required to obtain all permits, licenses and certificates required by County, City, State, Federal, or other applicable regulatory agencies. Examples of these are the County Temporary Use Permit (Ordinance 10-6.804.A), and the City Tent Permit (Land Development Code Section 10-423).
- S. Failure to abide by Parks & Recreation Division Rules and Regulations will result in forfeiture of the Applicant's deposit and may result in future event privileges being suspended.
- T. Leon County EMS (LCEMS) shall review any request for events hosting 500 people or more. The determination for the need of any additional LCEMS resources beyond those available in the area will depend on the venue, temperature, type of event, remote location, ingress and egress in the area, potential helicopter landing zones, and other factors that could impact health and safety. A request for the need of additional LCEMS resources shall be provided at least two weeks in advance. A minimum of three hours of coverage is required for any event that needs coverage. The following will provide guidance for coverage, but could be altered, based on individual events. The number listed would be considered minimum staffing.

Number Attendees and Participants Combined	Personnel Required at Passive Attendee Event	Personnel Required at Active Attendee Event
500 – 5,000	2	3
5,000 – 10,000	3	4
10,000 – 15,000	4	6
15,000 – 25,000	5	8
25,000 – 35,000	6	10
35,000 – 50,000	8	12
50,000 – 65,000	9	15
65,000 – 80,000	11	18
80,000 – 95,000	13	20
95,000 – over	15 +	22 +

Note: LCEMS does not provide water rescue.

- U. The Tallahassee Fire Department (TFD) shall review any request for events hosting 500 people or more. The determination for the need of any additional fire resources beyond those available in the area will depend on the venue, temperature, type of event, remote location, access and egress in the area and other factors that could impact fire and life safety. Request for need of additional fire resources shall be provided to TFD at least two weeks in advance. A minimum of three hours of coverage is required for any event that is determined to need coverage.

11.5 Denial of Use

Refer to Section 8.

Revised 01/21/14

**Leon County
Board of County Commissioners**

Notes for Agenda Item #13

Leon County Board of County Commissioners

Cover Sheet for Agenda #13

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval to Name the Lake Jackson Community Center in Memory of Judith Anne Dougherty

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development
Lead Staff/ Project Team:	Leigh Davis, Director of Parks & Recreation

Fiscal Impact:

This item has no fiscal impact to the County. Expenses for the plaque that will be installed recognizing the naming of the Center can be covered in the approved FY14 Operating budget for Parks & Recreation.

Staff Recommendation:

Option #1: Approve the naming of the Lake Jackson Community Center the Judith Anne Dougherty Community Center.

Report and Discussion

Background:

On February 21, 2013, the County opened the Lake Jackson Community Center (the Center) located on the northwest side of the County in the Lake Jackson Town Center at Huntington.

At the May 28, 2013 Board meeting, Commissioner John Dailey, representing District 3, the district where the Center is located, moved that staff bring back an agenda item to officially name the Lake Jackson Community Center for the late Commission Aide, Judith Dougherty. Subsequently, the Board unanimously approved the motion.

Analysis:

In accordance with Policy No. 97-3, "Naming of County Owned Facilities, Structures, Buildings, Geographical Areas or Other Property and Sponsorship of Park Furnishings and Trees at a County-owned Park and Recreation Facility," adopted on May 28, 2013, proposed names for County-owned facilities must be submitted to the Board of County Commissioners for approval and official designation. Such proposed name shall be in writing and shall be accompanied by background data, a resume or fact sheet citing reasons for the nomination (Attachment #1).

Ms. Dougherty began her employment with Leon County in November 1998 as a County Commission Aide. She served for two District 3 Commissioners (Winchester and Dailey) until her retirement in 2009. She had a Master's degree in Urban and Regional Planning and was a devoted advocate for the Lake Jackson area. Leon County residents knew Judith well and recognized her as the dedicated public servant that she was. Her bravery, determination, and deep passion for life were an inspiration to all who knew and loved her.

Options:

1. Approve the naming of the Lake Jackson Community Center the Judith Anne Dougherty Community Center.
2. Do not approve the naming of the Lake Jackson Community Center the Judith Anne Dougherty Community Center.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. Obituary for Judith Anne Dougherty

VSL/TP/LD/ld



In Memory of
Judith Anne Dougherty

May 19, 1948 - July 21, 2010

Judith Anne Dougherty, age 62, died Wednesday, July 21, 2010, at Big Bend Hospice House after a long battle with cancer, surrounded by family and devoted friends. Her bravery, determination, and deep passion for life were an inspiration to all who knew and loved her.

She was a wonderful daughter, mother, wife, grandmother, sister, aunt and friend to many. A Jackson County native, Judith moved to Tallahassee in 1975. She completed her Masters degree in Urban and Regional Planning at FSU and went on to serve as an aide to the Leon County Commission. Her interests were far reaching and included photography, travel, camping, politics, literature and a knowledge and curiosity about the natural world. She relished life and was a staunch friend to animals including her work with Big Dog Rescue.

She is survived by her mother Dorothy Dougherty of Marianna, her brother John Dougherty of Golden Colorado, sisters Kathy Sirmans (Terry) of Panama City, and Jill Dean of Tallahassee, daughters Gina Gorman (Scott) of Tallahassee, Jennifer Sapp (Keith) of Marianna, grandchildren Anne Marie and Ethan Sapp, devoted former husband Raymond Convery, nieces Ashleigh Jordan and Sarah Dean, nephew Josh Jordan, great-niece Makayla Jordan, and great-nephew Nathanael Jordan. She had many beautiful and interesting friends. She loved passionately and was loved by many.

She was preceded in death by her father Dale Alan Dougherty and close cousin Becky Sharpe.

The family will be receiving friends during the scheduled visitation at Culley's

MeadowWood Funeral Home 1737 Riggins Road (850) 877-8191 from 5pm-7pm EDT on Sunday, July 25, 2010. Memorial contributions may be made in lieu of flowers, to Big Bend Hospice, 1723 Mahan Center Blvd. Tallahassee, FL 32308 or Tallahassee Big Dog Rescue, P.O. Box 15571 Tallahassee, FL 32317.

Arrangements are under the direction of Culley's MeadowWood Funeral Home in Tallahassee, Florida.

Send Comfort Food

Visitation

Sunday, July 25, 2010 | 5:00 PM - 7:00 PM

Culley's MeadowWood Funeral Home

1737 Riggins Road, Tallahassee, FL 32308 | (850) 877-8191

Driving Directions

**Leon County
Board of County Commissioners**

Notes for Agenda Item #14

Leon County Board of County Commissioners

Cover Sheet for Agenda #14

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Ratification of Waiving the Emergency Medical Services Fee for the Florida State University National Football Championship Community Celebration

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Chief Tom Quillin, Division of Emergency Medical Services
Lead Staff/ Project Team:	Chad Abrams, Deputy Chief, Emergency Medical Services

Fiscal Impact:

This item has a fiscal impact. The estimated Emergency Medical Services fee being waived for this event is \$1,008.

Staff Recommendation:

Option # 1: Ratify the waiving of the Emergency Medical Services fee for the Florida State University national football championship community celebration.

Report and Discussion

Background:

Florida State University (FSU) has scheduled a community event on January 18, 2014 at 2:00 p.m. to celebrate the football team winning the national football championship. FSU has requested that the County waive the fee for Emergency Medical Services (EMS) event coverage for the event. The Division of EMS has estimated the event fee for the celebration to be \$1,008.

Analysis:

Requests to waive the EMS fee for events are typically brought to the Board for approval prior to the event date. Because of the timing of the event and the Board's meeting schedule, it was not possible to bring an item to the Board for consideration prior to the event. The County Administrator transmitted an e-mail to the Board on January 10, 2014, informing the Board of the County's intent to provide the EMS services without charging a fee and that the fee waiver item would be agendaed for Board ratification on January 21, 2014.

Options:

1. Ratify the waiving of the Emergency Medical Services fee for the Florida State University national football championship community celebration.
2. Do not ratify waiving the Emergency Medical Services fee for the Florida State University national football championship community celebration.
3. Board direction.

Recommendation:

Option #1.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #15

Leon County Board of County Commissioners

Cover Sheet for Agenda #15

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Status Report on 2013 Transfers of Leon County Surplus Computing Equipment to Goodwill Industries

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Pat Curtis, Management Information Services Director
Lead Staff/ Project Team:	Michelle Taylor, Network & Technical Services Manager Jimmy Grantham, IT Coordinator – Technical Services

Fiscal Impact:

This item has no fiscal impact to the County. However, as surplus computing equipment is no longer a part of the County's Surplus Auctions, there may have been a potential loss of revenue in the range of \$0 - \$32,775.

Staff Recommendation:

Option #1: Accept the status report on 2013 transfers of Leon County surplus computing equipment to Goodwill Industries.

Report and Discussion

Background:

At the February 9, 2010 meeting, the Board approved ongoing transfers of Leon County surplus computing equipment to Goodwill Industries.

Goodwill Industries opened an Electronics Recycling/Computer Store in December 2009, stocked with electronics donated from different sources; such as, state agencies, universities, colleges, and the community. All donations are tested on-site by technicians to see if the electronics can be resold. Any electronic devices that cannot be fixed or sold are shipped to recyclers, where they are stripped for parts. The revenue generated from the recycling is used for Goodwill's training program. The Goodwill Store hires individuals with disabilities, recruits persons through prison work-release programs, and provides free training. The Store refurbishes and resells used computer equipment, as well as, providing service on computers.

Analysis:

Goodwill provides on-site pickup of donated equipment. Leon County held 28 pick-up events in 2013, donating more than 1,000 computer-related items, including 102 peripheral or non-computer items (such as old cash registers, fax machines, scanners, keyboards, etc.). The following table summarizes the quantity and type of equipment donated. A detailed surplus property detail inventory is provided as Attachment #1.

Table

AUDIO COMPONENT	43
AUDIO COMPONENT CABINET	15
BACKUP DRIVE - TAPE	8
COMPUTER	477
FAX	15
LAPTOP	20
LASER SCANNER	2
MONITOR - CRT	38
MONITOR - LCD	331
NETWORK SWITCH	1
POWER BACKUP	12
PRINTER	262
PROJECTOR	2
RECEIPT PRINTERS	22
SATELLITE RECIEVER	1
SCANNER	11
SERVER	12
SERVER RACK	6
TABLET	1
TELEPHONE EQUIPMENT	2
TOUGHBOOK	17
VIDEO CAMERA	4
WIRELESS EQUIPMENT	9
Total Computer Items	1,311
MISC (MEMORY, KEYBOARD, MICE, ETC)	166
Total Donated Items	1,477

Estimated Max Auction Value - \$0.0 to \$25	\$32,775.00
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In the past, surplus computer equipment was auctioned by the County. Since most of the equipment is obsolete, broken, or defunct, and predicting current potential buying behaviors at auction is unreliable, accurate calculations of potential revenue from auction is not possible. However, a rough estimate is offered assuming \$0 - \$25 per technology device, placing potential auction revenues for 1311 technology devices in a range from \$0 to \$32,755. Note that the internal costs for services from MIS in processing and preparation of surplus equipment for an auction in 2013, would translate into at least 673 hours (1/3 of an FTE) of effort at an average of \$33.78 per hour or \$22,734, and MIS resources would have been unavailable for servicing internal customers.

Finally, any equipment that cannot be fixed or sold are sold to recyclers, who strip the equipment for parts. Therefore, this relationship with Goodwill Industries is considered a benefit to MIS and the County as well as to the community, despite the loss in potential revenue. Additionally, transferring the surplus equipment to Goodwill Industries supports its mission in providing jobs and technical training for citizens.

Donna Wright, the Big Bend Goodwill Public Relations Manager, reported the following statistics about the Goodwill Electronic Store and Donation Center for calendar year 2013 in Leon County.

- Goodwill opened a new electronics store by the Goodwill store on Capital Circle NE.
- Goodwill has recycled nearly 1 million pounds of E-scrap.
- Goodwill sold 2,078 computers of which 1,738 were refurbished computers in working condition, and the remaining 340 computers were sold as nonworking/non-loaded units, purchased by customers who want to refurbish or repair a computer.
- Goodwill has sold more than 5,665 computer parts and peripherals that include monitors, keyboards, mice, printers, speakers, cords, and internal parts.
- The computer store and recycling center continues to provide employment and training for 12 individuals.
- Goodwill continues to be a part of the Dell Reconnect Program. Dell has the highest standards of recycling responsibly, and cites Goodwill Big Bend as continuing to do well and performing to Dell's strict standards and guidelines.
- The end of 2013 marked the beginning of Goodwill's partnership with Microsoft as a Microsoft authorized refurbisher.

Additionally, Ms. Wright reported that

“three of our twelve employees came from work release and now have permanent employment here at the Goodwill Computer Store/Recycling Center. One is a senior citizen/veteran. This is Goodwill's mission to put people with barriers back to work so they can support themselves, their families and be contributing members in our community.”

Options:

1. Accept the status report on 2013 transfers of Leon County surplus computing equipment to Goodwill Industries.
2. Do not accept the status report on 2013 transfers of Leon County surplus computing equipment to Goodwill Industries.
3. Board direction.

Recommendation:

Option #1.

Attachment:

1. 2013 Surplus Property Detail Inventory

AUDIO COMPONENT	43
AUDIO COMPONENT CABINET	15
BACKUP DRIVE - TAPE	8
COMPUTER	477
FAX	15
LAPTOP	20
LASER SCANNER	2
MONITOR - CRT	38
MONITOR - LCD	331
NETWORK SWITCH	1
POWER BACKUP	12
PRINTER	262
PROJECTOR	2
RECEIPT PRINTERS	22
SATELLITE RECIEVER	1
SCANNER	11
SERVER	12
SERVER RACK	6
TABLET	1
TELEPHONE EQUIPMENT	2
TOUGHBOOK	17
VIDEO CAMERA	4
WIRELESS EQUIPMENT	9
Total Computer Items	1,311
MISC (MEMORY, KEYBOARD, MICE, ETC)	166
Total Donated Items	1,477

Estimated Max Auction Value - \$0.0 to \$25	\$	32,775.00
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Line	Date	Type	SN
1	1/15/2013	TABLET	34263old
2	1/29/2013	COMPUTER	27478
3	1/29/2013	COMPUTER	27643
4	1/29/2013	COMPUTER	28149
5	1/29/2013	COMPUTER	29048
6	1/29/2013	COMPUTER	29072
7	1/29/2013	COMPUTER	29088
8	1/29/2013	COMPUTER	29545
9	1/29/2013	COMPUTER	29546
10	1/29/2013	COMPUTER	29549
11	1/29/2013	COMPUTER	29552
12	1/29/2013	COMPUTER	29555
13	1/29/2013	COMPUTER	29558
14	1/29/2013	COMPUTER	29560
15	1/29/2013	COMPUTER	30067
16	1/29/2013	COMPUTER	30071
17	1/29/2013	LAPTOP	27693

Line	Date	Type	SN
18	1/29/2013	PRINTER	00127
19	1/29/2013	PRINTER	00133
20	1/29/2013	PRINTER	00135
21	1/29/2013	PRINTER	00142
22	1/29/2013	PRINTER	00161
23	1/29/2013	PRINTER	29683
24	1/29/2013	PRINTER	31692
25	1/30/2013	FAX	T013013-1
26	1/30/2013	MONITOR - LCD	T013013-2
27	1/30/2013	MONITOR - LCD	T013013-3
28	1/30/2013	MONITOR - LCD	T013013-4
29	1/30/2013	SCANNER	T013013-5
30	1/30/2013	SCANNER	T013013-6
31	1/30/2013	SCANNER	T013013-7
32	1/30/2013	SCANNER	T013013-8
33	1/30/2013	SCANNER	T013013-9
34	2/13/2013	COMPUTER	N021313-10
35	2/13/2013	COMPUTER	N021313-11
36	2/13/2013	COMPUTER	N021313-12
37	2/13/2013	COMPUTER	N021313-9
38	2/13/2013	MONITOR - CRT	N021313-1
39	2/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	N021313-2
40	2/13/2013	LAPTOP	N021313-8
41	2/13/2013	NETWORK SWITCH	N021313-3
42	2/13/2013	SERVER	N021313-21
43	2/13/2013	SERVER	N021313-22
44	2/13/2013	SERVER	N021313-23
45	2/13/2013	SERVER	N021313-24
46	2/13/2013	SERVER RACK	N021313-25
47	2/13/2013	SERVER RACK	N021313-26
48	2/13/2013	SERVER RACK	N021313-27
49	2/13/2013	SERVER RACK	N021313-28
50	2/13/2013	SERVER RACK	N021313-29
51	2/13/2013	SERVER RACK	N021313-30
52	2/13/2013	BACKUP DRIVE - TAPE	N021313-13
53	2/13/2013	BACKUP DRIVE - TAPE	N021313-14
54	2/13/2013	BACKUP DRIVE - TAPE	N021313-15
55	2/13/2013	BACKUP DRIVE - TAPE	N021313-16
56	2/13/2013	BACKUP DRIVE - TAPE	N021313-17
57	2/13/2013	BACKUP DRIVE - TAPE	N021313-18
58	2/13/2013	BACKUP DRIVE - TAPE	N021313-19
59	2/13/2013	BACKUP DRIVE - TAPE	N021313-20
60	2/13/2013	POWER BACKUP	N021313-4
61	2/13/2013	POWER BACKUP	N021313-5
62	2/13/2013	POWER BACKUP	N021313-6
63	2/13/2013	POWER BACKUP	N021313-7
64	3/15/2013	COMPUTER	27219
65	3/15/2013	COMPUTER	29500
66	3/15/2013	COMPUTER	29502
67	3/15/2013	COMPUTER	29503
68	3/15/2013	COMPUTER	29509
69	3/15/2013	COMPUTER	29510
70	3/15/2013	COMPUTER	29511
71	3/15/2013	COMPUTER	29515

Line	Date	Type	SN
72	3/15/2013	COMPUTER	29516
73	3/15/2013	LASER SCANNER	31513-13
74	3/15/2013	LASER SCANNER	31513-14
75	3/15/2013	MONITOR - LCD	31513-1
76	3/15/2013	MONITOR - LCD	31513-10
77	3/15/2013	MONITOR - LCD	31513-11
78	3/15/2013	MONITOR - LCD	31513-12
79	3/15/2013	MONITOR - LCD	31513-2
80	3/15/2013	MONITOR - LCD	31513-3
81	3/15/2013	MONITOR - LCD	31513-4
82	3/15/2013	MONITOR - LCD	31513-5
83	3/15/2013	MONITOR - LCD	31513-6
84	3/15/2013	MONITOR - LCD	31513-7
85	3/15/2013	MONITOR - LCD	31513-8
86	3/15/2013	MONITOR - LCD	31513-9
87	3/15/2013	PRINTER	23059
88	3/15/2013	PRINTER	26526
89	3/15/2013	PRINTER	26534
90	3/15/2013	PRINTER	26535
91	3/15/2013	PRINTER	26538
92	3/15/2013	PRINTER	26539
93	3/15/2013	PRINTER	26541
94	3/15/2013	PRINTER	26543
95	3/15/2013	PRINTER	26546
96	3/15/2013	PRINTER	26548
97	3/15/2013	PRINTER	26549
98	3/15/2013	SCANNER	31513-19
99	3/15/2013	RECEIPT PRINTERS	31513-15
100	3/15/2013	RECEIPT PRINTERS	31513-16
101	3/15/2013	RECEIPT PRINTERS	31513-17
102	3/15/2013	RECEIPT PRINTERS	31513-18
103	3/20/2013	COMPUTER	28378
104	3/20/2013	COMPUTER	28450
105	3/20/2013	COMPUTER	29060
106	3/20/2013	COMPUTER	29091
107	3/20/2013	COMPUTER	29107
108	3/20/2013	COMPUTER	29116
109	3/20/2013	COMPUTER	29117
110	3/20/2013	COMPUTER	29118
111	3/20/2013	COMPUTER	29121
112	3/20/2013	COMPUTER	29377
113	3/20/2013	COMPUTER	29473
114	3/20/2013	COMPUTER	29506
115	3/20/2013	COMPUTER	29512
116	3/20/2013	COMPUTER	29513
117	3/20/2013	COMPUTER	29517
118	3/20/2013	MONITOR - LCD	32013-1
119	3/20/2013	MONITOR - LCD	32013-10
120	3/20/2013	MONITOR - LCD	32013-11
121	3/20/2013	MONITOR - LCD	32013-12
122	3/20/2013	MONITOR - LCD	32013-13
123	3/20/2013	MONITOR - LCD	32013-14
124	3/20/2013	MONITOR - LCD	32013-15
125	3/20/2013	MONITOR - LCD	32013-16

Line	Date	Type	SN
126	3/20/2013	MONITOR - LCD	32013-17
127	3/20/2013	MONITOR - LCD	32013-18
128	3/20/2013	MONITOR - LCD	32013-19
129	3/20/2013	MONITOR - LCD	32013-2
130	3/20/2013	MONITOR - LCD	32013-3
131	3/20/2013	MONITOR - LCD	32013-4
132	3/20/2013	MONITOR - LCD	32013-5
133	3/20/2013	MONITOR - LCD	32013-6
134	3/20/2013	MONITOR - LCD	32013-7
135	3/20/2013	MONITOR - LCD	32013-8
136	3/20/2013	MONITOR - LCD	32013-9
137	3/20/2013	PRINTER	25611
138	3/20/2013	PRINTER	25615
139	3/20/2013	PRINTER	25616
140	3/20/2013	PRINTER	25617
141	3/20/2013	PRINTER	25687
142	3/20/2013	PRINTER	25688
143	3/20/2013	PRINTER	25689
144	3/20/2013	PRINTER	25690
145	3/20/2013	PRINTER	25691
146	3/20/2013	PRINTER	25692
147	3/20/2013	PRINTER	25693
148	3/20/2013	PRINTER	25694
149	3/20/2013	PRINTER	25695
150	3/20/2013	PRINTER	25696
151	3/20/2013	PRINTER	25697
152	3/20/2013	PRINTER	25698
153	3/20/2013	PRINTER	25701
154	3/20/2013	PRINTER	25702
155	3/20/2013	PRINTER	30103
156	3/20/2013	SCANNER	32013-22
157	3/20/2013	SERVER	30849
158	3/20/2013	SERVER	30987
159	3/20/2013	RECEIPT PRINTERS	32013-20
160	3/20/2013	RECEIPT PRINTERS	32013-21
161	4/10/2013	VIDEO CAMERA	041013-7
162	4/10/2013	COMPUTER	27679
163	4/10/2013	COMPUTER	27904
164	4/10/2013	COMPUTER	28011
165	4/10/2013	COMPUTER	28392
166	4/10/2013	COMPUTER	28398
167	4/10/2013	COMPUTER	29081
168	4/10/2013	COMPUTER	29122
169	4/10/2013	COMPUTER	29965
170	4/10/2013	COMPUTER	29966
171	4/10/2013	COMPUTER	29967
172	4/10/2013	VIDEO CAMERA	041013-10
173	4/10/2013	VIDEO CAMERA	041013-8
174	4/10/2013	VIDEO CAMERA	041013-9
175	4/10/2013	MONITOR - LCD	041013-1
176	4/10/2013	MONITOR - LCD	041013-2
177	4/10/2013	MONITOR - LCD	041013-3
178	4/10/2013	MONITOR - LCD	041013-4
179	4/10/2013	MONITOR - LCD	041013-5

Line	Date	Type	SN
180	4/10/2013	MONITOR - LCD	041013-6
181	4/11/2013	FAX	41113-3
182	4/11/2013	FAX	41113-5
183	4/11/2013	FAX	41113-7
184	4/11/2013	PRINTER	00137
185	4/11/2013	PRINTER	00153
186	4/11/2013	PRINTER	22510
187	4/11/2013	PRINTER	23379
188	4/11/2013	PRINTER	23921
189	4/11/2013	PRINTER	23982
190	4/11/2013	PRINTER	24218
191	4/11/2013	PRINTER	24249
192	4/11/2013	PRINTER	25925
193	4/11/2013	PRINTER	25961
194	4/11/2013	PRINTER	26051
195	4/11/2013	PRINTER	26066
196	4/11/2013	PRINTER	26262
197	4/11/2013	PRINTER	26265
198	4/11/2013	PRINTER	30105
199	4/11/2013	PRINTER	41113-1
200	4/11/2013	PRINTER	41113-2
201	4/11/2013	PRINTER	41113-4
202	4/11/2013	PRINTER	41113-6
203	4/11/2013	PRINTER	41113-8
204	4/11/2013	PRINTER	41113-9
205	4/19/2013	COMPUTER	26838
206	4/19/2013	COMPUTER	26841
207	4/19/2013	COMPUTER	26898
208	4/19/2013	COMPUTER	27420
209	4/19/2013	COMPUTER	27423
210	4/19/2013	COMPUTER	27641
211	4/19/2013	COMPUTER	27727
212	4/19/2013	COMPUTER	27897
213	4/19/2013	COMPUTER	27899
214	4/19/2013	COMPUTER	27903
215	4/19/2013	COMPUTER	28019
216	4/19/2013	COMPUTER	28365
217	4/19/2013	COMPUTER	28382
218	4/19/2013	COMPUTER	28394
219	4/19/2013	COMPUTER	28451
220	4/19/2013	COMPUTER	28513
221	4/19/2013	COMPUTER	29052
222	4/19/2013	COMPUTER	29053
223	4/19/2013	COMPUTER	29080
224	4/19/2013	COMPUTER	29083
225	4/19/2013	COMPUTER	29084
226	4/19/2013	COMPUTER	29086
227	4/19/2013	COMPUTER	29089
228	4/19/2013	COMPUTER	29090
229	4/19/2013	COMPUTER	29092
230	4/19/2013	COMPUTER	29120
231	4/19/2013	COMPUTER	29145
232	4/19/2013	COMPUTER	29164
233	4/19/2013	COMPUTER	29339

Line	Date	Type	SN
234	4/19/2013	COMPUTER	29372
235	4/19/2013	COMPUTER	29813
236	4/19/2013	COMPUTER	29816
237	4/19/2013	COMPUTER	29817
238	4/19/2013	COMPUTER	29819
239	4/19/2013	COMPUTER	29848
240	4/19/2013	COMPUTER	29854
241	4/19/2013	COMPUTER	29855
242	4/19/2013	COMPUTER	29857
243	4/19/2013	COMPUTER	29950
244	4/19/2013	COMPUTER	29988
245	4/19/2013	COMPUTER	29990
246	4/19/2013	COMPUTER	29991
247	4/19/2013	COMPUTER	29998
248	4/19/2013	COMPUTER	30000
249	4/19/2013	COMPUTER	30127
250	4/19/2013	COMPUTER	30135
251	4/19/2013	COMPUTER	30598
252	4/19/2013	COMPUTER	30619
253	4/19/2013	COMPUTER	30789
254	4/19/2013	COMPUTER	31308
255	4/19/2013	COMPUTER	31311
256	4/19/2013	COMPUTER	31313
257	4/19/2013	COMPUTER	31314
258	4/19/2013	COMPUTER	31315
259	4/19/2013	COMPUTER	31316
260	4/19/2013	COMPUTER	31317
261	4/19/2013	COMPUTER	31319
262	4/19/2013	COMPUTER	31320
263	4/19/2013	COMPUTER	31321
264	4/19/2013	COMPUTER	31322
265	4/19/2013	COMPUTER	31329
266	4/19/2013	COMPUTER	31330
267	4/19/2013	COMPUTER	31331
268	4/19/2013	COMPUTER	31332
269	4/19/2013	COMPUTER	31333
270	4/19/2013	COMPUTER	31335
271	4/19/2013	COMPUTER	31336
272	4/19/2013	COMPUTER	31477
273	4/19/2013	COMPUTER	31621
274	4/19/2013	MONITOR - LCD	41913-1
275	4/19/2013	MONITOR - LCD	41913-10
276	4/19/2013	MONITOR - LCD	41913-11
277	4/19/2013	MONITOR - LCD	41913-12
278	4/19/2013	MONITOR - LCD	41913-13
279	4/19/2013	MONITOR - LCD	41913-14
280	4/19/2013	MONITOR - LCD	41913-15
281	4/19/2013	MONITOR - LCD	41913-16
282	4/19/2013	MONITOR - LCD	41913-17
283	4/19/2013	MONITOR - LCD	41913-18
284	4/19/2013	MONITOR - LCD	41913-19
285	4/19/2013	MONITOR - LCD	41913-2
286	4/19/2013	MONITOR - LCD	41913-20
287	4/19/2013	MONITOR - LCD	41913-21

Line	Date	Type	SN
288	4/19/2013	MONITOR - LCD	41913-22
289	4/19/2013	MONITOR - LCD	41913-23
290	4/19/2013	MONITOR - LCD	41913-24
291	4/19/2013	MONITOR - LCD	41913-25
292	4/19/2013	MONITOR - LCD	41913-26
293	4/19/2013	MONITOR - LCD	41913-27
294	4/19/2013	MONITOR - LCD	41913-28
295	4/19/2013	MONITOR - LCD	41913-29
296	4/19/2013	MONITOR - LCD	41913-3
297	4/19/2013	MONITOR - LCD	41913-30
298	4/19/2013	MONITOR - LCD	41913-31
299	4/19/2013	MONITOR - LCD	41913-32
300	4/19/2013	MONITOR - LCD	41913-33
301	4/19/2013	MONITOR - LCD	41913-34
302	4/19/2013	MONITOR - LCD	41913-35
303	4/19/2013	MONITOR - LCD	41913-36
304	4/19/2013	MONITOR - LCD	41913-37
305	4/19/2013	MONITOR - LCD	41913-38
306	4/19/2013	MONITOR - LCD	41913-39
307	4/19/2013	MONITOR - LCD	41913-4
308	4/19/2013	MONITOR - LCD	41913-40
309	4/19/2013	MONITOR - LCD	41913-41
310	4/19/2013	MONITOR - LCD	41913-42
311	4/19/2013	MONITOR - LCD	41913-43
312	4/19/2013	MONITOR - LCD	41913-44
313	4/19/2013	MONITOR - LCD	41913-45
314	4/19/2013	MONITOR - LCD	41913-46
315	4/19/2013	MONITOR - LCD	41913-47
316	4/19/2013	MONITOR - LCD	41913-48
317	4/19/2013	MONITOR - LCD	41913-49
318	4/19/2013	MONITOR - LCD	41913-5
319	4/19/2013	MONITOR - LCD	41913-50
320	4/19/2013	MONITOR - LCD	41913-51
321	4/19/2013	MONITOR - LCD	41913-52
322	4/19/2013	MONITOR - LCD	41913-53
323	4/19/2013	MONITOR - LCD	41913-54
324	4/19/2013	MONITOR - LCD	41913-55
325	4/19/2013	MONITOR - LCD	41913-56
326	4/19/2013	MONITOR - LCD	41913-57
327	4/19/2013	MONITOR - LCD	41913-58
328	4/19/2013	MONITOR - LCD	41913-59
329	4/19/2013	MONITOR - LCD	41913-6
330	4/19/2013	MONITOR - LCD	41913-60
331	4/19/2013	MONITOR - LCD	41913-61
332	4/19/2013	MONITOR - LCD	41913-62
333	4/19/2013	MONITOR - LCD	41913-63
334	4/19/2013	MONITOR - LCD	41913-64
335	4/19/2013	MONITOR - LCD	41913-7
336	4/19/2013	MONITOR - LCD	41913-8
337	4/19/2013	MONITOR - LCD	41913-9
338	4/19/2013	MONITOR - CRT	27461
339	4/19/2013	MONITOR - CRT	27462
340	4/19/2013	PRINTER	25609
341	4/19/2013	PRINTER	25613

Line	Date	Type	SN
342	4/19/2013	PRINTER	26057
343	4/19/2013	PRINTER	26063
344	4/19/2013	PRINTER	26065
345	4/19/2013	PRINTER	28846
346	4/19/2013	PRINTER	28847
347	4/19/2013	PRINTER	30073
348	4/19/2013	PRINTER	31726
349	4/19/2013	PRINTER	33286
350	4/19/2013	PRINTER	34192
351	4/19/2013	RECEIPT PRINTERS	41913-65
352	4/25/2013	COMPUTER	27896
353	4/25/2013	COMPUTER	28909
354	4/25/2013	COMPUTER	28910
355	4/25/2013	COMPUTER	28911
356	4/25/2013	COMPUTER	28912
357	4/25/2013	COMPUTER	28913
358	4/25/2013	COMPUTER	28914
359	4/25/2013	COMPUTER	28915
360	4/25/2013	COMPUTER	28916
361	4/25/2013	COMPUTER	28917
362	4/25/2013	COMPUTER	28919
363	4/25/2013	COMPUTER	28921
364	4/25/2013	COMPUTER	28922
365	4/25/2013	COMPUTER	28923
366	4/25/2013	COMPUTER	28924
367	4/25/2013	COMPUTER	28925
368	4/25/2013	COMPUTER	28926
369	4/25/2013	COMPUTER	28927
370	4/25/2013	COMPUTER	28928
371	4/25/2013	COMPUTER	29402
372	4/25/2013	MONITOR - LCD	42513-1
373	4/25/2013	MONITOR - LCD	42513-10
374	4/25/2013	MONITOR - LCD	42513-11
375	4/25/2013	MONITOR - LCD	42513-12
376	4/25/2013	MONITOR - LCD	42513-13
377	4/25/2013	MONITOR - LCD	42513-14
378	4/25/2013	MONITOR - LCD	42513-15
379	4/25/2013	MONITOR - LCD	42513-16
380	4/25/2013	MONITOR - LCD	42513-17
381	4/25/2013	MONITOR - LCD	42513-18
382	4/25/2013	MONITOR - LCD	42513-19
383	4/25/2013	MONITOR - LCD	42513-2
384	4/25/2013	MONITOR - LCD	42513-3
385	4/25/2013	MONITOR - LCD	42513-4
386	4/25/2013	MONITOR - LCD	42513-5
387	4/25/2013	MONITOR - LCD	42513-6
388	4/25/2013	MONITOR - LCD	42513-7
389	4/25/2013	MONITOR - LCD	42513-8
390	4/25/2013	MONITOR - LCD	42513-9
391	4/25/2013	PRINTER	42513-20
392	4/25/2013	PRINTER	42513-21
393	4/25/2013	PRINTER	28845
394	4/25/2013	PRINTER	28848
395	4/25/2013	RECEIPT PRINTERS	42513-22

Line	Date	Type	SN
396	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-51
397	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	30320
398	5/13/2013	COMPUTER	26685
399	5/13/2013	COMPUTER	26976
400	5/13/2013	COMPUTER	27755
401	5/13/2013	COMPUTER	27877
402	5/13/2013	COMPUTER	27878
403	5/13/2013	COMPUTER	28026
404	5/13/2013	COMPUTER	28121
405	5/13/2013	COMPUTER	28368
406	5/13/2013	COMPUTER	28377
407	5/13/2013	COMPUTER	28380
408	5/13/2013	COMPUTER	28383
409	5/13/2013	COMPUTER	28390
410	5/13/2013	COMPUTER	28396
411	5/13/2013	COMPUTER	28399
412	5/13/2013	COMPUTER	28571
413	5/13/2013	COMPUTER	28836
414	5/13/2013	COMPUTER	28906
415	5/13/2013	COMPUTER	28908
416	5/13/2013	COMPUTER	29079
417	5/13/2013	COMPUTER	29106
418	5/13/2013	COMPUTER	29108
419	5/13/2013	COMPUTER	29109
420	5/13/2013	COMPUTER	29112
421	5/13/2013	COMPUTER	29573
422	5/13/2013	COMPUTER	29820
423	5/13/2013	COMPUTER	29822
424	5/13/2013	COMPUTER	29823
425	5/13/2013	COMPUTER	29839
426	5/13/2013	COMPUTER	29845
427	5/13/2013	COMPUTER	29847
428	5/13/2013	COMPUTER	29852
429	5/13/2013	COMPUTER	29978
430	5/13/2013	COMPUTER	29984
431	5/13/2013	COMPUTER	30240
432	5/13/2013	COMPUTER	30260
433	5/13/2013	COMPUTER	30334
434	5/13/2013	COMPUTER	30467
435	5/13/2013	COMPUTER	30587
436	5/13/2013	COMPUTER	30589
437	5/13/2013	COMPUTER	30599
438	5/13/2013	COMPUTER	30810
439	5/13/2013	COMPUTER	30821
440	5/13/2013	COMPUTER	31187
441	5/13/2013	COMPUTER	31309
442	5/13/2013	COMPUTER	31312
443	5/13/2013	COMPUTER	31318
444	5/13/2013	COMPUTER	31324
445	5/13/2013	COMPUTER	31356
446	5/13/2013	COMPUTER	31383
447	5/13/2013	COMPUTER	31488
448	5/13/2013	COMPUTER	32752
449	5/13/2013	COMPUTER	51313-100

Line	Date	Type	SN
450	5/13/2013	COMPUTER	51313-101
451	5/13/2013	COMPUTER	51313-102
452	5/13/2013	COMPUTER	51313-103
453	5/13/2013	COMPUTER	51313-52
454	5/13/2013	COMPUTER	51313-90
455	5/13/2013	COMPUTER	51313-91
456	5/13/2013	COMPUTER	51313-92
457	5/13/2013	COMPUTER	51313-93
458	5/13/2013	COMPUTER	51313-94
459	5/13/2013	COMPUTER	51313-95
460	5/13/2013	COMPUTER	51313-96
461	5/13/2013	COMPUTER	51313-97
462	5/13/2013	COMPUTER	51313-98
463	5/13/2013	COMPUTER	51313-99
464	5/13/2013	MONITOR - CRT	51313-1
465	5/13/2013	MONITOR - CRT	51313-2
466	5/13/2013	MONITOR - CRT	51313-3
467	5/13/2013	MONITOR - CRT	51313-4
468	5/13/2013	MONITOR - CRT	51313-5
469	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-104
470	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-105
471	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-57
472	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-56
473	5/13/2013	FAX	51313-50
474	5/13/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	51313-58
475	5/13/2013	LAPTOP	28870
476	5/13/2013	LAPTOP	30661
477	5/13/2013	LAPTOP	30662
478	5/13/2013	LAPTOP	31564
479	5/13/2013	MONITOR - LCD	51313-10
480	5/13/2013	MONITOR - LCD	51313-11
481	5/13/2013	MONITOR - LCD	51313-12
482	5/13/2013	MONITOR - LCD	51313-13
483	5/13/2013	MONITOR - LCD	51313-14
484	5/13/2013	MONITOR - LCD	51313-15
485	5/13/2013	MONITOR - LCD	51313-16
486	5/13/2013	MONITOR - LCD	51313-17
487	5/13/2013	MONITOR - LCD	51313-18
488	5/13/2013	MONITOR - LCD	51313-19
489	5/13/2013	MONITOR - LCD	51313-20
490	5/13/2013	MONITOR - LCD	51313-21
491	5/13/2013	MONITOR - LCD	51313-22
492	5/13/2013	MONITOR - LCD	51313-23
493	5/13/2013	MONITOR - LCD	51313-24
494	5/13/2013	MONITOR - LCD	51313-25
495	5/13/2013	MONITOR - LCD	51313-26
496	5/13/2013	MONITOR - LCD	51313-27
497	5/13/2013	MONITOR - LCD	51313-28
498	5/13/2013	MONITOR - LCD	51313-29
499	5/13/2013	MONITOR - LCD	51313-30
500	5/13/2013	MONITOR - LCD	51313-31
501	5/13/2013	MONITOR - LCD	51313-32
502	5/13/2013	MONITOR - LCD	51313-33
503	5/13/2013	MONITOR - LCD	51313-34

Line	Date	Type	SN
504	5/13/2013	MONITOR - LCD	51313-35
505	5/13/2013	MONITOR - LCD	51313-36
506	5/13/2013	MONITOR - LCD	51313-37
507	5/13/2013	MONITOR - LCD	51313-6
508	5/13/2013	MONITOR - LCD	51313-7
509	5/13/2013	MONITOR - LCD	51313-8
510	5/13/2013	MONITOR - LCD	51313-9
511	5/13/2013	PRINTER	00163
512	5/13/2013	PRINTER	00164
513	5/13/2013	PRINTER	24530
514	5/13/2013	PRINTER	26528
515	5/13/2013	PRINTER	27070
516	5/13/2013	PRINTER	27474
517	5/13/2013	PRINTER	28844
518	5/13/2013	PRINTER	29796
519	5/13/2013	PRINTER	30076
520	5/13/2013	PRINTER	30234
521	5/13/2013	PRINTER	31337
522	5/13/2013	PRINTER	34286
523	5/13/2013	PRINTER	3993
524	5/13/2013	PRINTER	PD4732
525	5/13/2013	PRINTER	51313-38
526	5/13/2013	PRINTER	51313-40
527	5/13/2013	PRINTER	51313-59
528	5/13/2013	PRINTER	51313-60
529	5/13/2013	PRINTER	51313-61
530	5/13/2013	PRINTER	51313-62
531	5/13/2013	PRINTER	51313-63
532	5/13/2013	PRINTER	51313-64
533	5/13/2013	PRINTER	51313-65
534	5/13/2013	PRINTER	51313-66
535	5/13/2013	PRINTER	51313-67
536	5/13/2013	PRINTER	51313-68
537	5/13/2013	PRINTER	51313-69
538	5/13/2013	PRINTER	51313-70
539	5/13/2013	PRINTER	51313-71
540	5/13/2013	PRINTER	51313-72
541	5/13/2013	PRINTER	51313-73
542	5/13/2013	PRINTER	51313-74
543	5/13/2013	PRINTER	51313-75
544	5/13/2013	PRINTER	51313-76
545	5/13/2013	PRINTER	51313-77
546	5/13/2013	PRINTER	51313-78
547	5/13/2013	PRINTER	51313-79
548	5/13/2013	PRINTER	51313-80
549	5/13/2013	PRINTER	51313-81
550	5/13/2013	PRINTER	51313-82
551	5/13/2013	PRINTER	51313-83
552	5/13/2013	PRINTER	51313-84
553	5/13/2013	PRINTER	51313-85
554	5/13/2013	PRINTER	51313-86
555	5/13/2013	PRINTER	51313-87
556	5/13/2013	PRINTER	51313-88
557	5/13/2013	PRINTER	51313-89

Line	Date	Type	SN
558	5/13/2013	RECEIPT PRINTERS	51313-39
559	5/13/2013	RECEIPT PRINTERS	51313-41
560	5/13/2013	RECEIPT PRINTERS	51313-42
561	5/13/2013	RECEIPT PRINTERS	51313-43
562	5/13/2013	RECEIPT PRINTERS	51313-44
563	5/13/2013	RECEIPT PRINTERS	51313-45
564	5/13/2013	RECEIPT PRINTERS	51313-46
565	5/13/2013	RECEIPT PRINTERS	51313-47
566	5/13/2013	RECEIPT PRINTERS	51313-48
567	5/13/2013	RECEIPT PRINTERS	51313-49
568	5/13/2013	RECEIPT PRINTERS	51313-53
569	5/13/2013	RECEIPT PRINTERS	51313-54
570	5/13/2013	RECEIPT PRINTERS	51313-55
571	5/13/2013	TOUGHBOOK	31683
572	5/13/2013	TOUGHBOOK	31686
573	5/13/2013	TOUGHBOOK	31752
574	5/13/2013	TOUGHBOOK	31753
575	5/13/2013	TOUGHBOOK	31755
576	5/13/2013	TOUGHBOOK	31757
577	5/13/2013	TOUGHBOOK	31759
578	5/13/2013	TOUGHBOOK	32664
579	5/13/2013	TOUGHBOOK	32967
580	5/13/2013	TOUGHBOOK	32970
581	5/13/2013	AUDIO COMPONENT	51313-106
582	6/4/2013	COMPUTER	26817
583	6/4/2013	COMPUTER	26823
584	6/4/2013	COMPUTER	26824
585	6/4/2013	COMPUTER	27201
586	6/4/2013	COMPUTER	27310
587	6/4/2013	COMPUTER	27417
588	6/4/2013	COMPUTER	27730
589	6/4/2013	COMPUTER	28360
590	6/4/2013	COMPUTER	28367
591	6/4/2013	COMPUTER	28369
592	6/4/2013	COMPUTER	28372
593	6/4/2013	COMPUTER	28373
594	6/4/2013	COMPUTER	28374
595	6/4/2013	COMPUTER	28375
596	6/4/2013	COMPUTER	28384
597	6/4/2013	COMPUTER	28388
598	6/4/2013	COMPUTER	28391
599	6/4/2013	COMPUTER	28393
600	6/4/2013	COMPUTER	28834
601	6/4/2013	COMPUTER	29054
602	6/4/2013	COMPUTER	29076
603	6/4/2013	COMPUTER	29085
604	6/4/2013	COMPUTER	29094
605	6/4/2013	COMPUTER	29098
606	6/4/2013	COMPUTER	29114
607	6/4/2013	COMPUTER	29827
608	6/4/2013	COMPUTER	29835
609	6/4/2013	COMPUTER	29846
610	6/4/2013	COMPUTER	29948
611	6/4/2013	COMPUTER	29963

Line	Date	Type	SN
612	6/4/2013	COMPUTER	30128
613	6/4/2013	COMPUTER	30129
614	6/4/2013	COMPUTER	30131
615	6/4/2013	COMPUTER	30134
616	6/4/2013	COMPUTER	30148
617	6/4/2013	COMPUTER	30327
618	6/4/2013	COMPUTER	30576
619	6/4/2013	COMPUTER	30577
620	6/4/2013	COMPUTER	30578
621	6/4/2013	COMPUTER	30581
622	6/4/2013	COMPUTER	30586
623	6/4/2013	COMPUTER	30588
624	6/4/2013	COMPUTER	30592
625	6/4/2013	COMPUTER	30593
626	6/4/2013	COMPUTER	30601
627	6/4/2013	COMPUTER	30603
628	6/4/2013	COMPUTER	30604
629	6/4/2013	COMPUTER	30641
630	6/4/2013	COMPUTER	30653
631	6/4/2013	COMPUTER	30699
632	6/4/2013	COMPUTER	30781
633	6/4/2013	COMPUTER	30793
634	6/4/2013	COMPUTER	30794
635	6/4/2013	COMPUTER	30801
636	6/4/2013	COMPUTER	30809
637	6/4/2013	COMPUTER	30816
638	6/4/2013	COMPUTER	30824
639	6/4/2013	COMPUTER	30826
640	6/4/2013	COMPUTER	30842
641	6/4/2013	COMPUTER	30843
642	6/4/2013	COMPUTER	31652
643	6/4/2013	COMPUTER	32610
644	6/4/2013	COMPUTER	60413-1
645	6/4/2013	MONITOR - CRT	60413-83
646	6/4/2013	FAX	60413-11
647	6/4/2013	FAX	60413-14
648	6/4/2013	FAX	60413-22
649	6/4/2013	MONITOR - LCD	60413-23
650	6/4/2013	MONITOR - LCD	60413-24
651	6/4/2013	MONITOR - LCD	60413-25
652	6/4/2013	MONITOR - LCD	60413-26
653	6/4/2013	MONITOR - LCD	60413-27
654	6/4/2013	MONITOR - LCD	60413-28
655	6/4/2013	MONITOR - LCD	60413-29
656	6/4/2013	MONITOR - LCD	60413-30
657	6/4/2013	MONITOR - LCD	60413-31
658	6/4/2013	MONITOR - LCD	60413-32
659	6/4/2013	MONITOR - LCD	60413-33
660	6/4/2013	MONITOR - LCD	60413-34
661	6/4/2013	MONITOR - LCD	60413-35
662	6/4/2013	MONITOR - LCD	60413-36
663	6/4/2013	MONITOR - LCD	60413-37
664	6/4/2013	MONITOR - LCD	60413-38
665	6/4/2013	MONITOR - LCD	60413-39

Line	Date	Type	SN
666	6/4/2013	MONITOR - LCD	60413-40
667	6/4/2013	MONITOR - LCD	60413-41
668	6/4/2013	MONITOR - LCD	60413-42
669	6/4/2013	MONITOR - LCD	60413-43
670	6/4/2013	MONITOR - LCD	60413-44
671	6/4/2013	MONITOR - LCD	60413-45
672	6/4/2013	MONITOR - LCD	60413-46
673	6/4/2013	MONITOR - LCD	60413-47
674	6/4/2013	MONITOR - LCD	60413-48
675	6/4/2013	MONITOR - LCD	60413-49
676	6/4/2013	MONITOR - LCD	60413-50
677	6/4/2013	MONITOR - LCD	60413-51
678	6/4/2013	MONITOR - LCD	60413-52
679	6/4/2013	MONITOR - LCD	60413-53
680	6/4/2013	MONITOR - LCD	60413-54
681	6/4/2013	MONITOR - LCD	60413-55
682	6/4/2013	MONITOR - LCD	60413-56
683	6/4/2013	MONITOR - LCD	60413-57
684	6/4/2013	MONITOR - LCD	60413-58
685	6/4/2013	MONITOR - LCD	60413-59
686	6/4/2013	MONITOR - LCD	60413-60
687	6/4/2013	MONITOR - LCD	60413-61
688	6/4/2013	MONITOR - LCD	60413-62
689	6/4/2013	MONITOR - LCD	60413-63
690	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-72
691	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-73
692	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-74
693	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-75
694	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-76
695	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-77
696	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-78
697	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-79
698	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-80
699	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-81
700	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-82
701	6/4/2013	PRINTER	00147
702	6/4/2013	PRINTER	00149
703	6/4/2013	PRINTER	24054
704	6/4/2013	PRINTER	25261
705	6/4/2013	PRINTER	25699
706	6/4/2013	PRINTER	25924
707	6/4/2013	PRINTER	25927
708	6/4/2013	PRINTER	60413-10
709	6/4/2013	PRINTER	60413-101
710	6/4/2013	PRINTER	60413-12
711	6/4/2013	PRINTER	60413-13
712	6/4/2013	PRINTER	60413-15
713	6/4/2013	PRINTER	60413-17
714	6/4/2013	PRINTER	60413-18
715	6/4/2013	PRINTER	60413-19
716	6/4/2013	PRINTER	60413-2
717	6/4/2013	PRINTER	60413-20
718	6/4/2013	PRINTER	60413-21
719	6/4/2013	PRINTER	60413-3

Line	Date	Type	SN
720	6/4/2013	PRINTER	60413-4
721	6/4/2013	PRINTER	60413-5
722	6/4/2013	PRINTER	60413-6
723	6/4/2013	PRINTER	60413-7
724	6/4/2013	PRINTER	60413-8
725	6/4/2013	PRINTER	60413-9
726	6/4/2013	PROJECTOR	60413-94
727	6/4/2013	PROJECTOR	60413-95
728	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-98
729	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-99
730	6/4/2013	SATELLITE RECIEVER	60413-100
731	6/4/2013	SCANNER	60413-16
732	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-64
733	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-65
734	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-66
735	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-67
736	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-68
737	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-69
738	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-70
739	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-71
740	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-96
741	6/4/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	60413-97
742	6/4/2013	AUDIO COMPONENT	60413-89
743	6/4/2013	WIRELESS EQUIPMENT	60413-84
744	6/4/2013	WIRELESS EQUIPMENT	60413-85
745	6/4/2013	WIRELESS EQUIPMENT	60413-86
746	6/4/2013	WIRELESS EQUIPMENT	60413-87
747	6/4/2013	WIRELESS EQUIPMENT	60413-88
748	6/4/2013	WIRELESS EQUIPMENT	60413-90
749	6/4/2013	WIRELESS EQUIPMENT	60413-91
750	6/4/2013	WIRELESS EQUIPMENT	60413-92
751	6/4/2013	WIRELESS EQUIPMENT	60413-93
752	6/21/2013	COMPUTER	30639
753	7/12/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-112
754	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-78
755	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-79
756	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-80
757	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-81
758	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-82
759	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-83
760	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-84
761	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-85
762	7/19/2013	AUDIO COMPONENT	71913-178
763	7/19/2013	AUDIO COMPONENT	71913-179
764	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-171
765	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-172
766	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-173
767	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-174
768	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-175
769	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-176
770	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-177
771	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	27923
772	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	4868
773	7/19/2013	COMPUTER	71913-126

Line	Date	Type	SN
774	7/19/2013	COMPUTER	71913-137
775	7/19/2013	COMPUTER	71913-138
776	7/19/2013	COMPUTER	71913-139
777	7/19/2013	COMPUTER	71913-140
778	7/19/2013	COMPUTER	71913-141
779	7/19/2013	COMPUTER	71913-142
780	7/19/2013	COMPUTER	71913-182
781	7/19/2013	COMPUTER	71913-183
782	7/19/2013	COMPUTER	71913-184
783	7/19/2013	COMPUTER	71913-185
784	7/19/2013	COMPUTER	71913-197
785	7/19/2013	COMPUTER	71913-199
786	7/19/2013	COMPUTER	71913-205
787	7/19/2013	COMPUTER	71913-206
788	7/19/2013	COMPUTER	71913-207
789	7/19/2013	COMPUTER	71913-210
790	7/19/2013	COMPUTER	71913-217
791	7/19/2013	COMPUTER	71913-218
792	7/19/2013	COMPUTER	71913-219
793	7/19/2013	COMPUTER	71913-220
794	7/19/2013	COMPUTER	71913-221
795	7/19/2013	COMPUTER	71913-222
796	7/19/2013	COMPUTER	71913-223
797	7/19/2013	COMPUTER	71913-224
798	7/19/2013	COMPUTER	71913-227
799	7/19/2013	COMPUTER	71913-228
800	7/19/2013	COMPUTER	71913-75
801	7/19/2013	COMPUTER	1006
802	7/19/2013	COMPUTER	20103
803	7/19/2013	COMPUTER	24495
804	7/19/2013	COMPUTER	24496
805	7/19/2013	COMPUTER	24497
806	7/19/2013	COMPUTER	24501
807	7/19/2013	COMPUTER	26103
808	7/19/2013	COMPUTER	26498
809	7/19/2013	COMPUTER	27211
810	7/19/2013	COMPUTER	27440
811	7/19/2013	COMPUTER	27463
812	7/19/2013	COMPUTER	27631
813	7/19/2013	COMPUTER	27883
814	7/19/2013	COMPUTER	28012
815	7/19/2013	COMPUTER	28122
816	7/19/2013	COMPUTER	28511
817	7/19/2013	COMPUTER	29179
818	7/19/2013	COMPUTER	29461
819	7/19/2013	COMPUTER	29831
820	7/19/2013	COMPUTER	29850
821	7/19/2013	COMPUTER	29949
822	7/19/2013	COMPUTER	29956
823	7/19/2013	COMPUTER	29981
824	7/19/2013	COMPUTER	29996
825	7/19/2013	COMPUTER	30326
826	7/19/2013	COMPUTER	30328
827	7/19/2013	COMPUTER	30341

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828	7/19/2013	COMPUTER	30567
829	7/19/2013	COMPUTER	30620
830	7/19/2013	COMPUTER	30719
831	7/19/2013	COMPUTER	30721
832	7/19/2013	COMPUTER	30723
833	7/19/2013	COMPUTER	30804
834	7/19/2013	COMPUTER	30805
835	7/19/2013	COMPUTER	30839
836	7/19/2013	COMPUTER	31184
837	7/19/2013	COMPUTER	31266
838	7/19/2013	COMPUTER	31271
839	7/19/2013	COMPUTER	31342
840	7/19/2013	COMPUTER	31346
841	7/19/2013	COMPUTER	31361
842	7/19/2013	COMPUTER	31396
843	7/19/2013	COMPUTER	31415
844	7/19/2013	COMPUTER	31704
845	7/19/2013	COMPUTER	4230
846	7/19/2013	COMPUTER	CC020100
847	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-154
848	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-155
849	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-156
850	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-157
851	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-158
852	7/19/2013	AUDIO COMPONENT CABINET	71913-129
853	7/19/2013	AUDIO COMPONENT CABINET	71913-130
854	7/19/2013	AUDIO COMPONENT CABINET	71913-131
855	7/19/2013	AUDIO COMPONENT CABINET	71913-147
856	7/19/2013	AUDIO COMPONENT CABINET	71913-148
857	7/19/2013	AUDIO COMPONENT CABINET	71913-149
858	7/19/2013	AUDIO COMPONENT CABINET	71913-150
859	7/19/2013	AUDIO COMPONENT CABINET	71913-151
860	7/19/2013	AUDIO COMPONENT CABINET	71913-152
861	7/19/2013	AUDIO COMPONENT CABINET	71913-153
862	7/19/2013	AUDIO COMPONENT CABINET	71913-90
863	7/19/2013	AUDIO COMPONENT CABINET	71913-91
864	7/19/2013	AUDIO COMPONENT CABINET	71913-92
865	7/19/2013	AUDIO COMPONENT CABINET	71913-93
866	7/19/2013	AUDIO COMPONENT CABINET	71913-94
867	7/19/2013	MONITOR - CRT	71913-01
868	7/19/2013	MONITOR - CRT	71913-02
869	7/19/2013	MONITOR - CRT	71913-03
870	7/19/2013	MONITOR - CRT	71913-04
871	7/19/2013	MONITOR - CRT	71913-05
872	7/19/2013	MONITOR - CRT	71913-06
873	7/19/2013	MONITOR - CRT	71913-159
874	7/19/2013	FAX	71913-127
875	7/19/2013	FAX	71913-198
876	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-102
877	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-103
878	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-104
879	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-105
880	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-106
881	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-107

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882	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-108
883	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-109
884	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-110
885	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-111
886	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-113
887	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-114
888	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-115
889	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-243
890	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-88
891	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-89
892	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-145
893	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-146
894	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-215
895	7/19/2013	LAPTOP	29746
896	7/19/2013	LAPTOP	30501
897	7/19/2013	LAPTOP	30674
898	7/19/2013	LAPTOP	CC020228
899	7/19/2013	MONITOR - LCD	71913-07
900	7/19/2013	MONITOR - LCD	71913-08
901	7/19/2013	MONITOR - LCD	71913-09
902	7/19/2013	MONITOR - LCD	71913-10
903	7/19/2013	MONITOR - LCD	71913-11
904	7/19/2013	MONITOR - LCD	71913-12
905	7/19/2013	MONITOR - LCD	71913-13
906	7/19/2013	MONITOR - LCD	71913-14
907	7/19/2013	MONITOR - LCD	71913-15
908	7/19/2013	MONITOR - LCD	71913-16
909	7/19/2013	MONITOR - LCD	71913-17
910	7/19/2013	MONITOR - LCD	71913-18
911	7/19/2013	MONITOR - LCD	71913-19
912	7/19/2013	MONITOR - LCD	71913-20
913	7/19/2013	MONITOR - LCD	71913-21
914	7/19/2013	MONITOR - LCD	71913-216
915	7/19/2013	MONITOR - LCD	71913-22
916	7/19/2013	MONITOR - LCD	71913-23
917	7/19/2013	MONITOR - LCD	71913-24
918	7/19/2013	MONITOR - LCD	71913-25
919	7/19/2013	MONITOR - LCD	71913-26
920	7/19/2013	MONITOR - LCD	71913-27
921	7/19/2013	MONITOR - LCD	71913-28
922	7/19/2013	MONITOR - LCD	71913-29
923	7/19/2013	MONITOR - LCD	71913-30
924	7/19/2013	MONITOR - LCD	71913-31
925	7/19/2013	MONITOR - LCD	71913-32
926	7/19/2013	MONITOR - LCD	71913-33
927	7/19/2013	MONITOR - LCD	71913-34
928	7/19/2013	MONITOR - LCD	71913-35
929	7/19/2013	MONITOR - LCD	71913-36
930	7/19/2013	MONITOR - LCD	71913-37
931	7/19/2013	MONITOR - LCD	71913-38
932	7/19/2013	MONITOR - LCD	71913-39
933	7/19/2013	MONITOR - LCD	71913-40
934	7/19/2013	MONITOR - LCD	71913-41
935	7/19/2013	MONITOR - LCD	71913-42

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936	7/19/2013	MONITOR - LCD	71913-43
937	7/19/2013	MONITOR - LCD	71913-44
938	7/19/2013	MONITOR - LCD	71913-45
939	7/19/2013	MONITOR - LCD	71913-46
940	7/19/2013	MONITOR - LCD	71913-47
941	7/19/2013	MONITOR - LCD	71913-48
942	7/19/2013	MONITOR - LCD	71913-49
943	7/19/2013	MONITOR - LCD	71913-50
944	7/19/2013	MONITOR - LCD	71913-51
945	7/19/2013	MONITOR - LCD	71913-52
946	7/19/2013	MONITOR - LCD	71913-53
947	7/19/2013	MONITOR - LCD	71913-54
948	7/19/2013	MONITOR - LCD	71913-55
949	7/19/2013	MONITOR - LCD	71913-56
950	7/19/2013	MONITOR - LCD	71913-57
951	7/19/2013	MONITOR - LCD	71913-58
952	7/19/2013	MONITOR - LCD	71913-59
953	7/19/2013	MONITOR - LCD	71913-60
954	7/19/2013	MONITOR - LCD	71913-61
955	7/19/2013	MONITOR - LCD	71913-62
956	7/19/2013	MONITOR - LCD	71913-63
957	7/19/2013	MONITOR - LCD	71913-64
958	7/19/2013	MONITOR - LCD	71913-65
959	7/19/2013	MONITOR - LCD	71913-66
960	7/19/2013	MONITOR - LCD	71913-67
961	7/19/2013	MONITOR - LCD	71913-68
962	7/19/2013	MONITOR - LCD	71913-69
963	7/19/2013	MONITOR - LCD	71913-70
964	7/19/2013	MONITOR - LCD	71913-71
965	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-181
966	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-100
967	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-101
968	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-116
969	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-117
970	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-118
971	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-119
972	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-120
973	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-121
974	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-122
975	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-124
976	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-125
977	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-132
978	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-133
979	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-134
980	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-143
981	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-144
982	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-213
983	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-95
984	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-96
985	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-97
986	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-98
987	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-99
988	7/19/2013	MONITOR - CRT	128
989	7/19/2013	MONITOR - CRT	2887

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990	7/19/2013	MONITOR - CRT	3873
991	7/19/2013	MONITOR - CRT	3992
992	7/19/2013	MONITOR - CRT	449
993	7/19/2013	MONITOR - CRT	690
994	7/19/2013	PRINTER	71913-123
995	7/19/2013	PRINTER	71913-128
996	7/19/2013	PRINTER	71913-135
997	7/19/2013	PRINTER	71913-136
998	7/19/2013	PRINTER	71913-160
999	7/19/2013	PRINTER	71913-161
1000	7/19/2013	PRINTER	71913-162
1001	7/19/2013	PRINTER	71913-163
1002	7/19/2013	PRINTER	71913-164
1003	7/19/2013	PRINTER	71913-165
1004	7/19/2013	PRINTER	71913-166
1005	7/19/2013	PRINTER	71913-167
1006	7/19/2013	PRINTER	71913-168
1007	7/19/2013	PRINTER	71913-169
1008	7/19/2013	PRINTER	71913-170
1009	7/19/2013	PRINTER	71913-186
1010	7/19/2013	PRINTER	71913-187
1011	7/19/2013	PRINTER	71913-188
1012	7/19/2013	PRINTER	71913-189
1013	7/19/2013	PRINTER	71913-190
1014	7/19/2013	PRINTER	71913-191
1015	7/19/2013	PRINTER	71913-192
1016	7/19/2013	PRINTER	71913-193
1017	7/19/2013	PRINTER	71913-194
1018	7/19/2013	PRINTER	71913-200
1019	7/19/2013	PRINTER	71913-201
1020	7/19/2013	PRINTER	71913-202
1021	7/19/2013	PRINTER	71913-203
1022	7/19/2013	PRINTER	71913-204
1023	7/19/2013	PRINTER	71913-211
1024	7/19/2013	PRINTER	71913-212
1025	7/19/2013	PRINTER	71913-229
1026	7/19/2013	PRINTER	71913-230
1027	7/19/2013	PRINTER	71913-231
1028	7/19/2013	PRINTER	71913-232
1029	7/19/2013	PRINTER	71913-233
1030	7/19/2013	PRINTER	71913-234
1031	7/19/2013	PRINTER	71913-235
1032	7/19/2013	PRINTER	71913-236
1033	7/19/2013	PRINTER	71913-237
1034	7/19/2013	PRINTER	71913-238
1035	7/19/2013	PRINTER	71913-239
1036	7/19/2013	PRINTER	71913-240
1037	7/19/2013	PRINTER	71913-241
1038	7/19/2013	PRINTER	71913-242
1039	7/19/2013	PRINTER	71913-76
1040	7/19/2013	PRINTER	71913-87
1041	7/19/2013	PRINTER	00185
1042	7/19/2013	PRINTER	00192
1043	7/19/2013	PRINTER	00218

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1044	7/19/2013	PRINTER	24592
1045	7/19/2013	PRINTER	24593
1046	7/19/2013	PRINTER	24595
1047	7/19/2013	PRINTER	25777
1048	7/19/2013	PRINTER	25962
1049	7/19/2013	PRINTER	26030
1050	7/19/2013	PRINTER	26707
1051	7/19/2013	PRINTER	28457
1052	7/19/2013	PRINTER	29478
1053	7/19/2013	PRINTER	31761
1054	7/19/2013	PRINTER	31803
1055	7/19/2013	PRINTER	34206
1056	7/19/2013	PRINTER	4211
1057	7/19/2013	PRINTER	4849
1058	7/19/2013	PRINTER	4992
1059	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-180
1060	7/19/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	71913-245
1061	7/19/2013	SCANNER	71913-86
1062	7/19/2013	SERVER	71913-214
1063	7/19/2013	SERVER	71913-225
1064	7/19/2013	SERVER	71913-226
1065	7/19/2013	SERVER	71913-72
1066	7/19/2013	SERVER	71913-73
1067	7/19/2013	SERVER	71913-74
1068	7/19/2013	RECEIPT PRINTERS	71913-77
1069	7/19/2013	TELEPHONE EQUIPMENT	71913-208
1070	7/19/2013	TELEPHONE EQUIPMENT	71913-209
1071	7/19/2013	TOUGHBOOK	30765
1072	7/19/2013	TOUGHBOOK	31299
1073	7/19/2013	TOUGHBOOK	32969
1074	7/19/2013	POWER BACKUP	71913-195
1075	7/19/2013	POWER BACKUP	71913-196
1076	7/19/2013	POWER BACKUP	71913-246
1077	7/19/2013	POWER BACKUP	71913-247
1078	7/19/2013	POWER BACKUP	71913-248
1079	7/19/2013	POWER BACKUP	71913-249
1080	7/19/2013	POWER BACKUP	71913-250
1081	7/19/2013	POWER BACKUP	71913-251
1082	7/19/2013	AUDIO COMPONENT	71913-244
1083	8/1/2013	MONITOR - LCD	80113-10
1084	8/1/2013	MONITOR - LCD	80113-7
1085	8/1/2013	MONITOR - LCD	80113-8
1086	8/1/2013	MONITOR - LCD	80113-9
1087	8/1/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	80113-3
1088	8/1/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	80113-4
1089	8/1/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	80113-5
1090	8/1/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	80113-6
1091	8/1/2013	PRINTER	80113-1
1092	8/1/2013	PRINTER	80113-11
1093	8/1/2013	PRINTER	80113-2
1094	8/22/2013	MONITOR - LCD	82213-1
1095	8/22/2013	MONITOR - LCD	82213-2
1096	8/22/2013	MONITOR - LCD	82213-3
1097	8/22/2013	MONITOR - LCD	82213-4

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1098	8/22/2013	MONITOR - LCD	82213-5
1099	8/22/2013	MONITOR - LCD	82213-6
1100	8/22/2013	MONITOR - LCD	82213-7
1101	8/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	82213-8
1102	9/9/2013	MONITOR - LCD	90913-3
1103	9/9/2013	MONITOR - LCD	90913-4
1104	9/9/2013	MONITOR - LCD	90913-5
1105	9/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	90913-6
1106	9/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	90913-7
1107	9/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	90913-8
1108	9/9/2013	PRINTER	90913-1
1109	9/9/2013	PRINTER	90913-2
1110	9/17/2013	MONITOR - LCD	91713-10
1111	9/17/2013	MONITOR - LCD	91713-11
1112	9/17/2013	MONITOR - LCD	91713-12
1113	9/17/2013	MONITOR - LCD	91713-13
1114	9/17/2013	MONITOR - LCD	91713-14
1115	9/17/2013	MONITOR - LCD	91713-15
1116	9/17/2013	MONITOR - LCD	91713-16
1117	9/17/2013	MONITOR - LCD	91713-17
1118	9/17/2013	MONITOR - LCD	91713-18
1119	9/17/2013	MONITOR - LCD	91713-2
1120	9/17/2013	MONITOR - LCD	91713-25
1121	9/17/2013	MONITOR - LCD	91713-26
1122	9/17/2013	MONITOR - LCD	91713-3
1123	9/17/2013	MONITOR - LCD	91713-4
1124	9/17/2013	MONITOR - LCD	91713-5
1125	9/17/2013	MONITOR - LCD	91713-6
1126	9/17/2013	MONITOR - LCD	91713-7
1127	9/17/2013	MONITOR - LCD	91713-8
1128	9/17/2013	MONITOR - LCD	91713-9
1129	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-19
1130	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-20
1131	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-21
1132	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-22
1133	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-23
1134	9/17/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	91713-24
1135	9/17/2013	PRINTER	91713-1
1136	9/25/2013	COMPUTER	27186
1137	9/25/2013	COMPUTER	27256
1138	9/25/2013	COMPUTER	27459
1139	9/25/2013	COMPUTER	27489
1140	9/25/2013	COMPUTER	27490
1141	9/25/2013	COMPUTER	27765
1142	9/25/2013	COMPUTER	28008
1143	9/25/2013	COMPUTER	28120
1144	9/25/2013	COMPUTER	28448
1145	9/25/2013	COMPUTER	29051
1146	9/25/2013	COMPUTER	29058
1147	9/25/2013	COMPUTER	29069
1148	9/25/2013	COMPUTER	29333
1149	9/25/2013	COMPUTER	29604
1150	9/25/2013	COMPUTER	29829
1151	9/25/2013	COMPUTER	29832

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1152	9/25/2013	COMPUTER	29838
1153	9/25/2013	COMPUTER	29989
1154	9/25/2013	COMPUTER	30579
1155	9/25/2013	COMPUTER	30585
1156	9/25/2013	COMPUTER	30590
1157	9/25/2013	COMPUTER	30591
1158	9/25/2013	COMPUTER	30600
1159	9/25/2013	COMPUTER	30608
1160	9/25/2013	COMPUTER	30618
1161	9/25/2013	COMPUTER	30629
1162	9/25/2013	COMPUTER	30803
1163	9/25/2013	COMPUTER	30818
1164	9/25/2013	COMPUTER	30825
1165	9/25/2013	COMPUTER	30830
1166	9/25/2013	COMPUTER	31462
1167	9/25/2013	COMPUTER	31466
1168	9/25/2013	COMPUTER	31468
1169	9/25/2013	COMPUTER	31469
1170	9/25/2013	COMPUTER	31470
1171	9/25/2013	COMPUTER	31480
1172	9/25/2013	COMPUTER	31623
1173	9/25/2013	COMPUTER	31651
1174	9/25/2013	COMPUTER	31776
1175	9/26/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	92613-1
1176	10/2/2013	MONITOR - CRT	00213-3
1177	10/2/2013	MONITOR - LCD	00213-4
1178	10/2/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	00213-5
1179	10/2/2013	PRINTER	00213-2
1180	10/2/2013	SCANNER	00213-1
1181	10/9/2013	COMPUTER	28838
1182	10/9/2013	COMPUTER	29837
1183	10/9/2013	COMPUTER	30063
1184	10/9/2013	COMPUTER	30634
1185	10/9/2013	COMPUTER	30649
1186	10/9/2013	COMPUTER	30780
1187	10/9/2013	COMPUTER	30790
1188	10/9/2013	COMPUTER	30796
1189	10/9/2013	COMPUTER	31291
1190	10/9/2013	COMPUTER	31460
1191	10/9/2013	COMPUTER	32676
1192	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-20
1193	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-21
1194	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-22
1195	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-23
1196	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-24
1197	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-25
1198	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-26
1199	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-27
1200	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-28
1201	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-10
1202	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-11
1203	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-12
1204	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-13
1205	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-14

Line	Date	Type	SN
1206	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-15
1207	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-16
1208	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-17
1209	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-18
1210	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-19
1211	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-1
1212	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-2
1213	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-3
1214	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-4
1215	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-5
1216	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-6
1217	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-7
1218	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-8
1219	10/9/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	100913-9
1220	10/22/2013	MONITOR - CRT	02213-10
1221	10/22/2013	MONITOR - CRT	02213-9
1222	10/22/2013	FAX	02213-8
1223	10/22/2013	MONITOR - LCD	02213-11
1224	10/22/2013	MONITOR - LCD	02213-12
1225	10/22/2013	MONITOR - LCD	02213-13
1226	10/22/2013	MONITOR - LCD	02213-14
1227	10/22/2013	MONITOR - LCD	02213-15
1228	10/22/2013	MONITOR - LCD	02213-16
1229	10/22/2013	MONITOR - LCD	02213-17
1230	10/22/2013	MONITOR - LCD	02213-18
1231	10/22/2013	MONITOR - LCD	02213-19
1232	10/22/2013	MONITOR - LCD	02213-20
1233	10/22/2013	MONITOR - LCD	02213-21
1234	10/22/2013	MONITOR - LCD	02213-22
1235	10/22/2013	MONITOR - LCD	02213-23
1236	10/22/2013	MONITOR - LCD	02213-24
1237	10/22/2013	MONITOR - LCD	02213-25
1238	10/22/2013	MONITOR - LCD	02213-26
1239	10/22/2013	MONITOR - LCD	02213-27
1240	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-2
1241	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-3
1242	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-4
1243	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-5
1244	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-6
1245	10/22/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	02213-7
1246	10/22/2013	PRINTER	02213-1
1247	10/23/2013	MONITOR - CRT	02313-1
1248	11/6/2013	FAX	110613-10
1249	11/6/2013	FAX	110613-11
1250	11/6/2013	FAX	110613-9
1251	11/6/2013	MONITOR - LCD	110613-12
1252	11/6/2013	MONITOR - LCD	110613-13
1253	11/6/2013	MONITOR - LCD	110613-14
1254	11/6/2013	MONITOR - LCD	110613-15
1255	11/6/2013	MONITOR - LCD	110613-16
1256	11/6/2013	MONITOR - LCD	110613-4
1257	11/6/2013	MONITOR - LCD	110613-5
1258	11/6/2013	MONITOR - LCD	110613-6
1259	11/6/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	110613-2

Line	Date	Type	SN
1260	11/6/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	110613-3
1261	11/6/2013	PRINTER	110613-1
1262	11/6/2013	PRINTER	110613-17
1263	11/6/2013	PRINTER	110613-7
1264	11/6/2013	PRINTER	110613-8
1265	11/13/2013	COMPUTER	26935
1266	11/13/2013	COMPUTER	26937
1267	11/13/2013	COMPUTER	26943
1268	11/13/2013	COMPUTER	27156
1269	11/13/2013	COMPUTER	28401
1270	11/13/2013	COMPUTER	29055
1271	11/13/2013	MONITOR - LCD	11313-1
1272	11/13/2013	MONITOR - LCD	11313-2
1273	11/13/2013	MONITOR - LCD	11313-3
1274	11/13/2013	MONITOR - LCD	11313-4
1275	11/13/2013	MONITOR - LCD	11313-5
1276	11/13/2013	MONITOR - LCD	11313-6
1277	11/20/2013	AUDIO COMPONENT	112013-30
1278	11/20/2013	AUDIO COMPONENT	112013-31
1279	11/20/2013	AUDIO COMPONENT	112013-32
1280	11/20/2013	AUDIO COMPONENT	112013-33
1281	11/20/2013	AUDIO COMPONENT	112013-34
1282	11/20/2013	AUDIO COMPONENT	112013-35
1283	11/20/2013	AUDIO COMPONENT	112013-36
1284	11/20/2013	AUDIO COMPONENT	112013-37
1285	11/20/2013	AUDIO COMPONENT	112013-38
1286	11/20/2013	AUDIO COMPONENT	112013-39
1287	11/20/2013	AUDIO COMPONENT	112013-40
1288	11/20/2013	AUDIO COMPONENT	112013-41
1289	11/20/2013	AUDIO COMPONENT	112013-42
1290	11/20/2013	AUDIO COMPONENT	112013-43
1291	11/20/2013	AUDIO COMPONENT	112013-44
1292	11/20/2013	AUDIO COMPONENT	112013-45
1293	11/20/2013	AUDIO COMPONENT	112013-46
1294	11/20/2013	AUDIO COMPONENT	112013-47
1295	11/20/2013	AUDIO COMPONENT	112013-48
1296	11/20/2013	AUDIO COMPONENT	112013-49
1297	11/20/2013	AUDIO COMPONENT	112013-50
1298	11/20/2013	AUDIO COMPONENT	112013-51
1299	11/20/2013	AUDIO COMPONENT	112013-52
1300	11/20/2013	AUDIO COMPONENT	112013-53
1301	11/20/2013	AUDIO COMPONENT	112013-54
1302	11/20/2013	AUDIO COMPONENT	112013-55
1303	11/20/2013	AUDIO COMPONENT	112013-56
1304	11/20/2013	AUDIO COMPONENT	112013-57
1305	11/20/2013	AUDIO COMPONENT	112013-58
1306	11/20/2013	AUDIO COMPONENT	112013-59
1307	11/20/2013	AUDIO COMPONENT	112013-60
1308	11/20/2013	AUDIO COMPONENT	112013-61
1309	11/20/2013	AUDIO COMPONENT	112013-62
1310	11/20/2013	AUDIO COMPONENT	112013-63
1311	11/20/2013	AUDIO COMPONENT	112013-64
1312	11/20/2013	AUDIO COMPONENT	112013-65
1313	11/20/2013	AUDIO COMPONENT	112013-66

Line	Date	Type	SN
1314	11/20/2013	AUDIO COMPONENT	112013-67
1315	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-23
1316	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-24
1317	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-25
1318	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-26
1319	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-27
1320	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-28
1321	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-29
1322	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	29738
1323	11/20/2013	COMPUTER	27436
1324	11/20/2013	COMPUTER	27625
1325	11/20/2013	COMPUTER	27680
1326	11/20/2013	COMPUTER	27733
1327	11/20/2013	COMPUTER	27824
1328	11/20/2013	COMPUTER	27892
1329	11/20/2013	COMPUTER	27991
1330	11/20/2013	COMPUTER	28000
1331	11/20/2013	COMPUTER	28313
1332	11/20/2013	COMPUTER	29095
1333	11/20/2013	COMPUTER	29103
1334	11/20/2013	COMPUTER	29317
1335	11/20/2013	COMPUTER	29365
1336	11/20/2013	COMPUTER	29612
1337	11/20/2013	COMPUTER	29844
1338	11/20/2013	COMPUTER	29931
1339	11/20/2013	COMPUTER	29935
1340	11/20/2013	COMPUTER	29937
1341	11/20/2013	COMPUTER	29964
1342	11/20/2013	COMPUTER	29970
1343	11/20/2013	COMPUTER	29980
1344	11/20/2013	COMPUTER	30066
1345	11/20/2013	COMPUTER	30242
1346	11/20/2013	COMPUTER	30243
1347	11/20/2013	COMPUTER	30417
1348	11/20/2013	COMPUTER	30463
1349	11/20/2013	COMPUTER	30510
1350	11/20/2013	COMPUTER	30518
1351	11/20/2013	COMPUTER	30556
1352	11/20/2013	COMPUTER	30557
1353	11/20/2013	COMPUTER	30559
1354	11/20/2013	COMPUTER	30561
1355	11/20/2013	COMPUTER	30562
1356	11/20/2013	COMPUTER	30563
1357	11/20/2013	COMPUTER	30565
1358	11/20/2013	COMPUTER	30568
1359	11/20/2013	COMPUTER	30569
1360	11/20/2013	COMPUTER	30570
1361	11/20/2013	COMPUTER	30571
1362	11/20/2013	COMPUTER	30573
1363	11/20/2013	COMPUTER	30575
1364	11/20/2013	COMPUTER	30597
1365	11/20/2013	COMPUTER	30614
1366	11/20/2013	COMPUTER	30615
1367	11/20/2013	COMPUTER	30624

Line	Date	Type	SN
1368	11/20/2013	COMPUTER	30631
1369	11/20/2013	COMPUTER	30635
1370	11/20/2013	COMPUTER	30636
1371	11/20/2013	COMPUTER	30642
1372	11/20/2013	COMPUTER	30786
1373	11/20/2013	COMPUTER	30791
1374	11/20/2013	COMPUTER	30800
1375	11/20/2013	COMPUTER	30815
1376	11/20/2013	COMPUTER	30819
1377	11/20/2013	COMPUTER	30831
1378	11/20/2013	COMPUTER	30832
1379	11/20/2013	COMPUTER	30833
1380	11/20/2013	COMPUTER	30834
1381	11/20/2013	COMPUTER	30837
1382	11/20/2013	COMPUTER	30838
1383	11/20/2013	COMPUTER	30840
1384	11/20/2013	COMPUTER	31228
1385	11/20/2013	COMPUTER	31269
1386	11/20/2013	COMPUTER	31272
1387	11/20/2013	COMPUTER	31292
1388	11/20/2013	COMPUTER	31305
1389	11/20/2013	COMPUTER	31416
1390	11/20/2013	COMPUTER	31417
1391	11/20/2013	COMPUTER	31649
1392	11/20/2013	COMPUTER	31742
1393	11/20/2013	COMPUTER	31774
1394	11/20/2013	COMPUTER	31775
1395	11/20/2013	COMPUTER	31815
1396	11/20/2013	COMPUTER	32560
1397	11/20/2013	COMPUTER	32751
1398	11/20/2013	MONITOR - CRT	112013-11
1399	11/20/2013	MONITOR - CRT	112013-12
1400	11/20/2013	MONITOR - CRT	112013-13
1401	11/20/2013	MONITOR - CRT	112013-14
1402	11/20/2013	MONITOR - CRT	112013-15
1403	11/20/2013	MONITOR - CRT	112013-16
1404	11/20/2013	MONITOR - CRT	112013-17
1405	11/20/2013	MONITOR - CRT	112013-18
1406	11/20/2013	MONITOR - CRT	112013-19
1407	11/20/2013	MONITOR - CRT	112013-20
1408	11/20/2013	MONITOR - CRT	112013-21
1409	11/20/2013	MONITOR - CRT	112013-22
1410	11/20/2013	FAX	112013-8
1411	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-10
1412	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-4
1413	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-5
1414	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-6
1415	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-7
1416	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	112013-9
1417	11/20/2013	LAPTOP	29415
1418	11/20/2013	LAPTOP	30660
1419	11/20/2013	LAPTOP	30665
1420	11/20/2013	LAPTOP	30666
1421	11/20/2013	LAPTOP	30671

Line	Date	Type	SN
1422	11/20/2013	LAPTOP	30866
1423	11/20/2013	LAPTOP	30910
1424	11/20/2013	LAPTOP	31287
1425	11/20/2013	LAPTOP	33677
1426	11/20/2013	MONITOR - LCD	12013-4
1427	11/20/2013	MONITOR - LCD	12013-5
1428	11/20/2013	MONITOR - LCD	12013-6
1429	11/20/2013	MONITOR - LCD	12013-7
1430	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	12013-8
1431	11/20/2013	MISC (MEMORY, KEYBOARD, MICE, ETC)	12013-9
1432	11/20/2013	LAPTOP	32985
1433	11/20/2013	PRINTER	12013-1
1434	11/20/2013	PRINTER	12013-2
1435	11/20/2013	PRINTER	12013-3
1436	11/20/2013	PRINTER	112013-1
1437	11/20/2013	PRINTER	112013-2
1438	11/20/2013	PRINTER	112013-3
1439	11/20/2013	PRINTER	00167
1440	11/20/2013	PRINTER	00198
1441	11/20/2013	PRINTER	00207
1442	11/20/2013	PRINTER	00287
1443	11/20/2013	PRINTER	00288
1444	11/20/2013	PRINTER	00289
1445	11/20/2013	PRINTER	00290
1446	11/20/2013	PRINTER	00291
1447	11/20/2013	PRINTER	00293
1448	11/20/2013	PRINTER	00294
1449	11/20/2013	PRINTER	23714
1450	11/20/2013	PRINTER	25174
1451	11/20/2013	PRINTER	25175
1452	11/20/2013	PRINTER	25911
1453	11/20/2013	PRINTER	26130
1454	11/20/2013	PRINTER	27966
1455	11/20/2013	PRINTER	28454
1456	11/20/2013	PRINTER	30104
1457	11/20/2013	PRINTER	3043
1458	11/20/2013	PRINTER	31338
1459	11/20/2013	PRINTER	31730
1460	11/20/2013	PRINTER	32468
1461	11/20/2013	PRINTER	3413
1462	11/20/2013	PRINTER	3646
1463	11/20/2013	PRINTER	3695
1464	11/20/2013	PRINTER	3760
1465	11/20/2013	PRINTER	3833
1466	11/20/2013	PRINTER	4339
1467	11/20/2013	PRINTER	4574
1468	11/20/2013	PRINTER	4611
1469	11/20/2013	PRINTER	4640
1470	11/20/2013	PRINTER	4842
1471	11/20/2013	PRINTER	4843
1472	11/20/2013	PRINTER	4850
1473	11/20/2013	SCANNER	29739
1474	11/20/2013	TOUGHBOOK	31297
1475	11/20/2013	TOUGHBOOK	31298

Line	Date	Type	SN
1476	11/20/2013	TOUGHBOOK	31300
1477	11/20/2013	TOUGHBOOK	31301

**Leon County
Board of County Commissioners**

Notes for Agenda Item #16

Leon County Board of County Commissioners

Cover Sheet for Agenda #16

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the 2013 Concurrency Annual Report

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Development Services Director Ryan Guffey, AICP, Concurrency Management Planner

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the 2013 Concurrency Annual Report (Attachment #1).

Report and Discussion

Background:

The Board adopted a Concurrency Management Ordinance (Article III, Chapter 10 of the Leon County Code of Laws) on October 16, 1990. The purpose of the Ordinance was to effectuate the implementation of the Tallahassee-Leon County Comprehensive Plan. Section 10-3.106(c) of the Leon County Code of Laws requires that an annual status report, as outlined in the Capital Improvements Element of the Tallahassee-Leon County Comprehensive Plan, be provided to the Board.

The Capital Improvements Element of the Tallahassee-Leon County Comprehensive Plan identifies several programs to be adopted by the County to ensure the goals, objectives and policies established in that element will be maintained. One of the programs identified is the Concurrency Implementation and Monitoring Program. A component of the Concurrency Monitoring System is an annual report. The annual report is to summarize the actual capacity and forecast the projected capacities for the next five years for each of the seven concurrency facilities (roadways, solid waste, parks and recreation, stormwater management, sanitary sewer, potable water, and mass transit).

The County is the local government with sole jurisdiction over the provision of solid waste disposal services and park facilities countywide. The City of Tallahassee provides services through either inter-local or franchise agreements with the County for parks, sanitary sewer, and potable water. The annual report includes an assessment of the level of service (LOS) of each concurrency facility within the jurisdiction of the County. It also includes an evaluation of the actual LOS standards adopted in the Capital Improvements Element Policy (1.1.3) of the Tallahassee-Leon County Comprehensive Plan.

On June 6, 2008, school concurrency became effective in Leon County. The Leon County School Board (LCSB) is responsible for reviewing all residential projects within Leon County for impacts to the school system. Mitigation is required for any project that causes the LOS standard for a school or schools to be exceeded.

Analysis:

The following provides a brief summary of the Concurrency Management Annual Report for 2013:

- There are 462 roadway segments monitored in the Concurrency Management System (CMS).
- Twenty-eight (28) roadway segments are exceeding the minimum LOS adopted in the Comprehensive Plan as of December 27, 2013.
- The operation of the Gum Road Transfer Station continues to allow the CMS to meet solid waste LOS requirements by analyzing solid waste for each new development, rather than projecting landfill capacities.

- Stormwater LOS is met when the project meets the permitting requirements of the Environmental Management Act.
- Potable water capacity will be available for new development contingent on the proximity of the development to existing water service.
- Both the City and Talquin Electric Cooperative have capacity in their sanitary sewer facilities to serve existing development for the near future.
- Mass transit service to County residents within the Urban Services Area meet the adopted LOS, and it is expected to continue to do so for the next five years.
- The Capital Region Transportation Planning Agency (CRTPA) adopted the Regional Mobility Plan (RMP) in 2010. The provision of bicycle and pedestrian facilities is one area of focus within the plan. One hundred percent of concurrency mitigation funds within the Multi-Modal Transportation District (MMTD) located inside the City of Tallahassee are pipelined to bicycle, pedestrian, and transit projects. Twenty percent of concurrency mitigation funds outside of the MMTD are funneled to these types of projects.
- Leon County has 48 miles of on-street bicycle lanes, 106.7 miles of shoulder miles for bicycle use, and 80.5 miles of publicly maintained sidewalks.

Options:

1. Accept the 2013 Concurrency Management Annual Report (Attachment #1).
2. Do not accept the 2013 Concurrency Management Annual Report.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. 2013 Concurrency Management Annual Report
2. Concurrency Inventory
3. LOS Analysis for Roadway Segments Exceeding the LOS Standard
4. Inventory of Parks and Recreation Facilities

VSL/TP/DM/RC

2013 CONCURRENCY ANNUAL REPORT



Executive Summary

Transportation System Deficiencies:

Number of road segments operating below the minimum required Level of Service (LOS): 28 of 462 roadway segments monitored.

Mass Transit:

Number of Star Metro routes outside of the City limits: 2

Solid Waste:

Amount of solid waste reserved per capita in Leon County: 7.3 pounds

Parks and Recreation:

Regional Parks: The LOS standard for regional parks is 16 acres per 1,000 population. There currently exists 5,330 acres.

Resource Management Areas: There is no LOS standard for concurrency purposes. There currently exists 116,992 acres.

Area Parks: The LOS standard is 2 acres per 1,000 population. There currently exists 699 acres.

Bicycle/Pedestrian Facilities:

The LOS standard for bicycle and pedestrian facilities is 'C' on designated north/south and east/west roadways.

Amount of on-street bicycle lanes (both sides of the street): 48 miles

Paved shoulder miles for bicycle use in unincorporated Leon County: 106.7 miles

Amount of publicly maintained sidewalk miles in unincorporated Leon County: 80.5 miles

Water and Sewer Facilities:

City of Tallahassee Utilities (Water) – 83,095 residential and commercial service points.

City of Tallahassee Utilities (Sewer) – 71,172 residential and commercial service points.

Talquin Electric (Water) – 9,322 Parcels Served

Talquin Electric (Sewer) – 4,459 Parcels Served

Septic Tanks (est. from Florida Department of Health) – 38,000

ROADWAY FACILITIES

Level of Service Standards for Roadways

The adopted Level of Service (LOS) for individual roadways is a quantitative measure describing operation conditions within a traffic stream. The adopted LOS of a roadway, at the time of Comprehensive Plan adoption, is dependent on the location and functional classification of that roadway. The maximum service flow for each roadway at its adopted LOS is dependent on the prevailing roadway and traffic conditions for each County roadway segment. Each type of roadway has unique characteristics that dictate maximum service flow at the adopted LOS. In addition to roadway conditions, traffic conditions such as vehicle types, lane distribution, and directional distribution are influential factors in determining maximum service flow at the adopted LOS of a roadway. LOS standards are defined as follows:

LOS ‘A’ – The highest quality of traffic service, when motorists are able to travel at their desired speed.

LOS ‘B’ – Similar to LOS ‘A’, although the presence of other vehicles becomes noticeable.

LOS ‘C’ – The influence of increased traffic density becomes marked. The ability to maneuver within the traffic stream is affected by the presence of other vehicles.

LOS ‘D’ – The traffic flow is unstable and the ability to maneuver is severely restricted due to traffic congestion. Travel speed is reduced by the increasing volume.

LOS ‘E’ – The road is operating at or near the design capacity of the road. Disruptions in the traffic flow are not readily dissipated and regression to LOS ‘F’ occurs frequently.

LOS ‘F’ – The road is heavily congested with traffic demand exceeding the design capacity of the road.

The adoption of a maximum service volume is based on the lowest allowed LOS for the operation and maintenance of roadway facilities in a region.

Level of Service Designations for County Roadways

The Tallahassee/Leon County Comprehensive Plan (Mobility Element Policy 15.1) establishes the following peak hour minimum LOS for Tallahassee and Leon County:

Table 1

Functional Classification	Inside the USA	Outside the USA
Interstate, Intrastate, Limited Access Parkways	C	B
Principal Arterials	D	C
Minor Arterials	D / E*	C
Major and Minor Collectors	D / E*	C
Local Streets	D	D

*For Minor Arterials, and Major and Minor Collectors located inside the USA and south of U.S. 90, the LOS shall be "D" for purposes of establishing priorities for programming transportation improvements, and "E" for meeting concurrency requirements, to support the Southern Strategy. Roads north of U.S. 90 shall be LOS "D" for both programming improvement and concurrency purposes.

Capacity Constrained Facilities

In response to the increasing number of facilities that are classified as over-capacity and the limited means to address these capacity constraints, the Tallahassee-Leon County Comprehensive Plan allows some roadway segments classified as capacity constrained to be eligible for a commensurate mitigation contribution to be utilized for concurrency approval for projects that significantly impact these segments. Capacity constrained segments are segments with any of the following characteristics:

1. The improvement that would otherwise resolve the deficiency is not feasible due to environmental constraints, regulatory constraints, or prohibitively costly right-of-way demands, or;
2. The improvement that would otherwise resolve the deficiency is not desirable in that it is inconsistent with clearly defined community goals or long term plans, or;
3. The improvement that would otherwise resolve the deficiency is not desirable in that it clearly represents an economically inefficient measure that will address a public facility deficiency only on a temporary, limited basis.

In the Leon County Concurrency Management System, the following segments are identified as 'Capacity Constrained' segments and eligible for the commensurate mitigation strategy:

**TABLE 2
LEON COUNTY CMS CAPACITY CONSTRAINED ROADWAYS**

Roadway Name	Segment	Constraint Characteristic
Meridian Road	Timberlane to Maclay	#1 Environmental
North Monroe	Sessions to Fred George	#2 Community Goals
Old Bainbridge	Fred George to Capital Circle	#1 Environmental

Present Conditions

On the basis of the roadway and traffic criteria described above, and in accordance with the above-referenced standards for LOS (as of December 18, 2013), 184 segments had an adopted LOS of 'C', 243 had an adopted LOS of 'D', and 7 segments had an adopted LOS of 'E.' Of the 462 segments monitored in the Concurrency Management System, twenty-eight (28) are operating at or below the adopted LOS in either the peak or non-peak direction. Fifteen (15) of the twenty-eight (28) segments are operating below the adopted LOS, or overcapacity, based on existing traffic flow, i.e., as determined by actual traffic counts. The remaining fifteen (15) segments are operating at or below the adopted LOS due to the reservation of capacity associated with new projects or projects that are vested/exempted from the Comprehensive Plan. Available capacity is defined as the capacity of a road segment taking into consideration the existing traffic counts, the vested trips assigned to the segment and the approved projects that would be using the segment.

Attachment #2 identifies the current condition of every road monitored in the Concurrency Management System. The segments are highlighted according to their volume/capacity ratio (v/c). Segments that are currently exceeding the capacity of that portion of roadway at the adopted LOS contain red text.

Attachment #3 contains an additional analysis for every roadway segment that exceeds its operating LOS from either traffic counts or committed demand. The chart denotes every segment that is 'failing' (i.e. exceeding its capacity at the adopted LOS Standard), with the jurisdictions of each segment individually highlighted.

Mobility Fees as a Replacement for Transportation Concurrency Mitigation

Action is not pending on the mobility fee at this time. Future action on this item would require participation by both the City and the County. Coordination with the City on this matter is ongoing.

SOLID WASTE

The State requires local government to establish and maintain LOS for the disposal of solid waste, and as such is a concurrency facility. The Concurrency Management System requires solid waste monitoring pursuant to Policy 1.5.1 of the Solid Waste Sub-Element of the Utilities Element of the Tallahassee-Leon County Comprehensive Plan. The LOS for solid waste is measured in pounds per capita, per day. For the year 2013, the solid waste LOS measure was 7.3 pounds per capita, per day.

With the development of the Gum Road Transfer Station, the Leon County Concurrency Management System no longer analyzes the remaining capacity in the Leon County Landfill for new developments approved in the County. Instead, the focus is on how much solid waste is expected to be produced for each new development and how much capacity remains at the facilities outside the County's jurisdiction that are used for its solid waste.

PARKS AND RECREATION

Parks and Recreation facilities are not considered required concurrency facilities under state law. Local governments still have the option of maintaining the existing system for determining concurrency for these types of facilities. Leon County adopted LOS Standards for Regional Management Areas, Regional Area Parks, Area Parks, and Neighborhood Parks in 2009. Resource Management Areas and Neighborhood Parks are not part of the Concurrency Management System (CMS).

"Resource Management Area" is a new park category that was created to address the very large acreage of land in the Apalachicola National Forest, Lake Talquin State Forest, and Edwards Wildlife Area. These areas are a great resource to the citizens of Leon County; however, their function is primarily focused on resource management and the recreational opportunities are limited. Counting these large land holdings as part of the Tallahassee-Leon County Regional Park System would dramatically increase the acres of land per population, but would not be an accurate reflection of a broad range of recreational opportunities.

An LOS standard of 16 acres per 1,000 population was selected for Regional Parks based on increasing the standard from the existing level of 5 acres. The Florida Statewide Comprehensive Outdoor Recreation Plan recommends 5 acres per 1,000 population for parks designed to serve the recreation needs of an entire city or county.

The Area Park and Neighborhood Park LOS are 2 acres per 1,000 population. Leon County Concurrency Management will monitor new residential development to ensure the LOS for Regional and Area Parks is maintained. The LOS for Neighborhood Parks is only applicable to the City of Tallahassee. Sufficient capacity exists to meet the demands of the population for the next five years and beyond. A list of recreational facilities maintained by the Leon County Division of Parks and Recreation Department is provided as Attachment #4.

STORMWATER

Drainage is considered a concurrency facility by the Growth Management Act. The County has adopted a performance-based LOS for stormwater, which is identified in Policy 1.5.2 of the Stormwater Management Sub-Element of the Utilities Element of the Tallahassee—Leon County Comprehensive Plan. In order for new development to comply with the adopted minimum stormwater LOS, the application must demonstrate compliance with the Environmental Management Act standards for stormwater quality and rate control.

Environmental Services staff drafted a new Ordinance to implement Low Impact Design (LID) that the Board of County Commissioners adopted on December 10, 2013. LID could be defined as a comprehensive land planning and engineering design approach with a goal of maintaining and enhancing the predevelopment hydrologic conditions of developing watersheds. While traditional stormwater management infrastructure oftentimes includes unsightly pipes, outfalls, concrete channels, and fenced “square boxed” ponds, LID-based development seeks to mimic predevelopment hydrology to protect watercourses, habitat, baseflow, and groundwater recharge. Additionally, it protects water quality by minimizing the pollutant loading to surface waters from developed areas. Furthermore, LID-based stormwater mitigation can reduce the size of the aesthetically unpleasing stormwater management facilities (SWMF) that require fencing and landscaping due to unsafe side slopes.

POTABLE WATER

Potable water is a requirement of concurrency on both the State and local level. In general, on-site wells furnish County residents outside the Urban Services Area (USA) with potable water. Within the City/County Water and Sewer Agreement, certain County residents located within the USA and within a County-approved franchise area may, however, be required to connect to the City of Tallahassee or a Talquin Electric Cooperative central potable water system.

Policy 1.2.2 of the Potable Water Sub-Element of the Utilities Element of the Tallahassee-Leon County Comprehensive Plan states that the LOS standard inside the USA is 160 gallons per capita per day. Policy 1.2.3 of the Potable Water Sub-Element of the Utilities Element of the Tallahassee-Leon County Comprehensive Plan states that the LOS standard outside the USA is 100 gallons per capita per day.

According to City of Tallahassee (COT) Utilities estimates, sufficient potable water exists for development for the foreseeable future. Currently, the COT Utilities Department serves approximately 76,096 customers with potable water service in the City and County.

Talquin Electric Cooperative has indicated that capacity for new development is contingent upon the proximity of the development to existing water service. The Department of PLACE estimated that 9,322 parcels are served by Talquin Electric for water service.

SANITARY SEWER

Sanitary sewer is a requirement for concurrency at both the State and local level. The majority of the population residing within unincorporated Leon County use on-site systems, i.e. septic tanks, and in a few minor exceptions, package treatment plants, as their method of sewage treatment in the unincorporated area outside the USA. Septic tanks are permitted by the Leon County Public Health Unit of the Florida Department of Health pursuant to the Florida Administrative Code. On-site systems must also comply with the provisions of the Comprehensive Plan. The Florida Department of Environmental Protection permits package treatment plants. With the Water and Sewer Agreement, County residents located within certain portions of the USA may be required to use sanitary sewer, provided that service is available and adequate capacity available.

According to COT Utilities estimates, sufficient sewer service exists for development for the foreseeable future. Currently, the COT Utilities Department serves over 64,000 customers with sewer service in the City and County.

Talquin Electric Cooperative states that although some of the existing wastewater treatment facilities are reaching their design capacity, the current five (5) year improvement plan for these facilities will provide the necessary additional capacity to service existing and future development within its sewer franchise areas. The Department of PLACE estimated that over 4,400 parcels are served by Talquin Electric for sewer service.

The most recent estimate of the number of septic tanks in Leon County is 38,000 (Source: Florida Department of Health). The Leon County Commission voted to opt out of the mandatory inspection program for counties with Magnitude 1 springs. There are plans to have a workshop with the Board in January 2014 to discuss the findings of a study that was completed regarding the inspection program.

MASS TRANSIT

Star Metro developed a route to the North Monroe/Lake Jackson area in its role as a Community Transportation Coordinator (CTC). The goal of the service is to provide adequate transportation for the elderly, the disabled and low-income citizens that lack the ability to meet their medical, educational, employment, and life sustaining needs. This service will be curb-to-curb transportation and requires the customer to schedule the ride at least 2 hours in advance.

The Lake Jackson StarLink serves the area north of Fred George Road, east of the Leon County line, south of the intersection of North Monroe Street and Capital Circle Northwest, west of Lake

Jackson and also $\frac{3}{4}$ mile outside of the StarMetro fixed route system. The key stops will be at the Huntington Oaks Shopping Center and the Oak Valley Shopping Center. The Starlink will connect citizens in the northwest portion of Leon County with two of StarMetro's fixed routes (Big Bend and Forest) at the Huntington Oaks Shopping Center. The Lake Jackson StarLink will cover an area of approximately 11 square miles with a population of approximately 7,000.

The Lake Jackson StarLink began operation on March 25, 2013 and will operate Monday through Fridays, except for the holidays that StarMetro fixed route does not operate. Services will be available during peak times (6:00 a.m. - 9:00 a.m. and 4:00 p.m. - 7:00 pm).

BICYCLE AND PEDESTRIAN FACILITIES

The Capital Region Transportation Planning Agency (CRTPA) adopted the Regional Mobility Plan (RMP) in 2010. The provision of bicycle and pedestrian facilities is an important goal of the RMP. All concurrency mitigation dollars within the Multi-Modal Transportation District (MMTD) are used to fund bicycle, pedestrian, and transit facilities. The MMTD is located within the City limits. Areas outside of the MMTD have a different split between roadway projects and bicycle, pedestrian, and transit improvements. Concurrency mitigation in these areas are used in the following manner: 80% roadway improvements and 20% for bicycle, pedestrian, and transit projects.

SCHOOL CONCURRENCY

School concurrency became effective in Leon County in 2008, which was consistent with State law at the time. However, school concurrency is now optional under Florida Statute. Leon County still requires an application for school concurrency with new residential projects. Leon County staff has been working with the School Coordinating Committee to determine whether there should be modifications to school concurrency or the elimination of it in its entirety.

SUMMARY

Currently, the Concurrency Management System (CMS) classifies twenty-eight (28) road segments as operating at an overcapacity status due to existing traffic counts or the sum of existing counts and committed demand exceeding the adopted capacity. These roadway segments handle the majority of the traffic in the region and are located in many of the areas exhibiting the strongest demand for development.

Leon County is meeting the objectives of the Comprehensive Plan in regards to capacity for parks and recreational facilities. The parks and recreation needs of Leon County should be met for the future based on the LOS.

According to officials from the Springhill Landfill in Jackson County, there is sufficient capacity in the landfill to service Leon County for forty-two (42) years. Local utility providers have also stated their ability to service the residents of Leon County for the foreseeable future.

Star Metro added service to the North Monroe/Lake Jackson area in March, 2013. This route has been a success. As demand continues to increase, one can expect further routes into the unincorporated County based on need.

2012

01/02/2014
Weekday

Concurrency Street Inventory as of Jan 2, 2014

IMPORTANT NOTES:

- (1) This document is subject to frequent revisions as new data is obtained
- (2) For an electronic copy, e-mail guffeyr@leoncountyfl.gov or phone (850) 606-1300
- (3) Peak direction segments indicated by PD in 2nd Column.
- (4) All data pertains to the p.m. peak hour.
- (5) Capacities reflect improvements anticipated for letting within 1 year.

Seg#	Road	Segment	Dir	A D O P T. L O S	Capacity	Actual 2012 Pm. Pk Hr. Dir. Vol.	Total Com- mitted Demand	Total Demand	Available Capacity	V/C Ratio
2012		01/02/2014								
10100	Acadian Boulevard	Weems to Sabine	EB	E	1420	1	29	30	1390	2.11%
10101	Acadian Boulevard	Sabine to Weems	WB	E	1420	1	0	1	1419	0.07%
10130	Acadian Boulevard	Sabine to Fallschase	EB	E	1420	1	15	16	1404	1.13%
10131	Acadian Boulevard	Fallschase to Sabine	WB	E	1420	1	3	4	1416	0.28%
11440	Aenon Church Road	Sullivan to Blountstown	NB	D	740	56	2	58	682	7.84%
11441	Aenon Church Road	Blountstown to Sullivan	SB	D	740	39	3	42	698	5.68%
11450	Aenon Church Road	Blountstown to Gum	NB	D	740	140	291	431	309	58.24%
11451	Aenon Church Road	Gum to Blountstown	SB	D	740	157	223	380	360	51.35%
11460	Aenon Church Road	Gum to Tennessee	NB	D	740	137	236	373	367	50.41%
11461	Aenon Church Road	Tennessee to Gum	SB	D	740	213	55	268	472	36.22%
12840	Apalachee Parkway	Conner Ext. to Williams Road	EB	D	1960	1570	246	1816	144	92.64%
12841	Apalachee Parkway	Williams Road to Conner Ext	WB	D	1960	507	345	852	1108	43.48%
12860	Apalachee Parkway	Williams Road to Chaires	EB	D	2800	1065	135	1200	1600	42.85%
12861	Apalachee Parkway	Chaires to Williams Rd	WB	D	2800	369	72	441	2359	15.74%
12880	Apalachee Parkway	Chaires to Jefferson County	EB	C	2800	365	92	457	2343	16.31%
12881	Apalachee Parkway	Jefferson County to Chaires	WB	C	2800	294	10	304	2496	10.86%
13150	Arendell Way	Mahan to Miccosukee	NB	D	1120	14	81	95	1025	8.51%
13151	Arendell Way	Miccosukee to Mahan	SB	D	1120	12	21	33	1087	2.93%
13460	Balkin Rd	Capital Circle to Ballard	EB	D	740	48	6	54	686	7.30%
13461	Balkin Rd	Ballard to Capital Circle	WB	D	740	51	2	53	687	7.16%
13470	Ballard Rd	Balkin to Rainbow	NB	D	740	70	4	74	666	9.97%
13471	Ballard Rd	Rainbow to Balkin	SB	D	740	68	6	74	666	9.95%
13500	Bannerman Road	Meridian to Preservation	EB	D	1140	335	101	436	704	38.25%
13501	Bannerman Road	Preservation to Meridian	WB	D	1140	297	8	305	835	26.75%

13540	Bannerman Road	Bull Headley to Tekesta Rd	EB	D	1140	300	342	642	498	56.32%
13541	Bannerman Road	Tekesta Rd to Bull Headley	WB	D	1140	201	111	312	828	27.37%
13560	Bannerman Road	Tekesta to Thomasville	EB	D	1140	558	31	589	551	51.65%
13561	Bannerman Road	Thomasville to Tekesta	WB	D	1140	1172	183	1355	-215	118.87%
13650	Barineau Road	Blountstown to Tennessee	NB	D	740	100	186	286	454	38.65%
13651	Barineau Road	Tennessee to Blountstown	SB	D	740	125	69	194	546	26.22%
13820	Baum Rd	Capitola to Wadesboro	NB	C	430	63	49	112	318	26.14%
13821	Baum Rd	Wadesboro to Capitola	SB	C	430	80	29	109	321	25.43%
13840	Baum Rd	Wadesboro to 90 East	NB	C	430	62	22	84	346	19.53%
13841	Baum Rd	90 East to Wadesboro	SB	C	430	46	1	47	383	10.93%
13860	Baum Rd	90 East to Miccosukee	NB	C	430	23	16	39	391	9.00%
13861	Baum Rd	Miccosukee to 90 East	SB	C	430	21	26	47	384	10.81%
13880	Beech Ridge Trail	Bannerman to Kinhega	NB	D	1140	1	2	3	1137	0.26%
13881	Beech Ridge Trail	Kinhega to Bannerman	SB	D	1140	1	3	4	1136	0.35%
14340	Benjamin Chaires Rd	Capitola to Buck Lake	NB	C	430	21	14	35	395	8.14%
14341	Benjamin Chaires Rd	Buck Lake to Capitola	SB	C	430	26	1	27	403	6.28%
15740	Blountstown Highway	Liberty County to Smith Cre	EB	C	430	125	18	143	287	33.26%
15741	Blountstown Highway	Smith Creek to Liberty Cour	WB	C	430	220	37	257	173	59.71%
15760	Blountstown Highway	Smith Creek to Ben Stoutan	EB	C	430	106	19	125	305	29.07%
15761	Blountstown Highway	Ben Stoutamire to Smith Cr	WB	C	430	262	43	305	125	70.86%
15780	Blountstown Highway	Ben Stoutamire to William's	EB	C	430	150	26	176	254	40.93%
15781	Blountstown Highway	William's Landing to Ben St	WB	C	430	472	85	557	-127	129.42%
15800	Blountstown Highway	William's Landing to Coe's L	EB	C	430	137	30	167	263	38.84%
15801	Blountstown Highway	Coe's Landing to William's L	WB	C	430	548	89	637	-207	148.14%
15820	Blountstown Highway	Coe's Landing to Geddie Rd	EB	C	1451	278	167	445	1006	30.67%
15821	Blountstown Highway	Geddie Rd to Coe's Landing	WB	C	800	844	189	1033	-233	129.13%
15840	Blountstown Highway	Geddie Rd to Aenon Church	EB	D	1120	264	202	466	654	41.61%
15841	Blountstown Highway	Aenon Church to Geddie Rd	WB	D	1120	724	200	924	196	82.50%
15860	Blountstown Highway	Aenon Church to Capital Cir	EB	D	1140	355	370	725	415	63.60%
15861	Blountstown Highway	Capital Circle to Aenon Chu	WB	D	1140	723	427	1150	-10	100.86%
16000	Bloxham Cutoff	SR 20 to National Forest Rt	EB	C	430	59	1	60	370	13.94%
16001	Bloxham Cutoff	National Forest Rt 367 to SF	WB	C	430	53	0	53	377	12.33%
16050	Bloxham Cutoff	National Forest Rt 367 to W	EB	C	430	58	0	58	372	13.49%
16051	Bloxham Cutoff	Wakulla Co to National Fore	WB	C	430	76	0	76	354	17.67%
16830	Bradfordville Road	Thomasville to Velda Dairy	EB	D	720	319	122	441	279	61.20%
16831	Bradfordville Road	Velda Dairy to Thomasville	WB	D	720	488	147	635	85	88.23%
16840	Bradfordville Road	Velda Dairy to Pisgah Churc	EB	D	720	250	142	392	328	54.39%

16841	Bradfordville Road	Pisgah Church to Velda Dai	WB	D	720	291	167	458	262	63.64%
16850	Bradfordville Road	Centerville to Pisgah	NB	C	430	366	110	476	-46	110.71%
16851	Bradfordville Road	Pisgah to Centerville	SB	C	430	154	14	168	262	38.99%
18900	Buck Lake Road	Mahan to Fallschase	EB	E	1800	881	657	1538	262	85.44%
18901	Buck Lake Road	Fallschase to Mahan	WB	E	1800	383	647	1030	770	57.22%
19000	Buck Lake Road	Fallschase to Davis	EB	E	1800	245	363	608	1192	33.78%
19001	Buck Lake Road	Davis to Fallschase	WB	E	1800	894	247	1141	659	63.40%
19050	Buck Lake Road	Davis to Pedrick	EB	E	820	581	131	712	108	86.84%
19051	Buck Lake Road	Pedrick to Davis	WB	E	820	459	138	597	223	72.82%
19100	Buck Lake Road	Pedrick to Walden	EB	E	820	380	127	507	313	61.85%
19101	Buck Lake Road	Walden to Pedrick	WB	E	820	227	148	375	445	45.73%
19160	Buck Lake Road	Walden to Hill & Dale	EB	E	820	143	94	237	583	28.90%
19161	Buck Lake Road	Hill & Dale to Walden	WB	C	800	110	46	156	645	19.44%
19180	Buck Lake Road	Hill & Dale to Chaires Cross	EB	C	800	145	35	180	620	22.50%
19181	Buck Lake Road	Chaires Cross to Hill & Dale	WB	C	800	104	50	154	647	19.19%
19200	Buck Lake Road	Chaires Cross to Benjamin C	EB	C	800	155	40	195	605	24.38%
19201	Buck Lake Road	Benjamin Chaires to Chaire	WB	C	430	92	18	110	320	25.58%
19220	Buck Lake Road	Benjamin Chaires to Baum	EB	C	430	132	24	156	274	36.28%
19221	Buck Lake Road	Baum to Benjamin Chaires	WB	C	430	47	17	64	366	14.88%
19240	Buck Lake Road	Baum to Capitola	EB	C	430	150	10	160	270	37.21%
19241	Buck Lake Road	Capitola to Baum	WB	C	430	62	2	64	366	14.88%
19280	Bull Headley Rd	Bannerman to Lloyd Cove R	NB	D	740	354	55	409	331	55.24%
19281	Bull Headley Rd	Lloyd Cove Rd to Bannerma	SB	D	740	182	4	186	554	25.14%
23800	Capital Circle	Crawfordville to Woodville	EB	D	1960	713	473	1186	774	60.51%
23801	Capital Circle	Woodville to Crawfordville	WB	D	1960	1272	516	1788	172	91.22%
23900	Capital Circle	Crawfordville to Southbrook	NW	D	1960	677	418	1095	865	55.87%
23901	Capital Circle	Southbrook Entrance to Cra	SE	D	1960	595	542	1137	823	58.02%
23950	Capital Circle	Southbrook Entrance to Spr	NW	D	1960	541	272	813	1147	41.48%
23951	Capital Circle	Spring Hill to Southbrook Er	SE	D	880	507	286	793	87	90.11%
24350	Capital Circle	Gum to Tennessee	NB	D	2524	1144	634	1778	746	70.44%
24351	Capital Circle	Tennessee to Gum	SB	D	2667	893	504	1397	1270	52.38%
24720	Capital Circle	I-10 to Fred George	NB	D	880	987	947	1934	-1054	219.77%
24721	Capital Circle	Fred George to I-10	SB	D	880	579	553	1132	-252	128.64%
24740	Capital Circle	Fred George to Old Bainbrid	NB	D	880	951	443	1394	-514	158.41%
24741	Capital Circle	Old Bainbridge to Fred Geoi	SB	D	880	591	160	751	129	85.34%
24760	Capital Circle	Old Bainbridge to North Mor	NB	D	880	852	577	1429	-549	162.39%
24761	Capital Circle	North Monroe to Old Bainbri	SB	D	880	515	119	634	246	72.05%
24840	Capitola Road	Chaires to Benjamin Chaire	EB	C	430	135	83	218	212	50.71%

24841	Capitola Road	Benjamin Chaires to Chaire:	WB	C	430	49	5	54	376	12.49%
24850	Capitola Rd	Benjamin Chaires to Cap Tr	EB	C	430	165	66	231	199	53.73%
24851	Capitola Rd	Cap Tram/Baum to Benjam	WB	C	430	48	5	53	377	12.26%
24860	Capitola Road	Baum to Jefferson County	EB	C	430	126	52	178	252	41.49%
24861	Capitola Road	Jefferson County to Baum	WB	C	430	57	4	61	369	14.14%
24880	Cap Tram Rd	Apalachee Pkwy to Capitola	NB	C	430	14	55	69	361	15.94%
24881	Cap Tram Rd	Capitola to Apalachee Pkwy	SB	C	430	6	6	12	418	2.79%
26130	Centerville Road	Pimlico to Bradfordville	NB	D	1120	463	44	507	613	45.24%
26131	Centerville Road	Bradfordville to Pimlico	SB	D	1120	95	54	149	971	13.29%
26150	Centerville Road	Bradfordville to Pisgah	NB	C	430	169	2	171	259	39.77%
26151	Centerville Road	Pisgah to Bradfordville	SB	C	430	66	35	101	329	23.49%
26170	Centerville Road	Pisgah to Proctor	NB	C	430	167	11	178	252	41.40%
26171	Centerville Road	Proctor to Pisgah	SB	C	430	81	30	111	319	25.81%
26190	Centerville Road	Proctor to Moccasin Gap	NB	C	430	179	4	183	247	42.56%
26191	Centerville Road	Moccasin Gap to Proctor	SB	C	430	66	0	66	364	15.37%
26210	Centerville Road (Dirt)	Moccasin Gap to County Lin	NB	C	430	17	2	19	411	4.51%
26211	Centerville Road (Dirt)	County Line N. to Moccasin	SB	C	430	9	0	9	421	2.09%
26240	Chaires Crossroads	U.S. 27 to Capitola	NB	C	430	481	218	699	-269	162.52%
26241	Chaires Crossroads	Capitola to U.S. 27	SB	C	430	253	118	371	59	86.30%
26260	Chaires Crossroads	Capitola to Buck Lake	NB	C	430	160	106	266	164	61.81%
26261	Chaires Crossroads	Buck Lake to Capitola	SB	C	430	221	203	424	6	98.70%
26280	Chaires Crossroads	Buck Lake to Mahan	NB	C	430	159	118	277	153	64.32%
26281	Chaires Crossroads	Mahan to Buck Lake	SB	C	430	136	168	304	126	70.71%
28000	Commonwealth Ext W.	Lowe's/Capital Walk Entranc	EB	D	1140	208	0	208	932	18.25%
28001	Commonwealth Ext W.	CCNW to Lowes/Capital Wa	WB	D	1140	180	2	182	958	15.96%
29340	Crawfordville Road	Wakulla Co. to Oak Ridge R	NB	C	380	297	13	310	70	81.58%
29341	Crawfordville Road	Oak Ridge Rd to Wakulla C	SB	C	1130	1078	29	1107	23	98.01%
29360	Crawfordville Road	Oak Ridge Rd to SR 61	NB	C	805	501	83	584	221	72.55%
29361	Crawfordville Road	SR 61 to Oak Ridge Rd	SB	C	1140	1844	85	1929	-789	169.23%
29420	Crawfordville Road	SR 61 to Munson	NB	C	2040	301	0	301	1739	14.75%
29421	Crawfordville Road	Munson to SR 61	SB	C	2040	1209	116	1325	715	64.96%
29460	Crawfordville Road	Munson to Capital Circle	NB	C	2040	538	50	588	1452	28.82%
29461	Crawfordville Road	Capital Circle to Munson	SB	C	2040	1334	26	1360	680	66.68%
29500	Crawfordville Road	Capital Circle to Shelfer	NB	D	1960	521	94	615	1345	31.38%
29501	Crawfordville Road	Shelfer to Capital Circle	SB	D	1960	1498	65	1563	397	79.75%
29540	Crawfordville Road	Shelfer to Gaile/Ridge	NB	D	1960	528	93	621	1339	31.69%
29541	Crawfordville Road	Gaile/Ridge to Shelfer	SB	D	1960	1374	62	1436	524	73.27%

29560	Cromartie Road	Veterans Memorial to Magnolia	WB	C	430	22	4	26	404	6.05%
29561	Cromartie Road	Magnolia Road to Veterans	EB	C	430	26	9	35	395	8.14%
29580	Crossway Road	Crawfordville to Shelfer	EB	D	1120	32	17	49	1071	4.34%
29581	Crossway Road	Shelfer to Crawfordville	WB	D	1120	72	2	74	1046	6.58%
29600	Crossway Road	Shelfer to Woodville	EB	D	1120	62	16	78	1042	6.96%
29601	Crossway Road	Woodville to Shelfer	WB	D	1120	41	0	41	1079	3.66%
29620	Crowder Road	Monroe to Lake	NE	D	740	283	62	345	395	46.60%
29621	Crowder Road	Lake to Monroe	SW	D	740	287	9	296	444	39.98%
29640	Crump Rd	Mahan to Miles Johnson	NB	C	430	227	168	395	35	91.87%
29641	Crump Rd	Miles Johnson to Mahan	SB	C	430	123	48	171	259	39.68%
29660	Crump Rd	Miles Johnson to Miccosukee	NB	C	430	319	136	455	-25	105.87%
29661	Crump Rd	Miccosukee to Miles Johnson	SB	C	430	258	30	288	142	66.98%
29680	Crump Rd	Miccosukee to Roberts	NB	C	430	199	65	264	166	61.33%
29681	Crump Rd	Roberts to Miccosukee	SB	C	430	175	20	195	235	45.31%
29700	Deerlake Road North	Turkey Run to Golden Eagle	SB	D	1140	361	19	380	760	33.33%
29701	Deerlake Road North	Golden Eagle West to Turkey	NB	D	1140	480	13	493	647	43.26%
29720	Deerlake Road South	Golden Eagle West to Tekesta	EB	D	1140	150	10	160	980	14.06%
29721	Deerlake Road South	Tekesta to Golden Eagle West	WB	D	1140	254	18	272	868	23.85%
29740	Deerlake Road East	Tekesta to Kinhega	EB	D	1140	114	30	144	996	12.64%
29741	Deerlake Road East	Kinhega to Tekesta	WB	D	1140	166	18	184	956	16.13%
29760	Deerlake Road East	Kinhega to Golden Eagle Drive	NB	D	1140	217	42	259	881	22.75%
29761	Deerlake Road East	Golden Eagle Drive to Kinhega	SB	D	1140	107	17	124	1016	10.87%
29820	Dempsey Mayo Road	Mahan to Miccosukee	NB	D	572	127	70	197	375	34.44%
29821	Dempsey Mayo Road	Miccosukee to Mahan	SB	D	572	186	123	309	263	54.02%
32250	Edenfield Road	Mahan to Miccosukee	NB	D	1140	58	23	81	1059	7.08%
32251	Edenfield Road	Miccosukee to Mahan	SB	D	1140	67	71	138	1002	12.07%
32350	Elgin Road	Wakulla County to Woodville	NE	C	430	44	0	44	386	10.23%
32351	Elgin Road	Woodville Hwy to Wakulla County	SW	C	430	80	1	81	349	18.84%
32850	County Rd 12 (Fairbanks)	Ochlockonee River to Meridian	EB	C	430	84	0	84	346	19.53%
32851	County Rd 12 (Fairbanks)	Meridian to Ochlockonee River	WB	C	430	132	2	134	296	31.15%
32960	Fallschase Parkway	Acadian Blvd to Mahan Drive	NB	E	1440	1	158	159	1281	11.02%
32961	Fallschase Parkway	Mahan Drive to Acadian Blvd	SB	E	1440	1	480	481	959	33.41%
33550	Forward Pass Trail	Pimlico to Whirlaway	NB	D	740	22	0	22	718	2.97%
33551	Forward Pass Trail	Whirlaway to Pimlico	SB	D	740	15	0	15	725	2.03%
34750	Fred George	Capital Circle to Mission	EB	D	1120	252	149	401	719	35.80%
34751	Fred George	Mission to Capital Circle	WB	D	1120	301	43	344	776	30.73%
34950	Fuller Rd	Doris to Livingston	EB	D	740	11	0	11	729	1.49%

34951	Fuller Rd	Livingston to Doris	WB	D	740	18	0	18	722	2.43%
37500	Gearhart Rd	Capital Circle to Mission	EB	D	740	185	184	369	371	49.92%
37501	Gearhart Rd	Mission to Capital Circle NW	WB	D	740	144	45	189	551	25.56%
37550	Geddie Road	Blountstown to Tennessee	NB	D	740	228	3	231	509	31.22%
37551	Geddie Road	Tennessee to Blountstown	SB	D	740	323	70	393	347	53.14%
38450	Grenville	Pisgah to Proctor	NB	C	740	41	2	43	697	5.79%
38451	Grenville	Proctor to Pisgah	SB	C	740	30	1	31	709	4.18%
38770	Gum Rd	Aenon Church to Capital Cr.	EB	D	740	39	24	63	677	8.51%
38771	Gum Rd	Capital Cr. to Aenon Church	WB	D	740	56	5	61	679	8.24%
40140	County Rd 12 (Iamonia)	Meridian to Beadle	EB	C	430	26	8	34	396	8.01%
40141	County Rd 12 (Iamonia)	Beadle to Meridian	WB	C	430	33	1	34	396	7.89%
40160	County Rd 12 (Iamonia)	Beadle to Thomasville	EB	C	430	40	8	48	382	11.25%
40161	County Rd 12 (Iamonia)	Thomasville to Beadle	WB	C	430	51	10	61	369	14.30%
40350	Interstate 10	Gadsden County to Capital C	EB	B	4320	2063	66	2129	2191	49.28%
40351	Interstate 10	Capital Circle to Gadsden C	WB	B	4320	1265	87	1352	2968	31.30%
41150	Interstate 10	90 East to Jefferson County	EB	B	4320	2033	241	2274	2046	52.63%
41151	Interstate 10	Jefferson County to 90 East	WB	B	4320	1056	20	1076	3244	24.91%
43550	Kinhega Drive	Thomasville to Beech Ridge	NB	D	1140	557	152	709	431	62.19%
43551	Kinhega Drive	Beech Ridge to Thomasville	SB	D	1140	331	47	378	762	33.16%
43580	Kinhega Drive	Beech Ridge to Deerlake	NB	D	1140	683	134	817	323	71.69%
43581	Kinhega Drive	Deerlake to Beech Ridge	SB	D	1140	330	48	378	762	33.16%
44300	Lake Bradford Road (SW)	Capital Circle to Orange	NB	D	1140	53	171	224	917	19.61%
44301	Lake Bradford Road (SW)	Orange to Capital Circle	SB	D	1140	80	17	97	1043	8.47%
45000	Lake Shore, E	Monroe to Sharer Rd	NW	D	1140	162	5	167	973	14.69%
45001	Lake Shore, E	Sharer Rd to Monroe	SE	D	1140	111	18	129	1011	11.35%
45100	Lake Shore, N	Meridian to Sharer Rd	NE	D	1140	93	7	100	1040	8.74%
45101	Lake Shore, N	Sharer Rd to Meridian	SW	D	1140	55	1	56	1084	4.95%
45850	Livingston Rd	Fuller to Monroe	SB	D	1140	22	0	22	1118	1.93%
45851	Livingston Rd	Monroe to Fuller	NB	D	1140	51	0	51	1089	4.47%
46100	Lonnie Rd	Dempsey Mayo to Miccosuk	NB	D	1140	12	51	63	1077	5.53%
46101	Lonnie Rd	Miccosukee to Dempsey Ma	SB	D	1140	64	139	203	937	17.76%
46130	Louvinia	Williams Rd to Louvinia Ct	NB	C	1140	78	20	98	1042	8.60%
46131	Louvinia	Louvinia Ct to Williams Rd	SB	C	1140	55	29	84	1056	7.37%
46150	Louvinia	Louvinia Ct. to Old St Augus	NB	C	1140	75	21	96	1044	8.42%
46151	Louvinia	Old St. Augustine to Louvini	SB	C	1140	211	29	240	900	21.03%
46170	Louvinia	Old St. Augustine to US 27	NB	D	1140	98	22	120	1020	10.53%
46171	Louvinia	US 27 to Old St. Augustine	SB	D	1140	194	36	230	910	20.18%

46600	Maclay Rd	Meridian to Maclay Blvd	EB	D	1120	367	4	371	749	33.13%
46601	Maclay Rd	Maclay Blvd to Meridian	WB	D	1120	434	44	478	642	42.66%
49150	McCracken Road	Miccosukee Road to Baum	EB	C	780	22	26	48	732	6.21%
49151	McCracken Road	Baum Road to Miccosukee	WB	C	780	6	3	9	771	1.15%
50500	Meridian Road	Henderson to Timberlane	NB	D	1100	980	45	1025	75	93.18%
50501	Meridian Road	Timberlane to Henderson	SB	D	1100	434	15	449	651	40.82%
50600	Meridian Road	Timberlane to Maclay	NB	D	1100	879	100	979	121	89.00%
50601	Meridian Road	Maclay to Timberlane	SB	D	1100	361	29	390	710	35.45%
50800	Meridian Road	Ox Bottom to Bannerman	NB	D	1100	187	52	239	861	21.73%
50801	Meridian Road	Bannerman to Ox Bottom	SB	D	1100	130	41	171	929	15.55%
50830	Meridian Road	Bannerman to Orchard Pond	NB	D	1100	107	32	139	961	12.64%
50831	Meridian Road	Orchard Pond to Bannerman	SB	D	1100	64	131	195	905	17.73%
50860	Meridian Road	Orchard Pond to Georgia	NB	C	1100	98	23	121	979	11.00%
50861	Meridian Road	Georgia to Orchard Pond	SB	C	1100	83	6	89	1011	8.09%
52600	Miccosukee Road	Fleischmann to Dempsey M	EB	D	1140	622	226	848	292	74.39%
52601	Miccosukee Road	Dempsey Mayo to Fleischm	WB	D	1140	177	165	342	798	30.00%
52700	Miccosukee Road	Dempsey Mayo to Thornton	NE	D	740	507	162	669	71	90.39%
52701	Miccosukee Road	Thornton to Dempsey Mayo	SW	D	740	146	107	253	488	34.12%
52750	Miccosukee Road	Thornton to Miles Johnson	NE	D	740	326	183	509	231	68.77%
52751	Miccosukee Road	Miles Johnson to Thornton	SW	D	740	90	72	162	579	21.82%
52800	Miccosukee Road	Miles Johnson to Crump	NE	D	740	204	112	316	424	42.66%
52801	Miccosukee Road	Crump to Miles Johnson	SW	D	740	54	16	70	670	9.46%
52820	Miccosukee (Cr 347)	Crump to McCracken	NE	C	740	105	41	146	594	19.68%
52821	Miccosukee (Cr 347)	McCracken to Crump	SW	C	740	39	6	45	695	6.08%
52840	Miccosukee (Cr 347)	McCracken to Baum	NE	C	740	38	13	51	689	6.89%
52841	Miccosukee (Cr 347)	Baum to McCracken	SW	C	740	17	4	21	719	2.84%
52860	Miccosukee (Cr 347)	Baum to Moccasin Gap	NE	C	740	24	1	25	715	3.38%
52861	Miccosukee (Cr 347)	Moccasin Gap to Baum	SW	C	740	36	1	37	703	5.00%
52930	Miles Johnson Rd	Miccosukee to Crump	SE	C	430	115	1	116	314	26.98%
52931	Miles Johnson Rd	Crump to Miccosukee	NW	C	430	65	2	67	363	15.58%
52950	Miller Landing Road	Miller Landing to Meridian	EB	C	430	57	0	57	373	13.26%
52951	Miller Landing Road	Meridian to Miller Landing	WB	C	430	129	0	129	301	30.00%
54450	Moccasin Gap Road	Centerville to Veterans Merr	EB	C	430	63	7	70	360	16.28%
54451	Moccasin Gap Road	Veterans Memorial to Cente	WB	C	430	39	1	40	390	9.30%
58000	Monroe Street	Sams/Sessions to Fred Gec	NW	D	1960	2155	456	2611	-651	133.21%
58001	Monroe Street	Fred George to Sams/Sessi	SW	D	1960	1130	245	1375	585	70.15%
58030	Monroe Street	Fred George to Faulk/Perkir	NW	D	1960	1188	469	1657	303	84.52%

58031	Monroe Street	Faulk/Perkins to Fred George	SW	D	1960	577	372	949	1011	48.42%
58050	Monroe Street	Faulk/Perkins to Capital Circle	NW	D	1960	1103	389	1492	468	76.10%
58051	Monroe Street	Capital Circle to Faulk/Perkins	SW	D	1960	551	416	967	993	49.34%
58080	Monroe Street	Capital Circle to Gadsden County	NW	C	2210	1553	142	1695	515	76.70%
58081	Monroe Street	Gadsden County to Capital Circle	SW	C	2210	727	57	784	1426	35.48%
58730	Natural Bridge Road	Woodville to Register	EB	C	430	78	44	122	308	28.37%
58731	Natural Bridge Road	Register to Woodville	WB	C	430	52	34	86	344	20.00%
58740	Natural Bridge	Register to Old Plank	EB	C	430	39	1	40	390	9.30%
58741	Natural Bridge	Old Plank to Register	WB	C	430	36	0	36	394	8.37%
58750	Natural Bridge (Dirt)**	Old Plank to Jim French	EB	C	430	48	30	78	352	18.07%
58751	Natural Bridge (Dirt)**	Jim French to Old Plank	WB	C	430	34	30	64	366	14.82%
59030	Oak Ridge Road	Crawfordville Hwy to SR 61	EB	C	430	59	6	65	365	15.12%
59031	Oak Ridge Road	SR 61 to Crawfordville Hwy	WB	C	430	68	10	78	352	18.14%
59050	Oak Ridge Road	SR 61 to Woodville Hwy	EB	C	430	133	26	159	271	36.89%
59051	Oak Ridge Road	Woodville Hwy to SR 61	WB	C	430	233	13	246	184	57.21%
59070	Oak Ridge Road	Woodville Hwy to Taff	EB	C	430	49	18	67	363	15.58%
59071	Oak Ridge Road	Taff to Woodville Hwy	WB	C	430	59	5	64	366	14.88%
60100	Old Bainbridge	Stone to Fred George	NW	D	1140	541	195	736	404	64.56%
60101	Old Bainbridge	Fred George to Stone	SE	D	1140	262	196	458	682	40.18%
60200	Old Bainbridge	Fred George to Capital Circle	NW	D	1140	430	68	498	642	43.68%
60201	Old Bainbridge	Capital Circle to Fred George	SE	D	1140	241	66	307	833	26.93%
60230	Old Bainbridge	Monroe to Lake Jackson Landing	NB	C	2210	471	156	627	1583	28.37%
60231	Old Bainbridge	Lake Jackson Landing to Monroe	SB	C	2210	184	14	198	2012	8.96%
60260	Old Bainbridge	Lake Jackson Landing to Gadsden	NB	C	2210	299	155	454	1756	20.54%
60261	Old Bainbridge	Gadsden to Lake Jackson Landing	SB	C	2210	104	18	122	2088	5.52%
60300	Old Magnolia Road (Dirt)	U.S. 90 to Sun Ray	NB	C	430	60	7	67	363	15.58%
60301	Old Magnolia Road (Dirt)	Sun Ray to US 90	SB	C	430	36	7	43	387	10.00%
60320	Old Magnolia Road (Dirt)	Sun Ray to TS Green	NB	C	430	14	38	52	378	11.98%
60321	Old Magnolia Road (Dirt)	TS Green to Sun Ray	SB	C	430	6	84	90	340	20.93%
60330	Old Plank	Wakulla Co. to Natural Bridge	NB	C	430	57	0	57	373	13.26%
60331	Old Plank	Natural Bridge to Wakulla County	SB	C	430	59	0	59	371	13.72%
60340	Old Plank	Natural Bridge to Goodwin Cemetery	NB	C	430	38	0	38	392	8.84%
60341	Old Plank	Goodwin Cemetery to Natural Bridge	SB	C	430	77	0	77	353	17.91%
60800	Old St. Augustine	Southwood to Williams	EB	D	430	253	90	343	87	79.83%
60801	Old St. Augustine	Williams to Southwood	WB	D	430	71	16	87	343	20.22%
60830	Old St. Augustine	Williams to Louvinia	EB	D	430	148	25	173	257	40.19%
60831	Old St. Augustine	Louvinia to Williams	WB	D	430	30	3	33	397	7.66%

60860	Old St. Augustine (Dirt)	Louvinia to WW Kelley	EB	D	430	171	8	179	251	41.63%
60861	Old St. Augustine (Dirt)	WW Kelley to Louvinia	WB	D	430	22	0	22	408	5.12%
62430	Orchard Pond Road (Dirt)	Old Bainbridge to Buck Pond	EB	C	430	26	141	167	263	38.84%
62431	Orchard Pond Road (Dirt)	Buck Pond to Old Bainbridge	WB	C	430	20	10	30	400	6.90%
62460	Orchard Pond Road (Dirt)	Buck Pond to Meridian	EB	C	430	22	142	164	266	38.14%
62461	Orchard Pond Road (Dirt)	Meridian to Buck Pond	WB	C	430	15	9	24	406	5.58%
62500	Ox Bottom Road	Meridian to Kerry Forest Ext	EB	D	1100	306	13	319	781	29.00%
62501	Ox Bottom Road	Kerry Forest Ext. to Meridian	WB	D	1100	517	1	518	582	47.09%
62600	Ox Bottom Road	Kerry Forest Ext. to Thomas	EB	D	1100	231	20	251	849	22.82%
62601	Ox Bottom Road	Thomasville Rd to Kerry For	WB	D	1100	258	27	285	815	25.91%
64520	Paul Russell Rd Ext.	Woodville Highway to Powe	NE	D	1140	1	14	15	1125	1.32%
64521	Paul Russell Rd Ext.	Powerline to Woodville High	SW	D	1140	1	132	133	1007	11.67%
65130	Pedrick Rd	Buck Lake to Mahan	NB	D	572	175	119	294	278	51.46%
65131	Pedrick Rd	Mahan to Buck Lake	SB	D	572	217	68	285	287	49.83%
65200	Pensacola	Capital Circle to Nina	EB	E	809	574	603	1177	-368	145.42%
65201	Pensacola	Nina to Capital Circle	WB	E	1079	959	278	1237	-158	114.61%
67050	Perkins	Old Bainbridge to N. Monroe	NE	D	1140	186	93	279	861	24.44%
67051	Perkins	N. Monroe to Old Bainbridge	SW	D	1140	163	5	168	972	14.73%
67180	Pimlico	Clarecastle to Whirlaway	NW	D	1140	35	0	35	1105	3.07%
67181	Pimlico	Whirlaway to Clarecastle	SE	D	1140	26	0	26	1114	2.28%
67200	Pimlico	Clarecastle to Centerville	EB	D	1140	65	4	69	1071	6.05%
67201	Pimlico	Centerville to Clarecastle	WB	D	1140	49	11	60	1080	5.26%
67220	Pisgah Church Road (Dirt)	Bradfordville to Centerville	EB	C	430	91	55	146	284	33.93%
67221	Pisgah Church Road (Dirt)	Centerville to Bradfordville	WB	C	430	44	66	110	320	25.58%
67450	Proctor Road	Roberts to Centerville	NB	C	430	72	47	119	311	27.60%
67451	Proctor Road	Centerville to Roberts	SB	C	430	30	2	32	398	7.43%
68050	Rhoden Cove	Meridian to Lake	WB	D	740	141	1	142	598	19.19%
68051	Rhoden Cove	Lake to Meridian	EB	D	740	76	1	77	663	10.41%
68740	Roberts	Centerville to Crump	EB	C	430	191	13	204	226	47.40%
68741	Roberts	Crump to Centerville	WB	C	430	183	80	263	167	61.17%
68770	Rococo Road	Veterans Memorial to Old M	EB	C	430	14	10	24	406	5.51%
68771	Rococo Road	Old Magnolia to Veterans M	WB	C	430	16	5	21	409	4.81%
68800	Ross Road	Crawfordville to Shelfer	EB	D	1140	103	10	113	1027	9.95%
68801	Ross Road	Shelfer to Crawfordville	WB	D	1140	80	2	82	1058	7.16%
68830	Ross Road	Shelfer to Woodville	EB	D	1140	114	9	123	1017	10.79%
68831	Ross Road	Woodville to Shelfer	WB	D	1140	142	8	150	990	13.16%
70350	Shady Oaks	Monroe to Ruth	NB	D	430	64	0	64	366	14.88%

70351	Shady Oaks	Ruth to Monroe	SB	D	430	58	0	58	372	13.49%
71100	Sharer Rd	Locksley to Lake Shore	NB	D	430	112	1	113	317	26.26%
71101	Sharer Rd	Lake Shore to Locksley	SB	D	430	46	0	46	384	10.70%
71150	Shelfer Rd	Capital Circle to Crossway	NB	D	430	85	52	137	293	31.86%
71151	Shelfer Rd	Crossway to Capital Circle	SB	D	430	82	20	102	328	23.72%
71200	Shelfer Rd	Crossway to Ross	NB	D	430	126	0	126	304	29.30%
71201	Shelfer Rd	Ross to Crossway	SB	D	430	98	0	98	332	22.79%
71230	Shelfer Rd	Ross to Crawfordville Hwy	NB	D	430	94	1	95	335	22.09%
71231	Shelfer Rd	Crawfordville Hwy to Ross	SB	D	430	122	7	129	301	29.93%
71450	Silver Lake Rd	South End to Blountstown H	NB	C	430	66	0	66	364	15.35%
71451	Silver Lake Rd	Blountstown Hwy to South E	SB	C	430	59	0	59	371	13.72%
72350	Smith Creek Road	Wakulla County to SR 20	NB	C	430	28	0	28	402	6.51%
72351	Smith Creek Road	SR 20 to Wakulla County	SB	C	430	43	0	43	387	10.00%
72850	Springhill Road	Wakulla County to Tom Rot	NB	C	430	59	10	69	361	16.05%
72851	Springhill Road	Tom Roberts to Wakulla Co	SB	C	430	322	36	358	72	83.33%
72900	Springhill Road	Tom Roberts to Capital Circ	NB	C	430	180	4	184	246	42.79%
72901	Springhill Road	Capital Circle to Tom Rober	SB	C	430	441	112	553	-123	128.60%
73000	Springhill Road	Capital Circle to Springsax	NB	E	1440	182	143	325	1115	22.57%
73001	Springhill Road	Springsax to Capital Circle	SB	E	1440	417	99	516	924	35.84%
74660	Sunflower/County Line Rd	County Line to Elgin Rd	EB	C	430	33	269	302	128	70.23%
74661	Sunflower/County Line Rd	Elgin Rd to County Line	WB	C	430	40	109	149	281	34.65%
74770	Taff Road	Natural Bridge to Oak Ridge	NB	C	430	14	0	14	416	3.26%
74771	Taff Road	Oak Ridge to Natural Bridge	SB	C	430	8	0	8	422	1.86%
74800	Talpeco Rd	Old Bainbridge to Monroe	EB	D	740	121	15	136	604	18.38%
74801	Talpeco Rd	Monroe to Old Bainbridge	WB	D	740	194	33	227	513	30.68%
74820	Talpeco Rd	Monroe to Doris	EB	D	740	66	1	67	673	9.05%
74821	Talpeco Rd	Doris to Monroe	WB	D	740	35	3	38	702	5.14%
74850	Tekesta	Bannerman to Deerlake Sou	NB	D	1140	457	79	536	604	47.02%
74851	Tekesta	Deerlake South to Bannerm	SB	D	1140	283	11	294	846	25.82%
74870	Tennessee Street West	Gadsden Co to Aenon Chur	EB	D	740	557	174	731	9	98.78%
74871	Tennessee Street West	Aenon Church to Gadsden	WB	D	740	877	220	1097	-357	148.23%
74900	Tennessee Street West	Aenon Church to Capital Cir	EB	D	1960	724	371	1095	865	55.86%
74901	Tennessee Street West	Capital Circle to Aenon Chu	WB	D	1960	1277	206	1483	477	75.66%
77980	Tennessee Street East	Dempsey Mayo to Charlais	EB	D	1960	672	580	1252	708	63.88%
77981	Tennessee Street East	Charlais to Dempsey Mayo	WB	D	1960	658	417	1075	885	54.85%
78010	Tennessee Street East	Charlais to Pedrick	EB	D	1960	811	468	1279	681	65.26%
78011	Tennessee Street East	Pedrick to Charlais	WB	D	1960	570	275	845	1115	43.11%

78040	Tennessee Street East	Pedrick to Vineland	EB	D	1960	602	514	1116	844	56.93%
78041	Tennessee Street East	Vineland to Pedrick	WB	D	1960	991	577	1568	392	80.00%
78070	Tennessee Street East	Vineland to I-10	EB	D	1960	456	350	806	1154	41.14%
78071	Tennessee Street East	I-10 to Vineland	WB	D	1960	974	595	1569	391	80.04%
78080	Tennessee Street East (US 90)		EB	D	1960	972	186	1158	802	59.08%
78081	Tennessee Street East (US 90)		WB	D	1960	721	417	1138	822	58.06%
78100	Tennessee Street East	I-10 to Apex	EB	D	1260	954	583	1537	-277	121.98%
78101	Tennessee Street East	Apex to I-10	WB	D	1260	695	723	1418	-158	112.54%
78130	Tennessee Street East	Apex to Chaires Crossroads	EB	D	1260	513	373	886	374	70.32%
78131	Tennessee Street East	Chaires Crossroads to Apex	WB	D	1260	267	76	343	917	27.22%
78160	Tennessee Street East	Chaires Crossroad to Baum	EB	C	560	459	110	569	-9	101.61%
78161	Tennessee Street East	Baum to Chaires Crossroad	WB	C	560	255	63	318	242	56.79%
78190	Tennessee Street East	Baum to Magnolia Road	EB	C	560	212	88	300	260	53.57%
78191	Tennessee Street East	Magnolia Road to Baum	WB	C	560	90	23	113	447	20.18%
78220	Tennessee Street East	Magnolia Rd to Jefferson Co	EB	C	560	368	61	429	131	76.59%
78221	Tennessee Street East	Jefferson County to Magnoli	WB	C	560	158	8	166	394	29.64%
81100	Thomasville Road	Killearney Way to Foxcroft	NB	C	2860	3119	408	3527	-667	123.32%
81101	Thomasville Road	Foxcroft to Killearney Way	SB	C	2860	1682	157	1839	1021	64.30%
81200	Thomasville Road	Foxcroft to Kerry Forest	NB	C	2860	2475	422	2897	-37	101.29%
81201	Thomasville Road	Kerry Forest to Foxcroft	SB	C	2860	1164	174	1338	1522	46.78%
81300	Thomasville Road	Kerry Forest to Brad/Bann	NB	C	2860	2353	369	2722	138	95.17%
81301	Thomasville Road	Brad/Bann to Kerry Forest	SB	C	2860	1306	243	1549	1311	54.16%
81330	Thomasville Road	Bannerman to Kinhega	NB	C	1890	1425	182	1607	283	85.03%
81331	Thomasville Road	Kinhega to Bannerman	SB	C	1890	928	70	998	892	52.80%
81360	Thomasville Road	Kinhega to Iamonia	NB	C	2210	585	41	626	1584	28.33%
81361	Thomasville Road	Iamonia to Kinhega	SB	C	2210	298	24	322	1888	14.57%
81390	Thomasville Road	Iamonia to Georgia St Line	NB	B	1560	490	30	520	1040	33.32%
81391	Thomasville Road	Georgia St Line to Iamonia	SB	B	860	452	3	455	405	52.91%
81470	Thornton Road	Mahan to Miccosukee	NB	D	1140	58	23	81	1059	7.10%
81471	Thornton Road	Miccosukee to Mahan	SB	D	1140	63	34	97	1043	8.50%
81500	Timberlane Rd	W. End to Meridian	EB	D	1140	38	7	45	1095	3.98%
81501	Timberlane Rd	Meridian to W. End	WB	D	1140	65	0	65	1075	5.70%
81530	Timberlane Road	Meridian to Trillium Ct	EB	D	1140	311	12	323	817	28.33%
81531	Timberlane Road	Trillium Ct to Meridian	WB	D	1140	404	43	447	693	39.21%
81550	Timberlane Road	Trillium Ct to Market	EB	D	1140	356	14	370	770	32.46%
81551	Timberlane Road	Market to Trillium Ct	WB	D	1140	463	41	504	636	44.21%
81850	Tower Rd	Bombadil to Capital Circle	EB	D	740	123	190	313	427	42.30%

81851	Tower Rd	Capital Circle to Bombadil	WB	D	740	196	222	418	322	56.47%
82100	Tram Road	Capital Circle SE to Four Oaks	EB	E	1440	213	153	366	1074	25.39%
82101	Tram Road	Four Oaks Blvd to Capital Circle	WB	E	1440	376	111	487	953	33.82%
82130	Tram Road	Four Oaks to St. Joe	EB	D	1100	281	330	611	489	55.51%
82131	Tram Road	St. Joe to Four Oaks	WB	D	1100	153	0	153	947	13.91%
82160	Tram Road	St. Joe to WW Kelly	EB	C	430	163	213	376	54	87.38%
82161	Tram Road	WW Kelly to St. Joe	WB	C	430	35	28	63	367	14.65%
82190	Tram Road	WW Kelley to Jefferson County	EB	C	430	95	1	96	334	22.33%
82191	Tram Road	Jefferson County to WW Kelley	WB	C	430	28	0	28	402	6.51%
82550	T.S. Green Road	CR 59 to Jefferson County	EB	C	430	12	0	12	418	2.79%
82551	T.S. Green Road	Jefferson County to CR 59	WB	C	430	22	0	22	408	5.12%
82900	Velda Dairy	Kerry Forest to Bradfordville	NB	D	1120	312	23	335	785	29.91%
82901	Velda Dairy	Bradfordville to Kerry Forest	SB	D	1120	110	54	164	956	14.63%
82930	Veterans Memorial	U.S. 90 to Rococo	NB	C	430	117	25	142	288	33.02%
82931	Veterans Memorial	Rococo to U.S. 90	SB	C	430	62	15	77	353	17.91%
82960	Veterans Memorial	Rococo to Moccasin Gap	NB	C	430	86	7	93	337	21.60%
82961	Veterans Memorial	Moccasin Gap to Rococo	SB	C	430	57	1	58	372	13.51%
82990	Veterans Memorial	Moccasin Gap to Georgia	NB	C	430	47	0	47	383	10.93%
82991	Veterans Memorial	Georgia to Moccasin Gap	SB	C	430	45	0	45	385	10.47%
83550	Village Way	Top Way to Capital Circle NW	EB	D	740	90	1	91	649	12.30%
83551	Village Way	Capital Circle NW to Top Way	WB	D	740	238	21	259	481	35.00%
84380	W.W. Kelley Road	Tram to Rose	NB	C	430	74	133	207	223	48.15%
84381	W.W. Kelley Road	Rose to Tram	SB	C	430	96	85	181	249	42.09%
84410	W.W. Kelley Road	Rose to US 27	NB	C	430	90	175	265	165	61.64%
84411	W.W. Kelley Road	U.S. 27 to Rose	SB	C	430	173	46	219	211	50.93%
84440	Wadesboro	Mahan to Baum Rd	EB	C	430	27	32	59	371	13.61%
84441	Wadesboro	Baum Rd to Mahan	WB	C	430	116	13	129	301	29.97%
84530	Wakulla Springs Road	Wakulla County to Oak Ridge Rd	NB	C	430	101	116	217	213	50.47%
84531	Wakulla Springs Road	Oak Ridge Rd to Wakulla County	SB	C	430	425	365	790	-360	183.65%
84560	Wakulla Springs Road	Oak Ridge Rd to US 319	NB	C	1382	150	123	273	1109	19.76%
84561	Wakulla Springs Road	US 319 to Oak Ridge Rd	SB	C	640	601	537	1138	-498	177.83%
85040	Whirlaway Dr	Shannon Lake North to Pimlico	NE	D	1120	284	15	299	821	26.70%
85041	Whirlaway Dr	Pimlico to Shannon Lake North	SW	D	1120	186	3	189	931	16.86%
85070	Whirlaway Dr	Pimlico to Forward Pass	EB	D	1120	72	8	80	1040	7.10%
85071	Whirlaway Dr	Forward Pass to Pimlico	WB	D	1120	47	1	48	1072	4.28%
85290	Williams Road	St. Joe to WW Kelley	EB	C	430	62	32	94	336	21.86%
85291	Williams Road	WW Kelley to St Joe	WB	C	430	40	8	48	382	11.08%

85320	Williams Road	St. Joe to Old St. Augustine	NB	C	430	38	42	80	350	18.52%
85321	Williams Road	Old St. Augustine to St. Joe	SB	C	430	92	60	152	278	35.35%
85350	Williams Road	Old St. Augustine to US 27	NB	D	430	75	68	143	287	33.29%
85351	Williams Road	US 27 to Old St. Augustine	SB	D	430	92	53	145	285	33.72%
85430	Woodhill	Fred George to Carnwath	NE	D	430	107	0	107	323	24.88%
85431	Woodhill	Carnwath to Fred George	SW	D	430	60	4	64	366	14.88%
85470	Woodville Highway	Wakulla Co. to Natural Bridge	NB	C	780	262	25	287	493	36.79%
85471	Woodville Highway	Natural Bridge Road to Wakulla	SB	C	780	543	63	606	174	77.74%
85500	Woodville Highway	Natural Bridge Rd to Oak Ridge	NB	C	780	296	97	393	387	50.38%
85501	Woodville Highway	Oak Ridge to Natural Bridge	SB	C	780	1013	167	1180	-400	151.33%
85530	Woodville Highway	Oak Ridge to Paul Russell E	NB	C	780	371	28	399	381	51.15%
85531	Woodville Highway	Paul Russell Ext to Oak Ridge	SB	C	780	717	202	919	-139	117.87%
85600	Woodville Highway	Capital Circle to Ross	NB	D	880	343	12	355	525	40.34%
85601	Woodville Highway	Ross to Capital Circle	SB	D	880	1055	30	1085	-205	123.33%

Roadway Segments Exceeding LOS Standard

Seg #	Road	Segment	Dir	Adopted LOS	Capacity	Actual 2012 Pm. Pk Hr. Dir. Vol.	Committed Demand from Approved Projects	Committed Demand from Exempt & Vested Projects	Total Committed Demand	Total Demand	Available Capacity	V/C Ratio	Is Segment Failing from Volume	State Road?	If State Rd, is it in CRTPA TIP? If County Rd, is it in LC CIP?	Additional Information
13561	Bannerman Road	Thomasville to Tekesta	WB	D	1140	1073	170	13	183	1256	-116	110.19%	N	N	Yes	Corridor Study - No Construction Funds Allocated
15781	Blountstown Hwy	William's Landing to Ben Stoutamire	WB	C	430	472	77	8	85	557	-127	129.42%	Y	Y	No	
15801	Blountstown Hwy	Coe's Landing to William's Landing	WB	C	430	548	72	17	89	637	-207	148.14%	Y	Y	No	
15821	Blountstown Hwy	Geddie Rd to Coe's Landing	WB	C	800	844	100	89	189	1033	-233	129.13%	Y	Y	No	
15861	Blountstown Hwy	Capital Circle to Aenon Church	WB	D	1140	723	314	113	427	1150	-10	100.86%	N	Y	No	
16850	Bradfordville Road	Centerville to Pisgah	NB	C	430	350	95	15	110	460	-30	106.99%	N	N	No	
24720	Capital Circle	I-10 to Fred George	NB	D	880	987	171	776	947	1934	-1054	219.77%	Y	Y	No	Blueprint 2000; Widened from Mahan to I-10; Completed in '07
24721	Capital Circle	Fred George to I-10	SB	D	880	579	59	494	553	1132	-252	128.64%	N	Y	No	
24740	Capital Circle	Fred George to Old Bainbridge	NB	D	880	951	157	286	443	1394	-514	158.41%	Y	Y	No	
24760	Capital Circle	Old Bainbridge to North Monroe	NB	D	880	902	176	401	577	1479	-599	168.07%	Y	Y	No	
26240	Chaires Crossroads	U.S. 27 to Capitola	NB	C	430	481	184	34	218	699	-269	162.52%	Y	N	Yes	Bicycle and pedestrian improvements, not roadway
29361	Crawfordville Rd	SR 61 to Oak Ridge Rd	SB	C	1140	1844	73	12	85	1929	-789	169.23%	Y	Y	No	
29660	Crump Rd	Miles Johnson to Miccosukee	NB	C	430	319	124	12	136	455	-25	105.87%	N	N	No	
58000	Monroe Street	Sams/Sessions to Fred George Rd	NW	D	1960	2155	441	15	456	2611	-651	133.21%	Y	Y	No	Recent resurfacing, no roadway improvement plans
65200	Pensacola	Capital Circle to Nina	EB	E	809	574	85	518	603	1177	-368	145.42%	N	Y	No	
65201	Pensacola	Nina to Capital Circle	WB	E	1079	959	134	144	278	1237	-158	114.61%	N	Y	No	
72901	Springhill Road	Capital Circle to Tom Roberts	SB	C	430	441	98	14	112	553	-123	128.60%	Y	Y	No	
74871	Tennessee St West	Aenon Church to Gadsden	WB	D	740	877	156	64	220	1097	-357	148.23%	Y	Y	No	
78100	Tennessee St East	I-10 to Apex	EB	D	1260	954	583	0	583	1537	-277	121.98%	N	Y	No	
78101	Tennessee St East	Apex to I-10	WB	D	1260	695	723	0	723	1418	-158	112.54%	N	Y	No	
78160	Tennessee St East	Chaires Crossroad to Baum	EB	C	560	459	110	0	110	569	-9	101.61%	N	Y	No	
81100	Thomasville Road	Killearney Way to Foxcroft	NB	C	2860	3119	290	118	408	3527	-667	123.32%	Y	Y	No	
81200	Thomasville Road	Foxcroft to Kerry Forest	NB	C	2860	2475	310	112	422	2897	-37	101.29%	N	Y	No	
84531	Wakulla Springs Rd	Oak Ridge Rd to Wakulla County	SB	C	430	443	425	360	785	1228	-798	285.58%	Y	Y	No	
84561	Wakulla Springs Rd	US 319 to Oak Ridge Rd	SB	C	640	601	523	14	537	1138	-498	177.83%	N	Y	No	
85501	Woodville Hwy	Oak Ridge to Natural Bridge Road	SB	C	780	1042	158	417	575	1617	-837	207.31%	Y	Y	Yes	See Corridor Study Information at http://www.vhb.com/woodville/
85531	Woodville Hwy	Paul Russell Ext to Oak Ridge	SB	C	780	717	193	429	622	1339	-559	171.67%	N	Y	Yes	
85601	Woodville Hwy	Ross to Capital Circle	SB	D	880	1055	20	10	30	1085	-205	123.33%	Y	Y	Yes	

Indicates State Roads designated as failing segments

(24 total - 14 actual counts/10 actual counts + committed trips)

Indicates County Roads designated as failing segments

(4 total - 1 actual counts/3 actual counts + committed trips)

Area Parks and Resource Management Areas

Area Parks

Park Name	Manager	Acres	LOS Park Type
Bradfordville Community Center	County	7.51	Area Park
Brent Drive Park	County	0.96	Area Park
Canopy Oaks Community Park	County	10.69	Area Park
Daniel B. Chaires Community Park	County	125.00	Area Park
Dorothy Cooper Spence Community Center (Chaires)	County	1.57	Area Park
Flagg Street Park	County	0.34	Area Park
Fort Braden Community Center	County	4.91	Area Park
Fort Braden Community Park	County	8.15	Area Park
J. Lee Vause Park	County	25.95	Area Park
J. Lewis Hall Sr. (Woodville) Park	County	27.38	Area Park
Jackson View Park	County	44.51	Area Park
Kate Ireland Park	County	6.47	Area Park
Miccosukee Community Center	County	1.04	Area Park
Miccosukee Community Park	County	17.12	Area Park
Pedrick Pond	County	26.03	Area Park
Stoneler Road Park	County	11.40	Area Park
Tower Road Park	County	4.56	Area Park
Woodville Community Center	County	5.54	Area Park

TOTAL 699.09

Leon County Population (2013) 278,377

Total Acres per 1,000 Population 2.51

County Acres per 1,000 County Population 1.18

Resource Management Areas

Park Name	Manager	Acres	LOS Park Type
Apalachicola National Forest	Federal	104,636.00	Resource Management Area
Edwards Wildlife Area	State	692.92	Resource Management Area
Lake Talquin State Recreation Area	State	11,664.02	Resource Management Area

116992.94

Regional Parks

Park Name	Manager	Acres	LOS Park Type
Apalachee Regional Park	County	157.55	Regional Park
Ben Stoutamire Landing	County	3.51	Regional Park
Blount Landing	County	0.61	Regional Park
Bull Headley Landing	County	0.59	Regional Park
Cedar Hill Landing	County	1.44	Regional Park
Coe Landing	County	5.86	Regional Park
Crowder Landing	County	0.60	Regional Park
Cypress Landing	County	9.62	Regional Park
Elk Horn Landing	County	0.25	Regional Park
Faulk Drive Landing	County	4.67	Regional Park
Fuller Road Landing	County	0.54	Regional Park
Gardner Landing	County	0.31	Regional Park
Goose Creek	County	45.26	Regional Park
Hall Landing	County	0.64	Regional Park
J. R. Alford Greenway	County	874.24	Regional Park
Lake Henrietta Park	County	127.12	Regional Park
Lake Munson Landing	County	0.44	Regional Park
Gil Waters Preserve Park	County	67.34	Regional Park
Martha Wellman Park	County	23.78	Regional Park
Meginnis Arm Landing	County	0.66	Regional Park
Miccosukee Canopy Road Greenway	County	499.40	Regional Park
Miller Landing	County	0.99	Regional Park
Observation Point	County	12.30	Regional Park
Ochlockonee Landing	County	1.54	Regional Park
Reeves Landing	County	0.45	Regional Park
Rhoden Cove Landing	County	2.91	Regional Park
Road to the Lakes Landing	County	6.06	Regional Park
Sunset Landing	County	1.45	Regional Park
US 27 North Landing	County	16.27	Regional Park
Van Brunt Landing	County	0.09	Regional Park
Vause Landing	County	0.90	Regional Park
Wainwright Landing	County	0.88	Regional Park
Williams Landing	County	7.70	Regional Park
Alfred B. Maclay Gardens State Park	State	1210.29	Regional Park
Lake Jackson Mounds Archaeological State Park	State	201.29	Regional Park

Mission San Luis de Apalachee	State	57.62	Regional Park
Natural Bridge Battlefield Historic State Park	State	7.66	Regional Park
	TOTAL	5330.66	
	Leon County Population (2013)	278,377	
	Total Acres per 1,000 Population	19.31	
	County Acres per 1,000 County Population	1.18	
	State Acres per 1,000 Countywide Population	49.69	

Source: Department of PLACE and Parks and Recreation

**Leon County
Board of County Commissioners**

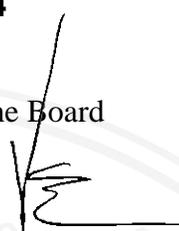
Notes for Agenda Item #17

Leon County Board of County Commissioners

Cover Sheet for Agenda #17

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the Status Report of Minority and Women-Owned Business Enterprise Expenditures

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Director, Economic Development & Business Partnerships
Lead Staff/ Project Team:	Shanea Wilks, Director of Minority, Women, & Small Business Enterprise Division

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Accept the status report of Minority and Women-Owned Business Enterprise expenditures.

Report and Discussion

Background:

This item provides a report on the County's expenditures through the Minority and Women-Owned Business Enterprise (M/WBE) Program. The following narrative provides a refresher on the MGT Disparity Study Update that serves as a guiding document for the County's M/WBE Program (Attachment #1).

The Disparity Study Update, prepared by MGT of America (the "MGT Study"), was accepted by the Board during its October 27, 2009 meeting, subsequent to its October 13, 2009 workshop regarding the draft report. The overall objective for the disparity study was to determine if data supported a "compelling interest" for the County to maintain a program to provide minority- and woman-owned business enterprises greater opportunities to participate in County procurement activities as goods and services providers.

To meet the requirements of the U.S. Supreme Courts rules in *City of Richmond v. J.A. Croson Co.*; narrow tailoring under the *Croson* standard requires that remedial goals be in line with measure availability. The Supreme Court in *Croson* recognized statistical measures of disparity that compared the number of qualified and available M/WBEs with the rate of municipal construction dollars actually awarded to M/WBEs in order to demonstrate disparity. M/WBE programs must be limited in its geographical scope to the boundaries of the enacting government's market place. In order for the County to comply with the U.S. Supreme Court's ruling, the County must demonstrate a compelling governmental interest for minority and gender-based goals, which would include evidence of prior discrimination in the field/industry, and the goals must be narrowly tailored to remedy the effects of the prior discrimination.

The MGT Study states that, generally, utilization ratios of "80 percent or higher – indicating close to full participation – are not significant", noting the court referenced the Equal Employment Opportunity Commission's "80 percent rule." The MGT Study further noted there is no standard measurement to evaluate levels of utilization within a procurement context; however, in the context of employment discrimination, an employment disparity ratio below 80 percent indicates a "substantial disparity."

The MGT Disparity Study Update identified the number of available M/WBEs within the market area, and categorized these firms by business category, race, and gender. Businesses classified as M/WBEs were firms that were at least 51% owned and controlled by members of one of the following race/gender groups, whether or not they were county-certified M/WBEs: African Americans, Hispanic Americans, Asian Americans, Native Americans, and Nonminority Women.

Based on statistical disparities between the percentage of funds expended with M/WBEs in the market area and the number of available M/WBEs, the MGT Study provided evidence to support a narrowly tailored program to promote the County’s utilization of M/WBEs. The 2009 Disparity Study Update included proposed M/WBE aspirational targets, which the Board incorporated in Policy No. 96-1, “Purchasing and Minority/Women Business Enterprise Policy” and are illustrated in the analysis section under Table #1. The aspirational targets approximate 80% of the firms available within the market area.

Analysis:

In accordance with the Purchasing and M/WSBE Policy 96-1, the M/WSBE Director evaluates relevant expenditures and contracting data to determine the performance and progress of the M/WBE Program. This report conveys the expenditure evaluation performed by the Director, given the importance placed on this program by the Board. The County’s procurement activity and additional statistical analysis has assisted staff in determining the presence or absence of disparity in the County’s contracting practices. The purpose of this analysis is to determine the amount of minority, women, and non-M/WBE businesses participation that exists in the County’s procurement processes when aspirational targets are present and when aspirational targets are absent. As prescribed in the recommendations by MGT of America, aspirational targets should vary by project and reflect realistic M/WBE availability.

Targets are established to remedy the areas of underutilization and substantial underutilization among M/WBE businesses. When aspirational targets are present in solicitations, staff encourages prime contractors/consultants to utilize M/WBE businesses in order for the County to become closer to parity levels as recommended by MGT of America. The use of aspirational targets promotes relationship development between larger (primes) and smaller (subcontractors) businesses in the local market area (Leon, Gadsden, Jefferson, and Wakulla Counties); therefore, providing mentoring opportunities for smaller companies to be afforded an opportunity to enhance their business practices. **Table #1** illustrates the County’s M/WBE Aspirational Targets based on the 2009 Disparity Study Update:

Table #1 - Aspirational Targets – Policy No. 96-1

<i>Procurement Category</i>	<i>Aspirational MBE Target</i>	<i>Aspirational WBE Target</i>
Construction Prime Contractors	8%	5%
Construction Subcontractors	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

The aspirational targets for individual bids/request for proposals (RFP) may be higher or lower than the participation level identified in Table #1. Aspirational targets are considered to be the minimum level of M/WBE participation expected for a particular procurement; with consideration given to subcontracting opportunities and the availability of M/WBEs in the market area that are capable of performing the work.

If the recommended aspirational targets are lower than the applicable participation levels identified in Table #1, the County Administrator is notified of the recommended modified aspirational targets and reasoning for such recommendations. The County Administrator then advises the Board, via email, and Commissioners have five business days to request a delay for the issuance of the bid/RFP and an agenda item regarding the recommended aspirational targets. This request for delay and further discussion can be effectuated by an individual Commissioner. If no Commissioner requests an agenda item within the five business days, staff is authorized to release the bid/RFP.

Board Expenditure Analysis

The following narrative is the analysis of FY 2011 and FY 2012 Board expenditures with M/WBEs. Board expenditure analysis is typically conducted on an annual basis. However, the report was delayed due to a staffing transition between the previous and current MWSBE Director. The FY 2011 Report of Expenditures (Attachment #2) and the FY 2012 Report of Expenditures (Attachment #3) are reports that also include non-minority male expenditures.

The expenditure evaluation process involves data being extracted from the County’s financial system and processed in a manner consistent with the methodology utilized for the MGT Study; records not relevant to the report were excluded. Examples of activity excluded from analysis included expenditures outside of the market area (which includes Leon, Gadsden, Jefferson and Wakulla Counties); expenditures with nonprofit agencies, associations or councils, governmental entities, including universities; utilities, telephones, gasoline, p-cards, real estate, office rent, postage, and hospitals; travel-related expenses, including hotels, car rental, and conference fees; and grants to various entities.

FY 2011 Minority and Women-Owned Business Expenditures

A Minority Business Enterprise (MBE) is a business that is 51% owned by a person that identifies himself or herself as being African American, Hispanic American, Asian American, American Indian, Alaskan Native, and American Aleut descent. Table #2 provides the FY 2011 MBE Expenditures within the County’s Operating Budget and Capital Improvement Program (CIP).

Table #2 – FY 2011 Minority Business Enterprise (MBE) Expenditures

Category	FY 2011 MBE Expenditures by Category	FY 2011 Total Expenditures by Category	FY 2011 MBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$207,509	\$3,822,616	5%	12%
Construction Prime Contractors	\$221,457	\$11,628,988	2%	8%
Construction Reported Subcontractors (reported via the B2GNow Contract Compliance Management System)	\$1,356,987	\$3,275,190	41%	17%
Materials and Supplies	\$0	\$3,037,108	0%	1%
Other Services	\$577,983	\$2,149,608	27%	10%
Professional Services	\$18,159	\$1,681,716	1%	7%
Total	\$2,382,095	\$25,595,226	9%	N/A

A Woman Business Enterprise (WBE) is a business that is 51% owned by an American woman that has not self-identified as a minority. Table #3 provides the WBE Expenditures for FY 2011 within the Board’s Operating Budget and Capital Improvement Program (CIP).

Table #3 – FY 2011 Women Business Enterprise (WBE) Expenditures

Category	FY 2011 WBE Expenditures by Category	FY 2011 Total Expenditures by Category	FY 2011 WBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$13,241	\$3,822,616	.35%	14%
Construction Prime Contractors	\$77,976	\$11,628,988	1%	5%
Construction Reported Subcontractors (reported via the B2GNow Contract Compliance Management System)	\$924,436	\$3,275,190	28%	9%
Materials and Supplies	\$230,396	\$3,037,108	8%	6%
Other Services	\$679,566	\$2,149,608	32%	8%
Professional Services	\$288,344	\$1,681,716	17%	15%
Total	\$2,213,959	\$25,595,226	9%	N/A

FY 2011 MBE and WBE Expenditures are associated with projects or services including:

- Stormwater and sewer projects including Hampton Creek Stormwater Management Facility and Pedrick Creek Sewer
- Miscellaneous small construction projects
- Buck Lake Road Phase II and III, construction of the Northeast Branch Library and its addition, Dr. B. L. Perry Library Expansion, Asphaltic Concrete Continuing Services
- Purchase of technological equipment and other miscellaneous materials and supplies
- Janitorial, printing, real estate, and other miscellaneous services

FY 2012 Minority and Women-Owned Business Expenditures

FY 2012 includes M/WBE expenditures associated with various projects including Architectural and Engineering Services for the Public Safety Complex; and, various other projects that were included within Leon County’s Operating Budget and Capital Improvement Program. The M/WBE Reported Subcontractor expenditure activity is also included and reflected separately. FY 2012 M/WBE expenditures for the Public Safety Complex are captured within this report at approximately 31% of the total subcontractor project expenditures for FY 2012. This is due to the project not being completed that year. The balance of the Public Safety Complex’s M/WBE expenditures will be reflected within the FY 2013 Report of M/WBE Expenditures.

Table #4 provides the MBE Expenditures for FY 2012 within the Board’s Operating Budget and Capital Improvement Program.

Table #4 – FY 2012 Minority Business Enterprise (MBE) Expenditures

Category	FY 2012 MBE Expenditures by Category	FY 2012 Total Expenditures by Category	FY 2012 MBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$183,824	\$2,886,453	6%	12%
Construction Prime Contractors	\$615,315	\$7,415,597	8%	8%
Construction Reported Subcontractors (reported via the B2GNow Contract Compliance Management System)	\$1,994,672	\$7,045,062	28%	17%
Materials and Supplies	\$22,963	\$1,771,707	1%	1%
Other Services	\$774,812	\$3,322,445	23%	10%
Professional Services	\$11,981	\$1,118,621	1%	7%
Total	\$3,603,567	\$23,559,885	15%	N/A

Table #5 provides the WBE Expenditures for FY 2012 within the Board’s Operating Budget and Capital Improvement Program.

Table #5 – FY 2012 Women Business Enterprise (WBE) Expenditures

Category	FY 2012 WBE Expenditures by Category	FY 2012 Total Expenditures by Category	FY 2012 WBE Expenditure % by Category	Aspirational Target %
Architecture & Engineering	\$45,986	\$2,886,453	2%	14%
Construction Prime Contractors	\$74,181	\$7,415,597	1%	5%
Construction Reported Subcontractors (reported via the B2GNow Contract Compliance Management System)	\$1,274,133	\$7,045,062	18%	9%
Materials and Supplies	\$92,125	\$1,771,707	5%	6%
Other Services	\$472,925	\$3,322,445	14%	8%
Professional Services	\$6,935	\$1,118,621	0.62%	15%
Total	\$1,966,285	\$23,559,885	8%	N/A

FY 2012 MBE and WBE Expenditures are associated with projects or services such as:

- Civil Engineering Continuing Services
- Home rehabilitation, home replacement, and other miscellaneous construction projects
- Public Safety Center, Lake Jackson Library, Asphaltic Concrete Materials Continuing Services and other miscellaneous improvement projects including Magnolia Drive and Lafayette Intersection and Killlearn Acres Subdivision Middle Basin Drainage
- Technological and other miscellaneous supplies
- Security, cleaning, painting, legal, and consulting services

Public Safety Complex

The construction of the Public Safety Complex has been accomplished through a joint agreement between Leon County and the City of Tallahassee. In order to realize a cost savings on the project, the City and the County purchased the materials associated with the project. The joint venture of Ajax Construction and Construction Support Southeast were hired for Construction Management Services; and, MBE and WBE participation was included within the project at 17% and 9% respectively. Despite the project being jointly funded by the City and the County, expenditures are reported based upon an aggregate total of labor plus cash to provide the composite MWBE expenditures and participation percentages.

During FY 2012, there was \$1,659,276 in total subcontractor reported payment activity for the project. The reported MBE total expenditures for labor and materials are estimated as \$364,079 or 22%. The reported WBE total expenditures for labor and materials are estimated as \$151,342 or 9%. The total MWBE expenditure amount for FY 2012 is \$515,421 or approximately 31%.

The balance of expenditure activity will be included in the FY 2013 MWBE Report of Expenditures, due to the majority of the project being completed in FY 2013. However, the current estimate for MWBE participation upon project completion is 26%.

Contractual Activity

During FY 2011, there were 65 contracts awarded by Leon County, with the associated payments totaling \$7,118,995. The concentration of contractual awards was in the Architectural and Engineering, Construction, and Other Services categories. Eighteen contracts included M/WBE aspirational targets for subcontracting which included two contracts having the aspirational targets lowered due to the specialized nature of the work and vendor availability. The resulting payments to M/WBEs totaled approximately \$1,068,026. Based upon the total contractual payments and the payments to M/WBEs, the M/WBE contractual utilization for FY 2011 was approximately 15%.

During FY 2012, there were there were 59 contracts awarded by Leon County, with the associated payments totaling \$18,687,286. The concentration of contractual awards was in the Construction and Materials and Supplies categories. There were 12 contracts that included M/WBE aspirational targets for subcontracting. The aspirational targets were lowered for two contracts due to the specialized nature of the work and vendor availability. The resulting payments to M/WBEs totaled approximately \$2,456,225. Based upon the total contractual payments and the payments to M/WBEs, the M/WBE contractual utilization for FY 2012 was approximately 13%.

The following are brief summaries for each procurement category:

Architecture and Engineering (A&E) Prime Consultants: The County utilizes vendors in an A&E continuing services agreement. Projects under A & E are distributed on an equitable basis to provide all firms with a reasonable opportunity for work assignments based on their area of expertise identified by the awarded firm.

Construction Prime Contractors: M/WBE vendors must be the prime contractor submitting the actual bid to the County or be part of a joint venture, in order for the associated expenditures to apply to this category. Staff has utilized the Small Business Enterprise (SBE) Program (Attachment #4) to provide bidding opportunities to companies that are similar in size and net worth. The MWBE expenditures reported within this category are associated with certified MWBE vendors that are also SBE certified. During FY 2011, the County awarded construction-related projects to MWBE vendors totaling approximately \$299,433 or 3% of the total expenditures for this category. FY 2011 MBE expenditures total \$221,457 or 2% of the total expenditures; and FY 2011 WBE expenditures total \$77,976 or 1% of the total expenditures. During FY 2012, the County awarded construction-related projects to MWBE vendors, which included housing rehabilitation, housing replacements, septic tank repair, and other small construction projects to certified local small businesses through the SBE Program. The dollar value associated with these projects totals approximately \$689,496 or 9% of the total expenditures for this category. FY 2012 MBE expenditures total \$615,315 or 8% of the total for Construction Prime Contractors and FY 2012 WBE expenditures total \$74,181 or 1% of the same category. Staff is continuing to identify opportunities for MWBE vendors to participate as prime contractors.

Construction Subcontractors: In this category, the County greatly exceeded the aspirational target for minorities and women in both fiscal years. Construction subcontracting opportunities are achieved through solicitation when aspirational targets are present. Due to the presence of these aspirational targets and the implementation of the B2GNow Contract Compliance Monitoring System, staff continues to see strong M/WBE subcontracting participation.

Professional Services Prime Consultants: Based upon the nature of Professional Services contracts (i.e. auditing services, insurance services, legal services, and advertising) staff has been able to identify M/WBE firms in the area of advertising and legal services. Due to the specificity of this category, staff will continue to reach out to other local agencies to identify additional firms in order to increase M/WBE participation.

Other Services: As noted in the tables above, the County exceeded the aspirational targets in this category (i.e. janitorial and repair services, uniform guard services and painting etc.), with MBE firms being utilized at 27% and WBE firms being utilized at 32% for FY 2011; and 23% MBE utilization and 14% WBE utilization for FY12.

Material and Supplies: The commodities purchased under this category (i.e. office supplies, equipment, miscellaneous building materials, and computers) are mainly based on the necessity of the departmental operating needs. Due to the type of services provided under this category, opportunities are limited for M/WBE vendors.

Conclusion: The County continues to meet or exceed the aspirational targets in a number of categories; in particular, the targets have been greatly exceeded in the area of sub-contracting. Staff will continue to promote M/WSBE utilization to ensure the County comes closer to attaining parity levels in those categories where the aspirational targets have not been met; and, as recommend by MGT, through the Small Business Enterprise Program where applicable.

In addition, staff will continue to seek opportunities to strengthen participation within County projects for minority and women businesses through:

- Identifying barriers that prevent M/WBE procurement opportunities.
- Continuing to host training sessions to prepare M/WBE firms for procurement opportunities. Staff has surveyed program participants and future trainings will include the areas of demand identified through the survey results such as financial planning, estimating, job cost control; and accounting.
- Continuing to develop partnerships to help improve M/WBE firms' operations to increase success in procurement opportunities. This includes seeking partnerships with organizations that can aid in the provision of business development assistance and training in areas based upon vendor demand.
- Continuing to provide networking opportunities for M/WBEs to develop new business relationships through co-sponsorships of the annual local observation of Small Business Week and the local observation of Minority Enterprise Development (MED) Week events.
- Continuing to notify certified M/WBE firms of the County's procurement opportunities.

Options:

1. Accept the status report of Minority and Women-Owned Business (M/WBE) Enterprise expenditures.
2. Do not accept the status report of Minority and Women-Owned Business (M/WBE) Enterprise expenditures.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. 2009 Disparity Study Update
2. FY 2011 Report of M/WBE Expenditures
3. FY 2012 Report of M/WBE Expenditures
4. Small Business Enterprise Program Overview

*Leon County Board of County
Commissioners*

Disparity Update Study

FINAL REPORT

Submitted to:
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County Administrator
County Administrator's Office
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October 15, 2009

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- Appendix D: Private Sector Discussion

1.0 INTRODUCTION

1.0 INTRODUCTION

In October 2008, the Board of Commissioners for Leon County, Florida (County) contracted MGT of America, Inc. (MGT), to conduct a minority- and woman-owned business enterprise (M/WBE) program study update. The study consisted of fact finding to determine whether the M/WBE program had eliminated active discrimination; to determine the effects of past discrimination in County procurement and contracting, and to what extent; and to evaluate various options for future program development if discrimination existed.

1.1 Objective

The purpose of the disparity study was to:

- Examine what, if any, barriers may have resulted in disparities in the utilization of available M/WBEs and non-M/W/Bes, and examine and summarize related findings from other similar studies that encompass the County's relevant marketplace.
- Identify from the most accurate sources the availability of M/WBEs that are ready, willing, and able to do business with the County in the relevant market area.
- Analyze the contracting and expenditure data of the County to determine its utilization of M/WBEs.
- Determine the extent to which any identified disparities in the utilization of available M/WBEs by the County might be impacted by discrimination.
- Recommend programs to remedy the effects of any discrimination identified, and to reduce or eliminate any other marketplace barriers that adversely affect the contract participation of such minority-, woman-, and small-business enterprises (M/W/SBEs) and non-M/W/SBEs.

Governmental entities like the County have authorized disparity studies in response to the *City of Richmond v. J. A. Croson Co.*¹ (*Croson*) decision to determine whether there is a compelling interest for remedial procurement programs. Recommendations resulting from such studies are used to narrowly tailor any resulting programs to specifically address findings of underutilization attributable to unfair business practices.

The results of the County's study are found in this report. Throughout the chapters that follow, MGT presents its findings, analyses, and recommendations. This chapter summarizes the objectives for the study, the technical approach used to accomplish the objectives, the major tasks undertaken, and an overview of the organization of the report.

¹ *City of Richmond v. J. A. Croson Co.*, 488 U.S. 469 (1989).

1.2 Technical Approach

In conducting the study and preparing recommendations, MGT followed a carefully designed work plan that allowed MGT study team members to fully analyze availability, utilization, and disparity with regard to M/WBE participation. MGT's approach has been tested in over 129 jurisdictions and proven reliable to meet the study's objectives. The work plan consisted of, but was not limited to, the following major tasks:

- Conducting a legal review.
- Establishing data parameters and finalizing a work plan.
- Reviewing policies, procedures and programs.
- Conducting utilization analyses.
- Determining the availability of qualified firms.
- Analyzing the utilization and availability data for disparity analyses.
- Conducting disparity analyses of the relevant private market.
- Providing information on best practices in small and M/WBE business development.
- Identifying narrowly tailored race- and gender-based and race- and gender-neutral remedies.
- Preparing the final report for this study.

1.3 Report Organization

In addition to this introductory chapter, this report contains the following sections which provide MGT's findings as to the presence, or absence, of disparity in the County's procurement and contracting practices. The study reviewed County contract and procurement data from the period of October 1, 2003, through September 30, 2008. The overview of each chapter is as follows:

- **Chapter 2.0** presents an overview of controlling legal precedents that impact remedial procurement programs.
- **Chapter 3.0** presents a review of the County's procurement policies and procedures and an analysis of its M/WBE program and race- and gender-neutral efforts.
- **Chapter 4.0** presents the methodology used to determine the County's relevant market area and statistical analysis of vendor utilization by the County as well as the availability of firms for procurement activities.

- **Chapter 5.0** provides a discussion of the levels of disparity for prime contractors and subcontractors and a review of the multivariate analysis for the County.
- **Chapter 6.0** presents an analysis of the presence of disparity in the private sector and its effect on the ability of firms to win procurement contracts from the County.
- **Chapter 7.0** presents an overview of the program design and practices of M/W/SBE and DBE programs for federal, state, and local governments.
- **Chapter 8.0** provides a summary of the findings presented in this report with conclusions, commendations, and recommendations.²

MGT recommends reading the report in its entirety to understand the basis for the recommendations presented in **Chapter 8.0**.

² **Chapter 8.0** is designed to provide a summary of the overall report, conclusions drawn from the study and MGT's recommendations. **Chapter 8.0** serves as an Executive Summary for the Study.

2.0 LEGAL REVIEW

2.0 LEGAL REVIEW

2.1 Introduction

This chapter provides legal background for Leon County. The material that follows does not constitute legal advice to Leon County on minority- and woman-owned business (M/WBE) programs, affirmative action, or any other matter. Instead, it provides a context for the statistical and anecdotal analyses that appear in subsequent chapters of this report.

The Supreme Court decision in *City of Richmond v. J.A. Croson Company (Croson)*¹ and later cases have established and applied the constitutional standards for an affirmative action program. This chapter identifies and analyzes those decisions, summarizing how courts evaluate the constitutionality of race- and gender-specific programs. Decisions of the Eleventh Circuit, which includes Leon County, offer the most directly binding authority, but where those decisions leave issues unsettled, the review considers decisions from other circuits.

By way of a preliminary outline, the courts have determined that an affirmative action program involving governmental procurement of goods or services must meet the following standards:

- A remedial, race-conscious program is subject to strict judicial scrutiny under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
 - Strict scrutiny has two basic components: a compelling governmental interest in the program and narrow tailoring of the program.
 - To survive the strict scrutiny standard, a remedial, race-conscious program must be based on a compelling governmental interest.
 - * “Compelling interest” means the government must prove past or present racial discrimination requiring remedial attention.
 - * There must be a specific “strong basis in the evidence” for the compelling governmental interest.
 - * Statistical evidence is preferred and possibly necessary as a practical matter; anecdotal evidence is permissible and can offer substantial support, but it more than likely cannot stand on its own.
 - A program designed to address the compelling governmental interest must be narrowly tailored to remedy the identified discrimination.
 - * “Narrow tailoring” means the remedy must fit the findings.
 - * The evidence showing compelling interest must guide the tailoring very closely.

¹ 488 U.S. 469 (1989).

- * Race-neutral alternatives must be considered first.
- A lesser standard, intermediate judicial scrutiny, applies to programs that establish gender preferences.
 - * To survive the intermediate scrutiny standard, a remedial, gender-conscious program must serve important governmental objectives and be substantially related to the achievement of those objectives.
 - * The evidence does not need to be as strong and the tailoring does not need to be as specific under the lesser standard.

2.2 Standards of Review for Race- and Gender-Specific Programs

2.2.1 Race-Specific Programs: The Croson Decision

Croson established the framework for testing the validity of programs based on racial discrimination. In 1983, the Richmond City Council (the Council) adopted a Minority Business Utilization Plan (the Plan) following a public hearing in which citizens testified about historical societal discrimination. In adopting the Plan, the Council also relied on a study indicating that “while the general population of Richmond was 50 percent black, only 0.67 percent of the City’s prime construction contracts had been awarded to minority businesses in the 5-year period from 1978 to 1983.”²

The evidence before the Council also established that a variety of state and local contractor associations had little or no minority business membership. The Council relied on statements by a Council member whose opinion was that “the general conduct of the construction industry in this area and the State, and around the nation, is one in which race discrimination and exclusion on the basis of race is widespread.”³ There was, however, no direct evidence of race discrimination on the part of the City in its contracting activities, and no evidence that the City’s prime contractors had discriminated against minority-owned subcontractors.⁴

The Plan required the City’s prime contractors to subcontract at least 30 percent of the dollar amount of each contract to one or more minority-owned business enterprise (MBE). The Plan did not establish any geographic limits for eligibility. Therefore, an otherwise qualified MBE from anywhere in the United States could benefit from the 30 percent set-aside.

J.A. Croson Company, a non-MBE mechanical plumbing and heating contractor, filed a lawsuit against the city of Richmond alleging that the Plan was unconstitutional because it violated the Equal Protection Clause of the Fourteenth Amendment. After a considerable record of litigation and appeals, the Fourth Circuit struck down the Richmond Plan and the Supreme Court affirmed this decision.⁵ The Supreme Court determined that strict scrutiny was the appropriate standard of judicial review for MBE programs, so that a race-conscious program must be based on a compelling governmental interest and be narrowly tailored to

² Id. at 479-80.

³ Id. at 480.

⁴ Id.

⁵ Id. at 511.

achieve its objectives. This standard requires a firm evidentiary basis for concluding that the underutilization of minorities is a product of past discrimination.⁶

2.2.2 Gender-Specific Programs

The Supreme Court has not addressed the specific issue of a gender-based classification in the context of a woman-owned business enterprise (WBE) program. *Croson* was limited to the review of an MBE program. In evaluating gender-based classifications, the Court has used what some call “intermediate scrutiny,” a less stringent standard of review than the “strict scrutiny” applied to race-based classifications. Intermediate scrutiny requires that classifying persons on the basis of sex “must carry the burden of showing an exceedingly persuasive justification for the classification.”⁷ The classification meets this burden “only by showing at least that the classification serves ‘important governmental objectives and that the discriminatory means employed’ are ‘substantially related to the achievement of those objectives.’”⁸

Several federal courts have applied intermediate scrutiny to WBE programs and yet have found the programs to be unconstitutional.⁹ Nevertheless, in *Coral Construction v. King County*, the Ninth Circuit upheld a WBE program under the intermediate scrutiny standard.¹⁰ Even using intermediate scrutiny, the court in *Coral Construction* noted that some degree of discrimination must be demonstrated in a particular industry before a gender-specific remedy may be instituted in that industry. As the court stated, “the mere recitation of a benign, compensatory purpose will not automatically shield a gender-specific program from constitutional scrutiny.”¹¹ Indeed, one court has questioned the concept that it might be easier to establish a WBE program than it is to establish an MBE program.¹²

More recently, the Tenth Circuit, on the second appeal in *Concrete Works of Colorado v. City of Denver (Concrete Works IV)*,¹³ approved the constitutionality of a WBE program based on evidence comparable to that supporting an MBE program that the court also upheld in the same decision. Unlike *Coral Construction*, however, *Concrete Works IV* offered no independent guidance on the level of evidence required to support a WBE program.

⁶ Id. at 493.

⁷ *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982) (quoting *Kirchberg v. Feenstra*, 450 U.S. 455, 461 (1981)); see also *United States v. Virginia*, 518 U.S. 515, 531 (1996), *Tuan Anh Nguyen v. INS*, 533 U.S. 53, 60 (2001).

⁸ *Mississippi Univ. for Women*, *supra*, at 724 (quoting *Wengler v. Druggists Mut. Ins. Co.*, 446 U.S. 142, 150 (1980)); see also *Virginia*, *supra*, at 533, *Nguyen*, *supra*, at 60.

⁹ See *Assoc. Util. Contrs. v. Baltimore*, 83 F. Supp. 2d 613 (D Md 2000); *Eng’g Contrs. Ass’n of S. Florida, Inc. v. Dade County*, 122 F.3d 895 (11th Cir. 1997); *Builders Ass’n of Greater Chicago v. County of Cook*, 256 F.3d 642 (7th Cir. 2001). The Eighth Circuit did not address the application of intermediate scrutiny to WBE participation in the federal DBE program in *MnDOT*, 345 F.3d 964 (8th Cir. 2003); cert. denied, 158 L.Ed. 2d 729 (2004) – 541 U.S. 1041 *Sherbrooke Turf, Inc. v.*

¹⁰ *Coral Constr. Co. v. King County*, 941 F.2d 910 (9th Cir. 1991), cert. denied, 502 U.S. 1033 (1992).

¹¹ Id. at 932.

¹² *Builders Ass’n of Greater Chicago*, 256 F.3d at 644. See also *States Paving Co. v. Washington State DOT*, 407 F.3d 983, 991, n.6 (9th Cir. 2005) (rejecting need for separate analysis of WBE program under intermediate scrutiny).

¹³ 321 F.3d 950 (10th Cir. 2003).

2.2.3 An Overview of the Applicable Case Law

Croson did not find a compelling justification for a complete MBE program. *Croson* found the city of Richmond's evidence to be inadequate as a matter of law. Nevertheless, more recent cases in other federal circuits have addressed applications of the law that were not considered in *Croson*. Thus, it becomes necessary to look to the decisions of other federal circuits to predict what level of evidence might be required to establish an affirmative action program.

The discussion in this review will also attend closely to the most relevant decisions in the area of government contracting. Justice O'Connor, distinguishing her majority opinion on affirmative action in law school admissions from her opinions in government contracting cases, wrote:

*Context matters when reviewing race-based governmental action under the Equal Protection Clause. . . . Not every decision influenced by race is equally objectionable and strict scrutiny is designed to provide a framework for carefully examining the importance and the sincerity of the reasons advanced by the governmental decision maker for the use of race in that particular context.*¹⁴

Further, some caution must be exercised in relying upon opinions of the federal district courts, which make both findings of fact and holdings of law. As to holdings of law, the district courts are ultimately subject to rulings by their circuit courts. As to matters of fact, their decisions depend heavily on the precise record before them, in these cases frequently including matters such as evaluations of the credibility and expertise of witnesses. Such findings are not binding precedents outside of their districts, even if they indicate the kind of evidence and arguments that might succeed elsewhere.

Finally, the ways in which municipalities participate in national disadvantaged business enterprise (DBE) programs is a specialized issue distinct from that of supporting municipal programs, even if the same kinds of evidence and same levels of review apply. In *Adarand Constructors, Inc. v. Peña*,¹⁵ the Supreme Court did decide that federal DBE programs should be examined by the same strict scrutiny standard that *Croson* mandated for state and local programs. Nevertheless, cases considering national DBE programs have many important distinctions from cases considering municipal programs, particularly when it comes to finding a compelling governmental interest.¹⁶ The national DBE cases have somewhat more application in determining whether a local program is narrowly tailored (to be discussed in Section 2.6).¹⁷

¹⁴ *Grutter v. Bollinger*, 539 U.S. 306, 327 (2003).

¹⁵ *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200-227 (1995).

¹⁶ See *Adarand Constructors, Inc. v. Slater*, 228 F.3d 1147-1165 (10th Cir. 2000), cert. granted in part sub nom., *Adarand Constructors, Inc. v. Mineta*, 532 U.S. 967 (2001); cert. dismissed as improvidently granted, 534 U.S. 103 (2001); *Sherbrooke Turf*, 345 F.3d at 970-1.

¹⁷ Recently the Ninth Circuit ruled in *Western States Paving Co. v. Washington State DOT* that specific evidence of discrimination was necessary at a state level in order for the implementation of race-conscious goals to be narrowly tailored. *States Paving Co.*, 407 F.3d at 997-8. In *Northern Contracting v. Illinois DOT*, the district court, while not striking down the program, also required the Illinois DOT to develop local evidence of discrimination sufficient to justify the imposition of race-conscious goals. In this sense, for these cases narrow tailoring still requires factual predicate information to support race-conscious program elements in a DBE program. *N. Contr. v. Illinois*, No. 00 4515 (ND IL 2004), decided 3/3/04 (2004 U.S. Dist. LEXIS 3226) 139-160.

Thus, the majority of this review will be based on decisions of the federal circuit courts applying *Croson* to city or county programs designed to increase participation by M/WBEs in government contracting. This is not a large body of case law. While other cases are useful as to particular points, only a small number of circuit court cases have reviewed strictly local M/WBE programs and given clear, specific, and binding guidance about the adequacy of a complete factual record including thorough, local disparity studies with at least some statistical analysis. Further, in one of the three directly applicable circuit court cases, the Third Circuit evaded the issue of compelling justification after lengthy discussion, holding that the Philadelphia M/WBE program was unconstitutional because it was not narrowly tailored.¹⁸

Ultimately, only two circuit court decisions since *Croson* have passed definitively on thorough, strictly local disparity studies: *Engineering Contractors Association of South Florida, Inc.*,¹⁹ and *Concrete Works IV*.²⁰ In *Engineering Contractors*, the Eleventh Circuit ultimately upheld the district court finding that Dade County's disparity studies were not adequate to support an M/WBE program, at least in the face of rebuttal evidence.²¹ By contrast, in *Concrete Works IV*, the Tenth Circuit, after holding that the district court had used an improper standard for weighing the evidence, went on to evaluate the evidence and determine that it was adequate as a matter of law to establish a compelling justification for Denver's program. The Supreme Court refused to hear the appeal in *Concrete Works IV*,²² although the refusal in itself has no precedential effect. The dissent to that denial, written by Justice Scalia with the Chief Justice joining, argues that these cases may mark a split in approach among the circuits that will need to be reconciled.

2.3 To Withstand Strict Scrutiny, an MBE Program Must Be Based on Thorough Evidence Showing a Compelling Governmental Interest

For government contracting programs, courts have yet to find a compelling governmental interest for affirmative action other than remedying discrimination in the relevant marketplace. In other arenas, diversity has served as a compelling governmental interest for affirmative action. For example, the Ninth Circuit upheld race-based admission standards at an experimental elementary school in order to provide a more real world education experience.²³ More recently, in *Petit v. City of Chicago*, the Seventh Circuit relied on *Grutter v. Bollinger* in stating that urban police departments had "an even more compelling need for diversity" than universities and upheld the Chicago program "under the *Grutter* standards."²⁴ The recent holding that other compelling interests may support affirmative action does not yet appear to have any application to public contracting.²⁵

¹⁸ *Contractors Ass'n of E. Penn. Inc. v. City of Philadelphia*, 91 F.3d 586, 605 (3rd Cir. 1996).

¹⁹ 122 F.3d 895.

²⁰ 321 F.3d 950.

²¹ Compare *Cone Corp. v. Hillsborough County*, 908 F.2d 908 (11th Cir. 1990), an earlier decision of the Eleventh Circuit reversing summary judgment against an MBE program where more limited statistical evidence was found adequate to require a trial on the merits in the face of a relatively weak challenge.

²² *Concrete Works of Colo. v. City of Denver*, Scalia, J. dissenting, 540 U.S. 1027, 1027-35 (2003).

²³ *Hunter v. Regents of the Univ. of Cal.*, 190 F.3d 1061 (9th Cir. 1999).

²⁴ *Petit v. City of Chicago*, 352 F.3d 1111, 1114 (7th Cir. 2003).

²⁵ *Grutter v. Bollinger*, 539 U.S. 306 (2003). For an argument that other bases could serve as a compelling interest in public contracting, see Michael K. Fridkin, "The Permissibility of Non-Remedial Justifications for Racial Preferences in Public Contracting," 24 *N. Ill. U. L. Rev.* 509-510 (Summer 2004).

Croson identified two necessary factors for establishing racial discrimination sufficiently to demonstrate a compelling governmental interest in establishing an M/WBE program. First, there needs to be identified discrimination in the relevant market.²⁶ Second, “the governmental actor enacting the set-aside program must have somehow perpetuated the discrimination to be remedied by the program,”²⁷ either actively or at least passively with the “infusion of tax dollars into a discriminatory industry.”²⁸

Although the Supreme Court in *Croson* did not specifically define the methodology that should be used to establish the evidentiary basis required by strict scrutiny, the Court did outline governing principles. Lower courts have expanded the Supreme Court’s *Croson* guidelines and have applied or distinguished these principles when asked to decide the constitutionality of state, county, and city programs that seek to enhance opportunities for minorities and women.

2.3.1 Post-Enactment Evidence

The Supreme Court in *Croson* found pre-enactment evidence of discrimination insufficient to justify the program. The defendant in *Croson* did not seek to defend its program based on post-enactment evidence. However, following *Croson*, a number of circuits did defend the use of post-enactment evidence to support the establishment of a local public affirmative action program.²⁹ Some cases required both pre-enactment and post-enactment evidence.³⁰

The Supreme Court case in *Shaw v. Hunt*³¹ raised anew the issue of post-enactment evidence in defending local public sector affirmative action programs. *Shaw* involved the use of racial factors in drawing voting districts in North Carolina. In *Shaw*, the Supreme Court rejected the use of reports providing evidence of discrimination in North Carolina because the reports were not developed before the voting districts were designed. Thus, the critical issue was whether the legislative body believed that discrimination had existed before the districts were drafted.³² Following the *Shaw* decision, two districts courts rejected the use of post-enactment evidence in the evaluation of the constitutionality of local minority business programs.³³

2.3.2 Agency Evidence

An agency contemplating an M/WBE program should have evidence expressly and specifically linked to the agency itself. The Fifth Circuit criticized the city of Jackson for commissioning a disparity study but not adopting the findings of the study.³⁴ A district court in New Jersey struck down a set-aside involving New Jersey casino licenses that was

²⁶ *Croson*, 488 U.S. at 492.

²⁷ *Coral Construction*, 941 F.2d at 916.

²⁸ *Id.*

²⁹ See *Eng’g Contrs. Ass’n of S. Florida, Inc. v. Dade County*, 122 F.3d 895, 911 (11th Cir. 1997); *Contrs. Ass’n of E. Philadelphia v. Philadelphia*, 6 F.3d 990, 1009 n.18 (2nd Cir. 1993); *Concrete Works of Colorado, Inc. v. City and County of Denver*, 36 F.3d 1513, 1521 (10th Cir. 1994).

³⁰ See *Coral Construction Co. v. King County*, 941 F.2d 910-920 (9th Cir. 1991).

³¹ *Shaw v. Hunt*, 517 U.S. 899 (1996).

³² *Id.* at 910.

³³ *AUC v. Baltimore*, 83 F. Supp. 2d 613, 620-22 (D. Md. 2000); *West Tenn. ABC v. Memphis City Schools*, 64 F. Supp. 2d 714, 718-21 (W.D. Tenn. 1999).

³⁴ *Scott v. City Of Jackson*, 199 F.3d 206, 218 (1999).

based on the factual predicate study for the state of New Jersey M/WBE program, which did not cover the casino industry.³⁵

2.3.3 Outreach Programs

There is some debate about whether or not outreach programs are subject to strict scrutiny. In *Peightal v. Metropolitan Dade County*, the Eleventh Circuit treated recruiting and outreach efforts as “race-neutral” policies.³⁶ Other lower court cases have stated that expanding the pool disadvantages no one and thus a distinction should be made between inclusive and exclusive outreach.³⁷ Similarly, in *Allen v. Alabama State Bd. Of Education*, a case involving teacher certification examinations, the Eleventh Circuit stated that the,

*Board must be conscious of race in developing the examination, choosing test items to minimize any racially disparate impact within the framework of designing a valid and comprehensive teaching examination. Nothing in Adarand requires the application of strict scrutiny to this sort of race-consciousness.*³⁸

However, in *Virdi v. DeKalb County School District*, litigation involving a minority vendor program (MVP), the Eleventh Circuit stated that,

*It is well settled that “all racial classifications imposed by government must be analyzed by a reviewing court under strict scrutiny”. Grutter v. Bollinger, 539 U.S. 306, 326, 123 S. Ct. 2325, 2337 (2003) (quoting Adarand Constructors, Inc. v. Peña, 515 U.S. 200, 227, 115 S.Ct. 2097, 2113 (1995)). To the extent that Defendants argue that the MVP did not contain racial classifications because it did not include set-asides or mandatory quotas, we note that strict scrutiny applies to all racial classifications, not just those creating binding racial preferences. The MVP includes racial classifications. It is therefore subject to strict scrutiny.*³⁹

2.3.4 Disabled Business Enterprise

Disabled business enterprise programs are quite common in federal, state, and local government. Section 15(g) of the Small Business Act provides for a goal of not less than 3 percent utilization of service-disabled veteran businesses in federal contracting.⁴⁰ Section 36 of that Act grants the authority to set-aside for service-disabled veteran-owned businesses.⁴¹ These policies were strengthened and reaffirmed in October 2004, in Executive Order 13360. The U.S. Army alone projects \$1.8 billion in set-asides to service-disabled veteran-owned businesses in FY 2008.⁴²

³⁵ *Ass’n. for Fairness in Business, Inc. v. New Jersey*, 82 F. Supp. 2d 353, 361 (D.N.J. 2000).

³⁶ 26 F.3d 154, 1557-58 (11th Cir. 1994).

³⁷ *Shuford v. Alabama State Bd. of Educ.*, 897 F. Supp. 1535, 1551-52 (M.D. Ala. 1995).

³⁸ . 164 F.3d 1347, 1352 (11th Cir.1999).

³⁹ 135 Fed. Appx. 262, 267, 2005 U.S. App. LEXIS 11203 (11th Cir. 2005).

⁴⁰ 15 U.S.C. 644(g).

⁴¹ 15 U.S.C. 657f.

⁴² U.S. Army Office of Small Business Programs, www.vetbiz.gov/library/Army.pdf

Disabled business enterprise programs are also common at the state and local government level and are often a component of an M/WBE program.⁴³ Some local government agencies, in particular California and Connecticut, also set aside government contracts for disabled business enterprises or disabled veteran's business enterprises. California follows the federal program with a 3 percent disabled goal.⁴⁴ The state of Connecticut set aside 25 percent of its project for SBEs and then 25 percent of the SBE program is for certified M/WBEs. Disabled firms are classified as minority firms for purposes of the rule.⁴⁵ There are also state laws granting preferences of some sort to the disabled, and particularly the service disabled veterans.⁴⁶

While there has been an extensive body of case law involving the Americans for Disabilities Act, there have been no federal court cases challenging the constitutionality of disabled business enterprises under the Equal Protection clause. There are at least two reasons for this absence of a court record. First, at the state and local government level, these programs are typically very small, having only a handful of participants. Second, and more importantly, the U.S. Supreme Court has not ruled that the disabled are a suspect class and thus government programs addressing the disabled are not subject to strict scrutiny, or even intermediate scrutiny.⁴⁷ Instead programs both favoring and hampering the disabled are subject to the rational relationship test, the lowest level of judicial scrutiny. Nevertheless, this report will separately analyze data on disabled business enterprises.

2.4 Sufficiently Strong Evidence of Significant Statistical Disparities Between Qualified Minorities Available and Minorities Utilized Will Satisfy Strict Scrutiny and Justify a Narrowly Tailored M/WBE Program

The Supreme Court in *Croson* stated that "where gross statistical disparities can be shown, they alone in a proper case may constitute *prima facie* proof of a pattern or practice of discrimination."⁴⁸ But the statistics must go well beyond comparing the rate of minority presence in the general population to the rate of prime construction contracts awarded to MBEs. The Court in *Croson* objected to such a comparison, indicating that the proper statistical evaluation would compare the percentage of qualified MBEs in the relevant market with the percentage of total municipal construction dollars awarded to them.⁴⁹

⁴³ See North Carolina, Executive Order #150 and General Statutes 143-48 & 143-128.2(g)(1)(2)(3), Philadelphia, Executive Order 05 Relating To The Participation Of Minority, Women And Disabled Businesses In City Contracts, March 2005; Rhode Island GL 37-2.2-3, (procurement of Goods and services are available from certified Rhode Island Disability Business Enterprises (dbes) whose workforce consists of more than 75% persons with disabilities or certified nonprofit rehabilitation facilities); The regional Texas certification agencies certify for disabled business enterprises.

⁴⁴ California Executive Order D-43-01, June 22, 2001. California Disabled Veteran Business Enterprise Set Aside Program (establishes a goal for state entities to award at least 3% of their contracts for materials, supplies, equipment, alterations, repairs, or improvements to disabled veteran business enterprises. A 2001 act (Assembly Bill 941) requires the departments subject to this goal to appoint disabled veteran business enterprise advocates).

⁴⁵ Executive Order D-37-1

⁴⁶ See Fl. Stat. _295.07(1) (1991) (exempting disabled veterans from specific hiring procedures and employment exams for state jobs); Fl. Stat. _196.031 (1991) (hiring preferences for disabled veterans).

⁴⁷ *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985) (no rational basis for discriminatory application of special use permit for group home for mentally disabled).

⁴⁸ *Croson*, 488 U.S. at 501, quoting *Hazelwood School Division v. United States*, 433 U.S. 299, 307-308 (1977).

⁴⁹ *Id.* at 502.

To meet this more precise requirement, courts have accepted the use of a disparity index.⁵⁰ The Supreme Court in *Croson* recognized statistical measures of disparity that compared the number of qualified and available M/WBEs with the rate of municipal construction dollars actually awarded to M/WBEs in order to demonstrate discrimination in a local construction industry.⁵¹ The Ninth Circuit has stated, “In our recent decision [*Coral Construction*] we emphasized that such statistical disparities are ‘an invaluable tool’ in demonstrating the discrimination necessary to establish a compelling interest.”⁵²

2.4.1 Determining Availability

To perform proper disparity analysis, the government must determine “availability”—the number of qualified minority contractors willing and able to perform a particular service for the municipality. In *Croson*, the Court stated:

*Where there is a significant statistical disparity between the number of qualified minority contractors willing and able to perform a particular service and the number of such contractors actually engaged by the locality or the locality’s prime contractors, an inference of discriminatory exclusion could arise.*⁵³

An accurate determination of availability also permits the government to meet the requirement that it “determine the precise scope of the injury it seeks to remedy” by its program.⁵⁴ Following *Croson*’s statements on availability, lower courts have considered how legislative bodies may determine the precise scope of the injury sought to be remedied by an MBE program. Nevertheless, the federal courts have not provided clear guidance on the best data sources or techniques for measuring M/WBE availability.

Different forms of data used to measure availability give rise to particular controversies. Census data have the benefit of being accessible, comprehensive, and objective in measuring availability. In *Contractors Ass’n of Eastern Pennsylvania, Inc.*, the Third Circuit, while noting some of the limitations of census data, acknowledged that such data could be of some value in disparity studies.⁵⁵ In that case, the city of Philadelphia’s consultant calculated a disparity using data showing the total amount of contract dollars awarded by the City, the amount that went to MBEs, and the number of African American construction firms. The consultant combined these data with data from the Census Bureau on the number of construction firms in the Philadelphia Standard Metropolitan Statistical Area.⁵⁶ Despite the district court’s reservations about mixing data sources, the Third Circuit appeared to have been prepared to accept such data had it ruled on the showing of a compelling interest.

⁵⁰ See *Engineering Contractors Ass’n of South Florida, Inc.*, 122 F.3d at 914; *Concrete Works IV*, 321 F.3d at 964-69.

⁵¹ *Croson*, 488 U.S. at 503-504.

⁵² *Ass’d. General Contrs. of California, Inc. v. Coalition for Economic Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991) (*AGCC II*) citing *Coral Construction*, 941 F.2d at 918; see also *Croson*, 488 U.S. at 509.

⁵³ *Croson*, 488 U.S. at 509 (emphasis added).

⁵⁴ *Id.* at 498.

⁵⁵ *Contractors Assn v. Philadelphia*, 91 F.3d 586, 604 (3rd Cir 1996).

⁵⁶ *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 604.

At least one commentator has suggested using bidder data to measure M/WBE availability,⁵⁷ but *Croson* does not require the use of bidder data to determine availability. In *Concrete Works*, in the context of the plaintiffs' complaint that the city of Denver had not used such information, the Tenth Circuit noted that bid information also has its limits.⁵⁸ Firms that bid may not be qualified or able, and firms that do not bid may be qualified and able, to undertake agency contracts.

2.4.2 Racial Classifications

In determining availability, choosing the appropriate racial groups to consider becomes an important threshold interest.⁵⁹ In *Croson*, the Supreme Court criticized the city of Richmond's inclusion of "Spanish speaking, Oriental, Indian, Eskimo, or Aleut persons" in its affirmative action program.⁶⁰ These groups had not previously participated in City contracting and "The random inclusion of racial groups that, as a practical matter, may never have suffered from discrimination in the construction industry in Richmond suggests that perhaps the City's purpose was not in fact to remedy past discrimination."⁶¹ To evaluate availability properly, data must be gathered for each racial group in the marketplace. The Federal Circuit has also required that evidence as to the inclusion of particular groups be kept reasonably current.⁶²

2.4.3 Relevant Market Area

Another issue in availability analysis is the definition of the relevant market area. Specifically, the question is whether the relevant market area should be defined as the area from which a specific percentage of purchases is made, the area in which a specific percentage of willing and able contractors may be located, or the area determined by a fixed geopolitical boundary.

The Supreme Court has not yet established how the relevant market area should be defined, but some circuit courts have done so, including the Tenth Circuit in *Concrete Works II*, the first appeal in the city of Denver litigation.⁶³ *Concrete Works of Colorado*, a non-M/WBE construction company, argued that *Croson* precluded consideration of discrimination evidence from the six-county Denver Metropolitan Statistical Area (MSA), so Denver should use data only from within the city and county of Denver. The Tenth Circuit, interpreting *Croson*, concluded, "The relevant area in which to measure discrimination . . . is the local construction market, but that is not necessarily confined by jurisdictional boundaries."⁶⁴ The court further stated, "It is important that the pertinent data closely relate to the jurisdictional area of the municipality whose program we scrutinize, but here Denver's contracting activity, insofar as construction work is concerned, is closely related to the Denver MSA."⁶⁵

⁵⁷ LaNoue, George R., "Who Counts? Determining the Availability of Minority Businesses for Public Contracting After *Croson*," 21 *Harv. J. L. and Pub. Pol.* 793, 833-834 (1998).

⁵⁸ *Concrete Works IV*, 321 F.3d at 983-84.

⁵⁹ Racial groups, as the term is used herein, include both racial and ethnic categories.

⁶⁰ 488 U.S. at 506.

⁶¹ *Id.*

⁶² *Rothe Development Co. v. U.S. Dept. of Defense*, 262 F.3d 1306, 1323 (Fed. Cir. 2003).

⁶³ *Concrete Works II*, 36 F.3d at 1520.

⁶⁴ *Id.*

⁶⁵ *Id.*

The Tenth Circuit ruled that because more than 80 percent of Denver Department of Public Works construction and design contracts were awarded to firms located within the Denver MSA, the appropriate market area should be the Denver MSA, not the city and county of Denver alone.⁶⁶ Accordingly, data from the Denver MSA were “adequately particularized for strict scrutiny purposes.”⁶⁷

2.4.4 Firm Qualifications

Another availability consideration is whether M/WBE firms are qualified to perform the required services. In *Croson*, the Supreme Court noted that although gross statistical disparities may demonstrate *prima facie* proof of discrimination, “when special qualifications are required to fill particular jobs, comparisons to the general population (rather than to the smaller group of individuals who possess the necessary qualifications) may have little probative value.”⁶⁸ The Court, however, did not define the test for determining whether a firm is qualified.

Considering firm qualifications is important not only to assess whether M/WBEs in the relevant market area can provide the goods and services required, but also to ensure proper comparison between the number of qualified M/WBEs and the total number of similarly qualified contractors in the marketplace.⁶⁹ In short, proper comparisons ensure the required integrity and specificity of the statistical analysis. For instance, courts have specifically ruled that the government must examine prime contractors and subcontractors separately when the M/WBE program is aimed primarily at one or the other.⁷⁰

2.4.5 Willingness

Croson requires that an “available” firm must be not only qualified but also willing to provide the required services.⁷¹ In this context, it can be difficult to determine whether a business is willing. Courts have approved including businesses in the availability pool that may not be on the government’s certification list. In *Concrete Works II*, Denver’s availability analysis indicated that while most MBEs and WBEs had never participated in City contracts, “almost all firms contacted indicated that they were interested in [municipal work].”⁷² In *Contractors Association of Eastern Pennsylvania, Inc.*, the Third Circuit explained, “[i]n the absence of some reason to believe otherwise, one can normally assume that participants in a market with the ability to undertake gainful work will be ‘willing’ to undertake it.”⁷³ The court went on to note:

[P]ast discrimination in a marketplace may provide reason to believe the minorities who would otherwise be willing are discouraged from trying to secure the work. . . . [I]f there has been discrimination in City contracting, it is to be expected that [African American] firms may be discouraged from applying, and the low numbers [of African American firms seeking to

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Croson*, 488 U.S. at 501 (quoting *Hazelwood School Dist. v. United States*, 433 U.S. 299, 308, n.13 (1977)).

⁶⁹ See *Hazelwood School Dist.*, 433 U.S. at 308; *Contractors Ass’n*, 91 F.3d at 603.

⁷⁰ *W. H. Scott Constr. Co. v. City of Jackson*, 199 F.3d 206, 218 (5th Cir.1999).

⁷¹ *Croson*, 488 U.S. at 509.

⁷² *Concrete Works II*, 36 F.3d at 1529, quoting, *Appellant’s Appendix*.

⁷³ *Contractors Association of Eastern Pennsylvania, Inc.*, 91 F.3d at 603 (in original quotation marks).

prequalify for City-funded contracts] may tend to corroborate the existence of discrimination rather than belie it.⁷⁴

Even so, the strongest possible disparity study would also present information about the willingness of M/WBEs to perform the required services.

2.4.6 Ability

Another availability consideration is whether the firms being considered are able to perform a particular service. Those who challenge affirmative action often question whether M/WBE firms have the “capacity” to perform particular services.

The Eleventh Circuit accepted a series of arguments that firm size has a strong impact on “ability” to enter contracts, that M/WBE firms tend to be smaller, and that this smaller size, not discrimination, explains the resulting disparity.⁷⁵ By contrast, the Tenth Circuit in *Concrete Works II* and *IV* recognized the shortcomings of this treatment of firm size.⁷⁶ *Concrete Works IV* noted that the small size of such firms can itself be a result of discrimination.⁷⁷ The Tenth Circuit acknowledged the city of Denver’s argument that a small construction firm’s precise capacity can be highly elastic.⁷⁸ Under this view, the relevance of firm size may be somewhat diminished. Further, the Eleventh Circuit was dealing with a statute which itself limited remedies to M/WBEs that were smaller firms by definition.⁷⁹

2.4.7 Statistical Evidence of Discrimination in Disparity Studies

While courts have indicated that anecdotal evidence may suffice without statistical evidence, no case without statistical evidence has been given serious consideration by any circuit court. In practical effect, courts require statistical evidence. Further, the statistical evidence needs to be held to appropriate professional standards.⁸⁰

The Eleventh Circuit has addressed the role of statistical significance in assessing levels of disparity in public contracting. Generally, disparity indices of 80 percent or higher—indicating close to full participation—are not considered significant.⁸¹ The court referenced the Equal Employment Opportunity Commission’s disparate impact guidelines, which establish the 80 percent test as the threshold for determining a *prima facie* case of discrimination.⁸² According to the Eleventh Circuit, no circuit that has explicitly endorsed using disparity indices has held that an index of 80 percent or greater is probative of discrimination, but they have held that indices below 80 percent indicate “significant disparities.”⁸³

⁷⁴ Id. at 603-04.

⁷⁵ *Eng’g. Contr. of S. Florida, Inc.* 122 F.3d at 917-18, 924.

⁷⁶ *Concrete Works II*, 36 F.3d at 1528-29; *Concrete Works IV*, 321 F.3d at 980-92.

⁷⁷ *Concrete Works IV*, 321 F.3d at 982.

⁷⁸ Id. at 981

⁷⁹ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 900.

⁸⁰ See *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599-601.

⁸¹ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914.

⁸² Id. at 914, citing 29 C.F.R. § 1607.4D (concerning the disparate impact guidelines and threshold used in employment cases).

⁸³ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914, citing *Contrs. Ass’n of E. Pennsylvania, Inc.*, 6 F.3d at 1005 (crediting disparity index of 4 percent) and *Concrete Works II*, 36 F.3d at 1524 (crediting disparity indices ranging from 0 percent to 3.8 percent).

In support of the use of standard deviation analyses to test the statistical significance of disparity indices, the Eleventh Circuit observed that “[s]ocial scientists consider a finding of two standard deviations significant, meaning there is about one chance in 20 that the explanation for the deviation could be random and the deviation must be accounted for by some factor other than chance.”⁸⁴ With standard deviation analyses, the reviewer can determine whether the disparities are substantial or statistically significant, lending further statistical support to a finding of discrimination. On the other hand, if such analyses can account for the apparent disparity, the study will have little if any weight as evidence of discrimination.

Further, the interpretations of the studies must not assume discrimination has caused the disparities, but must account for alternative explanations of the statistical patterns.⁸⁵ The Third and Fifth Circuits have also indicated that statistics about prime contracting disparity have little, if any, weight when the eventual M/WBE program offers its remedies solely to subcontractors.⁸⁶

2.4.8 Anecdotal Evidence of Discrimination in Disparity Studies

Most disparity studies present anecdotal evidence along with statistical data. The Supreme Court in *Croson* discussed the relevance of anecdotal evidence and explained: “[E]vidence of a pattern of individual discriminatory acts can, if supported by appropriate statistical proof, lend support to a local government’s determination that broader remedial relief is justified.”⁸⁷ Although *Croson* did not expressly consider the form or level of specificity required for anecdotal evidence, the Ninth Circuit has addressed both issues.

In *Coral Construction*, the Ninth Circuit addressed the use of anecdotal evidence alone to prove discrimination. Although King County’s anecdotal evidence was extensive, the court noted the absence in the record of any statistical data in support of the program. Additionally, the court stated, “While anecdotal evidence may suffice to prove individual claims of discrimination, rarely, if ever, can such evidence show a *systemic pattern of discrimination necessary for the adoption of an affirmative action plan*.”⁸⁸ The court concluded, by contrast, that “the combination of convincing anecdotal and statistical evidence is potent.”⁸⁹

Regarding the appropriate form of anecdotal evidence, the Ninth Circuit in *Coral Construction* noted that the record provided by King County was “considerably more extensive than that compiled by the Richmond City Council in *Croson*.”⁹⁰ The King County record contained “affidavits of at least 57 minority or [female] contractors, each of whom complain[ed] in varying degree[s] of specificity about discrimination within the local construction industry”.⁹¹ The *Coral Construction* court stated that the M/WBE affidavits “reflect[ed] a broad spectrum of the contracting community” and the affidavits “certainly

⁸⁴ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 914 quoting *Peightal v. Metropolitan Dade County*, 26 F.3d 1545, 1556 n.16 (11th Cir. 1994) (quoting *Waisome v. Port Authority*, 948 F.2d 1370, 1376 (2nd Cir. 1991)).

⁸⁵ *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 922.

⁸⁶ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599 (3rd Cir.); *W.H. Schott Constr. Co.*, 199 F.3d at 218 (5th Cir.)

⁸⁷ *Croson*, 488 U.S. at 509.

⁸⁸ *Coral Construction*, 941 F.2d at 919 (emphasis added).

⁸⁹ *Id.* See also *AGCC II*, 950 F.2d at 1414-1415.

⁹⁰ *Coral Construction*, 941 F.2d at 917.

⁹¹ *Id.* at 917-18.

suggest[ed] that ongoing discrimination may be occurring in much of the King County business community.”⁹²

In *Associated General Contractors of California v. Coalition for Economic Equity (AGCC II)*, the Ninth Circuit discussed the specificity of anecdotal evidence required by *Croson*.⁹³ Seeking a preliminary injunction, the contractors contended that the evidence presented by the city of San Francisco lacked the specificity required by both an earlier appeal in that case and by *Croson*.⁹⁴ The court held that the City’s findings were based on substantially more evidence than the anecdotes in the two prior cases, and “were clearly based upon dozens of specific instances of discrimination that are laid out with particularity in the record, as well as significant statistical disparities in the award of contracts.”⁹⁵

The court also ruled that the City was under no burden to identify specific practices or policies that were discriminatory.⁹⁶ Reiterating the City’s perspective, the court stated that the City “must simply demonstrate the existence of past discrimination with specificity; there is no requirement that the legislative findings specifically detail each and every instance that the legislative body ha[d] relied upon in support of its decision that affirmative action is necessary.”⁹⁷

Not only have courts found that a municipality does not have to specifically identify all the discriminatory practices impeding M/WBE utilization, but the Tenth Circuit in *Concrete Works IV* also held that anecdotal evidence collected by a municipality does not have to be verified. The court stated:

*There is no merit to [the plaintiff’s] argument that witnesses’ accounts must be verified to provide support for Denver’s burden. Anecdotal evidence is nothing more than a witness’ narrative of an incident told from the witness’ perspective and including the witness’ perceptions...Denver was not required to present corroborating evidence and [the plaintiff] was free to present its own witnesses to either refute the incidents described by Denver’s witnesses or to relate their own perceptions on discrimination in the Denver construction industry.*⁹⁸

2.5 The Governmental Entity or Agency Enacting an M/WBE Program Must Be Shown to Have Actively or Passively Perpetuated the Discrimination

In *Croson*, the Supreme Court stated, “It is beyond dispute that any public entity, state or federal, has a compelling interest in assuring that *public* dollars, drawn from the tax contributions of all citizens, do not serve to finance the evil of *private* prejudice.”⁹⁹ *Croson* provided that the government “can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the

⁹² Id.

⁹³ *AGCC II*, 950 F.2d at 1414-1415.

⁹⁴ See *AGCC II*, 950 F.2d at 1403-1405.

⁹⁵ *AGCC II*, 950 F.2d. at 1416. This evidence came from 10 public hearings and “numerous written submissions from the public.” Id. at 1414.

⁹⁶ Id. at 1416, n.11.

⁹⁷ Id. at 1416.

⁹⁸ *Concrete Works IV*, 321 F.3d at 989.

⁹⁹ *Croson*, 488 U.S. at 492 (emphasis added).

Fourteenth Amendment.”¹⁰⁰ The government agency’s active or passive participation in discriminatory practices in the marketplace may show the compelling interest. Defining passive participation, *Croson* stated:

*Thus, if the city could show that it had essentially become a “passive participant” in a system of racial exclusion practiced by elements of the local construction industry, we think it clear that the city could take affirmative steps to dismantle such a system.*¹⁰¹

The Tenth Circuit decision in *Adarand* concluded that evidence of private sector discrimination provided a compelling interest for a DBE program.¹⁰² Later cases have reaffirmed that the government has a compelling interest in avoiding the financing of private discrimination with public dollars.¹⁰³

Relying on this language in *Croson*, a number of local agencies have increased their emphasis on evidence of discrimination in the private sector. This strategy has not always succeeded. In the purest case, Cook County did not produce a disparity study but instead presented anecdotal evidence that M/WBEs were not solicited for bids in the private sector.¹⁰⁴ Cook County lost the trial and the resulting appeal.¹⁰⁵ Similarly, evidence of private sector discrimination presented in litigation was found inadequate in the Philadelphia and Dade County cases.¹⁰⁶ The Third Circuit stated, in discussing low MBE participation in a local contractors association in the city of Philadelphia, that “racial discrimination can justify a race-based remedy only if the city has somehow participated in or supported that discrimination.”¹⁰⁷ Nevertheless, recently in *Concrete Works IV*, the Tenth Circuit upheld the relevance of data from the private marketplace to establish a factual predicate for M/WBE programs.¹⁰⁸ That is, courts mainly seek to ensure that M/WBE programs are based on findings of active or passive discrimination in the government contracting marketplace, and not simply attempts to remedy general societal discrimination.

Courts also seek to find a causal connection between a statistical disparity and actual underlying discrimination. In *Engineering Contractors*, one component of the factual predicate was a study comparing entry rates into the construction business for M/WBEs and non-M/WBEs.¹⁰⁹ The analysis provided statistically significant evidence that minorities and women entered the construction business at rates lower than would be expected, given their numerical presence in the population and human and financial capital variables. The study argued that those disparities persisting after the application of appropriate statistical controls were most likely the result of current and past discrimination. Even so, the Eleventh Circuit criticized this study for reliance on general census data and for the lack of particularized

¹⁰⁰ *Croson*, 488 U.S. at 492. See generally Ayres, Ian and Frederick E. Vars, “When Does Private Discrimination Justify Public Affirmative Action?” 98 *Columbia Law Review* 1577 (1998).

¹⁰¹ *Croson*, 488 U.S. at 492.

¹⁰² *Adarand Contrs., Inc.*, 228 F.3d at 1155, 1164-65.

¹⁰³ *Associated Gen. Contrs. of Ohio, Inc. v. Drabik*, 214 F.3d 730, 734-35 (6th Cir. 2000). See also *Concrete Works II*, 36 F.3d at 1529; *Coral Constr. Co.*, 941 F.2d at 916.

¹⁰⁴ *Builders Ass’n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087, 1117 (N.D. I.L. 2000).

¹⁰⁵ *Builders Ass’n of Greater Chicago v. County of Cook*, 123 F. Supp. 2d 1087 (N.D. I.L. 2000); 256 F.3d 642, 648 (7th Cir. 2001).

¹⁰⁶ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 599-602; *Engineering Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 920-926.

¹⁰⁷ *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 602; see also *Webster v. Fulton County*, 51 F. Supp. 2d 1354, 1363 (N.D. G.A. 1999).

¹⁰⁸ *Concrete Works IV*, 321 F.3d at 976.

¹⁰⁹ *Engineering Contractors Ass’n of South Florida, Inc.*, 122 F.3d at 921-22.

evidence of active or passive discrimination by Dade County, holding that the district court was entitled to find that the evidence did not show compelling justification for an M/WBE program.¹¹⁰

The Seventh Circuit has perhaps set a higher bar for connecting private discrimination with government action. The trial court in the Cook County case extensively considered evidence that prime contractors simply did not solicit M/WBEs as subcontractors and considered carefully whether this evidence on solicitation served as sufficient evidence of discrimination, or whether instead it was necessary to provide further evidence that there was discrimination in hiring M/WBE subcontractors.¹¹¹ The Seventh Circuit held that this evidence was largely irrelevant.¹¹² Beyond being anecdotal and partial, evidence that contractors failed to solicit M/WBEs on Cook County contracts was not the same as evidence that M/WBEs were denied the opportunity to bid.¹¹³ Furthermore, such activities on the part of contractors did not necessarily implicate the county as even a passive participant in such discrimination as might exist because there was no evidence that the county knew about it.¹¹⁴

Interestingly, some courts have been willing to see capital market discrimination as part of the required nexus between private and public contracting discrimination, even if capital market discrimination could arguably be seen as simply part of broader societal discrimination. In *Adarand v. Slater*, the Tenth Circuit favorably cited evidence of capital market discrimination as relevant in establishing the factual predicate for the federal DBE program.¹¹⁵ The same court, in *Concrete Works IV*, found that barriers to business formation were relevant insofar as this evidence demonstrated that M/WBEs were “precluded from the outset from competing for public construction contracts.”¹¹⁶ Along related lines, the court also found a regression analysis of census data to be relevant evidence showing barriers to M/WBE formation.¹¹⁷

Courts have come to different conclusions about the effects of M/WBE programs on the private sector evidence itself. For instance, is M/WBE participation in public sector projects higher than on private sector projects simply because the M/WBE program increases M/WBE participation in the public sector, or is such a pattern evidence of private sector discrimination? The Seventh Circuit raised the former concern in the recent Cook County litigation.¹¹⁸ *Concrete Works IV*, however, expressly cited as evidence of discrimination that M/WBE contractors used for business with the city of Denver were not used by the same prime contractors for private sector contracts.¹¹⁹

Finally, is evidence of a decline in M/WBE utilization following a change in or termination of an M/WBE program relevant and persuasive evidence of discrimination? The Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Concrete Works IV* did find that such a decline in

¹¹⁰ *Id.* at 922.

¹¹¹ *Builders Ass’n of Chicago*, 123 F.Supp. 2d at 1112-1116.

¹¹² *Builders Ass’n of Greater Chicago*, 256 F.3d at 645.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Adarand Contrs., Inc.*, 228 F.3d at 1169-70.

¹¹⁶ *Concrete Works IV*, 321 F.2d at 977. The district court had rejected evidence of credit market discrimination as adequate to provide a factual predicate for an M/WBE program. *Concrete Works of Colorado, Inc. v. City of Denver*, 86 F.Supp. 2d 1042, 1072-73 (D Co. 2000) (*Concrete Works III*).

¹¹⁷ *Id.* at 967.

¹¹⁸ *Builders Ass’n of Greater Chicago*, 256 F.3d at 645.

¹¹⁹ *Concrete Works IV*, 321 F.3d at 984-85.

M/WBE utilization was evidence that prime contractors were not willing to use M/WBEs in the absence of legal requirements.¹²⁰ Other lower courts have arrived at similar conclusions.¹²¹

2.6 To Withstand Strict Scrutiny, an M/WBE Program Must Be Narrowly Tailored to Remedy Identified Discrimination

The discussion of compelling interest in the court cases has been extensive, but narrow tailoring may be the more critical issue. Many courts have held that even if a compelling interest for the M/WBE program can be found, the program has not been narrowly tailored.¹²² Moreover, *Concrete Works IV*,¹²³ a case that did find a compelling interest for a local M/WBE program, did not consider the issue of narrow tailoring. Instead, the Tenth Circuit held that the plaintiffs had waived any challenge to the original ruling of the district court¹²⁴ that the program was narrowly tailored.

Nevertheless, the federal courts have found that the DBE program established pursuant to federal regulations (49 CFR, Part 26) and issued under the Transportation Equity Act (TEA-21) (1998) has been narrowly tailored to serve a compelling interest.¹²⁵ The federal courts had previously ruled that there was a factual predicate for the federal Department of Transportation (DOT) DBE program, but that in its earlier versions the program was not narrowly tailored.¹²⁶ The more recent rulings provide some guidance as to what program configurations the courts will judge to be narrowly tailored. The Eleventh Circuit in particular has identified the following elements of narrow tailoring: (1) the necessity for the relief and the efficacy of alternative remedies; (2) the flexibility and duration of the relief, including the availability of waiver provisions; (3) the relationship of numerical goals to the relevant labor market; and (4) the impact of the relief on the rights of innocent third parties.¹²⁷

2.6.1 Race-Neutral Alternatives

Concerning race-neutral alternatives, the Supreme Court in *Croson* concluded that a governmental entity must demonstrate that it has evaluated the use of race-neutral means to increase MBE participation in contracting or purchasing activities. In upholding the narrow tailoring of federal DBE regulations, the Eighth Circuit noted that those regulations “place strong emphasis on ‘the use of race-neutral means to increase minority business participation in government contracting.’”¹²⁸ The Tenth Circuit had noted that the DBE regulations provided that “if a recipient can meet its overall goal through race-neutral means, it must implement its program without the use of race-conscious contracting

¹²⁰ *Concrete Works IV*, 321 F.3d at 985; *Sherbrooke Turf, Inc.*, 345 F.3d at 973.

¹²¹ See *Northern Contracting, Inc. v. Illinois*, No. 00 4515 (ND IL 2004) – 2004 U.S. Dist. LEXIS 3226 150-1.

¹²² *Contrs. Ass’n of E. Pennsylvania, Inc.*, 91 F.3d at 606; *Eng’g Contrs. Ass’n of S. Florida, Inc.*, 122 F.3d at 926-929; *Verdi v. DeKalb County Sch. Dist.*, 135 Fed. Appx. 262, 268, 2005 WL 38942 (11th Cir. 2005).

¹²³ *Concrete Works IV*, 321 F.3d at 992-93.

¹²⁴ *Concrete Works of Colo., Inc. v. City of Denver*, 823 F.Supp. 821, 844-845 (D.Co. 1993)(*Concrete Works I*).

¹²⁵ *Adarand Constrs., Inc.*, 228 F.3d at 1158, 1187; *Sherbrooke Turf Inc.*, 345 F.3d at 968-969, 974; *W. States Paving Co. v. Wash. State DOT*, 407 F.3d 983 (9th Cir. 2005).

¹²⁶ *Inre Sherbrooke Sodding*, 17 F. Supp. 2d 1026, 1034-35, 1037 (D.Minn. 1998) (*Sherbrooke I*) (finding the program was not narrowly tailored). In 1996, before the new DBE regulations, the district court in Colorado, upon remand from the 1995 U.S. Supreme Court, had made a similar ruling in *Adarand Constrs., Inc. v. Peña*, 965 F. Supp. 1556, 1581 (D.Co. 1997)

¹²⁷ *Engineering Contractors*, 122 F.3d at 973 (citing *Ensley Branch*, 31 F.3d at 1569).

¹²⁸ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Adarand Constrs., Inc.*, 515 U.S. at 237-38.

measures, and enumerate a list of race-neutral measures.”¹²⁹ Those measures included “helping overcome bonding and financing obstacles, providing technical assistance, [and] establishing programs to assist start-up firms.”¹³⁰

Strict scrutiny does not mandate that every race-neutral measure be considered and found wanting. The Eighth Circuit also affirmed that “Narrow tailoring does not require exhaustion of every conceivable race neutral alternative,” but it does require “serious, good faith consideration of workable race-neutral alternatives.”¹³¹

2.6.2 Flexibility and Duration of the Remedy

The Eighth Circuit also found that “the revised DBE program has substantial flexibility.”¹³²

*A State may obtain waivers or exemptions from any requirement and is not penalized for a good faith failure to meet its overall goal. In addition, the program limits preferences to small businesses falling beneath an earnings threshold, and any individual whose net worth exceeds \$ 750,000 cannot qualify as economically disadvantaged.*¹³³

DBE and M/WBE programs achieve flexibility by using waivers and variable project goals to avoid merely setting a quota. *Croson* favorably mentioned the contract-by-contract waivers in the federal DOT DBE program.¹³⁴ Virtually all successful MBE programs have this waiver feature in their enabling legislation. As for project goals, the approved DBE provisions set aspirational, nonmandatory goals; expressly forbid quotas; and use overall goals as a framework for setting local contract goals, if any, based on local data. All of these factors have impressed the courts that have upheld the constitutionality of the revised DOT DBE program.¹³⁵

With respect to program duration, in *Adarand Constructors, Inc. v. Peña*, the Supreme Court wrote that a program should be “appropriately limited such that it will not last longer than the discriminatory effects it is designed to eliminate.”¹³⁶ The Eighth Circuit also noted the limits in the DBE program, stating that “the DBE program contains built-in durational limits,” in that a “State may terminate its DBE program if it meets its annual overall goal through race-neutral means for two consecutive years.”¹³⁷ The Eighth Circuit also found durational limits in the fact that “TEA-21 is subject to periodic congressional reauthorization. Periodic legislative debate assures all citizens that the deviation from the norm of equal treatment of all racial and ethnic groups is a temporary matter, a measure taken in the service of the goal of equality itself.”¹³⁸

¹²⁹ *Adarand Constrs., Inc.*, 228 F.3d. at 1179 (parentheses removed).

¹³⁰ *Id.*

¹³¹ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, quoting *Grutter*, 123 S. Ct. at 2344-45. See also *Coral Constr. Co.*, 941 F.2d at 923; *AGCC II*, 950 F.2d at 1417.

¹³² *Sherbrooke Turf, Inc.*, 345 F. 3d at 972.

¹³³ *Id.* at 972, citing, 49 C.F.R. § 26.67(b).

¹³⁴ *Croson*, 488 U.S. at 488-489. *Coral Constr. Co.*, 941 F.2d at 924-925.

¹³⁵ See *Coral Constr. Co.*, 941 F. 2d at 924-925.

¹³⁶ 515 U.S. at 238 (internal quotations and citations omitted).

¹³⁷ *Sherbrooke Turf, Inc.*, 345 F. 3d at 972, citing 49 C.F.R. § 26.51(f)(3).

¹³⁸ *Id.*, quoting, *Grutter*, 123 S. Ct. at 2346.

Other appellate courts have noted several possible mechanisms for limiting program duration: such as required termination if goals have been met,¹³⁹ decertification of MBEs who achieve certain levels of success, or mandatory review of MBE certification at regular, relatively brief periods.¹⁴⁰ Governments thus have some duty to ensure that they update their evidence of discrimination regularly enough to review the need for their programs and to revise programs by narrowly tailoring them to fit the fresh evidence.¹⁴¹ It is still an open question whether all of these provisions are necessary in every case.

2.6.3 Relationship of Goals to Availability

Narrow tailoring under the *Croson* standard requires that remedial goals be in line with measured availability. Merely setting percentages without a carefully selected basis in statistical studies, as the city of Richmond did in *Croson* itself, has played a strong part in decisions finding other programs unconstitutional.¹⁴²

By contrast, the Eighth, Ninth, and Tenth Circuits have approved the goal-setting process for the DOT DBE program, as revised in 1999.¹⁴³ The approved DOT DBE regulations require that goals be based on one of several methods for measuring DBE availability.¹⁴⁴ The Eighth Circuit noted that the “DOT has tied the goals for DBE participation to the relevant labor markets,” insofar as the “regulations require grantee States to set overall goals based upon the likely number of minority contractors that would have received federally assisted highway contracts but for the effects of past discrimination.”¹⁴⁵ The Eighth Circuit acknowledged that goal setting was not exact, but nevertheless, the exercise...

*requires the States to focus on establishing realistic goals for DBE participation in the relevant contracting markets. This stands in stark contrast to the program struck down in Croson, which rested upon the completely unrealistic assumption that minorities will choose a particular trade in lockstep proportion to their representation in the local population.*¹⁴⁶

Moreover, the approved DBE regulations use built-in mechanisms to ensure that DBE goals are not set excessively high relative to DBE availability. For example, the approved DBE goals are to be set-aside if the overall goal has been met for two consecutive years by race-neutral means. The approved DBE contract goals also must be reduced if overall goals have been exceeded with race-conscious means for two consecutive years. The Eighth Circuit courts found these provisions to be narrowly tailored, particularly when implemented according to local disparity studies that carefully calculate the applicable goals.¹⁴⁷

2.6.4 Burden on Third Parties

¹³⁹ *Sherbrooke Turf, Inc.*, 345 F.3d at 972.

¹⁴⁰ *Adarand Constrs. Inc.*, 228 F.3d at 1179-1180.

¹⁴¹ *Rothe Dev. Co.*, 262 F.3d at 1323-1324 (commenting on the possible staleness of information after seven, 12, and 17 years).

¹⁴² See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647; *Kohlbeck*, 447 F.3d at 556-557.

¹⁴³ *Adarand Constrs. Inc.*, 228 F.3d at 1181-1182; *Sherbrooke Turf, Inc.*, 345 F.3d at 971-973. *W. States Paving Co.*, 407 F.3d at 994-995.

¹⁴⁴ 49 C.F.R., § 26.45 (2006).

¹⁴⁵ *Sherbrooke Turf, Inc.*, at 972, 345 F. 3d citing, 49 C.F.R. § 26.45(c)-(d) (Steps 1 and 2).

¹⁴⁶ *Id.* at 972, quoting, *Croson*, 488 U.S. at 507.

¹⁴⁷ *Id.* at 973-974.

Narrow tailoring also requires minimizing the burden of the program on third parties. The Eight Circuit stated the following with respect to the revised DBE program:

*Congress and DOT have taken significant steps to minimize the race based nature of the DBE program. Its benefits are directed at all small businesses owned and controlled by the socially and economically disadvantaged. While TEA21 creates a rebuttable presumption that members of certain racial minorities fall within that class, the presumption is rebuttable, wealthy minority owners and wealthy minority-owned firms are excluded, and certification is available to persons who are not presumptively disadvantaged but can demonstrate actual social and economic disadvantage. Thus, race is made relevant in the program, but it is not a determinative factor.*¹⁴⁸

Waivers and good faith compliance are also tools that serve this purpose of reducing the burden on third parties.¹⁴⁹ The DOT DBE regulations have also sought to reduce the program burden on non-DBEs by avoiding DBE concentration in certain specialty areas.¹⁵⁰ These features have gained the approval of the only circuit court to have discussed them at length as measures of lowering impact on third parties.¹⁵¹

2.6.5 Over-Inclusion

Narrow tailoring also involves limiting the number and type of beneficiaries of the program. As noted above, there must be evidence of discrimination to justify a group-based remedy, and over-inclusion of uninjured individuals or groups can endanger the entire program.¹⁵² Federal DBE programs have succeeded in part because regulations covering DBE certification do not provide blanket protection to minorities.¹⁵³

Critically, the MBE program must be limited in its geographical scope to the boundaries of the enacting government's marketplace. The Supreme Court indicated in *Croson* that a local agency has the power to address discrimination only within its own marketplace. One fault of the Richmond MBE programs was that minority firms were certified from around the United States.¹⁵⁴

In *Coral Construction*, the Ninth Circuit concluded that the King County MBE program failed this part of the narrow tailoring test because the definition of MBEs eligible to benefit from the program was overbroad. The definition included MBEs that had had no prior contact with King County if the MBE could demonstrate that discrimination occurred "in the particular geographic areas in which it operates."¹⁵⁵ This MBE definition suggested that the program was designed to eradicate discrimination not only in King County but also in the particular area in which a non-local MBE conducted business. In essence, King County's program focused on the eradication of societywide discrimination, which is outside the

¹⁴⁸ *Sherbrooke Turf, Inc.* 345 F. 3d at 972-73, citing, *Grutter*, 123 S. Ct. at 2345-46; *Gratz v. Bollinger*, 123 S. Ct. 2411, 2429 (2003)

¹⁴⁹ See 49 CFR, § 26.53 (2006).

¹⁵⁰ See 49 CFR, § 26.33 (2006).

¹⁵¹ *Adarand Constrs. Inc.*, 228 F.3d at 1183.

¹⁵² See *Builders Ass'n of Greater Chicago*, 256 F.3d at 647-648.

¹⁵³ *Sherbrooke Turf, Inc.*, 345 F.3d 972-73.

¹⁵⁴ *Croson*, 488 U.S. at 508.

¹⁵⁵ *Coral Constr. Co.*, 941 F. 2d at 925 (internal modifications and citations omitted).

power of a state or local government. “Since the County’s interest is limited to the eradication of discrimination within King County, the only question that the County may ask is whether a business has been discriminated against in King County.”¹⁵⁶

In clarifying an important aspect of the narrow tailoring requirement, the court defined the issue of eligibility for MBE programs as one of participation, not location. For an MBE to reap the benefits of an affirmative action program, the business must have been discriminated against in the jurisdiction that established the program.¹⁵⁷ As a threshold matter, before a business can claim to have suffered discrimination, it must have attempted to do business with the governmental entity.¹⁵⁸ It was found significant that “if the County successfully proves malignant discrimination within the King County business community, an MBE would be presumptively eligible for relief if it had previously sought to do business in the County.”¹⁵⁹

To summarize, according to the Ninth Circuit, the presumptive rule requires that the enacting governmental agency establish that systemic discrimination exists within its jurisdiction and that the MBE is, or has attempted to become, an active participant in the agency’s marketplace.¹⁶⁰ Since King County’s definition of an MBE permitted participation by those with no prior contact with King County, its program was overbroad. By useful contrast, *Concrete Works II* held that the more extensive but still local designation of the entire Denver MSA constituted the marketplace to which the programs could apply.¹⁶¹

2.7 Personal Liability For Implementing An M/WBE Program

One lower court decision in the Eleventh Circuit, *Herschell Gill Consulting v. Miami-Dade County*,¹⁶² held that Dade County and its Commissioners were held jointly and severally liable for nominal damages and attorney’s fees for implementing a M/WBE program in violation of constitutional rights under Section 1983.

In general government officials have absolute immunity for legislative acts, but not for administrative acts. Thus, government officials are immune from personal liability for adopting a M/WBE program but can be personally liable for applying specific policies to particular contracts. Government officials are entitled to “qualified immunity” if their actions did not violate “clearly established statutory or constitutional rights of which a reasonable person would have known.”¹⁶³ In *Herschell Gill*, there was no recent disparity study, there was parity in contracting, the previous program had been struck down by the same federal court, there was no substantial consideration of race neutral alternatives and the County had not followed its own ordinance in adjusting goals.

2.8 DBE Programs: The “As Applied” Challenge in Western States Paving

¹⁵⁶ Id. (emphasis omitted).

¹⁵⁷ Id.

¹⁵⁸ Id.

¹⁵⁹ Id.

¹⁶⁰ Id.

¹⁶¹ *Concrete Works II*, 36 F.3d at 1520.

¹⁶² 2004 WL 1924812 (S.D.Fla. 2004).

¹⁶³ *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

The Washington DOT DBE program was struck down not in *Western States Paving* because the federal DBE program had no factual predicate and not because the federal DBE program lacked narrow tailored program features. Instead, the Ninth Circuit ruled that the Washington DOT DBE program was not narrowly tailored “as applied.”¹⁶⁴ While a state does not have to independently provide a factual predicate for its DBE program the Ninth Circuit found that, “it cannot be said that TEA-21 is a narrowly tailored remedial measure unless its application is limited to those States in which the effects of discrimination are actually present.”¹⁶⁵ In effect, while Washington DOT was not required to produce a separate factual predicate for a DBE program, it was still required to produce a factual predicate (of sorts) to justify race-conscious elements in the local implementation of its DBE program.

While Washington DOT conceded that it had no studies of discrimination in highway contracting, it argued that there was evidence of discrimination in the fact that DBEs received 9 percent of subcontracting dollars on state-funded projects where there were no DBE goals and 18 percent of federal funded projects where there were DBE goals. But the Ninth Circuit stated that, “even in States in which there has never been discrimination, the proportion of work that DBEs receive on contracts that lack affirmative action requirements will be lower than the share that they obtain on contracts that include such measures because minority preferences afford DBEs a competitive advantage.”¹⁶⁶

In contrast, the Eighth Circuit in *Sherbrooke Turf* and the Tenth Circuit in *Adarand v. Slater* found that a decline in DBE utilization following a change in or termination of a DBE program was relevant evidence of discrimination in subcontracting.¹⁶⁷ The Tenth Circuit stated that while this evidence “standing alone is not dispositive, it strongly supports the government’s claim that there are significant barriers to minority competition in the public subcontracting.”¹⁶⁸

The Ninth Circuit also dismissed the disparity between the proportion of DBE subcontractors and the proportion of DBE dollars on state-funded contracts, because “DBE firms may be smaller and less experienced than non-DBE firms (especially if they are new businesses started by recent immigrants) or they may be concentrated in certain geographic areas of the State, rendering them unavailable for a disproportionate amount of work.”¹⁶⁹ The Ninth Circuit quoted the DC Circuit in *O’Donnell* to the effect that:

Minority firms may not have bid on . . . construction contracts because they were generally small companies incapable of taking on large projects; or they may have been fully occupied on other projects; or the District’s contracts may not have been as lucrative as others available in the Washington metropolitan area; or they may not have had the expertise

¹⁶⁴ The Ninth Circuit distinguished a previous case which did not involve an “as applied” challenge to the federal DBE program. *Milwaukee County Pavers Ass’n v. Fiedler*, 922 F.2d 419 (7th Cir. 1991). The Seventh Circuit disagreed with the Ninth Circuit’s reading of *Milwaukee County Pavers*. See *Northern Contracting*, at fn 4.

¹⁶⁵ *Western States Paving*, 407 F. 3d at 998.

¹⁶⁶ *Western States Paving*, 407 F. 3d at 1000.

¹⁶⁷ *Sherbrooke Turf*, 345 F.3d at 973.

¹⁶⁸ *Adarand v. Slater*, 228 F.3d at 1174; see also *Concrete Works IV*, 321 F.3d at 985.

¹⁶⁹ *Western States Paving*, at 1001.

*needed to perform the contracts; or they may have bid but were rejected because others came in with a lower price.*¹⁷⁰

The Ninth Circuit noted further that “if this small disparity has any probative value, it is insufficient, standing alone, to establish the existence of discrimination against DBEs.” The Ninth Circuit contrasted this minor disparity with the Ninth Circuit’s decision in *Associated General Contractors of California, Inc. v. Coalition for Economic Equity (AGCCII)* where “discrimination was likely to exist where minority availability for prime contracts was 49.5 percent but minority dollar participation was only 11.1 percent.”¹⁷¹

2.9 Small Business Procurement Preferences

Small business procurement preferences have existed since the 1940s. The first small business program had its origins in the Smaller War Plants Corporation (SWPC), established during World War II.¹⁷² The SWPC was created to channel war contracts to small business. In 1947, Congress passed the Armed Forces Procurement Act, declaring that “[i]t is the policy of Congress that a fair proportion of the purchases and contracts under this chapter be placed with small business concerns.”¹⁷³ Continuing this policy, the 1958 Small Business Act requires that government agencies award a “fair proportion” of procurement contracts to small business concerns.¹⁷⁴

Section 8(b)(11) of the Small Business Act authorizes the Small Business Administration (SBA) to set-aside contracts for placement with small business concerns. The SBA has the power:

*to make studies and recommendations to the appropriate Federal agencies to insure that a fair proportion of the total purchases and contracts for property and services for the Government be placed with small-business enterprises, to insure that a fair proportion of Government contracts for research and development be placed with small-business concerns, to insure that a fair proportion of the total sales of Government property be made to small-business concerns, and to insure a fair and equitable share materials, supplies, and equipment to small-business concerns.*¹⁷⁵

Every acquisition of goods and services anticipated to be between \$3,000 and \$100,000 is set aside exclusively for small business unless the contracting officer has a reasonable expectation of fewer than two bids by small businesses.¹⁷⁶

There has been only one constitutional challenge to the long-standing federal small business enterprise (SBE) programs. In *J.H. Rutter Rex Manufacturing Co. v. United*

¹⁷⁰ *Id.* (quoting *O'Donnell Constr. Co.*, 963 F.2d at 426).

¹⁷¹ *Western States Paving*, at 1001. (Quoting *Associated Gen. Contractors of Cal., Inc. v. Coalition for Econ. Equity*, 950 F.2d 1401, 1414 (9th Cir. 1991)).

¹⁷² See, generally, Hasty III, Thomas J., “Minority Business Enterprise Development and the Small Business Administration’s 8(a) Program: Past, Present, and (Is There a) Future?” 145 *Mil. L. Rev.* 1.

¹⁷³ 10 U.S.C. § 2301 (1976) quoting, *J.H. Rutter Rex Mfg. Co. v. United States*, 706 F. 2d 702, 704 (5th Cir. 1983).

¹⁷⁴ 15 USC 631(a).

¹⁷⁵ 15 U.S.C. § 637(b)(11).

¹⁷⁶ 18 C.F.R. § 19.502-2 (2006).

States,¹⁷⁷ a federal vendor unsuccessfully challenged the Army's small business set-aside program as in violation of the due process clause of the Fifth Amendment to the U.S. Constitution, as well as the Administrative Procedures Act and the Armed Forces Procurement Act.¹⁷⁸ The court held that classifying businesses as small was not a "suspect classification" subject to strict scrutiny. Instead the court ruled:

*Since no fundamental rights are implicated, we need only determine whether the contested socio-economic legislation rationally relates to a legitimate governmental purpose. Our previous discussion adequately demonstrates that the procurement statutes and the regulations promulgated thereunder are rationally related to the sound legislative purpose of promoting small businesses in order to contribute to the security and economic health of this Nation.*¹⁷⁹

A large number of state and local governments have maintained small business preference programs for many years.¹⁸⁰ No district court cases were found overturning a state or local small business reference program. One reason for the low level of litigation in this area is that there is significant organizational opposition to SBE programs. There are no reported cases of Associated General Construction (AGC) litigation against local SBE programs. And the legal foundations that have typically sued M/WBE programs have actually promoted SBE procurement preference programs as a race-neutral substitute for M/WBE programs.

There has been one state court case in which an SBE program was struck down as unconstitutional. The Cincinnati SBE program called for maximum practical M/WBE participation and required bidders to use good faith effort requirements to contract with M/WBEs up to government-specified M/WBE availability. Failure to satisfy good faith effort requirements triggered an investigation of efforts to provide opportunities for M/WBE subcontractors. In *Cleveland Construction v. Cincinnati*,¹⁸¹ the state court ruled that the Cincinnati SBE program had race and gender preferences and had deprived the plaintiff of constitutionally protected property interest without due process of law. The city acknowledged that it had not offered evidence to satisfy strict scrutiny because it felt that it had been operating a race-neutral program.

2.10 Local Business Preferences

The constitutional analysis of local business preferences is somewhat less clear than SBE programs. Again, local business preferences are widespread and some have been in place for almost two decades (for example, the City of Oakland Local Business Enterprise (LBE) program started in 1979).¹⁸² More common is the preference for small local businesses,

¹⁷⁷ 706 F.2d 702 (5th Cir. 1983), cert. denied, 464 U.S. 1008 (1983).

¹⁷⁸ *J.H. Rutter Rex Mfg. Co. v. United States*, 534 F. Supp. 331, 332 (E.D. La. 1982), app'd 706 F. 2d 702 ("Administrative Procedures Act, 5 U.S.C. §§ 552(a)(1)(E) (1976) and the "fair proportion" language of the Armed Forces Procurement Act, 10 U.S.C. § 2301 et seq. (1976), and the Small Business Act, 15 U.S.C. § 631 et seq. (1976)").

¹⁷⁹ *J.H. Rutter Rex Mfg. Co.*, 706 F.2d at 713 (internal citations omitted and emphasis added). See also *Dandridge v. Williams*, 397 U.S. 471, 485-86 (1970).

¹⁸⁰ See Fla. Stat. § 287.001 et seq. (starting small business program in 1985); Minn. Stat. § 137.31 (Univ. of Minn. Started in 1979); N.J. Stat. § 52:32-17 et seq. (small business program started in 1983).

¹⁸¹ See instead *Cleveland Constr. Inc. v. Cincinnati*, 2006 Ohio App. LEXIS 6410, *P1-*P19 (Ohio Ct. App. Dec. 8, 2006).

¹⁸² See, e.g., City of Detroit's Detroit-Based Business Program (Executive Order No. 2003-4), City of San

which is an even more widespread practice. While called small business programs, these programs often set-aside contracts for bidding by local SBEs.

There are no federal court cases expressly stating that local business preference programs are unconstitutional. However, local business preferences should be distinguished from preferences for hiring local residents, which have been struck down on constitutional grounds. But LBE programs could be subject to some doubt on constitutional grounds. The three bases for constitutional challenges are the Equal Protection Clause, Dormant Commerce Clause and the Privileges and Immunities Clause.

2.10.1 Equal Protection Clause

A challenge to an LBE program under the Equal Protection Clause is straightforward. The content of the Equal Protection Clause has been discussed above. All challenges to local purchasing preferences based on the Equal Protection Clause have failed. Federal courts have ruled that programs to favor local companies do not involve a suspect classification, and can be justified as having a rational basis under the Equal Protection Clause. For example, Pennsylvania enacted a statute requiring the purchase of Pennsylvania steel.¹⁸³ A challenge was made to the Pennsylvania Steel Products Procurement Act, as a "blatant attempt at economic protectionism," in violation of the Equal Protection Clause. But the federal court found that Pennsylvania's distinction between domestic and foreign steel products was "rationally related to a legitimate governmental purpose," that is, to support a struggling industry that contributed significant employment and tax revenue to the agency.

2.10.2 The Dormant Commerce Clause

The next objection to LBE programs comes from the Commerce Clause. Article One of the Constitution confers upon Congress the power to regulate interstate commerce.¹⁸⁴ The Supremacy Clause of the Constitution grants to the federal government the power to preempt state laws that conflict with federal laws. The Supreme Court has found implicit in the Constitution "a self-executing limitation on the power of the States to enact laws imposing substantial burdens on such commerce."¹⁸⁵ Consequently a state statute is unconstitutional under what has become known as the Dormant Commerce Clause if it poses undue burdens on interstate commerce.¹⁸⁶ It follows that under the Dormant Commerce Clause, "discrimination against interstate commerce in favor of local business or investment is *per se* invalid, save in a narrow class of cases in which the municipality can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest."¹⁸⁷

The Dormant Commerce Clause has been justified on both economic and political grounds. On economic grounds the Dormant Commerce Clause "prohibits economic

Francisco Minority/Women Local Business Enterprise Program (San Francisco Ordinance, CHAPTER 12D), City of Oakland Local Business Enterprise Program (City Ordinance 9739), City of New York Local Business Enterprise Program (New York Administrative Code § 6-108.1program).

¹⁸³ *Trojan Technologies v. Pennsylvania*, 916 F.2d 903 (3d Cir 1990).

¹⁸⁴ U.S. Const., art. I., 8 (reading, "Congress shall have Power ... to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ...").

¹⁸⁵ *S.-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 87 (1984); see also *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 273 (1988).

¹⁸⁶ See *Big Country Foods, Inc. v. Bd. of Educ. Anchorage Sch. Dist.*, 952 F.2d 1173, 1177 (9th Cir. 1992).

¹⁸⁷ *C & A Carbone v. Town of Clarkstown*, 511 U.S. 383, 392 (1994).

protectionism."¹⁸⁸ From a political standpoint a state law that only harms interests from other states "is not likely to be subjected to those political restraints which are normally exerted on legislation where it affects adversely some interests within the state."¹⁸⁹

Historically the Supreme Court employed a two-part test for the Dormant Commerce Clause: (1) does the state regulation discriminate against interstate commerce on its face; or, (2) are the burdens imposed on interstate commerce excessive relative to the alleged local benefits.¹⁹⁰ A statute that fails either part of this test (the "Pike test") is invalid under the Dormant Commerce Clause. LBE programs facially discriminate against interstate commerce and thus should fail the Pike test.

But there is an important exception to the Dormant Commerce Clause relevant to an LBE program. The "Market Participant" doctrine allows an agency to pass 'protectionist' legislation so long as an agency is participating in the market as a buyer or seller of goods and services, rather than regulating the market.¹⁹¹ Thus the Commerce Clause was not intended to prohibit an agency from favoring its own citizens over others when acting as a market participant. The U.S. Supreme Court has ruled that governments enjoy unrestricted ability to select their trading partners.¹⁹² Indeed, in light of "the long recognized right of trader or manufacturer, engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal"...and that "when acting as proprietors, States should similarly share existing freedoms from federal constraints, including the inherent limits of the Commerce Clause."¹⁹³

The U.S. Supreme Court has clarified, however, that the Market Participant doctrine does not allow an agency to impose conditions "that have a substantial regulatory effect outside of that particular market."¹⁹⁴ Note that the line between market participant and market regulator has not always been clear. Nevertheless, under the Market Participant Exception LBE programs should pass constitutional hurdles.

Finally under the Commerce Clause the U.S. Supreme Court has ruled that when local preferences are required under federal grants there is no Dormant Commerce Clause issue, ruling that "where state or local government action is specifically authorized by Congress, it is not subject to the Commerce Clause even if it interferes with interstate commerce."¹⁹⁵

Given these results it is not surprising that no federal court case was found overturning, or even challenging, an LBE program under the Dormant Commerce Clause.

2.10.3 Privileges and Immunities Clause

The most serious risk to an LBE program comes from the Privileges and Immunities Clause. The U.S. Supreme Court has identified the original purpose of the Privileges and Immunities Clause as prohibiting discrimination on the basis of state citizenship. Historically the U.S

¹⁸⁸ *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 274 (1988).

¹⁸⁹ *S.C. St. Hwy. Dept. v. Barnwell Bros., Inc.*, 303 U.S. 177, 185, n. 2 (1938).

¹⁹⁰ *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

¹⁹¹ *S.-C. Timber Dev., Inc.*, 467 U.S. at 93 (holding that "if a state is acting as a market participant, rather than as a market regulator, the dormant Commerce Clause places no limitation on its activities").

¹⁹² *Perkins v. Lukens Steel*, 310 U.S. 113, 127 (1940).

¹⁹³ *Reeves, Inc. v. Stake*, 447 U.S. 429, 439 (1980).

¹⁹⁴ *S.-C. Timber Dev., Inc. v. Wunnicke*, 467 U.S. 82, 97 (1984).

¹⁹⁵ *White v. Massachusetts Council of Construction Employers, Inc.* 460 U.S. 204, 213 (1983).

Supreme Court has applied a two-part test under the Privileges and Immunities Clause: (1) did the state or local government agency violate a fundamental right, and (2) did the state or local government agency have a substantial reason for doing so.¹⁹⁶

While similar and interrelated with the Dormant Commerce Clause, the Immunities Clause and the Commerce Clause provide different constitutional protections. The Dormant Commerce Clause is a judicially-created doctrine designed to prevent economic protectionism while the Privileges and Immunities Clause is a Constitutional provision created to protect individual rights.

A clarification of the application of the Immunities Clause to a local preference came in *United Building & Constr. Trades v. Camden*.¹⁹⁷ In *Camden* a municipal ordinance required that at least 40 percent of the employees of contractors and subcontractors working on city construction projects be Camden residents. The Court devised a three-part test to evaluate the constitutionality of such an ordinance under the Privileges and Immunities Clause:

- The jurisdiction must document "substantial reason" for the preference;
- The jurisdiction must demonstrate that non-residents can be held partly responsible for the documented problem; and
- The proposed remedy must be narrowly tailored.

The U.S. Supreme Court held that the Camden ordinance might be unconstitutional and remanded the case for consideration under the specified legal standard. There were three significant elements of the Court's holding. First, the *Camden* Court ruled that the Market Participant exception does not apply to Privileges and Immunities analysis. Second, the Court ruled that the Immunities Clause does apply to laws that discriminate on the basis of municipal residency, not simply state residency. Third, the Court ruled that only those rights fundamental to interstate harmony were protected by the Immunities clause. In *Camden* the Court found that employment was a fundamental right under the Immunities Clause, but direct public employment was not.¹⁹⁸ Hence employment by a city vendor was a fundamental right while employment by the city itself was not a fundamental right. All of these results would seem to operate against a constitutional finding sustaining a LBE program.

The application of *Camden* can be seen in *Hudson County Building and Construction v. Jersey City*,¹⁹⁹ which involved a program requiring city vendors to make good faith efforts to hire 51 percent city residents. The district court again noted that there is no fundamental right to direct government employment, but there is a fundamental right to private employment with government contractors. Consequently the program did unduly burden out-of-state residents. While Jersey City provided data on unemployment and poverty in Jersey City, the evidence did not show "that out-of-state workers [were] a cause of unemployment and poverty within its borders." Thus just reciting data on unemployment and poverty will not be enough to overcome an Immunities Clause challenge.

¹⁹⁶ *Toomer v. Witsell*, 334 U.S. 385, 395-96 (1948).

¹⁹⁷ *United Building & Constr. Trades v. Camden*, 465 U.S. 208 (1984).

¹⁹⁸ *McCarthy v. Philadelphia Civil Service Commission*, 424 U.S. 645 (1976) (upholding a municipal ordinance that required all Philadelphia city government employees to be residents of the city).

¹⁹⁹ 960 F.Supp. 823, 831 (Dist Ct D NJ 1996)

But note that *Camden* involved a preference for hiring city residents, not a local business enterprise program. Arguably there should be no distinction between public contracting and direct government hiring under the Privileges and Immunities Clause; that is, public contracts are like public jobs, public works and other government benefits that are owned by the residents. Public contracts are not a fundamental right for Immunities Clause analysis.

In addition, while local hiring programs may face challenge under the Immunities Clause, the Supreme Court has held that the Privileges and Immunities Clause does not protect corporations.²⁰⁰ Consequently a Immunities challenge should only arise relative to an individual seeking to contract with a local government. But local contracting programs can and should have a clear statement of the economic basis of the program to protect it from challenge by an individual vendor on the basis of the Immunities Clause.

It is worth observing that no case was found overturning, or even challenging, an LBE program based upon the Immunities clause.²⁰¹ Only municipal resident hiring programs have been challenged on Immunities Clause grounds.

2.10.4 Implications for LBE Program

In conclusion, no constitutional challenges have been succeeded with regard to an LBE program. A LBE program should survive: (1) a challenge under the Equal Protection Clause because LBE programs generally have a rational basis for their existence, (2) a challenge under the Dormant Commerce Clause based upon the Market Participant exception, and (3) a challenge under the Immunities Clause, because the clause does not apply to corporations, public contracts are not a fundamental right and an agency should be able to provide economic justification for an LBE program.

2.11 Conclusions

As summarized earlier, when governments develop and implement a contracting program that is sensitive to race and gender, they must understand the case law that has developed in the federal courts. These cases establish specific requirements that must be addressed so that such programs can withstand judicial review for constitutionality and prove to be just and fair. Under the developing trends in the application of the law, local governments must engage in specific fact-finding processes to compile a thorough, accurate, and specific evidentiary foundation to determine whether there is, in fact, discrimination sufficient to justify an affirmative action plan. Further, local governments must continue to update this information and revise their programs accordingly.

While the Supreme Court has yet to return to this exact area of law to sort out some of the conflicts, the circuit courts have settled on the core standards. Though there are differences among the circuits in the level of deference granted to the finder of fact, these differences do not appear to be profound. The differences in the individual outcomes have been overwhelmingly different in the level of evidence, mostly concerning the rigor with which

²⁰⁰ *Paul v. Virginia*, 75 U.S. (8 Wall.) 168, 177, 181 (1869). This result was reaffirmed by the Supreme Court in *Western & Southern Life Ins. Co. v. State Bd. of Equalization*, 451 U.S. 648 (1981).

²⁰¹ One state court case challenging an LBE program, argued that an Illinois School Board did not have the authority under state statutes to authorize an LBE program. *Best Bus Joint Venture v. The Board of Education of the City of Chicago*, First District Appellate Court No. 1-96-2927 (May 9, 1997).

disparity studies have been conducted and then used as the foundation for narrowly tailored remedies. Most significantly, nationally the DBE program has been consistently upheld as a narrowly tailored remedial program. Ultimately, MBE and WBE programs can withstand challenges if local governments comply with the requirements outlined by the courts.

**3.0 REVIEW OF POLICIES,
PROCEDURES, AND
PROGRAMS**

3.0 REVIEW OF POLICIES, PROCEDURES, AND PROGRAMS

This chapter focuses on the policies, procedures, and programs used by the Leon County Board of County Commissioners (County) to purchase goods and services and engage in construction projects. This chapter provides a brief description of the procurement and contracting environment in which minority-, woman-owned, and small business enterprises (M/W/SBE) operate. This chapter also provides background for the data analysis and foundation for the report recommendations. Finally, it discusses the remedial efforts undertaken by the County with regard to procurement in the categories of construction, architecture and engineering, professional services, other services, goods and equipment. The period of study for this review was October 1, 2004, through September 30, 2008. The research presented in this chapter also considered changes in policies and programs instituted through March 31, 2009.

This chapter includes the following sections:

- 3.1 Methodology
- 3.2 County Organizational Structure and Purchasing Function
- 3.3 Methods of Procurement
- 3.4 M/W/SBE Program
- 3.5 Conclusions

3.1 Methodology

This section discusses the steps taken to summarize the County's contracting and purchasing policies, procedures, and programs; race- and gender-based programs; and race- and gender-neutral programs. MGT's review focused on elements of the purchasing process, including remedial programs that might impact M/W/SBE utilization. The analysis included the following steps:

- Collection, review, and summarization of County contracting and purchasing policies currently in use. Discussions with staff and officials about the changes that contracting and purchasing policies underwent during the study period and their effects on the remedial programs.
- Development of questionnaire utilized to interview key County contracting and purchasing staff and officials to determine how existing contracting and purchasing policies have been implemented. Interviews were conducted with County management and staff regarding the application of policies, discretionary use of policies, exceptions to written policies and procedures, and impact of policies on key users.
- Review of applicable County ordinances, regulations, resolutions, and policies that guide the remedial programs. This included discussing with County personnel the operations, policies, and procedures of the remedial programs and any remedial policy changes over time.

Finally, MGT collected and reviewed copies of previous studies of minority business development conducted by the County and performed a cursory review of race- and gender-neutral programs.

In July 2004, MGT issued a disparity study update¹ which included an assessment of the County's purchasing policies, procedures, and practices since the previously presented report in December 2000.² MGT leveraged the data and findings from the 2004 report as a starting point for this analysis. Therefore, the inquiries for this current study centered on changes that occurred in the County's policies and procedures since the July 2004 study and the impact of those changes on firms interested in doing business with the County.

With the assistance of the County's contract manager for this project, MGT identified appropriate County personnel to interview concerning changes to procurement policies and procedures since MGT's last review. Overall, 11 interviews were conducted with current County staff and representatives and one interview with the Executive Director of the Florida Agriculture & Mechanical University Small Business Development Center (FAMU SBDC). These interviews occurred during the months of April and May 2009. Accordingly, MGT met with the following:

- Senior Assistant to the County Administrator;
- Purchasing Director;
- Purchasing Agent
- Minority/Women/Small Business Enterprise Director;
- Minority/Women/Small Business Enterprise Analyst;
- Director of Public Works;
- Director of Engineering Services;
- Director of Facilities Management;
- Director of Parks and Recreation;
- Senior Assistant County Attorney;
- Health & Human Services Division Director.

In addition, MGT reviewed the documents and sources shown in **Exhibit 3-1**.

¹ MGT of America, Inc., *Leon County Board of County Commissioners Disparity Study*, July 21, 2004.

² MGT of America, Inc., *Purchasing Policy and MBE Program Review for Leon County Board of County Commissioners*, December 12, 2000.

**EXHIBIT 3-1
DOCUMENTS AND SOURCES REVIEWED DURING POLICY AND PROCEDURE
REVIEW**

Index	Description
1	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.
2	Board of County Commissioners, Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.
3	Board of County Commissioners, Purchasing Card Policy, Revised June 14, 2006.
4	Board of County Commissioners, Policy for Purchases of Food, Beverages, and Supplies, October 27, 2004.
5	Board of County Commissioners, Procurement of Paper Products, Revised August 28, 1996
6	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Fast Tracking Program for Public Sector Projects
7	State of Florida, "Procurement of Personal Property and Services," Florida Statutes, Chapter 287.
8	MGT of America, Leon County Board of County Commissioners Disparity Study, Final Report, July 21, 2004.
9	Leon County Board of County of Commissioners, Diversity: "The Cornerstone of Creativity" 2006 Annual Report.
10	Board of County Commissioners Agenda Request 13, submitted June 7, 2006; Approval of a Performance Agreement between Leon County and Florida Agriculture & Mechanical University for Small Business Training through its Small Business Development Center.
11	Board of County Commissioners, Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, Submitted December 5, 2007
12	Board of County Commissioners Agenda Request 31, submitted August 27, 2008; Acceptance of Report on Race/Gender Target in Policy No. 96-1, "Purchasing and Minority Women Small Business Enterprise Policy", Submitted August 27, 2008.
13	2008 Leon County Annual Report
14	Minority and Women Business Enterprise (MWBE) Participation Plan Requests For Proposals (RFP)
15	Board of County Commissioners, Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009; Approval of Agreement to Award Bid to Panacea Coastal
16	www.leoncountyfl.gov
17	www.sbdcatfamou.org
18	www.fbbib.com
19	www.fshcc.com
20	www.accessfloridafinance.com

3.2 County Organizational Structure and Purchasing Function

The County is governed by a home rule charter in accordance with the provisions of Chapter 125 of the Florida Statutes. The Leon County Board of Commissioners consists of five elected members who serve specific commission districts and two elected members who serve at large. A County Administrator is appointed by the Board to

oversee all functions, directives and policies. Other elected County officials include the Judiciary, State Attorney, Public Defender, Clerk of the Court, Property Appraiser, Sheriff, Supervisor of Elections and Tax Collector.³ The County's organizational structure is shown in **Exhibit 3-2**.

The County's procurement of goods and services is grouped into the following business categories:

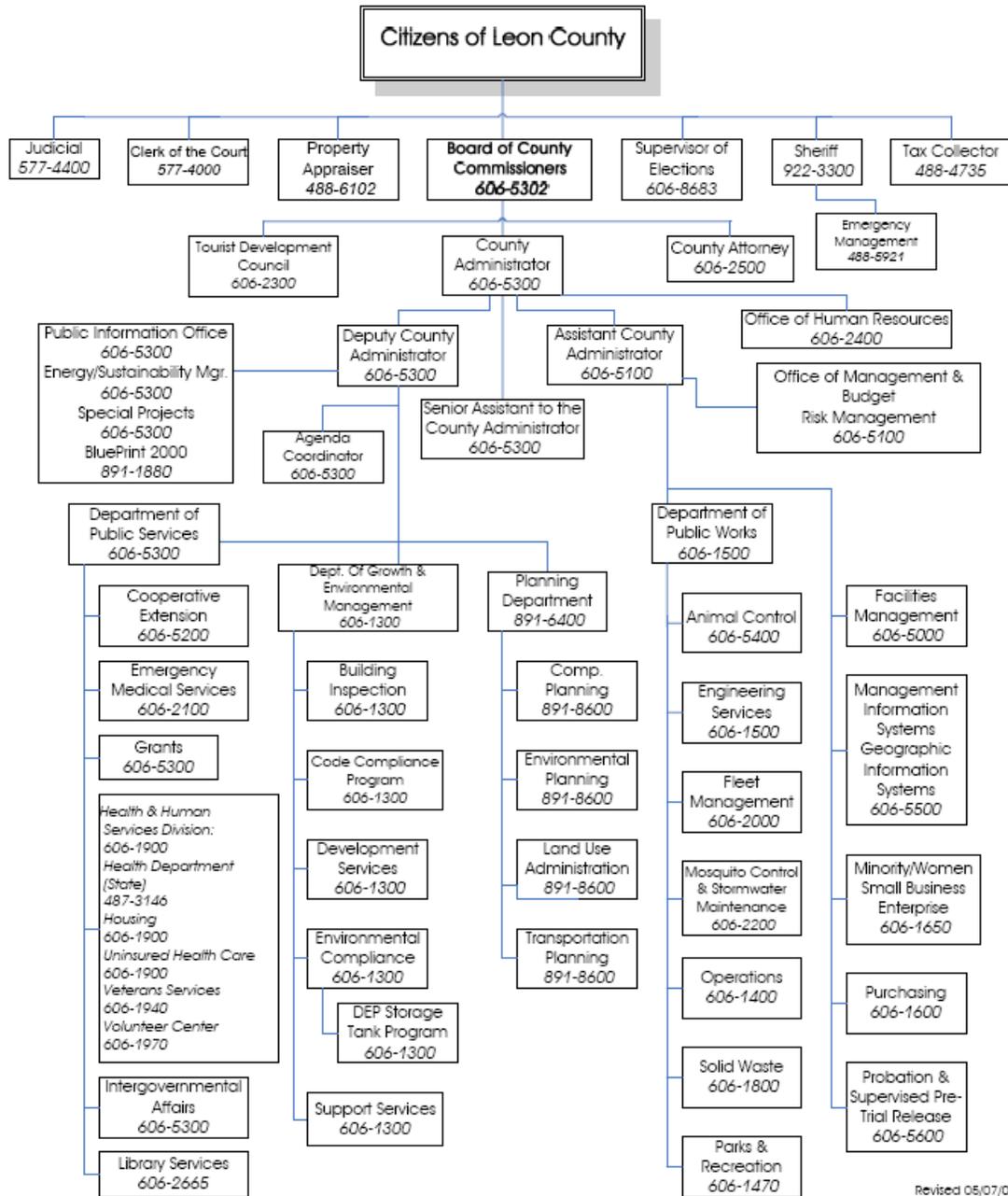
- Construction;
- Professional Services;
- Other Services;
- Materials and Supplies; and
- Purchases.

The procurement function in Leon County is governed by applicable federal and state regulations, such as Chapter 287, Florida Statutes as well as Federal Acquisition Regulation, Part 45 and others. In addition to federal and state guidelines, the Board of County Commissioners approved the revised "Purchasing and Minority/Women Business Enterprise Policy" on June 14, 2006 (hereinafter referred to as "policy") to provide specific directives about the County's procurement function.

The Purchasing Division is responsible for the procurement of supplies, equipment and services for all departments under the Leon County Board of Commissioners, and to a limited extent certain constitutional departments, such as the Sheriff's Department, the Court Administrator, and the Supervisor of Elections. As a part of the procurement function, the Purchasing Division operates a warehouse facility, office supply store, and a delivery system for the issuance of supplies and materials to user agencies at wholesale prices. The County has a combination of centralized and decentralized procurement processes. Centralization occurs when departments purchase goods and services for their entire organization. Decentralization is described as when various units within an organization have their own purchasing authority. Leon County has a degree of decentralized purchasing, especially as it relates to the purchasing cards authority that has a spending limit up to \$1,000; and departments can purchase goods and supplies up to \$1,000 as well as obtain bids and quotes for goods and services under \$20,000. However, the Purchasing Department is still involved in ensuring the proper number of quotes, M/WBE solicitation, etc. The County has stringent control measures in place in most cases. The policies and procedures are written and widely available on the internet for purchasing personnel and other users. With the exception of field purchase orders and purchasing cards, which may be used to purchase incidental and/or emergency materials or services, only the Purchasing Division is authorized to act as an agent in awarding, executing, modifying, or canceling purchase orders or contracts. The County does not have a formal vendor registration or a formal prequalification process. However, the County may do prequalification on a project by project basis. Staff has access to the M/W/SBE databases through the internet.

³ Leon County Internet Web site <http://www.co.leon.fl.us/aboutus.asp>.

**EXHIBIT 3-2
LEON COUNTY ORGANIZATION CHART**



Revised 05/07/09

Source: Leon County Internet Web Site, May 2009.

The procurement policy in effect during the study period is the “Purchasing and Minority Women Small Business Enterprise Policy” which was adopted by the Board of Commissioners on June 13, 2006. This policy superseded Policy No 96-1, which was adopted on December 13, 2005. The revision resulted “from the County’s formation of a Small Business Enterprise (SBE) component to continue its focus of narrowly tailoring its effort to promote M/WBEs and to encourage the growth and development of local small

businesses⁴ and included revision of aspirational targets with separation of race conscious and race neutral targets. The framework for the SBE program was ratified by the Leon County Board of Commissioners on June 28, 2005; however, staff was instructed to further develop the SBE policies which were updated during the County's Local Economic Development workshop held on March 28, 2006.

The Purchasing Director is the central purchasing officer for Leon County. Per the policy, the Purchasing Director:

- Develops and administers operational procedures governing the internal functions of the Division of Purchasing.
- Purchases or supervises the purchase of supplies, services, materials, equipment, and construction services defined in the County's policy.
- Operates a central warehouse.
- Delegates his/her purchasing authority as allowed by law or rule.
- Assists the M/WBE Director in implementing, monitoring, and enforcing the County's M/WBE program policy.

The Purchasing Director has authority to approve procurements in amounts up to \$20,000. Purchases greater than \$20,001, but less than \$50,000, require the additional approval of the County Administrator. Procurements in amounts greater than \$20,000 must be approved by the Leon County Board of County Commissioners. The revised policy did not modify these approved levels of authority.

3.3 Methods of Procurement

The procurement processes for Leon County include the purchasing categories shown in **Exhibit 3-3**.

⁴ Board of County Commissioners Agenda Request 12, submitted June 7, 2006.

**EXHIBIT 3-3
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
PURCHASING CATEGORIES**

Purchasing Categories	Dollar Limits
Petty Cash Reimbursements	Not to exceed \$100
Field Purchase Orders	\$1 to \$500
Small Purchase Orders	\$1 to \$1,000
Warehouse Operations	\$1 to \$5,000
Blanket Purchase Orders:	
Non-contractual basis	\$1,000 to \$5,000
Contractual basis	not to exceed \$100,000
Field Quotes	\$1,000 to \$5,000
Purchasing Quotes	\$5,001 to \$20,000
Informal Bid Process	\$20,001 to \$50,000
Competitive Sealed Bids	\$20,001 and above
Competitive Sealed Proposals:	
Approved by County Administrator	\$20,001 and \$50,000
Approved by the Board of County Commissioners	\$50,001 and above

Source: Board of County Commissioners, Leon County - Purchasing and Minority Women Small Business Enterprise Policy. Adopted June 13, 2006.

The revised policy increased the dollar limits for petty cash transactions from \$50 to \$100. The policy also increased the dollar limit for field purchase orders from \$200 to \$500. The increases were made for administrative convenience and have no material impact either positively or negatively on the inclusion of M/WBEs in the County's procurement process.

On February 26, 2009, Leon County staff submitted to the Leon County Board of Commissioners for approval a Fast Tracking Program for Public Sector Projects through development review, permitting, procurement and right-of-way (ROW) acquisition processes. According to staff interviews, the main objectives of the fast track program is the following: reduce the average purchasing and contract administrative timelines, thus reducing the timeline from solicitation to contract execution; change award and signature thresholds for competitive sealed bids and proposals, thus reducing the number of procurements requiring Board approval; and reduce the turnaround time for such items, authorize the Purchasing Director to release Request for Proposals (RFPs) expected to result in cost no greater than \$100,000 and authorize the County Administrator or his designee to release all RFPs. "Staff may authorize the release of RFPs and when the procurement process results in costs within the Contract Award and Signature Authority Thresholds, staff may award the work and execute the agreement in a form approved by the County Attorney's Office."⁵ This process would also release contractors to begin performance of a contract while the County is completing its internal contract execution process. The Board directed staff to consider changing preference points for Local Preference and M/WBE Participation. Staff recommended no changes be made to the

⁵ Board of County Commissioners Leon County, Florida, Agenda Item Executive Summary, Thursday, February 26, 2009, page 7.

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current percentage points of 5 percent for Local Preference and 10 percent of total available points for M/WBE participation.

**EXHIBIT 3-4
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
FAST TRACK PROGRAM THRESHOLD AND SIGNATURE CHANGES**

Table 1 - Purchasing Process Thresholds		
Procurement Method	Current Threshold	Proposed Threshold
Petty Cash/Reimbursement (Section 5.01 of the Purchasing and M/W/SBE Policy)	Not to exceed \$100	*Not to exceed \$100
Field Purchase Order (Section 5.02)	\$1 to \$500	*\$1 to \$500
Small Purchase Procedures (Section 5.03)	\$1 to \$1,000	*\$1 to \$1,000
Warehouse Operations (Section 5.031)	\$1 to \$5,000	*\$1 to \$5,000
Blanket Purchase Orders (Section 5.04)		
Non-contractual Basis	\$1,000 to \$5,000	*\$1,000 to \$5,000
Contractual Basis	Not to exceed \$100,000	*Not to exceed \$100,000
Field Quotes (Section 5.05)	\$1,000 to \$5,000	*\$1,000 to \$5,000
Purchasing Quotes	\$5,001 to \$20,000	*\$5,001 to \$20,000
Bid - Informal Bid Process (requires seeking 3+ written quotes; Section 5.06)	\$20,001 to \$50,000	\$20,001 to \$100,000
Bid - Competitive Sealed Bids (Section 5.08)	\$50,001 and above	\$100,001 and above
RFP - Competitive Sealed Proposals (Section 5.09)	Requires Board Approval to Release RFP; County Administrator authorized to award up to \$50,000.	Purchasing Director –Authorized to Release RFPs Expected to Result in Costs No Greater than \$100,000; County Administrator Authorized to all RFPs
*No change recommended		

Table 2 - Contract Award and Signature Authority Thresholds		
Entity	Current	Recommend
Purchasing Director	Purchase Orders and Agreements up to \$20,000	*Procurement Agreements up to \$100,000 (correlates with the recommended Informal Bid Process threshold)
County Administrator	Procurement Agreements \$20,000 up to \$50,000	**Procurement Agreements greater than \$100,000 and no greater than \$250,000
Board Chairman	Procurement Agreements \$50,001+	*Procurement Agreements greater than \$250,000
*All contracts will be in a form approved by the County Attorney's Office prior to execution.		
**Correlates with the City of Tallahassee's Manager's Purchasing Authority		

Source: <http://www.leoncountyfl.gov/admin/Agenda/view2.asp?id=9113>.

3.3.1 Blanket Purchase Orders

Blanket purchase orders are used for repeated and/or multiple purchases of goods or services. Non-contractual blanket purchase orders may be issued in cases where the total value of the purchase order is \$5,000 or less. Contractual blanket purchase orders accommodate repeated and/or multiple purchases up to \$100,000.

MGT's research for the 2000 and 2004 review of the County's purchasing policy indicated that blanket purchase orders provide a convenient mechanism for repetitive purchases. It was noted during the 2004 study that there were concerns as to whether blanket purchase orders created the potential for exclusion, since this is selection-based procurements without competition. The interviews conducted for this current study did not find these same concerns; however, most interviewees recommended that MGT collect information regarding blanket purchase orders from the Purchasing Director.

M/WBEs were not categorically excluded in the earlier policy nor are they excluded in the revised version. User divisions and departments are advised of M/WBE availability to provide goods and services under blanket purchase orders, which is unchanged from the earlier purchasing procedure. Therefore, policy updates had no material impact on the utilization of M/WBEs by the County on blanket purchase orders.

3.3.2 Field Quotes and Purchasing Quotes

County procurements for amounts greater than \$501 and less than \$5,000 require competitive Field Quotes to support the purchase in the form of three written or verbal price quotations from potential vendors. County procurements in amounts greater than \$5,001 and less than \$20,000 must be supported by at least three written Purchasing Quotes from potential vendors. Vendor selection for field quotes and purchasing quotes is ultimately determined by the requesting department.

The policy encourages County decision makers to "seek out and utilize certified minority and women-owned business enterprises in these purchases." During MGT's policy review, MGT learned that the Purchasing Division requires that at least one of the three written quotes come from a certified M/WBE in order to comply with current policy requirements.

3.3.3 Informal Bid Process

According to the policy, procurements in amounts greater than \$20,000, but less than \$50,000, may be procured by the Informal Bid Process. In this process:

The Purchasing Director shall secure, whenever possible, a minimum of three written quotations which shall be the result of written specifications transmitted by mail, by electronic format, or by facsimile. When such quotations are received by facsimile the purchasing agent will immediately seal and label the quotations until the time set for opening bids. In those instances where the securing of three quotations is not

*practicable, the Purchasing Director shall provide written justification of such.*⁶

The current policy further states that the County's Purchasing Division will seek out and encourage certified M/WBE participation in this process. The inclusion of this language in the current policy serves to emphasize the County's intent to consider M/WBEs in the procurement process. Inclusion of specific language in the policy documents eliminates ambiguity as to the need for user departments/divisions to solicit M/WBE involvement in the informal bid process, which is a revision of the earlier 2000 policy. This serves to diminish an earlier identified barrier regarding M/WBE participation.

Typically, the informal bid process does not include advertising of the procurement opportunity. Vendors wishing to be notified of informal bid opportunities have the option to subscribe to the *DemandStar.com* service (see Section 3.3.7 of this chapter), contact the Purchasing Division, or check the Purchasing Division's Internet Web Site to learn of these opportunities.

3.3.4 Competitive Sealed Bids

The County uses Competitive Sealed Bids for procurements of \$50,000 or more. The steps in this process include:

- Determining the bid specifications and requirements of the requesting department or division.
- Forwarding bid specifications and other supporting documentation to the Purchasing Division for packaging.
- Advertising the Invitation to Bids (ITB).

Projects expected to cost more than \$200,000 must be advertised publicly at least once in a newspaper of general circulation in the County. This advertisement must be posted for at least 21 days prior to the established bid opening date, and at least five days prior to any scheduled pre-bid conference. Projects expected to cost more than \$500,000 must be advertised publicly at least once, at least 30 days prior to the bid opening and five days prior to the scheduled pre-bid conference. The M/W/SBE Director reviews intended solicitations before publication to maximize the potential for M/WBE response.

The revised policy includes language requiring the M/W/SBE Director, Purchasing representative and a user department representative to review proposed projects and bids in order to determine potential utilization of M/WBEs. If certified M/WBEs are available to perform as subcontractors on pending bids, the M/W/SBE Director will add an M/WBE participation aspirational target requirement to the bid specification. If certified M/WBEs cannot be identified, the M/W/SBE Director advises the procurement representative to include language in the bid specifications that encourages the prime contractor to include M/WBE subcontractors in the submitted bids. This process increases the level of awareness concerning the need to consider M/WBEs for competitive bids.

⁶ Section 5.07, Board of County Commissioners - Leon County Purchasing and Minority/Women Business Enterprise Policy, Revised July 30, 2002.

On the predetermined date, bids are opened publicly and are unconditionally accepted. The opened bids are reviewed for compliance with the requirements listed in the request for bids. The Purchasing Division tabulates the bids and presents a Bid Report to the appropriate department or division. Based on the Bid Report, the requesting department or division head makes the determination as to the successful respondent. This recommendation will ultimately be submitted as a Board agenda item. However, prior to the submission of the recommendation to the County Administrator for inclusion on the Board agenda, the department or division head submits its recommendation to the Purchasing Director and M/WBE Director for review. Afterwards, the recommendation is forwarded to the County Administrator and then to the Board of Leon County Commissioners for approval.

Per the policy, “the contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid.” Section 16(F) further states that “for contracts of \$100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent low bid which is from a non-minority, woman, or small business enterprise, and all other purchasing requirements have been met, the contract may be awarded to the MBE, WBE or SBE to help achieve race/gender neutral targets or race/gender conscious target, where otherwise permissible.” The County has maintained a similar bid price allowance since 1991.

Section 5.08(M) contains local preference provisions whereby the County may allow special consideration for local businesses in purchasing goods or services where pricing is the major consideration. This provision was included with other policy additions in the 2002 and 2005 revisions. The inclusion of the local preference provision is intended to create a slight advantage for local firms that compete for County contracts. The local preference allowance is 5 percent of the bid price for purchases under \$250,000, and 2 percent of the bid price for purchases of \$250,000 and above. The local preference allowance is capped at \$20,000. No opinions were expressed during MGT’s interviews if the local preference provisions have had a significant impact on the utilization of M/WBEs in County procurements.

3.3.5 Competitive Sealed Proposals

Competitive sealed proposals are used by the County when the Director of Purchasing “determines that the use of competitive sealed bidding is either not practical or not advantageous to the County.” Generally, this procurement process is used for professional, architectural, engineering, landscape architectural, and land surveying services. The competitive sealed proposals process begins with the determination of the project requirements by the requesting department or division in the County. Next:

- The Purchasing Director, or designee, reviews the scope of the project requirements.
- The Purchasing Director, or designee, also reviews the scope of work for the project to determine if revisions to—or clarifications of—the scope of work are required prior to advertising the procurement opportunity. The M/WBE Director also reviews the project scope and the request for proposals to identify opportunities to facilitate M/WBE participation. If project scope

modifications are needed, the Purchasing Director interacts with the requesting department to make the changes to the scope of work.

- Projects are placed on the County's Web site and listed in the local newspaper.
- If the County receives indications of interest from less than three persons, the Purchasing Director may reissue the request for proposals.

Section 16(E) lists the requirements for fulfilling Race/Gender Neutral (R/N) Targets, Race/Gender Conscious (R/C) Target and Aspirational Targets for Specific Procurement Opportunities. R/C Targets shall be the upper limit for Aspirational Targets set by the M/W/SBE Division for MBE and/or WBE participation in a single procurement opportunity. The R/N Target shall be the upper limit for Aspirational Targets set by M/W/SBE Division for SBE participation in a single procurement, unless such procurement opportunity is specifically identified for competition only between SBEs. The M/W/SBE Director shall coordinate and promote the process of meeting R/N and R/C targets by taking active steps to encourage full participation by certified, capable, and competitive MBE, WBE and SBE businesses and by keeping staff informed of M/W/SBE availabilities.

The selection committee⁷ usually comprised of staff evaluates and ranks submitted proposals with regard to the responsiveness of the proposal to the County's needs. The County Administrator, or designee, determines whether a three-member or five-member selection committee is best suited for the evaluative process based on the complexity and anticipated expense of the requested services.

Staff recommends the top ranked firms in order and requests permission to negotiate with the top ranked firm and, if negotiations fail, to negotiate with the next ranked firms in order. Contract negotiations shall be conducted by the Purchasing Director or his designee or by a negotiation committee. A contract negotiation committee shall consist of the Purchasing Director (shall serve as chair), the head of the primary using department or agency, and the County Attorney. Negotiation committee members may designate alternates to serve in their capacity on the committee.

Section 5.091(A) (7) of the policy allows "a local preference of not more than five percent (5%) of the total score" as part of the evaluation criteria for local businesses that submit proposals for competitive sealed bids. The current revised policy did not contain major changes to the County's competitive sealed proposals process from the 2005 process. As a selection based process, the county has few options to directly encourage M/W/SBE participation as prime contractor respondents. Those opportunities include the determination of the number of evaluation points ascribed to M/W/SBE project involvement and participation in the voting process as part of the selection of the successful respondent.

⁷ The selection committee makeup for procurement is different than the selection committee process for employment, because of due process requirements the County elected that the M/W/SBE Director not be a member of the selection committee.

3.3.6 Protested Solicitations and Awards

The 2006 revised policy contains modified language specifying rights to protest decisions regarding the County's Invitations to Bid and Request for Proposals, as did the County's earlier policy. Appeals of the Purchasing Director's decisions are to be heard by a Procurement Appeals Board composed of a chairperson, and two other members. The Appeals Board members are appointed by the County Administrator. The revised policy changed the term of the members to three years for the chairperson and each member. Previously, the Chairperson served a term of three years. One member served for a two-year term and the remaining member served an initial term of one year. Thereafter, members were appointed for three year terms such that one member was appointed annually. Section 5.13(E) specifies the procurement appeals process.

3.3.7 DemandStar.com

In 1999, the County contracted DemandStar.com, Inc. to maintain information and vendor data about pending procurements. As a part of the County's procurement efforts this service was seen as an opportunity to reach more firms⁸. The Purchasing Division provides bid and RFP information to DemandStar.com for notification to their vendor subscriber list. This list categorizes each vendor by commodity codes for the specific goods or services offered by the vendor. Subscribers are notified by fax or e-mail whenever a formal sealed bid has been issued for the commodity or service offered by the vendor.

A second feature of the DemandStar.com system is the maintenance of vendor data. For an annual subscription fee, businesses may register the commodities and services they wish to sell, and receive emailed information about related County procurements that includes the following:

- Legal advertisements.
- Bid/RFP addenda.
- Bid tabulation sheets.
- Procurement listings.
- Requests for proposals.
- Current award recommendations and current Board agenda items.

3.3.8 Other Procurement Methods

The County's purchasing and M/W/SBE policy provide for the following procurement methods for non-routine purchases.

- Sole Source Purchases—for a supply, services, material equipment or construction item(s) where there is a determination that there is only one available source. (Section 5.10)
- Emergency Purchases—when a situation requires the immediate purchase of goods, equipment or services without competitive bidding. (Section 5.11)

⁸ The County uses legal notices and the County Web site as its primary means for informing vendors on County opportunities.

- Cooperative Purchasing—from authorized vendors on state contracts, or Federal Supply Schedules or when the County joins with other units of government in cooperative purchasing ventures. (Section 5.12)

3.3.9 General Purchasing Provisions

Insurance Requirements

MGT's review of the County's policy and staff interviews showed no change in the County's policy on insurance since the 2004 study. Policy requires that County contractors purchase and maintain insurance to protect it from claims under Worker's Compensation laws, disability benefit laws and other similar damages and liabilities.⁹ The required levels of coverage are determined by the provisions of the Risk Management Policy. Insurance requirements, like bonding requirements, are a necessary component of contractual relationships that serve both parties.

Bonding

The State of Florida requires payment and performance bonds by persons entering into a formal contract with the state or any county, city, or political subdivision "for the prosecution and completion of a public work, or for repairs upon a public building or public work."¹⁰ The state provision allows an exemption from the bonding requirement for work done for any county, city, political subdivision or public authority in amounts less than \$200,000.

MGT's review of the County's policy and staff interviews showed no change in the County's policy on bonding since the 2004 study. County bid documents identify procurements that require bonding on behalf of the successful offeror and County policy specifies the types of bonds that may be required as indicated below:

- A. Combination Payment and Performance Bond - This type of bond is required for repairs, renovations, new construction, and other public works costing in excess of \$50,000. For projects less than that amount, it may be required at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. When a payment and performance bond is required, the bond will be requested in the bid document. No work in connection with the fulfillment of a contract shall commence until the payment and performance bond is accepted by the County.
- B. Performance Bond - For a project of an estimated value less than \$50,000, requirement of a performance bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$50,000 or more, such bond will be required to insure that a contract is carried out in accordance with the applicable specifications and at the agreed contract price.

⁹ Section 12, "Insurance Requirements", Board of County Commissioners – Leon County, *Purchasing and Minority/Women Business Enterprise Policy*, Revised June 13, 2006.

¹⁰ State of Florida Statutes, Title XVIII, Chapter 255, Section 255.05.

- C. Payment and Material Bond - For a project of an estimated value less than \$50,000, requirement of a payment and material bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For projects estimated to be \$50,000 or more, such bond will be required to protect the County from suits for non-payment of debts which might be incurred by a contractor's performance for the County.
- D. Warranty Bonds - At the discretion of the Purchasing Director, after consultation with user departments, a Warranty Bond may be required from a successful bidder to insure warranty provisions are fulfilled.
- E. Guaranty of Good Faith Deposit (Bid Deposit) - For projects estimated to be less than \$40,000, requirement of a bid bond will be at the discretion of the Purchasing Director with the approval of the County Administrator or his designee. For purchases where it is determined by the Purchasing Director to be in the best interest of the County, and projects estimated to be \$40,000 or more, bidders will be required to submit with their bid or proposal a guaranty of good faith deposit.

When in the best interest of the County, it is recommended by the Purchasing Director and approved by the County Administrator or his designee, these requirements may be waived.

- A. Return of Bond. Such deposit may not be withdrawn until a specified time after the proposals are opened and awards made. The deposit of the bond shall be retained by the Finance Officer of the Board until the Purchasing Director is satisfied that the Contractor's obligations have been satisfactorily completed.
- B. Substitutes. In lieu of a surety bid bond, contractor may submit a certified check, cashier's check or treasurer's check, on any national or state bank. Such deposits shall be in the same percentage amounts as the bond. Such deposits shall be retained by the Finance Officer of the Board until all provisions of the contract have been complied with.
- C. Irrevocable Letter of Credit. Upon approval of the Purchasing Director, a contractor may present an Irrevocable Letter of Credit from a national or state chartered bank in lieu of any of the foregoing bonds for the same face value as required for the bond. The letter of credit shall be for a period of time not less than three months beyond the scheduled completion date of the purchase of the contracted services or materials.
- D. Retention of Payments. The County may require the payment for a project, or a portion thereof, be withheld until the project has been completed as a method of protecting the County's interest. Retention may also be used in lieu of the above listed bonds. The solicitation documents shall specifically state if retention of any portion or all of the payment for the project is to be done.

County policy further defines the amount of the bond or deposit required.

- 1) Performance Bond: 100 percent of contract price.

- 2) Payment Bond: 100 percent of contract price.
- 3) Payment and Performance Bond: 100 percent of contract price.
- 4) Guaranty of Good Faith Deposit (Bid Deposit or Bond): The bid deposit will be 5 percent of the price bid by the vendor.

Any of the above listed bonds may be required at another amount recommended by the Purchasing Director and approved by the County Administrator or his designee when in the best interest of the County.

3.4 Remedial Program

3.4.1 Historical Background

The establishment of the County's M/WBE Program dates back to 1987. The purpose of the program was to "enhance the participation of qualified minority and women-owned businesses in providing goods and services and construction contracts required by the Board of County Commissioners." The County conducted disparity studies in 2000 and in 2005. The County was receptive to recommendations from the previous studies to enhance its purchasing and M/WBE programs. In 2005, the County accepted the disparity study update conducted by MGT. To strengthen its support of M/W/SBEs and its efforts to narrowly tailor its M/WBE program the County accepted recommendations included in the study to revise race-gender conscious and race-neutral targets and the formation of a small business enterprise (SBE) component. The purpose of the revised and newly created M/W/SBE Program is to "effectively communicate Leon County procurement and contracting opportunities, through enhanced business relationships, to end disparity and to increase participation opportunities for certified minority and women-owned business enterprises and small business enterprises in a competitive environment."¹¹

To reflect the addition of the SBE component, the title of the Policy 96-1 was changed to Purchasing and Minority, Women, Small Business (MWSBE) Policy. Consistent with the previous policy section 16, a business will be certified as a MBE, WBE or SBE however an MBE and WBE can also be certified as a SBE.

The following definitions were included in Section 16 to reflect the addition of the SBE component and for clarification of previous terms:

- **Affiliate or Affiliation** – Shall mean when an eligible either directly or indirectly controls or has the power to control the other; a third party or parties controls or has the power to control both; or other relationships between or among parties exist such that affiliation may be found. A business enterprise is an affiliate of an eligible owner when the eligible owner has possession, direct or indirect of either: (i) the Ownership of or ability to direct the voting of as the case may be more than fifty percent (50%) of the equity interest, value or voting power of such business, or (ii) the power to direct or cause the direction

¹¹ Board of County Commissioners Leon County, Florida, Policy No. 96-1 Purchasing, Minority, Women, and Small Business Enterprise Policy, June 14, 2006.

of the management and policies of such business whether through the Ownership of voting securities by contract or otherwise. In determining whether a business is an Affiliate with another business or with an Owner, consideration shall be given to all appropriate factors including but not limited to common Ownership, common management, contractual relationship and shared facilities.,

- Commercial useful function - Shall mean a business that: (a) is responsible for the execution of a distinct element of work or services; (b) carries out its obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business, services and function; and (d) is not further Subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. A Contractor, Subcontractor, Vendor or Supplier shall not be considered to perform a Commercially Useful Function if the Contractor's, Subcontractor's, Vendor's or Supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of M/W/SBE participation.,
- Joint venture - Shall mean a legal organization that takes the form of a short term partnership in which the parties jointly undertake for a transaction, for which they combine their property, capital, efforts, skills, and knowledge. Generally, each party shall contribute assets and share risks. Joint Ventures can involve any type of business transaction and the parties involved can be individuals, groups of individuals, companies or corporations.
- Race/gender neutral - Shall mean that component of the M/W/SBE Program that seeks to increase participation of MBEs, WBEs, or SBEs in procurements and contracts through means other than setting MBE or WBE (Race/Gender Conscious) Aspirational Targets. Such Race- Neutral means include, but are not limited to, the SBE Program and the coordination and outreach with/to programs and/or agencies whose purpose is to serve and assist businesses regardless of their race or gender, such as the Florida Agricultural & Mechanical University Small Business Development Center, Florida State University Jim Moran Institute, the Small Business Administration, the State of Florida Commission on Minority Economics and Business Development/Minority Business Advocacy and Assistance Office, Tallahassee Chamber of Commerce Economic Development Council and the Capital City Chamber of Commerce .
- Small business enterprise - Shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

3.4.1 Staffing and Responsibilities

In further support of M/W/SBEs, the County renamed the M/WBE office to M/W/SBE Division. The M/W/SBE Director's responsibilities include:

- Establish written procedures to implement the M/W/SBE Program, including the certification of businesses as SBEs, MBEs and WBEs.

- Assess the certification of applications for the M/W/SBE program, and coordinate certifications with partner agencies.
- Establish realistic aspirational targets and identify procurement opportunities for competition among SBEs.
- Identify and work to eliminate barriers that inhibit M/W/SBE participation in Leon County's procurement process.
- Establish realistic targets to increase M/W/SBE utilization.
- Provide information and assistance to M/W/SBEs regarding procurement opportunities with Leon County.
- Maintain a database of certified M/W/SBEs- and provide information to County departments and divisions in identifying M/W/SBEs for anticipated procurements.
- Monitor the utilization of M/W/SBEs and the progress of the M/W/SBE Program to ensure M/W/SBEs have opportunities to participate in the County's procurement process.
- Implement mechanisms and procedures for monitoring M/W/SBE compliance by prime contractors and staff.
- Perform outreach by networking with state and local governments and others, participate in conventions and seminars sponsored and widely attended by M/W/SBEs.
- Implement mechanisms to evaluate the program's progress.

Staffing for the County's M/W/SBE program consists of two full time positions - the program director and an analyst. After the 2000 disparity study the M/WBE office was comprised of one person. The budget for the M/W/SBE Program for fiscal year 2008 is more than \$300,000. This budget includes a one-time fee for an M/W/SBE tracking program, contracted from B₂G Now and staff salaries. The budget was also adjusted by deducting the contract dollars for the SBE training component with the SBDC at Florida Agricultural & Mechanical University.

Per Section 16 of the policy, staff responsibilities include recommending modifications to the County's M/W/SBE aspirational targets; coordinating steps to encourage full participation by M/W/SBEs in the County's procurement processes and fostering more economic development in Leon County. In addition to establishing specific M/W/SBE aspirational targets for County procurements, the M/W/SBE program division provides technical assistance and other race-neutral program components, such as outreach activities and maintaining a directory of certified M/WBEs to promote the utilization of these firms.

3.4.2 M/W/SBE Classifications and Aspirational Targets

Minority-, woman-, and small-owned businesses that wish to be recognized as M/W/SBE vendors in the County's procurement process must apply for M/W/SBE certification through the program office. M/WBEs are businesses that are at least 51 percent owned and controlled by, and whose management functions are at least 51 percent performed by, persons who are:

- African Americans - All persons having origins in any of the Black African racial groups not of Hispanic origins and having community identification as such.
- Hispanic Americans - All persons (Mexican, Puerto Rican, Cuban, Central or South American, or Spanish Culture or origin, regardless of race) who were reared in a Hispanic environment, whose surname is Hispanic and who have community identification as such.
- Asian Americans - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands and having community identification as such.
- American Indians, Alaskan Natives, and American Aleuts - All persons having origins in any of the original people of North America, maintaining identifiable tribal affiliations through membership and participation and having community identification as such.
- Women – All women who are non-Hispanic white females. Minority women were included in their respective minority category.
- Small – shall mean a business whose SBE certification is recognized, effective and accepted by Leon County's M/W/SBE Program.

M/WBEs that wish to be certified by the County as such must meet the criteria as shown in **Exhibit 3-5**.

**EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBILITY CRITERIA**

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous two years.	X	X	
Majority owner(s) must reside in Leon, Gadsden, Jefferson or Wakulla County Florida.	X	X	X
Majority owner(s) must be a United States citizen or lawfully admitted permitted resident of the United States	X	X	X
Business must be legally structured either as a corporation, organized under the laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be independent and not an affiliate, front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within market area.	X	X	X

**EXHIBIT 3-5
LEON COUNTY, FLORIDA
M/W/SBE CERTIFICATION ELIGIBILITY CRITERIA (CONTINUED)**

CERTIFICATION ELIGIBILITY CRITERIA	Type of Certification (must meet ALL marked criteria)		
	MBE	WBE	SBE
Business must have all license required by local, state and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the filed, with customers in the Local Market Area other than state or government agencies, for each specialty area in which certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which certification is sought.	X	X	X
Business must have a net worth of no more than \$2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For business performing construction - \$2,000,000/year. - For businesses providing Other Services or Materials & Supplies - \$2,000,000/year - For businesses providing Professional Services - \$1,000,000/year	X	X	X

Source: <http://www.leoncountyfl.gov/bcc/policy/pdf/12-02.pdf>.

3.4.2.1 M/W/SBE Certification

The M/W/SBE certification process includes the following steps.

- Submission of a Certification Application Package
- Review and evaluation of the submitted application data and determination of disposition within 30 days of submission.
- Vendors deemed certifiable are notified in writing of the certification.
- If an applicant cannot be determined certifiable based on information provided, the County provides written notification stating the reasons for denial. If the M/W/SBE certification is denied the applicant may not reapply for certification for a period of six months after the notice of the date of denial.
- Certification denials may be appealed in writing to the M/W/SBE Director within 10 working days after receipt of the denial of certification letter. Failing a satisfactory determination, firms denied certification may appeal to the M/W/SBE Citizen Advisory Committee.
- Certification is valid for two years other provided otherwise.

Review of Policies, Procedures, and Programs

The M/W/SBE Program may accept MBE and WBE certifications from parties to The M/WBE inter-local agreement (such parties currently include the City of Tallahassee, Leon County, and the Leon County School Board; however, such parties may change from time to time without notice or revision to this policy). Further, the M/W/SBE Division reserves the right to review the certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.

The certification directory for Leon County and the City of Tallahassee are available on their respective Web sites. As of April 2009, the County directory included 73 M/W/SBE certified firms. The City of Tallahassee directory included more than 200 firms of which 13 were certified by Leon County.

3.4.2.2 Aspirational Targets

The County uses aspirational targets to establish levels of participation by M/WBEs in the County's procurement of goods and services. **Exhibit 3-6** shows the M/WBE aspirational targets:

**EXHIBIT 3-6
LEON COUNTY BOARD OF COUNTY COMMISSIONERS**

FISCAL YEAR RACE AND GENDER NEUTRAL TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	1%	1%	15%	3%	6%	5%	3%	5%	6%	6%	1%	5%
Race/Gender Neutral Total	2%		18%		11%		8%		12%		6%	
FISCAL YEAR RACE AND GENDER CONSCIOUS TARGETS												
Targets	Construction		Construction Subcontracting		Professional Services Consultants		Professional Services Subconsultants		Other Services Vendors		Material and Supplies Vendors	
	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE	MBE	WBE
Race/Gender Neutral (SBE, etc.)	5%	1%	3%	N/A	N/A	N/A	18%	9%	N/A	NA	1%	N/A
Race/Gender Neutral Total	6%		3%		N/A		27%		N/A		1%	

Source: Board of County Commissioners - Leon County, Purchasing and Minority/Women Business Enterprise Policy, Revised June 14, 2006.

3.4.2.3 M/W/SBE Incentives

As mentioned in Section 3.3 of this chapter, for contracts of \$100,000 or less, where there is a disparity of 1 percent or less between the total of the base bid and all recommended alternates of a 100 percent owned and operated MBE, WBE or SBE and the apparent lowest bid which is from a business that is not a MBE, or SBE, and all other purchasing requirements have been met, the Contract may be awarded to the MBE, WBE or SBE to help achieve Race/Gender Neutral Targets, unless such procurement

opportunity is selected for completion only among SBEs.. On selection based procurements, The County's Purchasing Director or representative, M/W/SBE Director and representatives from user departments shall review each proposed project or bid to determine the potential for subcontracting and the utilization of M/W/SBEs considering the scope of work, available and capable M/W/SBEs to potentially perform the work, and opportunities for multiple bids. Based upon these factors the M/W/SBE Director or designee shall determine the Aspirational targets. Further the M/W/SBE Director shall determine the Race/Gender Conscious targets or Race/Gender Neutral targets, unless such procurement opportunity is selected for completion only among SBEs.

3.4.2.4 Participation Plans

Bidders are to submit a Participation Plan when the procurement opportunity contains Aspirational Targets. Participation Plans shall identify the M/WBEs and non M/WBEs to be utilized, their percentage of utilization, and the commercially useful function they will be providing, consistent with the commodities or services for which they are certified. The participation plan is to be analyzed by the M/W/SBE Director prior to submission to the Board for approval of award.

3.4.2.5 Good Faith Efforts and Substitutions

Prime contractors that are unable to meet the stated M/WBE aspirational targets may submit evidence to the County with bid documents demonstrating the level of effort to attract M/WBE participation. Evidence of good faith efforts include, but are not limited to:

- Submission of proof of M/WBE certification for the M/WBEs that are being used on the project.
- Proof of advertising for bids from M/W/SBEs in non-minority and minority publications in the Leon County, Florida, area.
- Proof that ample time was allowed for M/W/SBE subcontractors to respond to bid opportunities.
- Submission of a list of M/W/SBEs that were directly contacted by the prime contractor.
- Telephone logs demonstrating proof of follow-up calls to M/W/SBEs.
- Information regarding the availability of bid specifications and blueprints to M/W/SBEs.
- Documentation showing the sound basis for rejecting M/W/SBEs as unqualified or unacceptable.
- Documentation showing that the County's M/W/SBE Director was contacted regarding a problem meeting M/W/SBE aspirational targets.
- Any other documentation further proving good faith efforts.

When a proposal is submitted, the M/W/SBE Director reviews the M/WBE Participation Plan to determine if the M/WBE participation levels are met according to a point scale, which is presented in the RFP. If the M/W/SBE Director determines the Bidder with subcontracting and supplier opportunities have not made a Good Faith Effort to meet the aspirational target the M/W/SBE Director shall refer the matter to the Good Faith Effort Committee. The good faith documentation is reviewed by the County's "Good Faith Committee," which consists of the Management Services Director (currently vacant), Purchasing Director or designee, and chair of the M/W/SBE Citizens Advisory Committee and may include others appointed at the discretion of the County Administrator or the County Administrator's designee.

Policy permits substitution of M/W/SBEs after contract award with prior approval of the M/W/SBE Director with assistance from technical staff. Grounds for M/W/SBE substitution include poor work performance, lack of success in improving the work performance level of the M/W/SBE, and withdrawal request by the M/W/SBE.

3.4.3 M/WBE Reporting

The County is required to submit an update to the Board on its performance on meeting its Aspirational targets. According to the M/W/SBE status report of December 11, 2007 the expenditure data was pulled from the County's financial system. Expenses are manually adjusted to eliminate certain costs such as staff, land acquisitions, telephone, utilities, local travel reimbursements, office rent, expenditures with government agencies and expenses outside the market area. Verified subcontractor expenditures were deducted from the prime contractor's expenditures and reported as subcontractor expenditures. Contractors expenditures with subcontractors was only required to be reported on those contractors with M/WBE aspirational targets; therefore, subcontractor expenses with non-minority owned and other business may not have been identified for adjustment and remain in a higher level of classification based on contract type.¹²

Exhibit 3-7 summarizes expenditure data by race and gender for fiscal year 2004/2005 and 2005/2006. The "Total Expenditures" column reflects the actual estimated expenditures by the race and gender of the major business owner. The "Estimated Parity Minus Estimated Expenditures" column reflects the amount the expenditures with each race and gender group is above or below what would be expected if parity were achieved, based on that group's availability in the local market area.

¹² Board of County Commissioners Agenda Request 26, Acceptance of Status Report Regarding County Utilization of Minority and Women-Owned Businesses, December 11, 2007.

**EXHIBIT 3-7
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
M/WBE REPORTING
FISCAL YEAR 2004/2005 TO FISCAL YEAR 2005/2006**

Summary Across All Business Categories						
Race/Gender	Differences between Actual Estimated Expenditures and Estimated Parity					
	Total Expenditures			Est. Parity Minus Est. Expenditures		
	FY 04/05	FY 05/06	Both Years	FY 04/05	FY 05/06	Both Years
African Americans	\$ 2,933,432.00	\$ 3,625,204.00	\$ 6,558,636.00	\$ 876,022.00	\$ (708,896.00)	\$ 167,126.00
Hispanic Americans	\$ 37,654.00	\$ 35,894.00	\$ 73,548.00	\$ (179,317.00)	\$ (542,971.00)	\$ (722,288.00)
Asian Americans	\$ 55,355.00	\$ 63,609.00	\$ 118,964.00	\$ 2,512.00	\$ (21,782.00)	\$ (19,270.00)
Native Americans	\$ 44,880.00	\$ 68,354.00	\$ 113,234.00	\$ (19,405.00)	\$ (114,604.00)	\$ (134,009.00)
Non-minority Women	\$ 2,128,631.00	\$ 7,568,233.00	\$ 9,696,864.00	\$ 997,672.00	\$ 5,466,523.00	\$ 6,464,195.00
Non-minority	\$ 16,337,284.00	\$ 35,310,829.00	\$ 51,648,113.00	\$ (1,677,485.00)	\$ (4,078,270.00)	\$ (5,755,755.00)
¹ Total All Categories	\$ 21,537,236.00	\$ 46,672,123.00	\$ 68,209,359.00	\$ (1.00)	\$ -	\$ (1.00)
¹ Total difference from parity does not equal zero due to rounding.						

Source: M/WBE Reporting, Fiscal Year 2004/2005 to Fiscal Year 2005/2006.

The status report also included a plan for continued success and enhancement opportunities to be performed by the M/W/SBE Division:

- Improve its tracking system to monitor and provide feedback for M/WBE and nonminority procurement activities.
- Continue to inform MBEs about procurement opportunities with the County and encourage managers to utilize MBEs.
- Continue its on-going efforts to identify barriers that prevent procurement opportunities for M/WBEs and eliminate such to enhance the utilization of the available firms.
- Review the Tax Collectors' records to identify and encourage MBEs to become certified for procurement opportunities in areas where there is underutilization.
- Direct M/WBEs to use the services of the Small Business Development Center at Florida Agricultural & Mechanical University to improve the operation of their businesses, thereby enhancing their chances of winning procurement opportunities.

3.5 Conclusions

MGT's research, summarized in this chapter, showed that the County has made significant strides in its commitment to level the playing field for businesses desiring to provide goods and services to the County. The County has been receptive to earlier recommendations to enhance its purchasing and M/WBE programs. For instance, MGT were told of improved levels of cooperation between the Purchasing Division, M/W/SBE Division, and other County departments and divisions. MGT was also told that recently M/W/SBE and nonminority subcontracting participation is being tracked now. The County has also improved the accessibility of information through its Web site, consolidated its purchasing policy and M/W/SBE participation policy and collaborated with the local outreach efforts put forth through the Small Business Enterprise Week and MEDWeek activities with the City of Tallahassee and the Small Business Development Center at Florida Agricultural & Mechanical University.

The consolidation of the purchasing policy and the M/WBE participation policy provided a stronger basis for user departments to involve M/WBE firms in County procurements. Interviewees directed MGT to the Purchasing Department for responses to questions on policy changes and to the M/W/SBE Division to answer questions on M/W/SBE program requirements. The revised policy is clearer on the County's intent to provide competitive opportunities to all vendors and administrative steps (e.g., one of three quotes should be from an M/W/SBE) to facilitate competition. From an organizational perspective, the County elevated the M/W/SBE program to division level, which improves the internal and external perception of the County's commitment to the program's success. The County's suspension of the training criteria for SBE certification until the completion of the disparity study update is viewed as positive by staff.

4.0 UTILIZATION AND AVAILABILITY ANALYSIS

4.0 UTILIZATION AND AVAILABILITY ANALYSES

This study for the Board of County Commissioners of Leon County (County) documents and analyzes the participation of minority, women, and nonminority businesses in the County's procurements. This chapter describes the County's market area and analyzes the utilization and availability of minority, women, and nonminority firms. The results of the analyses ultimately determine whether minority, women, or nonminority businesses were underutilized or overutilized in these procurements.

This chapter consists of the following sections:

- 4.1 Methodology
- 4.2 Construction
- 4.3 Architecture and Engineering Services¹
- 4.4 Professional Services
- 4.5 Other Services
- 4.6 Materials and Supplies
- 4.7 Summary

4.1 Methodology

This section presents the methodology for the collection of data and analysis of market areas, utilization, and availability of minority-owned, woman-owned, and nonminority-owned firms. The description of business categories and minority- and woman-owned business enterprise (M/WBE) classifications are also presented in this section, as well as the process used to determine the geographical market areas, utilization, and availability of firms.

4.1.1 Business Categories

The County's mark area, utilization and availability of M/WBE firms and non-M/WBE firms were analyzed for five business categories: construction, architecture and engineering, professional services, other services, and goods, equipment, and supplies.

These categories were consistent with the County's classification of contracts awarded and payments made by the County during the four-year study period. Each contract vendor payment or subcontractor award was grouped into one of the above categories by MGT with assistance from County staff knowledgeable about the contracts and payments. A description of each business category follows.

Architecture and Engineering

Architecture and engineering refers to any architecture or engineering services, including but not limited to:

¹ For the purpose of this study, architecture and engineering services were analyzed separately. In the 2004 Disparity Study, architecture and engineering services were included in the professional services business category.

- Architectural design.
- Professional engineering.
- Environmental consulting.
- Inspections.
- Soil testing.
- Surveying.

Construction

Construction refers to any building and highway construction-related services, including but not limited to:

- General building contractors engaged primarily in the construction of buildings.
- General contracting in the construction of roadways, bridges, sewers, and heavy construction.
- Construction-special trade services, such as electrical work; carpentry, air conditioning repair, maintenance, and installation; plumbing; and renovation.
- Other related services such as water-lining and maintenance, asbestos abatement, drainage, dredging, grading, hauling, landscaping (for large construction projects such as boulevards and highways), paving, and toxic waste clean up.

Professional Services

This category covers services provided by a person or firm that are of a professional nature and require special licensing, educational degrees, and/or highly specialized expertise, including:

- Consulting services.
- Legal services.
- Educational services.
- Computer services.
- Other professional services.

Other Services

This category includes any service that is labor intensive and neither professional nor construction related, including, but not limited to:

- Janitorial and repair services.
- Uniformed guard services.
- Certain job shop services.
- Graphics or photographic services.
- Other nontechnical professional services.

Materials and Supplies

This business category includes vendors that provide the following, but not limited to:

- Office goods
- Supplies
- Equipment
- Miscellaneous building materials
- Computers

Certain transactions were excluded from analysis in this study. Examples include:

- Administrative items such as utility payments, leases for real estate, and insurance or banking transactions.
- Salary and fringe benefits, payments for food or parking; or conference fees.
- Payments to government entities including nonprofit local organizations, state agencies, and federal agencies.

Firms were assigned to a particular business category based on the County's payment description obtained from the County's financial system. However, based on feedback from the County, certain payments were reclassified according to vendor name rather than the type of payment received and/or payment description.

4.1.2 M/WBE Classifications

In this study, businesses classified as M/WBEs are firms at least 51 percent owned and controlled by members of one of five groups: African Americans, Hispanic Americans, Asian Americans, Native Americans, and nonminority women. These groups were defined according to the United States Census Bureau as follows:

- **African Americans:** U.S. citizens or lawfully admitted permanent residents having an origin in any of the black racial groups of Africa.
- **Hispanic Americans:** U.S. citizens or lawfully admitted permanent residents of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese cultures or origins regardless of race.
- **Asian Americans:** U.S. citizens or lawfully admitted permanent residents who originate from the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.
- **Native Americans:** U.S. citizens or lawfully admitted permanent residents who originate from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.
- **Nonminority Women:** U.S. citizens or lawfully admitted permanent residents who are non-Hispanic white females. Minority women were included in their respective minority category.

The M/WBE determinations reflected in this report were based on the source data discussed below in **Section 4.1.3**. If the business owner classification was unclear in the source data, MGT of America, Inc. (MGT), conducted additional research to determine the proper business owner classification. This included requesting assistance from cognizant County representatives to identify the proper business owner classification. Firms that were identified in the source data as non-M/WBEs were considered to be nonminority-owned firms in the analysis conducted for this study.

4.1.3 Collection and Management of Data

To determine the most appropriate data for our use in the analysis of the County's procurement activity and to identify data sources, MGT conducted interviews with key staff knowledgeable about the County's procurement processes. The decision was made by the County and MGT that procurement data for construction would be extracted from electronic expenditure data, as well as contract award data and contract files. Data for architecture and engineering, professional services, other services and materials supplies would be extracted from electronic expenditure, purchase order, and purchasing card (Pcard) data.

Contract and Subcontract Data Collection

Once the sources of data for the contract award data was defined and obtained, MGT designed a data collection plan to collect contract data from the hard copy files. Expenditure, purchase order, and Pcard transaction data would be provided in electronic format. The following data were provided:

- Financial Expenditure Data: a file extracted from the County's Banner financial system containing payments made to vendors during the study period.
- List of Agreements: a file containing awards granted to vendors during the study period.
- Vendor List Data: a file extracted from the County's Banner financial system containing vendors that were paid or have registered to do business with the County.
- Permit Data: a file containing commercial construction permits let to prime contractors and subcontractors during the study period.²
- Purchase Order Data: a file containing invoices made to vendors during the study period.
- Pcard Transactions Data: a file containing small dollar payments made to vendors during the study period.

Upon further review and discussions with the County, it was agreed that the list of awarded agreements would be used to develop the data collection plan for on-site data collection activities. These list of agreements were used as the primary source to ensure that the onsite data collection team reviewed contract files based on this list within the

² Please refer to **Chapter 6.0, Private Sector Analysis**, for a detailed discussion of this data set.

study period in order to obtain subcontractor and bidder data. The financial expenditure data would be used to analyze payments made to vendors, which would be the primary data source for the prime contractor/consultant utilization analyses. Each electronic list provided the following data that we used for analysis:

- Name of firm awarded and/or paid.
- Award and/or payment amount of the transaction.
- Contract and/or payment post date of the award and/or payment.
- A description of the contract and/or payment from which the business category of the procurement could be derived.

Once collected and entered or transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded or payments made to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the zip code of the vendor was matched against an MGT zip code database of all United States counties.
- Identification of the prime contractor's business category.

MGT designed a data collection plan (based on the list of awarded agreements provided by the County) to collect contract from hard copy contract files and the County's verification reports, which are sent to prime contractors requesting subcontracting activity. The hard copy data was collected by MGT employees and firm area firm, Oppenheim Research. The data collection team were trained on the disparity study data collection techniques and County hard copy files in order to ensure accuracy. Once collected and transferred into the MGT database, the data were processed as follows:

- Exclusion of records not relevant to the study. Examples of procurement activity excluded from analysis include duplicate procurement records; contracts out of the time frame of the study; contracts awarded to nonprofits and government entities; and utility payments such as water, gas, and electricity.
- Identification of the county in which the vendor operated. To accomplish this, the ZIP code of the vendor was matched against an MGT ZIP code database of all United States counties.
- Identification of the prime contractor's business category.

Availability (Vendor) Data Collection

Determining the availability of firms is a critical element in developing disparity analyses. Therefore, MGT analyzes the availability of firms at the prime and subcontractor level.

For the purposes of this study, MGT defines prime contractors as firms that (1) have performed prime contract work for the County; (2) have bid on awarded³ prime contract work for the County in the past (within the study period); or (3) are construction, architecture and engineering, professional services, other services, or materials and supplies firms that were in the County's Banner system. These firms are considered to be available because they have either performed or indicated their willingness to perform prime contract work for the local Leon County market area. These firms are defined as available contractors because they have either performed work or have indicated their willingness to perform work for the County. MGT also used other availability measures, including U.S. Census data for comparison purposes, which will be referenced in **Appendix D**.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contract by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder on awarded prime contracts.

This process generated a listing of 13,886 entries; however, a number of the entries were names of nonprofit organizations, governmental agencies, and duplicate entries. As a result, our availability analyses were based on a pool of 8,452 firms. Approximately 6,652 entries (records) of the approximately 13,886 were excluded from the availability analyses. The most common reasons for exclusion were: duplicate records (i.e., unique vendors who appeared in multiple vendor databases provided by the County); no business category (i.e., vendors who were not utilized, a business type was not provided, or a business type could not be identified from their name); nonprofit agencies, associations, or councils; governmental agencies, including schools and universities; travel-related businesses, including hotels, car rental, and conference fees; real estate; and utilities, postage, and hospitals.

Data for Analysis

The total number of expenditure records analyzed for the study period is shown below in **Exhibit 4-1**. The number of records for construction, architecture and engineering, professional services, other services, and materials supplies represents expenditure data.

³ In addition, based on subsequent discussions with cognizant County staff, the availability pool of firms for the business category of architecture and engineering includes the count of a firm that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 4-1
LEON COUNTY
NUMBER OF ANALYZED RECORDS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Category	# of Records
Construction	3,059
Architecture & Engineering	1,278
Professional Services	3,209
Other Services	11,213
Materials and Supplies	16,940

Source: Expenditure activity compiled from the County's Banner financial data system.

As far as hard copy files, the data collection plan presented a total of 358 contracts to be reviewed and entered while on-site. A total of 654⁴ contracts were reviewed and/or entered while on-site.

4.1.4 Market Area Methodology

In order to establish the appropriate geographic boundaries for the statistical analysis, market areas were determined for each of the business categories included in the study. First, the overall market area was determined and then the relevant market area was established.

Overall Market Area

A United States county is the geographical unit of measure selected for determining market area. The use of counties as geographical units is based on the following considerations:

- The courts have accepted counties as a standard geographical unit of analysis in conducting equal employment opportunity and disparity analysis.
- County boundaries are externally determined and thus free from any researcher bias that might result from any arbitrary determinations of geographical units of analysis.
- Census and other federal and state data are routinely collected and reported by county.

The counties that constituted the County's overall market area were determined by evaluating the total dollars expended by the County in each business category. The results were then summarized by county according to the location of each firm that provided goods or services to the County.

⁴ This increase in number includes the contracts for the housing and rehabilitation projects which were not listed as part of the list of agreements.

4.1.5 Utilization Methodology

The utilization analyses of construction, architecture and engineering, professional services, other services, and materials and supplies firms were based on information derived from County's financial system for activity occurring between October 1, 2004 and September 30, 2008. The analysis was based on firms located in the following: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida, and Jefferson County, Florida.

4.1.6 Availability Methodology

To evaluate disparate impact, if any, it is necessary to identify available M/WBEs in the local area for each business category. This determination, referred to as "availability," has been an issue in recent court cases. If the availability of minority- and woman-owned firms is overstated or understated, a distortion of the disparity determination will result. This distortion occurs because the quantitative measure of disparity is a direct ratio between utilization and availability.

Several methodologies may be used to determine availability, including analysis of vendor data and bidder data. The use of vendor data is preferable to bidder data because it considers firms that have expressed a readiness, willingness, and ability to provide goods and/or services to procuring entities, even when they have not been successful in doing so. Discriminatory barriers may, under certain circumstances, preclude such firms from submitting bids. For MGT's analysis, MGT used vendor data, as well as firms who bid on County projects in the past for the prime level availability analysis.

For the subcontractor availability, MGT defines subcontractor availability as firms that (1) are considered prime contractors and consultants; (2) firms that have been awarded a contractor by prime contractor; and (3) firms that were proposed to be used by an unsuccessful prime contractor bidder.

As indicated previously in this chapter, MGT utilized various sources to determine prime and subcontractor availability in order to develop the appropriate availability data within the market area.

4.2 Construction

This section presents MGT's analysis of the County's utilization in the construction business category, as well as the utilization and availability of firms.

4.2.1 Utilization Analysis

For firms located in the Leon County market area, the following analysis was conducted:

- Utilization analysis of all M/WBE and non-M/WBE prime contractors' expenditures by year for the study period.

- Utilization analysis of the number of individual prime contractors paid those dollars, according to race/ethnicity/gender classifications.
- Utilization analysis of all identified M/WBE and non-M/WBE subcontractors' awards for the study period.

The utilization analysis of prime construction contractors in the County's market area is shown in **Exhibit 4-2**. M/WBEs were paid more than 16 percent (16.3%) of the total prime construction dollars expended by the County during the study period. The County paid \$73.86 million for construction services during the study period. Nonminority women-owned firms received \$9.5 million, accounting for 12.9 percent of the 16.3 percent paid to M/WBEs. Among M/WBEs, African American-owned firms were paid \$2.6 million, accounting for 3.5 percent of the 16.3 percent paid to M/WBEs. Firms owned by Hispanic Americans, Native Americans and Asian Americans were not utilized at the prime construction level, during the study period, thus not receiving any payments.

**EXHIBIT 4-2
CONSTRUCTION
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$640,584.74	6.11%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$255,838.18	2.44%	\$896,422.92	8.55%	\$9,589,981.55	91.45%	\$0.00	0.00%	\$10,486,404.47
2006	\$638,580.17	1.80%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,944,142.43	11.13%	\$4,582,722.60	12.93%	\$30,846,862.43	87.07%	\$0.00	0.00%	\$35,429,585.03
2007	\$811,002.66	4.91%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,942,082.56	11.75%	\$2,753,085.22	16.66%	\$13,776,179.56	83.34%	\$0.00	0.00%	\$16,529,264.78
2008	\$463,039.50	4.06%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,357,186.47	29.40%	\$3,820,225.97	33.46%	\$7,598,684.80	66.54%	\$0.00	0.00%	\$11,418,910.77
Total	\$2,553,207.07	3.46%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$9,499,249.64	12.86%	\$12,052,456.71	16.32%	\$61,811,708.34	83.68%	\$0.00	0.00%	\$73,864,165.05

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime contractors.

The utilization of firms in the prime construction business category has changed since the 2004 Disparity Study. In the previous study, which was based on contract awards, there was less than 2 percent (\$479,980) of the \$29.9 million awarded going to M/WBEs. The utilization of African American-owned firms has increased from 0.37 percent (\$110,385) to 3.5 percent (\$2.6 million). The utilization of nonminority women-owned firms has increased from 1.15 percent (\$344,350) to 12.9 percent (\$9.5 million).

Exhibit 4-3 shows the number of prime construction firms utilized over the entire the study period. In **Exhibit 4-3**, MGT shows that 15 M/WBE firms (18.9%) were paid for construction projects at the prime contractor level. In comparison, 64 non-M/WBEs were paid during the same period.

**EXHIBIT 4-3
CONSTRUCTION
NUMBER OF INDIVIDUAL PRIME CONTRACTORS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	5	11.63%	9	20.93%	34	79.07%	0	0.00%	43
2006	4	9.76%	0	0.00%	0	0.00%	0	0.00%	4	9.76%	8	19.51%	33	80.49%	0	0.00%	41
2007	5	12.82%	0	0.00%	0	0.00%	0	0.00%	2	5.13%	7	17.95%	32	82.05%	0	0.00%	39
2008	4	10.26%	0	0.00%	0	0.00%	0	0.00%	3	7.69%	7	17.95%	32	82.05%	0	0.00%	39
Individual Firms over Four Years²	7	8.86%	0	0.00%	0	0.00%	0	0.00%	8	10.13%	15	18.99%	64	81.01%	0	0.00%	79

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

Construction Subcontractor Analysis

As stated previously, MGT attempted to collect subcontractor data from hard copy files and County verification reports data maintained by the County. It should be noted that the analysis would have been heavily weighted towards M/WBEs because those were the data most readily available.

Because the data are so heavily weighted towards M/WBE firms, we provide in **Exhibit 4-4** an analysis of subcontracting utilization based on an estimated subcontracting level. We had the distribution of the number of M/WBE subcontracts by race and gender, but needed to know construction subcontracts awarded to non-M/WBEs in order to establish a reasonable basis to determine the relative proportion of construction subcontract dollars to overall construction contracts.

Our experience has shown that subcontracting generally represents 20 to 30 percent of the prime construction contract amounts. Census data support the applicability of this rule of thumb for this project. The "2002 Census of Construction – Geographic Area Summary Findings" shows that the cost of construction work subcontracted out in the state of Florida was 25.1 percent. Assuming that the County's construction spending pattern is similar to the overall patterns in the state of Florida, we would conclude that subcontractors received at least 20 percent of the dollars associated with construction prime contracts and as much as 25.1 percent of prime level dollars.

Utilization and Availability Analyses

Using the corresponding prime dollars for the four years for which M/WBE subcontracting data were available, we calculate the overall construction subcontract dollars to have been \$18.5 million (25 percent) in the market area (see **Exhibit 4-2**). Accordingly, **Exhibit 4-4** shows the estimated construction subcontracting utilization percentages under these assumptions.

Based on the analysis, non-M/WBE firms received 87 percent (\$16.1 million of \$18.5 million) of the construction subcontract dollars awarded during the study period. M/WBE firms received 12.9 percent, with African American-owned firms receiving 10.1 percent (\$1.9 million of \$18.5 million).

**EXHIBIT 4-4
CONSTRUCTION
UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL ESTIMATED DOLLARS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Year	Total Construction \$ ¹	Subcontract Dollars ²	African American		Hispanic American		Asian American		Native American		Nonminority Women		Total M/WBE		Total Non-M/WBEs ³		Total M/WBE	
			%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$
2005	\$10,486,404.47	\$ 2,621,601.12	41.86%	\$ 1,097,457.43	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	2.13%	\$55,963.24	44.00%	\$1,153,420.67	56.00%	\$1,468,180.45	44.00%	\$ 1,153,420.67
2006	\$35,429,585.03	\$ 8,857,396.26	3.39%	\$ 299,890.00	2.44%	\$216,200.00	0.00%	\$0.00	0.00%	\$250.00	0.42%	\$36,998.00	6.25%	\$553,338.00	93.75%	\$8,304,058.26	6.25%	\$ 553,338.00
2007	\$16,529,264.78	\$ 4,132,316.20	9.00%	\$ 372,076.00	0.43%	\$17,579.70	0.00%	\$0.00	0.23%	\$9,542.00	2.35%	\$97,260.00	12.01%	\$496,457.70	87.99%	\$3,635,858.50	12.01%	\$ 496,457.70
2008	\$11,418,910.77	\$ 2,854,727.69	3.48%	\$ 99,416.65	2.41%	\$68,800.00	0.00%	\$0.00	0.00%	\$0.00	0.82%	\$23,540.00	6.72%	\$191,756.65	93.28%	\$2,662,971.04	6.72%	\$ 191,756.65
Total	\$ 73,864,165.05	\$ 18,466,041.26	10.12%	\$ 1,868,840.08	1.64%	\$302,579.70	0.00%	\$0.00	0.05%	\$9,792.00	1.16%	\$213,761.24	12.97%	\$2,394,973.02	87.03%	\$16,071,068.24	12.97%	\$ 2,394,973.02

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Actual dollar amounts based on expenditure amounts to prime contractors.

² Percentage of the total estimated subcontractor dollars awarded.

³ Calculated as estimated subcontract dollars less M/WBE subcontract dollars.

4.2.2 Availability

The availability of construction firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-5**, M/WBEs accounted for more than 16 percent of prime construction contractors available to do business with the County at the prime construction level. Among M/WBEs, African American-owned firms were the largest group, accounting for 9.7 percent of the total construction contractors.

**EXHIBIT 4-5
CONSTRUCTION
AVAILABILITY OF PRIME CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	18	9.73%	0	0.00%	1	0.54%	0	0.00%	12	6.49%	31	16.76%	154	83.24%	0	0.00%	185

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

Exhibit 4-6 displays availability percentages for subcontractors. M/WBEs accounted for 32.3 percent of construction subcontractors available to do business. Among M/WBEs, African American-owned firms were the largest group, accounting for 18.8 percent of the total M/WBE construction contractors. The data for subcontractors was based on readily available data collected from hard copy files, which included firms who were awarded work at a subcontractor level, as well as firms who were proposed to be utilized by a prime contractor. For M/WBE subcontractor availability, by individual race/ethnicity/gender classifications, African American firms represented 18.75 percent, Hispanic American firms 1.56 percent; Asian American firms 0.52 percent, Native American firms 0.69 percent, and nonminority women firms 10.76 percent.

**EXHIBIT 4-6
CONSTRUCTION
AVAILABILITY OF SUBCONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	108	18.75%	9	1.56%	3	0.52%	4	0.69%	62	10.76%	186	32.29%	390	67.71%	576

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.3 Architecture and Engineering

This section presents MGT's analysis for the architecture and engineering business category. This analysis is based on County payments to firms providing architectural and engineering services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as architecture and engineering consultants, within the County market area.

4.3.1 Utilization Analysis

Exhibit 4-7 presents the utilization analysis of architecture and engineering prime consultants in the County's market area and shows that M/WBEs received over \$1.1 million (14.6%) of the architecture and engineering payment dollars. Non-M/WBEs accounted for more than \$6.1 million of the architecture and engineering dollars expended by the County over the study period, receiving 85.4 percent of the dollars.

**EXHIBIT 4-7
ARCHITECTURE AND ENGINEERING
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$82,183.00	5.67%	\$0.00	0.00%	\$56,035.00	3.87%	\$0.00	0.00%	\$8,649.30	0.60%	\$146,867.30	10.14%	\$1,301,953.15	89.86%	\$0.00	0.00%	\$1,448,820.45
2006	\$117,864.97	6.36%	\$0.00	0.00%	\$64,867.50	3.50%	\$0.00	0.00%	\$50,872.02	2.74%	\$233,604.49	12.60%	\$1,619,850.93	87.40%	\$0.00	0.00%	\$1,853,455.42
2007	\$206,002.65	8.15%	\$0.00	0.00%	\$62,249.00	2.46%	\$0.00	0.00%	\$133,750.14	5.29%	\$402,001.79	15.91%	\$2,124,160.92	84.09%	\$0.00	0.00%	\$2,526,162.71
2008	\$131,213.11	9.58%	\$0.00	0.00%	\$13,157.50	0.96%	\$0.00	0.00%	\$126,841.52	9.26%	\$271,212.13	19.80%	\$1,098,551.33	80.20%	\$0.00	0.00%	\$1,369,763.46
Total	\$537,263.73	7.46%	\$0.00	0.00%	\$196,309.00	2.73%	\$0.00	0.00%	\$320,112.98	4.45%	\$1,053,685.71	14.64%	\$6,144,516.33	85.36%	\$0.00	0.00%	\$7,198,202.04

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-8 shows the number of prime architecture and engineering firms utilized over the entire the study period. In **Exhibit 4-8**, MGT shows that 12 M/WBE firms (38.7%) were paid for architecture and engineering services at the prime consultant level. In comparison, 19 non-M/WBEs were paid during the same period.

**EXHIBIT 4-8
ARCHITECTURE AND ENGINEERING
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	2	9.52%	0	0.00%	2	9.52%	0	0.00%	3	14.29%	7	33.33%	14	66.67%	0	0.00%	21
2006	3	12.50%	0	0.00%	2	8.33%	0	0.00%	4	16.67%	9	37.50%	15	62.50%	0	0.00%	24
2007	4	15.38%	0	0.00%	2	7.69%	0	0.00%	4	15.38%	10	38.46%	16	61.54%	0	0.00%	26
2008	3	13.64%	0	0.00%	2	9.09%	0	0.00%	5	22.73%	10	45.45%	12	54.55%	0	0.00%	22
Individual Firms over Four Years²	4	12.90%	0	0.00%	2	6.45%	0	0.00%	6	19.35%	12	38.71%	19	61.29%	0	0.00%	31

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime architecture and engineering business category was not conducted since this service was previously categorized in professional services.

4.3.2 Availability

The availability of architecture and engineering firms was derived from the list of overall firms included in MGT's database. As shown in **Exhibit 4-9**, M/WBEs accounted for more than 30 percent of architecture and engineering firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 17.2 percent of the total M/WBE architecture and engineering firms.

**EXHIBIT 4-9
ARCHITECTURE AND ENGINEERING
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	8.51%	1	2.13%	2	4.26%	0	0.00%	8	17.02%	15	31.91%	32	68.09%	0	0.00%	47

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.4 Professional Services

This section presents MGT's analysis for the professional services business category. This analysis is based on County payments to firms providing professional services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as professional services prime consultants, within the County market area.

4.4.1 Utilization Analysis

Exhibit 4-10 presents the utilization analysis of professional services prime consultants in the County's market area and shows that M/WBEs received over \$719,300 (16.1%) of the professional services payment dollars. Non-M/WBEs accounted for more than \$3.7 million of the professional services dollars expended by the County over the study period, receiving 83.9 percent of the dollars.

**EXHIBIT 4-10
PROFESSIONAL SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$44,172.11	3.06%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$220,646.61	15.30%	\$264,818.72	18.36%	\$1,177,461.95	81.64%	\$0.00	0.00%	\$1,442,280.67
2006	\$55,888.25	4.91%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$203,911.61	17.92%	\$259,799.86	22.83%	\$878,396.89	77.17%	\$0.00	0.00%	\$1,138,196.75
2007	\$52,857.25	5.09%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$109,314.42	10.53%	\$162,171.67	15.62%	\$875,764.85	84.38%	\$0.00	0.00%	\$1,037,936.52
2008	\$28,512.00	3.30%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$4,075.00	0.47%	\$32,587.00	3.77%	\$831,526.33	96.23%	\$0.00	0.00%	\$864,113.33
Total	\$181,429.61	4.05%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$537,947.64	12.00%	\$719,377.25	16.05%	\$3,763,150.02	83.95%	\$0.00	0.00%	\$4,482,527.27

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-11 shows the number of prime professional services firms utilized over the entire the study period. In **Exhibit 4-11**, MGT shows that 22 M/WBE firms (32.4%) were paid for professional services at the prime consultant level. In comparison, 46 non-M/WBEs were paid during the same period.

**EXHIBIT 4-11
PROFESSIONAL SERVICES
NUMBER OF INDIVIDUAL PRIME CONSULTANTS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	4	9.30%	0	0.00%	0	0.00%	0	0.00%	10	23.26%	14	32.56%	29	67.44%	0	0.00%	43
2006	2	5.88%	0	0.00%	0	0.00%	0	0.00%	8	23.53%	10	29.41%	24	70.59%	0	0.00%	34
2007	2	6.25%	0	0.00%	0	0.00%	0	0.00%	7	21.88%	9	28.13%	23	71.88%	0	0.00%	32
2008	1	4.17%	0	0.00%	0	0.00%	0	0.00%	5	20.83%	6	25.00%	18	75.00%	0	0.00%	24
Individual Firms over Four Years²	5	7.35%	0	0.00%	0	0.00%	0	0.00%	17	25.00%	22	32.35%	46	67.65%	0	0.00%	68

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The comparison of utilization of firms in the prime professional services business category was not conducted since architecture and engineering services was previously categorized in professional services.

4.4.2 Availability

The availability of professional services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-12**, M/WBEs accounted for more than 27 percent of professional services firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 18.2 percent of the total M/WBEs.

**EXHIBIT 4-12
PROFESSIONAL SERVICES
AVAILABILITY OF PRIME CONSULTANTS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	8	8.08%	1	1.01%	0	0.00%	0	0.00%	18	18.18%	27	27.27%	72	72.73%	0	0.00%	99

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.5 Other Services

This section presents MGT's analysis for the other services business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as other services firms, within the County market area.

4.5.1 Utilization Analysis

Exhibit 4-13 presents the utilization analysis of other services firms, in the County's market area and shows that M/WBEs received over \$3.4 million (53.8%) of the other services payment dollars. Non-M/WBEs accounted for more than \$2.9 million of the other services dollars expended by the County over the study period, receiving 46.4 percent of the dollars.

**EXHIBIT 4-13
OTHER SERVICES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$208,003.57	14.46%	\$25,871.76	1.80%	\$420.00	0.03%	\$3,696.37	0.26%	\$379,951.03	26.41%	\$617,942.73	42.96%	\$820,575.79	57.04%	\$0.00	0.00%	\$1,438,518.52
2006	\$234,253.76	14.04%	\$33,739.90	2.02%	\$1,345.80	0.08%	\$0.00	0.00%	\$652,018.22	39.09%	\$921,357.68	55.24%	\$746,620.92	44.76%	\$0.00	0.00%	\$1,667,978.60
2007	\$256,595.23	15.29%	\$48,199.94	2.87%	\$435.00	0.03%	\$0.00	0.00%	\$653,888.27	38.95%	\$959,118.44	57.14%	\$719,526.61	42.86%	\$0.00	0.00%	\$1,678,645.05
2008	\$118,763.45	7.53%	\$211,276.72	13.40%	\$1,471.00	0.09%	\$0.00	0.00%	\$578,024.31	36.66%	\$909,535.48	57.69%	\$667,098.26	42.31%	\$0.00	0.00%	\$1,576,633.74
Total	\$817,616.01	12.85%	\$319,088.32	5.02%	\$3,671.80	0.06%	\$3,696.37	0.06%	\$2,263,881.83	35.59%	\$3,407,954.33	53.57%	\$2,953,821.58	46.43%	\$0.00	0.00%	\$6,361,775.91

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-14 shows the number of other services firms utilized over the entire the study period. In **Exhibit 4-14**, MGT shows that 56 M/WBE firms (26.4%) were paid for other services by the County. In comparison, 156 non-M/WBEs were paid during the same period.

**EXHIBIT 4-14
OTHER SERVICES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	16	14.68%	3	2.75%	1	0.92%	1	0.92%	12	11.01%	33	30.28%	76	69.72%	0	0.00%	109
2006	18	16.07%	2	1.79%	1	0.89%	0	0.00%	14	12.50%	35	31.25%	77	68.75%	0	0.00%	112
2007	15	14.42%	2	1.92%	1	0.96%	0	0.00%	16	15.38%	34	32.69%	70	67.31%	0	0.00%	104
2008	12	13.33%	2	2.22%	1	1.11%	0	0.00%	11	12.22%	26	28.89%	64	71.11%	0	0.00%	90
Individual Firms over Four Years²	27	12.74%	3	1.42%	1	0.47%	1	0.47%	24	11.32%	56	26.42%	156	73.58%	0	0.00%	212

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the other services business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was less than 30 percent (\$3.3 million) of the \$11.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has increased from 30 percent to 53.6 percent. As far as percentages and dollars, the utilization of nonminority women-owned firms has increased from 11.8 percent (\$1.3 million) to 35.6 percent (\$2.3 million).

4.5.2 Availability

The availability of other services firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-15**, M/WBEs accounted for more than 24 percent of other services firms available to do business with the County at the prime level. Among M/WBEs, African American-owned firms were the largest group, accounting for 11.6 percent of the total firms.

**EXHIBIT 4-15
OTHER SERVICES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	30	11.63%	3	1.16%	1	0.39%	1	0.39%	27	10.47%	62	24.03%	181	70.16%	15	5.81%	258

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.6 Materials and Supplies

This section presents MGT's analysis for the materials and supplies business category. This analysis is based on County payments to firms providing other services. In this section, MGT shows the results of the utilization and availability analysis of M/WBEs and non-M/WBEs as materials and supplies firms, within the County market area.

4.6.1 Utilization Analysis

Exhibit 4-16 presents the utilization analysis of materials and supplies firms, in the County's market area and shows that M/WBEs received over \$1.6 million (13.8%) of the materials and supplies payment dollars. Non-M/WBEs accounted for more than \$10 million of the materials and supplies dollars expended by the County over the study period, receiving 86.2 percent of the dollars.

**EXHIBIT 4-16
MATERIALS AND SUPPLIES
UTILIZATION ANALYSIS OF PAYMENTS
IN THE LEON COUNTY MARKET AREA
DOLLARS AND PERCENTAGE OF TOTAL DOLLARS PAID
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Dollars Paid
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$73,865.75	3.42%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$410,216.65	18.98%	\$484,082.40	22.40%	\$1,676,722.18	77.60%	\$0.00	0.00%	\$2,160,804.58
2006	\$17,710.00	0.49%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$435,346.85	11.94%	\$453,056.85	12.42%	\$3,194,080.90	87.58%	\$0.00	0.00%	\$3,647,137.75
2007	\$4,100.00	0.16%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$339,654.85	13.66%	\$343,754.85	13.83%	\$2,142,570.53	86.17%	\$0.00	0.00%	\$2,486,325.38
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$324,213.93	9.73%	\$324,213.93	9.73%	\$3,006,335.46	90.27%	\$0.00	0.00%	\$3,330,549.39
Total	\$95,675.75	0.82%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,509,432.28	12.98%	\$1,605,108.03	13.81%	\$10,019,709.07	86.19%	\$0.00	0.00%	\$11,624,817.10

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of total dollars paid annually to prime consultants.

Exhibit 4-17 shows the number of materials and supplies firms utilized over the entire the study period. In **Exhibit 4-17**, MGT shows that 20 M/WBE firms (11.3%) were paid for materials and supplies by the County. In comparison, 157 non-M/WBEs were paid during the same period.

**EXHIBIT 4-17
MATERIALS AND SUPPLIES
NUMBER OF INDIVIDUAL FIRMS
UTILIZED IN THE LEON COUNTY MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Calendar Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms ¹
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
2005	3	2.54%	0	0.00%	0	0.00%	0	0.00%	13	11.02%	16	13.56%	102	86.44%	0	0.00%	118
2006	1	0.88%	0	0.00%	0	0.00%	0	0.00%	8	7.02%	9	7.89%	105	92.11%	0	0.00%	114
2007	2	1.89%	0	0.00%	0	0.00%	0	0.00%	8	7.55%	10	9.43%	96	90.57%	0	0.00%	106
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	8	8.42%	8	8.42%	87	91.58%	0	0.00%	95
Individual Firms over Four Years²	5	2.82%	0	0.00%	0	0.00%	0	0.00%	15	8.47%	20	11.30%	157	88.70%	0	0.00%	177

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Percentage of Total Firms.

² "Individual Firms" counts a firm only once for each year it receives work. Since a firm could be used in multiple years, the "Individual Firms" for the entire study period may not equal the sum of all years.

The utilization of firms in the materials and supplies business category has changed since the 2004 Disparity Study. In the previous study, which was based on purchase order awards, there was slightly more than 16 percent (\$2.7 million) of the \$17.1 million awarded going to M/WBEs. As far as percentages, the utilization of M/WBE firms has decreased from 16 percent to 13.8 percent.

4.6.2 Availability

The availability of materials and supplies firms was derived from the list of overall firms included in MGT's database. However, the availability analysis is based only on firms located within the Leon County market area. As shown in **Exhibit 4-18**, M/WBEs accounted for slightly more than 10 percent of materials and supplies firms available to do business with the County at the prime level. Among M/WBEs, nonminority women-owned firms were the largest group, accounting for 8 percent of the total firms.

**EXHIBIT 4-18
MATERIALS AND SUPPLIES
AVAILABILITY OF FIRMS
BY RACE/ETHNICITY/GENDER CLASSIFICATIONS**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Unknown		Total Firms
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	4	1.45%	1	0.36%	1	0.36%	0	0.00%	22	8.00%	28	10.18%	247	89.82%	0	0.00%	275

Source: MGT developed a vendor and expenditure database for the County covering the period from October 1, 2004 through September 30, 2008.

¹ Minority male and female firms are included in their respective minority classifications.

4.7 Summary

Exhibit 4-19 summarizes the analysis results presented in this chapter. The utilization and availability data presented in these exhibits are further analyzed in **Chapter 5.0** of this report.

**EXHIBIT 4-19
SUMMARY OF M/WBE UTILIZATION
BY BUSINESS CATEGORY**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	\$2,553,207	\$0	\$0	\$0	\$9,499,250	\$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Construction Subcontractors (Overall Subcontractor Level)						
Utilization Dollars	\$0	\$0	\$0	\$0	\$0	\$0
Utilization Percent	66.64%	10.79%	0.00%	0.35%	7.62%	85.40%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Architecture and Engineering Prime Consultants						
Utilization Dollars	\$537,264	\$0	\$196,309	\$0	\$320,113	\$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Professional Services Prime Consultants						
Utilization Dollars	\$181,430	\$0	\$0	\$0	\$537,948	\$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Other Services Firms						
Utilization Dollars	\$817,616	\$319,088	\$3,672	\$3,696	\$2,263,882	\$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Materials and Supplies Vendors						
Utilization Dollars	\$95,676	\$0	\$0	\$0	\$1,509,432	\$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%

Source: Results from Chapter 4.0 Analysis of Utilization and Availability Results

5.0 DISPARITY ANALYSIS

5.0 DISPARITY ANALYSIS

This chapter examines the issue of disparity within each business category of procurement. Disparity, in this context, is the analysis of the differences between the utilization of minority- and women-owned business enterprises (M/WBEs) and the availability of those firms. Accordingly, MGT of America, Inc. (MGT), used disparity indices to examine whether M/WBEs received a proportional share of dollars based on the availability of M/WBEs in the relevant market area.

This chapter consists of the following sections:

- **Section 5.1** describes the methodology used by MGT to test for the presence or absence of disparity in each of the business categories.
- **Section 5.2** applies the disparity indices to the business categories and determines the presence or absence of disparity in the County's procurement activity.
- **Section 5.3** summarizes the chapter and presents our conclusions

5.1 Methodology

MGT used the availability and utilization information presented in **Chapter 4.0** of this report as the basis to determine if M/WBEs received a proportional share of payments by the Board of County Commissioners of Leon County (County). This determination is made primarily through the disparity index calculation which compares the availability of firms with the utilization of those firms. The disparity index also provides a value that can be given a commonly accepted substantive interpretation.

The underlying assumption of this approach is that, absent discrimination, the proportion of dollars received by a particular M/WBE group should approximate that group's proportion of the relevant population of vendors. To determine if disparity exists M/WBEs and non-M/WBEs within a specific business category, MGT compared the utilization of each group to its respective availability within each of the relevant market areas.

5.1.1 Disparity Index

MGT pioneered the use of disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such calculations is supported by several post-*Croson* cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*.¹ Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

¹ *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia*, 91 F 3d at 603.

For this study, the ratio of the percentage of utilization² to the percentage of availability multiplied by 100 serves as the measure of choice, as shown in the formula:

$$(1) \text{ Disparity Index} = \frac{\%U_{m_1p_1}}{\%A_{m_1p_1}} \times 100$$

Where: $U_{m_1p_1}$ = utilization of M/S/WBE₁ for procurement₁
 $A_{m_1p_1}$ = availability of M/S/WBE₁ for procurement₁

Due to the mathematical properties involved in the calculations, a disparity index value of 0.00 for a given race, ethnicity or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, the proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

Since there is no standardized measurement to evaluate the levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Opportunity Commission’s (EEOC) “80 percent rule” in *Uniform Guidelines on Employee Selection Procedures*. In context of employment discrimination, an employment disparity ratio below 80 indicates a “substantial disparity” in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms “adverse impact,” “disparate impact,” and “discriminatory impact” are used interchangeably to characterize values of 80 and below.

5.2 Disparity Indices Results

Tables showing disparity indices for construction, architecture and engineering, professional services, other services, and goods and supplies are analyzed in this section. As mentioned before, the tables are based on the utilization and availability of M/WBEs and non-M/WBEs in the Leon County relevant market area³ as shown in **Chapter 4.0**.

5.2.1 Construction

Disparity Analysis of Construction Firms

Exhibit 5-1 shows the disparity indices for prime construction payments based on the County’s expenditure data. As can be seen, during the four-year study period for the County, non-M/WBEs firms were overutilized with a disparity index of 100.53. Based on all years, WBEs were overutilized with a disparity index of 198.26. African American- and Asian American-owned firms were substantially underutilized with a disparity index of 35.53 and 0.00, respectively. Firms owned by Hispanic Americans, Native Americans,

² Percentage of utilization is based on expenditure dollars and the percentage of availability is based on the number of firms.

³ The Leon County relevant market area includes the following counties: Leon County, Florida; Gadsden County, Florida; Jefferson County, Florida, and Wakulla County, Florida.

and Asian Americans were not utilized on the prime contractor level during the four-year study period.

**EXHIBIT 5-1
DISPARITY ANALYSIS OF CONSTRUCTION FIRMS
ON THE PRIME CONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	6.11%	9.73%	62.78	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.44%	6.49%	37.61	* Underutilization
Non-MWBE Firms	91.45%	83.24%	109.86	Overutilization
2006				
African Americans	1.80%	9.73%	18.52	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.13%	6.49%	171.62	Overutilization
Non-MWBE Firms	87.07%	83.24%	104.59	Overutilization
2007				
African Americans	4.91%	9.73%	50.43	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.75%	6.49%	181.14	Overutilization
Non-MWBE Firms	83.34%	83.24%	100.12	Overutilization
2008				
African Americans	4.06%	9.73%	41.68	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	29.40%	6.49%	453.25	Overutilization
Non-MWBE Firms	66.54%	83.24%	79.94	* Underutilization
All Years				
African Americans	3.46%	9.73%	35.53	* Underutilization
Hispanic Americans	0.00%	0.00%	N/A	N/A
Asian Americans	0.00%	0.54%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.86%	6.49%	198.26	Overutilization
Non-MWBE Firms	83.68%	83.24%	100.53	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-2 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime contractor construction level, all M/WBEs were substantially underutilized. The current study shows that firms owned by African Americans and Asian Americans are still being substantially underutilized. Firms owned by nonminority women have changed from substantial underutilization to overutilization with a disparity index from 38.20 to 198.26. According to both studies, firms owned by Asian Americans and Native Americans were not utilized at the prime contractor level for construction projects. Based on percentages, M/WBE utilization has increased among few groups. Utilization of African American-owned firms has increased from 0.37 percent to 3.46 percent and 1.15 percent to 12.86 percent for nonminority-women. The utilization of Hispanic Americans has decreased from 0.08 percent to no utilization.

**EXHIBIT 5-2
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSTRUCTION CONTRACTORS
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.37%	3.46%	6.03%	9.73%	6.12	35.53	* Underutilization	* Underutilization
Hispanic Americans	0.08%	0.00%	1.51%	0.00%	5.60	N/A	* Underutilization	N/A
Asian Americans	0.00%	0.00%	0.00%	0.54%	0.00	0.00	N/A	* Underutilization
Native Americans	0.00%	0.00%	0.50%	0.00%	0.00	N/A	* Underutilization	N/A
Nonminority Women	1.15%	12.86%	3.02%	6.49%	38.20	198.26	* Underutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

The construction subcontractor disparity analysis was based on the percentages of estimated subcontractor dollars as well as the availability of firms based on vendor data as mentioned in **Chapter 4.0**.

Exhibit 5-3 shows the construction subcontractor disparity analysis for all years of the study period is shown. Among the various M/WBE groups, utilization fluctuated between overutilization to substantial underutilization. Firms owned by African Americans were overutilized in 2005 resulting with a disparity index of 223.26. However, in subsequent years the utilization of African American-owned firms awarded to provide subcontracting services decreased, thus resulting in overall substantial underutilization with a disparity index of 53.98. Firms owned by Hispanic Americans were overutilized in 2006 and 2008 resulting in overall overutilization with a disparity index of 104.87. Excluding Hispanic American-owned firms, M/WBEs were substantially underutilized overall as subcontractors. Firms owned by Asian Americans were not awarded subcontracts during the study period, thus resulting in no utilization.

**EXHIBIT 5-3
DISPARITY ANALYSIS OF CONSTRUCTION SUBCONTRACTORS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	41.86%	18.75%	223.26	Overutilization
Hispanic Americans	0.00%	1.56%	0.00	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	2.13%	10.76%	19.83	* Underutilization
Non-M/WBE Firms	56.00%	67.71%	82.71	Underutilization
2006				
African Americans	3.39%	18.75%	18.06	* Underutilization
Hispanic Americans	2.44%	1.56%	156.22	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.41	* Underutilization
Nonminority Women	0.42%	10.76%	3.88	* Underutilization
Non-M/WBE Firms	93.75%	67.71%	138.47	Overutilization
2007				
African Americans	9.00%	18.75%	48.02	* Underutilization
Hispanic Americans	0.43%	1.56%	27.23	* Underutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.23%	0.69%	33.25	* Underutilization
Nonminority Women	2.35%	10.76%	21.87	* Underutilization
Non-M/WBE Firms	87.99%	67.71%	129.95	Overutilization
2008				
African Americans	3.48%	18.75%	18.57	* Underutilization
Hispanic Americans	2.41%	1.56%	154.24	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.00%	0.69%	0.00	* Underutilization
Nonminority Women	0.82%	10.76%	7.66	* Underutilization
Non-M/WBE Firms	93.28%	67.71%	137.77	Overutilization
All Years				
African Americans	10.12%	18.75%	53.98	* Underutilization
Hispanic Americans	1.64%	1.56%	104.87	Overutilization
Asian Americans	0.00%	0.52%	0.00	* Underutilization
Native Americans	0.05%	0.69%	7.64	* Underutilization
Nonminority Women	1.16%	10.76%	10.75	* Underutilization
Non-M/WBE Firms	87.03%	67.71%	128.54	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of subcontract dollars is taken from the subcontract utilization exhibit previously shown in **Chapter 4.0**. Calculations are based on estimates of nonminority subcontractor utilization at 25.1% of the total project dollars, which is the average for the state of Florida construction projects.

² The percentage of available subcontractors is taken from the availability exhibit previously shown in **Chapter 4.0**. These percentages were calculated using vendor data.

³ The disparity index is the ratio of % utilization to % availability times 100. An asterisk is used to indicate a substantial level of disparity (index below 80.00).

2004 Disparity Study Comparison

Exhibit 5-4 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the MBEs utilized at the subcontractor level, all MBEs were either underutilized or substantially underutilized. In the previous study, nonminority women-owned firms were overutilized at the subcontractor level, but the current study shows substantial underutilization of these firms with a disparity index of 10.75. Hispanic American-owned firms were not utilized in the previous study, thus resulting in underutilization. Hispanic American-owned firms were utilized in the current study resulting in a disparity index of 104.87, which resulted in overutilization overall. The utilization of Native American-owned firms at the subcontractor level has decreased in the disparate impact from underutilization to substantial underutilization with a disparity index of 87.17 to 7.64, respectively.

**EXHIBIT 5-4
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
SUBCONTRACTOR LEVEL
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	14.37%	10.12%	22.09%	18.75%	65.09	53.98	* Underutilization	* Underutilization
Hispanic Americans	0.00%	1.64%	1.20%	1.56%	0.00	104.87	* Underutilization	Overutilization
Asian Americans	0.00%	0.00%	0.40%	0.52%	0.00	0.00	* Underutilization	* Underutilization
Native Americans	0.35%	0.05%	0.40%	0.69%	87.17	7.64	Underutilization	* Underutilization
Nonminority Women	3.60%	1.16%	3.21%	10.76%	112.18	10.75	Overutilization	* Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, **Chapter 5.0**, and Leon County Board of Commissioners August 2009 Disparity Study, **Chapter 5.0**.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available contractors is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.2 Architecture and Engineering

In this section, the results of the disparity analysis for the architecture and engineering business category for firms within the Leon County market area are presented.

Disparity Analysis of Architecture and Engineering Firms

Exhibit 5-5 shows the disparity indices for architecture and engineering firms at the prime level. Based on the overall study period, MBEs were overutilized. Firms owned by Asian Americans were utilized in each year of the study, resulting in underutilization with a disparity index of 62.73. Firms owned by African Americans were underutilized in each year of the study period, except for 2008, which resulted in underutilization with a disparity index of 85.83. Firms owned by nonminority women were substantially underutilized in each year of the study, resulting in substantial underutilization with a disparity index of 25.57. Firms owned by Native Americans were not utilized during the study period. Firms owned by Hispanic Americans⁴ were not utilized in each year of the study period, resulting in substantial underutilization with a disparity index of 0 .

⁴ The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 5-5
DISPARITY ANALYSIS OF ARCHITECTURE AND ENGINEERING FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	5.67%	8.51%	66.65	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.87%	4.26%	90.89	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.60%	17.02%	3.51	* Underutilization
Non-M/WBE Firms	89.86%	68.09%	131.99	Overutilization
2006				
African Americans	6.36%	8.51%	74.72	* Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	3.50%	4.26%	82.25	Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.74%	17.02%	16.13	* Underutilization
Non-M/WBE Firms	87.40%	68.09%	128.36	Overutilization
2007				
African Americans	8.15%	8.51%	95.82	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.46%	4.26%	57.91	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	5.29%	17.02%	31.11	* Underutilization
Non-M/WBE Firms	84.09%	68.09%	123.50	Overutilization
2008				
African Americans	9.58%	8.51%	112.56	Overutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	0.96%	4.26%	22.57	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.26%	17.02%	54.40	* Underutilization
Non-M/WBE Firms	80.20%	68.09%	117.79	Overutilization
All Years				
African Americans	7.46%	8.51%	87.70	Underutilization
Hispanic Americans	0.00%	2.13%	0.00	* Underutilization
Asian Americans	2.73%	4.26%	64.09	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	4.45%	17.02%	26.13	* Underutilization
Non-M/WBE Firms	85.36%	68.09%	125.38	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

A summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies based on architectural and engineering services was not conducted. Architectural and engineering services were classified under professional

services in the previous study. Therefore, the comparison between both studies for professional services will be discussed in the next section.

5.2.3 Professional Services

In this section, the results of the disparity analysis for the professional services business category for firms are presented.

Disparity Analysis of Professional Services Firms

Exhibit 5-6 shows the disparity indices for professional services firms. Overall, of the firms utilized, M/WBE firms were substantially underutilized as professional services firms. African American- and nonminority women-owned firms were substantially underutilized with a disparity index of 50.09 and 66.01, respectively. Nonminority male-owned firms were overutilized with a disparity index of 115.43.

**EXHIBIT 5-6
DISPARITY ANALYSIS OF PROFESSIONAL SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	3.06%	8.08%	37.90	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	15.30%	18.18%	84.14	Underutilization
Non-M/WBE Firms	81.64%	72.73%	112.25	Overutilization
2006				
African Americans	4.91%	8.08%	60.76	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	17.92%	18.18%	98.53	Underutilization
Non-M/WBE Firms	77.17%	72.73%	106.11	Overutilization
2007				
African Americans	5.09%	8.08%	63.02	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	10.53%	18.18%	57.93	* Underutilization
Non-M/WBE Firms	84.38%	72.73%	116.02	Overutilization
2008				
African Americans	3.30%	8.08%	40.83	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.47%	18.18%	2.59	* Underutilization
Non-M/WBE Firms	96.23%	72.73%	132.31	Overutilization
All Years				
African Americans	4.05%	8.08%	50.09	* Underutilization
Hispanic Americans	0.00%	1.01%	0.00	* Underutilization
Asian Americans	0.00%	0.00%	N/A	N/A
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.00%	18.18%	66.01	* Underutilization
Non-M/WBE Firms	83.95%	72.73%	115.43	Overutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-7 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized at the prime consultant professional services level, African American-owned firms were

underutilized with a disparity index of 83.30. The current study shows substantial underutilization for African American-owned firms with a disparity index of 50.09. In both studies, firms owned by nonminority women were overutilized. .

**EXHIBIT 5-7
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
PRIME CONSULTANT LEVEL PROFESSIONAL SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	4.69%	4.05%	5.63%	8.08%	83.30	50.09	Underutilization	*Underutilization
Hispanic Americans	0.00%	0.00%	0.00%	1.01%	0.00	0.00	N/A	*Underutilization
Asian Americans	1.30%	0.00%	0.63%	0.00%	207.72	N/A	Overutilization	N/A
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	6.25%	12.00%	5.63%	18.18%	111.15	66.01	Overutilization	*Underutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.4 Other Services

Disparity Analysis of Other Services Firms

In **Exhibit 5-8**, MGT's analysis shows that firms owned by African American, Hispanic American, and nonminority women were overutilized in each year of the study period, except 2008, resulting in overall overutilization with a disparity index of 110.53, 431.35, and 340.04, respectively. Overall, firms owned by Asian Americans and Native Americans were substantially underutilized with a disparity index of 14.89 and 14.99, respectively.

**EXHIBIT 5-8
DISPARITY ANALYSIS OF OTHER SERVICES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	14.46%	11.63%	124.35	Overutilization
Hispanic Americans	1.80%	1.16%	154.67	Overutilization
Asian Americans	0.03%	0.39%	7.53	* Underutilization
Native Americans	0.26%	0.39%	66.29	* Underutilization
Nonminority Women	26.41%	10.47%	252.39	Overutilization
Non-M/WBE Firms	57.04%	70.16%	81.31	Underutilization
2006				
African Americans	14.04%	11.63%	120.78	Overutilization
Hispanic Americans	2.02%	1.16%	173.96	Overutilization
Asian Americans	0.08%	0.39%	20.82	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	39.09%	10.47%	373.53	Overutilization
Non-M/WBE Firms	44.76%	70.16%	63.80	* Underutilization
2007				
African Americans	15.29%	11.63%	131.46	Overutilization
Hispanic Americans	2.87%	1.16%	246.94	Overutilization
Asian Americans	0.03%	0.39%	6.69	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	38.95%	10.47%	372.22	Overutilization
Non-M/WBE Firms	42.86%	70.16%	61.10	* Underutilization
2008				
African Americans	7.53%	11.63%	64.78	* Underutilization
Hispanic Americans	13.40%	1.16%	1,152.44	Overutilization
Asian Americans	0.09%	0.39%	24.07	* Underutilization
Native Americans	0.00%	0.39%	0.00	* Underutilization
Nonminority Women	36.66%	10.47%	350.33	Overutilization
Non-M/WBE Firms	42.31%	70.16%	60.31	* Underutilization
All Years				
African Americans	12.85%	11.63%	110.53	Overutilization
Hispanic Americans	5.02%	1.16%	431.35	Overutilization
Asian Americans	0.06%	0.39%	14.89	* Underutilization
Native Americans	0.06%	0.39%	14.99	* Underutilization
Nonminority Women	35.59%	10.47%	340.04	Overutilization
Non-M/WBE Firms	46.43%	70.16%	66.18	* Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-9 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In the previous study, of the M/WBEs utilized, all groups were overutilized. The current study shows substantial underutilization for

Asian American- and Native American-owned firms with a disparity index of 14.89 and 14.99, respectively.

**EXHIBIT 5-9
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
OTHER SERVICES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	13.29%	12.85%	6.93%	11.63%	191.7	110.53	Overutilization	Overutilization
Hispanic Americans	4.00%	5.02%	0.27%	1.16%	1,498.20	431.35	Overutilization	Overutilization
Asian Americans	0.65%	0.06%	0.27%	0.39%	241.90	14.89	Overutilization	*Underutilization
Native Americans	0.00%	0.06%	0.00%	0.39%	0.00	14.99	N/A	*Underutilization
Nonminority Women	11.77%	35.59%	6.93%	10.47%	169.82	340.04	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.5 Materials and Supplies

Disparity Analysis of Materials and Supplies Firms

Exhibit 5-10 presents the disparity findings for goods and supplies firms. Firms owned by African Americans were substantially underutilized with a disparity index of 56.58. Firms owned by Hispanic Americans, Asian Americans, and Native Americans were not utilized during the study period. Firms owned by nonminority women were overutilized with a disparity index of 162.31.

**EXHIBIT 5-10
DISPARITY ANALYSIS OF MATERIALS AND SUPPLIES FIRMS
IN THE LEON COUNTY MARKET AREA
BY BUSINESS OWNER CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	3.42%	1.45%	235.02	Overutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	18.98%	8.00%	237.31	Overutilization
Non-M/WBE Firms	77.60%	89.82%	86.39	Underutilization
2006				
African Americans	0.49%	1.45%	33.38	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	11.94%	8.00%	149.21	Overutilization
Non-M/WBE Firms	87.58%	89.82%	97.51	Underutilization
2007				
African Americans	0.16%	1.45%	11.34	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	13.66%	8.00%	170.76	Overutilization
Non-M/WBE Firms	86.17%	89.82%	95.94	Underutilization
2008				
African Americans	0.00%	1.45%	0.00	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	9.73%	8.00%	121.68	Overutilization
Non-M/WBE Firms	90.27%	89.82%	100.50	Overutilization
All Years				
African Americans	0.82%	1.45%	56.58	* Underutilization
Hispanic Americans	0.00%	0.36%	0.00	* Underutilization
Asian Americans	0.00%	0.36%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	12.98%	8.00%	162.31	Overutilization
Non-M/WBE Firms	86.19%	89.82%	95.96	Underutilization

Source: MGT developed an expenditure and vendor database for the County from October 1, 2004, through September 30, 2008.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in **Chapter 4.0**.

² The percentage of available firms is taken from the availability exhibit previously shown in **Chapter 4.0**.

³ The disparity index is the ratio of % utilization to % availability times 100.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

2004 Disparity Study Comparison

Exhibit 5-11 presents a summary comparison of the utilization, availability, and disparity findings from the 2004 and 2009 studies. In both studies, of the MBEs utilized, all groups were substantially underutilized and nonminority women-owned firms were overutilized.

**EXHIBIT 5-11
SUMMARY OF UTILIZATION, AVAILABILITY, AND DISPARITY ANALYSIS
BETWEEN 2004 STUDY AND 2009 STUDY
MATERIALS AND SUPPLIES
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS**

	Percent of Prime Dollars ¹		% of Available Firms ²		Disparity Index ³		Disparate Impact of Utilization	
	2004 Study	2009 Study	2004 Study	2009 Study	2004 Study	2009 Study	2004 STUDY	2009 Study
African Americans	0.68%	0.82%	2.86%	1.45%	23.63	56.58	*Underutilization	*Underutilization
Hispanic Americans	0.07%	0.00%	0.26%	0.36%	27.90	0.00	*Underutilization	*Underutilization
Asian Americans	0.00%	0.00%	0.26%	0.36%	0.00	0.00	*Underutilization	*Underutilization
Native Americans	0.00%	0.00%	0.00%	0.00%	0.00	N/A	N/A	N/A
Nonminority Women	15.44%	12.98%	5.99%	8.00%	257.73	162.31	Overutilization	Overutilization

Source: Leon County Board of Commissioners September 2004 Disparity Study, Chapter 5.0, and Leon County Board of Commissioners August 2009 Disparity Study, Chapter 5.0.

¹ The percentage of dollars is taken from the prime utilization exhibit previously shown in Chapter 4.0.

² The percentage of available contractors is taken from the availability exhibit previously shown in Chapter 4.0.

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

5.2.6 Conclusions Based on Disparity Indices

This chapter used disparity indices to compare the availability and utilization findings from **Chapter 4.0**. The disparity indices for each of the business categories indicate whether disparity exists for each ethnic or gender group.

Exhibit 5-12 summarizes the findings of M/WBE underutilization.

**EXHIBIT 5-12
SUMMARY OF M/WBE UNDERUTILIZATION
IN THE LEON COUNTY MARKET AREA
BY M/WBE CLASSIFICATIONS
OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women
Construction Prime Contractors	Underutilization *	N/A	Underutilization *	N/A	Overutilization
Construction Subcontractors (Overall Subcontractor Level)	Underutilization *	Overutilization	Underutilization *	Underutilization *	Underutilization *
Architecture and Engineering Prime Consultants	Underutilization	Underutilization *	Underutilization *	N/A	Underutilization *
Professional Services Prime Consultants	Underutilization *	Underutilization *	N/A	N/A	Underutilization *
Other Services Firms	Overutilization	Overutilization	Underutilization *	Underutilization *	Overutilization
Materials and Supplies Vendors	Underutilization *	Underutilization *	Underutilization *	N/A	Overutilization

* An asterisk is used to indicate a substantial level of disparity – index below 80.00.

**6.0 PRIVATE SECTOR
UTILIZATION AND
DISPARITY ANALYSES**

6.0 PRIVATE SECTOR UTILIZATION AND DISPARITY ANALYSES

This chapter reports two sets of analyses pertaining to minority- and woman-owned business enterprise (M/WBE) utilization and availability in Leon County's (County) private sector marketplace. The first analysis examines M/WBE utilization and availability in the local market area's private commercial construction industry to determine disparities in M/WBE utilization at both the prime contractor and subcontractor level. Once the record of private sector utilization has been established, MGT will also be able to compare rates of M/WBE and non-M/WBE utilization in the private sector to their utilization by the County for public sector construction procurement.

This chapter is organized into the following sections:

- 6.1 Methodology – Private Sector Commercial Construction Analysis
- 6.2 Collection and Management of Data
- 6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.4 Private Sector Availability Analysis by Race/Gender/ Ethnicity of Business Ownership for Construction Contractors
- 6.5 Analysis of Disparities in Private Sector Utilization by Race/ Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.6 Assessment of Disparities in Private Sector Utilization by Race/Gender/ Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors
- 6.7 Comparison of the County Utilization of M/WBE Contractors with M/WBE Utilization in the Private Sector
- 6.8 Conclusions

6.1 Methodology – Private Sector Commercial Construction Analysis

This section describes MGT's methodology for collecting data and calculating the County's relevant market area as the basis for MGT's analysis of private sector utilization of minority-, woman-, and nonminority-owned firms and their availability.

6.1.1 Private Sector Analysis – Rationale

In *Croson*, the Court established that a "municipality has a compelling government interest in redressing not only discrimination committed by the municipality itself, but also discrimination committed by private parties within the municipality's legislative jurisdiction, so long as the municipality in some way participated in the discrimination to be remedied by the program."¹ This argument was reinforced by the Court of Appeals decision in *Adarand*, concluding that there was a compelling interest for a government

¹ *Croson*, 488 U.S. 46, 109 S.Ct. at 720-21, 744-45.

DBE program, based primarily on evidence of private sector discrimination.² According to this argument, discriminatory practices found in the private sector marketplace may be indicative of government's passive or, in some cases, active participation in local discrimination. To remedy such discrimination, *Croson* provided that government "can use its spending powers to remedy private discrimination, if it identifies that discrimination with the particularity required by the Fourteenth Amendment."³

The purpose of this private sector analysis is to evaluate the presence or absence of discrimination in the private sector marketplace regarding difficulties M/WBEs have in securing work on private sector projects. Passive discrimination was examined in a disparity analysis of the utilization of M/WBE construction subcontractors by majority prime contractors on non-County funded projects in the County construction market. A comparison of public sector M/WBE utilization with private sector utilization allows for an assessment of the extent to which majority prime contractors have tended to hire M/WBE subcontractors only to satisfy public sector requirements. Thus, the following questions are addressed:

- Are there disparities in the utilization of M/WBEs as prime contractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- Are there disparities in the utilization of M/WBEs as subcontractors for commercial, private sector construction projects relative to their availability in the relevant market area?
- To what extent are M/WBE subcontractors utilized for the County projects also utilized in private sector construction projects?

6.2 Collection and Management of Data

MGT selected two sources of data for its private sector analysis: (1) permit data (such as building, electrical, plumbing)⁴ provided by the County for commercial construction projects permitted during the period of the study and (2) permit data (such as building, electrical, plumbing) provided by the City of Tallahassee for commercial construction projects permitted during the period of the study. The value in examining permits is that they offer the most complete and up-to-date record of actual construction activity undertaken in the relevant market area.

The permit data was extracted from County's and City's Permits and Enforcement Tracking System (PETS) and transmitted electronically to MGT in Microsoft Access databases. In order to isolate commercial construction projects, public sector and residential building permit records were identified and excluded from the analysis. Permit data provided to MGT included, but was not limited to:

- Project_No
- Permit_Type Code
- Permit_Type Text

² *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000).

³ See *Richmond v. Croson*, 488 U.S. 492 (1989).

⁴ A construction permit or building permit is a permit required in most jurisdictions for new construction or adding onto pre-existing structures, and in some cases for major renovations.

- Permit Class Code
- Permit Class Text
- Permit #
- Comp_Type
- Project Description
- Scope of Work Performed
- Title
- Issued Date
- Construction Value Project
- Dollar Value of Permit
- Public Project
- Job Location
- Owner of Project
- Owner Address
- Residential Project
- Commercial Project
- Activity Number
- Primary Contractor
- Subcontractor
- Contractor
- Relationship

6.2.1 *Determining Race, Ethnicity, and Gender of Business Ownership for Vendors Issued Building Permits by the County*

Since permit data does not contain contractor racial, ethnic, and gender information, MGT obtained this information from its Master Vendor Database⁵ to update the vendors in the permit database for where racial, ethnic, and gender information were needed.

6.2.2 *Market Area Methodology*

The private sector analysis of permits data is based on the determined relevant geographic relevant market area for public construction which was the following counties within the state of Florida: Leon County, Gadsden County, Jefferson County, and Wakulla, County.

6.2.3 *Availability (Vendor) Data Collection*

Once counties for the County's relevant market area had been identified, MGT ascertained M/WBE availability by determining the availability of M/WBEs within these counties as reported by the U.S. Census Bureau Survey of Business Owners (SBO)⁶.

⁵ MGT used data gathered from several sources to develop a master list of firms. M/WBE lists within the relevant market area were also used to further identify the business category and ethnicity of firms.

⁶ The SBO is a consolidation of two prior surveys, the Surveys of Minority- and Women-Owned Business Enterprises (SMOBE/SWOBE), and includes questions from a survey discontinued in 1992 on Characteristics of Business Owners (CBO). The SBO is part of the Economic Census, which is conducted every five years. SBO findings are based on the characteristics of U.S. businesses by ownership category, by geographic area; by 2-digit industry sector based on the 2002 North American Industry Classification System (NAICS); and by size of firm (employment and receipts).

6.2.4 M/WBE Classifications and Business Categories

In Chapter 4.0, the five M/WBE classifications described—African American, Hispanic American, Asian American, Native American, and nonminority women—were used as the basis of MGT’s private sector analysis of utilization and disparity. However, for the business category analysis, findings reported in this chapter deal only with private sector construction for two reasons: (1) permit data, by nature, pertain only to construction activity, which is also the category for which data tend to be most extensive and reliable, and (2) in the courts, historically, construction activity in a given jurisdiction has been scrutinized more than any other business category because in both the public and the private sector it tends to have the strongest impact on a local economy, and because the courts have asserted that jurisdictions have a “compelling interest” to advance M/WBE business interests in their local markets. Accordingly, for the analysis, the data were classified according to two categories of construction contractor—prime contractor and subcontractor—based on the permit type.

6.3 Private Sector Utilization Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

This section reports findings from the analysis of the utilization of M/WBE and non-M/WBE firms in the County’s private sector commercial construction market.

6.3.1 Permits – Prime Contracts

Permits – Leon County

Exhibit 6-1 reports permits received for prime commercial construction during the four-year study period based on Leon County permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling \$23.9 million, of which non-M/WBE firms received \$23.1 million (96.66%). Permits issued to M/WBEs were valued at slightly less than \$800,000, representing more than 3 percent (3.34%) of construction values. Nonminority women-owned firms were awarded the highest share at 2.48 percent (\$592,480), followed by African American-owned firms at .86 percent (\$205,000).

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-1
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,908,510.00	100.00%	\$1,908,510.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$9,066,408.00	100.00%	\$9,066,408.00
2007	\$205,000.00	4.22%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$205,000.00	4.22%	\$4,653,924.00	95.78%	\$4,858,924.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$592,480.00	0.00%	\$592,480.00	7.39%	\$7,426,195.75	92.61%	\$8,018,675.75
Total	\$205,000.00	0.86%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$592,480.00	2.48%	\$797,480.00	3.34%	\$23,055,037.75	96.66%	\$23,852,517.75

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-2 reports private commercial M/WBE prime contractor utilization by number of permits let by the County and number of individual contractors receiving permits. Of M/WBEs, one African American-owned firm (1.47% of contractors) was issued permits for four projects, which represents 3.42 percent of all permits analyzed. Of the permits analyzed, six permits were issued to M/WBE firms.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-2
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	35	100.00%	35
2007	4	13.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	13.33%	26	86.67%	30
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	4.65%	2	4.65%	41	95.35%	43
Total	4	3.42%	0	0.00%	0	0.00%	0	0.00%	2	1.71%	6	5.13%	111	94.87%	117

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, three individual M/WBE firms, 4.41 percent of all individual firms were issued private commercial construction permits as prime contractors. Two nonminority women-owned firms accounted for 2.94 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 1.47 percent

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	9	100.00%	9
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	23	100.00%	23
2007	1	4.35%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	4.35%	22	95.65%	23
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	6.67%	2	6.67%	28	93.33%	30
Total Unique Contractors³	1	1.47%	0	0.00%	0	0.00%	0	0.00%	2	2.94%	3	4.41%	65	95.59%	68

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Private Sector Utilization and Disparity Analyses

Permits – City of Tallahassee

Exhibit 6-3 reports permits received for prime commercial construction during the four-year study period based on City of Tallahassee commercial permit data. The exhibit reports that for total construction dollars on prime commercial construction during the study period totaling \$173.1 million, of which non-M/WBE firms received \$171.2 million (98.95%). Permits issued to M/WBEs were valued at \$1.82 million, representing slightly more than 1 percent (1.05%) of construction values. Nonminority women-owned firms were awarded the highest share at 1.02 percent (\$1.77 million), followed by African American-owned firms at .03 percent (\$55,000).

**EXHIBIT 6-3
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$18,115.00	0.26%	\$18,115.00	0.26%	\$7,009,067.00	99.74%	\$7,027,182.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,673,584.00	3.54%	\$1,673,584.00	3.54%	\$45,645,681.46	96.46%	\$47,319,265.46
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$33,075.00	0.05%	\$33,075.00	0.05%	\$69,144,066.66	99.95%	\$69,177,141.66
2008	\$55,000.00	0.11%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$42,956.00	0.09%	\$97,956.00	0.20%	\$49,436,643.56	99.80%	\$49,534,599.56
Total	\$55,000.00	0.03%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$1,767,730.00	1.02%	\$1,822,730.00	1.05%	\$171,235,458.68	98.95%	\$173,058,188.68

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to prime contractors.

Exhibit 6-4 reports private commercial M/WBE prime contractor utilization by number of permits let by the City and number of individual contractors receiving commercial permits. Of M/WBEs, one African American-owned firm (0.63% of contractors) was issued permits for one project, which represents 0.19 percent of all permits analyzed. Of the permits analyzed, ten permits were issued to M/WBE firms.

**EXHIBIT 6-4
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits #
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	2.56%	1	2.56%	38	97.44%	39
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	2.42%	4	2.42%	161	97.58%	165
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	1.05%	2	1.05%	188	98.95%	190
2008	1	0.78%	0	0.00%	0	0.00%	0	0.00%	2	1.55%	3	2.33%	126	97.67%	129
Total	1	0.19%	0	0.00%	0	0.00%	0	0.00%	9	1.72%	10	1.91%	513	98.09%	523

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total analyzed permits awarded annually to prime contractors.

As the following exhibit shows, six individual M/WBE firms, 3.8 percent of all individual firms were issued private commercial construction permits as prime contractors. Five nonminority women-owned firms accounted for 3.16 percent of the total firms and one individual African American-owned firm were utilized during the course of the study period at the prime contractor level, accounting for 0.63 percent

**EXHIBIT 6-4 (Continued)
PERMITS UTILIZATION ANALYSIS OF PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	3.70%	1	3.70%	26	96.30%	27
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	4.65%	4	4.65%	82	95.35%	86
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	2.50%	2	2.50%	78	97.50%	80
2008	1	1.54%	0	0.00%	0	0.00%	0	0.00%	2	3.08%	3	4.62%	62	95.38%	65
Total Individual Contractors³	1	0.63%	0	0.00%	0	0.00%	0	0.00%	5	3.16%	6	3.80%	152	96.20%	158

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.3.2 Permits-Subcontracts

Permits-Leon County

Exhibit 6-5 indicates permit values totaling \$61.1 million in commercial construction subcontracting projects analyzed for the four-year study period based on County permit data. Among M/WBE firms, WBEs were issued permits for projects totaling \$2.32 million (3.80% of all subcontracting projects), which was the total share to M/WBE firms.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-5
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON LEON COUNTY COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$
2005	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$850,000.00	100.00%	\$850,000.00
2006	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$12,992,369.00	100.00%	\$12,992,369.00
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$13,965,765.00	100.00%	\$13,965,765.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$2,321,000.00	0.00%	\$2,321,000.00	6.97%	\$30,965,621.00	93.03%	\$33,286,621.00
Total	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$2,321,000.00	3.80%	\$2,321,000.00	3.80%	\$58,773,755.00	96.20%	\$61,094,755.00

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-6 reports private commercial subcontractor utilization by number of permits let by the County and number of individual contractors receiving commercial permits. The following exhibit shows that three individual (different) nonminority women-owned firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 2 percent (2.65%) of the permits issued. Among M/WBE firms, WBEs received all of the commercial permits on the subcontractor level for the four-year study period based on the data analyzed.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-6
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF COMMERCIAL PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	4	100.00%	4
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	21	100.00%	21
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	43	100.00%	43
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	6.67%	3	6.67%	42	93.33%	45
Total	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	2.65%	3	2.65%	110	97.35%	113

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total permits.

The following exhibit shows that 63 individual non-M/WBE firms accounted for 95.5 percent of firms issued permits to perform subcontractor level of work.

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#
2005	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	14.29%	1	14.29%	6	85.71%	7
2006	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	100.00%	15
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	34	100.00%	34
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	9.68%	3	9.68%	28	90.32%	31
Total Individual Contractors³	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	4.55%	3	4.55%	63	95.45%	66

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

Private Sector Utilization and Disparity Analyses

Permits-City of Tallahassee

Exhibit 6-7 indicates permit values totaling \$20.7 million in commercial construction subcontracting projects analyzed for the four-year study period based on city of Tallahassee commercial permits data. Among M/WBE firms, WBEs were issued permits for projects totaling \$3.77 million (18.2% of all subcontracting projects) and firms owned by African Americans were issued less than 1 percent (0.04%).

**EXHIBIT 6-7
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CITY OF TALLAHASSEE COMMERCIAL PERMIT DATA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Construction Values
	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	\$	% ¹	
2005	\$3,500.00	0.20%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$97,800.00	5.67%	\$101,300.00	5.87%	\$1,624,689.00	94.13%	\$1,725,989.00
2006	\$5,500.00	0.08%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,485,500.00	49.34%	\$3,491,000.00	49.41%	\$3,573,924.50	50.59%	\$7,064,924.50
2007	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$15,100.00	0.26%	\$15,100.00	0.26%	\$5,868,218.00	99.74%	\$5,883,318.00
2008	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$168,140.00	2.77%	\$168,140.00	2.77%	\$5,894,793.00	97.23%	\$6,062,933.00
Total	\$9,000.00	0.04%	\$0.00	0.00%	\$0.00	0.00%	\$0.00	0.00%	\$3,766,540.00	18.16%	\$3,775,540.00	18.21%	\$16,961,624.50	81.79%	\$20,737,164.50

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total construction valuation dollars awarded annually to contractors based on subcontractor level work.

Exhibit 6-8 reports private commercial subcontractor utilization by number of permits let by the city of Tallahassee and number of individual contractors receiving permits. The following exhibit shows that 6 individual (different) M/WBE firms were issued permits. Of permitted subcontractor level of work, M/WBE firms accounted for more than 6 percent (6.46%) of the permits issued.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-8
PERMITS UTILIZATION ANALYSIS OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

**NUMBER OF PERMITS ISSUED
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Permits
	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	#	% ¹	
2005	2	3.33%	0	0.00%	0	0.00%	0	0.00%	8	13.33%	10	16.67%	50	83.33%	60
2006	2	0.94%	0	0.00%	0	0.00%	0	0.00%	16	7.51%	18	8.45%	195	91.55%	213
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	1.48%	3	1.48%	200	98.52%	203
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	12	6.32%	12	6.32%	178	93.68%	190
Total	4	0.60%	0	0.00%	0	0.00%	0	0.00%	39	5.86%	43	6.46%	623	93.54%	666

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

¹ Percentage of total permits.

The following exhibit shows that 155 individual non-M/WBE firms accounted for 96.3 percent of firms issued permits to perform subcontractor level of work based on city of Tallahassee commercial permit data.

**NUMBER OF CONTRACTORS AND TOTAL OF INDIVIDUAL CONTRACTORS
BY RACE/ETHNICITY/GENDER CLASSIFICATION**

Year	African Americans		Hispanic Americans		Asian Americans		Native Americans		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms		Total Contractors
	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	#	% ²	
2005	2	5.71%	0	0.00%	0	0.00%	0	0.00%	2	5.71%	4	11.43%	31	88.57%	35
2006	2	2.22%	0	0.00%	0	0.00%	0	0.00%	2	2.22%	4	4.44%	86	95.56%	90
2007	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	1.16%	1	1.16%	85	98.84%	86
2008	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	3.30%	3	3.30%	88	96.70%	91
Total Individual Contractors³	3	1.86%	0	0.00%	0	0.00%	0	0.00%	3	1.86%	6	3.73%	155	96.27%	161

Source: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS).

²Percentage of Total Contractors.

³"Total Individual Contractors" counts a firm only once for each year it receives work, since a firm could be used in multiple years, the "total individual vendors" for the entire study period may not equal the sum of all years.

6.4 Private Sector Availability Analysis by Race/Gender/Ethnicity of Business Ownership for Construction Contractors

Exhibits 6-9 and **6-10** report findings based on U.S. Census Survey of Business Owners (SBO) data for the population of available contractors in the County’s market area by racial/ethnic/gender category. The availability for construction was derived from those firms that have construction or construction-related services based on the NAICS Code 23.

6.4.1 Construction Availability

The availability of M/WBE and non-M/WBE prime contractors in the County’s market area is displayed in **Exhibit 6-7**. M/WBEs comprised 25.68 percent of all contractors, breaking down by individual M/WBE category as follows:

- African American: 3.60 percent
- Hispanic American: 2.26 percent
- Asian American: 1.78 percent
- Native American: 0 percent
- Nonminority women: 18.05 percent

**EXHIBIT 6-9
AVAILABILITY OF CONTRACTORS
IN THE COUNTY’S MARKET PLACE
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED ON PAID EMPLOYEES ONLY**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		M/WBE Subtotal		Non-M/WBE Firms ²		Total Firms ³
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	26	3.60%	16	2.26%	13	1.78%	0	0.00%	132	18.05%	187	25.68%	543	74.32%	730

Source of Data: U.S. Census Bureau 2002, Survey of Business Owners, based on firms with paid employees only.

¹ Minority men and women firms are included in their respective minority classifications.

² Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.

³ Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

The availability analysis was also based on firms with paid and non-paid employees, which is displayed in **Exhibit 6-8**. M/WBEs comprised 44.29 percent of all contractors, differentiated by individual M/WBE category as follows:

- African American: 9.59 percent
- Hispanic American: 3.02 percent
- Asian American: 2.59 percent
- Native American: 1.25 percent
- Nonminority women: 27.84 percent

**EXHIBIT 6-10
AVAILABILITY OF SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BY RACE/ETHNICITY/GENDER CLASSIFICATION
BASED ON CENSUS DATA USING NAICS 23
BASED PAID AND NON-PAID EMPLOYEES**

	African Americans ¹		Hispanic Americans ¹		Asian Americans ¹		Native Americans ¹		Nonminority Women		#REF! Subtotal		Non-M/WBE Firms ²		Total Firms ³
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Total	278	9.59%	88	3.02%	75	2.59%	36	1.25%	808	27.84%	1,285	44.29%	1,616	55.71%	2,901

Source of Data: U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ Minority men and women firms are included in their respective minority classifications.

² Number of non-M/WBE firms derived by subtracting all M/WBE firms from total firms.

³ Total firms derived from the U.S. Census Bureau and Survey of Business Owners (SBO).

6.5 Analysis of Disparities in Private Sector Utilization by Race/Gender/Ethnicity of Business Ownership for Construction Prime Contractors and Subcontractors

MGT pioneered disparity indices as a means of quantifying the disparity in utilization relative to availability. The use of a disparity index for such a calculation is supported by several post-Croson cases, most notably *Contractors Association of Eastern Pennsylvania v. City of Philadelphia*.⁷ Although a variety of similar indices could be utilized, MGT's standard for choosing its particular index methodology is that it must yield a value that is easily calculable, understandable in its interpretation, and universally comparable such that a disparity in utilization within M/WBE categories can be assessed with reference to the utilization of non-M/WBEs.

For this study, to assess disparity MGT calculated the ratio of the percentage of utilization to the percentage of availability multiplied by 100, as in the formula below:

$$(1) \text{ Disparity Index} = \frac{\%Um_1p_1}{\%Am_1p_1} \times 100$$

Where: Um_1p_1 = utilization of M/WBE₁ for procurement₁
 Am_1p_1 = availability of M/WBE₁ for procurement₁

The interpretation of this calculation is straightforward. In the extreme, a disparity index value of 0.00 for a given racial, ethnic or gender category of firm indicates absolutely no utilization and, therefore, absolute disparity. An index of 100 indicates that vendor utilization is perfectly proportionate to availability for a particular group in a given business category, indicating the absence of disparity—that is, a proportion of utilization relative to availability one would expect, all things being equal. In general, firms within a business category are considered underutilized if the disparity indices are less than 100, and overutilized if the indices are above 100.

⁷ *Contractors Association of Eastern Pennsylvania, Inc. v. City of Philadelphia*, 91 F 3d at 603.

Since there is no standardized measure to evaluate levels of underutilization or overutilization within a procurement context, MGT has appropriated the Equal Employment Opportunity Commission's (EEOC) "80 percent rule" in the *Uniform Guidelines on Employee Selection Procedures*. In the context of employment discrimination, an employment disparity ratio below 80 indicates a "substantial disparity" in employment. The Supreme Court has accepted the use of the 80 percent rule in *Connecticut v. Teal (Teal)*, 457 U.S. 440 (1982), and in *Teal* and other affirmative action cases, the terms "adverse impact," "disparate impact," and "discriminatory impact" are used interchangeably to characterize values of 80 and below.

Once the record of vendor utilization was calculated from building permit data for each racial, ethnic, and gender category, it could be compared to vendor availability in these categories to derive an index of disparity in private sector utilization for a given M/WBE prime contractor and subcontractor category. Findings are reported in **Sections 6.6.1** through **6.6.3**.

6.5.1 Permits-Prime Contracts

Permits – Leon County

This section reports disparity indices for County commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-11 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on County commercial permits data. From **Exhibit 6-11** MGT also find that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 23.87.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 13.76.
- Nonminority male firms were overutilized, having a 130.05 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-11
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY
AND LEON COUNTY COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	74.32%	134.55	Overutilization
2007				
African Americans	4.22%	3.60%	117.19	Overutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	95.78%	74.32%	128.88	Overutilization
2008				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.00%	18.05%	0.00	* Underutilization
Non-M/WBE Firms	92.61%	74.32%	124.61	Overutilization
All Years				
African Americans	0.86%	3.60%	23.87	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	2.48%	18.05%	13.76	* Underutilization
Non-M/WBE Firms	96.66%	74.32%	130.05	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

¹ The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits based on U.S. Census availability of firms within the racial, ethnic, and gender categories for firms with paid employees only.

Exhibit 6-12 presents these findings based on availability of firms with paid employees only specializing in construction and construction-related services categorized as NAICS 23. African American-, Hispanic American-, Asian American- and nonminority women-owned firms were substantially underutilized as prime contractors in private commercial construction sector based on city of Tallahassee commercial permits data. From **Exhibit 6-12** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized.
- African American-owned firms were substantially underutilized as prime contractors, with a disparity index of 0.88.
- Nonminority women firms were substantially underutilized in each year, resulting in an overall disparity index of 5.66.
- Nonminority male firms were overutilized, having a 133.14 disparity index.

Based on County commercial permits data and U.S. Census availability of firms with paid employees only, it can be concluded that of those M/WBEs being analyzed, all M/WBEs were either not utilized or substantially underutilized on commercial construction projects at the prime contractor level and that, conversely, nonminority male-owned firms were overutilized.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-12
DISPARITY ANALYSIS OF PRIVATE SECTOR PRIME CONTRACTORS
IN THE COUNTY'S RELEVANT MARKET AREA
BASED ON CENSUS DATA NAICS CODES 23 PAID EMPLOYEES ONLY
AND CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.26%	18.05%	1.43	* Underutilization
Non-M/WBE Firms	99.74%	74.32%	134.21	Overutilization
2006				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	3.54%	18.05%	19.60	* Underutilization
Non-M/WBE Firms	96.46%	74.32%	129.79	Overutilization
2007				
African Americans	0.00%	3.60%	0.00	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.05%	18.05%	0.26	* Underutilization
Non-M/WBE Firms	99.95%	74.32%	134.49	Overutilization
2008				
African Americans	0.11%	3.60%	3.08	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	0.09%	18.05%	0.48	* Underutilization
Non-M/WBE Firms	99.80%	74.32%	134.29	Overutilization
All Years				
African Americans	0.03%	3.60%	0.88	* Underutilization
Hispanic Americans	0.00%	2.26%	0.00	* Underutilization
Asian Americans	0.00%	1.78%	0.00	* Underutilization
Native Americans	0.00%	0.00%	N/A	N/A
Nonminority Women	1.02%	18.05%	5.66	* Underutilization
Non-M/WBE Firms	98.95%	74.32%	133.14	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid employees.

¹ The percentage of construction valuation dollars is taken from the prime utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.5.2 Permits – Subcontracts

Permits – Leon County

This section reports disparity indices for County commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized resulting in a 146.83 disparity index.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-13
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BASED ON CENSUS DATA NAICS CODE 23 AND
COUNTY COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008
BASED ON PAID AND NON-PAID EMPLOYEES**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2006				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	100.00%	55.71%	179.51	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.00%	27.84%	0.00	* Underutilization
Non-M/WBE Firms	93.03%	55.71%	167.00	Overutilization
All Years				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.48%	27.84%	8.92	* Underutilization
Non-M/WBE Firms	96.20%	55.71%	172.69	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

Permits – City of Tallahassee

This section reports disparity indices for city of Tallahassee commercial permits data based on U.S. Census availability of firms (paid and non-paid employees) within the racial, ethnic, and gender categories. As **Exhibit 6-14** indicates, all M/WBE groups were substantially underutilized as subcontractors in private commercial construction. From **Exhibit 6-14** MGT also finds that:

- Hispanic American-, Asian American-, and Native American-owned firms were not utilized, thus resulting in substantial underutilization as subcontractors, with a disparity index of 0.
- African American-owned firms were substantially underutilized in each year, resulting in a disparity index of 0.45.
- Nonminority women-owned firms were substantially underutilized in each year, resulting in a disparity index of 3.67.
- Nonminority male-owned firms were overutilized, having a 146.83 disparity index.

Private Sector Utilization and Disparity Analyses

**EXHIBIT 6-14
DISPARITY ANALYSIS OF PRIVATE SECTOR SUBCONTRACTORS
IN THE COUNTY'S MARKET AREA
BASED ON CENSUS DATA NAICS CODE 23 AND
CITY OF TALLAHASSEE COMMERCIAL PERMITS DATA
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008
BASED ON PAID AND NON-PAID EMPLOYEES**

Business Owner Classification	% of Construction Value Dollars¹	% of Available Firms²	Disparity Index³	Disparate Impact of Utilization
2005				
African Americans	0.20%	9.59%	2.11	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	5.67%	27.84%	20.36	* Underutilization
Non-M/WBE Firms	94.13%	55.71%	168.98	Overutilization
2006				
African Americans	0.08%	9.59%	0.81	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	49.34%	27.84%	177.23	Overutilization
Non-M/WBE Firms	50.59%	55.71%	90.81	Underutilization
2007				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	0.26%	27.84%	0.92	* Underutilization
Non-M/WBE Firms	99.74%	55.71%	179.05	Overutilization
2008				
African Americans	0.00%	9.59%	0.00	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	2.77%	27.84%	9.96	* Underutilization
Non-M/WBE Firms	97.23%	55.71%	174.54	Overutilization
All Years				
African Americans	0.04%	9.59%	0.45	* Underutilization
Hispanic Americans	0.00%	3.02%	0.00	* Underutilization
Asian Americans	0.00%	2.59%	0.00	* Underutilization
Native Americans	0.00%	1.25%	0.00	* Underutilization
Nonminority Women	1.02%	27.84%	3.67	* Underutilization
Non-M/WBE Firms	81.79%	55.71%	146.83	Overutilization

Source of Data: Permit data extracted from the County's and City's Permits and Enforcement Tracking System (PETS) and U.S. Bureau of the Census 2002, Survey of Business Owners, based on firms with paid and non-paid employees.

¹ The percentage of construction valuation dollars is taken from the subcontractor utilization exhibit shown in Section 6.3.1.

² The percentage of available contractors is taken from the availability exhibit shown in Section 6.5.1.

³ The disparity index is the ratio of percent utilization to percent availability times 100.

* An asterisk is used to indicate a substantial level of disparity (index below 80.00).

6.6 Comparison of the County's Utilization of M/WBE Contractors with M/WBE Businesses Utilization in the Private Sector

Exhibit 6-15 reports M/WBE and nonminority male-owned firm utilization of prime contractors and subcontractors for public sector construction projects awarded by the County from October 1, 2004 through September 30, 2008 and compares this with private commercial construction utilization calculated from County- and city of Tallahassee-construction permit information for the County's local market area. **Exhibit 6-15** summarizes findings from all three data sets for firm utilization at the prime contractor level based on the County's expenditure data (Banner financial system), and, at the subcontractor level, compares public sector utilization with private sector utilization based on the County's and city of Tallahassee's permit data.

**EXHIBIT 6-15
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
WITH THE COUNTY PUBLIC SECTOR CONSTRUCTION
(EXPENDITURE AND CONTRACT AWARD DATA)
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors							
Leon County Construction Subcontractors (Overall Subcontractor Level) ¹	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: The Leon County public sector data (expenditure and contract award), Leon County permit data, and City of Tallahassee permit data.

From **Exhibit 6-15**, at the construction prime contractor level, MGT finds M/WBEs received more than 16 percent (16.32%) of the dollars, based on expenditure data. At the construction prime contractor level, M/WBE utilization was much greater in the public sector (Leon County expenditure data) than in the private sector. Based on the permit data analyzed, M/WBE utilization was more than 3 percent (3.34%) and slightly more than 1 percent (1.05%) based on County-provided commercial permits. Moreover, at the prime level for both permit data sets, based on matches with M/WBE vendor lists, of the

M/WBE prime contractor activity, nonminority women-owned firms had the highest share of utilization.

As for construction subcontractors, MGT finds that M/WBEs received .3.8 percent and 18 percent (18.21%) of the County- and city of Tallahassee-provided permits related to subcontractor-level activity. Based on the County's data, M/WBE utilization was substantially higher at 20 percent (12.97%) than in the private sector based on Leon County permit data.

6.7 Conclusions

Exhibits 6-15 presented a summary of prime and subcontractor vendor utilization by racial/ethnic/gender category, comparing M/WBE utilization for the County construction projects with private sector commercial construction projects from October 1, 2004 through September 30, 2008. Based on identified M/WBEs for both public sector and private sector construction projects, substantial M/WBE underutilization was evident in both sectors. On the other hand, according to findings from permit data, M/WBE prime contractors fared better in the public sector, which includes the County, but were substantially underutilized in some race/ethnicity/gender classifications nonetheless. Furthermore, M/WBE subcontractors fared better in the public sector as opposed to the private sector, based on permit data⁸.

Due to exclusionary laws and years of discrimination, M/WBEs have entered the marketplace only recently, from a historical perspective, when compared with nonminority male-owned firms. They thus tend to be smaller than more established and older nonminority male-owned firms. These factors, in turn, limits their capacity not only to undertake large-scale construction projects but also to access capital and other advantages in bonding and insurance available to larger, more established firms. This conclusion is underscored by findings from the analysis of race/ethnicity/gender effects on the propensity for self-employment and self-employment earnings that suggest that M/WBEs are treated differently than their majority counterparts in the marketplace and that this difference in treatment affects rates of M/WBE business formation and earning capacity.

However, capacity alone is not a sufficient explanation for these differences, especially at the subcontractor level in the construction industry, where capacity is a lesser consideration and availability far exceeds the record of utilization, particularly in the private sector. When private sector M/WBE utilization at the subcontractor level for commercial building projects is only a fraction of public sector M/WBE utilization, there is a strong argument that nonminority firms utilized for public sector construction projects employ M/WBE subcontractors only because the municipality encourages them to do so as a condition of winning a given public contract. If M/WBE subcontractor utilization is all but absent in the private sector and the County does not require contractors who apply for public sector construction projects to demonstrate a "good faith" record of their efforts to utilize M/WBE subcontractors in the private sector as well, credence may be given to the proposition established in *Croson* that government, however effective its own M/WBE policies, may be a passive participant in private sector discrimination.

⁸ Excluding the permit data analyses, based on the city of Tallahassee commercial permit data at the subcontractor level.

7.0 SELECTED BEST PRACTICES

7.0 SELECTED BEST PRACTICES

7.1 Small Business Enterprise Prime Contractor Programs

7.1.1 Small Business Enterprise Set-Asides

The federal government aims to set aside every acquisition of goods and services anticipated to be between \$2,500 and \$100,000 for small business enterprises (SBEs). In response to litigation and state constitutional amendments limiting affirmative action, such as Proposition 209, many agencies have adopted SBE programs. A number of agencies (Phoenix, Arizona; Broward County, Florida; Miami-Dade County, Florida; Tampa, Florida; North Carolina Department of Transportation; Port Authority of New York and New Jersey) set aside contracts for SBEs.

North Carolina Department of Transportation (NCDOT). In the NCDOT program, small contractors are defined as firms with less than \$1.5 million in revenue. There is a small contractor goal of \$2 million for each of the 14 NCDOT divisions. The current cap on project size for small contractors is \$500,000. For contracts less than \$500,000, NCDOT can solicit three informal bids from SBEs.¹ North Carolina law permits the waiving of bonds and licensing requirements for these small contracts let to SBEs.² In 2002, M/WBEs won over 35 percent of SBE contract awards.³

City of Phoenix, Arizona. The city of Phoenix, which uses the United States Small Business Administration (SBA) small business size standards, has a modest SBE set-aside program. The SBE program only accounted for 0.5 percent of total M/WBE utilization in construction subcontracting, and 0.2 percent of total M/WBE utilization in goods and supplies. However, there was strong M/WBE utilization in the city SBE program. In the SBE program, over 92.9 percent and 89.1 percent of the dollars went to M/WBEs in construction subcontracting and goods and supplies, respectively. Firms that were certified as both M/WBEs and SBEs were awarded \$98.1 million in contract dollars.

Other SBE set-asides include:

- The city of Tampa, Florida, has an SBE set-aside program for firms with less than 25 employees and less than \$2 million in revenue.⁴
- The city of San Diego, California, set aside all construction contracts up to \$250,000.
- Sacramento Municipal Utility District (SMUD) set aside contracts up to \$50,000.
- Hillsborough County, Florida, set aside construction contracts up to \$200,000.

¹ NCGS § 136-28.10(a).

² NCGS § 136-28.10(b).

³ NCDOT, Small Business Enterprise Program (April 1, 2002).

⁴ Small Business Enterprise (SBE) Program Executive Order No. 2002-48 (December 18, 2002).

- Orlando Orange County Expressway Authority's (OOCEA) Micro Contracts Program set aside construction, maintenance, professional services, or other services that are expected to cost less than \$200,000 or electrical services expected to cost less than \$50,000. OOCEA adopted a joint-check policy to assist small firms with trade credit in the program.

7.1.2 Small Business Enterprise Bid Preferences

A number of agencies have bid preferences for SBEs (Miami-Dade County, Florida; Port Authority of New York and New Jersey; SMUD; city of Sacramento, California; city of Oakland, California; East Bay Municipal Utility District; San Francisco, California). SBE bid preferences operate along similar lines as M/WBE bid preferences. A typical example is a bid preference of 5 percent on contracts under \$100,000 (Sacramento, California; SMUD; Los Angeles County, California).

Port of Portland Bid Preferences for Small Business. The Port of Portland (Port) found that a bid preference of 5 percent had no impact on contract outcomes, but a bid preference of 10 percent did impact contract outcomes.

7.1.3 Other SBE Prime Contractor Assistance

City of Charlotte, North Carolina. The city of Charlotte has a comprehensive SBE program including SBE set-asides and business assistance. In addition, the city of Charlotte sets department goals for SBE utilization, sets SBE goals on formal and informal contracts, and makes SBE utilization part of department performance review utilization numbers.

North Carolina Department of Transportation Fully Operated Rental Agreements. Under these arrangements a firm may bid an hourly rate for using certain equipment and the necessary staff. In these field-let contracts, engineers select the firm with the appropriate equipment and the lowest bid rate. If that firm is not available, the engineers select the next lowest hourly rate. This rental agreement technique is used primarily to supplement equipment in the event of NCDOT equipment failure or peak demand for NCDOT services. The rental agreement technique is attractive to small contractors because the typical small firm has much better knowledge of its own hourly costs than it does of the costs to complete an entire project.

Florida Department of Transportation (Florida DOT) Business Development Initiative. The Florida DOT has just undertaken a stepped-up small business initiative with the following principle components:

- Reserving certain construction, maintenance, and professional services contracts for small businesses.
- Providing bid preference points to small businesses, and to firms offering subcontracts to small businesses on professional services contracts.
- Waiving performance and bid bond requirements for contracts under \$250,000.

- Using a modified pre-qualification process for certain construction and maintenance projects.

Port Authority of New York and New Jersey (Port Authority) Financial Advisors Program. The Port Authority has encouraged the use of M/WBEs in finance through its financial advisory call-in program, which targets small firms to serve as a pool of advisors for the Port Authority Chief Financial Officer. The financial advisors address debt issuance, financial advisory services, real estate transactions, and green initiatives. There are three to four firms in each of these categories in the financial advisory call-in program.

7.2 HUBZones

Another variant of an SBE program provides incentives for SBEs located in distressed areas. For example, under the *Small Business Reauthorization Act of 1997*, the federal government started the federal HUBZone program. A HUBZone firm is a small business that is: (1) owned and controlled by U.S. citizens; (2) has at least 35 percent of its employees who reside in a HUBZone; and (3) has its principal place of business located in a HUBZone.⁵ HUBZone programs can serve as a vehicle for encouraging M/WBE contract utilization. Nationally, there are 5,357 women and minority HUBZone firms, representing 56.2 percent of total HUBZone firms.⁶

City of New York, New York. The city of New York has a HUBZone type program providing subcontracting preferences to small construction firms (with less than \$2 million in average revenue) that either perform 25 percent of their work in economically distressed areas or for which 25 percent of their employees are economically disadvantaged individuals.⁷

State of California. The state of California provides a 5 percent preference for a business work site located in state enterprise zones and an additional 1 to 4 percent preference (not to exceed \$50,000 on goods and services contracts in excess of \$100,000) for hiring from within the enterprise zone.⁸

Miami-Dade County, Florida. Miami-Dade County has a Community Workforce Program that requires all Capital Construction Projects contractors to hire 10 percent of their workforce from Designated Target Areas (which include Empowerment Zones, Community Development Block Grant Eligible Block Groups, Enterprise Zones, and Target Urban Areas) in which the Capital Project is located.⁹

It is worth noting that some agencies have implemented HUBZone type programs and then terminated them, including New Jersey in the 1980s and Seattle, Washington's, BOOST program in 2001.

⁵ 13 C.F.R. 126.200 (1999).

⁶ Based on the SBA pro-net database located at <http://pro-net.sba.gov/pro-net/search.html>.

⁷ New York Administrative Code § 6-108.1. For a description of the New York local business enterprise program see <http://www.nyc.gov/html/sbs/html/lbe.html>.

⁸ Cal Code Sec 4530 *et seq.*

⁹ Miami Ordinance 03-237.

7.3 Small Business Enterprise Program for Subcontracts

7.3.1 Small Business Enterprise Project Goals

City of Charlotte, North Carolina. The city of Charlotte sets SBE projects goals for contracts.¹⁰ The city has waiver provisions for bidders, but has rejected bids for bidder noncompliance with the SBE program. Other SBE subcontractor goal programs include:

- Oakland, California – 50 percent local SBE.
- New Jersey – 25 percent (up from 15 percent).
- Connecticut – 25 percent SBE.
- Sacramento County, California – 25 percent SBE.
- San Antonio, Texas – 50 percent SBE.

7.3.2 Mandatory Subcontracting

As part of their SBE subcontracting program, some agencies impose mandatory subcontracting clauses which would promote SBE utilization and be consistent with industry practice.

City of Columbia, South Carolina. The city of Columbia Subcontractor Outreach Program established in 2003 applies to city contracts of \$200,000 or more. A prime must subcontract a minimum percentage of its bid. The minimums are set out in **Exhibit 7-1**.

**EXHIBIT 7-1
MINIMUM SUBCONTRACTING REQUIREMENTS FOR
COLUMBIA SUBCONTRACTOR OUTREACH PROGRAM**

Projects	Minimum Subcontracting
Parks	20%
Pipelines (water and sewer)	20%
Pump Stations	20%
Street Improvements	20%
Traffic Signals/Street Lighting	20%
Buildings Project by Project	Not to exceed 49%
Miscellaneous Projects	20%

Source: City of Columbia, Subcontracting Outreach Program (March 2003).

Bidders must make affirmative efforts in outreach to DBEs, Disabled Veteran Business Enterprises (DVBEs), and Other Business Enterprises (OBEs) (defined as a business that does not qualify as either a DBE or a DVBE). A bidder will be deemed non-responsive for failure to meet the subcontractor goal, failure to document their outreach efforts, or failure to meet 80 out of 100 points for good faith efforts. Points are granted on a pass/fail basis, awarding either zero or full points.

¹⁰ A description of the Charlotte SBE program can be found at www.charmeck.org/Departments/Economic+Development/Small+Business/Home.htm.

City of San Diego, California. As part of its Subcontractor Outreach Program, San Diego requires mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has mandatory subcontracting is determined by the engineer on the project.

Contra Costa County, California. The Contra Costa County Outreach Program sets mandatory subcontracting minimums on a contract-by-contract basis.¹¹ The Contra Costa County Outreach Program requires that M/WBEs be considered by contractors as possible sources of supply and subcontracting opportunities.

7.3.3 Listing of Subcontractors

The listing of subcontractors reduces the possibility of bid shopping. This also assists the city during the submission review process, goal-setting process, and goal attainment review, and assists with avoiding administrative issues of handling noncompliance after contract award.

7.3.4 Subcontractor Disclosure and Substitution

State of Oregon. Under Oregon law, bidders are required to disclose first-tier subcontractors that will be furnishing labor for the project and have a contract value greater than or equal to 5 percent of the bid or \$15,000 (whichever is greater), or \$350,000 regardless of the percentage of the total project.¹² First-tier subcontractor disclosure does not apply to contracts below \$100,000, or contracts exempt from competitive bidding requirements.¹³ Bidders are not required to disclose the race or gender of the first-tier subcontractors.

Bidders are allowed to substitute subcontractors.¹⁴ The subcontractor substitution statute provides standards sufficient for cause regarding subcontractor substitution, including subcontractor bankruptcy, poor performance, inability to meet bonding requirement, licensing deficiencies, ineligibility to work based upon applicable statutes, and for “good cause” as defined by the Construction Contractors Board.¹⁵ The statute provides a process by which subcontractors can issue complaints about substitutions. Violation of subcontractor substitution rules may result in civil penalties.¹⁶

7.4 Disadvantaged Business Enterprise Programs

Following the federal model, some agencies have added DBE programs.¹⁷ SBE programs focus on the disadvantage of the business, HUBZone programs focus on the disadvantage of the business location, and DBE programs focus on the disadvantage of the individual operating the business.

¹¹ Contra Costa County, Outreach Program, Ordinance Section 3-2 et seq.

¹² ORS § 279C.370(1)(a)(A),(B).

¹³ ORS § 279C.370(1)(c),(d).

¹⁴ ORS § 279C.370(5), ORS § 279C.585.

¹⁵ ORS § 279C.585.

¹⁶ ORS § 279C.590.

¹⁷ DBE programs and Airport Concession Disadvantaged Enterprise (ACDBE) programs are required to be developed and implemented as a part of the federal funding process.

State of North Carolina. The state of North Carolina changed the definition of minority used in the state minority construction program to include socially and economically disadvantaged individuals, as defined in the federal rules.¹⁸ Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.¹⁹ Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area that are not socially disadvantaged.²⁰ This rule permits firms certified under the federal 8(a), DBE, and small disadvantaged business enterprise (S/DBE) programs to be certified as a minority firm in North Carolina. This rule also implies that firms owned by majority males are eligible for the program as there are firms owned by majority males that qualify for the 8(a), DBE, and S/DBE programs by making an individual showing of their social and economic disadvantage.

Milwaukee Emerging Business Enterprise Program. The city of Milwaukee, Wisconsin, defines disadvantage along six dimensions:

- Disadvantage with respect to education.
- Disadvantage with respect to location.
- Disadvantage with respect to employment.
- Social disadvantage (lack of traditional family structure, impoverished background, and related issues).
- Lack of business training.
- Economic disadvantage (credit issues, inability to win contracts, and related issues).

The city of Milwaukee defines an emerging business as a business owned by an individual satisfying the sixth dimension of disadvantage and three out of the five other dimensions of disadvantage.²¹ The city of Milwaukee has set a goal of 18 percent spending with emerging businesses, including both prime contracting and subcontracting.

7.5 Bidder Rotation

Some political jurisdictions use bidder rotation schemes to limit habit purchases from majority firms and to ensure that M/WBEs have an opportunity to bid along with majority firms. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County,

¹⁸ NC GS § 143-128.2(g).

¹⁹ 15 USC 637(a)(5).

²⁰ 15 USC 637(a)(6)(A).

²¹ Milwaukee Ordinance, Emerging Business Enterprise Program, 360-01 (12).

Florida, use bid rotation to encourage M/WBE utilization, particularly in architecture and engineering (A&E). Some examples of bidder rotation from other agencies include:

Miami-Dade County, Florida. Miami-Dade County uses small purchase orders for the Community Business Enterprise program and rotates on that basis. In addition, Miami-Dade County utilizes an Equitable Distribution Program, whereby a pool of qualified A&E professionals are rotated awards of county miscellaneous A&E services as prime contractors and subcontractors.

DeKalb County, Georgia. DeKalb County has used a form of bidder rotation called a bidder box system to promote M/WBE utilization. This system selects a group of bidders from the list of county registered vendors to participate in open market procurements. Under the bidder rotation system, the buyer identifies the commodity or service by entering an item box number. Using this item box, the computer selects five to six firms. The lowest responsible bidder is awarded the contract. M/WBEs were afforded an increased number of bid opportunities than would ordinarily be the case with a sequential selection process.

Port Authority of New York and New Jersey. The Port Authority has a Quick Bid rotation system for small contracts less than \$500,000. In this program, the agency solicits bids via telephone and fax from a minimum of six contractors on a rotating basis. The period between bid, award, and contract start is generally not more than six weeks. Bidders are provided free construction documents with which to prepare their bids.²²

7.6 Outreach

Bexar County, Texas, Small, Minority, and Women Business Owners Conference. Bexar County, in conjunction with the city of San Antonio, has sponsored annual Small, Minority, and Women Business Owners conferences since 2001. The conferences have been co-sponsored by the Central and South Texas Minority Business Council in conjunction with a number of major corporations, including Dell, Toyota, and AT&T. Typically, conference workshops have addressed the following:

- Doing business with federal, state, and local agencies, and the private sector.
- Access to capital.
- Human resources.
- Franchising.
- Management.
- Veterans.
- Responding to bids and RFPs.

Registered attendees grew from 1,200 in 2001 to 2,400 in 2006; estimated total attendance grew from 1,800 in 2001 to 5,000 in 2006. The number of exhibitors grew from 75 in 2001 to 180 in 2006.²³ Virtually all the major local agencies, loan providers, business development providers, and chambers of commerce participate in the

²² Port Authority of NY & NJ, Engineering Department, *2002 Construction Program*, at 8.

²³ Small, Minority, and Women Business Owners (S/M/WBO) Conference, Frequently Asked Questions, at 6.

conference along with a number of major corporations. The conference budget for 2007 was \$250,000.

7.7 Construction Management, Request for Proposals, and Design-Build

One method of debundling in construction is through the use of multiprime construction contracts in which a construction project is divided into several prime contracts that are then managed by a construction manager-at-risk. For example, this approach has been used on projects where each prime contractor is responsible for installation and repair in particular areas. The construction manager is responsible for obtaining materials at volume discounts based upon total agency purchases. If one contractor defaults, a change order is issued to another prime contractor working in an adjacent area. The construction manager-at-risk is responsible for cost overruns that result from prime contractor default.

Construction management also facilitates the rotation of contracts within an area of work. For example, if several subcontractors have the capacity of bidding on an extended work activity such as concrete flat work, traffic control, or hauling, the construction manager can rotate contracting opportunities over the duration of the activity.

Using a request for proposal (RFP) process can provide the flexibility for including M/WBE participation in prime contractor requirements and selection. One of the nonfinancial criteria can be the proposer's approach and past history with M/WBE subcontractor utilization as well as women and minority workforce participation. A number of agencies (Fulton County, Georgia, New Jersey Transit, Washington Metropolitan Transit, and many major airports) have a mandate for construction managers to include a team member to perform the function of the M/WBE office staff.

A number of universities around the country, the Charlotte-Mecklenburg School System, North Carolina; the Tri-County Metropolitan Transportation District of Oregon; the city of Phoenix; Arizona, and the city of Columbia, South Carolina, have had some success with this approach.²⁴

7.8 Outsourcing

City of Indianapolis, Indiana. The city of Indianapolis increased M/WBE utilization through privatization. The city prioritized outsourcing in procurement areas where minority businesses had particular expertise and experience. The city claims to have been particularly successful in contracting out street repair.

²⁴ Federal Transit Administration, *Lessons Learned #45* (May 2002).
www.fta.dot.gov/library/program/ll/man/ll45.html

7.9 Race-Neutral Joint Ventures

City of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over \$10 million.²⁵ Primes are required to create a joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women- and minority-owned firms.

Washington Suburban Sanitation Commission (WSSC). The WSSC Competitive Business Demonstration Project requires joint ventures between a local SBE and an established firm in procurement areas that do not generate enough bids.

7.10 Combined Race-Neutral and Race-Conscious Programs

A number of agencies (Tampa, Florida; Phoenix, Arizona; Charlotte, North Carolina; Hillsborough County, Florida; Jacksonville, Florida; Port Authority of New York and New Jersey; and Connecticut) combine race-neutral and race-conscious program features.

City of Saint Paul, Minnesota. The city of Saint Paul Vendor Outreach Program requires that contractors document their solicitation of bids, in addition to listing subcontracting opportunities, from SBEs, MBEs, and WBEs attending pre-bid conferences and seeking assistance from M/WBE organizations.²⁶ Saint Paul achieved 10.4 percent SBE spending (out of \$113.2 million in total spending). In the SBE program, 62.5 percent of SBE spending went to WBEs, 21.2 percent to nonminority males, and 16.3 percent to MBEs.²⁷

City of Jacksonville, Florida. The city of Jacksonville implemented a hybrid program by establishing a declining schedule of race-conscious targets.²⁸ In the first program year, Jacksonville proposes to meet 70 percent of its M/WBE goal with race-conscious means, the second year, 50 percent, and the third year, 25 percent. At the end of the three-year period the program is to be evaluated.

State of Connecticut. The state of Connecticut reserves 25 percent of its SBE contracts for M/WBEs.

7.11 Management and Technical Services

A number of agencies hire an outside management and technical assistance provider to provide needed technical services related to business development and performance. Such a contract can be structured to include providing incentives to produce results, such as the number of M/WBEs being registered as qualified vendors with agencies, the number of M/WBEs graduating from subcontract work to prime contracting, and rewarding firms that utilize M/WBEs in their private sector business activities.

²⁵ City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.

²⁶ City of St. Paul, Vendor Outreach Program, Ordinance 84.08, .09

²⁷ City of St. Paul, *Vendor Outreach Program Detailed Report*, FY 2004, at 6.

²⁸ City of Jacksonville, Executive Order No. 04-02.

Port Authority of New York and New Jersey. The Port Authority has a three-year fee-for-service contract with the Regional Alliance for Small Contractors capped at \$275,000.²⁹ Previously, the contract was a flat grant, but it was changed to a fee-for-service arrangement to reward creative uses of financial resources.

7.12 Certification

7.12.1 Size Standards for Certification

State of Oregon. The state of Oregon has a two-tier system for small business certification. A tier one firm employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$1.5 million for construction, or \$600,000 for non-construction. A tier two firm employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$3 million for construction, or \$1 million for non-construction.³⁰ An emerging small business cannot be a subsidiary or a franchise. In 2006, small business program participation was extended from seven to 12 years.³¹

State of New Jersey. For the state of New Jersey, there are separate size standards for small businesses and emerging small businesses. For large projects, the state of New Jersey carves out portions of the contract for both tiers of small business. Thus, a single solicitation requires that the prime spend a certain percentage of the contract with small firms and another percentage with emerging small firms. Along related lines, the federal government sets aside contracts for bidding only amongst small firms, and other contracts may be set aside for bidding only by emerging small firms.

Federal Government. The federal government has the additional categories:

- Emerging Small Business, defined as being 50 percent of the SBA size standards.
- Very Small Business, defined as fewer than 15 employees and less than \$1 million in revenue.

7.12.2 Personal Net Worth Limits

The United States Department of Transportation DBE personal net worth limit of \$750,000 is a standard net worth requirement employed by many local agencies. The USDOT net worth limit excludes the owner's home and business equity in determining net worth.

²⁹ The Regional Alliance was started in 1989. For general background on the Regional Alliance see Timothy Bates, "Case Studies of City Minority Business Assistance Programs," report for the U.S. MBDA, September 1993.

³⁰ OAR 445-050-0115.

³¹ OAR 445-050-0135.

7.13 Economic Development Projects

A number of cities (including Atlanta, Georgia; Jersey City, New Jersey; and Saint Paul, Minnesota) have encouraged private sector M/WBE utilization by one of two methods: (1) asking prospective bidders to report their private sector M/WBE utilization, and (2) setting aspirational goals for private sector projects with significant city tax incentives, such as tax allocation districts and community improvement districts. The city of Oakland, California, Local Small Business Enterprise Program also provides bid preferences to SBEs on tax-assisted projects. Saint Paul and Jersey City have separate offices negotiating, tracking, and managing M/WBE participation on development projects.

Bexar County Tax Phase-In Agreements. M/W/SBE participation was added to the county tax incentive policy in 2004. The county currently considers tax abatements of up to 40 percent on qualified real property improvements and new personal property investment.³² Property taxes are 80 percent of county revenue. The county considers an increased property tax abatement of up to 80 percent based on other project criteria. This criteria includes hiring 25 percent of positions created with county residents, hiring 25 percent economically disadvantaged or dislocated individuals, practicing sound environmental practices, and dividing work to the extent practical to assist M/W/SBEs in obtaining contracts. Applicants are encouraged to award 20 percent of projects to M/WBEs and 30 percent to certified small businesses.³³ Currently, there are no similar M/W/SBE policies for tax increment financing (TIF) subsidy.³⁴

In a Tax Phase-In Agreement for Lowe's Home Centers, Lowe's agreed to:

- Use good faith efforts to include certified M/WBEs.
- Work in good faith to set construction and operational services goals for M/WBEs based on M/WBE availability.
- Establish a mutually agreed upon M/WBE reporting format.

The agreement acknowledged that although Lowe's still has national contracts it must comply with, and retained the right to choose any vendor, they have agreed to explore subcontracting opportunities.³⁵

In a HEB Grocery Tax Phase-In Agreement, HEB Grocery committed to 20 percent M/WBE participation and 10 percent SBE participation.³⁶ This was in addition to agreeing to hire 25 percent from Bexar County and 25 percent from economically disadvantaged or dislocated workers.

³² The County Tax Phase-In Policy is currently being revised.

³³ Bexar County Economic Development & Special Programs Office, Tax Phase-In Guidelines for Bexar County and the city of San Antonio, effective June 15, 2006 through June 14, 2008, adopted February 28, 2006. Not all agreements include M/W/SBE objectives. For examples, the Kautex Tax Phase In Agreement did not address M/W/SBE policy. See Bexar County, Tax Phase-In Agreement (Kautex), December 20, 2005.

³⁴ Bexar County, Texas, Tax Increment Financing and Reinvestment Zone (TIF/TIRZ), Guidelines and Criteria, Commissioner's Court Amended and Approved: August 23, 2005.

³⁵ Bexar County, Tax Phase-In Agreement (Lowe's), June 27, 2006, Exhibit E.

³⁶ Bexar County, Tax Phase-In Agreement (HEB Grocery), March 11, 2003, Section 5.01(c).

Bexar County Public Improvement Districts. County policies allow for the county to enter into an economic development agreement for Public Improvement Districts (PIDs).³⁷ PIDs are projected to be used in conjunction with TIFs for housing and infrastructure development.³⁸ As a condition of the economic development agreement, the firm seeking such an agreement has to meet, at a minimum, certain criteria involving employment, health care benefits, environmental practices, and M/W/SBE policy. M/W/SBE policy was added to PIDs in 2006.

In an agreement with Marriott, which has been labeled a “super PID,” the agreement provided that Marriott would “use reasonable efforts to comply with the M/W/SBE policies and procedures attached.”³⁹ The Marriott agreement noted that the project owner had established 20 percent M/W/SBE goals in construction. Marriott retained the right to accept the lowest qualified bid. The agreement also provided for the hotel to develop M/WBE goals in operational services, to work with the M/W/SBE office in implementing the Marriott supplier diversity program, to use certified firms, and semi-annual M/W/SBE reporting. “The sole remedy for noncompliance with this provision shall be the obligation of Marriott to prepare and implement a plan that provide for reasonable efforts to achieve the goals set forth.”

7.14 Project Goal Setting

North Carolina Department of Transportation. The NCDOT regulations emphasize that goals should be set on projects “determined appropriate by the Department [of Transportation].”⁴⁰ Individual goals are set based on a project’s geographic location, characteristics of the project, the percentage of that type of work that is typically performed by M/WBEs, the areas in which M/WBEs are known to provide services, and the goals set by the North Carolina General Assembly.⁴¹ The NCDOT M/WBE regulations specify (although they do not limit to) particular areas for M/WBE goals: clearing and grubbing, hauling and trucking, storm drainage, concrete and masonry construction, guardrail, landscaping, erosion control, reinforcing steel, utility construction, and pavement marking.

The NCDOT goal setting process begins with an engineering estimate of the project to determine what items might reasonably be subcontracted out. Next, estimates of the percentage of work that could be potentially performed by DBEs and M/WBEs are developed.⁴² These estimates are confidential and made available only to the Estimator (and staff), the provisions engineer in the proposals and contracts section (and staff), and members of the DBE/M/WBE committee at the DBE/M/WBE committee meetings. Next, NCDOT looks at whether there are M/WBEs available based on the NCDOT DBE/M/WBE directory and the location of the project. The NCDOT directory is a searchable database that classifies firms by location, prime contractor/subcontractor

³⁷ Such an agreement is allowed for under Chapter 372 of the Texas Local Government Code.

³⁸ Bexar County, Texas, 2005 – 2009 Consolidated Plan, Executive Summary, at 61.

³⁹ Senior Priority Economic Development Agreement By and Between Cibolo Canyons Special Improvement District, Marriott International, Inc and Bexar County, Texas, January 12, 2006, Exhibit B.

⁴⁰ 19A NCAC 02D.1108(a).

⁴¹ 19A NCAC 02D.1108(a).

⁴² NCDOT, Division of Highways, Roadway Design and Design Services Unit, *Policy and Procedure Manual*, Chapter 10, at 4.

status, and six-digit work type.⁴³ The Goal Setting Committee is assisted in this process by EEO Contract Compliance staff in the Office of Civil Rights.

Prime contractors then submit documentation of good faith efforts to achieve the individual project goal. A statement of how they will make efforts to achieve the goal satisfies the good faith effort requirements.

The NCDOT Goal Setting Committee (in collaboration with the EEO Contract Compliance staff) seeks to set goals relative to where there is interest, availability and capacity, beyond mere looking at the certification lists. NCDOT relies on the EEO Contract Compliance staff to provide input on whether existing businesses are fully occupied. However, if EEO Contract Compliance says M/WBEs are not fully occupied, but prime contractors submit evidence that M/WBEs are fully occupied (for example, with invoices), then NCDOT accepts those explanations.

As part of goal setting, NCDOT regulations provide that:

- A documented excessive subcontractor bid constitutes a basis for not subcontracting with an M/WBE.
- A documented record of poor experience constitutes a basis for not subcontracting with an M/WBE.⁴⁴

In addition, a review of NCDOT DBE and M/WBE goals has been a regular topic at the Associated General Contractors (AGC)-DOT Joint Cooperative Committee meetings.⁴⁵

City of Phoenix, Arizona. The city of Phoenix Goal Setting Committee is responsible for setting project goals on public works contracts bid by the city. The assigned project manager provides goal-setting information for the specific project to the Bid Specifications section of the Engineering & Architectural Services Department (EASD) at least 21 days before the project is to be advertised. The required information includes design plans, a detailed cost estimate, a project description, and the client department's construction budget.

The Goal Setting Committee identifies trade areas needed for each eligible project. The EASD staff identifies available MBE and WBE subcontractors that could perform in each trade area identified in the project description and provides the information to the Goal Setting Committee for use in establishing M/WBE project goals. The Goal Setting Committee develops appropriate goals for each trade area based on estimated dollar amounts and M/WBE availability. EASD publishes these goals in the bid specifications. The equal opportunity department monitors projects for which MBE and WBE goals have been set. The Goal Setting Committee meets to establish goals on projects estimated to cost more than \$50,000.00.

Goals may be adjusted if the Goal Setting Committee finds, after consideration of historical bidding and utilization data, that such an adjustment is necessary to ensure a narrowly tailored goal. The Goal Setting Committee then forwards the goal to EASD for

⁴³ <http://apps.dot.state.nc.us/constructionunit/directory/>.

⁴⁴ The last two elements are adopted by the North Carolina DOT. 19A NCAC 02D.1110(7).

⁴⁵ AGC-DOT Joint Cooperative Committee Meeting Minutes, February 2001 through August 2003.

review. If EASD determines that delays or changes in the project will require modification of the goals, the recommendation is returned to the Goal Setting Committee for revision.

7.14.1 Waivers of Goals

City of Phoenix, Arizona. The city of Phoenix established a Waiver Review Committee (Committee) that is responsible for deciding whether to recommend waiver requests to the city engineer. The Committee has established a Subcontracting Goals Waiver Review Form. The form lists the criteria used by the Committee to determine whether to grant a waiver request. The Committee reviews each category on the form and evaluates the contractor's good faith efforts in attempting to meet project goals. Bidders requesting waivers must submit a letter explaining their reason(s) for the waiver along with supporting documentation demonstrating efforts made to solicit MBEs and WBEs as subcontractors on a project. The Committee then decides whether to grant the waiver based on the total number of categories in which the contractor has sufficiently complied with the requirements. Based on interviews with city officials, the criteria listed for granting or denying a waiver are not ranked in order of importance, the criteria are not weighted, and city officials have not established a definite number of categories that need to be satisfied to obtain a waiver.

Over a five-year period, the city awarded 504 projects with M/WBE goals, 25 waivers were requested by the low bidder and ten were rejected.

8.0 FINDINGS AND RECOMMENDATIONS

8.0 FINDINGS AND RECOMMENDATIONS

In October 2008, MGT of America, Inc. (MGT), was retained to conduct a minority and women business enterprise disparity study for Leon County Florida, (County), to determine whether there was a compelling interest to establish a narrowly-tailored minority- and women-owned business enterprise (M/WBE) program for the County. The study consisted of fact-finding to examine the extent to which race- and gender-conscious and race- and gender-neutral remedial efforts by the County had effectively eliminated ongoing effects of any past discrimination affecting the County's relevant marketplace; to analyze the County procurement trends and practices for the study period from October 1, 2004, through September 30, 2008; and to evaluate various options for future program development.

The results of this study and conclusions drawn are presented in detail in **Chapters 2.0** through **7.0** of this report. The following sections summarize each of the study's findings, which are followed by related major recommendations. Commendations are also noted in those instances in which the County already has procedures, programs, and policies in place that respond to findings. Selected best practices are described in **Chapter 7.0** to this report. These best practices expand on the findings and recommendations that are marked with an asterisk (*).

8.1 Findings for M/WBE Utilization and Availability

FINDING 8-1: Historical M/WBE Utilization

The dollar value of M/WBE utilization by the County in 2004 Leon County Disparity Study was as follows:

- M/WBEs won construction prime contracts for \$479,980 (1.61 percent of the total).
- M/WBEs won construction subcontracts for \$5.47 million (18.32 percent of total contract value).
- M/WBEs won professional services prime contracts for \$914,754 (12.24 percent of the total).
- M/WBEs won professional services subcontracts for \$422,975 (5.66 percent of the total).
- M/WBEs won other services contracts for \$3.28 million (29.71 percent of the total).
- M/WBEs won materials and supplies contracts for \$2.76 million (16.19 percent of the total).

FINDING 8-2: M/WBE Prime Utilization, Availability and Disparity

The dollar value of M/WBE prime utilization by the County over the study period of October 1, 2004 through September 30, 2008, is shown in **Exhibit 8-1**:

- M/WBEs were paid \$12.05 million (16.32 percent of the total) for prime construction services. There was substantial disparity for firms owned by African Americans and Asian Americans.
- M/WBEs were paid \$1.05 million (14.64 percent of the total) for architecture and engineering (A&E) services. There was substantial disparity for Hispanic American¹-, Asian American-, and nonminority women-owned firms.
- M/WBEs were paid \$719,377 (16.05 percent of the total) for professional services. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and nonminority women.
- M/WBEs were paid \$3.40 million (53.57 percent of the total) for other services. There was substantial disparity for firms owned by Asian Americans, and Native Americans.
- M/WBEs were paid \$1.60 million (13.81 percent of the total) for materials and supplies. There was substantial disparity for firms owned by African Americans, Hispanic Americans, and Asian Americans.

¹ The availability pool of firms for this category among this MBE group was based on the count of firms that submitted a bid as a prime contractor and won the project. However, this contract ultimately was not awarded, thus not listed in the list of awarded agreements.

**EXHIBIT 8-1
M/WBE PRIME UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Prime Contractors						
Utilization Dollars	\$2,553,207	\$0	\$0	\$0	\$9,499,250	\$12,052,457
Utilization Percent	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%
Availability Percent	9.73%	0.00%	0.54%	0.00%	6.49%	16.76%
Disparity	Underutilization *	N/A	Underutilization *	N/A	Overutilization	
Architecture and Engineering Prime Consultants						
Utilization Dollars	\$537,264	\$0	\$196,309	\$0	\$320,113	\$1,053,686
Utilization Percent	7.46%	0.00%	2.73%	0.00%	4.45%	14.64%
Availability Percent	8.51%	2.13%	4.26%	0.00%	17.02%	31.91%
Disparity	Underutilization	Underutilization *	Underutilization *	N/A	Underutilization *	
Professional Services Prime Consultants						
Utilization Dollars	\$181,430	\$0	\$0	\$0	\$537,948	\$719,377
Utilization Percent	4.05%	0.00%	0.00%	0.00%	12.00%	16.05%
Availability Percent	8.08%	1.01%	0.00%	0.00%	18.18%	27.27%
Disparity	Underutilization *	Underutilization *	N/A	N/A	Underutilization *	
Other Services Firms						
Utilization Dollars	\$817,616	\$319,088	\$3,672	\$3,696	\$2,263,882	\$3,407,954
Utilization Percent	12.85%	5.02%	0.06%	0.06%	35.59%	53.57%
Availability Percent	11.63%	1.16%	0.39%	0.39%	10.47%	24.03%
Disparity	Overutilization	Overutilization	Underutilization *	Underutilization *	Overutilization	
Materials and Supplies Vendors						
Utilization Dollars	\$95,676	\$0	\$0	\$0	\$1,509,432	\$1,605,108
Utilization Percent	0.82%	0.00%	0.00%	0.00%	12.98%	13.81%
Availability Percent	1.45%	0.36%	0.36%	0.00%	8.00%	10.18%
Disparity	Underutilization *	Underutilization *	Underutilization *	N/A	Overutilization	

Source: Utilization findings are taken from the exhibit previously shown in **Chapter 3.0** and **Chapter 4.0**. Availability is based on bidders/vendors.

N/A-not applicable.

*Substantial disparity.

FINDING 8-3: M/WBE Subcontractor Utilization, Availability, and Disparity

The dollar value of M/WBE construction subcontractors over the study period is shown in **Exhibit 8-2** below:

- M/WBEs won construction subcontracts for \$2.39 million (12.97 percent of the total). There was substantial disparity in the utilization of available African American, Asian American, Native American, and nonminority women construction subcontractors.

**EXHIBIT 8-2
M/WBE SUBCONTRACTOR UTILIZATION, AVAILABILITY, AND DISPARITY
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category	African American	Hispanic American	Asian American	Native American	Nonminority Women	Total M/WBE
Construction Subcontractors						
Utilization Dollars (Overall Subcontractor Level)	\$1,868,840	\$302,580	\$0	\$9,792	\$213,761	\$2,394,973
Utilization Percent (Overall Subcontractor Level)	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%
Availability Percent	18.75%	1.56%	0.52%	0.69%	10.76%	32.29%
Disparity (Overall Subcontractor Level)	Underutilization *	Overutilization	Underutilization *	Underutilization *	Underutilization *	

Source: Subcontractor bidders; Utilization and disparity findings are taken from the exhibit previously shown in Chapters 3.0 and 4.0.

N/A-not applicable.

*Substantial disparity.

FINDING 8-4: M/WBE Utilization in Private Sector Commercial Construction

MBE prime and subcontractor utilization in private sector commercial construction in the County was generally quite low, as measured by data from building permits. MBE subcontractor utilization in particular was low in absolute terms (less than 4 percent) (**Exhibit 8-3**), in comparison to MBE subcontractor utilization on County projects (more than 12 percent), and in comparison to MBE availability (about 21 percent).

**EXHIBIT 8-3
COMPARISON OF M/WBE UTILIZATION PERCENTAGE OF DOLLARS
PRIVATE COMMERCIAL CONSTRUCTION
LEON COUNTY
OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2008**

Business Category/Data Source	African American	Hispanic American	Asian American	Native American	Nonminority Women	M/WBE Firms	Non-M/WBE Firms
Prime Contractors							
Leon County Construction Prime Contractors (Based on Expenditure Data Only)	3.46%	0.00%	0.00%	0.00%	12.86%	16.32%	83.68%
Private Construction Prime Contractors (Leon County, Florida Building Permits)	0.86%	0.00%	0.00%	0.00%	2.48%	3.34%	96.66%
Private Construction Prime Contractors (City of Tallahassee, Florida Building Permits)	0.03%	0.00%	0.00%	0.00%	1.02%	1.05%	98.95%
Subcontractors							
Leon County Construction Subcontractors (Overall Subcontractor Level) ¹	10.12%	1.64%	0.00%	0.05%	1.16%	12.97%	87.03%
Private Construction Subcontractors (Leon County, Florida Building Permits)	0.00%	0.00%	0.00%	0.05%	3.80%	3.80%	96.20%
Private Construction Subcontractors (City of Tallahassee, Florida Building Permits)	0.04%	0.00%	0.00%	0.00%	18.16%	18.21%	81.79%

Source: Utilization findings are taken from the exhibit previously shown in Chapters 3.0 and 6.0.

FINDING 8-5: Disparities in the Census Data

There was evidence of disparities based on the 2002 Survey of Business Owners from the U.S. Census Bureau (for groups for which data was available):

- *Construction Firms.* Women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with \$84,224 in average revenue per firm, 90.9 percent of the market place average.
- *Professional Services Firms.* African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with \$15,000 in average revenue per firm, 16.9 percent of the market place average. Women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with \$202,148 in average revenue per firm, 52.1 percent of the market place average.

8.2 Commendations and Recommendations

8.2.1 Commendations and Recommendations for Race-Neutral Alternatives

COMMENDATION and RECOMMENDATION 8-1: Outreach*

The County should be commended for its outreach efforts, including sponsoring workshops; participating in the Small Business Enterprise Week and MEDWeek, activities with the city of Tallahassee; partnerships with business development organizations such as the Small Business Development Center at Florida Agricultural and Mechanical (Florida A&M) University; and posting opportunities on the Web. Additional outreach can be conducted through special vendor fairs, networking sessions, and “brown bag” sessions targeting vendors for major projects such as federal funded stimulus projects and the joint public safety building. Division directors should be included in outreach sessions. In addition, the consolidation of the County and city of Tallahassee certified firms’ directory would assist primes and staff with identifying available firms for M/W/SBE opportunities.

COMMENDATION and RECOMMENDATION 8-2: Vendor Rotation*

The County should consider the wider use of vendor rotation to expand utilization of under-utilized M/WBE groups. Some political jurisdictions use vendor rotation arrangements to limit habitual repetitive purchases from incumbent majority firms and to ensure that M/W/SBEs have an opportunity to bid along with majority firms. Generally, a diverse team of firms are prequalified for work and then teams alternate undertaking projects. A number of agencies, including the city of Indianapolis, Indiana; Fairfax County, Virginia; the Port Authority of New York and New Jersey; and Miami-Dade County, Florida; use vendor rotation to encourage utilization of underutilized M/WBE groups, particularly in professional services.

COMMENDATION and RECOMMENDATION 8-3: SBE Program for Prime Contracts*

The County should be commended for starting an SBE program. A strong SBE program is central to maintaining a narrowly tailored program to promote M/WBE utilization. In particular, the County should focus on increasing M/WBE utilization through the SBE program. The County does not face constitutional restrictions on its SBE program, only those procurement restrictions imposed by state law. Specific suggestions for the County's SBE program can be found in features of other SBE programs around the United States, including:

- Setting aside small financial consulting projects (Port Authority of New York and New Jersey SBE Program).
- Providing bid preferences to SBEs in bidding on contracts (Miami-Dade County, Florida, Community SBE Program; Port Authority of New York and New Jersey SBE Program; Port of Portland, East Bay Municipal Utility District Contract Equity Program).²
- Setting SBE goals on formal and informal contracts (city of Charlotte, North Carolina, SBE Program).
- Setting department goals for SBE utilization (city of Charlotte, North Carolina, SBE Program).
- Access to low cost insurance on small projects (city of San Diego, California, Minor Construction Program).
- Providing bid preferences to SBEs on tax-assisted projects (city of Oakland, California, Local Small Business Enterprise Program, and Port of Portland Emerging Small Business Program).
- Making SBE utilization part of department performance reviews (city of Charlotte, North Carolina, SBE Program).
- Mentor-protégé programs for small businesses (Port of Portland Emerging Small Business Program).

The County SBE training requirement has limited the effectiveness of the existing SBE program. The County should exempt firms from the training requirement if: (1) they have a record of satisfactory performance on similar projects with the County (or other major public/private organization), or (2) have satisfied similar training sessions with other organizations.

² The Port of Portland found that 10 percent bid preferences were more effective than 5 percent bid preferences.

RECOMMENDATION 8-4: Mandatory Subcontracting*

The County should consider imposing mandatory subcontracting clauses where such clauses would promote M/W/SBE utilization, and be consistent with industry practice.³

RECOMMENDATION 8-5: Business Development Assistance*

The County did attempt some business development initiatives for SBEs and M/WBEs. However, there have been problems with the existing delivery of training services. The County should focus on partnerships with organizations with a proven track record of business development assistance, such as the Florida Department of Transportation's Supportive Services program.

The County should evaluate the impact of these business development initiatives on M/W/SBE utilization. The County should follow the example of the Port Authority of New York and New Jersey, for which management and technical assistance contracts have been structured to include incentives for producing results, such as increasing the number of M/WBEs being registered as qualified vendors with the Port, and increasing the number of M/WBEs graduating from subcontract work to prime contracting.

8.2.2 M/WBE Policy Commendations and Recommendations

RECOMMENDATION 8-6: Narrowly Tailored M/W/SBE Program

This study provides evidence to support a narrowly tailored program to promote M/WBE utilization. This conclusion is based primarily on statistical disparities in current M/WBE utilization, particularly in subcontracting, substantial disparities in the private marketplace, evidence of discrimination in business formation and revenue earned from self-employment, and some evidence of passive participation in private sector disparities. The County should tailor its women and minority participation policy to remedy each of these specific disparities.

The case law involving federal disadvantaged business enterprise (DBE) programs provide important insight into the design of local M/WBE programs. In January 1999, the United States Department of Transportation (USDOT) published its final DBE rule in Title 49, Code of Federal Regulations, Part 26 (49 CFR 26). The federal courts have consistently found the DBE regulations to be narrowly tailored.⁴ The federal DBE program has the features listed in **Exhibit 8-4** that contribute to this characterization as a narrowly tailored remedial procurement preference program. The County should adopt these features in any new narrowly tailored M/WBE program.

³ San Diego, as part of its Subcontractor Outreach Program (SCOPE), has mandatory outreach, mandatory use of subcontractors, and mandatory submission of an outreach document. Whether a contract has subcontracting is determined by the engineer on the project.

⁴ *Adarand v. Slater*, 228 F.3d 1147 (10th Cir. 2000), *Gross Seed. v. State of Nebraska*, 345 F.3d 968 (8th Cir. 2003); cert denied, 158 L.Ed. 2d 729 (2004), *Northern Contracting v. Illinois DOT*, 2005 U.S. Dist. LEXIS 19868 (ND IL 2005).

**EXHIBIT 8-4
NARROWLY TAILORED M/WBE PROGRAM FEATURES**

Narrowly Tailored Goal-Setting Features	DBE Regulations
The County should not use quotas.	49 CFR 26(43)(a)
The County should use race- or gender-conscious set-asides only in cases where other methods are inadequate to address the disparity.	49 CFR 26(43)(b)
The County should meet the maximum amount of its M/WBE goals through race-neutral means.	49 CFR 26(51)(a)
The County should use M/WBE contract goals only where race-neutral means are not sufficient.	49 CFR 26(51)(d)
The County should use M/WBE goals only where there are subcontracting possibilities.	49 CFR 26(51)(e)(1)
If the County estimates that it can meet the entire M/WBE goal with race-neutral means, then the County should not use contract goals.	49 CFR 26(51)(f)(1)
If it is determined that the County is exceeding its goal, then the County should reduce the use of M/WBE contract goals.	49 CFR 26(51)(f)(2)
If the County exceeds goals with race-neutral means for two years, then the County should not set contract goals the next year.	49 CFR 26(51)(f)(3)
If the County exceeds M/WBE goals with contract goals for two years, then the County should reduce use of contract goals the next year.	49 CFR 26(51)(f)(4)
If the County uses M/WBE goals, then the County should award only to firms that made good faith efforts.	49 CFR 26(53)(a)
The County should give bidders an opportunity to cure defects in good faith efforts.	49 CFR 26(53)(d)

COMMENDATION and RECOMMENDATION 8-7: Aspirational M/WBE TARGETS

The County should periodically adjust aspirational goals by business category, and not establish rigid project goals. Adjustments should be based on the degree of success of the program in previous years. To establish a benchmark for goal setting, aspirational goals should be based on relative M/WBE availability. The primary means for achieving these aspirational goals should be the SBE program, race-neutral joint ventures, outreach, and adjustments in the County procurement policy. As in the DOT, DBE program goals on particular projects should, in general, vary from overall aspirational goals. Possible revised aspirational goals based on M/WBE availability are proposed in **Exhibit 8-5**. These aspirational goals can be further decomposed by procurement category, ethnicity, and gender.

**EXHIBIT 8-5
PROPOSED M/WBE ASPIRATIONAL TARGETS
LEON COUNTY
BY PROCUREMENT CATEGORY**

Procurement Category	Aspirational MBE Target	Aspirational WBE Target
Construction Prime Contractors	8%	5%
Construction Subcontractors*	17%	9%
Architecture & Engineering	12%	14%
Professional Services	7%	15%
Other Services	10%	8%
Materials and Supplies	1%	6%

Source: Availability estimates are based on vendor data.

*Of total subcontract dollar value.

RECOMMENDATION 8-8: Joint Ventures

The County should consider adopting a joint venture policy similar to the one implemented by the city of Atlanta, Georgia. The city of Atlanta requires establishment of joint ventures on large projects of over \$10 million.⁵ Primes are required to joint venture with a firm from a different ethnic/gender group in order to ensure prime contracting opportunities for all businesses. This rule applies to women and minority firms as well as nonminority firms. This rule has resulted in tens of millions of dollars in contract awards to women and minority firms.

COMMENDATION and RECOMMENDATION 8-9: M/WBE Subcontractor Plans*

The County should consider reestablishing the good faith effort goal requirements in its contracts. The basis for retaining good faith efforts requirements is significant disparities in construction subcontracting, the very low utilization in private sector commercial construction and other evidence of private sector disparities, even after controlling for capacity and other race-neutral variables. The core theme should be that prime contractors should document their outreach efforts and the reasons why they may have rejected qualified M/WBEs that were the low-bidding subcontractors. Accordingly, the following narrow tailoring elements should be considered:

1. Good faith effort requirements should apply to both M/WBE and nonminority prime contractors.
2. Projects goals should vary by project and reflect realistic M/WBE availability for particular projects.
3. A documented excessive subcontractor bid can be a basis for not subcontracting with an M/WBE.
4. A documented record of poor performance can be a basis for not subcontracting with an M/WBE.⁶

⁵ City of Atlanta Ordinance Sec. 2-1450 and Sec. 2-1451.

⁶ The last two elements were adopted by the North Carolina Department of Transportation (NCDOT). 19A NCAC 02D.1110(7).

COMMENDATION 8-10: RFP Language*

The County is commended for putting in its request for proposals (RFPs) language asking proposers about their strategies for M/WBE inclusion on projects. A number of agencies, including the Port Authority of New York and New Jersey, have had success in soliciting creative responses to these requests, even in areas such as large-scale insurance contracts.

RECOMMENDATION 8-11: Economic Development*

The County should consider extending the M/W/SBE program to economic development projects. Jersey City, New Jersey, and the city of Saint Paul, Minnesota, have established offices that focus on employment and M/W/SBE utilization on economic development projects. San Antonio and Bexar County, Texas, also have very active M/W/SBE initiatives for development projects that receive tax subsidies.

RECOMMENDATION 8-12: Certification*

Two-Tier Size Standards. The federal case law points to the use of size standards and net worth requirements as one factor in the narrow tailoring of remedial procurement programs. At present, the County uses its own size standard.

Size standards for remedial procurement programs face a dilemma. If the size standard is placed too high, large firms crowd out new firms. If the size standard is placed too low, too many experienced firms lose the advantages of the remedial program. The second problem is an issue with the current County SBE certification. One solution to this dilemma is to adopt a two-tier standard for M/WBE and SBE certification. The federal government and the states of Oregon and New Jersey use a two-tier size standard. Thus, for example, contracts could be set aside for small and very small firms and goals that included very large M/W/SBEs could be established on large projects. A standard approach is to use the Small Business Administration (SBA) size standard for small firms and a percentage of the SBA size standard (for example, 25 or 50 percent) for very small firms.

Automatic SBE Certification. Firms that already satisfy the size and location requirements for the SBE program should be automatically certified as SBEs, unless they elect to remove themselves from the SBE directory. Several jurisdictions have used this approach to expand the pool of SBEs.

Socially and Economically Disadvantaged Firms. The County should consider adding socially and economically disadvantaged firms to its definition of targeted groups. The North Carolina M/WBE program has this feature.

Program Participation Limits. Another graduation provision is to restrict the overall amount of dollars a program participant can receive. For example, the city of New York graduates firms that have received more than \$15 million in prime contracts within the past three years.⁷

⁷ Local Laws of New York, Section 7-1292 (c) (17).

COMMENDATION and RECOMMENDATION 8-13: MWBE Program Data Management

It is important for the County to closely monitor the utilization of all businesses by race, ethnicity, and gender, and by prime and subcontractor utilization, over time to determine whether the County's M/W/SBE policy has the potential to eliminate race and gender disparities without applying specific race and gender goals. The County should be commended for its improved tracking of subcontractor utilization and for the implementation of the B2G system for tracking M/W/SBE contract compliance.

COMMENDATION and RECOMMENDATION 8-14: Purchasing and M/W/SBE Policy

The County should be commended for the consolidation of the purchasing policy and the M/WBE participation policy and elevating the M/W/SBE program to division level, which improved the internal and external perception of the County's commitment to the program's success. The County should ensure that vendors submit the required contract compliance documents pertaining to the M/W/SBE program as part of their request for payment.

COMMENDATION and RECOMMENDATION 8-15: M/W/SBE Program Staff

The County should be commended for the efforts of the County's M/W/SBE staff. The County could increase staff, training and resources to ensure the necessary resources to operate the MWBE program. The reason for an increase of staff would be: setting M/WBE project goals (targets), updating an M/WBE policy manual, re-establishing an SBE program, reporting M/WBE utilization to the highest levels of County management, overseeing business assistance, improving outreach, reserving contracts under an SBE program, and monitoring M/W/SBE targets and contract compliance.

RECOMMENDATION 8-16: Performance Measures*

The County should add performance measures other than M/W/SBE percentage utilization. Some suggested measures come from the Florida Department of Transportation's Small Business Initiative (discussed in the best practices section of this report). The County should develop additional measures to gauge the effectiveness of its efforts. Possible measures include:

- Growth in the number of M/W/SBEs winning their first award from the County.
- Growth in percentage of M/W/SBE utilization by the County.
- Growth in M/W/SBE prime contracting.
- Growth in M/W/SBE subcontractors to prime contractors.
- Number of M/W/SBEs that receive bonding.
- Number of M/W/SBEs that successfully graduate from the program.
- Number of graduated firms that successfully win County projects.

- Percentage of M/W/SBE utilization for contracts not subject to competitive bidding requirements.
- Growth in the number of M/W/SBEs utilized by the County.
- Number of joint ventures involving M/W/SBEs.
- Largest contract won by an M/W/SBE.
- Comparability in annual growth rates and median sales for M/W/SBEs and non-M/W/SBEs in the County contracts.

APPENDICES

**APPENDIX A:
UTILIZATION DETAILS**

**APPENDIX A
UTILIZATION DETAILS**

Utilization Details - Construction

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
1001 USES UTILITY BLDG	NONMINORITY MALE	LEON, FL	\$4,298.00
ABSOLUTE DEMO, INC	NONMINORITY MALE	LEON, FL	\$6,000.00
ALBRITTON ELECTRICAL SERVICE INC	NONMINORITY MALE	LEON, FL	\$475,790.14
ALL FLORIDA ELECTRIC OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$500.00
ALLEN'S EXCAVATING, INC.	NONMINORITY MALE	LEON, FL	\$11,096,038.40
ALLWEATHER INSULATION INC	NONMINORITY MALE	LEON, FL	\$1,902.00
ANYTIME CONCRETE, INC	NONMINORITY MALE	LEON, FL	\$352.00
APACHEE ROOFING	NONMINORITY MALE	LEON, FL	\$10,250.00
APALACHEE BACKHOE & SEPTIC TANK LLC	NONMINORITY MALE	LEON, FL	\$204,268.35
B & S UTILITIES	NONMINORITY MALE	LEON, FL	\$48,456.68
BASS CONSTRUCTION CO INC	NONMINORITY MALE	LEON, FL	\$267,160.68
BAYCREST CORPORATION	NONMINORITY MALE	LEON, FL	\$773,711.46
BLANKENSHIP CONTRACTNG INC	NONMINORITY MALE	LEON, FL	\$4,569,664.70
BLUE CHIP CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	\$2,049,796.46
BOB MCKEITHEN & SONS	NONMINORITY MALE	LEON, FL	\$3,885.00
BRYAN SCRUGGS CONSTRUCTION, INC	NONMINORITY MALE	GADSDEN, FL	\$419,150.58
C & C ASPHALT, LLC	NONMINORITY MALE	LEON, FL	\$14,870.00
C & R CONSTRUCTION SVS, INC	AFRICAN AMERICAN	LEON, FL	\$33,259.00
CAMP DRESSER & MCKEE INC	NONMINORITY MALE	LEON, FL	\$599,873.08
CAPITAL QUALITY BUILDINGS, INC	NONMINORITY MALE	LEON, FL	\$5,325.00
COUNCIL CONTRACTING, INC	NONMINORITY FEMALE	LEON, FL	\$834,907.23
CPS RESIDENTIAL & COMMERCIAL CONSTRUCTION SERVICES	NONMINORITY MALE	LEON, FL	\$76,797.74
CUMBIE CONCRETE CONSTRUCTION CO.	NONMINORITY MALE	LEON, FL	\$389.85
DAVIS CONSTRUCTION	NONMINORITY MALE	LEON, FL	\$600.00
DIXIE PAVING & GRADING, INC	NONMINORITY MALE	LEON, FL	\$487,949.65
DOVE ROOFING CO INC	NONMINORITY MALE	LEON, FL	\$48,231.10
FLORIDA DESIGN AND CONSTRUCTION	AFRICAN AMERICAN	LEON, FL	\$1,975.00
FLORIDA DEVELOPERS INC	AFRICAN AMERICAN	LEON, FL	\$42,823.00
GAINES	NONMINORITY MALE	LEON, FL	\$300.00
GAINES & SONS STRIPING,INC	AFRICAN AMERICAN	LEON, FL	\$332,679.87
GARRISON DESIGN & CONSTRUCTION INC	NONMINORITY MALE	LEON, FL	\$628,376.74
GEMINI ELECTRIC	NONMINORITY MALE	LEON, FL	\$8,200.00
GREAT SOUTHERN DEMOLITION INC	NONMINORITY MALE	LEON, FL	\$15,826.00
HARRELL ROOFING INC	NONMINORITY MALE	LEON, FL	\$86,387.00
HODGES ELECTRIC, INC.	NONMINORITY MALE	LEON, FL	\$1,303.30
JACKSON COOK INC	NONMINORITY FEMALE	LEON, FL	\$10,359.45
JIMMIE CROWDER EXCAVATING & LAND CLEARING, INC	NONMINORITY MALE	LEON, FL	\$3,238,291.93
JP POWELL SERVICES	NONMINORITY FEMALE	LEON, FL	\$47,917.49
KCW ELECTRIC CO	NONMINORITY MALE	LEON, FL	\$29,405.55
KEITH LAWSON COMPANY	NONMINORITY MALE	LEON, FL	\$877.00
KINSEY CONTRACTORS INC	NONMINORITY MALE	LEON, FL	\$443,816.17
KRATOFIL'S HEATING & AIR CONDITIONING INC	NONMINORITY MALE	LEON, FL	\$5,880.00
LANCE MAXWELL PLUMBING	NONMINORITY MALE	LEON, FL	\$2,260.00
LARRY HAGAMAN PLUMBING CONTRACTOR	NONMINORITY MALE	LEON, FL	\$1,235.00
M OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$102,400.00
M&L PLUMBING	NONMINORITY MALE	LEON, FL	\$3,775.00
MEYER CONSTRUCTION COMPANY, LLC	NONMINORITY MALE	LEON, FL	\$59,204.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MIKE SCOTT CONSTRUCTION	NONMINORITY MALE	LEON, FL	\$266,329.68
MORGAN ELECTRIC CO.	NONMINORITY MALE	LEON, FL	\$111,777.57
MOSLEY ENTERPRISES	NONMINORITY MALE	GADSDEN, FL	\$36,620.00
MSTCONSTRUCTION	NONMINORITY MALE	GADSDEN, FL	\$1,449.46
MUD WORKS	AFRICAN AMERICAN	LEON, FL	\$16,907.00
NORTH FLORIDA ASPHALT INC	NONMINORITY MALE	LEON, FL	\$1,714,065.65
PAGEL CONSTRUCTION, INC	NONMINORITY MALE	LEON, FL	\$348,281.50
PANHANDLE CONTRACTING	NONMINORITY MALE	LEON, FL	\$6,500.00
PEARSON CONSTRUCTION COMPANY LLC	NONMINORITY MALE	LEON, FL	\$1,157,452.96
PEAVY & SON CONSTRUCTION CO INC	NONMINORITY MALE	GADSDEN, FL	\$7,185,506.99
PETER R BROWN CONSTRUCTION	NONMINORITY FEMALE	LEON, FL	\$8,510,946.67
PHOENIX CONSTRUCTION & FENCING	AFRICAN AMERICAN	LEON, FL	\$75,766.74
PRO STEEL BLDG INC	NONMINORITY MALE	LEON, FL	\$631,779.15
REYNOLDS HOME BUILDERS, INC	NONMINORITY FEMALE	LEON, FL	\$67,773.80
RIPPEE CONSTRUCTION INC	NONMINORITY FEMALE	LEON, FL	\$21,820.00
ROTO ROOTER PLUMBERS	NONMINORITY MALE	LEON, FL	\$39,826.13
SANDCO INC	NONMINORITY MALE	LEON, FL	\$26,326,144.83
SCOTT-BURNETT INC	NONMINORITY MALE	LEON, FL	\$2,435.48
SOUTHEAST CONCRETE CUTTING AND DEMOLITION INC	NONMINORITY MALE	LEON, FL	\$450.00
SOUTHERN GENERAL CONTRACTORS, LLC	NONMINORITY MALE	LEON, FL	\$28,430.00
SPECIALTY CONTRACTORSOF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$8,597.36
STREAMLINE ROOFING	NONMINORITY MALE	LEON, FL	\$556.94
STRICKLAND ELECTRIC COMPANY OF TALLAHASSEE INC	NONMINORITY FEMALE	LEON, FL	\$5,525.00
T S BUILDERS, INC	NONMINORITY MALE	LEON, FL	\$155,978.07
TOM SHAW CONSTRUCTION COMPANY	NONMINORITY MALE	LEON, FL	\$37,450.39
VAUSE MECHANICAL CONTRACTING, INC.	NONMINORITY MALE	LEON, FL	\$2,724.00
WHITE'S PLUMBING INC	NONMINORITY MALE	LEON, FL	\$6,350.08

Utilization Details - Architecture & Engineering

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
ACOUSTI ENGINEERING CO OF FLORIDA	NONMINORITY FEMALE	LEON, FL	\$2,304.92
ADVANCED GEOSPATIAL, INC	NONMINORITY MALE	LEON, FL	\$80,425.00
AKIN & ASSOCIATES ARCHITECTS	AFRICAN AMERICAN	LEON, FL	\$146,460.64
ALLEN NOBLES AND ASSOCIATES INC	NONMINORITY MALE	LEON, FL	\$157,454.71
BARNETT FRONCZAK ARCHITECTS	NONMINORITY MALE	LEON, FL	\$522,894.85
BENEDICT ENGINEERING COMPANY INC	NONMINORITY MALE	LEON, FL	\$9,080.50
CAPITAL ENGINEERING & SURVEYING,INC	NONMINORITY MALE	LEON, FL	\$5,662.00
COLONEY BELL ENGINEERING	NONMINORITY MALE	LEON, FL	\$1,852.50
CS & K ASSOCIATES, INC	NONMINORITY FEMALE	LEON, FL	\$2,660.00
DIVERSIFIED DESIGN % DRAFTING SERVICES, INC	NONMINORITY FEMALE	LEON, FL	\$1,760.00
EMO ARCHITECTS, INC	NONMINORITY MALE	LEON, FL	\$458,382.35
ENVIRONMENTAL & GEOTECHNICAL SPECIALISTS INC (EGS)	NONMINORITY MALE	LEON, FL	\$67,388.69
ENVIRONMENTAL CONSULTING & TECHNOLOGY INC	NONMINORITY FEMALE	LEON, FL	\$292,967.33
GENESIS GROUP INC	NONMINORITY MALE	LEON, FL	\$1,490,568.99
GPI SOUTHEAST INC	NONMINORITY MALE	LEON, FL	\$29,607.32
HAMMOND DESIGN GROUP	NONMINORITY MALE	LEON, FL	\$251,525.58
JOHNSON PETERSON ARCHITECTS INC	NONMINORITY MALE	LEON, FL	\$516,512.57
JRA ARCHITECTS INC	NONMINORITY MALE	LEON, FL	\$2,845.00
McGINNISS & FLEMING ENGINEERING INC	NONMINORITY MALE	LEON, FL	\$131,844.38
MIHIR ENVIRONICS INC	ASIAN AMERICAN	LEON, FL	\$22,465.00
MOORE BASS CONSULTING INC	NONMINORITY FEMALE	LEON, FL	\$16,108.73
POOLE ENGINEERING	NONMINORITY FEMALE	LEON, FL	\$4,312.00
POST BUCKLEY SCHUH & JERNIGAN, INC	NONMINORITY MALE	LEON, FL	\$2,359,696.37
REGISTE,SLIGER ENGINEERING,INC	AFRICAN AMERICAN	LEON, FL	\$153,869.20
ROSENBAUM ENGINEERING	NONMINORITY MALE	LEON, FL	\$38,084.02
SOUTHERN EARTH SCIENCES INC	NONMINORITY MALE	LEON, FL	\$9,319.00
SPECTRA ENGINEERING & RESEARCH, INC	AFRICAN AMERICAN	LEON, FL	\$210,018.89
STRUCTURAL DIAGNOSTICS	AFRICAN AMERICAN	LEON, FL	\$26,915.00
TRAK ENGINEERING INC	NONMINORITY MALE	LEON, FL	\$11,072.50
WELCH & WARD ARCHITECTS INC	ASIAN AMERICAN	LEON, FL	\$173,844.00
WILLIAMSON & ASSOCIATES, INC.	NONMINORITY MALE	LEON, FL	\$300.00

Utilization Details - Professional Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCURATE STENOTYPE REPORTERS	NONMINORITY FEMALE	LEON, FL	\$1,838.40
ALL PRO DRUG TESTING INC	NONMINORITY FEMALE	LEON, FL	\$40.00
ALLIED VET EMERGENCY SERVICES INC	NONMINORITY MALE	LEON, FL	\$200.00
APPRAISAL GROUP OF TALLAHASSEE, INC	NONMINORITY FEMALE	LEON, FL	\$10,000.00
BANKS & MORRIS, P.A.	NONMINORITY MALE	LEON, FL	\$36,968.13
BECK & BARRIOS, PA	NONMINORITY MALE	LEON, FL	\$2,500.00
BIBLER DESIGN DEVELOPMENT	NONMINORITY MALE	LEON, FL	\$3,800.00
BOUTIN BROWN REALTY ADVISORS INC	NONMINORITY MALE	LEON, FL	\$107,707.50
BRADLEY	NONMINORITY MALE	LEON, FL	\$560.00
BROWN AND BROWN PA	AFRICAN AMERICAN	LEON, FL	\$9,089.81
BRYANT MILLER & OLIVE PA	NONMINORITY MALE	LEON, FL	\$171,961.83
CARR ALLISON	NONMINORITY MALE	LEON, FL	\$241,767.93
CHARLES E HOBBS II, ESQ	AFRICAN AMERICAN	LEON, FL	\$420.00
CLINICAL PSYCHOLOGICAL SERVICES, INC	NONMINORITY MALE	LEON, FL	\$205.00
COMPUTER TUTORS USA INC	NONMINORITY FEMALE	LEON, FL	\$20,095.00
COOPER BYRNE BLUE & SCHWARTZ, LLC	NONMINORITY MALE	LEON, FL	\$90,364.11
CURETON-JOHNSON & ASSOCIATES	NONMINORITY MALE	LEON, FL	\$8,750.00
DAVID C HAWKINS, PLLC	NONMINORITY MALE	LEON, FL	\$16,686.25
DEBEAUBIEN KNIGHT SIMMONS MANTZARIS & NEAL, LLP	NONMINORITY MALE	LEON, FL	\$4,700.80
DIANE WILKENS PRODUCTIONS	NONMINORITY FEMALE	LEON, FL	\$750.00
DISASTERS, STRATEGIES AND IDEAS GROUP, LLC	NONMINORITY MALE	LEON, FL	\$49,757.64
DISKIN PROPERTY RESEARCH	NONMINORITY MALE	LEON, FL	\$64,368.86
EMPLOYEE MANAGEMENT SYSTEMS	NONMINORITY MALE	LEON, FL	\$7,280.00
FIXEL & MAGUIRE	NONMINORITY MALE	LEON, FL	\$9,567.00
FLORIDA PROPERTY CONSULTANTS GROUP	NONMINORITY MALE	LEON, FL	\$6,000.00
FOR THE RECORD REPORTING	NONMINORITY FEMALE	LEON, FL	\$112.50
FRANK E SHEFFIELD PA	NONMINORITY MALE	LEON, FL	\$29,635.50
GARDNER, BIST, WIENER, WADSWORTH & BOWDEN, P.A.	NONMINORITY MALE	LEON, FL	\$48,825.00
GENTRY & WAY PA	NONMINORITY FEMALE	LEON, FL	\$6,406.08
GREGORY J CUMMINGS	NONMINORITY MALE	LEON, FL	\$1,445.94
HENNINGSEN INVESTMENT INC	NONMINORITY MALE	LEON, FL	\$2,542.43
HERRLE COMMUNICATIONS GROUP	NONMINORITY FEMALE	LEON, FL	\$1,665.50
I S CONSULTING	NONMINORITY FEMALE	LEON, FL	\$30,160.00
INFINITY SOFTWARE DEVELOPMENT	NONMINORITY MALE	LEON, FL	\$9,338.75
INOVIA CONSULTING GROUP	NONMINORITY MALE	LEON, FL	\$22,686.40
INTEGRITY PUBLIC FINANCE CONSULTING	NONMINORITY MALE	LEON, FL	\$22,300.00
JORDAN RESEARCH & CONSULTING	NONMINORITY MALE	LEON, FL	\$456.25
KETCHAM APPRAISAL GRP PA	NONMINORITY MALE	LEON, FL	\$114,348.45
KETCHAM REALTY GROUP, INC	NONMINORITY MALE	LEON, FL	\$75.00
KNOWLES & RANDOLPH PA	AFRICAN AMERICAN	LEON, FL	\$138,225.00
LAW OFFICES OF GARY ANTON, PA	NONMINORITY MALE	LEON, FL	\$1,911.40
LEWIS LONGMAN & WALKER P.A.	NONMINORITY MALE	LEON, FL	\$178,693.10
MCGLYNN LABORATORIES	NONMINORITY FEMALE	LEON, FL	\$430,440.13
MERIT REPORTING	NONMINORITY FEMALE	LEON, FL	\$145.00
MESSER CAPARELLO & SELF	NONMINORITY MALE	LEON, FL	\$2,287.04
MGT OF AMERICA INC	NONMINORITY MALE	LEON, FL	\$60,310.70

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
MOORE CONSULTING GROUP	NONMINORITY FEMALE	LEON, FL	\$3,000.00
NABORS GIBLIN & NICKERSON PA	NONMINORITY MALE	LEON, FL	\$63,178.12
PARTNERS IN COMMUNICATION	NONMINORITY FEMALE	LEON, FL	\$4,162.50
PAUL CONSULTING INC	NONMINORITY MALE	LEON, FL	\$1,413,875.00
PROFESSIONAL PRACTICE SOLUTIONS, LLC	NONMINORITY FEMALE	LEON, FL	\$10,885.00
REMILLARD LAW FIRM, P.A.	NONMINORITY MALE	LEON, FL	\$1,168.75
RICHARD A GREENBERG ATTY	NONMINORITY MALE	LEON, FL	\$1,002.31
ROGERS, ATKINS, GUNTERE & ASSOCIATES	NONMINORITY MALE	LEON, FL	\$3,850.00
ROSE, SUNDBSTROM & BENTLEY, LLP	NONMINORITY MALE	LEON, FL	\$23,788.66
ROTHENBERG, LOUIS PAUL	NONMINORITY MALE	LEON, FL	\$331.50
ROUMELIS PLANNING & DEVELOP SERVICES INC	NONMINORITY FEMALE	LEON, FL	\$10,780.91
SAVLOV & ANDERSON	NONMINORITY MALE	LEON, FL	\$9,716.00
SHUTTS & BOWEN LLP	NONMINORITY MALE	LEON, FL	\$159,000.00
SMITH THOMPSON SHAW P A	NONMINORITY FEMALE	LEON, FL	\$6,496.50
TALLAHASSEE LAND CO INC	NONMINORITY MALE	LEON, FL	\$962.50
THE DYE LAW FIRM P.A.	NONMINORITY MALE	LEON, FL	\$4,905.00
THOMAS HOWELL FERGUSON PA	NONMINORITY MALE	LEON, FL	\$759,552.29
TRACY P. MOYE, P.A.	NONMINORITY FEMALE	LEON, FL	\$970.12
TROY FAIN INSURANCE INC	NONMINORITY MALE	LEON, FL	\$185.88
UZZELL ADVERTISING	AFRICAN AMERICAN	LEON, FL	\$30,000.00
VAUSE'S PROCESS SERVICE	NONMINORITY MALE	LEON, FL	\$3,633.00
WILLIAMS, WILSON, & SEXTON PA	AFRICAN AMERICAN	LEON, FL	\$3,694.80

Utilization Details - Other Services

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
A AND A CLEANING	NONMINORITY MALE	LEON, FL	\$12,415.00
A BLIND DECOR	NONMINORITY MALE	LEON, FL	\$2,939.80
A MAN WITH A VAN INC	NONMINORITY MALE	LEON, FL	\$189.00
AAA TO ZEE	NONMINORITY MALE	LEON, FL	\$4,266.30
AAA TREE SERVICE INC	NONMINORITY MALE	LEON, FL	\$39,445.00
ABRAHAM GEORGE PATIO	NONMINORITY MALE	LEON, FL	\$5,939.00
ACCENT OFFICE PLANNERS INC	NONMINORITY FEMALE	LEON, FL	\$21,625.10
ACTION LEGAL COPY SERVICE INC	NONMINORITY MALE	LEON, FL	\$10.00
ADAM'S TREES	NONMINORITY MALE	LEON, FL	\$300.00
ADVANCED GRAPHICS TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	\$555.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	\$6,450.00
AFFINITY DESIGN GROUP	NONMINORITY FEMALE	LEON, FL	\$157.60
AIR TECH	NONMINORITY MALE	LEON, FL	\$450.00
ALL PRO LANDSCAPING	NONMINORITY MALE	LEON, FL	\$33,034.15
ALL-AMERICAN CARPET & UPHOLSTERY CLEANING INC	NONMINORITY MALE	LEON, FL	\$260.00
ALPHA BUSINESS FORMS	NONMINORITY MALE	LEON, FL	\$16,795.44
ALPHA TRAVEL & TOURS INC	AFRICAN AMERICAN	LEON, FL	\$2,156.90
AMERICAN CLUTCH REBUILDERS	NONMINORITY MALE	LEON, FL	\$1,526.45
AMERICAN EXTERIOR CLEANING COMPANY	NONMINORITY MALE	LEON, FL	\$1,970.00
AMERICAN FENCE CO	NONMINORITY MALE	GADSDEN, FL	\$31,478.60
AMERICAN PHOTOGRAPHY SERVICES	AFRICAN AMERICAN	LEON, FL	\$165.00
ANDREWS	NONMINORITY MALE	LEON, FL	\$708.50
ASTRO TRAVEL AND TOURS	NONMINORITY MALE	LEON, FL	\$1,262.50
B&T FENCING INC	NONMINORITY MALE	LEON, FL	\$1,100.00
BAKER LANDSCAPE & IRRIGATION INC.	NONMINORITY FEMALE	LEON, FL	\$2,749.00
BARRY GROSS PHOTOGRAPHY	NONMINORITY MALE	LEON, FL	\$3,437.00
BEGGS FUNERAL HOME INC	NONMINORITY MALE	LEON, FL	\$250.00
BIG BEND GARAGE DOOR SERVICE	NONMINORITY MALE	LEON, FL	\$19,750.00
BIG BEND TRANSIT INC	NONMINORITY MALE	LEON, FL	\$590.15
BILL'S CARPET CARE	NONMINORITY MALE	LEON, FL	\$25,253.95
BONE DRY RESTORATION AND CLEANING	NONMINORITY MALE	LEON, FL	\$8,782.86
BRIAN S HURLEY & ASSOCIATES INC	NONMINORITY MALE	LEON, FL	\$967.22
BRIAN'S SEPTIC SERVICE	NONMINORITY MALE	LEON, FL	\$2,260.00
BRIDGES TREE SERVICE INC	NONMINORITY MALE	LEON, FL	\$3,300.00
BROWNS PAINT & BODY SHOP	AFRICAN AMERICAN	LEON, FL	\$8,975.46
BROWN'S REFRIGERATION & EQUIPMENT CO, INC	NONMINORITY MALE	LEON, FL	\$4,760.68
BRUCE'S KEY & LOCK INC	NATIVE AMERICAN	LEON, FL	\$3,696.37
B'S ICE CREAM	NONMINORITY MALE	LEON, FL	\$1,363.73
BUDDY'S SEPTIC TANK SERV	NONMINORITY MALE	LEON, FL	\$200.00
BUDGET PRINTING CENTERS	NONMINORITY MALE	LEON, FL	\$56,220.56
BUSINESS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$5,764.50
C & L ASSOCIATES	NONMINORITY FEMALE	LEON, FL	\$2,109,824.45
C & L WELL AND PUMP SERVICE	NONMINORITY MALE	LEON, FL	\$1,920.00
C & M IRRIGATION & LAWN SERVICE	NONMINORITY MALE	LEON, FL	\$50.00
C & M LANDSCAPE & IRRIGATION	NONMINORITY MALE	LEON, FL	\$9,325.00
CAPITAL BUSINESS INTERIORS	NONMINORITY FEMALE	LEON, FL	\$7,560.69

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
CAPITAL CITY BLACK PAGES	AFRICAN AMERICAN	LEON, FL	\$3,000.00
CAPITAL CITY RADIATOR SHP	NONMINORITY MALE	LEON, FL	\$536.50
CAPITAL CITY STAMPS	NONMINORITY FEMALE	LEON, FL	\$656.50
CAPITAL GLASS TINTING,INC	NONMINORITY MALE	LEON, FL	\$684.29
CAPITAL HYDRAULICS	NONMINORITY MALE	LEON, FL	\$26,565.35
CAPITAL OUTLOOK NEWSPAPER	AFRICAN AMERICAN	LEON, FL	\$19,888.00
CAPITAL TREE SERVICE	NONMINORITY MALE	LEON, FL	\$5,650.00
CAPITAL TRUCK INC	NONMINORITY MALE	LEON, FL	\$3,632.11
CAPITOL GLASS AND TINTING, INC.	AFRICAN AMERICAN	LEON, FL	\$4,290.75
CAPITOL WINDOW CENTER	NONMINORITY MALE	LEON, FL	\$490.83
CARLSON WAGONLIT TRAVEL	NONMINORITY FEMALE	LEON, FL	\$437.79
CITY BLUE COPY & MAIL CENTER	NONMINORITY MALE	LEON, FL	\$13,000.18
COMMERCIAL CLEANING ASSOCIATES	NONMINORITY MALE	LEON, FL	\$400.00
COMMERCIAL PRINT & COPY	NONMINORITY MALE	LEON, FL	\$368.00
CONFIDENTIAL SHREDDING & RECYCLING, INC.	NONMINORITY FEMALE	LEON, FL	\$18,265.00
CORRY CABINET COMPANY	NONMINORITY MALE	GADSDEN, FL	\$17,763.00
COVER TIME UPHOLSTERY, INC	NONMINORITY MALE	LEON, FL	\$1,565.00
CREATE IT ENTERPRISES	NONMINORITY MALE	LEON, FL	\$5,000.00
CRICKETS TREE SREVICE	NONMINORITY MALE	LEON, FL	\$6,150.00
CULLEY'S MEADOWWOOD FUNERAL HOME	NONMINORITY MALE	LEON, FL	\$250.00
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	\$1,068.00
DAVIS SAFE & LOCK INC	NONMINORITY MALE	LEON, FL	\$14,644.60
DICKIES TREE SERVICE	NONMINORITY MALE	LEON, FL	\$2,820.00
DJKT ENTERPRISES INC	NONMINORITY MALE	LEON, FL	\$83.00
DON HENSLEY'S LANDSCAPE AND LAWN SERVICE	NONMINORITY MALE	LEON, FL	\$86,027.82
DON SIRMONS ALIGNMENT & BRAKE INC	NONMINORITY MALE	LEON, FL	\$63.50
DOUG'S WINDOW CLEANING	NONMINORITY MALE	LEON, FL	\$2,850.00
DUCT MASTER	NONMINORITY MALE	LEON, FL	\$550.00
EDDIE NATHAN PAINTING	AFRICAN AMERICAN	LEON, FL	\$3,425.00
ELLIS TREE SERVICE	NONMINORITY MALE	LEON, FL	\$485.00
ELSASSERS'S LOCK & KEY	NONMINORITY MALE	LEON, FL	\$1,404.00
ELUSTER RICHARDSON INC	AFRICAN AMERICAN	LEON, FL	\$300.00
EMMETT BELL'S TREE SERVICE	NONMINORITY MALE	LEON, FL	\$3,600.00
ENGLAND FLORIST & GIFTS	NONMINORITY FEMALE	LEON, FL	\$3,453.50
ESTES SEAL COATING	NONMINORITY MALE	LEON, FL	\$16,115.00
EVANS SURECUT LANDSCAPING	AFRICAN AMERICAN	GADSDEN, FL	\$47,795.97
EXPRESS COPY & PRINTING	ASIAN AMERICAN	LEON, FL	\$3,671.80
EXPRESSIT INC	NONMINORITY FEMALE	LEON, FL	\$1,382.45
FAMILY FUN RENTALS	NONMINORITY MALE	LEON, FL	\$90.00
FISH WINDOW CLEANING	NONMINORITY MALE	LEON, FL	\$378.00
FLORIDA FENCE AND DECK	NONMINORITY MALE	LEON, FL	\$132,684.47
FLORIDA PEST CONTROL &	NONMINORITY MALE	LEON, FL	\$175.00
FLORIDA ROOFING & SHEET METAL WORKS, INC	NONMINORITY MALE	LEON, FL	\$6,637.81
FULL MOON SIGNS & GRAPHIC	NONMINORITY MALE	LEON, FL	\$20,590.75
GANDY PRINTERS	NONMINORITY MALE	LEON, FL	\$21,645.64
GANT ASSOCIATES INC	AFRICAN AMERICAN	LEON, FL	\$36,200.00
GASKIN IRRIGATION AND LANDSCAPE	NONMINORITY MALE	LEON, FL	\$42,496.61
GIBSON SAW REPAIR	NONMINORITY MALE	LEON, FL	\$232.50
GLASS PRO SHOP INC	NONMINORITY MALE	LEON, FL	\$12,869.93

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
GRAMLING'S INC.	NONMINORITY MALE	LEON, FL	\$8,530.96
GRAPHATERIA	NONMINORITY FEMALE	LEON, FL	\$4,302.06
GREENWAY LAWN CARE	NONMINORITY MALE	LEON, FL	\$950.00
GULF COAST PAINTING	AFRICAN AMERICAN	LEON, FL	\$27,830.00
H&S SERVICES OF N FLORIDA	AFRICAN AMERICAN	LEON, FL	\$10,822.50
HARMON AUTOGLASS	NONMINORITY MALE	LEON, FL	\$571.27
HARTSFIELD ELECTRIC CO.	NONMINORITY MALE	LEON, FL	\$3,108.00
HARVEST PRINTING & COPY	HISPANIC AMERICAN	LEON, FL	\$9,795.08
HEAVENLY CATERING	AFRICAN AMERICAN	LEON, FL	\$4,781.61
HELGA'S TAILORING	NONMINORITY FEMALE	LEON, FL	\$5,454.00
HIRE QUEST, LLC DBA TROJAN LABOR	NONMINORITY MALE	LEON, FL	\$469,152.70
HOUSE OF BROWN'S FUNERAL SERVICES INC	AFRICAN AMERICAN	LEON, FL	\$1,250.00
HUNTERS TREE SERVICE	NONMINORITY MALE	LEON, FL	\$2,000.00
ILG RESTAURANT LLC	NONMINORITY MALE	LEON, FL	\$352.00
INLINE LANDSCAPE INC	NONMINORITY MALE	LEON, FL	\$49,225.00
INSTY PRINTS	NONMINORITY FEMALE	LEON, FL	\$1,657.00
J & R PRINTERS	AFRICAN AMERICAN	LEON, FL	\$34,807.45
JEFF KYNOCH PAINTING	NONMINORITY MALE	LEON, FL	\$22,210.00
JERRYS AUTO & INDUSTRIAL ELECTRIC INC	NONMINORITY MALE	LEON, FL	\$8,133.43
JIMMIE WILSON PAINTING	AFRICAN AMERICAN	LEON, FL	\$1,162.00
JONES AUTO ELECTRIC, INC	NONMINORITY MALE	LEON, FL	\$1,121.85
JOYNER ELECTRIC INC	NONMINORITY MALE	LEON, FL	\$2,274.21
KIM'S FURNITURE REPAIR	NONMINORITY FEMALE	LEON, FL	\$1,322.00
KINKO'S THE COPY CENTER	NONMINORITY MALE	LEON, FL	\$564.43
LAB WORKS,LLC	NONMINORITY MALE	LEON, FL	\$4,190.41
LARRY'S PUMP SERVICE	NONMINORITY MALE	LEON, FL	\$168.60
LAWN KEEPERS	AFRICAN AMERICAN	LEON, FL	\$121,415.03
LEGAL EASE TEMP SERVICES INC	NONMINORITY MALE	LEON, FL	\$13,270.50
LEON SCREENING & REPAIR INC	NONMINORITY MALE	LEON, FL	\$34.00
LEVINGS & ASSOCIATES, INC.	HISPANIC AMERICAN	LEON, FL	\$1,071.00
LISA'S PAINT & BODY SHOP	NONMINORITY FEMALE	LEON, FL	\$5,552.79
M & L BRAKE & ALIGNMENT	NONMINORITY MALE	LEON, FL	\$11,087.54
MACK CROUNSE GROUP	NONMINORITY MALE	LEON, FL	\$54,223.00
MACK'S LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	\$178,895.48
MADISON LAWN SERVICE	AFRICAN AMERICAN	LEON, FL	\$1,000.00
MAINTENANCE & MORE	NONMINORITY MALE	LEON, FL	\$924.50
MARIE LIVINGSTON'S STEAKHOUSE	NONMINORITY FEMALE	LEON, FL	\$735.00
MARK'S LAWN MAINTENANCE INC	NONMINORITY MALE	LEON, FL	\$1,150.00
MCNEILL SEPTIC TANK COMPANY INC	NONMINORITY MALE	LEON, FL	\$3,575.00
METRO DELI/ELITE DELI & CATERING	NONMINORITY MALE	LEON, FL	\$456.80
MIKE VASILINDA PRODUCTIONS INC	NONMINORITY MALE	LEON, FL	\$9,346.25
MIKE'S MOVING	NONMINORITY MALE	LEON, FL	\$2,219.01
MILLS WELL DRILLING & PUMP SERVICES, INC.	NONMINORITY MALE	LEON, FL	\$9,375.00
MODERN MAILERS INC	NONMINORITY MALE	LEON, FL	\$3,845.90
MOWER MENDERS, INC	NONMINORITY MALE	LEON, FL	\$1,199.17
NATIONWIDE TRANSMISSION	NONMINORITY MALE	LEON, FL	\$27,385.55
NATURES FINEST	HISPANIC AMERICAN	LEON, FL	\$308,222.24
NATURE'S NEEDS	NONMINORITY MALE	LEON, FL	\$11,800.00
NE-RO TIRE AND BRAKE SERVICE, INC.	NONMINORITY MALE	LEON, FL	\$205.96

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
NEWMAN'S AUTO AIR	NONMINORITY MALE	LEON, FL	\$1,570.00
NORTHSIDE MOWER	NONMINORITY MALE	LEON, FL	\$229.50
PARKER SERVICE	NONMINORITY MALE	LEON, FL	\$5,055.00
PARKWAY WRECKER SERVICE	NONMINORITY MALE	LEON, FL	\$44,155.90
PERSICA LANDSCAPING CO INC	NONMINORITY MALE	LEON, FL	\$40,276.00
PO` BOYS CREOLE CAFE	NONMINORITY MALE	LEON, FL	\$1,739.34
PRECISION MOBILE SHARPENING SRVC	NONMINORITY MALE	LEON, FL	\$265.98
PROTECTION SERVICES, INC	NONMINORITY MALE	LEON, FL	\$240.00
PROTOCOL COMMUNICATIONS INC	NONMINORITY MALE	WAKULLA, FL	\$3,450.00
PYRAMID EXCAVATION, INC. (ADA) TIM'S HAULING AND TRACTOR SER	NONMINORITY MALE	GADSDEN, FL	\$141,963.60
RAY'S GLASS SERVICE	NONMINORITY MALE	LEON, FL	\$919.42
REX THOMAS PEST CONTROL	NONMINORITY MALE	LEON, FL	\$5,945.00
RIGGINS FENCE CO	NONMINORITY MALE	LEON, FL	\$5,471.00
ROBERT THOMAS FURNITURE REFINISHING	NONMINORITY MALE	LEON, FL	\$8,360.00
ROBERT WILSON/WILSONS BBQ & CATERING	AFRICAN AMERICAN	LEON, FL	\$14,502.25
ROSSELOT'S REMODELING	NONMINORITY MALE	LEON, FL	\$73.09
ROWE DRILLING CO INC	NONMINORITY MALE	LEON, FL	\$204.00
RUSSELL DANIEL IRRIGATION	NONMINORITY MALE	GADSDEN, FL	\$65,926.90
S&T PAINTING	AFRICAN AMERICAN	LEON, FL	\$113,300.00
SAULS SIGNS	NONMINORITY MALE	LEON, FL	\$55.00
SERVICE PLUS INC	NONMINORITY MALE	LEON, FL	\$363,451.21
SESSALY ROSE TRANSIT	AFRICAN AMERICAN	LEON, FL	\$875.00
SHEFFIELD AUTO & TRUCK BODY SHOP, INC.	NONMINORITY MALE	LEON, FL	\$10,838.57
SHEFFIELD'S BODY SHOP	AFRICAN AMERICAN	LEON, FL	\$2,288.35
SIEMENS	NONMINORITY MALE	LEON, FL	\$73.00
SILVER PRODUCTIONS	NONMINORITY MALE	LEON, FL	\$2,300.00
SIMMONS MOVING & STORAGE INC	NONMINORITY MALE	LEON, FL	\$1,550.00
SIR SPEEDY PRINTING	NONMINORITY MALE	LEON, FL	\$42.48
SKELDING & COX	NONMINORITY MALE	LEON, FL	\$40,000.00
SOFT TOUCH CAR WASH OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$2,430.22
SOFTWARE SOLUTIONS NOW	NONMINORITY FEMALE	LEON, FL	\$250.00
SOLOMAN'S PAINTING AND PRESSURE WASHING SERVICES	AFRICAN AMERICAN	LEON, FL	\$800.00
SONITROL OF TALLAHASSEE INC	NONMINORITY MALE	LEON, FL	\$509,088.82
SOUTHERN TRADITION LANDSCAPING	NONMINORITY MALE	LEON, FL	\$11,476.00
SOUTHSIDE MOWER & MAGNETO INC	NONMINORITY MALE	LEON, FL	\$58,691.81
STEAM MASTER	NONMINORITY MALE	LEON, FL	\$30.00
STEREO SALES	NONMINORITY MALE	LEON, FL	\$703.29
STRIPES UNLIMITED	NONMINORITY MALE	LEON, FL	\$854.00
STRONG AND JONES FUNERAL HOME INC	AFRICAN AMERICAN	LEON, FL	\$7,750.00
SUN COAST ELECTRIC NETWORKING	NONMINORITY MALE	LEON, FL	\$1,528.50
SUPERGLASS WINSHIELD REPAIR	NONMINORITY MALE	LEON, FL	\$520.00
SUPER-SUDS	NONMINORITY MALE	LEON, FL	\$34.85
SUZANNE DIAMBRA LANDSCAPING INC.	NONMINORITY FEMALE	LEON, FL	\$5,497.50
SWEETPEAS CAFE' & CATERING	NONMINORITY MALE	LEON, FL	\$1,450.00
TALAHASSEE FINEST WINDOW CLEANING CO.	NONMINORITY MALE	LEON, FL	\$29,409.00
TALLAHASSEE DEMOCRAT	NONMINORITY MALE	LEON, FL	\$4,782.79
TALLAHASSEE HYDRAULIC INC	NONMINORITY MALE	LEON, FL	\$728.80
TALLAHASSEE PAINT AND BODY SHOP	NONMINORITY MALE	LEON, FL	\$81,440.70
TALLAHASSEE WELDING & MACHINE SHOP INC	NONMINORITY FEMALE	LEON, FL	\$44,895.22

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
TARGET COPY	NONMINORITY FEMALE	LEON, FL	\$13,253.71
TASTE BUDS	NONMINORITY FEMALE	LEON, FL	\$3,880.85
TAYLOR JANITORIAL SERVICES	AFRICAN AMERICAN	LEON, FL	\$147,513.26
TERMINAL SERVICE COMPANY	NONMINORITY MALE	LEON, FL	\$1,025.65
THE BLUEPRINT SHOP	NONMINORITY MALE	LEON, FL	\$5.00
THE COPY SHOP	NONMINORITY FEMALE	LEON, FL	\$3,174.62
THE FINISHING TOUCH	AFRICAN AMERICAN	LEON, FL	\$22,426.00
THE HONEY BAKED HAM COMPANY AND CAFE	NONMINORITY MALE	LEON, FL	\$974.70
THE PRINTERY	NONMINORITY FEMALE	LEON, FL	\$1,345.00
THE SEINEYARD SEAFOOD RESTAURANT	NONMINORITY MALE	LEON, FL	\$553.15
THINK CREATIVE	NONMINORITY MALE	LEON, FL	\$20,300.00
TIRES ON THE MOVE	NONMINORITY MALE	LEON, FL	\$128.00
TJG DISTRIBUTERS INC, DBA 1800 RADIATOR OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$568.28
UPTOWN CAFE	NONMINORITY MALE	LEON, FL	\$98.25
VIDEO TECH	NONMINORITY MALE	LEON, FL	\$75.00
VISUAL SOLUTIONS	NONMINORITY MALE	LEON, FL	\$1,828.00
W BUCKLEY REESE LANDSCAPING	NONMINORITY MALE	LEON, FL	\$7,553.96
WALKER BODY SHOP INC	NONMINORITY MALE	LEON, FL	\$279.50
WRIGHT WELDING	NONMINORITY MALE	LEON, FL	\$2,050.00

Utilization Details - Materials and Supplies

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
ACCENT BLINDS	NONMINORITY MALE	LEON, FL	\$395.00
ACCURATE AUTO & FLEET, INC	NONMINORITY FEMALE	LEON, FL	\$1,918.44
AD-ART SIGNS	NONMINORITY MALE	LEON, FL	\$1,235.00
ADVANCED BUSINESS SYSTEMS	NONMINORITY MALE	LEON, FL	\$113,509.81
ADVANCED DATA SYSTEMS	NONMINORITY MALE	LEON, FL	\$103,601.00
AEGIS COMPUTER SERVICES, INC.	NONMINORITY FEMALE	LEON, FL	\$6,450.00
ALEXANDER TRAILERS, LLC	NONMINORITY MALE	LEON, FL	\$4,200.00
ALL ABOUT GUTTERS	NONMINORITY MALE	GADSDEN, FL	\$200.00
ALL PRO EQUIPMENT	NONMINORITY MALE	LEON, FL	\$6,640.36
ALSCO INC	NONMINORITY MALE	LEON, FL	\$12,826.14
AMERICAN AUDIO VISUAL, INC	NONMINORITY MALE	LEON, FL	\$26,922.25
AMERICAN PUMP & SUPPLY	NONMINORITY MALE	LEON, FL	\$14,462.70
ARCHITECTURAL HARDWARE PRODUCTS INC	NONMINORITY MALE	LEON, FL	\$430.00
ARTISTIC FLOWERS	NONMINORITY MALE	LEON, FL	\$109.50
ASHLEY FEED STORE	NONMINORITY MALE	LEON, FL	\$259.00
ASSOCIATED SERVICES AND SUPPLIES, INC.	NONMINORITY FEMALE	LEON, FL	\$320,220.78
AWARDS 4 U	NONMINORITY MALE	LEON, FL	\$10,098.23
B & B SPORTING GOODS INC	NONMINORITY FEMALE	LEON, FL	\$949.75
B & T SMALL ENGINES	NONMINORITY MALE	LEON, FL	\$4,221.00
BENTON PRODUCTS	NONMINORITY MALE	LEON, FL	\$589.75
BILL'S SIGNS	NONMINORITY MALE	LEON, FL	\$401.81
BLOSSOM'S FLOWERS	NONMINORITY MALE	LEON, FL	\$535.61
BOATWRIGHT TIMBER SERVICE	NONMINORITY MALE	LEON, FL	\$75.00
BRADLEY	NONMINORITY MALE	LEON, FL	\$560.00
BRADLEY POND LLC	NONMINORITY MALE	LEON, FL	\$1,000.00
BRIAN BARNARD'S FLOORING AMERICA INC	NONMINORITY MALE	LEON, FL	\$6,722.42
BURKES TRACTOR WORKS, LLC	NONMINORITY MALE	GADSDEN, FL	\$117,216.96
CABINETS FROM PARKER	NONMINORITY MALE	LEON, FL	\$12,741.60
CAPITAL CITY LUMBER COMPANY INC	NONMINORITY MALE	LEON, FL	\$45.00
CAPITAL HITCH SERVICE	NONMINORITY MALE	LEON, FL	\$4,673.16
CAPITAL RUBBER & INDUSTRIAL SUPPLY CO INC	NONMINORITY MALE	LEON, FL	\$19,621.43
CARPET STUDIO INC	NONMINORITY MALE	LEON, FL	\$33,400.86
CARQUEST AUTO PARTS	NONMINORITY MALE	LEON, FL	\$80,484.27
CARROLLS BOOT COUNTRY	NONMINORITY MALE	LEON, FL	\$1,437.05
CELLULAR SALES	NONMINORITY MALE	LEON, FL	\$53.97
COASTAL WATER SYSTEMS	NONMINORITY MALE	LEON, FL	\$2,431.00
COLLIER INTERIORS	NONMINORITY MALE	LEON, FL	\$1,925.71
COMPUSA INC	NONMINORITY MALE	LEON, FL	\$14,428.93
CONNIE LILES AUTO PARTS	NONMINORITY FEMALE	LEON, FL	\$93.13
CONTRACT HARDWARE OF FLORIDA	NONMINORITY MALE	LEON, FL	\$114,498.21
COPYFAX 2000, INC	NONMINORITY MALE	LEON, FL	\$590.00
CORNERSTONE TOOL & FASTENER INC	NONMINORITY FEMALE	LEON, FL	\$48,226.19
CROSS CREEK CENTER	NONMINORITY MALE	LEON, FL	\$121,976.04
CUSHING SPECIALTY CO. INC.	NONMINORITY MALE	LEON, FL	\$1,068.00
CUSTOM GUTTER CORPORATION	NONMINORITY MALE	LEON, FL	\$739.00
CYPRESS PUBLICATIONS	NONMINORITY MALE	LEON, FL	\$10.36

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
DACAR FIRE PROTECTION SYSTEMS, INC	NONMINORITY MALE	LEON, FL	\$1,428.00
DELTA TECHNOLOGIES INC	NONMINORITY MALE	LEON, FL	\$981,783.10
DIAL COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$1,194.50
DOCS (DEANNE'S OFFICE SUPPLY)	NONMINORITY FEMALE	LEON, FL	\$292,086.37
DOOR PRODUCTS	NONMINORITY MALE	LEON, FL	\$78,081.20
ELI ROBERTS & SONS INC	NONMINORITY MALE	LEON, FL	\$6,132,079.02
ELINOR DOYLE FLORIST	NONMINORITY MALE	LEON, FL	\$63.96
EMERALD COAST RV CENTER	NONMINORITY MALE	GADSDEN, FL	\$4.56
ENGINEERING & EQUIPMENT CO	NONMINORITY MALE	LEON, FL	\$23,384.38
ESPOSITO GARDEN SERVICE	NONMINORITY MALE	LEON, FL	\$69,963.26
EXECUTIVE OFFICE FURNITURE INC	NONMINORITY FEMALE	LEON, FL	\$145,818.42
FAST SIGNS	NONMINORITY MALE	LEON, FL	\$2,968.75
FLEET SUPPLY INC	NONMINORITY MALE	LEON, FL	\$11,483.01
FLORIDA FARM & FEED INC	NONMINORITY MALE	LEON, FL	\$3,662.30
FOURAKER ELECTRONICS INC	NONMINORITY MALE	LEON, FL	\$587.83
FULL PRESS APPAREL,INC	NONMINORITY MALE	LEON, FL	\$2,475.00
G & M ENTERPRISES	AFRICAN AMERICAN	LEON, FL	\$308.35
G WILLIE'S UNIFORM	NONMINORITY FEMALE	LEON, FL	\$31,938.18
GARDEN PRODUCTS	AFRICAN AMERICAN	LEON, FL	\$21,760.00
GEORGIA-FLORIDA BURGLAR ALARM COMPANY	NONMINORITY MALE	LEON, FL	\$50,564.59
GLASS SERVICE CENTER	NONMINORITY MALE	LEON, FL	\$4,125.24
GRAPHICS BUSINESS SYSTEMS	NONMINORITY FEMALE	LEON, FL	\$1,950.00
GRIMES CRANE SERVICE	NONMINORITY MALE	LEON, FL	\$45,345.00
GULF ATLANTIC CULVERT CO	NONMINORITY MALE	LEON, FL	\$7,983.60
GULF COAST LUMBER & SUPPLY INC	NONMINORITY MALE	LEON, FL	\$10,410.49
HAVANA SOD & PALLET, INC	NONMINORITY MALE	LEON, FL	\$750.00
HAYES COMPUTER SYSTEMS	NONMINORITY FEMALE	LEON, FL	\$649,667.86
HD SUPPLY WATERWORKS,LTD	NONMINORITY MALE	LEON, FL	\$3,093.37
HEINZ BROTHERS NURSERY	NONMINORITY MALE	LEON, FL	\$813.00
HOLLEY INC	NONMINORITY MALE	LEON, FL	\$16,813.97
HOWDY'S RENT A TOILET	NONMINORITY MALE	LEON, FL	\$2,542.50
HUGHES SUPPLY	NONMINORITY MALE	LEON, FL	\$1,801.11
INSIGHT DIRECT	NONMINORITY MALE	LEON, FL	\$20,991.30
INTERSTATE BATTERY SYSTEM	NONMINORITY MALE	LEON, FL	\$3,377.54
INTERSTATE FIRE SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$5,633.39
JH DOWLING INC	NONMINORITY MALE	LEON, FL	\$39,670.46
JOHNSON'S LUMBER & SUPPLY, INC.	NONMINORITY MALE	LEON, FL	\$1,267.67
JOHNSTONE SUPPLY	NONMINORITY MALE	LEON, FL	\$24,166.51
JUST RIGHT SUPPLY INC	NONMINORITY MALE	LEON, FL	\$8,437.68
KEENS PORTABLE BUILDING	NONMINORITY MALE	LEON, FL	\$1,150.00
KELLY BROS SHEET METAL	NONMINORITY MALE	LEON, FL	\$339.00
LANDMARK SYSTEMS	NONMINORITY MALE	LEON, FL	\$8,335.00
LEE TRAILER SALES	NONMINORITY MALE	LEON, FL	\$46,802.64
LESCO-PROX	NONMINORITY MALE	LEON, FL	\$41,142.41
LPS RENTALS INC	NONMINORITY MALE	LEON, FL	\$84,000.00
MACK BROTHERS LANDSCAPE NURSERY	AFRICAN AMERICAN	LEON, FL	\$17,747.65
MANNING & SMITH TILE CO. INC.	NONMINORITY MALE	LEON, FL	\$17,995.25
MARPAN SUPPLY CO	NONMINORITY MALE	LEON, FL	\$308,363.65
MAYS MUNROE INC	NONMINORITY MALE	LEON, FL	\$5,222.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE AMT
MCGEE TIRE STORES	NONMINORITY MALE	LEON, FL	\$2,081.64
MCNAMARA TRAILERS	NONMINORITY MALE	LEON, FL	\$2,175.00
METAL FABRICATION & SALES OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$5,321.99
MILLER GLASS	NONMINORITY MALE	LEON, FL	\$52,495.00
MILLER SEPTIC TANKS	NONMINORITY MALE	LEON, FL	\$2,350.00
MILLER SHEET METAL	NONMINORITY MALE	LEON, FL	\$15,834.03
MITCHELL BROTHERS	NONMINORITY MALE	LEON, FL	\$455.82
MODERN CABINETS & FIXTURES INC	NONMINORITY MALE	LEON, FL	\$3,300.00
MULVANEYS	NONMINORITY MALE	LEON, FL	\$5,066.57
MUSICMASTERS	NONMINORITY MALE	LEON, FL	\$10,611.29
NATIVE NURSERIES	NONMINORITY MALE	LEON, FL	\$32,064.30
NEECE TRUCK TIRE CENTER INC	NONMINORITY MALE	LEON, FL	\$88,073.32
NORTHLAND MFG INC	NONMINORITY MALE	LEON, FL	\$4,020.63
OFFICE BUSINESS SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$15,839.83
OFFICE EQUIPMENT SOLUTIONS	NONMINORITY MALE	LEON, FL	\$4,275.00
OFFICE SYSTEMS CONSULTANTS INC.	NONMINORITY FEMALE	LEON, FL	\$9,668.96
ONE HOUR SIGNS & DESIGNS	NONMINORITY MALE	LEON, FL	\$4,642.84
OSCEOLA SUPPLY, INC.	NONMINORITY FEMALE	LEON, FL	\$273.20
PANTHER CREEK SOD FARMS	NONMINORITY MALE	LEON, FL	\$705.00
PARAMEDICAL SERVICES INC	NONMINORITY MALE	LEON, FL	\$43,362.75
PAUL PRODUCTS COMPANY (PPC)	NONMINORITY MALE	LEON, FL	\$1,232.75
PEDDIE CHEMICAL COMPANY	NONMINORITY MALE	LEON, FL	\$30,531.09
PIT STOP PORTABLE TOILETS OF TALLAHASSEE	NONMINORITY MALE	LEON, FL	\$33,565.63
PLANTS & DESIGN	NONMINORITY MALE	LEON, FL	\$1,273.92
POINT GLASS & METAL	NONMINORITY MALE	LEON, FL	\$2,012.00
POLY ASPHALT INC	NONMINORITY MALE	WAKULLA, FL	\$86,330.36
PROCTOR & PROCTOR INC	NONMINORITY MALE	LEON, FL	\$89,598.89
PROFESSIONAL SAFETY EDUCATORS,INC	NONMINORITY MALE	LEON, FL	\$49,288.90
QUALITY WATER SUPPLY	NONMINORITY MALE	LEON, FL	\$9,063.12
R&R CORPORATE SYSTEMS,INC	AFRICAN AMERICAN	LEON, FL	\$55,809.75
RAY LYNN DISTRIBUTORS	NONMINORITY MALE	LEON, FL	\$50.00
RED ENTERPRISES	NONMINORITY MALE	LEON, FL	\$2,595.41
REVELL	NONMINORITY MALE	LEON, FL	\$180.00
REXEL SOUTHERN	NONMINORITY MALE	LEON, FL	\$82,681.37
RING RENT	NONMINORITY MALE	LEON, FL	\$1,606.25
RIVERS BAIT & TACKLE	NONMINORITY MALE	LEON, FL	\$210.00
ROMAC LUMBER	NONMINORITY MALE	LEON, FL	\$24,725.29
ROSEMOUNT % EXECUTIVE OFFICE FURNITURE	NONMINORITY MALE	LEON, FL	\$8,641.10
ROWLAND PUBLISHING INC	NONMINORITY MALE	LEON, FL	\$1,408.50
ROYSTER'S STORAGE VAN RENTALS, INC.	NONMINORITY MALE	LEON, FL	\$3,385.00
RUPPSHIRTS, INC	NONMINORITY MALE	LEON, FL	\$7,347.00
SCAN HAUS	NONMINORITY MALE	LEON, FL	\$1,982.00
SEACOAST SUPPLY	NONMINORITY MALE	LEON, FL	\$109,337.29
SGT RENTALS AND SALES	NONMINORITY MALE	LEON, FL	\$9,400.00
SHERWIN WILLIAMS	NONMINORITY MALE	LEON, FL	\$2,330.39
SIGNPRINTERS	NONMINORITY MALE	LEON, FL	\$2,085.05
SIGNS NOW	NONMINORITY MALE	LEON, FL	\$8,349.37
SIGNS UNLIMITED	NONMINORITY FEMALE	LEON, FL	\$11.00
SIMPLER SOLAR SYSTEMS INC	NONMINORITY MALE	LEON, FL	\$3,810.00

VENDOR NAME	ETHNICITY	COUNTY_STATE	EXPENDITURE
			AMT
SOUTH GEORGIA BRICK	NONMINORITY MALE	LEON, FL	\$189.00
SOUTHEAST DIGITAL NETWORKS	NONMINORITY MALE	LEON, FL	\$1,124.26
SOUTHEAST PROPANE	NONMINORITY MALE	LEON, FL	\$1,823.79
STEVE ROSS SHEETMETAL	NONMINORITY MALE	LEON, FL	\$930.00
SUNFLOWER SMALL ENGINES	NONMINORITY MALE	LEON, FL	\$7,339.10
SUPER SIGNS	NONMINORITY MALE	LEON, FL	\$185.00
TALLAHASSEE CAMERA & IMAGE CENTER	NONMINORITY MALE	LEON, FL	\$2,215.00
TALLAHASSEE ENGRAVING & AWARDS INC	NONMINORITY MALE	LEON, FL	\$1,451.50
TALLAHASSEE FORD LINCOLN MERCURY	NONMINORITY MALE	LEON, FL	\$50,347.52
TALLAHASSEE NURSERIES	NONMINORITY MALE	LEON, FL	\$1,801.63
TALLAHASSEE STAMP COMPANY	NONMINORITY MALE	LEON, FL	\$212.90
TALLAHASSEE TURF	NONMINORITY MALE	WAKULLA, FL	\$17,070.00
TALLAHASSEE WINAIR COMPANY	NONMINORITY MALE	LEON, FL	\$3,727.70
TERRY'S AWNING & CANVAS INC	NONMINORITY MALE	GADSDEN, FL	\$3,630.00
THE SWEET SHOP	NONMINORITY MALE	LEON, FL	\$245.00
THE CLOTHESLINE	NONMINORITY MALE	LEON, FL	\$8,064.44
THE PAINT CENTER	NONMINORITY MALE	LEON, FL	\$39,198.54
THE SAW-SAW PATCH COUNTRY WOODCRAFTS	NONMINORITY MALE	LEON, FL	\$640.00
THE SHOE BOX	NONMINORITY MALE	LEON, FL	\$50,312.17
THE STORAGE CENTER	NONMINORITY MALE	LEON, FL	\$5,636.00
TODDS GARAGE DOORS	NONMINORITY MALE	LEON, FL	\$1,300.00
TROPHY KING	NONMINORITY MALE	LEON, FL	\$15.90
TRUCK N' CAR CONCEPTS	NONMINORITY MALE	LEON, FL	\$17,289.50
TURNER SUPPLY COMPANY	NONMINORITY MALE	LEON, FL	\$2,172.17
ULTIMATE SOUND & LIGHT	NONMINORITY MALE	LEON, FL	\$2,589.72
WESLEY THIGPEN GENERAL SHEET METAL	NONMINORITY MALE	LEON, FL	\$210.00
WESTON TRAWICK, INC.	NONMINORITY MALE	LEON, FL	\$252.00
WHIDDON GLASS CO INC	NONMINORITY MALE	LEON, FL	\$11,852.38
WILEY AUTO PARTS	NONMINORITY MALE	LEON, FL	\$19.06
WILLIAMS COMMUNICATIONS	NONMINORITY FEMALE	LEON, FL	\$160.00
WILLIAMS COMMUNICATIONS	NONMINORITY MALE	LEON, FL	\$15,360.55
WILLIAMS PANHANDLE PROPANE	NONMINORITY MALE	LEON, FL	\$176.18
YOUR LOGO HERE	AFRICAN AMERICAN	LEON, FL	\$50.00

***APPENDIX B:
ANALYSIS OF RACE/GENDER/
ETHNICITY EFFECTS ON
SELF-EMPLOYMENT
PROPENSITY AND EARNINGS***

APPENDIX B

ANALYSIS OF RACE/GENDER/ETHNICITY EFFECTS ON SELF-EMPLOYMENT PROPENSITY AND EARNINGS

Executive Summary

The purpose of this analysis is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals' participation in the private sector as self-employed business operators, and on their earnings as a result of their participation in five categories of private sector business activity in the Tallahassee, FL, Consolidated Metropolitan Statistical Area (CMSA)¹. Findings for minority business enterprises are compared to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to differences in race, gender, or ethnicity. Adopting the methodology and variables employed by a City of Denver disparity study (see *Concrete Works v. City and County of Denver*²), we use Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions.

To guide this investigation, three general research questions were posed. Questions and variables used to respond to each, followed by a report of findings, are reported below:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?

This analysis examined the statistical effects of the following variables on the likelihood of being self-employed in the study market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, availability of capital (household property value, monthly total mortgage payments, unearned income) and other characteristics (number of individuals over the age of 65 living in household, number of children under the age of 18 living in household) and level of education.

2. Does racial/gender/ethnic status have an impact on individual's self-employment earnings?

This analysis examined the statistical effects of the following variables on income from self-employment for business owners in the market area: Race, ethnicity, and gender of business owner (African American, Asian American, Hispanic American, Native American, nonminority women, nonminority men), marital status, age, self-reported health-related disabilities, and availability of capital (household property value, monthly total mortgage payments, unearned income) and level of education.

¹ The Tallahassee CMSA includes the following counties: Leon County, Florida; Gadsden County, Florida; Wakulla County, Florida; and Jefferson County, Florida.

² *Concrete Works v. City and County of Denver*, 321 F.3 950 (10th Cir. 2003).

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3. If Minority and Women's Business Enterprises (M/WBEs) and nonminority males shared similar traits and marketplace "conditions" (that is, similar "rewards" in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity and gender?

Derived from a similar model employed by a City of Denver disparity study, MGT created a model that leveraged statistical findings in response to the first two questions. The objectives were to determine if race, gender, and ethnic effects derived from those findings would persist if nonminority male demographic and economic characteristics were combined with M/WBE self-employment data. More precisely, in contrast to Question 1, which permitted a comparison of self-employment rates based on demographic and economic characteristics reported by the 2000 census for individual M/WBE categories and nonminority males, respectively, this analysis posed the question, "How would M/WBE rates change, if M/WBE's operated in a nonminority male business world and how much of this change is attributable to race, gender or ethnicity?"

Findings:

1. Are racial, ethnic and gender minority groups less likely than nonminority males to be self-employed?
 - In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.³
 - In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.
 - In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.
 - African Americans were less likely to be self-employed than were nonminority males in all industries.
2. Does race/gender/ethnic status have an impact on an individual's self-employment earnings?
 - In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.
 - In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.

³ These "likelihood" characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

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- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.
3. If M/WBEs and nonminority males shared similar traits and marketplace “conditions” (that is, similar “rewards” in terms of capital and asset accrual), what would be the effect on rates of self-employment by race, ethnicity, and gender?
- Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.
 - Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.1.0 Introduction

This report analyzes the availability of minority, nonminority women, and nonminority male firms in five categories of private sector business activity in the City of Tallahassee. The goal of this investigation is to examine the effects of race and gender, along with other individual economic and demographic characteristics, on individuals’ participation in the private sector as self-employed business operators, and on their earnings as a result of their participation. Ultimately, we will compare these findings to the self-employment participation and earnings record of nonminority male business owners to determine if a disparity in self-employment rates and earnings exists, and if it is attributable to racial or gender discrimination in the marketplace. Data for this investigation are provided by the Public Use Microdata Samples (PUMS) data derived from the 2000 Census of Population and Housing, to which we apply appropriate regression statistics to draw conclusions. **Exhibit B-1** presents a general picture of self-employment rates by race, median earnings, and sample sizes (n’s) in the City of Tallahassee CMSA, calculated from the five percent PUMS census sample.

The next section will discuss the research basis for this examination to lay the groundwork for a description of the models and methodologies to be employed. This will be followed by a presentation of findings regarding minority status effects on self-employment rates, self-employment earnings, and attributions of these differences to discrimination, per se.

Analysis of Race/Gender/Ethnicity Effects on Self-Employment Propensity and Earnings

**EXHIBIT B-1
PERCENTAGE SELF-EMPLOYED/1999 EARNINGS BY
RACE/GENDER/ETHNIC CATEGORY
CITY OF TALLAHASSEE CMSA**

Race/Ethnic/Gender Category	Percent of the Population		
	Self-Employed	1999 Sample Census n	1999 Median Earnings
Nonminority Males	22.93%	1,025	\$39,500.00
African American	6.83%	542	\$22,500.00
Hispanic American	8.70%	69	\$16,900.00
Asian American	21.74%	46	\$20,000.00
Native American	22.22%	18	\$112,500.00
Nonminority Women	10.40%	683	\$30,000.00
TOTAL	15.23%	2,383	\$35,000.00

Source: PUMS data from 2000 Census of Population and Housing.

B.2.0 Self-Employment Rates and Earnings as an Analog of Business Formation and Maintenance

Research in economics consistently supports the finding of group differences by race and gender in rates of business formation (see *Journal of Econometrics*, Vol. 61, Issue 1, devoted entirely to the econometrics of labor market discrimination and segregation). For a disparity study, however, the fundamental question is “How much of this difference is due to factors that would appear, at least superficially, to be related to group differences other than race, ethnicity, or gender, and how much can be attributed to discrimination effects related to one’s race/ethnic/gender affiliation?” We know, for instance, that most minority groups have a lower median age than do non-Hispanic whites (PUMS, 2000). We also know, in general, that the likelihood of being self-employed increases with age (PUMS, 2000). When social scientists speak of nonracial group differences, they are referring to such things as general differences in religious beliefs as these might influence group attitudes toward contraception, and, in turn, both birthrates and median age. A disparity study, therefore, seeks to examine these other important demographic and economic variables in conjunction with race and ethnicity, as they influence group rates of business formation, to determine if we can assert that discrimination against minorities is sufficiently present to warrant consideration of public sector legal remedies such as affirmative action and minority set-aside contracting.

Questions about marketplace dynamics affecting self-employment—or, more specifically, the odds of being able to form one’s own business and then to excel (that is, generate earnings growth)—are at the heart of disparity analysis research. Whereas early disparity studies tended to focus on gross racial disparities, merely documenting these is insufficient for inferring discrimination effects per se without “partialling out” effects due to nondiscriminatory factors. Moreover, to the extent that discrimination exists, it is likely to inhibit both the formation of minority business enterprises and their profits and growth. Consequently, earlier disparity study methodology and analysis have failed to account for the effects of discrimination on minority self-employment in at least two ways: (1) a failure to account adequately for the effects of discriminatory barriers

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minorities face “up front” in attempting to form businesses; and (2) a failure to isolate and methodologically explain discrimination effects once minority businesses are formed.

The next section addresses these shortcomings, utilizing PUMS data derived from the 2000 U.S. Census to answer research questions about the effects of discrimination on self-employment and self-employment earnings using multiple regression statistics.

B.3.0 Research Questions, Statistical Models, and Methods

Two general research questions were posed in the initial analysis:

- Are racial, ethnic, and gender minority groups less likely than nonminority males to be self-employed?
- Does race/gender/ethnic status have an impact on individuals’ earnings?

A third question, to be addressed later—How much does race/ethnic/gender discrimination influence the probability of being self-employed?—draws conclusions based on findings from questions one and two.

To answer the first two questions, we employed two multivariate regression techniques, respectively: logistic regression and linear regression. To understand the appropriate application of these regression techniques, it is helpful to explore in greater detail the questions we are trying to answer. The dependent variables in questions I and II—that is, the phenomena to be explained by influences such as age, race, gender, and disability status, for example (the independent or “explanatory” variables)—are, respectively: the probability of self-employment status (a binary, categorical variable based on two possible values: 0 = not self-employed/1 = self-employed) and 1999 earnings from self-employment (a continuous variable). In our analysis, the choice of regression approach was based on the scale of the dependent variable (in question I, a categorical scale with only two possible values, and in question II, a continuous scale with many possible values). Because binary logistic regression is capable of performing an analysis in which the dependent variable is categorical, it was employed for the analysis of question I.⁴ To analyze question II in which the dependent variable is continuous, we used simple linear regression.

B.3.1 Deriving the Logistic Regression Model from the Simple Linear Model

The logistic regression model can be derived with reference to the simple linear regression model expressed mathematically as:

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \beta_4 X_4 + \beta_5 X_5 + \dots + \varepsilon$$

⁴ Logistical regression, or logit, models generate predicted probabilities that are almost identical to those calculated by a probit procedure, used in *Concrete Works v. City and County of Denver* case. Logit, however, has the added advantage of dealing more effectively with observations at the extremes of a distribution. For a complete explanation, see *Interpreting Probability Models* (T.F. Liao, Text 101 in the Sage University series).

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Where:

- Y = a continuous variable (e.g., 1999 earnings from self-employment)
- β_0 = the constant, representing the value of Y when $X_i = 0$
- β_1 = coefficient representing the magnitude of X_i 's effect on Y
- X_i = the independent variables, such as age, human capital (e.g., level of education), availability of capital, race/ethnicity/gender, etc.
- ε = the error term, representing the variance in Y unexplained by X_i

This equation may be summarized as:

$$E(Y) = \mu = \sum_{k=1}^K \beta_k x_k$$

in which Y is the dependent variable and μ represents the expected values of Y as a result of the effects of β , the explanatory variables. When we study a random distribution of Y using the linear model, we specify its expected values as a linear combination of K unknown parameters and the covariates or explanatory variables. When this model is applied to data in the analysis, we are able to find the statistical link between the dependent variable and the explanatory or independent variables.

Suppose we introduce a new term, η , into the linear model such that:

$$\eta = \mu = \sum_{k=1}^K \beta_k x_k$$

When the data are randomly distributed, the link between η and μ is linear, and a simple linear regression can be used. However, to answer the first question, the categorical dependent variable was binomially distributed. Therefore, the link between η and μ became $\eta = \log[\mu/(1-\mu)]$ and logistic regression was utilized to determine the relationship between the dependent variable and the explanatory variables, calculated as a probability value (e.g., the probability of being self-employed when one is African American). The logistic regression model is expressed mathematically as:

$$\log[\mu/1(1-\mu)] = \alpha + \beta_i X_n + \varepsilon$$

Where:

- $(\mu/1-\mu)$ = the probability of being self-employed
- α = a constant value
- β_i = coefficient corresponding to independent variables
- X_n = selected individual characteristic variables, such as age, marital status, education, race, and gender
- ε = error term, representing the variance in Y unexplained by X_i

This model can now be used to determine the relationship between a single categorical variable (0 = not self-employed/1 = self-employed) and a set of characteristics hypothesized

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to influence the probability of finding a 0 or 1 value for the categorical variable. The result of this analysis illustrates not only the extent to which a characteristic can increase or decrease the likelihood that the categorical variable will be a 0 or a 1, but also whether the effect of the influencing characteristics is positive or negative in relation to being self-employed.

B.4.0 Results of the Self-Employment Analysis

B.4.1 Question I: Are Racial, Ethnic, and Gender Minority Groups Less Likely than Nonminority Males to Be Self-Employed?

To derive a set of variables known to predict employment status (self-employed/not self-employed), we used the 5 percent PUMS data from Census 2000. Binary logistic regression was used to calculate the probability of being self-employed, the dependent variable, with respect to socioeconomic and demographic characteristics selected for their potential to influence the likelihood of self-employment. The sample for the analysis was limited to labor force participants who met to the following criteria:

- Resident of the Tallahassee CMSA
- Self-employed in construction, professional services, other services, architecture and engineering,⁵ or goods and supplies
- Employed full-time (more than 35 hours a week)
- 18 years of age or older
- Employed in the private sector

Next, we derived the following variables hypothesized as predictors of employment status:

- ***Race and Sex:*** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority male
- ***Availability of Capital:*** Homeownership, home value, mortgage rate, unearned income, residual income
- ***Marital Status***
- ***Ability to Speak English Well***
- ***Disability Status:*** From individuals' reports of health-related disabilities
- ***Age and Age Squared:*** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.

⁵ Due to inadequate sample numbers for all races in the Architecture and Engineering PUMS 2000 data, A & E was merged with the Professional Services category.

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- **Owner’s Level of Education**
- **Number of Individuals Over the Age of 65 Living in Household**
- **Number of Children Under the Age of 18 Living in Household**

B.4.1.1 Findings

Binary logistic regression analysis provided estimates of the relationship between the independent variables described above and the probability of being self-employed in the four types of business industries. In **Exhibit B-2**, odds ratios are presented by minority group, reporting the effect of race/ethnicity/gender on the odds of being self-employed in 1999, holding all other variables constant. Full regression results for all the variables are presented in **Appendix C**.

**EXHIBIT B-2
SELF-EMPLOYMENT “ODDS RATIOS” OF MINORITY GROUPS RELATIVE TO
NONMINORITY MALES AFTER CONTROLLING FOR
SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA**

Race/Ethnic Group	All		Professional	Other	Goods &
	Industries	Construction	Services	Services	Supplies
African American	0.326	0.573	0.257	0.477	0.069
Hispanic American	0.395	*	1.591	0.300	1.114
Asian American	1.007	*	1.860	0.984	2.038
Native American	1.231	3.711	*	1.654	*
Nonminority Women	0.392	0.282	0.357	1.042	0.732

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.

Note: **Bold** indicates that the estimated “odds ratio” for the group was statistically significant. The architecture and engineering business industry was excluded from this analysis because of the insufficient data.

* There were insufficient census numbers available for analysis.

The results reveal the following:

- In all industries in the Tallahassee CMSA, nonminority males were over two and a half times as likely to be self-employed as African Americans, Hispanic Americans, and nonminority women.⁶
- In the Tallahassee CMSA, nonminority males were over three and a half times as likely as nonminority women to be self-employed in the construction industry.
- In the Tallahassee CMSA, nonminority males were nearly four times as likely as African Americans to be self-employed in professional services.

⁶ These ‘likelihood’ characteristics were derived from Exhibit 1 by calculating the inverse of the reported odds ratios.

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- African Americans were less likely to be self-employed than were nonminority males in all industries.

B.4.2 Question II: Does Race/Gender/Ethnic Status Have an Impact on Individuals' Earnings?

To answer this question, we compared self-employed, minority, and women entrepreneurs' earnings to those of nonminority males in the Tallahassee CMSA, when the effect of other demographic and economic characteristics was controlled or "neutralized." That is, we were able to examine the earnings of self-employed individuals of similar education levels, ages, etc., to permit earnings comparisons by race/gender/ethnicity.

To derive a set of variables known to predict earnings, the dependent variable, we used 1999 wages from employment for self-employed individuals, as reported in the 5 percent PUMS data. These included:

- **Race and Sex:** African American, Asian American, Hispanic American, Native American, nonminority woman, nonminority males
- **Availability of Capital:** Homeownership, home value, mortgage rate, unearned income, residual income
- **Marital Status**
- **Ability to Speak English Well**
- **Disability Status:** From individuals' reports of health-related disabilities
- **Age and Age Squared:** Squaring the age variable acknowledges the positive, curvilinear relationship between each year of age and earnings.
- **Owner's Level of Education**

B.4.2.1 Findings

Exhibit B-3 presents the results of the linear regression model estimating the effects of selected demographic and economic variables on self-employment earnings. Each number (coefficient) in the exhibit represents a percent change in earnings. For example, the corresponding number for an African American in all industries is -.404, meaning that an African American will earn 40.4 percent less than a nonminority male when the statistical effects of the other variables in the equation are "controlled for." Full regression results for all the variables are presented in **Appendix C**.

**EXHIBIT B-3
EARNINGS ELASTICITIES OF MINORITY GROUPS RELATIVE TO NONMINORITY
MALES AFTER CONTROLLING FOR
SELECTED DEMOGRAPHIC AND ECONOMIC CHARACTERISTICS
CITY OF TALLAHASSEE CMSA**

Race/Ethnic Group	All Industries	Construction	Professional Services	Other Services	Goods & Supplies
African American	-0.139	-0.278	-0.457	-0.192	-0.784
Hispanic American	-0.374	*	0.469	-0.963	-0.757
Asian American	0.046	*	0.172	0.041	0.569
Native American	0.852	-0.101	*	0.943	*
Nonminority Women	-0.129	0.294	-0.176	-0.382	0.056

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS.

Note: **Bold** indicates that the estimated “elasticities” for the group were statistically significant. The architecture and engineering business industry was excluded from this analysis because of insufficient data.

* There were insufficient census numbers available for analysis.

The results reveal the following:

- In the Tallahassee CMSA, African Americans, Hispanic Americans, and nonminority women reported significantly lower earnings in all business type categories.
- In the other services industry, African Americans, Hispanic American, and nonminority women reported significantly lower earnings than nonminority males in the Tallahassee CMSA: 19.2 percent, 96.3 percent, and 38.2 percent, respectively.
- The most egregious effect on earnings elasticities was found in other services for Hispanic Americans. In other services, Hispanic Americans earned 96.3 percent less than nonminority males.

B.4.3 Disparities in Rates of Self-Employment: How Much Can Be Attributed to Discrimination?

Results of the analyses of self-employment rates and 1999 self-employment earnings revealed general disparities between minority and nonminority self-employed individuals whose businesses were located in the Tallahassee CMSA.

Exhibit B-4 presents the results of these analyses. Column A reports observed employment rates for each race/gender group, calculated directly from the PUMS 2000 data. To obtain values in columns B and C, we calculated two predicted self-employment rates using the following equation:

$$Pr ob(y = 1) = \sum_{k=1}^K (e^{\beta_k x_k} / 1 + e^{\beta_k x_k})$$

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Where:

- $Pr ob(y = 1)$ = represents the probability of being self-employed
- β_k = coefficient corresponding to the independent variables used in the logistic regression analysis of self-employment probabilities
- x_k = the mean values of these same variables

The first of these predicted self-employment rate calculations (in column B) presents nonminority male self-employment rates as they would be if their characteristics (that is, x_k , or mean values for the independent variables) were applied to minority market structures (represented for each race by their β_k or odds coefficient values). The second self-employment rate calculation (in column C) presents minority self-employment rates as they would be if minorities were rewarded in a similar manner as nonminority males in the nonminority male market structure: that is, by multiplying the minority means (i.e., characteristics) by the estimated nonminority coefficients for both race and the other independent variables.

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**EXHIBIT B-4
OBSERVED AND PREDICTED SELF-EMPLOYMENT RATES**

CITY OF TALLAHASSEE CMSA					
Business/Race Group	Observed Self-Employment Rates	White Characteristics and Own Market Structure	Own Characteristics and White Market Structure	Disparity Ratio (column A divided by column C)	Portion of Difference Due to Discrimination
	(A)	(B)	(C)	(D)	(E)
Overall					
Nonminority Males	0.2293	0.2293	0.2293	1.000	
African American	0.0683	0.1030	0.1813	0.3764	70.23%
Hispanic American	0.0870	0.1221	0.3051	0.2850	n/d
Asian American	0.2174	0.2616	0.1977	1.0993	n/d
Native American	0.2222	0.3022	0.2462	0.9025	n/d
Nonminority Women	0.1040	0.1211	0.2679	0.3880	n/d
Construction					
Nonminority Males	0.3496	0.3496	0.3496	1.000	
African American	0.2037	0.2912	0.3015	0.6755	67.07%
Hispanic American	0.0000	0.0000	0.0572	0.0000	16.35%
Asian American	0.0000	0.0000	0.0572	0.0000	16.35%
Natvie American	0.6667	0.7269	0.4835	1.3789	57.78%
Nonminority Women	0.1404	0.1681	0.3992	0.3516	n/d
Professional Services					
Nonminority Males	0.2477	0.2477	0.2477	1.000	
African American	0.0211	0.1246	0.1897	0.1114	74.38%
Hispanic American	0.1333	0.4683	0.4385	0.3041	n/d
Asian American	0.2727	0.5073	0.2113	1.2909	n/d
Natvie American	0.0000	0.0000	0.0000	0.0000	n/d
Nonminority Women	0.0557	0.1652	0.2920	0.1908	n/d
Other Services					
Nonminority Males	0.2434	0.2434	0.2434	1.0000	
African American	0.1078	0.1563	0.2196	0.4910	82.45%
Hispanic American	0.0952	0.1043	0.4209	0.2263	n/d
Asian American	0.2400	0.2765	0.1924	1.2475	n/d
Natvie American	0.2857	0.3911	0.2328	1.2272	n/d
Nonminority Women	0.2444	0.2881	0.2754	0.8875	n/d
Goods & Supplies					
Nonminority Males	0.1000	0.1000	0.1000	1.000	
African American	0.0070	0.0102	0.3175	0.0222	n/d
Hispanic American	0.1053	0.1415	0.1123	0.9375	n/d
Asian American	0.1667	0.2318	0.0644	2.5862	n/d
Natvie American	0.0000	0.0000	0.0001	0.0000	0.07%
Nonminority Women	0.0758	0.0978	0.1092	0.6940	n/d

Source: PUMS data from 2000 Census of Population and Housing and MGT of America, Inc., calculations using SPSS and Microsoft Excel.

n/d: No discrimination was found.

Using these calculations, we were able to determine a percentage of the disparities in self-employment between minorities and nonminority males attributable to discrimination by dividing the observed self-employment rate for a particular minority group (column A) by the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males (column C). Next, we calculated the difference between the predicted self-employment rate as it would be if minority groups faced the same market structure as nonminority males and the observed self-employment rate for that minority group, and divided this value by the difference between the observed self-

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employment rate for nonminority males and the self-employment rate for a particular minority group. In the absence of discrimination, this number is zero, which means disparities in self-employment rates between minority groups and nonminority males can be attributed to differences in group characteristics not associated with discrimination. Conversely, as this value approaches 1.0, we are able to attribute disparities increasingly to discrimination in the marketplace.

B.4.4 Findings

Examining the results reported in **Exhibit B-4**, we found the following:

- Overall, comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA, over 70 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in the Tallahassee CMSA construction industry, over 67 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA professional services, over 70 percent of the disparity in self-employment rates was attributable to race differences.
- Comparing self-employed nonminority males with self-employed African Americans in Tallahassee CMSA other services, over 80 percent of the disparity in self-employment rates was attributable to gender differences.

B.5.0 Summary of Self-Employment Analysis Findings

In general, findings from the PUMS 2000 data indicate that minorities were significantly less likely than nonminority males to be self-employed and, if they were self-employed, they earned significantly less in 1999 than did self-employed nonminority males. When self-employment rates were stratified by race and by business type, trends varied within individual race-by-type cells, but disparities persisted, in general, for African Americans, Hispanic Americans, and nonminority women. When group self-employment rates were submitted to MGT's disparity-due-to-minority-status analysis, findings supported the conclusion that disparities for these three groups (of adequate sample size to permit interpretation) were likely the result of differences in the marketplace due to race, gender, and ethnicity.⁷

⁷ **Appendix C** reports self-employment rates and earnings in greater detail by race/gender/ethnicity and business type.

***APPENDIX C:
PUMS REGRESSION ANALYSIS***

APPENDIX C
LEON COUNTY, FLORIDA BASED ON
CITY TALLAHASSEE CMSA
PUMS REGRESSION ANALYSIS

EXHIBIT C-a
RESULTS OF LOGISTIC REGRESSION
EXPLANATION OF RESULTS AND VARIABLES

Logistic Regression Output

Below, variable names and operational definitions are provided. When interpreting **Exhibits C-1** to **C-5**, the third column—Exp (B)—is the most informative index with regard to the influence of the independent variables on the likelihood of being self-employed. From the inverse of this value, we can interpret a likelihood value of its effect on self-employment. For example the Exp (B) for an African American is .326, from **Exhibit C-1**; the inverse of this is 3.07. This means that a nonminority male is 3.07 times more likely to be self-employed than an African American. Columns A and B are reported as a matter of convention to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect ("-" suggests the greater the negative B value the more it depresses the likelihood of being self-employed, and vice versa for a positive B value). It is noteworthy that theoretically "race-neutral" variables (e.g., marital status) tend to impact the likelihood of self-employment positively and that the race/ethnicity/gender variables, in general, tend to have a negative effect on self-employment.

Variables

Race, ethnicity, and gender indicator variables:

- African American
- Asian American
- Hispanic American
- Native American
- Sex: Nonminority woman or not

Other indicator variables:

- Marital Status: Married or not.
- Age
- Age²: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
- Disability: Individuals self-reported health-related disabilities.
- Tenure: Owns their own home.
- Value: Household property value.
- Mortgage: Monthly total mortgage payments.
- Unearn: Unearned income, such as interests and dividends.
- Resdinc: Household income less individuals personal income.
- P65: Number of individuals over the age of 65 living in the household.
- P18: Number of children under the age of 18 living in the household.
- Some College: Some college education.
- College Graduate: College degree.
- More than College: Professional or graduate degree.

**EXHIBIT C-1
RESULTS OF LOGISTIC REGRESSION
OVERALL**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-1.119	0.000	0.326
Hispanic American	-0.928	0.037	0.395
Asian American	0.007	0.986	1.007
Native American	0.208	0.725	1.231
Sex (1=Female)	-0.937	0.000	0.392
Marital Status (1=Married)	0.058	0.704	1.059
Age	0.096	0.079	1.101
Age ²	-0.001	0.198	0.999
Disability (1=Yes)	-0.022	0.908	0.979
Tenure (1=Yes)	0.346	0.074	1.413
Value	0.049	0.001	1.051
Mortgage	0.000	0.880	1.000
Unearn	0.000	0.551	1.000
Resdinc	0.000	0.035	1.000
P65	-0.292	0.267	0.747
P18	0.114	0.052	1.121
Some College (1=Yes)	-0.068	0.665	0.934
College Graduate (1=Yes)	-0.126	0.468	0.882
More than College (1=Yes)	0.184	0.357	1.202
Number of Observations	2383		
Chi-squared statistic (df=19)	191.01945		
Log Likelihood	-1842.765		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-2
RESULTS OF LOGISTIC REGRESSION
CONSTRUCTION**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-0.557	0.158	0.573
Hispanic American	-20.160	0.998	0.000
Asian American	-20.232	0.999	0.000
Native American	1.311	0.344	3.711
Sex (1=Female)	-1.267	0.003	0.282
Marital Status (1=Married)	0.291	0.336	1.338
Age	0.019	0.857	1.019
Age ²	0.000	0.944	1.000
Disability (1=Yes)	-0.338	0.366	0.713
Tenure (1=Yes)	0.518	0.211	1.679
Value	0.059	0.077	1.061
Mortgage	0.000	0.609	1.000
Unearn	0.000	0.183	1.000
Resdinc	0.000	0.487	1.000
P65	-1.665	0.123	0.189
P18	0.004	0.977	1.004
Some College (1=Yes)	0.313	0.290	1.368
College Graduate (1=Yes)	-0.413	0.295	0.662
More than College (1=Yes)	-0.472	0.453	0.624
Number of Observations	378		
Chi-squared statistic (df=19)	61.577		
Log Likelihood	-388.8687		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-3
RESULTS OF LOGISTIC REGRESSION
PROFESSIONAL SERVICES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-1.358	0.041	0.257
Hispanic American	0.464	0.631	1.591
Asian American	0.621	0.468	1.860
Native American	-18.515	0.999	0.000
Sex (1=Female)	-1.029	0.002	0.357
Marital Status (1=Married)	0.172	0.666	1.187
Age	0.428	0.009	1.534
Age ²	-0.004	0.021	0.996
Disability (1=Yes)	0.342	0.510	1.408
Tenure (1=Yes)	0.641	0.197	1.898
Value	0.084	0.030	1.087
Mortgage	0.000	0.343	1.000
Unearn	0.000	0.667	1.000
Resdinc	0.000	0.252	1.000
P65	-0.055	0.921	0.947
P18	0.181	0.192	1.198
Some College (1=Yes)	0.669	0.417	1.952
College Graduate (1=Yes)	1.918	0.013	6.806
More than College (1=Yes)	2.211	0.004	9.127
Number of Observations	754		
Chi-squared statistic (df=19)	154.74		
Log Likelihood	-368.0563		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-4
RESULTS OF LOGISTIC REGRESSION
OTHER SERVICES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-0.740	0.013	0.477
Hispanic American	-1.204	0.130	0.300
Asian American	-0.016	0.975	0.984
Native American	0.503	0.573	1.654
Sex (1=Female)	0.041	0.876	1.042
Marital Status (1=Married)	-0.053	0.834	0.949
Age	0.075	0.415	1.078
Age ²	-0.001	0.530	0.999
Disability (1=Yes)	0.348	0.233	1.417
Tenure (1=Yes)	0.119	0.735	1.126
Value	0.064	0.010	1.066
Mortgage	0.000	0.897	1.000
Unearn	0.000	0.403	1.000
Resdinc	0.000	0.088	1.000
P65	-0.437	0.321	0.646
P18	0.151	0.126	1.164
Some College (1=Yes)	0.171	0.508	1.187
College Graduate (1=Yes)	0.057	0.853	1.059
More than College (1=Yes)	-0.004	0.992	0.996
Number of Observations	659		
Chi-squared statistic (df=19)	55.384		
Log Likelihood	-599.125		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-5
RESULTS OF LOGISTIC REGRESSION
GOODS AND SUPPLIES**

City of Tallahassee CMSA			
	B	Sig.	Exp (B)
African American	-2.670	0.010	0.069
Hispanic American	0.108	0.896	1.114
Asian American	0.712	0.538	2.038
Native American	-17.942	0.999	0.000
Sex (1=Female)	-0.312	0.442	0.732
Marital Status (1=Married)	0.072	0.871	1.075
Age	0.253	0.152	1.288
Age ²	-0.002	0.240	0.998
Disability (1=Yes)	-0.651	0.316	0.522
Tenure (1=Yes)	-0.427	0.520	0.652
Value	0.006	0.888	1.006
Mortgage	0.000	0.588	1.000
Unearn	0.000	0.430	1.000
Resdinc	0.000	0.304	1.000
P65	0.687	0.220	1.987
P18	0.154	0.327	1.166
Some College (1=Yes)	0.000	0.999	1.000
College Graduate (1=Yes)	0.135	0.770	1.144
More than College (1=Yes)	0.515	0.485	1.674
Number of Observations	592		
Chi-squared statistic (df=19)	37.854		
Log Likelihood	-270.4627		

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-b
RESULTS OF LINEAR REGRESSION
EXPLANATION OF RESULTS AND VARIABLES**

Linear Regression Output

Below, variable names and operational definitions are provided. When interpreting the linear regression **Exhibits C-6 to C-10**, the first column—Unstandardized B—is the most informative index with regard to the influence of the independent variables on the earnings of a self-employed individual. Each number in this column represents a percent change in earnings. For example, the corresponding number for an African American is -.139, from **Exhibit C-6**, meaning that an African American will earn 13.9 percent less than a nonminority male. The other four columns are reported in order to give the reader another indicator of both the magnitude of the variable's effect and the direction of the effect. Std. Error reports the standard deviation in the sampling distribution. Standardized B reports the standard deviation change in the dependent variable from on standard deviation increase in the independent variable. The t and Sig. columns simply report the level and strength of a variable's significance.

Variables

Race, ethnicity, and gender indicator variables:

African American
Asian American
Hispanic American
Native American
Nonminority Woman

Other indicator variables:

Marital Status: Married or not.
Disability: Individuals self-reported health-related disabilities.
Age
Age²: age squared. Used to acknowledge the positive, curvilinear relationship between each year of age and self-employment.
Speaks English Well: Person's ability to speak English if not a native speaker.
Some College: Some college education.
College Graduate: College degree.
More than College: Professional or graduate degree.

**EXHIBIT C-6
RESULTS OF LINEAR REGRESSION
OVERALL**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.139	0.148	-0.046	-0.940	0.348
Hispanic American	-0.374	0.355	-0.052	-1.054	0.293
Asian American	0.046	0.300	0.008	0.155	0.877
Native American	0.852	0.420	0.098	2.030	0.043
Nonminority Women	-0.129	0.113	-0.056	-1.141	0.255
Marital Status	0.207	0.105	0.099	1.973	0.049
Disability (1=Yes)	-0.411	0.138	-0.146	-2.985	0.003
Age	0.087	0.039	0.909	2.206	0.028
Age ²	-0.001	0.000	-0.859	-2.089	0.037
Speaks English Well	-0.109	0.207	-0.029	-0.528	0.598
Some College (1=Yes)	0.024	0.114	0.012	0.209	0.835
College Graduate	0.475	0.122	0.220	3.907	0.000
More than College	0.763	0.136	0.320	5.612	0.000
Constant	8.288	0.841		9.859	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-7
RESULTS OF LINEAR REGRESSION
CONSTRUCTION**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.278	0.241	-0.107	-1.153	0.252
Native American	-0.101	0.618	-0.017	-0.164	0.870
Nonminority Women (1=Female)	0.294	0.272	0.098	1.079	0.283
Marital Status (1=Married)	0.331	0.160	0.188	2.064	0.042
Disability (1=Yes)	-0.043	0.231	-0.018	-0.186	0.852
Age	0.177	0.059	2.264	2.985	0.004
Age ²	-0.002	0.001	-2.296	-3.023	0.003
Speaks English Well (1=Yes)	1.963	0.619	0.336	3.169	0.002
Some College (1=Yes)	-0.129	0.167	-0.076	-0.773	0.442
College Graduate (1=Yes)	0.414	0.220	0.177	1.881	0.063
More than College (1=Yes)	-0.088	0.346	-0.024	-0.255	0.799
Constant	6.560	1.218		5.386	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-8
RESULTS OF LINEAR REGRESSION
PROFESSIONAL SERVICES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.457	0.613	-0.087	-0.745	0.459
Hispanic American	0.469	0.725	0.073	0.646	0.520
Asian American	0.172	0.662	0.033	0.260	0.795
Nonminority Women (1=Female)	-0.176	0.277	-0.077	-0.636	0.527
Marital Status (1=Married)	0.285	0.351	0.102	0.814	0.419
Disability (1=Yes)	-0.954	0.454	-0.252	-2.102	0.039
Age	-0.072	0.138	-0.580	-0.523	0.603
Age ²	0.001	0.001	0.511	0.462	0.645
Speaks English Well (1=Yes)	0.040	0.485	0.011	0.083	0.934
Some College (1=Yes)	-1.412	0.785	-0.400	-1.799	0.076
College Graduate (1=Yes)	-0.661	0.746	-0.318	-0.885	0.379
More than College (1=Yes)	-0.494	0.745	-0.250	-0.663	0.509
Constant	13.565	3.406		3.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-9
RESULTS OF LINEAR REGRESSION
OTHER SERVICES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.192	0.178	-0.095	-1.075	0.285
Hispanic American	-0.963	0.513	-0.156	-1.876	0.063
Asian American	0.041	0.342	0.011	0.119	0.906
Native American	0.943	0.515	0.153	1.831	0.070
Nonminority Women (1=Female)	-0.382	0.151	-0.219	-2.529	0.013
Marital Status (1=Married)	0.252	0.140	0.154	1.797	0.075
Disability (1=Yes)	-0.345	0.171	-0.168	-2.020	0.046
Age	0.016	0.066	0.200	0.247	0.805
Age ²	0.000	0.001	-0.024	-0.030	0.976
Speaks English Well (1=Yes)	-0.508	0.241	-0.194	-2.106	0.037
Some College (1=Yes)	0.201	0.153	0.128	1.310	0.193
College Graduate (1=Yes)	0.461	0.176	0.253	2.627	0.010
More than College (1=Yes)	0.131	0.259	0.046	0.505	0.614
Constant	9.542	1.367		6.982	0.000

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

**EXHIBIT C-10
RESULTS OF LINEAR REGRESSION
GOODS AND SUPPLIES**

City of Tallahassee CMSA					
	Unstandardized		Standardized	t	Sig.
	B	Std. Error	B		
African American	-0.784	1.125	-0.128	-0.697	0.491
Hispanic American	-0.757	0.857	-0.173	-0.884	0.384
Asian American	0.569	1.280	0.093	0.445	0.660
Nonminority Women	0.056	0.375	0.026	0.150	0.882
Marital Status	-0.489	0.370	-0.224	-1.321	0.197
Disability (1=Yes)	-0.620	0.610	-0.172	-1.016	0.318
Age	0.123	0.158	1.164	0.778	0.443
Age ²	-0.001	0.002	-1.145	-0.772	0.446
Speaks English Well	0.547	0.791	0.151	0.691	0.495
Some College (1=Yes)	-0.005	0.401	-0.003	-0.012	0.990
College Graduate	0.139	0.405	0.070	0.344	0.733
More than College	1.716	0.724	0.475	2.371	0.024
Constant	7.922	3.606		2.197	0.036

Source: The Public Use Microdata Samples (PUMS) data from 2000 Census of Population and MGT of America, Inc., calculations using SPSS.

Note: **BOLD** indicates the value is statistically significant at $p < .05$.

Estimation was conducted using the Binary Logistic command on SPSS. The Binary Logistic command performs binary logistic regressions and reports estimated coefficients and odds ratios that measure the effect on the probability of each one-unit increase in the included variables.

***APPENDIX D:
PRIVATE SECTOR DISCUSSION***

APPENDIX D PRIVATE SECTOR DISCUSSION

Based on the U.S. Bureau of Census, 2002 Survey of Business Owners (SBO) there remains a significant gap between the market share of minority- and women-owned business enterprises (M/WBEs) and their share of the Leon County metropolitan area business population.

As shown in **Exhibit D-1** below, there were 24,317 businesses in the Leon County metropolitan area, of which 16.5 percent were owned by minorities and 27.8 percent by women. Minorities' share of market revenue was 2.2 percent. Minorities averaged \$303,661 per firm. **Exhibit D-1** also shows that the following:

- African American-owned firms were 9.6 percent of firms, 0.7 percent of sales, with \$95,637 in average revenue per firm, 7.3 percent of the market place average.
- Hispanic American-owned firms were 3.0 percent of firms, 0.4 percent of sales, with \$49,299 in average revenue per firm, 11.9 percent of the market place average.
- Asian American-owned firms were 2.6 percent of firms, 1.0 percent of sales, with \$139,444 in average revenue per firm, 39.3 percent of the market place average;
- Native American-owned firms were 1.3 percent of firms, 0.1 percent of sales, with \$19,281 in average revenue per firm, 11.3 percent of the market place average.
- Nonminority women-owned firms were 27.8 percent of firms, 7.0 percent of sales, with \$958,738 in average revenue per firm, 25.2 percent of the market place average.

**EXHIBIT D-1
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL FIRMS**

	# of Firms	Sales	Sales Per Firm
All firms	24,317	\$13,690,982	\$563
African American	2,333	\$95,637	\$41
Hispanic American	734	\$49,299	\$67
Asian American	631	\$139,444	\$221
Native American	304	\$19,281	\$63
All Minorities	4,002	\$303,661	\$76
Nonminority Women	6,769	\$958,738	\$142
Percentage of Marketplace			
			Sales Per Firm Compared to the Marketplace Average
	Firms	Sales	
African American	9.6%	0.7%	7.3%
Hispanic American	3.0%	0.4%	11.9%
Asian American	2.6%	1.0%	39.3%
Native American	1.3%	0.1%	11.3%
All Minorities	16.5%	2.2%	13.5%
Nonminority Women	27.8%	7.0%	25.2%
Disparity Index			
	(ratio of sales to firms)		
African American	7.3		
Hispanic American	11.9		
Asian American	39.3		
Native American	11.3		
Nonminority Women	25.2		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms.

Exhibit D-2 below shows that based on all firms there were 6,472 businesses with paid employees. in the Leon County metropolitan area in 2002, of which 7.6 percent were owned by minorities and 18 percent by nonminority women-owned firms. Minorities' share of market revenue was 1.7 percent. Minorities averaged \$217,536 per firm.

Exhibit D-2 also shows that the following,

- African American-owned firms were 3.6 percent of firms, 0.4 percent of sales, with \$53,179 in average revenue per firm, 11.5 percent of the market place average.
- Hispanic American-owned firms were 2.3 percent of firms, 0.3 percent of sales, with \$41,808 in average revenue per firm, 14.4 percent of the market place average.

- Asian American-owned firms were 1.8 percent of firms, 1 percent of sales, with \$122,549 in average revenue per firm, 53.5 percent of the market place average.
- Nonminority women-owned firms were 18 percent of firms, 5.8 percent of sales, with \$752,237 in average revenue per firm, 32.3 percent of the market place average.
- The data was incomplete for Native American-owned firms with paid employees.

**EXHIBIT D-2
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES**

	# of Firms	Sales	Sales Per Firm
All firms	6,472	\$12,889,631	\$1,992
African American	233	\$53,179	\$228
Hispanic American	146	\$41,808	\$286
Asian American	115	\$122,549	\$1,066
Native American	N/A	N/A	N/A
All Minorities	494	\$217,536	\$440
Nonminority Women	1,168	\$752,237	\$644
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	3.6%	0.4%	11.5%
Hispanic American	2.3%	0.3%	14.4%
Asian American	1.8%	1.0%	53.5%
Native American	N/A	N/A	N/A
All Minorities	7.6%	1.7%	22.1%
Nonminority Women	18.0%	5.8%	32.3%
Disparity Index			
	(ratio of sales to firms)		
African American	11.5		
Hispanic American	14.4		
Asian American	53.5		
Native American	N/A		
Nonminority Women	32.3		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On Firms with Paid Employees Only.

For all construction firms the results are shown in **Exhibit D-3** below, there were 2,901 construction firms in the Leon County metropolitan area in 2002, of which 6.8 percent were owned nonminority women-owned firms. **Exhibit D-3** also shows that:

- Nonminority women-owned firms were 6.8 percent of firms, 6.2 percent of sales, with \$84,224 in average revenue per firm, 90.9 percent of the market place average.
- Complete data on African American-, Native American, Hispanic American-, and Asian American-owned firms was not available.

**EXHIBIT D-3
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
CENSUS MEASURE OF AVAILABILITY AND UTILIZATION
IN THE LEON COUNTY MARKET PLACE
ALL CONSTRUCTION FIRMS**

	# of Firms	Sales	Sales Per Firm
All firms	2,901	\$1,363,866	\$470
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	197	\$84,224	\$428
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	N/A	N/A	N/A
Hispanic American	N/A	N/A	N/A
Asian American	N/A	N/A	N/A
Native American	N/A	N/A	N/A
All Minorities	N/A	N/A	N/A
Nonminority Women	6.8%	6.2%	90.9%
Disparity Index			
	(ratio of sales to firms)		
African American	N/A		
Hispanic American	N/A		
Asian American	N/A		
Native American	N/A		
Nonminority Women	90.9		

Source: U.S. Bureau of the Census 2002, Survey of Business Owners, Based On All Firms Specializing in Construction.

Exhibit D-4 below shows that based on all firms there were 4,387 businesses specializing in professional services in the Leon County metropolitan area in 2002, of which 7.9 percent were owned by minorities and 24.4 percent by nonminority women-owned firms. Minorities' share of market revenue was 26.4 percent. Minorities averaged \$33,034 per firm. **Exhibit D-4** also shows that the following,

- African American-owned firms were 5.6 percent of firms, 0.9 percent of sales, with \$15,000 in average revenue per firm, 16.9 percent of the market place average.
- Asian American-owned firms were 2.3 percent of firms, 1.1 percent of sales, with \$18,034 in average revenue per firm, 49.8 percent of the market place average.
- Nonminority women-owned firms were 24.4 percent of firms, 12.7 percent of sales, with \$202,148 in average revenue per firm, 52.1 percent of the market place average.
- The data was incomplete for Hispanic American- and Native American-owned firms.

**EXHIBIT D-4
U.S. BUREAU CENSUS 2002
SURVEY OF BUSINESS OWNERS
ALL FIRMS WITH PAID EMPLOYEES**

	# of Firms	Sales	Sales Per Firm
All firms	4,387	\$1,588,337	\$362
African American	245	\$15,000	\$61
Hispanic American	N/A	N/A	N/A
Asian American	100	\$18,034	\$180
Native American	N/A	N/A	N/A
All Minorities	345	\$33,034	\$96
Nonminority Women	1,072	\$202,148	\$189
Percentage of Marketplace			
	Firms	Sales	Sales Per Firm Compared to the Marketplace Average
African American	5.6%	0.9%	16.9%
Hispanic American	N/A	N/A	N/A
Asian American	2.3%	1.1%	49.8%
Native American	N/A	N/A	N/A
All Minorities	7.9%	2.1%	26.4%
Nonminority Women	24.4%	12.7%	52.1%
Disparity Index			
	(ratio of sales to firms)		
African American	16.9		
Hispanic American	N/A		
Asian American	49.8		
Native American	N/A		
Nonminority Women	52.1		

Source: U.S. Bureau of the Census 2002, Survey Of Business Owners, Based On All Firms Specializing in Professional Services.

All groups exhibited disparity to substantial disparity in the marketplace where data was available. Disparity indices for the overall market place are presented at the bottom of **Exhibits D-1, D-2, D-3, and D-4.**

FY11 Report of Expenditures

Category	FY 2011 MBE Expenditures by Category	FY 2011 MBE Expenditure % by Category	Aspirational Target	FY 2011 WBE Expenditures by Category	FY 2011 WBE Expenditure % by Category	Aspirational Target	FY 2011 Non-MWBE Expenditures by Category	FY 2011 Non-MWBE Expenditure % by Category	Total
Architecture & Engineering	\$ 207,509	5%	12%	\$ 13,241	0.35%	14%	\$ 3,601,866	94%	\$ 3,822,616
Construction - Prime Contractors	\$ 221,457	2%	8%	\$ 77,976	1%	5%	\$ 11,329,555	97%	\$ 11,628,988
Construction - Reported Subcontractors*	\$ 1,356,987	41%	17%	\$ 924,436	28%	9%	\$ 993,767	30%	\$ 3,275,190
Materials and Supplies	\$ -	0%	1%	\$ 230,396	8%	6%	\$ 2,806,712	92%	\$ 3,037,108
Other Services	\$ 577,983	27%	10%	\$ 679,566	32%	8%	\$ 892,059	41%	\$ 2,149,608
Professional Services	\$ 18,159	1%	7%	\$ 288,344	17%	15%	\$ 1,375,213	82%	\$ 1,681,716
Total	\$ 2,382,095	9%	N/A	\$ 2,213,959	9%	N/A	\$ 20,999,172	82%	\$ 25,595,226

*Reported Subcontractors = Subcontractor payments reported via the B2GNow Contract Compliance Management System

MBE = Minority-Owned Business Enterprise that is 51% owned by any person identifying him or herself as African, Hispanic, Asian, American Indian, Alaskan Native and American Aleut descent.

WBE = Woman-Owned Business Enterprise that is 51% owned by a Non-Minority Female

Category	FY 2012 MBE Expenditures by Category	FY 2012 MBE Expenditure % by Category	Aspirational Target	FY 2012 WBE Expenditures by Category	FY 2012 WBE Expenditure % by Category	Aspirational Targets	FY 2012 Non-MWBE Expenditures by Category	FY 2012 Non-MWBE Expenditure % by Category	Total
Architecture & Engineering Primes	\$ 183,824	6%	12%	\$ 45,986	2%	14%	\$ 2,656,643	92%	\$ 2,886,453
Construction - Primes Contractors	\$ 615,315	8%	8%	\$ 74,181	1%	5%	\$ 6,726,101	91%	\$ 7,415,597
Reported - Construction Subcontractors*	\$ 1,994,672	28%	17%	\$ 1,274,133	18%	9%	\$ 3,776,257	54%	\$ 7,045,062
Materials and Supplies	\$ 22,963	1%	1%	\$ 92,125	5%	6%	\$ 1,656,619	94%	\$ 1,771,707
Other Services	\$ 774,812	23%	10%	\$ 472,925	14%	8%	\$ 2,074,708	62%	\$ 3,322,445
Professional Services	\$ 11,981	1%	7%	\$ 6,935	0.62%	15%	\$ 1,099,705	98%	\$ 1,118,621
Total	\$ 3,603,567	15%	N/A	\$ 1,966,285	8%	N/A	\$ 17,990,033	76%	\$ 23,559,885

*Reported Subcontractors = Subcontractor payments reported via the B2GNow Contract Compliance Management System

MBE = Minority-Owned Business Enterprise that is 51% owned by any person identifying him or herself as African, Hispanic, Asian, American Indian, Alaskan Native and American Aleut descent.

WBE = Woman-Owned Business Enterprise that is 51% owned by a Non-Minority Female

Small Business Enterprise Program Overview

The Small Business Enterprise (SBE) Program was established by the Board in order to foster growth in Leon County's economy by affording small businesses an opportunity to gain experience, knowledge, and training to compete and secure contracts with Leon County. Unlike the MWBE Program, the SBE Program is race and gender neutral. The SBE program is structured to reserve procurement opportunities for exclusive competition among SBE's when at least three (3) SBE's are certified in the relevant procurement category and are available to compete for the procurement opportunity. Therefore, local businesses are provided opportunities to compete with companies of similar size, capacity, and net worth. Projects are reserved for SBE competition based upon recommendations as indicated in the table below:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs			
Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	\$100,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	\$50,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	\$25,000 or less	Three (3)	¹ Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)
<p>Committee Concurrence – If consensus cannot be reached, the County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as a face-to-meeting, over the phone or via e-mail. Documentation of such concurrence shall be retained with the procurement records.</p>			

**Leon County
Board of County Commissioners**

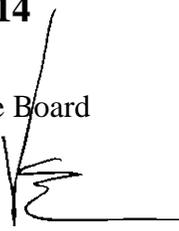
Notes for Agenda Item #18

Leon County Board of County Commissioners

Cover Sheet for Agenda #18

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the Update on the December 5, 2013 Woodville Town Hall Meeting

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development Wayne Tedder, Director, Planning, Land management, and Community Enhancement (PLACE)
Lead Staff/ Project Team:	Cherie Bryant, Planning Department Manager

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

Option #1: Accept the update on the December 5, 2013 Woodville Town Hall Meeting.

Report and Discussion

Background:

On December 5, 2013, staff held a town hall meeting to discuss providing advanced wastewater treatment to the Woodville Rural Community (Attachment #1). The meeting was facilitated by Commissioner Proctor, with more than 100 citizens in attendance. The staff provided information on the various environmental and economic impacts of advanced wastewater treatment (Attachment #2). A survey was provided to all town hall attendees to determine their interest in central sewer, and if they felt that central sewer would be beneficial to the citizens and businesses of Woodville. Additionally, the survey provided an opportunity for citizens to provide written information to be considered by the Board of County Commissioners.

Currently, Leon County Sales Tax Committee Proposed Project #49 includes \$85 million to fund water quality projects. Eight projects, totaling over \$198 million, have been identified for potential funding; two of which are Woodville water quality (sewer) and sewer hook up assistance.

Analysis:

Attachment #3 is a tabulation of the responses of 100 surveys that were returned. A map indicating the location of the survey respondents is included as Attachment #4.

- 94 respondents indicated they owned or rented property within the Woodville Rural Community (with over 90% stating residential property uses)
- 64% stated that, based on the information provided at the meeting, they believed that central sewer would be beneficial to the citizens and businesses of Woodville (36% were not in agreement or did not answer)

Respondents were further asked if they believed that central sewer would be beneficial, and then how the respondent would want sewer to be provided to their property or business.

- Two-thirds of the respondents desired not to incur any costs to install the sewer hook-up, but would be amenable to monthly user-fees
- 28% would be willing to pay hook-up costs over a period of time (in addition to monthly user-fees)
- 6% would not want central sewer service under any circumstance

Of the 100 survey respondents, 36 had additional written comments (Attachment #5).

- 19 want to keep conditions as is, and/or to maintain Woodville's rural essence (the most frequent comment)
- 11 expressed concern regarding costs
- 4 desired more customized options
- 2 stated a need to spend money on other problems before sewer

Seventeen speakers articulated concerns to County staff (Attachment #6).

- 6 emphasized a desire to address other problems before sewer, including paving roads, fixing roads that have flooded, and providing sidewalks and street lighting
- 4 addressed concerns over the costs associated with central sewer
- 3 spoke specifically to keep conditions as is (did not want Woodville to change nor see development increase)
- 3 wanted more customized options; including, having residential connections treated differently from commercial connections, incorporating an incremental approach with central sewer (focusing on areas of higher densities first) and the desire to see a mix of technologies in addition to central sewer
- 1 desired to see a mix of technologies in addition to central sewer

Options:

1. Accept update on the December 5, 2013 Woodville Town Hall Meeting.
2. Do not accept the update on the December 5, 2013 Woodville Town Hall Meeting.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Dec. 5, 2013 town hall agenda
2. Staff PowerPoint presentation from town hall meeting
3. Town hall meeting survey response table
4. Map of survey respondents' locations
5. Additional town hall meeting attendee written comments
6. Town hall meeting attendee verbal comments

Agenda for Woodville Town Hall Meeting December 5, 2013

- 1) Introductions
- 2) Overview of the Sales Tax Committee
- 3) Planning Overview of the Woodville Community
- 4) Studies Completed
- 5) How Sewer Can Affect Development Rights
- 6) Financial Benefits/Costs Associated with Sewer
- 7) Proposed Sales Tax Projects
- 8) Sales Tax Committee Actions to Date
- 9) Next Steps for Sales Tax
- 10) Introduction of Survey
- 11) Citizen Comments and Questions



Woodville Town Hall Meeting December 5, 2013

Woodville Town Hall Meeting

Introductions

Vincent Long
Leon County Administrator



Woodville Town Hall Meeting

Overview of the Sales Tax Committee

Cristina Paredes
Intergovernmental Affairs & Special
Projects Coordinator



Leon County Sales Tax Committee

- Meeting since January 2012
- 18 Citizens appointed by County and City Commissions
- Objective
 - To collect public input and make recommendations on what infrastructure and economic development projects the revenue from the next sales tax should be spent on.
- All meetings are open to the public



Woodville Town Hall Meeting

Planning Overview of the Woodville Community

Wayne Tedder
Director of PLACE



Planning Overview of the Woodville Community

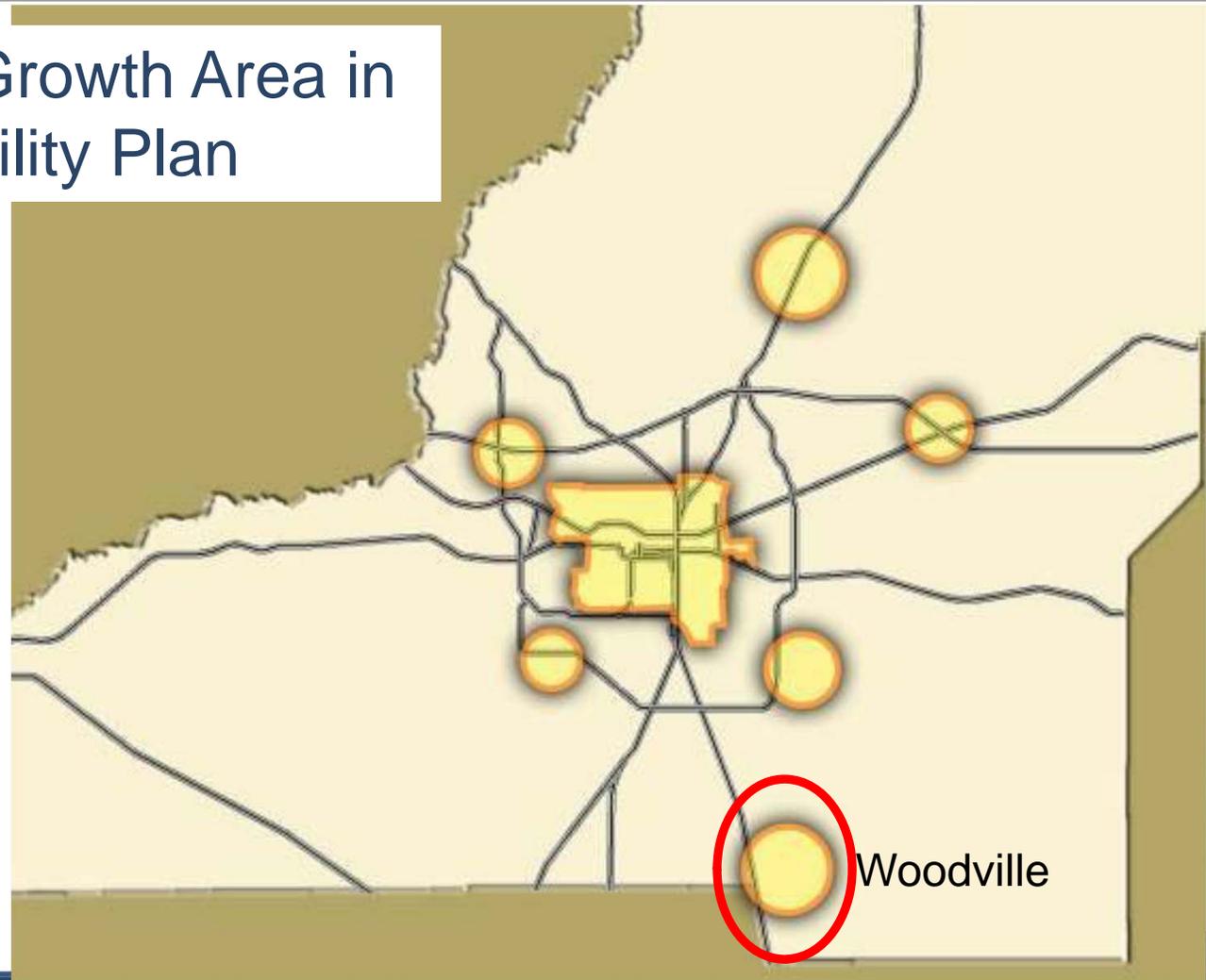
- Identification of Woodville as a location for future development
- Limitation on development due to lack of sewer service
- Planning for springs protection



Woodville Planning Overview

Identification as a location for future development

- Identified as Growth Area in Regional Mobility Plan



Woodville Planning Overview

Limitation on development due to lack of sewer

- Residential use allowed up to 4 Units / Acre, but currently not achievable due to lack of sewer service
- Allowed significant commercial opportunities, but currently limited due to lack of sewer service

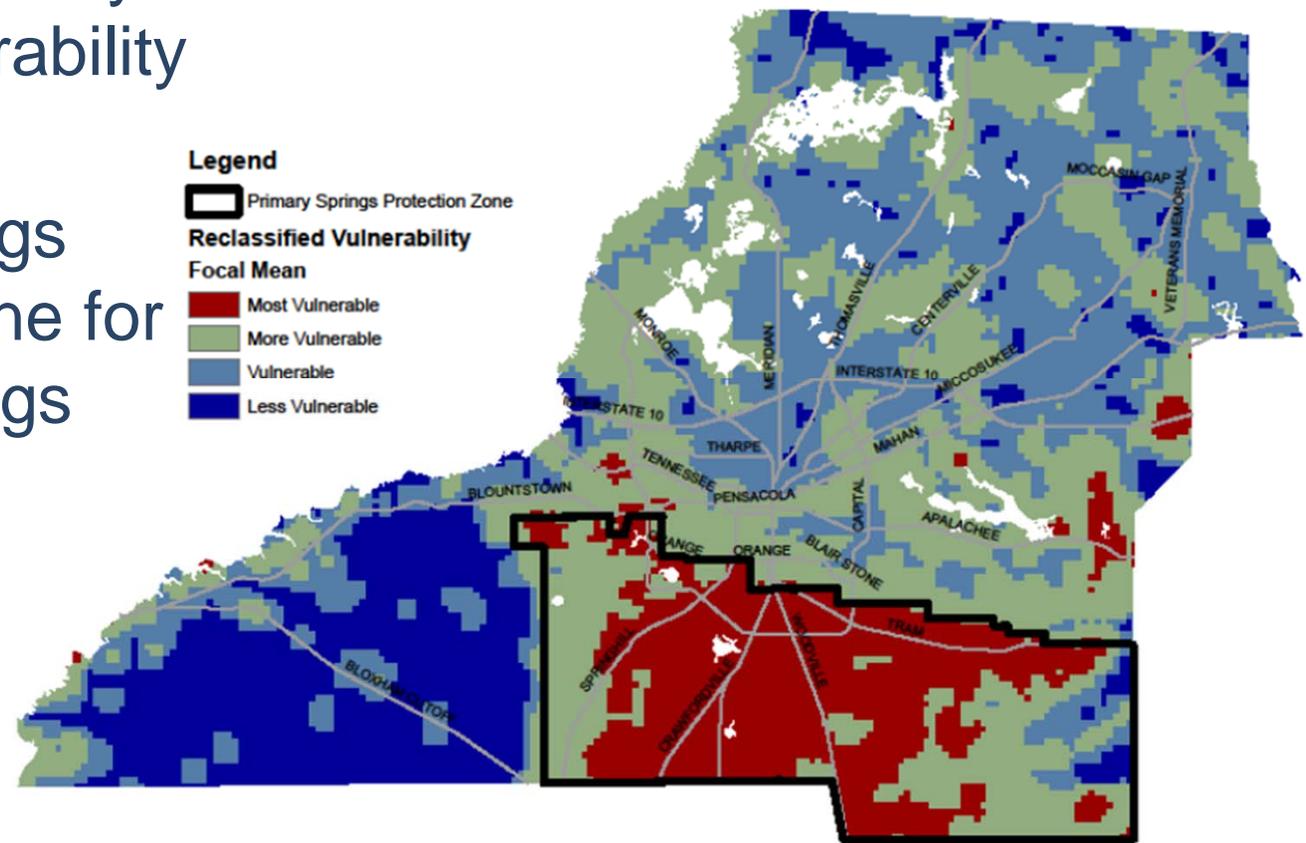


Woodville Planning Overview

Planning for Springs Protection

- 2009 Leon County Aquifer Vulnerability Assessment
- Primary Springs Protection Zone for Wakulla Springs

December 12, 2009 Updated Primary Springs Protection Zone
With Statistically Generalized Version of LAVA



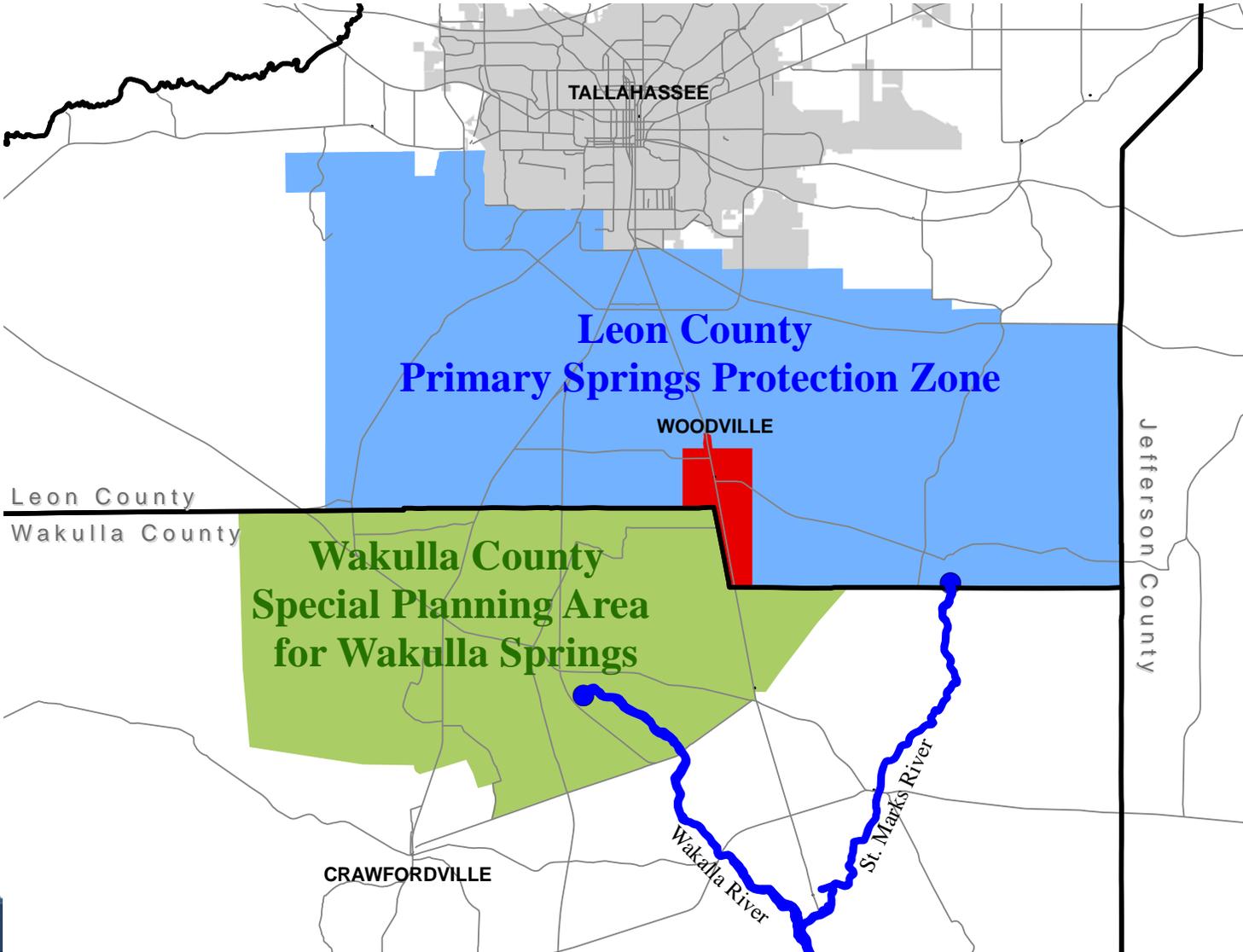
Woodville Planning Overview

Planning for Springs Protection

- Policy established the preferred method of wastewater treatment in Woodville as sewer facilities with Advanced Wastewater Treatment
- Established a Transfer of Development Units system that:
 - Authorizes residential density in Woodville of up to 8 Units / Acre when sewer is available
 - Requires protection of Rural or Urban Fringe lands in the Primary Springs Protection Area to achieve the higher density



Woodville location in the Primary Springs Protection Zone and relationship to the Wakulla County Springs area



Woodville Town Hall Meeting

Studies Completed

John Kraynak

Director of Environmental Services Division

Department of Development Support &
Environmental Management



Environmental Benefits to Sewer

Summary of Recent Studies

- 2002 Northwest Florida Water Mgmt. District Nitrate Loading Report
- 2006 Woodville Recharge Basin Aquifer Protection Study
- 2007 Leon County and 2009 Wakulla County Aquifer Vulnerability Studies by Advanced GeoSpatial
- 2008 Conduit Flow Paths Defined by Groundwater Tracing, Kincaid and Werner



Environmental Benefits to Sewer

Summary of Recent Studies

- 2010 USGS Groundwater Nitrate Study
- 2010 FDEP Wakulla River Total Maximum Daily Load Report
- 2011 Onsite Sewage Treatment and Mgmt. Options Report by Lombardo Associates, Inc.

These Reports provide the foundation and support for transitioning septic systems to central sewer in the Woodville Rural Community



Geology

Attachment #5
Page 28 of 200

characteristics provides important information needed to size, select and site the appropriate wastewater treatment systems. In the following sections the relevant characteristics of the Study Area relevant to the Project will be discussed.

2.4.1 Geology

Geographically, the Leon County and Wakulla County areas of Florida are unique. Leon County is divided by an east to west feature known as the Cody Scarp, which was formed thousands of years ago when sea levels were much higher, as shown on Figure 2-5. The Cody Scarp marks an area where elevations drop from heights of 230 feet to 50 feet in a relatively short distance and where red clay in the north changes abruptly to soft sand in the Woodville Karst Plains to the south. Figure 2-6 illustrates a hydrogeologic cross section through the Study Area.

Figure 2-5. Cody Scarp & Confined versus Unconfined Areas



Source: Todd Kincaid, Wakulla Karst Plain Project, Presentation at Wakulla Spring Symposium May 2004

2.4.2 Wakulla County Geology

The surficial geology of the Study Area is illustrated on Figure 2-7.



City of Tallahassee's Southeast Sprayfield

- Dye trace studies showed a greater hydraulic connection between the Sprayfield and Wakulla Springs
- Settlement Agreement in 2006 required the plant to be upgraded to Advanced Wastewater Treatment (AWT) with a total nitrate plant discharge limit of 3 mg/L
- The upgrade provided a 75% reduction of nitrate from 12 mg/L down to 3 mg/L
- The upgrade was completed in December 2012 for approximately \$228 million



Septic Tanks

- Aquifer vulnerable areas are located south of the Cody Scarp
- Approximately 7,500 septic Systems located south of the Scarp in Leon County
- Studies show septic systems discharge approximately 30 mg/L nitrate
- The TMDL for Wakulla Springs is 0.35 mg/L nitrate
- Central Sewer in Woodville could transition 1,274 existing septic systems at 30 mg/L nitrate each down to 3 mg/L by treating it at the City's AWT facility



Woodville Town Hall Meeting

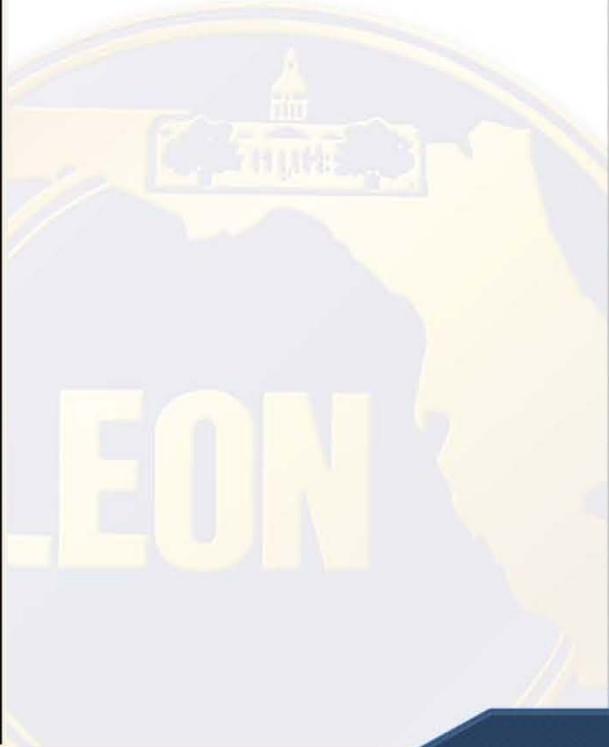
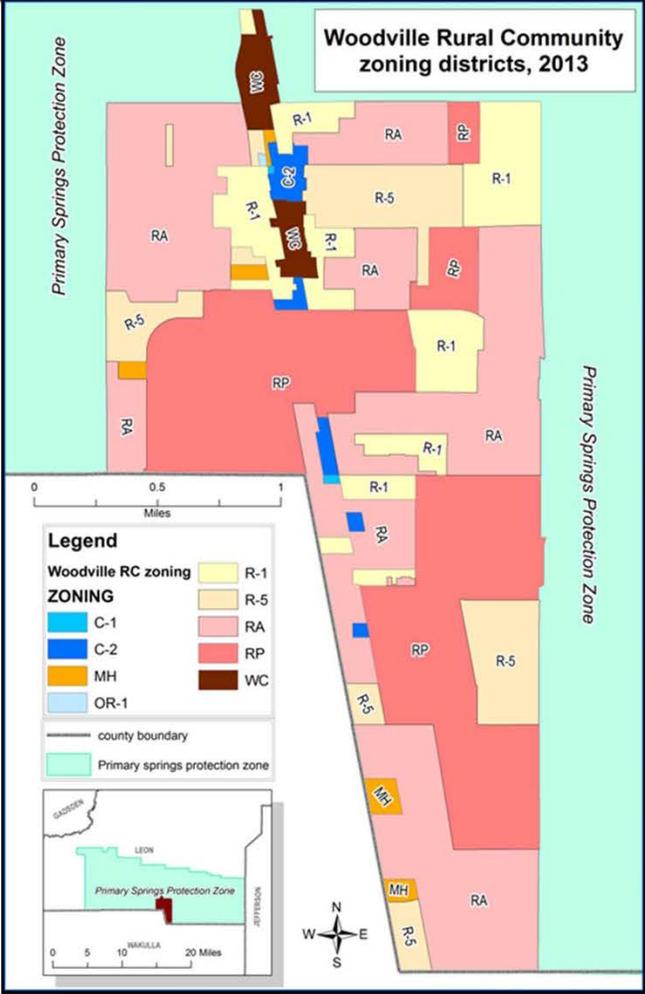
How Sewer Can Affect Development Rights

David McDevitt
Director

Department of Development Support &
Environmental Management



How Sewer Can Affect Development Rights



Woodville Rural Community Land Use Analysis

Zoning	Total Acreage	% Vacant	% of Total Acreage within Woodville Rural Community
RA	1,076.5	56.2%	42.7%
RP	806.2	19.9%	31.9%
R-1	274.7	56.2%	10.9%
R-5	247.5	28.7%	9.8%
MH	26.1	17.7%	1.0%
WC	53.5	6.8%	2.1%
C-2	36.5	18.5%	1.4%
C-1	1.7	100.0%	0.1%
OR-1	0.8	0.0%	0.0%
TOTAL	2,523.5	39.9%	100.0%

- Residential uses: 2,385 acres (95% of total acreage) 891 acres vacant/undeveloped
- Commercial uses: 139 acres (5% of total acreage) 6.5 acres vacant/undeveloped



How Sewer Can Affect Development Rights

Onsite Septic Systems

- **Commercial/Non-Residential Uses**
 - 8,000 sq. ft./acres with maximum of 30,000 sq. ft./parcel
 - Limitations of allowable uses based on anticipated daily effluent generation
- **Residential Uses**
 - 2 dwelling units/acre
 - Availability of central water does not allow an increase in density



How Sewer Can Affect Development Rights

Central Sewer System

- **Commercial/Non-Residential Uses**
 - 10,000 - 12,500 sq. ft./acre with maximum of 40,000 - 50,000 sq. ft./parcel (based on zoning designation)
 - No limits of allowable uses based on anticipated daily effluent generation
- **Residential Uses**
 - 4 dwelling units/acre with up to a maximum of 8 dwelling units/acre based on the transfer of density from property located inside the Springs Protection Zone to the Woodville Rural Community



Woodville Town Hall Meeting

Financial Benefits/Costs Associated with Sewer

Wayne Tedder
Director of PLACE



What Would Sewer Mean Financially?

Importance to Individuals

Pro:

- No septic system pump out or maintenance costs
- No eventual drain field replacement cost
- Utility responsible for the treatment system
- Additional usable land from drain field area

Con:

- Monthly sewer bill for new customers
- Potential share of sewer connection costs for new customers



What Would Sewer Mean Financially?

Importance to the Community

Pro:

- Reduced impacts to Wakulla Springs= Tourism and local recreation spending
- Environmental quality and recreation opportunities are factors for employee retention and business location

Con:

- Sales tax funds not available for other community projects



What Would Sewer Mean Financially?

Importance to Businesses

Pro:

- Increased commercial opportunities due to the increased treatment capacity of central sewer
- Create more jobs in Woodville
- Provide greater shopping opportunities

Con:

- Monthly sewer bill
- Potential share of sewer connection costs



What Would Sewer Mean Financially?

Importance to Businesses and Large Lot Properties

Pro:

- Increased residential density becomes available for new development. No longer required to have ½ acre per home.

Con:

- Monthly sewer bill
- Sewer connection costs for new development

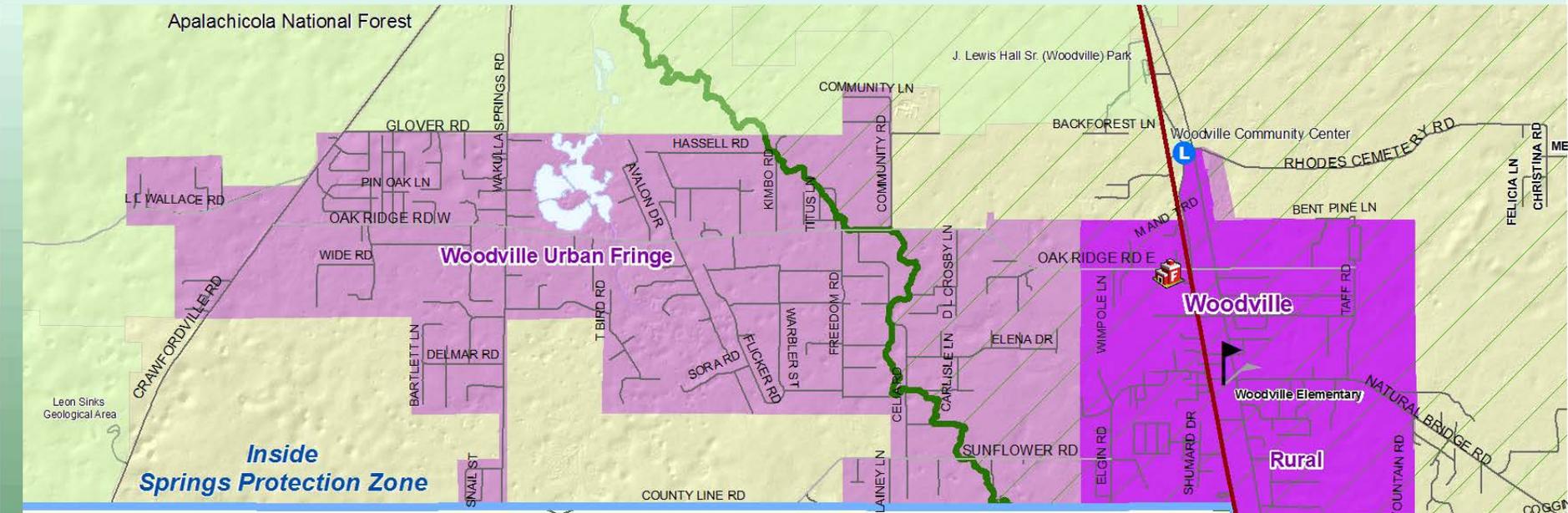


Woodville Town Hall Meeting

Proposed Sales Tax Projects

Kathy Burke
Director of Engineering Services
Department of Public Works

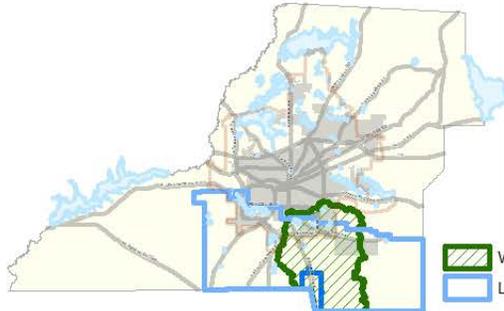




Woodville Water Quality

Legend

- Woodville Urban Fringe
- Woodville Rural Community
- Leon County Springs Protection Zone
- St Marks Trail
- Parks
- Major Lakes



General Location



This product has been compiled from the most accurate source data from Leon County and the City of Tallahassee. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County and the City of Tallahassee assume no responsibility for any use of the information herein or any loss resulting therefrom.

Leon County Sales Tax Projects

Woodville Water Quality Project - #40

- Closed Basin Flood Study - \$1.3million– determine where it may flood and where it is appropriate to intensify development.
- Design, Permit & Construct centralized sewer-connected to the City of Tallahassee AWT Plant - \$24.5 million
 - Goals: Enhance economic viability of the Woodville Rural Community
 - Provide reliable/measurable Wastewater Treatment to protect Wakulla Springs



Leon County Sales Tax Projects

Sewer Hook Up Assistance - #45

Sewer Pipes constructed to your property line in Project #40 cover about 2/3 of the total cost

Additional Property Owner costs to:

- Disconnect and properly abandon septic tank
- Design, Re-plumb sewer pipes to connect to central sewer at property line.
- Goals: Pay - City of Tallahassee System & Connection Charges

Estimated Average Residential cost \$7,000

Amount of Assistance tbd



Leon County Sales Tax Projects

Alternative Sewer Solutions - #39

Submitted by Community Groups:

- Sewer Management Plan \$2.8 million
- Alternative Treatment Facilities
Plan & Implementation- \$50 - \$62.2million
 - No flow to City System/No big pipe
Use Cluster systems, package plants
- Connection Assistance \$2 million



Woodville Town Hall Meeting

Sales Tax Committee Actions to Date

Cristina Paredes
Intergovernmental Affairs & Special
Projects Coordinator



Project #49: Water Quality Funding

- **\$85 million** to fund water quality projects
- Projects that *could* be funded include:
 - Woodville Water Quality (Sewer)
 - Sewer Hook Up Assistance
 - Alternative Sewer Solutions
 - Weems Road Flood Control
 - Killearn Estates Freshwater Restoration
 - Oak Ridge Sewer
 - Centerville Trace Water Resources
 - Downtown Stormwater Improvements

These projects add up to over \$198 million



Woodville Town Hall Meeting

Next Steps for Sales Tax

Vincent Long
Leon County Administrator



Next Steps for Sales Tax

- **Sales Tax Committee Meeting Dates**
 - December 12, 2013
 - January 16, 2014
 - January 30, 2014

- **Project Recommendations will be Considered by the County and City Commissions**

- **County Commission to determine if/when the sales tax is placed on ballot**

- **For more information:**
 - Email: SalesTaxInfo@LeonCountyFL.gov
 - Website: www.LeonCountyFL.gov/SalesTax



Woodville Town Hall Meeting

Introduction of Survey

Wayne Tedder
Director of PLACE



Woodville Town Hall Meeting

Citizen Comments and Questions

Bill Proctor
County Commissioner, District 1

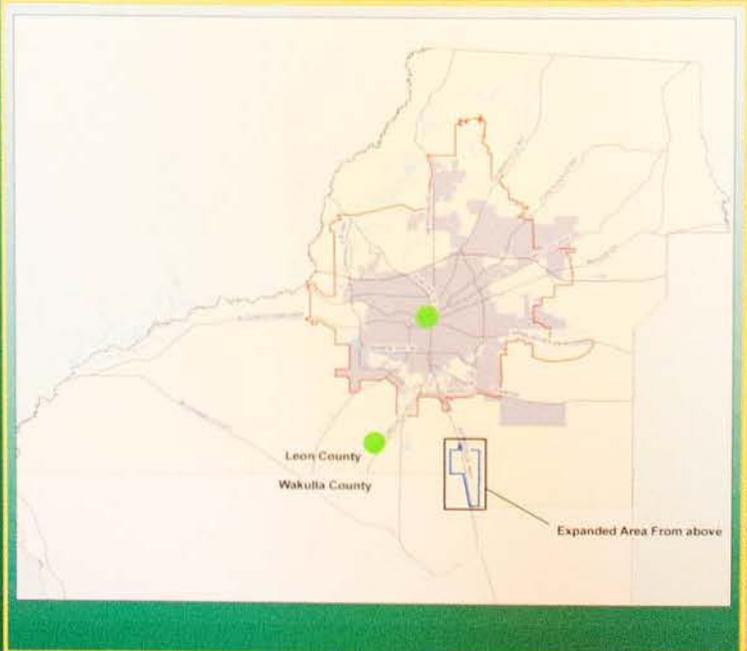
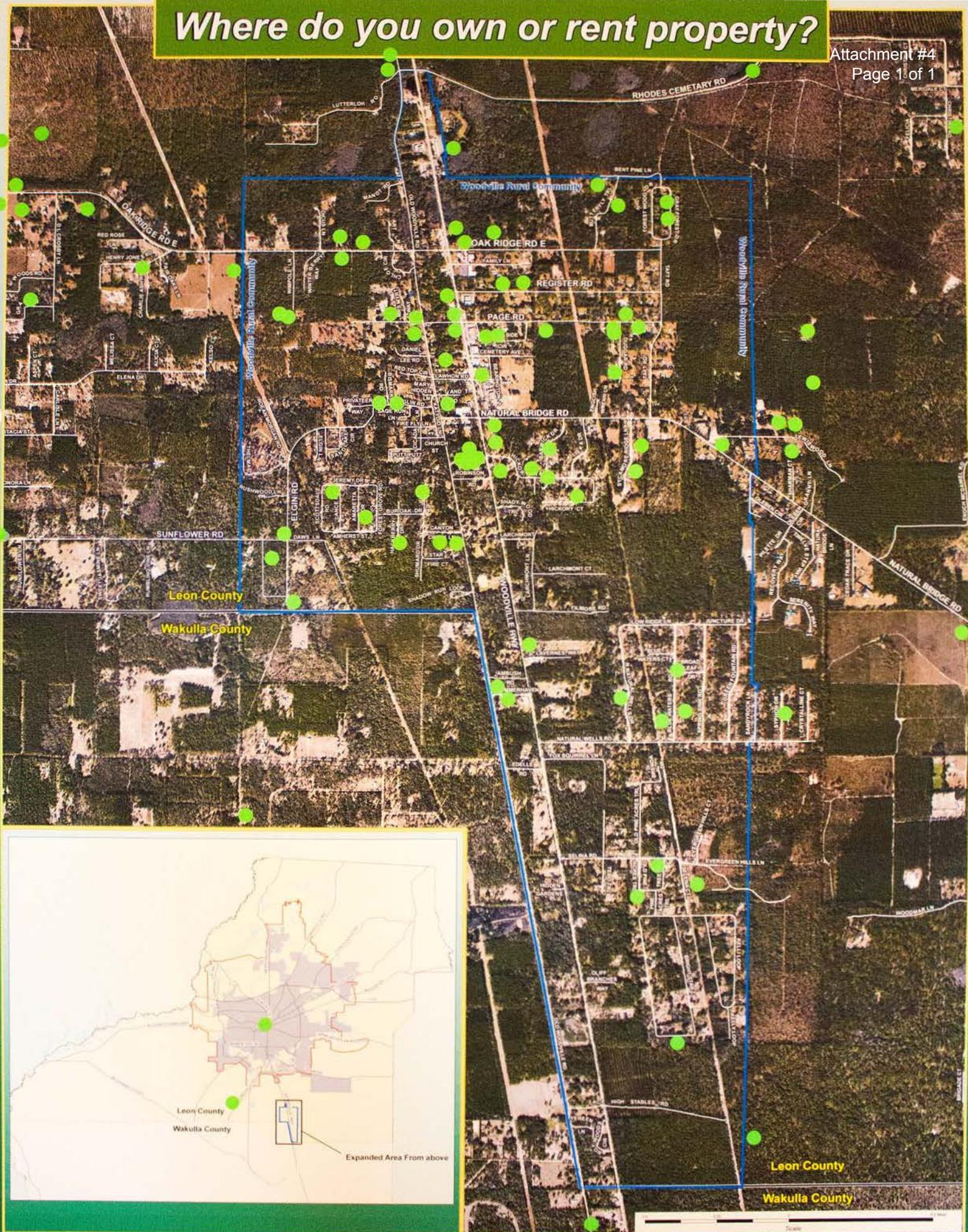




Woodville Town Hall Survey

Question				
	YES	NO		
Do you own or rent property within or near the Woodville Community (See map on back)?	94	6		
	RESIDENTIAL	COMMERCIAL	OTHER	DID NOT ANSWER
If you own or rent property within the Woodville Community, is it:	88	7	2	3
	YES	NO	DID NOT ANSWER	
Based on the information provided tonight, do you believe that central sewer would be beneficial to the Woodville citizens and businesses?	60	32	2	
<p>If you believe that central sewer would be beneficial to the citizens of Woodville, would you want sewer provided to your property or business if the following occurred (Check all that apply)</p> <p>If there were no costs to install the sewer and hook up (Monthly user fees would apply).</p> <p>If I was allowed to pay hook up costs over a period of time (Monthly user fees would apply).</p> <p>I do not want central sewer service under any circumstance.</p>	47			
	20			
	4			

Where do you own or rent property?



Woodville Town Hall Survey

I/We as owner(s)/renter(s) of property at this address: _____

Request the information below to be considered by the Leon County Board of County Commissioners:

1. **Doris Tillman - I felt we were being offered the sewer system in exchange for too much development in the area. 8 units on 1 acre is not acceptable for any person who chose to move here.**
2. **2012 Register Road. 10320 Woodville Hwy. 5 acres next to Seineyard Restaurant**
3. **Patrica Drerft - 9004 Celia Court**
4. **Robert Shawn Stewart - 10737 Sycamore Ridge Lane. No high density development please, if we wanted that, we would live in Tallahassee. We like our little town the way it is, please listen to us.**
5. **It would be beneficial for commercial property. We don't want high density in rural areas. We don't even have a traffic light on the intersection of Natural Bridge & Woodville Highway. And you want to bring more traffic to that area with Woodville School.**
6. **8652 Wakulla Springs Road**
7. **10207 Woodville Highway**
8. **Lucille Brown - -Butterfly Trail**
9. **Carolyn Kitchen - 9516 Amaretta Road**
10. **8317 Avalon Drive - It may be true that businesses would be able to expand and land owners can sell land at high prices. But small town is why I'm in Woodville, not up in Tallahassee. Bring in denser housing and more people and I will move**

out. I don't want thousands of people moving to my community and destroying it. What about the urban fringe?

11. 13919 Selena Court

12. Cynthia Tucker – Better overview for the cost for low income families and seniors.

13. Brenda L. Bryant – 9499 Shumard Drive

14. Michael Browning – 8970 Woodville Hwy.

15. M. Bidizzis – 711 Spiral Garden Way If central sewer allows up to 900 vacant/undeveloped acres to build up to eight units per acre that would add up to 7,000 new household to Woodville with accompanying traffic and non-point source pollution. i.e. Fertilizer, pesticides, pet waste, car run off, etc. Which adds to the existing problem of polluting the aquifer.

16. 985 Sora Road – 1.) The sewer is important to save Wakulla spring. 2.) How would the city help bring business to Woodville? 3.) What can we do to build “community” here? 4.) I like what Pam Hall said about using a smaller sewer system through a “sewer utility” company.

17. Mrs. C. Canon – 1044 Crystal Road – I came in late, however, what I heard I'm hopeful that it would benefit our residential community. I heard something about possible interest in subdividing your personal property to afford family members to live on your property. I am very much interested in getting our roads paved.
Thank You.

18. Kathy Rogers – I am living on my state retirement and have to work part-time job to make enough to eat. How am I supposed to pay for this?

19. Cynthia Weller – 9918 Rivers Williams Ct.

20. Betty Ann Brutty – 8121 Christina Road – I live out here because I wanted the space in the country. I do not want more density. I would live in Tallahassee if I wanted that. This is a very cost prohibitive “option” for the majority of citizens in this area. I cannot pay the monthly fee, let alone 7000 to install. I don't want more traffic, more business, more people.

- 21. K.D. Farmer – 63 River Plantation Road – Thanks for considering central sewer. As a representative of one of the 3 permitted waste water treatment system in Wakulla County, Less nutrients in ground/storm water is mandatory if our health is important.**
- 22. Charles J. Malphurs III – 9122 Duggar Road**
- 23. Phillip Watkins – 2436 Page Road**
- 24. 11730 Evergreen Hills**
- 25. 10832 Old Pine Acres Trail**
- 26. 653 Murkim Road - Sidewalks or shoulders on Oak Ridge Road, as soon as possible.**
- 27. 1479 Jeremy Drive**
- 28. Monthly fee too high!!**
- 29. I can't afford any more taxes or fees. That's just a tax by a different name. I'm retired on fixed income. Now you want me to pay another \$720 per year for sewer?**
- 30. 9015 Old Woodville Road – Maybe there is a way to zone Woodville so the growth can be controlled yet still hook up to the septic system.**
- 31. 9543 Woodville Highway**
- 32. Patti Bush – 2373 Page Road, 2059 Page Road, 9220 Duggar Road – If this moves forward: Is it possible to offer a choice between no costs hookup with monthly fees and paying hook up costs over a period of time? Would connection assistance be based on income and would “income” be determined including governmental assistance programs?**
- 33. Elizabeth Crosby – 9957 Mrs Mynt Way**
- 34. William Crosby – 9957 Mrs Mynt Way**
- 35. Emma Jackson – 9600 Butterfly Trail – What would be the plans for residence that's on a fixed income?**

- 36. Arthur Brown – 9654 Butterfly Trail – Would there be a program for low income persons or fixed income retired, disabled, or single parent homes?**
- 37. Tim Grover – 11409 Woodville Highway**
- 38. Alex Sutor – Elgin Road & Sunflower**
- 39. Liska Drive - Wakulla Springs is important to protect and nitrogen reducing septic systems are useless and expensive. Central sewage is important for property value increase.**
- 40. 2789 Wade Trail**
- 41. Cynthia Ann Poites – 9355 Elgin Road**
- 42. Macy Dyal – Elgin Road – No Housing Projects! Rural too crowded, too many cars. Don't bring more cars etc. Like owls, animals.**
- 43. Leslie Knott – 8711 Freedom Road**
- 44. 10815 Cedar Trace – Please save our springs. I do not want affordable housing in the Woodville area or a dozen trailers on a acre.**
- 45. 2896 Lewiswood Lane, Tallahassee, FL 32305 - \$7,000 per year is way too much money.**
- 46. This project seems unaffordable at this time. There are many retired and low income families in this community. Bringing more development/people to this area will also increase traffic, crime and other problems.**
- 47. DO NOT think this community needs central sewer system. Moved there to get away from city. Keep Woodville rural not like the city. Don't want any development.**
- 48. FYI, I moved here to get away from 8 units/acre. I don't want to live in a southern version of Bradfordville!! I have no desire to be packed in like sardines. It's only 7 miles to Tallahassee, which is reasonable.**

- 49. 10077 Blue Waters Road – I prefer Woodville small and undeveloped. I do not want several units per lot. I do not want apartment buildings. I moved here for space. And I want to keep space.**
- 50. Richard E. Johnson – 10250 Syphon Drive**
- 51. Douglas Hithson – 9310 Old Woodville Road- NO NO NO**
- 52. Charles Burdeshan – 10503 Woodville Hwy, Tallahassee, FL 32305**
- 53. Daina Young – 10090 Blue Waters Road – What if we do not want more residential properties in our area.**
- 54. McGriffs – I understand the growth but I love it fine just the way it is.**
- 55. The costs are simply not worth the benefits. I've lived here since 1982 and Wakulla Springs ran clear until they built the Tram Road sprayfield. When that runs 100% clean, I'll consider abandoning my septic system.**
- 56. 10057 N. Natural Wells**
- 57. 2922 Lewiswood Lane – Leon county sewer no.**
- 58. Bob Galloway – 2263 Delmon**
- 59. The problem we have in my area is flooding. We have been asking for assistance in repairing and paving the road.**
- 60. Webster Hand – 10320 Sage Run Lane**
- 61. Kay Brown – 7640 Meridale Drive – The reason we moved is the room we have to live and enjoy the trees and nature. More density would decrease the natural habitat we see and enjoy on a daily basis.**
- 62. To start with we have paid for this sewer since 1945. You need to talk to all residence owners in Woodville.**
- 63. It is frivolous to consider this investment without a clear understanding of the costs to the citizens and if the County Commissioners are willing to enforce corrections to central sewers.**

- 64. Wakulla Springs cannot be restored without sewer or advanced treatment of human waste. Use of Bold & gold in drain fields will do the same as sewer for \$500/house/20 years! Get DOH to approve this. Keep Woodville rural.**
- 65. 733 Spiral Garden – You should consider promoting composting toilet systems as an alternative – they run \$1500 – 2000 per unit.**
- 66. Doug Anderson – Concerned that higher density will offset some of the environmental/water quality gains of central sewer hook-ups. Also, how much public assistance is provided will be a big factor as to if this program is successful.**

Woodville Town Hall Meeting

December 5, 2013

Summary of Citizen Comments from Speaker Request Forms

Shawn Stewart – 10737 Sycamore Ridge

- Does not want central sewer
- Would live in Tallahassee if he wanted to live in a high density area
- Wants to keep the little town how it is

Melvin Bonham – 10049 Blue Waters Road

- Concerns that all the Blueprint money goes to the City of Tallahassee and not to Woodville
- Stated that when central sewer was extended in Pensacola, there was no cost for existing residential to tie in
- Commissioner Proctor asked Kathy Burke to address Mr. Bonham's question about potential connection assistance. Ms. Burke responded that connection assistance is being considered as part of the Blueprint extension and explained the costs to Woodville would be lower than Killearn Lakes since Woodville sewer would be gravity fed (as opposed to pressurized central sewer in Killearn Lakes).

Doug Alderson – 960 Towhee Road

- Running central sewer to Woodville would be a double-edged sword. The higher densities that could be permitted would be offset by the environmental benefits.
- Residents need to know what the costs to them will be and potential financial assistance (and levels) need to be worked out.

Liz Olson – 2917 Lewiswood Lane

- Has lived in Woodville her whole life and doesn't want Woodville to change.
- Concerned that the proposed changes to DISC Village to a retirement center will impact the entire area since it takes over 200 acres and turns it into residential.
- Stated that most people at the meeting don't know about DISC Village since only residents within 1,000' were notified.
- David McDevitt explained the current status of the DISC Village Comprehensive Plan Map Amendment and indicated DISC Village and a proposed tower by Talquin Electric were the only two larger development projects in the Woodville area he was aware of.

Maria Balingit – 711 Spiral Garden Way

- Lives in Woodville off Freedom Road
- Wants to see something done to protect Wakulla Springs but not if the vacant land is developed at high densities.
- Does not want Woodville to look like Bradfordville.

Charles Williams – 9918 Rivers Williams Circle

- 6th generation resident of Woodville
- Would like to see more meetings to learn what is going on in the area
- Question what Woodville has received as a result of current Blueprint funding.
- Wants Blueprint extension to include paving of dirt roads, sidewalks, street lights and bus shelters
- Acknowledged that central sewer would help Wakulla Springs, but wants the core basic issues of Woodville fixed first (i.e. Bradfordville improved core basic issues before central sewer).
- Wants to know exactly what the costs of central sewer would be to the residents. The presentation did not include enough information on the costs.
- Commissioner Proctor stated that this is what he has been saying the needs of Woodville are (road paving, sidewalks needed, etc.) and is glad that Vince and staff are present to hear this. Commission Proctor further asked for the voices of the residents to advise if you don't want sewer, what do you want. This will instruct us.

Shawn Lewers – 9543 Woodville Highway

- Has owned a house in Woodville for 10 years, lived in Killlearn Lakes for 10 years before that.
- He can afford central sewer but does not feel that it would be worth it to him.
- Suggested that residential connections should be treated differently than commercial connections.
- Asked if there would be a way to incorporate gas with this project
- Kathy Burke indicated she would address this with the City of Tallahassee to see if gas could be part of the project

Bert Thomas – 13919 Selena Ct.

- Moved to Woodville 7 years ago from Atlanta.
- His mother lived in Panama City (Bay County) and the residents did not have to pay for central sewer connections if they agreed. If they declined and wanted it later, they would have to pay.
- After being hit with increased healthcare costs, can't afford something like this right now.
- Stated it is a mistake to try and do this now and stressed that the residents needed Commissioner Proctor to fight for them
- Commissioner Proctor stated that he will continue to do his best for the residents.

Steve Saunders – 10057 N. Natural Wells Dr.

- His mother lives in Panama City and they received at no cost the same thing (central sewer) and her fees were doubled in the next five years.
- Came to Leon County in 1965 and has lived in Woodville for five years.
- Does not want central sewer and felt most everyone in attendance would agree with him
- Concluded statements with "Ask us what we want."

Christine Harris – 1479 Jeremy Dr.

- Lives in Shady Grove Trailer Park
- Stated that it floods in Shady Grove and wants the flooding to go away

Pam Hall – 5051 Quail Valley Rd.

- Fought for Bradfordville's development and got good water protection out of it.
- Concerned that the County's approach to reduce nitrogen is a one-size-fits-all approach.
- Instead of a central sewer pipe, Dr. Hall suggested it be done incrementally, focusing first on higher density areas.
- John Kraynak added that septic tanks have a ten times greater nitrogen load than does central sewer and questioned what right does Woodville had in putting all this additional nitrogen into our drinking water.

Anthony Gaudio – 2335 Grass Roots Way

- Came here 33 years ago.
- Has been a septic tank installer for 28 years.
- Would like to see an approach like Sales Tax Committee project #39 – Alternative Sewer Solutions which would include a mix of technologies.
- Acknowledges that the area has to take some responsibility for the nitrogen problem.

Walter Henderson – 8697 Freedom Road (address not provided on speaker form)

- Stated that when Blueprint wanted to build Capital Circle, it was all paid for.
- Wants sidewalks in Woodville.
- Needs central sewer but can't afford it.
- Stated we paid for Tallahassee, let them pay for stuff here.

Ann Porter – 9355 Elgin Road

- Lived here 48 years.
- She is for central sewer and states we need it.
- Stated that 75% of people in Woodville are 64 years of age and older.
- Concerned about the 50% surcharge on City water and electric.
- Wants to know if there would be a 50% surcharge with central sewer.
- Wants the County Commission to protect Woodville residents from City Commissioners.
- Requested guaranteed assistance for those who cannot afford to pay for central sewer.
- Wants to know the costs for central sewer up front.

Charlene Crump-Hicks – 8333 Lesley St.

- Questioned why they had to pay an extra \$120/year to use the roll-off sites.

Charlie Ash – 8461 Colbert Road (No longer wished to speak)

McGriffs – PO Box 701, Woodville (Not present when called to speak)

Summary of Citizen Comments without Speaker Request Forms

Name unknown

- Has no problem with central sewer
- Stated that Lake Jackson, Lake Iamonia, Piney Z and Cascades Park have all been cleaned up but the most contaminated lake is Lake Munson.
- Theresa Heiker noted the County's desire to continue efforts in cleaning up the lake with the State of Florida who has ownership of the lake.

Mrs. Kitchen

- Asked if the roads and flooding would be fixed as part of the central sewer.
- Has a septic system that works and doesn't need central sewer.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #19

Leon County Board of County Commissioners

Cover Sheet for Agenda #19

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of Status Report on the Remedial Action Plan to Address Groundwater Issues at the Apalachee Solid Waste Management Facility

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Maggie Theriot, Director, Office of Resource Stewardship
Lead Staff/ Project Team:	Robert Mills, Director, Solid Waste Shawn Abbott, Superintendent, Solid Waste

Fiscal Impact:

This item has a fiscal impact. The Department of Environmental Protection (DEP) no longer requires remediation and monitoring; therefore, the remaining capital project funds of approximately \$300,000 will not be expended. Funds will return to the Solid Waste Enterprise Fund.

Staff Recommendation:

Option #1: Accept the status report on the Remedial Action Plan to address groundwater issues at the Apalachee Solid Waste Management Facility.

Report and Discussion

Background:

Iron and benzene have been constituents of groundwater at the Apalachee Solid Waste Management Facility. Elevated constituent levels of iron and benzene were first detected in February of 1998. The constituents were discovered in routine testing and are continually monitored via routine groundwater sampling at the facility. The level and extent of these findings are reported to the Florida Department of Environmental Protection (DEP) semi-annually. Initially, DEP accepted a Monitoring Only Plan (MOP) because of the potential for a natural reduction in the levels of these substances over time. While benzene concentrations remained rather constant, the iron concentrations continued to rise. Therefore, in July 2010 DEP required the County to submit a plan to remediate the benzene and iron constituents. On September 14, 2010, the Board approved funding to implement the remediation action plan.

The basic aspect of the remediation plan was to pump air into the unlined landfill cell associated with the constituents, a process called air sparging. By introducing oxygen to the groundwater, it was anticipated the iron would be converted to iron hydroxide, which will precipitate out of the water column and cause no further concern. As the air bubbles travel upward they “strip” the benzene out of the groundwater. In May 2011, DEP finalized review and approved the proposed plan. A status report was provided as part of the June 14, 2011 Board meeting. HDR Engineering, the County’s solid waste consultant, conducted a two-phase test. Phase I, a short duration air sparging test, was completed in August 2011. Based on the positive results, Leon County received approval from DEP to initiate Phase II of the test, which was implemented in April 2012.

Analysis:

The Remedial Action Plan specified a technology that is a common remediation approach to address the benzene constituent and, in theory, would address the iron constituents. Phase I of the test was completed successfully. Phase II was initiated in April, and completed in September 2012. The second phase did show some further reduction in the benzene concentrations, but did not completely eliminate the benzene in the test area. The performance of the system was somewhat diminished due to the sporadic presence of the shallow groundwater. Instances of above-standard concentrations of benzene and iron constituents were detected only in the shallow groundwater zone (Attachment #1). Non-connected or continuous shallow groundwater zones are not required to be monitored by DEP, as they do not impact sources of public drinking water, such as the Floridan aquifer.

In late 2012, DEP recommended an operating permit modification request with supporting data. In January 2013, DEP approved an operating permit modification that would no longer require monitoring the shallow groundwater zones. Furthermore, in July 2013, DEP specified the Solid Waste Management Facility’s benzene clean-up in the shallow groundwater zone was closed and no further remediation is required (Attachment #2). Because of the permit modification, 42 monitoring wells were abandoned. The abandonment of these wells and ending of testing will result in approximately \$300,000 savings of the existing budgeted remediation project. The project is funded through the Solid Waste Enterprise Fund.

As part of the ongoing DEP operating permit future monitoring will be limited to only the Floridan aquifer. At no time has Benzene been detected above drinking water standards in the Floridan aquifer. The Solid Waste Management Facility will continue to monitor the Floridan aquifer as required by the operating permit through a limited number of wells that will remain present for the life of the landfill.

Options:

1. Accept the status report on the Remedial Action Plan to address groundwater issues at the Apalachee Solid Waste Management Facility.
2. Do not accept the status report on the Remedial Action Plan to address groundwater issues at the Apalachee Solid Waste Management Facility.
3. Board direction.

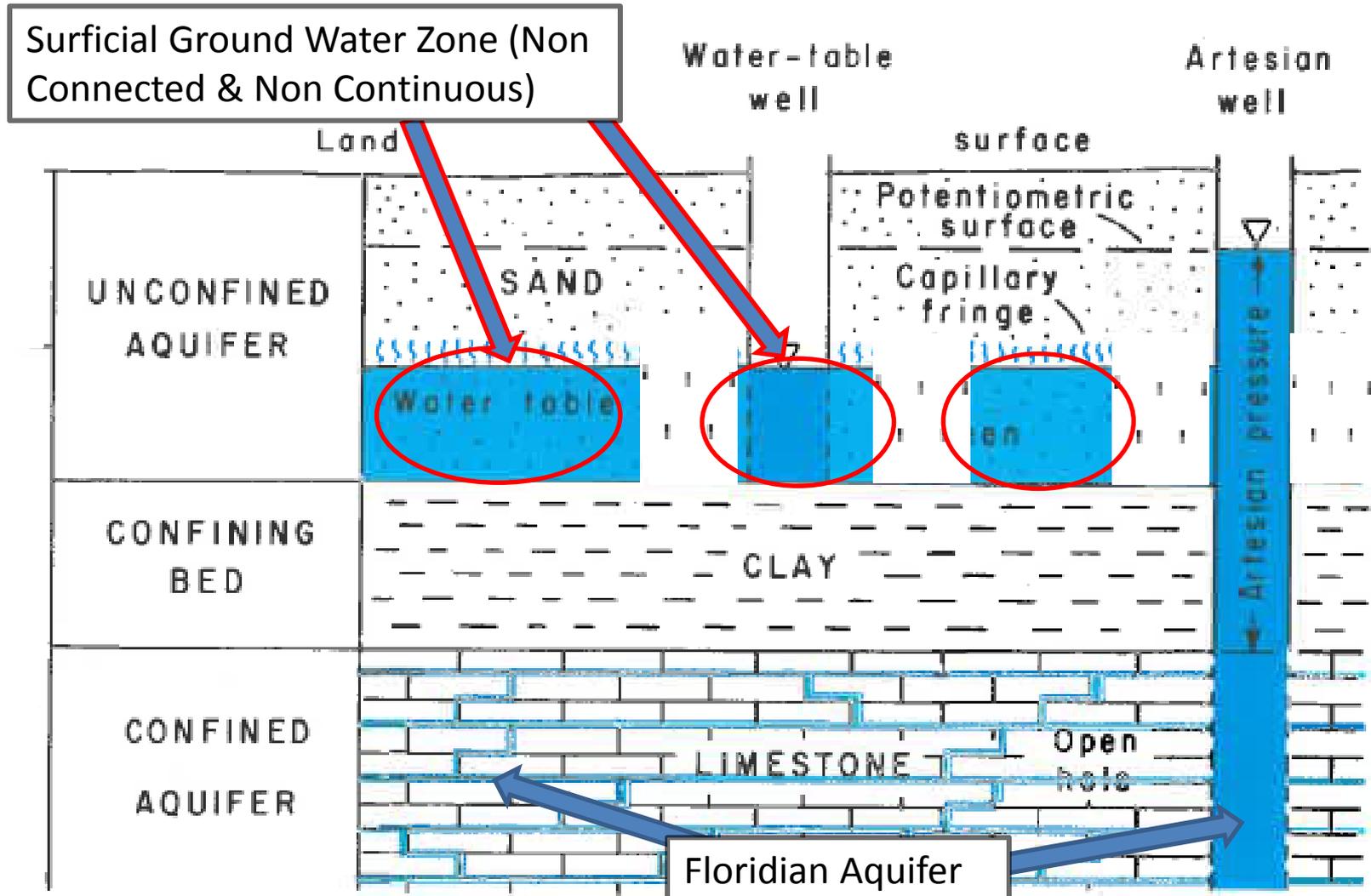
Recommendation:

Option #1.

Attachments:

1. Graphic of shallow groundwater zone.
2. July 17, 2013 DEP letter

AQUIFERS AND CONFINING BEDS





Florida Department of Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Herschel T. Vinyard Jr.
Secretary

July 17, 2013

Sent via e-mail to:
Millsro@leoncountyfl.gov

Mr. Robert Mills, Director
Leon County Solid Waste
Management Division
7550 Apalachee Parkway
Tallahassee, Florida 32311

Dear Mr. Mills:

This is a follow-up to our recent discussions between Department personnel, Leon County Solid Waste personnel and your consultant of HDR Engineering, Inc., concerning corrective actions at the Leon County US 27 South Solid Waste Management Facility (FDEP ID Nos. 6660, COM_9560), located in Tallahassee, Florida.

In our February 28, 2013 memorandum, which was enclosed in our March 4, 2013 letter, we recommended that we close the cleanup project for vinyl chloride detections in the western portion of the facility. Since then, your consultant has provided information that led to a discussion about the Surficial "Aquifer" beneath the landfill.

Your consultant concluded and we concurred that what had been thought to be a continuous aquifer unit is actually a number of non-connected areas of perched water. Because of this, a flow in these surficial areas is not discernible. As a precaution, we have added some surficial wells for benzene monitoring to your modified permit. For now, additional corrective actions concerning the benzene in surficial perched water are not needed. We are closing our cleanup project.

Should you have questions or need more information, please contact Dominique Harding at 850- 595-0588 or by e-mail at dominique.harding@dep.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Alex Webster".

Alex Webster, P.G.
Cleanup Section Supervisor

AW/dh/r

c: Shawn Abbott, Leon County, abbotts@leoncountyfl.gov
John Catches, P.G., HDR Engineering, Inc., john.catches@hdrinc.com
Dawn Templin, P.E., FDEP Solid Waste Section, dawn.templin@dep.state.fl.us
Michael Dunaway, P.G., FDEP Division of Waste Management, michael.dunaway@dep.state.fl.us

**Leon County
Board of County Commissioners**

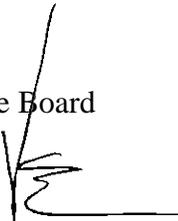
Notes for Agenda Item #20

Leon County Board of County Commissioners

Cover Sheet for Agenda #20

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Ratification of Board Actions Taken at the December 9, 2013 Annual Retreat and Approval of Revised Leon County Strategic Plan

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator Kim Dressel, Senior Assistant to the County Administrator

Fiscal Impact:

While this item has no fiscal impact, certain proposed Strategic Initiatives may have future financial impacts. The pursuit of such Strategic Initiatives' costs would be considered by the Board in the future. Inclusion of a Strategic Initiative within the Board's Strategic Plan does not commit the Board to future funding.

Staff Recommendation:

Option #1: Ratify the actions taken by the Board during its December 9, 2013 Annual Retreat, and approve the Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended (Attachment #1).

Report and Discussion

Background:

During the December 12, 2011 retreat, the Board initiated a two-year strategic planning process, which included identifying its Vision Statement, Core Values, Core Practices, and four Strategic Priorities which focused on the Economy, Environment, Quality of Life, and Governance. On December 13, 2011, the Board ratified the actions it had taken during the Board Retreat, and on February 28, 2012, the Board approved 84 Strategic Initiatives, which put those Strategic Priorities into action.

During the December 10, 2012 retreat, the Board refined its Vision Statement, some of its Strategic Priorities and Strategic Initiatives, and identified 25 new Strategic Initiatives. The updated Strategic Plan was adopted on January 29, 2013. As discussed in the ratification agenda item, staff anticipated that work on those 109 Strategic Initiatives (84 FY 2012 and 25 FY 2013) will be completed in large part during the two-year planning cycle.

On September 24, 2013, the Board approved the proposed agenda for the December 9, 2013 Board retreat, and approved transitioning to a five-year planning cycle with continued annual reviews and updates, and semi-annual status reports. Leon County's Strategic Plan now spans from FY 2012 through FY 2016.

Analysis:

Consistent with the Board's direction and focus upon building community, forging strong partnerships, and leveraging resources to achieve greater impact and value, during the first part of the December 9, 2013 retreat the Board had facilitated discussions with:

- Florida State University President Eric Barron, who, at the Board's invitation, provided additional information regarding the vision and process for the redevelopment of the Civic Center District. As previously discussed during a Board workshop held on October 29, 2013, in order to increase local tourism, and achieve other economic benefits through increased conference activities, there is a County interest to ensure the project provide the desired level of meeting space, capable of hosting larger conferences and conventions.
- Liz Joyner, Director of The Village Square, who, at the Board's invitation, discussed the potential for partnering to take citizen engagement to the next level, and Bob Jones, Director of Florida Conflict Resolution Consortium Consensus Center, who discussed challenges communities face in building and maintaining engaged, effective, and responsible citizens.

The remainder of the retreat provided the Board with an opportunity to review, affirm, or amend its Strategic Plan as a means to assure Commissioners have continued consensus and staff have clear direction as to the execution of the Board's priorities. The following reflects staff's attempt to capture the intent of the revisions made during the December 9, 2013 retreat. Additionally, these revisions are reflected in the Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended, with changes identified in strike through underline format (Attachment #1) and in final format (Attachment #2).

- **Vision Statement:** During the retreat, the Commissioners considered whether or not to amend Leon County's Vision Statement for the community. Commissioner Dailey moved, seconded by Commissioner Proctor, to accept the current Vision Statement, unchanged. The motion carried 7-0.
- **Strategic Priorities:** During the retreat, the Commissioners considered whether or not to amend Leon County's Strategic Priorities. Commissioner Dailey moved, seconded by Commissioner Proctor, to accept the current Strategic Priorities, as stated, for all four categories. The motion carried 7-0.
- **Strategic Initiatives Status Report:** During the retreat, the County Administrator provided highlights of the Strategic Initiatives Status Report, which was included in the retreat materials. He noted that 90 (83%) of the Strategic Initiatives are completed, and 99 (91%) are anticipated to be completed by the end of December. Four of the 10 Strategic Initiatives that will remain in progress as of January 2014 rely upon completion of the Sales Tax extension process. The County Administrator noted that categorizing a Strategic Initiative as completed does not necessarily mean that work is completed. Rather, the completion of a Strategic Initiative often leads to an ongoing program and ongoing support (such as with the PACE program, and community gardens).
- **Strategic Initiatives:** During the retreat, the Commissioners considered whether or not to amend Leon County's Strategic Initiatives, or to identify additional Strategic Initiatives. During the retreat, the following Strategic Initiatives were added or revised:

Economy –

1. Subsequent to the Board's discussion with FSU President Barron, Commissioner Maddox moved, seconded by Commissioner Desloge, to **direct the County Administrator to work with FSU on the Civic Center District Master Plan to include the potential partnership to realize the convention center space desired by the County and to bring back issues related to the County's financial and programming roles and participation for future Board consideration.** The motion carried 7-0. During the first portion of the retreat it was agreed to add this direction as a Strategic Initiative during the second portion of the Board's retreat, which was done.
2. Commissioner Maddox moved, seconded by Commissioner Proctor, to **continue to work with FSU to bid and host NCAA cross country national and regional championships at Apalachee Regional Park.** The motion carried 7-0.

3. Commissioner Desloge moved, seconded by Commissioner Maddox, **to support sector planning for the area surrounding the Veterans Affairs' clinic.** The motion carried 7-0.
4. Commissioner Desloge moved, seconded by Commissioner Lindley, **to engage in a needs assessment for the Bradfordville Study Area.** The motion carried 7-0.
5. Commissioner Sauls moved, seconded by Commissioner Proctor, **to ensure projects being considered for funding associated with the infrastructure Sales Tax extension represent geographic diversity throughout the County and address core infrastructure deficiencies in rural areas.** The motion carried 7-0. To better enable tracking and reporting on the status of these two related issues, staff will present these as two separate Strategic Initiatives in the updated Strategic Plan.
6. Commissioner Dozier moved, seconded by Commissioner Maddox, **to engage with local economic development partners to build and expand upon the success of Entrepreneur Month and community connectors.** The motion carried 7-0.

Quality of Life –

1. Commissioner Proctor moved, seconded by Commissioner Maddox, **to institute a Sense of Place initiative for the fairgrounds.** The motion carried 7-0.
2. Commissioner Desloge moved, seconded by Commissioner Maddox, **to focus on improving Leon County's ranking as a bicycle friendly community.** The motion carried 7-0.
3. Commissioner Maddox moved, seconded by Commissioner Proctor, **to further establish community partnerships for youth sports development programs.** The motion carried 7-0.
4. Commissioner Lindley moved for the County **to work with the city to celebrate the opening of Cascades Park.** The motion carried 7-0.
5. During the December 10, 2013 Board meeting, Commissioner Lindley moved, seconded by Commissioner Desloge, to modify the Strategic Initiative regarding EMS so that the County can **continue to pursue some assistance and bring back the initiative in the form of a ratification of the Board retreat actions.** The motion carried 7.0. The referenced Strategic Initiative is to "...**pursue funding for community paramedic telemedicine.**" This Strategic Initiative will continue as part of Leon County's five-year Strategic Plan.

Governance –

1. Commissioner Maddox moved, seconded by Commissioner Desloge, **to create a capital projects priority list for the fifth-cent gas tax (program)**. The motion carried 7-0.
2. Commissioner Lindley moved, seconded by Commissioner Desloge, **to develop a proposed partnership for the next iteration of Citizen Engagement, possibly with The Village Square, which would be renewable after one year**. The motion carried 7-0.
3. Commissioner Dozier moved, seconded by Commissioner Maddox, **to engage with private sector to develop property at the corner of Miccosukee and Blair Stone, to include the construction of a Medical Examiner facility**. The motion carried 7-0.

• **Additional Actions Taken - Agenda Items/Workshops:**

1. Subsequent to discussion regarding whether Leon County should apply to become a Federally Qualified Health Center (FQHC) or take a more direct administrative role with respect to oversight, Commissioner Desloge moved, seconded by Commissioner Dailey, to hold a workshop regarding healthcare in general, to include a discussion regarding the County becoming a FQHC, whether the County can provide administrative oversight without being a FQHC, and convening the following four groups: Bond Community Health Center, Neighborhood Health Services (NHS), Leon County Health Department, and the FSU School of Medicine.

Of note, during the December 10, 2013 Board meeting, following considerable Board discussion regarding a letter of support requested for Neighborhood Health Services' FQHC grant application, Commissioner Desloge moved, seconded by Commissioner Maddox, **to schedule the proposed healthcare workshop, subsequent to the community dialogue meeting**. The motion carried 7-0.

2. Subsequent to discussion regarding the status of the Market District, and the apparent gap in information provided to the City and County, staff was requested without objection to provide a status report, as a general business agenda item and presentation, regarding the Market District and Monroe Street from Tharpe to I-10.
3. Commissioner Proctor requested, without objection, for staff to provide a status report on joint calendaring and use of City/County sports fields.

Upon receipt of the Board's approval of the amended Strategic Plan, staff will finalize it for publication, and have it printed and distributed.

Options:

1. Ratify the actions taken by the Board during its December 9, 2013 Annual Retreat, and approve the Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended.
2. Do not ratify the actions taken by the Board during its December 9, 2013 Annual Retreat, and do not approve the Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended, with changes identified in strike through underline format
2. Proposed Leon County Board of County Commissioners Strategic Plan for FY 2012 through FY 2016, as amended, with proposed changes accepted



LEON COUNTY BOARD OF COUNTY COMMISSIONERS

STRATEGIC PLAN

FY 2012 - FY 2016

Vision

As home to Florida's capitol, Leon County is a welcoming, diverse, healthy, and vibrant community, recognized as a great place to live, work and raise a family. Residents and visitors alike enjoy the stunning beauty of the unspoiled natural environment and a rich array of educational, recreational, cultural and social offerings for people of all ages. Leon County government is a responsible steward of the community's precious resources, the catalyst for engaging citizens, community, business and regional partners, and a provider of efficient services, which balance economic, environmental, and quality of life goals.

Core Values

We are unalterably committed to demonstrating and being accountable for the following core organizational values, which form the foundation for our people focused, performance driven culture:

- **Service**
- **Relevance**
- **Integrity**
- **Accountability**
- **Respect**
- **Collaboration**
- **Stewardship**
- **Performance**
- **Transparency**
- **Vision**



Strategic Priorities and Initiatives

Strategic Priority - Economy - *To be an effective leader and a reliable partner in our continuous efforts to make Leon County a place which attracts talent, to grow and diversify our local economy, and to realize our full economic competitiveness in a global economy. (EC)*

- (EC1) - Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (2012)
- (EC2) - Support business expansion and job creation, including: the implementation of the Leon County 2012 Job Creation Action Plan, to include evaluating the small business credit program. (2012)
- (EC3) - Strengthen our partnerships with our institutions of higher learning to encourage entrepreneurship and increase technology transfer and commercialization opportunities, including: the Leon County Research and Development Authority and Innovation Park. (2012)
- (EC4) - Grow our tourism economy, its economic impact and the jobs it supports, including: being a regional hub for sports and cultural activities. (2012)
- (EC5) - Focus resources to assist local veterans, especially those returning from tours of duty, in employment and job training opportunities through the efforts of County government and local partners. (2012)
- (EC6) - Ensure the provision of the most basic services to our citizens most in need so that we have a “ready workforce.” (2012)
- (EC7) - Promote the local economy by protecting jobs and identifying local purchasing, contracting and hiring opportunities. (2013)

Strategic Initiatives – Economy

- (EC1, G3, G5) - Evaluate sales tax extension and associated community infrastructure needs through staff support of the Leon County Sales Tax Committee (2012)
- (EC1, G3, G5) - Develop a proposed economic development component for the Sales Tax extension being considered (2013)
- (EC1, G5) – Ensure projects being considered for funding associated with the infrastructure Sales Tax extension represent geographic diversity throughout the County (2014)
- (EC1, G5) – Ensure projects being considered for funding associated with the infrastructure Sales Tax extension address core infrastructure deficiencies in rural areas (2014)
- Implement strategies that encourage highest quality sustainable development, business expansion and redevelopment opportunities, including:
 - (E2) - Identify revisions to future land uses which will eliminate hindrances or expand opportunities to promote and support economic activity (rev. 2013);
 - (EC2) - Consider policy to encourage redevelopment of vacant commercial properties (2012); and
 - (EC2) - Consider policy to continue suspension of fees for environmental permit extensions (2012)
- Implement strategies that support business expansion and job creation, including:
 - (EC2) - Evaluate start-up of small business lending guarantee program (2012);
 - (EC2) - Identify local regulations that may be modified to enhance business development; ~~and~~
 - (EC2) - Implement Leon County 2012 Job Creation Plan (2012); and
 - (EC2) - Engage with local economic development partners to build and expand upon the success of Entrepreneur Month and community connectors (2014)
- (EC2, EC3) - Implement strategies to support Innovation Park and promote commercialization and technology transfer, including being a catalyst for a stakeholder’s forum (2012)
- Implement strategies that promote the region as a year round destination, including:
 - (EC4, Q1, Q4) - Evaluate competitive sports complex with the engagement of partners such as KCCI (2012);
 - (EC4) - Support VIVA FLORIDA 500 (2012);
 - (EC4) - Develop Capital Cuisine Restaurant Week (2012); ~~and~~
 - (EC4) - Support Choose Tallahassee initiative (2012); and

- [\(EC4, Q1\) - Continue to work with FSU to bid and host NCAA cross country national and regional championships at Apalachee Regional Park \(2014\)](#)
- Implement strategies that assist local veterans, including:
 - (EC5) - Hold “Operation Thank You!” celebration annually for veterans and service members (rev. 2013);
 - (EC5, EC6) - Develop job search kiosk for veterans (2012);
 - (EC5, EC6, Q3) - Consider policy to allocate a portion of Direct Emergency Assistance funds to veterans (2012); and
 - (EC5, EC6, Q3) - Consider policy to waive EMS fees for uninsured or underinsured veterans (2012)
- (E6, Q2) - Implement strategies to promote work readiness and employment, including: provide job search assistance for County Probation and Supervised Pretrial Release clients through private sector partners (2012)
- [\(EC7\) - Extend the term of Leon County’s Local Preference Ordinance \(2013\)](#)
- [\(EC1, EC4\) - Work with FSU on the Civic Center District Master Plan to include the potential partnership to realize the convention center space desired by the County and to bring back issues related to the County’s financial and programming roles and participation for future Board consideration \(2014\)](#)
- [\(EC1, Q6, Q7\) – Support sector planning for the area surrounding Veterans Affairs’ outpatient clinic \(2014\)](#)
- [\(EC1, Q6, Q7\) – Engage in a needs assessment for the Bradfordville Study Area \(2014\)](#)

Ongoing Support (Highlights) – Economy

- (EC1, Q2) - Develop and maintain County transportation systems, including roads, bike lanes, sidewalks, trails, and rights-of-way (2012)
- (EC2, G2) - Implement Department of Development Support & Environmental Management Project Manager, and dual track review and approval process (2012)
- (EC2) - Partner with and support the Economic Development Council, Qualified Targeted Industry program, Targeted Business Industry program, and Frenchtown/Southside and Downtown Redevelopment Areas (2012)
- (EC3) - Support and consider recommendations of Town and Gown Relations Project (2012)
- (EC4) - Promote region as a year round destination through the Fall Frenzy Campaign, and by identifying niche markets (2012)
- (EC5, EC6, Q3) - Collaborate with United Vets and attend monthly coordinating meetings, support Honor Flights, provide grants to active duty veterans, assist veterans with benefits claims, provide veterans hiring preference, waive building permit fees for disabled veterans, and fund Veterans Day Parade as a partner with V.E.T., Inc. (2012)
- (EC6, G3) - Provide internships, Volunteer LEON Matchmaking, Summer Youth Training program, 4-H programs, EMS Ride-Alongs, and enter into agreements with NFCC and TCC which establish internship programs at EMS for EMS Technology students (2012)

Strategic Priority - Environment - *To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community's health, economic strength and social offerings. (EN)*

- (EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)
- (EN2) - Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns. (2012)
- (EN3)- Educate citizens and partner with community organizations to promote sustainable practices. (2012)
- (EN4) - Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including: solar. (2012)

Strategic Initiatives - Environment

- Implement strategies that protect the environment and promote orderly growth, including:
 - (EN1, EN2) - Develop Countywide Minimum Environmental Standards (2012);
 - (EN1, EN2) - Develop minimum natural area and habitat management plan guidelines (2012);
 - (EN1, EN2, Q9) - Integrate low impact development practices into the development review process (2012);
 - (EN1, EN2) - Consider mobility fee to replace the concurrency management system (2012);
 - (EN1, EN2, G2) - Develop examples of acceptable standard solutions to expedite environmental permitting for additions to existing single-family homes (2012) ;
 - (EN1, EN2, G2) - Develop examples of acceptable standard solutions to expedite environmental permitting for new construction (2013); and
 - (EN1, EN2, G2) - Develop solutions to promote sustainable growth inside the Lake Protection Zone (2013)
- (EN1, EN2) - Implement strategies to protect natural beauty and the environment, including: update 100-year floodplain data in GIS based on site-specific analysis received during the development review process (2012)
- Implement strategies which plan for environmentally sound growth in the Woodville Rural Community, including:
 - (EN1, Q5) - Bring central sewer to Woodville consistent with the Water and Sewer Master Plan, including consideration for funding through Sales Tax Extension (2012); and
 - (EN1, EN2, Q5) - Promote concentrated commercial development in Woodville (2012)
- Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:
 - (EN1, EC4) - Conduct workshop regarding Onsite Sewage Treatment and Disposal and Management Options report (2012); and
 - (EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)
- Implement strategies to promote renewable energy and sustainable practices, including:
 - (EN4) - Complete construction of Leon County Cooperative Extension net-zero energy building (2012);
 - (EN2, EN3, EN4) - Pursue opportunities to fully implement a commercial and residential PACE program (2012);
 - (EN3, Q5, EC6) - Consider policy for supporting new and existing community gardens on County property and throughout the County (2012);
 - (EN3, Q5, EC6) - Expand the community gardens program (2013);
 - (EN4, G5) - Develop energy reduction master plan (2012); and
 - (EN4) - Further develop clean - green fleet initiatives, including compressed natural gas (rev. 2013)
- Develop and implement strategies for 75% recycling goal by 2020, including:
 - (EN4) - Evaluate Waste Composition Study (2012);
 - (EN4) - Identify alternative disposal options (2012);
 - (EN4) - Explore renewable energy opportunities at Solid Waste Management Facility (rev. 2013); and
 - (EN4) - Seek competitive solicitations for single stream curbside recycling and comprehensively reassess solid waste fees with goals of reducing costs and increasing recycling (2013)

Ongoing Support (Highlights) – Environment

- (EN1) - Develop and maintain County stormwater conveyance system, including enclosed systems, major drainage ways, stormwater facilities, and rights-of-way (2012)
- (EN1, EN3) - Provide Greenspace Reservation Area Credit Exchange (GRACE) (2012)
- (EN2) - Provide canopy road protections (2012)
- (EN1, EN4) - Provide Adopt-A-Tree program (2012)
- (EN1, EN3) - Provide hazardous waste collection (2012)
- (EN) - Provide water quality testing (2012)
- (EN1) - Implement the fertilizer ordinance (2012)
- (EN3) - Provide state landscaping and pesticide certifications (2012)
- (EN3) - Conduct Leon County Sustainable Communities Summit (2012)

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Strategic Priority - Quality of Life - *To be a provider of essential services in our continuous efforts to make Leon County a place where people are healthy, safe, and connected to their community. (Q)*

- (Q1) - Maintain and enhance our recreational offerings associated with parks and greenway system for our families, visitors and residents. (rev. 2013)
- (Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)
- (Q3) - Maintain and further develop programs and partnerships necessary to support and promote a healthier community, including: access to health care and community-based human services. (rev. 2013)
- (Q4) - Enhance and support amenities that provide social offerings for residents and visitors of all ages. (rev. 2013)
- (Q5) - Create senses of place in our rural areas through programs, planning and infrastructure, phasing in appropriate areas to encourage connectedness. (2012)
- (Q6) - Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high quality provision of services. (2012)
- (Q7) - Further create connectedness and livability through supporting human scale infrastructure and development, including: enhancing our multimodal districts. (2012)
- (Q8) - Maintain and enhance our educational and recreational offerings associated with our library system, inspiring a love of reading and lives of learning. (2013)
- (Q9) - Support the development of stormwater retention ponds that are aesthetically pleasing to the public and located in a manner that protects strong neighborhoods. (2013)

Strategic Initiatives - Quality of Life

- Implement strategies through the library system which enhance education and address the general public's information needs, including:
 - (Q8, EC1, EC6) - Complete construction of the expanded Lake Jackson Branch Library and new community center (2012); and
 - (Q8, EC1, EC6) - Relocate services into the expanded facility (2012)
- Implement strategies which advance parks, greenways, recreational offerings, including:
 - (Q1, EC1, EC4) - Explore extension of parks and greenways to incorporate 200 acres of Upper Lake Lafayette (2012);
 - (Q1, EC1, EC4) - Update Greenways Master Plan (2012);
 - (Q1, EC1, EC4) - Develop Miccosukee Greenway Management Plan (2012); and
 - (Q1, EC1, EC4) - Develop Alford Greenway Management Plan (2012)
- Expand recreational amenities, including:
 - (Q1, Q5, EC1, EC4) - Complete construction of Miccosukee ball fields (2012);
 - (Q1, EC1, EC4) - Continue to plan acquisition and development of a North East Park (2012);
 - (Q1, EC1, EC4) - Develop Apalachee Facility master plan to accommodate year-round events (rev. 2013);
 - (Q1, Q5, EC1, EC4) - Continue to develop parks and greenways consistent with management plans including Okeehoopkee Prairie Park, Fred George Park and St. Marks Headwater Greenway (2012); ~~and~~
 - (Q1, EC1) - In partnership with the City of Tallahassee and community partners, conduct a community-wide conversation on upper league competition with the goal of a higher degree of competition and more efficient utilization of limited fields (2013); ~~and~~
 - ~~(Q4) - Further establish community partnerships for youth sports development programs (2014)~~
- (Q1, EC1, Q9) - Redevelop Huntington Oaks Plaza, which will house the expanded Lake Jackson Branch Library and new community center, through a sense of place initiative (2012)
- Provide essential public safety infrastructure and services, including:
 - (Q2, EC2) - Complete construction of Public Safety Complex (2012);
 - (Q2) - Consolidate dispatch functions (2012); and
 - (Q2) - Successfully open the Public Safety Complex (2013)
- (Q1, Q2) - Implement strategies to improve medical outcomes and survival rates, and to prevent injuries, including: continue to pursue funding for community paramedic telemedicine (2012) (rev. 2014)
- Implement strategies to maintain and develop programs and partnerships to ensure community safety and health, including:

- (Q2, Q3) - Participate in American Society for the Prevention of Cruelty to Animals (ASPCA) Partnership, and in ASPCA ID ME Grant (2012);
- (Q3) - Implement procedures for residents to take full advantage of the NACO Dental Card program (2013); and
- (Q3) - Consider establishing a Domestic Partnership Registry (2013);
- Implement strategies that support amenities which provide social offerings, including:
 - (Q4, EC1, EC4) - Consider constructing Cascade Park amphitheatre, in partnership with KCCI (2012);
 - (Q4, EC4) - Consider programming Cascade Park amphitheatre (2012);
 - (Q4) – Work with the city to celebrate the opening of Cascades Park (2014);
 - (Q4) - Develop unified special event permit process (2012); and
 - (Q4, EC4, G5) - Evaluate opportunities to maximize utilization of Tourism Development taxes and to enhance effectiveness of County support of cultural activities, including management review of COCA (2012)
- (Q6) - Implement strategies to promote homeownership and safe housing, including: consider property registration for abandoned real property (2012)
- Implement strategies that preserve neighborhoods and create connectedness and livability, including:
 - (Q6, 7) - Implement design studio (2012);
 - (Q6, Q7) - Implement visioning team (2012);
 - (Q6, Q7) - Develop performance level design standards for Activity Centers (2012);
 - (Q6) - Revise Historic Preservation District Designation Ordinance (2012);
 - (Q6, Q7) - Develop design standards requiring interconnectivity for pedestrians and non-vehicular access (2012);
 - (Q7) - Develop bike route system (2012);
 - (Q7) - Establish Bicycle & Pedestrian Advisory Committee (2012);
 - (Q6, Q7) - Conduct a workshop that includes a comprehensive review of sidewalk development and appropriate funding (2013);
 - (Q1, Q5, EC1, EC4) - Expand, connect and promote “Trailhassee” and the regional trail system (2013); ~~and~~
 - (Q7, EC1) - Promote communication and coordination among local public sector agencies involved in multi-modal transportation, connectivity, walkability, and related matters (2013); and
 - (Q1, EC4) - Focus on improving Leon County’s ranking as a bicycle friendly community (2014)
- (Q4) - Seek community involvement with the VIVA FLORIDA 500 Time Capsule (2013)
- (Q4, EC1, EC4) - Institute a Sense of Place initiative for the fairgrounds (2014)

Ongoing Support (Highlights) – Quality of Life

- (Q1, Q9, EC1, EC6) - Maintain a high quality of offerings through the library system, including public access to books, media, digital resources, computers, Internet, reference resources, targeted programming, mobile library, and literacy training (2012)
- (Q2) - Fund Sheriff's operations, consisting of law enforcement, corrections, emergency management, and enhanced 9-1-1 (2012)
- (Q2) - Implement alternatives to incarceration (2012)
- (Q2) - Initiate county resources as part of emergency response activation (2012)
- (Q2) - Provide, support and deploy the geographic information system, integrated Justice Information System, Jail Management system, case management and work release management information systems for Probation, Supervised Pretrial Release and the Sheriff's Office, and the pawnshop network system (2012)
- (Q2, G5) - Provide for information systems disaster recovery and business continuity (2012)
- (Q2, Q3) - Provide Emergency Medical Services (2012)
- (Q2, Q3) - Support programs which advocate for AED's in public spaces (2012)
- (Q2, Q3) - Provide community risk reduction programs (such as AED/CPR training) (2012)
- (Q3) - Support Community Human Services Partnerships (CHSP) (2012)
- (Q3) - Support Leon County Health Departments (2012)
- (Q3) - Support CareNet (2012)
- (Q3) - Support DOH's Closing the Gap grant (including "Year of the Healthy Infant II" campaign, and Campaign for Healthy Babies) (2012)
- (Q3) - Maintain oversight of state-mandated programs, such as Medicaid and Indigent Burial, to ensure accountability and compliance with state regulations (2012)
- (Q3, EC6) - Educate at risk families to build healthy lives through the Expanded Food and Nutrition Education Program and other family community programs (2012)
- (Q3) - Support of Regional Trauma Center (2012)
- (Q3, G5) - Leverage grant opportunities with community partners (2012)
- (Q3) - Support of Palmer Monroe Teen Center in partnership with the City (2012)
- (Q3) - Provide targeted programs for Seniors (2012)
- (Q6) - Provide foreclosure prevention counseling and assistance (2012)
- (Q6) - Provide first time homebuyer assistance (2012)

Strategic Priority - Governance - *To be a model local government which our citizens trust and to which other local governments aspire. (G)*

- (G1) - Sustain a culture of transparency, accessibility, accountability, civility, and the highest standards of public service. (rev. 2013)
- (G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)
- (G3) - Sustain a culture that respects, engages, and empowers citizens in important decisions facing the community. (2012)
- (G4) - Retain and attract a highly skilled, diverse and innovative County workforce, which exemplifies the County's Core Practices. (2012)
- (G5) - Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner. (2012)

Strategic Initiatives – Governance

- Implement strategies which promote access, transparency, and accountability, including:
 - (G1) - Explore providing On Demand – Get Local videos (2012);
 - (G1) - Explore posting URL on County vehicles (2012); and
 - (G1) - Instill Core Practices through: providing Customer Engagement training for all County employees, revising employee orientation, and revising employee evaluation processes (2012)
- Implement strategies to gain efficiencies or enhance services, including:
 - (G2) - Conduct LEADS Reviews (2012);
 - (G2) - Develop and update Strategic Plans (2012); and
 - (G5) - Convene periodic Chairman's meetings with Constitutional Officers regarding their budgets and opportunities to gain efficiencies (2013)
- Implement strategies to further utilize electronic processes which gain efficiencies or enhance services, including:
 - (G2) - Develop process by which the public may electronically file legal documents related to development review and permitting (2012);
 - (G2) - Expand electronic Human Resources business processes including applicant tracking, timesheets, e-Learning, employee self-service (2012);
 - (G2, EN4) - Investigate expanding internet-based building permitting services to allow additional classifications of contractors to apply for and receive County permits via the internet (2012);
 - (G2, EN4) - Institute financial self-service module, document management, and expanded web-based capabilities in Banner system (2012);
 - (G5) - Consider options to gain continuity of Commissioners' representation on committees, such as multi-year appointments (2013); and
 - (G5) - Periodically convene community leadership meetings to discuss opportunities for improvement (2013)
- (G2) - Investigate feasibility of providing after hours and weekend building inspections for certain types of construction projects (2012)
- Implement strategies to further engage citizens, including:
 - (G3) - Develop and offer Citizens Engagement Series (2012);
 - (G3) - Identify the next version of "Citizens Engagement" to include consideration of an "Our Town" Village Square concept (2013); **and**
 - **(G3) – Develop a proposed partnership for the next iteration of Citizen Engagement, possibly with the Village Square, which would be renewable after one year (2014); and**
 - (G1, G3) - Expand opportunities for increased media and citizen outreach to promote Leon County (2013).
- (G4) - Implement healthy workplace initiatives, including: evaluate options for value-based benefit design (2012)
- Implement strategies to retain and attract a highly skilled, diverse and innovative workforce, which exemplifies the County's Core Practices, including:
 - (G4) - Revise employee awards and recognition program (2012);
 - (G4) - Utilize new learning technology to help design and deliver Leadership and Advanced Supervisory Training for employees (2012); and

- (G4, G1) - Pursue Public Works' American Public Works Association (APWA) accreditation (2012)
- Implement strategies which ensure responsible stewardship of County resources, including:
 - (G5) - Revise program performance evaluation and benchmarking (2012);
 - (G5) - Identify opportunities whereby vacant, unutilized County-owned property, such as flooded-property acquisitions, can be made more productive through efforts that include community gardens (2013);
 - (G5) - Develop financial strategies to eliminate general revenue subsidies for business operations (i.e., Stormwater, Solid Waste and Transportation programs) (2013); ~~and~~
 - (G5, EC1) – Create a capital projects priority list for the fifth-cent gas tax (program) (2014);
 - (G5) – Engage with the private sector to develop property at the corner of Miccosukee and Blair Stone, to include the construction of a Medical Examiner facility (2014); and
 - (G1) - Pursue expansion for whistleblower notification (2013).
- Implement strategies to maximize grant funding opportunities, including:
 - (G5) - Institute Grants Team (2012); and
 - (G5) - Develop and institute an integrated grant application structure (2012)
- (G5) - Consider approval of the local option to increase the Senior Homestead Exemption to \$50,000 for qualified seniors (2013)
- (G2) - Pursue Sister County relationships with Prince George's County, Maryland and Montgomery County, Maryland (2013)

Ongoing Support (Highlights) – Governance

- (G1) - Develop and deploy website enhancements (2012)
- (G1) - Provide and expand online services, such as Customer Connect, Your Checkbook, and Board agenda materials (2012)
- (G1) - Provide televised and online Board meetings in partnership with Comcast (2012)
- (G1, G2, G5) - Provide technology and telecommunications products, services and support necessary for sound management, accessibility, and delivery of effective, efficient services, including maintaining financial database system with interfaces to other systems (2012)
- (G3) - Organize and support advisory committees (2012)
- (G4) - Support and expand Wellness Works! (2012)
- (G4, Q2) - Maintain a work environment free from influence of alcohol and controlled illegal substances through measures including drug and alcohol testing (2012)
- (G4) - Support employee Safety Committee (2012)
- (G4) - Conduct monthly Let's Talk "brown bag" meetings with cross sections of Board employees and the County Administrator (2012)
- (G1, G2, G4) -Utilize LEADS Teams to engage employees, gain efficiencies or enhance services, such as: the Wellness Team, Safety Committee Team, Citizen Engagement Series Team, HR Policy Review & Development Team, Work Areas' Strategic Planning Teams (2012)
- (G5) - Prepare and broadly distribute the Annual Report (2012)
- (G5) - Conduct management reviews (2012)
- (G5) - Provide and enhance procurement services and asset control (2012)
- (G5) - Manage and maintain property to support County functions and to meet State mandates for entities such as the Courts (2012)

Core Practices

Core Practices put our Core Values in action. Leon County employees are committed to the following Core Practices:

- **Delivering the “Wow” factor in Customer Service.** Employees deliver exemplary service with pride, passion and determination; anticipating and solving problems in “real time” and exceeding customer expectations. Customers know that they are the reason we are here.
- **Connecting with Citizens.** Employees go beyond customer service to community relevance, engaging citizens as stakeholders in the community’s success. Citizens know that they are part of the bigger cause.
- **Demonstrating Highest Standards of Public Service.** Employees adhere to the highest standards of ethical behavior, avoid circumstances that create even an appearance of impropriety and carry out the public’s business in a manner which upholds the public trust. Citizens know that we are on their side.
- **Accepting Accountability.** Employees are individually and collectively accountable for their performance, adapt to changing conditions and relentlessly pursue excellence beyond the current standard, while maintaining our core values.
- **Exhibiting Respect.** Employees exercise respect for citizens, community partners and each other.
- **Employing Team Approach.** Employees work together to produce bigger and better ideas to seize the opportunities and to address the problems which face our community.
- **Exercising Responsible Stewardship of the Community’s Resources.** Employees engage in the continuous effort to create and sustain a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life, demonstrating performance, value and results for our citizenry.
- **Living our “People Focused, Performance Driven” Culture.** Employees have a structure in place to live all of this as our organizational culture and are empowered to help the people they serve.

Adopted: February 28, 2012

Revised: January 29, 2013

Revised: January 21, 2014

FOR MORE INFORMATION ONLINE, VISIT:

www.LeonCountyFL.gov



LEON COUNTY BOARD OF COUNTY COMMISSIONERS

STRATEGIC PLAN

FY 2012 - FY 2016

Vision

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- (EC1, G5) – Ensure projects being considered for funding associated with the infrastructure Sales Tax extension address core infrastructure deficiencies in rural areas (2014)
- Implement strategies that encourage highest quality sustainable development, business expansion and redevelopment opportunities, including:
 - (E2) - Identify revisions to future land uses which will eliminate hindrances or expand opportunities to promote and support economic activity (rev. 2013);
 - (EC2) - Consider policy to encourage redevelopment of vacant commercial properties (2012); and
 - (EC2) - Consider policy to continue suspension of fees for environmental permit extensions (2012)
- Implement strategies that support business expansion and job creation, including:
 - (EC2) - Evaluate start-up of small business lending guarantee program (2012);
 - (EC2) - Identify local regulations that may be modified to enhance business development;
 - (EC2) - Implement Leon County 2012 Job Creation Plan (2012); and
 - (EC2) - Engage with local economic development partners to build and expand upon the success of Entrepreneur Month and community connectors (2014)
- (EC2, EC3) - Implement strategies to support Innovation Park and promote commercialization and technology transfer, including being a catalyst for a stakeholder’s forum (2012)
- Implement strategies that promote the region as a year round destination, including:
 - (EC4, Q1, Q4) - Evaluate competitive sports complex with the engagement of partners such as KCCI (2012);
 - (EC4) - Support VIVA FLORIDA 500 (2012);
 - (EC4) - Develop Capital Cuisine Restaurant Week (2012);
 - (EC4) - Support Choose Tallahassee initiative (2012); and

- (EC4, Q1) - Continue to work with FSU to bid and host NCAA cross country national and regional championships at Apalachee Regional Park (2014)
- Implement strategies that assist local veterans, including:
 - (EC5) - Hold “Operation Thank You!” celebration annually for veterans and service members (rev. 2013);
 - (EC5, EC6) - Develop job search kiosk for veterans (2012);
 - (EC5, EC6, Q3) - Consider policy to allocate a portion of Direct Emergency Assistance funds to veterans (2012); and
 - (EC5, EC6, Q3) - Consider policy to waive EMS fees for uninsured or underinsured veterans (2012)
- (E6, Q2) - Implement strategies to promote work readiness and employment, including: provide job search assistance for County Probation and Supervised Pretrial Release clients through private sector partners (2012)
- (EC7) - Extend the term of Leon County’s Local Preference Ordinance (2013)
- (EC1, EC4) - Work with FSU on the Civic Center District Master Plan to include the potential partnership to realize the convention center space desired by the County and to bring back issues related to the County’s financial and programming roles and participation for future Board consideration (2014)
- (EC1, Q6, Q7) – Support sector planning for the area surrounding Veterans Affairs’ outpatient clinic (2014)
- (EC1, Q6, Q7) – Engage in a needs assessment for the Bradfordville Study Area (2014)

Ongoing Support (Highlights) – Economy

- (EC1, Q2) - Develop and maintain County transportation systems, including roads, bike lanes, sidewalks, trails, and rights-of-way (2012)
- (EC2, G2) - Implement Department of Development Support & Environmental Management Project Manager, and dual track review and approval process (2012)
- (EC2) - Partner with and support the Economic Development Council, Qualified Targeted Industry program, Targeted Business Industry program, and Frenchtown/Southside and Downtown Redevelopment Areas (2012)
- (EC3) - Support and consider recommendations of Town and Gown Relations Project (2012)
- (EC4) - Promote region as a year round destination through the Fall Frenzy Campaign, and by identifying niche markets (2012)
- (EC5, EC6, Q3) - Collaborate with United Vets and attend monthly coordinating meetings, support Honor Flights, provide grants to active duty veterans, assist veterans with benefits claims, provide veterans hiring preference, waive building permit fees for disabled veterans, and fund Veterans Day Parade as a partner with V.E.T., Inc. (2012)
- (EC6, G3) - Provide internships, Volunteer LEON Matchmaking, Summer Youth Training program, 4-H programs, EMS Ride-Alongs, and enter into agreements with NFCC and TCC which establish internship programs at EMS for EMS Technology students (2012)

Strategic Priority - Environment - *To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community's health, economic strength and social offerings. (EN)*

- (EN1) - Protect our water supply, conserve environmentally sensitive lands, safeguard the health of our natural ecosystems, and protect our water quality, including the Floridan Aquifer, from local and upstream pollution. (rev. 2013)
- (EN2) - Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns. (2012)
- (EN3)- Educate citizens and partner with community organizations to promote sustainable practices. (2012)
- (EN4) - Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including: solar. (2012)

Strategic Initiatives - Environment

- Implement strategies that protect the environment and promote orderly growth, including:
 - (EN1, EN2) - Develop Countywide Minimum Environmental Standards (2012);
 - (EN1, EN2) - Develop minimum natural area and habitat management plan guidelines (2012);
 - (EN1, EN2, Q9) - Integrate low impact development practices into the development review process (2012);
 - (EN1, EN2) - Consider mobility fee to replace the concurrency management system (2012);
 - (EN1, EN2, G2) - Develop examples of acceptable standard solutions to expedite environmental permitting for additions to existing single-family homes (2012) ;
 - (EN1, EN2, G2) - Develop examples of acceptable standard solutions to expedite environmental permitting for new construction (2013); and
 - (EN1, EN2, G2) - Develop solutions to promote sustainable growth inside the Lake Protection Zone (2013)
- (EN1, EN2) - Implement strategies to protect natural beauty and the environment, including: update 100-year floodplain data in GIS based on site-specific analysis received during the development review process (2012)
- Implement strategies which plan for environmentally sound growth in the Woodville Rural Community, including:
 - (EN1, Q5) - Bring central sewer to Woodville consistent with the Water and Sewer Master Plan, including consideration for funding through Sales Tax Extension (2012); and
 - (EN1, EN2, Q5) - Promote concentrated commercial development in Woodville (2012)
- Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including:
 - (EN1, EC4) - Conduct workshop regarding Onsite Sewage Treatment and Disposal and Management Options report (2012); and
 - (EN1) - Extend central sewer or other effective wastewater treatment solutions to the Primary Springs Protection Zone area within Leon County (2013)
- Implement strategies to promote renewable energy and sustainable practices, including:
 - (EN4) - Complete construction of Leon County Cooperative Extension net-zero energy building (2012);
 - (EN2, EN3, EN4) - Pursue opportunities to fully implement a commercial and residential PACE program (2012);
 - (EN3, Q5, EC6) - Consider policy for supporting new and existing community gardens on County property and throughout the County (2012);
 - (EN3, Q5, EC6) - Expand the community gardens program (2013);
 - (EN4, G5) - Develop energy reduction master plan (2012); and
 - (EN4) - Further develop clean - green fleet initiatives, including compressed natural gas (rev. 2013)
- Develop and implement strategies for 75% recycling goal by 2020, including:
 - (EN4) - Evaluate Waste Composition Study (2012);
 - (EN4) - Identify alternative disposal options (2012);
 - (EN4) - Explore renewable energy opportunities at Solid Waste Management Facility (rev. 2013); and
 - (EN4) - Seek competitive solicitations for single stream curbside recycling and comprehensively reassess solid waste fees with goals of reducing costs and increasing recycling (2013)

Ongoing Support (Highlights) – Environment

- (EN1) - Develop and maintain County stormwater conveyance system, including enclosed systems, major drainage ways, stormwater facilities, and rights-of-way (2012)
- (EN1, EN3) - Provide Greenspace Reservation Area Credit Exchange (GRACE) (2012)
- (EN2) - Provide canopy road protections (2012)
- (EN1, EN4) - Provide Adopt-A-Tree program (2012)
- (EN1, EN3) - Provide hazardous waste collection (2012)
- (EN) - Provide water quality testing (2012)
- (EN1) - Implement the fertilizer ordinance (2012)
- (EN3) - Provide state landscaping and pesticide certifications (2012)
- (EN3) - Conduct Leon County Sustainable Communities Summit (2012)

DRAFT

Strategic Priority - Quality of Life - *To be a provider of essential services in our continuous efforts to make Leon County a place where people are healthy, safe, and connected to their community. (Q)*

- (Q1) - Maintain and enhance our recreational offerings associated with parks and greenway system for our families, visitors and residents. (rev. 2013)
- (Q2) - Provide essential public safety infrastructure and services which ensure the safety of the entire community. (2012)
- (Q3) - Maintain and further develop programs and partnerships necessary to support and promote a healthier community, including: access to health care and community-based human services. (rev. 2013)
- (Q4) - Enhance and support amenities that provide social offerings for residents and visitors of all ages. (rev. 2013)
- (Q5) - Create senses of place in our rural areas through programs, planning and infrastructure, phasing in appropriate areas to encourage connectedness. (2012)
- (Q6) - Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high quality provision of services. (2012)
- (Q7) - Further create connectedness and livability through supporting human scale infrastructure and development, including: enhancing our multimodal districts. (2012)
- (Q8) - Maintain and enhance our educational and recreational offerings associated with our library system, inspiring a love of reading and lives of learning. (2013)
- (Q9) - Support the development of stormwater retention ponds that are aesthetically pleasing to the public and located in a manner that protects strong neighborhoods. (2013)

Strategic Initiatives - Quality of Life

- Implement strategies through the library system which enhance education and address the general public's information needs, including:
 - (Q8, EC1, EC6) - Complete construction of the expanded Lake Jackson Branch Library and new community center (2012); and
 - (Q8, EC1, EC6) - Relocate services into the expanded facility (2012)
- Implement strategies which advance parks, greenways, recreational offerings, including:
 - (Q1, EC1, EC4) - Explore extension of parks and greenways to incorporate 200 acres of Upper Lake Lafayette (2012);
 - (Q1, EC1, EC4) - Update Greenways Master Plan (2012);
 - (Q1, EC1, EC4) - Develop Miccosukee Greenway Management Plan (2012); and
 - (Q1, EC1, EC4) - Develop Alford Greenway Management Plan (2012)
- Expand recreational amenities, including:
 - (Q1, Q5, EC1, EC4) - Complete construction of Miccosukee ball fields (2012);
 - (Q1, EC1, EC4) - Continue to plan acquisition and development of a North East Park (2012);
 - (Q1, EC1, EC4) - Develop Apalachee Facility master plan to accommodate year-round events (rev. 2013);
 - (Q1, Q5, EC1, EC4) - Continue to develop parks and greenways consistent with management plans including Okeehoopkee Prairie Park, Fred George Park and St. Marks Headwater Greenway (2012);
 - (Q1, EC1) - In partnership with the City of Tallahassee and community partners, conduct a community-wide conversation on upper league competition with the goal of a higher degree of competition and more efficient utilization of limited fields (2013); and
- (Q4) - Further establish community partnerships for youth sports development programs (2014) (Q1, EC1, Q9) - Redevelop Huntington Oaks Plaza, which will house the expanded Lake Jackson Branch Library and new community center, through a sense of place initiative (2012)
- Provide essential public safety infrastructure and services, including:
 - (Q2, EC2) - Complete construction of Public Safety Complex (2012);
 - (Q2) - Consolidate dispatch functions (2012); and
 - (Q2) - Successfully open the Public Safety Complex (2013)
- (Q1, Q2) - Implement strategies to improve medical outcomes and survival rates, and to prevent injuries, including: continue to pursue funding for community paramedic telemedicine (2012) (rev. 2014)
- Implement strategies to maintain and develop programs and partnerships to ensure community safety and health, including:

- (Q2, Q3) - Participate in American Society for the Prevention of Cruelty to Animals (ASPCA) Partnership, and in ASPCA ID ME Grant (2012);
- (Q3) - Implement procedures for residents to take full advantage of the NACO Dental Card program (2013); and
- (Q3) - Consider establishing a Domestic Partnership Registry (2013);
- Implement strategies that support amenities which provide social offerings, including:
 - (Q4, EC1, EC4) - Consider constructing Cascade Park amphitheatre, in partnership with KCCI (2012);
 - (Q4, EC4) - Consider programming Cascade Park amphitheatre (2012);
 - (Q4) – Work with the city to celebrate the opening of Cascades Park (2014);
 - (Q4) - Develop unified special event permit process (2012); and
 - (Q4, EC4, G5) - Evaluate opportunities to maximize utilization of Tourism Development taxes and to enhance effectiveness of County support of cultural activities, including management review of COCA (2012)
- (Q6) - Implement strategies to promote homeownership and safe housing, including: consider property registration for abandoned real property (2012)
- Implement strategies that preserve neighborhoods and create connectedness and livability, including:
 - (Q6, 7) - Implement design studio (2012);
 - (Q6, Q7) - Implement visioning team (2012);
 - (Q6, Q7) - Develop performance level design standards for Activity Centers (2012);
 - (Q6) - Revise Historic Preservation District Designation Ordinance (2012);
 - (Q6, Q7) - Develop design standards requiring interconnectivity for pedestrians and non-vehicular access (2012);
 - (Q7) - Develop bike route system (2012);
 - (Q7) - Establish Bicycle & Pedestrian Advisory Committee (2012);
 - (Q6, Q7) - Conduct a workshop that includes a comprehensive review of sidewalk development and appropriate funding (2013);
 - (Q1, Q5, EC1, EC4) - Expand, connect and promote “Trailhassee” and the regional trail system (2013);
 - (Q7, EC1) - Promote communication and coordination among local public sector agencies involved in multi-modal transportation, connectivity, walkability, and related matters (2013); and
 - (Q1, EC4) - Focus on improving Leon County’s ranking as a bicycle friendly community (2014)
- (Q4) - Seek community involvement with the VIVA FLORIDA 500 Time Capsule (2013)
- (Q4, EC1, EC4) - Institute a Sense of Place initiative for the fairgrounds (2014)

Ongoing Support (Highlights) – Quality of Life

- (Q1, Q9, EC1, EC6) - Maintain a high quality of offerings through the library system, including public access to books, media, digital resources, computers, Internet, reference resources, targeted programming, mobile library, and literacy training (2012)
- (Q2) - Fund Sheriff's operations, consisting of law enforcement, corrections, emergency management, and enhanced 9-1-1 (2012)
- (Q2) - Implement alternatives to incarceration (2012)
- (Q2) - Initiate county resources as part of emergency response activation (2012)
- (Q2) - Provide, support and deploy the geographic information system, integrated Justice Information System, Jail Management system, case management and work release management information systems for Probation, Supervised Pretrial Release and the Sheriff's Office, and the pawnshop network system (2012)
- (Q2, G5) - Provide for information systems disaster recovery and business continuity (2012)
- (Q2, Q3) - Provide Emergency Medical Services (2012)
- (Q2, Q3) - Support programs which advocate for AED's in public spaces (2012)
- (Q2, Q3) - Provide community risk reduction programs (such as AED/CPR training) (2012)
- (Q3) - Support Community Human Services Partnerships (CHSP) (2012)
- (Q3) - Support Leon County Health Departments (2012)
- (Q3) - Support CareNet (2012)
- (Q3) - Support DOH's Closing the Gap grant (including "Year of the Healthy Infant II" campaign, and Campaign for Healthy Babies) (2012)
- (Q3) - Maintain oversight of state-mandated programs, such as Medicaid and Indigent Burial, to ensure accountability and compliance with state regulations (2012)
- (Q3, EC6) - Educate at risk families to build healthy lives through the Expanded Food and Nutrition Education Program and other family community programs (2012)
- (Q3) - Support of Regional Trauma Center (2012)
- (Q3, G5) - Leverage grant opportunities with community partners (2012)
- (Q3) - Support of Palmer Monroe Teen Center in partnership with the City (2012)
- (Q3) - Provide targeted programs for Seniors (2012)
- (Q6) - Provide foreclosure prevention counseling and assistance (2012)
- (Q6) - Provide first time homebuyer assistance (2012)

Strategic Priority - Governance - *To be a model local government which our citizens trust and to which other local governments aspire. (G)*

- (G1) - Sustain a culture of transparency, accessibility, accountability, civility, and the highest standards of public service. (rev. 2013)
- (G2) - Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (2012)
- (G3) - Sustain a culture that respects, engages, and empowers citizens in important decisions facing the community. (2012)
- (G4) - Retain and attract a highly skilled, diverse and innovative County workforce, which exemplifies the County's Core Practices. (2012)
- (G5) - Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner. (2012)

Strategic Initiatives – Governance

- Implement strategies which promote access, transparency, and accountability, including:
 - (G1) - Explore providing On Demand – Get Local videos (2012);
 - (G1) - Explore posting URL on County vehicles (2012); and
 - (G1) - Instill Core Practices through: providing Customer Engagement training for all County employees, revising employee orientation, and revising employee evaluation processes (2012)
- Implement strategies to gain efficiencies or enhance services, including:
 - (G2) - Conduct LEADS Reviews (2012);
 - (G2) - Develop and update Strategic Plans (2012); and
 - (G5) - Convene periodic Chairman's meetings with Constitutional Officers regarding their budgets and opportunities to gain efficiencies (2013)
- Implement strategies to further utilize electronic processes which gain efficiencies or enhance services, including:
 - (G2) - Develop process by which the public may electronically file legal documents related to development review and permitting (2012);
 - (G2) - Expand electronic Human Resources business processes including applicant tracking, timesheets, e-Learning, employee self-service (2012);
 - (G2, EN4) - Investigate expanding internet-based building permitting services to allow additional classifications of contractors to apply for and receive County permits via the internet (2012);
 - (G2, EN4) - Institute financial self-service module, document management, and expanded web-based capabilities in Banner system (2012);
 - (G5) - Consider options to gain continuity of Commissioners' representation on committees, such as multi-year appointments (2013); and
 - (G5) - Periodically convene community leadership meetings to discuss opportunities for improvement (2013)
- (G2) - Investigate feasibility of providing after hours and weekend building inspections for certain types of construction projects (2012)
- Implement strategies to further engage citizens, including:
 - (G3) - Develop and offer Citizens Engagement Series (2012);
 - (G3) - Identify the next version of "Citizens Engagement" to include consideration of an "Our Town" Village Square concept (2013);
 - (G3) – Develop a proposed partnership for the next iteration of Citizen Engagement, possibly with the Village Square, which would be renewable after one year (2014); and
 - (G1, G3) - Expand opportunities for increased media and citizen outreach to promote Leon County (2013).
- (G4) - Implement healthy workplace initiatives, including: evaluate options for value-based benefit design (2012)
- Implement strategies to retain and attract a highly skilled, diverse and innovative workforce, which exemplifies the County's Core Practices, including:
 - (G4) - Revise employee awards and recognition program (2012);
 - (G4) - Utilize new learning technology to help design and deliver Leadership and Advanced Supervisory Training for employees (2012); and

- (G4, G1) - Pursue Public Works' American Public Works Association (APWA) accreditation (2012)
- Implement strategies which ensure responsible stewardship of County resources, including:
 - (G5) - Revise program performance evaluation and benchmarking (2012);
 - (G5) - Identify opportunities whereby vacant, unutilized County-owned property, such as flooded-property acquisitions, can be made more productive through efforts that include community gardens (2013);
 - (G5) - Develop financial strategies to eliminate general revenue subsidies for business operations (i.e., Stormwater, Solid Waste and Transportation programs) (2013);
 - (G5, EC1) – Create a capital projects priority list for the fifth-cent gas tax (program) (2014);
 - (G5) – Engage with the private sector to develop property at the corner of Miccosukee and Blair Stone, to include the construction of a Medical Examiner facility (2014); and
 - (G1) - Pursue expansion for whistleblower notification (2013).
- Implement strategies to maximize grant funding opportunities, including:
 - (G5) - Institute Grants Team (2012); and
 - (G5) - Develop and institute an integrated grant application structure (2012)
- (G5) - Consider approval of the local option to increase the Senior Homestead Exemption to \$50,000 for qualified seniors (2013)
- (G2) - Pursue Sister County relationships with Prince George's County, Maryland and Montgomery County, Maryland (2013)

Ongoing Support (Highlights) – Governance

- (G1) - Develop and deploy website enhancements (2012)
- (G1) - Provide and expand online services, such as Customer Connect, Your Checkbook, and Board agenda materials (2012)
- (G1) - Provide televised and online Board meetings in partnership with Comcast (2012)
- (G1, G2, G5) - Provide technology and telecommunications products, services and support necessary for sound management, accessibility, and delivery of effective, efficient services, including maintaining financial database system with interfaces to other systems (2012)
- (G3) - Organize and support advisory committees (2012)
- (G4) - Support and expand Wellness Works! (2012)
- (G4, Q2) - Maintain a work environment free from influence of alcohol and controlled illegal substances through measures including drug and alcohol testing (2012)
- (G4) - Support employee Safety Committee (2012)
- (G4) - Conduct monthly Let's Talk "brown bag" meetings with cross sections of Board employees and the County Administrator (2012)
- (G1, G2, G4) -Utilize LEADS Teams to engage employees, gain efficiencies or enhance services, such as: the Wellness Team, Safety Committee Team, Citizen Engagement Series Team, HR Policy Review & Development Team, Work Areas' Strategic Planning Teams (2012)
- (G5) - Prepare and broadly distribute the Annual Report (2012)
- (G5) - Conduct management reviews (2012)
- (G5) - Provide and enhance procurement services and asset control (2012)
- (G5) - Manage and maintain property to support County functions and to meet State mandates for entities such as the Courts (2012)

Core Practices

Core Practices put our Core Values in action. Leon County employees are committed to the following Core Practices:

- **Delivering the “Wow” factor in Customer Service.** Employees deliver exemplary service with pride, passion and determination; anticipating and solving problems in “real time” and exceeding customer expectations. Customers know that they are the reason we are here.
- **Connecting with Citizens.** Employees go beyond customer service to community relevance, engaging citizens as stakeholders in the community’s success. Citizens know that they are part of the bigger cause.
- **Demonstrating Highest Standards of Public Service.** Employees adhere to the highest standards of ethical behavior, avoid circumstances that create even an appearance of impropriety and carry out the public’s business in a manner which upholds the public trust. Citizens know that we are on their side.
- **Accepting Accountability.** Employees are individually and collectively accountable for their performance, adapt to changing conditions and relentlessly pursue excellence beyond the current standard, while maintaining our core values.
- **Exhibiting Respect.** Employees exercise respect for citizens, community partners and each other.
- **Employing Team Approach.** Employees work together to produce bigger and better ideas to seize the opportunities and to address the problems which face our community.
- **Exercising Responsible Stewardship of the Community’s Resources.** Employees engage in the continuous effort to create and sustain a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life, demonstrating performance, value and results for our citizenry.
- **Living our “People Focused, Performance Driven” Culture.** Employees have a structure in place to live all of this as our organizational culture and are empowered to help the people they serve.

Adopted: February 28, 2012

Revised: January 29, 2013

Revised: January 21, 2014

FOR MORE INFORMATION ONLINE, VISIT:

www.LeonCountyFL.gov

**Leon County
Board of County Commissioners**

Notes for Agenda Item #21

Leon County Board of County Commissioners

Cover Sheet for Agenda #21

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Ratification of Board Action Taken at the December 10, 2013 Workshop Considering Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless and Board Direction on Revised Funding Request

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator

Fiscal Impact:

This item may have a fiscal impact to the County of \$500,000, pending Board direction.

Staff Recommendation:

Board direction.

Report and Discussion

Background:

On December 10, 2013, the Board conducted a workshop to consider Leon County participating in the funding of the comprehensive emergency services center to support the homeless.

Analysis:

At the workshop, staff presented background information on the existing shelter and the recent efforts related to relocating the facility. The proposed relocation would occur at property located on West Pensacola adjacent to the HOPE Community. The new facility would co-locate both the Shelter and the Renaissance Community Center (RCC). The Beatitude Foundation is proposing to build the new facility and lease space to the Shelter and the RCC. The Shelter, the RCC, and HOPE Community are all supportive of the project.

The original request made to the County by the Shelter, the Beatitude Foundation, and the RCC was to provide \$100,000 a year, over five years, to offset overhead expenses and rental “during these start-up years until more secure and permanent funding can be developed.” The funding, as requested, is not in compliance with the County’s Discretionary Funding Guidelines Ordinance.

At the workshop, the Board approved:

Accept staff’s report on the Comprehensive Emergency Services Center and request the Beatitude Foundation, the Shelter, and the Renaissance Community Center to modify the funding request to come into compliance with the County’s Discretionary Funding Guidelines Ordinance and agenda at a future Commission meeting.

Subsequent to the Board’s workshop, the County has received a revised funding request (Attachment #1), which is in compliance with the County’s Discretionary Funding Ordinance. The funding request is from the Beatitude Foundation, the Renaissance Community Center and the Tallahassee-Leon Shelter, Inc. The request is for the County, the City and United way to each commit \$500,000 over a five-year period. The County funding will be used “to cover the direct construction cost and to repay debt which the Foundation will incur for the construction of the new facility.”

As previously stated during the workshop, the attached letter also states that the three organizations do not know what challenges the community will face in the future that could “impact the rates and costs associated with homelessness.” The letter goes on to state, “it will be incumbent upon our community to work together to identify a dedicated source of funding for operations beyond five years.”

As reflected in Option #2, should the Board wish to further evaluate the current proposal, upon Board direction, staff will prepare an agenda item with funding options for the Board to consider, including specific requirements associated with providing the grant funding (such as if the building is sold or used for a different purpose.)

Title: Ratification of Board Action Taken at the December 10, 2013 Workshop Considering Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless

January 21, 2014

Page 3

Options:

1. Ratify the actions taken at the December 10, 2013 Workshop Considering Funding Participation in Support of the Comprehensive Emergency Services Center to Support the Homeless.
2. Direct staff to prepare an agenda item for a future Board meeting providing funding options for the Board to consider in support of the \$500,000 funding request including requirements associated with the County granting the funding.
3. Board direction.

Recommendation:

Board direction.

Attachment:

1. January 3, 2014 Comprehensive Emergency Services Center Request

The Beatitude Foundation, Inc.
1700 Summit Lake Drive
Tallahassee, Florida 32317

Renaissance Community Center
457 West Virginia Street
Tallahassee, Florida 32301

Tallahassee-Leon Shelter
431 West Virginia Street
Tallahassee, Florida 32301

January 3, 2014

Ms. Anita Favors-Thompson
City Manager
City of Tallahassee
300 South Adams Street
Tallahassee, Florida
32301

Mr. Vince Long
County Administrator
Leon County
301 South Monroe Street
Tallahassee, Florida
32301

Ms. Heather Mitchell
CEO
United Way Big Bend
307 East 7th Avenue
Tallahassee, Florida
32303

RE: Comprehensive Emergency Services Center

Dear Ms. Favors-Thompson, Mr. Long and Ms. Mitchell,

Thank you for your willingness to consider assisting with the funding of the new Comprehensive Emergency Services Center (CESC). With the participation of Leon County, the City of Tallahassee, United Way Big Bend and The Beatitude Foundation, Inc., this new Center can be constructed and opened sooner rather than later.

Homelessness is a serious issue that our community faces with more than 1,000 people experiencing homelessness on any given night. The development of the CESC and the co-location of both the Shelter and Renaissance Community Center within this new facility will vastly improve our collective ability to provide a full range of targeted services that help our homeless neighbors move toward permanent housing and self-sufficiency.

Our goal is to reduce the intensity and duration of homelessness for every person experiencing it by effectively and efficiently providing comprehensive 24-hour services based on best practice models of care and working collaboratively and cooperatively with our partners in the Continuum of Care. This new paradigm shift in homeless services in our community will significantly improve the level of care for those most in need but will effectively cost our community more financially to sustain.

We are requesting that the City, County and United Way each commit \$500,000 over a five year period to cover \$1,500,000 of the currently estimated \$4.5M in construction cost for the new facility. The City and County funding will be used by The Beatitude Foundation, Inc. to cover direct construction cost and to repay debt which the Foundation will incur for the construction of the new facility. We are requesting that the

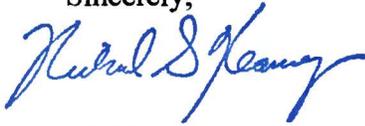
United Way direct its funding support to The Shelter with instructions that these designated funds are to be used to support the construction and capital cost associated with the new CESC. We are also requesting that Star Metro provide 1000 monthly bus passes once the facility is operational to assist clients accessing the CESC.

With the assistance of the City, the County, UWBB and The Beatitude Foundation, Inc., our community can operate the best possible facility dedicated to a high level of care with a focus on rapid rehousing. We can do this for five years under this proposal with your collective support.

Our organizations are committed to addressing homelessness long term at the new Comprehensive Emergency Services Center, but we don't know what challenges our community will face in the future that could impact the rates and costs associated with homelessness. Changes in the general economy, employment rates, available low cost housing opportunities, as well as changes in federal, state and local laws and regulations affecting program benefits, while unknown, will directly determine future operating costs. In addition, the increased quality of care to be provided at the new Center will cost more than our current operations. It will be incumbent upon our community to work together to identify a dedicated source of funding for operations beyond five years.

Thank you for considering supporting this important project.

Sincerely,



Rick Kearney
The Beatitude Foundation, Inc.



Chuck White
Renaissance Community Center



Jacob Reiter
Tallahassee-Leon Shelter, Inc.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #22

Leon County Board of County Commissioners

Cover Sheet for Agenda #22

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of Scheduling Board Workshops on the Cultural Plan Update Committee Report and Recommendations and the Sales Tax Committee Final Report and Recommendations

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Lead Staff/ Project Team:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Director, Economic Development and Business Partnerships Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator

Fiscal Impact:

This item has no current fiscal impact.

Staff Recommendation:

- Option #1: Approve the timelines as presented here and provide any additional guidance the Board deems appropriate.
- Option #2: Schedule a Board workshop on the Cultural Plan Committee update report and recommendations for February 11, 2014, at 8:30 a.m. – 10:30 a.m.
- Option #3: Schedule a Board workshop on Sales Tax Committee final report and recommendations for February 11, 2014, at 10:30 a.m. – 12:30 p.m.

Report and Discussion

Background:

There are a number of issues being considered by the Board that are of an overlapping nature, which may have competing, and possibly conflicting, time lines and policy implications. After considering issues that are scheduled to come before the Board in the very near future concerning the sales tax and tourism tax allocations (based on previous direction provided to staff from the Board relative to these issues), staff has developed recommendations for the Board to consider related to timing. This approach will help ensure the Board has the best information and that the issues are presented in the most appropriate sequence for Board decision-making.

Analysis:

The four issues to be addressed are:

1. Community Redevelopment Agency (CRA) and related tourist development tax
 2. Leon County Sales Tax Committee
 3. Cultural Plan Update
 4. FSU Civic Center District Master Plan and related convention center
1. Community Redevelopment Agency (CRA): Based on the Board's approval of the October 29, 2013 workshop item on the future use of the tourist development tax, the County Administrator was preparing an item to come from the County Administrator and the City Manager for the CRA meeting on January 23, 2014. This was included in the Board's November 19, 2013 Workshop ratification item. However, because the Sales Tax Committee and Cultural Plan Update Committees are finalizing their respective reports to the Board, the County Administrator intends to schedule the CRA item **after** the Board has considered these final reports, so:
 - a. to not in any way narrow the potential options available to the Board on these issues;
 - b. that the Board has the funding recommendations from each of these committees (related to both the sales tax and the tourism development tax); and
 - c. that the Board can determine if any additional information needs to be conveyed in the CRA item.
 2. Leon County Sales Tax Committee: The sales tax committee is expected to be completed with their work at the end of January 2014. There may be some project overlap and funding implications between the cultural plan update final report, the sales tax committee recommendations and the possible reallocation of the one cent of tourist development tax currently dedicated to the performing arts center.

With regard to the possible infrastructure sales tax extension, the Board of County Commissioners is responsible for making the final determination of placing the issue on a ballot for voter consideration. In order to allow the Board all the necessary information to consider placing the matter before voters, and to address the overlapping nature of the other issues being considered in this item, the following is a recommended approach related to the possible sales tax extension:

- a. Schedule a workshop (or agenda item) item for February 11, 2014 to discuss the Sales Tax Committee's recommendations.
- b. Have the Sales Tax Committee's recommendations presented to the City of Tallahassee subsequent to the Board of County Commissioners' meeting.

The following steps would only occur if the Board desired to keep moving forward with the sales tax extension process, at this point in time (the existing sales tax expires at the end of 2019):

- c. Schedule an Intergovernmental Agency (IA) meeting to develop consensus on final project list and to address any necessary amendments to the County/City interlocal agreement with regard to the infrastructure sales tax.
- d. Subsequent to the IA meeting, schedule an agenda item for the Board of County Commissioners to authorize referendum date and language.

Staff estimates that, if the Board wished to move through all four steps as outlined, all meetings and actions could be completed by early spring 2014.

3. Cultural Plan Update: The Cultural Plan Update Committee has requested to present their final report to the Board on February 11, 2014. There may be some project overlap and funding implications between the sales tax committee recommendations and the possible reallocation of the one cent of tourist development tax currently dedicated to the performing arts center. The Board may wish to direct either a workshop or agenda item be scheduled for February 11, 2014 to receive the cultural plan update.
4. FSU Civic Center Master Plan: At the Board retreat, the Board approved the following strategic initiative:

"Direct the County Administrator to work with FSU on the Civic Center District Master Plan to include the potential partnership to realize the convention center space desired by the County and to bring back issues related to the County's financial and programing roles and participation for future Board consideration."

To ensure the Board has the benefit of the various committee reports, staff intends to bring the FSU/convention center item back to the Board after the Board receives the sales tax committee and cultural plan update committee recommendations and prior to the CRA meeting.

Based on the Board's actions on all of these issues, the County Administrator will bring back an agenda item reconciling all these actions and seeking Board approval of any modifications to previous direction related to the CRA item. Again, the general sequence of the issues presented here will help ensure the Board has the best information upon which to make decisions given some of the overlapping financial and policy implications associated with these issues.

At this time, staff recommends Board consideration of these issues begins with the scheduling of workshops on the Sales Tax Committee's report and recommendations and the Cultural Plan Update Committee's report and recommendations for February 11, 2014. The workshop on the Cultural Plan Update Committee's report and recommendations would be scheduled for 8:30 – 10:30 a.m.; and the Sales Tax Committee's report and recommendations would be scheduled for 10:30 a.m. – 12:30 p.m. Additionally, a Cycle 2014-1 Comprehensive Plan Workshop is scheduled for Tuesday, February 11, 2014 at 1:30 p.m. Staff anticipates the Comprehensive Plan Workshop to be brief, which would provide the Board adequate time to continue discussion on either the Sales Tax or Cultural Plan Workshop.

Options:

1. Approve the timelines as presented here and provide any additional guidance the Board deems appropriate.
2. Schedule a Board workshop on the Cultural Plan Committee update report and recommendations for February 11, 2014, at 8:30 a.m. – 10:30 a.m.
3. Schedule a Board workshop on Sales Tax Committee final report and recommendations the for February 11, 2014, at 10:30 a.m. – 12:30 p.m.
4. Board direction.

Recommendations:

Options #1, #2, and #3.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #23

Leon County Board of County Commissioners

Cover Sheet for Agenda #23

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of the Status Report on Efforts to Mitigate the Impact of the Lafayette Street Construction Project on Local Businesses and Consideration of the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works and Community Development Ken Morris, Director, Economic Development and Business Partnerships
Lead Staff/ Project Team:	Jon D. Brown, Director of Community and Media Relations Shington Lamy, Assistant to the County Administrator

Fiscal Impact:

This item does not have a current fiscal impact. The item recommends the establishment of the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program, which would provide a set of services to businesses impacted by future County construction projects. If approved, the program would be budgeted for \$10,000 or up to one-half of one percent of a total project cost, whichever is greater, and paid for from the applicable capital budget.

Staff Recommendation:

- Option #1: Accept the status report on efforts to mitigate the impact of the Lafayette Street Construction Project on local businesses.
- Option #2: Adopt the Resolution declaring a paramount public purpose regarding the expenditure of county funds for programs that assist private businesses to mitigate temporary adverse impacts resulting from county public works construction projects (Attachment #1).
- Option #3: Direct staff to continue to implement the “Don’t Forget, Shop Lafayette” Marketing Plan.
- Option #4: Establish the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program to provide a shelf-ready program that would mitigate the impact of County construction projects on businesses.

Report and Discussion

Background:

For the past few months, construction has been taking place on Lafayette Street in several phases to repave the road, improve stormwater drainage system, widen the sidewalks, and enhance the landscaping. The project is anticipated to be completed in June 2014. Several business owners have expressed concerns of limited access and visibility of their establishments due to the closure of portions of Lafayette Street. On December 10, 2013, the Board directed staff to review the circumstances concerning the construction and its impact on Lafayette Street, and bring back policy options for the Board's consideration.

Analysis:

The following analysis provides a review of the circumstances concerning the impact of the construction along Lafayette Street and describes the measures frequently utilized for construction projects to minimize the impact on local residents and businesses. Additionally, it details the additional steps that have been taken by the County in the interim to address the concerns that were raised by business owners along Lafayette Street through the "Don't Forget, Shop Lafayette" Marketing Plan.

Staff has prepared a proposal for the Board's consideration to establish the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program. The proposed program would package the efforts taking place on behalf of the Lafayette Street businesses for future County construction projects. Finally, the analysis presents a review of small loan programs that have been implemented by other local jurisdictions to address the impact of public construction projects to local businesses and the legal implications.

Ongoing Efforts to Minimize Construction Impact

In its effort to improve and enhance the community's infrastructure, Leon County has always recognized the importance of engaging residents and local businesses impacted by construction projects throughout the process. Prior to the commencement of construction, letters with information on the proposed project are sent to each property owner that may be impacted. Monthly meetings are held throughout the process to provide updates on construction, detour routes, and receive comments. In regards to the Lafayette Street Project, since July 2013 monthly meetings have been taking place on the last Thursday of each month at the Governor Martin House. Additionally, a webpage is developed on the County's website for each construction project, with detailed information on the proposed improvements, construction phases and schedules, as well as the dates, times, and location of monthly meetings, and contact information of the County staff managing the project.

In reviewing the Lafayette Street project, as directed by the Board, staff recognized the unique and adverse impact the project presents businesses along the corridor, due to the closure of a portion of the road that serves as the primary point of entry. As a result, business owners have expressed concerns regarding the limited access and visibility of their establishments. Following the Board's December 10th meeting, staff took immediate action to identify opportunities that increase public awareness of the impacted businesses.

Don't Forget, Shop Lafayette!

In an effort to address the concerns of the Lafayette Street business owners, a marketing plan branded "Don't Forget, Shop Lafayette" was developed and is being implemented to promote businesses along Lafayette Street. The theme of the plan encourages the public to continue to support and patronize Lafayette Street businesses throughout the construction process. Actions on the plan, being executed by the Office of Community and Media Relations, include the following:

1. Full page "Don't Forget, Shop Lafayette" ads in the Tallahassee Democrat and Capital Outlook with a large map featuring businesses along the Lafayette corridor that may be affected by road detours and construction (Attachment #2).
2. "Don't Forget, Shop Lafayette" ads, including the map in the Leon County Link in the Tallahassee Democrat on January 1, 2014, and published in the Capital Outlook on January 9, 2014.
3. Radio advertisements on local stations, including WFSU.
4. A webpage created and hosted on the Leon County main website with up-to-date information on the Lafayette Street project including information on project timelines, detours, a map of local businesses in the area, as well as the full-page ads that ran in the Tallahassee Democrat and Capital Outlook.
5. A highly visible front-page website graphic to drive visitors to further information.
6. Highly visible directional yard signs along detour routes created to help indicate turn-ins into local businesses on Lafayette Street. These yard signs also display the website address to find more information.
7. Street signs erected along the detour route and Apalachee Parkway that clearly list the names of the businesses on Lafayette.
8. Promotion of "Don't Forget, Shop Lafayette" on the County's social media outlets such as Facebook and Twitter as well as the County's E-Subscribe system.
9. Broadcast of Don't Forget, Shop Lafayette ads on Leon County's government access channel.
10. Hand-delivered materials to businesses to ensure receipt of information on the Lafayette Street Project. Materials included information on detour routes, website, monthly meeting schedule, and County staff contact.
11. Active engagement with all media and community partners throughout the process.

The actions, as detailed, will continue to be implemented by staff for the duration of the Lafayette Street construction project. Additionally, meetings continue to be held on the last Thursday of each month to provide residents and businesses along Lafayette Street with updates on the construction project.

Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program

Construction projects are necessary for providing long-term improvements to the infrastructures that enhance the community. In the short term, these construction projects may lead to traffic delays or road detours adversely impacting adjacent businesses. Often times, the public assumes businesses along construction projects are closed or find navigating through traffic delays or detour routes inconvenient. The Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program would promote that stores, shops, companies, and restaurants impacted by construction are open for business. The program would package the County's ongoing efforts that have been traditionally utilized to disseminate information on construction projects and the actions implemented through the "Don't Forget, Shop Lafayette" plan into a shelf ready program for future County projects. The program would be limited to business corridors directly impacted by County construction road projects and provides the following:

- Continue to hold monthly meetings for residents and local businesses impacted by a County construction project to provide update information on construction, detour routes, and receive comments.
- Continue to provide a designated County staff contact for information on a County construction project.
- Adopt a "Shop Here" brand that encourages the public to visit and patronize businesses directly impacted by a County construction project.
- Create a website that promotes the businesses impacted by a construction project and provides information on the particular project.
- Hand deliver letters, flyers, and other materials to businesses to ensure that property owners as well as tenants are informed of the upcoming and ongoing project.
- Print advertisements in the local newspaper.
- Radio advertisements on local stations including WFSU.
- Broadcast on the Leon County government access channel (Comcast Channel 16).
- Street signs along detour routes that list the names of businesses impacted by a County construction project.
- Directional yard signs along detour routes that promote businesses impacted by a County construction project.
- Promotion on social media including Facebook, Twitter, the County's E-Subscribe system.
- A "Road Work Survival Guide" for impacted businesses that would provide project details and timelines, detour information, and construction plans. More importantly for local businesses owners, the guide would discuss strategies on how to continue engaging customers during construction. In addition, the guide would provide direction on how to better capitalize on the improved area after construction is completed, such as hosting a grand re-opening.

The Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program would put in place a uniform set of services to mitigate the impact of construction on local businesses for future projects. Staff estimates the cost of the shelf ready program would be limited to \$10,000 or one-half of one percent of the total project cost whichever is greater. For example, the project cost of the Lafayette Project is \$3.4 million. As a result, \$17,000 has been budgeted for efforts such as advertisements and directional signs.

Similar services were identified in a 2010 University of Wisconsin report for the City of Milwaukee that surveyed 33 local construction mitigation programs across the country that were developed to assist businesses impacted by publicly funded construction projects (Attachment #3). The services commonly provided by the construction mitigation programs identified in the report included communication (i.e. mailings, email, flyer, etc.), monthly meetings, signage, and a designated staff. Approximately, a third of the programs provided paid advertisement and/or business education materials; such as, a "Road Survival Guide." The County's program would reflect standard construction programs that have been established in other communities across the country.

Small Loan Option

As part of its discussion, the Board inquired about options that may be available or developed to provide financial assistance to the businesses that have been impacted by the Lafayette Street construction project. Through outreach to professional organizations and associations, such as the National Associations of Counties, International City/County Management Association, and American Public Works Association, staff identified very few programs that have been established by local governments and/or states that provide financial assistance in the form of loans (Attachment#4). Generally, these programs provide loans at varied maximum amounts (\$5,000-\$35,000) at market rate, and loan terms of three to five years to businesses that are adjacent or within one block of the construction project. Each program requires collateral and personal guarantee for either a partial or full loan amount. Most programs provide a broad variety of uses of loans including for working capital, fixed assets purchases, payroll, utilities, etc.

Only one program was identified in Florida. Miami-Dade County's Countywide Business Road Impact Loan Program was established in 2000. The program provides loans to businesses negatively impacted by Miami-Dade County infrastructure and road construction projects on right-of-ways. Six percent of the project cost is budgeted for the loan program. Similar to the other programs reviewed by staff, Miami-Dade's application process requires the submittal of a large amount of documents; including, business financial statements, personal financial statements, business Federal Income Tax Return, personal Federal Income Tax Return, Sales Receipt Journals, bank statements, and accounts receivable and payable information.

According to Miami-Dade, since the program's inception in 2000, approximately five loans have been provided ranging between \$2,000 and \$5,000. Although it remains active, businesses impacted by road construction projects have not utilized the program since 2009. In addition, Miami-Dade mentioned that only two of the five businesses repaid the loans that were awarded. The four remaining small loan programs evaluated by staff indicated that the service was underutilized by businesses.

The University of Wisconsin report indicated that eight of the 33 programs that were surveyed provided a small loan program to businesses impacted by public construction. Similar to the small loan programs identified by the County, several of the loan programs surveyed in the Wisconsin report indicated that such service is rarely accessed by businesses.

It is important to note that grant programs for businesses impacted by construction projects are fairly uncommon and established for businesses that experienced long-term adverse impact. A single grant program, established in 2010, was identified by County staff in Houston, which provides funding to businesses that were impacted by a light rail construction project, which lasted for approximately 18 months and permanently changed traffic patterns. The Houston program has since been discontinued. Additionally, the University of Wisconsin report found only two construction mitigation programs provided direct financial assistance in the form of grants. However, the grants were only available when a construction project led to unexpected street closures or extended well beyond its scheduled completion date.

The lack of grant programs for businesses impacted by construction, in comparison to small loans, demonstrates that most jurisdictions do not consider grants a practical option. Additionally, such a program would not be financially viable incurring additional project cost in order to provide grants to impacted businesses. It is for this reason that staff does not recommend a grant option for current or future County projects. The Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program would provide a wide range of resources to promote local businesses and foster economic growth.

The Board may choose to include a small loan option as one of the many services available to businesses impacted by construction through the proposed Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program. Should the Board wish to further explore a loan program, staff would bring back a proposed policy that provides the scope and parameters for such an option and include a loan application process that would contain safeguards designed to prevent the occurrence of fraud and abuse, as advised by the County Attorney's Office. A small loan option may require more than \$10,000 or one-half of one percent of a total project cost for the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program in order to be implemented. As previously mentioned, six percent of a project's total cost is solely budgeted for the Miami-Dade County loan program.

Conclusion

The County has long recognized the impact of construction projects on residents and local businesses. Current efforts such as mailings, websites, monthly meetings, and a designated County staff person ensure that impacted residents and businesses are informed throughout the process.

In reviewing the Lafayette Street Project, additional steps were taken to address the limited access and visibility of the businesses adjacent to the road. The "Don't Forget, Shop Lafayette" marketing plan was developed to promote businesses along Lafayette Street and will continue to be implemented until the completion of the project.

The Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program proposal seeks to provide a shelf ready program that packages the County's current efforts and the additional actions taken to address the concerns of the Lafayette Street business owners. The program would put in place a uniform set of services to mitigate the impact of construction on local businesses for future projects. The cost of the shelf ready program would be limited to \$10,000 or one-half of one percent of the total project cost, whichever is greater. The County's program would reflect standard construction programs that have been established in other communities across the country.

Although rarely utilized in other jurisdictions reviewed by County staff, the Board may choose to incorporate a small loan option as part of the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program. Staff would bring back a policy that provides the scope and parameters for such an option and include a loan application process that would contain safeguards designed to prevent the occurrence of fraud and abuse as advised by the County Attorney's Office.

As opined by the County Attorney's Office, the legal validity of a program that expends County funds to assist private businesses in this manner is primarily dependent on the Board's legislative finding that such a program serves a paramount public purpose, even though it may, incidentally, benefit private businesses (Attachment #5).

In anticipation of the Board making such a finding, the County Attorney has prepared a Resolution containing proposed legislative findings that will support the Board's declaration that such a program constitutes a paramount public purpose. By providing impacted businesses with the assistance during an adjacent County road construction project, such a program will help achieve the County's economic development goals.

Upon adopting the Resolution, the County Attorney advises that the Board could continue with the expenditure of County funds to implement the "Don't Forget, Shop Lafayette" plan and proceed with the proposed Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program. Additionally, if the Board decides to include in such programs a small loan option, as discussed above, the Board could proceed with those expenditures as well.

Options:

1. Accept the status report on efforts to mitigate the impact of the Lafayette Street Construction Project on local businesses.
2. Adopt the resolution declaring a paramount public purpose regarding the expenditure of county funds for programs that assist private businesses to mitigate temporary adverse impacts resulting from county public works construction projects.
3. Direct staff to continue to implement the “Don’t Forget, Shop Lafayette” Marketing Plan.
4. Establish the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Businesses Program to provide a shelf ready program that would mitigate the impact of County construction projects on businesses.
5. Direct staff to bring back a policy for the Board’s consideration of a small loan option for business impacted by County construction projects.
6. Board direction.

Recommendations:

Options #1, #2, #3, and #4.

Attachments:

1. Resolution declaring paramount public purpose
2. Don’t Forget, Shop Lafayette County Link Advertisement
3. 2010 University of Wisconsin Report Construction Mitigation Programs for the City of Milwaukee
4. Small Loan Programs for Businesses Impacted by Construction Projects
5. County Attorney’s Memorandum on Necessity of Public Purpose for proposed program

RESOLUTION: 14-_____

DECLARATION OF PARAMOUNT PUBLIC PURPOSE REGARDING THE EXPENDITURE OF COUNTY FUNDS, PURSUANT TO ITS ECONOMIC DEVELOPMENT POWERS, FOR PROGRAMS THAT ASSIST PRIVATE BUSINESSES TO MITIGATE ADVERSE IMPACTS RESULTING FROM COUNTY PUBLIC WORKS CONSTRUCTION PROJECTS

WHEREAS, in accordance with Capital Improvements Program adopted by the Leon County Board of County Commissioners (the “Board”), there regularly exists throughout Leon County ongoing public works construction projects taking place within existing road rights-of-way; and

WHEREAS, in many instances, such construction projects result in a temporary disruption of the normal traffic patterns along the associated roads which, in turn, may sometimes result in an adverse impact to the businesses located adjacent to, or nearby, such projects; and

WHEREAS, depending on the severity of the traffic disruption and the duration of the construction project, the adverse impact to an adjacent or nearby business could cause an economic hardship to the business owners and their employees which, in the most severe cases, could result in the closure of the business; and

WHEREAS, the disruption and closure of businesses caused by a County public works construction project is contrary to the County’s economic development goals of enhancing and expanding economic activity, and retaining businesses in the County; and

WHEREAS, pursuant to Section 125.045, Florida Statutes, the Florida Legislature finds, “... that there is a need to enhance and expand economic activity in the counties of this state, by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and

stable economy in the state; to enhance and preserve purchasing power and employment opportunities for the residents of this state; and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the counties of the state...;” and

WHEREAS, the Florida Legislature further finds therein that, “[t]he governing body of a county may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose...” and that such expenditure of public funds may include economic development incentives given by the County directly to a business including, but not limited to, “...grants, loans, equity investments, loan insurance and guarantees, and training subsidies...;” and

WHEREAS, in response to the request for assistance from various impacted business owners adjacent to the County’s public works construction project on Lafayette Street, County staff has proposed the Leon County Outreach Partnership and Enhanced Navigation (OPEN) for Business Program (“OPEN for Business Program”) whereby County funds would be expended to incorporate the existing “Don’t Forget, Shop Lafayette” promotional campaign into the new OPEN for Business Program and expanded to provide resources and assistance to businesses adversely impacted by a County public works construction project to include, but not be limited to, promotional advertising for the impacted business community during construction, availability to educational materials and other such resources to help businesses to survive during a public works construction project, and community outreach by County staff and its consultants to address the questions and concerns of the impacted business community; and

WHEREAS, the adoption of the new OPEN for Business Program, and the expenditure of County funds necessary to implement it, will provide impacted businesses with the assistance

they need to survive the disruption of an adjacent public works construction project and will, thereby, help achieve the County's economic development goals of enhancing and expanding economic activity in the County and retaining businesses that may be adversely impacted by such a project.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. Pursuant to the Board's Capital Improvements Program, the County undertakes the construction of public works projects within road rights-of-way which, in many instances, causes a temporary disruption of the normal traffic patterns along roads associated with such construction projects.

2. Such temporary disruption of the normal traffic patterns may sometimes result in an adverse impact to the businesses located adjacent to, or nearby, such construction projects.

3. Depending on the severity of the traffic disruption and the duration of the construction project, the adverse impact to an adjacent or nearby business could cause an economic hardship to the impacted business owners and their employees which, in the most severe cases, could result in the closure of the impacted businesses.

4. Among the Board's economic development goals for the County are the enhancement and expansion of economic activity within the County, along with retaining businesses in the County, and the disruption and closure of businesses caused by a County public works construction project is contrary to such economic development goals.

5. The new OPEN for Business Program will provide impacted businesses with the assistance they need to survive the disruption of an adjacent County public works construction project and will help achieve the County's economic development goals. As such, the Board

hereby declares that the adoption of the new OPEN for Business Program constitutes a paramount public purpose.

6. The Board further declares that the expenditure of County funds to implement the new OPEN for Business Program constitutes a paramount public purpose including, but not limited to, expending County funds for promotional advertising for the impacted business community during construction, for the provision of educational materials and other such resources to help businesses to survive during a road construction project, and for the provision of community outreach by County staff and its consultants to address the questions and concerns of the impacted business community. Additionally, if the Board decides to expand the OPEN for Business Program to include the provision of direct financial assistance in the form of loans to those impacted businesses in need of such assistance to survive the duration of the construction project, the expenditure of County funds for such financial assistance also constitutes a paramount public purpose.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 21st day of January 2014.

LEON COUNTY, FLORIDA

By: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:

Bob Inzer, Clerk of the Circuit Court
Leon County, Florida

APPROVED AS TO FORM:

Office of the County Attorney
Leon County, Florida

By: _____

By: _____
County Attorney



PEOPLE FOCUSED. PERFORMANCE DRIVEN.

DON'T FORGET, SHOP LAFAYETTE!

Don't forget our local businesses during roadway improvements.

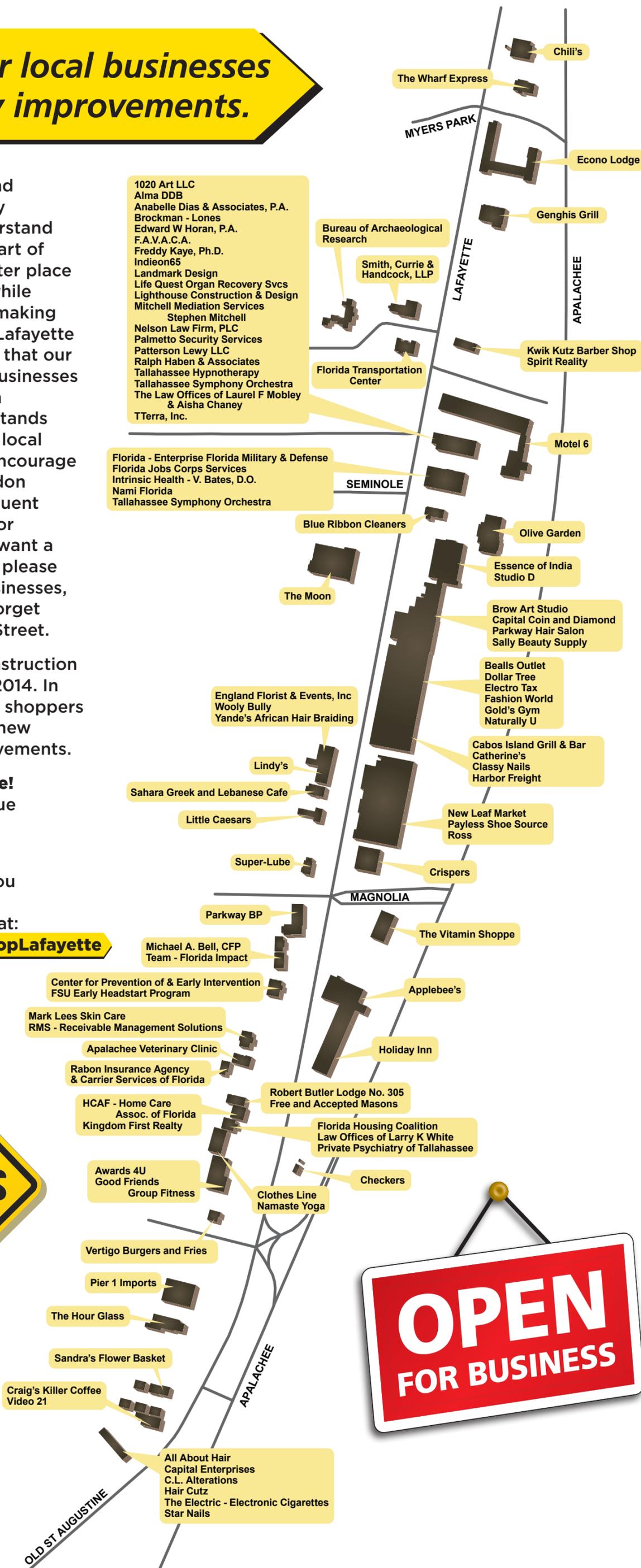
Nobody likes road detours and the inconvenience of roadway construction, but we all understand construction is a necessary part of making our community a better place to live, work and play. And while Leon County Government is making significant improvements to Lafayette Street, we want to make sure that our community remembers the businesses impacted by the construction activity. Leon County understands the strain this could place on local merchants, and we want to encourage shoppers and patrons to pardon our dust and continue to frequent the area. If you are looking for that last minute holiday gift, want a great meal or need a haircut, please remember all of our local businesses, but especially, please don't forget our businesses on Lafayette Street.

So pardon our dust while construction continues through mid-year 2014. In the end, local businesses and shoppers will benefit from a beautiful, new roadway and sidewalk improvements.

Don't Forget, Shop Lafayette!
We invite everyone to continue to frequent the area and all of our local businesses!

The map included will help you find these local businesses. You can find this map online at:

www.LeonCountyFL.gov/ShopLafayette



- 1020 Art LLC
- Alma DDB
- Anabelle Dias & Associates, P.A.
- Brockman - Lones
- Edward W Horan, P.A.
- F.A.V.A.C.A.
- Freddy Kaye, Ph.D.
- Indieon65
- Landmark Design
- Life Quest Organ Recovery Svcs
- Lighthouse Construction & Design
- Mitchell Mediation Services
- Stephen Mitchell
- Nelson Law Firm, PLC
- Palmetto Security Services
- Patterson Lewy LLC
- Ralph Haben & Associates
- Tallahassee Hypnotherapy
- Tallahassee Symphony Orchestra
- The Law Offices of Laurel F Mobley & Aisha Chaney
- TTerra, Inc.

- Florida - Enterprise Florida Military & Defense
- Florida Jobs Corps Services
- Intrinsic Health - V. Bates, D.O.
- Nami Florida
- Tallahassee Symphony Orchestra

- England Florist & Events, Inc
- Wooly Bully
- Yande's African Hair Braiding

- Michael A. Bell, CFP
- Team - Florida Impact

- Center for Prevention of & Early Intervention
- FSU Early Headstart Program

- Mark Lees Skin Care
- RMS - Receivable Management Solutions

- Apalachee Veterinary Clinic
- Rabon Insurance Agency & Carrier Services of Florida

- HCAF - Home Care Assoc. of Florida
- Kingdom First Realty

- Awards 4U
- Good Friends
- Group Fitness

- Vertigo Burgers and Fries

- Pier 1 Imports

- The Hour Glass

- Sandra's Flower Basket

- Craig's Killer Coffee
- Video 21

- All About Hair
- Capital Enterprises
- C.L. Alterations
- Hair Cutz
- The Electric - Electronic Cigarettes
- Star Nails

City of Milwaukee: Construction Mitigation Program

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Foreword

Students in the master of public affairs program in the Robert M. La Follette School of Public Affairs at the University of Wisconsin–Madison produced this report for the City of Milwaukee’s Department of Administration’s Budget and Management Division. The opinions and judgments presented in the report do not represent the views, official or unofficial, of the La Follette School or of the clients for whom the students prepared the report.

The authors are enrolled in the Public Affairs Workshop, Domestic Issues, the capstone course in their graduate program. The La Follette School offers a two-year graduate program leading to a master of public affairs or a master of international public affairs degree. The workshop provides practical experience applying the tools of analysis acquired during three semesters of coursework to actual issues clients face in the public, non-governmental, and private sectors. Students work in teams to produce carefully crafted policy reports that meet high professional standards within the timeframe of a single academic semester. The reports are research-based, analytical, and when appropriate, evaluative.

This report would not have been possible without the encouragement and leadership of the City of Milwaukee’s dedicated employees. The report also benefited greatly from the support of the staff of the La Follette School. In particular, Outreach Director Terry Shelton contributed logistical and practical support. Karen FASTER, La Follette publications director, edited the report and oversaw production of the final bound document.

This report was generated primarily for the educational benefit of its student authors and the purpose of the project was to improve their analytical skills by applying them to an issue with a substantial policy or management component. This culminating experience is the ideal equivalent of the thesis for the La Follette School degrees in public affairs.

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Construction Mitigation Executive Summary

Municipal construction projects have the potential to engender long-term economic benefits for the surrounding area. But in the short term, many of these projects substantially harm surrounding businesses by limiting access and changing customers' shopping patterns. The City of Milwaukee plans to support economic development through the implementation of construction mitigation services to limit or negate the negative impact construction projects have on surrounding businesses. The purpose of this report is to explain a variety of services provided in various cities across the country and to design a package of services that the City of Milwaukee may implement to improve its construction impact mitigation efforts.

Relatively little research exists on construction mitigation efforts, and even less attests to which, if any, construction mitigation services are efficient or successful. Therefore, to provide a comprehensive set of services to consider, we contacted 46 cities by phone. These cities varied in size and location, as both construction projects and business support programs exist in cities of all sizes across the country. Thirty-three cities responded to our initial phone calls, and their responses form the basis of this report. Each city was asked the same questions and offered a list of potential services they might provide. All cities reported providing at least some construction mitigation services, although the scope and number of these services varied widely. Communication with affected businesses, public meetings, and the provision of signage were the most frequently utilized services. Cities were also asked about implementation methods and the success of all services provided.

Based on our research, we recommend implementing a package of services which includes: public meetings, communication with affected businesses, signage, a website, and business education. We also suggest implementation methods and details specified for each service. Additionally, we recommend that a program liaison coordinate these services. We evaluate this package of services, the Construction Mitigation Service Package, against the status quo based on four goals identified by the City of Milwaukee: cost-effectiveness, ease of implementation, political feasibility, and equity. Moreover, our research uncovered that no cities used a systematic evaluation system for construction mitigation efforts. However, a program evaluation system would be valuable, and we recommend a system for the City of Milwaukee.

By implementing the suggested services, as well as an evaluation system, the City of Milwaukee would create one of the nation's most comprehensive and responsive construction mitigation programs.

Introduction

Municipal construction projects have always had the potential to harm local businesses, but in today's economic climate, already-struggling businesses may suffer even more when public construction threatens access and alters traffic patterns. When reviewing recent media reports, it appears that no one is more aware of that fact than business owners themselves. In Roseville, California, business owners are concerned over the implications of a proposed three-month bridge maintenance project on their ability to do business, claiming that it would be "devastating" (Holst, 2010). These owners fear that the bridge closure will decrease the number of customers who patronize their business and in turn, harm their profit levels (Emard, 2010). Similar reports can be found from Portland, Oregon, to Billings, Montana, to Fraser, Michigan, to Columbia, South Carolina, and from many places in between (Bray, 2010; Click On Detroit, 2009; Kuenzie, 2009; Neves, 2010). In fact, the situation in Roseville is not at all uncommon, as municipal construction projects in cities across the country harm businesses adjacent to the project and the surrounding community. Similar concerns have existed in Milwaukee, from businesses that cite limited access due to public construction as a reason for closure (Walker & Hajewski, 2010) to efforts made by the Wisconsin Department of Transportation zoo interchange project to work at night to avoid affecting commuters (McEwen, 2010). These concerns, combined with the large infusion of construction funds from the 2009 American Recovery and Reinvestment Act, have caused the issue of construction mitigation to rise in the agenda of city officials.

Construction mitigation encompasses a wide variety of efforts to limit negative economic impacts of a construction project. Among other reasons, mitigation activities are needed to help maintain a healthy business community and viable tax base for a municipality. The City of Milwaukee provides some mitigation services such as open public meetings, communication with businesses, and information on the City of Milwaukee's website. However, the City of Milwaukee is investigating ways to simultaneously better support businesses while still meeting necessary construction goals.

This report examines services provided by cities across the nation that the City of Milwaukee could adopt. First, we summarize Milwaukee's specific interests and research questions. We then explain the need to investigate construction impact mitigation options. Next, we present our methodology for data collection and results of our survey of comparative cities. From the results of our survey, we construct a list of potential services. Following this section we identify the status quo of services the City of Milwaukee provides and offer a Construction Mitigation Service Package of services and implementation methods specific to Milwaukee. The package and the status quo are evaluated based on goals identified through our research and consultations. Additionally, we address the justification for a system of evaluation for any services provided. Ultimately, this report provides the City of Milwaukee a recommendation that is practical and effective in accommodating the business sector during the city's construction projects.

Statement of Problem

The City of Milwaukee is developing a comprehensive plan to mitigate the impact of municipal construction projects on surrounding businesses and commercial establishments. Construction mitigation is not a new concern; however, recent developments, such as the unexpected length of several bridge construction projects and Milwaukee's receipt of approximately \$30 million in funding for public construction projects from the American Recovery and Reinvestment Act, ensure that mitigation is an especially timely issue in 2010 and beyond. This report explores the following research questions to help the City of Milwaukee identify and implement a new construction mitigation policy:

- What construction mitigation measures do other cities across the nation undertake? How effective are these measures?
- Which package of construction mitigation measures is most appropriate for Milwaukee?
- How can Milwaukee best evaluate the success of mitigation measures?

No widely agreed-upon definition of "construction mitigation" exists. For the purposes of this work, we will use the phrase "construction mitigation" to refer to any and all measures designed to limit the negative economic impact of construction projects on surrounding businesses, from simple measures such as maintaining access to business entrances, to more in-depth actions such as business education programs. We acknowledge that the impacts of construction projects are not limited to economic impacts on businesses. For instance, construction projects may have adverse social and environmental effects on communities. However, this report focuses on economic impacts for two reasons. First, laws regulating environmental impacts of construction already exist. Second, our clients' primarily expressed interest in mitigating the economic impacts of construction.

The Need for Mitigation

The need for construction mitigation is obvious following a review of existing literature and recent media coverage, as public construction projects have the potential to impose many negative effects on surrounding areas.

Our main focus is on the potential negative economic impacts of public construction projects on local businesses. We define public construction projects as any publicly funded projects that occur on publicly owned property. Of these projects, infrastructure-related construction is likely to have the greatest impact on business activity. These construction projects, as well as any impact of mitigation efforts, relate to the overall goal of economic development.

While many economic development plans focus on bringing *new* businesses to an area, business retention programs became increasingly prevalent during the 1970s and later (Worden, 1993). After all, it may be more efficient for cities to support

the continued success and expansion of established local businesses than to bring in an external firm with no ties to the area and no track record of local success (Worden, 1993). Therefore, construction mitigation measures to help retain businesses may be an efficient way to promote local economic development.

Some construction projects may actually benefit certain businesses, even before their completion, as the importation of construction workers may lead to increased patronage at businesses such as motels, restaurants, and convenience stores (Bovay & Institute, 1991; New York City, 2008). In addition, construction projects may force business owners to streamline or refine their business practices, resulting in long-term, sustainable improvements. However, the benefits of the influx of construction workers and potential for independent innovation may be more than offset by the detrimental effects of traffic flow disruption and reduced access. Given the preponderance of evidence from our interviews and existing literature, it is safe to assume that most construction projects will have a net negative impact on local businesses in the short term.

Although the short-term impact of construction projects on local business is likely to be negative, public construction projects in general (and infrastructure improvement projects in particular) have the potential to engender significant long-term economic benefits, including reductions in transportation costs and increases in economic activity (Forckenbrock & Foster, 1990). Investment in public construction projects may also “expand the productive capacity of an area” (Munnell, 1992). But to enjoy these long-term benefits, businesses must survive for the duration of the construction projects; hence, the need for mitigation efforts.

A major impact of construction projects on local businesses comes from the disruption of traffic patterns and available parking (Chmura Economics, 2004; City of Norfolk, n.d.; Minnesota Department of Transportation, 2007). There may be disruptions to both pedestrian and vehicular traffic flows, thus disproportionately harming businesses that depend on drop-in customers who did not necessarily plan a visit to the business. Construction projects may hamper businesses’ ability to receive shipments from suppliers or ship their own products to other locales. Businesses may be further affected by other disruptions to infrastructure, such as temporary loss of access to water or power (New York City, 2008).

A long-lasting construction project that does not provide for continued access to businesses can even result in permanent behavioral shifts within a community, as residents find alternative sources for goods and services (Exposition Metro, 2009). These residents may then establish entirely different commercial routines and fail to return to businesses at which they previously shopped even after the cessation of construction activities. Small businesses face particularly high levels of risk, evidenced by failure rates that are significantly higher than those of larger businesses. This is partly due to the increased number of competitors most small businesses face (Worden, 1993; Bressler, 2004).

Cities also have strong incentives to ensure the continued success of local businesses. A thriving business community improves the local economy by providing jobs to community residents. In addition, a successful business may draw in customers from other locales who will spend more money in the area, further improving local prosperity. The city itself then benefits, as its successful businesses pay more in taxes. The existence of more successful businesses also expands the city's tax base, reducing the burden on individual businesses and improving the overall financial condition of the city.

Local residents also benefit from continued access to local businesses. Absent an available local source, these individuals would have to travel to acquire goods or services, and this increased travel time would result in lost productivity. Maintaining local businesses may also improve residents' conceptions of their community and their overall quality of life (Besser et al., 2008). After all, local businesses often provide much more than just a place to shop and may sponsor local events or provide a place for social gatherings.

Finally, outreach efforts such as construction mitigation programs might improve public perceptions of the city (Lee, 2009). Public construction projects are sometimes viewed as "being conducted in an atmosphere of secrecy and exclusion" (City of Charlottesville, 2008). Mitigation programs may encourage more positive interactions between government and private residents, as well as remove some of the perceived disconnect between public construction projects and the interests of local residents. These programs may also make the city appear more hospitable to business, thus encouraging more businesses to relocate to the area with the intent to benefit from city services.

Thus, the rationale for implementing programs designed to mitigate the impact of construction projects on local business is exceedingly strong. However, these programs are not cost-free. Any construction mitigation effort will consume resources, so it is important for cities to identify the best possible package of mitigation services, thus maximizing the overall impact on economic development at the lowest possible cost and highest possible level of benefit. The economic and social health of a city depends a great deal on the success of its business community, and the money spent on the best mitigation programs may possibly be repaid many times over if businesses remain open and successful.

Because construction mitigation services may consume additional city resources, we researched alternative funding sources for the City of Milwaukee. We communicated with the Wisconsin Department of Commerce, several departments in Milwaukee and Madison familiar with community development block grants, the Department of Economic Development in the Wisconsin Department of Transportation, the Community Development Grant Administration office in Milwaukee, the Milwaukee Department of City Development, the Milwaukee Development Corporation, the Milwaukee Redevelopment Authority, and the Wisconsin Main Street Program about funding opportunities for construction

mitigation programs. The result of our research into various local, state, and federal sources is that there is no significant, direct source of money available to fund construction mitigation services in Milwaukee. More generally, projects that meet the low and moderate income requirement for block grant funding could access this funding source to pay for the construction mitigation efforts, per Madison's office for community and economic development. According to Milwaukee's Community Development Grant Administration, however, only programs that offer direct technical assistance to businesses, in addition to meeting the low and moderate income requirements, would be considered for funding. Therefore, the City of Milwaukee would need to absorb any costs of mitigation measures or incorporate the expense into contracts.

Certain construction mitigation measures are standard and therefore not regarded as special mitigation measures by city employees. These encompass several "common sense" or "best practice" strategies to maintain access during construction. First, cities and construction contractors typically phase in construction projects by completing sections of the work rather than tearing up the entire road or sidewalk. With completion of the work in sections, the time that the road or sidewalk directly in front of a business is closed is greatly reduced. Additionally, maintaining a flexible schedule that can adjust to the needs of adjacent businesses is an important and common practice. For example, restaurants require open access during lunch and dinner hours, coffee shops prefer no construction in the morning, and other businesses must maintain open access at specific times to receive delivery of supplies and merchandise.

City Selection

Given that scholarly research on construction mitigation has been limited and only incomplete information exists on most municipal websites, we determined that the most effective way to gain an understanding of construction mitigation policy options would be to conduct a series of systematic phone interviews with city officials who are responsible for implementing mitigation programs.

To do so, we identified 40 cities to serve as a sample for this study. We later added six cities in Wisconsin based on a conversation with an individual working for Wisconsin's Main Street Program, bringing the total number of cities in our study to 46. Studies of this nature often include samples that consist of cities that are substantially similar to the city for which the study is conducted. However, for this analysis, the selection of only similar cities is unnecessary and may actually be inappropriate. After all, innovation does not only occur in cities that are similar to Milwaukee, and neither do construction projects. Limiting the impact of construction programs on local business is a universal issue, and although smaller cities may not engage in construction projects that are of the same scale as those in Milwaukee, they do develop innovative mitigation programs with options that may be beneficial when scaled up to accommodate large projects.

Our sample of cities intentionally encompasses a wide variety of geographic locations and sizes. We began our selection process with a list of every city in the United States with a population of more than 100,000. From this list, we selected cities from all areas of the country with populations as close to Milwaukee's as possible. Although innovative construction mitigation options exist nationwide, we oversampled cities that experience a similar climate and similar length of construction season. Therefore, Midwestern cities are deliberately overrepresented in the sample, particularly those in Wisconsin. These cities face weather-related constraints similar to those in Milwaukee and are subject to the same state regulations. We selected several smaller Wisconsin municipalities as well to ensure our interviews captured small-town innovation. We included several cities in our sample that were mentioned in literature the City of Milwaukee provided, as well as cities that interviewees identified during data collection. Altogether, our sample is diverse enough to ensure the collection of a wide variety of construction mitigation options, but it also contains enough cities in close geographic proximity to Milwaukee to ensure that any particular trends or limitations specific to the Midwest will emerge. A full list of cities and further justification for their selection may be found in Appendix A.

Summary of Survey Responses

Thirty-three of the 46 cities responded and provided information for our study, a 72 percent response rate. A city was determined to be non-responsive after three unsuccessful contact attempts. No particular patterns emerged in our non-responsive cities, as our groups of respondents and non-respondents did not appear substantially different. Each of the 33 cities answered the same questions. The survey questions ranged in topic from services provided to funding, management, and evaluation of these services. Additionally, the interviewer listed a series of potential services so that the city interviewee could identify which her or his city provides. Items on the list included options that cities may not have explicitly considered a construction mitigation effort. By using a comprehensive list, we identified what percentage of the cities that responded actually provides each service. Although multiple cities often offer the same basic service, the specific manner in which the service is provided may vary. The variety found in the implementation of services is addressed later, in the "Service Options" section. Appendix B provides a full list of the survey questions asked of each city.

Several patterns stand out in the data. For instance, at least 79 percent of the interviewed cities provide public meetings; communication via email, postal mail, fliers, or phone calls; and/or some form of signage for businesses. Other services are comparatively rare. Fewer than 21 percent of cities that responded reported providing art or direct compensation and collaboration with a local university on mitigation of the effects of construction. Table 1 provides a complete list of the services with a brief definition, the number of cities that provide the service, and the percent of cities interviewed that provide said service.

Table 1: Summary of Construction Mitigation Services

Service	Service Definition	Number out of 33 of cities that provide service	Percentage of responding cities that provide service*
Communication	Mailings, email, flyers, phone with stakeholders	32	94
Public meetings	Open meetings with stakeholders	32	94
Signage	Postings to inform public	27	79
Website/hotline ⁺	Informational telephone operator or updates and information available on the internet	23	68
Program liaison	Position designated to interact with stakeholders	21	62
Parking	Efforts to ensure adequate parking by business staff and customers	18	53
Paid advertising	Fully or partially funded advertising effort by city	13	38
Cooperation with local entities	Inclusion of resources from community organizations or development groups	12	35
Business education	Instruction to assist business operation	10	29
Loan	Public or private loan to business	9	26
Art	Temporary pieces incorporated into construction site	6	18
Cooperation with higher education institution	Inclusion of resources from a college/university	5	15
Direct compensation	Financial resources distributed to business with no repayment expected	2	6
<p>*Rounded to the nearest whole percentage. ⁺The survey asked whether a city uses a website or hotline. We have divided the two services hereafter to provide more succinct definitions of each.</p>			

Source: Authors' calculations

Service Options

Our research indicates that cities often provide the same services but implement these services differently. Below is a comprehensive list of services that exist in other cities. This list of services provides an in-depth definition and discussion of each service based on the qualitative data collected. Here, we note the differences in implementation indicated during our interviews. Appendix C contains a comprehensive list of cities offering particular services and methods of implementation.

A. Communication

Communication refers to dissemination of notices about construction projects to property owners and businesses by the city or contractor. It may include electronic or print mailings, leaflets, phone calls, or in-person visits to affected businesses. Communication with property and business owners was identified as a central component to any construction process. Of the 33 responding cities, 32 indicated some level of communication with affected businesses regarding construction projects (for a detailed list of which cities provided these services, please see Appendix C; all services which are not ascribed to a specific city or set of cities will appear in this appendix). Cities, including Kansas City and Cedar Rapids, expressed the importance of communication between the city and business owners and emphasized the need for clear and frequent contact. Sacramento and Monona reported that communication efforts are structured into the project bid and are therefore the responsibility of the contractor. For the remaining 30, communication is implemented by the municipality and coordinated by a construction project manager or public relations employee. Typically, cities integrate multiple levels and modes of communication at different stages of a project to create a comprehensive system. Prior to the start of construction, business and property owners may receive information (electronic or hard copy), informing them of public meetings, what to expect during the project, and whom to contact for inquiries. During the construction process, communication may be maintained to inform businesses of coming phases of the project and alert businesses whenever there is a significant change to construction plans. The forms of these communications vary as some municipalities favor fliers, emails, telephone calls, or in-person visits. However, communication is not limited to distributing information to those affected by the project. For example, four cities also reach out to local media by issuing news releases. There is typically minimal communication following the conclusion of a construction project.

B. Public Meetings

Public meetings serve as a forum for cities to solicit information from stakeholders and address potential problems in advance of, during, and after a construction project. These meetings are led by representatives from the city or project contractor and vary in frequency and format. Ninety-four percent of cities interviewed reported using public meetings as part of their construction process. Sixteen cities explicitly stated that they hold meetings before the construction starts. These meetings are advertised in a variety of ways including through

mailings, news releases, and door hangers (Eau Claire) and through business and neighborhood associations (Minneapolis). Kansas City, Green Bay, and Austin indicated that the type and frequency of their public meetings depends on the scale of the project and the interest expressed by stakeholders. Six cities reported holding regular meetings during construction, although their frequency varies. Monroe, Marshfield, and West Allis hold weekly meetings, and San Jose holds monthly meetings, while Monona holds contractor-led meetings twice a month. West Allis and Portland additionally noted efforts to rotate meeting locations among the various restaurants or coffee shops affected by construction.

C. Signage

Signage refers to signs, banners, or placards to promote the affected business community and encourage access to these businesses. It does not refer to signs that identify alternative routes for motor vehicles or the existence of construction projects, but to signs with a promotional and commercial purpose. These signs may be funded and created by businesses, the city, or the contractor. This service is implemented differently throughout the interviewed cities. Sacramento requires signs noting that businesses are open and accessible in the traffic control plan and leaves the implementation up to the contractor. Four cities relax zoning requirements and allow businesses to place promotional signs in locations where they would not normally be allowed. Seven cities, including Fort Worth and Seattle, reported allowing businesses to place “Businesses are Open” signs in the construction area or physically produce and place these signs themselves. Others focus on promoting the construction area. For example, Osceola created a marketable and recognizable image for the construction project by using signs both before and during the construction project. Portland and West Allis will sometimes include business names or logos on their signs. Lastly, five cities reported using signs to indicate alternate access to businesses, at times including a map.

D. Website

Cities can maintain separate websites containing information about construction projects or pages within the larger city website. These websites may contain information including but not limited to program liaison contact information, project updates, business information, project schedules, and access and parking information, as well as copies of news releases and correspondence with affected businesses. Seven cities provide a list of current or future construction projects on websites. Additionally, Chicago and West Allis provide traffic information including detours. To more directly support businesses affected by construction, West Allis and Portland include business-related information including hours of business or links to the businesses’ websites. Therefore, websites are used as a means of informing stakeholders of which businesses are affected and how to access them. In past years, Portland used webcams to stream video of the construction site online. The webcams have been repurposed and are now used by city engineers. Finally, websites are used as a way to provide businesses with support. Lincoln includes information on how to cope with construction on its website.

E. Hotline

A hotline is a telephone number with an automated or human response system. These hotlines provide information and communication for questions or concerns regarding construction projects. They allow for more immediate response to public concerns than would be expected via electronic communication. The organization responsible for answering the line varies greatly. Some cities like Minneapolis and Sacramento use a 311 number that covers all city departments. Fort Worth requires the program liaison to answer a phone line and act as a hotline operator, while Alexandria requires that the contracted construction company provide a phone number that is publicized on signs around the construction zone and available 24 hours a day. Portland, on the other hand, completely contracts out the answering of the hotline. The city pays for a set number of minutes and the contracted organization uses the city's frequently updated website to answer questions and redirect calls. The cities that provide a hotline emphasized the importance of a service available at all hours to resolve any complications that may arise.

F. Program Liaison

A program liaison is a defined contact person(s) who handle all inquiries related to a construction project and has the ability to influence the construction process to incorporate stakeholders' needs. The number of program liaisons tends to be related to the size of the city and the number of construction projects. The program liaison is not an advocate for the city or the contractor, but rather an individual who may reach out to various groups and consider the needs of multiple stakeholders. The liaison can be housed within different departments or organizations and can strengthen communications with the community by providing a consistent and identifiable contact. The extent of their coordination depends on a number of factors (such as if there is an external consultant on the project). The role of program liaison can begin prior to construction. In Fort Worth, Monroe, and Portland, program liaisons coordinate meetings prior to construction to inform the public about the future project and solicit input on how the project can accommodate the businesses. For nine cities, program liaisons interact directly with businesses and ensure effective ongoing communication between businesses and the contractor, during the construction phase. Finally, seven cities house this position internally in a city department (typically a project manager or engineer). Four cities require contractors to fulfill this role.

G. Parking

Parking-related construction mitigation measures limit the effect of the reduction in available parking during construction projects. They may include minimization of the effect of construction on parking space, the provision of alternate parking locations, or free public transportation into the affected area. Our research revealed three main approaches that cities use to address parking conflicts: relying on contractual obligations, working with contractors informally, and ensuring

alternate site parking. Four cities address parking contractually, often through formal traffic control plans that normally must be approved prior to construction. Cincinnati, Monroe, and Seattle negotiated an informal policy with the contractor to limit the impact construction has on parking availability. Finally, three cities, Marshfield, Portland, and West Allis, attempt to find alternate parking for businesses that lose space because of construction. This approach includes allowing parking in empty lots and other areas not in use. Identifying alternate parking can be more formalized by designating alternate loading zones or allowing businesses to validate parking stubs at nearby parking garages.

H. Paid Advertising

Paid advertising is another way for cities to promote affected businesses. This may include print, radio, or television advertisements that are business- or neighborhood-specific. This type of advertising is distinct from news releases or other media coverage. Advertisements inform the public that establishments are still open for business, despite construction, and encourage individuals to continue use of businesses. For instance, Grand Rapids underwrites the cost of business-specific construction-based advertising up to \$500. Boise distributes advertising ideas and templates to businesses. Five cities take out advertisements in local newspapers or radio to provide construction updates and notices that businesses are still open. Eau Claire runs updates and advertisements on its community access television station, while Portland has placed advertisements on city buses to promote a downtown area under construction.

I. Cooperation with Community Entities or Development Groups

These types of partnerships allow cities to take advantage of existing community resources rather than replicating these resources themselves. Cities may work with local development groups to disseminate information or coordinate with these groups to provide informational workshops and services. Both West Allis and Minneapolis used outside organizations to provide some form of technical assistance to businesses. Five cities reported working with the local chamber of commerce or business association to better communicate with businesses or put the businesses in touch with resources the group offers. West Allis and Minneapolis used outside organizations as a potential lending source for affected businesses. Community organizations offer loans or grants, and both cities offer information about these opportunities to local businesses.

J. Business Education

Business education includes the provision of business development and improvement information. It may constitute informational pamphlets or presentations provided by the city, as well as coordination with external parties to provide such information. It may be tailored to help businesses maintain profit levels during construction projects. Business education is another way to support businesses during construction, particularly small businesses that may be less experienced

in handling revenue loss. Six cities reported providing businesses with construction-specific informational packets, including sections on potential marketing strategies, how to communicate positively with the media during construction, and other suggestions to improve business practices and efficiency. These packets also include information about other places the businesses could turn for resources, including other city departments (like the Department of City Development), the local universities, and business and community organizations dedicated to assisting businesses. Marshfield's Main Street Program uses these types of information packages, as does Green Bay. Madison provides a "Road Construction Survival Guide," which West Allis adopted. University of Wisconsin–Extension offers an article entitled "Surviving Road Construction" with practical suggestions for businesses that could also be adapted and utilized. Workshops or technical assistance (such as creating a marketing plan or finding ways to trim expenditure) may also be helpful to businesses, although no cities in our sample reported offering such services directly.

K. Loans, Direct Compensation, and Grants

Loans, direct compensation, and grants are sources of capital infusion that may help businesses persist through periods of construction. Loans would eventually be repaid, while direct compensation and grants would be distributed without expectation of repayment. Eight of the responding cities reported having utilized loans, direct compensation, or grants as a construction mitigation service. Of these, direct compensation to businesses was used in Cedar Rapids and Kansas City. In both instances, the decision to distribute funds directly was made on a case-by-case basis and only if the construction project included unexpected street closures or extended well beyond the scheduled end date. Austin, Minneapolis, and Salt Lake City have public or privately administered loan systems. Monroe indicated that loans are available, but no businesses have accessed this service. San Jose operated a loan system but eliminated it due to low return value — small businesses receiving the loans were likely to fail despite the infusion of funds. Similarly, Portland ceased offering loans after businesses expressed greater interest in other mitigation services. Moreover, grants directly and indirectly related to helping businesses persist through a construction project are available. For example, Monona offers a façade grant that businesses could use to improve the exterior of their location. In theory, businesses may have a better opportunity to renovate or remodel while traffic to their store is reduced as a result of the construction project.

L. Art

Temporary public art may be used to reduce the visually displeasing nature of construction sites. It may be implemented in myriad ways, from simple decorative signage and coverings for fences to promotion of the construction project itself or the surrounding community. This type of art is distinct from more permanent pieces of public art that may be incorporated into the final construction project. In six of the cities interviewed, art has been used to enhance the visual appearance of the construction zone. Though less common than other mitigation services, art

has been incorporated in creative yet relatively limited ways. For example, Cincinnati has decorated footbridges that span gaps in the sidewalk or other exposed construction areas that have foot traffic. Raleigh placed posters around the construction site with an artistic rendering of what the finished project is to look like. Portland created banners to cover construction fences and barricades and used performance art to attract people to businesses in the construction project area. See Appendix D for examples of art.

M. Cooperation with Postsecondary Educational Institutions

Cities may partner with local postsecondary institutions to provide services for affected businesses. These partnerships may be with four-year or two-year institutions and may involve different departments or schools, including business, urban and regional planning, economics, or engineering. Workshops or training through universities could provide opportunities both for businesses to learn new business techniques that help them weather a downturn in revenue due to construction and for students to practice the skills they are acquiring through their education. Portland has partnered with Portland State University to allow businesses to use “student teams” for marketing, inventory, and other practices. This model could exist elsewhere, as students might devise a business improvement plan tailored to a specific business in a construction zone. Minneapolis and the University of Minnesota are considering developing a similar partnership.

Although not tailored toward businesses suffering revenue loss from construction, the University of Minnesota already offers specific types of technical assistance, and Minneapolis has encouraged businesses to use university resources. Whitewater has cooperated with the University of Wisconsin–Whitewater to send construction-related information to incoming students. See Appendix E for an example of a newsletter produced by University of Wisconsin–Extension.

N. Business Promotions

Businesses often use different types of promotions, including discounts, contests, fliers, or special events, to attract customers during periods of low foot traffic. Cities can facilitate the development of these promotions or develop their own promotions to encourage residents to visit local businesses. Promotions can aim to attract customers with low prices. Businesses in San Jose offered discounts the city subsidizes. Marshfield compiled a coupon book for which businesses could voluntarily submit coupons, while Green Bay entered customers who visited affected businesses into a raffle for a big screen TV. Green Bay noted success, as various customers admitted driving out of their way specifically to shop at the business, despite the construction. Portland emphasized events happening downtown to attract residents to the area under construction. Portland additionally hosted parties in the affected area to celebrate the end of construction and created a competition among businesses across the city. Businesses across the city were invited to visit restaurants and stores in the construction area. The business that indicated through receipts that they spent the most money in the area during construction won a gift basket. Monroe hid a toy dump truck around the city square

that was experiencing construction, and the individual who found the toy won \$400 worth of business promotions donated by businesses outside of the construction-affected area. These examples do not encompass the ways in which promotions can be implemented. Rather, this is an area in which great creativity and innovation can exist. The main goal of all of these efforts, though, was to incentivize visiting the businesses affected by construction.

As demonstrated above, the implementation of construction mitigation services varies greatly across municipalities. Each service has positive and negative features and an ideal construction mitigation program may contain all services. However, such a comprehensive program may be cost-prohibitive and infeasible. In the following sections we establish goals for construction mitigation, using them as criteria to evaluate the status quo against an alternative package of services. Based on this comparative evaluation, we will be able to identify which option is the strongest for the City of Milwaukee.

Goals

We will assess each service as it relates to four goals: cost-effectiveness, ease of implementation, political feasibility, and equity. We have operationalized each of these goals for this specific analysis as follows:

- **Cost-effectiveness** considers how well the construction mitigation service helps retain businesses during a construction project relative to expenditure. In our analysis, for increased transparency, we independently evaluate cost and effectiveness on a scale of low, moderate, and high. However, their interaction is important; therefore, we consider them jointly. The ideal service will feature low cost and high effectiveness.
- **Ease of implementation** will examine how much the City of Milwaukee has to do to set up the program and if it will be difficult to maintain. High ease of implementation is best.
- **Political feasibility** evaluates how likely it is for the program to be adopted, and how the business community and residents will perceive the service. High political feasibility is best.
- **Equity** assesses whether the program disproportionately harms any stakeholder (stakeholders considered are businesses, the City of Milwaukee, and the contractor conducting the construction) and if the distribution of benefits to businesses is equitable. High equity is best.

Our research strategy is not designed to generate quantitative data that lend themselves to statistical analyses on goal achievement. Rather, we use a qualitative analysis of mitigation features to evaluate potential services. We rank potential services on a scale of low, moderate, and high. We compare the services based on this ranking. The rankings of each service are evaluated relative to other services. This evaluation is presented in Appendix F. We used the evaluation of each service to identify a Construction Mitigation Service Package and implementation method that is most appropriate for Milwaukee.

Program Recommendation and Evaluation

Below, we evaluate the status quo – the services Milwaukee currently provides – based on our four goals. We then evaluate the Construction Mitigation Service Package.

Status Quo

The City of Milwaukee has several services in place to mitigate the effects of construction projects on businesses. To better understand the services already provided, we interviewed City of Milwaukee officials using the same questions asked of other cities. We found that the City of Milwaukee also offers some elements of the services described above. In this section, we discuss all services the City of Milwaukee offers and the manner in which they are implemented.

Public Meetings

The number of public meetings is not consistent for all construction projects in Milwaukee; rather, the meetings depend on the specifics of the project. Every project is discussed at a meeting of the Public Works Committee, part of the Common Council. All involved parties are invited to this meeting. Assessment hearings in front of the Council are also sometimes required. Although these are not directed at the general public, the City of Milwaukee works to make the public aware of these hearings. Federal and state-funded projects, which make up less than 10 percent of all public construction projects, have a public information meeting in advance of the Public Works Committee meeting. These meetings are usually sponsored by Common Council members. Most federal- and state-funded projects have an additional public meeting prior to the beginning of construction. Projects funded by the 2009 American Recovery and Reinvestment Act require that a meeting be held six months to one year in advance.

Communication

Generally, communications from the City of Milwaukee regarding construction projects are sent to property owners, although typically notices containing information about future construction are sent to business owners a few days in advance. These notices contain information about what the construction project entails along with an expected schedule and the phone number of a city official to contact in the event of problems. In some exceptional cases, such as the Wisconsin Avenue project and a bridge project that was delayed, the City of Milwaukee distributed newsletters around the affected area.

Signage

The City of Milwaukee generally does not use signage as defined in the service options above. In cases with extraordinary circumstances, such as expensive delays, the City of Milwaukee has used signs paid for by the city and specific to the business.

Program Liaison

The City of Milwaukee does not usually have someone in a program liaison role. Planners and designers are in charge of meetings or communications during the design phase of a project. During the construction phase, a city employee acting as construction supervisor has the role most similar to a program liaison. These construction supervisors are not project-specific; instead, each of the four supervisors is assigned projects within a specific quarter of Milwaukee. These individuals address concerns at the end of the design phase and are responsible for ensuring that construction proceeds as planned, as well as answering concerns or inquiries during a project. They also oversee communication during the project. This role has also been contracted out to a program liaison hired from a consulting firm for the recent Wisconsin Avenue project.

Parking

The City of Milwaukee does not provide alternative parking during construction. City staff look for potential off-street parking and encourage contractors to occupy fewer parking spaces during construction to allow for continued customer parking.

Website

The City of Milwaukee has a website with street closures on the Infrastructure Division part of the Department of Public Works page. Further information about each closure can be accessed by clicking specific portions of the map. Some Department of Public Works officials report that the website is not user-friendly and is difficult to update.

Hotline

The Department of Public Works has a call center. Usually, when concerns are construction-related, they are directed to people at the construction site. Project supervisors and inspectors also generally distribute contact information.

Analysis of Status Quo

Rather than evaluate each service individually, we evaluate these services as a package due to their interactions with one another. Our final recommendation of whether to pursue the Construction Mitigation Service Package or maintain the status quo is based on this evaluation. Table 2 presents a summary matrix of the evaluation of the status quo and the package.

Table 2: Construction Mitigation Program Evaluation Matrix

		Construction Mitigation Program Alternatives	
Goals		<i>Status Quo</i>	<i>Service Package</i>
<i>Cost-Effectiveness</i>	<i>Cost</i>	Low cost	High cost
	<i>Effectiveness</i>	Low effectiveness	High effectiveness
<i>Ease of Implementation</i>		High	Moderate
<i>Political Feasibility</i>		Moderate	High
<i>Equity</i>		Moderate	High

Source: Authors' evaluation

Cost-Effectiveness

Due to the limited number of services and the relatively small scope of those offered, current expenditure on construction mitigation efforts is relatively low. However, the effectiveness of the status quo is also low, as evidenced by the City of Milwaukee's dissatisfaction with the number of complaints received. In addition, several projects have extended beyond their expected dates of completion, resulting in negative impacts on businesses that the City of Milwaukee did not originally anticipate.

Ease of Implementation

Ease of implementation is high since these services are already in place. The status quo does not require any additional action by any of the major stakeholders.

Political Feasibility

Based on feedback from the City of Milwaukee, the business community appears to be unhappy with the current provision of services. Due to this, the City of Milwaukee is considering a change in policy. However, because the policy in place has already been implemented and requires no further action, there are no concerns about whether it will be approved. Overall political feasibility is moderate.

Equity

Equity is moderate. The City of Milwaukee does not have a consistent policy in place. Therefore, when the services are used, they are distributed evenly across businesses, but there is uneven distribution across projects. While relatively small, the burden of construction mitigation is entirely on the City of Milwaukee.

Alternative: Construction Mitigation Service Package

We evaluated the 14 service options based on the four policy goals of cost-effectiveness, ease of implementation, political feasibility, and equity. See Appendix G for a table summarizing this evaluation. Based on those evaluations and our professional judgment, we selected five particularly effective services and a recommended method for coordination. These services are public meetings, communication with affected businesses, signage, a website, and business education, with a program liaison to oversee and implement the services. While the City of Milwaukee offers several of these services, this alternative incorporates several changes in implementation, informed by results from our city interviews. All of these services should be offered for each construction project; however, the extent of implementation may vary depending on the complexity of the project and the interests of the stakeholders.

Public Meetings

Fort Worth, Minneapolis, and Raleigh stressed the importance of involving stakeholders early in the construction project process. Sacramento argued that, “half of the battle is opening up the lines of communication and getting input.” However, information from Austin, Kansas City, and Green Bay also suggests that the complexity and level of stakeholder interest should contribute to tailoring of the city’s response. For that reason, the City of Milwaukee should hold at least one public meeting at the start of the design process for construction projects that are likely to affect at least two businesses for more than three business days. More meetings during the design phase may be scheduled based on the response to this first meeting. Another meeting should be held one month before commencement of the project to alert stakeholders of the start of the project, the expected schedule, and to allow stakeholders to voice last minute concerns. These meetings are valuable for all construction projects; however, it is impractical to divert significant resources to meetings for small-scale construction projects. Therefore, regular meetings should be held for projects that meet the criteria set for a design phase meeting: projects that affect two businesses for more than three days. Meetings should also be held as needed during construction to provide a forum for concerns that may arise during construction. For projects that will last more than two weeks, a weekly meeting is appropriate; however, the frequency and length of meetings can vary depending on the project. Additionally, the meetings should be held in the area where construction is taking place, preferably at businesses that are likely to be affected by the construction, to promote participation. They should be advertised initially through mailings or fliers, along with a notice placed on the construction website. Later in the process, they can be advertised to stakeholders who indicated interest in the initial meetings, electronically or through print sources.

Communication

Communication will be most effective if employed through various outlets. One important component of communication is to ensure that all affected parties are reached; many cities report that property owners are frequently the ones that receive notices, while their tenants, who may be even more affected by construction, may not. For this reason, it is critical that any communication policy reach not just property owners but also reach business owners or managers. News releases like those used in Monroe or Eau Claire have the potential to reach a broad audience, but only if the media outlet chooses to pass on the information. More tailored information regarding construction can be disseminated through mailing and email lists, where the recipients are chosen based on their location (near the construction project) or those who signed up for alerts during the public meeting process. Marshfield and Raleigh emphasized the importance of face-to-face communication with those businesses directly affected by construction throughout the duration of projects.

Signage

Signage should be used on every project that affects businesses. Projects that span a larger geographic area will require more signs, but even small projects should have at least one sign. Signs can be generic (not including business names or logos) and indicate that “Businesses are Open” like those used in Fort Worth and Chicago. Generic signs can be reused and their cost can be shared among several projects, as is done in Portland. Minneapolis and Grand Rapids also use signs that indicate alternative access to businesses. The City of Milwaukee should also relax zoning rules during construction to allow businesses to post personally designed and funded signs in areas that would generally be restricted. Several cities, including Monona and Lincoln, use this strategy.

Websites

The City of Milwaukee should maintain an accurate and up-to-date website that serves as a trusted source of information for all stakeholders. The frequency of updates to the website on any given project should be related to the complexity of the project, as well as the number of affected stakeholders. More complex projects affecting a greater number and variety of businesses should be updated more frequently, at least on a weekly basis. Important information must also be included in these updates such as potential utility interruptions or other expected major disruptions to business, such as exceedingly loud noise beyond that expected from typical construction work. Furthermore, this information should also be made readily accessible for businesses and the public. Providing the direct URL on construction project communications and linking the website on the Department of Public Works homepage would promote ease of navigation to the information.

It would be ideal if the website listed the businesses affected by the construction project. However, it is possible that surrounding businesses may be omitted even

though they are affected by the construction. In addition, there are certain businesses that the City of Milwaukee may prefer not to directly market, due to concerns about the city's association with the merchandise or services provided. Therefore, this issue should be discussed further with the city attorney's office. To increase the feasibility of this option, we recommend that the City's website specifically mention the construction project by street name, business district, or most appropriate title and encourage residents to help businesses in the area through difficult construction periods.

Business Education

Both Madison and West Allis find creating a construction survival guide to be a useful and inexpensive tool. This is a packet put together by the city specifically for businesses; that will soon be affected by public construction. The City of Milwaukee should develop its own construction survival guide for broad dissemination to all types of businesses affected by construction. Such a packet should detail what businesses can expect; how a business can prepare itself as well as its customer base, other actions to take before, during, and after construction; and contact information for city employees working on the project.

In addition, the packet should include information on the many additional resources that exist in the Milwaukee area. Development organizations, such as the Wisconsin Women's Business Initiative Corporation offer a wide variety of educational classes available to any business. The corporation also has a micro-loan program for non-realty business expenses that are targeted to business owners who may not be eligible for a loan from local banks. The Community Development Grant Administration in Milwaukee subsidizes the cost of the technical assistance programs the corporation offers to residents of Milwaukee, which makes the classes free or inexpensive for businesses owners.

The various higher education institutions in the greater Milwaukee area offer a plethora of resources for business owners, as well, and the City of Milwaukee should make businesses aware of their various offerings. University of Wisconsin–Extension offers a Surviving Road Construction newsletter that should be made accessible to businesses or incorporated into the City of Milwaukee's own construction survival guide. Marquette University runs a business and research partnership center to address business issues in the local community. Marquette University also has a business community liaison, maintains a directory of faculty experts, places interns with businesses, and runs a mentorship program. Milwaukee Area Technical College also offers business workshops and provides a directory of faculty experts.

Program Liaison

We envision the role of program liaison in Milwaukee to be similar to the current role of construction supervisors. In general, program liaisons would oversee the implementation of all of the services recommended, and ensure an efficient flow of communication between the businesses and the contractor. This role can be ful-

filled by one person who is in charge of every project. However, given the size of Milwaukee and the number of construction projects, it may be preferable to have multiple program liaisons who are each responsible for several projects. The City of Milwaukee's Department of Public Works could hire one or more individuals to act solely as program liaisons for the purposes defined. Additionally, the role of program liaison could be added to the duties of current staff members, like construction supervisors. This format may be difficult as the new position may create too many responsibilities for an already-busy office or individual. This expansion may also be difficult for the City of Milwaukee to implement quickly because there are only four construction supervisors at this time. Therefore, in the meantime, the city could train some of the engineers and planners involved in planning to become more involved during construction, as well as increase the involvement the construction supervisors in the planning and design phase.

The program liaison role should begin before the initial public meetings and span the planning and design phase, as well as the construction phase. Five cities (Fort Worth, Madison, Monroe, Sacramento, and Seattle) emphasized the importance of starting early, and identifying a program liaison early is a way for businesses to voice their concerns. By having the program liaison involved early, these concerns could be heard and addressed specifically, rather than the current method of trying to anticipate issues, including those that might be raised at a public meeting. Lastly, the program liaison could use initial public meetings to gather information about businesses, like particularly busy days or times, and incorporate this information into the construction schedule.

Program liaisons, however, are not necessary for the adoption of any service previously recommended. The duties of a program liaison can be incorporated into job positions across a variety of departments within the City and its contracts or collaborative efforts. Additionally, while we recommend the rest of the services even without a liaison to coordinate these services, we emphasize the convenience of this position for all stakeholders involved.

Analysis of Construction Mitigation Service Package

The following section offers an analysis of the construction mitigation program in terms of cost-effectiveness, ease of implementation, political feasibility, and equity. Refer to Table 2, which presents a summary matrix of the evaluation of the status quo and the Construction Mitigation Service Package.

Cost-Effectiveness

The cost of the alternative package relative to the status quo is high. Some aspects of the package would require an investment of new resources, while others would require a reallocation of existing resources. Effectiveness of this alternative, though, is also expected to be high. The services selected for this alternative were consistently cited as best practices or as highly effective by the cities we interviewed. These services, while influenced by our research of other cities, are tailored to what would be effective in Milwaukee.

Ease of Implementation

Ease of implementation is moderate. The majority of the services in this package are an expansion of services that are already in place in the City of Milwaukee. Therefore, they do not require substantial design efforts prior to implementation. Once implemented, none of the services in the package have large long-term maintenance costs. However, compared to the status quo, the City of Milwaukee would need to dedicate additional time and resources to implementing this alternative.

Political Feasibility

This package of services would likely be well-received by residents and the business community as it is specifically designed to offset common issues experienced by stakeholders during a construction project. The City of Milwaukee has expressed interest in modifying current construction mitigation policy. Therefore, the services outlined above are likely to be viewed favorably. The program liaison role may face higher resistance. The establishment of this role requires organizational restructuring, although it does not necessarily require additional funding, as the role may be filled by current staff members. Overall, political feasibility is high.

Equity

We intend this alternative to be implemented across all projects and tailored to accommodate for differences in location, complexity, and stakeholder interest. Thus, consistency would increase the equitable distribution of benefits in the business community. Therefore, equity is likely to be high.

Recommended Construction Mitigation Program

Based on our analysis of the status quo and the Construction Mitigation Service Package, we recommend the adoption of the package. One of the reasons we undertook this project was to find the most effective construction mitigation measures available to the City of Milwaukee. The alternative program maximizes effectiveness relative to the increased cost. Furthermore, the expected positive impact of these construction mitigation services is likely to outweigh additional cost. As specified, each of these services is tailored to take advantage of existing services in place in the City of Milwaukee. Therefore, while ease of implementation is lower than the status quo, the expected benefits should offset this burden. Due to the current climate of heightened awareness surrounding construction and construction mitigation, the political feasibility of adopting the alternative package is high. Lastly, because of the increased equitable distribution of benefits of the policy alternative, it is superior to the status quo.

Construction Mitigation Evaluation System

Evaluation is a valuable component of any government program. Federal, state, and local governments are increasingly demanding information on how a program's funds are allocated and what results a program produces (Wholey, Hatry, & Newcomer, 2004). Program evaluation helps satisfy these demands by providing information to policymakers or administrators that distinguishes productive programs from inefficient ones and helps revise existing programs to achieve more desirable results (Rossi, Lipsey, & Freeman, 2004).

For the purposes of this project, evaluation is focused on the assessment of a City of Milwaukee's construction mitigation program. Without some form of data collection and analysis mechanism, the City of Milwaukee is unlikely to be able to fully understand how construction mitigation efforts actually affect businesses. Moreover, few responding municipalities across the nation have formal evaluation systems to assess their construction mitigation services. Typically, they rely on informal and inconsistent methods of tracking complaints about a construction project. Therefore, an evaluation process by which information is gathered, analyzed, and used to inform future decisions is a progressive and desirable piece of the city's overall construction mitigation efforts.

Approach to Evaluation

Although other options exist, the most pertinent form of assessment for the construction mitigation program is goals-based evaluation. Goals-based evaluation assesses the extent to which a program meets predetermined goals or objectives (McNamara, 2002). In terms of a City of Milwaukee construction mitigation program, applicable goals may be similar to those used to analyze the status quo and Construction Mitigation Service Package. These include: minimizing costs of services; assisting businesses that may be harmed economically by construction projects; implementing services easily; generating a positive perception of services by businesses and the public; and equitably involving and providing services to stakeholders. Thus, evaluation may focus on how well the City of Milwaukee attains these goals. See Appendix H for additional evaluation methods.

Evaluation Structure

An evaluation should not be concerned with determining the absolute success or failure of a program. Indeed, it is impossible to create a program that delivers services perfectly or fulfills all needs exactly. Rather, evaluation should be viewed as a mechanism to provide systematic and continuing feedback about a program, in this instance the City of Milwaukee's construction mitigation services. This information should then be used to make adjustments and improve the overall quality of the program.

Currently, no evaluation mechanism exists for the City of Milwaukee to assess its construction mitigation efforts. Therefore, we recommend the City of Milwau-

kee adopt a goals-based evaluation system that can be used to assess how effectively construction mitigation efforts achieve the aim of the program. Considering existing time and resource constraints within Department of Public Works, the evaluation structure should not be elaborate or onerous. Rather, we recommend a sequential system that is simple in design, implementation, and continuation.

First, the goal of the program must be established. As outlined above, the primary goal of construction mitigation services should be to effectively assist local businesses and limit the negative economic impacts experienced as a result of construction projects. It is against this goal that construction mitigation services should be evaluated. As the evaluation system matures, it may be appropriate to incorporate more goals of the program to into the evaluation.

The second step is to collect baseline information during the project's first year so specific objectives can be set. Useful data for the Department of Public Works to gather include the number of businesses using mitigation services, the number of complaints made during a project, and business owners' satisfaction with and impression of the mitigation services the city provides. These data can serve as a benchmark for determining positive or negative movement toward obtaining an objective. We recommend data collected in the first year in which the Construction Mitigation Service Package is employed be used to generate aggregate benchmark values for project complaints, usage, benefits, and response by businesses.

With the goal and benchmarks set, progress toward goal achievement should be monitored by tracking attainment of specific objectives. The Department of Public Works can monitor changes in business usage of mitigation services, numbers of complaints and inquiries, and satisfaction with services. More specifically, increasing usage of services could be reflected by a greater percentage of businesses in a construction zone accessing one or more mitigation services. Reducing complaints could be measured in terms of lower total numbers of negative comments by telephone, electronically, or in person. Increasing quality and satisfaction with services could be smaller economic losses and higher positive response rates as reported by businesses that utilized services. Business owners can be asked directly about their impression of city mitigation services.

Data that accurately represent attainment of objectives must be gathered throughout each construction project. Moreover, the evaluation would be administered by the liaison responsible for the specific project. Evaluations should be implemented through clear and consistent techniques across projects. For example, comments and complaints placed via telephone should be registered in a central electronic database by the individual who handled the call. Similarly, inquiries submitted electronically or registered in person with the contractor, inspector, or construction supervisor should be recorded in the same database. Distribution of surveys to businesses affected by a construction project could be an effective way to collect data about usage and quality of services. A survey could be administered electronically or as a hard copy following the completion of the project.

Surveys would solicit information about business characteristics, mitigation service usage, impressions of the mitigation service, and the overall impact of the construction project. See Appendix H for a sample survey.

Once data have been collected, the information gathered should be reviewed, distributed, and acted upon. Analysis of the data would be performed by the program liaison with assistance from Department of Public Works support staff and should focus on identifying trends in complaints, service usage, and benefits of services to businesses, as well as businesses' response to a construction project. Subsequent years of evaluation would then be able to examine data, project-specific and aggregate, against the baseline to better analyze trends. Benchmarks would be adjusted as needed to help the City of Milwaukee meet the goal of helping local businesses limit the negative economic impacts they experience during city construction projects.

Upon concluding analysis of the data, the findings should be reported by the program liaison (or analyst team) to relevant Department of Public Works staff and others who are involved with construction projects and mitigation services. Reporting could be done through formal presentations, the distribution of written documents, or through informal meetings in which the findings are discussed. The assessment could reveal strengths and weaknesses of the services and inform decisions about the program. The system should be considered iterative and through the repetition of the process, efforts should be made to continuously improve construction mitigation efforts.

This sequence of activities comprises the recommended evaluation system and, if implemented together, would allow Department of Public Works staff to assess the effectiveness of construction mitigation services and better inform decisions about the program.

Conclusion

The City of Milwaukee has taken the first step toward supporting businesses during construction projects by identifying a desire and need to do so. Based on our research of 33 cities across the nation, we have found that some construction mitigation services are provided on a nearly universal basis, while others are used infrequently. Although provision of the services we recommend has largely been done before in different ways, our recommended package of mitigation services should be considered progressive in both its scope and makeup. Additionally, while we recommend the package described above, other policy options and services reviewed in this work can be considered if the City of Milwaukee would like to provide additional services or sees particular promise in services not included in our recommended package.

Ultimately, it is possible to efficiently support businesses while moving ahead with construction projects. By indicating an interest in construction mitigation, the City of Milwaukee has already illustrated philosophical choices that many

cities report as the most important element of any mitigation: sufficient attention to the health of the local business sector, and a desire to engage and support local businesses through difficult circumstances. Now, it is up to the City of Milwaukee to move beyond its positive intentions and implement a construction mitigation program that could, with sufficient planning and oversight, become the class of the Midwest.

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Appendix A: Justification for City Selection

Table 3: Contacted Cities and Justification

City, State	Justification for Selection	Completed Interview
Alexandria, Virginia	Similar size	Yes
Ann Arbor, Michigan	Within Midwest and similar climate	No
Austin, Texas	Similar size	Yes
Baltimore, Maryland	Similar size and climate	No
Boise, Idaho	Similar size and climate	Yes
Boston, Massachusetts	Large size and similar climate	No
Cedar Rapids, Iowa	Within Midwest and similar climate	Yes
Chicago, Illinois	Large size, within Midwest, and similar climate	Yes
Cincinnati, Ohio	Similar size and climate	Yes
Cleveland, Ohio	Similar size and climate	Yes
Denver, Colorado	Similar size and climate	No
Des Moines, Iowa	Within Midwest and similar climate	Yes
Eau Claire, Wisconsin	Within Wisconsin	Yes
Fairfax, Virginia	Similar size	No
Fort Worth, Texas	Similar size	Yes
Grand Rapids, Michigan	Within Midwest and similar climate	Yes
Green Bay, Wisconsin	Within Wisconsin	Yes
Houston, Texas	Large size	No
Indianapolis, Indiana	Similar size and climate	No
Kansas City, Missouri	Similar size and climate	Yes
Lansing, Michigan	Within Midwest and similar climate	No
Lincoln, Nebraska	Within Midwest and similar climate	Yes
Madison, Wisconsin	Within Wisconsin	Yes
Marshfield, Wisconsin	Within Wisconsin	Yes
Minneapolis, Minnesota	Similar size and climate	Yes
Monona, Wisconsin	Within Wisconsin	Yes
Monroe, Wisconsin	Within Wisconsin	Yes
Omaha, Nebraska	Similar size and climate	No
Osceola, Wisconsin	Within Wisconsin	Yes
Philadelphia, Pennsylvania	Large size and similar climate	No

City, State	Justification for Selection	Completed Interview
Phoenix, Arizona	Similar size	No
Portland, Oregon	Similar size	Yes
Princeton, New Jersey	Similar size and climate	Yes
Providence, Rhode Island	Similar size and climate	Yes
Raleigh, North Carolina	Similar size	Yes
Sacramento, California	Similar size	Yes
Salt Lake City, Utah	Similar size and climate	Yes
San Jose, California	Similar size	Yes
Seattle, Washington	Similar size	Yes
Sheboygan, Wisconsin	Within Wisconsin	No
St. Paul, Minnesota	Similar size and climate	No
Stevens Point, Wisconsin	Within Wisconsin	Yes
Toledo, Ohio	Within Midwest and similar climate	Yes
Trenton, New Jersey	Similar size and climate	Yes
West Allis, Wisconsin	Within Wisconsin	Yes
Whitewater, Wisconsin	Within Wisconsin	Yes

Source: Authors' research

Appendix B: Survey Questions for Municipalities

1. What construction impact mitigation measures does your city undertake?
2. Who designed these measures/ how were these measures designed?
When were they implemented and why?
3. Who is responsible for implementing and overseeing mitigation policies and procedures? How is this coordinated?
4. How are these mitigation measures funded?
5. How do you evaluate the success of construction mitigation measures?
6. Do you know of other cities with innovative construction mitigation programs/policies? Are your city's policies based off of those of any others?
7. Are any measures particularly successful or unsuccessful?
Does their success vary by situation?
8. How would you suggest improving the current system?
9. Are there different policies in place for different types and scales of construction project?
10. Are mitigation measures tailored for different types of affected parties?
11. Are certain measures or procedures used more often than others?
12. How would you characterize the response to the city's construction mitigation efforts?
13. Have mitigation policies changed over time? Why?
14. Does your city engage in cost-sharing for municipal construction projects?
15. Do you offer the following services?
 - Public meetings
 - Communication (mailings, email, phone, fliers, etc.)
 - Program liaison
 - Signage
 - Art
 - Parking
 - Paid advertising for construction area (print, radio, etc.)
 - Website / hotline
 - Loan (public or private)
 - Business education (accounting, marketing, etc.)
 - Cooperation with university
 - Cooperation with community organizations or development groups
 - Other

Appendix C: Construction Mitigation Services Reported by City

This appendix details, by construction mitigation service and implementation method, groups of cities that are mentioned only numerically in the body (for example, “Six cities reported holding regular meetings during construction, although their frequency varies”). Cities identified by name in the report as providing a certain service are not included in this list.

A. Communication: Alexandria, Austin, Boise, Cedar Rapids, Chicago, Cincinnati, Cleveland, Des Moines, Eau Claire, Fort Worth, Grand Rapids, Green Bay, Kansas City, Lincoln, Madison, Marshfield, Minneapolis, Monona, Monroe, Osceola, Portland, Princeton, Raleigh, Sacramento, Salt Lake City, San Jose, Seattle, Stevens Point, Toledo, Trenton, West Allis, and Whitewater

Issue news releases – Eau Claire, Minneapolis, Alexandria, Grand Rapids

B. Public meetings: *Public meetings prior to construction* – Kansas City, Austin, Fort Worth, Monroe, Sacramento, Princeton, Seattle, San Jose, Green Bay, Eau Claire, Monona, Marshfield, Minneapolis, West Allis, Raleigh, Trenton

Have regular public meetings – Monroe, Sacramento, San Jose, West Allis, San Jose, Monona

C. Signage: *Relax zoning requirements* – Chicago, Lincoln, Eau Claire, Monona

“Businesses are Open” signs – Fort Worth, Seattle, Portland, Chicago, Trenton, Alexandria, San Jose

Indicate alternative access – Austin, Grand Rapids, Minneapolis, Monona, Marshfield

D. Website: Chicago, Des Moines, Eau Claire, Grand Rapids, Marshfield, Monona, and West Allis

E. Program liaison: *Communication during construction between businesses and contractor* – Fort Worth, Sacramento, Portland, Monroe, Green Bay, Marshfield, Minneapolis, Monona, and Raleigh

City project manager or engineer – Fort Worth, Sacramento, Portland, Minneapolis, Alexandria, Eau Claire, and Raleigh

F. Parking: *Traffic control plans/contractual* – Austin, San Jose, Sacramento, Raleigh

G. Paid advertising: *Ads in local newspapers or radio* – Monroe, Marshfield, Monona, Green Bay, and Whitewater

H. Cooperation with local entities. *Work with the chamber of commerce or business association* – Portland, Green Bay, Monona, Marshfield, and Salt Lake City

I. Business education: *Provide informational packets* – Madison, Green Bay, Marshfield, West Allis

J. Loans, grants, and direct compensation: Cedar Rapids, Kansas City, Minneapolis, Salt Lake City, Monroe, Monona, Portland, and West Allis

K. Art: Cincinnati, Raleigh, Minneapolis, Portland, Sacramento, and Osceola

Appendix D: Examples of Art

The following images serve as examples of how art can be integrated into construction projects. These images were provided by Keep Portland Moving, a multi-agency organization that coordinates large construction projects and reduce traffic impacts in Portland, Oregon.

Image 1: Screened banner with contact information on guard rail



Source: Keep Portland Moving, courtesy Ellen Vanderslice

Image 2: Construction fence coverings along sidewalk



Source: Keep Portland Moving, courtesy Ellen Vanderslice

Image 3: Construction fence coverings



Source: Keep Portland Moving, courtesy Ellen Vanderslice

Image 4: Fence coverings outside community festival



Source: Keep Portland Moving, courtesy Ellen Vanderslice

Appendix E: Sample Newsletter from UW-Extension

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Issue 80
April 2003

Surviving Road Construction

By Patrick Nehring*

Road construction is necessary to maintain and repair underground utilities, enhance the safety and flow of traffic, and to eliminate damaging potholes. The results of road construction are increased safety and an improved image of a community. Road construction can also have a negative effect on the community and the local economy, especially in downtown areas.

Nevertheless, examples from various communities show that road construction does not necessarily have to have negative impacts. The key is that construction requires a change in the usual way of doing business. There are a large number of strategies that, local government, organizations (chambers, Main Street or Business Improvement District programs), and business operators can do to deal with the effects of road construction. These strategies are summarized in seven main groups as presented below.

Planning

The disruption from road construction can be lessened if there is coordination between city officials, contractors and business district representatives. Sometimes the construction work can be phased so that the entire district isn't disrupted at the same time. Phases might include improvements to alleys a rear entrances first, followed by one side of the street then the other. Lastly, sidewalks can be replaced by closing one parking or street lane and installing temporary bridges to provide pedestrian access to the stores. Similarly, it might be possible to limit the number of blocks under construction at one time.

Communication

Communication is important to avoid negative rumors, to assure that there is an end in sight, to address issues as they arise, and to avoid major conflicts. It should include friendly coordination with the construction manager to learn about (and negotiate) work schedules, duration, rerouting of traffic, etc.

Community and business leaders can help by keeping local businesses and residents up-to-date about the construction process through a website, newsletter, block captains, or regular meetings with public officials



and representatives from the state department of transportation or the road construction firm. One community sponsored a weekly "construction coffee" at a local restaurant to strengthen communication.

Another idea is to create something similar to a donation thermometer showing the construction progress. Besides a thermometer, a community may want to use an image related to the road construction or driving, like a speedometer. One community created a mural of downtown, which was unveiled according to the percent of road construction completed.

You can keep people up-to-date on construction through advertisements and public service announcements on local radio stations and in the newspaper or local newsletters. These should include an announcement that local businesses are open and give alternative routes to the community or business district. You can also keep local people informed on the construction progress by informing local clubs and associations through presentations and articles in their newsletters.

Directions

If the usual way to drive to a business district is cut off due to construction, customers may not know how to get there. One solution is to install signs directing people to businesses and alternative places to park. Another way of letting people know how to access local businesses and the community is to use the local newspaper, radio station, or a web site to describe alternative ways to your community or business.



Make the ride interesting and exciting, by highlighting some of the sites or the scenic drive that can be experienced by going this alternative route. Finally, hand out or post maps on how to access businesses and parking during construction.

Promotions

Look at the construction period as a time to develop exciting and unique promotions with a construction theme. For example, pioneer days, an event focused around historical activities that took place in the area before the roads were paved, including activities like horse drawn carriage rides; games, like jacks or marbles; poetry readings; and a community dance in a nearby park, parking lot, or the closed off street with waltzes, polkas, or square dancing. Hold events in the evenings and on weekends to avoid entanglement with the construction. Conduct construction tours and point out what improvements will be made.

Sales, coupons, give-aways or special services can be effective promotions during the construction period. To the extent possible, it is important to convey the appearance of "business as usual."

Consider offering retail promotions to the construction crew. For example, a discount could be offered to anyone showing up wearing an orange reflective vest or create a ready-to-go lunch special timed to take place when the road construction crews are on their break.

Initiate the production of joint advertisements between businesses in the community. Develop an image campaign around the construction, like "Constructing a Better Community" or "Paving the Way for the Future of Main Street." Celebrate the opening of the road when it is complete with a party. Invite the news media to a ribbon cutting "officially" opening the road.

Access

If at all possible, avoid doing construction during peak local shopping or tourism periods, like the Christmas Season or Labor Day Weekend. Make sure access is maintained to every business as much as possible (for both customers and deliverers). Spruce up the side and rear entrances to buildings and encourage customers to use them. Make the alley an attractive, clean, friendly way for customers to access businesses. Provide shuttles to local businesses from parking lots or other communities. Keep sidewalks open to the extent possible. For those loyal customers that find access too difficult, consider home deliveries.

Increased Services

You can make construction more bearable by offering to sweep sidewalks or wash windows of businesses

affected by the construction. Cleanliness is also appreciated by customers and business people alike. Most people appreciate a helping hand. Whether you're a business person or a concerned individual or group, you can offer to make deliveries during the construction to local businesses, or to customers.

Positive Attitude

Have a positive attitude, especially when dealing with the public and customers. People want to have a pleasant experience in your community and its business district. Tell the truth about the construction situation in an upbeat way. Don't apologize for the construction situation, unless you really need to. Have fun with the situation. Everyone knows construction is an inconvenience; you don't need to remind them. Negativism and complaining will drive people away. A positive fun atmosphere will bring them back.

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Appendix F: Service Alternatives Matrix

Table 4: Service Alternatives Matrix

Services	Policy Goals				
	<i>Cost Effectiveness</i> ¹		<i>Ease of Implementation</i>	<i>Political Feasibility</i>	<i>Equity</i>
	<i>Cost</i>	<i>Effectiveness</i>			
<i>Public meetings</i>	Low	High	High	High	High
<i>Communication</i>	Moderate	High	Moderate	High	High
<i>Program liaison</i>	High	High	High	Moderate	Low
<i>Signage</i>	Low	High	High	Moderate	Moderate
<i>Art</i>	Low	Low	Low	Low	High
<i>Parking</i>	Low	Moderate	Moderate	High	High
<i>Paid advertising</i>	Moderate	Moderate	Moderate	Moderate	Moderate
<i>Website</i>	Low	Moderate	Moderate	High	Moderate
<i>Hotline</i>	Moderate	Moderate	Moderate	Moderate	Moderate
<i>Loans, direct compensation, and grants</i>	Moderate	Low	Low	Low	Low
<i>Business education</i>	Moderate	High	Moderate	Moderate	Moderate
<i>Cooperation with a university</i>	Low	Moderate	Moderate	High	Moderate
<i>Cooperation with community organizations</i>	Low	Moderate	High	High	High
<i>Business promotions</i>	Low	Moderate	Moderate	Moderate	High

Source: Authors' evaluation

¹ These categories are measured in qualitative terms. All levels noted above are based *not* on our recommended implementation of these services, but on the most common responses from our study participants. Actual costs and effectiveness will vary depending on implementation.

Appendix G: Alternative Evaluation Approaches

Because evaluation is considered to be an academic and professional discipline, evaluation literature presents a variety of types and methodologies to assess a program. Some evaluations primarily try to assess the needs of the constituents that a program serves. Some evaluations consider the process by which a program is implemented, while others are concerned with the impacts of a particular program (McNamara, 2002). Borrowing from common definitions, we consider program evaluation broadly to be the use of social research methods to systematically investigate the effectiveness, management, and implementation of programs. These program evaluations are also designed to inform future action and improve service provision.

Aside from the goals-based evaluation, two common applications of program evaluation recur in the literature: process-oriented and outcome-oriented. First, process-oriented evaluation is concerned with the input and overall implementation and management of a program. Second, outcome-oriented evaluation examines outputs and assesses a program's impact on participants with respect to attainment of desired results (McNamara, 2002). Addressing different aspects of programs, these evaluations vary in terms of methodology and substantive focus. Hence, no single approach presents all pertinent information about a program. For example, an outcomes evaluation offers explanations of causation, but may reveal little insight into how the implementation practices of a program yield positive or negative results. Therefore, it is important to specify that which is to be evaluated and identify the appropriate methodology for an effective evaluation.

Appendix H: Sample Business Survey

This example was adapted from a sample survey produced and administered by the Minnesota Department of Transportation (2009).

“The City of Milwaukee Department of Public Works (DPW) is seeking your input to help understand and mitigate the impacts of construction projects on local businesses. DPW has identified you as the owner or operator of a business that is near a recently completed or ongoing construction project. DPW is requesting that you share your experiences of doing business during construction. The information gathered in this survey will help us better understand the needs of the business community. Improved communications with businesses before and during construction projects are expected to help reduce negative impacts of construction to businesses. Thank you for your valuable input.”

Contact Information

1. Respondent Information - PROVIDING CONTACT INFORMATION IS OPTIONAL. Personal and business names, email addresses, phone numbers and addresses (with the exception of zip codes) provided in responses to this survey are classified as private or non-public and will not be shared publicly. Name; Business Name; Title; Address; City/Town; State; ZIP/Postal Code; Email; Phone

General Business Information

2. Business type:

- Retail; Services; Wholesale/Distribution; Manufacturing; Construction; Other (If other, please specify)

3. How many employees work at this location?

- Full time; Part time

4. Do you lease or own your business space?

5. How long have you been at your current location?

- 0-2 years; 3-5 years; 6-10 years; 11+ years

Effects of Construction on Business

6. Which of the following construction projects has taken in the last year or is taking place near your business?

- List recent construction projects

7. How long did the construction project last?

8. Was your business affected by the construction project?

- Yes; No

9. How long was your business affected by the construction project?

10. Please indicate how your business was affected by the construction project.

11. Did you experience a loss of business during construction?

- Yes; No

12. Please indicate what you believe caused the loss of business during construction. (Please check all that apply):

- Loss of access; Highway/road closures; Ramp closures; Detours; Less traffic; Length of project; Lack of signs; Poor signs; Other (If other, please specify)

13. Has your business benefited from the results of the construction project?

- Yes; No; Project still under construction; Too soon to know

14. If your business has benefited from the construction project, please indicate how.

Communication and Planning for the Construction

15. Did you know what government agency was in charge of the project?

- Yes; No

16. Did you have a specific contact at the agency you could contact with questions?

- Yes; No

17. Please indicate any other agencies or organizations you relied on for information about the project.

18. At anytime before, during, or after the project, did you coordinate with any of the following groups?

- Chamber of commerce; Community development agency; Economic development agency; Marketing/business consultants; Other businesses; Other (If other, please specify)

19. Did you have enough information to develop and implement an effective plan for operating your business during construction?

- Yes; No

Business Operations during Construction Project

20. What actions did you take to better serve your customers during construction?

21. For the project near your business, did you have enough information about the following topics?

- Timing or phasing of construction; Length of construction; Changes in parking; Changes in traffic routes; Changes in public access; Any other comments

22. Were adequate signs used during construction to direct customers to your business?

- Yes; No

23. For your business, did your need for information change based on the stage of the project? (e.g., before, during, or after construction)

Communication Needs

Please answer the following questions based on your experience during a recent construction project to reflect what you would like see happen on future construction projects.

24. What information would you like to receive?

- Before construction; During construction; After construction

25. How frequently would you like to receive the information about projects taking place near your business?

26. How soon in advance would you like to be notified for a maintenance project (e.g., guardrail repair, crack sealing) or preservation project (e.g., resurfacing, restoration, or rehabilitation)?

- Less than 3 months; 3 to 12 months; More than 12 months

27. How soon in advance would you like to be notified for a reconstruction or construction project (usually requires new right-of-way)?

- Less than 3 months; 3 to 12 months; More than 12 months

28. Please indicate how you'd like to receive information about construction projects affecting your business.

- Telephone; Email; Postal mail; In person; Other

Other Thoughts

29. Please provide any other thoughts you have about how agencies could better communicate with small business owners before, during, and after construction.

Program Name	Countywide Business Road Impact Loan Program	Small Business Revolving Loan Fund	Road Construction 2012 Mitigation Loan	Loans to Businesses Impacted by Road and Bridge Repair
Location	Miami-Dade County	Salt Lake City	Chisago County (Minnesota)	Connecticut
Description	Loan program for businesses negatively impacted by Miami-Dade County infrastructure and road construction projects on right-of-ways. Six percent of the project cost is budgeted for the loan program.	Offers loans to businesses adversely impacted by road construction; established in 1991	Offers loans to businesses located in Chisago County that are negatively affected by road construction	Program administered by the state's Department of Economic Development to businesses adversely impacted by road or bridge projects undertaken by the state's Department of Transportation
Eligibility	Business located in front of a County infrastructure project	Businesses located on the street under construction or within one-half block of the construction	Chisago County businesses negatively affected by road construction in 2012	Businesses located in a zone designated as an impacted area by the state
Loan Amount	up to \$35,000	up to \$20,000	between \$5,000-\$10,000	based on the availability of funds
Loan Term	Maximum of 5 years	5 years	Maximum of 3 years	Maximum of 3 years
Use of Loan	N/A	Working capital, refinancing existing business debt, and inventory	Working capital or fixed asset purchases. Prohibited: Payroll	N/A
Interest Rate	Based on County's current rate of return plus two percent	Current prime interest rate	5%-6%	Market prime rate
Collateral/ Guarantee	Collateral for the full loan amount is required. In very limited cases a guarantee or letter of credit may be accepted in lieu of tangible collateral.	At least 25% of the loan amount must be collateralized. Loans must be guaranteed by the business and personally by the owner.	Collateral and personal guarantees required	Collateral for at least 25% and personal guarantees required
Repayment Schedule	Five year repayment plan (principal and interest) after 180-day deferral	Repayment of principal and interest are deferred until three months after construction is substantially completed	Repayment commences 60 days following completion of construction, may be deferred an additional 30 days	Six months following project completion
Application Requirements	Two-years worth of business financial statements, two-years worth of personal financial statements, business Federal Income Tax Return, personal Federal Income Tax Return, last 24 months of Sales Receipts Journal, last 24 months of sales tax returns, current bank statement and bank reconciliation, summary aging of accounts receivable and accounts payable	Personal financial statement; list of business obligations; past three years of business tax return	Previous year's business financial statements, business Federal Income Tax Return, personal Federal Income Tax Return	Previous year's business financial statements, business Federal Income Tax Return, personal Federal Income Tax Return

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

TO: Vincent S. Long
County Administrator

FROM: Herbert W. A. Thiele, County Attorney
Daniel J. Rigo, Assistant County Attorney 

DATE: January 9, 2014

SUBJECT: Expenditure of County Funds to Mitigate Business Losses Caused by Road Construction; Necessity of Public Purpose

This memorandum addresses the legal issues involved in the development of a proposed new program designed to assist private businesses in mitigating any business losses caused by a disruption of normal traffic flow resulting from an adjacent or nearby County public works construction project (the "Program"). The legal validity of the new Program is primarily dependent on Board's legislative finding that the purpose of advancing County funds to help mitigate losses to private businesses is primarily or substantially a public purpose. Such a finding would make the benefit to the private businesses only incidental to the paramount public purpose of the Program.

Finding of Paramount Public Purpose

Our office has advised the Board in the past about the necessity of a public purpose in the expenditure of public funds. On June 14, 2005, in an agenda item regarding proposed revisions to Policy No. 01-06, entitled "County Commission Projects Requiring Commitment of Staff Time.", we advised the Board in part as follows:

County Commissioners are constitutional officers whose powers and duties are derived by the Constitution and are fixed by the legislature. Wright v. Cramdon, 156 So. 303 (Fla. 1934). Chapter 125, Florida Statutes, defines the County Commission as the governing body of a county, which has the power to carry on County government.

Section 125.01, Florida Statutes, sets forth numerous specific powers, including the power to perform any acts not inconsistent with general law, which are in the common interest of the people of the county, and the board may exercise all powers and privileges not specifically prohibited by law. The Florida courts have found that county commissioners have a wide discretion in exercising the authority conferred upon them by Florida Statutes; however, this discretionary authority is to serve the state and the

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public generally, rather than a particular individual. Owen v. Baggett, 81 So. 888 (Fla. 1919).

While carrying out the functions of county government, Section 125.01(7), Florida Statutes, requires that no county revenues be used to fund services or projects when no real or substantial benefit accrues to the residents of the county. Under Article VII, Section 10, Florida Constitution, public funds may be used only to accomplish a public purpose. For example, this constitutional provision prevents the County from lending or using its taxing power or credit to aid any private corporation, association, partnership, or person. The Florida Supreme Court has ruled that the purpose of this provision is to protect public funds and resources from assisting or promoting private ventures, when the public would be, at most, only incidentally benefited. Bannon v. Port of Palm Beach District, 246 So.2d 737, 741(Fla. 1971). Thus, the expenditure of County resources must serve a "paramount public purpose," rather than an incidental public purpose or a private purpose. Poe v. Hillsborough County, 695 So.2d 672 (Fla. 1997). Furthermore, the expenditure should accomplish a *county* purpose specifically. See, AGO 88-52, and AGO 95-66 (County funds to be used only for County purpose).

The determination of that which constitutes a valid public purpose for the expenditure of public funds is, at least initially, within the legislative judgment of the board of county commissioners. State v. Housing Authority of Polk County, 376 So.2d 1158, 1160 (Fla. 1979). The governing body is required to take into consideration the purpose of the project and the benefits accruing to the county when determining whether to expend funds for a specific project.

In the Board's determination of whether the expenditure of County funds for the new Program is primarily a public purpose, it should especially consider the findings of the Florida Legislature regarding a county's economic development powers. In Section 125.045, Florida Statutes, among the legislative findings is the following:

(1) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the counties of this state, by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the state; to enhance and preserve purchasing power and employment opportunities for the residents of this state; and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the counties of the state.

(2) The governing body of a county may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such

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economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a county, including any powers not specifically prohibited by law which can be exercised by the governing body of a county, must be liberally construed in order to effectively carry out the purposes of this section.

Section 125.045 goes on to provide that such expenditure of public funds may include economic development incentives given by the County directly to a business including, but not limited to, "...grants, loans, equity investments, loan insurance and guarantees, and training subsidies..." Given these legislative findings regarding a county's economic development powers, it is clear that the Board's expenditures of County funds to implement the proposed new Program would constitute a paramount public purpose. By providing impacted businesses with the assistance they need to survive the disruption of an adjacent road construction project, the Program would help achieve the County's economic development goals of enhancing and expanding economic activity in the County and retaining businesses that may be adversely impacted by a County road construction project.

Before proceeding with the new Program, we would advise that the Board first make the legislative determination that the Program serves a paramount public purpose. For the Board to do so, we have prepared the attached Resolution for the Board's consideration which finds that the new program constitutes a paramount public purpose under its economic development powers as discussed hereinabove. Upon the adoption of the Resolution, nothing prohibits the Board from expending County funds for the purposes set forth in the new Program. Such expenditures could include, but not be limited to, promotional advertising for the impacted business community during construction, the provision of educational materials and other such resources to help businesses to survive during a road construction project, the provision of community outreach by County staff and its consultants to address the questions and concerns of the impacted business community, and the provision of direct financial assistance in the form of loans to those impacted businesses in need of such assistance to survive the duration of the construction project. However, with regard to any direct financial assistance to businesses, we would advise that the application process for such assistance include safeguards to prevent any instances of fraud or abuse.

If you have any further questions or comments regarding this matter, please contact our office for assistance.

HWAT/DJR/dr

Attachment

cc: Alan Rosenzweig, Deputy County Administrator
Shington Lamy, Assistant to the County Administrator

**Leon County
Board of County Commissioners**

Notes for Agenda Item #24

Leon County Board of County Commissioners

Cover Sheet for Agenda #24

January 21, 2013

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of Scheduling NACo Community Dialogue Meeting and Related Healthcare Workshop

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Candice M. Wilson, Director, Office of Human Services & Community Partnerships
Lead Staff/ Project Team:	Eryn D. Calabro, Financial Compliance Manager

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Schedule the NACo Community Dialogue to Improve County Health for Thursday, April 3, 2014 at 8:30 a.m. – 5:00 p.m.
- Option #2: Schedule the Board's Workshop on County Healthcare for Tuesday, May 27, 2014 at 12:00 – 3:00 p.m.

Report and Discussion

Background:

During the September 24, 2013 commission meeting, Commissioner Desloge recommended that the County submit an application to participate in the National Association of Counties (NACo) in collaboration with Robert Wood Johnson Foundation *Community Dialogues to Improve Health*. This one-day dialogue is to convene county officials and community stakeholders to look at ways to create a roadmap to improve county health. On December 9, 2013, Leon County was notified that Leon County was one of six counties nationwide selected to participate (Attachment #1).

During the same time frame as the County was being notified of the community dialogue selection, the Board was conducting its annual retreat. At the December 9, 2013 Board Retreat, the Board discussed a letter from Neighborhood Medical Center (NMC) that requested a letter of support from the County for the Health Resources and Services Administration (HRSA) FY 2014 Service Area Competition. In the ensuing discussions, the Board discussed analyzing the status of healthcare in Leon County on an overall level. With the commission of Mercer to conduct an analysis of the Affordable Care Act and its impact on the County's CareNet program, and the determination of HRSA's Federal funding for Bond Community Health Center (Bond) and Neighborhood Medical Center unknown, the Board directed staff to schedule a workshop for a broader discussion on healthcare in the community at a later date.

During the December 10, 2013 regular Board meeting, under Commissioner Dozier's time, further discussion ensued regarding NMC's letter of request and the level of collaborative efforts within the healthcare community. The Board requested that Bond, NMC, Florida State University, and the Health Department be brought to the table to discuss different types of collaborative efforts; as well as, look into the prospect of the County pursuing a Federally Qualified Health Center status.

Analysis:

Through support from the Robert Wood Johnson Foundation (RWJF), and in collaboration with RWJF and the University of Wisconsin Population Health Institute, NACo will assist the six counties in conducting the one-day community dialogues. The sessions will convene officials and community stakeholders from the selected counties to assess, plan and strategize efforts toward coordinating health initiatives to improve the overall health of residents in the participating counties. Stakeholders may include representatives from the local health, transportation, parks and recreation, and business sectors, as well as schools, faith-based organizations, nonprofits, health mobilization groups, United Way chapters, and other community partners.

The goal of the dialogue is to assist counties in developing a concrete strategic plan, and the action steps that local government and community partners could use to improve the overall health of the respective county.

In communication with NACo, the earliest month to convene the Community Dialogue would be April 2014. NACo staff has indicated the need for the County to supply a facility for the day of the event; all other associated costs would be covered through NACo. The tentative date of April 3, 2014 has been considered.

At its December 10, 2013 meeting, the Board directed staff to schedule a stand-alone healthcare workshop, subsequent to the community dialogue meeting. If the community dialogue is conducted on April 3, 2014, staff recommends scheduling a healthcare workshop for May 27, 2014, which would provide the Board adequate time to provide any necessary policy guidance or direction related to the development of the FY2015 budget. As reflected in the attachment, the intent of the community dialogue is to help in creating a strategic plan and action steps, which could then be a starting point for discussion at a Board workshop.

Options:

1. Schedule the NACo Community Dialogue to Improve County Health for Thursday, April 3, 2014, at 8:30 a.m. – 5:00 p.m.
2. Schedule the Board's Workshop on County Healthcare for Tuesday, May 27, 2014, at 12:00 – 3:00 p.m.
3. Schedule the Board's Workshop on County Healthcare for an alternate date.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachment:

1. NACo Community Dialogue to Improve County Health Notification Letter

December 9, 2013

Ms. Candice Wilson
Director
Office of Human Services & Community Partnerships
918 Railroad Avenue
Tallahassee, FL 32310

Dear Ms. Wilson,

It is my pleasure to inform you that Leon County is one of six counties selected to participate in a NACo Community Dialogue to Improve County Health. Congratulations!

Through support from the Robert Wood Johnson Foundation and in collaboration with RWJF and the University of Wisconsin Population Health Institute, NACo will be assisting Leon County in conducting a one day community dialogue to convene county officials and additional community stakeholders to assess, plan and strategize efforts in coordinating health initiatives to improve the health in Leon County.

We will be contacting you soon to schedule a date in 2014 to host the community dialogue. In the next few months, we will schedule an introductory call to discuss important details regarding the community dialogues and to answer any questions you may have about the dialogues. At that time, we would also like to learn more about your community and how a community dialogue can further enhance the health initiatives currently taking place in your county. In the meantime, please feel free to contact us with any questions.

We ask that you please respond to this letter and indicate your acceptance by contacting Katie Bess at kbess@naco.org or (202) 942-4215.

Thank you for your membership in and support of the National Association of Counties. We look forward to working with you. Again, congratulations!

Sincerely,



Maeghan Gilmore
Program Director
Health, Human Services & Justice

cc: Hon. Nicholas Maddox, Chairman, Leon County Board of Commissioners

**Leon County
Board of County Commissioners**

Notes for Agenda Item #25

Leon County Board of County Commissioners

Cover Sheet for Agenda #25

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 
Herbert W. A. Thiele, Esq., County Attorney

Title: Acceptance of the Status Report on the Proposed Broadcast Auto-Dialer Ordinance to Assist with Sign Code Enforcement Issues

County Administrator Review and Approval:	Vincent S. Long, County Administrator
County Attorney Review and Approval	Herbert W. A. Thiele, Esq., County Attorney
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services Division LaShawn D. Riggans, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact should the Board move forward with staff recommendations. However, should the Board move forward with the Broadcast Auto-dialer (or “robo-calling”) Ordinance, there will be a fiscal impact. It is anticipated the implementation of the proposed Ordinance would require an additional half-time to full-time position for the Department of Development Support and Environmental Management (DSEM). It is also anticipated that the increase in staffing would require \$66,414 in additional expenses. Additionally, implementation of the Ordinance would require the assistance of the Leon County Sheriff’s Office in order to issue citations to violators. The impact to the Sheriff’s Office is unknown at this time.

Staff Recommendation:

- Option #1: Accept the status report and take no further action in drafting a Broadcast Auto-dialer Ordinance.
- Option #2: Direct staff to implement a monthly sign sweep of the County to remove illegal signs in the right-of-way and request assistance from the Leon County Sheriff’s Office to issue citations to repeat or egregious violators.

Report and Discussion

Background:

On February 26, 2013, at a regularly scheduled Board meeting, Commissioner Desloge stated he had received numerous complaints in his district regarding the posting of illegal signs commonly referred to as “bandit” or “snipe” signs. He advised that the City of Hollywood had started a “robo-calling” program to address their issue of illegal signage. Commissioner Desloge requested the County Attorney's Office bring back an agenda item discussing the possibility and cost of Leon County initiating a program similar to that of the City of Hollywood. Currently, Pasco County and the cities of Hollywood and Oakland Park are using some form of a robo-calling program to combat illegal signage. Orange County also maintains a similar operation.

On April 23, 2013, the County Attorney's Office presented a status report to the Board regarding the potential costs associated with the purchase of the equipment necessary to implement a robo-calling program (Attachment #1). After considerable discussion, the Board voted unanimously to approve the status report and directed staff to draft an Ordinance and schedule a Public Hearing for adoption.

The Broadcasting Auto-Dialer System is downloadable software that facilitates and allows calls to be placed automatically to a pre-set call list created by staff. The software uses a computer to deliver personal calls or leave voice messages in the staff person's own voice. County staff initially identified certain costs associated with the purchasing of the software and presented these costs in the April 23, 2013 agenda item. However, after further investigation into the potential implementation of a proposed Ordinance, staff encountered additional issues impacting the implementation of the proposed Ordinance. Staff is providing this report to clarify the issues and request further direction from the Board. These issues include a need for additional staffing and the advent of an application that is capable of blocking broadcast auto-dialing software.

Analysis:

Broadcast Auto-dialing Software Issue

The Broadcasting Auto-Dialer System is downloadable software that facilitates and allows calls to be placed automatically to a pre-set call list created by staff. The software uses a computer to deliver personal calls or leave voice messages in the staff person's own voice. This system will then automatically dial the selected number a pre-set number of times within a certain time period until the recipient(s) of the call contacts the County to resolve the violation.

However, due to the recent advent of the “Nomorobo” blocking application, the implementation of the auto-dialing software may be significantly impacted. Nomorobo is capable of rendering the broadcast auto-dialing software ineffective and is currently free to the general public. The application intercepts the broadcast auto-dialing software and prevents the call from going through to the intended recipient. As a result, the Nomorobo application would severely hinder staff's efforts to implement the broadcast auto-dialing Ordinance.

Enforcement and Implementation Issues

Article IX, Chapter 10 of the Leon County Code of Laws (LDC), contains provisions regarding the placement and/or construction of signage in the County (Attachment #2). These provisions, specifically Section 10-9.104, note that signage on the right-of-way (ROW) is prohibited with the exception of traffic, safety, and information signs maintained by the governmental authority.

The agenda item on identified certain costs associated with purchasing the necessary equipment to install a broadcast dialing system, but did not provide all of the associated costs to implement such a system, nor did it provide the programmatic changes at DSEM necessary to effectuate a program similar to those found in other jurisdictions.

The County's current policy regarding code enforcement is that of voluntary compliance. Staff works with the property owner to resolve valid code violations and ensure compliance with the applicable regulations. Voluntary compliance is a primary goal for DSEM and allows staff to connect with property owners to build positive relationships. However, should a property owner fail to resolve compliance within a timely manner, the issue is scheduled before the Code Enforcement Board for resolution.

For comparison, the code enforcement program at the City of Hollywood is authorized to issue citations similar to that of a law enforcement agency; however, DSEM is not authorized to issue citations. DSEM currently employs only one position that responds to all zoning-related complaints, including complaints regarding illegal signs, throughout the unincorporated County (approximately 700 square miles). The position, Planner I, responded to over 63 zoning related complaints during FY 2013. In addition, the Planner I position has split duties and not only reviews zoning related code cases, but also reviews all building permits for compliance with applicable zoning and related development standards, serves as a Service Advisor for the Development Services Division, and serves as backup to the Addressing and Street Naming Section of the Division. Additionally, the Department's workload is beginning to return to historical levels, which is anticipated to result in an increased overall workload for the Division's staff.

Complaints regarding illegal signage are typically addressed within 48 hours upon receipt. Signage within the ROW is removed and discarded by staff. The ROW is typically under public ownership (governmental entity), and any signs placed within the ROW without the expressed permission of the applicable government agency are in violation of the County's Sign Ordinance. Since the violations occur on public property, there is little punitive enforcement action that can be taken. Therefore, without concern for punitive enforcement, many small business operations continue to place illegal signs at various ROW locations. As staff receives reports of these illegal sign complaints, staff conducts a site visit and removes/discards illegals signs, as necessary.

With repeat violations located in various parts of the County, along with the typical daily duties associated with zoning and code enforcement, the additional workload of implementing the Broadcast Auto-dialing Ordinance would negatively affect the delivery of services. As a result, should the Board direct staff to move forward with the Ordinance, DSEM would require the budgeting for, at minimum, one-half to full-time position to respond to alleged sign code violations. This new position, Planner I, would complement the existing Planner I job duties. It is anticipated that the additional staff position would require an approximately \$66,414 in additional expenses, which is consistent with the current Planner I pay grade.

Should the Board decide to move forward with the proposed Ordinance, staff recommends the staffing impact be considered during the upcoming budget process with implementation of the Ordinance delayed until the effective date of the new budget. However, should the Board not move forward with the Ordinance, there would be no fiscal impact to the County.

Staff Recommendation

With the advent of Nomorobo and the potential for similar products on the market, efforts made by staff to fully implement the broadcast auto-dialer program may prove futile. However, staff recognizes the issue of the proliferation of illegal signs in the ROW in the County. Ordinarily, County staff would remove illegal signs as a result of complaints received by the Department's Permit and Code Services Division. In an effort to help resolve this issue, DSEM staff is recommending the Board direct staff to implement a pro-active monthly sign sweep of the County in addition to responding to regular code complaints to remove these illegal signs in the ROW. Additionally, the Department will authorize the building and environmental inspectors to remove illegal signs from the ROW, as time permits, between regularly scheduled inspections. In addition, for repeat or egregious sign violations, staff will notify the Sheriff's Office, who can pursue the issue as a 2nd degree misdemeanor offense for valid infractions, consistent with the provisions of the County's current Sign Code. A conviction under this provision could result in a monetary fine. The Leon County Sheriff's Office and the Florida State Attorney's Office have both expressed support for prosecuting these misdemeanor offenses.

It is anticipated that providing monthly sign sweeps of the County, utilizing existing staff positions, as well as incorporating assistance from the building and environmental inspection teams to remove the illegal signs from the ROW, will reduce the proliferation of illegal signs and save the County unnecessary expense and resources. Furthermore, it is anticipated that assistance from the Sheriff's Office to cite repeat or egregious violators will further the effectiveness of this recommendation.

Options:

1. Accept the status report and take no further action in drafting a Broadcast Auto-dialer Ordinance.
2. Direct staff to implement a monthly sign sweep of the County to remove illegal signs in the right-of-way and request assistance from the Leon County Sheriff's Office to issue citations to repeat or egregious violators.
3. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. April 23, 2013 Board Agenda Item #16
2. Article IX of Chapter 10, Signs

Leon County Board of County Commissioners

Cover Sheet for Agenda #16

April 23, 2013

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney

Title: Acceptance of Status Report Regarding Broadcasting Auto Dialer

County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
Department/ Division Review:	N/A
Lead Staff/ Project Team:	LaShawn D. Riggans, Assistant County Attorney

Fiscal Impact:

This item has a fiscal impact to the County ranging from \$300 - \$847 for the software and approximately \$75 for a voice modem. Additionally, there would be indirect cost associated with the logging and tracking of numbers and monitoring the system.

Staff Recommendation:

Option #1. Accept the status report regarding Broadcasting Auto Dialer.

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Report and Discussion

Background:

On February 26, 2013, at a regularly scheduled Board meeting, Commissioner Desloge stated he had received numerous complaints in his district regarding the posting of illegal signs. He advised that the City of Hollywood ("Hollywood") had started a robo-calling program to address their issue of illegal signage (Attachment #1). Commissioner Desloge requested the County Attorney's Office bring back an agenda item discussing the possibility and cost of Leon County initiating a program similar to that of Hollywood. Currently Pasco County and two cities located in Broward County are using some form of a robo-calling program to combat illegal signage, Hollywood and Oakland Park.

The County Attorney's Office has been in contact with Hollywood and the company that makes the software they are using, Voicent. According to their IT Director, Hollywood has seen approximately a 95% reduction in illegal signage since the implementation of their robo-calling system. The robo-calling list is compiled by code enforcement and law enforcement officers. The officers, when they see illegal signs, take a picture of the sign and enter the number from the sign into a spreadsheet created by the software. The numbers are saved as a particular call list, the caller then sets the parameters of how many calls the number will receive, time of day, what the message will say, etc. In Hollywood, if you have illegal signage, you will receive a message that says, "This is a message from the City of Hollywood Police Department." The message goes on to say that the signs were placed illegally, that the company is committing a code violation, and that the calls will continue until the signs are removed and the code violation is addressed. In order for a company or person to have their number removed from the robo-call list, the individual must go to city hall, acknowledge the signs have been removed, and pay a fine. Fines range from \$75-\$250, depending on how many violations the company or person has had.

Analysis:

The Broadcasting Auto Dialer System (robo-calling) is downloadable software that facilitates and allows calls to be placed automatically to a pre-set call list, created by caller. The software uses a computer to deliver personal calls or leave voice messages in the caller's (or whomever) own voice.

The federal Telephone Consumer Protection Act of 1991 (TCPA) (Attachment #2) regulates automated calls. All robo-calls must do two things to be considered legal. Federal law requires all telephone calls using pre-recorded messages to identify who is initiating the calls and include a telephone number or address whereby the initiator can be reached.

The TCPA and Federal Communications Commission (FCC) regulations prohibit anyone (including charities, politicians, and political parties) from making robo-calls to cell phone numbers without the recipients' prior consent. The FCC permits non-commercial robo-calls to most residential (non-cellular) telephone lines.

Title: Acceptance of Status Report Regarding Broadcasting Auto Dialer
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There are numerous companies that sell different types of automatic calling software and offer a wide variety of additional services. Voicent Communications is the company from whom the City of Hollywood purchased its software. Voicent's BroadcastByPhone is an auto-dialer that uses your computer to deliver messages in "real" voice or a computer-generated voice. The Windows software uses VOIP technology to make calls through your computer. The calls are delivered either through a VOIP channel, such as SIP or Skype, or through a regular phone line.

Pricing for the software begins with the BroadcastByPhone Standard Edition starting at \$299 (Attachment #3); this is the edition utilized by Hollywood. This is a one-time purchase, without monthly fees or contract. In speaking with a representative of Voicent, it was recommended that the County purchase the Professional Edition starting at \$499. This edition allows for multiple messages and also entitles the purchaser to receive any upgrades to the software at no additional cost (Attachment #4). Additional charges apply for setup service and product training. Management Information Systems (MIS) has contacted the software vendor and learned that a dedicated PC and voice modem will be required. MIS should be able to obtain a spare PC for no additional cost and the voice modem will cost approximately \$75. The PC and modem would be installed at Development Support & Environmental Management (DSEM).

In conclusion, the County Attorney's Office opines that, if used properly, with the proper parameters established, such as limiting the number of calls per day, as not to be deemed excessive, making calls during reasonable hours, etc., the use of the robo-calling program should not run afoul of Federal or State law. However, if used improperly, this could be deemed a form of telephone harassment. In Florida, harassment is defined as a "course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose. A "course of conduct" is defined as a pattern of behavior (however short that period may be) that shows a specific and continuous purpose. In other words, harassment is a purposeful and consistent pattern of behavior by one person that causes emotional damage to another person.

Options:

1. Accept the status report regarding Broadcasting Auto Dialer.
2. Do not accept the status report regarding Broadcasting Auto Dialer.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. City of Hollywood Article
2. TCPA of 1991
3. Voicent BroadcastByPhone Overview
4. Voicent Price Quote

Sec. 10-9.101. - Definitions.

[Unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this section its most effective application:]

Double-faced sign shall mean a sign having two display surfaces, not necessarily displaying the same copy, which are usually parallel and back-to-back and not more than 24 inches apart. When the display surfaces of a double-faced sign are not parallel, the interior angle created by said surfaces shall not exceed 60 degrees and the two sides may be joined at a vertex or separated by no more than 60 inches where closest to one another.

Ground sign shall mean any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

Internally illuminated sign shall mean a light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

Mansard sign shall mean any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall.

Nonconforming sign shall mean any sign, legal at the time of its erection, which does not conform to the requirements of this article.

On-site sign shall mean a sign relating its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises.

Permanent sign shall mean a sign permanently affixed to a building or to the ground.

Political sign shall mean a sign identifying and urging voter support for or opposition to a particular issue, political party, or candidate for public office.

Portable sign shall mean any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols.

Projecting sign shall mean any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Promotional sign:

- (1) A sign designed and intended to promote the sale of land where more than one lot and/or principal building is involved.
- (2) A sign designed and intended to advertise the grand opening of a business, special promotions or similar events.

Public service sign shall mean a sign designed to render a public service such as, but not limited to, "time and temperature" signs and "flashing news" sign.

Real estate sign shall mean a sign which advertises the sale, rental or development of the premises upon which it is located.

Revolving sign shall mean any sign so erected or constructed as to periodically change the direction toward which any plane containing the sign surface area is oriented.

Roof sign shall mean any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sandwich sign shall mean any sign, double or single faced, which is portable and may readily be moved from place to place.

Sign shall mean any device designed to inform or attract the attention of persons.

- (1) *Flashing sign* shall mean a sign designed to attract attention through the use of a light source that flashes, flickers, or revolves, or a change of light intensity.
- (2) *Illuminated sign* shall mean a sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent, or back lighting.
- (3) *Indirectly illuminated sign* shall mean a sign illuminated with a light directed primarily toward such sign including back lighted signs and so shielded that no direct rays from the light are visible other than on the lot where said illumination occurs.

Snipe sign shall mean any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post, or any other similar object located or situated on public or private property.

Sign height shall mean the vertical distance from the finished grade of the road or at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. Allowances in height should be made on a case-by-case basis and only for unusual topographical features.

Sign number. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting sign or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side.

Sign surface area. The surface area of a sign shall be computed for the entire area within the periphery of a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including structural elements of the sign bearing no advertising matter. The surface area of a sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater.

Temporary sign shall mean a sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a short period of time. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer and banner signs.

Off-site sign shall mean any sign whose purpose is to advertise, display, identify, direct attention to or in any other way present to the public a message that relates to a product, business merchandise, service, institution, residential area, entertainment, charitable organization, religious organization, or any other organization or activity conducted by any company, person, or organization that is not located, purchased, rented, based, offered, furnished, or otherwise associated with the

property on which the sign is located. This includes a sign erected by an outdoor advertising business, a digital billboard sign, a multivision sign, or any other sign meeting the definition of off-site sign. An off-site sign shall include a sign structure and sign display surface, upon which copy or information content is intended to be displayed; a sign structure without display surface shall not be construed to be an off-site sign; nor, shall a sign structure with only nondurable paper, cloth, or plastic sheeting, without a rigid frame, be construed to be an off-site sign.

Animated sign shall mean any sign which contains or uses for illumination any light, lights, or lighting device or devices which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically, excepting any digital billboard sign. The term "animated sign" shall not include revolving signs, or multifaced mechanical (multivision) signs, or digital billboard signs.

Digital billboard sign shall mean a sign without moving parts whose content may be changed by electronic process through the use of intermittent light or lights, including light emitting diodes, liquid crystal display, and plasma screen image display.

Multivision sign means a sign composed of mechanically operated louvers or slats containing multiple separate messages, each of which becomes visible when the louvers are synchronically rotated to one of a multiple of positions.

Off-site standard sign. Any off-site sign other than a multivision sign or digital billboard sign.

Sign face means the area of a sign including trim and background, which contains the message or informative contents.

Sign structure means all the interrelated parts and materials, such as beams, poles, and stringers, which are constructed for the purpose of supporting or displaying a message or informative contents.

Sign direction means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.

(Ord. No. 07-20, § 2, 7-10-07, Ord. No. 09-17, § 2, 6-11-09)

Sec. 10-9.102. - Nonconforming.

- (a) Any nonconforming permanent on-site sign or off-site sign may not be repaired or rebuilt except in conformity with this article, unless a variance is granted by the board of adjustment and appeals based upon a demonstration of hardship not resultant of the sign or property owner's actions, and no increase in degree of non conformity.
- (b) Nonconforming permanent on-site signs and nonconforming permanent off-site signs may be maintained and repaired but shall not be structurally or mechanically extended or altered to further the nonconformance except as required by the building official in cases where it has been determined that there exists imminent danger to the public safety.
- (c) Relocation of off-site signs made nonconforming as to [section 10-9.302](#), off-site signs, location standards. Notwithstanding those regulations, requirements, and standards as set out in article VI, division 3, continuation of pre-existing lots, uses, buildings, and structures, any existing, lawfully-established, off-site sign, nonconforming as to location requirements may be relocated upon receipt of a variance from the board of adjustment and appeals, based upon the following findings:
 - (1) The applicant has demonstrated a hardship not resultant of the sign owner's actions;

- (2) The relocation of the sign is by not greater than 50 feet;
- (3) The relocation of the sign is to another portion of the same parcel of property;
- (4) The relocation of the sign shall comply with the applicable standards for setback from residentially zoned property as established in subsection 10-9.302(d), for standard off-site signs, [section] 10-9.307, for multivision signs, and in [section] 10-9.308, for digital billboards.
- (5) Existing trees in the public right-of-way, or trees proposed as part of an approved/permited beautification project approved prior to the application, will not be cut, trimmed, or removed to make the sign face visible from the main travel way.
- (6) The sign conforms with all other applicable standards in Chapter 10 of the Leon County Code of Laws; and,
- (7) The new location does not increase the degree of nonconformity as to location.

(Ord. No. 07-20, § 2, 7-10-07; Ord. No. 09-17, § 3, 6-11-09)

**Leon County
Board of County Commissioners**

Notes for Agenda Item #26

Leon County Board of County Commissioners

Cover Sheet for Agenda #26

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of the Capital Project Implementation Program for a Portion of the Local Option 5th Cent Fuel Tax and Approval to Submit the Sidewalk List for Inclusion in the Regional Mobility Plan

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works and Community Development
Lead Staff/ Project Team:	Kathy Burke, P.E., Director of Engineering Services

Fiscal Impact:

This item has a fiscal impact. It establishes the programming for the expenditure of one-half of the County's portion of the Local Option Five-Cent Fuel Tax.

Staff Recommendation:

- Option #1: Approve the FY 14 and FY 15 Capital Program Schedules and direct staff to implement; and, approve the Resolution and associated Budget Amendment Request (Attachment #1).
- Option #2: Approve the Sidewalk Segment list as Board priorities (Attachment #2), and authorize staff to submit to the Capital Regional Transportation Agency for inclusion in the Regional Mobility Plan.

Report and Discussion

Background:

At the September 17, 2013 meeting, the Board approved the last Five-Cent Local Option Fuel Tax. The fuel tax commenced January 1, 2014, and the County revenue is projected to be approximately \$2 million the first year due to the shorter collection period and about \$2.5 million for each full subsequent year thereafter.

The Board adopted a Resolution based on the County Attorney's Office (CAO) recommendation that identified the following seven categories as eligible expenditures for the Five-Cent Local Option Tax (Attachment #3):

1. Public transportation operations and maintenance.
2. Right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
3. Roadway and right-of-way drainage.
4. Street lighting installation, operation, maintenance, and repair.
5. Traffic signs, traffic engineering, signalization and pavement markings, installation, operation, maintenance, and repair.
6. Bridge maintenance and operations.
7. Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

The Board directed that one-half of the County's revenues collected be used to reduce the current general revenue subsidy to the transportation program. The other half of the County's portion of the additional five-cent gas tax revenue was to be set aside for the highest priority transportation capital projects. Therefore, 50% of the first year County revenues, estimated at \$1 million, and subsequent years' revenues estimated to be approximately \$1.25 million need to be programmed for capital expenditures.

Of the eligible categories, the Board's previous action allocated \$1 million toward eliminating the general revenue subsidy that funds categories one through six, leaving the capital expenditure for roads, intersection improvements, and sidewalks to be eligible for programming of the remaining \$1 million - \$1.25 million per year. The project size for intersection improvements and sidewalks tend to match the scale of the projected revenue. Roadway improvements and intersection projects improve safety by providing adequate vehicular travel lanes with appropriate turning movement storage. However, roadway improvements tend to be far more costly and would require accumulation of many years of funding.

The sidewalk program is essential to the following FY 2012 and FY 2013 Strategic Initiatives that the Board approved at the January 29, 2013 meeting, as updated at the Board's December 10, 2013 Retreat:

- Implement Strategies that preserve neighborhoods and create connectedness and livability (2012).
- Create a capital projects priority list for the fifth-cent gas tax program (2014).

These particular Strategic Initiatives aligns with the Board's Strategic Priorities Quality of Life and Governance:

- Provide essential public safety infrastructure and services which ensure the safety of the entire community. (Q2)
- Create a sense of place in our rural areas through programs, planning, and infrastructure phasing in appropriate areas to encourage connectedness. This program would make great strides by providing key connections between many of our neighborhoods to parks, trails, schools, other transportation networks. (Q5)
- Further create connectedness and livability through supporting human scale infrastructure and development including: enhancing our multi-modal districts. (Q7)
- Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner. (G5)

Analysis:

A major roadway project will cost tens of millions of dollars, which dwarfs the projected revenue stream from the local option gas tax. It would require years of accumulation to fund a roadway project. In order to have a more immediate impact on meeting Leon County's community's transportation needs, staff is recommending that the local option gas tax be utilized to enhance the current funding for Community Safety and Mobility (additional sidewalk projects) and Intersection and Safety Capital Projects. These projects are eligible expenditures and tend to match the scale of the projected revenues.

Intersection & Safety Projects

The current Intersection and Safety Capital Project is funded with Sales Tax revenues and, like most of the County's Capital Programs, the needs exceed current funding levels. The intersection of Talpeco Road and North Monroe Street was just completed, and Rhoden Cove Road and Meridian Road is nearing completion. The following intersections are currently at various phases in the design/permitting process:

- SR 20 at Geddie – Southbound turn lane and traffic signal
- SR 20 at Aeon Church – turn lane improvements
- US 90 at Geddie – right-turn lane
- Woodville and Oakridge – turn lane improvements

- Old Bainbridge and Pullen – roundabout
- US 27 and Crowder – turn lanes
- Old St. Augustine and Blairstone – turn lane improvements – mast arm installation
- Miccosukee and Miles Johnson – re-alignment for sight distance

One area that is already congested, and fails its current level of service, is Bannerman Road near Thomasville Road. While the four-laning of Bannerman Road from Tekesta to Thomasville Road is a \$16 million project and is out of scale for possible allocation of five-cent gas tax revenues, an interim intersection improvement around Quail Commons could alleviate some of the existing congestion. A schematic of the proposed interim improvement is included as Attachment #4.

The project involves constructing the proposed four-lane section to about 900 feet west of Quail Commons with turn lanes, and combined with the Bannerman Crossing configuration changes could improve the traffic operations of the area. The widening of Bannerman Road is a Tier 1 significant benefit project. There is currently a projected shortfall of \$750,000 necessary to complete this interim project, which has a total estimated cost of \$3.1 million. This intersection improvement and interim widening on Bannerman Road at Quail Commons is not currently budgeted in this CIP and funding is not currently available to complete the proposed interim improvements. Funding has been proposed for FY15 allocation of the additional gas tax and a separate agenda item provides more detailed information regarding the status of Bannerman Road.

Sidewalk Projects

The current sidewalk list has been amended to include additional segments on local roads that met the Board's new Sidewalk Policy 13-1, adopted on July 9, 2013 (Attachment #5). Demand for sidewalks is high; however, the Policy requires that sidewalks be constructed where urban services are provided which is within the urban services area and the Woodville Rural Community. The main change in this Policy allowed local roads that met connectivity issues to trails, parks, etc., to be eligible.

Staff reviewed the overall sidewalk network within the unincorporated areas of the County with the new criteria and added additional sidewalk segments. In accordance with the Policy, the Board must approve the list the stand-alone sidewalk segments so it can be transmitted to the CRTPA for inclusion in the Mobility Plan Update and thus be eligible for state or federal funding. It is expected that this list will need to be revised once the CRTPA completes its Safe Routes to School Update and/or as additional segments meeting the adopted Policy are identified. The sidewalks that are part of a major roadway project such as Tharpe Street or the trail on Bannerman were not included in the stand-alone sidewalk list. This is because sidewalks on capacity-deficient roadways would not be built separately only to be reconstructed when the widening occurs. In this way, the cost of these sidewalks is not double-counted on our various infrastructure needs lists.

There are 64 stand-alone sidewalk segments that were identified by staff as meeting the Board’s adopted Sidewalk Selection Criteria. Each of these segments was field-evaluated to determine the relative “ease” of constructability, available apparent right-of-way, stormwater or permitting concerns. These factors were then combined to develop an overall constructability score.

Staff used Engineering judgment to program an implementation schedule that tries to balance all the Board-approved factors necessary to be able to deliver a constructed sidewalk on a segment. In some cases, permitting or feasibility dollars are programmed in an earlier year in order to set the foundation needed to build the sidewalk in a later year Attachment #6). The overall goal is to try to deliver a fairly continuous stream of projects throughout the planning horizon. To highlight the value of the local option gas tax for each project constructed with gas tax dollars, signs will be erected which indicate “Your Gas Tax Dollars at Work.” In this way, residents can visibly see what they are getting for some of their gas tax dollars.

The full spreadsheet “Sidewalk Constructability Assessment” is included as Attachment #7. The following table includes the proposed project program for the first two years:

Year 1 Projects: FY 14			
Project/Sidewalk Segment	Location	Length Linear Feet	Order of Magnitude Cost
040-1	Chaires Cross Rd Ph.1 - Chaires Elem. to Green Oaks	3,651	\$275,000
052	Tower Rd - John Boy to River's Landing	1,529	\$150,000
053	Tower Rd - East of Russell's Pond Ln Gap	211	\$5,000
054	Tower Rd - Old Bainbridge/CCNW to existing sidewalk	858	\$25,000
058 Coordinate /City	Clarecastle - Pimlico to City limits	157	\$5,000
006-1	Timberlane Rd - Deerlande to Woodley -Phase 1	2,000	\$350,000
42-1 Coordinate w/City	Gearhart Road -Phase 1 CSX tracks to city limits in County- get CSX permit	NA	\$35,000
049	Fred George Phase 1 CSX Permit	NA	\$35,000
047	Dome Level - Phase 1 Aeon Church- Aaron Smith	900	\$55,000
063	Button Willow Dr - from Button Willow Ln to Crawfordville Hwy	304	\$15,000
045	Woodville Hwy - Lawhon Rd to Cemetery Rd	412	\$20,000
012	Magnolia Dr. - 30 % Design-Concepts Jim Lee to Chowkeebin Nene	5,079	\$125,000
	Subtotal		\$1,095,000

Year 2 Projects: FY 15			
Project/Sidewalk Segment	Location	Length Linear Feet	Order of Magnitude Cost
	Bannerman Road Partial 4 lane- Quail Commons Intersection Improvement*	2,300 LF	\$750,000
049	Fred George- Mission to CCNW	4,619	\$500,000
	Subtotal		\$1,250,000
<i>* Project Balance to be determined during budget</i>			

The capital program list considers the Board-adopted selection criteria and prioritizes the delivery of sidewalks based on these criteria combined with field reviews and permitting constraints to maximize the construction of sidewalks. Sidewalks and intersection improvements are recommended as the eligible transportation mode for the gas tax due to project scale corresponding to the projected revenues. The proposed sidewalk segments and Bannerman/Quail Commons intersection project help meet the Board’s Strategic Priority for safety and connectivity of our neighborhoods to our schools, parks and trails.

Due to the additional sidewalks likely to be added as a result of the Safe Routes to Schools update and their anticipated receipt of a high priority designation by the Board, staff recommends programming the gas tax dollars to specific projects for only the current (FY14) and next (FY15) budget years. After this initial term, the proposed project list will be included in the annual budget cycle for adjustment by the Board, based on current priorities.

Options:

1. Approve the FY 14 and FY 15 Capital Program Schedules and direct staff to implement; and, approve Resolution and associated Budget Amendment Request (Attachment #1).
2. Approve the Sidewalk Segment List (Attachment #2) as Board priorities, and authorize staff to submit to the Capital Regional Transportation Agency for inclusion in the Regional Mobility Plan.
3. Do not approve the FY14 & 15 Sidewalk Program Schedules.
4. Do not approve the Sidewalk List.
5. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Resolution and associated Budget Amendment Request
2. Sidewalk Segment List
3. Resolution Determining the expenditures for the 5th-cent local option fuel tax
4. Bannerman Road Interim Improvement Schematic
5. Sidewalk Policy 13-1
6. Capital Project Schedule
7. Sidewalk Constructability Assessment

VSL/TP/KB/djw

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2013/2014; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 21th day of January, 2014.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

**FISCAL YEAR 2013/2014
BUDGET AMENDMENT REQUEST**

No: BAB14009
Date: 11/19/2013

Agenda Item No: _____
Agenda Item Date: 1/21/2014

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail:

Revenues

<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				

Subtotal: -

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
				Reserves for Future Transportaton			
306	990	59902	599	Projects	1,000,000	(1,000,000)	-
				Sidewalks Program			
306	057013	56300	541	Improvements Other Than Buildings	-	1,000,000	1,000,000

Subtotal: -

Purpose of Request:

This budget amendment realigns \$1,000,000 in gas tax funding from budgeted reserves to the new Sidewalk Program project. At the July 8, 2013 FY14 Budget Workshop, the Board approved levying the additional five-cent gas tax. During the September 10, 2013 meeting, the Board directed staff to allocate the FY14 estimated \$2.0 million in gas tax revenue 50/50 between transportation operating expenditures and capital expenditures. Currently, the Sidewalk Program is the highest priority transportation capital project for FY14, comparing the project scale to projected gas tax revenue.

Group/Program Director

Senior Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution Motion Administrator

Sidewalk Constructability Assessment

Sidewalk Segment #	Location	Length (Linear Feet as Shown on Key Maps)
Sales Tax Sidewalks		
001	Centerville - Pimlico to Roberts Rd	2,517
002	Maclay - Meridian Rd to City Limits	4,799
003	Miccosukee - Ginger to Fleischman	2,707
004	Miccosukee - Capital Circle to Ginger	680
005	Ox Bottom Rd - Meridian Rd to Thomasville Rd	17,152
006	Timberlane Rd - Meridian Rd to Woodley	3,280
007	Tram Rd - Zilah to Capital Circle	10,827
008	Magnolia - Adams to Monroe	369
009	Magnolia - Monroe to Meridian	1,035
010	Magnolia - Golf Terrace to Alaban Ave (across from Jim Lee)	4,062
011	Magnolia - Golf Terrace to Jim Lee	3,846
012	Magnolia - Jim Lee to Chowkeebin Nene	4,872
013	Magnolia - Jim Lee to Chowkeebin Nene	4,767
014	Old St. Augustine - Blair Stone to Indian Head	2,920
015	Old St. Augustine - Blair Stone to Indian Head	3,441
016	Old St. Augustine - Paul Russell to Blair Stone	2,178
017	Old St. Augustine - Paul Russell to Blair Stone	2,161
018	Old St. Augustine - Midyette to Paul Russell	2,899

Sidewalk Constructability Assessment

Sidewalk Segment #	Location	Length (Linear Feet as Shown on Key Maps)
019	Old St. Augustine - Midyette to Paul Russell	2,849
020	Old St. Augustine - Midyette to Capital Circle	1,815
021	Old St. Augustine - Midyette to Capital Circle	1,754
022	Centerville - Glenncrest Ln to Fleischmann	2,242
023	Gadsden - Carolina St. to McDaniel	1,306
024	Gadsden - McDaniel (actually Johnston) to Ingleside	1,422
025	Gadsden - Ingleside to Seventh Ave.	1,045
026	Gadsden - Seventh to (8th)	195
027	Gaines - Gadsden to Calhoun	252
028	Gaines - Meridian to Gadsden	355
029-1	Grenville Road - Pisgah Church Rd to Miles Blake Dr	6,458
029-2	Grenville Road - Miles Blake Dr to Proctor Rd	2,909
030	Old Bainbridge - Brevard St. to Georgia	324
031	Old Bainbridge - Brevard to Tharpe	6,013
032	Old Bainbridge - Volusia to Tharpe	1,387
033	Old Bainbridge - Tharpe to High	4,681
034	Old Bainbridge - High to I-10	2,838
035	Old Bainbridge - I-10 to Fred George	9,477

Sidewalk Constructability Assessment

Sidewalk Segment #	Location	Length (Linear Feet as Shown on Key Maps)
036	Old Bainbridge - I-10 to Fred George	9,483
037	Pisgah Church Road - west end of existing trail to Grenville Rd	557

Safe Routes to School Sidewalks- Existing

038	SR 20 - Ft. Braden School to Library - FDOT	7,523
039	Woodville Hwy - Oak Ridge to Natural Wells - FDOT	9,084
040-1	Chaires Cross Rd Ph.1 - Chaires Elem. to Green Oaks	3,651
040-2	Chaires Cross Rd Ph.2 - Parkhill Rd to Chaires Elem.	971
041	Timberlane School Road - Timberlane to city limits	1,005

Preliminary Possible Sidewalks meeting new criteria*

042	Gearhart Road - in County	4,467
043	Natural Bridge Road - Woodville to Old Woodville	339
044	Natural Bridge Road - Sycamore Ridge to Woodville	2,711
045	Woodville Hwy - Lawhon Rd to Cemetery Rd	412
046	Tennessee - Aenon Church to Lukeman	3,318
047	Dome Level - Poplar to Aenon Church	2,641
048	Lacey - north to Dome Level	972
Sidewalk Segment #	Location	Length (Linear Feet as Shown on Key Maps)

Sidewalk Constructability Assessment

049	Fred George- Mission to CCNW	4,619
050	Stoneler - Snoopy to Widgeon	432
051	Tower Rd - Rivers Landing Dr to Ocklockonee Landing	2,469
052	Tower Rd - John Boy to River's Landing	1,529
053	Tower Rd - East of Russell's Pond Ln Gap	211
054	Tower Rd - Old Bainbridge/CCNW to existing sidewalk	858
055	Old Bainbridge/CCNW - Tower Rd to Pryor Rd	3,601
056	Lawton Chiles - sidewalk Gap	566
057	Beech Ridge - Kinhega to Lawton Chiles	472
058	Clarecastle - Pimlico to City limits	157
059	Whirlaway - Shannon Lakes to Pimlico	4,926
060	Nabb Road - Buck Lake south to city limits	1,195
061	Buck Lake - Walden to Alameda	1,946
062	Bradfordville Rd - from Velda Dairy to Bowling green	3,100
063	Button Willow Dr - from Button Willow Ln to Cville Hwy	304
064	Monroe St (US 27) - Clara Kee to Perkins	3,131

RESOLUTION NO. R13- 46

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, FINDING, DECLARING AND DETERMINING THE EXPENDITURES FOR THE 5TH-CENT LOCAL OPTION FUEL TAX AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 206.41(1)(e), Florida Statutes, provides for the imposition of the 5th-cent local option fuel tax, on motor fuel by each county; and

WHEREAS, Section 336.025(1)(b), Florida Statutes, provides that there may be levied a 5th-cent local option fuel tax upon every gallon of motor fuel sold in a county; and

WHEREAS, Section 336.025(1)(b)3., Florida Statutes, provides for limiting the use of the 5th-cent local option fuel tax revenue to transportation related expenditures; and

WHEREAS, the Board of County Commissioners has determined that there is a critical and immediate need for the revenue to be generated by the 5th-cent local option fuel tax; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Leon, Florida, that:

1. Revenue generated by the levy of the 5th-Cent Local Option Fuel Tax shall be used for:
 - a. Transportation expenditures needed to meet the requirements of the capital improvements elements of the Tallahassee/Leon County 2030 Comprehensive Plan, including the construction and resurfacing of existing roads for such projects included therein.
 - b. Transportation expenditures needed to meet immediate local transportation problems and for other transportation related expenditures

that are critical for building comprehensive roadway networks in the county.

2. The Board hereby finds, declares and determines that expenditures by the County for:

- a. Public transportation operations and maintenance;
- b. Right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment;
- c. Roadway and right-of-way drainage;
- d. Street lighting installation, operation, maintenance, and repair;
- e. Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance and repair;
- f. Bridge maintenance and operation; and
- g. Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks;

constitute appropriate transportation related expenditures needed to meet the purposes set forth in paragraph one (1) above.

3. In no event shall revenue generated by the levy of the 5th-Cent Local Option Fuel Tax be used for routine maintenance of roads.

4. This Resolution shall be effective upon adoption.

PROPOSED, PRESENTED AND PASSED by the Board of County Commissioners of
Leon County, Florida this 17th day of September, 2013.



LEON COUNTY, FLORIDA

By: _____

Nicholas Maddox, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

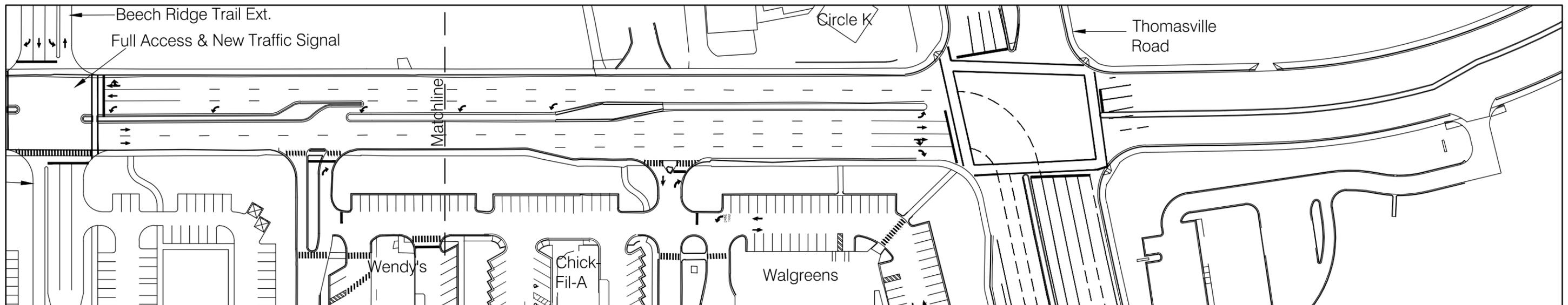
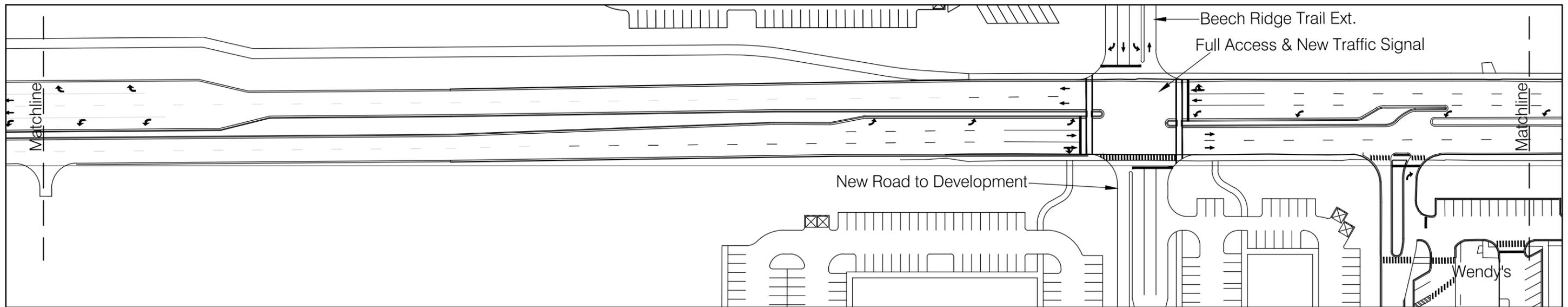
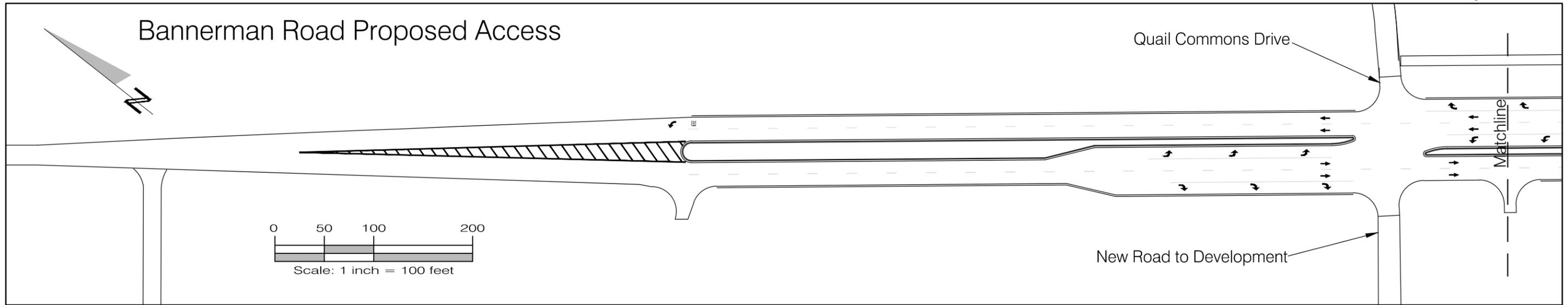
By: _____

John Stott, Deputy Clerk
Bob Inzer, Clerk of Court
Leon County, Florida

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: _____

Herbert W. A. Thiele, Esq.
Herbert W. A. Thiele, Esq.
County Attorney



Board of County Commissioners Leon County, Florida

Policy No. 13-1

Title: Sidewalk/Bikeway Provision Selection Criteria
Date Adopted: July 9, 2013
Effective Date: July 9, 2013
Reference: N/A
Policy Superseded: N/A

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a new Policy is hereby adopted, to wit:

Provision of sidewalks/bikeways, subject to budget constraints, shall be evaluated, based on the following selection criteria:

1. Safe Routes to School (2 miles)
2. Routes to parks
3. Connectivity of a neighborhood to an existing bike route or trail; connections need to be within ¼ mile
4. Completing a gap (less than ¼ mile in length) between existing pedestrian/bike facilities
5. Addresses a bike or pedestrian safety issue in an area with documented demand
6. Sidewalk is on an arterial or collector roadway with a higher priority given to provision of sidewalks on one side of the street with a lower priority placed on provision of the second side of the street
7. With the exception of the Safe Routes to School segments, eligible projects should be located inside the urban service area
8. Donation of right of way

If the sidewalk or bikeway is not included on the County-submitted list for the Regional Mobility Plan, it must receive Board approval for placement on the needs list to be considered an eligible project for construction. After Board approval, an updated list would be provided to the Capital Region Transportation Planning Agency (CRTPA) for inclusion in the Regional Mobility Plan in order to be able to leverage all possible means of funding.

Adopted July 9, 2013

Sidewalk Segment #	Location	Length (Linear Feet as Shown on Key Maps)	Order of Magnitude Cost
FY13-14			
060	Nabb Rd. - Buck Lake south to City limits	1,195	\$ 125,000
040-1	Chaires Cross Rd. Ph.1 - Chaires Elem. to Green Oaks	3,651	\$ 275,000
052	Tower Rd. - John Boy to River's Landing	1,529	\$ 150,000
053	Tower Rd. - East of Russell's Pond Ln. Gap	211	\$ 5,000
054	Tower Rd. - Old Bainbridge/CCNW to existing sidewalk	858	\$ 25,000
058	Clarecastle - Pimlico to City limits	157	\$ 5,000
006-1	Timberlane Rd. - Deerlande to Woodley - Phase 1	2,000	\$ 350,000
42-1	Gearhart Rd. -Phase 1 CSX tracks to City limits in County - get CSX permit	NA	\$ 35,000
049	Fred George Rd. Phase 1 CSX Permit	NA	\$ 35,000
012	Magnolia Rd. - Design-Concepts Jim Lee to Chowkeebin Nene	5,079	\$ 125,000
	Subtotal		\$ 1,130,000
FY14-15			
049	Fred George Rd. - Mission to CCNW	4,619	\$ 500,000
006-2	Timberlane Rd. Meridian Deerlande Phase 2	1,300	\$ 375,000
42-2	Gearhart Rd. Construction - Phase 1 - CSX tracks to City limits	1,057	\$ 125,000
050	Stoneler - Snoopy to Widgeon	432	\$ 10,000
012-1	Magnolia Jim Lee to Chowkeebin constr. Phase 1	tbd	\$ 250,000
	Subtotal		\$ 1,260,000

FY15-16			
012-2	Magnolia Sidewalk Construction Jim Lee to Chowkeebin Nene	tbd	\$ 350,000
061	Buck Lake - Walden to Alameda	1,946	\$ 200,000
42-3	Gearhart Rd. Phase 3 - City limits west	3,000	\$ 300,000
041	Timberlane Schoolhouse Rd. - Timberlane to City limits	1,005	\$ 200,000
047	Dome Level - Poplar to Aeon Church	2,641	\$ 150,000
056	Lawton Chiles - sidewalk Gap	566	\$ 50,000
057	Beech Ridge - Kinhega to Lawton Chiles	472	\$ 40,000
	Subtotal		\$ 1,290,000
FY16-17			
	Magnolia Design Concepts Monroe to Jim Lee		\$ 100,000
012-2	Magnolia Sidewalk Construction Jim Lee to Chowkeebin Nene	tbd	\$ 550,000
064-1	Monroe St. (US 27) - Clara Kee to Perkins-Design	3,131	\$ 85,000
063	Button Willow Dr. - from Button Willow Ln. to Cville Hwy	304	\$ 15,000
045	Woodville Hwy - Lawhon Rd to Cemetery Rd	412	\$ 20,000
59-1	Whirlaway - Shannon Lakes to Pimlico Phase 1	4,926	\$ 500,000
	Subtotal		\$ 1,270,000
FY17-18			
59-1	Whirlaway - Shannon Lakes to Pimlico Phase 2	4,926	\$ 500,000
064-2	Monroe St. (US 27) - Clara Kee to Perkins-Construction	3,131	\$ 350,000
012-3	Magnolia Sidewalk Construction	tbd	\$ 400,000
043	Natural Bridge Rd. - Woodville to Old Woodville	339	\$ 75,000
	Subtotal		\$ 1,325,000

	FY18-19		
055	Old Bainbridge/CCNW - Tower Rd. to Pryor Rd.	3,601	\$ 500,000
002	Maclay - Meridian Rd. to City limits Phase 1	tbd (4800)	\$ 400,000
007-1	Tram Rd. Phase 1 near Zilah	tbd (10827)	\$ 500,000
012-3	Magnolia Sidewalk Construction	tbd	tbd
	Subtotal		\$ 1,400,000

Sidewalk Constructability Assessment

Sidewalk Segment #	Location	Length (Linear Feet as shown on key maps)	side of the road (if applicable)	District	misc. notes	Probably easy to permit?	Does LC own R/W?	Probably easy to build? (0 to 5)	No existing S/W?	Recommended Priority Level (highest=15)
Sales Tax Sidewalks										
001	Centerville - Pimlico to Roberts Rd	2,517		4	canopy road, and has historical flooding problems	no	no	3	yes	4
002	Maclay - Meridian Rd to City Limits	4,799		4	adjacent to wetlands, and meridian is a canopy road	no	yes	3	yes	10
003	Miccosukee - Ginger to Fleischman	2,707		3	canopy road	no	no	0	yes	1
004	Miccosukee - Capital Circle to Ginger	680	south	5	canopy road, and already existing on north side	no	no	4	no	-1
005	Ox Bottom Rd - Meridian Rd to Thomasville Rd	17,152		4	Thomasville Rd to Witchtree Acres is in Bradfordville Study Area, also	no	yes	3	yes	10
006	Timberlane Rd - Meridian Rd to Woodley	3,280		4	walls might be needed adjacent to wetlands	maybe	yes	2	yes	10
007	Tram Rd - Zilah to Capital Circle	10,827		1	walls might be needed adjacent to wetlands, also potential karst	maybe	yes	2	yes	10
008	Magnolia - Adams to Monroe	369	south	1		yes	maybe	5	no	6
009	Magnolia - Monroe to Meridian	1,035	north	1		maybe	no	3	no	-1
010	Magnolia - Golf Terrace to Alaban Ave (across form Jim Lee)	4,062	north	5	walls might be needed adjacent to wetlands / ditches	maybe	no	1	yes	3
011	Magnolia - Golf Terrace to Jim Lee	3,846	south	1	walls might be needed adjacent to wetlands / ditches	yes	maybe	2	yes	9
012	Magnolia - Jim Lee to Chowkeebin Nene	4,872	east	5	walls might be needed to accommodate steep slopes	maybe	maybe	1	yes	6
013	Magnolia - Jim Lee to Chowkeebin Nene	4,767	west	5	walls might be needed to accommodate steep slopes	maybe	maybe	2	yes	7
014	Old St. Augustine - Blair Stone to Indian Head	2,920	north	5	canopy road	no	no	2	yes	3
015	Old St. Augustine - Blair Stone to Indian Head	3,441	south	5	canopy road	no	no	2	yes	3
016	Old St. Augustine - Paul Russell to Blair Stone	2,178	north	5	canopy road	maybe	no	2	yes	4
017	Old St. Augustine - Paul Russell to Blair Stone	2,161	south	1	canopy road	maybe	no	2	yes	4
018	Old St. Augustine - Midyette to Paul Russell	2,899	north	5	canopy road	no	no	1	yes	2
Sidewalk Segment #	Location	Length (Linear Feet as shown on key maps)	side of the road (if applicable)	District	misc. notes	Probably easy to permit?	Does LC own R/W?	Probably easy to build? (0 to 5)	No existing S/W?	Recommended Priority Level (highest=15)
019	Old St. Augustine - Midyette to Paul Russell	2,849	south	1	canopy road	no	no	0	yes	1

Sidewalk Constructability Assessment

020	Old St. Augustine - Midyette to Capital Circle	1,815	north	1	canopy road	no	no	0	yes	1
021	Old St. Augustine - Midyette to Capital Circle	1,754	south	1	canopy road	no	no	1	yes	2
022	Centerville - Glenncrest Ln to Fleischmann	2,242		3	canopy road	no	no	0	yes	1
023	Gadsden - Carolina St. to McDaniel	1,306	west	5	sidewalk is existing on east side - consider adding sidewalk to west?	maybe	yes	5	no	7
024	Gadsden - McDaniel (actually Johnston) to Ingleside	1,422	west	5	sidewalk is existing on east side - consider adding sidewalk to west?	maybe	yes	5	no	7
025	Gadsden - Ingleside to Seventh Ave.	1,045	east	5		maybe	yes	1	yes	9
026	Gadsden - Seventh to (8th)	195	east	5	sidewalk is existing past 8th	maybe	yes	1	yes	9
027	Gaines - Gadsden to Calhoun	252	north	5	walls & ramps might be needed to accommodate steep slopes	maybe	yes	3	no	5
028	Gaines - Meridian to Gadsden	355	north	5		maybe	yes	4	no	6
029-1	Grenville Road - Pisgah Church Rd to Miles Blake Dr	6,458	west	4	is in Bradfordville Study Area, & there are floodplains & adjacent	no	yes	3	yes	10
029-2	Grenville Road - Miles Blake Dr to Proctor Rd	2,909	west	4	not paved north of Miles Blake Dr and is in Bradfordville Study Area, &	no	yes	1	yes	8
030	Old Bainbridge - Brevard St. to Georgia	324	east	1	walls might be needed to accommodate steep slopes /	yes	no	4	no	2
031	Old Bainbridge - Brevard to Tharpe	6,013	east	1	walls might be needed to accommodate steep slopes	no	no	3	no	-2
032	Old Bainbridge - Volusia to Tharpe	1,387	west	1	portions of ex. sw are substandard - new walls would be needed	no	no	4	yes	5
033	Old Bainbridge - Tharpe to High	4,681	west	3	Canopy road designation begins north of Tharpe (Raa Ave)	no	no	0	no	-5
034	Old Bainbridge - High to I-10	2,838	east	3	Canopy Road and adjacent floodplains and wetlands near I-10	yes	no	1	no	-1
035	Old Bainbridge - I-10 to Fred George	9,477	east	3	Canopy Road, and adding sw to I-10 bridge might be expensive, and has	no	no	0	yes	1
Sidewalk Segment #	Location	Length (Linear Feet as shown on key maps)	side of the road (if applicable)	District	misc. notes	Probably easy to permit?	Does LC own R/W?	Probably easy to build? (0 to 5)	No existing S/W?	Recommended Priority Level (highest=15)
036	Old Bainbridge - I-10 to Fred George	9,483	west	3	Canopy Road, and adding sw to I-10 bridge might be expensive, and has	no	no	1	yes	2
037	Pisgah Church Road - west end of existing trail to Grenville Rd	557	north	4	Pisgah Church Rd. is a Canopy Road and is in Bradfordville Study	no	no	3	yes	4

Safe Routes to School Sidewalks- Existing

038	SR 20 - Ft. Braden School to Library - FDOT	7,523		2	walls and/or ped. Bridge might be needed at Polk Creek & elsewhere	no	no	3	yes	4
039	Woodville Hwy - Oak Ridge to Natural Wells - FDOT	9,084		2	overlaps #045 - Unless on west side, and has historical flooding	no	no	5	yes	6

Sidewalk Constructability Assessment

040-1	Chaires Cross Rd Ph.1 - Chaires Elem. to Green Oaks	3,651	south / west	5	90% completed design working on permitting	yes	yes	5	yes	15
040-2	Chaires Cross Rd Ph.2 - Parkhill Rd to Chaires Elem.	971	south	5	90% completed design waiting for R/W acquisition to proceed with	no	no	5	yes	6
041	Timberlane School Road - Timberlane to city limits	1,005		4		yes	yes	5	yes	15

Preliminary Possible Sidewalks meeting new criteria*

042	Gearhart Road - in County	4,467		3	walls might be needed adjacent to wetlands / ditches, and within fred george closed basin	maybe	yes	4	yes	12
043	Natural Bridge Road - Woodville to Old Woodville	339	north	2		yes	no	5	yes	9
044	Natural Bridge Road - Sycamore Ridge to Woodville	2,711		2		yes	no	4	yes	8
045	Woodville Hwy - Lawhon Rd to Cemetery Rd	412	east	2		yes	no	5	yes	9
046	Tennessee - Aeon Church to Lukeman	3,318		2	has historical flooding problems	no	no	5	yes	6
047	Dome Level - Poplar to Aeon Church	2,641		2	walls might be needed adjacent to wetlands / ditches, and has historical flooding problems	no	yes	3	yes	10
048	Lacey - north to Dome Level	972		2	create a connection to Dome Level w / easement - probably should wait till future Lacey Ln shown on gis maps is built by developer, also has historical flooding problems	no	no	3	yes	4
Sidewalk Segment #	Location	Length (Linear Feet as shown on key maps)	side of the road (if applicable)	District	misc. notes	Probably easy to permit?	Does LC own R/W?	Probably easy to build? (0 to 5)	No existing S/W?	Recommended Priority Level (highest=15)
049	Fred George- Mission to CCNW	4,619		3	walls might be needed adjacent to wetlands / ditches / slopes, also within fred george closed basin	maybe	yes	3	yes	11
050	Stoneler - Snoopy to Widgeon	432	north	3	existing sidewalk on south side	yes	yes	5	no	9
051	Tower Rd - Rivers Landing Dr to Ocklockonee Landing	2,469		3	pavement ends about 1100' from Rivers Landing Dr	no	yes	0	yes	7
052	Tower Rd - John Boy to River's Landing	1,529	north	3	existing sidewalk on south side at park	yes	yes	5	no	9
053	Tower Rd - East of Russell's Pond Ln Gap	211	north	3		yes	yes	5	yes	15
054	Tower Rd - Old Bainbridge/CCNW to existing sidewalk	858	north	3		yes	yes	5	yes	15
055	Old Bainbridge/CCNW - Tower Rd to Pryor Rd	3,601		3	walls might be needed adjacent to wetlands / ditches / slopes	maybe	maybe	3	yes	8

Sidewalk Constructability Assessment

056	Lawton Chiles - sidewalk Gap	566	west	4	in Bradfordville Study Area	maybe	yes	5	yes	13
057	Beech Ridge - Kinhega to Lawton Chiles	472		4	in Bradfordville Study Area	maybe	yes	4	yes	12
058	Clarecastle - Pimlico to City limits	157		4	adjacent floodplains	yes	yes	5	yes	15
059	Whirlaway - Shannon Lakes to Pimlico	4,926		4	mostly in Bradfordville Study Area	no	yes	3	yes	10
060	Nabb Road - Buck Lake south to city limits	1,195	east	5	walls might be needed adjacent to ditches / slopes	yes	yes	4	yes	14
061	Buck Lake - Walden to Alameda	1,946	north	5	walls might be needed adjacent to ditches / slopes	yes	yes	5	yes	15
062	Bradfordville Rd - from Velda Dairy to Bowling green	3,100		4	in Bradfordville Study Area, Velda Dairy intrsection will be challenging, walls might be needed adjacent to wetlands / ditches / slopes	maybe	no	3	yes	5
063	Button Willow Dr - from Button Willow Ln to Cville Hwy	304		1	privately owned r/w?	yes	no	5	yes	9
064	Monroe St (US 27) - Clara Kee to Perkins	3,131	east	3	has historical flooding problems and FDOT R/W	no	no	5	yes	6

Definitions and Explanations:

Probably easy to permit? Yes=3, Maybe=1, No=0 yes=means there are few known environmental issues, not a canopy road, few large trees, rd is paved, not in a known FDOT R/W

Does LC own R/W? Yes=4, Maybe=1, No=-2 Per Jim Pilcher; yes=green highlighted, maybe=areas where there is limited R/W, no=for no comments or maint. R/W or FDOT

Probably easy to build? (Scale of 0 to 5) Higher number means easier to build, fewer drainage issues, fewer walls and ramps, easier to maintain, road is paved, etc.

No existing S/W? Yes=3, No=- 3 Designed to provide higher priority for segments that do not have any existing sidewalks

**Leon County
Board of County Commissioners**

Notes for Agenda Item #27

Leon County Board of County Commissioners

Cover Sheet for Agenda #27

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Acceptance of a Status Report for Bannerman Road Transportation Improvements and Approve the Appropriation of Significant Benefit Funding Specifically Designated for the Widening of Bannerman Road

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Tony Park, P.E., Director, Public Works and Community Development
Lead Staff/ Project Team:	Kathy Burke, P.E., Director of Engineering Services

Fiscal Impact:

This item has a fiscal impact. The County and City, through an interlocal agreement, have been collecting concurrency payments associated with specific significant benefit projects. To date, the City has collected \$1.6 million and the County has collected \$0.370 for the widening of Bannerman Road. This item appropriates these funds towards the project.

Staff Recommendation:

- Option #1: Accept the Bannerman Road Transportation Improvement Status Report.
- Option #2: Approve the Resolution and associated Budget Amendment Request appropriating concurrency payments specifically collected for the widening of Bannerman Road (Attachment #1).

Report and Discussion

Background:

During the December 10, 2013 meeting, Commissioner Desloge requested and the Board approved staff preparing agenda item related to the transportation needs of Bannerman Road.

Analysis:

Bannerman Road is classified by the Tallahassee-Leon County Comprehensive Plan as a major collector, and provides a key connection between Thomasville Road and Meridian Road. Based on current traffic volumes, Bannerman between Tekesta and Thomasville currently operates Level of Service (LOS) E and is projected to degrade to F by 2035. The remaining segment between Tekesta and Meridian currently operates at a LOS B degrading to a C/D by 2035.

Per Policy 1.5.1 of the Comprehensive Plan, the adopted LOS for this roadway within the Urban Service Area is D, therefore, only the section between Tekesta and Thomasville was determined to need to be four laned. Based on this current and projected need, the Board/others have taken the following actions towards improving capacity for the Bannerman Road Corridor between Meridian and Thomasville Road:

- PD&E process for the Bannerman Corridor Study was authorized by the Board - March 19, 2009
- Board adopted the enabling Resolution to establish a Citizens Advisory Committee (CAC) to make recommendations to the Board on the preferred alternatives - January 19, 2010
- CAC met eight times and held two open houses for public input between January 2010 and October 2011
- Board accepted the Preliminary Engineering Report and Corridor Study and approved the recommended preferred alternative to take to 30% design - October 11, 2011
- CAC met four more times and held one additional open house
- Board ratified the Projects for Presentation to the Sales Tax Committee, which included the Northeast Corridor Connector Project of which Bannerman Road PD&E recommendations are imbedded in the project - July 10, 2012
- Board accepted the final engineering report including the 30% plans for the Corridor Study which sets the proposed cross section, and provides engineering-based cost estimates - December 11, 2012
- Sales Tax Committee voted to move the Northeast Connector Corridor to Tier 1 – June 13, 2013
- Board conducted the first Public Hearing on the Bannerman Crossing 163 Agreement – December 11, 2013

Title: Acceptance of a Status Report for Bannerman Road Transportation Improvements and Approve the Appropriation of Significant Benefit Funding Specifically Designated for the Widening of Bannerman Road

January 21, 2014

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The total Northeast Connector Corridor Project submitted to the Sales Tax Committee cost is estimated at \$36.3 million with \$15.8 million for the four-laning of Bannerman between Tekesta and Thomasville Roads, and the remainder of the project costs going towards the multipurpose trail and other connections in the region. The nearly \$16 million cost for four-laning the 1.5-mile section from Tekesta to Thomasville will require the extension of the sales tax to be completed. From the point of funding becoming available, this scale of project would take at approximately three years to complete the design, permit, acquire right-of-way and bid for construction, and another 1.5 years for construction to be completed.

In recent years, the traffic growth on Bannerman had slowed considerably and the traffic counts remained relatively stagnant. However, the DeSantis parcel (aka the Hunt Club Property) on the north side of Bannerman between the Thomasville Road convenience store and Quail Commons has vested rights for commercial and residential development, which account for 232 P.M. peak trips. The developer of Bannerman Crossing which is on the south side of Bannerman Road acquired the DeSantis piece and has requested transference of vested rights from the DeSantis parcel to an expanded Bannerman Crossing development. The resulting change in commercial-residential mix, traffic distributions, etc., resulted in a net increase in P.M. peak trips for which the developer has to pay its proportionate share. This payment equated to \$65,000. The developer has chosen to donate the right-of-way needed to widen the roadway in accordance with the preferred four-lane cross section established in the PD&E to mitigate its proportionate share cost. The specifics of the development right and obligations is outlined in the Bannerman Crossing 163 Agreement which came before the Board for its first Public Hearing on December 11, 2013, and the second Public Hearing is scheduled for January 21, 2014.

The proposed change in reallocation of development rights and expansion of the area for Bannerman Crossing resulted in the need to revise some settlement agreements with area resident groups. The developer held a series of meetings with a number of homeowners associations to discuss the project and explain the differences in what the developer could do immediately versus what it was proposing to do. Staff provided technical support to be able to answer the zoning land use, traffic, and stormwater quality concerns required to be followed for the development. One constant theme/concern was how was the existing traffic congestion on Bannerman Road going to be addressed with the additional traffic expected from such a large commercial/residential development.

The developer has provided the County extensive traffic models/forecasts to review/analyze the traffic impacts projected from the development. While the developer has certain vested concurrency rights, it is still required to mitigate the immediate traffic operations required for the development. This operational analysis resulted in many proposed modifications such as the elimination of some full median openings, addition of turn lanes, combination of access points, limitations on access points and the relocation of the proposed traffic signal and Beech Ridge Trail Extension to about 300 feet further west resulting in a signal spacing of 870 feet from Thomasville Road instead of the currently approved 570 feet. While the spacing is not ideal, it is a vast improvement to the existing development agreement location and improves the through-traffic flow and lane utilization by providing a longer merge on Bannerman between Thomasville Road and the end of the existing four-lane section.

Title: Acceptance of a Status Report for Bannerman Road Transportation Improvements and Approve the Appropriation of Significant Benefit Funding Specifically Designated for the Widening of Bannerman Road

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At the public hearing in December 2013, a citizen raised a concern about the proposed location of the Beech Ridge Trail signal. Staff evaluated moving the signal further to the west and determined this move would not be desirable. It would create inadequate spacing between the proposed Beech Ridge Trail and the existing Quail Commons Drive and create egress issues for this existing community. It would eliminate the proposed conservation area/buffer between the adjacent Killearn Lakes residential homes and the new roadway. It would encroach on and disturb significant slopes, adversely affect the proposed open space/park by bifurcating the area and the proposed stormwater pond. It would create some very difficult geometry with sharp curves on Beech Ridge Trail Extension thereby reducing its effectiveness as a parallel facility for Thomasville Road.

Additionally, at the public hearing a citizen suggested in lieu of a signal, a round-a-bout should be evaluated. Staff is working with the developer's consultants to investigate the feasibility of a round-a-bout.

Engineering staff reviewed the 30% design plans and it was determined that an interim improvement could be done to construct the PD&E Board-approved four-lane cross section to 900 feet west of Quail Commons. A schematic of the proposed improvements combined with the developer improvements is provided in Attachment #2. The required turn lanes at Quail Commons would be constructed and it would clear construction out of the commercial area and take it to a drainage divide and a location where existing and proposed grades match quite closely. This would improve .24 miles of the needed 1.5 miles roadway section between Thomasville and Tekesta with the provision of an additional four-lane section, and provides for merging from a four-lane to a two-lane section well west of the proposed Beech Ridge Trail light, thereby significantly improving the operational capacity of the intersection through better lane utilization.

Since this is a smaller segment, design and permitting is projected to take approximately nine months. There is only one non-homesteaded parcel that would need acquisition so this could be accomplished soon after 90% design was completed. If funding was available, construction could begin in early 2015 and be completed by the end of 2015, thereby providing additional roadway capacity immediately in and through the area of the commercial development providing relief relatively concurrently with the proposed development.

This interim improvement, if approved by the Board, would be done in conjunction with the developer improvements necessary for direct mitigation of its traffic/access issues with the construction of the Board-approved PD&E cross section to 900 feet west of Quail Commons.

The estimated cost for design, permitting, and construction of this interim improvement is \$3.06 million. Costs are broken out as follows:

	Estimated Costs
Design and Permitting	\$0.43 million
Construction	\$2.1 million
Right-of-Way Acquisition	\$0.53 million
TOTAL ESTIMATED	\$3.06 million

Title: Acceptance of a Status Report for Bannerman Road Transportation Improvements and Approve the Appropriation of Significant Benefit Funding Specifically Designated for the Widening of Bannerman Road

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Bannerman Road is in Significant Benefit Area 1 and is the tier 1 project for all concurrency dollars collected in the City and County within this area. Current Value of Concurrency Dollars in Significant Benefit Area 1 is:

• County	\$ 370,518
• City	\$1,649,782
• Total	\$2,020,300

To access the funds accumulated by the City, the County needs to provide a letter to the City regarding the project and request the funds be remitted to the County for the specific purpose of widening the roadway. The County has approximately \$330,000 currently available in the Bannerman PD&E Corridor Study Capital Project.

The concurrency Significant Benefit Area funds of \$2.020 million and the \$330,000 of existing capital project funds provides an existing total of \$2.350 million. The estimated project cost is \$3.06 million leaving a need for approximately \$750,000. These additional funds for construction would not be required until FY 15.

The additional funding for this widening project could come from a portion of the additional local option five-cent gas tax to be allocated as part of next year's budget process. A separate agenda item provides a complete analysis related to allocating the additional gas tax funding for specific capital improvements.

Options:

1. Accept the Bannerman Road Transportation Improvement Status Report.
2. Approve the Resolution and associated Budget Amendment Request appropriating concurrency payments specifically collected for the widening of Bannerman Road (Attachment #1).
3. Do not accept the Bannerman Road Transportation Improvement Status Report.
4. Board direction.

Recommendation:

Options #1 and #2

Attachments:

1. Resolution and Associated Budget Amendment
2. Bannerman Road Interim Improvement Schematic

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2013/2014; and,

WHEREAS, the Board of County Commissioners, pursuant to Chapter 129, Florida Statutes, desires to amend the budget.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Leon County, Florida, hereby amends the budget as reflected on the Departmental Budget Amendment Request Form attached hereto and incorporated herein by reference.

Adopted this 21th day of January, 2014.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court and Comptroller
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W. A. Thiele, Esq.
County Attorney

**FISCAL YEAR 2013/2014
BUDGET AMENDMENT REQUEST**

No: BAB14012
Date: 1/10/2014

Agenda Item No: _____
Agenda Item Date: 1/21/2014

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

**Request Detail:
Revenues**

Account Information				Title	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog				
125	054003	337404	000	City of Tallahassee Reimbursement Bannerman Rd	-	1,679,325	1,679,325

Subtotal: 1,679,325

Expenditures

Account Information				Title	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog				
125	009010	56300	541	Significant Benefit District 1/ Bannerman Rd Improvements Other Than Buildings	370,518	(370,518)	-
125	054003	56300	541	Bannerman Road Improvements Other Than Buildings	-	2,049,843	2,049,843

Subtotal: 1,679,325

Purpose of Request:

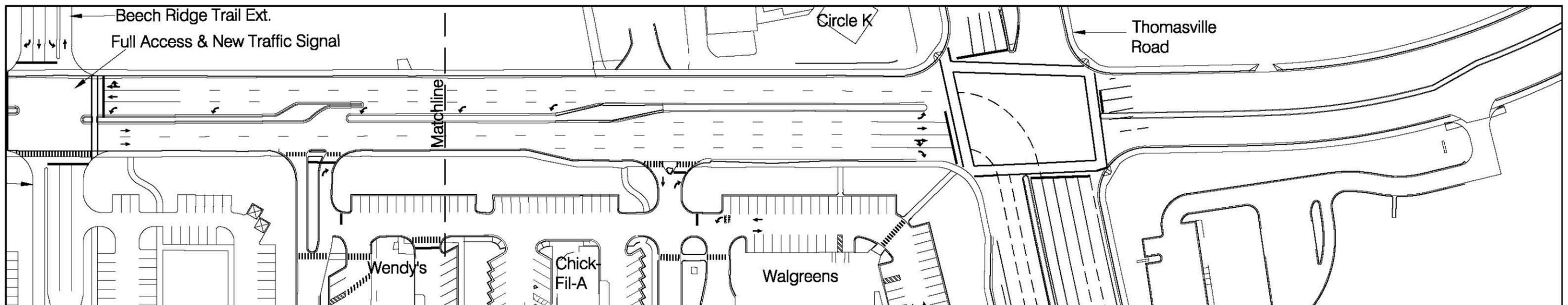
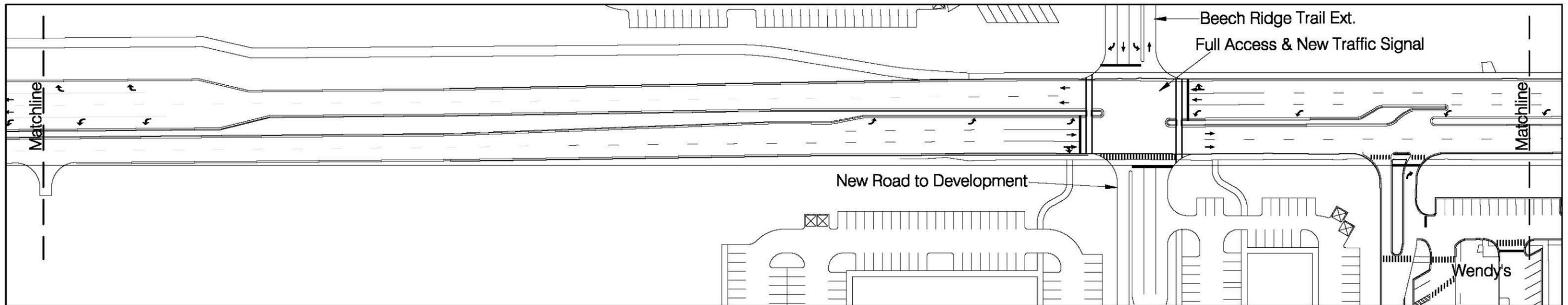
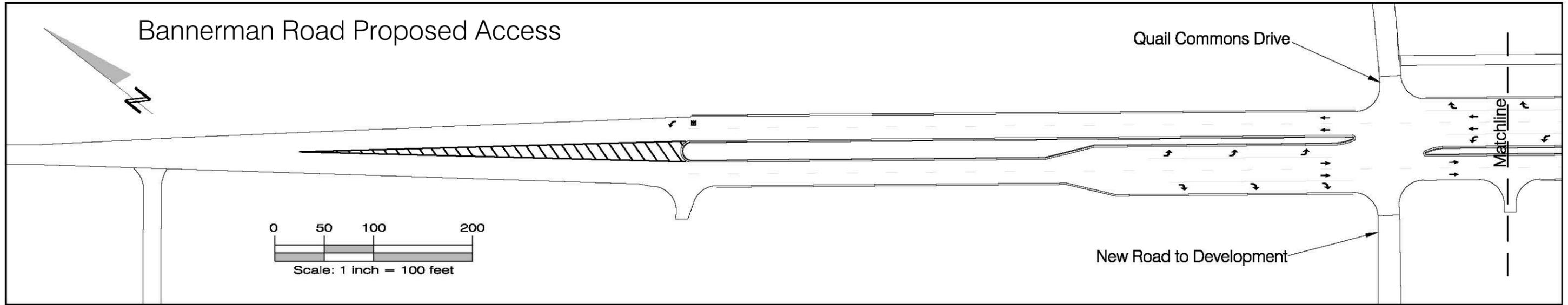
This amendment realizes \$1,679,325 in proportionate fair share funds from the City of Tallahassee for the Bannerman Road Significant Benefit Tier 1 project, and realigns \$370,518 in County Significant Benefit funding to the Bannerman Road project. In October 2008, the County entered into a Memorandum of Agreement with the City of Tallahassee and the Florida Department of Transportation (FDOT) for the collection and use, with concurrence of FDOT, proportionate fair share funds on the projects identified as providing a significant benefit to the transportation network.

Group/Program Director

Senior Analyst

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution Motion Administrator



**Leon County
Board of County Commissioners**

Notes for Agenda Item #28

Leon County Board of County Commissioners

Cover Sheet for Agenda #28

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Consideration of Full Board Appointment of a Commissioner to the Educational Facilities Authority

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Christine Coble, Agenda Coordinator

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Make appointment of a Commissioner as liaison to the Educational Facilities Authority.

Report and Discussion

Background:

On April 12, 2011, Policy No. 11-2, "Membership on Boards, Committees, Councils, and Authorities", was adopted to delineate the authority to appoint members of the Board of County Commissioners to various boards, committees, councils, and authorities (collectively, Committees), and the terms of those appointments.

Analysis:

The purpose of the EFA is to assist institutions for higher education in the construction, financing, and refinancing of projects. The EFA consists of seven members appointed by the full Board and one County Commissioner, appointed by the full Board, serves as a liaison for a two-year term.

At its April 12, 2011 meeting, the Board appointed Commissioner Desloge as a Liaison to the Educational Facilities Authority (EFA) for a two-year term, to expire at the Board's December 2013 meeting. Commissioner Desloge is not interested in reappointment.

Full Board to make one Commissioner appointment, as liaison, to the Educational Facilities Authority.

Options:

1. Make appointment of a Commissioner as liaison to the Educational Facilities Authority.
2. Continue the appointment of a Commissioner as liaison to the Educational Facilities Authority.
3. Board direction.

Recommendation:

Option #1.

VSL/AR/CC

**Leon County
Board of County Commissioners**

Notes for Agenda Item #29

Leon County Board of County Commissioners

Cover Sheet for Agenda #29

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney 
 Vincent S. Long, County Administrator

Title: Second and Final Public Hearing on a Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC

County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
County Administrator Review and Approval	Vincent S. Long, County Administrator
Department/ Division Review	Laura M. Youmans, Assistant County Attorney
Lead Staff/ Project Team:	Katherine Burke, Chief, Engineering Services Kimberly Wood, Chief, Engineering Coordination Ryan Culpepper, Director, Development Services Snyder Russell, Administrator, Land Use Planning Division Mary Jean Yarbrough, Land Use Planner

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the second and final public hearing and approve the proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC (Attachment #1).

Report and Discussion

Background:

This item requests that the Board conduct the first of two public hearings and approve the proposed Development Agreement affecting property located on the north and south sides of Bannerman Road 700 feet northwest of its intersection with Thomasville Road (Attachment #1). The proposed development agreement is between Leon County, and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC, (collectively referred to as "Developer"), the owners of the properties.

On February 12, 2002, the Board approved a Settlement Agreement between the County and the owners of parcel ID#s 14-22-20-018-000-0, 14-22-20-005-000-0, 14-15-20-005-000-0, and 14-15-20-601-000-0, which are generally located between Kinhega Drive and Bannerman Road, (hereinafter referred to as the "DeSantis Property," and depicted on Exhibit A to Attachment #1). This agreement, referred to as the "Bradfordville Hunt Club Agreement," conveyed a portion of the referenced property as right-of-way to the County for the construction of a public road connecting Kinhega Drive with Bannerman Road. In exchange, the County granted eligibility to the remaining property for the development of up to 75,000 square feet of commercial building square footage.

The Bradfordville Hunt Club Agreement was later amended after a new owner, Peter A. DeSantis, Jr., acquired the properties. This subsequent agreement, the DeSantis Agreement Proportionate Share Traffic Mitigation Agreement and First Amendment to Settlement Agreement, sought resolution of traffic concurrency, which was not addressed in the original Bradfordville Hunt Club Agreement. The DeSantis Agreement was approved by the Board on June 10, 2008.

Pursuant to these Agreements, the Developer is entitled to development potential and traffic concurrency associated with a mixed-use development consisting of 75,000 square feet of commercial retail land use and 32 residential dwelling units, approximately 232 trips during the PM peak hour of generation. In consideration for the project roadway impacts generated by the development anticipated in the Agreements, the Developer is obligated to dedicate right-of-way and drainage easements to the County between the northern property boundary and the northern right-of-way of Bannerman Road for construction of the Beech Ridge Trail Extension.

The proposed Development Agreement also relates to a property south of Bannerman Road that is subject to a pre-existing development agreement and which was purchased by the County in 2002. The parcel, less a 10-acre parcel sold to the Bradfordville Baptist Church and 7.5 acres reserved by the County, were sold to Richard S. Kearney on January 14, 2004. A portion of the property owned by Mr. Kearney has been developed as the Bannerman Corners commercial/retail development. The undeveloped portions are owned by various corporations that are parties to the proposed Development Agreement. An ownership map is provided as Exhibit D to Attachment #1. These properties, together with additional properties south of Bannerman Road, as shown on Exhibit F to Attachment #1 constitute the "Southern Property" referenced in the proposed Development Agreement.

On July 10, 2012, the Board authorized staff to proceed with negotiations of a Development Agreement, and authorized staff to process related rezonings, and amendments to the restrictive covenants and the Bradfordville Sector Plan.

The Board considered a proposed Development Agreement on July 9, 2013 and September 10, 2013, at which time the Board voted to continue consideration indefinitely. The proposed Development Agreement, currently before the Board, is the result of considerable negotiations between the developer and various neighborhood interests, including the Killlearn Lakes Homeowners Association and Lake McBride Homeowners Association. As a result of the discussions, the developer has agreed to remove apartments that were originally proposed in consideration for increased single-family and commercial development potential.

Analysis:

The proposed Development Agreement will maintain the original development assurances for the properties subject to the DeSantis Agreement while providing flexibility in transferring a large portion of those development rights to properties located south of Bannerman Road and adjacent to the existing Bradfordville Crossing development. In exchange, the County will acquire right-of-way needed for the future widening of Bannerman Road (runs the length of the subject property), right-of-way for the construction of an extension of Beech Ridge Trail from Kinhega Drive to Bannerman Road, property for a passive park, stormwater facilities, as well as, the relocation of the Bradfordville Community Center building.

General Provisions

Pursuant to the Desantis Agreement, the Developer is currently obligated to construct the Beech Ridge Trail Extension on the DeSantis Parcel. The proposed Development Agreement would reallocate some of the development entitlements allotted in previous agreements to the Southern Property. Under the proposed Development Agreement, the County would convey the County property that is currently the site of the Bradfordville School House to the Developer. In exchange, the School House will be moved, at the Developer's expense, and located on a 17.8-acre piece of the DeSantis Parcel to be conveyed to the County for use as a community center site and passive park, as shown on Exhibit E to the Attachment #1.

The existing DeSantis Agreement governs the Developer's obligation to construct the Beech Ridge Trail Extension and roundabout at Kinhega Drive. Those sections of the DeSantis Agreement related to the terms of the construction are incorporated into the proposed Development Agreement.

To offset the traffic impacts associated with the development rights conferred by the proposed Development Agreement, the Developer will provide to the County 40' of land along the south side of Bannerman Road to accommodate the County's need for additional right-of-way to construct the future widening of Bannerman Road; 20' of land along the north side of Bannerman Road from its western property line to the realigned Beech Ridge Trail Extension intersection with Bannerman Road to accommodate a future 10' multi-use path to be constructed by the County, as well as, stormwater treatment for the multi-use path; Beech Ridge Trail Extension will be relocated by the Developer at Bannerman Road approximately 300' west of the previously approved DeSantis Agreement and the Developer will be responsible for costs to redesign and permit the relocated intersection.

The Developer will donate to the County the undisturbed lands that remain on the DeSantis Parcel outside the Beech Ridge Trail Extension right-of-way, stormwater management facilities, community center, and the proposed commercial development. This area will be applied toward the required natural area set-aside for the development. To the extent that this natural area is not sufficient, the County GRACE program may be used to meet the open space requirement off-site.

The development authorized by the proposed Development Agreement will be required to comply with applicable Comprehensive Plan, and Land Development Code ("LDC") provisions, as well as, the Bradfordville Site and Building Design Standards Manual and Lake McBride Scenic Overlay District, where applicable.

Pursuant to the proposed Development Agreement, the agreed upon traffic mitigation will account for the traffic impacts created by up to 101,500 square feet of commercial/retail development; 20,000 square feet of office space; and 153 single-family dwelling units. The portion of the DeSantis Parcel not conveyed to the County will be allocated sufficient traffic concurrency credits to allow development of up to 25,500 square feet of commercial retail space and 20,000 square feet of office space. The area will be allowed to be subdivided into up to seven (7) lots with three (3) lots to the west of Beech Ridge Trail and four (4) lots east of Beech Ridge Trail (as shown on Exhibit F to Attachment #1). These commercial properties will not directly access Bannerman Road. The proposed Development Agreement requires that design standards for these lots be adopted which will, among other requirements, ensure that drive-through operations are only permitted on one western parcel and the three eastern parcels that are adjacent to Bannerman Road. Additional design standard requirements are contained in Paragraph 7. b. of the proposed Development Agreement.

Each component of the development of the Southern Parcel will be required to be developed such that all components will be designed to attain optimal pedestrian, bicycle, and vehicular interconnection with the other land use components, including interconnectivity between the retail and residential components (Exhibit F to Attachment #1). The components will be required to be permitted concurrently to ensure maximum interconnectivity between the components.

Amendments to the Bradfordville Sector Plan and Zoning Code

To accomplish the development contemplated by the proposed Development Agreement, amendments to the Bradfordville Sector Plan, the Land Development Code, and the Zoning Code will need to be adopted by the Board. The proposed amendments were reviewed by the Tallahassee-Leon County Planning Commission at their December 3, 2013 meeting. The ordinance is scheduled for public hearing before the Board at its January 21, 2013 meeting, subsequent to its consideration of the Development Agreement that is the subject of this agenda item.

On July 11, 2000, the Board adopted the Bradfordville Sector Plan ("Sector Plan") and the implementing Land Development Code (LDC) of Chapter 10. The BSP established a plan of development within the Bradfordville study area including the Commercial Center Future Development Concept. This concept established overlay zones that were adopted by the Board as zoning overlay regulatory districts.

These overlay districts, specifically, Commercial Overlay Zone 1 (CO-1) and Commercial Mixed Use Overlay Zone 2 (CMUO-2), are outlined in Section 10-6.677 of the LDC. Additionally, the BSP and LDC established a Village Center area that provided additional design and development requirements. These overlays provide limits on commercial development, development timing, and site and building design guidelines for development within the Bradfordville Commercial Area. The Bradfordville Sector Plan is available for review on the website of the Department of Development Support and Environmental Management at: <http://www/growth/bradford/index.html>.

The Development Agreement proposes amendments to the Sector Plan that would extend the CO-1 overlay westward and include removal of the Commercial/Mixed Use Overlay Zone Two (CMUO-2) from the property on the southern side of Bannerman Road. The County is also agreeing to consider amendments to the Official Zoning Map that would rezone the property north of Bannerman Road to Bradfordville Commercial-Auto Oriented District (BC-1); the portion of the land south of Bannerman Road containing the proposed retail and stormwater pond to Bradfordville Commercial-Auto Oriented District (BC-1); and a portion of the land subject to south of Bannerman road for single-family residential development.

Settlement Agreements and Restrictive Covenants

The Lake McBride Area Residents' Association ("LMARA") Settlement Agreement was entered into by LMARA and Leon County to resolve litigation related to the water quality in Lake McBride. The Settlement Agreement was entered into on November 25, 2002. With respect to allowable development on the subject parcel, the County agreed to:

- (1) place deed restrictions and covenants on the land to run in perpetuity to require the property to comply with the Lake McBride Special Development Zone in the Bradfordville Sector Plan, implement strict sediment control during any construction, and the landscaping and development and design standards approved for the Lake McBride Basin; and
- (2) to place a deed restriction on the property requiring that the 76 acres would be restricted to 64 acres of residential with a density of 1 unit per 10 acres or less, and the remaining 12 acres would be restricted to greater than commercial zoning, and that a church or other religious facility would be allowed on the portion of the residential property, provided that the conveyance to the church does not include a cemetery, a day school, and adult congregate living facility, or nursing home or similar activity

Similar terms were also incorporated into the County's settlement agreement with the Killlearn Lakes Homeowners' Association ("KLHOA") resolving related litigation. Pursuant to the terms of the settlement agreements, Leon County placed restrictive covenants on the subject property are recorded in the Public Records of Leon County at Book 3021, Page 1045. The Amended Restrictive Covenants were subsequently adopted by the owners of the property at the time: Leon County, Mr. Kearney, and the Bradfordville First Baptist Church.

They are recorded at Book 3132, Page 782, Public Records of Leon County. Neither LMARA nor KLHOA are parties to the Restrictive Covenants or Amended Restrictive Covenants; however, unilateral amendments to the Restrictive Covenants without consultation with LMARA and KLHOA would likely be considered a breach of the settlement agreements. The Developer and the County are working with the affected property owners to amend the respective settlement agreement so to allow amendments to the Restrictive Covenants so that the development can be constructed as proposed. The amendments to the LMARA and the KLHOA agreements will come before the Board for consideration at its January 21, 2014 meeting.

Staff Recommendation

Staff recommends approval of the proposed Development Agreement, based on the following findings:

- The development authorized by the proposed Development Agreement will maximize the opportunity to address site access issues, such as vehicular movement and interconnectivity between Kinhega Drive and Bannerman Road, during the site plan review process;
- The proposed Development Agreement furthers the Board's Strategic Priority of supporting business expansion and redevelopment opportunities.

This public hearing has been properly noticed in accordance with the Section 10-2.502.d.3 of the Leon County Code of Laws and Chapter Section 163.3225, Florida Statutes. A copy of the notice of publication is Attachment #2.

Options:

1. Conduct the second and final public hearing and approve the proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC.
2. Conduct the second and final public hearing and do not approve the proposed Development Agreement between Leon County and Bannerman Forest, LLC, Bannerman Crossings V, LLC, Bannerman Crossings II, LLC, and Summit Holdings VIII, LLC.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Development Agreement with Exhibits
2. Notice of Public Hearing

DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered by and between Leon County, Florida (“County”), a political subdivision of the State of Florida, and Bannerman Forest, LLC, a Florida limited liability company, Bannerman Crossings V, LLC, a Florida limited liability company, Bannerman Crossings II, LLC, a Florida limited liability company, and Summit Holdings VIII, LLC, a Florida limited liability company, by and through Terra Vista Group, manager or managing member of said entities (collectively referred to as “Developer”).

Recitals:

WHEREAS, Summit Holdings VIII, LLC owns that certain parcel of land, formerly owned by the Desantis Trust, described in **Exhibit A** (hereinafter the DeSantis Parcel); and,

WHEREAS, County owns those two certain parcels of land, comprising 7.5 acres, lying to the south of Bannerman Road which are described in **Exhibit B** (hereinafter “County Parcels”). Surrounding the County Parcels are lands owned by Bannerman Forest, LLC, Bannerman Crossings II, LLC and Bannerman Crossing V, LLC (hereinafter the “Bannerman Parcels”) also described in **Exhibit C**. The County Parcels and the Bannerman Parcels constitute the portion of the property subject to this Agreement that lies south of Bannerman Road (“Southern Property”); and,

WHEREAS, on February 24, 1998, Leon County and Robert G. Lauder, Wilma B. Lauder, and Fred J. Petty entered into a Development Agreement (“Lauder DA”). The Lauder DA is recorded at Book 2097, Page 1839 in the Public Records of Leon County; and,

WHEREAS, subsequent to entering into the Lauder DA, the County purchased a 75 +/- acre parcel of property from Wilma B. Lauder and Fred J. Petty (hereinafter the “Lauder Parcel”). This purchase occurred on May 1, 2002. The Lauder Parcel is more particularly described in **Exhibit D**. The County subsequently sold the Lauder Parcel, less a 10 acre parcel that was sold to Bradfordville Baptist Church, to Richard S. Kearney (hereinafter “Kearney”) on January 14, 2004, also conveying to him all rights and obligations of the Lauder DA. Kearney subsequently divided said property and conveyed said property to Bannerman Forest LLC, Bannerman Crossing II LLC, Bannerman Crossing LLC, and Leon County. These entities are the successors in interest to the Lauder DA; and,

WHEREAS, on June 19, 2002, Leon County entered into an agreement with H.L. Laird and Margaret L. Hirt, James K. Godfrey and Kristin H. Godfrey, the Arlene L. Carter Revocable Trust Agreement and the Bradfordville Hunt Club (“Godfrey-Laird Agreement”) governing the Desantis Parcel; and,

WHEREAS, the County and the Peter A. Desantis Trust (successor in interest to the Godfrey-Laird Agreement) entered into a Traffic Mitigation Agreement and First Amendment to the Godfrey-Laird Agreement (“Traffic Mitigation Agreement”) on or about July 10, 2008, recorded in OR Book 3881, Page 1760, public records of Leon County, Florida; and,

WHEREAS, on December 21, 2012, Summit Holdings VIII, LLC purchased the Desantis Parcel from the Peter Desantis Trust becoming the successor in interest to the Godfrey-Laird Agreement, and the Traffic Mitigation Agreement (cumulatively “the Desantis Agreements”); and,

WHEREAS, pursuant to the Desantis Agreements the Developer is entitled to the net number of new vehicular trips that would be created by a mixed-use development consisting of 75,000 square feet of commercial retail land use and 32 residential dwelling units, approximately 232 trips during the PM peak hour of generation; and,

WHEREAS, in consideration for the project roadway impacts generated by the development anticipated in the Godfrey-Laird Agreement, the Developer is obligated to dedicate right-of-way and drainage easements to the County between the northern boundary of the northern parcel and the northern right-of-way of Bannerman Road with the intention that a roadway be constructed within this right-of-way, which will be an extension of Beech Ridge Trail, a public road, extending from the southern right-of-way of Kinhega Drive to the northern edge of the pavement of Bannerman Road (hereafter “Beech Ridge Trail Extension”);

WHEREAS, the County and Summit Holdings VIII, LLC entered into the First Amendment to the Desantis Proportionate Share Mitigation Agreement and First Amendment to Settlement Agreement to extend the term of the Desantis Proportionate Share Mitigation Agreement until July 10, 2018.

WHEREAS, the rights and obligations to the Lauder DA and the Desantis Agreements are held by the Developer; and,

WHEREAS, because it is the intent of the Developer and the County that this Agreement be a comprehensive agreement detailing those rights and obligations which remain outstanding in the Lauder DA and the Desantis Agreements, all unexercised rights or unfulfilled obligations are incorporated herein. Those rights and obligations not specifically mentioned herein are deemed extinguished or satisfied; and,

WHEREAS, County is desirous of exchanging the 7.5 acre County Parcels for a +/- 17.8 acre parcel contained within the DeSantis Parcel, which shall be designated as a passive park, public road right-of-way and a regional storm water facility contained therein **Exhibit E**; and,

WHEREAS, Developer desires to participate in the exchange referenced above and desires to develop certain lands along Bannerman Road within the DeSantis parcel and also the County Parcels along with other contiguous parcels it presently owns into one (1) cumulative commercial/retail and residential center as depicted in **Exhibit F** and,

WHEREAS, the developer wishes to utilize/allocate the DeSantis entitlements (listed above) in combination/addition to the 83,156 SF of existing retail/commercial development (Bannerman I and II) entitlements, to develop one (1) mixed-use project (see **Exhibit F**). The developer proposes (up to); 101,500 SF of retail/commercial (anticipated to be allocated with 25,500 SF north of Bannerman Road & 76,000 SF south of Bannerman Road), 20,000SF of office (north of Bannerman Road), and a maximum of 153 single family residential units (south of Bannerman Road).

WHEREAS, this Agreement is a Development Agreement adopted pursuant to Chapter 163, Florida Statutes, and Chapter 10, Article II, Division 5 of the Leon County Code of Laws, and the powers of Leon County as a charter county; and,

NOW, THEREFORE, in consideration of the mutual promises and premises set forth herein, Leon County and the Developer (the "Parties") enter into this First Amendment to the Lauder Development Agreement, Second Amendment to the DeSantis Proportionate Share Traffic Mitigation Agreement, and Second Amendment to the Godfrey-Laird Settlement Agreement, as follows:

1. Recitals. The recitals set forth above are true and correct and are incorporated herein by reference as if specifically set out.
2. Comprehensive Plan Consistency. All of the properties contemplated in this agreement are within the Bradfordville Future Land Use Category of the Tallahassee / Leon County Comprehensive Plan and further implement the development patterns identified in Policy 1.7.9. The proposed uses and densities / intensities are within the development patterns thresholds and will locate commercial development within the Thomasville Road / Bannerman Road node as envisioned. The County has determined that, upon full implementation of this Agreement, the development permitted or proposed shall be consistent with the Tallahassee-Leon County Comprehensive Plan and land development regulations.
3. Property Transfer.
 - a. Property Exchange. The County will transfer to Developer, via County Deed the County Parcels, with no encumbrances or title exceptions excepting for those identified in **Exhibit B-1**. Developer will transfer to the County, via Statutory Warranty Deed, the 17.8 acre parcel (Beech Ridge Trail Extension right-of-way,

community center site, stormwater ponds and passive park), as described in **Exhibit E**, free and clear of encumbrances and title exceptions excepting for those identified in **Exhibit A-1**. The transfer of said properties shall occur upon completion of the construction by Developer and acceptance of dedication by the County of the Beech Ridge Trail Extension.

- b. School House Relocation. The Developer, at their expense, will relocate the Historic County School House (“School House”) to an agreed-upon location on the Desantis parcel no later than 60 days following the acceptance of Beech Ridge Trail Extension by the County. The Developer will take special precaution and care in moving the School House to maintain the structural integrity of the building. The Developer will provide the following at the new School House site: 1) installation of asphalt (or other material acceptable to the County) ingress/egress through curb return, 2) gravel parking lot with 15 parking stalls and 1 concrete handicap accessible parking space, 3) all necessary utility connections, 4) structurally designed concrete piers to set house, 5) sidewalk from the handicap accessible parking space to ingress/egress ramp 6) stabilize site and relocation of the Capital Area Flood Warning Network (CAFWN) weather monitoring equipment to the new site. The site and building will be owned and operated by Leon County as a Community Center.

4. Beech Ridge Trail Extension and Passive Park

- a. To mitigate for the roadway impacts anticipated to occur as a result of the development contemplated by the Agreement, the Developer will dedicate to the County right-of-way and drainage easements between the northern boundary of the Desantis parcel and the northern right-of-way of Bannerman Road with the intention that a roadway be constructed within this right-of-way, which will be an extension of Beech Ridge Trail, a public road, extending from the southern edge of the pavement of Kinhega Drive to the northern edge of the pavement of Bannerman Road. The dedication will include sufficient area to provide for the construction, operation and maintenance of facilities for stormwater treatment, including drainage easements, for the run-off generated by the Beech Ridge Trail Extension. The dedicated right-of-way shall be no less than sixty (60) feet in width, which may require that a governmental subdivision be approved.
- b. Funding and construction of the Beech Ridge Trail Extension shall include all design, surveying, engineering, permitting, testing, construction management or other costs associated with the construction of the Beech Ridge Trail extension and associated stormwater treatment. The design process shall include submittal of design documents to Leon County Public Works and Leon County

Development Support and Environmental Management for review, comments (which comments shall be implemented by the Developer) and approval, as appropriate, at the customary points of design completion: 30%, 60%, 90%, and 100% of design completion. Leon County Public Works and Leon County Development Support and Environmental Management shall be afforded adequate time for this review, including not less than 30 days for review of final plans for final approval at 100% completion. The County must approve or reject the final plans with 60 days, exclusive of time required for the applicant to respond to a notice of application deficiency, or it shall be deemed that the County has approved the final plans as submitted.

- c. Developer will bear the costs of designing, surveying, engineering, permitting, conducting evaluations/investigations and cost of the construction of the Beech Ridge Trail Extension and associated storm water facilities.
- d. Developer has agreed to contribute to the County one-half of the cost, on a reimbursement basis, not to exceed a total contribution of \$100,000.00 for surveying, engineering, designing, and permitting a roundabout at Kinhega Drive and of the acquisition of needed right-of-way to access the roundabout and for construction of the roundabout. Of the committed funds, \$36,734.00 of the Developer's contribution remains outstanding. Attached as **Exhibit G** is the acknowledgement from the County confirming the Developer's contribution to-date.
- e. The County shall be responsible for all remaining costs of permitting, design, construction, and additional right of way acquisition needed for the roundabout at Kinhega Drive and Beech Ridge Trail (that exceed the contribution by the Developer) along with the needed acquisition and cost of the necessary right-of-way or easements for the Beech Ridge Trail stormwater pond outfall. The County will acquire all necessary rights of way and/or easements in timely manner and fund construction of said roundabout commensurate with the final approval of this agreement by the County Commission. The County will, upon execution of this Agreement, in a timely manner, take all required steps to acquire the drainage easement as depicted in **Exhibit E.**, attached. Should said drainage easement not have been acquired by the date which is 60 days prior to the estimated date of the acceptance of the dedication of Beech Ridge Trail Extension by the County, then the County shall initiate a "quick take" condemnation of the drainage easement. The County shall not withhold the permitting of the construction of Beech Ridge Trail and associated stormwater ponds due to the lack of said drainage easement.

- f. Beech Ridge Trail Extension shall be designed and constructed as a collector street, consistent with the parameters established by and in coordination with Leon County Department of Public Works, and shall include the following design elements: two eleven-foot wide travel lanes; curb and gutter along each side of the street; four-foot wide bicycle travel lanes along each side of the street; a sidewalk of no less than five feet of width to be provided along one (1) side of the street; conveyances for stormwater; a stormwater detention or retention facility in compliance with the Bradfordville Stormwater Standards and the Bradfordville Sector Plan, with adequate access thereto; a traffic signal at the intersection of Beech Ridge Trail and Bannerman Road, including associated support structures, signal box, pedestrian crossing signals, and wiring, the cost of which shall be borne by the Developer.
- g. The Developer may proceed with the construction of the Beech Ridge Trail Extension and reserves the right to design, permit, and build a temporary road terminus with its associated stormwater infrastructure. If feasible, the County will fund the Beech Ridge Trail Extension roundabout construction commensurate with Developer's issuance of an invitation to bid for the construction of the Beech Ridge Trail Extension. The Developer's invitation to bid will also include the roundabout (as addendum) and to construct the roundabout via 'construction agreement' between the County and Developer.
- h. Upon the final completion of the construction of Beech Ridge Trail Extension and associated storm water facilities construction, and acceptance of that construction by Leon County Public Works, the Developer shall dedicate or convey the ownership of Beech Ridge Trail Extension right-of-way to Leon County along with all applicable drainage conveyances to the stormwater management facilities, and the said stormwater management facilities, subject to the Board of County Commissioners' acceptance. The construction and dedication of Beech Ridge Trail Extension to Leon County qualifies as significant benefits under the provisions of Section 6.2.5.3.b. of the Leon County Concurrency Management Policies and Procedures Manual, adopted on November 14, 2006.
- i. The parties agree and understand that the commitments for the construction, dedication and acceptance of Beech Ridge Trail Extension, in its entirety, shall be pre-requisites for the issuance of any certificate of occupancy for any building constructed on the DeSantis Parcel. Except, however, should the County fail to construct its portion of the road and roundabout, such failure shall not affect the Developer's right and ability to obtain building permits for development on the DeSantis Parcel and the commercial parcels on the south side of Bannerman

Road. In such case, the northern termination of Beech Ridge Trail Extension shall be at the north property line of the DeSantis Parcel.

- j. As a condition of any development order or environmental permit, pursuant to this Agreement, the Developer shall provide a surety device for the construction of Beech Ridge Trail Extension and associated improvements as specified herein, which have not been constructed. The surety device shall:
 - 1. Be acceptable to and approved by the County Engineer and the County Attorney; and, cover 110 % of the cost of any uncompleted road, storm water management conveyance improvements, or other required infrastructure as estimated by the engineer of record and approved by the County Engineer; and,
 - 2. Be conditioned upon completion of construction and dedication of roads and storm water management conveyances as shown on the approved construction plans within 18 months, or as extended by the county engineer; and,
 - 3. Be payable solely to and for the indemnification of Leon County.
- k. The Developer shall provide a surety device, payable solely to and for the indemnification of Leon County, in the amount of 10% of the total cost of all required improvements as approved in the site and development plan to cover defects in materials and/or workmanship for two years for the Beech Ridge Trail Extension.

5. General Development Requirements

- a. Design Standards. Development shall comply with the Bradfordville Site and Building Design Standards Manual to the extent that it does not impact the original development rights granted under the DeSantis Agreements.
- b. Traffic Concurrency.
 - 1. Utilizing the latest ITE Trip Generation Manual, the Developer, in conjunction with the Leon County Department of Development Support and Environmental Management, has performed and completed the 'Traffic Concurrency Application' (dated 5/22/2013, amended 10/15/2013) which calculated and compared the aggregate sum of all existing and proposed non-residential (shopping center (184,656 SF)/office (20,000 SF)) and residential (153 units) PM peak hour trips for the entire mixed-use development against the cumulative sum of: 1) the

number of trips already approved for the existing 83,156 SF retail/commercial development; and 2) what is reserved in the Desantis Agreements (approximately 232 trips) during the PM peak hour of generation. Any net new external PM peak hour trips for the development will be identified after deducting the previously reserved transportation concurrency trips. The calculated net external PM peak hour trips are 219 VPH and have minimal adverse effect on the surrounding roadway capacity network. To quantify, the proportionate cost by the developer to mitigate the offsite deficit presented by this proposed development is approximately \$64,451.

2. Signal and Turn Lane. Signal Warrant and Turn Lane Analysis (5/28/2013) was performed by Developer, at the request of Leon County Public Works Department, to ensure traffic operational safety along the Bannerman Road Corridor with respect to: 1) the proposed new intersection and signal at Beech Ridge Trail/Bannerman Road, and 2) the proposed shopping center and residential expansion west and north of the existing Bannerman Crossing development. The conclusion of this report shows that the Signal is warranted at its new location and modifications to Bannerman Road within its existing rights of way/pavement can be achieved to properly accommodate signal and new development (see 6.a below). It was determined however that a new westbound left turn lane off Bannerman Road to the future extension of Quail Common Drive south is recommended and would be beneficial to the residential development. This improvement is not immediately needed and furthermore is the second ingress/egress for the residential portion of this development and therefore could be built as part of the Bannerman Road widening project (see 6.d below for further detail). The anticipated cost of building the westbound left turn lane is approximately \$75,000 will be constructed during the widening of Bannerman Road. The traffic analysis will be updated during site plan review based on trip generation calculated from the proposed final development.
3. Developer Roundabout Expense: The remaining commitment due to the County for the Roundabout by the Developer is \$36,734. Said amount shall be offset against the benefits set forth in 5.e., below.
4. Significant benefits to offset additional offsite PM peak trips, turn lanes, and roundabout (and all associated costs) as determined in 5.b., 5.c., and 5.d., above:

- a. The 40' of land (1.5 ac.) provided by Developer along south side of Bannerman Road as described in 6.e. below is valued at \$900,000.
 - b. The 20' of land (0.23 ac.) provided by Developer along north side of Bannerman Road as described in 6.c. below and the stormwater treatment and attenuation provided for same by the Developer. Is valued at \$125,000.
 - c. Relocation of Beech Ridge Trail Extension by Developer at Bannerman Road approximately 300' west of previously approved DeSantis agreement location as described in 6.a. below is valued at \$75,000.00.
5. Costs required by Developer as described in 5b, 5c, and 5d above total approximately \$176,185 and the value provided by the developer as described in 5e above totals approximately \$1,100,000.00 for a net value owed to the developer of \$923,815. The developer will be allocated a credit of \$923,815 to be used towards the funding of the Bannerman Road widening project, should additional concurrency mitigation is necessary. The Bannerman Road widening project may be constructed in phases, with the first phase occurring from Beech Ridge Trail to the drainage divide located approximately 900' west of Quail Commons Drive. Additional significant benefits provided by Developer could be realized by the County in land provided by the Developer for stormwater treatment/attenuation for this initial phase of Bannerman Road widening as further discussed in Section 6.(b) and (e) below.

c. Entitlements.

1. As concurrency has been finalized and properly mitigated, three (3) categories of land use entitlements will be created for all future development to allocate concurrency:
 - a. Shopping Center (commercial/retail) (101,500 square feet);
 - b. Office (20,000 square feet);
 - c. Residential (153 single family);
2. Land Use Conversion Tables. A land use conversion table is attached hereto as **Exhibit H**, utilizing the latest Traffic and Transportation Engineering methodologies, that interconnects the three (3) categories,

above, shall be utilized should future land use changes be requested by the Developer.

d. Public Transit. The Developer will coordinate with Star Metro to locate a transit stop and shelter on the Developer's parcel lying south of Bannerman Road should Star Metro determine need and have appropriate funds to implement. The costs of design, permitting, construction, and installation of such a transit stop/shelter shall be borne by Star Metro with the exception of the concrete pad for the stop/shelter, which will be borne by the Developer. All future maintenance of said stop/shelter will be determined at later date between the parties.

e. Natural Area.

1. The Developer will donate the undisturbed lands that remain outside the limits of Beech Ridge Trail Extension right-of-way, stormwater management ponds, Community Center, and the proposed commercial development lying on the north side of Bannerman Road to Leon County. These areas will be available for use towards natural area credit for future development north of Bannerman Road, including existing or manmade wetlands (wet ponds), and otherwise consistent with the County's GRACE program.

2. Open Space may be included in rezoning and/or sector plan amendments if needed to achieve Natural Area credit. To the extent that the natural area is not sufficient onsite, for off-site credit the Developer may use the County's GRACE program to provide required open space mitigation offsite.

6. Improvements to Bannerman Road.

a. The Developer will bear the costs to redesign and permit the intersection of Beech Ridge Trail Extension and Bannerman Road so that such intersection aligns with the new proposed entrance to the development on the Southern Property presently undeveloped. The 5/28/2013 Signal Warrant and Turn Lane Analysis has demonstrated that maintaining the existing westbound left turn lane off of Bannerman Road into the existing Bannerman Crossings shopping center in conjunction with the proposed westbound left turn lane at the new traffic signal is allowed. The Developer is responsible for any and all median construction/reconstruction, signage and striping for said turning movements associated with the realignment. Once construction/reconstruction is complete and a reasonable time period has occurred allowing for vehicle traffic patterns to adjust, the County may eliminate the left turn movement at the first existing

entrance and consolidate left turn events to the signal at Beech Ridge Trail should traffic problems not be resolved through signal timing.

- b. Pursuant to the PD&E study done by RS&H for the widening of Bannerman Road, the Developer under the direction ~~and legal guide~~ of the County will conduct (at County expense) a stormwater analysis (for phase I as described in 5. (f) above) to determine if right-of-way costs can be minimized and/or eliminated by utilizing Developer land south of Bannerman Road to treat/attenuate stormwater run off from the proposed Bannerman roadway widening. Based upon those results, a detailed construction cost assessment will be conducted to determine the economic viability of proceeding with the design, permitting and construction of this initial phase of Bannerman Road widening. Should such an arrangement be determined to be desirable by the Board of County Commissioners, the Board may consider an agreement for the engineering and/or construction of the project, which may authorize the Developer (at county expense) ~~to will~~ proceed with the design and permitting of the initial phase of Bannerman Road widening as preliminarily designed by RS&H in said PD&E study. Furthermore, the proposed county widening of Bannerman Road will not affect Developer's construction of Beech Ridge Trail Extension or its realignment with Bannerman Road. Should the County proceed with the 'First phase' widening of Bannerman Road commensurate with the Developer's construction of Beech Ridge Trail the Developer may add this work as an addendum to their construction plans via a construction agreement between the Parties.
- c. Developer will provide 20 feet of frontage along the north side of Bannerman Road from its western property line to the realigned Beech Ridge Trail Extension intersection with Bannerman Road to accommodate the future 10' multipath side walk to be designed and built by Leon County. Developer will provide the capacity/attenuation and treatment for this multi-use path consistent with Leon County standards for the Bradfordville Study Area.
- d. County will maintain full intersection allowances at Quail Common and Bannerman Road, unless future traffic patterns/safety analysis concludes differently. The required westbound left turn lane identified in 5c. above will be built by the Developer at the total expense of Developer, to be determined, should impacts be recognized prior to County commencing with their Bannerman Road widening project. Should impacts not be recognized as described above, the County will build the westbound left turn lane off Bannerman Road onto the southerly extension of Quail Common Drive as part of their Bannerman Road widening design/construction. Sufficient median is proposed in the County's Bannerman Road widening plans to accommodate this left turn lane. Developer

is solely responsible for the design and construction of the southerly extension of Quail Common Drive.

- e. Developer will donate to the County the necessary 40 feet of frontage along the south side of Bannerman Road to accommodate the County's need for additional right-of-way to construct the future widening of Bannerman Road and potentially additional lands outside the donated 40 feet of frontage described above to accommodate the needed stormwater treatment/attenuation for the initial phase of widening of Bannerman road as described in 6.(b) above.

7. Development of the Desantis Parcel

- a. The portion of the Desantis Parcel not conveyed to the County, as set forth above and depicted in **Exhibit E**, shall retain and be entitled to +/-25,500 SF of commercial retail space and 20,000 SF of office space with the associated PM peak hour trips calculated from the new cumulative trip assessment determined in 5.b. above and placed appropriately. The approximate location of the intended uses of the remaining parcel is depicted on **Exhibit F**.
- b. The Developer will be authorized to subdivide the portion of the property not conveyed to the County into a maximum of seven (7) commercial lots, with a maximum of three (3) lots west of Beech Ridge Trail, and a maximum of four (4) lots east of Beech Ridge Trail. As shown in **Exhibit F**, access to the commercial properties shall be provided by a rear access road and shall not be permitted directly off Bannerman Road. Design standards will be adopted to relate the western lots to the park via pedestrian access. Fast food drive-through operations will be limited to three of the six parcels that abut Bannerman road. In the event of contiguous fast food development the County will allow; interconnected/shared vehicular and pedestrian access, and minimal landscape medians between parking isles by utilizing cumulative and contiguous natural buffers (cleared of underbrush) along Bannerman/Beech Ridge Trail Extension road frontage to compensate for internal shortfall. A single bank of parking may be allowed on the sides of the buildings facing Bannerman Road and/or Beech Ridge Trail Extension. The commercial buildings should be designed such that the side of the building facing Bannerman Road has doors, windows, or other design elements giving the appearance of accessibility to Bannerman Road. Developer shall install a buffer along the western boundary of the DeSantis Parcel where it is contiguous to Lots 10 and 11, Block C, Killearn Lakes Unit 1. The buffer to be installed will be in compliance with a Type B buffer as set forth in Section 10-7.522 and shall be 10 feet in width, excluding the width of the buffer already in existence on the Killearn Lakes Unit 1 Plat.

8. Development of Southern Property

- a. **Interconnectivity.** All land use components shall be designed to ensure optimal pedestrian, bicycle and vehicular interconnection(s) with the other land use components of the Southern Property, including interconnectivity between the retail and single-family residential components. To ensure interconnectivity between the commercial/retail component and the single-family component, these components shall be permitted and constructed concurrently. In addition, transit opportunities shall be maximized.
- b. **Lake McBride Scenic Overlay District.** All development on the parcels lying south of Bannerman Road shall comply with and implement the Lake McBride Scenic Overlay District contained in Sec. 10-6.678 the Leon County Code of Laws.
- c. **Commercial/Retail.** A total of PM Peak Hour trips equivalent to +/- 76,000 SF of commercial retail space will be calculated from the new cumulative trip assessment determined in 5.b. above and provided to the Southern Property.
- d. **Single-family residential**
 1. A total of PM peak hour trips equivalent to 153 single-family detached units will be calculated from the new cumulative trip assessment. This total shall be based on the Single Family Detached (210) rate found within the ITE Trip Generation Manual. The trip assessment has been determined in paragraph 5.b. above and provided on the Southern property indicated on **Exhibit F** as single family.
 2. The Single-family component will be designed to ensure multiple access points to the other components of the Southern Property.
 3. The residential component on the Southern Parcels contains an existing single-family residential (SFR) home. This SFR home is located in the northwestern portion of the Southern Parcels and located within a residential component not directly adjacent to the main body of residential development (refer to Figure "F"). This outlying residential component is located in the Residential Preservation zoning district. The outlying residential component shall only be entitled to further subdivision upon the inclusion of an interconnection between this residential component and the main body of residential development. The inclusion of an interconnection may entitle the outlying residential component to the density afforded by the applicable Residential Preservation zoning district

standards noted in Section 10-6.617 of the Leon County Land Development Code (LDC). It should be noted that required infrastructure, traffic concurrency, and any environmental constraints may further limit the number of lots that may be developed. Development included on this property may not exceed the 153 single-family unit allocation for the Development.

9. Amendments to the Bradfordville Sector Plan, Land Development Code, and Rezoning

a. Bradfordville Sector Plan.

1. The County will consider an ordinance amendment to designate the entire DeSantis Parcel as Commercial Overlay Zone One (CO-1) in the Bradfordville Sector Plan and will confirm that the entitlements for this parcel are included in the allocated commercial square feet anticipated in the Bradfordville Sector Plan.
2. The County will consider an ordinance amendment to remove the Commercial/Mixed Use Overlay Zone Two (CMUO-2) of the Bradfordville Sector Plan from the south side of Bannerman Road and to extend the existing CO-1 Overlay to the west.

b. Amendments to the Official Zoning Map

1. The County will consider amendments to the Official Zoning Map to rezone all land subject to this Agreement lying north of Bannerman Road to be Bradfordville Commercial-Auto Oriented District (BC-1).
2. The County will consider amendments to the Official Zoning Map to rezone a portion of the property subject to this Agreement lying South of Bannerman Road proposed for retail development and stormwater pond to be Bradfordville Commercial-Auto Oriented District (BC-1).
3. The County will consider amendments to the Official Zoning Map to rezone a portion of the land subject to this Agreement lying south of Bannerman road for single-family residential development, stormwater pond and natural area to develop at a density of up to 3.5 units/acre based on gross land area.
4. The Developer will complete a boundary settlement, or where applicable, a subdivision of property to configure the lot boundaries to conform with the boundaries of the zoning map, as amended.

10. Declaration of Covenants, Conditions, and Restrictions.

- a. The County and the Developer agree to effectuate an amendment to the Amended Declaration of Covenants, Conditions and Restrictions, recorded in Official Records Book 3132, Page 782, in the Public Records of Leon County, Florida to allow construction of the development contemplated by this Agreement.
- b. The Amended Restrictive Covenants shall be amended and restated as follows:
 1. An amended Exhibit "A" (see attached **Exhibit D** to this Agreement) shall be provided which shall indicate the appropriate land uses pursuant to the Second Amendment.
 2. Article II shall be amended so as to relate only to the existing church parcel which shall be restricted to residential property with a density of one unit per ten acres or less; and a church or other religious facility shall be allowed on a portion of the residential property, provided that the church does not include a cemetery, a day school with more than 150 students and for children of kindergarten age or older, an adult congregational living facility, a nursing home, or similar activity.
 3. Article III shall be amended so as to relate to the existing and proposed commercial parcels and will be restricted to no greater than commercial zoning.
 4. Article IV will be amended to relate to proposed residential components and shall provide that any and all development on the portion of the 75.35-acre Property lying within the Lake Viewshed Overlay, as designated in Figure 12 of the Bradfordville Sector Plan, shall be consistent with the applicable Leon County Land Development Regulations as set forth in Section 4 of County Ordinance No. 00-31 adopted by the Board of County Commissioners of Leon County on July 11, 2000 (hereinafter the "Ordinance"); provided, however, that single family residential development of Lot 1 shown on Exhibit "A" shall be limited to a density of 3.5 units per 1 acre further restricted to no more than 153 single-family residential units
- c. The County agrees that it will take those steps necessary to effectuate and execute said amendment. The Parties understand that the amendment will have to be executed by Bradfordville Baptist Church and Bannerman Crossing, LLC in order for it to be effective. The County makes no representations as to the willingness of Bradfordville Baptist Church and Bannerman Crossing, LLC to executing said

amendment. Such amendment is also contingent upon the modification of settlement agreements entered into by Leon County in Case Nos. 1997 CA 2689 and 2000 CA 1784 with Lake McBride Area Residents Association, Inc. and also with Killlearn Lakes Home Owners Association, Inc.

11. Indemnification. If this Agreement is challenged in any judicial or administrative action as being arbitrary or unreasonable, inconsistent with the Tallahassee-Leon County Comprehensive Plan, unconstitutional or otherwise invalid or unlawful for any reason, the Developer shall diligently defend such action or, at the option of the Board of County Commissioners in consultation with Developer, shall pay all the County's defense costs and fees which are reasonable and necessary. The Developer shall also be liable for and hold the County, its officers, officials and employees, harmless from any costs, fees, damages and attorney's fees, which may be assessed against the County, its officers, officials and employees, as it relates to such challenge. If the County is unable to perform any of its obligations under this Agreement due to delay caused by litigation or a final order of any court or administrative body or agency, Developer agrees it may not act under this Agreement to enforce such County obligation(s) nor shall Developer have a cause of action against the County for failure to meet such obligation. Additionally, the Developer shall have the right at any time during any such action(s) to withdraw the application for the 163 Agreement, re-zoning application, or request withdrawal of the Sector Plan Amendment.
12. Description of Necessary Development Permits. Failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
13. Effects of Annexation. The rights and obligations of this Agreement shall remain in full force and effect in the event that the Property, or any portion thereof, is annexed into the City of Tallahassee. The burdens and benefits of this Agreement shall be binding upon and shall inure to all successors in interest to the County and Owner.
14. Term. The rights and obligations under this Agreement shall run for a period of 20 years from the date of execution hereof or until such time as build out is complete, whichever occurs first.
15. Approval and Effective Date. Approval of the development agreement shall expire unless, within 30 days after approval by the Board of County Commissioners, the agreement is fully executed by all legal owners of the land covered by this Agreement. Within 14 days after the full execution of this Agreement, the County shall record this

Agreement in the public records of Leon County. This Agreement shall become effective upon recordation in the public records.

16. Applicable Law. This Agreement shall be interpreted under the laws of the state of Florida.
17. Costs and Fees. In the event of any litigation involving the terms of this Agreement or the duties or obligations of the parties, the prevailing party shall be entitled to recover its costs and expenses, including without limitation, expert fees, consulting fees and all other fees reasonably incurred, and a reasonable attorney's fee in connection therewith, whether incurred at trial or appeal.
18. Binding Effect. The rights and obligations of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and to their lawful heirs, successors, and assigns, and any future owners of the parcels that are described herein.
19. Severability. If any work, phrase, clause, section, or portion of this Agreement shall be held invalid by a court of competent jurisdiction, such portion or word shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions of this Agreement.
20. Complete Agreement. This Agreement contains the entire agreement of the parties hereto, and no representations, inducements, promises, or agreements, oral or otherwise, between the parties not embodied herein shall be of any force or effect. Outstanding provisions in the Lauder DA, Godfrey-Laird Agreement, and Desantis Traffic Mitigation Agreement are incorporated herein and those rights and obligations not specifically mentioned herein are deemed extinguished or satisfied.
21. Amendments. Any amendment to this Agreement shall not be binding upon the parties hereto unless such amendment is in writing and executed by all parties hereto.

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representatives, have executed this Development Agreement.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

Developer Signatures Follow on Next Page

Remainder of this Page is Intentionally Blank

Witnesses:

BANNERMAN FOREST, LLC,

by: Tierra Vista Group, LLC
Its Manager

By: _____
Claude R. Walker, its Manager

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ___ day of _____, 2014 by Claude R. Walker, as Manager of Tierra Vista Group, LLC, as Manager of Bannerman Forest, LLC, who: Is () personally known to me or () produced _____ as his identification.

Notary Public, State of Florida

Witnesses:

BANNERMAN CROSSINGS II, LLC,

by: Tierra Vista Group, LLC
Its Managing Member

By: _____
Claude R. Walker, its Manager

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ___ day of _____, 2014 by Claude R. Walker, as Manager of Tierra Vista Group, LLC, as Managing Member of Bannerman Crossings, LLC, who: Is () personally known to me or () produced _____ as his identification.

Notary Public, State of Florida

Witnesses:

BANNERMAN CROSSINGS V, LLC,

by: Tierra Vista Group, LLC
Its Managing Member

By: _____
Claude R. Walker, its Manager

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ___ day of _____, 2014 by Claude R. Walker, as Manager of Tierra Vista Group, LLC, as Managing Member of Bannerman Crossings V, LLC, who: Is () personally known to me or () produced _____ as his identification.

Notary Public, State of Florida

Witnesses:

SUMMIT HOLDINGS VIII, LLC,

by: Tierra Vista Group, LLC
Its Managing Member

By: _____
Claude R. Walker, its Manager

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ___ day of _____, 2014 by Claude R. Walker, as Manager of Tierra Vista Group, LLC, as Managing Member of Summit Holdings VIII, LLC, who: Is () personally known to me or () produced _____ as his identification.

Notary Public, State of Florida

EXHIBITS

- A. Desantis Parcel.
- B. County Parcels.
- C. Southern Parcel.
- D. Lauder Parcel.
- E. Desantis Parcel, proposed.
- F. Desantis Parcel and Southern Parcel,
proposed development and use.
- G. County Acknowledgement.
- H. Land Use Conversion Table.
- I. Proposed Amendments to the Bradfordville Sector Plan
Commercial Overlay Districts.

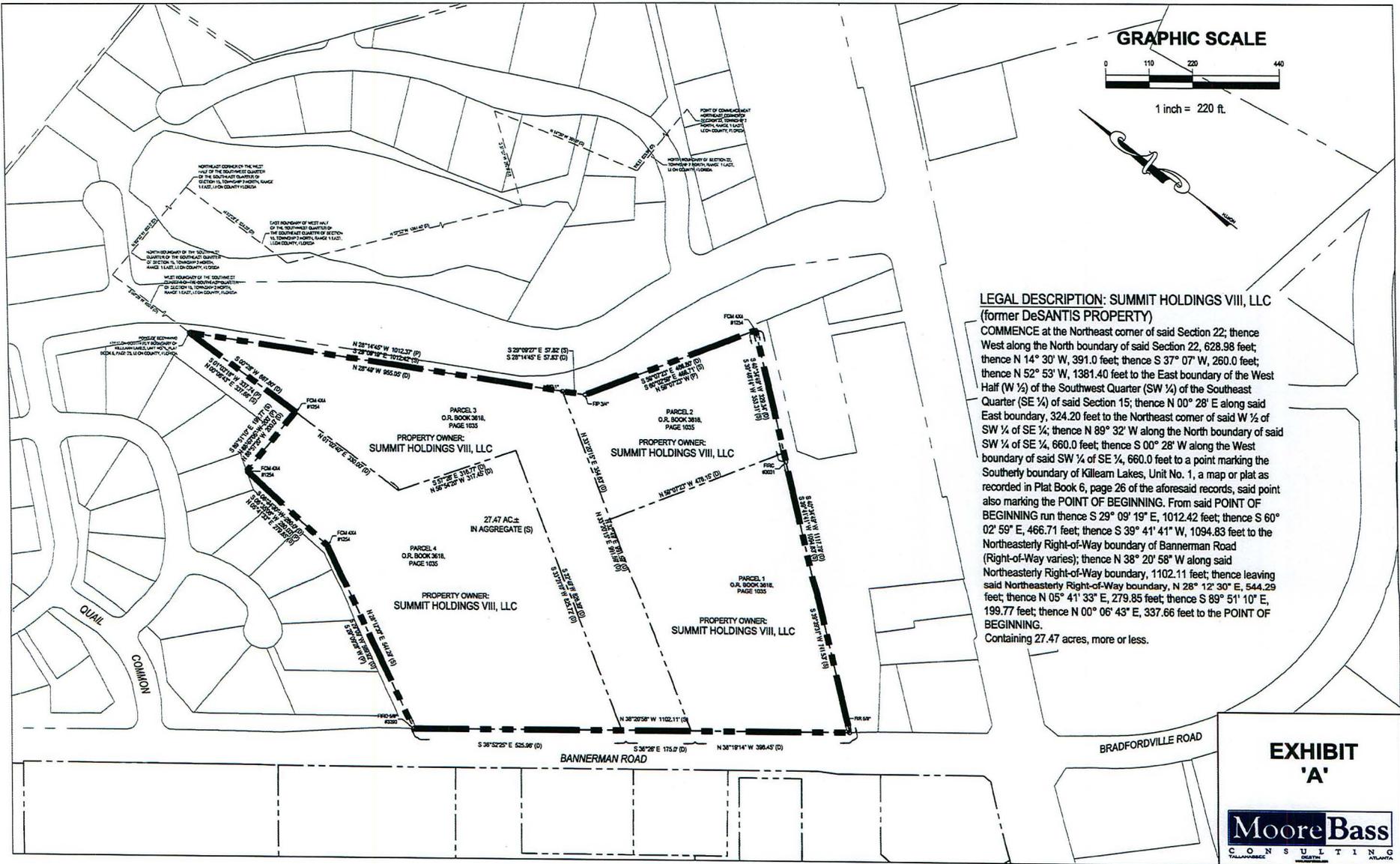


EXHIBIT 'A'

MooreBass
CONSULTING
TALLAHASSEE, FLORIDA ATLANTA, GEORGIA

Attachment #1
Page 22 of 32

<u>TYPE OF INSTRUMENT</u>	<u>O. R. BOOK</u>	<u>PAGE</u>
Easement to City of Tallahassee (pole line for electric transmission)	27	506
Easement to City of Tallahassee (pole line for electric transmission)	28	519
Easement for right of ingress and egress (for installation and maintenance of utilities)	948	2150
Easement to Leon County	2002	1565
Traffic Mitigation Agreement and First Amendment to Settlement Agreement	3881	1760

**EXHIBIT
'A-1'**



EASEMENTS

GRAPHIC SCALE



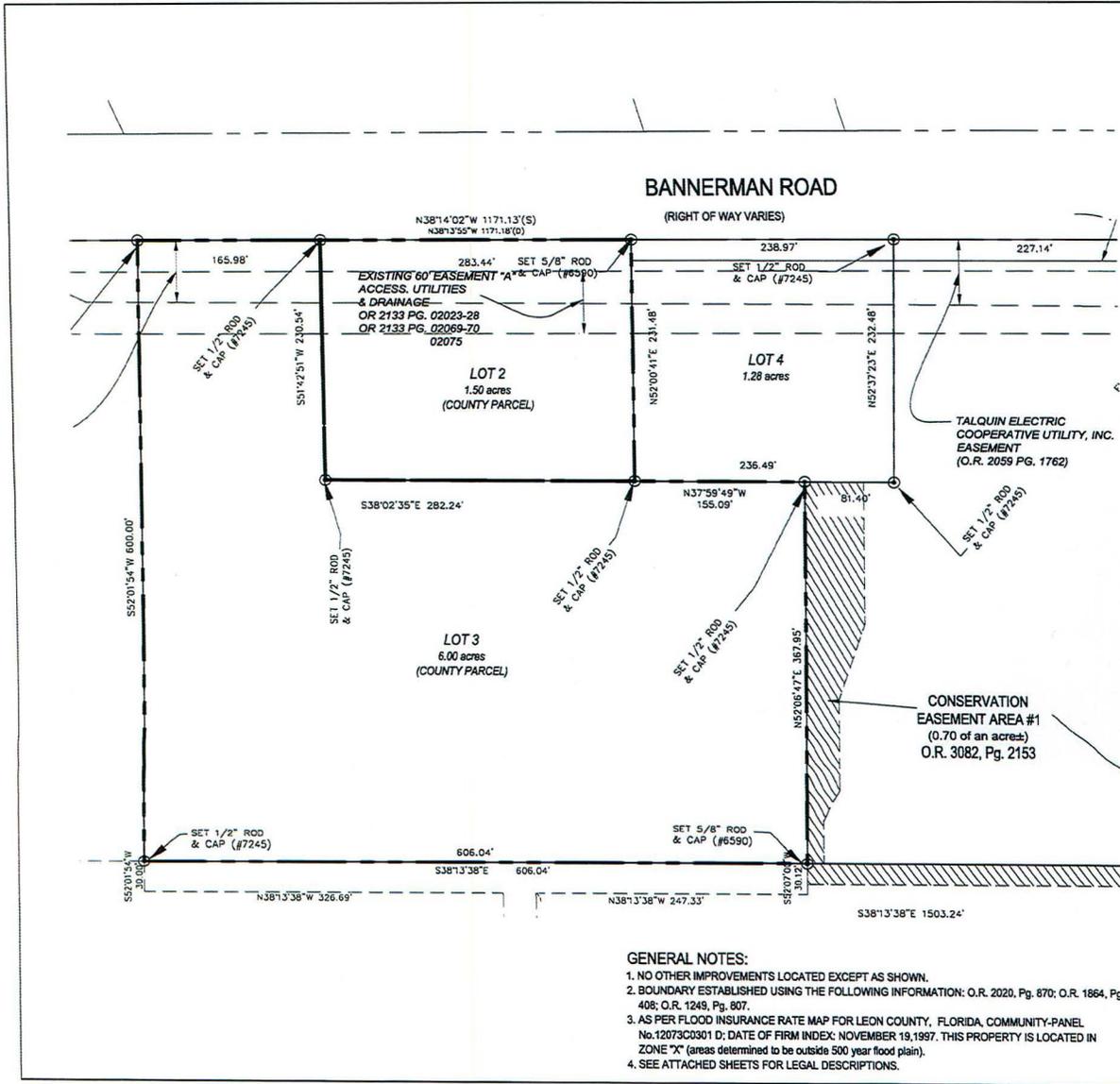
1 inch = 100 ft.

LOT 2 (1.50 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/2 of the North 1/2 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwesterly right of way of said Thomasville Road and the Southwesterly right of way boundary of Bannerman Road, then run North 01 degree 08 minutes 53 seconds East along said right of way boundary of Bannerman Road 23.17 feet, then run North 38 degrees 16 minutes 52 seconds West 369.23 feet, then run North 30 degrees 45 minutes 05 seconds West 51.27 feet, then run North 38 degrees 14 minutes 02 seconds West 466.11 feet for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.54 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the **POINT OF BEGINNING**, containing 1.50 acres more or less.

LOT 3 (6.00 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/2 of the North 1/2 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwesterly right of way of said Thomasville Road and the Southwesterly right of way boundary of Bannerman Road, then run North 01 degree 08 minutes 53 seconds East along said right of way boundary of Bannerman Road 23.17 feet, then run North 38 degrees 16 minutes 52 seconds West 369.23 feet, then run North 30 degrees 45 minutes 05 seconds West 51.27 feet, then run North 38 degrees 14 minutes 02 seconds West 749.55 feet for the **POINT OF BEGINNING**. From said **POINT OF BEGINNING** continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 165.98 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 600.00 feet, then run South 38 degrees 13 minutes 38 seconds East 604.07 feet, then run North 52 degrees 06 minutes 47 seconds East 367.95 feet, then run North 37 degrees 59 minutes 49 seconds West 155.09 feet, then run North 38 degrees 02 minutes 35 seconds West 282.24 feet, then run North 51 degrees 42 minutes 51 seconds East 230.54 feet to the **POINT OF BEGINNING**, containing 6.00 acres more or less.



GENERAL NOTES:

1. NO OTHER IMPROVEMENTS LOCATED EXCEPT AS SHOWN.
2. BOUNDARY ESTABLISHED USING THE FOLLOWING INFORMATION: O.R. 2020, Pg. 870; O.R. 1864, Pg. 408; O.R. 1249, Pg. 807.
3. AS PER FLOOD INSURANCE RATE MAP FOR LEON COUNTY, FLORIDA, COMMUNITY-PANEL No. 12073C0301 D; DATE OF FIRM INDEX: NOVEMBER 19, 1997. THIS PROPERTY IS LOCATED IN ZONE "X" (areas determined to be outside 500 year flood plain).
4. SEE ATTACHED SHEETS FOR LEGAL DESCRIPTIONS.

STANDARD ABBREVIATIONS

F.C.M.	FOUND 4"x4" CONCRETE MONUMENT
F.I.P.	FOUND IRON PIN
F.A.C.	FOUND NAIL IN CAP
W.O.D.	PROFESSIONAL LAND SURVEY CERTIFICATE
S.C.M.	SET 4"x4" CONCRETE MONUMENT LIBRARY
S.L.C.	SET 1/2" IRON PIN LIBRARY
S.P.	SET NAIL AND 1" CAP LIBRARY
(P)	PLAT INFORMATION
(I)	DEED INFORMATION
(C)	CALCULATED INFORMATION
(S)	SURVEY INFORMATION
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
R.O.W.	RIGHT-OF-WAY
C.L.	CENTERLINE
R.	RADIUS
D	DELTA OR CENTRAL ANGLE
L	ARC LENGTH
T	TANGENT DISTANCE
CH	CORD BEARING AND DISTANCE
P.L.P.	PLAT BOOK AND PAGE
O.R.	OFFICIAL RECORDS BOOK AND PAGE
D.B.	DEED BOOK
B.C.	BACK OF CURB

EXHIBIT 'B'

Moore Bass

CONSULTING

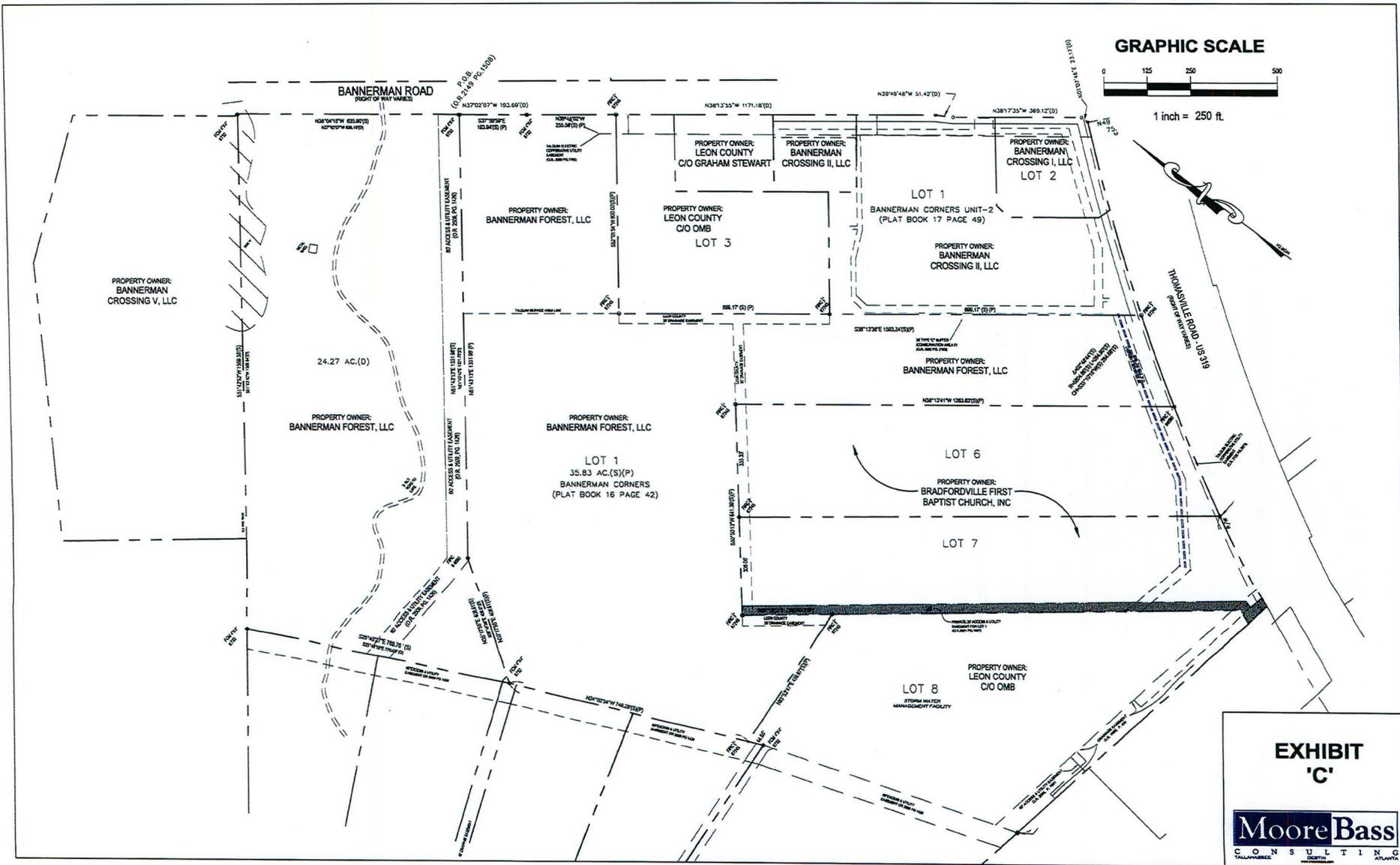
Attachment #1
Page 24 of 32

<u>TYPE OF INSTRUMENT</u>	<u>O. R. BOOK</u>	<u>PAGE</u>
Utility Easement	2059	1762
Affidavit (Judicial Exception)	2069	1500
Affidavit for Boundary Settlement	2069	1509
Development Agreement	2097	1839
Limited Assignment of Agreement	2661	1440
Release	2664	668
First Amendment	3827	1027
Second Amendment	4055	841
Grant of Easement	2133	2023
Limited Partition – Affidavit	2133	2050
Termination by General Release of Easement	3021	1068
Mutual Release and Termination of Grant of Easement	3021	1053
Affidavit (Creation of Equal or Larger Parcels)	3007	1679
Affidavit (Creation of Equal or Larger Parcels)	3011	157
Affidavit (Creation of Equal or Larger Parcels)	3020	863
Declaration of Covenants, Conditions & Restrictions	3021	1045
Amended Declaration of Covenants, Conditions & Restrictions	3131	1868
Re-recorded Amended Declaration of Covenants, Conditions & Restrictions.	3132	782
Quit Claim Deed (Reverter)	3021	1084
Access and Parking Easement and Maintenance Agreement	3329	1346
Plat	Plat Book 16	Page 42

**EXHIBIT
'B-1'**



EASEMENTS AND RESTRICTIONS



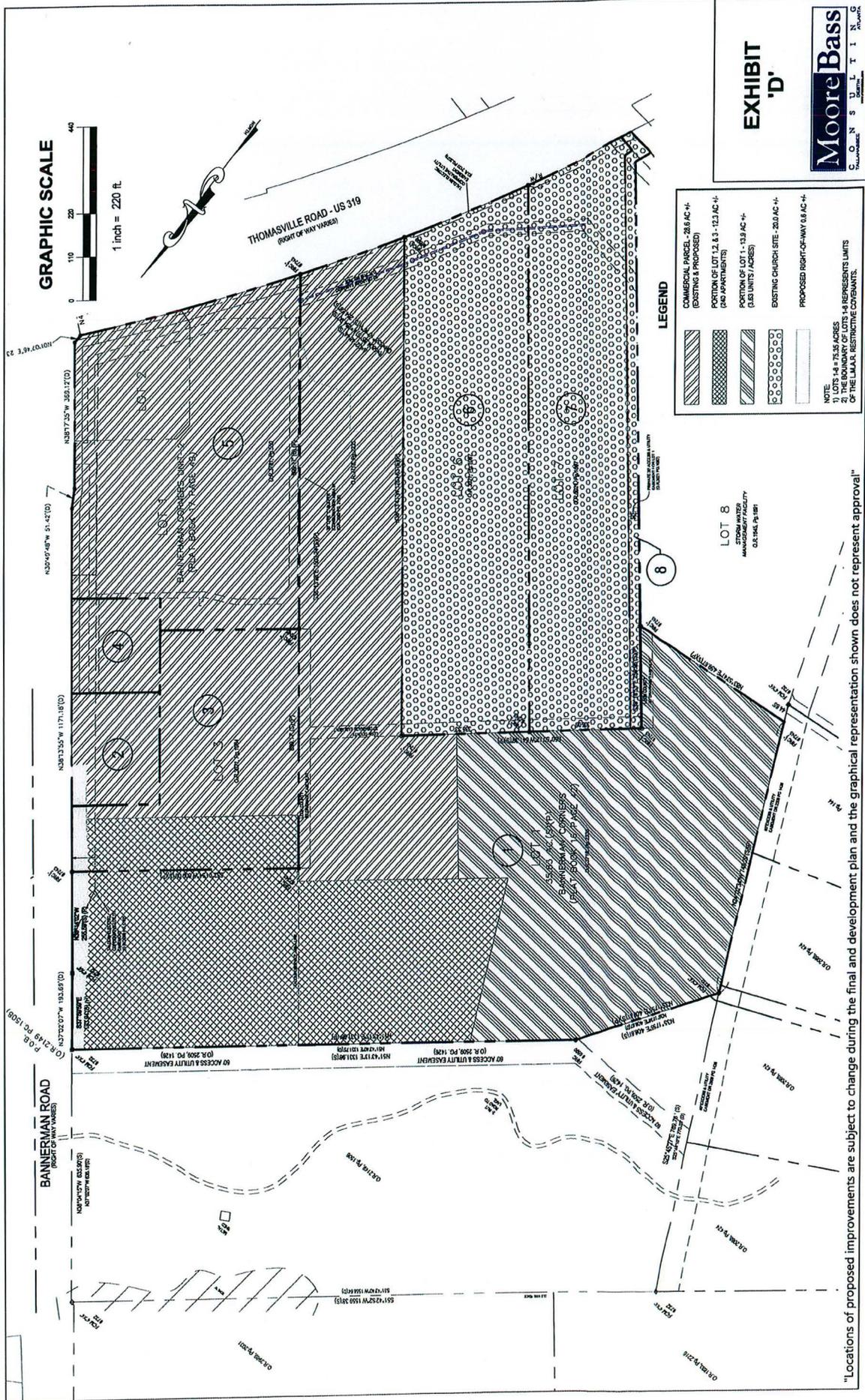
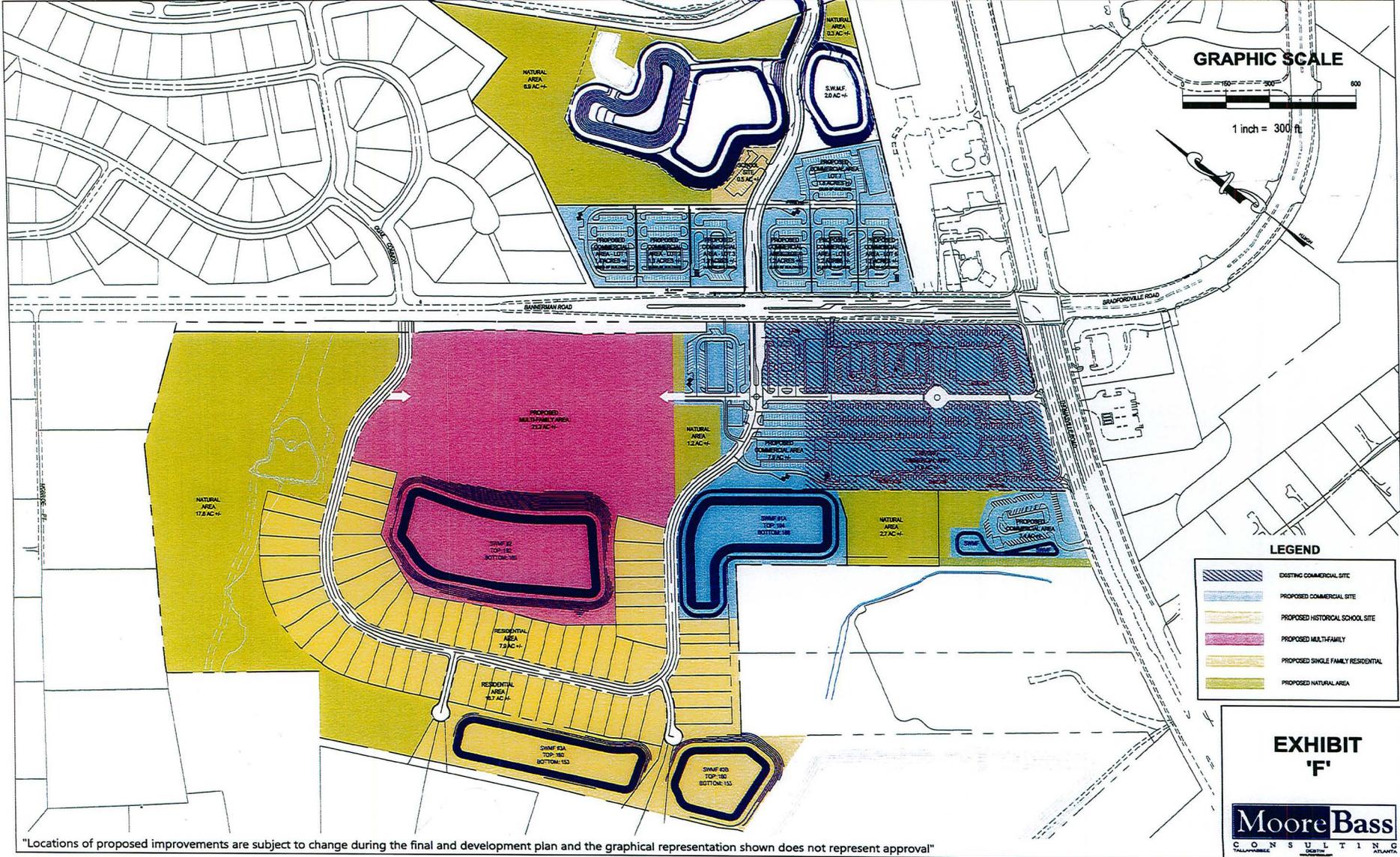


EXHIBIT 'D'

Moore Bass
C O N S U L T I N G
INCORPORATED



"Locations of proposed improvements are subject to change during the final and development plan and the graphical representation shown does not represent approval"

Attachment #1
Page 29 of 32



Leon County
Board of County Commissioners
301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-6302 www.leoncountyfl.gov

Leon County Public Works
Leon County Public Works Center
2180 Milledgeville Road - 2nd Floor
Tallahassee, Florida 32308
850 / 606-1500

Commissioners

BILL PROCTOR
District 1

JANE G. SALLS
District 2

JOHN DAILEY
District 3

BRYAN DESLOGE
District 4

May 6, 2009

Mr. Eddie Bass, P.E.
Moore Bass Consulting, Inc.
805 North Gadsden Street
Tallahassee, Florida 32303

BOB RACKLEFF
District 5

RE: Round About at Kinhega Drive and Beech Ridge Trail

CLAY THARLL
At-Large

Dear Mr. Bass:

AKIN AKINYEAMI
At-Large

Leon County Public Works concurs that \$63,265.65 is an appropriate amount for engineering design, survey and permitting fees for the above project. Based on the Agreement between Leon County and James R. Clanton, Jr., Successor Trustee of the Peter DeSantis Jr. Trust (Trust), recorded in the Official Record Book 3881 on Page 1760, this amount can be applied towards the Trust's required contribution of \$100,000.00.

PARWEZ ALAM
County Administrator

HERBERT W.A. THIELE
County Attorney

If you have any questions, please feel free to contact us at 606-1500.

Sincerely,

Kimberly Wood, P.E.
Chief of Engineering Coordination

cc: Leon County
Tony Park, P.E. - Director of Public Works
Joseph L. Brown III, P.E. - Director of Engineering Services

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An equal opportunity employer

EXHIBIT
'G'

**Bannerman Crossings Mixed Use Development, Summit Holdings VIII
Land Use Conversion Table**

Table 1 - Summary of Land Use & External Trips

Land Use		Cumulative No. of Units/Sq. Ft. at Buildout	PM Peak External Trips
Residential (D.U.)	Single Family	60	41
	Includes: single family detached, townhouses or condominiums		
Residential (D.U.)	Multi-Family	240	101
	Includes: apartments		
Retail (Sq. Ft.)	Shopping Center	71500	148
	Includes: Restaurants (fast food, high-turnover and quality), and ITE Trip Generation Manual land uses identified under Shopping Center or Specialty Retail		
Office (Sq. Ft.)	General Office	20000	45
	Includes: General office and professional office bldg.		
		Total*	335

* Total PM Peak Hour External Trips = 109 vph + 232 vph (committed DeSanctis trip) = 335 vph

Table 2 - Land Use Conversion Table

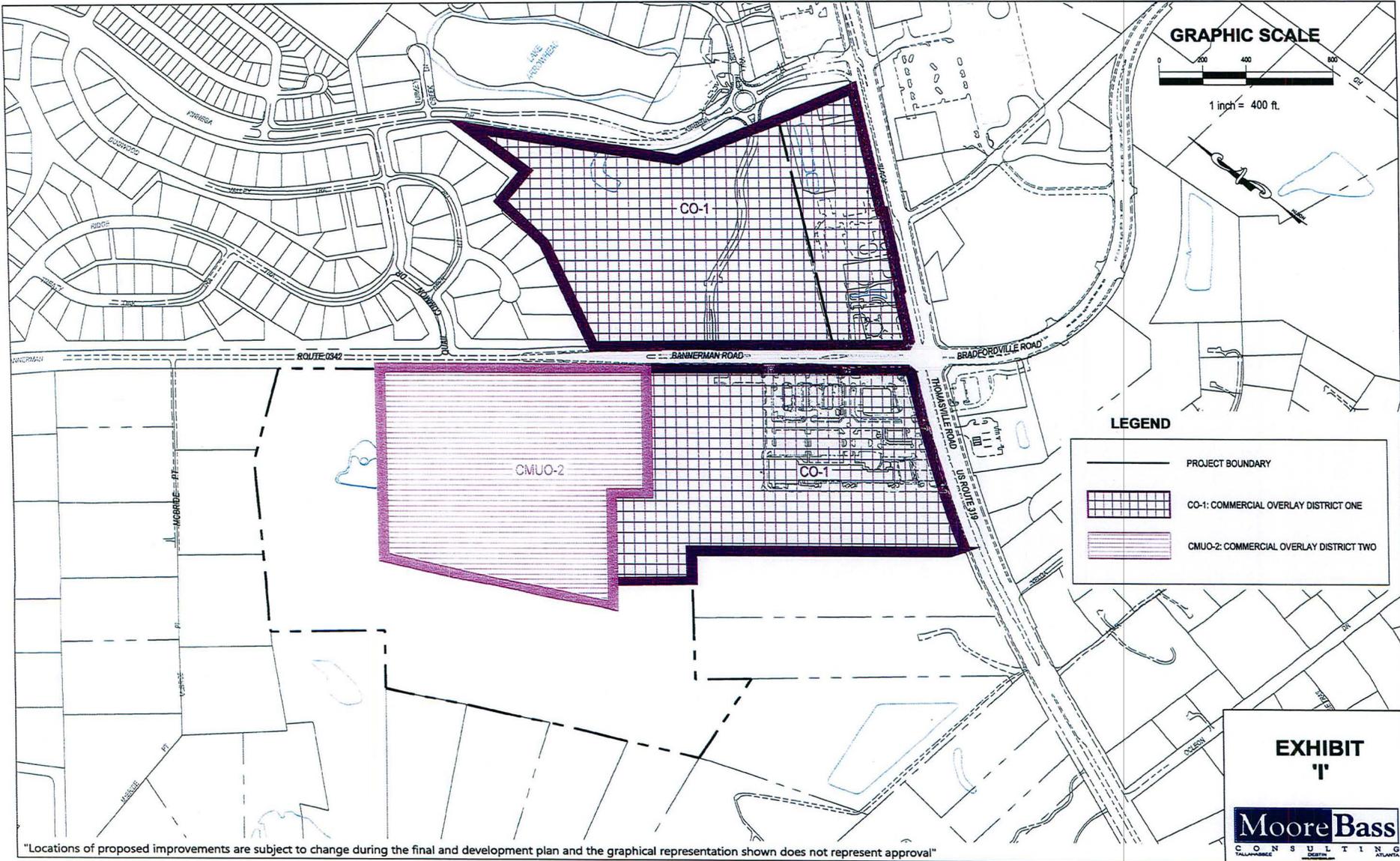
Land Use		Residential Single Family (S.F.) D.U.	Residential Multi-Family (M.F.) D.U.	Retail (Sq. Ft.)	Office (Sq. Ft.)
Residential Single Family	1 d.u. is equivalent to	1	1.6	375	145
Residential Multi-Family	1 d.u. is equivalent to	0.62	1	232	90
Retail	1,000 sq. ft. is equivalent to	1.5	2.5	1,000	750
Office (<100k Sq.Ft.)	1,000 sq. ft. is equivalent to	1.33	2.33	820	1,000

LAND USE TRADE-OFF MATRIX NOTES:

The conversion limit of the tables is straightforward. One land use to be converted from the column headed with the land use to be converted using the appropriate multiplier. For example, Table 2 to convert single family residential units into retail floor area, one would look across the 'Residential Single Family' line to the column headed 'Retail' and find that one residential unit is equal to 375 square feet. If 20 residential units were to be converted to retail floor area, the result would be 7,500 square feet (375 sq. ft. x 20 units) of additional retail that could be built and still maintain the same impacts.

Conversely, to determine how many single family dwelling units could be added if 7,500 square feet of retail were converted to single family residential, one would first divide 7,500 by 1,000 (as retail and office are expressed at 1,000 square feet of floor area). Then read across the 'Retail' line to the column headed 'Residential Single Family', and multiply 7.5 by 1.5 to yield 11.25 dwelling units, which rounds to 11 dwelling units.

**EXHIBIT
'H'**



"Locations of proposed improvements are subject to change during the final and development plan and the graphical representation shown does not represent approval"

EXHIBIT
"I"

Moore Bass
CONSULTING
ATLANTA, GA

Attachment #1
Page 32 of 32

NOTICE OF INTENT TO CONSIDER DEVELOPMENT AGREEMENT

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, January 21, 2014, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider a proposed Development Agreement for the Bannerman Crossing development. The subject property is located on both the north and south sides of Bannerman Road in Bradfordville, approximately 700 feet northwest of the intersection of Bannerman Road and Thomasville Road.

The proposed Development Agreement will approve, subject to rezoning and amendments to the Bradfordville Sector Plan, Leon County Land Development Code, and associated restrictive covenants, the types of uses set forth for the development, including up to 101,500 square feet of commercial/retail, 20,000 square feet of office, 153 single family detached residential units, a passive park, stormwater facilities, Beech Ridge Trail extension, and Kinhega Drive roundabout. The Development Agreement does not specifically approve population densities, except for population densities associated with 153 single family residential units. The Development Agreement does not specifically approve building intensities or heights.

All interested parties are invited to present their comments at the public hearing at the time and place set out above. Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Jon Brown or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 606-5300 or 606-5000; 1-800-955-8771 (TTY), or 1-800-955-8770 (Voice), or 711 via Florida Relay service.

Copies of the Development Agreement may be inspected at the following location during regular business hours:

Department of Development Services and Environmental Management
435 N. Macomb Street
Renaissance Center, 2nd Floor
Tallahassee, Florida 32301
Telephone: (850) 606-1300

PUBLICATION: January 8, 2014

**Leon County
Board of County Commissioners**

Notes for Agenda Item #30

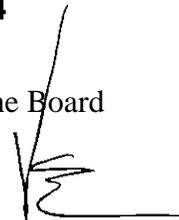
Leon County Board of County Commissioners

Cover Sheet for Agenda #30

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director, Public Works and Community Development David McDevitt, Director, Development Support & Environmental Management Wayne Tedder, Director, PLACE
Lead Staff/ Project Team:	Ryan Culpepper, Development Services Director Russell Snyder, Land Use Planning Administrator Mary Jean Yarbrough, Senior Planner, Land Use Division

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the first and only Public Hearing and adopt the proposed Ordinance amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, amendments to the Official Zoning Map of Leon County to change the Zoning Classification from the Residential Acre (RA), Bradfordville Commercial – Pedestrian Oriented (BC-2), and Bradfordville Office Residential (BOR) Zoning Districts to the Single and Two-Family Residential District (R-3) and Bradfordville Commercial – Auto Oriented (BC-1) Zoning District (Attachment #1), as well as corresponding updates to the applicable provisions of Chapter 10 of the Leon County Code of Laws to reflect the Board's desire to complete a Development Agreement.

Report and Discussion

Background:

On July 11, 2000, the Board adopted the Bradfordville Sector Plan (BSP) and the implementing Land Development Code (LDC) of Chapter 10. The BSP established a plan of development within the Bradfordville Study Area, including the Commercial Center Future Development Concept. This concept established overlay zones that were adopted by the Board as zoning overlay regulatory districts. These overlay districts, specifically Commercial Overlay Zone 1 (CO-1) and Commercial Mixed Use Overlay Zone 2 (CMUO-2), are outlined in Section 10-6.677 of the LDC. Additionally, the BSP and LDC established a Village Center area that provided additional design and development requirements. These overlays provide limits on commercial development, development timing, and site and building design guidelines for development within the Bradfordville Commercial Area.

On February 12, 2002, the Board approved a Settlement Agreement between the County and the owners of parcel ID#s 14-22-20-018-000-0, 14-22-20-005-000-0, 14-15-20-005-000-0, and 14-15-20-601-000-0, which are generally located between Kinhega Drive and Bannerman Road, approximately 500 feet west of Thomasville Road. This Agreement, hereinafter referred to as the "Bradfordville Hunt Club Agreement," conveyed a portion of the referenced property as right-of-way to the County for the construction of a public road connecting Kinhega Drive with Bannerman Road. In exchange, the County granted eligibility of the remaining property for the development of up to 75,000 square feet of commercial building square footage. As part of the Agreement, the Board subsequently amended the LDC to include the referenced provisions.

The Bradfordville Hunt Club Agreement was later amended after Peter A. DeSantis, Jr., acquired the referenced properties. This subsequent amended Agreement, the DeSantis Agreement Proportionate Share Traffic Mitigation Agreement, and First Amendment to Settlement Agreement, referred to hereinafter as the "DeSantis Agreement," sought resolution of traffic concurrency, which was not addressed in the original Bradfordville Hunt Club Agreement. The DeSantis Agreement was approved by the Board on June 10, 2008.

The proposed Ordinance is being processed concurrently with a rezoning of the site, together with a proposed Development Agreement (Attachment #1). The rezonings will ensure continued consistency with the BSP (as amended). The proposed Development Agreement will maintain the original development assurances for the properties subject to the DeSantis Agreement, while providing flexibility in transferring a large portion of those development rights to properties located south of Bannerman Road and adjacent to the existing Bradfordville Crossing development. In exchange, the County will acquire right-of-way needed for the future widening of Bannerman Road (runs the length of the subject property), right-of-way for the construction of an extension of Beech Ridge Trail from Kinhega Drive to Bannerman Road, property for a passive park, stormwater facilities, and the relocation of the Bradfordville Community Center building.

Title: First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement

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Analysis:

A portion of the properties that will be directly affected by the map amendment are located north of Bannerman Road, and are subject to the DeSantis Agreement. Parcel ID#'s 14-22-20-005-000-0 and 14-22-20-018-000-0 are located approximately 500 feet west of the intersection of Thomasville Road and Bannerman Road, are zoned Bradfordville Commercial 2 (BC-2) and currently have a Bradfordville Commercial overlay of CO-1. Parcel ID#'s 14-15-20-601-000-0 and 14-15-20-628-000-0 are located west of the above referenced parcels and are zoned Bradfordville Commercial 1 (BC-1). These parcels have a commercial overlay of CMUO-2. If approved by the Board, the Ordinance would extend the CO-1 overlay westward to include Parcel ID#'s 14-15-20-601-000-0 and 14-15-20-628-000-0. A rezoning application also proposes to rezone Parcel ID#'s 14-22-20-005-000-0 and 14-22-20-018-000-0 to BC-1. The existing and proposed Future Development Concept Maps are included as Attachments #2 and #3.

The remaining properties affected by the map amendment are located south of Bannerman Road and directly adjacent to the existing Bradfordville Crossing development. Parcel ID#'s 14-22-22-000-002-0 and 14-22-22-000-003-0 are located approximately 1,000 feet west of the intersection of Thomasville Road and Bannerman Road, are owned by the County, and provide the current location for the Bradfordville Community Center. PID#14-22-22-000-002-0 is currently zoned BC-1, while only a portion of Parcel ID#14-22-22-000-003-0 is located in the BC-1 zoning district. The remainder of PID#14-22-22-000-003-0 is located in the Bradfordville Office Residential (BOR) zoning district. Both parcels are presently located within the CMUO-2 Commercial Overlay district. The existing and proposed Future Development Concept Maps are included as Attachments #2 and #3.

Parcel ID#14-22-22-000-001-0 would also be affected by the proposed Ordinance. This parcel is located south and west of the existing Bradfordville Crossing commercial development. A portion of this parcel is zoned BOR, while the remainder is zoned Residential Acre (RA). In addition, this parcel is located partially within the CO-1 and CMUO-2 commercial overlays.

If adopted by the Board, the Ordinance would extend the CO-1 overlay further south to the common boundary between parcel ID#'s 14-22-22-000-001-0 and 14-22-22-000-006-0 (Bradfordville First Baptist Church property). In addition, the CO-1 overlay would generally extend further west, approximately 220 feet east of the western boundary of parcel ID#14-22-20-000-001-0. The existing and proposed Future Development Concept Maps are included as Attachments #2 and #3.

A primary difference between the two commercial overlay districts is that the CO-1 overlay allows commercial retail with drive-thru facilities, while the CMUO-2 district does not. Another important difference is that the CO-1 commercial overlay requires 25 percent of the site to be maintained in open space, while the CMUO-2 commercial overlay requires 35 percent open space to be preserved. However, both commercial overlays maintain the same site and building design requirements for the Bradfordville Commercial Center. Although residential development is generally not anticipated in the CO-1 overlay, the applicant is proposing a transitional area between the single-family detached component and the commercial component that would include the development of townhomes (single-family attached), which are allowed within the proposed R-3 zoning district.

Title: First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement

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A portion of the southern properties are located in the Lake McBride Viewshed. A proposed amendment to Section 10-6.678(c) of the LDC is intended to remove the density limits of one dwelling unit per three acres as restricted in the Lauder 163 Agreement. The density limits are enforced by private covenants and restrictions recorded in the Official Records of Leon County. The applicant has been working with the entities party to the covenants and restrictions to revise the restrictions to allow additional density. It shall be noted that the proposed development would comply with the remaining development standards stated in Section 10-6.678 of the LDC.

The DeSantis Agreement granted the development rights to develop up to 75,000 square feet of commercial retail use not to exceed the traffic concurrency equivalency of 32 residential units, provided that the DeSantis property owner survey, design, engineer, permit and construct the new roadway between Kinhega Drive and Bannerman Road. However, neither the DeSantis Agreement nor the proposed amendments relieve the applicant from demonstrating compliance with the applicable Bradfordville stormwater standards or building design standards.

As previously noted, the proposed Development Agreement includes a re-distribution of land with the County that would involve the relocation of the Bradfordville Community Center (old school house) on the north side of Bannerman Road. This property is primarily adjacent to Kinhega Drive and will include the proposed right-of-way for the Beech Ridge Trail extension. The property will include a stormwater management facility and will also be utilized as a passive park. As a result of this re-distribution, the applicant would be afforded the opportunity to develop a portion of these southern properties for commercial retail development.

Specifically, the northern properties would still retain the development rights for up to 20,000 square feet of office development and 25,500 of commercial development (located primarily adjacent to Bannerman Road), while the southern properties would be allowed to develop up to 76,000 square feet of commercial retail development (includes the proposed additional 26,500 square feet of commercial retail) based on the demonstration of compliance with all applicable development standards. The total proposed square footage of commercial retail development consists of approximately 101,500 square feet.

Staff recommends approval of the proposed amendments based on the following findings:

- The opportunity to address site access issues, such as vehicular movement and interconnectivity between Kinhega Drive and Bannerman Road, during the site plan review process;
- The proposed amendment furthers the Board's Strategic Priority of supporting business expansion and redevelopment opportunities.

The Planning Department has reviewed the proposed Ordinance and found it consistent with the Comprehensive Plan (Attachment #4). In addition, the Planning Department has conducted a property rezoning analysis for the subject properties, which is included as Attachment #5.

Title: First and Only Public Hearing on a Proposed Ordinance Amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, Amendments to the Official Zoning Map of Leon County and Corresponding Updates to the Applicable Provisions of Chapter 10 of the Leon County Code of Laws to Reflect the Board's Desire to Complete a Development Agreement

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The proposed Ordinance requires consistency review in a Public Hearing by the Planning Commission, followed by one Public Hearing by the Board. The Planning Commission conducted a Public Hearing on the proposed Ordinance on December 3, 2013. After consideration, the Planning Commission found the Ordinance consistent with the Comprehensive Plan and recommended that the Board adopt the proposed Ordinance, as outlined.

The Public Hearing has been publicly noticed consistent with the requirements of Florida Statutes (Attachment #6).

Options:

1. Conduct the first and only Public Hearing and adopt the proposed Ordinance amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, amendments to the Official Zoning Map of Leon County to change the Zoning Classification from the Residential Acre (RA), Bradfordville Commercial – Pedestrian Oriented (BC-2), and Bradfordville Office Residential (BOR) Zoning Districts to the Single and Two-Family Residential District (R-3) and Bradfordville Commercial – Auto Oriented (BC-1) Zoning District (Attachment #1), as well as corresponding updates to the applicable provisions of Chapter 10 of the Leon County Code of Laws to reflect the Board's desire to complete a Development Agreement.
2. Conduct the first and only Public Hearing and do not adopt the proposed Ordinance amending the Commercial Overlay Districts and the Commercial Center Future Development Concept Map of the Bradfordville Sector Plan, amendments to the Official Zoning Map of Leon County to change the Zoning Classification from the Residential Acre (RA), Bradfordville Commercial – Pedestrian Oriented (BC-2), and Bradfordville Office Residential (BOR) Zoning Districts to the Single and Two-Family Residential District (R-3) and Bradfordville Commercial – Auto Oriented (BC-1) Zoning District, as well as corresponding updates to the applicable provisions of Chapter 10 of the Leon County Code of Laws.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Existing Figure 12 of the Bradfordville Sector Plan "Commercial Center Future Development Concept"
3. Proposed Figure 12 amending the Bradfordville Sector Plan "Commercial Center Future Development Concept"
4. Tallahassee-Leon County Planning Department Consistency Review of Proposed Ordinance dated November 12, 2013
5. Tallahassee-Leon County Planning Department Property Rezoning Analysis
6. Legal Notice Published in the Tallahassee Democrat

ORDINANCE NO. 13- _____

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON
2 COUNTY, FLORIDA, AMENDING FIGURE 12 OF THE BRADFORDVILLE
3 SECTOR PLAN, ADOPTED BY ORDINANCE 00-31, RELATING TO THE
4 COMMERCIAL OVERLAY ZONE 1 AND THE COMMERCIAL MIXED USE
5 OVERLAY ZONE 2 DESIGNATIONS IN THE COMMERCIAL CENTER FUTURE
6 LAND USE CONCEPT MAP; AMENDING CHAPTER 10, THE LAND
7 DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA;
8 AMENDING SECTION 10-6.678, BRADFORDVILLE SCENIC OVERLAY
9 DISTRICT; AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE
10 FOR A CHANGE IN ZONE CLASSIFICATION FROM THE RA RESIDENTIAL
11 ACRE, BC-2 BRADFORDVILLE COMMERCIAL-PEDESTRIAN ORIENTED AND
12 BOR BRADFORDVILLE OFFICE RESIDENTIAL ZONING DISTRICTS TO THE
13 BC-1 BRADFORDVILLE COMMERCIAL-AUTO ORIENTED AND R-3 SINGLE
14 AND TWO-FAMILY RESIDENTIAL ZONING DISTRICTS IN LEON COUNTY,
15 FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
16 AND PROVIDING AN EFFECTIVE DATE.

19 WHEREAS, on July 11, 2000, the Leon County Board of County Commissioners
20 (“Board”) adopted Ordinance 00-31, relating to the Bradfordville Study Area; and,
21

22 WHEREAS, in Ordinance 00-31, the Board amended Chapter 10 of the Leon County
23 Code of Laws, by adopting a new section relating to the Bradfordville Commercial Overlay
24 District; and,

25 WHEREAS, in Ordinance 00-31, the Board adopted the Bradfordville Sector Plan, which
26 was attached as Exhibit “A” to Ordinance 00-31 and incorporated therein by reference; and,

27 WHEREAS, the Board desires to amend Figure 12 of the Bradfordville Sector Plan
28 relating to the Commercial Center Future Development Concept map; and,

29 WHEREAS, the Board desires to amend the Bradfordville Sector Plan relating to the
30 Bradfordville Commercial Overlay Districts and Future Development Concept Regulations; and,

31 WHEREAS, the implementing regulations for the Bradfordville Sector Plan are located
32 in Chapter 10 of the Leon County Code of Laws; and,

1 WHEREAS, amendments to the applicable provisions of Chapter 10 will be required to
2 maintain consistency with the proposed amendments to the Bradfordville Sector Plan; and,

3 WHEREAS, the proposed amendments to the Bradfordville Sector Plan and to Chapter
4 10 are the result of the Board’s desire to complete a Development Agreement pursuant to
5 Chapter 163 of the Florida Statutes; and,

6 WHEREAS, the Board desires to enter into a Chapter 163, F.S. Development Agreement
7 to facilitate the intent of the Bradfordville Sector Plan specifically at it relates to
8 the incorporation of walkability, mixed-use development including residential, and new
9 urbanism design components into the commercial and village center areas of Bradfordville
10 including the provision of a new passive park adjacent to the relocated historic Bradfordville
11 School House which services as a community center; and,

12 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
13 COUNTY, FLORIDA, that:

14

15 **SECTION 1.** The Bradfordville Sector Plan is hereby amended by revising Figure 12,
16 “Commercial Future Development Concept” map of the Sector Plan, to adjust a portion of the
17 area designated as “Commercial Overlay Zone 1” to include the parcels located on the north side
18 of the right-of-way of Bannerman Road, as depicted in Exhibit “A”, as amended, and attached
19 hereto and incorporated by reference, in the “Commercial Overlay Zone 1” designation and the
20 removal of those referenced properties from the “Commercial Mixed Use Overlay Zone 2”
21 designation likewise.

22 Figure 12 of the Bradfordville Sector Plan is also amended to include additional parcels and/or
23 portions thereof on the south side of Bannerman Road, as depicted in Exhibit “A”, as amended,

1 and attached hereto and incorporated by reference, in the “Commercial Overlay Zone 1”
2 designation.

3
4 **SECTION 2.** A portion of Section 10-6.678 of Article VI of Chapter 10 of the Code of Laws of
5 Leon County, Florida, entitled “Bradfordville Scenic Overlay district” is hereby amended as
6 follows:

7
8 **Sec. 10-6.678. Bradfordville Scenic Overlay district.**
9

10 (a) *Purpose and intent.* The scenic overlay district applies to unique natural environments within
11 Leon County that warrant special protection. The district protects identified scenic viewsheds
12 from development that would reduce property values and threaten natural resources through
13 unnecessary destruction of vegetation.

14 (b) *Applicability.* The scenic overlay district shall apply to the following areas:

15 (1) *Lake McBride.* The provisions of the Lake McBride scenic overlay district shall apply to
16 all development within the Lake Viewshed Overlay as designated in Figure 12 of the
17 Bradfordville Sector Plan surrounding Lake McBride, except the following:

- 18 a. Construction or alteration of an accessory structure to a single-family, single-family
19 attached, or duplex residential structure if:
20 1. Not more than one principal residential structure is maintained on a legal lot or
21 tract; and
22 2. The proposed improvement is not located in zone "A" of the Lake McBride
23 Special Development Zone;
24 b. Interior alteration of an existing building that does not increase the square footage,
25 area, or height of the building;
26 c. Construction of a fence that does not obstruct the flow of water;
27 d. Clearing an area up to 15 feet wide for surveying and testing, unless a tree more than
28 12 inches in diameter is to be removed;
29 e. Restoration of a damaged building that begins within 12 months of the date of the
30 damage provided that the reconstruction does not increase the lot area or the
31 impervious coverage or height of the building prior to its damage;
32 f. Enclosure of an existing staircase or porch;
33 g. Construction of an uncovered wooden ground level deck up to 5,000 square feet in
34 size;
35 h. Replacement of a roof where the building with the new roof will not exceed building
36 height limits;
37 i. Remodeling of an exterior facade if construction is limited to the addition of columns
38 or awnings for windows or entrance ways;
39 j. A sidewalk constructed on existing impervious cover;

1 k. Modification of up to 3,000 square feet of a building or impervious cover on a
2 developed site to make facilities accessible for persons with disabilities.

3 (c) *Development guidelines.* Development within the scenic overlay district shall comply with
4 the following standards:

5 (1) *Building height.* Buildings in commercial, office and service districts shall not exceed 30
6 feet in height as measured from average grade. No other nonresidential structures shall
7 exceed 45 feet in height.

8 (2) *Building finish.* Buildings and roofs shall be finished with non-reflective surfaces.

9 (3) *Clearing.* No tree with a diameter of 12 inches DBH or greater shall be removed within
10 the scenic overlay district without the written approval of the ~~director in the church or~~
11 ~~residential area as designated in the Lauder 163 Agreement as recorded in the public~~
12 ~~record~~ County Administrator or designee.

13 (4) *Lighting.* Lighting fixtures shall direct light downward and shall not be mounted at a
14 height in excess of 30 feet. The projected cone of light from a fixture shall not exceed
15 120 degrees. All lighting fixtures for nonresidential development shall be designed so
16 that the source of light is not directly visible from the lake.

17 (5) *Additional buffers.* The property ~~designated church and residential in the Lauder 163~~
18 ~~Agreement as recorded~~ within the scenic overlay district, shall be surrounded by a 25-
19 foot wide vegetative buffer, broken only by authorized access points.

20 (6) *Density.* ~~The property designated church and residential in the Lauder 163 Agreement as~~
21 ~~recorded, shall be limited to a residential density not to exceed one unit per three acres.~~

22 (*Ord. No. 07-20, § 2, 7-10-07*)

23
24 **SECTION 3.** The Official Zoning Map as adopted in Leon County Ordinance No. 92-11 is
25 hereby amended as it pertains to the following described real property:

26
27 PRZ130011: From Residential Acre (RA), Bradfordville Commercial-Pedestrian Oriented (BC-2) and
28 Bradfordville Office Residential (BOR) to Bradfordville Commercial-Auto Oriented (BC-1), and Single-
29 and Two-Family Residential (R-3)

30
31 **LEGAL DESCRIPTION:**

32
33 **Bradfordville Office Residential (BOR) to Bradfordville Commercial – Auto Oriented (BC-1)**

34
35 A Parcel of land lying in Section 22, Township 2 North, Range 1 East, Leon County, Florida being more
36 particularly described as follows:

37
38 COMMENCE at the Northeast corner of Lot 1 of Bannerman Corner, a subdivision as per map or plat
39 thereof recorded in Plat Book 16, Page 42 of the Public Records of Leon County, Florida, said point lying
40 on the southerly right-of-way boundary of Bannerman Road, thence along said right-of-way South 37
41 degrees 59 minutes 59 seconds East 184.85 feet to the POINT OF BEGINNING. From said POINT OF
42 BEGINNING continue South 37 degrees 59 minutes 59 seconds East 9.09 feet; thence South 38 degrees
43 14 minutes 02 seconds East 415.30 feet; thence leaving said right-of-way run South 51 degrees 42
44 minutes 30 seconds West 794.21 feet; thence North 38 degrees 16 minutes 41 seconds West 425.47 feet;

1 thence North 51 degrees 47 minutes 09 seconds East 794.57 feet to the POINT OF BEGINNING,
2 containing 7.75 acre, more or less.

3
4 **Residential Acre (RA) to Bradfordville Commercial – Auto Oriented (BC-1)**

5
6 A Parcel of land lying in Section 22, Township 2 North, Range 1 East, Leon County, Florida being more
7 particularly described as follows:

8
9 Begin at the Northeast corner of Lot 6 of Bannerman Corner, a subdivision as per map or plat thereof
10 recorded in Plat Book 16, Page 42 of the Public Records of Leon County, Florida and run South 50
11 degrees 50 minutes 12 seconds West along the North boundary of said Lot 6 a distance of 46.95 feet,
12 thence leaving said northerly boundary of Lot 6 run North 39 degrees 09 minutes 48 seconds West 186.58
13 feet,thence North 58 degrees 12 minutes 51 seconds West 292.50 feet,thence North 38 degrees 12 minutes
14 51 seconds West 132.02 feet, thence North 51 degrees 47 minutes 09 seconds East 225.38 feet, thence
15 South 38 degrees 16 minutes 41 seconds East 425.47 feet,thence North 51 degrees 42 minutes 30 seconds
16 East 194.19 feet, to a point lying on the Southwesterly boundary of Lot 3 of said Bannerman Corner,
17 thence South 38 degrees 13 minutes 38 seconds East along said Southwesterly boundary and a projection
18 thereof a distance of 1340.15 feet to a point lying on the Westerly right of way boundary of Thomasville
19 Road and a curve concave Southeasterly, thence Southwesterly along said right of way and said curve
20 having a radius 5804.65 feet through a central angle of 02 degrees 48 minutes 44 seconds for an arc
21 length of 284.90 feet (chord bears South 33 degrees 10 minutes 16 seconds West 284.88 feet) to a point
22 marking the Southeast corner of said Lot 6, thence leaving said right of way boundary run North 38
23 degrees 13 minutes 41 seconds West along the Easterly boundary of said Lot 6 a distance of 1263.63 feet
24 to the POINT OF BEGINNING, containing 10.61 acres, more or less.

25
26 **Bradfordville Office Residential (BOR) to Single- and Two-Family Residential (R-3)**

27
28 A Parcel of land lying in Section 22, Township 2 North, Range 1 East, Leon County, Florida being more
29 particularly described as follows:

30
31 BEGIN at the Northeast corner of Lot 1 of Bannerman Corner, a subdivision as per map or plat thereof
32 recorded in Plat Book 16, Page 42 of the Public Records of Leon County, Florida, said point lying on the
33 southerly right-of-way boundary of Thomasville Road, thence run along said right-of-way boundary
34 South 37 degrees 59 minutes 59 seconds East 184.85 feet; thence leaving said right-of-way boundary run
35 South 51 degrees 47 minutes 09 seconds West 794.57 feet; thence North 38 degrees 16 minutes 41
36 seconds West 183.94 feet; thence North 51 degrees 43 minutes 13 seconds East 795.47 feet to the POINT
37 OF BEGINNING, containing 3.36 acres, more or less.

38
39 **Residential Acre (RA) to Single- and Two-Family Residential (R-3)**

40
41 A Parcel of land lying in Section 22, Township 2 North, Range 1 East, Leon County, Florida being more
42 particularly described as follows:

43
44 BEGIN at the Northeast corner of Lot 1 of Bannerman Corner, a subdivision as per map or plat thereof
45 recorded in Plat Book 16, Page 42 of the Public Records of Leon County, Florida, said point lying on the
46 southerly right-of-way boundary of Thomasville Road, thence run along said right-of-way boundary
47 North 38 degrees 04 minutes 03 seconds West 636.10 feet; thence leaving said right-of-way boundary run
48 South 51 degrees 42 minutes 52 seconds West 1559.38 feet; thence South 25 degrees 45 minutes 27
49 seconds East 769.76 feet; thence South 24 degrees 02 minutes 34 seconds East 704.64 feet; thence North
50 83 degrees 53 minutes 47 seconds East 459.67 feet; thence North 39 degrees 18 minutes 53 seconds West

1 256.96 feet; thence North 50 degrees 50 minutes 12 seconds East 594.44 feet; thence North 39 degrees 09
2 minutes 48 seconds West 186.58;thence North 58 degree 12 minutes 51 seconds West 292.50 feet; thence
3 North 38 degrees 12 minutes 51 seconds West 132.02 feet; thence North 51 degrees 47 minutes 09
4 seconds East 225.38 feet; thence North 38 degrees 16 minutes 41 seconds West 183.94 feet; thence North
5 51 degrees 43 minutes 13 seconds East 795.47 feet to the POINT OF BEGINNING, containing 40.59
6 acres, more or less.

7
8 **Bradfordville Commercial – Pedestrian Oriented (BC-2) to Bradfordville Commercial – Auto**
9 **Oriented (BC-1)**

10
11 A Parcel of land lying in Section 22, Township 2 North, Range 1 East Leon County, Florida being more
12 particularly described as follows:

13
14 Commence at a concrete monument marking the Northeast corner of Section 22, Township 2
15 North, Range 1 East, Leon County, Florida, and run thence West along the Section Line 628.98
16 feet; thence North 14 degrees 30 minutes West 391.0 feet; thence South 37 degrees 07 minutes
17 West 260.0 feet; thence North 52 degrees 53 minutes West 1,381.40 feet to the East boundary of
18 the West half of the Southwest Quarter of the Southeast Quarter of Section 15, Township 2 North,
19 Range 1 East, Leon County, Florida; thence North 00 degrees 28 minutes East along said East
20 boundary of 324.20 feet to the Northeast corner of the West half of the Southwest Quarter of the
21 Southeast Quarter of said Section 15; thence North 89 degrees 32 minutes West along the North
22 boundary of the Southwest Quarter of the Southeast Quarter of said Section 15 a distance of
23 660.0 feet; thence South 00 degrees 28 minutes West along the West boundary of the Southeast
24 Quarter of said Section 15 a distance of 660.0 feet to a permanent reference monument on the
25 boundary of Killearn Lakes, Unit No.1, a subdivision as per map or plat thereof, recorded in Plat
26 Book 6, Page 26 of the Public Records of Leon County, Florida; thence South 29 degrees 09
27 minutes 19 seconds East along said South boundary a distance of 954.60 feet to the POINT OF
28 BEGINNING. From said POINT OF BEGINNING continue South 29 degrees 09 minutes 19
29 seconds East 57.82 feet, thence South 60 degrees 02 minutes 59 seconds East 466.71 feet, thence
30 South 39 degrees 41 minutes 41 seconds West 1094.83 feet to a point lying on the Northerly right
31 of way boundary for Bannerman Road, thence North 38 degrees 20 minutes 58 seconds West
32 401.11 feet, thence leaving said right of way boundary run North 32 degrees 26 minutes 02
33 seconds East 961.32 feet to the POINT OF BEGINNING, containing 10.48 acres, more or less.

34
35 (see Exhibit A)

36
37 **SECTION 4. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of
38 this ordinance are hereby repealed to the extent of such conflict, except to the extent of any
39 conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions
40 shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with
41 the said Comprehensive Plan.

42 **SECTION 5. Severability.** If any word, phrase, clause, section or portion of this ordinance
43 shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or
44 words shall be deemed a separate and independent provision and such holding shall not affect the
45 validity of the remaining portions thereof.

46 **SECTION 6. Effective Date.** This ordinance shall have effect upon becoming law.

1 DULY PASSED AND ADOPTED by the Board of County Commissioners of Leon County,
2 Florida, this _____ day of _____, 2013.

3 LEON COUNTY, FLORIDA

4
5
6 By: _____
7 Kristin Dozier, Chairman
8 Board of County Commissioners
9

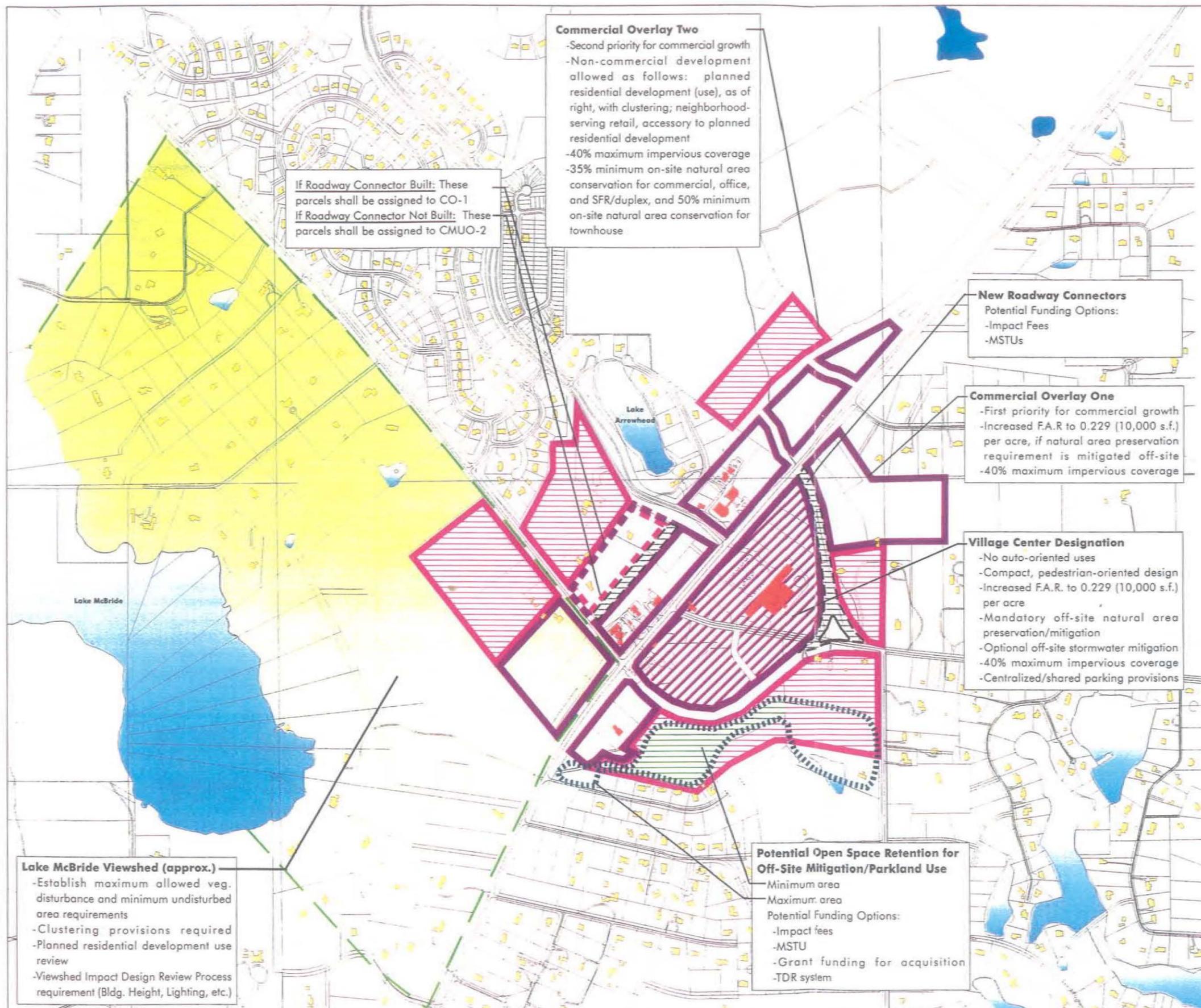
10 ATTEST:
11 Bob Inzer, Clerk of the Circuit Court and Comptroller
12 Leon County, Florida
13

14
15 By: _____
16

17
18 APPROVED AS TO FORM:
19 Leon County Attorney's Office
20

21
22 By: _____
23 Herbert W. A. Thiele, Esq.
24 County Attorney
25

FIG. 12 - COMMERCIAL CENTER FUTURE DEVELOPMENT CONCEPT



Commercial Development Suitability Designations

- Commercial Overlay Zone One
- Commercial/Mixed Use Overlay Zone Two

Additional Development/Design Standards

- Village Center
- Lake Viewshed Overlay

Capital Improvements

- New Roadway Connectors
- Open Space Retention for Off-Site Mitigation

- Lakes
- Wetlands
- Existing Structures

Data Source: Leon County GIS Department

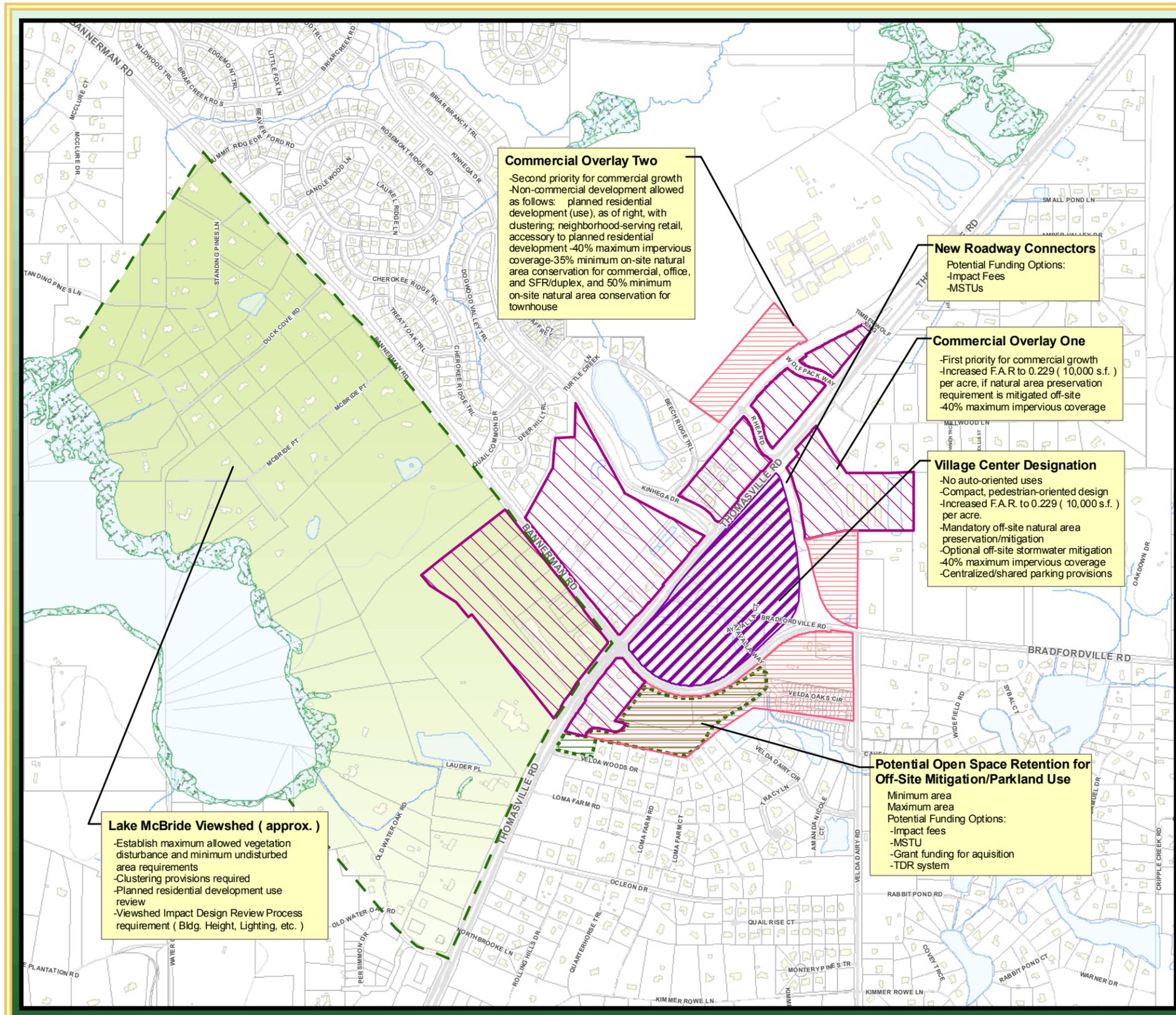
**BRADFORDVILLE STUDY AREA
SECTOR PLAN**

WALLACE ROBERTS & TODD, LLC

JULY 2000



FIG. 12 - COMMERCIAL CENTER FUTURE DEVELOPMENT CONCEPT



Commercial Overlay Two
 -Second priority for commercial growth
 -Non-commercial development allowed as follows: planned residential development (use), as of right, with clustering; neighborhood-serving retail, accessory to planned residential development-40% maximum impervious coverage-35% minimum on-site natural area conservation for commercial, office, and SFR/duplex, and 50% minimum on-site natural area conservation for townhouse

New Roadway Connectors
 Potential Funding Options:
 -Impact Fees
 -MSTUs

Commercial Overlay One
 -First priority for commercial growth
 -Increased F.A.R. to 0.229 (10,000 s.f.) per acre, if natural area preservation requirement is mitigated off-site
 -40% maximum impervious coverage

Village Center Designation
 -No auto-oriented uses
 -Compact, pedestrian-oriented design
 -Increased F.A.R. to 0.229 (10,000 s.f.) per acre.
 -Mandatory off-site natural area preservation/mitigation
 -Optional off-site stormwater mitigation
 -40% maximum impervious coverage
 -Centralized/shared parking provisions

Potential Open Space Retention for Off-Site Mitigation/Parkland Use
 Minimum area
 Maximum area
 Potential Funding Options:
 -Impact fees
 -MSTU
 -Grant funding for aquisition
 -TDR system

Lake McBride Viewshed (approx.)
 -Establish maximum allowed vegetation disturbance and minimum undisturbed area requirements
 -Clustering provisions required
 -Planned residential development use review
 -Viewshed Impact Design Review Process requirement (Bldg. Height, Lighting, etc.)

Legend

Commercial Development Suitability Designations

- Commercial Overlay Zone One
- Commercial/Mixed Use Overlay Zone Two

Additional Development/Design Standards

- Village Center
- Lake Viewshed Overlay

Capital Improvements

- Open Space Retention for Off-Site Mitigation

Water Features

- LAKE
- RIVER
- STREAM
- SWAMP

Other Features

- Existing Structures

BRADFORDVILLE STUDY AREA SECTOR PLAN

TALLAHASSEE - LEON COUNTY
PLANNING DEPARTMENT
 PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Nov. 8, 2013

0 250 500 1,000 Feet



MEMORANDUM



"People Focused. Performance Driven"

TO: Ryan Culpepper, Development Services Administrator, Leon County Department of Development Support Services and Environmental Management

THROUGH: Russell Snyder, Administrator, Land Use Division
Tallahassee-Leon County Planning Department

FROM: Susan Poplin, Senior Planner, TLCPD

DATE: November 12, 2013

SUBJECT: Consistency Review—Ordinance Amending the Bradfordville Sector Plan Overlay

Summary of Proposed Ordinance

The proposed ordinance amends the Bradfordville Sector Plan, and also sections of the Code of Laws of Leon County. Specifically the following changes are proposed:

Bradfordville Sector Plan

- Revise the area on Figure 12 (Attachment 1) to expand the area of Commercial Overlay Zone 1 and shrink the Commercial Mixed Use Overlay Zone 2.

Leon County Code of Ordinances, Bradfordville Scenic Overlay

- Revise Sec. 10-6.678 to remove references to the Lauder Settlement Agreement.

Zoning Map Changes

- Revise the official Zoning Map, adopted by Ordinance 92-11, from Residential Acre (RA), Bradfordville Commercial-2 (BC-2) and Bradfordville Office Residential (BOR) to Bradfordville Commercial-1 (BC-1), and Urban Residential 3 (R-3), on approximately 73 acres.

Finding of Consistency with the Tallahassee-Leon County Comprehensive Plan For the Sector Plan Overlay and Revision to Section 10-6.678 of the Code of Leon County

Land Use Element Policy 1.4.5. requires all land development regulations adopted by local government to be consistent with the local comprehensive plan including the intended functions, land uses and intensity of the land use category designated on the future land use map. It also requires consistency consideration of specific actions such as land use changes and rezonings. The proposed ordinance includes revising the location of uses within the Bradfordville Sector Plan. The Bradfordville Sector Plan emphasizes the requirement to be consistent with the local comprehensive plan. The proposed revisions provide specificity on land use and density for the Bradfordville Mixed Use Development area, including emphasizing uses and densities consistent with the local comprehensive plan. Therefore, the changes to the sector plan are consistent with and support the above-mentioned policy.

Land Use Element Objective 1.7 provides a framework for mixed used development within the Bradfordville Sector Plan area. The objective includes statements of intent for overall development in the sector, including:

- a) Provide opportunity for residential, shopping, employment, education and recreation use within walking distance of each other;
- b) Promote higher density housing and concentrations of nonresidential activity in close proximity to each other;
- c) Provide for a range of housing opportunities which does not isolate families or individuals based upon age, income or race; and
- d) Encourage a mix of complimentary land uses and concentrations of mixed-use development in appropriate locations.

The proposed revision to the sector plan commercial overlays and the proposed code changes will support opportunities for residential by allowing townhouse development to occur in and adjacent to the central activity area of the Bradfordville Sector. The area is within ¼ mile of existing commercial uses and the retail activity center at the intersection of Thomasville and Bannerman/Bradfordville Roads. Best Management Practices for walkability include using a radius of ¼ to ½ mile to establish appropriate distances for pedestrian use and interaction. With the adjustment to the Sector Plan zones, the comprehensive plan's statement of intent related to walkability continues to be supported.

With regard to promoting higher density housing and nonresidential activity in close proximity to each other, the proposed revision to the Figure 12 for the addition of Commercial Mixed-Use Overlay Zone One, will continue to promote higher density. Currently, the Commercial Mixed-Use Overlay Zone Two in the sector plan prescribes Residential Densities of 4 to 6 dwelling units per acre for single-family and duplex dwellings, respectively, or 8 dwelling units per acre for townhouse (attached single-family). Commercial Mixed-Use Overlay Zone One would continue to allow similar residential development based on the county assessment of the sector plan standards for residential density. The sector plan states that mixed use incentives would serve to meet the intent of Mixed Use A (which was the land use category at the time of sector plan adoption) to balance residential and commercial development within the Bradfordville Sector. Given that the density matches the previous Zone 2 density and the fact that Zone 1 is a strong commercial category that will continue to promote mixing commercial and residential uses, staff believes that the Sector Plan as revised continues to meet the objective of having housing in close proximity to other nonresidential uses.

The proposed revision does not affect the density allowed within the sector plan (8 dwelling units/acre for townhomes and up to 12 dwelling units with density bonuses). The comprehensive plan defines residential in low, medium, high and urban densities. Urban densities would not be appropriate in this area as the 51-100 du/acre standard is meant for downtown and city core areas. Similarly, the high density residential at 16-50 dwelling units per acre would be better in a significant urban center. Medium density of 8-16 dwelling units is appropriate and for the Commercial Mixed-Use Overlay, a density of 6-8 dwelling units was the original target. With the revision to the sector plan to Commercial Overlay Zone 1, a medium density residential pattern is maintained. Therefore, staff believes that the proposal supports the statement of intent related to promoting higher density development within the Bradfordville Sector.

The current sector plan locates the Zone 1 overlay near the highest activity area of the sector, which includes commercial and retail uses. The proposal continues to maintain the Zone 1 overlay on the sector plan map adjacent to the highest activity area. Therefore, staff believes the proposal supports the statement of intent related to encouraging the mixture of uses at the appropriate locations and also supports and is consistent with the Village Center land use pattern for the sector.

Land Use Element Policies 1.7.1 through 1.7.9 establish various patterns for Bradfordville Sector development. There is not a specific cross reference for the development patterns in the comprehensive plan to the underlying zoning assigned; nor is this type of relationship required. The development patterns serve as a potential land use objective or goal to achieve, but it is not the intent that specific zoning areas be required to meet each pattern. In looking at the area south of Bannerman Road and west of Thomasville, the area within the Commercial Mixed-Use Overlay Zone 1 having a Bradfordville Commercial-1 and

Residential-3 zoning follows the Primary Low Density Mixed-Use Pattern. The remaining areas covered by the revised commercial overlay map consisting of Commercial Overlay Zone 1 and having Bradfordville Commercial 1 and 2, and Bradfordville Commercial Services zoning, follow the Secondary Bradfordville Mixed Use Village Center pattern. From a land use perspective, the proposed change will have no effect on the residential density pattern and it will continue to be within the low and medium development pattern. Therefore, the proposal will continue to maintain consistency with the prescribed comprehensive plan policies for development patterns in the Bradfordville Sector. Additionally, as mentioned previously, the proposal will continue to meet the tenets of the Bradfordville Sector by having low to medium density residential and a mix of uses; the land use patterns proposed are consistent with the local comprehensive plan's statements of intent for density and mixture of uses in the sector.

Land Use Element Policy 2.1.8 establishes the density range for the Bradfordville Mixed Use area as 0-20 dwelling units per acre. A density bonus is allowed up to 25% above the maximum for the purposes of providing affordable housing units. The proposal to revise the overlay areas in Figure 12 to add Commercial Overlay Zone 1 is consistent with the generally prescribed density range of the land use category.

Land Use Element Policy 2.2.6 establishes the intended function and components of the Bradfordville Mixed Use land use. Some specific goals are to:

- Create a village atmosphere with an emphasis on low to medium density residential land use, small-scale commercial shopping opportunities for residents, schools and churches, and recreation.
- Include as an essential component low to medium-density residential.
- Allow all of the development patterns within the Bradfordville Mixed Use.
- Allow land uses to be regulated by the zoning districts for implementation purposes.

The proposal revises the sector plan commercial overlay location. This change will continue to create a mixed-use, village atmosphere with an emphasis on low and medium-density land use, and therefore remains consistent with the local comprehensive plan.

For the reasons stated above, the proposed ordinance with revisions to the Bradfordville Sector Plan and Section 10-6.678 of the Code of Leon County is found to be consistent with the Comprehensive Plan.



"People Focused. Performance Driven"

Property Rezoning Analysis for Proposed Ordinance

The following is an overview and history of the property zoning prepared by the Tallahassee-Leon County Planning Department:

Historic Zoning: The 1989 Historic Zoning Atlas, based on the Leon County Zoning Code through 1989, as amended and revised from ordinance 70-O-1194, adopted on December 1, 1970 and effective January 1, 1971, showed the historic zoning on the property to be A-2, which is an agricultural zoning category. The A-2 category allowed agricultural activities; single-family and two-family dwellings, mobile homes, churches and schools, golf courses, cemeteries, greenhouses and plant nurseries, radio and television transmission stations, convalescent nursing homes, parks and playgrounds, commercial stables, commercial kennels, and self-supporting transmission towers.

1990: The Tallahassee-Leon County Comprehensive Plan was adopted and the subject properties were placed in the Mixed Use "A" Future Land Use Map category.

1992: The subject properties were rezoned from A-2 to Mixed Use-A to implement the Comprehensive Plan.

1997: Leon County implemented "Site-Specific Zoning" and rezoned the subject properties to Residential Acre (RA), Bradfordville Office Residential (BOR), and Bradfordville Commercial-2 (BC-2), respectively.

April 2007: Leon County changed the future land use from Mixed Use "A" to Bradfordville Mixed Use pursuant to the adoption of the revised Tallahassee-Leon County Comprehensive Plan resulting from Comprehensive Plan Reform.

The Planning Department has reviewed the proposed Ordinance and has determined that the Ordinance is consistent with the Comprehensive Plan. The proposed Ordinance requires consistency review in a Public Hearing by the Planning Commission, followed by one Public Hearing by the Board. Staff will provide any comments and/or recommendations made by the Planning Commission at the Board's first and only Public Hearing on December 10, 2013.

In accordance with Section 10-6.205(b)11 (Procedures for Ordinance and Official Zoning Map Amendments) of the *Leon County Code of Ordinances*, the County shall consider the following in determining whether to recommend approval or denial of an application:

1. *Comprehensive Plan.* Is the proposal consistent with all applicable policies of the adopted Comprehensive Plan?

Yes. The proposed rezonings are consistent with the Bradfordville Mixed Use Future Land Use Map (FLUM) category, which states that, “[T]he essential component of Bradfordville Mixed Use is residential land use. The low to medium density residential development will be located to provide for maximum land use compatibility and enjoyment of recreational and leisure opportunities. The village will also allow small shops and some services to serve nearby residents” (Exhibit “A”). More than half (43.9 acres) of the total acreage proposed for rezoning will accommodate low density residential use, which is within ¼ mile (walking distance) of commercial uses. Additionally, the subject site proposed for rezoning to R-3 shall be designed to provide vehicular, pedestrian and bicycle interconnections between the single-family development proposed for the site and the adjacent townhome and commercial development according to the proposed Chapter 163, F.S. Development Agreement (DA).

Furthermore, the Bradfordville Mixed Use FLUM category is intended to be implemented by zoning districts which reflect eight different development patterns. The subject site proposed for rezoning to R-3 will implement the Low Density Residential development pattern. The Low Density Residential development pattern intent is to provide for a wide range of housing types with a density not to exceed 8 dwelling units/acre. The proposed R-3 zoning district allows single-family detached, single-family attached, townhomes, duplexes and zero-lot line dwelling units with a maximum density of 8 dwelling units/acre. This development pattern’s location criteria stipulates that areas that are in proximity to Village Centers shall meet the location criteria. The Village Center development pattern states that, “[I]t is intended to provide locations for offices and commercial uses that provide goods and services that people frequently use, in close proximity to their homes”. The subject site is located adjacent to existing commercial development and therefore is consistent with this criterion.

The remaining 28.7 acres is proposed for rezoning to BC-1 and will implement the Village Center development pattern, which is defined in the previous paragraph. Again, both subject sites proposed for the BC-1 zoning district are within ¼ mile (walking distance) of residential uses. The DA states that the developer will coordinate with StarMetro to determine if a transit stop is needed in front of the subject site to serve both the commercial and the adjacent residential development. The Village Center development pattern location criteria states that areas zoned for this development pattern shall have access to an arterial or collector roadway. One subject site has access to a collector roadway (Bannerman Road) and the second subject site has access to an arterial roadway (Thomasville Road).

The next part of the analysis will evaluate each of the proposed rezonings on an individual basis with regards to conformance with the land development regulations, changed conditions, and land use compatibility.

Proposed Rezoning From Residential Acre (RA) and Bradfordville Office Residential (BOR) to Single- and Two-Family Residential (R-3):

2. Conformance with the Land Development Regulations. *Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?*

Yes. The proposed rezoning conforms to the land development requirements of the R-3 zoning district (Exhibit “B”). The minimum and maximum lot size for residential uses is 2,400 and 8,000 square feet, respectively. The minimum lot size for non-residential uses is 12,000 square feet. The subject site is approximately 43.9 acres and has adequate size to accommodate the requirements of the district.

A comparison of existing and proposed uses in the RA, BOR and R-3 zoning districts is provided in Table 1, and a comparison of the allowable density and intensity is contained in Table 2.

Table 1: Comparison of Existing and Proposed Permitted Uses			
Permitted Uses	Zoning Districts		
	From RA	From BOR	To R-3
Agricultural production – crops.	X		
Active and Passive Recreational facilities	X	X	X
Bed & Breakfast		X	
Broadcast studios		X	
Cemeteries	X		
Community Facilities related to residential uses including religious facilities, police/fire stations, elementary/middle, vocational, and exceptional student education schools.	X	X	X
Day care centers		X	
Golf Courses	X		X
Medical & dental offices and services, laboratories, clinics		X	
Mini warehouses		X	
Non-medical offices and services, including business and government office services		X	
Nursing homes and other residential care facilities		X	
Personal services		X	
Single-family attached dwellings		X	X
Single-family detached dwellings	X	X	X
Studios for photography, music, art, dance, drama, and voice		X	

Table 1: Comparison of Existing and Proposed Permitted Uses			
Permitted Uses	Zoning Districts		
	From RA	From BOR	To R-3
Two-family dwellings		X	X
Veterinary services, including veterinary hospitals		X	
Zero-lot line single-family detached dwellings			X
Residential , office and mixed use development in the Bradfordville Commercial Overlay District that complies with the provision of Section 10.6.677		X	

Table 2: Development Intensity Allowed by District					
Zoning District	Maximum Residential Density	Minimum Lot Size	Maximum Non-Residential Building Size	Maximum Height	Allowable Density (43.9 acres)
RA	1 unit/acre	1 acre	10,000 s.f. gross floor area per acre	3 stories	43dwellings
BOR	8 units/acre	2,400 – 8,500 s.f.	10,000 s.f. gross floor area per acre	3 stories	344 dwellings
R-3	8 units/acre	3,750-8,000 s.f.	10,000 s.f. gross floor area per acre	3 stories	344 dwellings (Development Agreement will limit to 153 dwelling units)

** See Exhibit "B": §10-6.634 RA Residential Acre, 10-6.676 Bradfordville Office Residential, 10-6.637 R-3 Single- and Two-Family Residential.

- 3. Changed Conditions.** *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?* No.
- 4. Land Use Compatibility.** *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. The subject property is surrounded by vacant land that is currently configured for mostly large-lot single family homes. The property currently zoned BOR, located east of the subject property, allows residential, office and non-retail service uses; however, this property is proposed to be rezoned to R-3 and BC-1, which allows residential and commercial uses. The applicant is proposing to construct townhomes in the portion of the parcel that is proposed for rezoning to BC-1, which will create a transition zone between the single-family development to the west and the commercial development to the east.

Table 3: Surrounding Zoning and Future Land Use			
Area	Zoning	Future Land Use Category	Physical Use
Subject Parcels	RA/BOR	Bradfordville Mixed Use	Vacant
North	RP	Bradfordville Mixed Use	Vacant
South	RA	Bradfordville Mixed Use	Vacant
East	RA/BOR	Bradfordville Mixed Use	Vacant
West	RP	Bradfordville Mixed Use	Vacant

Proposed Rezoning From Residential Acre (RA) and Bradfordville Office Residential (BOR) to Bradfordville Commercial-Auto Oriented (BC-1):

5. *Conformance with the Land Development Regulations.* Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?

Yes. The proposed rezoning conforms to the land development requirements of the BC-1 zoning district (Exhibit “B”). There is no minimum or maximum lot size for non-residential uses. The subject site is approximately 18.3 acres and has adequate size to accommodate the requirements of the district.

A comparison of existing and proposed uses in the RA, BOR and BC-1 zoning districts is provided in Table 7, and a comparison of the allowable density and intensity is contained in Table 8.

Table 7: Comparison of Existing and Proposed Permitted Uses			
Permitted Uses	Zoning Districts		
	From RA	From BOR	To BC-1
Agricultural production – crops.	X		
Active and passive recreational facilities	X	X	X
Antique shops			X
Automotive retail, parts, accessories, tires, etc.			X
Automotive service and repair, including car wash			X
Bait and tackle shops			X
Banks and other financial institutions			X
Bed & Breakfast		X	
Broadcast studios		X	
Camera and photographic stores			X

Table 7: Comparison of Existing and Proposed Permitted Uses			
Permitted Uses	Zoning Districts		
	From RA	From BOR	To BC-1
Cemeteries	X		
Cocktail lounges and bars			X
Commercial art and graphic design			X
Commercial printing			X
Community Facilities related to residential uses including religious facilities, police/fire stations, elementary/middle schools, and libraries.	X	X	X
Day care centers		X	X
Gift, novelty and souvenir stores			X
Golf Courses	X		
Indoor amusements (bowling, billiards, skating, etc.)			X
Indoor theaters (including amphitheaters)			X
Laundromats, laundry and dry cleaning pick up stations			X
Mailing services			X
Medical & dental offices and services, laboratories, clinics, Mortuaries		X	X
Mini warehouses		X	
Motor vehicle fuel sales			X
Museum and art galleries			X
Non-medical offices and services, including business and government office services		X	X
Nursing homes and other residential care facilities		X	X
Off-street parking facilities			X
Pawn shops			X
Personal services		X	X
Pest control			X
Rental and sales of dvds, video tapes and games			X
Rental of tools, small equipment, or party supplies			X
Repair services, non-automotive			X
Restaurants with or without drive thrus			X
Retail bakeries			X
Retail caskets and tombstones			X
Retail computer, video, record and other electronics			X

Table 7: Comparison of Existing and Proposed Permitted Uses			
Permitted Uses	Zoning Districts		
	From RA	From BOR	To BC-1
Retail department, apparel and accessory stores			X
Retail drug store			X
Retail florist			X
Retail food and grocery			X
Retail furniture, home appliances and accessories			X
Retail home/garden supplies, hardware and nurseries			X
Retail jewelry stores			X
Retail needlework and instruction			X
Retail newsstands, books and greeting cards			X
Retail office supplies			X
Retail optical and medical supplies			X
Retail pet stores			X
Retail picture framing			X
Retail sporting goods, toy stores			X
Retail trophy stores			X
Self-moving operation			X
Shoes, luggage and leather products			X
Sign shops			X
Social, fraternal and recreational clubs and lodges including assembly halls			X
Single-family attached dwellings		X	
Single-family detached dwellings	X	X	
Studios for photography, music, art, dance, drama, and voice		X	X
Tailoring			X
Tobacco stores and stands			X
Two-family dwellings		X	
Veterinary services, including veterinary hospitals		X	
Residential , office and mixed use development in the Bradfordville Commercial Overlay District that complies with the provision of Section 10.6.677		X	X
* Elementary, middle and high schools are prohibited.			

Table 8: Development Intensity Allowed by District					
Zoning District	Maximum Residential Density	Minimum Lot Size	Maximum Non-Residential Building Size	Maximum Height	Allowable Density (18.3 acres)
RA	1 unit/acre	1 acre	10,000 s.f. gross floor area per acre	3 stories	18 dwellings
BOR	8 units/acre	2,400 – 8,500 s.f.	10,000 s.f. gross floor area per acre	3 stories	144 dwellings
BC-1	NA	None	12,750 s.f. gross floor area per acre	2 stories	NA

** See Exhibit “B”: §10-6.634 RA Residential Acre, 10-6.676 BOR Bradfordville Office Residential, 10-6.673 BC-1 Bradfordville Commercial-Auto Oriented.

6. **Changed Conditions.** *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?* No.
7. **Land Use Compatibility.** *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. The Bradfordville Mixed Use FLUM category promotes a mix of uses creating a village atmosphere by placing residential areas next to small-scale commercial uses. The subject property is surrounded on two sides by vacant land and a shopping center and a church located to the east and west, respectively. The properties located to the west of the subject site are proposed to be rezoned to a residential zoning district, thereby locating residential uses in close proximity to small-scale commercial uses. Additionally, there are existing residential areas that are also in close proximity to the subject site.

Table 9: Surrounding Zoning and Future Land Use			
Area	Zoning	Future Land Use Category	Physical Use
Subject Parcels	RA/BOR	Bradfordville Mixed Use	Vacant
North	RA/BOR	Bradfordville Mixed Use	Vacant
South	RA	Bradfordville Mixed Use	Bradfordville First Baptist Church
East	BC-1	Bradfordville Mixed Use	Bannerman Crossings Shopping Center
West	RA	Bradfordville Mixed Use	Vacant

Proposed Rezoning From Bradfordville Commercial-Pedestrian Oriented (BC-2) to Bradfordville Commercial-Auto Oriented (BC-1):

8. **Conformance with the Land Development Regulations.** *Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?*

Yes. The proposed rezoning conforms to the land development requirements of the BC-1 zoning district (Exhibit “B”). There is no minimum and maximum lot size for non-residential uses. The subject site is approximately 10.48 acres and has adequate size to accommodate the requirements of the district.

A comparison of existing and proposed uses in the BC-2 and BC-1 zoning districts is provided in Table 10, and a comparison of the allowable density and intensity is contained in Table 11.

Table 10: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	From BC-2	To BC-1
Antique shops	X	X
Automotive retail, parts, accessories, tires, etc.		X
Automotive service and repair, including car wash		X
Bait and tackle shops		X
Banks and other financial institutions without drive-thrus	X	
Banks and other financial institutions with or without drive-thrus		X
Camera and photographic stores	X	X
Cocktail lounges and bars	X	X
Commercial art and graphic design		X
Commercial printing		X
Community Facilities related to residential uses including religious facilities, police/fire stations, elementary/middle schools, and libraries.	X	X*
Day care centers		X
Gift, novelty and souvenir stores	X	X
Indoor amusements (bowling, billiards, skating, etc.)	X	X
Indoor theaters (including amphitheaters)		X
Laundromats, laundry and dry cleaning pick up stations	X	X
Mailing services	X	X
Medical & dental offices and services, laboratories, clinics, Mortuaries	X	X
Motor vehicle fuel sales		X
Museum and art galleries		X
Non-medical offices and services, including business and government office services	X	X
Nursing homes and other residential care facilities		X

Table 10: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	From BC-2	To BC-1
Off-street parking facilities	X	X
Passive recreational facilities		X
Passive and active recreational facilities	X	
Pawn shops		X
Personal services (barber shops, fitness clubs, etc.)	X	X
Pest control services		X
Photocopying and duplicating services	X	
Rental and sales of dvds, video tapes and games	X	X
Rental of tools, small equipment, or party supplies		X
Repair services, non-automotive	X	X
Residential – any type provided it is located on 2 nd floor above commercial or office use	X	
Restaurants without drive-thrus	X	
Restaurants with or without drive-thrus		X
Retail bakeries	X	X
Retail caskets and tombstones		X
Retail computer, video, record and other electronics	X	X
Retail department, apparel and accessory stores	X	X
Retail drug store	X	X
Retail florist	X	X
Retail food and grocery	X	X
Retail furniture, home appliances and accessories	X	X
Retail home/garden supplies, hardware and nurseries	X	X
Retail jewelry stores	X	X
Retail needlework and instruction	X	X
Retail newsstands, books and greeting cards	X	X
Retail office supplies		X
Retail optical and medical supplies		X
Retail package liquors	X	
Retail pet stores		X

Table 10: Comparison of Existing and Proposed Permitted Uses		
Permitted Uses	Zoning Districts	
	From BC-2	To BC-1
Retail picture framing	X	X
Retail sporting goods, toy stores		X
Retail trophy stores	X	X
Self-moving operation		X
Shoes, luggage and leather products	X	X
Sign shops		X
Social, fraternal and recreational clubs and lodges including assembly halls	X	X
Studios for photography, music, art, dance, drama, and voice	X	X
Tailoring	X	X
Tobacco stores and stands		X
Residential, office and mixed use development in the Bradfordville Commercial Overlay District that complies with the provision of Section 10.6.677	X	X
* Elementary, middle and high schools are prohibited.		

Table 11 Development Intensity Allowed by District					
Zoning District	Maximum Residential Density	Minimum Lot Size	Maximum Non-Residential Building Size	Maximum Height	<i>Allowable Density (10.48 acres)</i>
BC-2	16 units/acre	None	17,000 s.f. gross floor area per acre	2 stories	167 dwellings
BC-1	NA	None	12,750 s.f. gross floor area per acre	2 stories	NA

** See Exhibit "B": §10-6.674 BC-2 Bradfordville Commercial-Pedestrian Oriented, 10-6.673 BC-1 Bradfordville Commercial-Auto Oriented.

Additionally, Figure 12 of the BSP states that if the roadway connector (Beech Ridge Trail extension) is constructed, the Commercial Mixed Use Overlay Zone 2 (CMUO-2), which is the current overlay on the subject property, shall be designated as Commercial Overlay Zone 1 (CO-1). The DA states that the developer will construct the roadway connector. The proposed BSP amendment includes changing the CMUO-2 to the CO-1 overlay; therefore, the appropriate zoning (consistent with the BSP) for the subject property is the proposed BC-1 zoning district.

9. **Changed Conditions.** *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?* No.

10. Land Use Compatibility. *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. The Bradfordville Mixed Use FLUM category promotes a mix of uses creating a village atmosphere by placing residential areas next to small-scale commercial uses. The properties located east and west of the subject property are the Killlearn Lakes Subdivision and a shopping center. North of the subject site is a large lot with a mobile home zoned BC-1 and south of the site are commercial and office uses. There are other residential areas in close vicinity that could also utilize any future small-scale commercial development on the site.

Area	Zoning	Future Land Use Category	Physical Use
Subject Parcel	BC-2	Bradfordville Mixed Use	Single family home
North	BC-1	Bradfordville Mixed Use	Mobile home
South	BCS	Bradfordville Mixed Use	Circle K Store/Bradfordville Animal Hospital/Talquin Electric office
East	RP	Bradfordville Mixed Use	Killlearn Lakes Subdivision
West	BC-1	Bradfordville Mixed Use	Bannerman Crossings Shopping Center

The final part of the analysis will evaluate all of the proposed rezonings, collectively with regards to school considerations and other matters that may be relevant to the overall proposal.

11. School Considerations. *Is there capacity in area schools? What effects on enrollment could the proposed rezoning have on area schools?*

The School Board performed a school impact analysis and determined that the proposed rezonings that allow residential uses will not affect school capacity at this time; however, the schools are currently projected to exceed capacity. Therefore, any future developments resulting from these changes in zoning have the potential to further impact school capacity. The School Impact Analysis can be viewed in Exhibit “C”.

12. Other Matters. *Are there any other matters, which the Commission may deem relevant and appropriate?*

If the proposed rezonings are approved, the increased development potential on the subject sites could impact Bannerman Road with additional traffic. Currently, a project titled “Northeast Connector Corridor” is listed on the proposed Tier 1 projects list for consideration by the Sales Tax Extension Committee. Included in this project is the widening of Bannerman Road (from Thomasville Road to Tekesta Drive) to four lanes, as well as the construction of a 10-foot multi-use path along the entire roadway to connect to regional amenities. The project is estimated to cost \$36.2 million. At the June 13, 2013 Sales Tax Extension Committee meeting, the project was tentatively approved for Tier 1 funding. Final recommendations from the Committee are expected in January for evaluation by the Board for a 2014 referendum. The project is also the significant benefit project for the area. Per the Significant Benefit Agreement, projects can thus “pay and go.”

EXHIBIT "A"

BRADFORDVILLE MIXED USE (*Revision Effective 12/23/96; Revision Effective 7/26/06; Revision Effective 3/14/07*) (Applies to Bradfordville Study Area Only)

The Bradfordville Mixed Use Category is depicted on the Future Land Use Map. The category establishes differing proportions of allowed land uses and land use densities and intensities and is intended to be implemented by zoning districts which will reflect eight different development patterns which are described in Objectives 1.7 and 6.1.

The Mixed Use Development patterns shall be applied through zoning and Land Development Regulations in a manner consistent with the Future Land Use Map delineation of Bradfordville Mixed Use. These eight different development patterns are not intended to be mapped as part of the Future Land Use Map; rather they are intended to serve as a mechanism to assure that the appropriate location and mixture of land uses occur within the category.

Commercial development allocations in the Bradfordville Mixed Use Future Land Use Category are intended to limit gross leasable square footage per parcel as defined in the Land Development Regulations.

Intended Function: Create a village atmosphere with an emphasis on low to medium density residential land use, small scale commercial shopping opportunities for area residents, schools and churches, and recreational and leisure-oriented amenities for the enjoyment of area residents.

The intensity of all nonresidential land uses shall be kept minimal to reduce the intrusive impact upon the residential land use. The intensity of all nonresidential land uses shall be kept minimal to reduce the intrusive impact upon the predominate residential land use. Traffic volumes and speeds shall be kept low, and parking for nonresidential uses shall be minimal. These characteristics are reflective of the village life-style.

The essential component of Bradfordville Mixed Use is residential land use. The low to medium density residential development will be located to provide for maximum land use compatibility and enjoyment of recreational and leisure opportunities (recreational land uses are included in the description of Community Facilities). The village will also allow small shops and some services to serve nearby residents. Emphasis on commercial uses shall be limited to convenience, grocery, and small pharmacies and offices. Office and commercial development in scale with and meeting the needs of the surrounding predominately residential area are appropriate.

It is also possible that appropriate sites within the area designated for Bradfordville Mixed Use may be developed for enclosed industrial uses. These are land uses that would usually be considered incompatible with the mixed use village, but due to site conditions, with careful design and facility planning, may be successfully integrated. Compatibility is also protected by allowing few such uses and limiting their size (development intensity).

All of the development patterns are appropriate within Bradfordville Mixed Use as described in Policy 1.7.9 [L]. The development pattern descriptions established under Objective 1.7 guide the density and intensity, location and access to areas of complementary land use.

Allowed land uses within the Bradfordville Mixed Use future land use category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Bradfordville Mixed Use future land use category. In those areas lacking the necessary infrastructure, the Land Development

EXHIBIT "A"

Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

BRADFORDVILLE MIXED USE DEVELOPMENT PATTERNS (applies to Bradfordville Study Area Only)

Objective 1.7: [L] (*Revision Effective 3/14/07*)

The Comprehensive Plan provides an overall vision for the community. The arrangement of land uses is a major factor in achieving this vision. Within the Bradfordville Mixed Use Future Land Use Category, land uses may be further separated to achieve efficient and environmentally sound development patterns and to promote the Plan's overall vision. This objective and its policies describe the development patterns associated with the Bradfordville Mixed Use Future Land Use Category.

The following statements of intent express, in part, the overall vision of the community as established in the Comprehensive Plan. These statements of intent explain the basis for the development patterns described in the following policies and shall be achieved through the zoning process and other Land Development Regulations as appropriate. Application of these development patterns in combination with each other is expected to achieve these intents. Individual development patterns may only partially achieve the following purposes:

- a) Provide opportunity for residential, shopping, employment, education and recreation use within walking distance of each other;
- b) Promote higher density housing and concentrations of nonresidential activity in close proximity to each other;
- c) Provide for a range of housing opportunities which does not isolate families or individuals based upon age, income or race;
- d) Ensure that mapping of zoning districts is consistent the long term protection of environmental features;
- e) Ensure that mapping of zoning districts will be appropriate to location, access and surrounding land use;
- f) Ensure that mapping of zoning districts is consistent with the phasing and availability of infrastructure;
- g) Encourage a mix of complimentary land uses and concentrations of mixed use development in appropriate locations;
- h) Promote development patterns which reduce trip length and/or the need for private automobile travel;
- i) Ensure that zoning implementation does not promote sprawl development, nor concentrations of single use development; and
- j) Scale development densities and intensities to provide a range of appropriately located development patterns.

EXHIBIT "A"

Policy 1.7.1: [L] - Low Density Residential Development Pattern *(Revision Effective 3/14/07)*

INTENT - The low density residential development pattern is intended to provide for a wide range of housing types and opportunities within the low density range. It is also intended that community facilities (Recreation, Community Services and Light Infrastructure) related to residential use be allowed. Some low density residential areas may be restricted to limited density zoning due to existing development patterns, or environmental or utility constraints, while other areas may have zoning districts that allow for a broad range of density.

DENSITY/INTENSITY - Areas designated Low Density Residential shall not have a gross density greater than 8 dwelling units per acre. Nonresidential development shall not have a gross building area exceeding 10,000 square feet per acre.

LOCATION - Bradfordville Mixed Use Area is appropriate for zoning Low Density Residential development patterns. Other areas appropriate for zoning Low Density Residential activities may include: Areas in Bradfordville Mixed Use where intensity of uses is constrained or limited due to environmental features or lack of adequate infrastructure; and Bradfordville Mixed Use areas in proximity to Village Centers. Land Development Regulations shall establish access criteria for community facilities to assure their appropriate location.

ACCESS - Areas zoned for the Low Density Residential development pattern shall have public street access.

Policy 1.7.2: [L] - Medium Density Residential Development Pattern *(Revision Effective 3/14/07)*

INTENT - The Medium Density Residential development pattern is intended to encourage a wide range of medium density housing opportunities in close proximity to more intensive nonresidential uses, both which can be efficiently served by existing or planned infrastructure, including mass transit. It is also intended that community facilities (Recreation, Community Services and Light Infrastructure) related to residential use be allowed.

DENSITY/INTENSITY - Areas designated Medium Density Residential shall not have a gross density greater than 16 dwelling units per acre. Minimum density shall be 6 dwelling units per acre unless constraints of concurrency or natural features would preclude attainment of the minimum density. Nonresidential development shall not have a gross building area exceeding 20,000 square feet per acre.

LOCATION - Areas designated Bradfordville Mixed Use on the Future Land Use Map are appropriate for zoning of Medium Density Residential Areas. Additional criteria for zoning are as follows: Areas of existing medium density development; Areas of transition from more intensive use to Low Density Residential and Residential Preservation; Areas in proximity to higher intensity uses; Areas served by mass transit service; Areas in proximity to community schools, parks, and public greenways; Areas along arterial and collector roadways; and Areas adjacent to the Village Center, Suburban Corridor, and Urban Pedestrian Center Mixed Use

EXHIBIT "A"

development patterns. Land Development Regulations shall establish access criteria for community facilities to assure their appropriate location.

ACCESS - Areas zoned for the Medium Density Residential development pattern shall have access to an arterial or collector roadway.

EXHIBIT "B"

Sec. 10-6.634. RA Residential Acre District.

Supp. No. 15

1. District Intent	PERMITTED USES								
	2. Principal Uses				3. Accessory Uses				
The RA zoning district is intended to be located in areas designated Bradfordville Mixed Use Suburban, Urban Residential 2, or Woodville Rural Community on the Future Land Use Map and is intended to apply to selected areas located on the periphery of the urban service area where sanitary sewer is not expected to be available or environmental constraints exist. The regulations of this district are intended to permit low density or intensity development, consistent with environmental and infrastructure constraints, without precluding future expansion of urban services. The maximum gross density allowed for new residential development in the RA district is 1 dwelling unit per acre. This district also allows certain community and recreational facilities related to residential uses.	(1) Agricultural production-crops. (2) Cemeteries. (3) Community facilities related to residential uses including religious facilities, police/fire stations, elementary and middle schools and libraries. Vocational and high schools are prohibited. Other community facilities may be allowed in accordance with section 10-6.806 of these regulations. (4) Golf courses. (5) Passive and active recreational facilities. (6) Single-family detached dwellings.				(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee.				
DEVELOPMENT STANDARDS									
Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	1 acre	80 feet	100 feet	35 feet	15 feet on each side; or any combination of setbacks that equals at least 30 feet, provided that no such setback shall be less than 10 feet	25 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-residential Uses	1 acre	100 feet	100 feet	35 feet	15 feet on each side; or any combination of setbacks that equals at least 30 feet, provided that no such setback shall be less than 10 feet	25 feet	25 feet	10,000 square feet of gross building floor area per acre	3 stories

CD10:247

LAND DEVELOPMENT CODE

GENERAL NOTES:

1. If central sanitary sewer is not available, nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
 2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
 3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 09-13, § 4, 3-19-09)

§ 10-6.634

EXHIBIT "B"

Sec. 10-6.637. R-3 Single- and Two-Family Residential District.

Supp. No. 15

§ 10-6-637

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
The R-3 district is intended to be located in areas designated Bradfordville Mixed Use Urban Residential, Urban Residential 2, or Suburban on the Future Land Use Map which contain or are anticipated to contain a wide range of single-family and two-family housing types. The maximum gross density allowed for new residential development in the R-3 district is eight dwelling units per acre; a minimum density of four dwelling units per acre is required when applied to the Urban Residential future land use category. The minimum density is not applicable if constraints of public easements, concurrency, or preservation and/or conservation features preclude the attainment of the minimum densities. Certain community and recreational facilities related to residential uses are also permitted.	(1) Community facilities related to residential uses including religious facilities, police/fire stations, and elementary, middle, vocational and exceptional student education schools. Libraries, and high schools are prohibited. Other community facilities may be allowed in accordance with section 10-6.806 of these regulations. (2) Golf courses. (3) Passive and active recreational facilities. (4) Single-family attached dwellings. (5) Single-family detached dwellings. (6) Two-Family dwellings. (7) Zero-lot line single-family detached dwellings.	(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee.

DEVELOPMENT STANDARDS

Use Category	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	5,000 square feet	50 feet	100 feet	20 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet.	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	3,750 square feet end unit, 2,400 square feet interior lot	37.5 feet end unit, 25 feet interior lot	80 feet	20 feet	Not applicable	15 feet	25 feet	Maximum length: 8 units	3 stories
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot; 40 feet corner lot	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	Not applicable	3 stories
Two-Family Dwellings	8,000 square feet	60 feet	100 feet	20 feet	Same as for single-family detached dwellings	15 feet	25 feet	Not applicable	3 stories
Any Permitted Principal Non-residential Uses	12,000 square feet	60 feet	100 feet	25 feet	Same as for single-family detached dwellings	15 feet	25 feet	10,000 square feet of gross building floor area per acre	3 stories

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
 2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
 3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 09-13, § 4, 3-19-09)

CD10:250

LEON COUNTY CODE

EXHIBIT "B"

Sec. 10-6.673. BC-1 Bradfordville Commercial-Auto Oriented District.

Supp. No. 15

CD10:299

PERMITTED USES		
1. District Intent	2. Principal Uses	3. Accessory Uses
<p>The BC-1 district is intended to be located in areas designated Bradfordville Mixed Use in the Future Land Use Map of the Comprehensive Plan and shall apply to lands within the Bradfordville Overlay District. The intent of the BC-1 district is to implement the Bradfordville Study Area Goals. Objectives and Policies of the Comprehensive Plan preserving the residential character of the Bradfordville Study Area through a mixture of uses at a compatible scale with the adjacent residential communities. More specifically, the BC-1 district is intended to provide a location for services, with primary emphasis on vehicular oriented nonresidential developments. However, the BC-1 district shall provide a continuous and efficient pedestrian circulation pattern.</p> <p>The access management standards set forth in for the BC-1 district are intended to minimize and control ingress and egress to collector and arterial roadways and to promote safe and efficient traffic circulation of the general traveling public.</p> <p>Increases in land zoned BC-1 shall demonstrate the need for additional services for the Bradfordville Study Area. Reuse of existing single use sites for multiple use developments, adding new uses to single use sites and/or multiple use developments that share parking facilities are encouraged in the BC-1 district. Expansions of the BC-1 district are prohibited in viable residential areas.</p>	<p>(1) Antique shops. (2) Automotive-retail, parts, accessories, tires, etc. (3) Automotive service and repair, including car wash. (4) Bait and tackle shops. (5) Banks and other financial institutions (with and without drive through facilities). (6) Camera and photographic stores. (7) Cocktail lounges and bars. (8) Commercial art and graphic design. (9) Commercial printing. (10) Community facilities, including libraries, religious facilities, and police/fire stations. Elementary, middle, and high schools are prohibited. Other community facilities may be allowed in accordance with section 10-6.806 of these regulations. (11) Day care centers. (12) Gift, novelty, and souvenir stores. (13) Indoor amusements (bowling, billiards, skating, etc.). (14) Indoor theaters (including amphitheaters). (15) Laundromats, laundry and dry-cleaning pick up stations. (16) Mailing services. (17) Medical and dental offices, services, laboratories, and clinics, Mortuaries. (18) Motor vehicle fuel sales. (19) Museum and art galleries. (20) Non-medical offices and services, including business and government offices and services. (21) Nursing homes and residential care facilities. (22) Off-street parking facilities. (23) Outdoor amusements (golf courses, batting cages, driving ranges, etc.) (24) Passive recreational facilities. (25) Pawnshops.</p>	<p>(26) Personal services (barber shops, fitness clubs, etc.). (27) Pest control services. (28) Rental and sales of dvds, video tapes and games. (29) Rental of tools, small equipment, or party supplies. (30) Repair services, non-automotive. (31) Restaurants, with or without drive-in facilities. (32) Retail bakeries. (33) Retail caskets and tombstones. (34) Retail computer, video, record, and other electronics. (35) Retail department, apparel, and accessory stores. (36) Retail drug store. (37) Retail florist. (38) Retail food and grocery (39) Retail furniture, home appliances and accessories. (40) Retail home/garden supply, hardware and nurseries. (41) Retail jewelry stores. (42) Retail needlework and instruction. (43) Retail newsstand, books, greeting cards. (44) Retail office supplies. (45) Retail optical and medical supplies. (46) Retail pet stores. (47) Retail picture framing. (48) Retail sporting goods, toy stores. (49) Retail trophy stores. (50) Self-moving operation. (51) Shoes, luggage, and leather products. (52) Sign shops. (53) Social, fraternal and recreational clubs and lodges, including assembly halls. (54) Studios for photography, music, art, drama, voice. (55) Tailoring. (56) Tobacco stores and stands. (57) Other uses, which in the opinion of the county administrator or designee, are of a similar and compatible nature to those uses described in this district. (58) Residential, office and mixed-use development in the Bradfordville Commercial Area Overlay District that complies with the provisions of section 10-6.677.</p>
		<p>(1.) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. (2.) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee.</p>

LAND DEVELOPMENT CODE

§ 10-6-673

EXHIBIT "B"

Supp. No. 15

§ 10-6-673

DEVELOPMENT STANDARDS										
Use Category	4. Lot Coverage	5. Minimum Lot or Site Size			6. Minimum Building Setbacks				7. Maximum Building Restrictions	
	Maximum Percent of ImperVIOUS Area	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Any Permitted Principal and Special Exception Use	40% of total site area	none	none	none	20 feet	15 feet	25 feet	10 feet	8,500 square feet of commercial floor area per acre and not more than 12,750 square feet of total floor area per acre. Each parcel shall not exceed 80,000 square feet of total building area.	2 stories
<p>8. Access Management Criteria (In case of a conflict with the provisions of other ordinances or regulations, the most strict provisions shall apply):</p> <p>(a.) Arterial and Collector Roads: Direct driveway access to arterial and collector roads is prohibited except for: 1) Existing driveway access as of July 28, 1998; 2) A single driveway access for properties in existence before July 28, 1998 which have sole access to the arterial road and does not have other street access; and 3) Temporary driveway access may be permitted for properties which establish permanent access to another public street and grant the local government with jurisdiction the right to close the temporary access without compensation upon opening of access to an alternative roadway.</p> <p>(b.) All Properties: All properties shall provide cross access easements benefiting adjoining properties to permit the development of an internal vehicular and pedestrian circulation system. All nonresidential properties shall provide driveway interconnections to adjoining nonresidential properties. All new developments proposing subdivision shall have shared access for every two parcels created.</p> <p>(c.) Local Streets: Full movement access to a local street shall not be permitted within 200 feet of a signalized intersection. Right-in/right-out access to a local street shall not be permitted closer than 100 feet to another access point or intersecting public street, nor within 200 feet of a signalized intersection, except properties with sole access to a local street are permitted at least one access point, which may be limited to right-in/right-out based upon a traffic safety evaluation.</p>										
<p>9. Street Vehicular Access Restrictions: Properties in the BC-1 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, R, and RP.</p>										
<p>10. Landscape Standards:</p> <p>Development within the BC-1 shall be subject to the landscape requirements of this section in addition to those requirements of the Environmental Management Act (EMA). Where standards conflict, the stricter of the two shall apply. All landscape plans shall be prepared by a registered landscape architect as per F.S. § 481.</p> <p>(a.) Arterial Road Landscaping: All properties fronting arterial roads shall provide and maintain a 30 foot wide landscape area immediately adjoining the arterial road. All vegetation within the 30 foot wide landscaped area of good condition four inches and larger shall be preserved. This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed by driveways permitted pursuant to section 8. above, but compensatory area shall be added, equal to the area of the driveway, adjacent to the required landscape area. Sidewalks are not permitted within the landscaped area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 13. below may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in subsection 10-4.349(b) toward meeting the tree planting requirement. Management of the existing trees within the 30 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.</p> <p>(b.) Collector and Local Road Landscaping: All properties fronting collector and local roads shall provide and maintain a 20 foot wide landscape area immediately adjoining the collector or local road. All vegetation within the 20 foot wide landscaped area of good condition four inches and larger shall be preserved (This provision shall not apply where a primary entrance is oriented toward the street and there is no vehicular use area between the building and roadway). This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed by driveways permitted pursuant to section 8. above, but compensatory area shall be added equal to the area of the driveway within the required landscape area. Sidewalks are not permitted within the landscaped area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 14. may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in section 10-26-1(b) toward meeting the tree planting requirement. Management of the existing trees within the 20 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.</p> <p>(c.) Street Trees—All existing and proposed roadways/access ways shall be planted with canopy trees at a standard of one canopy tree per 200 SF of landscaped area. Credit shall be given for existing vegetation within the required landscaped areas as identified in a. and b. above. Creative design and spacing is encouraged.</p> <p>(d.) Parking areas—All vehicular use areas shall be buffered from view from public streets and/or access ways through the use of vegetation and/or topography or other manmade structures so long as such structures are architecturally compatible with the principle structure. All manmade visual buffers greater than 20 feet in unbroken length shall be designed to provide interesting visual effects and reduce apparent mass through the use of vegetation and plane projections, material changes, changes in scale or other architectural features. Canopy tree cover for the parking area shall be provided so as to attain a minimum of 60 percent plan view shading within ten (10) years of planting date. At grade parking areas shall include interior landscaped areas at a minimum ration of 400 SF per 5,000 SF of vehicular use area located internally to the parking area. Where interior landscaped areas can not be obtained, the required landscaped area shall be placed between the proposed vehicular use area and the public right-of-way and/or access way. Existing vegetation shall be incorporated into the landscaped areas to the greatest extent possible. Planting areas shall have a minimum area of 400 SF. with a minimum dimension of 10 FT and shall have a depth of 3 FT of good planting soil. Planting areas shall be mounded a minimum of 12 inches above the top of curb.</p> <p>(e.) Trees planted within a sidewalk area shall incorporate tree grates or other surfacing so as to not impede the flow of pedestrian traffic.</p>										

CD10:300

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EXHIBIT "B"

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CD10:301

(f.) Buffer standards for uncomplimentary land uses shall meet the requirements of section 10-7.522 of the Land Development Code.
(g.) Developments within this district shall preserve a minimum of 25 percent of the total site as natural area. The required natural area may be located off-site if the required area is designated as public open space and is accepted by the Public Works Department. On-site natural area shall encompass significant, naturally occurring vegetation areas or other significant environmental features.
(h.) Stormwater management facilities shall be landscaped in accordance with the Environmental Management Act, however, development is encouraged to provide innovative designs making such facilities an amenity to the site. All stormwater management facilities are encouraged to be constructed with 4:1 side slopes. Chain link and vinyl clad fencing enclosures are prohibited where stormwater management facilities are visible from public roadways/access ways. Where fencing and/or retaining walls are proposed and visible from a public roadway/access way, such fencing shall be architecturally compatible with the principle structure.
11. Signs: All signs within the BC-1 district shall be designed in accordance with the current locally adopted building code. Where conflict between standards of this district and other rules or regulations occur, the stricter of the two shall apply. A uniform sign design for the parcels included within the BC-1 district shall conform to the following minimum guidelines:
(a.) One wall mounted sign per tenant per street frontage is permitted. A wall mounted sign shall not exceed ten percent of the area of the tenant wall area on which it is mounted. Wall signs for multiple tenant commercial buildings shall be uniformly designed and placed. Only one wall sign for multiple tenant office land uses shall be allowed.
(b.) No roof signs, billboard signs, pole signs, flashing signs or signs in motion are permitted.
(c.) Freestanding signs shall be setback a minimum of 10 feet from the right-of-way line.
(d.) Temporary signs (not to exceed 30 days of display in a calendar year) are permitted at the discretion of the developer, except signs advertising property for sale or lease are not subject to this restriction.
(e.) Free standing signs shall be constructed with a base full width to the sign face that is constructed with materials that are consistent with the principle building. One free standing sign per driveway access per street frontage is permitted and shall be internally illuminated with an opaque field to control glare. Freestanding signs are sized proportional to the type of roadway to which they are adjacent. Allowable size restrictions are as follows:
1.) Arterial Roads: Maximum area: 150 square feet, Maximum Height: 25 feet
2.) Major Collector Roads: Maximum area: 100 square feet, Maximum Height: 20 feet
3.) Minor Collector and Local Roads Maximum area: 36 square feet, Maximum Height: 8 feet
12. Parking Standards:
(a.) Properties fronting an arterial road shall be allowed to construct 50 percent of all parking required by the Land Development Code in front of the proposed building/structure and/or adjacent to a public roadway. Additional parking, above code requirements shall be located to a side or rear of the proposed building/structure that is not fronting a public or private roadway or access way.
(b.) Properties fronting a collector or local road shall be allowed to construct a single parking aisle between the proposed building and the collector and/or local road.
13. Lighting Standards:
(a.) All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights used as general grounds lighting are permitted. Security lighting is permitted.
(b.) Lighting for off-street walkways shall be spaced no more than 30 feet apart, and shall not exceed ten feet in height.
(c.) Parking lighting shall be spaced a maximum of 50 feet apart and shall not exceed 20 feet in height.
(d.) Lighting levels at the property line (six feet above ground) adjacent to residential areas shall not exceed five footcandles.
14. Noncompliance: Existing noncompliance of the standards set forth in this section shall be subject to the provisions of Division 3 of the Land Development Code.
15. Variance Procedure: Conformance to these design criteria shall be verified by the county during the site and development plan review process required for individual development projects. Deviation from the following subsections of this section may be requested pursuant to Division 8 of the Leon County Land Development Code: Subsections 4, 6, 7, 8, 9, 11(a), 11(c), and 12.

LAND DEVELOPMENT CODE

GENERAL NOTES:

1. If central sanitary sewer is not available nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area of a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
 2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
 3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 09-13, § 4, 3-19-09)

§ 10-6-673

EXHIBIT "B"

Sec. 10-6.674. BC-2 Bradfordville Commercial-Pedestrian Oriented District.

Supp. No. 15

CD10:302

§ 10-6-674

LEON COUNTY CODE

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
<p>The BC-2 district is intended to be located in areas designated Bradfordville Mixed Use in the Future Land Use Map of the Comprehensive Plan and shall apply to lands within the Bradfordville Overlay District. The intent of the BC-2 district is to implement the Bradfordville Study Area Goals, Objectives and Policies of the Comprehensive Plan preserving the residential character of the Bradfordville Study Area through a mixture of uses at a compatible scale with the adjacent residential communities. More specifically, the BC-2 district is intended to provide a location for areas of intense pedestrian scale and oriented commercial services for the Bradfordville area. The BC-2 district is intended to encourage residential and office development above ground floor commercial development. The BC-2 district also encourages shared parking and utilization of on-street parking. Drive through facilities are prohibited in the BC-2 district. Residential intensities shall not exceed 16 dwelling units per acre.</p> <p>The access management standards set forth in for the BC-2 district are intended to minimize and control ingress and egress to collector and arterial roadways and to promote smooth and safe traffic flow of the general traveling public.</p> <p>Increases in land zoned BC-2 shall demonstrate the need for additional services for the Bradfordville Study Area. Reuse of existing single use sites for multiple use developments, adding new uses to single use sites and/or multiple use developments that share parking facilities are encouraged in the BC-2 district. Expansions of the BC-2 district are prohibited in viable residential areas.</p>	<p>(1) Antique shops. (2) Banks and other financial institutions, without drive-through facilities. (3) Camera and photographic stores. (4) Cocktail lounges and bars. (5) Community facilities related to the permitted principal uses, including libraries, religious facilities, vocational and middle schools, and police/fire stations. Elementary and high schools are prohibited. Other community facilities may be allowed in accordance with section 10-6.806 of these regulations. (6) Gift, novelty, and souvenir stores. (7) Indoor amusements (bowling, billiards, skating, theaters etc.). (8) Laundromats, laundry and dry cleaning pick-up stations without drive-through facilities. (9) Mailing services. (10) Medical and dental offices, services, laboratories, and clinics. (11) Non-medical offices and services, including business and government offices and services. (12) Off-street parking facilities. (13) Passive and active recreational facilities. (14) Personal services (barber shops, fitness clubs etc.). (15) Photocopying and duplicating services. (16) Rental and sales of dvds, video tapes and games. (17) Repair services, non-automotive.</p>	<p>(18) Residential (any type provided it is located on second floor above commercial or office development). (19) Restaurants without drive-in facilities. (20) Retail bakeries. (21) Retail computer, video, record, and other electronics. (22) Retail department, apparel, and accessory stores. (23) Retail drug store. (24) Retail florist. (25) Retail food and grocery. (26) Retail furniture, home appliances, accessories. (27) Retail home/garden supply, hardware, and nurseries without outside storage or display. (28) Retail jewelry stores. (29) Retail needlework shops and instruction. (30) Retail newsstand, books, greeting cards. (31) Retail package liquors. (32) Retail picture framing. (33) Retail trophy stores. (34) Shoes, luggage, and leather goods. (35) Social, fraternal and recreational clubs and lodges, including assembly halls. (36) Studios for photography, music, art, drama, and voice. (37) Tailoring. (38) Other uses, which in the opinion of the county administrator or designee, are of a similar and compatible nature to those uses described in this district. (39) Residential, office and mixed-use development in the Bradfordville Commercial Area Overlay District that complies with the provisions of section 10-6.677.</p>

DEVELOPMENT STANDARDS										
Use Category	4. Lot Coverage	5. Minimum Lot or Site Size			6. Minimum Building Setbacks				7. Maximum Building Restrictions	
	Maximum Percent of Impervious Area	a Lot or Site Area	b Lot Width	c Lot Depth	a Front	b Side-Interior Lot	c Side-Corner Lot	d Rear	a Building Size (excluding gross building floor area used for parking)	b Building Height (excluding stories used for parking)
Any Permitted Principal and Special Exception Use	40% of total site area	none	none	none	none (5 feet maximum)	none	none	30 feet	8,500 square feet of commercial floor area per acre and not more than 17,000 square feet of total floor area per acre. No parcel shall exceed 80,000 square feet of total building area.	2 stories

8. Access Management Criteria. (In case of a conflict with the provisions of other ordinances or regulations, the most strict provisions shall apply):

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CD10:303

(a.) Arterial and Collector Roads: Direct driveway access to arterial and collector roads is prohibited except for: 1) Existing driveway access as of July 28, 1998; 2) A single driveway access for properties in existence before July 28, 1998 which have sole access to the arterial road and does not have other street access; and 3) Temporary driveway access may be permitted for properties which establish permanent access to another public street and grant the local government with jurisdiction the right to close the temporary access without compensation upon opening of access to an alternative roadway.
(b.) All Properties: All properties shall provide cross access easements benefiting adjoining properties to permit the development of an internal vehicular and pedestrian circulation system. All nonresidential properties shall provide driveway interconnections to adjoining nonresidential properties. All new developments proposing subdivision shall have shared access for every two parcels created where accessed from a local street.
(c.) Local Streets: Full movement access to a local street shall not be permitted within 200 feet of a signalized intersection. Right-in/right-out access to a local street shall not be permitted closer than 100 feet to another access point or intersecting public street, nor within 200 feet of a signalized intersection, except properties with sole access to a local street are permitted at least one access point, which may be limited to right-in/right-out based upon a traffic safety evaluation.
9. Street Vehicular Access Restrictions: Properties in the BC-2 zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, R, and RP.
10. Landscape Standards: Development within the BC-2 shall be subject to the landscape requirements of this section in addition to those requirements of the Environmental Management Act (EMA). Where standards conflict, the stricter of the two shall apply. All landscape plans shall be prepared by a registered landscape architect as per Section 481 of the Florida Statutes.
(a.) Arterial Road Landscaping: All properties fronting arterial roads shall provide and maintain a 30 foot wide landscape area immediately adjoining the arterial road. All vegetation within the 30 foot wide landscaped area of good condition four inches and larger shall be preserved. This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed by driveways permitted pursuant to section 8. above, but compensatory area shall be added, equal to the area of the driveway, adjacent to the required landscape area. Sidewalks are not permitted within the landscaped area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 13. below may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in section 10-4.349(b) toward meeting the tree planting requirement. Management of the existing trees within the 30 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.
(b.) Collector Road Landscaping: All properties fronting collector and local roads shall provide and maintain a 20 foot wide landscape area immediately adjoining the collector road. All vegetation within the 20 foot wide landscaped area of good condition four inches and larger shall be preserved (This provision shall not apply where a primary entrance is oriented toward the street and there is no vehicular use area between the building and roadway). This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed (for redevelopment projects only) by driveways permitted pursuant to section 8. above, but compensatory area shall be added equal to the area of the driveway within the required landscape area. Sidewalks are not permitted within the landscaped area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 14. may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in section 10-26-1(b) toward meeting the use planting requirement. Management of the existing trees within the 20 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.
(c.) Local Road and Access Ways Landscaping: All properties fronting a local road and every access way shall provide one canopy tree for every 15 linear feet of local road frontage and/or access way.
(d.) Street Trees—All canopy tree planting areas shall contain a minimum of 200 SF of landscaped area. Creative design and spacing is encouraged.
(e.) Parking areas—All vehicular use areas shall be buffered from view from public streets and/or access ways through the use of vegetation and/or topography or other manmade structures so long as such structures are architecturally compatible with the principle structure. All manmade visual buffers greater than 20 feet in unbroken length shall be designed to provide interesting visual effects and reduce apparent mass though the use of vegetation and plane projections, material changes, changes in scale or other architectural features. Canopy tree cover for the parking area shall be provided so as to attain a minimum of 60 percent plan view shading within ten years of planting date. At grade parking grade shall include interior landscaped areas at a minimum ratio of 400 SF per 5,000 SF of vehicular use area located internally to the parking area. Where interior landscaped areas can not be obtained, the required landscaped area shall be placed between the proposed vehicular use area and the public right-of-way and/or access way. Existing vegetation shall be incorporated into the landscaped areas to the greatest extent possible. Planting areas shall have a minimum area of 400 SF, with a minimum dimension of ten feet and shall have a depth of three feet of good planting soil. Planting areas shall be mounded a minimum of 12 inches above the top of curb.
(f.) Trees planted within a sidewalk area shall incorporate tree grates or other surfacing so as to not impede the flow of pedestrian traffic.
(g.) Buffer standards for uncomplimentary land uses shall meet the requirements of Section 10-7.522 of the Land Development Code.
(h.) Developments within this district shall preserve a minimum of 25 percent of the total site as natural area. The required natural area may be located off-site if the required area is designated as public open space and is accepted by the Public Works Department. On-site natural area shall encompass significant, naturally occurring vegetation areas or other significant environmental features.
(i.) Stormwater management facilities shall be landscaped in accordance with the Environmental Management Act, however, development is encouraged to provide innovative designs making such facilities an amenity to the site. All stormwater management facilities are encouraged to be constructed with 4:1 side slopes. Chain link and vinyl clad fencing enclosures are prohibited where stormwater management facilities are visible from public roadways/access ways. Where fencing and/or retaining walls are proposed and visible from a public roadway/access way, such fencing shall be architecturally compatible with the principle structure.
11. Signs: All signs within the BC-2 district shall be designed in accordance with the current locally adopted building code. Where conflict between standards of this district and other rules or regulations occur, the stricter of the two shall apply. A uniform sign design for the parcels included within the BC-2 district shall conform to the following minimum guidelines:
(a.) One wall mounted sign per tenant per street frontage is permitted. A wall mounted sign shall not exceed ten percent of the area of the tenant wall area on which it is mounted. Wall signs for multiple tenant commercial buildings shall be uniformly designed and placed.
(b.) No roof signs, billboard signs, pole signs, flashing signs or signs in motion are permitted.
(c.) Freestanding signs shall be setback a minimum of ten feet from the right-of-way line.
(d.) Temporary signs (not to exceed 30 days of display in a calendar year) are permitted at the discretion of the developer, except signs advertising property for sale or lease are not subject to this restriction.
(e.) Free standing signs shall be constructed with a base full width to the sign face that is constructed with materials that are consistent with the principle building. One free standing sign per driveway access per street frontage is permitted and shall be internally illuminated with an opaque field to control glare. Freestanding signs are sized proportional to the type of roadway to which they are adjacent. Allowable size restrictions are as follows:
1.) Arterial Roads: Maximum area: 150 square feet, Maximum Height: 25 feet
2.) Major Collector Roads: Maximum area: 100 square feet, Maximum Height: 20 feet

LAND DEVELOPMENT CODE

§ 10-6-674

EXHIBIT "B"

§ 10-6-674

3.) Minor Collector and Local Roads: Maximum area: 36 square feet, Maximum Height: 8 feet
12. Parking Standards:
(a) Off-street parking is prohibited between buildings fronting a local street and/or access way.
13. Lighting Standards:
(a.) All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof mounted flood or spot lights used as general grounds lighting are permitted. Security lighting is permitted.
(b.) Lighting for off-street walkways shall be spaced no more than 30 feet apart, and shall not exceed ten feet in height.
(c.) Parking lighting shall be spaced a maximum of 50 feet apart and shall not exceed 20 feet in height.
(d.) Lighting levels at the property line (six feet above ground) adjacent to residential areas shall not exceed five footcandles.
14. Noncompliance:
Existing noncompliance of the standards set forth in this section shall be subject to the provisions of Division 3 of the Land Development Code.
15. Variance Procedure:
Conformance to these design criteria shall be verified by the county during the site and development plan review process required for individual development projects. Deviation from the following subsections of this section may be requested pursuant to Division 3 of the Leon County Land Development Code: Subsections 4, 6, 7, 8, 9, 11(a), and 12.

GENERAL NOTES:

1. If central sanitary sewer is not available, nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
 2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
 3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).
- (Ord. No. 07-20, § 2, 7-10-07; Ord. No. 09-13, § 4, 3-19-09)

LEON COUNTY CODE

Supp. No. 15

CD10-304

EXHIBIT "B"

Sec. 10-6.676. BOR Bradfordville Office Residential district.

Supp. No. 15

CD10-308

§ 10-6.676

LEON COUNTY CODE

1. District Intent	PERMITTED USES	
	2. Principal Uses	3. Accessory Uses
<p>The BOR district is intended to be located in areas designated Bradfordville Mixed Use in the Future Land Use Map of the Comprehensive Plan and shall apply to lands within the Bradfordville Overlay District. The intent of the BOR district is to implement the Bradfordville Study Area Goals, Objectives and Policies of the Comprehensive Plan preserving the residential character of the Bradfordville Study Area through a mixture of uses at a compatible scale with the adjacent residential communities. More specifically, the BOR district is intended to be located in areas where employment and residential uses are encouraged to locate in close proximity to one another. The provisions of the BOR district are intended to provide the district with a residential character to further encourage this mixing of uses at a compatible scale. A variety of housing types, compatible non-retail activities of moderate intensity and certain community facilities related to office or residential facilities (recreational, community services, and light infrastructure) may be permitted in the BOR district. The maximum gross density allowed for new residential development in the BOR district is 8 dwelling units per acre.</p> <p>The access management standards set forth in for the BOR district are intended to minimize and control ingress and egress to collector and arterial roadways and to promote safe and efficient traffic circulation of the general traveling public.</p> <p>Increases in land zoned BOR shall demonstrate the need for additional services for the Bradfordville Study Area. Reuse of existing single use sites for multiple use developments, adding new uses to single use sites and/or multiple use developments that share parking facilities are encouraged in the BOR district. Expansions of the BOR district are prohibited in viable residential areas.</p>	<p>(1) Bed and breakfast inns up to a maximum of 6 rooms. (2) Broadcasting studios. (3) Community facilities related to office or residential facilities, including libraries, religious facilities, police/fire stations, and elementary and middle schools. Vocational schools are prohibited. Other community facilities may be allowed in accordance with section 10-6.806 of these regulations. (4) Day care centers. (5) Medical and dental offices and services, laboratories, and clinics. (6) Mini-Warehouses (See subsection 16) (7) Non-medical offices and services, including business and government offices and services. (8) Nursing homes and other residential care facilities. (9) Passive and active recreational facilities. (10) Personal services. (11) Single-family attached dwellings. (12) Single-family detached dwellings. (13) Studios for photography, music, art, dance, drama, and voice. (14) Two-family dwellings. (15) Veterinary services, including veterinary hospitals. (16) Residential, office and mixed-use development in the Bradfordville Commercial Area Overlay District that complies with the provisions of section 10-6.677.</p>	<p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the county administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the county administrator or designee.</p>

DEVELOPMENT STANDARDS										
Use Category	4. Lot Coverage	5. Minimum Lot or Site Size			6. Minimum Building Setbacks				7. Maximum Building Restrictions	
	Maximum Percent of Impervious Area	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	3a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	40% of total site area	5,000 square feet	50 feet	100 feet	20 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such schools shall be less than 5 feet	20 feet	25 feet	not applicable	3 stories
Two-Family Dwellings	40% of total site area	8,500 square feet	70 feet	100 feet	20 feet	same as single-family above	20 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	40% of total site area	3,750 square feet end unit; 2,400 square feet interior lot	37.5 feet end unit; 25 feet interior lot	80 feet	20 feet	none	20 feet	25 feet	maximum length: 8 units	3 stories

EXHIBIT "B"

Supp. No. 15

CD10-309

Any Permitted Principal Nonresidential Use	40% of total site area	6,000 square feet	50 feet	100 feet	20 feet	same as single-family above	20 feet	10 feet	10,000 square feet of gross building floor area per acre (does not apply to a conversion of an existing structure)	3 stories
<p>8. Access Management Criteria (in case of a conflict with the provisions of other ordinances or regulations, the most strict provisions shall apply):</p> <p>(a.) Arterial and Collector Roads: Direct driveway access to arterial and collector roads is prohibited except for: 1) Existing driveway access as of July 28, 1998. 2) A single driveway access for properties in existence before July 28, 1998 which have sole access to the arterial road and does not have other street access; and 3) Temporary driveway access may be permitted for properties which establish permanent access to another public street and grant the local government with jurisdiction the right to close the temporary access without compensation upon opening of access to an alternative roadway.</p> <p>(b.) All Properties: All properties shall provide cross access easements benefiting adjoining properties to permit the development of an internal vehicular and pedestrian circulation system. All nonresidential properties shall provide driveway interconnections to adjoining nonresidential properties. All new developments proposing subdivision shall have shared access for every two parcels created.</p> <p>(c.) Local Streets: Full movement access to a local street shall not be permitted within 200 feet of a signalized intersection. Right-in/right-out access to a local street shall not be permitted closer than 100 feet to another access point or intersecting public street, nor within 200 feet of a signalized intersection, except properties with sole access to a local street are permitted at least one access point, which may be limited to right-in/right-out based upon a traffic safety evaluation.</p>										
<p>9. Street Vehicular Access Restrictions: Properties in the BOR zoning district may have vehicular access to any type of street. However, in order to protect residential areas and neighborhoods from nonresidential traffic, vehicular access to a local street is prohibited if one of the following zoning districts is located on the other side of the local street: RA, R-1, R-2, R-3, R-4, R-5, MH, MR-1, R, and RP.</p>										
<p>10. Landscape Standards:</p> <p>Development within the BOR shall be subject to the landscape requirements of this section in addition to those requirements of the Environmental Management Act (EMA). Where standards conflict, the stricter of the two shall apply. All landscape shall be prepared by a registered landscape architect as per F.S. § 481.</p> <p>(a.) Arterial Road Landscaping: All properties fronting arterial roads shall provide and maintain a 30 foot wide landscape area immediately adjoining the arterial road. All vegetation within the 30 foot wide landscaped area of good condition four inches and larger shall be preserved. This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed by driveways permitted pursuant to section 8. above, but compensatory area shall be added, equal to the area of the driveway, adjacent to the required landscape area. Sidewalks are not permitted within the landscape area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 13. below may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in section 10-4.349(b) toward meeting the tree planting requirement. Management of the existing trees within the 30 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.</p> <p>(b.) Collector and Local Road Landscaping: All properties fronting collector and local roads shall provide and maintain a 20 foot wide landscape area immediately adjoining the collector or local road. All vegetation within the 20 foot wide landscaped area of good condition four inches and larger shall be preserved (This provision shall not apply where a primary entrance is oriented toward the street and there is no vehicular use area between the building and roadway). This landscape area shall be planted with canopy trees with at least one tree for each 200 square feet of landscape area. Creative design and spacing is encouraged. The landscape area may be crossed by driveways permitted pursuant to section 8. above, but compensatory area shall be added equal to the area of the driveway within the required landscape area. Sidewalks are not permitted within the landscaped area except for interconnections to sidewalks fronting public roadways. Signs in accordance with section 14. may be located within the landscape area, but shall not reduce the tree planting requirement. Existing healthy trees in the landscape area may be counted as prescribed in section 10-4.349(b) toward meeting the tree planting requirement. Management of the existing trees within the 20 feet shall include pruning of dead and hazardous tree limbs, pruning of live limbs less than 25 percent of the green mass of the tree, fertilization, pest control, and control of invasive vegetation. Mechanical methods which compact the earth or root systems shall not be allowed.</p> <p>(c.) Street Trees—All existing and proposed roadways/access ways shall be planted with canopy trees at a standard of one canopy tree per 200 SF of landscaped area. Credit shall be given for existing vegetation within the required landscaped areas as identified in a. and b. above. Creative design and spacing is encouraged.</p> <p>(d.) Parking areas—All vehicular use areas shall be buffered from view from public streets and/or access ways through the use of vegetation and/or topography or other manmade structures so long as such structures are architecturally compatible with the principle structure. All manmade visual buffers greater than 20 feet in unbroken length shall be designed to provide interesting visual effects and reduce apparent mass through the use of vegetation and plane projections, material changes, changes in scale or other architectural features. Canopy tree cover for the parking area shall be provided so as to attain a minimum of 60 percent plan view shading within ten years of planting date. At grade parking areas shall include interior landscaped areas at a minimum ratio of 400 SF per 5,000 SF of vehicular use area located internally to the parking area. Where interior landscaped areas can not be obtained, the required landscaped area shall be placed between the proposed vehicular use area and the public right-of-way and/or access way. Existing vegetation shall be incorporated into the landscaped areas to the greatest extent possible. Planting areas shall have a minimum area of 400 SF. with a minimum dimension of ten feet and shall have a depth of three feet of good planting soil. Planting areas shall be mounded a minimum of 12 inches above the top of curb.</p> <p>(e.) Trees planted within a sidewalk area shall incorporate tree grates or other surfacing so as to not impale the flow of pedestrian traffic.</p> <p>(f.) Buffer standards for uncomplimentary land uses shall meet the requirements of section 10-7.522 of the Land Development Code.</p> <p>(g.) Developments within this district shall preserve a minimum of 25 percent of the total site as natural area. The required natural area may be located off-site if the required area is designated as public open space and is accepted by the Public Works Department. On-site natural area shall encompass significant, naturally occurring vegetation areas or other significant environmental features.</p> <p>(h.) Stormwater management facilities shall be landscaped in accordance with the Environmental Management Act, however, development is encouraged to provide innovative designs making such facilities an amenity to the site. All stormwater management facilities are encouraged to be constructed with 4:1 side slopes. Chain link and vinyl clad fencing enclosures are prohibited where stormwater management facilities are visible from public roadways/access ways. Where fencing and/or retaining walls are proposed and visible from a public roadway/access way, such fencing shall be architecturally compatible with the principle structure.</p>										
<p>11. Signs:</p> <p>All signs within the BOR district shall be designed in accordance with the current locally adopted building code. Where conflict between standards of this district and other rules or regulations occur, the stricter of the two shall apply. A uniform sign design for the parcels included within the BOR district shall conform to the following minimum guidelines:</p>										

LAND DEVELOPMENT CODE

§ 10-6-676

EXHIBIT "B"

§ 10-6-676

LEON COUNTY CODE

(a.) One wall-mounted sign per tenant per street frontage is permitted. A wall mounted sign shall not exceed ten percent of the area of the tenant wall area on which it is mounted. Wall signs for multiple tenant commercial buildings shall be uniformly designed and placed. Only one wall sign for multiple tenant office land uses shall be allowed.
(b.) No roof signs, billboard signs, pole signs, flashing signs or signs in motion are permitted.
(c.) Freestanding signs shall be setback a minimum of ten feet from the right-of-way line.
(d.) Temporary signs (not to exceed 30 days of display in a calendar year) are permitted at the discretion of the developer, except signs advertising property for sale or lease are not subject to this restriction.
(e.) Free standing signs shall be constructed with a base full width to the sign face that is constructed with materials that are consistent with the principle building. One free standing sign per driveway access per street frontage is permitted and shall be internally illuminated with an opaque field to control glare. Freestanding signs are sized proportional to the type of roadway to which they are adjacent. Allowable size restrictions are as follows:
1.) Arterial Roads: Maximum area: 150 square feet, Maximum Height: 25 feet
2.) Major Collector Roads: Maximum area: 100 square feet, Maximum Height: 20 feet
3.) Minor Collector and Local Roads: Maximum area: 36 square feet, Maximum Height: 8 feet
12. Off-Street Parking Requirements: Off-street parking facilities associated with permitted principal nonresidential uses in the OR-1 zoning districts must comply with the following requirements:
(a.) Parking Setbacks: Side-Corner: 20 feet Rear and Side-Interior: 10 feet
(b.) Driveway Setbacks: Side-Corner: 10 feet (none if driveway is shared) Rear and Side-Interior: 4 feet (none if driveway is shared)
(c.) Off-street parking may not be placed in a front yard between a building and the street.
(d.) The parking or driveway separation from the building is four feet
(e.) All off-street parking spaces behind a building shall be screened from the required front yard and side corner lot areas by evergreen landscaping at least four feet in height.
(f.) Parking spaces shall be screened from rear and interior side property lines by a combination of a six feet high opaque fence or wall and landscape plant material.
(g.) Driveways connecting to a public street shall be the narrowest possible width to ensure appropriate safety standards, as determined by the county administrator or designee.
13. Lighting Standards:
(a.) All exterior lighting shall have recessed bulbs and filters which conceal the source of illumination. No wall or roof-mounted flood or spot lights used as general grounds lighting are permitted. Security lighting is permitted.
(b.) Lighting for off-street walkways shall be spaced no more than 30 feet apart, and shall not exceed ten feet in height.
(c.) Parking lighting shall be spaced a maximum of 50 feet apart and shall not exceed 20 feet in height.
(d.) Lighting levels of the property line (six feet above ground) adjacent to residential areas shall not exceed five footcandles.
14. Noncompliance:
Existing noncompliance of the standards set forth in this section shall be subject to the provisions of Division 3 of the Land Development Code.
15. Variance Procedure:
Conformance to these design criteria shall be verified by the county during the site and development plan review process required for individual development projects. Deviation from the following subsections of this section may be requested pursuant to Division 8 of the Leon County Land Development Code: Subsections 4, 5, 16, 7, 8, 9, 11(a), 11(C), and 12.
16. Design Standards Applicable to Mini-warehouse Land Uses:
(a.) Mini-warehouse developments shall be developed in accordance with standards as set forth in section 10-6.675 (BCS district).
(b.) A continuous 100 percent opaque buffer obtained through the use of vegetation and/or fencing shall be required around the perimeter of all areas used for mini-warehouse storage. This standard does not apply to the portion of the development utilized for a sales office.

GENERAL NOTES:

1. If central sanitary sewer is not available, nonresidential development is limited to a minimum of 0.50 acre lots and nonresidential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12. of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

(Ord. No. 09-13, § 4, 3-19-09)

Supp. No. 15

CD10:310

Exhibit "C"

SCHOOL IMPACT ANALYSIS FORM

Agent Name: Moore Bass Consulting, Inc. Applicant Name: Bannerman Forest LLC Address: 2073 Summitt Lake Drive Tallahassee, FL 32317	Date: 08-13-13 Telephone: 850-222-5678 Fax: Email: tosteen@moorebass.com									
① Location of the proposed Comprehensive Plan Amendment or Rezoning: <i>Tax ID #:</i> 14-22-22-000-0010, 14-22-22-000-0030, 14-22-20-018-0000 & 14-22-20-209-0070 <i>Property address:</i> Bannerman and Thomasville Road <i>Related Application(s):</i> Rezoning										
② Type of requested change (check one): <input type="checkbox"/> Comprehensive plan land use amendment that permits residential development. <input checked="" type="checkbox"/> Rezoning that permits residential development. <input type="checkbox"/> Nonresidential land use amendment adjacent to existing residential development. <input type="checkbox"/> Nonresidential rezoning adjacent to existing residential development.*										
③ Proposed change in Future Land Use or Zoning classification: <input type="checkbox"/> <i>Comprehensive plan land use</i> From: _____ To: _____ <input checked="" type="checkbox"/> <i>Zoning</i> From: RA (Residential Acre), BOR (Bradfordville Office Residential) & BC-2 (Bradfordville Commercial-Pedestrian Oriented) To: BC-1 (Bradfordville Commercial-Auto Oriented), & R-3 (Single and Two Family Residential)										
Planning Department staff use only:										
④ Maximum potential number of dwelling units permitted by the request: <i>Number of dwelling units:</i> __ <i>Type(s) of dwelling units:</i> <u>Single-Family Attached & Detached, Two-Family</u>										
Leon County Schools staff use only:										
⑤ School concurrency service areas (attendance zones) in which property is located. This is a rezoning and has no impact to Leon County Schools at this time. Future residential development of the property would require an analysis. <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Elementary:</td> <td style="width: 33%;">Middle:</td> <td style="width: 33%;">High:</td> </tr> <tr> <td>Present capacity _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Post Development capacity _____</td> <td>_____</td> <td>_____</td> </tr> </table>		Elementary:	Middle:	High:	Present capacity _____	_____	_____	Post Development capacity _____	_____	_____
Elementary:	Middle:	High:								
Present capacity _____	_____	_____								
Post Development capacity _____	_____	_____								

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, December 10, 2013, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING FIGURE 12 OF THE BRADFORDVILLE SECTOR PLAN, ADOPTED BY ORDINANCE 00-31, RELATING TO THE COMMERCIAL OVERLAY ZONE 1 AND THE COMMERCIAL MIXED USE OVERLAY ZONE 2 DESIGNATIONS IN THE COMMERCIAL CENTER FUTURE LAND USE CONCEPT MAP; AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; AMENDING SECTION 10-6.678, BRADFORDVILLE SCENIC OVERLAY DISTRICT; AMENDING LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE RA RESIDENTIAL ACRE, BC-2 BRADFORDVILLE COMMERCIAL-PEDESTRIAN ORIENTED AND BOR BRADFORDVILLE OFFICE RESIDENTIAL ZONING DISTRICTS TO THE BC-1 BRADFORDVILLE COMMERCIAL-AUTO ORIENTED AND R-3 SINGLE AND TWO-FAMILY RESIDENTIAL ZONING DISTRICTS IN LEON COUNTY, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Jon Brown or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of said ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 426
Tallahassee, Florida 32301
Advertise: November 27, 2013

**Leon County
Board of County Commissioners**

Notes for Agenda Item #31

Leon County Board of County Commissioners

Cover Sheet for Agenda #31

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: First and Only Public Hearing to Adopt a Proposed Ordinance Regarding a Small-Scale Comprehensive Plan Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Public Works and Community Development Wayne Tedder, Planning, Land Management and Community Enhancement (PLACE) Cherie Bryant, Planning Department Manager
Lead Staff/ Project Team:	Megan Doherty, Transportation Planner

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and adopt an Ordinance regarding a small-scale Comprehensive Plan Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue (Attachment #1).

Report and Discussion

Background:

In July 2013, the Tallahassee City Commission approved the sale of a former Tallahassee Fire Department building located at 224 East Sixth Avenue to TALCOR Holdings, Inc. in the amount of \$601,000. During the buyer's due diligence period, it was determined that the property had a Governmental Operational future land use designation. In order to complete the sale and allow redevelopment of the property, the City Commission initiated a comprehensive plan map amendment at their November 26, 2013 meeting to change the Future Land Use Map designation from Governmental Operational to Central Urban, consistent with the current zoning and TALCOR's submitted site plans for redeveloping the property.

The Local Planning Agency will hold a public hearing for this amendment on January 7, 2014 and the City of Tallahassee ordinance adopting the amendment will be introduced at the January 8, 2014 City Commission meeting, followed by the public hearing at the January 22, 2014 meeting. If approved, the proposed map amendment will become effective immediately.

Small Scale Comprehensive Plan Map Amendments:

Section 163.3187(1)(c), Florida Statutes, provides a special shortened procedure for a local government with a comprehensive plan to approve "small scale" map amendments to the comprehensive plan. Within the City, the procedure is available for amendments that meet the following criteria:

1. The proposed small-scale amendment involves a use of 10 acres or fewer
2. The total acreage for small-scale amendments does not exceed 80 acres annually
3. The property subject to the small-scale amendment has not been granted a change within the prior 12 months
4. The property is not within 200 feet of property belonging to the same owner that was granted a change within the prior 12 months
5. The map amendment does not require a text amendment
6. If the proposed small-scale amendment involves a residential land use, the density is 10 units or less per acre, with an exception for traffic concurrency exception areas such as the City's downtown area (and some exceptions related to affordable housing, not applicable in these amendments).

Section 163.3187 (1)(c) provides that small-scale amendments may be approved or denied after one public hearing. Small-scale amendments do not have to be sent to the Department of Economic Opportunity for review and comment.

Analysis:

Staff has determined that this proposed map amendment meets the statutory criteria for small-scale amendments. In considering whether the future land use change is consistent with the goals of the Comprehensive Plan and the character and development patterns of the surrounding area, staff concludes the following:

1. The requested change from Government Operational to the Central Urban land use category reflects the proposed change in ownership from public to private and is consistent with the predominant development pattern occurring within the Midtown area and along this segment of East Sixth Avenue.
2. The proposed amendment would support consistency between the existing zoning district, Central Urban-45, and the designated future land use category.
3. Approval of the amendment would support recommendations from the Midtown Action Plan, which promotes redevelopment, the conversion of empty buildings or underutilized properties to new businesses, and new mixed-use buildings that are pedestrian friendly.
4. The subject site is located in the Mobility District. Approval of this amendment would further the goal of the Mobility District, by allowing mixed-use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

Based on the data, analysis, and conclusions of the staff report (Attachment #2), the Planning Department is recommending approval of this amendment.

The public hearing was properly noticed according to Florida Statutes (Attachment #3).

Options:

1. Conduct the first and only public hearing and adopt a proposed Ordinance regarding a small-scale Comprehensive Plan Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue (Attachment #1).
2. Conduct the first and only public hearing and do not adopt a proposed Ordinance regarding a small-scale Comprehensive Plan Amendment to the 2030 Tallahassee-Leon County Comprehensive Plan for 224 East Sixth Avenue.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance
2. Staff Report for the Proposed Comprehensive Plan Amendment
3. Public Notice

ORDINANCE NO. 2014-_____

1
2
3 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**
4 **LEON COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE**
5 **2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN;**
6 **ADOPTING A SMALL SCALE AMENDMENT FOR 224 EAST SIXTH**
7 **AVENUE, WHICH RELATES TO THE FUTURE LAND USE MAP;**
8 **PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY;**
9 **PROVIDING FOR A COPY TO BE ON FILE WITH THE**
10 **TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND**
11 **PROVIDING FOR AN EFFECTIVE DATE.**
12

13 WHEREAS, Chapters 125 and 163, Florida Statutes, empower the Board of County
14 Commissioners of Leon County, Florida, to prepare and enforce comprehensive plans for the
15 development of the County; and

16 WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local
17 Government Comprehensive Planning and Land Development Regulation Act, empower and
18 require the Board of County Commissioners of the County of Leon to (a) plan for the county's
19 future development and growth; (b) adopt and amend comprehensive plans, or elements or
20 portions thereof, to guide the future growth and development of the county; (c) implement
21 adopted or amended comprehensive plans by the adoption of appropriate land development
22 regulations; and (d) establish, support, and maintain administrative instruments and procedures
23 to carry out the provisions and purposes of the Act; and

24 WHEREAS, Ordinance 90-30 was enacted on July 16, 1990, to adopt the Tallahassee-
25 Leon County 2010 Comprehensive Plan for the unincorporated area of Leon County. The City
26 of Tallahassee also adopted a plan for its municipal area by separate ordinance; and

27 WHEREAS, the horizon year for the Tallahassee-Leon County Comprehensive Plan is
28 now 2030 and the Comprehensive Plan is now known as the "Tallahassee-Leon County 2030
29 Comprehensive Plan" pursuant to the latest Evaluation and Appraisal Report; and

30 WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides for adoption of small
31 scale amendments to the Comprehensive Plan; and

1 WHEREAS, the amendment adopted herein meets all requirements in Section
2 163.3187(1)(c), Florida Statutes, for small scale amendments; and

3 WHEREAS, pursuant to Section 163.3187(1)(c), Florida Statutes, the Board of County
4 Commissioners of Leon County held a public hearing with due public notice having been
5 provided on this amendment to the comprehensive plan; and

6 WHEREAS, the Board of County Commissioners of Leon County further considered all
7 oral and written comments received during such public hearing, including the data collection and
8 analyses packages and the recommendations of the Local Planning Agency; and

9 WHEREAS, in exercise of its authority the Board of County Commissioners of Leon
10 County has determined it necessary and desirable to adopt this update to the comprehensive plan
11 to preserve and enhance present advantages; encourage the most appropriate use of land, water
12 and resources, consistent with the public interest; overcome present handicaps; and deal
13 effectively with future problems that may result from the use and development of land within
14 Leon County, and to meet all requirements of law;

15 BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida,
16 that:

17 **Section 1. Purpose and Intent.**

18 This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the
19 authority set out in, the Local Government Comprehensive Planning and Land Development
20 Regulation Act, Sections 163.3161 through 163.3215, Florida Statutes, as amended.

21 **Section 2. Small Scale Map Amendment for 224 East Sixth Avenue.**

22
23 The Ordinance does hereby adopt the following portion of the text attached hereto as
24 Exhibit “A,” and made a part hereof, as an amendment to the Tallahassee-Leon County 2030
25 Comprehensive Plan, as amended, and does hereby amend “The Tallahassee-Leon County 2030
26 Comprehensive Plan,” as amended, in accordance therewith, being an amendment to the
27 following Plan element:

1 Small Scale Map Amendment for 224 East Sixth Avenue, which relates to the Future
2 Land Use Map.

3 **Section 3. Conflict with Other Ordinances and Codes.**

4 All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in
5 conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

6 **Section 4. Severability.**

7 If any provision or portion of this Ordinance is declared by any court of competent
8 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
9 portions of this Ordinance shall remain in full force and effect.

10 **Section 5. Copy on File.**

11 To make the Tallahassee-Leon County 2030 Comprehensive Plan available to the public,
12 a certified copy of the enacting ordinance, as well as certified copies of the Tallahassee-Leon
13 County 2030 Comprehensive Plan and these updates thereto, shall also be located in the
14 Tallahassee-Leon County Planning Department. The Planning Director shall also make copies
15 available to the public for a reasonable publication charge.

16 **Section 6. Effective Date.**

17 The effective date of this Plan amendment shall be according to law and the applicable
18 statutes and regulations pertaining thereto.

19

1 DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
2 County, Florida, this 21ST day of January, 2014.

3
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7

LEON COUNTY, FLORIDA

8 BY: _____
9 KRISTIN DOZIER, CHAIRMAN
10 BOARD OF COUNTY COMMISSIONERS

11
12
13

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
AND COMPTROLLER

14
15
16

BY: _____
CLERK

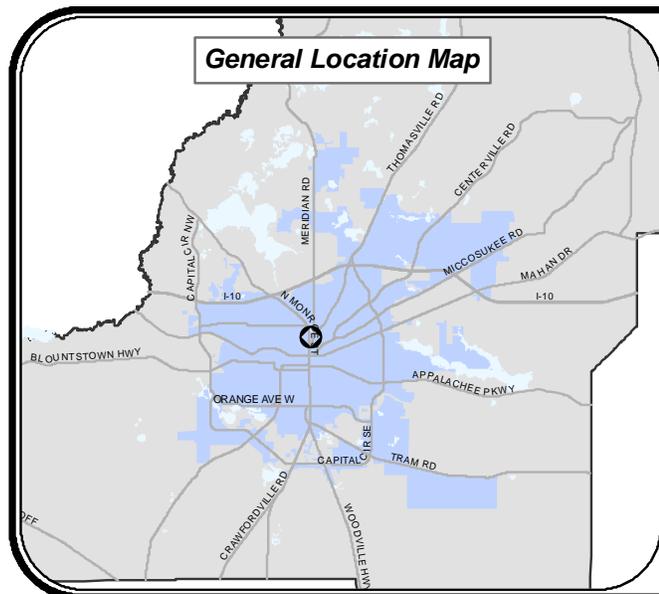
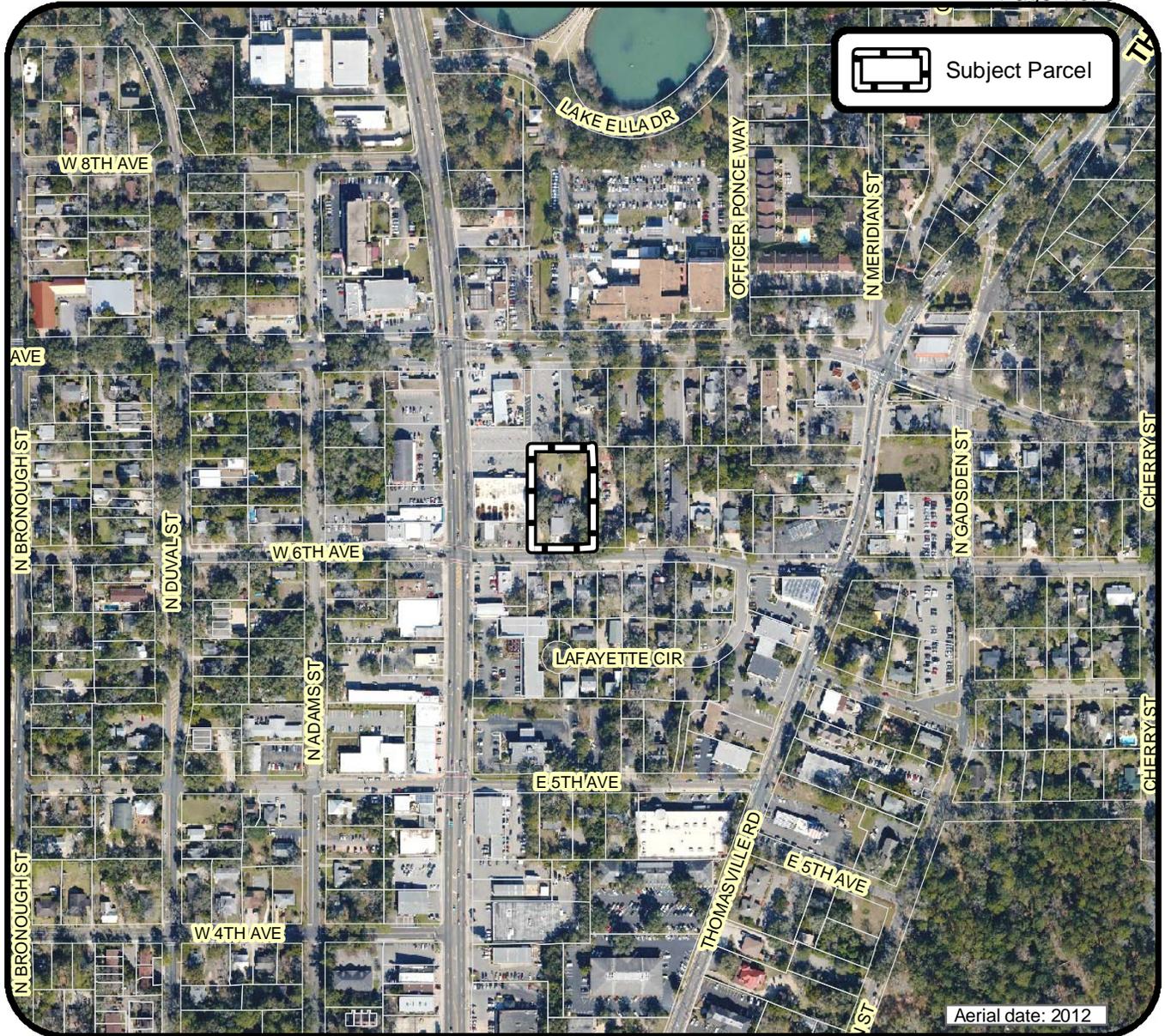
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APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

22
23
24

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

25
26



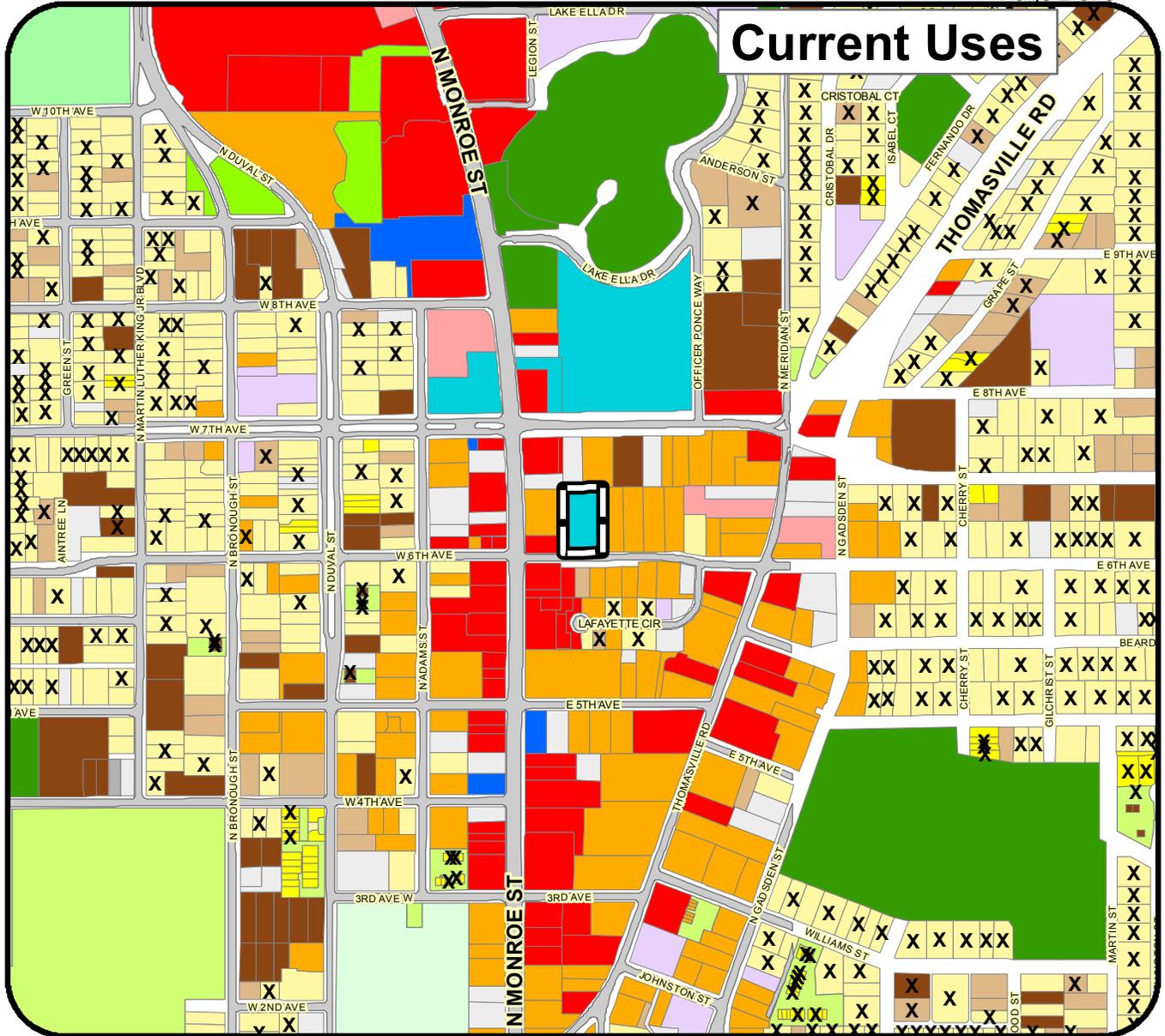
Out-of-Cycle Comprehensive Plan Amendment

Amendment for
224 East Sixth Avenue
Tallahassee
City Commission

SITE TAX ID:
21-25-39-000-0060

ACRES: 0.99 ±





Legend



Subject Parcel



Homestead Exemption Parcels

Current Uses (Oct. 2013)

- | | |
|------------------------------------|---|
| Single Family Detached/Mobile Home | Government Operation |
| Single Family Attached | School |
| Two-Family Dwelling | Open Space Undesignated |
| Multi-Family | Open Space Common Areas |
| Motel/Hospital/Clinic | Open Space Resource Protection |
| Retail | Open Space Recreation/Parks |
| Office | Religious/Non-profit |
| Warehouse | Transportation/Communications/Utilities |
| | Vacant |

**Out-of-Cycle
Comprehensive Plan
Amendment
Amendment for
224 East Sixth Avenue**

**Tallahassee
City Commission**

**SITE TAX ID:
21-25-39-000-0060**

ACRES: 0.99 ±



Future Land Use

Legend

-  Central Urban
-  Governmental Operation
-  Open Space
-  Residential Preservation
-  Suburban
-  Neighborhood Boundary



Subject Parcel

**Out-of-Cycle
Comprehensive Plan
Amendment**
Amendment for
224 East Sixth Avenue

Tallahassee
City Commission

**Existing
Government Operational**

**Proposed
Central Urban**



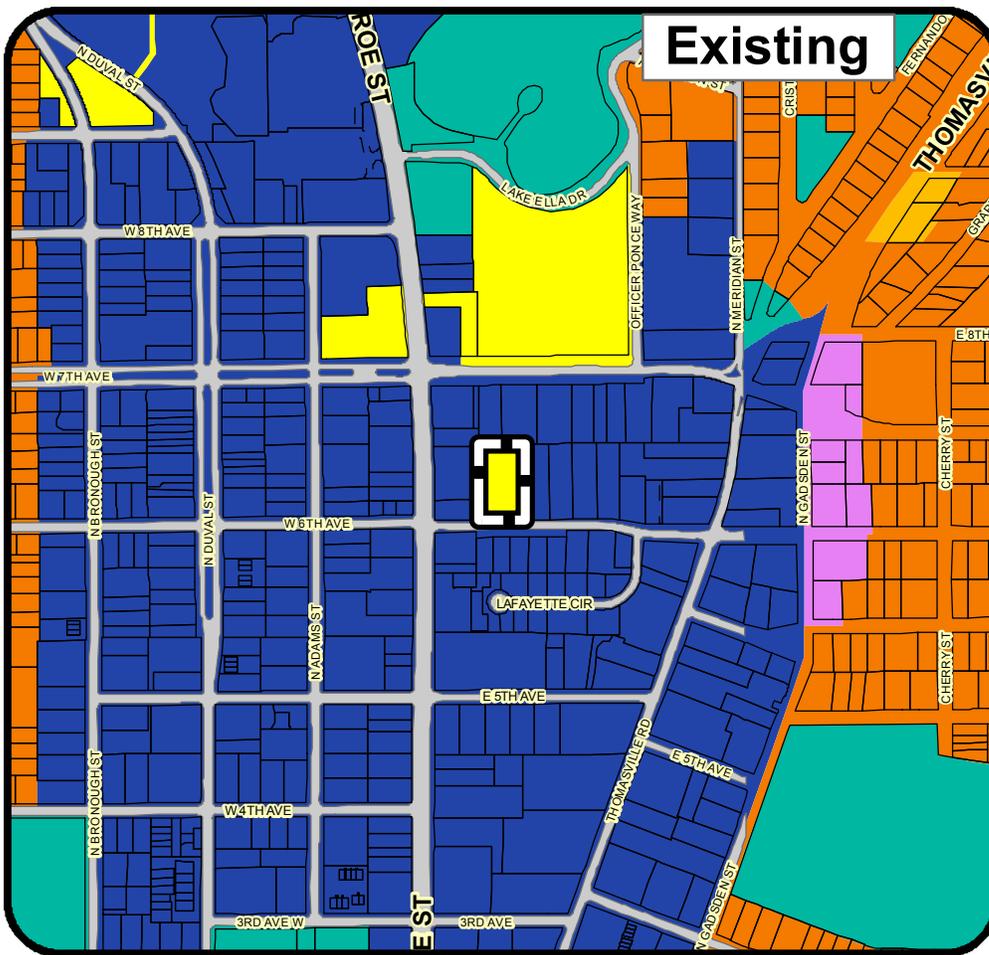
**SITE TAX ID:
21-25-39-000-0060**

ACRES: 0.99 ±

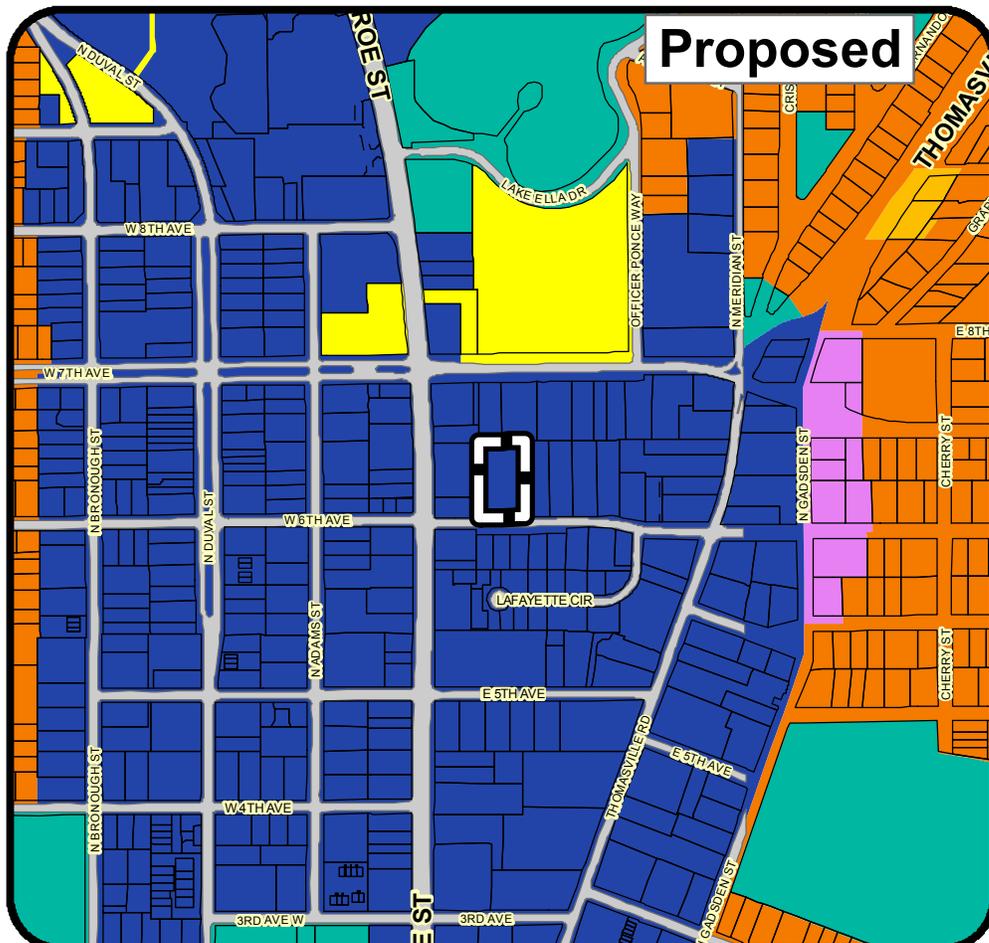


PLACE-PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

Existing



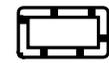
Proposed



ZONING

(No change)

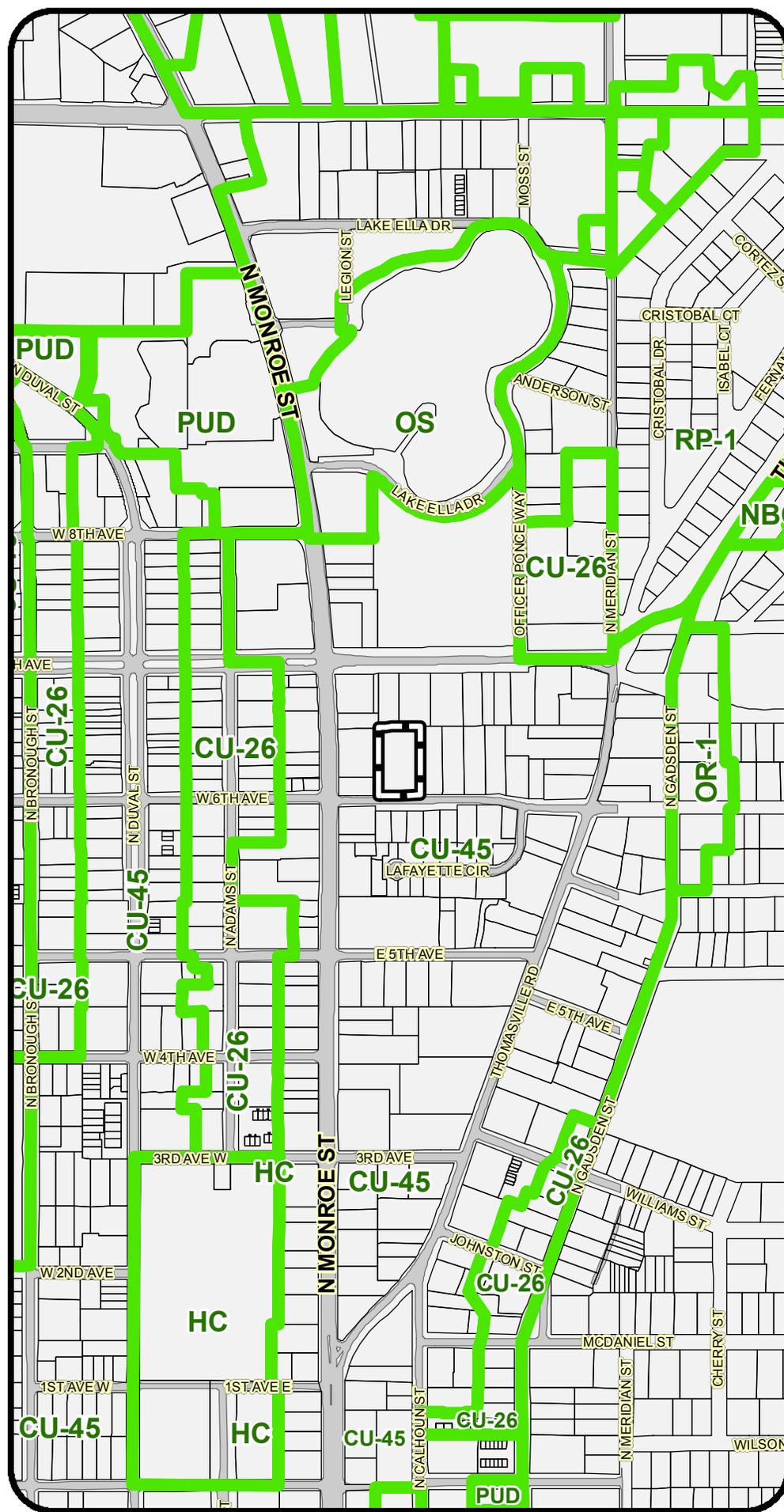
Legend



Subject Parcel



Zoning



2014 Out-of-Cycle Comprehensive Plan Amendment

Amendment for
224 East Sixth Avenue

Tallahassee
City Commission

Existing

Central Urban-45

No change Proposed



SITE TAX ID:
21-25-39-000-0060

ACRES: 0.99 ±



MAP AMENDMENT #: 2014 Out of Cycle Amendment

APPLICANT: Tallahassee City Commission

TAX I.D. # s: 21-25-39-000-0060 (\pm 0.99 acres)

CITY X **COUNTY**

CURRENT DESIGNATION: Government Operational

REQUESTED DESIGNATION: Central Urban

DATE: December 16, 2013

PRELIMINARY STAFF RECOMMENDATION: Approval

A. SUMMARY:

This is a request to change the Future Land Use Map designation from “Government Operational” to “Central Urban” for one parcel totaling \pm 0.99 acres owned by the City of Tallahassee. The property is currently within the Central Urban-45 zoning district and a rezoning is not needed. The property was formerly used by the Tallahassee Fire Department and is now in the process of being sold. The requested amendment will update the underlying Future Land Use Map designation to reflect the move to private ownership while maintaining the existing Central Urban-45 zoning. The parcel is located within the Midtown Placemaking District on Sixth Avenue between North Monroe Street and Thomasville Road.

B. REASONS FOR RECOMMENDATION FOR APPROVAL:

1. The requested change from Government Operational to the Central Urban land use category reflects the proposed change in ownership from public to private and is consistent with the predominant development pattern occurring within the Midtown area and along this segment of East Sixth Avenue.
2. The proposed amendment would support consistency between the existing zoning district, Central Urban-45, and the designated future land use category.
3. Approval of the amendment would support recommendations from the Midtown Action Plan which promotes redevelopment, the conversion of empty buildings or underutilized properties to new businesses, and new mixed-use buildings that are pedestrian friendly.
4. The subject site is located in the Mobility District. Approval of this amendment would further the goal of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

C. APPLICANT'S REASON FOR THE AMENDMENT:

In July 2013, the Tallahassee City Commission approved the sale of City property located at 224 East Sixth Avenue to TALCOR Holdings, Inc. in the amount of \$601,000. Subsequent to this approval, staff determined that the parcel has a zoning of Central Urban-45 but a Future Land Use Map designation of Government Operational. In order to complete the sale and allow redevelopment of the property, the City Commission initiated a comprehensive plan map amendment at their November 26, 2013 meeting to change the Future Land Use Map designation from Government Operational to Central Urban, consistent with the current zoning.

D. STAFF ANALYSIS:*Current Future Land Use Map Designation & Zoning District*

The parcel currently has a Government Operational Future Land Use Map designation and is within the Central Urban-45 zoning district. The property is located inside the Urban Service Area.

Government Operational Future Land Use

The Government Operational future land use category (Policy 2.2.16 in the Land Use Element) allows Community Services, Light Infrastructure, Heavy Infrastructure, and Post-Secondary schools, that provide for the operation of and provision of services on property owned or operated by local, state and federal government. The government facilities may include services and uses provided by private entities operating on property owned by the local, state, or federal government. These facilities include, but are not limited to:

Airports	Offices
Correctional Facilities	Outdoor Storage Facilities
Courts	Police/Fire Stations
Electric Generating Facilities	Sanitary Sewer Percolation Ponds
Electric Sub-Station	Sanitary Sewer Pump Stations
Health Clinics	Sanitary Sewer Sprayfields
Libraries	Vehicle Maintenance Facilities
Incinerators	Waste to Energy
Materials Recovery Facilities	Water Tanks
Museums	Water Treatment Plants
Postal Facilities	Water Wells

Central Urban-45 Zoning District

The intent of the Central Urban-45 zoning district is to encourage pedestrian-oriented redevelopment, innovative parking strategies, mixed use development, and other urban design features within the Central Core. The provisions of this district, governed by the MMTD Code, are intended to facilitate the colocation of residential, commercial, and office land uses within the same development or in close proximity, with an emphasis on compatible scale and design. This zoning district allows a variety of retail commercial,

office uses, and housing types, with residential densities ranging from a minimum of four dwelling units per acre to a maximum of 45 dwelling units per acre. Retail commercial and office uses are allowed up to 60,000 square feet per acre.

Proposed Future Land Use Map Designation

Central Urban

Land Use Policy 2.2.8 establishes the Central Urban category. Central Urban areas are characterized by older developed portions of the community that are primarily located adjacent to or in close proximity to the urban core and the major universities. Land use intensities in this category are intended to be higher due to the presence of requisite capital infrastructure, and the nearby location of employment and activity centers. Under the category, infill and potential redevelopment and/or rehabilitation activity are encouraged. Allowable uses include residential (up to 45 du/ac), employment (including light manufacturing), office and commercial development. The siting of land uses within the category is dependent on implementing zoning districts, which is currently Central Urban-45.

E. ENVIRONMENTAL FEATURES & IMPACT ON INFRASTRUCTURE:

1. Environmental Features:

The subject property is within the Lake Lafayette drainage basin. County environmentally sensitive maps currently indicate no protected or other significant environmental features onsite. Some areas of significant grades are located on the subject parcel. An onsite Natural Features Inventory may reveal the presence of other unknown environmental features.

2. Water/Sewer: City water and sewer service are presently available for the subject parcel.

3. Other:

Roads: The subject site is located within the Mobility District. East Sixth Avenue is an eastbound one-way street. The functional classification is Major Collector and its Level of Service (LOS) is "E+50%."

Bicycle/Pedestrian Facilities Availability: There are existing sidewalks along the south side of East Sixth Avenue. The Florida Department of Transportation has included reconstruction of sidewalks along this roadway in their five-year work plan.

Mass Transit Availability: The subject property and surrounding area are serviced by numerous StarMetro routes, including the Big Bend Route, Dogwood Route, Gulf Route, and the Rhythm Route on weekends.

4. Schools: Final school concurrency calculations will be conducted in the future when a site plan for proposed development is submitted.

F. CONCLUSION:

Based on the above data and analysis, staff concludes the following:

1. The requested change from Government Operational to the Central Urban land use category reflects the proposed change in ownership from public to private and is consistent with the predominant development pattern occurring within the Midtown area and along this segment of East Sixth Avenue.
2. The proposed amendment would support consistency between the existing zoning district, Central Urban-45, and the designated future land use category.
3. Approval of the amendment would support recommendations from the Midtown Action Plan which promotes redevelopment, the conversion of empty buildings or underutilized properties to new businesses, and new mixed-use buildings that are pedestrian friendly.
4. The subject site is located in the Mobility District. Approval of this amendment would further the goal of the Mobility District, by allowing mixed use development, and higher intensities and densities, a prerequisite for successful implementation of mass transit and other alternative modes of transportation.

Based on the data, analysis, and conclusions, staff is recommending approval of this amendment.

NOTICE OF CHANGE OF LAND USE COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

COUNTY COMMISSION ADOPTION PUBLIC HEARING
TUESDAY, JANUARY 21, 2014 AT 6:00 PM
5TH FLOOR, LEON COUNTY COURTHOUSE

CITY COMMISSION ADOPTION PUBLIC HEARING
WEDNESDAY, JANUARY 22, 2014 AT 6:00 PM
CITY COMMISSION CHAMBERS, CITY HALL

At the above public hearings the Board of County Commissioners and the Tallahassee City Commission will take public comments on and consider adoption of ordinances, which adopt the map amendment in this advertisement. The Ordinance titles are included below.

ORDINANCE NO. 14-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE 2030 TALLAHASSEE-LEON COUNTY COMPREHENSIVE PLAN; ADOPTING A MAP AMENDMENT WHICH RELATES TO 224 EAST SIXTH AVENUE, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY TO BE ON FILE WITH THE TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 14-O-06

AN ORDINANCE OF THE CITY OF TALLAHASSEE ADOPTING A MAP AMENDMENT FOR 224 EAST SIXTH AVENUE, TO THE 2030 TALLAHASSEE/LEON COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Proposed Map Amendment

224 East Sixth Avenue • TAX ID 21-25-39-000-0060

This is a request to change the Future Land Use Map designation from "Government Operational" to "Central Urban" for one parcel totaling ±0.99 acres located on the north side of East Sixth Avenue between North Monroe Street and Thomasville Road. The property was formerly used by the Tallahassee Fire Department and is now in the process of being sold. The requested amendment will update the underlying Future Land Use Map designation to reflect the move to private ownership while maintaining the existing Central Urban-45 zoning.

The purpose of the hearings is to consider an amendment to the Tallahassee-Leon County Comprehensive Plan. Additional information can be obtained from the Tallahassee-Leon County Planning Department on the third floor of Frenchtown Renaissance Center, or by calling 891-6400. The Plan provides a blueprint of how the community is intended to develop over the next 15-20 years.

If you have a disability requiring accommodations, please call the Planning Department at least three (3) working days prior to the hearing. The phone number for the Florida Relay Service TDD Service is 1-800-955-8771.

Be advised that if a person decides to appeal any decision made with respect to any matter considered at this hearing, such person will need a record of these proceedings. For this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal will be based.



PLACE - PLANNING, LAND MANAGEMENT AND COMMUNITY ENHANCEMENT

**Leon County
Board of County Commissioners**

Notes for Agenda Item #32

Leon County Board of County Commissioners

Cover Sheet for Agenda #32

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney 

Title: Approval of the Proposed First Modification to 2002 Settlement Agreement Between Killearn Lakes Homeowners' Association, Inc. and Leon County

County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
Lead Staff/Project Team:	Laura M. Youmans, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the proposed First Modification to 2002 Settlement Agreement between Killearn Lakes Homeowners' Association, Inc. and Leon County (Attachment #1).

Report and Discussion

Background:

The proposed First Modification to 2002 Settlement Agreement (Attachment #1) would amend a Settlement Agreement (Attachment #2) entered into by the County and Killearn Lakes Homeowner's Association ("KLHOA") on November 25, 2002. The Settlement Agreement resolved Case Number 97-2689 related to the County's compliance with the Tallahassee-Leon County Comprehensive Plan, as applied to the Bradfordville area. To resolve the litigation the County agreed to enforce the Bradfordville stormwater standards, defined in Ordinance No. 00-31, to property located outside of the Killearn Lakes DRI and to certain other stormwater-related stipulations.

Analysis:

At the time of the Settlement Agreement, the County had contracted to purchase the Lauder Property (depicted on page 11 of Attachment #2). In the Settlement Agreement, the County agreed that it would place restrictive covenants limiting the development of the property if the County sold the Lauder property to a non-governmental entity. The County purchased the Lauder Property and subsequently sold a portion of the property to a private party, Mr. Richard Kearny. Pursuant to the Settlement Agreement, Leon County placed restrictive covenants on the subject property, recorded in the Public Records of Leon County at Book 3021, Page 1045. Amended Declaration of Covenants, Conditions, and Restrictions were subsequently adopted by the owners of the property at the time: Leon County, Mr. Kearney, and the Bradfordville First Baptist Church. They are recorded at Book 3132, Page 782, Public Records of Leon County.

If approved, the proposed Modification would enable the parties to execute an amendment to the Restrictive Covenants that would allow the current property owner to increase the amount of allowable development on the Lauder Property. The amendment to the Settlement Agreement would also allow the Bradfordville Baptist Church to have a limited day school. The KLHOA governing board has approved the First Modification to the 2002 Settlement Agreement and the County Attorney's Office will work with the KLHOA to ensure that the Modification is executed and effective consistent with the Court's acceptance of the original Settlement Agreement.

Options:

1. Approve the proposed First Modification to 2002 Settlement Agreement between Killearn Lakes Homeowners' Association, Inc. and Leon County (Attachment #1).
2. Do not approve the proposed First Modification to 2002 Settlement Agreement between Killearn Lakes Homeowners' Association, Inc., and Leon County.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed First Modification to 2002 Settlement Agreement Agreement
2. Settlement Agreement

FIRST MODIFICATION TO 2002 SETTLEMENT AGREEMENT

This First Modification to 2002 Settlement Agreement (hereinafter referred to as "First Modification") is made, executed and entered into this ____ day of _____ 2014, by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and KILLEARN LAKES HOMEOWNERS ASSOCIATION, INC., a not-for-profit Florida corporation (hereinafter referred to as "Killearn Lakes").

WHEREAS, on November 25, 2002, County and Killearn Lakes entered into a Settlement Agreement (hereinafter referred to as "Settlement Agreement") as resolution of pending litigation; and

WHEREAS, paragraph 6 of the Settlement Agreement requires that the County place certain deed restrictions on a 76 acre parcel, which parcel is referred to as the Lauder Parcel and is described in COMPOSITE EXHIBIT A to this First Modification; and

WHEREAS, the County and Killearn Lakes have agreed to modification of the Settlement Agreement and the Amended Declaration of Covenants, Conditions, and Restrictions recorded in the Leon County Public Records at Book 3131, Page 1868 (hereinafter referred to as "Amended Declaration") consistent with the terms of this First Modification in order to avoid potential litigation and accompanying legal expense; and

WHEREAS, the Lauder Parcel has been split up and is now owned by the County, Bannerman Crossing II, LLC, Bannerman Forest, LLC and Bradfordville First Baptist Church. Bannerman Crossings II, LLC, Bannerman Forest, LLC and Bradfordville First Baptist Church have joined in the execution of this Modification to evidence their consent to the change in the restrictions on the Lauder Parcel.

NOW THEREFORE, in consideration of the above recitals, and the mutual covenants and agreements set forth herein, the parties to this First Modification agree as follows:

1. The Recitals above are true and correct and incorporated herein as though specifically set forth.
2. Paragraph 6.b. 2002 Settlement Agreement is hereby modified as follows:

6.b. The County further agrees that should said property described in COMPOSITE EXHIBIT A, be conveyed to a private, nongovernmental entity, the County shall impose restrictive covenants on said 76 acres as follows: A maximum of 24.7 acres of Residential, with a density not to exceed 4 units per acre; 20 acres which shall be restricted to a church or other religious facility provided that the church does not utilize any of the 20 acres for: 1) a cemetery; 2) operation of a day school with a student population of more than 150 students and for children of grades kindergarten or older; 3) operation of an adult congregate facility or nursing home or a similar activity; and a maximum of 35.1 acres of Commercial/Retail/office.

A copy of the legal description in COMPOSITE EXHIBIT A referenced above is attached and incorporated herein as COMPOSITE EXHIBIT A to this First Modification.

3. Paragraph 9, on page 4 of the Settlement Agreement is hereby modified as follows:
 9. This First Modification shall be incorporated in an order from the court in Case No. 97-2689 and the court shall retain jurisdiction to enforce the provisions of the Settlement Agreement as modified by this First Modification.

4. Paragraph 12, on page 4 of the Settlement Agreement is hereby modified as follows:
 12. Killearn Lakes shall not challenge development or land uses on the property described in COMPOSITE EXHIBIT A to the Settlement Agreement so long as development of the property complies with this Modified Agreement or the Bradfordville-Phipps property so long as development on the property complies with the Settlement Agreement.
5. Each party shall provide to the other any documents or information concerning potential or actual challenges to this First Modification within five (5) days of receipt of the documents or information.
6. Except as modified herein, the Settlement Agreement is ratified and confirmed as being in full force and effect.
7. The County shall file a fully executed Modification to the Amended Declaration which is consistent with the terms of the First Modification in the Leon County Public Records no later than March 31, 2014.

Remainder of page intentionally left blank

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

**KILLEARN LAKES HOMEOWNERS'
ASSOCIATION**

WITNESSES:

Signature

Printed Name

Signature

Printed Name

BY: _____
President

Printed Name

**FIRST MODIFICATION CONSENTED TO
BY PROPERTY OWNERS**

WITNESSES

Signature

Printed Name

Signature

Printed Name

BANNERMAN FOREST, LLC,
a Florida limited liability company,
BANNERMAN CROSSINGS II, LLC,
a Florida limited liability company,
BY: TIERRA VISTA GROUP, LLC,
its managing member

BY: _____
Claude R. Walker, its Manager

WITNESSES:

Signature

Printed Name

Signature

Printed Name

BRADFORDVILLE FIRST BAPTIST CHURCH

BY: _____

Printed Name

Title

CR 01 2134 PG 101

20040003686 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3020 PG: 863,
01/13/2004 at 09:07 AM, BOB INZER, CLERK OF COURTS



DEPARTMENT OF GROWTH AND ENVIRONMENTAL MANAGEMENT

**CORRECTED AFFIDAVIT OF RECORDING FOR
CREATION OF EQUAL OR LARGER PARCELS
IN A PREVIOUSLY RECORDED OR UNRECORDED SUBDIVISION**

This affidavit is intended to correct and supersede the previously executed affidavit dated November 24, 2003 and recorded December 16, 2003 at O.R. Book 3007, Page 1679, and again on December 22, 2003 at O.R. Book 3011, Page 157, Public Records of Leon County, Florida, by correcting the omission from the first recorded affidavit of the attachments which legally describe and depict the subdivision and lots that are the subject of the re-division under the exception for the creation of equal or larger parcels, and correcting a scrivener's error on the second recorded affidavit.

This affidavit certifies that the property comprising the previously recorded LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as legally described and depicted in the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, Page 2050, Public Records of Leon County, Florida, is granted an exception to the platting or replating requirements of the Leon County Subdivision and Site and Development Plan Regulations, as set forth in the Leon County Code of Laws. This exception to the replating requirements allows any division or re-division by recorded instrument or instruments of a lot or lots in a previously platted subdivision, the sole purpose of which is to create new parcels which are at least equal in size to the existing lot or lots. This exception only satisfies the replating procedures of the Leon County Subdivision and Site and Development Plan Regulations. This exception DOES NOT waive or denote compliance with any other applicable Comprehensive Plan requirements, land use or land development regulations, including, but not limited to, environmental requirements and zoning regulations.

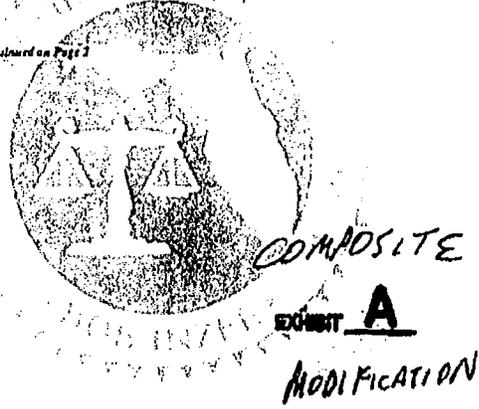
The parcel identification numbers and sizes of the previously recorded lots comprising the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map recorded with the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, page 2055, Public Records of Leon County, Florida, are as follows

- Lot 1: Parcel No. 14-22-20-210-001-0; 42.05 acres (see O.R. 2133/2058); owned by Leon County
- Lot 2: Parcel No. 14-22-20-210-002-0; 15.13 acres (see O.R. 2133/2060); owned by Leon County
- Lot 3: Parcel No. 14-22-20-210-003-0; 1.43 acres (see O.R. 2133/2062); owned by Leon County
- Lot 4: Parcel No. 14-22-20-210-004-0; 1.43 acres (see O.R. 2133/2063); owned by Leon County
- Lot 5: Parcel No. 14-22-20-210-005-0; 11.02 acres (see O.R. 2133/2064); owned by Leon County
- Lot 6: Parcel No. 14-22-20-210-006-0; 2.04 acres (see O.R. 2133/2065); owned by Leon County
- Lot 7: Parcel No. 14-22-20-210-007-0; 0.95 acres (see O.R. 2133/2066); owned by Leon County
- Lot 8: Parcel No. 14-22-20-210-008-0; 2.76 acres (see O.R. 2133/2067); owned by Leon County

The parcel identification numbers and sizes of the re-divided lots comprising the re-division of the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map and legal descriptions attached hereto, and made a part hereof, are as follows

- Lot 1: Parcel No. 14-22-20-210-001-0; 35.83 acres; owned by Leon County
- Lot 2: Parcel No. 14-22-20-210-002-0; 1.50 acres; owned by Leon County
- Lot 3: Parcel No. 14-22-20-210-003-0; 6.00 acres; owned by Leon County
- Lot 4: Parcel No. 14-22-20-210-004-0; 1.28 acres; owned by Leon County
- Lot 5: Parcel No. 14-22-20-210-005-0; 10.74 acres; owned by Leon County
- Lot 6: Parcel No. 14-22-20-210-006-0; 10.00 acres; owned by Leon County
- Lot 7: Parcel No. 14-22-20-210-007-0; 10.00 acres; owned by Leon County
- Lot 8: Parcel No. 14-22-20-210-008-0; 1.50 acres; owned by Leon County

Continued on Page 2



OR BK 3020 PG 864

Page 3 Continuation for Creation of Equal or Larger Parcels in a Previously Recorded or Unrecorded Subdivision
Property Owners Name(s): LEON COUNTY
Parcel No. 14-72-20-210-001-0 THROUGH 001-9

The property owner(s) further hereby agree that this document shall be recorded in the public records of Leon County, Florida, and shall serve as a covenant running with the land and be applicable to and binding upon the property owner(s)' successors in title, grantees, heirs, and assigns. The property owner(s) hereby acknowledge that the filing of this affidavit does not ensure the ability to develop the parcels created as a result of the division or re-division.

Dated this 13th day of JANUARY, 2014

Department of GEM:

DAVID R. McDEVITT
(Signature)
David R. McDevitt, Dir. of Development
(Print Name and Title)
SOVEREIGN

Witness:
[Signature]
(Signature)
Daniel J. Rigo
(Print Name and Title)

STATE OF FLORIDA
LEON COUNTY

The foregoing instrument was acknowledged before me this 13th day of January, 2014, by DAVID R. McDevitt, who is personally known to me and who did not take an oath.



[Signature]
(Signature of Notary/Deputy Clerk)

Approved as to Form:
[Signature]
Asst. County Attorney J. Rigo
1/13/14

Jean C. McCarter
(Type or print name)

Property Owner:

[Signature]
Signature/Print Name Rodriguez Ram

Signature/Print Name

Witnesses:

[Signature]
Signature/Print Name Christine Coble

Jean C. McCarter
Signature/Print Name Jean C. McCarter

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 12th day of January, 2014, by Rodriguez Ram, who ~~was~~ personally known to me of ~~who has~~ produced ~~as identification and who did (did not) take an oath.~~



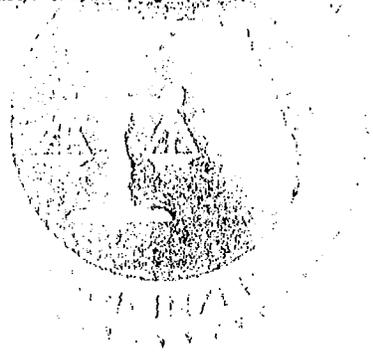
Jean C. McCarter
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION EXPIRES
March 9, 2014
LICENSED ONLY TO THE SIGNATURE INC.

[Signature]
(Signature of Notary/Deputy Clerk)

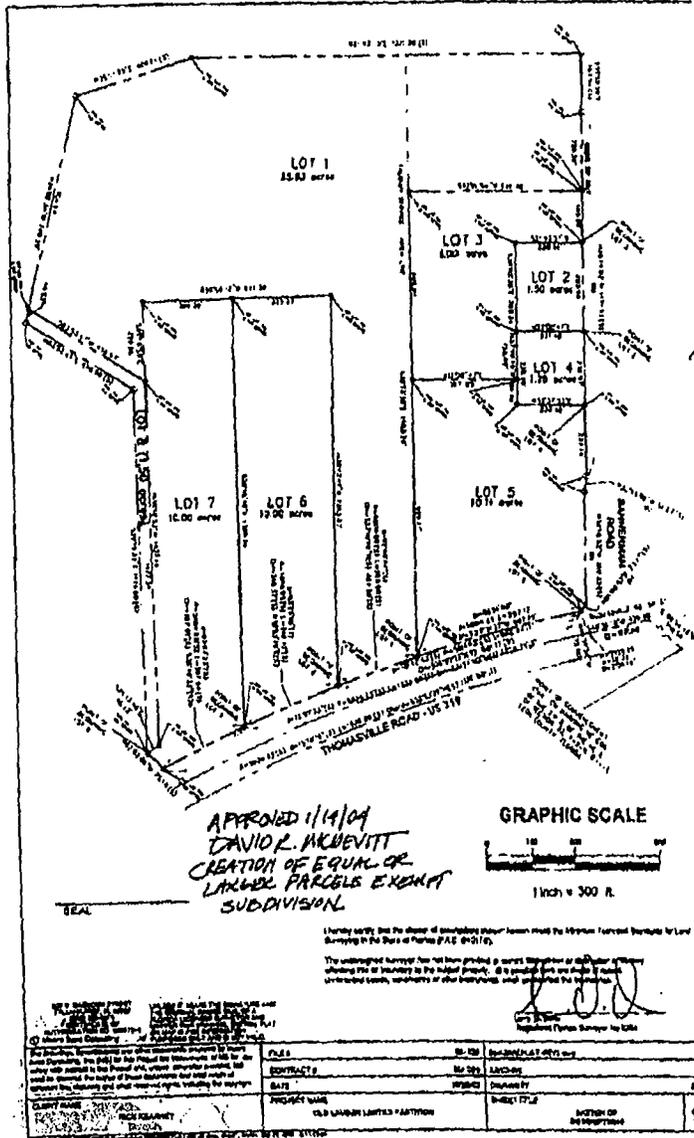
Jean C. McCarter
(Type or print name)

This instrument prepared by the Leon County Department of Growth and Environmental Management under the supervision of Herbert W. A. Thiele, Esq., County Attorney, Leon County Courthouse, Tallahassee, Florida 32301

Revised by the County Attorney's Office and ready for real estate closing on 1/13/14



OR BK 3020 PG 865



SETTLEMENT AGREEMENT

This Settlement Agreement is made, executed and entered into on this 25th day of November, 2002, by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "County") and KILLEARN LAKES HOMEOWNERS' ASSOCIATION, INC., a Florida nonprofit corporation, (hereinafter referred to as "Killearn Lakes").

RECITALS

WHEREAS, Killearn Lakes is the homeowners association for a predominantly residential development located in an area known as Bradfordville and is included in the area known as the Bradfordville Study Area; and

WHEREAS, Killearn Lakes became involved in litigation regarding the County's compliance with the Tallahassee-Leon County Comprehensive Plan in the area of Bradfordville; and

WHEREAS, the County has taken certain action to come into compliance with the Comprehensive Plan requirements at issue; and

WHEREAS, the County has been involved in other litigation in Bradfordville regarding the right of commercial property owners to develop their property. One of these settlement agreements involves property known as the Lauder property and is described in the Contract for Sale and Purchase which is attached as Exhibit A to this Agreement. The other settlement involves property known as the Bradfordville-Phipps property and is described in settlement agreement attached as Exhibit B to this Agreement; and

WHEREAS, the County has recently voted to settle those lawsuits; and

WHEREAS, the County and Killearn Lakes desire to settle the current litigation between them;

NOW THEREFORE, in consideration of the above set forth premises, the covenants and agreements set forth herein and in further consideration of the sum of ten dollars (\$10) and other good and valuable consideration paid by each party to the remaining party, the receipt and sufficiency of which are hereby conclusively acknowledged by both parties, the parties hereto do agree as follows:

AGREEMENT

1. Each and every provision of this Settlement Agreement is deemed to be an integral part hereof and shall not be deemed to be separate agreements or severable.

Provisions Concerning the Bradfordville Study Area

2. All Storm Water Management Facilities ("SWMFs") in the Bradfordville Study Area (BSA) as described in the Bradfordville Sector Plan (BSP) built and permitted after July 20, 2000, shall be designed to treat stormwater from subsequently permitted development required to have SWMFs to meet the stormwater standard, as defined in Ordinance No. 00-31, dated July 20, 2000.

3. The County shall ensure that the stormwater standard in Ordinance 00-30 and 00-31 (4-inch standard) dated July 20, 2000, is applied to stormwater from new development outside the Killlearn Lakes Development of Regional Impact (DRI) boundaries that enters the Killlearn Lakes DRI, as the Killlearn Lakes DRI Development Order exists as of the date of this agreement.

4. In order to ensure compliance with the stormwater standard set forth in paragraphs 1 and 2 above, the County agrees as follows:

a. The county will not issue any development orders for new development required to install a SWMF in the BSA unless the applicant meets the stormwater standards delineated in Ordinance 00-31, dated July 20, 2000.

b. The County will oppose any existing or new stormwater management permit application that seeks a variance from the stormwater standards set forth in Ordinance 00-31, dated July 20, 2000, for stormwater entering the Killlearn Lakes DRI.

5. Killlearn Lakes supports amending the Comprehensive Plan to ensure the maintenance of the Bradfordville Sector Plan and to include the City of Tallahassee in the Bradfordville Sector Plan and comprehensive plan amendment.

Provisions Concerning the Lauder Property

6. In conjunction with the Contract for Purchase and Sale for the Lauder Property (hereinafter "Contract"), attached hereto as Exhibit A, the following restrictions on the development of the property are made part of this Agreement with Killlearn Lakes and shall be incorporated into deed restrictions for the property. These restrictions include:

a. Should the County in the future sell said property to a private, non-governmental entity, that it will place certain deed restrictions and covenants upon such conveyance, which restrictions shall run with the land in perpetuity, to implement the so called "vista shed" agreement (which includes no towers and the

lake protection, according the Lake McBride Special Development Zone contained in the Sector Plan) strict sediment control protections during any construction, and the landscaping, and development and design standards that have previously been approved by Leon County for all development within the Lake McBride Basin.

b. The County further agrees that should said property described in Exhibit A, above, be conveyed to a private, non-governmental entity, the County shall restrict in any such deed of conveyance that the 76 acres be restricted to 64 acres of residential property with a density of no more than of 1 unit per 10 acres, plus a passive park, an area for the Old Bradfordville School, and the remaining 12 acres be restricted to no greater intensity than commercial zoning, and that a church or other religious facility shall be allowed on a portion of the residential property, provided that the conveyance to any church does not include a cemetery, a day school, an adult congregate living facility, or a nursing home, or similar activity.

Bradfordville-Phipps Agreement

7. In regard to the Bradfordville-Phipps Property the following provisions apply.

a. The Bradfordville-Phipps Agreement is incorporated into a court order, is made to run with the land, and is filed in the Leon County Records. This would include deed restrictions if necessary.

b. Development plans for the Bradfordville-Phipps property are not final and therefore, Killearn Lakes does not take a position regarding its approval of the ultimate development of this property. However, if the Bradfordville-Phipps property is developed in accordance with the settlement agreement incorporated herein as Exhibit B and should Killearn Lakes Homeowners' Association, Inc., challenge the development plans for the Bradfordville-Phipps property as being not in compliance with the BSP, then Killearn Lakes will return any money paid by the County to Killearn Lakes for the settlement of this matter.

Other Provisions

8. The County Commission will consider at a public hearing the final peer review report of the Phase II Stormwater Study within 30 days of receiving the final report.

9. This agreement shall be incorporated in an order from the court in Case No. 97-2689 and the court shall retain jurisdiction to enforce the provisions of this Agreement.

10. The County shall pay Killearn Lakes \$94,000 toward its costs for Case Nos. 97-2689, subject to County verification of all appropriate invoices, and subject to the dismissal set forth in Paragraph 11.

11. Killearn Lakes shall dismiss its lawsuit in Case No. 97-2689 with prejudice.

12. Killearn Lakes shall not challenge development on the Lauder Property or the Bradfordville-Phipps property so long as development on the property complies with this Agreement.

KILLEARN LAKES HOMEOWNERS' ASSOCIATION

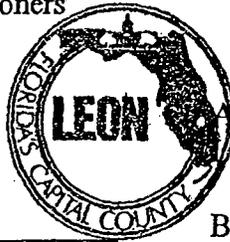
By: *F.W. Herndon*
President

LEON COUNTY, FLORIDA

By: *Tony Grippa*
Tony Grippa Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of the Court
Leon County, Florida

By: *Bob Inzer*



Approved as to Form:
Leon County Attorney's Office
By: *Herbert W. A. Thiele*
Herbert W. A. Thiele, Esq.
County Attorney

COPY

R20020070070
RECORDED IN
PUBLIC RECORDS LEON CNTY FL
BK: R2664 PG: 00670
MAY 08 2002 08:55 AM
BOB INZER, CLERK OF COURTS

**DEPOSIT RECEIPT AND
CONTRACT FOR SALE AND PURCHASE**

WILMA B. LAUDER, FRED J. PETTY and CALTON LAUDER AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ROBERT G. LAUDER, DECEASED, hereinafter called Seller, and LEON COUNTY, a political subdivision of the State of Florida, hereinafter called Buyer, agree that Seller shall sell and Buyer shall buy the following property upon the terms and conditions hereinafter set forth.

1. **LEGAL DESCRIPTION.** A tract of real property located in Leon County, Florida, more particularly described in the attached Exhibit A.

2. **METHOD OF PAYMENT.**

Approximate balance to close (excluding Buyer's expenses) subject to proration	\$5,375,000.00
TOTAL PURCHASE PRICE:	\$5,375,000.00.

3. **TIME FOR ACCEPTANCE.** If this offer is not unconditionally executed by Buyer on or before 12:00 Noon, May 1, 2002, after Seller delivers an executed copy to Buyer, this offer shall be null and void. The date of this contract shall be the date when the last party has signed this contract. Neither party shall be bound by this agreement until it is fully executed by all parties.

4. **CLOSING AND POSSESSION.** This contract shall be closed and the deed delivered on or before May 1, 2002, unless extended by other provisions of this contract. Possession of the property shall be delivered to Buyer at closing. Monies due at closing shall be deposited into the trust account of Ausley & McMullen in sufficient time so that on the date of closing collected funds shall be available for disbursement. Closing shall be held at Ausley & McMullen, 227 South Calhoun Street, Tallahassee, Florida.

5. **EVIDENCE OF TITLE.** Seller shall order for delivery to the Buyer, at Seller's expense, upon Buyer's unconditional acceptance of this contract, a title binder to be followed by title insurance agreeing to issue to Buyer upon recording of the conveyance hereafter mentioned, an owner's title insurance policy in the amount of the purchase price and any required endorsements, insuring the title to that real property, subject only to liens, encumbrances, exceptions or qualifications of record and those which shall be discharged at or before closing. If a title defect is found, Seller shall have a reasonable time, not to exceed ninety days, to clear same at their expense. If any

such title defect cannot be cured, Buyer shall have the option of accepting the title as it then is, or receiving a refund of the deposit.

6. RESTRICTIONS; EASEMENTS; LIMITATIONS. Buyer agrees to take title to the property subject to taxes for the current and subsequent years, special assessments and those accruing hereafter, zoning and other governmental restrictions, the 163 Development Agreement which is of public record, plat restrictions and qualifications, easements, and restrictive covenants of record. Buyer agrees that neither this contract nor the deed to be given by Seller shall in any way relieve, discharge, convey, transfer, or relinquish Sellers' reservation of easement and rights reserved in that certain Deed from Seller to Buyer dated February 26, 1998, recorded in Official Records book 2098, Page 1081, public records of Leon County, Florida. At closing, Seller shall abandon any claim for legal access through the original existing dirt road used by Wilma Lauder to travel to her house, and the Talquin electrical easement now servicing her home, although the Buyer shall permit Wilma Lauder, her heirs, assigns and grantees to continue to use the road and electrical easement with the understanding the use of the road and electrical easement may be revoked by the Buyer at any time upon sixty (60) days' prior written notice. In this regard, the County agrees to expedite issuance of any permits at no charge to Wilma Lauder, her heirs, assigns and grantees, which the County may require for Wilma Lauder, her heirs, assigns and grantees, to relocate and construct her road and utilities to her house. This provision shall survive the closing of this contract.

7. INSTRUMENTS. Title to real property shall be conveyed by general warranty deed. Seller shall furnish to Buyer a Seller's affidavit that there have been no improvements to subject property for 90 days preceding date of closing for which a lien could be filed.

8. PRORATIONS. All taxes from the current year shall be prorated as of date of closing. Buyer shall be deemed the owner of the property on date of closing.

9. EXPENSES.

Buyer shall pay for the following:

- (a) recording fees;
- (b) any costs associated with any loan or financing of the purchase price;
- (c) Buyer's attorney's fees; and

Seller shall pay for the following:

- (a) state documentary stamps on deed;
- (b) title insurance; and
- (c) Seller's attorney's fees.

10. FAILURE OF PERFORMANCE. If after this agreement becomes binding, Buyer fails to perform this contract within the time specified, the Seller's sole remedy

shall be to seek specific performance or elect to terminate this contract. If Seller elects to terminate this contract, Buyer and Seller shall be relieved of all obligations under the contract. If, for any reason other than failure of Seller to make Seller's title marketable after diligent effort, Seller fails, neglects or refuses to perform this contract, the Buyer's sole remedy shall be to seek specific performance or elect to terminate this contract.

11. ATTORNEY FEES AND COSTS. In connection with any litigation, including appeals, arising out of this contract or the enforcement thereof, the prevailing party shall be entitled to recover all costs incurred, including reasonable attorney fees.

12. TYPEWRITTEN, WRITTEN AND OTHER AGREEMENTS. There are no agreements, promises, or understandings between these parties except as specifically set forth herein. No alterations or changes shall be made to the contract except those in writing, initialed and dated by all parties. Typed or written provisions inserted in this contract shall control all printed provisions in conflict.

13. ENVIRONMENTAL CONDITIONS. Buyer acknowledges the availability of environmental engineering firms which can perform environmental tests and audits on subject property. If Buyer elects not to have an environmental audit performed on subject property, then Buyer accepts all responsibility associated with any potential environmental problems which may occur. Buyer relieves Seller of any and all responsibility in connection with any unknown environmental problems which may occur on subject property.

14. "AS IS". The Buyer agrees the property is being sold as is and Seller has made no warranty, express or implied, as to the condition or suitability of said property.

15. CONTINGENCIES. This contract is contingent on the following:

- (a) Title Insurance Commitment acceptable to the Buyer.
- (b) At closing Seller will deliver to Buyer, for filing, properly executed notices of dismissal with prejudice:

(1) A dismissal with prejudice by all plaintiffs in the matters of:

(A) Wilma B. Lauder, Fred J. Petty and Calton Lauder as Personal Representative of the Estate of Robert G. Lauder, Deceased, Plaintiffs, v. Leon County, Defendant, in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Case No. 98-2352; and

(B) Wilma B. Lauder, Fred J. Petty and Calton Lauder as Personal Representative of the Estate of Robert G. Lauder, Deceased, Plaintiffs, v. Leon County, Florida, in the Circuit Court of

the Second Judicial Circuit, in and for Leon County, Florida, Case No. 00-2308;

(C) Bradfordville-Phipps, Lauders, Petty and Godfrey v. Leon County, In the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Case No. 99-3411 (as to all plaintiffs except Bradfordville-Phipps);

and

(2) A dismissal with prejudice by A. L. Buford, Jr. and Ben Wilkinson, Jr., in the matters of:

(A) Ben Wilkinson, Jr., Plaintiff v. Leon County, Florida, Defendant, In the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Case No. 02-CA-320; and

(B) A.L. Buford, Jr., Plaintiff v. Leon County, Florida, Defendant, In the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Case No. 02-CA-178.

16. **IRC SECTION 1031 EXCHANGE.** Buyer acknowledges that Seller may elect to effect a tax deferred exchange of real property pursuant to Section 1031 of the Internal Revenue Code in connection with the purchase and sale transaction. If Seller elects to effect such an exchange (or a deferred exchange), Buyer shall execute such documents as may be necessary to assist Seller in accomplishing the exchange; provided, however, that: (i) Buyer shall not be required to take title to the property to be exchanged (the "Exchange Property"); (ii) Seller shall bear all incremental costs and expenses incurred in effecting any such exchange, including but not limited to all legal fees (whether incurred by Seller or Buyer), escrow fees, and closing costs relating to the purchase of the Exchange Property; and (iii) in completing the exchange and closing the escrow, Buyer shall not be obligated to pay more than the Purchase Price. If the transaction involving the Exchange Property cannot be closed on or before the closing date, Buyer and Seller shall instead consummate the purchase and sale transaction as a purchase and sale of the property; provided, however, that Seller shall have the right to arrange for a deferred Section 1031, I.R.C., exchange, so long as the arrangements therefore do not delay Buyer's acquisition of the property.

17. **NO WAIVER.** No waiver of any provision of this agreement shall be effective unless it is in writing and signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

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BOB INZER, CLERK OF COURTS

18. **AMENDMENTS.** This agreement may not be amended, modified, altered or changed in any respect whatsoever except by further agreement in writing duly executed by the parties hereto.

19. **ENTIRE AGREEMENT.** This agreement constitutes the entire agreement of the parties with respect to the property described herein and all related issues herein addressed. All understandings and agreements heretofore discussed between the parties with respect to the property are merged in this agreement which alone, until and unless amended as per Paragraph 12 above, fully and completely expresses their understanding.

20. **SUCCESSORS AND ASSIGNS.** This agreement shall be binding upon, and inure to the benefit of, the parties hereto, their respective successors, assigns and legal representatives.

21. **TIME FOR ACCEPTANCE.** If this agreement is not executed by Buyer and delivered to Seller at or before 12:00 Noon on May 1, 2002, this offer shall be automatically withdrawn and considered null and void.

22. **DATE OF AGREEMENT.** The date of this agreement shall be the date that it is executed by the party last executing same. If such approval is given and this contract shall be executed by the duly authorized representative of the County on or before 12:00 Noon, May 1, 2002, then the contract shall be in full force and effect; otherwise it shall be automatically terminated.

23. **TIME IS OF THE ESSENCE IN THIS AGREEMENT.**

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year stated below.

BUYER:

SELLER:

LEON COUNTY, FLORIDA

By: *Dan Winchester*
Dan Winchester, Chairman
Board of County Commissioners
Dated: 5/1/02

Wilma B. Lauder
WILMA B. LAUDER
Dated: 4-30-02

ATTEST:
BOB INZER, CLERK OF COURT
LEON COUNTY, FLORIDA

John Stott
John Stott, Chief Deputy Clerk
Dated: 5/1/02



Fred J. Petty
FRED J. PETTY
Dated: 4-30-02

Calton Lauder
CALTON LAUDER as Personal
Representative of the Estate of
Robert G. Lauder, Deceased
Dated: 4-30-02

Approved as to form:
LEON COUNTY ATTORNEY'S OFFICE

By: *Herbert W. A. Thiele*
Herbert W. A. Thiele
County Attorney
Dated: 4/30/02

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EXHIBIT "A"

R2002004000 Attachment #2
RECORDED IN Page 11 of 55
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A tract of land lying and being in Section 22, Township 2 North, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 22, thence run South 89 degrees 54 minutes 48 seconds West 710.59 feet along the North boundary of the Southwest Quarter of the Northeast Quarter of said Section 22 to the centerline of survey of State Road No. 61, thence leaving said North line run South 40 degrees 35 minutes 18 seconds West along said centerline of survey 426.00 feet to a point of curved to the left, thence along said centerline and said curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 second, for an arc distance of 10.39 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to the Northwesterly right of way boundary of Thomasville Road for the POINT OF BEGINNING. From said POINT OF BEGINNING run thence North 01 degree 07 minutes 46 seconds East 23.17 feet to the southwesterly right of way boundary of Bannerman Road (right of way varies), thence North 38 degrees 17 minutes 35 seconds West along said Southwesterly right of way a distance of 369.12 feet, thence North 30 degrees 49 minutes 48 seconds West 51.42 feet, thence North 38 degrees 13 minutes 55 seconds West 1171.18 feet, thence North 38 degrees 05 minutes 24 seconds West 193.69 feet, thence leaving said right of way run South 51 degrees 43 minutes 40 seconds West 1331.75 feet, thence South 35 degrees 18 minutes 38 seconds West 408.67 feet, thence South 24 degrees 03 minutes 14 seconds East 749.23 feet, thence South 18 degrees 36 minutes 30 seconds East 772.85 feet, thence South 81 degrees 55 minutes 40 seconds East 1006.18 feet to a point lying on the Northwesterly right of way of Thomasville Road, point lying on a curve concave to the Southeasterly, thence Northeasterly along said right of way curve with a radius of 5804.65 feet, through a central angle of 15 degrees 10 minutes 19 seconds, for an arc distance of 1537.09 feet (the chord of said arc being North 32 degrees 53 minutes 54 seconds East 1532.60 feet) to the POINT OF BEGINNING; containing 87.68 acres, more or less.

The foregoing described property being subject to easements contained in the South 60 feet thereof.

LESS EXCEPTION:

Storm Water Management Facility

A tract of land lying and being in Section 22, Township 2 North, Range 1 East, Leon County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 22, thence run South 89 degrees 54 minutes 48 seconds West 710.59 feet along the North boundary of the Southwest Quarter of the Northeast Quarter of said Section 22 to the centerline of survey of State Road No. 61, thence leaving said North line run South 40 degrees 35 minutes 18 seconds West along said centerline of survey 426.00 feet to a point of curve to the left, thence along said centerline and said curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to the Northwesterly right of way boundary of Thomasville Road, thence run North 01 degree 07 minutes 46 seconds East 23.17 feet to the Southwesterly right of way boundary of Bannerman Road (right of way varies), thence along said right of way as follows: North 38 degrees 17 minutes 35 seconds West 369.12 feet, thence North 30 degrees 49 minutes 48 seconds West 51.42 feet, thence North 38 degrees 13 minutes 55 seconds West 1171.18 feet, thence North 38 degrees 05 minutes 24 seconds West 829.87 feet, thence leaving said right of way run South 51 degrees 43 minutes 40 seconds West 1558.64 feet, thence run South 25 degrees 44 minutes 10 seconds East 770.03 feet, thence South 24 degrees 03 minutes 14 seconds East 749.23 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run South 18 degrees 36 minutes 30 seconds East 772.85 feet, thence South 81 degrees 55 minutes 40 seconds East 931.18 feet, thence North 39 degrees 19 minutes 57 seconds West 1174.48 feet, thence South 83 degrees 54 minutes 45 seconds West 426.57 feet to the POINT OF BEGINNING. The foregoing described property containing 12.19 acres, more or less.

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- P.C.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- R/W RIGHT-OF-WAY
- F CENTERLINE
- RADIUS
- DELTA OR CENTRAL ANGLE
- ARC LENGTH
- TANGENT DISTANCE
- CHORD BEARING AND DISTANCE
- P.B./P.C. PLAT BOOK AND PAGE
- O.R./P.C. OFFICIAL RECORDS BOOK AND PAGE
- D.E. DEED BOOK

- LEGEND:
- CONCRETE MONUMENT
- FOUND IRON PIN
- FOUND NAIL AND CAP
- PROFESSIONAL LAND SURVEYOR CERTIFICATE
- SET 1/2" IRON PIN #732
- SET NAIL AND T. CAP #732
- DEED INFORMATION
- CALCULATED INFORMATION
- SURVEY INFORMATION

Any further subdivision of the lot shown hereon are subject to the plating requirements as specified in Section 10-142B of the Leon County Land Development Code.

Environmental impact analysis to be submitted and approved prior to site and development plan approval.

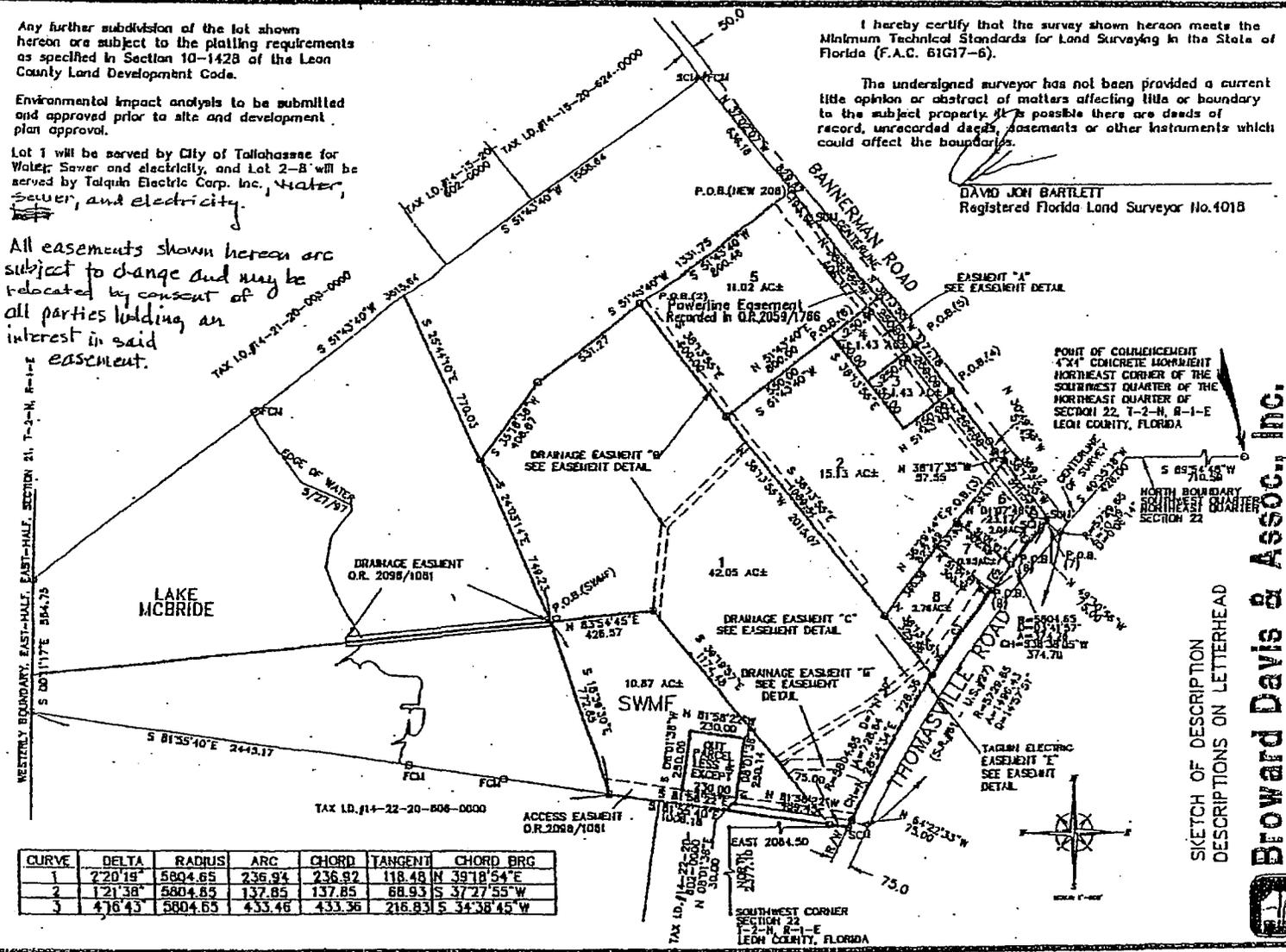
Lot 1 will be served by City of Tallahassee for Water; Sewer and electricity, and Lot 2-B will be served by Talquin Electric Corp. Inc., Water, Sewer, and electricity.

All easements shown hereon are subject to change and may be relocated by consent of all parties holding an interest in said easement.

I hereby certify that the survey shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-6).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

DAVID JON BARTLETT
Registered Florida Land Surveyor No. 4018



CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
1	7°20'19"	5604.65	236.94	236.92	118.48	N 39°18'54"E
2	1°21'38"	5604.65	137.85	137.85	68.93	S 37°27'55"W
3	4°16'43"	5604.65	433.46	433.36	216.83	S 34°38'45"W

Broward Davis & Assoc., Inc.
Planning/Engineering/Surveying/Management

DATE: 0/20/07 SCALE: 1"=500'
JOB NO.: 89-025
PSR NO.: 12284(BT-SJW)
REVISIONS: REVISIONS 2/1/08
NOTEBOOK: DATA COLL SHEET: 5 OF 27

CLIENT: MARSHALL CONRAD
1870 ROCK QUARRY RD
STOCKBRIDGE, GA 30281
TALLAHASSEE, FL 32308
(904) 876-1183 (404) 388-0233
(904) 876-2525 (FAX) (404) 388-0233 (FAX)

(Completely executed)
RECEIVED

RECEIVED

02 MAY 17 AM 11:40 SETTLEMENT AGREEMENT

02 APR 23 PM 3:26

LEON COUNTY
ATTORNEY'S OFFICE

LEON COUNTY
ATTORNEY'S OFFICE

This Settlement Agreement made, executed and entered into on this 8th day

of May, 2002, by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "County") and BRADFORDVILLE PHIPPS LIMITED PARTNERSHIP, a limited partnership organized and existing under the laws of the State of Florida, its grantees, lessees, successors and assigns (hereinafter collectively referred to as "Bradfordville Phipps").

WITNESSETH:

WHEREAS, Bradfordville Phipps is the owner of certain lands ("the Property") located in the vicinity of the intersection of Bradfordville Road and Thomasville Road in Leon County, Florida, which lands are more particularly described in Exhibit A, attached hereto and made a part hereof; and

WHEREAS, as a result of previous actions taking place in the "Bradfordville Study Area", certain litigation has ensued between Bradfordville Phipps and Leon County; and

WHEREAS, one of the several matters in litigation includes an appeal by the County to the First District Court of Appeal of a trial court order finding and holding

that Bradfordville Phipps' property was not subject to Leon County Ordinance Nos. 00-30 and 00-31; and,

WHEREAS, another of the several matters in litigation includes a request by Bradfordville-Phipps for discretionary review by the Florida Supreme Court of a decision in favor of the County by the trial court, which was upheld by the 1st DCA, stating that the County was not liable for any temporary taking damages; and

WHEREAS, the County is desirous of applying certain provisions of such ordinances to the subject property, as well as addressing issues of open space, park land, stormwater treatment, and aesthetic features of the subject property; and

WHEREAS, the parties hereto are desirous of settling and disposing of all pending litigation between the parties.

NOW THEREFORE, in consideration of the hereinabove set forth premises, in consideration of the covenants and agreements set forth herein and in further consideration of the sum of ten dollars (\$10) and other good and valuable considerations paid by each party to the remaining party, the receipt and sufficiency of which considerations are hereby conclusively acknowledged by both parties, the parties hereto do agree as follows:

1. Each and every provision of this Settlement Agreement is deemed to be an integral part hereof and shall not be deemed to be separate agreements.
2. Bradfordville Phipps is the owner of those lands described in Exhibit A hereof,

which lands are hereinafter referred to as the "Property".

3. Bradfordville Phipps shall dismiss with prejudice its request for discretionary review pending in the Florida Supreme Court in Case No. SC02-283 thereby allowing the First District Court of Appeal's decision in Case No. 01-541 to become final and non-appealable.
4. The County shall dismiss its appeal, currently pending in the First District Court of Appeal of Florida, being Case No. 01-3275, thereby allowing the trial court's order in Case No. 00-2454, Second Judicial Circuit in and for Leon County, Florida, to become final and non-appealable.
5. Bradfordville Phipps shall file a Notice of Dismissal with Prejudice in Case No. 99-6396 (Bradfordville Phipps v. Bert Hartsfield as Property Appraiser of Leon County) and a Notice of Dismissal with Prejudice in Case No. 00-2310 (Bradfordville Phipps v. Leon County), both pending in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida.
6. Bradfordville Phipps shall dismiss with prejudice its Petition for Supplemental Relief filed in Case No. 97-1423, pending in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida.
7. Bradfordville Phipps shall file a Notice of Dismissal with Prejudice in Case No. 99-3411, now pending in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida.

8. The County shall continue to defend the Summary Judgment entered against third parties by the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida, in Case No. 98-4792, now pending before the First District Court of Appeal in Case No. 01-3138.
9. The County acknowledges and agrees that Bradfordville Phipps may utilize the stormwater pond (Leon County Stormwater Management Facility No. 6), which was constructed as a result of the acquisition of lands owned by Bradfordville Phipps through condemnation proceedings in Case No. 97-1423, in Circuit Court for the Second Judicial Circuit in and for Leon County, Florida, as an integral part of its stormwater requirements in meeting the stormwater standards set forth herein.
10. In the event the variance described in paragraph 17 hereof is granted Bradfordville Phipps shall be entitled to develop and construct 55% of impervious area on those lands depicted as Phase B (hereinafter referred to as "Phase B") on Exhibit A-1 attached hereto, provided that they do not exceed 29.92 acres in total area. Except as otherwise specifically provided herein, Bradfordville Phipps shall be entitled to proceed to develop and use Phase B for any combination of any uses set forth in the applicable zoning classification "Bradfordville Commercial 1 (BC-1)". The County has previously determined that the four-inch water quality treatment standard provided in Ordinance No.

00-31 can be met on Phase B, provided the 55% imperviousness on 29.92 acres of "Bradfordville Phipps" land is not exceeded. The four-inch retention and treatment will be provided through the combination of (1) the use of Stormwater Management Facility No. 6, (2) the on-site retention of runoff from the entire developed site equivalent to a volume of one-inch over the impervious area on the developed site, and (3) the spray irrigation of those lands described in Exhibit B hereto at a rate not to exceed 1.5 inches per week. As their part in meeting the four-inch water quality treatment standard, Bradfordville Phipps agrees to provide treatment as follows: retain on Phase B runoff from the entire developed site, a volume equivalent to one inch multiplied by the impervious area on the developed site. An engineer must certify that the above described one inch retained volume will meet the drawdown requirements in Section 10-221(b) of Chapter 10 of the Code of Laws of Leon County, Florida. In the event that Phase B (29.92 acres) is developed to a lesser density than 55% impervious, the on-site treatment shall still be determined as set forth in the paragraph immediately above, the treatment volume being directly proportional to the amount of impervious area on the developed site. Subsequent to water quality pretreatment as set forth above, Bradfordville Phipps shall be entitled to convey all runoff in excess of the required on-site pretreatment volume directly to Stormwater Management

Facility No. 6. Notwithstanding the provisions of this paragraph the above provisions shall not govern, control or effect the storm water requirements, standards, or management, relating to that part of Bradfordville Phipps' lands designated as "Phase A" (5.97 acres) on Exhibit A-1 hereto, but, instead, the storm water permits previously issued by the County relating to said lands shall govern and control storm water management on such parcel.

11. Within six months from the Effective Date hereof, Bradfordville Phipps shall submit to the County an application for construction of a spray irrigation system to be installed on the Public Property. The rate of land application shall not exceed 1.5 inches per week. Under no circumstances shall irrigation water be allowed to discharge from the existing Bradfordville Phipps properties. Within six months after the County has approved such application Bradfordville Phipps shall complete the installation of such irrigation system. The County shall operate such system at such times as it deems necessary or desirable. For the first two years after substantial completion of construction of such system Bradfordville Phipps shall be responsible for the maintenance and repair thereof at Bradfordville Phipps' sole cost and expense. Upon the expiration of such two years, the County shall be solely responsible for all costs of any and all subsequent maintenance and repair. Furthermore, Bradfordville Phipps shall submit to the County for review and approval, all

plans for said irrigation system, including where equipment is to be located, power sources, and to provide adequate access for maintenance of the spray irrigation system.

12. Bradfordville Phipps shall gift and convey to Leon County by special warranty deed that real property described in Exhibit B attached hereto and by reference made a part hereof (hereinafter referred to as the "Public Property"). Such conveyance shall be subject to all restrictive covenants of record and subject to the rights of any third parties. Said conveyance shall contain and be subject to restrictions upon the use of said lands which shall provide that the County shall use the same only for spray irrigation purposes, parks and passive recreational purposes. Bradfordville Phipps, in the permitting and development of the Property shall be entitled to the use of said Public Property in the computation of its allowable impervious area and of its required green space, open space, and any and all similar requirements.
13. The effective date of Leon County Certificate of Concurrency No. LCM980012 shall be the Effective Date of this Agreement.
14. Bradfordville Phipps agrees to grant to the County an easement limited solely to pedestrian and bicycle use, which easements location is depicted on Exhibit C hereof. The County shall have the right to improve such easement area for pedestrian and bicycle use but shall take reasonable action to enforce the

limitation of its use to the above purposes.

15. Subject to submittal to and approval by the County of the construction plans, and inspection by County inspectors during construction, Bradfordville Phipps shall be entitled to relocate Ayavalla Drive at its sole cost and expense. In the event it elects to relocate such street the following provisions shall apply:

- (A) The relocated street shall be in the location shown on Exhibit D hereto.
- (B) The relocated street shall be constructed to the same specifications under which the existing street was constructed.
- (C) The relocated street shall be constructed in a manner which will require a minimum of interruption of traffic and which will provide reasonable alternate access to the Publix Shopping Center during construction;
- (D) Upon substantial completion of the opening of the relocated street, the County and Bradfordville Phipps shall exchange deeds so that (i) the County will own the right of way for the relocated street and (ii) Bradfordville Phipps will own that part of the right of way of the existing street that does not remain a part of the relocated street. The County will take such action as is required by statute or ordinance to allow it to make the conveyance called for herein.
- (E) The pavement width and right of way for the relocated street shall be of the same width as the existing street and the intersection with

Bradfordville Road shall be of the same design as the existing street intersection.

(F) The conveyance from Bradfordville Phipps to the County shall include the additional right of way needed for relocated turn lanes. The conveyance from the County to Bradfordville Phipps shall include any portion of the existing turn lanes which are not needed for the relocated intersection.

16. Notwithstanding the dismissal of the appeal of Circuit Court Case No. 99-1833, supra, the development of the Property shall be subject to the following:

- (A) The stormwater requirements set forth herein;
- (B) Those design standards set forth in Exhibit E hereof;
- (C) No use of the Property may be made by the uses set forth in Exhibit F hereof.

17. The County acknowledges that Bradfordville Phipps is desirous of constructing on the northern portion of the site a single structure, with square footage which may exceed certain existing parameters under applicable ordinances, rules and regulations. The County acknowledges that Bradfordville Phipps has the right to apply for a variance to said square footage limitations, as well as a variance to any applicable impervious surface limitations that may appear in the *Leon County Code of Laws*. The County agrees that any such application

will be expeditiously processed and given a full, fair and impartial hearing. This Agreement does not approve, nor in any way guarantee, any such variances. Should such variance request not be granted and become final and non-appealable, then the terms of this Agreement shall become null, void and of no force or effect and neither party hereto shall have any rights or liabilities hereunder.

18. Notwithstanding any other provision of this Agreement to the contrary the following provisions shall govern and control:
 - (A) Neither party shall dismiss any pending litigation (trial or appellate) until and unless the variances described in paragraph 17 above are approved and has become final and non-appealable.
 - (B) The "Effective Date" of this Agreement shall be the date of the day after such variance has become final and non-appealable.
 - (C) The conveyance of the Public Property by Bradfordville Phipps to the County and the granting of the easements described in paragraph 12 and 14 hereof shall not be made prior to the Effective Date. Such instruments of conveyance and grant of easement shall be delivered within thirty days after the Effective Date hereof.
19. All parties shall bear their own costs and attorneys fees, and no damages shall be sought against either party as a result of all litigation now pending between

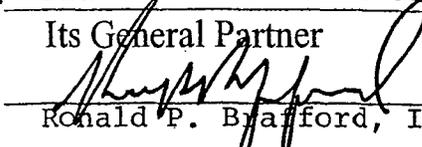
each party. Further, Bradfordville Phipps and its partners shall execute a General Release of any and all claims arising out of facts, events or occurrences transpiring prior to the date hereof, that they had, have, or could have been brought against the County, its officers, officials and employees.

20. The County agrees that it, in conjunction with Bradfordville Phipps, shall defend any contest of any approvals or variances which might be granted to Bradfordville Phipps for the subject property as a result of this Settlement Agreement.
21. The terms, provisions, benefits and restrictions set forth herein shall be deemed to run with those lands described in Exhibit A-1 hereto and shall inure to the benefit of the successors and assigns of the parties hereto, including, but not limited to all persons and entities claiming by, through or under Bradfordville Phipps.
22. The County agrees to diligently pursue the prompt and final resolution of Case No. 98-6337 currently pending in the Circuit Court, Second Judicial Circuit in and for Leon County, Florida.

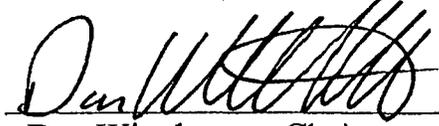
IN WITNESS WHEREOF the parties hereto have caused these presents to be executed in their names the day and year first above written.

BRADFORDVILLE PHIPPS LIMITED PARTNERSHIP

By: Bradfordville Land Company, Inc.
Its General Partner

By: 
Ronald P. Bradford, Its President

LEON COUNTY, FLORIDA

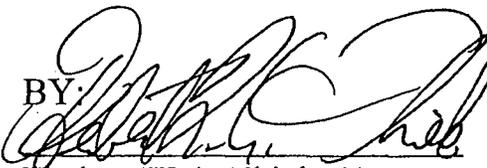
BY: 
Dan Winchester, Chairman
Board of County Commissioners

Attest:
Bob Inzer, Clerk of the Court
Leon County, Florida



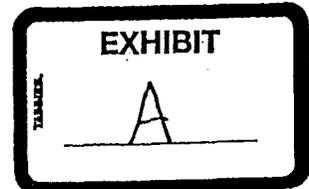
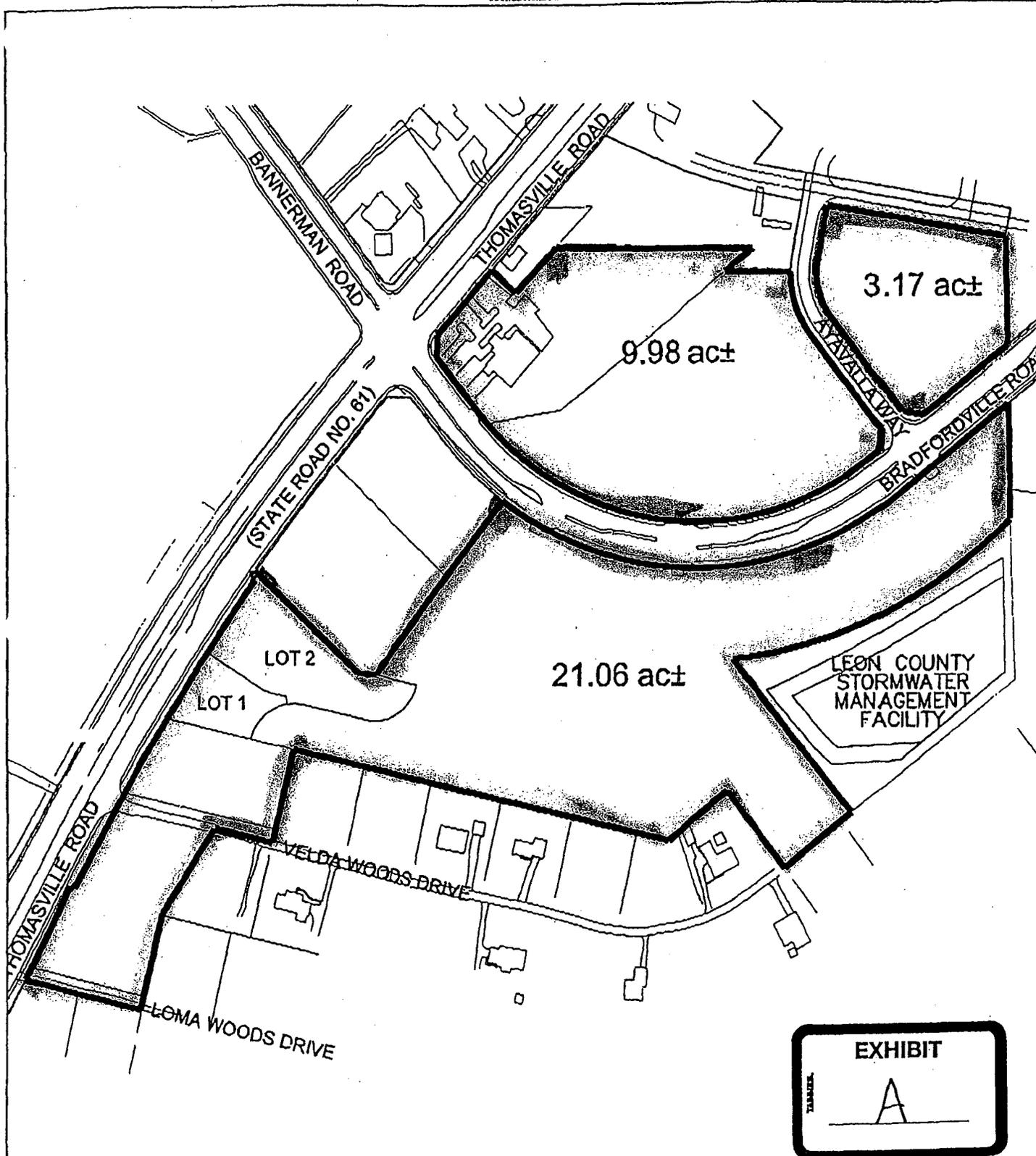
BY: 

Approved as to Form:
Leon County Attorney's Office:

BY: 
Herbert W.A. Thiele, Esq.
County Attorney

Moore Bass

CONSULTING
TALLAHASSEE ATLANTA COLUMBUS
www.moorebass.com



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FILE #	4461 CURRENT OWNERSHIP.dwg	CONTRACT #	446.001 ARCHIVE
DATE	4/15/02	DRAWN BY	MDW-
CLIENT NAME	BRADFORDVILLE-PHIPPS LIMITED PARTNERSHIP	PROJECT NAME	BRADFORDVILLE CORNERS
		SHEET TITLE	CURRENT OWNERSHIP MAP
		1/1	

Moore Bass

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TALLAHASSEE ATLANTA COLUMBUS
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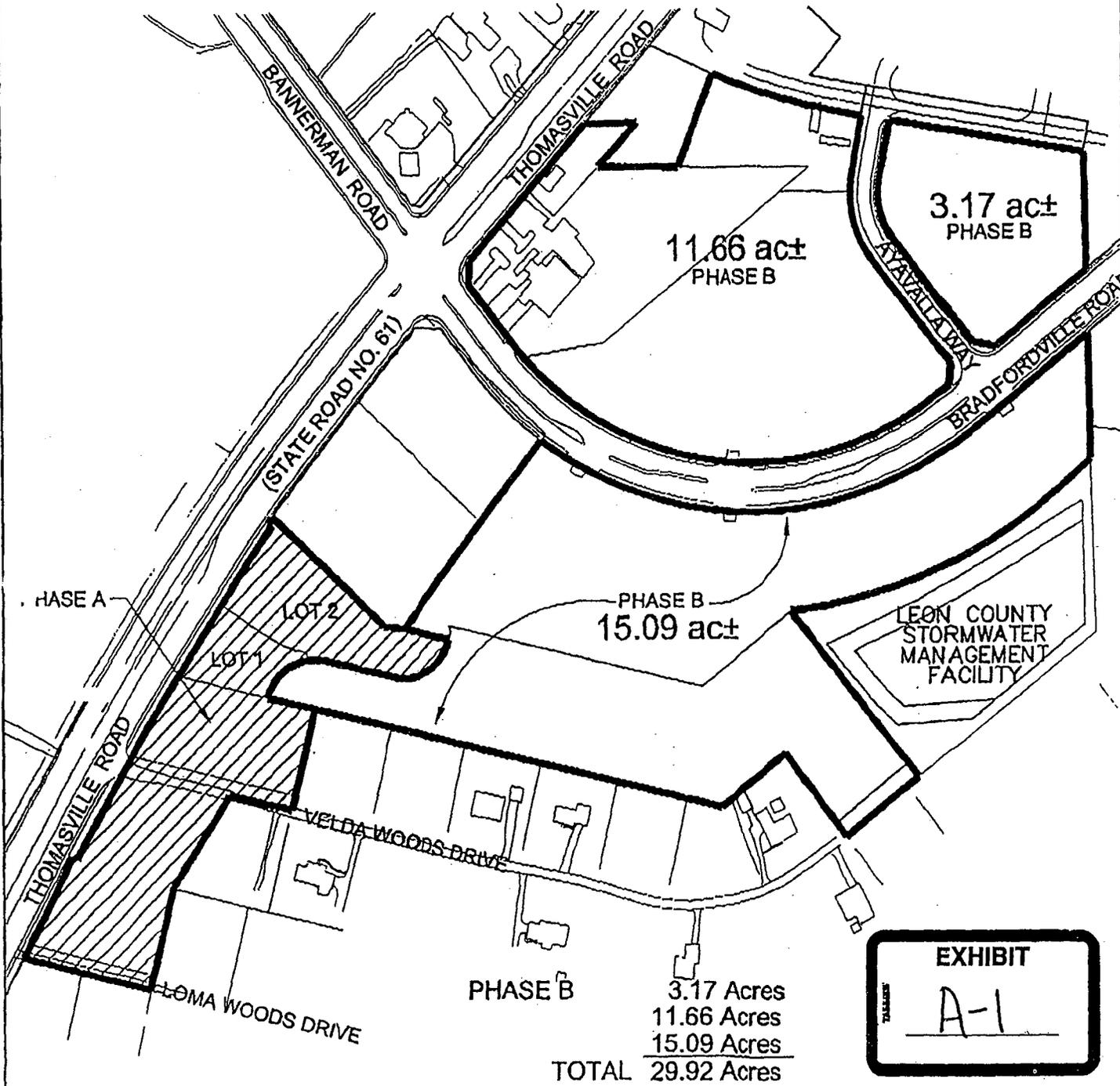


EXHIBIT
A-1

PHASE B 3.17 Acres
11.66 Acres
15.09 Acres
TOTAL 29.92 Acres

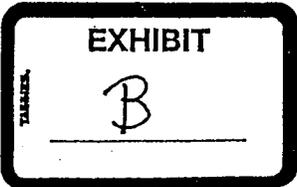
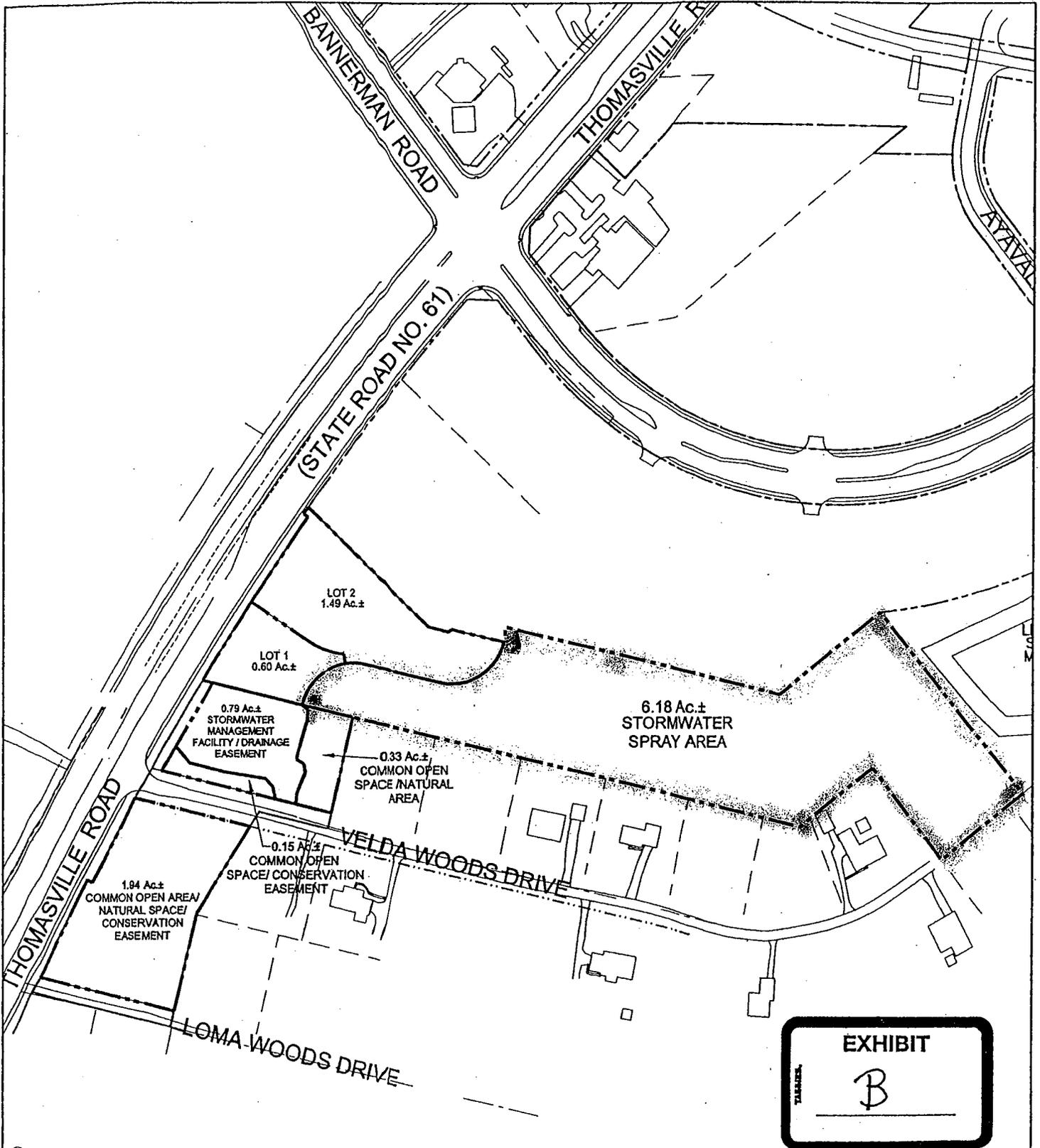
PHASE A 5.97 Acres

29.92 Ac * 55% impervious = 16.46 Ac
16.46 Ac of Allowed Impervious Area

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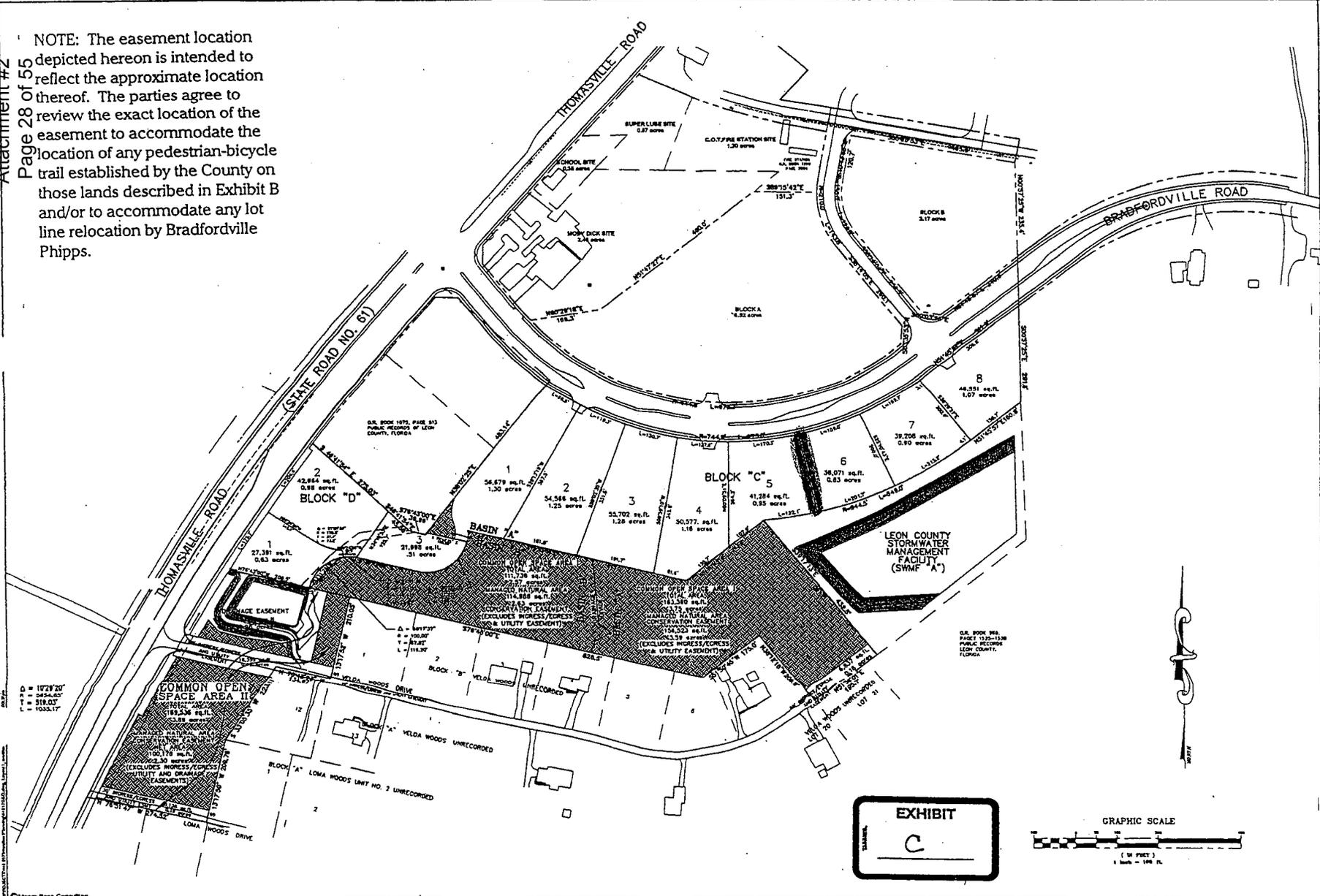
FILE #	4461 IMPERVIOUS.dwg
CONTRACT #	446.001 ARCHIVE
DATE	4/15/02 DRAWN BY MDW
CLIENT NAME	SHEET TITLE
BRADFORDVILLE-PHIPPS LIMITED PARTNERSHIP	BASIS OF IMPERVIOUS COMPUTATIONS MAP 1/1



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	CONTRACT #	446.001	ARCHIVE
	DATE	4/15/02	DRAWN BY
CLIENT NAME	PROJECT NAME	SHEET TITLE	1/2
BRADFORDVILLE-PHIPPS LIMITED PARTNERSHIP	BRADFORDVILLE CORNERS	COMMON OPEN AREA AND STORMWATER SPRAY AREA MAP	

NOTE: The easement location depicted hereon is intended to reflect the approximate location thereof. The parties agree to review the exact location of the easement to accommodate the location of any pedestrian-bicycle trail established by the County on those lands described in Exhibit B and/or to accommodate any lot line relocation by Bradfordville Phipps.



Δ = 107°27'20"
 Δ = 49°44'45"
 Δ = 516.02'
 Δ = 1032.17'

EXHIBIT
C



MooreBass
CONSULTANTS

PROJECT NAME: BRADFORDVILLE COMMERCIAL CENTER
CLIENT NAME: BRADFORDVILLE PHIPPS LIMITED PARTNERSHIP



DATE: 09/10/12
FILE #
COUNTY #

SHEET TITLE: PLANNING MAP

SHEET: 1.0

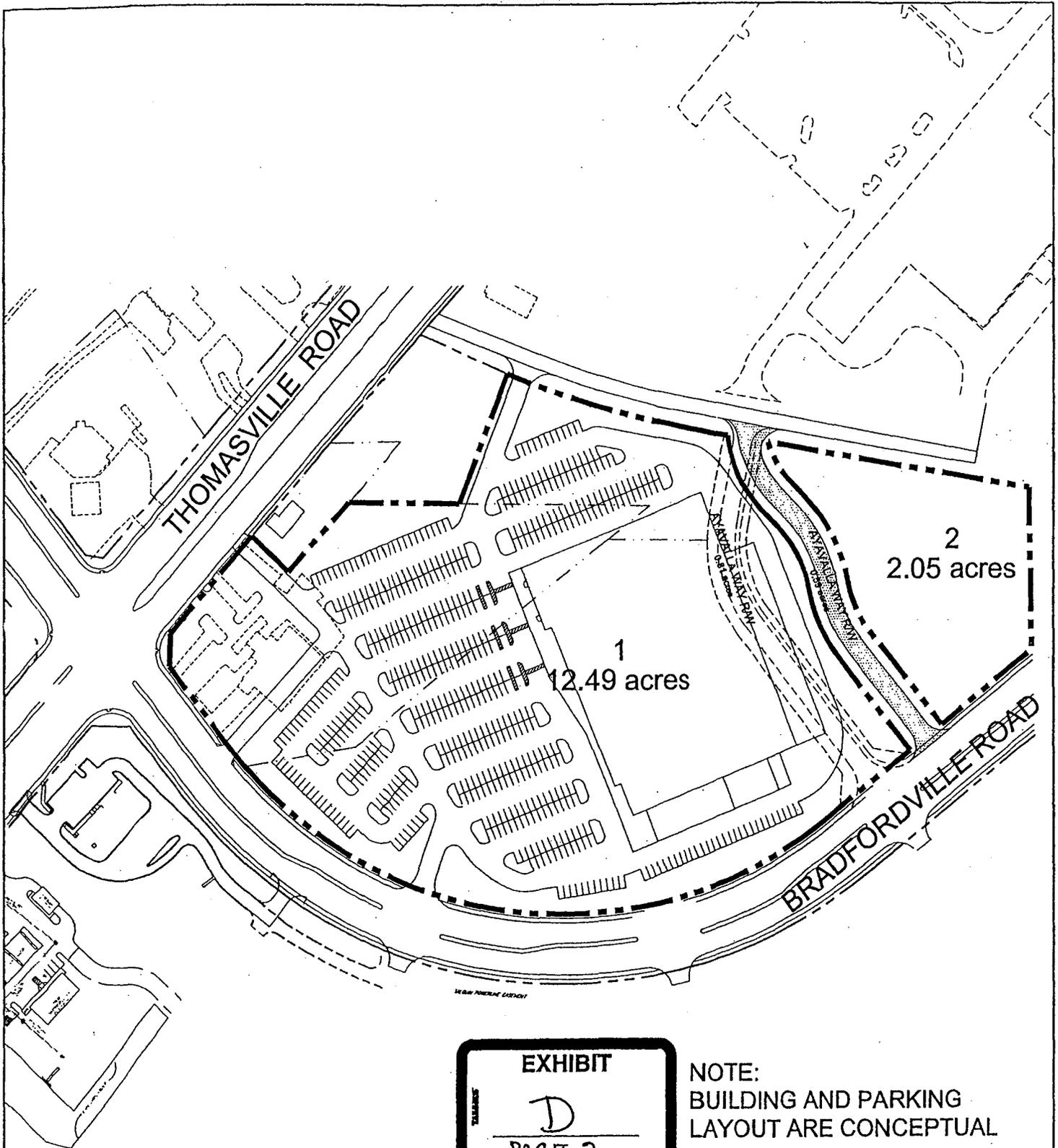


EXHIBIT
D
PAGE 2

NOTE:
BUILDING AND PARKING
LAYOUT ARE CONCEPTUAL

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FILE #	4461 RW REALIGNMENT.dwg
CONTRACT #	446.001 ARCHIVE
DATE	4/15/02 DRAWN BY MDW
CLIENT NAME	PROJECT NAME
BRADFORDVILLE-PHIPPS LIMITED PARTNERSHIP	BRADFORDVILLE CORNERS
	SHEET TITLE
	AYAVALLA WAY ROADWAY REALIGNMENT
	1/1

To the extent consistent with the terms and intent of the Settlement Agreement the following site and building design standards guidelines shall be considered in the development of the lands subject to the Agreement.

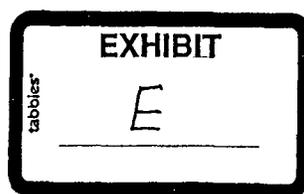
Site Planning Guidelines

General site planning design guidelines should contemplate a three-dimensional spatial integration of a project's onsite design elements in an effort to achieve internal cohesiveness and compatibility with its surroundings. Generally stated, the goal is to relate the onsite design elements to the contextual setting. From a site planning perspective, these design elements include but are not limited to the following:

- Onsite parking location and configuration including vehicular use areas and pedestrian access ways.
- Landscaping as buffering to mitigate the project's offsite impacts and to articulate onsite design elements.
- Drainage and storm water management facilities that are integrated into the site plan in a manner that further enhances the project's overall design concept.
- The creation of outdoor or open spaces that are design elements as well as functional areas for public use and are integrated into the project's overall design concept.
- The application of appropriate fencing and screening material to mitigate the offsite visual impacts of required onsite storage, utilities, and service areas.
- Onsite sign design (height and size) based on the functional classification of the adjacent roadway.

Building Placement and Orientation:

Buildings may be oriented to enhance pedestrian access and to maximize the view of adjacent buildings, pedestrian walkways, landscaping, and other site design features, including open space. Buildings located on a corner parcel may be articulated to both roadways and not placed at an angle to the corner. Additionally, buildings located at the intersection of two or more arterial or collector roadways



should be articulated with increased architectural components and design features to signify or establish a gateway or entry way into the community.

Onsite Parking Location and Configuration:

Onsite parking should be designed to consider the interaction of vehicular and pedestrian movements where feasible. Pedestrian movements in vehicular use and parking areas should be directed and clearly articulated by the incorporation of defined pathways using changes in pavement materials, colors or textures. Parking should be integrated into the overall site plan in a consistent manner that ensures efficient access and designed to enhance the appearance of the site. Shared parking is encouraged where appropriate.

Landscaping:

Where feasible landscaping should be utilized to define onsite pedestrian corridors, building design elements, public areas, and view scapes. Landscaping should be composed of plant species that are native to the region.

Drainage and Storm Water Management Facilities:

When consistent with development contemplated by the Agreement public and private drainage and storm water management facilities should be integrated into the overall site plan design to provide a focal point of interest. Such facilities should also be designed to mimic natural systems by incorporating non-geometric and gently sloping edges. Appropriate landscaping should be utilized to articulate and integrate the required onsite drainage and stormwater management facilities into the overall design concept.

Outdoor Public Use and Open Space:

Projects are encouraged that are designed to establish, define and integrate outdoor public use areas into the development. Public use areas can incorporate (but should not be limited to) such uses and activities as seating, dining, special events, and entertainment. Well-defined pedestrian corridors should be utilized to interconnect such areas with multiple developments, and with required open space areas.

Fencing and Screening to Mitigate Offsite Visual Impacts:

The offsite visual impacts associated with outdoor service functions or areas such as loading areas, trash collections, outdoor storage, or mechanical equipment should be mitigated by the use of screening material consistent with the materials and design treatments of the primary facade of the primary building. In addition, landscaping should also be incorporated into the overall screening concept. Chain link fencing should not be utilized except in areas out of public view, and in conjunction with appropriate landscaping material to mitigate offsite impacts.

Signs:

Sign standards shall be those set forth in the Leon County sign ordinance; provided, however, that no pole signs shall be used.

Building Design Guidelines

General building design guidelines should incorporate the design elements of architecture that is typical of the Tallahassee-Leon County area. This local, or vernacular style is not limited to one particular design style. Furthermore, no particular style of architecture is prohibited. Design flexibility is encouraged with an overall goal of providing the Bradfordville area with a unified sense of place on a pedestrian scale. The overall primary design elements that compose the areas indigenous architectural style can be generally described or allocated to the following design components:

1. Architectural features and patterns that provide visual interest from the perspective of the pedestrian through the integration and application of architectural detail and appropriate scale.
2. Building facades that are designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls.
3. The incorporation of architectural details and elements, and the use of scale to provide visual interest.
4. Variation in building mass, height and width so that it appears to be divided or articulated into distinct massing elements and details that can be perceived at

the pedestrian scale.

5. The incorporation and integration of appropriate exterior building materials and colors consistent with the local vernacular style.
6. The use of roof forms that provide visual interest and reflect the primary elements of the local vernacular architecture.

Architectural Features and Patterns:

Buildings should incorporate architectural features and patterns that provide visual interest from the pedestrian perspective. This includes the incorporation of building facades that are not uniform in mass or scale and height. Large unadorned or uniform monolithic facades and walls should be avoided. Pedestrian scale facade treatments such as (but not limited to) canopies, overhangs, arcades, gabled entryways, and porticos are encouraged.

Building Facades:

Building facades should be articulated and designed using consistent and integrated architectural style, detail and trim features. Appropriate building facade materials and colors are addressed below. Buildings fronting and located adjacent to arterial or collector roadways should incorporate the appearance of windows at intervals along the horizontal length of the primary customer entrance facade. This can be achieved through the appropriate application of faux windows or similar architectural detail.

Incorporation of Architectural Details and Elements and the Use of Scale:

The overall architectural style of a building's facade should incorporate design elements and details that promote a pedestrian scale. This can be achieved by incorporating repeating facade treatments that include multiple architectural details and trim components including changes in color, texture, material, and the expression of architectural or structural bays through a change in plane with the use of a reveal, offset, or projecting rib. Uninterrupted or blank wall facades should be avoided. Articulated entrances, pedestrian scale windows, and other design elements such as but not limited to display windows, overhangs, awnings, canopies or porticos, gable roofed entry ways, and arcades are encouraged.

Variation in Building Mass, Height and Width to Achieve Pedestrian Scale:

Building facades should be designed to reduce the mass, scale, and uniform monolithic appearance of large, unadorned walls. This can be accomplished by varying the building's mass in height and width so it appears to be divided into distinct massing elements and details can be perceived at the pedestrian scale. Exterior facades should also be designed with projections and recesses of varying depths. Variations in roof lines should also be used to reduce the massing of buildings. Roof edges should have a vertical change from the dominant condition and multiple roof slope planes which incorporate gables are encouraged.

Exposed Building Materials and Colors Consistent with the Local Vernacular Style:

The exposed exterior building materials and colors should reflect the elements of the local vernacular style and should be indigenous to the area. Building facades should be designed to have the appearance of natural materials such as brick, stone, or wood siding. High quality, man-made materials such as stucco and tinted or textured concrete masonry units are acceptable. The finished exterior of buildings should not have the appearance of plastic or vinyl sidings, corrugated or reflective metal panels or sheathing, tile, smooth or rib-faced concrete blocks or panels, applied stone in an ashlar or rubble look and the same are not encouraged as exterior surfaces. If the roof is visible from a public roadway or public use area, appropriate roofing materials include wood shakes, metal standing seam, architectural grade asphalt shingles, and tile. Exterior building and roofing material colors visible from a public roadway should be natural, subdued earth tones. Primary colors, black, fluorescent colors, metallic or reflective colors should be avoided, or used only to emphasize or accent an architectural design element of the building facade.

Roof Forms:

The local vernacular style incorporates the use of articulated and sloping roof forms to provide visual interest. Gabled roofs are a primary expression of this style. The use of dormers to provide an additional element or architectural detail and interest to uninterrupted roof planes is also a common architectural component of the local vernacular style. Flat roofs should only be utilized in such areas as entrance canopies, walkway or breeze way connections that provide pedestrian protection from the weather, storage and mechanical equipment area, and arcades.

Illustrative Guidelines:

Figures 1 through 17 are provided as illustrative examples of the site planning and building design principles and guidelines outlined above. The illustrations demonstrate an appropriate application of a specific concept, and as such are not intended to limit different approaches that may also articulate the design principles outlined above. The drawings provided are illustrative only and reflect generalized concepts and should not be construed literally.

The site planning process for each parcel should include a consideration of the property's location, orientation, and configuration of buildings and attendant structures on the site with regards to the site's boundary line, adjacent streets, buildings, and open spaces. Standardized building designs with overt "product branding" typical of franchise establishments should be discouraged. Site planning and building design should consider pedestrian circulation both onsite and between adjacent sites.

Compliance with the Guidelines

Good faith consideration of the above guidelines shall be demonstrated during the site and development plan and building plan review processes. The applicant shall submit both illustrative and narrative documentation to confirm and demonstrate compliance with the design guidelines outlined in this Manual.

G:\CAROL\MISC\BRADFORD\settlement.inserts04-23-02.wpd

FIGURE 1
CREATION OF OUTDOOR SEATING

The building entrance landscape may incorporate outdoor seating areas. Seating areas should be appropriate to the design and function of the site users.

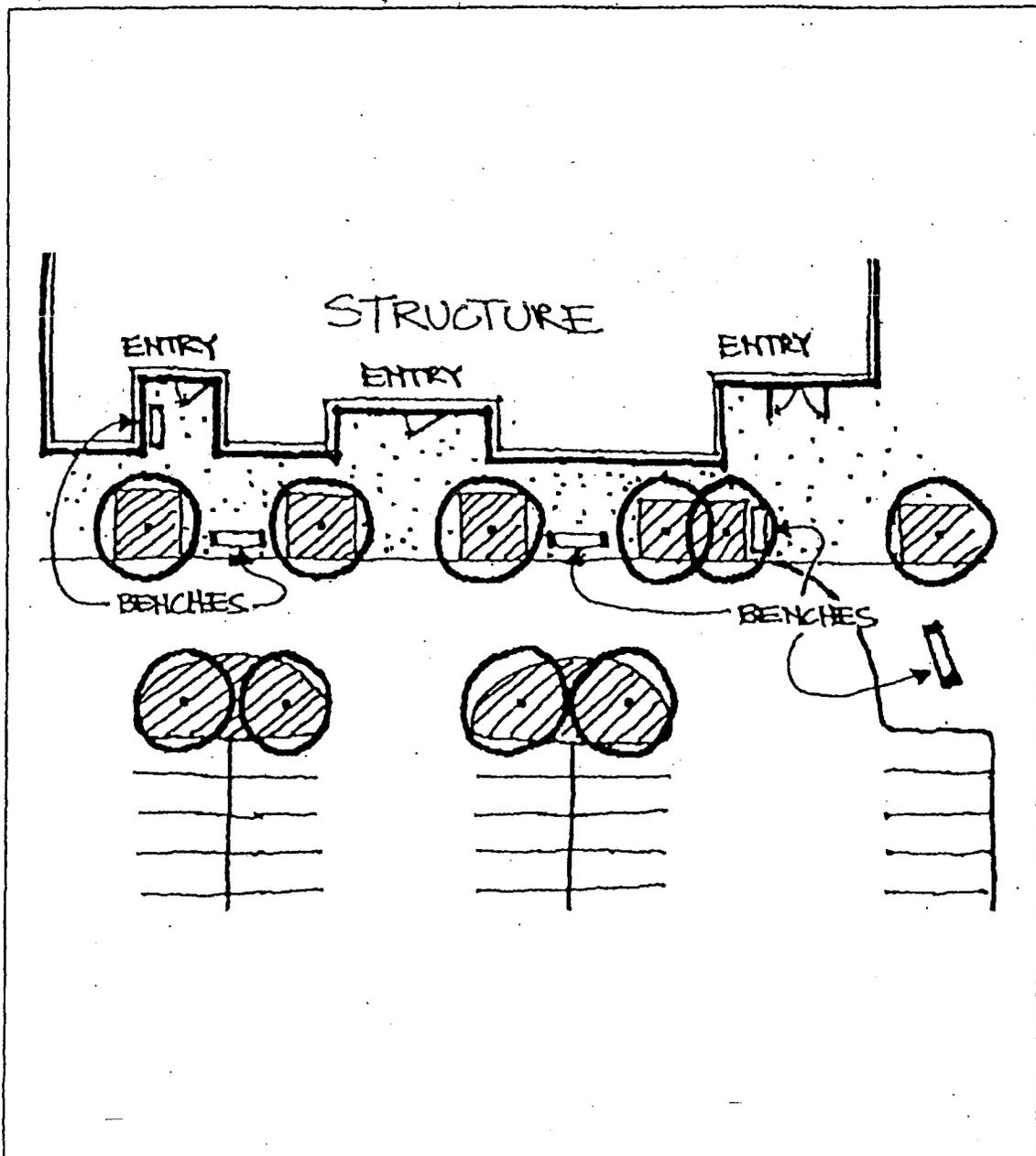


FIGURE 2

WALKWAYS

Walks may be included as part of an overall comprehensive landscape plan. Free-form, meandering sidewalks and paths are preferred to preserve natural vegetation or to create landscape views. Walkways consisting of geometric alignments may be utilized if determined more appropriate for the design application.

Encouraged materials include colored concrete, paver blocks and other bituminous materials.

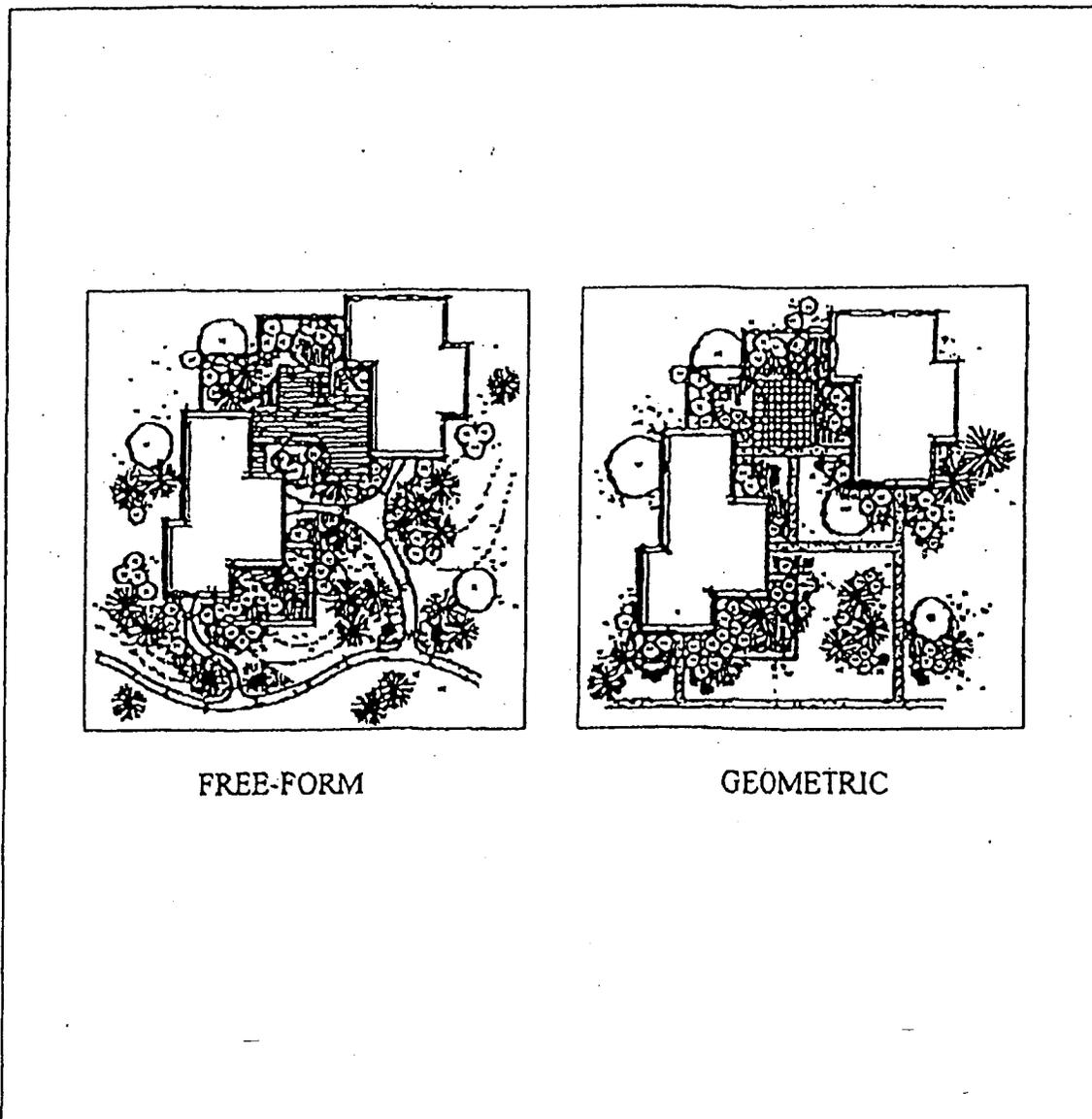


FIGURE 3

LANDSCAPE BUFFERS

Landscape buffers will maintain a sense of the natural surroundings by the use of indigenous plant material and the incorporation of existing vegetation. Landscape improvements should be structured to create filtered views and vistas both within and out of the site.

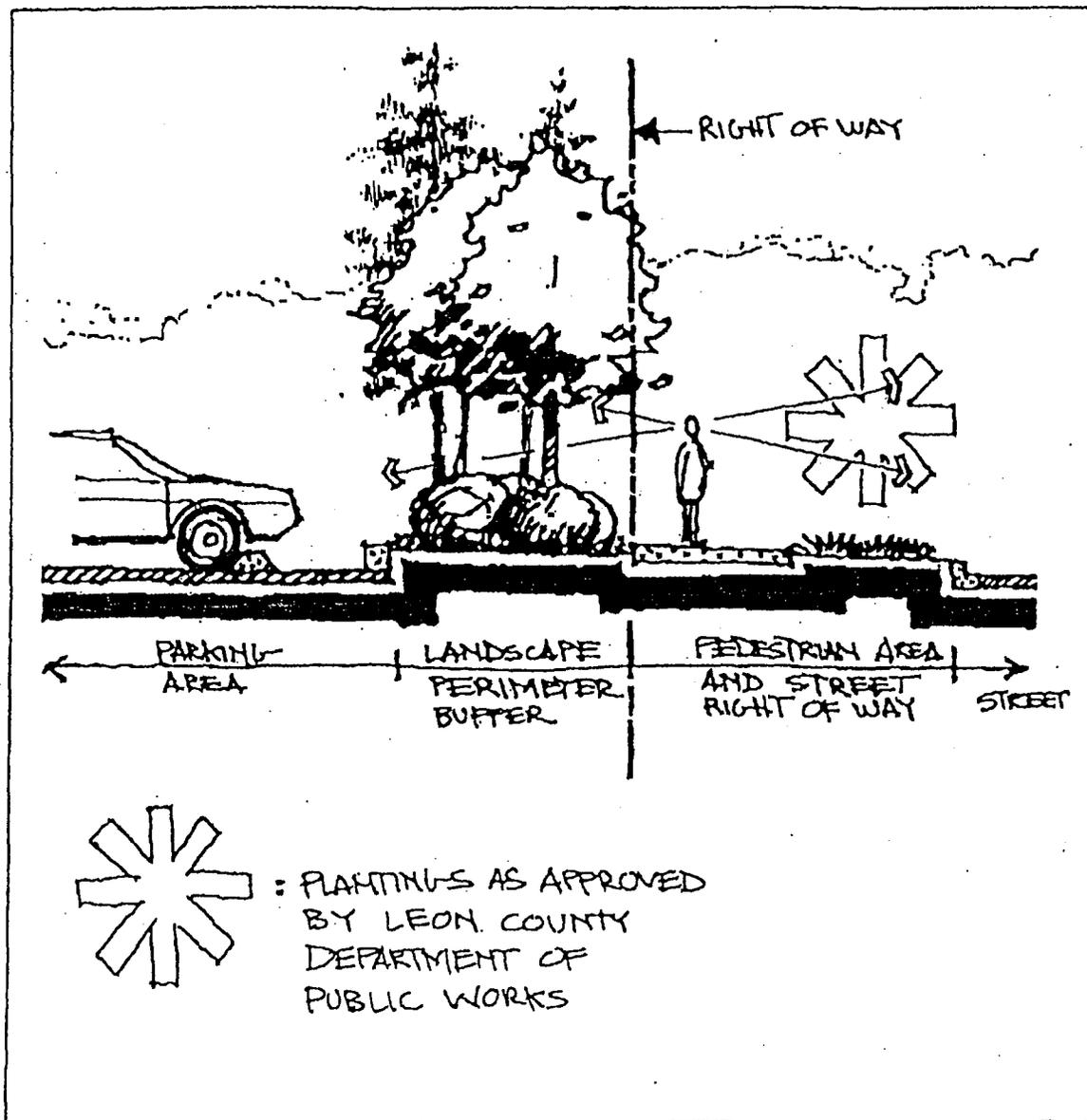


FIGURE 4

VISUALLY CONNECTED OPEN SPACES

Open spaces and landscape areas should provide visual connection between similar spaces on adjacent sites by creating unobstructed views and applying the use of complementary elements (i.e. walkways, vegetation, lighting) within the open space.

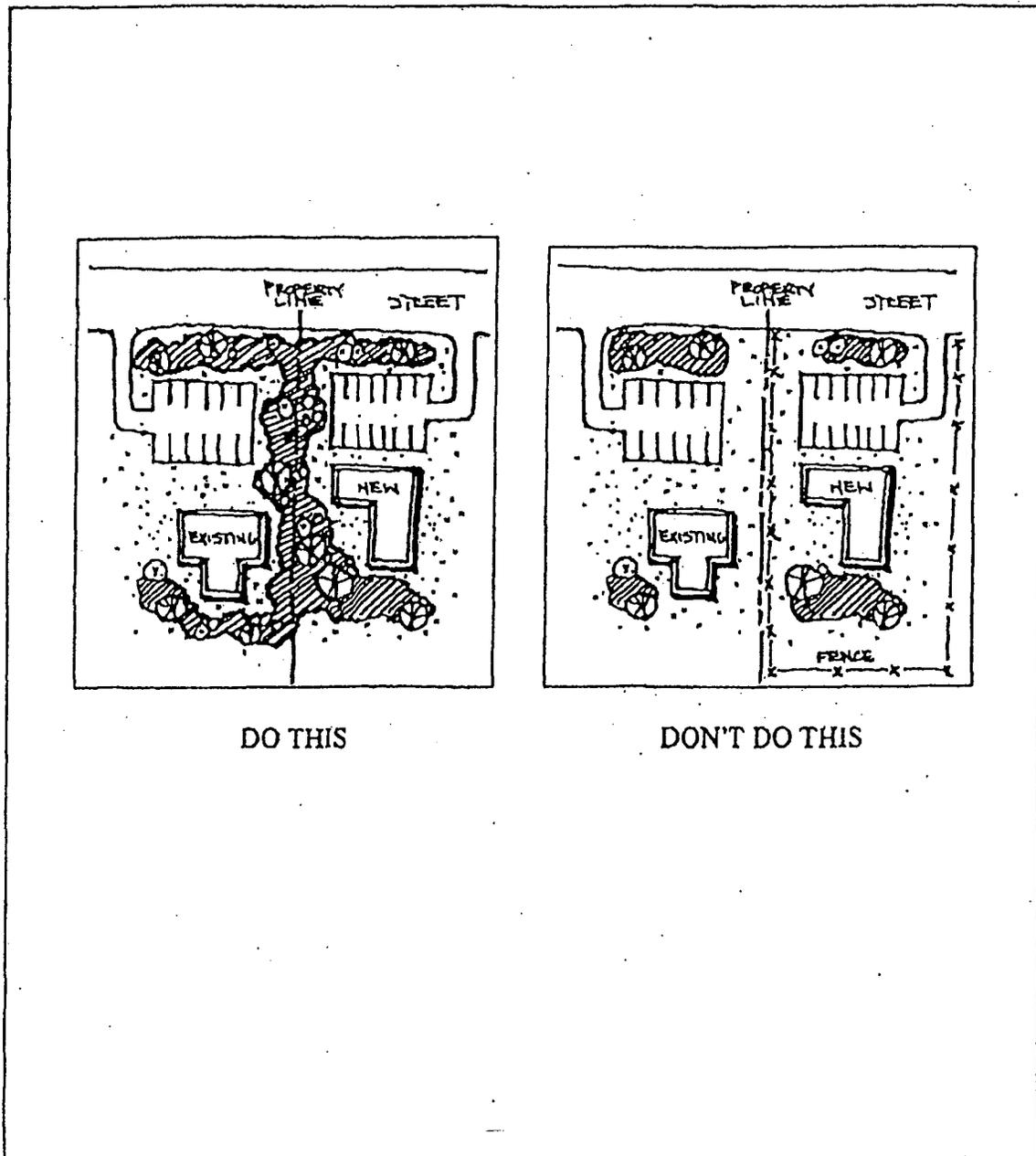


FIGURE 5

TOPOGRAPHIC TRANSITIONS

Transitions at property edges should seem natural for the surrounding terrain. Where the existing terrain is generally level, avoid slopes greater than 1:3 at property lines. Preservation of natural features may require alternative slope conditions.

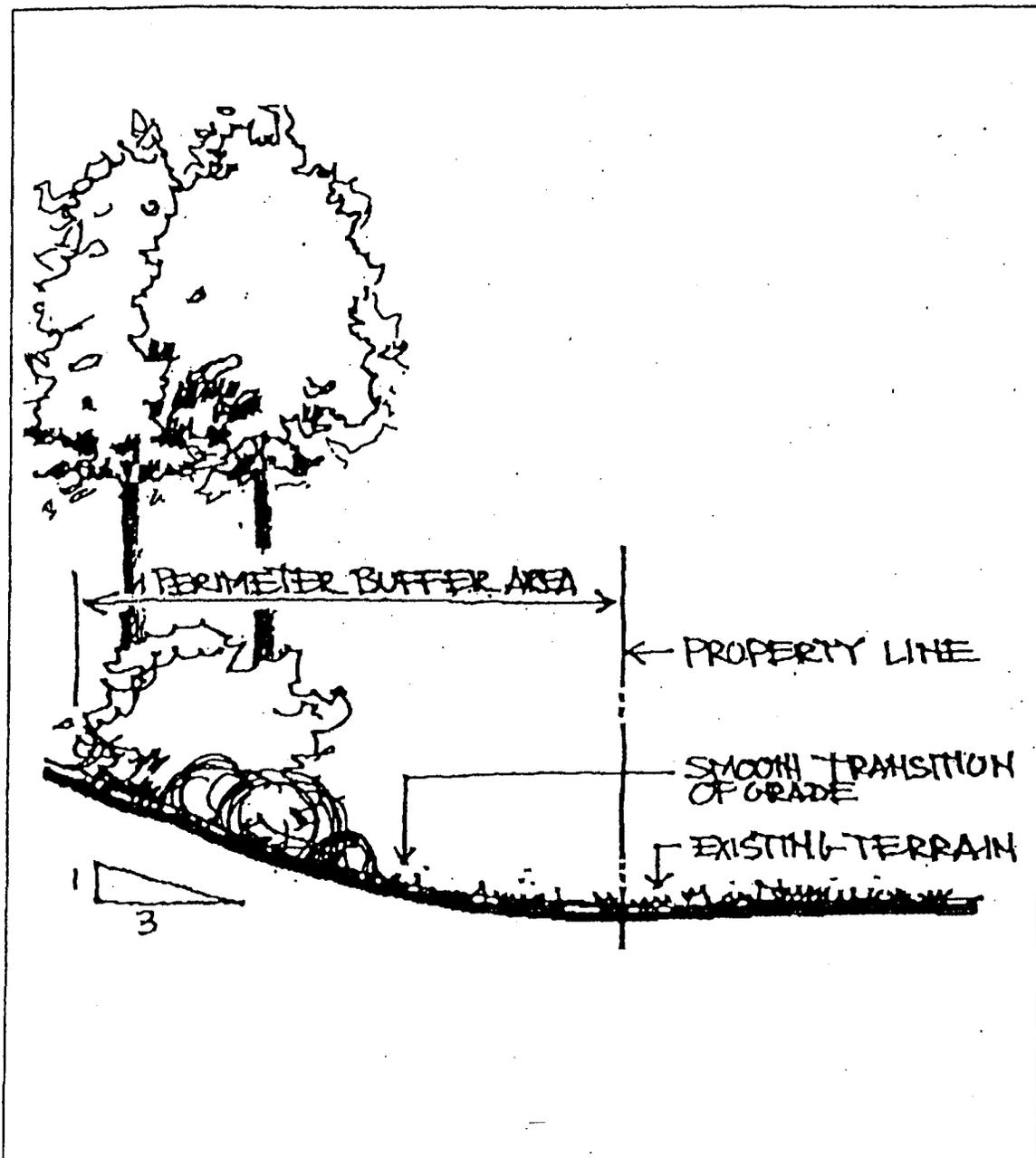


FIGURE 6

ROOF TREATMENTS

The incorporation of multiple roof slope planes provides architectural detail and visual interest. They can also be used to articulate a building's entrance and to enhance pedestrian scale.

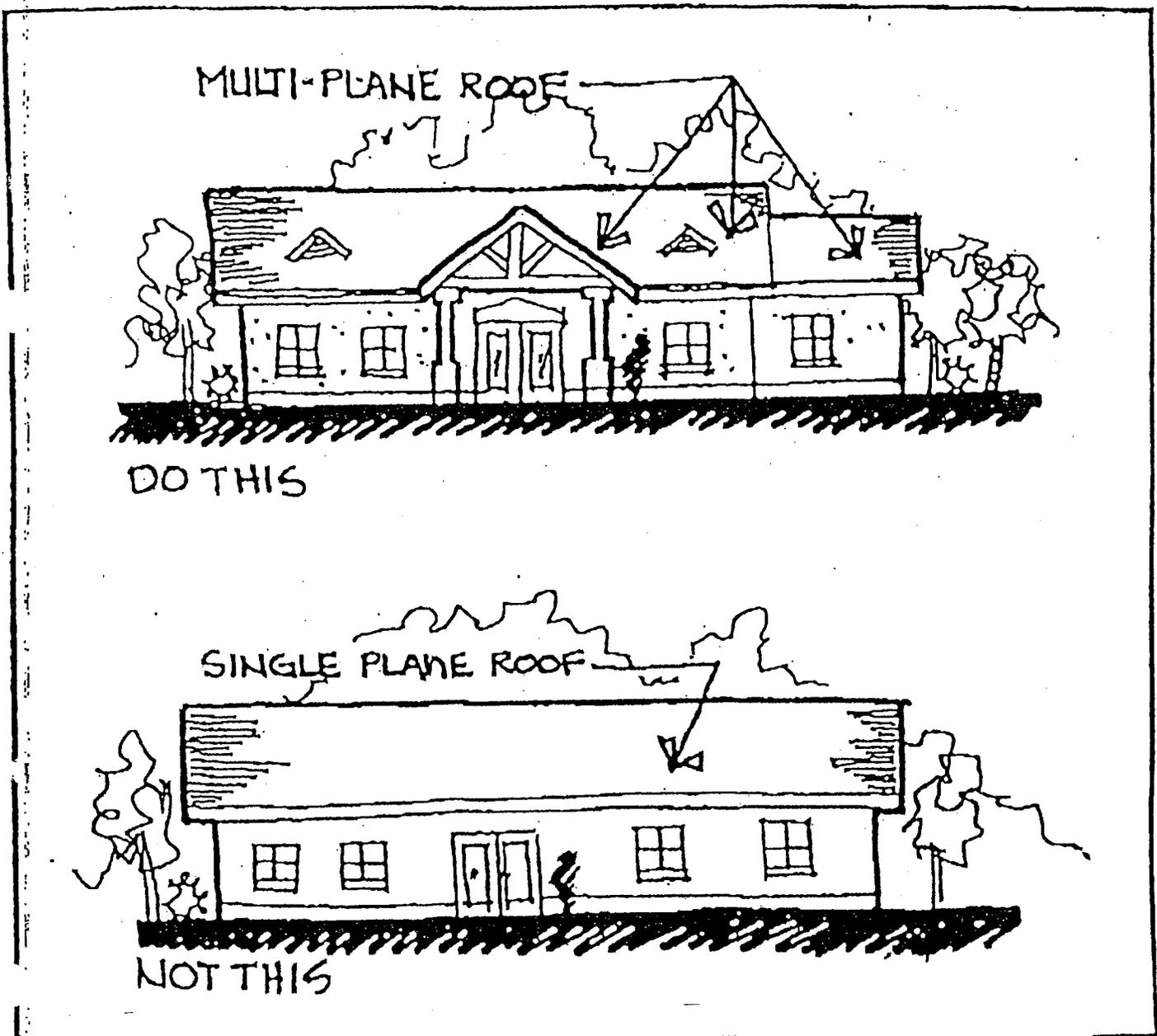


FIGURE 7

VARIATION IN ROOF LINES

Building massing can be reduced thereby achieving visual interest and pedestrian scale by incorporating variation in roof lines.

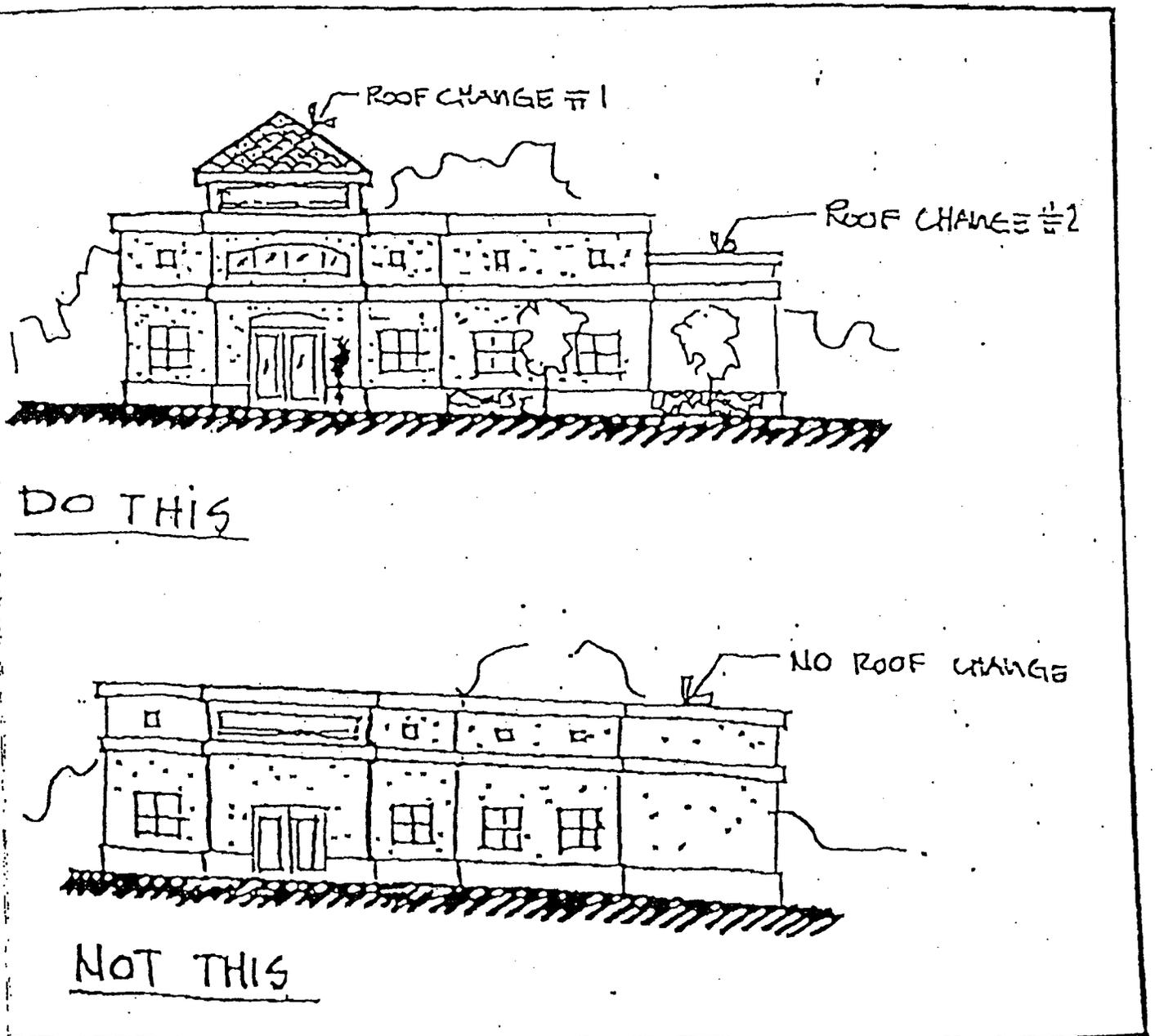


FIGURE 8

BUILDING FACADE TREATMENT

Repeating facade treatments including a change in plane with the use of reveal, offset, or projecting rib can be used to provide architectural expression at a pedestrian scale.

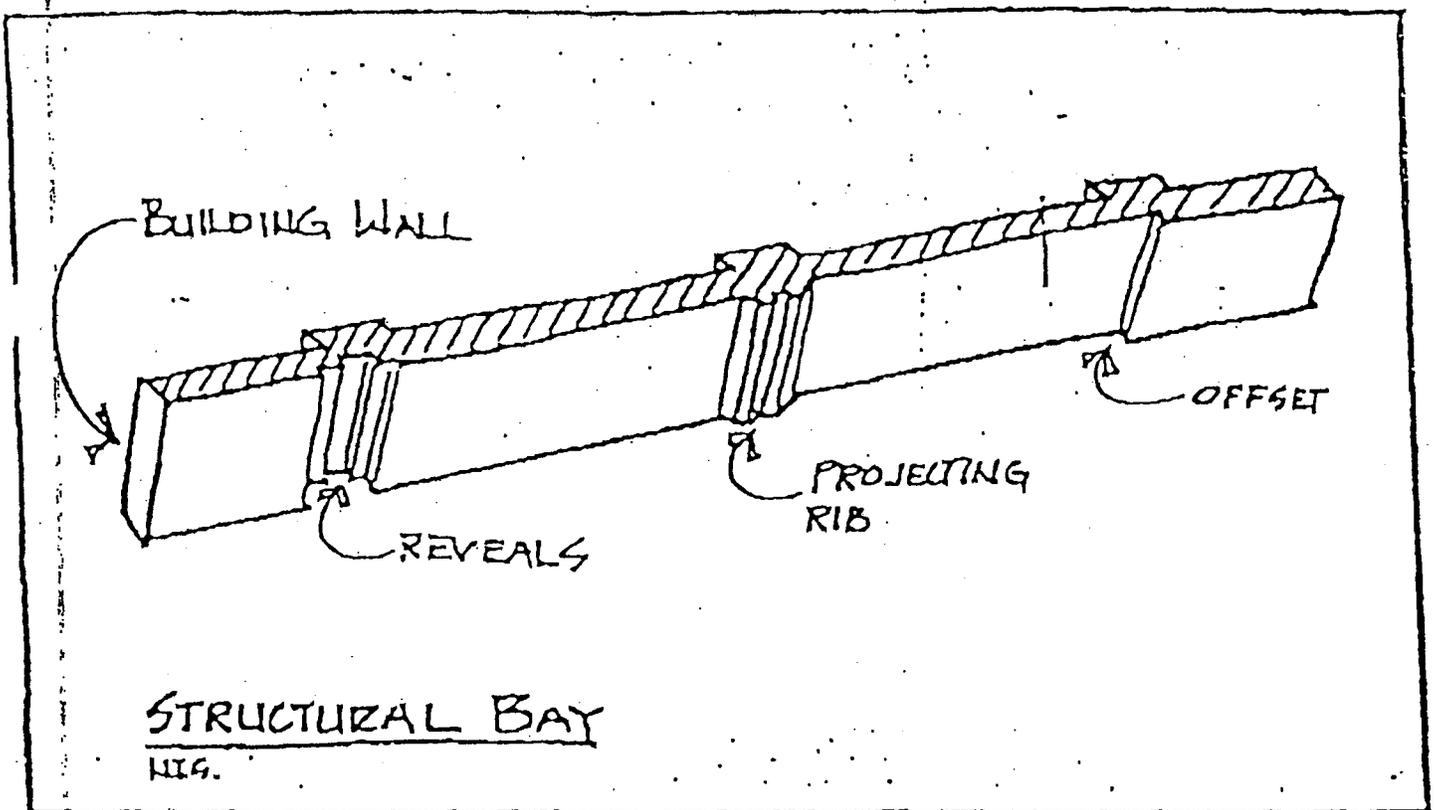
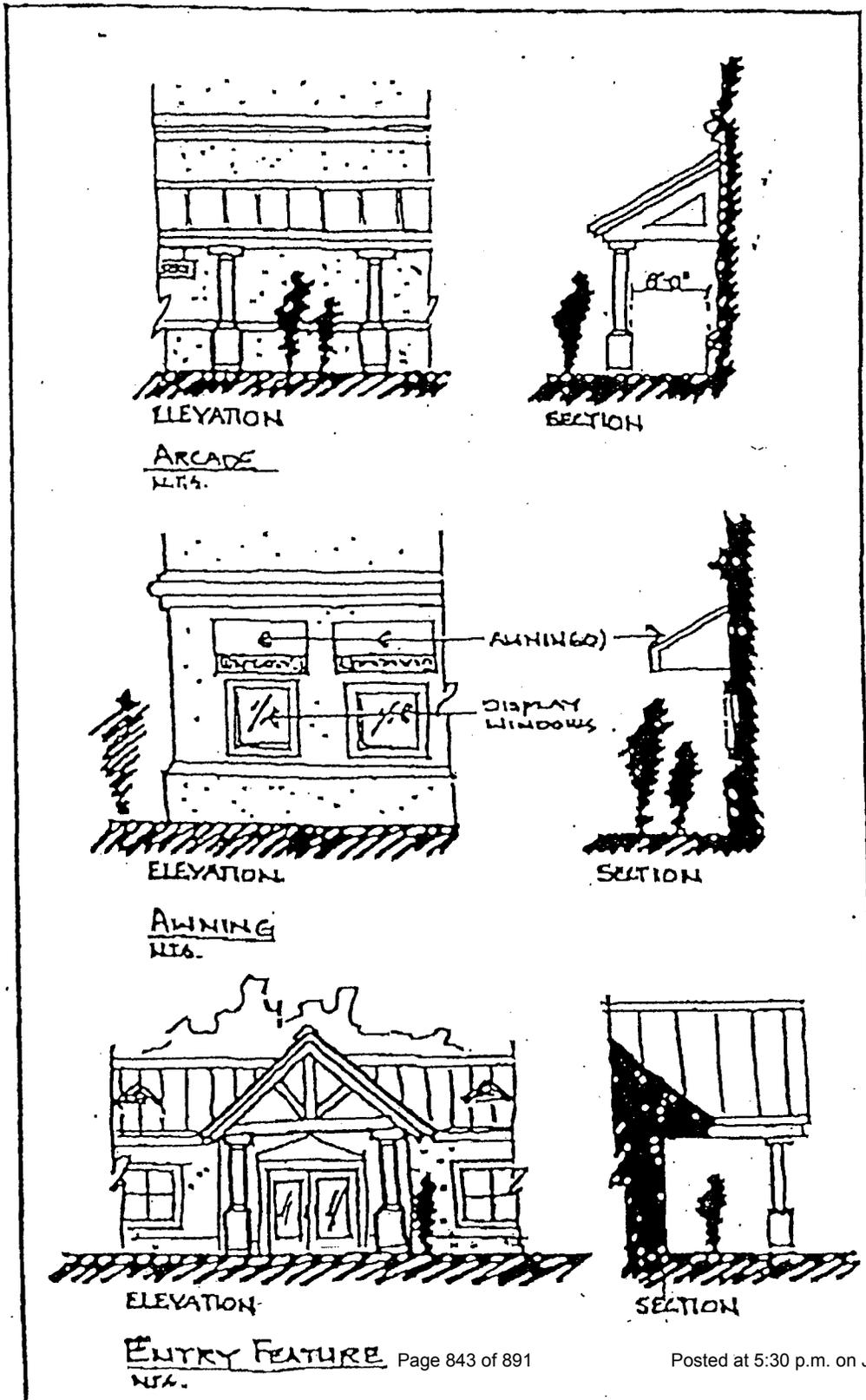


FIGURE 9

CREATION OF VISUALLY INTERESTING STREET
SCAPE AT A PEDESTRIAN SCALE



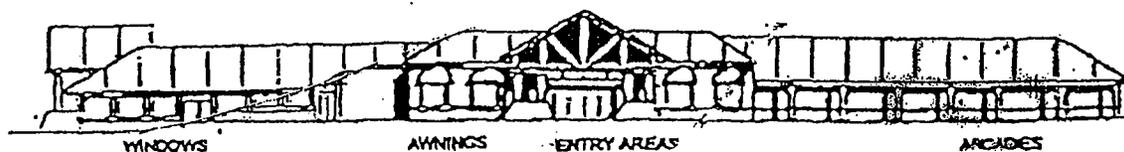
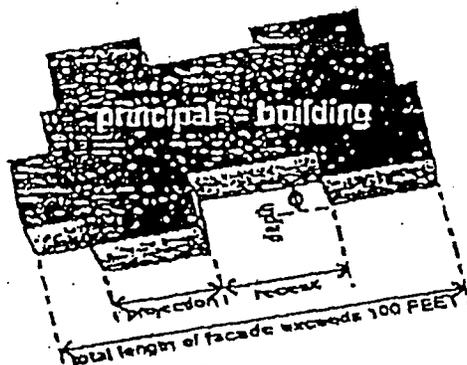
FEATURE 10

FACADES AND EXTERIOR WALLS

Facades shall be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character and scale. The intent is to encourage a more human scale that area residents will be able to identify with their community.

Standard:

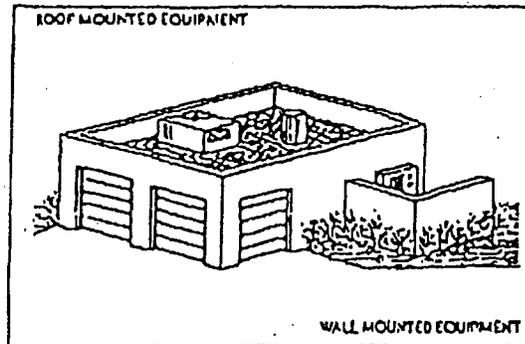
- (a) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade is to exceed 100 horizontal feet.
- (b) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length.
- (c) This provision shall not apply to mini-warehouse developments where buffered from public roadways, access ways, and adjacent land uses.



Animating features such as these should total 60% of total facade length for any facade abutting a public street or access way.

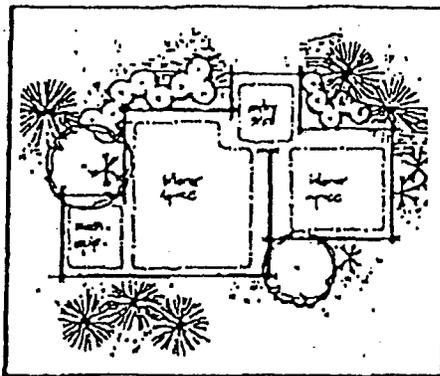
FEATURE 11

MECHANICAL EQUIPMENT AND ACCESSORY USES



*Illustration Credit: City of Santa Fe, New Mexico,
Architectural Design Review Handbook*

In the initial design stage of a development project, consideration shall be given to incorporating mechanical and electrical equipment into the architectural form and layout of the building to reduce the need for screening.



*Illustration credit: City of Sedona, Arizona,
Land Development Code*

Uses and equipment to be screened:

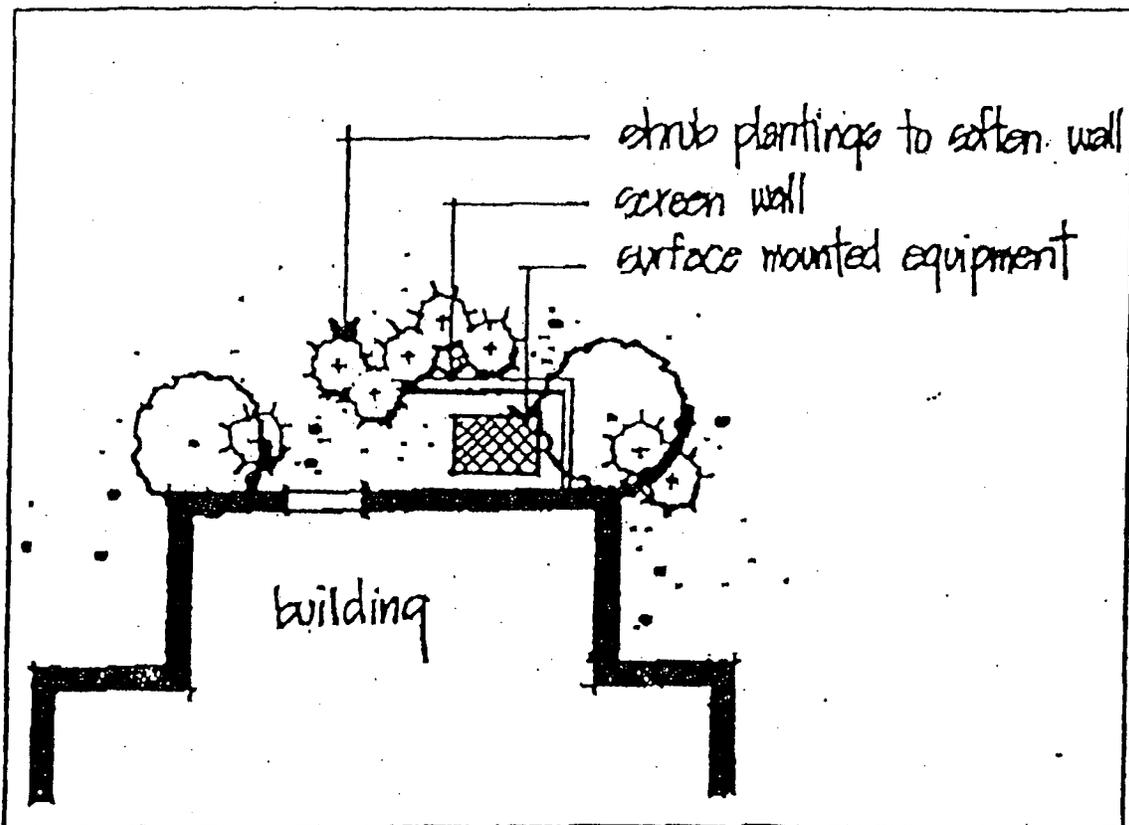
The following equipment and uses shall be screened from public right-of-ways, access ways, and adjacent properties:

- Trash and refuse collection areas
- Mechanical equipment such as air conditioners, pumps, and motors
- Propane tanks and other storage tanks
- Electrical equipment, including switching equipment and transformers
- Valves, vents, and utility meters
- Satellite dishes
- Rooftop skylights to prevent unwanted light effects at night
- Solar collectors
- Grouped mailboxes
- Grouped newsstands

FIGURE 12

MECHANICAL EQUIPMENT

Mechanical equipment such as air conditioners, dumpsters, electrical meters, tanks, etc., shall be screened by appropriate walls and fences and softened visually with vine and shrub plantings. Small surface-mounted equipment such as valves, gas, electric and water meters, can be screened efficiently by appropriate shrubs and landscape design.



FEATURE 13

CUT AND FILL SLOPES

Cut and fill slopes shall be rounded where they meet natural grade so that they blend with the natural slope.

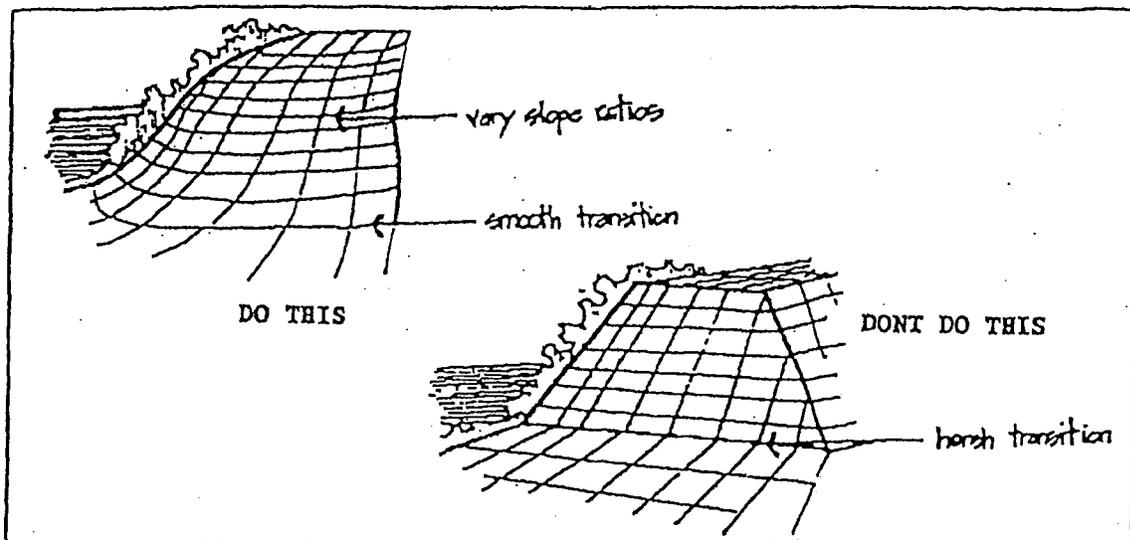
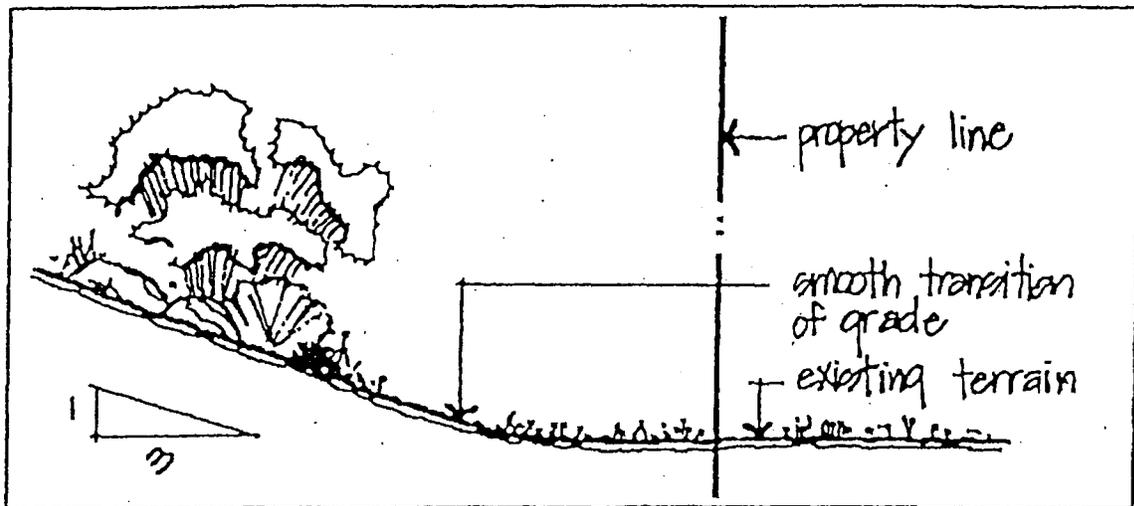


FIGURE 14

TOPOGRAPHIC TRANSITIONS

Transitions at property edges should seem natural for the surrounding terrain. Where the existing terrain is generally level, avoid slopes greater than 1:3 at property lines.



Leon County Board of County Commissioners

Cover Sheet for Agenda #33

January 21, 2014

To: Honorable Chairman and Members of the Board

From: Herbert W.A. Thiele, County Attorney 

Title: Approval of the Proposed Amended and Restated Settlement Agreement Between Lake McBride Property Owners Association and Leon County

County Attorney Review and Approval:	Herbert W.A. Thiele, County Attorney
Lead Staff/ Project Team:	Laura M. Youmans, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Approve the proposed Amended and Restated Settlement Agreement between Lake McBride Property Owners Association and Leon County (Attachment #1) and approve the proposed Second Amended Declaration of Covenants, Conditions, and Restrictions (Attachment #3).

FIGURE 16

PEDESTRIAN CROSSINGS

Material and/or color changes shall occur where pedestrian pathways cross all vehicular use areas.

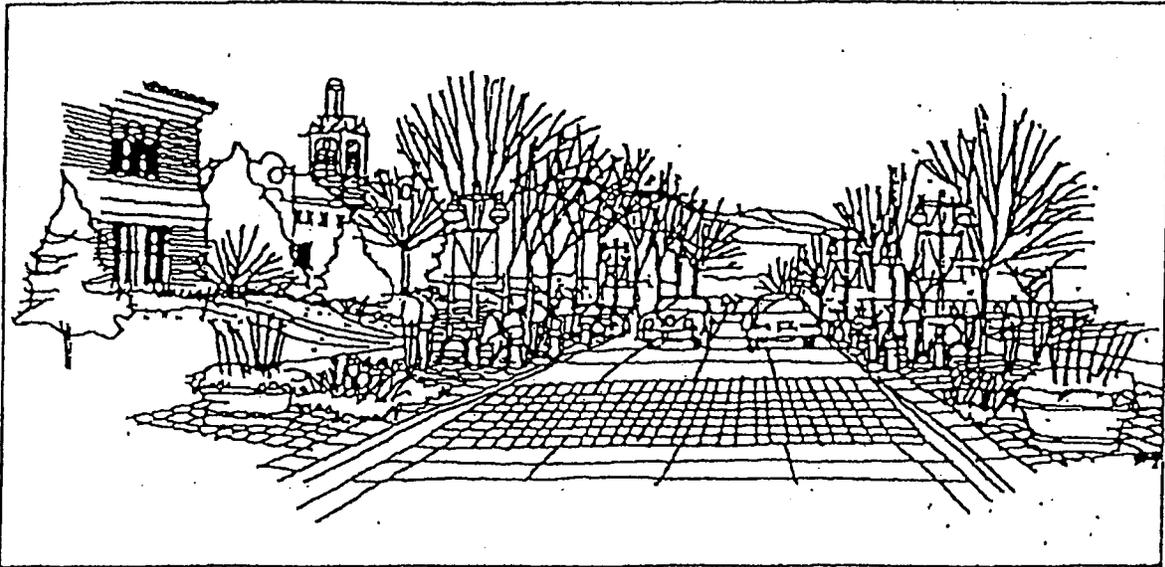


Illustration Credit: City of Fort Collins, Colorado, Site Planning and Design Standards

FIGURE 17

SIMPLE CIRCULATION PATTERNS

Pedestrian circulation patterns shall be simple and easily comprehended by the user, and generally should follow landscaped islands and perimeters leading directly to building.

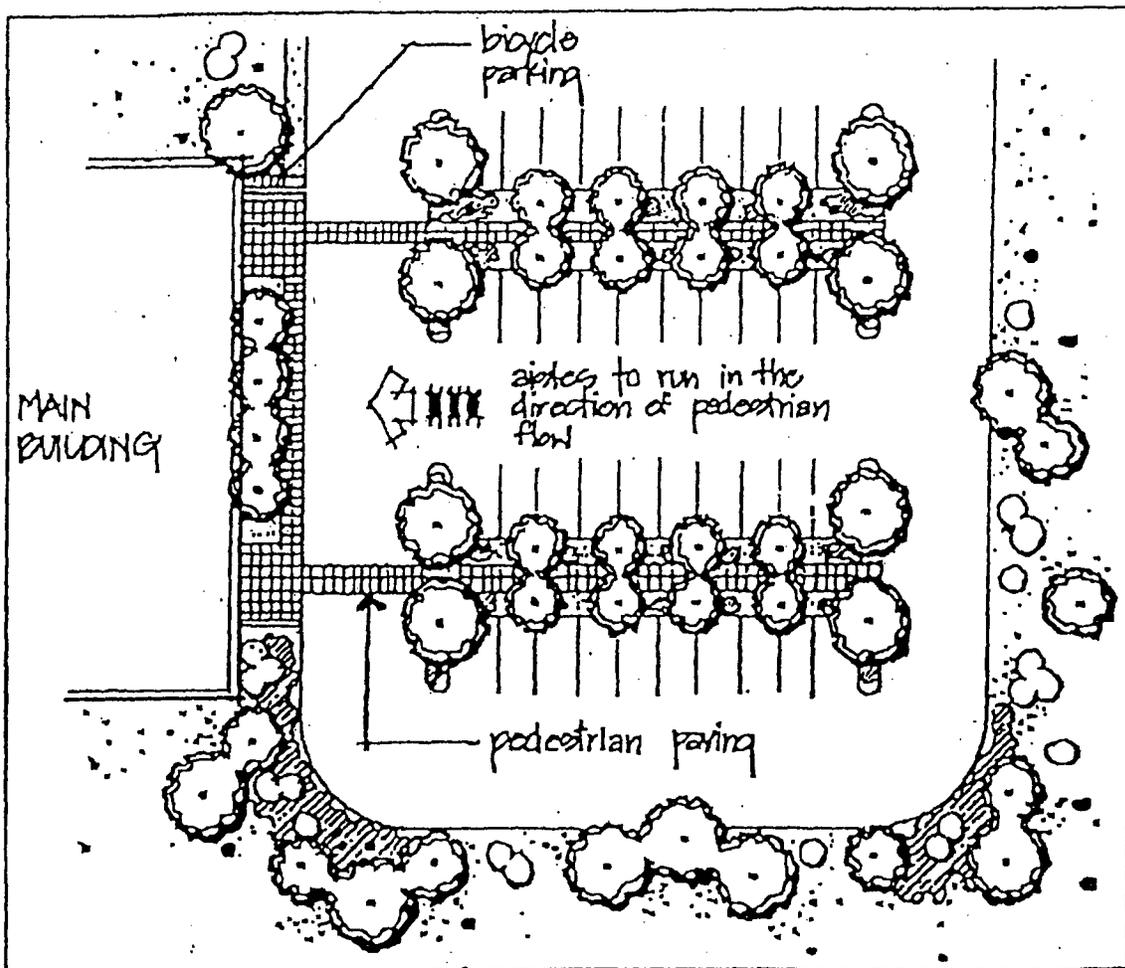
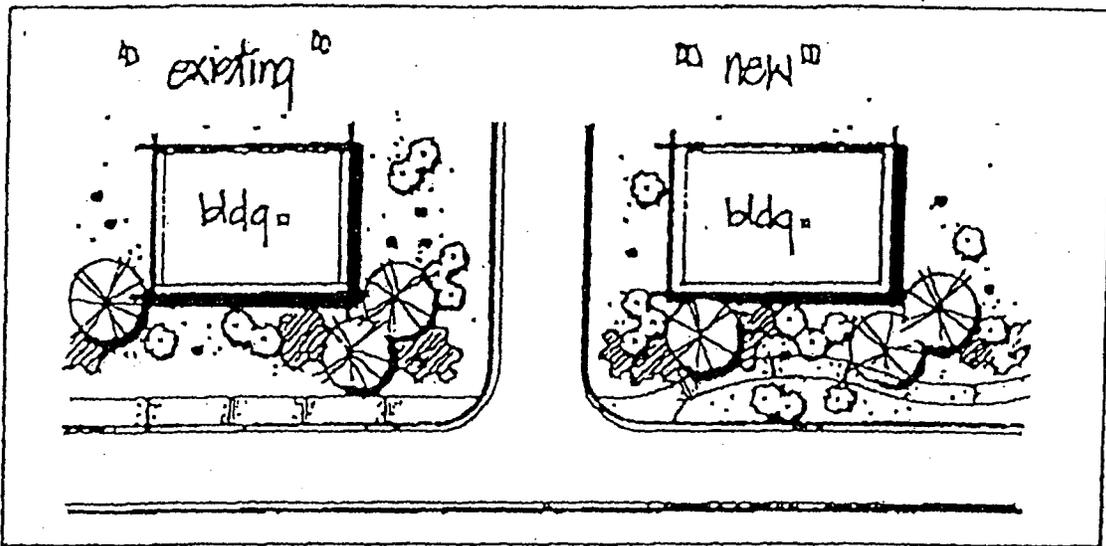


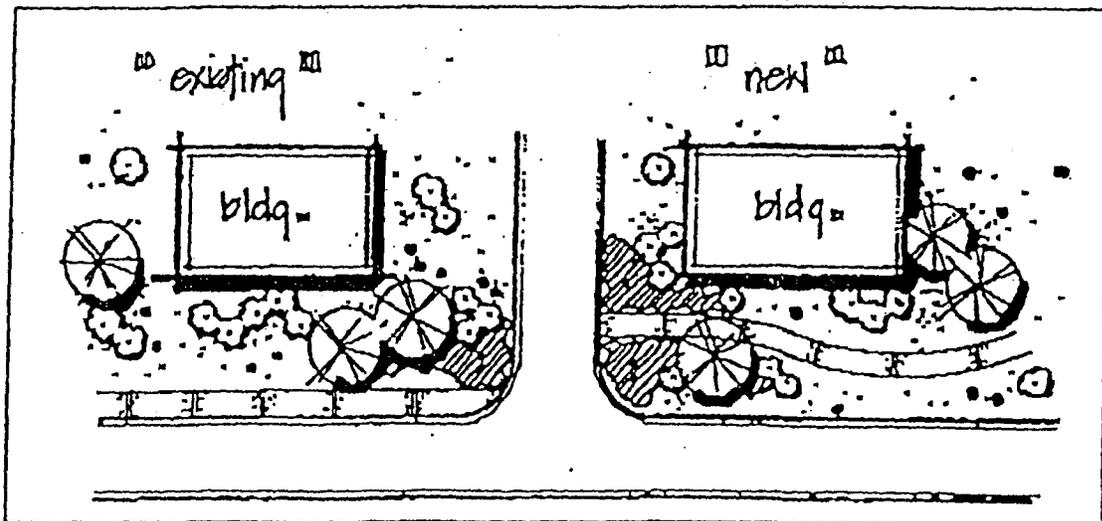
FIGURE 18

STREET/SIDEWALK CONTINUITY

New projects and redevelopment projects shall interconnect with existing walks.



DO THIS



DONT DO THIS

EXHIBIT F

- I. All BC-1 uses will be allowed other than:
 - a. freestanding cocktail lounges or bars
 - b. mortuaries
 - c. off-street parking facilities
 - d. outdoor amusements
 - e. pawn shops
 - f. retail caskets and tombstones
 - g. self-moving operation
 - h. no fast food drive through facilities or service stations on Block B lying easterly of relocated Ayavella Drive or on Lots 5, 6, 7 or 8 of Block C as said parcels are shown on Exhibit A-1 hereof.

- II.
 - a. automobile retail, parts, tires, etc.
 - b. building contractors and related service
 - c. commercial art and graphic design
 - d. motor vehicle fuel sales
 - e. sign shops
 - f. drive through facilities

**Leon County
Board of County Commissioners**

Notes for Agenda Item #33

Leon County Board of County Commissioners

Cover Sheet for Agenda #33

January 21, 2014

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Option #1: Approve the proposed Amended and Restated Settlement Agreement between Lake McBride Property Owners Association and Leon County (Attachment #1) and approve the proposed Second Amended Declaration of Covenants, Conditions, and Restrictions (Attachment #3).

Report and Discussion

Background:

The proposed Amended and Restated Settlement Agreement (“Amendment,”) (Attachment #1) would amend the Lake McBride Area Residents’ Association (“LMARA”) Settlement Agreement (Attachment #2), entered into by LMARA and Leon County to resolve Case Number 00-1784 related to the water quality in Lake McBride. The Settlement Agreement was entered into on November 25, 2002. This also included a Second Amended Declaration of Covenants, Conditions, and Restrictions for the Board’s consideration (Attachment #3).

Effective December 9, 2013, the Lake McBride Area Residents’ Association (LMARA) merged into the Lake McBride Property Owners Association (LMPOA). Representatives of LMPOA have worked with the County and developer of the Lauder Property to update the Settlement Agreement and include additional provisions to monitor and improve the water quality in Lake McBride.

Analysis:

Most of the provisions of the Settlement Agreement relate to the water quality of Lake McBride. Under the Settlement Agreement, the County is required to complete several projects, including commissioning a study and developing a monitoring plan, and undertaking a study to determine the source of an algae bloom in the Lake. The proposed Amendment acknowledges those projects that have been completed by the County, as well as other provisions that have been satisfied, and removes them as obligations of the County.

Paragraphs 8 and 9 of the Settlement Agreement restrict the allowable development on the County-owned Lauder Parcel. Under the Settlement Agreement, the County agreed to limit development of the parcel as follows:

- Place deed restrictions and covenants on the land to run in perpetuity to require the property to comply with the Lake McBride Special Development Zone in the Bradfordville Sector Plan, implement strict sediment control during any construction, and the landscaping and development and design standards approved for the Lake McBride Basin; and,
- To place a deed restriction on the property requiring that the 76 acres would be restricted to 64 acres of residential with a density of 1 unit per 10 acres or less, and the remaining 12 acres would be restricted to greater than commercial zoning, and that a church or other religious facility would be allowed on the portion of the residential property, provided that the conveyance to the church does not include a cemetery, a day school, and adult congregating living facility, or nursing home or similar activity

Pursuant to the Settlement Agreement, Leon County placed restrictive covenants on the Lauder property, recorded in the Public Records of Leon County at Book 3021, Page 1045. Amended Declaration of Covenants and Restrictions (Attachment #4) were subsequently adopted by the owners of the property at the time: Leon County, Mr. Kearney, and the Bradfordville First Baptist Church. They are recorded at Book 3132, Page 782, Public Records of Leon County.

Articles II, III, and IV of the Amended Declaration of Covenants, Conditions, and Restrictions contain provisions that would prevent the development of the property as contemplated by the current property owner ("Developer"). Specifically, the terms would need to be modified to allow commercial development on some portions of those lots currently limited to residential development in Article II, and Article II and IV would need to be modified to address the density limit. The LMPOA Amended Settlement Agreement authorizes changes to the Amended Declaration to allow for the desired development. The attached Second Amended Declaration of Covenants, Conditions, and Restrictions is consistent with the terms of the amended LMPOA and KLHOA settlement agreement and are the result of considerable discussions between the Developer, representatives from LMPOA and KLHOA.

Options:

1. Approve the proposed Amended and Restated Settlement Agreement between Lake McBride Property Owners Association and Leon County (Attachment #1) and approve proposed Second Amended Declaration of Covenants, Conditions, and Restrictions (Attachment #3).
2. Do not approve the proposed Amended and Restated Settlement Agreement between Lake McBride Property Owners Association and Leon County.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Amended and Restated Settlement Agreement between Lake McBride Property Owners Association and Leon County
2. Settlement Agreement between Lake McBride Area Residents' Association, Inc. and Leon County
3. Second Amended Declaration of Covenants, Conditions, and Restrictions
4. Amended Declaration of Covenants, Conditions, and Restrictions

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

LAKE MCBRIDE AREA RESIDENTS'
ASSOCIATION, INC.,

Plaintiff,

v.

CASE NO. 2011 CA 001784

LEON COUNTY, a political
subdivision of the State of Florida,

Defendants.

AMENDED AND RESTATED SETTLEMENT AGREEMENT

This Amended and Restated Settlement Agreement (hereinafter referred to as "First Amended Agreement") is made, executed and entered into this ____ day of _____ 2014, by and between LEON COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "County") and LAKE MCBRIDE PROPERTY OWNERS ASSOCIATION, INC., (hereinafter referred to as "LMPOA") surviving entity by virtue of its merger with Lake McBride Area Residents Association, Inc. (hereinafter "LMARA").

WHEREAS, on November 25, 2002, County and LMARA entered into a Settlement Agreement (hereinafter referred to as "Settlement Agreement") as resolution of then pending litigation; and

WHEREAS, the County contracted with Dr. Henry Harper of ERD to develop a testing and monitoring plan as well as other items regarding stormwater runoff into Lake McBride for the County to implement; and

WHEREAS, the County has paid \$48,000 in reimbursement to the Lake McBride Area Residents Association for litigation expenses; and

WHEREAS, the County placed certain deed restrictions and covenants upon conveyance of the “Lauder Property; and

WHEREAS, LMARA and LMPOA merged effective December 9, 2013 and LMPOA was the surviving entity of said merger; and

WHEREAS, the County and LMPOA desire to continue to protect the aquifer and Lake McBride; and

WHEREAS, the County and LMPOA have agreed to certain changes to the Settlement Agreement and desire to amend and restate the terms and conditions of the Settlement Agreement herein;

NOW THEREFORE, in consideration of the above recitals, the covenants and agreements set forth herein and in further consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration paid by each party to the remaining party, the receipt and sufficiency of which are hereby conclusively acknowledged by both parties, the parties hereto do agree as follows:

1. The Recitals above are true and correct and incorporated herein as though specifically set forth.
2. All Storm Water Management Facilities (“SWMFs”) in the Lake McBride Basin shall be designed to treat stormwater from subsequently permitted development to meet the Environmental Research and Design (“ERD”) stormwater standard, as defined in the ERD Bradfordville Stormwater Study (“BSS”) as adopted in Ordinance No. 00-31, dated July 11, 2000. The adoption of said Ordinance by the Leon County Board of County Commissioners was to adopt a

standard to protect the aquifer and Lake McBride from increased amounts and rates of stormwater runoff, sediment, and pollutant levels in the stormwater runoff.

3. The County contracted with Dr. Harvey Harper of ERD to:
 - a. develop a testing and monitoring plan to determine whether stormwater runoff into Lake McBride from all new development, as stated in Paragraph 2, meets the requirements of Ordinance No. 00-31; and
 - b. develop a retrofit/restoration plan should Stormwater Management Facility Pond #4 and associated stormwater treatment facilities within the Lake McBride Basin fail to meet the requirements of Ordinance No. 00-31.
4. The County agrees to implement the recommended plans of Dr. Harper, or another professional that is mutually agreeable to the parties, as set forth in Paragraph 3 above.
5. The County agrees to investigate changes to the Bradfordville storm water standard for purposes of determining appropriate drawdown monitoring and reporting based on the safety factor provided when the 40-year analysis is used in Section 10-4.301(5)(b)(v) of the Leon County Land Development Regulations.
6. The County agrees to make quarterly water quality tests in Lake McBride. It shall be the County's sole responsibility and obligation to determine the location, number, and methodology of any such water quality testing in Lake McBride. All water quality reports generated as a result of this requirement shall be available to the public as a public record.
7. In the event that in the future the stormwater management facilities owned by the County in the Lake McBride Basin fail to meet the requirements of Ordinance No. 00-31, the County agrees to implement the recommended retrofit/restoration plan in accord with said plan, as referenced in Paragraph 3(b).

8. The County previously owned the real property described in Exhibit "A", attached hereto. At the time the County owned said property it placed certain restrictive covenants on the property. These restrictions were later amended and restated by the County and the then owners of said property. The amended and restated restrictions are recorded in O.R. Book 3132, Page 782, public records of Leon County, Florida. The parties here agree that said restrictions may be amended by the County and current owners to provide as follows: 1) A maximum of 24.7 acres of Residential Use with a density not to exceed 4 units per acre; 2) a maximum of 35.1 acres of Commercial/Retail/Office Use; and 3) 20 acres which shall be restricted to a church or other religious facility provided that the church does not utilize any of the 20 acres for: 1) a cemetery; 2) operation of a day school with a student population of more than 150 students or for children of grades kindergarten or older; 3) operation of an adult congregate facility or nursing home or a similar activity.

9. Leon County Engineering Services staff will provide assistance to the LMPOA while the Association updates their lake management plan and, upon request by LMPOA, will make an annual presentation and review of the environmental status and other relevant factors regarding Lake McBride. The staff effort will be defined by the County's NPDES program for education and outreach.

10. The Bradfordville Commercial Center as identified in the Bradfordville Sector Plan and established with the Board of County Commissioners adoption of two Commercial Overlay Districts (Commercial Overlay Zone One and Commercial/Mixed Use Overlay Zone Two) has developed with a mix of non-residential land uses including retail commercial, office, and warehousing. A portion of the Bradfordville Commercial Center remains undeveloped. Prior to the expansion of the boundary of the Commercial Overlay Districts or an increase in the 350,000 square foot commercial cap, the County will complete a ten year commercial needs assessment.

A representative from LMPOA shall participate in the assessment. The results of the new commercial needs assessment shall be utilized by the Board of County Commissioners to establish a revised commercial square footage cap for the Bradfordville area, and if appropriate, be utilized to revise the boundaries of the Commercial Overlay Districts accordingly.

11. The County will implement an interim four laning of Bannerman Road to approximately 900 feet west of Quail Commons to the drainage basin divide as soon as adequate funding is available. Following this interim four lane improvement, the County will reanalyze the forecasted traffic volumes of the then current traffic patterns and validate the remaining four laning and modifications to operational improvements prior to the final design of the remaining segment of Bannerman Road. The County will also consider conducting a land use study at that time to recommend strategies for future development within the project limits to limit additional commercial uses and to preserve the residential character of the area.

12. The Parties hereto agree that this Agreement shall be incorporated into a Court Order in Case No. 00-1784, in the Circuit Court for the Second Judicial Circuit of Florida, and that the Court shall retain jurisdiction to enforce the provisions of this Agreement if necessary. In the event that either party hereto finds it necessary to proceed to court to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs, including a reasonable attorney fee to be paid to the other party within thirty (30) days of the rendition of the court's decision on any such request. Furthermore, the parties hereto agree that the benefits set forth in this Agreement enure solely to the benefit of the parties hereto and shall not be relied upon, or enure to the benefit of any third party not a part of this Agreement, and any court order adopting same.

LAKE MCBRIDE PROPERTY OWNERS
ASSOCIATION, INC.

BY: _____
President

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

LAKE MCBRIDE AREA RESIDENTS'
ASSOCIATION, INC.,

Plaintiff,

v.

CASE NO. 00-1784

LEON COUNTY, a political
subdivision of the State of Florida,

Defendants.

SETTLEMENT AGREEMENT

1. All Storm Water Management Facilities ("SWMFs") in the Lake McBride Basin shall be designed to treat stormwater from subsequently permitted development to meet the Environmental Research and Design ("ERD") stormwater standard, as defined in the ERD Bradfordville Stormwater Study ("BSS") as adopted in Ordinance No. 00-31, dated July 11, 2000. The adoption of said Ordinance by the Leon County Board of County Commissioners was to adopt a standard to protect the aquifer and Lake McBride from increased amounts and rates of stormwater runoff, sediment, and pollutant levels in the stormwater runoff.
2. The County agrees to contract with Dr. Harvey Harper of ERD, or another professional that is mutually agreeable to the parties, within thirty (30) calendar days of execution of this Agreement by all parties to:
 - a. develop a testing and monitoring plan to determine whether stormwater

- runoff into Lake McBride from all new development, as stated in Paragraph 1 , meets the requirements of Ordinance No. 00-31; and
- b. perform a peer review and additional analysis, if required, to determine whether or not the existing land development patterns and proposed development within the Lake McBride Basin will, when utilizing Stormwater Management Facility Pond #4, meet the requirements of Ordinance No. 00-31; and
 - c. should ERD, or another professional firm that is mutually agreeable to the parties, determine that such treatment standards set forth in Ordinance No. 00-31 will not be met, as described herein, to recommend a plan to Leon County which would correct any deficiencies; and
 - d. develop an "Emergency Plan" should Stormwater Management Facility Pond #4 and associated stormwater treatment facilities within the Lake McBride Basin fail to meet the requirements of Ordinance No. 00-31.

During the course of any such studies or contract, the President of the Lake McBride Area Residents Association shall have reasonable access to Dr. Harper, or another professional that is mutually agreeable to the parties, and documents generated by ERD in completing the task set forth in its contract, in implementing this Paragraph.

3. The County agrees to implement the recommended plans of Dr. Harper, or another professional that is mutually agreeable to the parties, as set forth in Paragraph #2 above, and to provide a quarterly water quality monitoring report of Lake McBride. The County agrees to make monthly water quality tests in Lake

McBride. It shall be the County's sole responsibility and obligation to determine the location, number, and methodology of any such water quality testing in Lake McBride. All water quality reports generated as a result of this requirement shall be available to the public as a public record.

4. In the event it is determined that the stormwater management facilities (which treat stormwater from subsequently permitted development in the Lake McBride Basin) currently do not meet the requirements of Ordinance No. 00-31, the County will implement the recommended retrofit plan of ERD, or another professional firm that is mutually agreeable to the parties, in accordance with the requirements of said plan.

5. In the event that in the future the stormwater management facilities in the Lake McBride Basin fail to meet the requirements of Ordinance No. 00-31, the County agrees to implement the recommended "Emergency Plan," in accord with said Plan, as referenced in Paragraph 2(d).

6. The County agrees to pay not exceeding Forty-eight Thousand Dollars (\$48,000) in reimbursement to the Lake McBride Area Residents Association, Inc. for expenses incurred by the Lake McBride Area Residents Association, Inc. during litigation in all cases in which it is a party with Leon County. The Lake McBride Area Residents Association, Inc. shall submit verifiable receipts for these claimed expenses prior to any reimbursement from the County.

7. The County agrees to undertake a study to determine the source of the algae bloom on the southeastern corner of Lake McBride; or such study has already been undertaken, to provide the results of said study to the Lake McBride Area Residents

Association, Inc.

8. The Lake McBride Area Residents Association, Inc. acknowledges that the County, at the time of this Settlement Agreement, owns certain property at the southwest corner of Bannerman Road and Thomasville Road, formerly known as the "Lauder Property." This property contains approximately 76 acres. The County agrees that, should it in the future sell said property to a private, non-governmental entity, that it will place certain deed restrictions and covenants upon such conveyance, which restrictions shall run with the land in perpetuity, to implement the so called "vista shed" agreement (which includes no towers and the lake protection, according the Lake McBride Special Development Zone contained in the Sector Plan) strict sediment control protections during any construction, and the landscaping, and development and design standards that have previously been approved by Leon County for all development within the Lake McBride Basin.

9. The County further agrees that should said property described in Paragraph 8, above, be conveyed to a private, non-governmental entity, the County shall restrict in any such deed of conveyance that the 76 acres be restricted to 64 of residential property with a density of 1 unit per 10 acres or less, and the remaining 12 acres be restricted to no greater intensity than commercial zoning, and that a church or other religious facility shall be allowed on a portion of the residential property, provided that the conveyance to any church does not include a cemetery, a day school, an adult congregate living facility, or a nursing home, or similar activity.

10. The parties agree that the Super Lube/Auto Service Center permit on the easterly side of Thomasville Road from the Lauder Property/stormwater Management Facility Pond #4 shall not be affected by this Agreement, and that the Lake McBride Area Residents Association, Inc. further agrees that it shall not challenge any permit issued by the County for said Super Lube/Auto Service Center, nor file any lawsuit or any administrative challenges to the Settlement Agreement entered into between Leon County and the Bradfordville Phipps Limited Partnership Plaintiffs for the parcel of property located on the east side of Thomasville Road, south of old Bradfordville Road and north of Velda Woods Road, including any subsequent deviations or variance which may be granted by the Board or development orders issued to private property owners for the effectuation of said Settlement Agreement between Leon County and the Bradfordville Phipps Limited Partnership.

11. Each party hereto is responsible for its own costs and attorney fees, except as referred to in Paragraph 6, above.

12. The Lake McBride Area Residents Association, Inc. agrees to dismiss the instant case against Leon County with prejudice, and the Lake McBride Area Residents Association, Inc. further agrees to dismiss itself as a party with prejudice from all other litigation in which it is a party, which litigation is pending against Leon County, including all matters in the courts of this State, the Department of Community Affairs, or other forms. In return, Leon County agrees that it shall not seek reimbursement for costs against the Lake McBride Area Residents Association, Inc. as a result of the voluntary dismissal set forth herein.

13. The Parties hereto agree that this Agreement shall be incorporated into a Court Order in Case No. 00-1784, in the Circuit Court for the Second Judicial Circuit of Florida, and that the Court shall retain jurisdiction to enforce the provisions of this Agreement if necessary. In the event that either party hereto finds it necessary to proceed to court to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs, including a reasonable attorney fee to be paid to the other party within thirty (30) days of the rendition of the court's decision on any such request. Furthermore, the parties hereto agree that the benefits set forth in this Agreement enure solely to the benefit of the parties hereto and shall not be relied upon, or enure to the benefit of any third party not a part of this Agreement, and any court order adopting same.

Dated this 25th ^{November} ~~September~~, 2002.

LAKE MCBRIDE AREA RESIDENTS ASSOCIATION, INC.

By: Phil Gjerke
President

LEON COUNTY, FLORIDA

By: Tony Grinna
Tony Grinna, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida



APPROVED AS TO FORM:
Leon County Attorney's Office

BY: [Signature]

BY: [Signature]
Herbert W. A. Thiele, Esq.
County Attorney

SECOND AMENDED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth by LEON COUNTY, a political subdivision of the State of Florida, whose post office address is 301 South Monroe Street, Room 202, Tallahassee, Florida 32301 (hereinafter "County"), BRADFORDVILLE FIRST BAPTIST CHURCH, INC., a Florida not for profit corporation, whose address is 6494 Thomasville Road, Tallahassee FL 32312 (hereinafter "Church"), BANNERMAN CROSSINGS, LLC, whose address is 7402 Ox Bow Circle, Tallahassee, FL 32312 (hereinafter "Bannerman Crossings"); BANNERMAN CROSSINGS II, LLC, whose address is 2073 Summit Lake Drive, Suite 155, Tallahassee, FL 32317, BANNERMAN FOREST, LLC, whose address is 2073 Summit Lake Drive, Suite 155, Tallahassee, FL 32317 (hereinafter "Bannerman Forest") and joined by RICHARD S. KEARNEY, whose address is 1700 Summit Lake Drive, Tallahassee, Florida 32317 (hereinafter "Kearney") (County, Church, Bannerman Crossings, Bannerman Crossings II, Bannerman Forest and Kearney are hereinafter collectively referred to as "Declarants");

WITNESSETH:

WHEREAS, County is the predecessor owner of a certain 76.85 acre property subdivided into eight lots and known as the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as re-divided by the Corrected Affidavit of Recording for the Creation of Equal or Larger Parcels recorded at O.R. Book 3020, Page 0863, Official Records of Leon County, Florida, a copy of which is attached hereto as Exhibit "A" (hereinafter referred to as the 76.85-acre Property); and

WHEREAS, during the time of its ownership of the entire 76.85 acre Property, County caused to be recorded on January 14, 2004, at O. R. Book 3021, Page 1045, Official Records of Leon County, Florida (hereinafter any reference to O.R. or Official Records shall mean the Official Records of Leon County, Florida) a Declaration of Covenants, Conditions, and Restrictions placing upon the 76.85 acre Property certain development restrictions to run with the land in perpetuity (hereinafter the "Original Declaration"), and

WHEREAS, the County, joined by the Church and Richard S. Kearney, amended the Original Declaration by an Amended Declaration of Covenants, Conditions and Restrictions, which was recorded in O.R. Book 3132, Page 782 (hereinafter the "First Amended Declaration"). The First Amended Declaration superseded and restated in its entirety the restrictions set out in the Original Declaration.

WHEREAS, County wishes to amend the First Amended Declaration in its entirety, with the joiner of the current successor owners of the 76.85 acre Property and Kearney, to modify certain of the development restrictions; and

WHEREAS, County, by virtue of the Quit Claim Deed recorded at O. R. Book 3021, Page 1084, is the current owner of Lauder Lots 2, 3, and 8 of the 76.85 acre Property; and

WHEREAS, Church, by virtue of the County Deed recorded at O.R. Book 3021, Page 1141, and the Statutory Warranty Deed recorded at O. R. Book 3021, Page 1087, is the current owner of Lauder Lots 6 and 7 of the 76.85 acre Property, and

WHEREAS, Bannerman Crossings, by virtue of that certain deed recorded at recorded at O.R. Book 3155, Page 1915, and the conveyance in the deed recorded at O.R. Book 3781, Page 550, is the current owner of Lot 2, Bannerman Corner – Unit 2, per plat in Plat Book 17, Page 49, which lot is contained within said 76.85 acre Property, and

WHEREAS, Bannerman Crossings II by virtue of that certain deed recorded at O.R. Book 3781, Page 550, is the current owner of Lot 1, Bannerman Corner – Unit 2, per plat in Plat Book 17, Page 49, and Lot 4, Bannerman Corner, per plat in Plat Book 16, Pages 42 – 47, which lots are contained within said 76.85 acre Property, and

WHEREAS, Bannerman Forest, by virtue of that certain deed recorded at O.R. Book 3718, Page 2335, is the current owner of Lauder Lot 1 of the 76.85 acre Property

WHEREAS, the Declarants, by virtue of their individual ownership, collectively own the entirety of the 76.85 acre Property, and

WHEREAS, it is the intent of Declarants, as the collective Owners of the 76.85 acre Property, to restrict the development of the 76.85 acre Property in accordance with the terms and conditions herein, which terms and conditions shall forthwith amend and supersede the terms and conditions contained in the First Amended Declaration and the Original Declaration.

NOW, THEREFORE, Declarants hereby declare that all of the 76.85 acre Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which shall run with the 76.85 acre Property and which shall be binding on all parties having any right title or interest in the 76.85 acre Property, or any part thereof, their heirs, successors, and assigns and shall inure to the benefit of each Owner thereof (hereinafter the "Second Amended Declaration").

ARTICLE I Definitions

Section 1. "Owner" shall mean and refer to the record owner at the date of execution of this Second Amended Declaration, whether one or more persons or entities, of the fee simple title to any part of the 76.85 acre Property, and the owner's heirs, successors, and assigns, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "76.85 acre Property" shall mean and refer to that certain real property hereinbefore described in Exhibit "A" and shall include the existing lots created with the Re-divided Limited Partition Subdivision and any lots which may be created in a subsequent re-division or subdivision.

Section 3. "Lauder Lot" or "Lauder Lots" shall mean and refer to the corresponding numbered lot or lots on the 76.85 acre Property as described in the Re-divided Limited Partition Subdivision.

Section 4. "Declarant" shall mean and refer to any or either of the Declarants.

Section 5. "FDOT/Leon County SWMF" shall mean and refer to the existing stormwater management facility adjoining the southern boundary of the 76.85 acre Property situate in Lauder Lot 8.

ARTICLE II
Church Development

Lots 6 and 7, comprising approximately 20 acres, shall be restricted to a church or other religious facility provided that the church does not utilize any of said 20 acres for: 1) a cemetery; 2) for operation of a day school with a student population of more than 150 students and for children of kindergarten age or older; 3) operation of an adult congregate living facility or a nursing home or similar type activity.

ARTICLE III
Commercial Development

A maximum of 35.1 acres of Commercial/Retail/Office uses may be developed on Lauder Lots 1, 2, 3, 4 and 5.

ARTICLE IV
Residential Development

A maximum of 24.7 acres may be developed for Residential uses on Lauder Lots 1, 2, 3, 4 and 5, with a density not to exceed 4 units per acre.

ARTICLE V
"Lake Viewshed Overlay" Development Regulations

Any and all development on the portion of the 76.85 acre Property lying within the Lake Viewshed Overlay, as designated in Figure 12 of the Bradfordville Sector Plan, shall be in compliance with, and shall not deviate from, the applicable Leon County Land Development Regulations as set forth in Section 4 of County Ordinance No. 00-31 adopted by the Board of County Commissioners of Leon County on July 11, 2000 (hereinafter the "Ordinance"); provided, however, that any residential development shall be further restricted to a density of one unit per ten acres, and further provided that in the event of a conflict between the Ordinance and this Second Amended Declaration, the Second Amended Declaration shall supersede the Ordinance to the extent of such conflict.

ARTICLE VI
General Provisions

Section 1. Enforcement. Any Declarant or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by any Declarant or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect any other provisions, which provisions shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall inure to the benefit of the Declarants and shall run with and bind the land in perpetuity. Any amendments hereto shall not be valid without the written consent of the County and Owners.

IN WITNESS WHEREOF, the Declarants have caused this Second Amended Declaration of Covenants, Conditions, and Restrictions to be executed in its name by its respective authorized representatives, the day and year aforesaid.

LEON COUNTY, FLORIDA

BY: _____
Kristin Dozier, Chairman
Board of County Commissioners

Date: _____

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

BRADFORDVILLE FIRST BAPTIST
CHURCH, INC., a Florida not for profit
corporation

BY: _____

Print Name: _____

Title: _____

Date: _____

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, who is personally known to me or who has produced identification, and who did take an oath.

Notary Public

BANNERMAN CROSSINGS, LLC

BY: _____

Print Name: _____

Title: _____

Date: _____

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, who is personally known to me or who has produced identification, and who did take an oath.

Notary Public

BANNERMAN CROSSINGS II, LLC

BY: _____

Print Name: _____

Title: _____

Date: _____

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, who is personally known to me or who has produced identification, and who did take an oath.

Notary Public

BANNERMAN FOREST, LLC

BY: _____

Print Name: _____

Title: _____

Date: _____

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, who is personally known to me or who has produced identification, and who did take an oath.

Notary Public

RICHARD S. KEARNEY

BY: _____

Date: _____

State of Florida
County of Leon

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by Richard S. Kearney, who is personally known to me or who has produced identification, and who did take an oath.

Notary Public



DEPARTMENT OF GROWTH AND ENVIRONMENTAL MANAGEMENT

**CORRECTED AFFIDAVIT OF RECORDING FOR
CREATION OF EQUAL OR LARGER PARCELS
IN A PREVIOUSLY RECORDED OR UNRECORDED SUBDIVISION**

This affidavit is intended to correct and supersede the previously executed affidavit dated November 24, 2003 and recorded December 16, 2003 at O.R. Book 3007, Page 1679, and again on December 22, 2003 at O.R. Book 3011, Page 157, Public Records of Leon County, Florida, by correcting the omission from the first recorded affidavit of the attachments which legally describe and depict the subdivision and lots that are the subject of the re-division under the exception for the creation of equal or larger parcels, and correcting a scrivener's error on the second recorded affidavit.

This affidavit certifies that the property comprising the previously recorded LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as legally described and depicted in the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, Page 2050, Public Records of Leon County, Florida, is granted an exception to the platting or replatting requirements of the Leon County Subdivision and Site and Development Plan Regulations, as set forth in the Leon County Code of Laws. This exception to the replatting requirements allows any division or re-division by recorded instrument or instruments of a lot or lots in a previously platted subdivision, the sole purpose of which is to create new parcels which are at least equal in size to the existing lot or lots. This exception only satisfies the replatting procedures of the Leon County Subdivision and Site and Development Plan Regulations. This exception DOES NOT waive or denote compliance with any other applicable Comprehensive Plan requirements, land use or land development regulations, including, but not limited to, environmental requirements and zoning regulations.

The parcel identification numbers and sizes of the previously recorded lots comprising the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map recorded with the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, page 2055, Public Records of Leon County, Florida, are as follows:

Lot 1: Parcel No. 14-22-20-210-001-0; 42.05 acres (see O.R. 2133/2058); owned by Leon County
Lot 2: Parcel No. 14-22-20-210-002-0; 15.13 acres (see O.R. 2133/2060); owned by Leon County
Lot 3: Parcel No. 14-22-20-210-003-0; 1.43 acres (see O.R. 2133/2062); owned by Leon County
Lot 4: Parcel No. 14-22-20-210-004-0; 1.43 acres (see O.R. 2133/2063); owned by Leon County
Lot 5: Parcel No. 14-22-20-210-005-0; 11.02 acres (see O.R. 2133/2064); owned by Leon County
Lot 6: Parcel No. 14-22-20-210-006-0; 2.04 acres (see O.R. 2133/2065); owned by Leon County
Lot 7: Parcel No. 14-22-20-210-007-0; 0.95 acres (see O.R. 2133/2066); owned by Leon County
Lot 8: Parcel No. 14-22-20-210-008-0; 2.76 acres (see O.R. 2133/2067); owned by Leon County

The parcel identification numbers and sizes of the re-divided lots comprising the re-division of the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map and legal descriptions attached hereto, and made a part hereof, are as follows

Lot 1: Parcel No. 14-22-20-210-001-0; 35.83 acres; owned by Leon County
Lot 2: Parcel No. 14-22-20-210-002-0; 1.50 acres; owned by Leon County
Lot 3: Parcel No. 14-22-20-210-003-0; 6.00 acres; owned by Leon County
Lot 4: Parcel No. 14-22-20-210-004-0; 1.28 acres; owned by Leon County
Lot 5: Parcel No. 14-22-20-210-005-0; 10.74 acres; owned by Leon County
Lot 6: Parcel No. 14-22-20-210-006-0; 10.00 acres; owned by Leon County
Lot 7: Parcel No. 14-22-20-210-007-0; 10.00 acres; owned by Leon County
Lot 8: Parcel No. 14-22-20-210-008-0; 1.50 acres; owned by Leon County

Continued on Page 2

EXHIBIT A

Page 2 Continuation for Creation of Equal or Larger Parcels in a Previously Recorded or Unrecorded Subdivision

Property Owners Name(s): LEON COUNTY
Parcel No. 14-22-20-210-001-0 THROUGH 008-0

The property owner(s) further hereby agree that this document shall be recorded in the public records of Leon County, Florida, and shall serve as a covenant running with the land and be applicable to and binding upon the property owner(s)' successors in title, grantees, heirs, and assigns. The property owner(s) hereby acknowledge that the filing of this affidavit does not ensure the ability to develop the parcels created as a result of the division or re-division.

Dated this 13th day of JANUARY, 2004.

Department of GEM:

DAVID R. MCDEVITT
(Signature)
David R. McDevitt, Dir. of Development
(Print Name and Title) *SARVES*

Witness:
[Signature]
(Signature)
Daniel J. Rigo
(Print Name and Title)

STATE OF FLORIDA
LEON COUNTY

The foregoing instrument was acknowledged before me this 13th day of January, 2004 by David A. McDevitt, who is personally known to me and who did not take an oath.



Jean C. McCarter
MY COMMISSION # DD075720 EXPIRES
March 9, 2006
BONDED THRU TROY FARM INSURANCE, INC.

Approved as to Form:
[Signature]
As County Attorney Daniel Rigo
1/12/04

[Signature]
(Signature of Notary/Deputy Clerk)
Jean C. McCarter
(Type or print name)

Property Owner :

[Signature]
Signature/Print Name Parwez Alam

Signature/Print Name _____

Witnesses :

[Signature]
Signature/Print Name Christina Coble

[Signature]
Signature/Print Name Jean C. McCarter

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 12th day of January, 2004 by Parwez Alam, who ~~is~~ are personally known to me of who has/have produced ~~an~~ identification and who did (did not) take an oath.

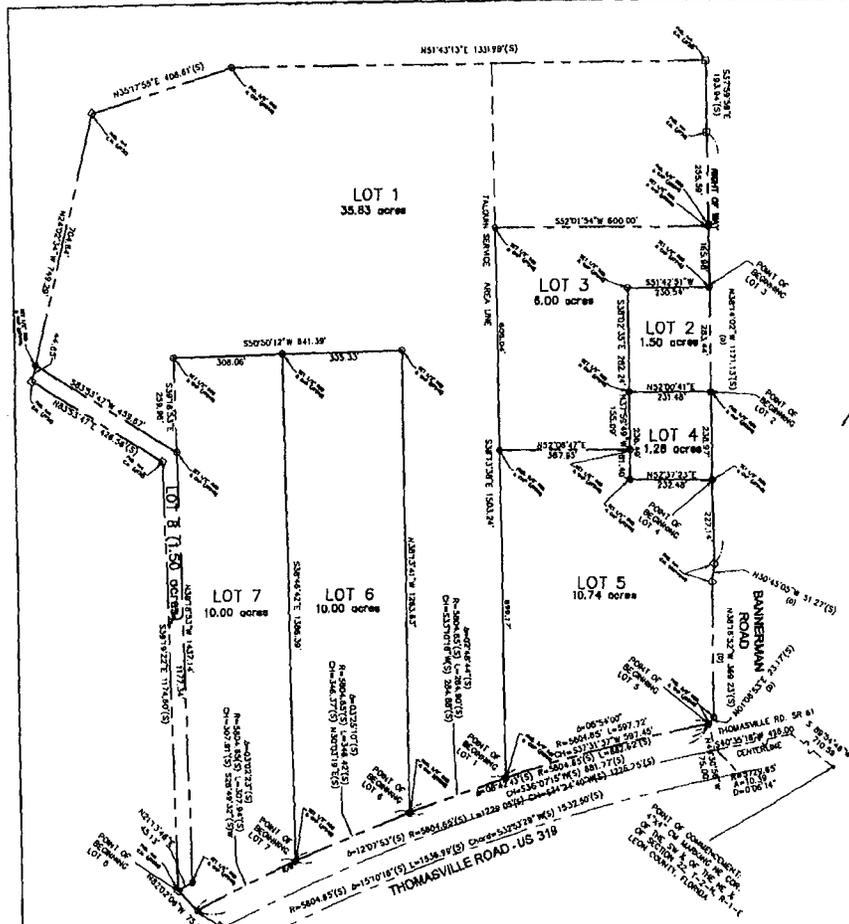


Jean C. McCarter
MY COMMISSION # DD075720 EXPIRES
March 9, 2006
BONDED THRU TROY FARM INSURANCE, INC.

[Signature]
(Signature of Notary/Deputy Clerk)
Jean C. McCarter
(Type or print name)

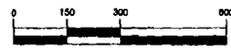
This instrument prepared by the Leon County Department of Growth and Environmental Management under the supervision of Herbert W. A. Thiele, Esq., County Attorney, Leon County Courthouse, Tallahassee, Florida 32301

Revised by the County Attorney's Office specifically for real estate closing on 1/13/04



APPROVED 1/19/04
DAVID R. McDEVITT
CREATION OF EQUAL OR
LARGER PARCELS EXEMPT
SUBDIVISION

GRAPHIC SCALE



1 inch = 300 ft.

SEAL

I hereby certify that the sketch of descriptions shown herein meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-6).

The undersigned surveyor has not been provided a current description or stipulation of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, assessments or other instruments which conflict the boundaries.

[Signature]
Larry D. Davis
Registered Florida Surveyor No. 6204

565 N. GARDNER STREET
TALLAHASSEE, FL 32302
MOORE BASS CONSULTING
CREATED BY
AUTHORIZATION NO. 60087948
© Moore Bass Consulting

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL, PAIDUP SEAL OF A FLORIDA LICENSED SURVEYOR AND APPROVES THE DRAWING, SECTION, PLAT, OR MAP AS FOR THE PROPOSED PURPOSES ONLY AND IS NOT VALID.

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.		FILE #	03-120	66478PREPLAT-REV2.dwg
		CONTRACT #	884-028	ARCHIVE
		DATE	10/26/03	DRAWN BY
CLIENT NAME	RIC, K, KEARNEY	PROJECT NAME	OLD LAUDER LIMITED PARTITION	SHEET TITLE
				SKETCH OF DESCRIPTIONS
				1.0

Moore Bass

CONSULTING
TALLAHASSEE ATLANTA COLUMBUS

LOT 1 (35.83 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 88 degrees 48 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.69 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 02 degrees 48 minutes 44 seconds, for an arc distance of 254.90 feet (the chord of said curve being South 33 degrees 10 minutes 16 seconds West 284.88 feet), then leaving said right of way boundary run North 38 degrees 13 minutes 59 seconds West 1263.83 feet, then run South 50 degrees 50 minutes 12 seconds West 641.39 feet, then run South 38 degrees 18 minutes 53 seconds East 266.96 feet, then run South 83 degrees 53 minutes 47 seconds West 459.87 feet, then run North 24 degrees 02 minutes 34 seconds West 704.84 feet, then run North 35 degrees 17 minutes 55 seconds East 408.81 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet to the Southwestly right of way boundary of Banerman Road, then run South 37 degrees 59 minutes 58 seconds East along said right of way boundary 193.84 feet, then run South 53 degrees 14 minutes 02 seconds East along said right of way boundary 255.59 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet to the POINT OF BEGINNING, containing 35.83 acres more or less.

LOT 2 (1.80 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 88 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 185.96 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet, then run South 53 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.84 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 1.80 acres more or less.

LOT 3 (6.00 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 88 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 185.96 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet, then run South 53 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.84 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 6.00 acres more or less.

LOT 4 (1.28 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 88 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 185.96 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet, then run South 53 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.84 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 1.28 acres more or less.

LOT 5 (10.74 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 88 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 185.96 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet, then run South 53 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.84 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 10.74 acres more or less.

LOT 6 (10.00 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomsville Road (U.S. Highway 319), then run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, then run along said centerline curve with a radius of 5729.65 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, then leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point marking the intersection of the Northwestly right of way of said Thomsville Road and the Southwestly right of way boundary of Banerman Road, then run North 01 degree 06 minutes 53 seconds East along said right of way boundary of Banerman Road 23.17 feet, then run North 38 degrees 17 minutes 55 seconds West 506.85 feet, then run North 30 degrees 49 minutes 48 seconds West 51.42 feet, then run North 38 degrees 13 minutes 59 seconds East 138.39 feet to a point on a curve concave Southwesterly and having a radius of 5804.85 feet and lying on said Northwestly right of way boundary of Thomsville Road, then run Northwestly along said right of way boundary curve through a central angle of 03 degrees 23 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet), then leaving said right of way boundary curve to the Southwestly along said right of way boundary curve with a radius of 5804.85 feet, through a central angle of 05 degrees 54 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 507.45 feet) for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 185.96 feet, then leaving said right of way boundary run South 52 degrees 01 minutes 54 seconds West 800.00 feet, then run South 38 degrees 13 minutes 38 seconds East 1503.24 feet, then run North 51 degrees 43 minutes 13 seconds East 1331.86 feet, then run South 53 degrees 14 minutes 02 seconds West along said right of way boundary of Banerman Road 283.44 feet, then run South 51 degrees 42 minutes 51 seconds West 230.84 feet, then run South 38 degrees 02 minutes 35 seconds East 282.24 feet, then run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 10.00 acres more or less.

SEAL

I hereby certify that the sketch of property shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 61G17-4).

The undersigned surveyor has not been provided a current title opinion or abstract of title affecting this or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.


Larry D. Davis
Registered Florida Surveyor No. 6264

008 N. GADSDEN STREET
TALLAHASSEE, FL 32302
9040 524-1474
CERTIFICATE BY
AUTHORIZATION NO. 0000214
© Moore Bass Consulting
UNLESS IT BEARNS THE SIGNATURE AND THE ORIGINAL REGISTERED SEAL OF A LICENSED SURVEYOR, THIS DRAWING, INSTRUMENT, MAP OR PLAN, FOR ANY PURPOSES ONLY AND IS NOT VALID.

The Demographic Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of title for use solely with respect to this Project and, unless otherwise provided, MBC shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.		FILE #	03-120	66426REPLAT-REV2.dwg
CLIENT NAME	ROCK KLEARNY	CONTRACT #	654.08	ARCHIVE
		DATE	10/28/03	DRAWN BY
		PROJECT NAME	OLD LAUDER LIMITED PARTITION	SHEET TITLE
				DESCRIPTIONS LOT 1 THROUGH 6
				2.0



LOT 7 (10.00 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomesville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point on the Northwestly right of way of said Thomesville Road, said point lying on a curve concave to the Southwestly, thence run Southwestly along said right of way boundary curve with a radius of 5804.85, through a central angle of 12 degrees 07 minutes 53 seconds, for an arc distance of 1229.05 feet (the chord of said arc being South 34 degrees 24 minutes 40 seconds West 1226.76 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING continue along said right of way boundary curve with a radius of 5804.85, through a central angle of 03 degrees 02 minutes 23 seconds, for an arc distance of 307.94 feet (the chord of said arc being South 26 degrees 40 minutes 32 seconds West 307.91 feet), thence leaving said right of way boundary run North 82 degrees 02 minutes 06 seconds West 75.14 feet, thence run North 21 degrees 13 minutes 48 seconds East 45.13 feet, thence run North 39 degrees 18 minutes 53 seconds West 1434.30 feet, thence run North 50 degrees 50 minutes 12 seconds East 308.08 feet, thence run South 38 degrees 48 minutes 42 seconds East 1396.39 feet to the POINT OF BEGINNING, containing 10.00 acres more or less.

LOT 8 (1.50 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomesville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 06 minutes 14 seconds, for an arc distance of 10.39 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 75.00 feet to a point on the Northwestly right of way of said Thomesville Road, said point lying on a curve concave to the Southwestly, thence run Southwestly along said right of way boundary curve with a radius of 5804.85, through a central angle of 15 degrees 10 minutes 18 seconds, for an arc distance of 1536.99 feet (the chord of said arc being South 32 degrees 53 minutes 28 seconds West 1532.50 feet), thence leaving said right of way boundary run North 82 degrees 02 minutes 06 seconds West 75.14 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 21 degrees 13 minutes 48 seconds East 45.13 feet thence run North 39 degrees 18 minutes 53 seconds West 1177.34 feet, thence run South 83 degrees 53 minutes 47 seconds West 459.87 feet, thence run South 24 degrees 02 minutes 34 seconds East 44.85 feet, thence run North 83 degrees 53 minutes 47 seconds East 426.55 feet, thence run South 59 degrees 19 minutes 22 seconds East 1174.80 feet to the POINT OF BEGINNING, containing 1.50 acres more or less.

SEAL

I hereby certify that the sketch of property shown hereon meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 11017-8).

The undersigned surveyor has not been provided a current file opinion or abstraction of matters affecting title or boundary to the subject property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which may affect the boundaries.

NO. 11 CHARLES STREET
TALLAHASSEE, FL 32304
(904) 225-8100
CERTIFICATE OF
AUTHORIZATION NO. 80087346
© Moore Bass Consulting
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL PLASSED SEAL OF A LICENSED SURVEYOR, THIS DRAWING, SPECIFICATION, MAP OR PLAN IS NOT VALID.

[Signature]
Larry D. Davis
Registered Florida Surveyor No. 2264

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all copyright, statutory and other reserved rights, including the copyright.		FILE #	03-120	054298REPLAT-REV2.dwg
		CONTRACT #	604.00	ARCHIVE
		DATE	10/28/03	DRAWN BY
CLIENT NAME	RICK KEARNEY	PROJECT NAME	OLD LAUDER LIMITED PARTITION	SHEET TITLE
				DESCRIPTIONS LOT 7 AND LOT 8
				3.0

This Instrument prepared by:
Herbert W.A. Thiele, Esq., County Attorney
Leon County Attorney's Office
301 South Monroe Street, Suite 217
Tallahassee, Florida 32301

20040068190
THIS DOCUMENT HAS BEEN RECORDED
IN THE PUBLIC RECORDS OF
LEON COUNTY FL
BK: 3131 PG:1868, Page1 of 5
07/27/2004 at 04:41 PM,
BOB INZER, CLERK OF COURTS

**AMENDED DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS**

THIS DECLARATION, made on the date hereinafter set forth by **LEON COUNTY**, a political subdivision of the State of Florida, whose post office address is 301 South Monroe Street, Room 217, Tallahassee, Florida 32301 (hereinafter "County"), **BRADFORDVILLE FIRST BAPTIST CHURCH, INC.**, a Florida not for profit corporation, whose address is 6494 Thomasville Road, Tallahassee FL 32312 (hereinafter "Church"), and **RICHARD S. KEARNEY**, whose address is 1700 Summit Lake Drive, Tallahassee, Florida 32317 (hereinafter "Kearney") (County, Church, and Kearney are hereinafter collectively referred to as "Declarants");

WITNESSETH:

WHEREAS, County is the predecessor owner of a certain 76.85-acre property subdivided into eight lots and known as the **LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION**, as re-divided by the Corrected Affidavit of Recording for the Creation of Equal or Larger Parcels recorded at O.R. Book 3020, Page 0863, Official Records of Leon County, Florida, a copy of which is attached hereto as Exhibit "A" (hereinafter referred to as the 76.85-acre Property); and

WHEREAS, during the time of its ownership of the entire 76.85-acre Property, County caused to be recorded on January 14, 2004 at O. R. Book 3021, Page 1045, Official Records of Leon County, Florida (hereinafter any reference to O.R. or Official Records shall mean the Official Records of Leon County, Florida) a Declaration of Covenants, Conditions, and Restrictions placing upon the 76.85 Property certain development restrictions to run with the land in perpetuity (hereinafter the "Original Declaration"); and

WHEREAS, County wishes to amend the Original Declaration, with the joinder of the current successor owners of the 76.85-acre Property, to add additional development restrictions; and

WHEREAS, Kearney, by virtue of the County Deed recorded at O. R. Book 3021, Page 1081, is the current owner of Lots 1, 4, and 5 of the 76.85-acre Property, and

WHEREAS, County, by virtue of the Quit Claim Deed recorded at O. R. Book 3021, Page 1084, is the current owner of Lots 2, 3, and 8 of the 76.85-acre Property; and

WHEREAS, Church, by virtue of the County Deed recorded at O.R. Book 3021, Page 1141, and the Statutory Warranty Deed recorded at O. R. Book 3021, Page 1087, is the current owner of Lots 6 and 7 of the 76.85-acre Property; and

WHEREAS, the Declarants, by virtue of their individual ownership of Lots 1 through 8, collectively own the entirety of the 76.85-acre Property; and

WHEREAS, it is the intent of Declarants, as the collective Owners of the 76.85-acre Property, to restrict the development of the 76.85-acre Property in accordance with the terms and conditions herein, which terms and conditions shall forthwith amend and supersede the terms and conditions contained in the Original Declaration recorded at O.R. Book 3021, Page 1045.

NOW, THEREFORE, Declarants hereby declare that all of the 76.85-acre Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which shall run with the 76.85-acre Property and which shall be binding on all parties having any right title or interest in the 76.85-acre Property, or any part thereof, their heirs, successors, and assigns and shall inure to the benefit of each Owner thereof (hereinafter the "Amended Declaration").

ARTICLE I **Definitions**

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot which is a part of the 76.85-acre Property, and the owner's heirs, successors, and assigns, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "76.85-acre Property" shall mean and refer to that certain real property hereinbefore described in Exhibit "A" and shall include the existing lots created with the Re-divided Limited Partition Subdivision and any lots which may be created in a subsequent re-division or subdivision.

Section 3. "Lot" or "Lots" shall mean and refer to the corresponding numbered lot or lots on the 76.85-acre Property.

Section 4. "Declarant" shall mean and refer to any or either of the Declarants, whether it be the County, the Church, or Kearney.

Section 5. "FDOT/Leon County SWMF" shall mean and refer to the existing stormwater management facility adjoining the southern boundary of the 76.85-acre Property.

ARTICLE II **Residential and Church Development**

Lots 1, 2, 3, 6, 7, and 8 (the combined area of which is approximately 64 acres) shall be restricted to residential property with a density of one unit per ten acres or less; and a church or other religious facility shall be allowed on a portion of the residential property, provided that the church

does not include a cemetery, a day school, an adult congregate living facility, a nursing home, or similar activity; and Lot 2 may be utilized by the County as the site for the relocation and use of the Historic Bradfordville School; and Lot 3 may be utilized by the County as a passive park; and Lot 8 may be utilized by the County for future enhancement of the FDOT/Leon County SWMF.

ARTICLE III Commercial Development

Lots 4 and 5 (the combined area of which is approximately 12 acres) shall be restricted to no greater intensity than commercial zoning.

ARTICLE IV "Lake Viewshed Overlay" Development Regulations

Any and all development on the portion of the 76.85-acre Property lying within the Lake Viewshed Overlay, as designated in Figure 12 of the Bradfordville Sector Plan, shall be in compliance with, and shall not deviate from, the applicable Leon County Land Development Regulations as set forth in Section 4 of County Ordinance No. 00-31 adopted by the Board of County Commissioners of Leon County on July 11, 2000 (hereinafter the "Ordinance"); provided, however, that any residential development shall be further restricted to a density of one unit per ten acres; and further provided that in the event of a conflict between the Ordinance and this Amended Declaration, the Amended Declaration shall supersede the Ordinance to the extent of such conflict.

ARTICLE V General Provisions

Section 1. Enforcement. Any Declarant or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by any Declarant or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall not affect any other provisions, which provisions shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall inure to the benefit of the Declarants and shall run with and bind the land in perpetuity. Any amendments hereto shall not be valid without the written consent of the Declarants.

IN WITNESS WHEREOF, the Declarants have caused this Amended Declaration of Covenants, Conditions, and Restrictions to be executed in its name by its respective authorized representatives, the day and year aforesaid.

LEON COUNTY, a political subdivision of the State of Florida

By: Jane G. Sauls
Jane G. Sauls, Chairman
Board of County Commissioners
Date: 7/27/04

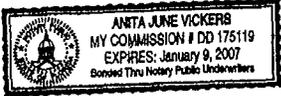
ATTEST, Bob Inzer, Clerk of Circuit Court
By: John Stettin
Deputy Clerk

Approved as to Form:
By: Daniel J. Rigo
Asst. County Attorney

RICHARD S. KEARNEY
Richard S. Kearney
Date: 5/28/2004

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 28 day of May, 2004, by Richard S. Kearney who is personally known to me or who has produced _____ as identification, and who did take an oath.



SEAL

Anita June Vickers
(print name) ANITA JUNE VICKERS
NOTARY PUBLIC
My Commission expires:

BRADFORDVILLE FIRST BAPTIST CHURCH, INC., a Florida not for profit corporation

By: William H. Green
Print Name: William H. Green

Title: Trustee

Date: 7/27/04

State of Florida
County of Leon

The foregoing instrument was ~~acknowledged before me~~ this 27th day of July, 2004,
by William Green ~~is personally known to me or~~ who has produced
_____ as identification and who did take an oath.



Cynthia Lowell
MY COMMISSION # 00210456 EXPIRES
June 20, 2007
BONDED THRU TROY FAH INSURANCE, INC.

SEAL

Cynthia Lowell
(print name)
NOTARY PUBLIC

My Commission expires: June 20, 2007

20040003686 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 3020 PG: 863,
01/13/2004 at 09:07 AM, BOB INZER, CLERK OF COURTS



DEPARTMENT OF GROWTH AND ENVIRONMENTAL MANAGEMENT

**CORRECTED AFFIDAVIT OF RECORDING FOR
CREATION OF EQUAL OR LARGER PARCELS
IN A PREVIOUSLY RECORDED OR UNRECORDED SUBDIVISION**

This affidavit is intended to correct and supersede the previously executed affidavit dated November 24, 2003 and recorded December 16, 2003 at O.R. Book 3007, Page 1679, and again on December 22, 2003 at O.R. Book 3011, Page 157, Public Records of Leon County, Florida, by correcting the omission from the first recorded affidavit of the attachments which legally describe and depict the subdivision and lots that are the subject of the re-division under the exception for the creation of equal or larger parcels, and correcting a scrivener's error on the second recorded affidavit.

This affidavit certifies that the property comprising the previously recorded LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as legally described and depicted in the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, Page 2050, Public Records of Leon County, Florida, is granted an exception to the platting or replatting requirements of the Leon County Subdivision and Site and Development Plan Regulations, as set forth in the Leon County Code of Laws. This exception to the replatting requirements allows any division or re-division by recorded instrument or instruments of a lot or lots in a previously platted subdivision, the sole purpose of which is to create new parcels which are at least equal in size to the existing lot or lots. This exception only satisfies the replatting procedures of the Leon County Subdivision and Site and Development Plan Regulations. This exception DOES NOT waive or denote compliance with any other applicable Comprehensive Plan requirements, land use or land development regulations, including, but not limited to, environmental requirements and zoning regulations.

The parcel identification numbers and sizes of the previously recorded lots comprising the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map recorded with the Limited Partition Subdivision Affidavit of Recording at O.R. Book 2133, page 2055, Public Records of Leon County, Florida, are as follows:

Lot 1: Parcel No. 14-22-20-210-001-0; 42.05 acres (see O.R. 2133/2058); owned by Leon County
 Lot 2: Parcel No. 14-22-20-210-002-0; 15.13 acres (see O.R. 2133/2060); owned by Leon County
 Lot 3: Parcel No. 14-22-20-210-003-0; 1.43 acres (see O.R. 2133/2062); owned by Leon County
 Lot 4: Parcel No. 14-22-20-210-004-0; 1.43 acres (see O.R. 2133/2063); owned by Leon County
 Lot 5: Parcel No. 14-22-20-210-005-0; 11.02 acres (see O.R. 2133/2064); owned by Leon County
 Lot 6: Parcel No. 14-22-20-210-006-0; 2.04 acres (see O.R. 2133/2065); owned by Leon County
 Lot 7: Parcel No. 14-22-20-210-007-0; 0.95 acres (see O.R. 2133/2066); owned by Leon County
 Lot 8: Parcel No. 14-22-20-210-008-0; 2.76 acres (see O.R. 2133/2067); owned by Leon County

The parcel identification numbers and sizes of the re-divided lots comprising the re-division of the LAUDER AND LAUDER LIMITED PARTITION SUBDIVISION, as depicted on the map and legal descriptions attached hereto, and made a part hereof, are as follows

Lot 1: Parcel No. 14-22-20-210-001-0; 35.83 acres; owned by Leon County
 Lot 2: Parcel No. 14-22-20-210-002-0; 1.50 acres; owned by Leon County
 Lot 3: Parcel No. 14-22-20-210-003-0; 6.00 acres; owned by Leon County
 Lot 4: Parcel No. 14-22-20-210-004-0; 1.28 acres; owned by Leon County
 Lot 5: Parcel No. 14-22-20-210-005-0; 10.74 acres; owned by Leon County
 Lot 6: Parcel No. 14-22-20-210-006-0; 10.00 acres; owned by Leon County
 Lot 7: Parcel No. 14-22-20-210-007-0; 10.00 acres; owned by Leon County
 Lot 8: Parcel No. 14-22-20-210-008-0; 1.50 acres; owned by Leon County

Continued on Page 3

EXHIBIT A

Page 2 Continuation for Creation of Equal or Larger Parcels in a Previously Recorded or Unrecorded Subdivision
Property Owners Name(s): LEON COUNTY
Parcel No. 14-22-20-210-001-0 THROUGH 008-0

The property owner(s) further hereby agree that this document shall be recorded in the public records of Leon County, Florida, and shall serve as a covenant running with the land and be applicable to and binding upon the property owner(s) successors in title, grantees, heirs, and assigns. The property owner(s) hereby acknowledge that the filing of this affidavit does not ensure the ability to develop the parcels created as a result of the division or re-division.

Dated this 13th day of JANUARY, 2014.

Department of GEM:

DAVID R. MCDEVITT
(Signature)
David R. McDevitt, Dir. of Development
(Print Name and Title) SARVES

Witness:
[Signature]
(Signature)
Vanuel J. Rigo
(Print Name and Title)

STATE OF FLORIDA
LEON COUNTY

The foregoing instrument was acknowledged before me this 13th day of January, 2014, by David R. McDevitt, who is personally known to me and who did not take an oath.



Jean C. McCarter
MY COMMISSION # DD075720 EXPIRES
March 9, 2006
BONDED THROUGH FARM INSURANCE, INC.

Approved as to Form:
[Signature]
As County Attorney Vanuel Rigo
1/12/14

[Signature]
(Signature of Notary/Deputy Clerk)
Jean C. McCarter
(Type or print name)

Property Owner :
[Signature]
Signature/Print Name Parwez Alam

Signature/Print Name _____

Witnesses :
[Signature]
Signature/Print Name Christine Coble
[Signature]
Signature/Print Name Jean C. McCarter

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 12th day of January, 2014, by Parwez Alam, who ~~is~~ personally known to me or ~~who has~~ produced ~~no~~ identification and who did (did not) take an oath.



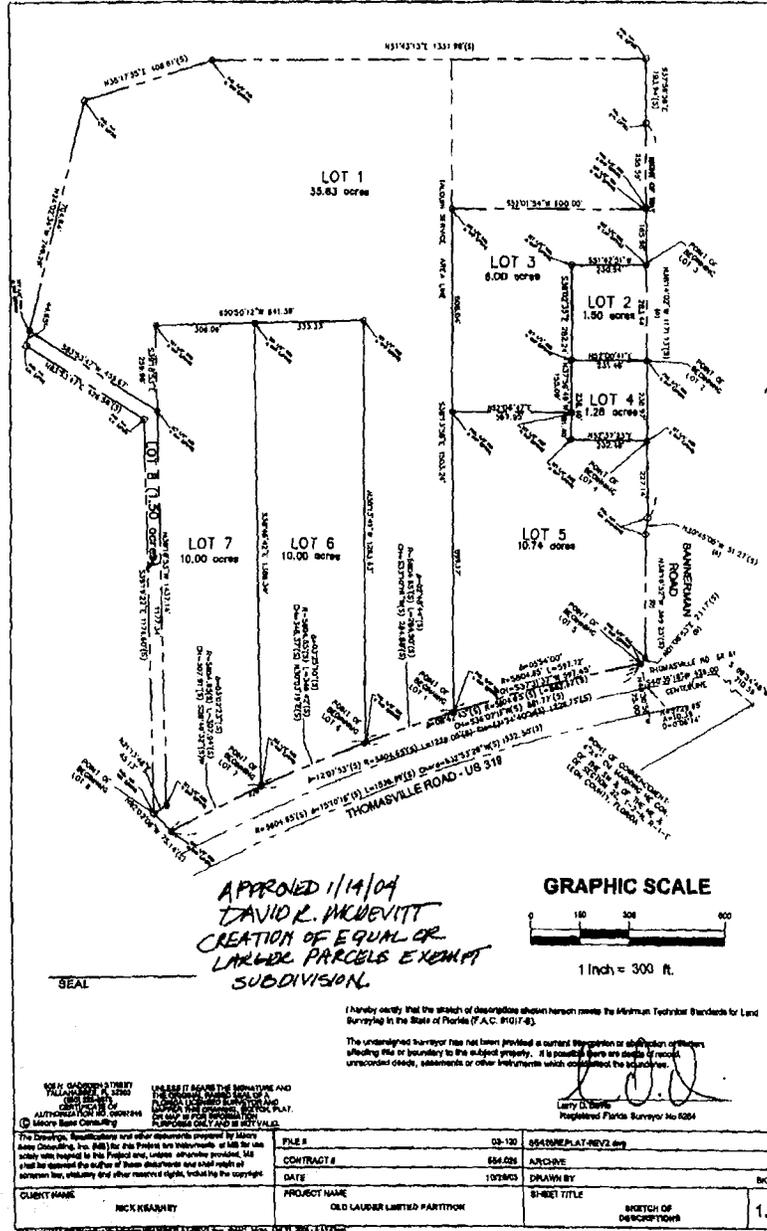
Jean C. McCarter
MY COMMISSION # DD075720 EXPIRES
March 9, 2006
BONDED THROUGH FARM INSURANCE, INC.

[Signature]
(Signature of Notary/Deputy Clerk)
Jean C. McCarter
(Type or print name)

This instrument prepared by the Leon County Department of Growth and Environmental Management under the supervision of Herbert W. A. Thiele, Esq., County Attorney, Leon County Courthouse, Tallahassee, Florida 32301

Revised by the County Attorney's Office specifically for real estate closing on 1/13/04

Moore Bass
CONSULTING
TALLAHASSEE ATLANTA COLUMBUS





LOT 1 (35.43 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point on the Northwesterly right of way of said Thomasville Road, said point lying on a curve concave to the Southeast, thence run Southwesterly along said right of way boundary curve with a radius of 5804.85, through a central angle of 05 degrees 04 minutes 00 seconds, for an arc distance of 597.72 feet (the chord of said arc being South 37 degrees 31 minutes 37 seconds West 687.45 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING continue along said right of way boundary curve with a radius of 5804.85, through a central angle of 02 degrees 44 minutes 44 seconds, for an arc distance of 1263.03 feet, thence run South 33 degrees 10 minutes 18 seconds West 284.48 feet, thence leaving said right of way boundary run North 38 degrees 13 minutes 41 seconds West 1263.03 feet, thence run South 50 degrees 02 minutes 18 seconds West 61.39 feet, thence run South 58 degrees 18 minutes 53 seconds East 256.86 feet, thence run South 83 degrees 53 minutes 47 seconds West 459.87 feet, thence run North 24 degrees 02 minutes 34 seconds East 704.64 feet, thence run North 35 degrees 17 minutes 56 seconds East 408.81 feet, thence run North 51 degrees 43 minutes 13 seconds East 4341.08 feet to the Southeastern right of way boundary of Bannerman Road, thence run North 37 degrees 09 minutes 59 seconds East along said right of way boundary 183.94 feet, thence run South 38 degrees 11 minutes 02 seconds East along said right of way boundary 255.56 feet, thence leaving said right of way boundary run South 52 degrees 51 minutes 54 seconds West 800.00 feet, thence run South 38 degrees 13 minutes 38 seconds East 1503.24 feet to the POINT OF BEGINNING, containing 35.83 acres more or less.

LOT 2 (1.80 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point marking the intersection of the Northwesterly right of way of said Thomasville Road and the Southeastern right of way boundary of Bannerman Road, thence run North 01 degree 01 minute 03 seconds East along said right of way boundary of Bannerman Road 23.11 feet, thence run North 36 degrees 18 minutes 52 seconds West 389.23 feet, thence run North 30 degrees 45 minutes 08 seconds West 61.27 feet, thence run North 34 degrees 14 minutes 02 seconds West 148.55 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 263.44 feet, thence run North 51 degree 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 1.80 acres more or less.

LOT 3 (6.08 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point marking the intersection of the Northwesterly right of way of said Thomasville Road and the Southeastern right of way boundary of Bannerman Road, thence run North 01 degree 01 minute 03 seconds East along said right of way boundary of Bannerman Road 23.11 feet, thence run North 36 degrees 18 minutes 52 seconds West 389.23 feet, thence run North 30 degrees 45 minutes 08 seconds West 61.27 feet, thence run North 34 degrees 14 minutes 02 seconds West 148.55 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 263.44 feet, thence run North 51 degree 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet, thence run North 51 degrees 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 6.08 acres more or less.

LOT 4 (1.28 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point marking the intersection of the Northwesterly right of way of said Thomasville Road and the Southeastern right of way boundary of Bannerman Road, thence run North 01 degree 01 minute 03 seconds East along said right of way boundary of Bannerman Road 23.11 feet, thence run North 36 degrees 18 minutes 52 seconds West 389.23 feet, thence run North 30 degrees 45 minutes 08 seconds West 61.27 feet, thence run North 34 degrees 14 minutes 02 seconds West 148.55 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 263.44 feet, thence run North 51 degree 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet, thence run North 51 degrees 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 1.28 acres more or less.

LOT 5 (16.74 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point on the Northwesterly right of way of said Thomasville Road for the POINT OF BEGINNING. From said POINT OF BEGINNING continue North 38 degrees 14 minutes 02 seconds West along said right of way boundary of Bannerman Road 263.44 feet, thence run North 51 degree 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet, thence run North 51 degrees 43 minutes 13 seconds East 4341.08 feet, thence run North 37 degrees 09 minutes 59 seconds East 255.56 feet, thence run North 52 degrees 00 minutes 41 seconds East 231.48 feet to the POINT OF BEGINNING, containing 16.74 acres more or less.

LOT 6 (10.04 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.59 feet to the centerline of Thomasville Road (U.S. Highway 319), thence run South 40 degrees 35 minutes 18 seconds West along said centerline 426.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 5729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 49 degrees 30 minutes 56 seconds West 78.00 feet to a point on the Northwesterly right of way of said Thomasville Road, said point lying on a curve concave to the Southeast, thence run Southwesterly along said right of way boundary curve with a radius of 6004.85, through a central angle of 08 degrees 42 minutes 43 seconds, for an arc distance of 842.42 feet (the chord of said arc being South 38 degrees 07 minutes 16 seconds West 681.77 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING continue South 38 degrees 42 minutes 43 seconds West 1386.38 feet to a point on a curve concave Southeast and having a radius of 6004.85 feet and lying on said Northwesterly right of way boundary of Thomasville Road, thence run Northwesterly along said right of way boundary curve through a central angle of 03 degrees 26 minutes 10 seconds, for an arc distance of 348.42 feet (the chord of said arc being North 50 degrees 05 minutes 18 seconds East 344.57 feet) to the POINT OF BEGINNING, containing 10.04 acres more or less.

SEAL

I hereby certify that the North of property shown herein means the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 81Q17-4).

The undersigned surveyor has not been provided a current map opinion of abatement of matters affecting this property. It is possible there are deeds of record, unrecorded deeds, easements or other instruments which may affect the boundaries.

LEON COUNTY
 Registered Florida Surveyor No. 8254

BY: R. BACCHETTI
 TALLAHASSEE, FL 32309
 DEPARTMENT OF
 PROFESSIONAL REGULATION
 ATTENTION: REGISTRATION DIVISION
 P.O. BOX 1000
 TALLAHASSEE, FL 32304

DATE: 03-19-12
 PROJECT: 84292PLAT-REVISED

CONTRACT # 842.06 ARCHIVE
 DATE 10/28/09 DRAWN BY

CLIENT NAME: RICK KEARNEY PROJECT NAME: OLD LAUDER LIMITED PARTITION SHEET TITLE: DESCRIPTIONS LOT 1 THROUGH 6

2.0



LOT 7 (18.00 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.56 feet to the centerline of Thomsville Road (U.S. Highway 319), thence run South 40 degrees 25 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 8729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 18 degrees 30 minutes 58 seconds West 75.00 feet to a point on the Northwestly right of way of said Thomsville Road, said point lying on a curve concave to the Southwestly, thence run Southwestly along said right of way boundary curve with a radius of 5804.85, through a central angle of 12 degrees 07 minutes 53 seconds, for an arc distance of 1226.05 feet (the chord of said arc being South 34 degrees 24 minutes 40 seconds West 1226.76 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING continue along said right of way boundary curve with a radius of 5804.85, through a central angle of 01 degree 52 minutes 23 seconds, for an arc distance of 307.84 feet (the chord of said arc being South 28 degrees 18 minutes 22 seconds West 307.81 feet), thence leaving said right of way boundary run North 42 degrees 02 minutes 09 seconds West 75.14 feet, thence run North 21 degrees 13 minutes 46 seconds East 48.13 feet, thence run North 39 degrees 18 minutes 53 seconds West 1434.30 feet, thence run North 60 degrees 50 minutes 12 seconds East 308.06 feet, thence run South 38 degrees 46 minutes 42 seconds East 1888.36 feet to the POINT OF BEGINNING, containing 18.00 acres more or less.

LOT 8 (1.50 Acres)

Commence at a 4"x4" concrete monument marking the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 22, Township 2 North, Range 1 East, Leon County, Florida, and run South 89 degrees 54 minutes 48 seconds West along the North boundary of the South 1/4 of the North 1/4 of said Section 22 a distance of 710.56 feet to the centerline of Thomsville Road (U.S. Highway 319), thence run South 40 degrees 25 minutes 18 seconds West along said centerline 428.00 feet to a point of curve to the left, thence run along said centerline curve with a radius of 8729.85 feet, through a central angle of 00 degrees 08 minutes 14 seconds, for an arc distance of 10.36 feet, thence leaving said centerline run North 18 degrees 30 minutes 58 seconds West 75.00 feet to a point on the Northwestly right of way of said Thomsville Road, said point lying on a curve concave to the Southwestly, thence run Southwestly along said right of way boundary curve with a radius of 5804.85, through a central angle of 12 degrees 07 minutes 53 seconds, for an arc distance of 1226.05 feet (the chord of said arc being South 34 degrees 24 minutes 40 seconds West 1226.76 feet) to the POINT OF BEGINNING. From said POINT OF BEGINNING continue along said right of way boundary curve with a radius of 5804.85, through a central angle of 01 degree 52 minutes 23 seconds, for an arc distance of 307.84 feet (the chord of said arc being South 28 degrees 18 minutes 22 seconds West 307.81 feet), thence leaving said right of way boundary run North 42 degrees 02 minutes 09 seconds West 75.14 feet, thence run North 21 degrees 13 minutes 46 seconds East 48.13 feet, thence run North 39 degrees 18 minutes 53 seconds West 1434.30 feet, thence run North 60 degrees 50 minutes 12 seconds East 308.06 feet, thence run South 38 degrees 46 minutes 42 seconds East 1888.36 feet to the POINT OF BEGINNING, containing 1.50 acres more or less.

SEAL

I hereby certify that the attach of property shown herein meets the Minimum Technical Standards for Land Surveying in the State of Florida (F.A.C. 11B17-9).

The undersigned surveyor has not been provided a written title opinion or abstract of title affecting this or boundary to the subject property. It is possible that there are deeds, mortgages, unrecorded deeds, assessments or other instruments which may affect the boundaries.

[Signature]
Larry D. Davis
Registered Florida Surveyor No. 6524

<p>MOORE BASS CONSULTING 10000 W. BOYD AVE. SUITE 100 TAMPA, FL 33609 PH: 813-988-8888 FAX: 813-988-8889 WWW.MOOREBASS.COM</p>	<p>USE THIS TO VERIFY THE SURVEYOR'S AND THE COMPANY'S LICENSES AND REGISTRATION WITH THE FLORIDA SURVEYING BOARD. VISIT WWW.FLSURVEYINGBOARD.COM FOR MORE INFORMATION.</p>
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FILE #	13-130	MAP/REPEAT/REVISED
CONTRACT #	08408	ARCHIVE
DATE	10/28/09	DRAWN BY
CLIENT NAME	OLD LAUNDY LIMITED PARTITION	SHEET TITLE
		DESCRIPTIONS LOT 7 AND LOT 8
		3.0