

Board of County Commissioners  
Leon County, Florida  
Special Meeting  
July 18, 2005

A special meeting was conducted to consider negotiations with regard to the Fallschase Chapter 163 Development Agreement. The following were present in a publicly noticed meeting that was held on July 18, 2005, at the County Courthouse in the 5<sup>th</sup> Floor Conference Room; Commissioner Proctor, Commissioner DePuy, County Attorney Herb Thiele, County Administrator Parwez Alam, Cari Roth; Bryant, Miller, and Olive, Tasha Buford, representing Fallschase, and Carlos Alvarez, Buck Lake Alliance.

The meeting was called to order at 4:00 p.m.

Commissioner Proctor spoke about the rapid growth of the state of Florida and in our community. He stated that since 1980, the state of Florida has had over 800 people move here daily, and because of this, there has been a shortage of developable land. He also spoke in regards to environmental issues that could possibly arise upon approval of the Chapter 163 Development Agreement. He expressed his desire to balance and bring a fair hearing amongst all sides of this issue. He recognized Commissioner DePuy, County Administrator Parewz Alam, Assistant County Administrator, Vince Long, and County Attorney Herb Thiele. He informed those present at the meeting that there is a possibility of future meetings not being publicly noticed.

County Attorney Herb Thiele acknowledged that there are issues that Staff and the County will have to address in order to reach an agreement. He mentioned that they have retained the Bryant, Miller and Olive Law Firm to assist them in the Fallschase matter.

See attached advertisement:



Cari Roth presented the following outline:

I. ENVIRONMENTAL – Proposal is for standards in effect at time of original approval (1974). There is preliminary agreement to develop site specific standards. Timing is an issue.

- a. STORMWATER – Proposed – standard for stormwater (1 1/8" retention). Staff has responded that section 10-191 of code offers more options. Rate attenuation in lake bottom proposed and preliminarily acceptable.
- b. DISTURBANCE IN THE FLOODPLAIN – Comp Plan (1.3.7) and Code limits to 5% of conservation feature. See Issue III. a.
- c. LANDSCAPING – Reduce standard from 25% to 15%. Staff responds that this is an important standard – don't reduce. Need for developer is important in commercial area.
- d. OPEN SPACE – Proposal allows credit for lakebottom total satisfaction of req.
- e. SLOPES – most areas are near lake.
- f. TREE PROTECTION – A concern for developer particularly in commercial area.

II. LAKEBOTTOM PURCHASE

- a. ANTICIPATED CONTRIBUTION BY COUNTY
- b. ANTICIPATED CONTRIBUTION BY CITY

III. USE OF (PUBLICLY OWNED) LAKEBOTTOM

- a. STORMWATER –
  - 1. FLOODPLAIN REDUCTION
  - 2. DISTURBANCE IN FLOODPLAIN – Code limitation to 5% of conservation feature; exception for previously filled areas.
  - 3. FCT GRANT EXCLUSION FOR STORMWATER FACILITIES
  - 4. FUTURE USE FOR TMDL COMPLIANCE
- b. LINEAR PARK
  - PUBLIC ACCESS – THRU DEVELOPMENT AND PARKING
- c. OTHER FACILITIES – TENNIS COURT, CLUBHOUSE
- d. LAKEBOTTOM MAINTENANCE STANDARDS
  - RESTORATION OF AREAS PREVIOUSLY DISTURBED UNDER
  - PENDING NOTICE OF VIOLATION
  - FINANCIAL RESPONSIBILITY FOR MAINTENANCE

IV. PROCESS FOR FURTHER APPROVALS

- a. AMENDMENT OF CONCEPT PLAN FOR PUD – Proposal eliminates DRC and Planning Commission Review. Future changes by County Administrator unless changes trip DRI Substantial Deviation thresholds in statute.
- b. SITE PLAN PROCESS –
  - Eliminates Planning Commission Review
  - Approval by Director of Community Development
  - Timeline and limitation on opportunity for questions and response
- c. ENVIRONMENTAL PERMITS – Proposes all be short form review

V. MODIFICATION TO PLAN DEVELOPMENT

- a. AMOUNT OF VESTED COMMERCIAL DEVELOPMENT
- b. CONCENTRATION OF COMMERCIAL DEVELOPMENT
- c. DEVELOPMENT OF REGIONAL IMPACT/SUBSTANTIAL DEVIATION
- d. NEED TO ADD PHASING – Conceptual agreed to
- e. HEIGHT AND SETBACKS – Proposal is for no limits

VI. UTILITIES

- a. SEWER CAPACITY
- b. ANNEXATION

VII. TRANSPORTATION

- a. CHANGES TO ORIGINAL PLAN
- b. ANALYSIS AND POTENTIAL MITIGATION
- c. BUCK LAKE ROAD ROW AND STORMWATER; TURN AND MEDIAN CUTS
- d. ABANDONMENT OF OLD BUCK LAKE ROAD
- e. RELINQUISHMENT OF RIGHT TO CHARGE APPLICANT IMPACT FEES OR FEES TO DISCHARGE TO LAKE BOTTOM

VIII. CDD COMPLIANCE WITH CH 190 AND CONTROL

IX. APPROVAL BY ALL PROPERTY OWNERS – Need acknowledged by Atty's

X. EXTINGUISH ALL CLAIMS AGAINST COUNTY – Conceptual Agreement

County Attorney, Herb Thiele, confirmed that there are no other issues or areas of concerns, in addition to those given in the outline, that the County has.

Tasha Burford, representing Fallschase, requested that they review the outline of concerns that was presented before responding to the issues.

Carlos Alvarez, Bucklake Alliance, distributed a preliminary list of concerns that the Community Leaders on the eastside prepared. He stated that the community is unaware of what is being proposed. He voiced concern regarding the issues that were presented by Ms. Roth, and also stated that they are concerned with issues or information that the Alliance has not been informed of. He stated that he and the other Community Leaders on the eastside are very upset on the timing of this and that it will be difficult for the whole community to understand what is going on within the timeframe that has been given. He explained that an additional 30 days is needed in order for the community to truly understand the issue. He requested that all meetings regarding this matter be open to the public. Mr. Alvarez suggested that Commissioner Proctor and the land developer appear before the community on August 8<sup>th</sup> or 9<sup>th</sup> to inform them of the matter. He stated that the County has not presented its plans to the community and that it would not be taken well by the community. He requested that the County give adequate notice on all public meetings. He urged the County and the land developer to provide as much information as possible to the community.

Commissioner Proctor explained that he was not sure if he would be able to speak at a special meeting at the community's request because of authorization not being given by the Board to do so. He voiced concern in regards to speaking outside of the realm of the negotiation. He added that the dates that were given to conduct this special meeting are premature. Commissioner Proctor asked County Attorney Herb Thiele whether or not public notice has to be given in order to conduct these negotiation meetings. County Attorney Thiele answered, if they had a commitment from other commissioners not to attend the meetings, then they could be held privately. He further stated that the commitment has not been given, therefore, it would be best that they be publicly noticed.

Commissioner Proctor stated that this was the first time the Commissioners have ever appointed him as negotiator or as a representative of the Board. He explained that he would like an opportunity to negotiate an agreement and bring it back to the public in the same manner that the other Commissioners have been given a chance to do.

Mr. Alvarez stated that in the past, when other Commissioners have negotiated agreements, they have invited and encouraged affected (sp) parties to have an active role in the proceeding. He stated that he would like for other Commissioners to attend the meetings. He explained that he would like to be

aware of what is being presented at the meetings and that it would be helpful and beneficial to the Community Leaders and affected (sp) parties.

County Attorney Thiele requested that any changes made to the outline be brought to the County's attention.

There being no further business to come before the Board, the meeting adjourned at 5:10 p.m.

Bill Proctor  
Bill Proctor  
Vice- Chairman



Bob Inzer  
Bob Inzer  
Clerk of the Court