

Board of County Commissioners  
Leon County, Florida  
Special Public Meeting  
First and Only Public Hearing to Adopt a Proposed Ordinance  
August 1, 2006  
6:00 p.m.

The Board of County Commissioners of Leon County, Florida, met in Special Session for the First and Only Public Hearing to Adopt a Proposed Ordinance on August 1, 2006 at 6:00 p.m. with Chairman Proctor presiding.

Present were Commissioners DePuy; Thael; Sauls; Winchester; and Rackleff. Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; and Secretary Patricia Pendleton

**Invocation and Pledge of Allegiance**

The Invocation was provided by Commissioner Proctor who then led the Pledge of Allegiance to the Flag.

**Scheduled Public Hearing, 6:00 p.m.**

First and Only Public Hearing to Consider Adoption of an Ordinance to Amend the Leon County Home Rule Charter to Provide that County Ordinances Shall Prevail Over Municipal Ordinances in the Area of Stormwater Volume or Stormwater Quality

Pursuant to the attached legal advertisement, the public hearing was conducted:

- County Attorney Thiele stated the Ordinance was advertised in accord with the requirements in the Charter and also with Ordinances under Chapter 125 for matters which are not land use exclusively related. This is a Charter modification. If the Ordinance is adopted the matter would be placed on a Referendum election on November 7, 2006 for voters to vote yes or no on the proposed modification to the County's Home Rule Charter.

The requirements in the County's Charter for a County Commission initiated Charter Amendment requires an affirmative vote of a majority plus one – or five affirmative votes. County Attorney Thiele explained the content of the Ordinance is uniformity of stormwater regulation. If this is approved by the Board and subsequently approved on a referendum then County Ordinances on stormwater would prevail over all other local Ordinances including those of the City of Tallahassee. This would make the County stormwater standards applicable county wide, whether it is within a municipal jurisdiction or not. Subsequently it would be for the Board of County Commissioners to determine what those appropriate standards would be and how they would be applied.

#### Speakers:

Mr. John Koelemij, 1006 Gardenia Drive stated the Board has agreed to work with a Joint Committee covering City and County representation to establish border management rules. He is disappointed that this Ordinance would destroy the joint effort so the Board can impose County rules upon the City. The County has various standards of water run-off depending on location. He doesn't know how the County is going to establish these differences when they include the City.

Barbara Sterling, 3307 Rutland Loop representing the League of Women Voters of Tallahassee read a statement that detailed the history of the stormwater issue. The League was at the first meeting of the Watershed Protection Policy Board and has attended each meeting since. She stated there was no reason to discard the strategy of the joint effort that Board is making. The League strongly opposes this Ordinance and is very much in favor of the Watershed Board's joint efforts.

- Commissioner Proctor stated his support of this Ordinance was prompted by an interesting dynamic that occurred in the legislature this last spring where the City actually supported a measure in the legislature that would have pre-empted County authority and would have actually unraveled every joint agreement that exists between the City and the County and would have made the City of Tallahassee a superior voice and would have taken apart every prevailing agreement the County and City have made. Commissioner Proctor asked Mr. Ken Morris, Intergovernmental Affairs

Coordinator to provide a summary of what incident he is referring to that seemed to undermine the 'sisterliness' of the mutual governments and was the driving force for Commissioner Proctor's support of this Ordinance.

- Ken Morris, Intergovernmental Affairs Coordinator reported the stormwater issue has become a developmental problem across the state. With the help of the Florida Association of Counties and the Charter Counties they had to put up a big fight at the Legislature to quash the effort Commissioner Proctor referenced and they expect the members who filed the Bill in both Chambers to come back again next year with the same effort to basically make County stormwater Ordinances meaningless. The Florida League of Cities wanted to pass a bill where municipalities would gain the authority to have a preemptive voice and cancel out the authority of Charter government.
- Commissioner Proctor emphasized he wanted to make sure the public was aware that the Mayor of the City of Tallahassee gave testimony in support of Florida's municipalities having the authority to preempt the authority of Charter government. He indicated he would like to receive Commission Thael's opinion on this matter since he has worked on this issue a long time.
- Commissioner Thael stated he agreed with Commissioner Proctor's comments in that the Charter counties were under great duress by Florida's municipalities. The issue Commissioner Proctor brought up is absolutely correct. Commissioner Thael however did take a different position on the recommendation for this Ordinance. He has been an active member of the Florida Association of Counties. Commissioner Thael reported all the counties did an admirable job of beating back a bad proposal in the last session of legislature. Last April the City Commission and the County Commissioner agreed through an Ordinance what the Comprehensive Plan asked them to do – figure out the stormwater problem. The Watershed Policy Protection Board was created. Commissioner Thael stated he believes the County should support the Watershed Board in their efforts to address the stormwater issue.

*Commissioner Thael discussed the various stormwater standards the city and county have, and the Watershed Policy Protection Board's efforts at length.*

Commissioner Thael stated the Watershed Policy Board has a 3 year plan that was unanimously approved by the City and County and detailed the plan.

- Commissioner Grippa congratulated Chairman Proctor on an eloquent synopsis of what occurred last legislative session. Commissioner Grippa stated he has never seen Minutes from the Watershed Board Meetings. He asked where the (Total Maximum Daily Load) (TMDL) process is.

Commissioner Grippa stated he supports one universal standard for the County and the City. He emphasized with Wakulla Springs being degraded every day, with the threat of legislation to take away any power the county has – the County Commission needs to face these issues. He advocated let's do something instead of talking about doing something.

- Commissioner Winchester congratulated Commissioner Thael for his service on the Watershed Board Committee. Commissioner Winchester stated he thinks of this issue as more of a lake protection issue. This is an issue that directly affects the value of our real estate. More importantly, is the clean drinking water issue associated with the lakes. A lot of stormwater is entering the lakes and affecting the drinking water. The Board needs to agree that they want a universal standard for stormwater.

Commissioner Winchester moved, seconded by Commissioner Grippa to approve Option 2 (with 3 additional conditions): Conduct the first and only Public Hearing and do not adopt Ordinance to amend Leon County Home Rule Charter; in addition approve:

Condition 1) Request the City to consider putting in place an interim policy that upon annexation of property from the County to the City that the higher stormwater standard apply; and

Condition 2) Direction the Chairman to ask the City to respond to the request by August 30, 2006 or a reasonable time thereafter; and

Condition 3) Direct staff to bring back a policy for Board consideration at the September 12, 2006 Meeting that would give the Board the opportunity to consider objecting, on a case-by-case basis, any annexation where the stormwater standard is lowered upon annexation.

- Commissioner Winchester added that the Commission should see the action plan and timeline from the Watershed Protection Policy Board.
- Commissioner Proctor stated at the onset he had intended to state what would be needed to pass this Ordinance in terms of a vote, and asked County Attorney Thiele for the record, if a supermajority vote would be needed on this matter.
- County Attorney Thiele reported that in order for the Ordinance to pass the Board would need five affirmative votes.
- Commissioner Proctor asked staff to give an overview of the TMDL process and how important it is in relation to the county's stormwater issues.
- Commissioner Rackleff stated he supports the motion.
- Commissioner DePuy thanked Commissioner Grippa for bringing this matter to the Board's attention. He did not realize how many years this matter had been an unresolved issue. He thinks twelve years is long enough for the Board to do something about this matter. He does not think it was a small effort the City undertook legislatively through the league of cities, and he thinks the County has every right as a Charter County to be supportive of using our powers as a charter county.

However, Commissioner DePuy does not support changing the Charter. He wants to continue working with the City. He would like the Watershed Board to do a better job of reporting their work.

- Commissioner Sauls stated she supports the motion on the floor. She likes the addition of requesting the Board's input regarding the annexations to the motion.
- Commissioner Thael stated minutes of all the meetings of the Watershed Board are available and he supports the motion.
- Commissioner Grippa asked the County Attorney and County Administrator if any minutes of the Watershed Board meetings have ever been brought to the Board. He asked Staff to bring the minutes of the Watershed Board Meetings to the Commission for review. Commissioner Grippa asked where is the City and where is the County as it relates to the pollutant loading numbers in the TMDL standards – how far apart are they.
- County Administrator Alam reported the TMDL issue has become a legal issue and he would prefer the County Attorney to address it.
- County Attorney Thiele reported the TMDL process has its foundation in the Federal Clean Water Act. A few years ago, Earth Justice Organization brought a lawsuit against the Federal Environmental Protection Agency alleging that they were not implementing the Clean Water Act like they were supposed to including reduction in pollutants in water streams and in the receiving water bodies – the lakes. He reported TMDL means the quantity of pollutants that is retained in water. County Attorney Thiele discussed the matter in detail. He reported the problem pollutants in our area in most cases is nitrogen and phosphorous in the water stream. There are also significant fecal coliform counts in the northeast ditch. The County proposed a 60% reduction in the amount of pollutants – The City requested DEP only mandate 6% reduction – eventually the City went to a 12% reduction. The EPA took over. The reductions in pollutants will be required to be closer to 60% and the City will be required, as well as the County to meet that requirement. If those pollutants are not removed before they get to any of the lakes – it will be the County's responsibility since they fall in the unincorporated areas. County Attorney Thiele discussed the order in which the lakes would be tested. However, he reminded the Board this is a long term project. The Board directed staff to set the standards high so the water that got to the unincorporated areas was meeting all of the requirements.
- Commissioner Grippa confirmed that this essentially means the City can send polluted water into the County lakes and the County will have to pick up the tab to clean it up.

Commissioner Grippa asked the maker of the motion to amend the motion to include a request that staff provide an action plan to implement TMDL's that would come back before the Board and to include a timeline from the City on the TMDL issue. The maker of the motion agreed to the amendment.

- Commissioner Winchester asked the County Attorney if there were any legal problems with asking for an action plan from the City. The County Attorney saw no problem with that.
- Commissioner Thaeil asked the County Attorney how the Watershed Protection Ordinance speaks to TMDL's and regulating of TMDL's and what the timeline is. He asked how does the Ordinance speak to regulating pollutants and meeting the TMDL standard.
- County Attorney Thiele stated he did not have the information in front of him but his recollection regarding the Watershed Policy Ordinance was:
  - There was to be a plan put together, followed by the regulatory measure recommendations
  - This was to be followed by the TMDL's to be addressed
  - Also, there was a three year time line

Commissioner Thaeil stated there is a plan already in place which all seven Commissioners agreed to. Commissioner Thaeil discussed the matter at length.

- Commissioner Proctor stated he is not going to vote for this motion. He does not appreciate that the Mayor voted for Florida municipalities to have preemptive authority that would nullify all interlocal agreements. If the recent legislative change would have taken place; then everything the County has achieved with the City would have been null and void. In effect, Charters would not have been worth the paper they were written on. Chairman Proctor wants to be on the record he does not appreciate that Tallahassee's Mayor would lead the charge to undermine Leon County's Charter in that way. Also, he indicated he is voting against this motion because of the TMDL; because Wakulla is important to him; and because the Southside is getting all the dirty water from the community that rolls down there.

*Commissioner Proctor discussed the matter at length.*

- Commissioner Grippa stated there needs to be an 'action plan'. Right now there is a plan without action. Staff needs to bring some type of plan before the Board that deals with these TMDL issues, the degradation of Wakulla Springs, and the annexations that take away the County's rights.

Commissioner Grippa withdrew his second to the motion.

Commissioner Thaeil seconded Commissioner Winchester's motion.

The original motion, as amended carried 5-2, with Commissioners Proctor and Grippa opposed.

**Special Meeting**

2. Consideration of ½ -cent Sales Tax Education and Information Campaign
  - County Administrator Alam reported the Board directed Staff to present a plan addressing the education and information campaign. The County Administrator asked Vince Long, Deputy County Administrator to give a brief overview of the plan that is included in the agenda packet.
  - Vince Long, Deputy County Administrator reported staff hired a professional consultant to assist them on this matter. He reported there are 145,000 registered voters in Leon County. In terms of funding, staff is requesting about \$1 per voter on this issue. The Consultant recommends sending two mail pieces to registered voters. That cost would be about \$50,000 per mail piece. This is the most cost-effective way to reach voters in staff's opinion. An additional \$30,000 would be spent on materials like pamphlets and brochures.
  - Commissioner Proctor declared that the Commissioners indicated to staff they should bring back a plan before the Board would consider restoring funding the education campaign. He reminded the Commissioners there was discussion regarding surrounding the Board's need to ensure this is an education vs. an advocacy campaign and that all sides of the issue be presented to the public. The current meeting is to discuss whether \$150,000 will be utilized to support the plan that staff has brought back before the Board. Commissioner Proctor stated he had a number of speaker cards and asked the County Attorney if he was required to recognize any of the speakers since this was not an advertised Public Hearing.
  - County Attorney Thiele reported this is not an advertised Public Hearing; it is a Special Meeting of the Board. Therefore, the Chairman is under no obligation to recognize any speakers. It is the Chairman's prerogative. County Attorney Thiele reminded everyone the issue before the Board is whether or not they will spend \$150,000 to educate the public on the ½ cent Sales Tax Referendum proposal.
  - Commissioner Grippa stated everyone should have the opportunity to speak even if it is for only one minute instead of three or six minutes since they took the time to come to the meeting.
  - Commissioner Proctor stated he would exercise his prerogative regarding whether or not to let members of the public speak and he would hear from all the speakers.

Commissioner Thaell called for a point of information.

*Commissioner Thaell confirmed that the nature of this issue is not whether or not the County approved putting this Comprehensive Healthcare Plan*

*on the Referendum for November or not; it is whether or not the Board should approve the \$150,000 expenditure to inform and educate the voters of the community.*

- Commissioner Grippa asked if the County has a contract with any Public Relations firm regarding this matter.
- County Attorney Thiele stated no.
- County Administrator Alam reported that should the Board approve this item tonight the campaign plan would begin to be implemented.
- County Attorney Thiele reported the Board can create a budget and the County Administrator would have the authority to expend from that budget up to the stated limits in each of the vendors. No (Request for Proposal) RFP would be required on this issue.

*Commissioner Grippa asked the County Administrator several questions regarding bids, quotes, the need for an RFP or not, vendors under consideration for the project.*

Speakers:

- ❖ *The following speakers were **opposed** to the expenditure of \$150,000 for an education and information campaign on the ½-cent sales tax for the healthcare plan:*

Will Messer, 4052 Kilmartin Drive – Commission candidate  
Peggy Munroe, 1514 Belleau Wood Drive  
Dan Abel, 3250 Robinhood Road

*(There was lengthy Board discussion following Mr. Abel's remarks implying a conflict of interest regarding a contract with VancoreJones.)*

- Commissioner Winchester respectfully asked the Chair to return the focus of this meeting to the matter at hand – the healthcare issue. He stated the Board should be talking about what is in the best interest of the citizens of Leon County.

Speakers: opposed to expenditure of \$150,000 toward education and information campaign *on the ½-cent sales tax for the healthcare plan:*  
(Continued)

John Griffin, 7644 Broadview Farms Lane  
Kim Williams, 917 Summer Brook Drive  
Randy Hanna, 2119 Jennette Street  
Rick Wolfarth, 7500 Skipper Lane  
Carlos Ramirez de Santiago, 4417 Westover Drive  
Ray Munroe, 1514 Belleauwood Drive



**Some of the reasons citizens were against this issue were:**

- This is wasteful spending.
- Don't want Leon County to have the highest sales tax in the state of Florida.
- This has already been advertised but the voters have not been getting the information they need.
- Several speakers indicated that \$150,000 was too much money to spend.
- This is a marketing campaign.
- Commissioner Thael is using the same consulting firm for his campaign for Commissioner as the County would be using for this matter. This is a conflict of interest.
- Town hall meetings should be held instead and would be free.
- Want to reiterate the Chamber of Commerce's position to postpone the ultimate referendum.
- Afraid the money won't be spent to reflect both the positive and negative aspects of the ½-cent sales tax.
- Why not spend the money on researching why other countries' populations are much healthier overall than ours. Spend the money on educating people how to be healthier in the first place. For example, why isn't there more information on the chemicals in food.

❖ The following speakers were in favor of the expenditure of \$150,000 for an education and information campaign on the ½-cent sales tax for the healthcare plan:

Cathryn Simmons, 8091 Hugh Lane  
Pastor Tom Borland, 3513 Gallagher Drive  
William Phelan, 9601-20 Miccosukee Road  
Dr. Toni Kirkwood-Tucker, 2157 Game Bird Drive  
Reverend Brant Copeland, 1110 Sandhurst Drive  
Rabbi Jack Romberg, 2916 Bluefield Lane  
Reverend Charles Morris, 1331 S. Martin Luther King, Jr. Boulevard  
Ben Dyckman, 629 E. Park Avenue  
Inzlea Smith-McGlockton, 2309 Suffolk Court  
Emanuel Shargel, 1515 Seminole Drive

**Some of the reasons speakers gave for supporting this issue were:**

- Discrimination causing lack of treatment and death of a citizen due to inability to afford life saving medication.
- Would gladly pay a little bit more money to be educated on something that could have saved a friend's life.

- Preference on being informed especially when it comes to complicated issues like this one. Always looking for information to enable him to vote properly.
  - High courts have said that public bodies should educate the public on matters they are asking the public to decide on.
  - This amount of money is necessary to do the job right.
  - People without insurance tend to die before their time because their disease is not found until it is far advanced.
  - Four medical studies show people without insurance die before those without insurance who have the same disease.
  - We need this educational campaign to clear up the misinformation resulting from things like rescinded votes at Board meetings around midnight.
  - We need this campaign because we now have misinformed voters due in part to a lot of changes in votes, polls, various campaigns with misleading information.
  - The public and voters need to be clearly informed as to the purposes, advantages, and long-range consequences of the healthcare plan. This is not a welfare plan – voter's need to be aware of that and the quality of life that would be improved for many people.
  - The cost is only \$1 per voter to get an education plan out to the people of Leon County.
  - Not everyone can get educated via computers or newspapers they cannot afford. Tired of seeing people dying because they do not have healthcare. An educational campaign like the one referenced by staff is the best means of reaching as much of the public as possible.
  - Last year the same prominent people here speaking out against education for healthcare were in support of an education campaign the City conducted regarding the use of coal for energy.
  - Education is power – citizens need to be educated to make an informed decision.
  - People should not be opposed to citizens at least being informed about the measure whether they are for or against it.
- Commissioner Winchester thanked all the citizens who came to express their opinion. He agrees the education needs to be fair. The point is the Board approved the measure be put before the public. The healthcare referendum will be on the ballot irregardless of the decision made here today. It would be irresponsible not to fund some type of education.

*Commissioner Winchester discussed the matter at length and stated what it comes down to is that 'if you don't vote for it the property owner pays; if you do vote for it everybody pays'.*

Commissioner Winchester moved, seconded by Commissioner Thael to approve Option 1: Approve the ½ Cent Sales Tax Education and

Information Campaign and authorize the expenditure of up to \$150,000 to fund the campaign, authorize the County Administrator to make all expenditures and execute any contracts which may be needed to perform the same. Motion carried 4-3, with Commissioners Grippa, DePuy and Sauls opposed.

- County Administrator Alam reported he would not be performing his function as the County Administrator properly if he did not acknowledge that if this referendum passes it would make Leon County the county with the highest sales tax in the state and that Leon County has the lowest uninsured rate in the state.
- Commissioner Thaelle discussed the matter stating after listening to many of the speakers it was clear they had not read the plan and had not taken the time to educate themselves on the plan. He discussed the matter at length. Commissioner Thaelle asked the County Administrator because it has been alleged did he advocate, did he encourage, and did he threaten him to hire the consulting firm that is representing him in his campaign.
- County Administrator Alam reported emphatically absolutely not. He stated County staff looked at who would be the best advisor for this type of educational campaign and determined it would be VancoreJones.

*Commissioner Thaelle discussed the matter further.*

- Commissioner Sauls stated if this issue is going to be on the ballot, then money needs to be put in for the education of the public. The Board wants the public to be informed and know what they are voting on. There are pros and cons; however, she thinks the public can be educated for less than \$150,000. She thinks \$50,000 can get the message across. Other meetings like town hall meetings can be held. Staff can go out into the community if necessary.
- Commissioner DePuy stated he agrees with Commissioner Sauls and thinks \$150,000 is a ridiculous amount of money to be spent. He thinks \$50,000 is an adequate amount of money to spend. Commissioner DePuy stated he wants to set the record straight – he did not want to have the referendum in the first place. However, when the majority of the people spoke and were in favor of a referendum as an official elected to represent the people he voted for the referendum, for the record. He made a motion to spend \$50,000 on this campaign when it came before the Board before.
- Commissioner Rackleff stated the poll recently conducted and referenced earlier was dishonest - it was a typical push poll. He went over the questions citizens were asked. Commissioner Rackleff stated we need an adequate budget to present the facts of the plan. The public deserves to find out what the plan really says – it is a good plan.
- Commissioner Grippa stated \$150,000 without a guarantee that this will be an advocacy campaign is too much money to spend.

*Commissioner Grippa went over the issue in detail.*

Commissioner Grippa made a substitute motion, seconded by Commissioner Sauls that the Board move forward with the education campaign in the amount of \$50,000 and that the campaign include very specific pros and cons. Substitute motion failed 3-4, with Commissioners Proctor, Rackleff, Thaell, and Winchester opposed.

Commissioner Winchester moved, seconded by Commissioner Thaell to call the question. Motion carried 6-1, with Commissioner Grippa opposed.

**The original motion to approve Option 1 (with three additional conditions) passed 4-3, with Commissioners DePuy, Grippa, and Sauls opposed.**

- County Administrator Alam pointed out that Option 1 did not include the budget authority that was in the previous Board's action.

Commissioner Winchester moved, seconded by Commissioner Thaell to reaffirm the previous budget action on this item. Motion carried 4-3, with Commissioners DePuy, Grippa and Sauls opposed.

There being no further business to come before the Board, the meeting was adjourned at 9:10 p.m.

The next Regular Board of County Commissioners Meeting is scheduled for Tuesday, August 22, 2006 at 3:00 p.m.

ATTEST:



A handwritten signature in cursive script that reads "Bill Proctor".

Bill Proctor  
Chairman

A handwritten signature in cursive script that reads "Bob Inzer".  
\_\_\_\_\_  
Bob Inzer  
Clerk of the Court