

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
October 24, 2006
Minutes**

The Board of County Commissioners of Leon County, Florida met in regular session on October 24, 2006 at 3:00 p.m. with Chairman Proctor presiding.

Present were Commissioners Thael; Sauls; Grippa; Rackleff; and DePuy, and Winchester. Also present were County Attorney Herb Thiele; County Administrator Parwez Alam; Clerk of the Court Bob Inzer; Director of Finance David Reid; and Secretary Patricia Pendleton.

Invocation and Pledge of Allegiance

The Invocation was provided by Iman Rashad Mujahid at the invitation of Commissioner Rackleff who then led the Pledge of Allegiance to the Flag.

Awards and Presentations

Resolution

Commissioner DePuy presented a Resolution in honor of Bill Culpepper, Public Works Facilities Technician, in honor of 25 years of dedicated service to Leon County.

Mr. Culpepper thanked his supervisor and the Board and expressed his appreciation for working 25 years with the County.

Commissioner Sauls thanked Mr. Culpepper for his hard work in many areas, but especially in the Fort Braden area. She appreciates everything Mr. Culpepper has done for the ball fields and community center. They will miss him.

Parks and Recreation staff expressed how much Mr. Culpepper will be missed.

Introduction

Bob Inzer, Clerk of the Court stated that several months ago the Clerk's Office lost their Finance Director, Mr. Bill Bogan who had been Director of Finance for thirteen years. He is now City Manager for Quincy.

Bob Inzer indicated this left some big shoes to fill. He announced the Clerk's Office has found the right individual to fill those shoes. He officially introduced Mr. David Reid, new Director of Finance. He is the former Chief Financial

Officer for the City of Tallahassee and brings thirty-three years of experience to the Finance Division. Mr. Inzer stated the Clerk's Office is excited to have David Reid as the new Finance Director.

David Reid, Director of Finance stated he is pleased and honored to work for Leon County and is looking forward to serving the Board and all the citizens of Leon County.

- Commissioner Proctor stated the Board appreciates and understands the importance of the role of the Finance Director. The Board is stimulated and pleased the Clerk has found a highly qualified and quality person who is not a stranger to our community.
- County Administrator Alam acknowledged the professional and highly qualified individual David Reid is having had the privilege of previously working with him.

CONSENT

ACTION TAKEN: Items # 4, #14, #15, and #16 were pulled for discussion.

Commissioner Grippa moved, duly seconded by Commissioner Sauls to approve the remainder of the Consent Agenda. Motion carried 7-0.

1. Approval of Minutes: September 12 and September 19, 2006 Regular Meeting

The Board approved Option 1: Approve the Minutes of the September 12 and September 19, 2006 Regular Board Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for October 24, 2006, and Pre-Approval of Payment of Bills and Vouchers for the Period of October 25 through November 13, 2006

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for October 24, 2006 and pre-approval of payment of bills and vouchers for the period of October 25 through November 13, 2006: \$1,888,680.

3. Request to Schedule a Public Hearing on a Proposed Ordinance Governing Allocation of County Discretionary Funds for Tuesday, November 14, 2006 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing on a proposed ordinance governing allocation of County Discretionary Funds for Tuesday, November 14, 2006 at 6:00 p.m.

4. Request to Reschedule the Workshop and Tour of Innovation Park for Tuesday, January 23, 2007 from 12:00 – 3:00 p.m.

This item was pulled for discussion by Commissioner Proctor.

- Commissioner Proctor wanted to pull this item to note, for the record, it was his understanding that the City went before the State seeking a permit from the Cabinet to build a burning facility at Innovation Park. He was unaware of the City's plan to seek this permit and asked if the County staff was aware of this permit. Commissioner Proctor stated this move would certainly hurt the ability to attract tenants to the south side.
- Ben Pingree, Assistant to the County Administrator stated he reviewed a report requesting such a permit for a site immediately adjacent to Innovation Park.
- County Administrator Alam reported staff would research this immediately and report back to the Board with detailed information.
- Commissioner Thaeil stated his understanding is this a project the City Commission recently approved with a plan to work along with PG&E Bio Mass Gas Electric to build a bio-mass plant on 21 acres. From what he has read it is intended to be an extremely clean burning facility that will produce electricity from sources other than natural gas or coal. He agrees the Board should be informed further.
- Commissioner Sauls reported she has not been informed of this matter and this facility would be built in her district.

Commissioner Sauls moved, seconded by Commissioner Rackleff to approve Option 1: Reschedule the workshop and tour of Innovation Park for Tuesday, January 23, 2007 from 12:00 – 3:00 p.m. Motion carried 7-0.

5. Acceptance of Third Quarter Status Report on 2006 Board Retreat Priorities

The Board approved Options 1 and 2: 1) Accept the third quarter status report on 2006 Board Retreat priorities and administrative issues, and 2) Accept the third quarter status report on the carryover 2005 Board Retreat priorities.

6. Approval to Renew the Agreement Between the Tallahassee Lenders Consortium and Leon County for the Provision of Housing Down Payment Assistance and Home Counseling Services

The Board approved Option 1: Approve the renewal of the Agreement between Tallahassee Lenders Consortium and Leon County for the provision of the Housing Down Payment Assistance Program, and authorize the Chairman to execute.

7. Approval of the 2006/07 Edward Byrne Memorial Justice Assistance Grant Awards for Equipment and Programs and the Agreement with DISC Village

The Board approved Options 1, 2 and 3: 1) Accept the Agreements for the 2006 Edward Byrne Memorial Justice Assistance Grant for Leon County

Sheriff's Office equipment, the Leon County Enhanced Pretrial/Probation Program, and the Juvenile Assessment Center, and authorize the Chairman to execute, 2) Approve the Agreement between Leon County and DISC Village for support of the Juvenile Assessment Center and authorize the Chairman to execute and 3) Approve the Budget Resolutions and the Budget Amendment Requests for the 2006 Edward Byrne Memorial Justice Assistance Grant for Leon County Sheriff's Office equipment and the Juvenile Assessment Center:

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2006/2007; 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 24th day of October, 2006.

Leon County, Florida

by: _____
Bill Proctor, 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

**FISCAL YEAR 2006/2007
BUDGET AMENDMENT REQUEST**

No: BAB07007
Date: 10/18/2006

Agenda Item No: _____
Agenda Item Date: 10/24/2006

County Administrator

Parwez Alam

Assistant County Administrator

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>			
125	982047	331283	000	JAG Grant, LCSO Crime Scene	-	19,796	19,796
Subtotal:						19,796	19,796

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>			
125	982047	59304	521	Transfer to Sheriff 's Office	-	19,796	19,796
Subtotal:						19,796	19,796

Purpose of Request:

2006/07 Byrne Memorial JAG grant - funding for LCSO Crime Scene Unit Equipment.

Program Director

Group Director

Approved By: Resolution Motion Administrator

7

8. Ratification of Board Actions Taken at the October 10, 2006 Workshop on the 2007 State and Federal Legislative Issues and Approval of a \$5,000 Budget Amendment for the Florida Association of Counties


The Board approved Options 1 and 2: 1) Ratify the Board action taken at the October 10, 2006 Workshop on the 2007 State and Federal Legislative Priorities and 2) Approve the \$5,000 budget amendment request for the Florida Association of Counties to contract with external lobbyists for charter county preemption issues:

Board of County Commissioners
Agenda Request

Date of Meeting: October 24, 2006

Date Submitted: October 18, 2006

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator 
Vincent Long, Deputy County Administrator
Ken Morris, Intergovernmental Affairs Coordinator

Subject: Ratification of Board Actions Taken at the October 10, 2006, Workshop on the 2007 State and Federal Legislative Priorities, and Approval of a \$5,000 Budget Amendment for the Florida Association of Counties

Statement of Issue:

This agenda item requests ratification of Board actions taken at the October 10, 2006, Workshop on the 2007 State and Federal Legislative Priorities (Attachment #1), and approval of a \$5,000 budget amendment for the Florida Association of Counties (Attachment #2).

Background:

Each year the Board conducts a workshop with staff on the County's state and federal legislative priorities. On October 10, 2006, the Board held a workshop to discuss the legislative issues for the 2007 state and federal sessions.

Analysis:

During the workshop, the Board reviewed the 11 appropriation requests and the 16 policy statements for the 2007 state and federal legislative cycle identified by staff.

After discussion, the Board accepted options #1 and #2, providing an additional \$5,000 from the Board's contingency fund to the Florida Association of Counties (FAC) to contract with external lobbyists for charter county preemption issues and approved the state and federal legislative priorities as presented. The Board also directed staff to monitor the following issues:

- Safe Routes to School Program
- Florida State University's efforts to attain funding for 200 professors for cutting edge research
- State employee benefits after retirement
- Updated study on PILOT

Agenda Request: Ratification of Board Actions Taken at the October 10, 2006, Workshop on the 2007 State and Federal Legislative Priorities and Approval of a \$5,000 Budget Amendment for the Florida Association of Counties.

October 24, 2006

Page 2

Staff recommends using funds from the General Fund Contingency Reserves for FAC's \$5,000 request to contract with external lobbyists for charter county preemption issues. A \$5,000 Budget Amendment Request is attached for Board approval.

Options:

1. Ratify the Board action taken at the October 10, 2006 Workshop on the 2007 State and Federal Legislative Priorities.
2. Approve the \$5,000 budget amendment request for the Florida Association of Counties to contract with external lobbyists for charter county preemption issues.
3. Do not ratify action taken by the Board at the October 10, 2006 Workshop.
4. Board Direction.

Recommendation:

Options #1 and #2

Attachments:

1. Workshop on 2007 State and Federal Legislative Priorities
2. \$5,000 Budget Amendment Request for the Florida Association of Counties

PA/BP/KM

**FISCAL YEAR 2006/2007
BUDGET AMENDMENT REQUEST**

No: BAB07012
Date: 10/18/2006

Agenda Item No: _____
Agenda Item Date: 10/24/2006

County Administrator

Assistant County Administrator

Parwez Alam

Alan Rosenzweig

**Request Detail:
Revenues**

Account Information				Title	Current Budget	Change	Adjusted Budget	
Fund	Org	Acct	Prog					
Subtotal:								-

Expenditures

Account Information				Title	Current Budget	Change	Adjusted Budget	
Fund	Org	Acct	Prog					
001	990	59900	599	Other Nonoperating Uses	360,058	(5,000)	355,058	
001	114	53400	512	Other Contractual Services	140,000	5,000	145,000	
Subtotal:								-

Purpose of Request:

During the October 10, 2006 workshop on 2007 State and Federal Legislative Priorities, the Board authorized the County Administrator to issue a \$5,000 payment to the Florida Association of Counties to contract with external lobbyists to oppose charter county preemption legislation.

Program Director

Group Director

Approved By: Resolution Motion Administrator

OFF. REC. 137 PAGE 375

9. Acceptance of Recommendations of the Growth and Environmental Management Permit Process Improvement Focus Group Subcommittee

The Board approved Option 1: Accept the final recommendations of the Board-appointed Growth and Environmental Management Focus Group Subcommittee concerning streamlining of the County's development review and permitting processes and direct staff to Proceed with revisions to the County's Land Development Code to implement the recommendations.

10. Acceptance of Eight Conservation Easements from Vernon Virginia Rhoden

The Board approved Option 1: Approve and accept for recording the eight conservation easements from Vernon Virginia Rhoden for the Rhoden Cove Limited Partition project.

11. Acceptance of a Conservation Easement from W. Charles and Charlene Bevis Reese

The Board approved Option 1: Approve and accept for recording the conservation easement from W. Charles and Charles Bevis Reese for the Reese Limited Partition project.

12. Approval of an Agreement Awarding the Bid for Custodial Services for Group III, Health Departments, to Associated Services, Inc.

The Board approved Options 1 and 2: 1) Approve the Agreement to award bid to Associated Services for custodial services Group III – Health Departments, in the amount of \$160,173 and authorize the Board Chairman to execute this Agreement and 2) Approve the Budget Amendment Request in the amount of \$64,181:

**FISCAL YEAR 2006/2007
BUDGET AMENDMENT REQUEST**

Attachment # 2
Page 1 of 2

No: BAB07010
Date: 10/18/2006

Agenda Item No: _____
Agenda Item Date: 10/24/2006

County Administrator

Assistant County Administrator

Parwez Alam

Alan Rosenzweig

**Request Detail:
Revenues**

Account Information				Title	Current Budget	Change	Adjusted Budget	
Fund	Org	Acct	Prog					
Subtotal:								-

Expenditures

Account Information				Title	Current Budget	Change	Adjusted Budget	
Fund	Org	Acct	Prog					
001	990	59900	599	General Fund Contingency	360,058	(64,181)	295,877	
001	150	53400	519	Other Contractual Services	1,336,009	64,181	1,400,190	
Subtotal:								-

Purpose of Request:

Use of Board Contingency for additional funding to award contract for Health Department custodial services. Bid of selected vendor was \$64,181 more than FY07 budget allocation.

Program Director

Group Director

Tom Brantley

Kim Dressell

Approved By: Resolution Motion Administrator

OFF: 137 PAGE 377

13. Approval of a Declaration of Covenants and Restrictions Establishing a Conservation Area for the Woodville Community Center

The Board approved Option 1: Approve the Declaration of Covenants and Restrictions establishing a conservation area within the boundaries of the Woodville Community Center, and authorize the Chairman to execute.

14. Authorization to Amend Agreement with PBS&J, Inc., to Include the Lake Bradford Chain of Lakes Water Quality Monitoring

This item was pulled for discussion by Commissioner Sauls.

- Commissioner Sauls stated when the Board approved the Lake Monitoring Contract with PBS&J the Lake Bradford Chain of Lakes was not included. She pointed out this item amends that contract to include the monitoring at Lake Bradford. She is very pleased this was incorporated into the new contract.

Commissioner Sauls moved, seconded by Commissioner Thael to approve Option 1: Approve Amendment No. 1 to the Agreement with PBS&J, Inc. to include the Lake Bradford Chain of Lakes Water Quality Monitoring and authorize the Chairman to execute. Motion carried 7-0.

15. Approval of Contract for the Stormwater Monitoring with the Northwest Florida Water Management District

Commissioner Grippa pulled this item for discussion.

- Commissioner Grippa stated he has serious concerns regarding this item. He wanted to ask staff some questions; since it looks like the County is not bidding out the contract they have had with the Northwest Florida Water Management District (NFWMD) since 1986. Commissioner Grippa noted that now the County is paying an additional \$62,950. Commissioner Grippa suggested it would make more sense to include this item in the contract just voted on in item #14 regarding water quality monitoring. He wants to know what services are being provided for the additional \$62,950 of taxpayer money.

Theresa Heiker, Public Works reported these funds are for stage and rainfall gauges independent of the chemical analysis aspect of the contract. Staff did not bid it out because it is an interlocal agreement with a Florida subdivision and therefore would cost the County more money if it was bid out separate from the other two entities involved.

- Commissioner Grippa asked if the water gauges could be purchased for less money from a different company.

- Ms. Heiker stated the County's cost as an independent party would actually increase. PBS&J monitors the equipment. If the County installs the equipment PBS&J pays for the upkeep, maintenance, data downloads, and transfers the quality control that includes costs for staff time, not just equipment.
- Commissioner Grippa asked why a new contract was necessary.
- Ms. Heiker explained that the NFWMD's administrative staff requested a new contract be executed.

Commissioner Grippa discussed the matter at length continuing to question the expenditure of the \$62,950. He asked Ms. Heiker several detailed questions.

- Commissioner Rackleff reported that Northwest Florida Water Management District (NFWMD) has given the County millions of dollars to help buy land and assist in the clean up of water bodies, especially Lake Jackson.
- Commissioner Proctor asked Ms. Heiker how the Board can be sure the expenditure of the funds for this is justifiable to the community. Why should the County spend an additional \$62,950.
- Ms. Heiker explained this project was initiated in 1987 as part of a master plan with the City of Tallahassee and the NFWMD. The majority of the funds have been expended. This item looks at paying for operation and maintenance. She explained the matter in detail including how NFWMD has provided the County with substantial service during emergencies – including downloading data, and going far beyond what is expected of any vendor. The cost is much less than the County would expend in the first year alone with just buying the gauges – costs may not be shared.
- Commissioner Grippa discussed the matter further.
- County Administrator Alam reported this item is a continuation. It simply involves maintaining the County's rainfall data. This is a three party contract between the City, the County and the NFWMD. If the Board desires, Staff can research how much this service would cost in the private sector.
- Commissioner Grippa asked what purpose the NFWMD serves.
- County Administrator Alam reported they are supposed to protect the portable water supply of the district.
- Commissioner Grippa asked if part of that includes doing rainfall calculations.
- County Administrator Alam agreed that is a very good point made by Commissioner Grippa as to whether or not that is one of their contracted functions. He will ensure that aspect of the contract is reviewed. County Administrator Alam reported they have a very low limit - the limit is .05 mills as opposed to 1 mill.
- Commissioner Grippa stated the County should research this matter to see what other counties pay and if this service is included in their contracts. Also the staff should research how much is charged for this service in other areas - if anything - and whether there is a statement documenting the charges.

Commissioner Winchester moved, seconded by Commissioner Thael to approve Option 1, (as amended): Approve the Contract for Stormwater Monitoring with the Northwest Florida Water Management District, and authorize the Chairman to execute the contract. Also, Schedule a Workshop to review the services provided by the Northwest Florida Water Management District, and compare costs to other NW Florida counties.

- Commissioner Proctor stated Commissioner Grippa raised a profound question in that the state pays its own entity. Why does the County pay the state additional money for services that the state has established it to perform. In addition, he reported not being convinced that this Board is interested in whatever findings the NWFMD reports. Commissioner Proctor stated truthfully the NWFMD put out a report that he has continually requested a joint meeting to discuss regarding Wakulla and Leon County and the spray field impact on Wakulla Springs. Commissioner Proctor asked why the County is expending funds on any reports received from this entity if no action is taken on. He therefore opposes this motion along with Commissioner Grippa.

Commissioner Grippa made a substitute motion, seconded by Commissioner Proctor to continue the item until November 14, 2006 and direct staff to find out what other cities and counties are paying for this service from the Northwest Florida Water Management District, if anything. Also, to bring any reports from the (NWFMD) that have not been brought before the Board.

Commissioner Proctor asked the maker of the motion to accept a friendly amendment to include that staff bring back a summary report of the 2003 Northwest Florida Water Management District's Report in particular the study on spray fields. The maker of the motion accepted the friendly amendment. Substitute motion failed 3-4, with Commissioners Rackleff, Thael, Sauls and Winchester opposed.

Original motion carried 4-3, with Commissioners DePuy, Grippa, and Proctor opposed.

16. Approval of Recording the Plat of Tallahassee Ranch Club Subdivision Upon Final Review and Approval by Staff, and Acceptance of the Performance Agreement and Surety Device

Commissioner Rackleff pulled this item for discussion.

- Commissioner Rackleff stated he wants this matter continued so he can have questions answered about septic tanks. This is a plat for 163 new homes calling for conventional septic tanks that eventually start polluting the water. He wants staff to take another look at this.

Commissioner Rackleff moved, seconded by Commissioner Thael to continue this item until November 14, 2006 so staff can provide additional information about the installation of conventional septic tanks systems and the possible effects this will have on the water bodies.

- Commissioner Proctor asked County Attorney Thiele if anything would prohibit continuing this matter on the basis of environmental concerns raised with particular regard to the septic tank issue especially considering the proximity to the aquifer.
- County Attorney Thiele stated he does not have a problem with the Board asking for additional information on that specific topic; however, the site plan for this project has already been approved. There is very little the Board could do at this point to modify the site plan since it has already received Development Review Committee (DRC) approval. As stated, the Board can request additional information on the plan though.
- Commissioner Thael stated Commissioner Rackleff brought up a good point. The Septic System Advisory Committee has strongly recommended consideration of aerobic septic systems. County code provides for septic systems on half acre lots. These are 8 to 16 acre lots. This is a topic the developer should be interested in having a discussion with staff about regarding use of the advanced septic systems. He would like the Board to consider addressing the Septic System Advisory Board's recommendations.

Commissioner Winchester moved a substitute motion, seconded by Commissioner Grippa to approve Options 1 and 2: 1) Approve the plat of Tallahassee Ranch Club subdivision and authorize staff to record it in the Public Records upon staff's final review and approval; and 2) Approve the Performance Agreement and Surety Device in the amount of \$2,195,645.22.

- Commissioner Winchester indicated Commissioner Rackleff made some good points especially regarding environmental concerns he shares. Since the size of the lots are 8-16 acres he is not overly concerned with the installation of conventional septic systems. In the future, it would be a good idea for developers to come up with a different layout. The County should encourage developers to use newer septic systems.
- Commissioner Rackleff stated he thinks the Board is being careless and the Board has also received excellent recommendations for septic tank regulations that they have ignored to this point. In the event of a major storm all these homes would be underwater.
- Commissioner Proctor asked the County Administrator if staff could provide a report on septic tanks including: availability, what is mandatory, the minimal standard, what meets code and projected ideals from the Septic Tank Committee. Commissioner Proctor stated the Board needs to make sure we are meeting the environmental needs of that area.

- County Administrator Alam stated that as County Attorney Thiele advised staff can bring that information to the Board in two weeks or he can call on a staff member now.
- Commissioner Proctor asked John Kraynak, Environmental Compliance Director if there is anything in place that speaks to an 8 acre lot.
- John Kraynak, Environmental Compliance Director reported these guidelines are addressed by the state. In this case they are going by the standard septic systems. When approval was at site plan this issue was discussed but they were 8 to 10 acre lots. As a point of information for the Board, staff has the Draft of the Woodville Recharge Aquifer Protection Study that McGlynn Laboratories has been working on for two years. Staff will address comments and issues in this report and hope to bring recommendations to the Board in December. He indicated recommendations from the Science Advisory Committee will be brought to the Board at this time also.
- Commissioner Proctor reported that Wakulla County voted to upgrade and require state of the art most technologically advanced septic systems. Commissioner Proctor asked if Leon County's standards are comparable to those.
- Mr. Kraynak stated they are not.
- Commissioner Proctor asked staff to provide a report on the septic tank standards in Leon County with special regard to the quality of the standards and environmental issues.

Commissioner Rackleff called for a point of information.

- Commissioner Rackleff asked about the cross hatches indicated on the map that cover about 30% of the area— do they indicate floodplain.
- Mr. Kraynak reported there are a number of various features including drainage and conservation easements – there are karst features, wetlands, and floodplain. The site plan approval guaranteed those areas would be protected. Also the environmental permit for the construction of the roads has been issued.

Board discussion ensued including the suggestion to work with the City to get sewer put in, the need to approve an Ordinance requiring the newer septic systems.

- Commissioner Thaeff asked if the developer would be interested in working with County staff to consider installing the newer septic systems.

Speaker:

Gary Yordan, 4568 Grove Park Drive, representing the developer stated they are completely willing to work with staff and take recommendations and suggestions under consideration. Each homeowner actually has the

opportunity to install whatever they would like to install. The Board should keep in mind though, this project has been approved and is ready to go.

Additional Board discussion ensued regarding - moving forward with advanced septic systems, encouraging everyone to work toward a higher standard of septic systems, the fact that this particular project has already been approved.

The substitute motion carried 6-1, with Commissioner Rackleff opposed.

- Commissioner Proctor asked County Administrator Alam to have staff bring a report to the Board regarding septic tanks systems as previously discussed.
 - County Administrator Alam stated staff will bring a report to the Board.
17. Approval of Amendment No. 1 to Extend the Cooperative Funding Agreement with Northwest Florida Water Management District for the Okeechobee Prairie Regional Stormwater Treatment Facility Construction

The Board approved Option 1: Approve Amendment No. 1 to extend the Cooperative Funding Agreement with Northwest Florida Management District for the Okeechobee Prairie Regional Stormwater Treatment Facility Construction and authorize the Chairman to execute.

18. Approval of Memorandum of Agreement with the Florida Department of Transportation for the Maintenance of a Section of Route 27

The Board approved Options 1 and 2: 1) Approve the Memorandum of Agreement with the Florida Department of Transportation for the Maintenance of a Section of Route 27, and 2) Approve the attached Resolution and associated Budget Amendment Request:

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2006/2007; 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 24th day of October, 2006.

Leon County, Florida

by: _____
Bill Proctor, 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

**FISCAL YEAR 2006/2007
BUDGET AMENDMENT REQUEST**

No: BAB07005
Date: 10/2/2006

Agenda Item No: _____
Agenda Item Date: 10/10/2006

County Administrator

Assistant County Administrator

Parwez Alam

Alan Rosenzweig

**Request Detail:
Revenues**

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
140	000	343913	000	DOT - Reimbursement - Route 27	0	5,352	5,352

Subtotal: 5,352

Expenditures

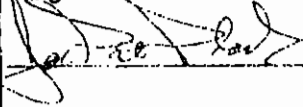
Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
140	436	53400	572	Other Contractual Services	145,954	5,352	151,306

Subtotal: 5,352

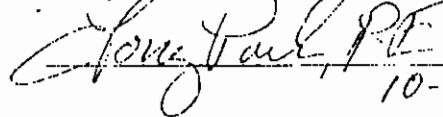
Purpose of Request:

Approval of a State of Florida Dept of Transportation Memorandum of Agreement which provides reimbursement for the maintenance of approximately 1 1/2 miles of Route 27 in front of the Solid Waste Management Facility and the Apalachee Regional Park.

Program Director



Group Director



10-5-2006

Approved By: Resolution Motion Administrator

18

REC-137 PAGE 385

19. Approval of Modification No. 1 to Extend the Cooperative Agreement with Florida State University for its work with the Division of Solid Waste Management's Florida Department of Environmental Protection Innovative Grant

The Board approved Option 1: Approve Modification No. 1 of the Cooperative Agreement with Florida State University for the extension of its work with the Division of Solid Waste Management's Florida Department of Environmental Protection Innovative Grant, and authorize the Chairman to execute.

20. Adoption of Resolution for Acquisition of Property by Eminent Domain for Buck Lake Road Widening Project from Mahan Drive to Davis Drive

The Board approved Option 1: Adopt the attached Resolution R06-65 for Acquisition of Property by Eminent Domain for Buck Lake Road Widening Project from Mahan Drive to Davis Drive:

RESOLUTION NO. R06-65

**ACQUISITION OF PROPERTY BY EMINENT DOMAIN FOR
BUCK LAKE ROAD WIDENING PROJECT
FROM MAHAN DRIVE TO DAVIS DRIVE**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, SUPPLEMENTING AND SUPERSEDING RESOLUTION NO. R02-17 FOR THE ACQUISITION OF PROPERTY FOR BUCK LAKE ROAD WIDENING PROJECT ADOPTED ON JULY 23, 2002, AND FURTHER RECOGNIZING AND ESTABLISHING THAT A VALID PUBLIC PURPOSE IS SERVED BY THE IMPROVEMENT, CONSTRUCTION, AND MAINTENANCE OF CERTAIN PROPERTY WITHIN LEON COUNTY, LOCATED ON OR ADJACENT TO BUCK LAKE ROAD BETWEEN MAHAN DRIVE (U.S. 90) AND DAVIS DRIVE, KNOWN AS THE BUCK LAKE ROAD MAHAN TO DAVIS PROJECT; AND DETERMINING THAT THE ACQUISITION OF CERTAIN PROPERTY IN THE AREA ADJACENT TO AND SURROUNDING BUCK LAKE ROAD IS NECESSARY FOR THE IMPLEMENTATION OF THE PROJECT; AND AUTHORIZING PUBLIC WORKS AND THE COUNTY ATTORNEY TO ACQUIRE THE NECESSARY PROPERTY BY GIFT, PURCHASE, OR THE EXERCISE OF EMINENT DOMAIN PROCEEDINGS.

WHEREAS, the Board of County Commissioners (the Board) of Leon County, Florida (the County), is delegated the authority pursuant to Chapters 125, 127, and 337 of the Florida Statutes to appropriate property for any county use or purpose, subject to the limitations of Sections 73.013 and 73.014 therein, by gift, by purchase, or by exercising the right and power of eminent domain; and

WHEREAS, planning studies for the years 2010 and 2020 have projected that Buck Lake Road (County Road Number 1568), in its existing configuration from U. S. 90 to Pedrick Road, will be unable to properly serve projected traffic loads; and

WHEREAS, in November 1993, in order to assist in the planning and decision-making involved in designing the improvements proposed for Buck Lake Road, the Board unanimously approved the establishment of the Buck Lake Road Corridor Study Project team which would consist in part of a Board-appointed citizens advisory committee; and

WHEREAS, on September 7, 1995, the Board approved a Memorandum of Understanding (MOU) entered into between the Leon County Department of Public Works (Public Works), on behalf of the Board, and the Buck Lake Road Corridor Study Project Team, and further directed that the design concepts contained in the MOU be implemented in the final design of the improvements proposed for Buck Lake Road; and

WHEREAS, in December 1996, the Board retained Baskerville Donovan, Inc. (BDI) to design the Buck Lake Road Widening Project from Mahan Drive to Pedrick Road (the Original Project), giving consideration to the concepts contained in the MOU, and BDI identified the properties necessary for implementation of the Original Project, as directed; and

WHEREAS, on July 23, 2002, with the adoption of Resolution R02-17, the Board recognized that the Original Project represented a valid county public purpose and that the acquisition of the property identified by BDI was necessary in order to implement the Original Project with the design concepts contained in the MOU; and

WHEREAS, on August 26, 2003, after convening a public hearing for the purpose of enabling the public to express its views and participate in the decision-making process for the design of the Original Project, the Board accepted and approved BDI's final design plans for the Original Project, and directed County staff to proceed with the acquisition of the property needed for the Original Project; and

WHEREAS, on December 14, 2004, the Board, in order to shift funds to other capital improvement projects, reduced the scope of the Original Project to include only the reconstruction of the Buck Lake Road intersections at Mahan Drive and Pedrick Road, thereby delaying the acquisition of those parcels of property identified in the plans for the Original Project, but not needed for the Mahan Drive and Pedrick Road intersections, until such time as an additional funding source could be identified; and

WHEREAS, on December 12, 2005, the Board entered into a development agreement with AIG Baker Tallahassee, LLC (AIG Baker) pursuant to Chapter 163 of the Florida Statutes (the 163 Development Agreement), for the development of the Fallschase property adjoining Buck Lake Road at the intersection of Mahan Drive, wherein AIG Baker is obligated to make certain improvements, at its expense, to the portions of Buck Lake Road adjacent to its property and to donate the portions of its property necessary to make such improvements; and

WHEREAS, on March 28, 2006, the Board approved a joint project agreement with AIG Baker (the JPA) which will allow for AIG Baker and the County to combine their resources and work together in making improvements to Buck Lake Road between Mahan Drive and Davis Drive in substantial conformance with the plans for the Original Project, thereby providing the additional funding source necessary for a portion of the Original Project to be constructed; and

WHEREAS, in accordance with the requirements of the JPA, County staff, in conjunction with AIG Baker, directed BDI to prepare design revisions in substantial conformance with the plans for the Original Project in order to implement the construction of improvements to Buck Lake Road between Mahan Drive and Davis Drive (the Mahan to Davis Project); and

WHEREAS, the properties necessary for implementation of the Mahan to Davis Project, in accordance with the revised plan, have been identified; and

WHEREAS, the implementation of the Mahan to Davis Project, with the revised design concepts in substantial conformance to those contained in the MOU, necessitates the acquisition of property for use as road rights-of-way, storm water management facilities, drainage and utility structures, and tying in and harmonizing the new road improvements with the adjoining properties; and

WHEREAS, the Board has determined that the Mahan to Davis Project represents a valid county public purpose and, after consideration of long range planning factors, environmental factors, the costs associated with the Mahan to Davis Project, safety considerations, and availability of any alternate routes for the Mahan to Davis Project, that the acquisition of the property identified by BDI is necessary in order to implement the Mahan to Davis Project with the design concepts contained in the MOU.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, that:

Section 1) The Board hereby determines that the construction of improvements to Buck Lake Road between Mahan Drive and Davis Drive (the Mahan to Davis Project), comprising road rights-of-way, storm water management facilities, drainage and utility structures, and tying in and harmonizing the new road improvements with the adjoining properties represents a valid county public purpose.

Section 2) The Board hereby approves the map of location and survey identifying the property necessary for implementation of the Mahan to Davis Project as the official Right-Of-Way Map for the Mahan to Davis Project, copies of which have been placed on record with the

Clerk of the Circuit Court and with the Ex-Officio Clerk of the Board, and which are on file and available at the Leon County Department of Public Works, Division of Engineering Services, and determines that the right-of-way and easements as depicted and described therein, and as further shown on Exhibit A attached hereto, are necessary for implementation of the Mahan to Davis Project.

Section 3) The Board hereby authorizes, empowers, and directs Public Works and the County Attorney to acquire by gift, by purchase for monetary and/or nonmonetary consideration, or by exercise of the powers of eminent domain a fee simple interest in the properties identified on Exhibit A as Parcels 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 318, 364, 367, and 368, reserving to the owners their rights of ingress and egress over said parcels to their remaining property, if any, which rights are to be not inconsistent with the project.

Section 4) The Board hereby authorizes, empowers, and directs Public Works and the County Attorney to acquire by gift, by purchase for monetary and/or nonmonetary consideration, or by exercise of the powers of eminent domain a temporary construction easement interest in the properties identified on Exhibit A as Parcels 701, 702, 703, 704, 705, 706, 707, 708, 712, 713, 714, 716A, 716B, 718, 764, 767, and 768, reserving to the owners their rights of ingress and egress over said parcels, which rights are to be not inconsistent with the project.

Section 5) The Board hereby authorizes, empowers, and directs Public Works and the County Attorney to acquire by gift, by purchase for monetary and/or nonmonetary consideration, or by exercise of the powers of eminent domain a perpetual easement interest in the properties identified on Exhibit A as Parcels 809, 810, 811, 815, 816, and 868, reserving to the owners their

rights of ingress and egress over said parcels, which rights are to be not inconsistent with the project.

Section 6) The Board acknowledges that additional unidentified properties may be necessary for the completion of the Mahan to Davis Project, and that, upon the determination by engineers and surveyors of those additional properties, this Resolution shall be supplemented to include identification of any such additional necessary properties.

Section 7) The Board also acknowledges that, in the course of implementing the Mahan to Davis Project, the boundaries of the properties identified in Exhibit A may differ from those of the properties actually acquired because of engineering design changes, negotiated changes resulting in savings in the cost of acquisition, or other such changes made in the best interest of the County, and the Board agrees that the authority granted by this Resolution shall extend to any acquisition of property involving such changes.

Section 8) The County Attorney is hereby authorized to institute eminent domain proceedings as necessary to complete the acquisition of the parcels as set forth herein by the earliest possible date, which authority shall include signing of the Declaration of Taking and utilization of any and all statutes of the State of Florida applicable thereto, and to assure that the interested parties are fully compensated as required by law.

Section 9) This Resolution shall replace and supersede Resolution R02-17 previously adopted by the Board for the Original Project on July 23, 2002.

Section 10) This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this 27 day of October 2006.

LEON COUNTY, FLORIDA

BY: Bill Proctor
Bill Proctor, Chairman
Board of County Commissioners

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



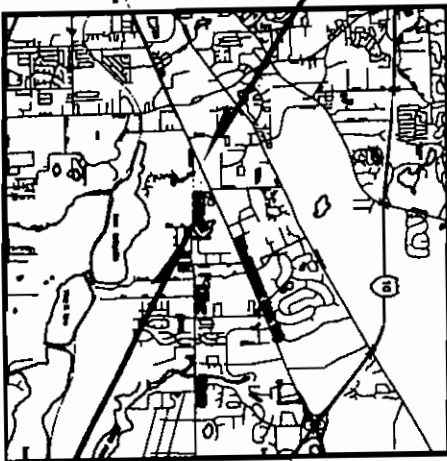
BY: [Signature]

Approved as to Form:
Leon County Attorney's Office

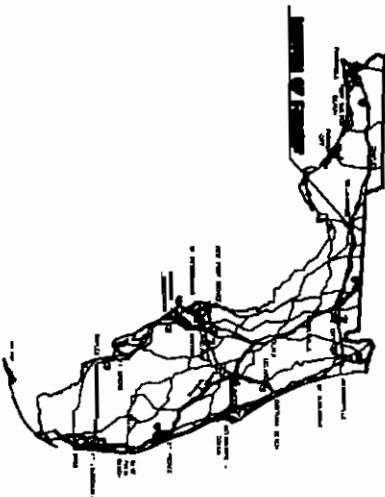
BY: [Signature] Daniel J. Rigo, for
Herbert W.A. Thiele, Esq.
County Attorney

LEON COUNTY
 DEPARTMENT OF PUBLIC WORKS
 RIGHT OF WAY MAP
 BUCK LAKE ROAD

FROM MAHAN DRIVE (U.S. 90)/(S.R. 10) TO DAVIS
 DRIVE IN SECTIONS 25, 26 AND 27,
 TOWNSHIP 1 NORTH, RANGE 1 EAST, LEON COUNTY, FLORIDA



LOCATION MAP
 1" = 100'



SECTION	DESCRIPTION
25	SECTION 25
26	SECTION 26
27	SECTION 27

RIGHT-OF-WAY MAP PREPARED FOR LEON COUNTY DEPARTMENT OF PUBLIC WORKS
 BY BASKERVILLE, INC.
 U.S. 90 ROAD

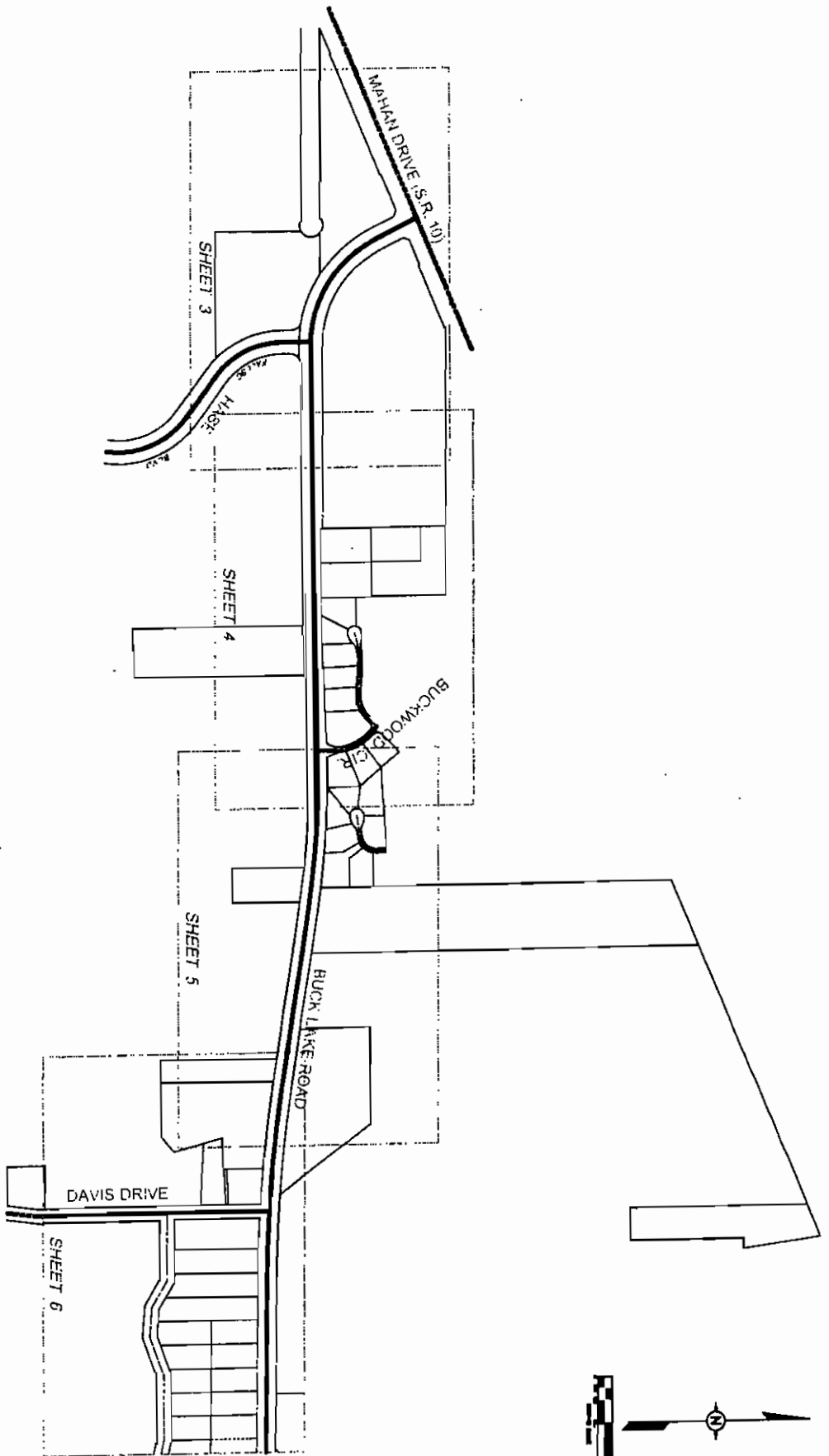
DATE: FEBRUARY 1974
 SHEET: 1 OF 1

- LEGEND**
- SOLID LINE: RIGHT-OF-WAY BOUNDARY
 - DASHED LINE: EXISTING RIGHT-OF-WAY BOUNDARY
 - DOTTED LINE: PROPOSED RIGHT-OF-WAY BOUNDARY
 - SOLID LINE WITH DASHES: EXISTING RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY
 - DOTTED LINE WITH DASHES: PROPOSED RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY
 - SOLID LINE WITH DASHES AND DOTS: EXISTING RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY AND EASEMENT
 - DOTTED LINE WITH DASHES AND DOTS: PROPOSED RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY AND EASEMENT
 - SOLID LINE WITH DASHES AND DOTS AND DASHES: EXISTING RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY, EASEMENT, AND RIGHT-OF-WAY
 - DOTTED LINE WITH DASHES AND DOTS AND DASHES: PROPOSED RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY, EASEMENT, AND RIGHT-OF-WAY
 - SOLID LINE WITH DASHES AND DOTS AND DASHES AND DOTS: EXISTING RIGHT-OF-WAY BOUNDARY WITH ADJACENT PROPERTY, EASEMENT, RIGHT-OF-WAY, AND EASEMENT
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- GENERAL NOTES:**
1. THE RIGHT OF WAY MAP PREPARED FOR THE PURPOSE OF PREPARING LOCAL LIND EASEMENT, ADJACENT EASEMENT, EASEMENT, EASEMENT, EASEMENT, AND AS SHOWN IN THE PRESENCE OF THE RIGHT OF WAY MAP IS NOT TO BE CONSIDERED AS A FINAL MAP.
 2. EASEMENTS ARE SHOWN, REFERENCED TO THE FLORIDA STATE PLAT COMMISSION SYSTEM, LAMBERT PROJECTION, NORTH ZONE, AND SCALED TO THE YEAR 1967.
 3. THE RIGHT-OF-WAY MAP IS PREPARED BY A RIGHT-OF-WAY CONTROL, SURVEY PREPARED BY A PROFESSIONAL SURVEYOR, AND IS NOT TO BE CONSIDERED AS A FINAL MAP.
 4. ALL DIMENSIONS, STATIONS AND SPACING ARE GIVEN IN FEET AND INCHES, UNLESS OTHERWISE SPECIFIED ON FIELD NOTES.
 5. ALL DIMENSIONS, STATIONS AND SPACING ARE GIVEN IN FEET AND INCHES, UNLESS OTHERWISE SPECIFIED ON FIELD NOTES.
 6. EASEMENTS AND SPACING ARE SHOWN FROM THE CENTERLINE BOUNDARY OF EXISTING AND PROPOSED RIGHT-OF-WAY.
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 10. DIMENSIONS ARE SHOWN FROM THE CENTERLINE BOUNDARY OF EXISTING AND PROPOSED RIGHT-OF-WAY.

For Informational
 Purposes
 ONLY

BASKERVILLE, INC.
 1000 WEST BAY STREET
 TAMPA, FLORIDA 33606
 PHONE 813-288-1111



NO.	DATE	BY	REVISION
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For Informational

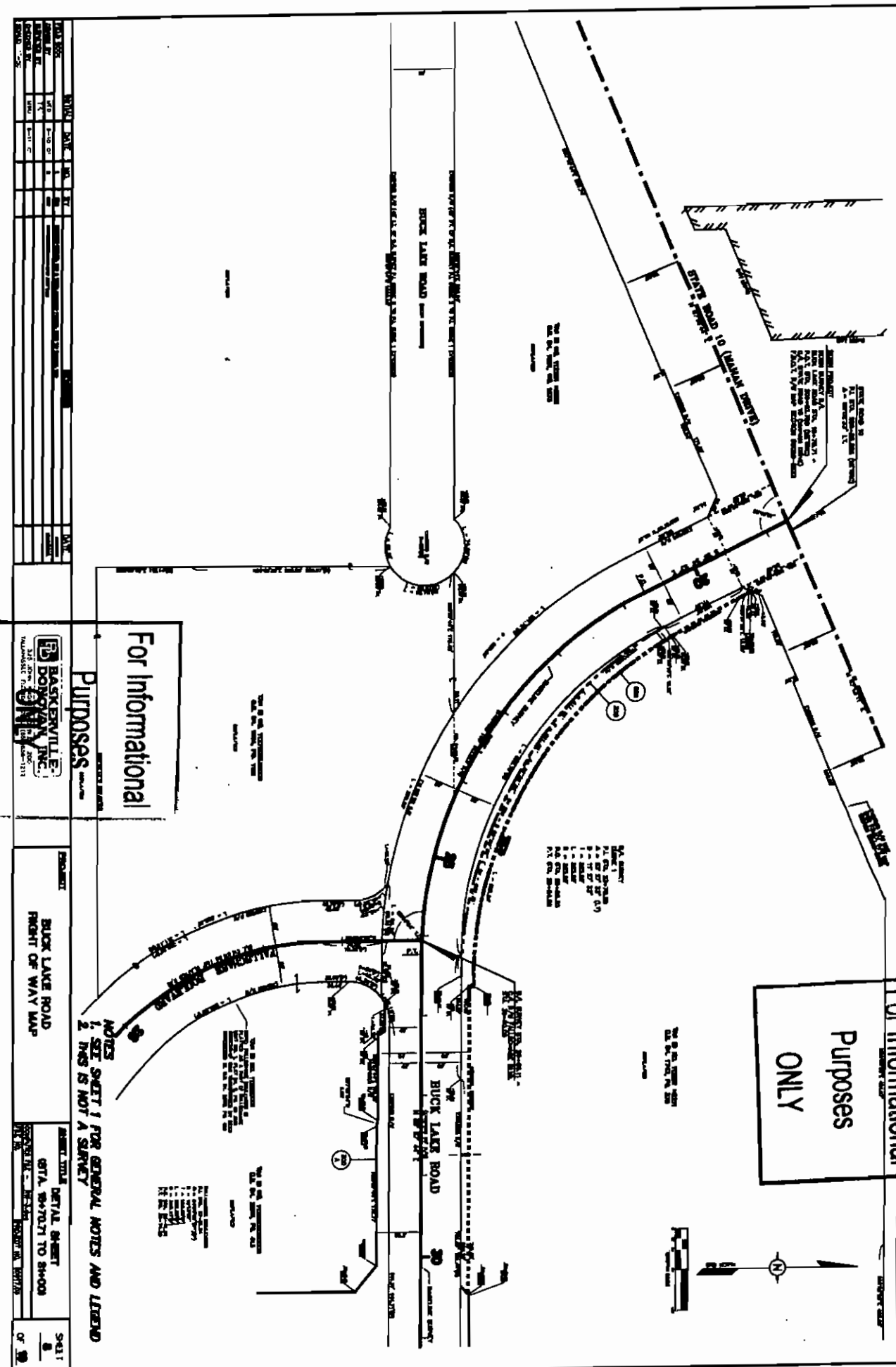
Purposes
EASTERN
ENGINEERING
INC.
ONLY

PROJECT: BUCK LAKE ROAD RIGHT OF WAY MAP

NOTES:
 1. SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
 2. THIS IS NOT A SURVEY

NO.	DATE	BY	REVISION
1
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SHEET 8 OF 10



For Informational
Purposes
ONLY

For Informational
Purposes

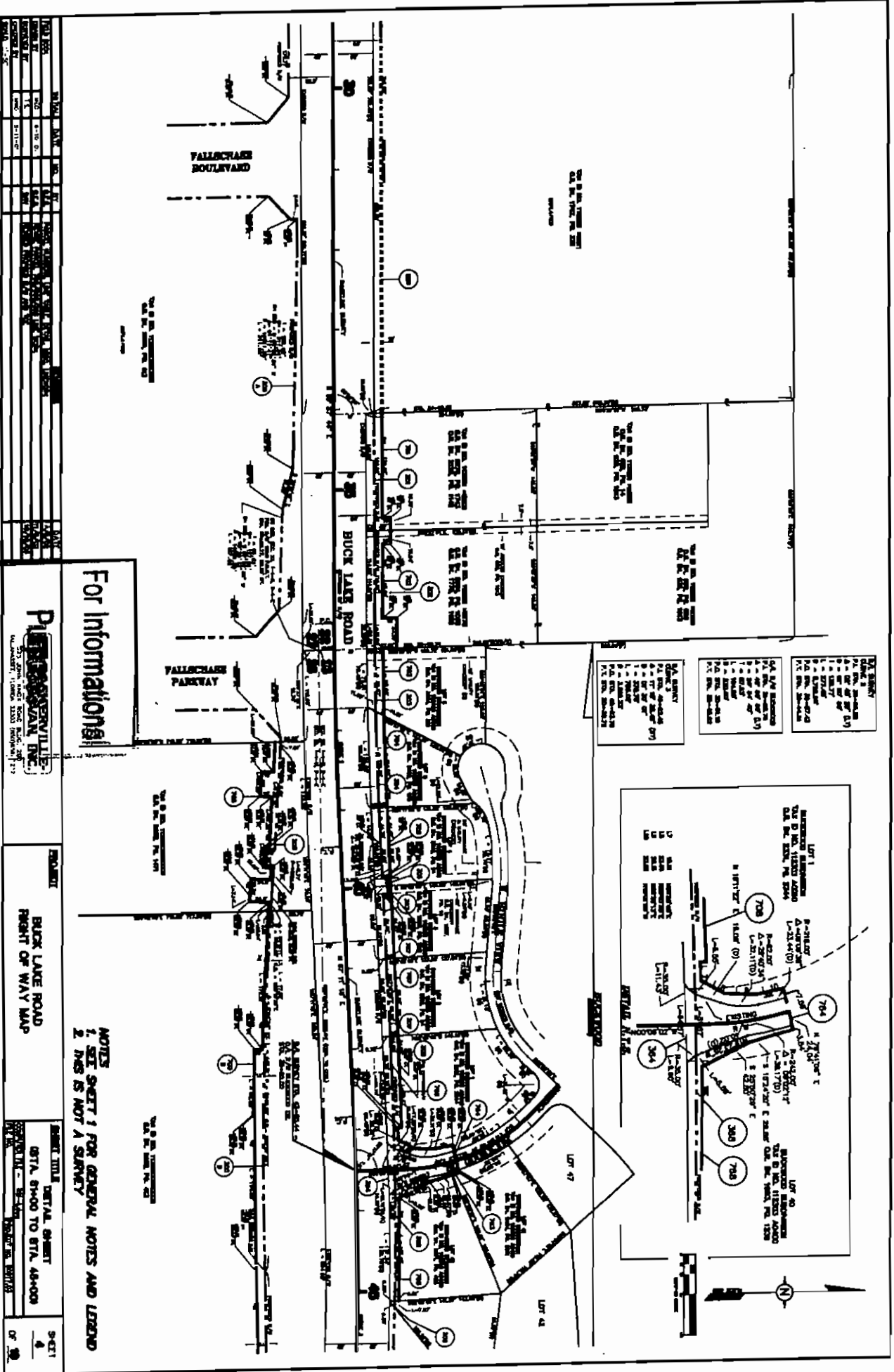
NOTES
1. SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
2. THIS IS NOT A SURVEY

DATE	BY	NO.	TR.	REVISIONS
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10/15/03	W.D.	3	1	REVISIONS
10/15/03	W.D.	4	1	REVISIONS
10/15/03	W.D.	5	1	REVISIONS
10/15/03	W.D.	6	1	REVISIONS
10/15/03	W.D.	7	1	REVISIONS
10/15/03	W.D.	8	1	REVISIONS
10/15/03	W.D.	9	1	REVISIONS
10/15/03	W.D.	10	1	REVISIONS



PROJECT
BUCK LAKE ROAD
FRONT OF WAY MAP

SHEET
8
OF 10



For Informational

NOTES
 1. SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
 2. THIS IS NOT A SURVEY

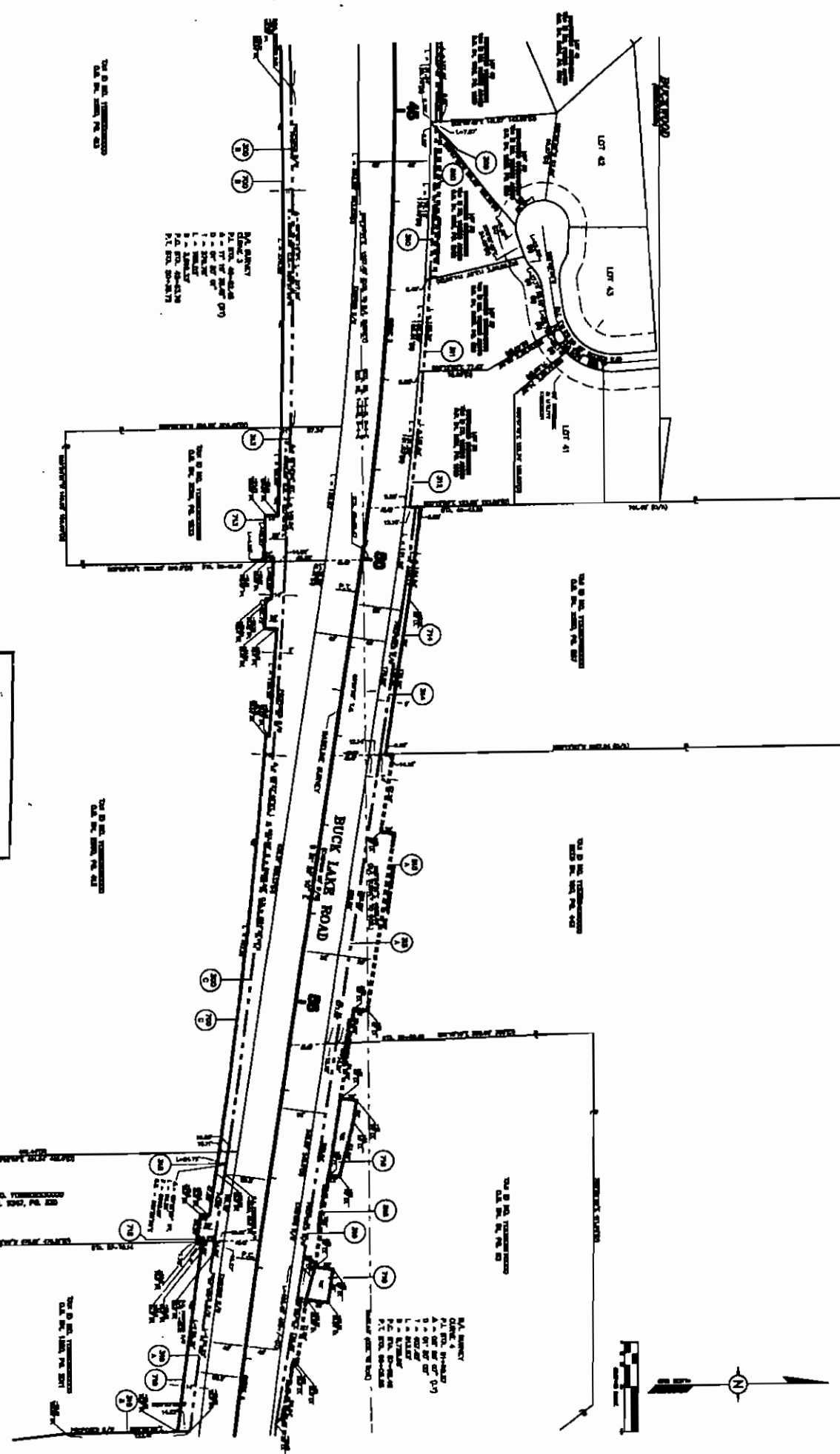
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PROJECT
 BUCK LAKE ROAD
 RIGHT OF WAY MAP

SHEET TITLE
 DETAIL SHEET
 STA. 54+00 TO STA. 48+00

DATE	NO.	BY	DESCRIPTION
10/15/00	1
11/15/00	2
12/15/00	3
01/15/01	4
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01/15/09	100

ONLY



NOTES
 1. SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
 2. THIS IS NOT A SURVEY

NO.	DATE	BY	REVISION
1	8-1-07
2	1-11-08

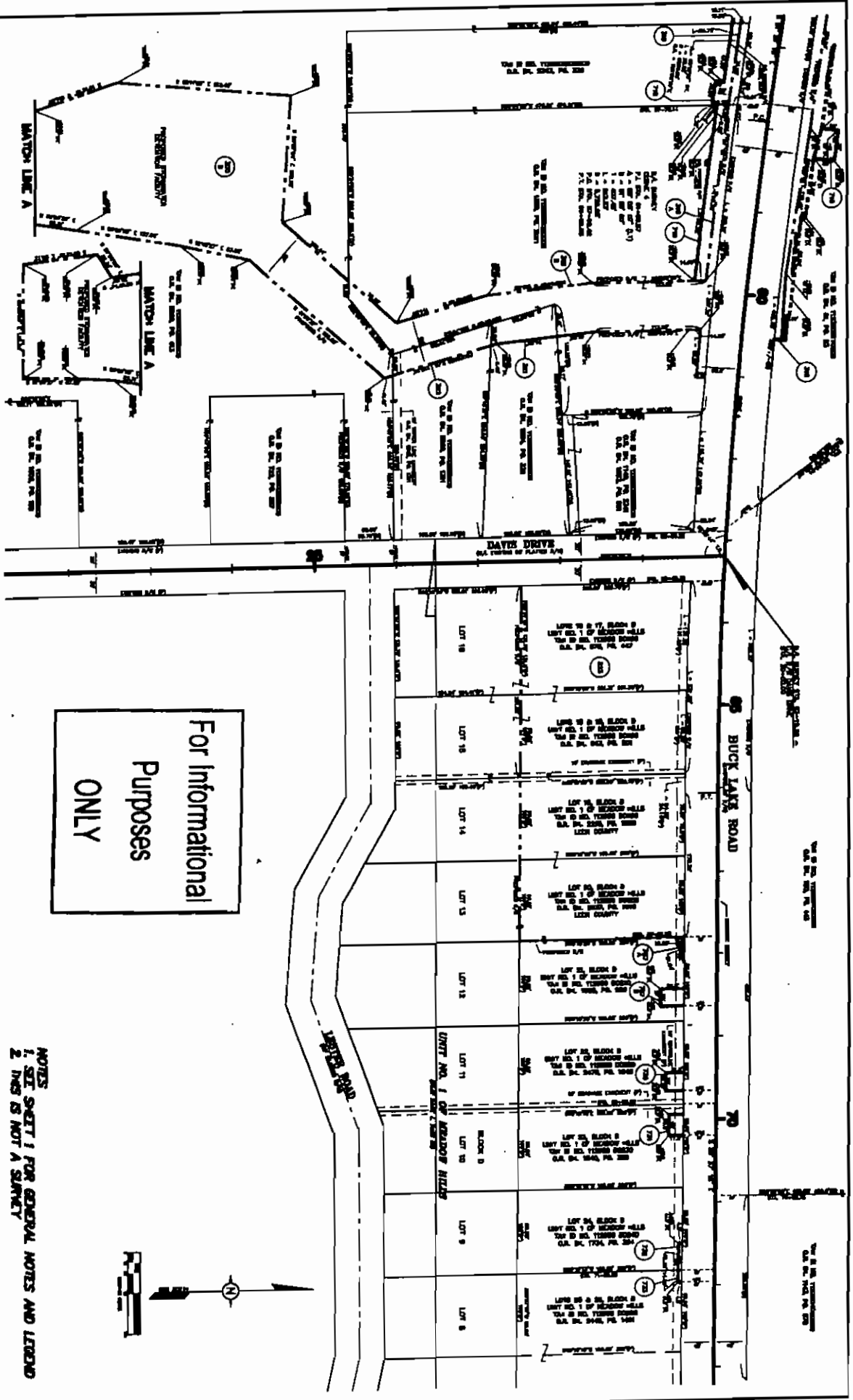
For Informational

Parsons
 315 2nd Street, Suite 200, St. Louis, MO 63102
 (314) 433-1100

PROJECT
 BUCK LAKE ROAD
 RIGHT OF WAY MAP

SHEET TITLE
 DETAIL SHEET
 STA. 48+00 TO STA. 50+00

SHEET
 8
 OF 10



For Informational
Purposes
ONLY

NOTES
1. SEE SHEET 1 FOR GENERAL NOTES AND LEGEND
2. THIS IS NOT A SANITY

PROJECT	BUCK LAKE ROAD RIGHT OF WAY MAP
DESIGNER	BASEKERVILLE DONOVAN, INC. 302 WEST MAIN STREET WILSONVILLE, OREGON 97150
DATE	08/14/08
SCALE	AS SHOWN
PROJECT NO.	087A, 08400 TO 087A, 79400
SHEET NO.	9 OF 12

Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)

Speaker:

Craig Reeder, 3205 E. Lakeshore Drive reported there is a dangerous curve near his home. Drivers unfamiliar with the road often pick up speed and hit a pole, go off the road, into a ditch, or flip over completely. He provided a photo of an accident as well as accident reports from July and August – seven accidents that reports were filled out for – one with injuries. He requested a light, better signage and strips along the road. He called the County to alert them to this problem and received a report saying no resources were scheduled. In July, a county engineer was quoted as saying the county had responded to several complaints and has put in additional signs and are arranging for additional paving and markers. However, none of these measures have been taken. Also, Commissioner Winchester sent a memo to Public Works asking staff to immediately make this strip safer.

- Commissioner Winchester credited Commissioner-elect Dailey with initiating this request for action by staff.

Commissioner Winchester moved, seconded by Commissioner Grippa to have staff look into this matter and will report back to the Board at the November 14, 2006 Regular Board Meeting. Motion carried 7-0.

- Commissioner Proctor thanked Mr. Reeder for bringing this matter to the Board's attention and assured him that swift action will be taken to improve this road.

General Business

21. Authorization to Realign \$860,000 in funds from the Northeast Community Park to the Miccosukee Community Center Capital Improvement Project

- County Administrator Alam presented the item to the Board.
- Commissioner Grippa reported the County has not been able to locate property for this Park and gave an overview of the background of this project.

Commissioner Grippa moved, seconded by Commissioner DePuy to approve the reallocation of funds appropriated for the Northeast Park: \$800,000 to the construction of the Miccosukee Community Center to begin construction immediately \$40,000 to renovate and pay for past renovations to the Concord School \$20,000 to the Miccosukee Educational Foundation until it has its permanent home at the Miccosukee Community Center.

(Commissioner Grippa also noted regarding the \$40,000 expenditure that he realizes the Concord School and the Boys and Girls Club are of interest to the Board.)

- Commissioner Rackleff asked how many parcels were purchased and how much they cost for the Community Center.
- Staff reported the County has spent \$800,000 for the three parcels that equal about 5.5 acres.
- Commissioner Rackleff stated he cannot agree to this kind of expenditure.
- Commissioner DePuy stated he thinks the community of Miccosukee have been waiting long enough for their new Center. The Concord School is an old structure. Thinks the motion is good and a good expenditure of taxpayers' funds.
- Commissioner Thael stated he supports all the above mentioned entities; but cannot support taking \$800,000 away from the boys and girls on the west side of the County to accomplish Commissioner Grippa's suggestions. He spoke about what alternatives the County could have chosen to go with. This District should not be robbed of these funds.
- Commissioner Proctor reminded the Commissioners they have all supported moving funds from dormant projects to support others from time to time. The boys and girls of the northeast are not being robbed. Commissioner Grippa is exercising excellent judgment in this matter. He asked the County if there is anything illegal about moving these funds.

County Administrator Alam asked the maker of the motion to accept a friendly amendment to allow staff the flexibility in terms of what accounts they move the funds from. The maker of the motion agreed to add this.

Commissioner Grippa discussed the matter further.

- Commissioner Sauls asked about the ongoing efforts to get titles to the property for the Fort Braden and Concord Schools and asked if there is a progress report.
- Mr. Pat Plocek, Director of Parks and Recreation stated they have met with the School Board and they are in the process of getting appraisals on both properties. Once this is done the County will sit down with them to negotiate the purchase of both properties.
- Commissioner Sauls stated a lot of money has been spent on the Fort Braden Community Center and at the Concord School. The County needs to continue pursuing ownership of the buildings. She noted the amount of funding the County has provided to both structures.

Motion, as amended, carried 5-2, with Commissioners Rackleff and Thael opposed.

22. Amendment to the Downtown Community Redevelopment District Interlocal Agreement with the City of Tallahassee

- County Administrator Alam presented the item to the Board.

Commissioner Grippa moved, seconded by Commissioner Thael to approve Option 1: 1) Authorize the Chairman to execute an amendment to the Downtown Community Redevelopment District Interlocal Agreement that includes the following: Removal of the current Tax Increment Financing (TIF) Payment cap Provide that the TIF payments will be made by the County at 4.29 mils and the City 3.7 mils (this is consistent with the original \$15/\$13 million ratio)

- a) As necessary, the County and City will make supplemental payments to the Downtown Community Redevelopment Authority (CRA) over the next three years to ensure the funding levels will not be below the FY2005/2006 amount
 - b) The downtown CRA boundaries will be expanded to include the Bloxham Building site on east Gaines Street, the Johns Building Block and Chevron Block located on Gaines Street, and the properties along College Avenue from Macomb Street to Copeland Street
 - c) Provides a downtown shuttle service which helps transport jurors to the Courthouse
 - d) Commits the CRA to work with the County to develop a long term parking solution that addresses the lack of juror parking in proximity to the Courthouse
 - e) Allows the CRA to provide resources to assist in the development and operation of the proposed Performing Arts Center
 - f) Provision to change the membership of the CRA Board to nine, consisting of 5 City Commissioners and 4 County Commissioners.
- Commissioner Grippa made special mention of the recent Attorney General Opinion stating County Commissioners can now serve on the Community Redevelopment Authority (CRA) Board.
 - County Administrator Alam reported this change allowing for County Commissioners to sit on the Downtown Community Redevelopment Authority (CRA) Board is due to a change in Florida Statutes. However, the Board can only consist of nine members in whatever ratio is decided between the City and County.

Motion carried 7-0.

23. Approval of Agreement Awarding Bid to Shaw Environmental Infrastructure, Inc., in the Amount of \$605,420 to Install Landfill Gas Collection and Treatment Systems

- County Administrator Alam presented the item to the Board.

Commissioner Winchester moved, seconded by Commissioner Thaelle to approve Options 1 and 2: 1) Approve the Agreement awarding bid to Shaw Environmental Infrastructure, Inc. in the amount of \$605,420 to install the Landfill Gas Collection and Treatment System and authorize the Chairman to execute; and 2) Approve the attached associated budget amendment:

- Commissioner Grippa stated he opposes this Agreement because the company did not meet the M/WBE requirement while other firms did. In addition he believes this firm won the bid simply because their bid was so much lower than other firms. The County should go with a quality firm more so than the lowest priced firm. This firm's bid is so much lower than the other firms that it is suspect.
- Commissioner Winchester stated he was also concerned that this firm was underbidding. He stated the County Administrator assured him the firm has done this type of work before. He is concerned about the M/WBE component. His initial reaction was that the bid was too low.
- County Administrator Alam reported the target for M/WBE was to meet a 3% goal and this company meets 2%. He believes this company can do the job.
- Commissioner Grippa asked if local preference was given.
- Norm Thomas, Director of Solid Waste stated there was no local preference given.
- Commissioner Grippa stated that this is not a local company, and they do not meet the M/WBE requirement. He asked why local preference was not given.
- County Administrator Alam reported local preference is not required with these bids.
- Commissioner Grippa stated he is looking at two Tallahassee firms that are meeting their M/WBE requirement; yet the County is awarding this bid to a Baton Rouge company.
- County Administrator Alam reminded the Board this is not a Request for Proposal with certain requirements, this is a construction bid based on price.
- Commissioner DePuy stated he lives in this neighborhood and is often asked by his neighbors what he is going to do about the smell coming from the landfill. He asked if once this project is completed is this company going back to Baton Rouge or are they going to have someone stationed here locally to monitor the quality of the work they have completed.
- Norm Thomas stated the consultant PBS&J will be doing the quality control during the construction of the project.
- Commissioner DePuy agrees with Commissioner Grippa regarding giving staff more direction toward awarding bids to local firms. He informed Mr. Thomas if the foul smell is still coming from the landfill when the company leaves Commissioner DePuy will be coming to see Mr. Thomas.
- Commissioner Thaelle asked if staff considered looked at possibilities to convert to natural gas or an electric product that could be converted.

- Mr. Thomas stated two issues are involved with that 1) how much gas would be generated, and 2) what are the components. Staff cannot really know the answers to these questions until the system is put in. When the Board adopted the 15 Smart Energy Strategies presented to the Board – one of the strategies was that once staff knows the quantity and the quality of the landfill gas they will bring a report to the Board with a proposal for using that as some form of energy.
- Commissioner Proctor stated there are ranges in which the bid is so far off the norm line even if it is a substantially lower bid the County can determine it cannot be responsive to what the specifications call for. This bid is on the borderline especially since the firm is from Louisiana. Wants the record to reflect a 25% margin of being low bidder is a basis to suspect this firm's ability to deliver.

Meeting a 2% threshold in regard to the W/MBE component is embarrassing when speaking about what will soon be the third largest state in the United States. 2% is not worth much. 2% is pathetic – this should not even be called a 'standard'. He expressed extreme disappointment with this percentage 'goal'.

Motion carried 4-2, with Commissioners Proctor and DePuy opposed, and Commissioner Grippa out of Chambers.

See attached budget amendment:

**FISCAL YEAR 2006/2007
BUDGET AMENDMENT REQUEST**

Attachment # 2
Page 1 of 1

No: BAB07009
Date: 10/18/2006

Agenda Item No: _____
Agenda Item Date: 10/24/2006

County Administrator

Assistant County Administrator

Parwez Alam

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>				

Subtotal: -

Purpose of Request:

Realignment of funds to provide funding for lowest bid on Landfill Gas Treatment project. Lowest bid was \$180,000 more than budget allocation. To offset the loss of funds being transferred, staff is pursuing alternative sources for fill materials to complete the Landfill projects. If the alternative sources for fill materials are located, the Landfill Improvement project should not need additional funding.

Program Director

Group Director

Norm Thomas

Tony Park

Approved By: Resolution Motion Administrator

OFF: 137 PAGE 4 05

24. Consideration of the Waste Management Incorporated Contract

- County Administrator Alam presented the Item to the Board.
- Commissioner Proctor reported the Board will not be taking any action because Waste Management Company has withdrawn interest in this matter.

Commissioner Rackleff called for a point of order, but Chairman Proctor did not acknowledge him indicating he was not entertaining Commissioner Rackleff's call.

Speaker:

Valerie Janard, 2034 Shangri-La Lane, President of Butler Forest Homeowner's Association stated she regretted not being before the Board when the contract with Waste Management was renewed. Waste Management is not a local company and she strongly declared Waste Management has delivered the worst excuse for a service she has ever seen. They have had problems with this company for twelve years in her subdivision. She indicated the Board did not care about the problems citizens have with this company and detailed several incidents. She suggested counter claims be brought against Waste Management if the County sued them for breach of contract.

Bart Begley, 2256 Highway 20, West Freeport, Chief Executive Officer of Emerald Waste Services gave an overview of his company and expressed their interest in working for Leon County.

Commissioner Proctor and Commissioner Rackleff discussed proper procedure regarding Commissioner discussion during Speaker comments.

Commissioner Rackleff stated he objected strongly to Chairman Proctor's handling of the meeting. Commissioner Thaeil seconded the objection.

- John Dailey, 703 Live Oak Plantation Road, Commissioner-Elect District Three stated he would like to make the record clear that when he testified before the Board two weeks ago he did not make this testimony regarding any particular company. He came before the Board as a citizen who has heard from hundreds of citizens in District Three and throughout Leon County about problems associated with the County's waste management collection services. He wants the Board to keep three points in mind.
 - 1) This is a six year contract. In less than a month new Commissioners will never have a voice to negotiate a contract on Leon County's solid waste collections. As an incoming Commissioner this troubles him.
 - 2) This is a \$30 million no bid contract. With a contract of this size there should be a Request for Proposal (RFP) process.

- 3) The County is asking the citizens to accept a large increase in their service fee.

Mr. Dailey stated the current company may be the best company. However, the County cannot know this unless a bid is put out. The County's own procurement policy states that any contract of \$50,000 or more needs to be brought to the attention of the County Commission. He will respect the Board's decision.

- Rick Bateman, 300 East Park Avenue representing Waste Management, Inc. (WMI) stated the Board voted to enter into a contract with Waste Management, Inc. on September 12, 2006. (Actually an extension of an existing contract). On September 15, 2006 the contract was signed. As the County Attorney informed the Board this contract is an executed contract that does not have a termination for cause. Mr. Bateman stated each complaint is addressed individually in response to the first speaker's remarks. WMI came in after a hurricane and picked up a lot of debris for no charge. They have given this community one of the best tipping rates in the state at the landfill. WMI acknowledges they have had issues with service and have made changes accordingly to address these issues.

Commissioner Winchester moved, seconded by Commissioner DePuy to approve Option 1: Do not rescind the Board's action of September 12, 2006 and take no further action with regard to the Second Franchise Extension Agreement with Waste Management, Inc. (WMI) of Leon County which was executed on September 15, 2006.

- Commissioner Winchester stated perhaps this contract should have been RFP'd. During this process the Board learned there is a huge issue regarding service with WMI. There is a contractual issue and there is a service issue. If this contract is rescinded the Board would be exposing the taxpayers to significant liabilities and financial risk. If he had it to do over, he probably would have voted to put this out for a Request for Proposal (RFP). A wise man changes his mind, a fool never does. Commissioner Winchester insisted legally the right thing to do is to honor this contract.

Commissioner Winchester added that if possible there should be an addendum to the contract regarding service. He asked the County Administrator if there is something in the existing contract allowing the Board to address some of the concerns citizens have expressed: cans being turned over, trash being left in the road, the way employees deal with people. Commissioner Winchester would like to see WMI held accountable for better service.

- Alan Rosenzweig, Assistant County Administrator reported there are fines the County can impose in the contract with WMI for legitimate complaints. If there are too many complaints the County can be released from the contract.

- Commissioner Winchester asked how you substantiate a complaint if a citizen calls and the person answering the phone hangs up. Commissioner Winchester confirmed if there are too many complaints there is a provision to cancel that contract.
- Alan Rosenzweig stated yes, there is for cause.
- Commissioner DePuy stated if today was the first day this matter was being considered he would probably be leading the charge to send this out to a Request for Proposal (RFP). On this issue the Board challenged staff to negotiate the best possible rate they could find. There are sanctions in this contract. The Board is not afraid of a lawsuit and the Board's word is their bond. Commissioner DePuy assured the first speaker that if any problems have not been resolved next year the Board will take action to ensure the service is changed. He learned that from now on he will vote to bid out any service the County contracts for.
- Commissioner Rackleff apologized to the first speaker for her efforts going unrewarded. If the Board reached a wrong decision he suggested they correct it now. The public is about to be charged \$30 million for less than satisfactory service.
- Commissioner Rackleff made a substitute motion, seconded by Commissioner Thael to approve Option #2: Rescind the Board's action of September 12, 2006 approving the Second Franchise Extension Agreement with Waste Management, Inc. (WMI) of Leon County, thus revoking and canceling same and authorize the County Administrator to utilize consultant services in developing an Invitation to Negotiate for potential solid waste collection providers to negotiate with two or more favorable responders and seek a "Final and Best Offer" at the conclusion of these negotiations and direct the issuance of this document.
- Commissioner Thael stated he trusted staff's recommendation to bid this out when they told the Board to do so in April. He voted to bid this out. He doubts if anyone has ever written to Waste Management to address the issues consumers have with this contract. He has heard from large numbers of people who are outraged over the service. Commissioner Thael discussed the issue stating this is more of a moral issue. Staff said to go to bid.
- Commissioner Sauls stated there was a majority vote not to put this out to bid. At that time there was not another company in town. That was probably the Board's first mistake. She is concerned about the legal issue if the Board tries to break this contract. They did try to see if WastePro was interested but they were not. The Board needs to move on. Commissioner Sauls stated there are controls are in place.
- Commissioner Grippa stated he agrees with Commissioner Sauls. Regardless of how anyone feels about this issue, the Board made a decision. To his knowledge the Board has not rescinded a vote regarding a contract. He voted to go out to bid also, with Commissioners Thael and Rackleff. He does not understand why this is even an issue since the Board has a contract in place.

- Commissioner Proctor stated he is not saying that Waste Management or any other company in Leon County has been a perfect company. The problem is the contract has been established and the County cannot consider a 'breach of contract' since the contract does not even go into effect until April 22, 2007.

Substitute motion failed 5-2, with Commissioners DePuy, Grippa, Proctor, Sauls and Winchester opposed.

Original motion carried 5-2, with Commissioners Thaell and Rackleff opposed.

25. Consideration of an Ordinance Amending the Leon County Code of Laws Providing for the Inapplicability of Florida Statute 316.2123 and Prohibiting the Operation of ATV's on Public Roads

- County Attorney Thiele reported this item is an inquiry from his office to the Board. Chapter 316 was amended by the Florida Legislature. On October 1, 2006 a law went into effect permitting All Terrain Vehicles (ATV's) to travel on non-paved public streets. There is a provision allowing counties to opt-out that would require an Ordinance.

Commissioner Grippa moved, seconded by Commissioner Thaell to approve Option 1: Approval of proposed Ordinance and direction to the County Attorney's Office to schedule a public hearing to be held on November 14, 2006 at 6:00 p.m. Motion carried 6-0, with Commissioner Rackleff out of Chambers.

26. Expirations, Vacancies and Appointments to Various Boards and Committees

Big Bend Health Council - (Full Board Appointment)

- Commissioner DePuy moved, seconded by Commissioner Thaell to approve recommendations for appointment: Joe Sharp, Nathaniel Wesley, and Art Cooper. Motion carried without objection.

Canopy Roads Citizens Committee - (Full Board Appointment)

- Commissioner Thaell nominated Richard Butgereit, however he is ineligible.
- Commissioner Proctor stated Ann Bidlingmaier would perform well.

Commissioner Grippa moved, seconded by Commissioner Thaell to approve Stephen Hogge. Motion carried without objection.

Chaires-Capitola Recreation Council

- Commissioner Winchester reappointed Jack Rivers and commended him on the work he has been performing.

Council on Culture & Arts – (Full Board appointment)

- Commissioner Proctor if there were any African American or Hispanic citizens serving on the Council indicating there should be diversity on the Council on Culture & Arts.
- Christine Coble, Agenda Coordinator reported recommendations come from the Council on Culture & Arts and the Full Board makes the appointments.

Commissioner DePuy moved, seconded by Commissioner Sauls to approve recommendations for appointment: Kay Stephenson and Mike Vaslinda. Motion carried without objection.

Dorothy C. Spence Community Center Board of Directors

- Commissioner Thael requested this appointment be continued.
- Commissioner Rackleff requested this appointment be continued.

Educational Facilities Authority

- Commissioner Winchester reappointed Liz Maryanski.

Housing Finance Authority

- Commissioner Proctor reappointed John Lawrence.
- Commissioner Sauls requested this appointment be continued.

Lake Jackson Sports Council

- Commissioner DePuy reappointed Connie Lyda.
- Commissioner Rackleff requested this appointment be continued.
- Commissioner Sauls requested this appointment be continued.
- Commissioner Winchester requested this appointment be continued

Science Advisory Committee

- Commissioner Grippa appointed Russel Frydenberg.

Water Resources Committee

- Commissioner Grippa appointed Neil Fleckenstein.

Scheduled Public Hearings, 6 p.m.

27. Second and Final Public Hearing on a Proposed Ordinance Amending Chapter 10, Code of Laws of Leon County, Florida to Revise the Purposes and Intensities Associated with the Lake Protection Zoning District

Pursuant to legal advertisement, the public hearing was conducted.

- County Administrator Alam informed the Board Wayne Tedder, Director of Planning would address this item. Mr. Tedder turned over the briefing to the Project Manager, Craig Diamond.
- Craig Diamond, Project Manager – Planning Department referred to a two page memorandum including minor revisions to the proposed Ordinance. Supplemental discussions with Mr. Lewis and Growth and Environmental

Management staff revealed a few edits need to be made to page two of the Ordinance. He explained the changes that will ensure conformity.

- Commissioner DePuy asked the County Attorney if these changes need to be noticed or can they be noted and made a part of these proceedings.
- County Attorney Thiele reported if the Board deems these changes to not be substantive then these changes can be included now.
- Commissioner DePuy asked if the County Attorney considered these changes substantive.
- County Attorney Thiele reported he did not.

Speaker:

George E. Lewis, II 203 N. Gadsden Street #6 representing the Friends of Lake Jackson stated he appreciated staff's assistance – both the Planning Department and Administrative staff in making the changes outlined in the memorandum and seek the adoption of this motion.

Commissioner Sauls moved, seconded by Thael to approve Option 1: Conduct the second and final public hearing and based upon the findings of fact and conclusions of law set forth in this Agenda Request and any evidence submitted at the Hearing hereon adopt the attached Leon County Ordinance Number 06-32 amending Chapter 10 of the Leon County Code of Laws to revise the purposes and intensities associated with the Lake Protection Zoning District. Motion carried 6-0, with Commissioner Proctor out of Chambers:

ORDINANCE NO. 06- 32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, TO REVISE THE PURPOSES AND INTENSITIES ASSOCIATED WITH THE LAKE PROTECTION ZONING DISTRICT AND REVISING THE REVIEW PROCESS FOR NON-RESIDENTIAL DEVELOPMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, THAT:

Section 1. That Sections 10-919(a) and 10-919(b), Lake Protection, of Division 5 of Article X of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, are amended as follows:

Sec. 10-919. Lake protection.

(a) *Purpose and intent.* The purpose and intent of the lake protection district is for activities in the area immediately adjacent to and affecting Lake Jackson while protecting that water body and ecosystem. This district's location is based on the lake basin boundary so adjusted to ~~primarily include undeveloped areas and existing, less-intensely developed areas~~ contributing watersheds but to exclude existing, more intensely developed areas south of Interstate 10. This district allows residential uses to a maximum density of one unit per two acres or two units per acre if clustered on 40 percent of the property, yielding a gross density of 0.8 units per acre for the entire property, and leaving the remaining 60 percent of the property as undisturbed open space in perpetuity. This cluster option is ~~designed~~ intended to leave large areas of land undisturbed within the critically impacted area and be designed to minimize non-point pollution from the site. Minor office and minor commercial uses may be approved through review by the ~~Board of County Commissioners~~ PUD process. Approval of the PUD by the Board of County Commissioners shall be based upon findings that the proposed use is consistent with the purpose and intent stated ~~above herein~~ and the proposed development ~~would retain its resultant stormwater on site~~ will comply with the provisions of Section 10-192(b)(3). All other commercial, ~~and office, and industrial~~ uses

are prohibited. Urban services are intended for this category inside the urban service area. Existing nonresidential uses within this district that meet all water quality standards set forth in the comprehensive plan and the environmental regulations of the county will be considered permitted, lawfully established conforming uses.

~~Any land in the lake protection district lying within a closed basin may be rezoned to another appropriate district by amendment of the official zoning map through the planned unit development process. Densities and intensities of development within a closed basin are limited to primary and secondary uses of the Mixed Use A Future Land Use Category as defined by the comprehensive plan. In order to petition for such an amendment, the potential applicant must demonstrate through presentation of competent scientific evidence certified by a registered engineer that all land affected is located entirely within a closed basin which does not naturally or artificially discharge into the Lake Jackson basin. Stormwater generated by any development must be either retained on site or filtered through an approved regional stormwater management facility within the closed basin.~~

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in this zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Minor commercial, Planned Unit Development ~~Board of County Commissioners~~ approval required and runoff retained on site required.
- (2) Minor office, Planned Unit Development ~~Board of County Commissioners~~ approval required and runoff retained on site required.
- (3) Low-density residential.
- (4) Passive recreation, runoff retained on site required.
- (5) Active recreation, runoff retained on site required.
- (6) Community services, runoff retained on site required.

Section 2. That Section 10-919, Lake Protection, of Division 5 of Article X of Chapter 10, Land Development Code, of the Code of Laws of Leon County, Florida, is amended by the addition of the following paragraph:

(f) *Vested Developments.* Any development meeting the requirements of Footnote 1 of the Lake Protection Future Land Use Category in the 2010 Tallahassee-Leon County Comprehensive Plan shall be vested as provided therein.

Section 3. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, as of the effective date of this ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, whether in whole or in part, with the said Comprehensive Plan. Any provisions that are otherwise repealed by this ordinance shall nonetheless continue to apply to those applications on file and being reviewed by the county as of the effective date of this ordinance, pursuant to Sections 1 and 2.

Section 4. Severability.

If any portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provisions and such hold shall not effect the validity of the remaining portion of the ordinance.

Section 5. Effective Date.

This ordinance shall become effective as provided by law.

Duly passed and adopted by the Board of County Commissioners of Leon County, Florida, this 24th day of October, 2006.

LEON COUNTY, FLORIDA

By: Bill Proctor
Bill Proctor, Chairman
Board of County Commissioners



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

By: [Signature]
Clerk

APPROVED AS TO FORM:
Leon County Attorney's Office

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

28. Second and Final Public Hearing to Adopt a Proposed Ordinance Amending Chapter 10 of the Code of Laws of Leon County, Florida to Revise the regulations Pertaining to Temporary Uses

County Administrator Alam presented the item to the Board. See attached legal advertisement:

- County Attorney Thiele reported an earlier version of the Ordinance was attached to the item that was incorrect. He distributed the correct version to the Board.

Speaker:

Becky Subrahmanyam, 1257 Cornerstone Lane stated she was very glad to see the Board making these changes; however she believes more still needs to be done. She asked the Board members to consider if these problems were going on next door to their own homes and the effect. She also asked the Board to take a closer look to ensure it has all the protections necessary.

Commissioner Thaeil moved, seconded by Commissioner Rackleff to approve Option 1: Conduct the second and final Public Hearing and adopt the attached Leon County Ordinance Number 06-33 amending Chapter 10 of the Code of Laws of Leon County, Florida to revise the regulations pertaining to temporary uses. Motion carried 5-0, with Commissioners Grippa and Proctor out of Chambers.

NOTICE OF ESTABLISHMENT OR CHANGE OF A LAND USE REGULATION

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 24, 2006; 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, REPEALING SECTION 10-1112 OF CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED TEMPORARY USES; AMENDING CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY CREATING A NEW SECTION 10-1112 TO BE ENTITLED TEMPORARY USES; 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 Christine Coble 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 (TDD), 1-800-955-8770 (Voice), or 711 via Florida Relay service.

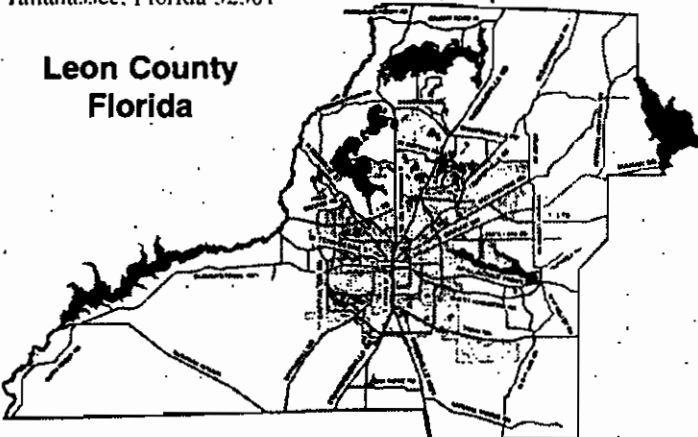
Copies of said ordinance may be inspected at the following locations during regular business hours:

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

**Leon County
Florida**



OCTOBER 17, 2006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REPEALING SECTION 10-1112 OF CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED TEMPORARY USES; AMENDING CHAPTER 10, ARTICLE X, DIVISION 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY CREATING A NEW SECTION 10-1112 TO BE ENTITLED TEMPORARY USES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, activities held outdoors or in temporary structures and attended by large numbers of people may pose a threat to the health of the residents of Leon County if inadequate fire, ambulance, or sanitation and waste facilities are provided; and

WHEREAS, activities held outdoors or in temporary structures and attended by large numbers of people may pose a threat to the safety of the residents of Leon County without adequate traffic control or public safety presence; and

WHEREAS, activities held outdoors or in temporary structures and attended by large numbers of people may constitute a nuisance to neighboring residential structures by producing more noise or traffic congestion than would normally exist; and

WHEREAS, activities held in temporary structures and may pose a threat to the health and safety of the residents of Leon County if inadequately constructed; and

WHEREAS, the Board finds it to be in the best interest of the health, safety, and welfare of the residents of Leon County to provide reasonable regulations for such activities;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA that:

Section 1. Chapter 10, Article X, Division 8, Section 10-1112 of the Code of Laws of Leon County, Florida, entitled "Temporary uses," is hereby repealed in its entirety.

Section 2. Chapter 10, Article X, Division 8 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Section 10-1112 to be entitled "Temporary uses," which section shall read as follows:

Sec. 10-1112. Temporary uses.

A. Temporary Uses and Structures

(1) Regulations in this Section shall apply to the following:

a. Temporary uses regulated. Outdoor events and events in temporary structures, intended to accommodate attendance of 250 or more persons in locations within the Urban Services Area, or 500 or more persons in locations outside the Urban Services Area may be permitted by the County Administrator or designee upon demonstration of compliance with the following regulations, standards, and requirements specified in this section, and article, as applicable.

b. Temporary structures regulated. Temporary structures, with a capacity of 100 or more persons regardless of location or use, shall be subject to applicable building permitting requirements. Documentation, from the Leon County Department of Growth and Environmental Management, Building Inspection Division, that the temporary structure complies with applicable building code requirements: including, receipt of electrical permit and

satisfactory inspection for any temporary lighting and temporary electric service for any electric-powered equipment associated with the temporary use. Satisfactory inspection of temporary structures, temporary lighting, and temporary electric service for any electric-powered equipment may be demonstrated subsequent to permit issuance, as a condition of the permit, and as noted on the permit.

(2) *Demonstration of compliance with specific standards.* Outdoor events and events in temporary structures shall be subject to compliance with the following criteria:

- a. *Location.* Allowed in any zoning district except for a residential district as defined herein.
- b. *Duration.* All temporary use permits shall be limited to a period of no longer than 15 consecutive days, except within the Rural zoning district, wherein permits shall be limited to a period of no longer than 30 consecutive days. The applicable period in which activities associated with the temporary use may be conducted shall be specified in the permit. Further, all temporary structures associated with the temporary use shall be removed from the site during this period. One extension of the temporary use permit, for a period of no longer than 15 consecutive days, may be obtained through permit re-application; thereafter, an additional five consecutive-day permit extension may be issued, upon re-application, for the sole purpose of removing temporary structures

from the temporary use site. No more than four temporary use permits shall be issued for any specific parcel within any calendar year; a 15-day extension of a temporary use permit shall be counted as an additional permit for purposes of this subsection.

c. *Hours of operation.* Hours of operation may be limited to prevent adverse impact on residential or agricultural activities.

d. *Sound amplification.* No activity involving the use of electrical sound amplification shall be permitted within 1,000 feet of any residential use.

e. *Placement of temporary structures and equipment.* No temporary structure or equipment associated with the temporary use shall be located within 500 feet of any residential property line.

f. *Health and safety standards.* In order to obtain a temporary use permit, all temporary uses shall be subject to review by the County to ensure protection of public health and safety, and to minimize adverse impacts to other properties. The applicant for a temporary use permit shall be required to demonstrate the following to obtain a permit:

(i) Documentation, from the Leon County Public Health Department, that the applicant has ensured the provision of adequate sanitary facilities to accommodate the temporary use.

- (ii) Demonstration that sufficient parking will be provided for the exclusive use of the temporary use.
- (iii) Documentation, from the Leon County Sheriff's Office, that the applicant has made arrangements with the Sheriff's Office, to ensure adequate public safety and adequate traffic control for the temporary use, including provisions for directing attendees to appropriate parking facilities. Such arrangements may include assignment of public safety personnel as necessary, with the applicant responsible for any associated costs.
- (iv) Documentation, from the City of Tallahassee Fire Department and Leon County Emergency Medical Services, that the application complies with applicable fire and life safety code regulations.

g. Exemptions. The following are exempt from this section:

- (i) Activities within any Leon County public park, subject to Leon County Parks and Recreation Division requirements and policy; and
- (ii) Public school-sponsored events held on public school property.

h. Exceptions. The following are excepted from the location requirements set out in subsection a. above:

- (i) The ancillary use of property as associated with a lawfully-established principal use situated upon that property, so long as the ancillary use complies with applicable zoning district regulations; and
- (ii) Non-commercial recreation and entertainment activities in private parks established through development order approval.

(3) Additional Regulations. Outdoor events and events in temporary structures shall be subject to compliance with the following regulations:

- a. Posting of Notice. The County may post a sign of sufficient size at least three (3) days prior to the beginning date of the outdoor event in a visible location on each street frontage of the property for which the permit is issued to inform that a temporary uses permit has been issued for the site and the nature of the use for which the permit was issued.
- b. Hold harmless. The applicant and the owner of the property upon which the temporary use will be located shall affirm through affidavit submitted with the application, that the County shall be held harmless for any liability associated with the temporary use or activity.
- c. Grounds for revocation. Any temporary use permit issued pursuant to the provisions of this section shall be revoked by the County Administrator or designee and the event closed by the

Sheriff's Office immediately upon discovery that the applicant is in violation of the permit or any condition of the permit approval.

d. Enforcement. Failure to obtain the necessary temporary use permit prior to establishment of a temporary use shall constitute a misdemeanor and result in immediate cessation of the temporary use and subject the property owner, and/or event holder, to a fine not to exceed \$500.00. This provision shall be enforced as necessary, by appropriate staff, including but not limited to the Leon County Sheriff, and Leon County Code Enforcement.

B. Off-site construction staging areas.

(1) Temporary off-site construction staging areas shall not be permitted in the Residential Preservation, R-1, R-2, R-3, R-4, R-5, or MH zoning districts. A temporary off-site construction staging area proposed adjacent to the Residential Preservation, R-1, R-2, R-3, R-4, R-5 or MH zoning districts shall provide an opaque buffer fence between the boundary of the proposed site and the adjacent residentially zoned property.

(2) The applicant for a temporary off-site construction staging area permit shall provide the County with a notarized affidavit from the entity contracting the applicant's construction services indicating the location of the construction project, the scope of the work to be completed by the contractor, and the anticipated time required to complete the construction consistent with an approved construction contract.

(3) The applicant shall provide the County a site plan of the proposed site which identifies adjacent land uses, on-site environmental features, existing topography, the location of any required landscaping, the location of any proposed temporary

structures including septic tank if required, the location of access to the site from a public right-of-way, location of parking, location and type of lighting, and other items as may be appropriate to a specific site. Furthermore, based on the presence of on-site environmental features, the County administrator or designee may require the applicant to complete the appropriate Environmental Management Act permitting process.

(4) In granting a temporary off-site construction area permit, the County shall require the posting of a security or performance bond, in an amount to be determined by the County, not to exceed the cost of returning the site to preconstruction condition prior to expiration of the permit as required by subsection (6) below.

(5) A permit for a temporary off-site construction staging area shall be valid for a period not to exceed 24 months. The applicant may request an extension to the original permit based on the anticipated length of the proposed construction project. All other requests for an extension to a previously issued and unexpired temporary off-site construction staging area permit shall be considered on a case by case basis and in consideration of the circumstances unique to each request.

(6) Prior to the expiration of the temporary permit the applicant shall return the site to the predevelopment condition. This shall include, but shall not be limited to, the removal of all structures, including closure of the septic system consistent with the guidelines provided by the County environmental health department if applicable, and certification from a licensed professional in the State of Florida that the post-development topography on-site is consistent with the predevelopment condition as identified in the site plan. Failure by the applicant to return the site to the

predevelopment condition consistent with the provisions of this section shall constitute a violation of this section, and shall be referred to the County's code enforcement board.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 4. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Effective date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 24th day of October, 2006.

LEON COUNTY, FLORIDA

By: Bill Proctor

Bill Proctor, Chairman
Board of County Commissioners



ATTEST:
BOB INZER, CLERK OF THE COURT

By: [Signature]
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

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

29. First of Two Public Hearings Regarding a Proposed Ordinance Amending the Land Development Code to Allow Conservation Subdivisions in the Lake Talquin Recreation Urban Fringe Zoning District

Pursuant to the attached legal advertisement, a public hearing was conducted.

- County Administrator Alam reported the Board directed staff to prepare this agenda item at the August 22, 2006 meeting. Conservation subdivisions are currently not allowed in the Lake Talquin Recreation Urban Fringe.
- County Attorney Thiele reported his office has issues with this Ordinance they request time to address.

Commissioner Winchester moved, seconded by Commissioner Thaeff to continue this item to the November 14, 2006 Regular Meeting at 6:00 p.m.

Speaker:

NOTICE OF ESTABLISHMENT OR CHANGE OF A LAND USE REGULATION

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 24, 2006, 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 SECTION 10-1429 OF CHAPTER 10, ARTICLE XI, DIVISION 2 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED CONSERVATION SUBDIVISIONS; BY PROVIDING THAT CONSERVATION SUBDIVISIONS SHALL BE ALLOWED WITHIN THE LAKE TALQUIN RECREATION URBAN FRINGE ZONING DISTRICT; 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 Christine Coble 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 (TDD), 1-800-955-8770 (Voice), or 711 via Florida Relay service.

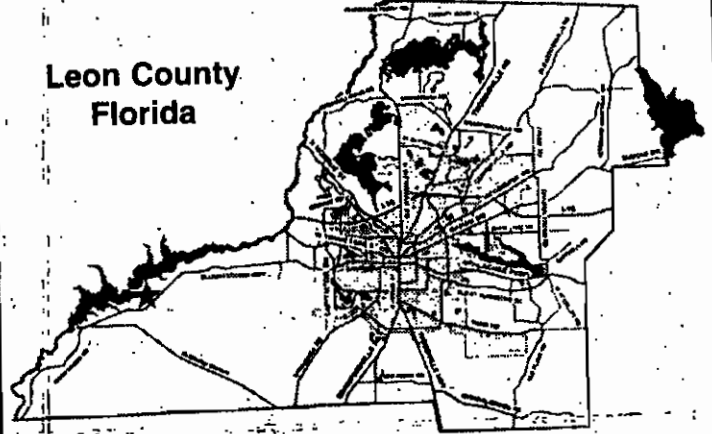
Copies of said ordinance may be inspected at the following locations during regular business hours:

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

Leon County
Florida



OCTOBER 16, 2006

Becky Subrahmanyam, 1257 Cornerstone Lane stated this location is actually far from the urban service area line usually referred to as urban fringe. She distributed information regarding the item from the Comprehensive Plan. She read that this is intended to protect environmentally sensitive areas until the critical area study is completed. She stated a critical area study is needed to ascertain environmental impacts of further development as well as a strategy to provide services. To her knowledge no such study has been completed. The Board needs to look at whether or not the land can sustain septic tanks. She spoke further on the matter with concerns over traffic, impacts on schools and densities.

- Commissioner DePuy informed the speakers that with the implementation of Senate Bill 360 on concurrency with schools and traffic some of these problems will be taken care of since the County will be addressing these issues in a different way in regard to these proposed changes.

Dr. Pamela Hall, 5051 Quail Valley Road referred to a chart. Reported she has done quite a bit of work in this area and in concept these plans sound good. Conservation subdivision is not a single entity and the actuality of it depends on the design. She asked the Board to spend time looking at the Policy and rethinking certain aspects of it. Conservation subdivision can turn out to be the densest development within the urban fringe zoning. She asked the Board to look at whether or not they are really preserving the features of the land – the ecosystem functions and the ecology. There is little evidence that the County is.

- Commissioner Sauls asked Wayne Tedder, Director of Planning if a Critical Study has been completed.
- Mr. Tedder reported one has not been completed. It is one of the things that will be studied in the Evaluation and Appraisal Report. They will be reviewing these issues and decide whether or not a study needs to be done.
- Commissioner Sauls asked staff to bring back suggestions addressing this issue at the November 14, 2006 meeting.
- Commissioner Rackleff thanked Becky Subrahmanyam for bringing the Critical Area Studies Report to the Board's attention and stated he is reluctant to take any action until this study is completed.
- Commissioner Winchester stated he is hearing there are design concerns and thinks that both speakers consistently raise valid issues. However, the Board needs to remember why they would not want to have the tool of a conservation subdivision in every zoning district. He supports a well designed and well planned use of this zoning.

Motion carried 6-0, with Commissioner Proctor out of Chambers.

30. First of Two Public Hearings to Adopt Revisions to the County's Concurrency Management Ordinance to Implement Proportionate Share Transportation Concurrency Mitigation

Pursuant to legal advertisement, a Public Hearing was conducted.

- County Administrator Alam reported the Planning Commission has approved the Ordinance as being consistent with the Comprehensive Plan that will bring the County into compliance with the provisions of Senate Bill 360 (SB360).

Commissioner Thael moved, seconded by Commissioner Winchester to approve Option 1: Conduct the first of two Public Hearings on the proposed revisions to the County's Concurrency Management Ordinance to implement the state mandated transportation proportionate mitigation provisions and schedule the second and final adoption Public Hearing for November 14, 2006.

- Commissioner Winchester asked County Administrator Alam when SB360 will actually go into effect.
- County Administrator Alam reported the effective date is December 1, 2006.
- Commissioner Winchester reported he has received numerous questions regarding what effect SB360 is going to have. He confirmed applications submitted prior to December 1, 2006 are exempt.
- David McDevitt, Director of Growth and Environmental Management (GEM) stated the Ordinance will be adopted November 1, 2006 and will go into effect December 1, 2006 as state law requires. A completed application with fees submitted now would mean someone would not have to comply with the provisions of this Ordinance.
- Commissioner Grippa asked what if a County or City does not comply with the December 1, 2006 deadline.
- Mr. McDevitt reported the Department of Community Affairs (DCA) will not process the review of any additional Comprehensive Plan and other sanctions will be levied against local governments.
- Commissioner Winchester emphasized the County needs to ensure no developments are shut down due to noncompliance.
- Mr. McDevitt reported to be honest he cannot give the Board 100% assurance of that because there are some roadways in the County that are not in good shape as pointed out in the Workshop on SB360 in August, 2006. On November 14, 2006 staff will be bringing changes to the Policies and Procedures Manual to the Board and are hoping to put as much flexibility in the Manual as possible. For example, limiting the definition of where the de minimis thresholds will be applied, the redefinition of the primary impact network, and proportionate share contributions to the County. There is a lot of flexibility in Chapter 163. He reiterated there are some areas that will be difficult to make compliant.
- Commissioner Grippa urged the Board to adopt a Capital Improvement structure that follows concurrency needs based on Senate Bill 360. Resources need to be put into roads that are not at capacity.

- County Administrator Alam reported that Bannerman Road is the road with the most problems. Staff has provided improvement at intersections and segments through Capital Improvement to provide the capacity. The City roads are a bigger problem.
- Commissioner Grippa stated he knows that Bannerman Road and Tharpe Street are problem areas. He is hoping the Board will make road improvements based on capacity.
- Commissioner Thaelle asked if the Commission has adopted any concurrency exception areas to date.
- Mr. McDevitt reported the County Commission has not. As reported at the August Workshop the GEM Department is looking into this with the Planning Department – i.e. ways to address this from an urban area standpoint. There are provisions in Florida statutes that do allow certain areas with adopted plans for mitigation to adopt concurrency exception areas. There are a lot of unknowns throughout the state as to how this plan is going to be implemented. Many issues will be addressed as they arise.
- Wayne Tedder, Director of Planning explained that under certain circumstances the County would need to look at alternative modes of transportation, interconnections, sidewalks, other lanes and even mass transit. Whatever brings an area up to the level of service to satisfy the state requirements for those districts is what the money would need to be applied to. It will most likely not avoid the need for proportionate share.

Commissioner Thaelle asked Wayne Tedder and David McDevitt a number of questions regarding proportionate share.

- Commissioner DePuy advised the public the Board participated in a Smart Growth Summit where this issue was addressed as well as having a comprehensive Workshop on the impact of Senate Bill 360. Leon County is ready to be in compliance and is fully prepared to meet the mandates of SB360.

Motion carried 6-0, with Commissioner Proctor out of Chambers.

31. First and Only Public Hearing on the Mariana Oaks Type C Site and Development Plan

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

- County Administrator Alam reported the Development Review Committee (DRC) has reviewed this Plan and is recommending it with certain conditions. This is a 50 acre site on St. Augustine Road located inside the urban service area with 53 units, and a single-family detached residential subdivision planned. Staff recommends approval subject to the conditions outlined.

Speakers:

Doris Andrews, 3791 Dugan Drive stated her property adjoins the proposed subdivision. She is asking the Board to go above and beyond the rules and regulations. She is asking the Board to reduce the density because of storm water, septic tanks and traffic.

Jorge Laguna, 7304 Masterson Court stated he agrees with the previous speaker and is also concerned about the high density and traffic on St. Augustine Road that would potentially harm the road. He is not opposed to the subdivision being built, but is concerned about some of the environmental impacts including septic tanks, water run-off, flooding, and traffic congestion. He asked the Board to consider reducing the density to at least ½ acre. Also, perhaps the exit could be onto Williams Road with a merge lane. He stated a retention pond should be built as well as an increase in the buffer.

- Commissioner DePuy reported *for the public record* these speakers are his neighbors and there will not be any financial benefit to him regarding the outcome of this vote. He did want to ensure, *for the record*, the public knows it is his neighborhood this issue speaks to and acknowledge his neighbors.

Sue Nelson, 3800 Dugan Drive stated she is opposed to this type of density and does not believe it is a good match for this area. When she purchased her residence eight years ago the Board approved eight home sites for this area in the late 1990's. The homes are on two and one half to hundred acres. Referred to an e-mail she sent the Board regarding water run-off – there is a design problem. She reiterated the concerns of the previous speakers and hopes the Board addresses the speakers concerns.

- Commissioner DePuy stated he has studied this agenda item extensively and opined concerns. He has some of the same concerns expressed earlier. Eight to sixteen acre lots planned in the one area of the County was one thing. These residences are planned for half acre lots which is an entirely different land usage. Also, the utility provider is Talquin for water and electricity and there will not be any sewer service. This property is inside the urban service area. This appears to be an excellent location for an attempt to get compliance from the developer to install the best septic tanks available. One of his concerns is what the Board is going to do about the septic tank issue.
- Commissioner Rackleff reported he took note of the poor condition of St. Augustine Road between Louvinia and Williams Road. This is an Open Grade Cold Mix (OGCM) Road. He is also concerned that there is only one way in and out of this subdivision. Each new vehicle will be using this already worn stretch of road. He referred to attachment 5 on page 5 of the item revealing the planned adjoining subdivision that provides another road. Commissioner Rackleff discussed the road and the septic tank issues. He asked County Administrator Alam what the Board's options are.
- County Administrator Alam confirmed with County Attorney Thiele the Board can either 1) approve the Ordinance; 2) deny it; 3) approve the Ordinance with conditions or 4) the Board can continue it.

- County Attorney Thiele reported the Board could refer the Ordinance back to the Development and Review Committee to do further study.
- Commissioner Thaelle stated he is going to move to deny approval. This is a development of Mixed Use A land use category. Most of the homeowners live on 25 to 100 acre lots. The proposed density of this property of this development does not fit the pattern of density intended in the Comprehensive Plan. He discussed the plan in terms of water run-off and how much the plan could handle.

Commissioner Thaelle moved, seconded by Commissioner Rackleff to approve Option 2: Conduct the first and only Public Hearing and deny the proposed Type "C" site and development plan for the Mariana Oaks Subdivision, based on findings as provided by the Board of County Commissioners on the record of the Public Hearing.

- Commissioner Sauls asked Wayne Tedder about the 8 lots referenced to by a speaker earlier and asked if that was all that was allowable.
- Tony Biblo, Development Services Director stated the Development Review Committee in the late 1990's the area was subdivided through a limited partition into eight lots. Within the last year, the owners of the property proposed a different subdivision. At the time this proposition was in compliance with the code and was consistent with the Comprehensive Plan. Today this is what exists legally on the ground. If the proposed Ordinance is approved, it would supersede the other. Only one development order can stand on a property at one time. The Development and Review Committee found this development to be in compliance with the exception of twelve issues which is where the conditions stem from. The applicant will need to fully comply with all the land development regulations as well as fully consistent with the Comprehensive Plan.

Board discussion ensued regarding lot sizes, densities, zoning classifications and urban sprawl, affordable housing, condition of St. Augustine Road.

Motion carried 6-0, with Commissioner Proctor out of Chambers. See attached Legal advertisement:

TALLAHASSEE DEMOCRAT
PUBLISHED DAILY
TALLAHASSEE-LEON-FLORIDA

STATE OF FLORIDA COUNTY OF LEON
Before the undersigned authority personally
appeared Daniel Serrano, who on oath says th
he is a Legal Advertising Representative of th
Tallahassee Democrat, a daily newspaper
published at Tallahassee in Leon County,
Florida; that the attached copy of advertising
being a Legal Ad in the matter of

PUBLIC HEARING

in the Second Judicial Circuit Court was
published in said newspaper in the issues of:

OCTOBER 17, 2006

Affiant further says that the said Tallahassee
Democrat is a newspaper published at
Tallahassee, in the said Leon County, Florida,
and that the said newspaper has heretofore bee
continuously published in said Leon County,
Florida each day and has been entered as seco
class mail matter at the post office in Tallahas
in said Leon County, Florida, for a period of o
year next preceding the first publication of the
attached copy of advertisement; and affiant
further says that she has never paid nor promis
any person, firm or coporation any discount,
rebate, commission or refund for the purpose o
securing this publication in the said newspaper.

DANIEL SERRANO

LEGAL ADVERTISING REPRESENTAT
Sworn To or Affirmed and Subscribed Bef
Me.

This 17 Day of October 2006, by

Daniel Serrano, [Signature]

Personally Known _____

OR Produced Identification _____

Type of Identification Produced _____

(SEAL)

[Signature]

Notary Public
State of Florida
County of Leon

Rachel Vickers
MY COMMISSION # DD245745 EXPIRES
August 28, 2007

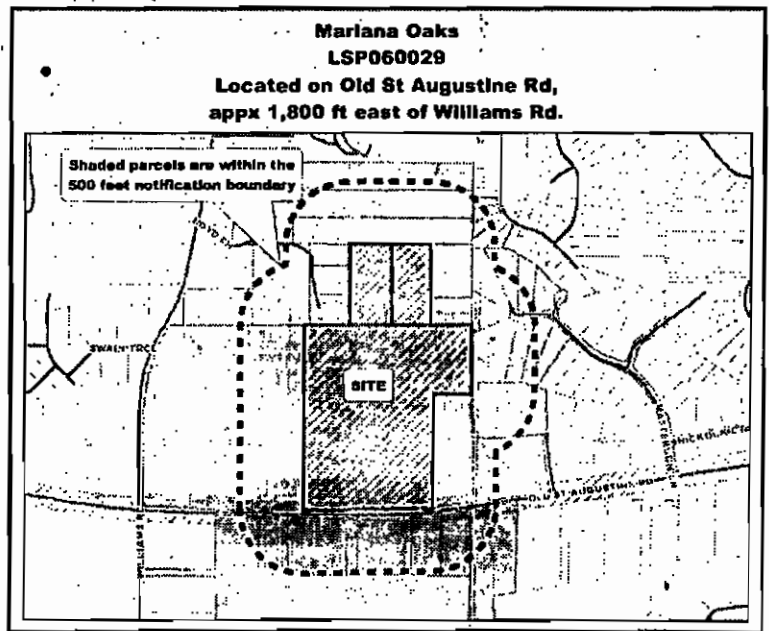


Legal Notices 1 Legal Notices 1 Legal Notices 1 Legal Notices 1

PUBLIC HEARING
LEON COUNTY BOARD OF COUNTY COMMISSIONERS
OCTOBER 24, 2006 - 6 P.M.
LEON COUNTY COURTHOUSE
5TH FLOOR COMMISSION CHAMBERS
TYPE "C" SITE AND DEVELOPMENT PLAN

- 1. Project Name: Marianna Oaks - Type "C"
- Applicant: Marianna Oaks, LLC
- Acres: 50
- Parcel I. D.: 32-08-20-214-000-0
- 32-08-20-220-000-0
- 32-08-20-605-001-0
- Project: The project is a proposed 53 lot residential subdivision.

This property is located on Old St. Augustine Road, approximately 1,800 feet east of Williams Road intersection.



These plans are on file at the Leon County Department of Growth and Environmental Management, 3401 West Tharpe Street, and may be reviewed during regular business hours. For further information, please call 606-1300.

In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Christine Coble 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 (TDD), or 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

OCTOBER 17, 2006

32. Public Hearing Regarding Transmittal of Southside Development of Regional Impact Comprehensive Plan Amendments

- County Administrator Alam presented the item to the Board.

Speaker:

Jean Aldrich, 801 Anna Wood Drive, representing residents of Woodside Heights which is a low to middle class income housing area do not want to be brought into the City, rezoned and forced to use City utilities. Their property taxes, along with utility bills they can barely afford now will go up even higher. She named the impacts a new development would have and strongly objects to the increase in population, traffic, noise and the probability that their now zero crime rate would no longer be the case. She feels the quality of life will change dramatically and requested a 60 ft buffer between the neighborhood and proposed development.

- Commissioner Rackleff stated he does not believe this neighborhood would be required to use City utilities.
- Commissioner DePuy asked staff if there is a plan by the City to annex this neighborhood into the municipal limits.
- Kristen Anderson, Planning Staff stated yes this area probably will be annexed but that is not the reason this item has been put on the agenda. Staff is doing a planned amendment out of cycle.
- Commissioner DePuy asked if the area would be served by Talquin.
- Ms. Anderson answered no, this area will be serviced by the City. However, the speaker's neighborhood will not be affected.
- Commissioner Rackleff asked if the Board approves option one – to transmit the amendment – does that mean the development has been approved.
- Ms. Anderson stated no, this is just the plan amendment approval. This will come back for an Adoption Hearing and if it stays in the County the Board will have a Development Order come before them.

Commissioner Rackleff moved, seconded by Commissioner Thael to continue the public hearing to November 14, 2006 at 6:00 p.m.

Commissioner Winchester made a substitute motion, seconded by Commissioner Grippa to approve Option 1: Conduct the public hearing on the proposed Southside Development of Regional Impact Comprehensive Plan Amendments to the Department of Community Affairs for review.

- Commissioner Grippa asked if there is a deadline for this to be approved.
- Ms. Anderson reported staff would like to get this to the state for review as soon as possible.

- Commissioner Grippa asked what the next step is. Ms. Anderson informed him it will come back to the Board for adoption. He then confirmed it could be denied or modified. Commissioner Grippa suggested the proposed amendment be sent to the state so they can begin work on it.
- Commissioner Proctor reported this is a reputable developer and they agreed to meet with the business community and residents of the south side. Commissioner Sauls attended along with several hundred residents. This project is in line with what local leaders have set as a positive direction and improvements to housing, transportation, economic development and education under the Southern Strategy project. He is especially pleased with the proposal to build a hospital in the south side. Leon County needs a new high school and new curriculum to complement everything else in the south side.
- Commissioner Thael stated he would like to see these agenda items prior to the day of the meeting.
- Commissioner Rackleff stated after reading the item he agrees with staff recommendation.
Commissioner Rackleff withdrew his motion.
- Commissioner Sauls confirmed with Ms. Anderson the County would still be involved in the process in the event the City annexes the property.
- Commissioner Proctor asked staff to provide a projection of how much revenue for the County this project will generate especially if it is expedited.

Substitute motion carried 7-0.

Citizens to be Heard on Non-Agendaed Items (6-minute limit)

Speakers:

Preston Scott, 7421 Laurel Ridge Lane stated it was his understanding that County staff was not to engage in advocacy of the healthcare issue per the County Attorney. He stated he was not personally attacking Mr. Alam, Mr. Young or Ms. Khoen in any way shape or form. However, he believes there is active advocacy of the healthcare plan in progress. He referred to a mailing that suggested children would be covered in the plan and they are not. Mr. Scott stated that as a County resident he was simply asking for fairness. However, there is no mention of several points that as a citizen he feels it is only fair should have been made that were not necessarily in favor of the healthcare plan. He referred to a phone call to Ms. Khoen requesting Mr. Young's appearance on a radio program and questioned the response he received. Again, he does not think staff is presenting both pros and cons regarding the healthcare issue. He discussed this matter.

Pamela Hall, 5051 Quail Valley Road spoke to the Type C development voted down. The development was poorly designed. However, it does meet County regulations. She suggested three parties are culpable. There are a lot of inappropriate future land use and zoning densities that do not relate to the

actual services that can be provided. There is a one half acre lot minimum for a septic tank. This needs to be changed to at least one acre. The development process needs to be opened up so the designs can be more flexible. Regulations need to be in place that have a sense of what the actual performance of the development should look like. She discussed this matter at length.

- Commissioner Grippa told Mr. Scott he made some valid points. Commissioner Grippa stated he asked the County Attorney whether or not the content of the mail out he spoke about was legal. Commissioner Grippa stated staff was being put in a *difficult* position. He has received numerous e-mails expressing citizens' concerns that the County is promoting the healthcare issue. Commissioner Grippa would like to see the Commissioners in favor of this speak out themselves instead of sending staff out.
- Commissioner Thael stated at a recent event an explanation was given as to how 1,000 children will actually be served if the healthcare issue passes. Although the sales tax would become the highest in the state, we are still the fifth lowest per capita taxed county in the state. He reported 9,000 working uninsured people would be served. Commissioner Thael discussed this issue at length. He urged everyone in the community to vote yes for healthcare on Tuesday, November 7, 2006.
- Commissioner DePuy stated he opposes the healthcare tax. He voted for the Municipal Service Taxing Unit (MSTU) Friends in Healthcare. The Board has an obligation to help citizens less fortunate than others. He does not think the answer is the proposed sales tax; but for the County to do a better job with existing resources. He asked the citizens to vote no on the healthcare sales tax.
- Commissioner Rackleff is very much in favor of the healthcare sales tax and thought the brochure was excellent and described the program. It is a program. The brochure reported facts about the program.
- Commissioner Sauls stated she voted to put this issue before the public and let them make an informed decision. She believes both the pros and the cons should be put out and has been concerned over this from the beginning. Let the citizens decide. She will stand by whatever decision the majority of the citizens make.
- Commissioner Grippa reiterated how staff should not be put in the position they have been in regard to the healthcare issue. He has not seen any information regarding 'cons' to the ½ cent sales tax increase for healthcare.
- County Administrator Alam indicated Jennie Khoen wanted to ensure the Board members were aware of upcoming functions. She informed the Board of these events.

Commissioner Grippa asked if the healthcare issue was going to be discussed at these events and urged staff not to discuss this issue.

There was lengthy Board discussion regarding this issue.

Discussion Items by Commissioners

33. Consideration of Funding Request from New Mt. Zion AME Church in the amount of \$5,000 to sponsor "A Night with Alvin Ailey II"

Commissioner Grippa moved, seconded by Commissioner DePuy to refer the funding request to the Tourist Development Council to support "A Night with Alvin Ailey II". If the Tourist Development Council denies the request then it should be brought back to the Board for consideration. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Commissioner Thaeil

Requested a Resolution for Marjorie Turnbull recognizing her lifetime of service. She is retiring from the Tallahassee Community College Foundation. Request was made without objection.

Requested staff agenda a Workshop reviewing the R1 Zoning categories outside of Capital Circle similar in nature to the Mariana Oaks Subdivision.

Requested staff agenda the Septic System Advisory Report for review.

Commissioner DePuy

Thanked Guy Thompson from the Tourist Development Council for providing the new Downtown Maps paid for by the Tourist Bed Tax. The map is sponsored by the City, County and the TDC available at the Welcome Center.

Commissioner Rackleff

Wanted to clarify the Downtown Improvement Authority has a similar map available.

Commissioner Grippa

Thanked Commissioner-Elect John Dailey for attending every meeting. This says a lot about his commitment to the position. His father Scott Dailey showed the same commitment to his position as is well known. He was greatly respected and held in high regard throughout his years of service to the citizens of Leon County.

Regarding Pisgah Church Road we have an agreement with Booth properties and Centerville Farms. They pave the road once Open Grade Cold Mix (OGCM) and then pave it a second time (OGCM) after saving up. The way the contract reads and their interpretation is that they pave it twice, *then* put \$500,000 away. Thinks it may be a 'Scribner's error'. They sent a letter to him and Vince Long, Deputy County Administrator. Would like to agenda this for November 14, 2006.

Commissioner Grippa moved, seconded by Commissioner Thael to agenda clarification of the Agreement involving Pisgah Church Road, Booth properties and the County regarding paving of the road for November 14, 2006 at 6:00 p.m. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Reported he has been talking with Jackie Pons who has been working with Mr. Booth on an idea called Workforce Housing. There is \$50 million at the Florida Housing Finance Corporation to be used to subsidize housing for 'critical need employees' – teachers, sheriff deputies, etc. Wants staff to bring back an agenda item to see if the Board wants to partner in this and apply for the grant due December 15, 2006.

Commissioner Grippa moved, seconded by Commissioner Rackleff to agenda an item regarding Workforce Housing a concept Jackie Pons is promoting and whether the Board would like to partner in this effort along with Hurley Booth to subsidize housing for critical need employees such as teachers and law enforcement personnel. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Requested a Resolution for his Aide, Leticia Adams. Request was made without objection.

Regarding the Taylor property and the ten year cap on building in the Bradfordville area – 350,000 sq ft ten year cap on development. Is there a way people can reserve their right to build. Dr. Taylor has worked with the County and been quite flexible regarding his property.

Commissioner Grippa moved, seconded by Commissioner Thael to agenda an item to discuss developers' ability to reserve commercial property rights in Bradfordville before Senate Bill 360 goes into effect. Motion carried 6-0, with Commissioner Winchester out of Chambers.

Thanked everyone for their vote on the Miccosukee Community Center.

Commissioner Proctor

This week marks the Homecoming celebration of Florida A&M University. Requested a Proclamation for Bishop A.J. Richardson who is being recognized as outstanding alumnae. Request was made without objection.

Bond and Neighborhood Health Services have sent a letter to the Board asking for clarification regarding the healthcare issue. He would like to request staff meet with them to discuss their concerns.

Requested staff provide a report addressing why the Mobile Health Mobile does not go out into the community. Since July they have not gone out into the community. Can the County get some of their money back.

Thought Commissioner Grippa made a great point. Perhaps he has not gone out into the community enough to express how badly the half cent sales tax is needed for the healthcare program. He discussed this issue at length.

The Board discussed dissemination of information regarding the healthcare issue.

File and Receipt

Notice of Fiscal Year 2007 Meeting Schedule of the Board of Supervisors of the Fallschase Community Development District: See attachment:

Fallschase

Community Development District

6131 Lyons Road, Suite 100, Coconut Creek, Florida 33073
Phone: 954-426-2105 • Toll-free: 877-276-0889 • Fax: 954-426-2147

October 2, 2006

Mr. Parwez Alam
Leon County Administrator
301 S. Monroe Street
Tallahassee, Florida 32301


**Subject: Fallschase Community Development District
Annual Meeting Schedule – Fiscal Year 2007**

Dear Mr. Alam:

In accordance with Chapter 189 of the Florida Statutes, the Districts are required to provide to you at the beginning of each fiscal year a notice of our public meeting schedule. Notice is being given that the Board of Supervisors of Fallschase Community Development District will hold their meetings for Fiscal Year 2007 at **1:00 p.m.** at **4475 Buck Lake Road, Tallahassee, Florida, 32317**, as follows:

October 3, 2006
November 7, 2006 Landowners & Regular Meeting
December 5, 2006
January 9, 2007
February 6, 2007
March 6, 2007
April 3, 2007
May 1, 2007
June 5, 2007
July 10, 2007
August 7, 2007
September 4, 2007

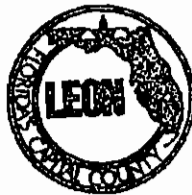
Sincerely,

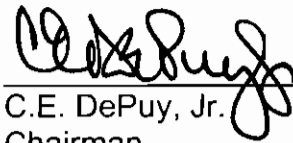

Chesley "Chuck" Adams, Jr.
District Manager

CA:dt

There being no further business to come before the Board, the meeting was adjourned at 8:50 p.m.

ATTEST:




C.E. DePuy, Jr.
Chairman


Bob Inzer
Clerk of the Court