

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
November 14, 2006**

The Board of County Commissioners of Leon County, Florida met in regular session on September 19, 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; and Secretary Patricia Pendleton.

Invocation and Pledge of Allegiance

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

Awards and Presentations

- Presentation to the Summer Snapshot Greenway Photo Contest Winners
The following winners were presented with an honorary plaque. Chairman Proctor, on behalf of the Board, presented the following winners: Glenda Simmons – First Place for "Colors of Dusk;" Lee Howell – Second Place for "Leaf With a View;" Sheila Robinson – Third Place for "Berries." The professional judges were: FSU Sculptor Professor Charles Williams, FSU Photography Professor George Blakely, Tallahassee Community College (TCC) Photography Professor Barbara Edwards, Tallahassee Camera and Imaging, Mike Frazier.

Mr. Pat Plocek, Leon County Parks and Recreation Director, thanked all the contestants and reported that everyone is invited to participate next year which will start in January. Bruce Hoffmeister, Manager of the Greenways, was introduced to the Board and acknowledge for his contribution to the beauty of the Greenways.

- Resolution Honoring Former Leon County Commissioner and State Representative Marjorie Turnbull for Outstanding Public Service

Commissioner Thael invited former County Commissioner Marjorie Turnbull (1988-94) and State Representative (1994-2002) to come before the dais to receive a resolution for her contribution as Executive Director of the Tallahassee Community College Foundation, November 1995 – October 2006. Ms. Turnbull is retiring after 11 years as the Executive Director.

- Commissioner Winchester presented Judith Dougherty, his Commission Aide, District 3, with the attached resolution, commending her for exemplary commitment to the citizens of Leon County for the past eight years:

Resolution

WHEREAS, Ms. Judith Dougherty, having faithfully and dutifully served as commission aide to the District 3 Commissioner for 8 years; and

WHEREAS, Ms. Dougherty has displayed an exemplary commitment to the constituents of District 3 and Leon County in its entirety; and

WHEREAS, Ms. Dougherty has provided transcendent and deferential service to all who have sought help; and

WHEREAS, Ms. Dougherty has illustrated morality and virtue in public service to Leon County citizens; and

WHEREAS, it is Judith's dedication to Leon County citizens and her profession that has been, and fortunately will continue to be, an asset to the Leon County Board of County Commissioners and all of Leon County.

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

Ms. Judith Dougherty

Be recognized and commended for her service to District 3 and to Leon County and that she will continue to be recognized for her servitude and savor the accomplishments of those that will carry forward the endeavors and interests of District 3.

Dated this 14th day of November, A.D., 2006.



ATTEST:

Parvez Alam
Parvez Alam, Administrator

BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

Bill Proctor

William C. Proctor, Chairman

Ed DePuy

C.E. "Ed" DePuy, Vice Chairman

Tony Grippa

Tony Grippa

Bob Rackleff

Bob Rackleff

Jane G. Sauls

Jane G. Sauls

Cliff Thael

Cliff Thael

Dan Winchester

Dan Winchester

- Commissioner Grippa presented the attached resolution and a gift to Leticia Adams, Commission Aide, District 4, for her dedicated service to Leon County citizens for the past two one-half years:

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WHEREAS, Ms. Leticia Adams has been a dedicated and meticulous commission aide to the District 4 Commissioner Tony Grippa for over two years; and

WHEREAS, Leticia Adams has been instrumental in addressing the concerns and problems of not only the constituents of District 4 but Leon County as a whole; and

WHEREAS, Leticia Adams has provided exceptional service to all who have requested her help; and

WHEREAS, Leticia Adams has exemplified superior public service to Leon County; and

WHEREAS, Leticia has been an asset to the Board and staff members and will be greatly missed.

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

Leticia Adams

be recognized and commended for her dedicated service to District 4 and Leon County, the Board further wishes that her future endeavors are rewarding and successful.

Dated this 14th day of November, A.D., 2006.

- Presentation to Outgoing Commissioners

The Chairman and Commissioners provided remarks on Commissioner Winchester's outstanding public service to Leon County citizens, District 3 constituents. In addition, the Board presented Commissioner Winchester with his County Commissioner Portrait, and a painting of a Canopy Road in his district. The County Administrator also commented on Commissioner Winchester's contributions to the community.

The Chairman and Commissioners also provided commendations to Commissioner Grippa, District 4, for his public service to the citizens of Leon County. He was presented with a County Commissioner Portrait and a painting of a Canopy Road in his district. Commissioners and the County Administrator expressed commendations to Commissioner Grippa for his contributions to the community.

Former County Commissioner Gary Yordon appeared and presented a video of "Tony Grippa Commercials."

Commissioner Grippa encouraged the Board to continue with various efforts such as a trauma center in the Tallahassee Memorial Hospital and a joint stormwater plan.

Representatives of Miccosukee Community made comments and presented Commissioner Grippa and Leticia Adams, Commissioner Aide, with gifts.

Commissioner DePuy moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0 to continue all the Public Hearings (Items 31-34) to 6:30 p.m.

The Board resumed at 6:30 p.m.

CONSENT

Commissioner Sauls moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve the Consent Agenda with the exception of items 9 (which was pulled from the agenda via memorandum from County Administrator Alam) and Item 16 which was pulled for discussion at the request of a citizen, and Item 19 (pulled at the request of Commissioner Thael):

1. Approval of Minutes: July 27, 2006 Special; August 1, 2006 Special Meeting; and October 10, 2006 Regular Meeting

The Board approved Option 1: Approve the Minutes of July 27, 2006 Special; August 1, 2006 Special Meeting; and October 10, 2006 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for November 14, 2006 and Pre-Approval of Payment of Bills and Vouchers for the Period of November 15, 2006 through November 20, 2006

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for November 14, 2006 and pre-approve payment of bills and vouchers for the period of November 15 through November 20, 2006: \$1,467,718.41

3. Approval of Additional FY06 Year-End Budget Adjustments and FY07 Carry Forward Adjustments

The Board approved Options 1 and 2: Approve the attached Resolution and associated budget Amendment regarding the FY06 Operating and Capital Improvement Projects Carry Forward Adjustments; 2) Approve the attached Resolution and associated budget amendment regarding the FY06 End-of-the-Year adjustments:

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 14th day of November, 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

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

Attachment # 1
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No: BAB07015
Date: 11/8/2006

Agenda Item No: _____
Agenda Item Date: 11/14/2006

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>				

See Attached

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: _____

Current Budget

Change

Adjusted Budget

Subtotal: _____

Purpose of Request:

Program Director

Group Director

Approved By: Resolution Motion Administrator

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Account Description	Fund	Org	Object	Program	Revenue	Expenditure
GENERAL FUND						
Appropriated Fund Balance	001	000	300000	000	336,514	
District 5						
Other Current Charges and Obligations	001	105	54900	511		770
Office Supplies	001	105	55100	511		184
Travel & Per Diem	001	105	54000	511		888
County Attorney						
Professional Services	001	120	53100	53100		200,000
Military Personnel Grant Program						
Military Personnel Grant Program	001	888	58347	569		134,892
Property Appraiser						
Property Appraiser: Excess Fees	001	000	388600	000	26,512	
Transfer to Property Appraiser	001	512	59306	586		26,512
General Fund Subtotal					\$ 363,026	\$ 363,026
Department of Juvenile Justice						
Appropriated Fund Balance	110	000	399900	000	181,499	
Aids to Government Agencies	110	820	58100	689		181,499
Subtotal					\$ 181,499	\$ 181,499
Legal Aid						
Reserves	110	990	59930	599	50,000	
Other Grants and Aids	110	555	58300	564		50,000
Subtotal					\$ 50,000	\$ 50,000
Clerk of Courts: Circuit Clerk						
Reserves	110	990	59900	599	49,333	
Clerk of Courts Fees	110	555	58300	564		49,333
Subtotal					\$ 49,333	\$ 49,333
Probation and Pretrial Services						
Active GPS Monitoring Fee	111	000	348680	000	101,640	
Passive GPS Monitoring Fee	111	000	348681	000	18,360	
Aids to Government Agencies	111	544	58100	523		120,000
Subtotal					\$ 120,000	\$ 120,000
MSBU Stormwater Utility: TMDL						
TMDL Program and Impacts	305	000	399900	000	-13,776	
Transfer to MSBU Stormwater Utility	305	950	591123	581		-13,776
Transfer from Fund 305	123	950	381305	000	-13,776	
Professional Services	123	428	53100	537		-13,776
Subtotal					\$ (27,552)	\$ (27,552)
Library Grant: Let's Read Together						
Revenue	125	912108	331726	000	(6,553)	
Regular Salary and Wages	125	912108	51200	571		(5,711)
FICA Taxes	125	912108	52100	571		(477)
Retirement Contributions	125	912108	52200	571		(362)
Workers Compensation	125	912108	52400	571		(13)
Professional Services	125	912108	53100	571		(1,150)
Printing and Binding	125	912108	54700	571		(1,055)
Travel and Per Diem	125	912108	54000	571		(300)
Books, Publications and Library Materials	125	912108	56600	571		2,545
Subtotal					(6,553)	\$ (6,553)
DOJ/Florida DJJ Grant						
Revenue	125	916075	331692	000	(22,100)	
Other Contractual Services	125	915075	53400	569		(22,100)
Subtotal					\$ (22,100)	\$ (22,100)
DOT Wildlife Barrier Walls						
Revenue	125	918015	343912	000	3,788	
Other Contractual Services	125	918015	53400	569		3,788
Subtotal					\$ 3,788	\$ 3,788
Woodville Highway						
Revenue	125	918001	363250	000	30,099	
Aids to Government Agencies	125	918001	58100	541		30,099
Subtotal					\$ 30,099	\$ 30,099
Housing Finance Authority						
Housing Related Activities	181	808	58313	554		(100,000)
Aids to Government Agencies	181	808	585000	554		100,000
Subtotal					\$ -	\$ -

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FY 05/06 CAPITAL IMPROVEMENT PROGRAM CARRY FORWARDS

<u>Account Description</u>	<u>Fund</u>	<u>Org</u>	<u>Acct</u>	<u>Prog</u>	<u>Revenue</u>	<u>Expenditure</u>
FUND 305 - CAPITAL IMPROVEMENTS						
APPROPRIATED FUND BALANCE	305	000	399900	000	40,826	
TRANSFER TO FUND 308	305	950	591308	581		(435,138)
2/3 2/3 - RAINBOW ACRES	305	057908	56300	541		(10,063)
CENTERVILLE TRACE SEWER PROJECT	305	064008	56300	535		(948)
FLOODED PROPERTY ACQUISITION	305	066018	56100	538		(5,387)
GIS/PETS	305	078009	56400	539		(1,069)
GIS INCREMENTAL BASEMAP UPDATE	305	076060	56400	539		(17,107)
ELECTION EQUIPMENT	305	098015	56400	513		511,536
					<u>40,826</u>	<u>40,826</u>
FUND 306 - GAS TAX						
APPROPRIATED FUND BALANCE	306	000	399900	000	(342,573)	
PUBLIC WORKS VEHICLE & EQUIPMENT REPLACEMENT	306	026005	56400	541		(278,000)
TOWER ROAD RAILROAD CROSSING	306	053006	56300	549		(5,528)
LOCAL ROAD RESURFACING	306	057005	56300	541		(59,045)
					<u>(342,573)</u>	<u>(342,573)</u>
FUND 308 - SALES TAX						
TRANSFER FROM FUND 305	308	950	381305	000	(436,138)	
TRANSFER FROM FUND 309	308	950	381309	000	(650,000)	
APPROPRIATED FUND BALANCE	308	000	399900	000	495,079	
OPEN GRADED COLD MIX STABILIZATION	308	026006	56300	541		(145,176)
CLOUDLAND DRIVE	308	053004	56300	541		(3,198)
HEATHERWOOD ROAD	308	054009	56300	541		(10,749)
BUCK LAKE ROAD	308	055001	56300	541		(18,859)
ARTERIAL/COLLECTOR RESURFACING	308	056001	56300	541		(119,455)
BLACK CREEK RESTORATION PROJECT	308	057002	56300	541		87,262
LOCAL ROAD RESURFACING	308	057005	56300	541		(42,713)
THARPE STREET	308	057006	56300	541		(7,854)
ORANGE AVENUE	308	057007	56300	541		(330,517)
					<u>(581,058)</u>	<u>(581,058)</u>
FUND 309 - SALES TAX EXTENSION						
APPROPRIATED FUND BALANCE	309	000	399900	000	(850,000)	
BLUE PRINT 2000 JPA REVENUE	309	000	343918	000	(286,844)	
TRANSFER TO FUND 308	309	950	591308	581		(850,000)
HARBINWOOD ESTATES DRAINAGE	309	063002	56300	538		(10,237)
DKEEHEEPKEE/WOODMONT POND	309	063004	56300	538		(14,448)
KILLEARN LAKES SEWER PROJECT	309	064003	56300	535		(230,533)
BLUE PRINT 2000 WATER QUALITY ENHANCEMENTS	309	067002	56300	538		(31,828)
					<u>(936,844)</u>	<u>(936,844)</u>
FUND 311 - BOND SERIES 2003A&B CONSTRUCTION						
APPROPRIATED FUND BALANCE	311	000	399900	000	185,749	
BANK OF AMERICA BUILDING ACQUISITION/RENOVATIONS	311	088025	56200	519		185,749
					<u>185,749</u>	<u>185,749</u>
FUND 318 - BOND SERIES 1999 CONSTRUCTION						
APPROPRIATED FUND BALANCE	318	000	399900	000	72,450	
ELECTION EQUIPMENT	318	096015	56400	513		72,450
					<u>72,450</u>	<u>72,450</u>
FUND 320 - BOND SERIES 2005 CONSTRUCTION						
APPROPRIATED FUND BALANCE	320	000	399900	000	(189,244)	
COURTHOUSE RENOVATIONS	320	086027	56200	519		(189,244)
					<u>(189,244)</u>	<u>(189,244)</u>
FUND 341 - CNTY WIDE RD DISTRICT IMPACT FEE						
APPROPRIATED FUND BALANCE	341	000	399900	000	(18,015)	
NORTH MONROE TURN LANE	341	053003	56300	541		(18,015)
					<u>(18,015)</u>	<u>(18,015)</u>
FUND 401 - SOLID WASTE MANAGEMENT						
APPROPRIATED FUND BALANCE	401	000	399900	000	(757,824)	
LANDFILL HEAVY EQUIPMENT & VEHICLE REPLACEMENT	401	036003	56400	534		(757,824)
					<u>(757,824)</u>	<u>(757,824)</u>

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RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2005/2006; 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 14th day of November, 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

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**FISCAL YEAR 2005/2006
BUDGET AMENDMENT REQUEST**

Attachment # 2
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No: BAB06099
Date: 11/6/2006

Agenda Item No: _____
Agenda Item Date: 11/14/2006

County Administrator

Assistant County Administrator

Parwez Alam

Alan Rosenzweig

**Request Detail:
Revenues**

Account Information				Title	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog				

See Attached

Subtotal: -

Expenditures

Account Information				Title	Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog				

Subtotal: -

Purpose of Request:

End of the Fiscal Year Adjustments

Program Director

Group Director

Approved By: Resolution Motion Administrator

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Account Description	Fund	Org	Account	Program	Revenue	Expenditure
Management Information Systems						
Salary and Wages	001	171	51200	513		54,530
Training	001	171	55401	513		-37,000
Repairs and Maintenance	001	171	54600	513		-17,530
subtotal						0
Communications						
Com-Net Communications	110	470	54100	603		12,780
Reserve for Contingency	110	990	59900	599		-12,780
subtotal						0
Pre Article V Expenditures						
Court Appointed Attorneys	110	536	53120	689		3,500
Psychological Exams	110	538	53100	621		1,500
Court Appointed Attorneys	110	538	53120	621		600
Reserve for Contingency	110	990	59900	599		-5,600
subtotal						0
Public Defender						
Machinery and Equipment	110	536	56400	603		629
Reserve for Article V	110	990	59930	599		-629
subtotal						0
Probation						
Active GPS Monitoring	111	000	348680	000	18,808	
Aids to other Gov Agencies	111	544	58100	523		18,808
subtotal					18,808	18,808
Domestic Preparedness Grant						
	125	961076	331203	000	34,428	
	125	961076	56400	526		34,428
subtotal					34,428	34,428
Municipal Services (Parks and Rec/Fire)						
Transfer from 126	106	000	381126	000	-22,998	
Salary and Wages	106	400	51200	541		-22,998
subtotal					-22,998	-22,998
Transfer to 108	126	950	591106	581		-22,998
Transfer to 140	126	950	591140	581		22,998
subtotal						0
Transfer from 126	140	000	381126	000	22,998	
Fuel and Oil	140	436	55210	572		18,622
Operating Supplies	140	436	55200	572		13,648
Other Contractual Services	140	438	53400	522		21,326
Regular Salary	140	436	51200	572		-9,471
Promotional Activities	140	834	54800	522		-15,452
Insurance	140	834	54500	522		-3,375
Life and Health	140	201	52300	562		-2,300
subtotal					22,998	22,998

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Special Assessment Paving

Appropriated Fund Balance	162	000	399900	000	5,868	
Tax Collector	162	513	39307	586		5,868
subtotal					5,868	5,868

Bank of America Bldg Operating

Appropriated Fund Balance	165	000	399900	000	16,215	
Reserve for Contingency	165	990	59900	599		-30,676
Utility Services	165	154	54300	519		46,891
subtotal					16,215	16,215

Solid Waste Transfer Station

Repairs and Maintenance	401	441	54600	534		211,370
Salary and Wages	401	441	51200	534		6,320
Machinery and Equipment	401	441	56400	534		-11,567
Machinery and Equipment	401	441	56410	534		-12,818
Fuel and Oil	401	441	55210	534		-20,784
Travel & Per Diem	401	441	54000	534		-990
Training	401	441	55401	534		-2,555
Fuel and Oil	401	437	55210	534		-49,578
Life and Health	401	437	52300	534		-19,475
Other Contractual Svs	401	437	53400	534		-9,713
Operating Supplies	401	435	55200	534		-4,504
Life and Health	401	443	52300	534		-3,274
Salary and Wages	401	442	51200	599		-42,817
Life and Health	401	442	52300	534		-39,615
subtotal						0

911 Emergency Communications

Emergency Service Fees	130	000	342400	000	45,131	
911 Fees	130	000	342401	000	213,612	
Reimbursement from Sheriff	130	000	386500	000	207,043	
Transfer to 330	130	950	581130	000		465,786
subtotal					465,786	465,786

Transfer from 130	330	950	381130	000	465,786	
330 Reserves	330	990	59903	599		465,786
subtotal					465,786	465,786

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4. Approval of Agreements to Provide Legal Aid Services with Legal Aid Foundation of the Tallahassee Bar Association and Legal Services of North Florida

The Board approved Options 1 and 2: 1) Approve the agreement between Leon County and Legal Services of North Florida, Inc., and authorize the Chairman to execute; 2) Approve the agreement between Leon County and Legal Aid Foundation of the Tallahassee Bar Association, Inc., and authorize the Chairman to execute.

5. Request to Schedule a Public Hearing Regarding the County's Intent to Utilize the Uniform Method of Collection for the Purpose of Imposing and Collecting a Readiness to Serve Charge in Killearn Lakes Plantation Units 1 and 2 for Tuesday, December 12, 2006 at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the County's intent to utilize the Uniform Method of Collection to the purpose of collecting a Readiness to Serve Charge in Killearn Lakes Plantation Units 1 and 2 for December 12, 2006 at 6:00 p.m.

6. Authorization to Negotiate and Execute a Contract with Winbourne & Costas, Inc., for the Public Safety Communications Consultant

The Board approved Options 1 and 2: 1) Authorize the County Administrator, in conjunction with the City and the Sheriff, to negotiate and execute a contract with Winbourne & Costas, Inc., for the Public Safety Communications Consultant; 2) Authorize the County Administrator, in conjunction with the City and the Sheriff, to negotiate and execute a contract with the second-ranked firm, Elert & Associates, if negotiations with Winbourne & Costas, Inc., are unsuccessful.

7. Approval of Sheriff's Request for Utilization of Law Enforcement Trust Fund Monies

The Board approved Option 1: Approve the transfer of \$58,150 from the Law Enforcement Trust Fund to the Leon County Sheriff's Office's General Operating budget for the funding of the requested programs:

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Board of County Commissioners Agenda Request 7

Date of Meeting: November 14, 2006

Date Submitted: November 8, 2006

To: Honorable Chairman and Members of the Board
From: Parwez Alam, County Administrator
Alan Rosenzweig, Assistant County Administrator
Subject: Approval of Sheriff's Request for Utilization of Law Enforcement Trust Fund Monies

Statement of Issue:

This item requests Board approval of the Sheriff's request that monies from the Law Enforcement Trust Fund be transferred to the Leon County Sheriff's Office's General Operating budget in the amount of \$58,150 for utilization in accordance with Chapter 932.7055, Florida Statutes (Attachment #1).

Background:

Chapter 932.7055, F.S. provides for disposition of liens and forfeited property as follows:

- (1) to pay the balance due on any lien preserved by the Court in the forfeiture proceedings;
- (2) to pay the cost incurred by the seizing agency in connection with the storage, maintenance, security and forfeiture of such property;
- (3) to pay court costs incurred in the forfeiture proceeding; and
- (4) the remaining funds are to be used for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes.

Chapter 932.7055 (4)(c)3 further provides that a law enforcement agency which:

"acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 15 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program(s)."

The statute gives the Sheriff's office the discretion to determine which program(s) will receive the designated proceeds. Funds may be expended upon request by the Sheriff to the Board of County Commissioners, accompanied by a written certification that the request complies with the provisions of the Statute.

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Analysis:

The Sheriff has certified that the Law Enforcement Trust Fund monies requested will be utilized in accordance with Chapter 932.7055 F.S. The request is to fund the following:

Crime Prevention Program

1.	Citizens Academy (One Class)	\$5,000
2.	Youth Sports Sponsorships	\$5,000
3.	Crime Watch Signs	\$6,000
4.	National Child ID Program	\$16,000
5.	Crime/Drug Prevention Charities	\$3,000
6.	Public Service Announcements	\$14,150
	Subtotal	\$49,150

School Resource Officer Programs

1.	Youth Prevention Programs (DARE, GREAT, McGruff, etc.)	\$ 4,000
2.	Youth Promotional Items (Printed Materials, Novelties, etc.)	\$ 5,000
	Subtotal	\$ 9,000

Total Request \$58,150

As of November 8, 2006, a balance of \$181,045 is available in the Law Enforcement Trust Fund. Funds will be disbursed directly from the Trust Fund.

Options:

1. Approve the transfer of \$58,150 from the Law Enforcement Trust Fund to the Leon County Sheriff's Office's General Operating budget for the funding of the requested programs.
2. Do not approve the transfer of \$58,150 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for the funding of the requested programs.
3. Board direction.

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Recommendation:

Option #1

Attachment:

1. Letter from Sheriff Larry Campbell dated October 16, 2006

[Back](#)

[Print](#)



Sheriff Larry Campbell

OFF. REC. 137 PAGE 463

Attachment # 1
Page 1 of 1

LEON COUNTY SHERIFF'S OFFICE

October 16, 2006

Honorable Bill Proctor
Chairman, Board of County Commissioners
Leon County Courthouse
301 South Monroe Street
Tallahassee, FL 32301

Dear Chairman Proctor:

The Leon County Sheriff's Office is requesting a draw from the *Law Enforcement Trust Fund* in the amount of \$58,150.00.

These funds will be utilized for various crime prevention activities and SRD programs as shown on the attached memorandum. There will be no recurring costs beyond this fiscal year.

I hereby certify that these expenditures comply with Section 932.7055 F.S. Please call me if you have any questions regarding this request.

Sincerely,

Larry Campbell
Sheriff

LC/ka

Enclosures

10-17-06 10:34:11

7



Post Office Box 727 * Tallahassee, Florida 32302-0727
Office Phone (850) 922-3300 * Jail Phone (850) 922-3500
Please visit us on the web at: www.leoncountysos.com



8. Request to Schedule a Workshop on the Proposed Business Accelerator Plan for Tuesday, December 12, 2006 from 12:00 – 1:30 p.m.

The Board approved Option 1: Schedule a workshop on a proposed Business Accelerator Plan for Tuesday, December 12, 2006 from 12:00 – 1:30 p.m.

9. Approval to Finalize Agreements and Documents with Nationwide, AIGVALIC, and ICMA-RC for the 401(a) Discretionary Cash Match Retirement Savings Plan

County Administrator Alam explained that he pulled this item and it would be placed on the November 21, 2006 agenda with additional analysis.

10. Request to Reschedule the Workshop on Emergency Medical Services to February 13, 2007 from 1:30 – 3:00 p.m. and Request to Schedule a Workshop on Property Tax Reform for December 12, 2006 from 1:30 – 3:00 p.m.

The Board approved Option 1: Approve the request to reschedule the Board Workshop on Emergency Medical Services to February 13, 2007, 1:30 – 3:00 p.m. and schedule a Workshop on Property Tax Reform for December 12, 1:30 – 3:00 p.m.

11. Request to Schedule a Workshop on Septic Tank Advisory Committee Recommendations for January 23, 2007 from 1:30 – 3:00 p.m.

The Board approved Option 1: Schedule a Workshop on recommendations of the Septic System Advisory Committee for January 23, 2007 from 1:30 – 3:00 p.m.

12. Authorization to Submit an Application for Recognition as a 2006 Tree City USA

The Board approved Option 1: Authorize the submission of an application for recognition as a 2006 Tree City USA.

13. Approval of Memorandum of Agreement of Understanding for Expenditure of Recipient Funding from 2003 Domestic Preparedness State Homeland Security Grant Program.

The Board approved Options 1 and 2: Approve the Memorandum of Understanding for the expenditure of recipient funding from the 2003 Domestic Preparedness State Homeland Security Grant Program and authorize the Chairman to execute; 2) Approve the attached resolution and associated budget amendment request:

14. Approval of Quit Claim Deed and Acceptance of a Conservation Easement from Sonja Hinton

The Board approved Option 1: Approve and accept the Quit Claim Deed, and approve and accept for recording the conservation easements from Sonja Hinton for the previously approved Manifold Limited Partition project.

15. Approval of Quit Claim Deed and Acceptance of a Conservation Easement from Diane Victoria

The Board approved Option 1: Approve and accept the Quit Claim Deed, and approve and accept for recording the conservation easement from Diane Victoria for the previously approved Manifold Limited Partition project.

16. Approval to Allocate \$15,073 from the \$300,000 Jail Diversionary Account for the Purpose of Leasing Additional SCRAM Units

Mr. Wilson Barnes, 1949 Setting Sun Trail, advised that approximately six months ago, representatives of NAACP, the Criminal Justice Committee Chief and others met and talked about their concerns regarding plans for construction of a larger jail. Mr. Barnes remarked that the jail would house 75 percent of mostly young African-American offenders in Leon County (realizing that only 30 percent of the population in Leon County is African-American). Mr. Barnes pointed out that a lot of African-Americans are in jail because of economic crimes such as drug offences, and mental health. When he saw this \$300,000 item in the agenda, he felt that this was the same system adding to the "cradle to prison superhighway" rather than fixing the problems. He indicated the need to receive input from Inter Ministerial Alliance, the NAACP and others in the community as they consider how to best comprehensively spend this money. He pointed out that this involves drug treatment, mental health, neighborhood justice center, restorative justice, and a support system when the offender returns to the community. Mr. Barnes urged the Board to consider all the options and community involvement in solving the problems.

Commissioner DePuy, as chairman of the Public Safety Coordinating Council, officially extended an invitation to Mr. Barnes and others to be involved in making recommendations to the Board. He explained that the proposed money in this agenda item is for a diversionary program to keep people out of jail, alcohol monitors which allows persons to go to work and/or school rather than going to the County Jail. This will involve not only drunk driving, but domestic violence and other cases where alcohol is a problem.

Commissioner Thael pointed out that \$300,000 is not a lot of money for addressing a problem of this magnitude but it is probably demonstration money

to show that some things can be accomplished to divert people, keep them out of jail, and stay drug-free and crime-free.

Commissioner Thaelle moved, duly seconded by Commissioner DePuy and carried unanimously, 7/0 Option 1: Approve the attached resolution and budget amendment to transfer \$15,073 to the Supervised Pre-Trial Release Program budget from the lease of five additional SCRAM units. The remaining \$275,000 will be used for similar items to keep people out of jail and would be brought back to the Board for approval.

Chairman Proctor suggested that some thought be given to creating a pool of money for bail bonds so a person could get out of jail for a non-violent crime, noting that many people do not have the money to post bail.

(The Board then discussed Item 19.)

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 14 day of November, 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: BAB07014
Date: 11/8/2006

Agenda Item No: _____
Agenda Item Date: 11/14/2006

County Administrator

Assistant County Administrator

Parwez Alam

Alan Rosenzweig

Request Detail:

Expenditures: Fund 110

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
110	508	53400	569	Diversionary Program	300,000	(15,073)	284,927
110	950	591111	581	Transfer to Pretrial Release Program	-	15,073	15,073
Subtotal:						-	

Revenues: Fund 111

111	950	381110	000	Transfer from Fine and Forfeiture	-	15,073	15,073
Subtotal:						15,073	

Expenditures: Fund 111

111	544	54900	523	Other Current Charges (Purchase of SCRAM Units)	88,000	15,073	103,073
Subtotal:						15,073	

Purpose of Request:

Public Safety Coordinating Council has recommended the disbursement of funds from the Diversionary Program in the amount of \$15,073 in order to purchase five additional Secure Continuous Remote Alcohol Monitoring (SCRAM) units.

Program Director

Group Director

Approved By: Resolution Motion Administrator

16

OFF REC 137 PAGE 468

17. Approval of Supplemental Agreement No. 2 with Kimley-Horn and Associates, Inc. for Final Design Condition Changes of the Tharpe Street Improvement Project in the Amount of \$172,333; and, Authorization for Staff to Execute Future Change Orders Up to Five Percent of Cumulated Contract Amount of \$121,521

The Board approved Option 1: Approve the Supplemental Agreement No. 2 with Kimley-Horn and Associates, Inc. (KHA) to implement the necessary changes of Final Design and Preparation of Construction Documents for the West Tharpe Street Improvement Project in the amount of \$172,333 and authorize the Chairman to execute.

18. Adoption of a Resolution Authorizing the Conveyance of a Drainage Easement Located in the Goose Creek Subdivision in Favor of the City of Tallahassee

The Board approved Option 1: Adopt the attached Resolution R06-66 authorizing conveyance of the drainage easement to the City and authorize the Chairman to execute:

RESOLUTION: 06- R06-66

RESOLUTION AUTHORIZING CONVEYANCE OF DRAINAGE EASEMENT

WHEREAS, it is necessary that easement interest across certain lands now owned by Leon County be acquired by the City of Tallahassee; and

WHEREAS granting the easement interest across said property will not materially affect the use of the property for County purposes; and

WHEREAS, the City of Tallahassee has made application to said County to execute and deliver the easement document, in favor of the City of Tallahassee, conveying drainage easement rights across County lands described in Exhibit "A", and said request having been duly considered.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, that the application of the City of Tallahassee for a perpetual easement, is for drainage purposes which are in the public or community interest and for public welfare and the easement rights needed for drainage purposes will not materially affect the use of the property for county purposes; that an easement document in favor of the City of Tallahassee conveying drainage easement rights of Leon County in and to said lands should be drawn and executed by this Board of County Commissioners. Consideration shall be \$0.00.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded forthwith to the City of Tallahassee, Florida.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 14th day of November, 2006.

LEON COUNTY, FLORIDA

BY: Bill Proctor Vice Chairman
Bill Proctor, Chairman
BOARD OF COUNTY COMMISSIONERS



ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT
LEON COUNTY, FLORIDA

BY: [Signature]

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

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

OFF. REC. 137 PAGE 471

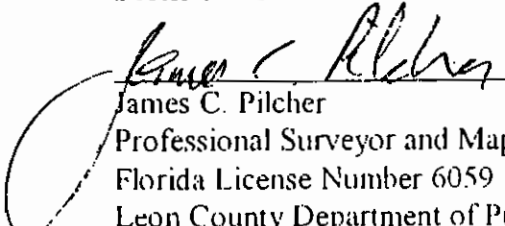
Commence at the northeast corner of Goose Creek, Phase One per plat recorded in Plat Book 13, Page 19 in the Leon County Public Records, Leon County, Florida, said corner being on the southerly right-of-way boundary of Buck Lake Road. Thence along said right-of-way boundary North 89 degrees 40 minutes 00 seconds West 691.05 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING leaving said right-of-way boundary run South 00 degrees 20 minutes 00 seconds West 18.37 feet; thence South 33 degrees 04 minutes 33 seconds East 111.71 feet, thence South 26 degrees 02 minutes 55 seconds East 199.25 feet; thence South 06 degrees 18 minutes 41 seconds East 129.44 feet, thence North 83 degrees 41 minutes 19 seconds East 310.75 feet; thence South 55 degrees 17 minutes 35 seconds East 124.25 feet; thence South 50 degrees 58 minutes 43 seconds West 20.83 feet; thence North 55 degrees 17 minutes 35 seconds West 110.93 feet; thence South 83 degrees 41 minutes 19 seconds West 303.27 feet; thence South 06 degrees 18 minutes 41 seconds East 25.00 feet; thence South 43 degrees 47 minutes 36 seconds West 61.67 feet; thence South 10 degrees 05 minutes 58 seconds West 156.25 feet; thence South 01 degrees 45 minutes 46 seconds East 153.94 feet; thence South 70 degrees 23 minutes 19 seconds East 75.70 feet; thence South 20 degrees 43 minutes 28 seconds West 2.79 feet; thence South 28 degrees 28 minutes 59 seconds West 17.42 feet; thence North 70 degrees 23 minutes 19 seconds West 65.13 feet; thence South 01 degrees 45 minutes 46 seconds East 6.41 feet; thence South 35 degrees 20 minutes 04 seconds West 150.93 feet; thence South 72 degrees 28 minutes 59 seconds West 163.59 feet; thence South 27 degrees 36 minutes 45 seconds West 61.05 feet; thence South 03 degrees 36 minutes 46 seconds West 86.65 feet; thence South 45 degrees 02 minutes 33 seconds East 102.76 feet; thence South 14 degrees 36 minutes 30 seconds East 223.60 feet; thence South 43 degrees 18 minutes 55 seconds East 91.69 feet; thence North 61 degrees 50 minutes 44 seconds East 141.58 feet; thence South 25 degrees 42 minutes 48 seconds East 30.79 feet; thence South 58 degrees 59 minutes 19 seconds West 130.34 feet; thence South 43 degrees 18 minutes 55 seconds East 48.65 feet; thence South 30 degrees 32 minutes 50 seconds East 263.45 feet; thence South 89 degrees 36 minutes 15 seconds West 539.35 feet; thence North 03 degrees 00 minutes 58 seconds West 93.16 feet; thence North 74 degrees 20 minutes 39 seconds West 170.27 feet; thence North 00 degrees 57 minutes 51 seconds West 20.87 feet; thence South 74 degrees 20 minutes 39 seconds East 169.48 feet; thence North 03 degrees 00 minutes 58 seconds West 98.03 feet; thence North 21 degrees 22 minutes 15 seconds West 91.87 feet; thence North 01 degrees 58 minutes 30 seconds West 107.94 feet; thence North 06 degrees 42 minutes 35 seconds West 127.34 feet; thence North 02 degrees 02 minutes 30 seconds West 93.26 feet; thence North 41 degrees 15 minutes 50 seconds East 64.80 feet; thence North 09 degrees 36 minutes 55 seconds East 201.14 feet; thence North 41 degrees 48 minutes 04 seconds East 56.50 feet; thence South 85 degrees 30 minutes 29 seconds West 225.12 feet; thence North 03 degrees 35 minutes 25 seconds West 51.86 feet; thence North 86 degrees 42 minutes 18 seconds East 248.16 feet; thence North 05 degrees 35 minutes 29 seconds West 52.43 feet; thence North 18 degrees 21 minutes 03 seconds West 171.65 feet; thence North 31 degrees 32 minutes 23 seconds West 124.54 feet; thence North 41 degrees 12 minutes 17 seconds West 199.24 feet; thence North 55 degrees 22 minutes 37 seconds West 202.27 feet; thence North 59 degrees 04 minutes 06 seconds West 157.50 feet; thence North 80 degrees 32 minutes 04 seconds West 56.14 feet; thence South 61 degrees 20 minutes 52 seconds West 59.70 feet; thence South 30 degrees 56 minutes 15 seconds West 92.65 feet; thence South 52 degrees 03 minutes 10 seconds West 96.45 feet; thence South 25

degrees 14 minutes 25 seconds West 92.07 feet; thence South 12 degrees 51 minutes 38 seconds West 99.73 feet; thence South 79 degrees 16 minutes 33 seconds West 87.96 feet; thence North 57 degrees 56 minutes 16 seconds West 61.88 feet; thence North 01 degrees 11 minutes 14 seconds West 115.61 feet; thence North 09 degrees 49 minutes 26 seconds East 11.97 feet; thence North 86 degrees 58 minutes 21 seconds West 22.18 feet; thence North 06 degrees 12 minutes 15 seconds West 13.63 feet; thence North 16 degrees 19 minutes 38 seconds West 6.93 feet; thence South 86 degrees 58 minutes 21 seconds East 29.05 feet; thence North 09 degrees 49 minutes 26 seconds East 96.73 feet; thence North 07 degrees 19 minutes 41 seconds West 89.43 feet; thence North 06 degrees 31 minutes 11 seconds West 105.59 feet; thence North 38 degrees 40 minutes 18 seconds East 64.60 feet; thence South 89 degrees 06 minutes 26 seconds East 133.79 feet; thence South 67 degrees 49 minutes 36 seconds East 114.38 feet; thence South 76 degrees 26 minutes 04 seconds East 83.44 feet; thence South 78 degrees 03 minutes 06 seconds East 100.92 feet; thence North 77 degrees 14 minutes 27 seconds East 51.29 feet; thence South 76 degrees 16 minutes 02 seconds East 107.57 feet; thence South 58 degrees 23 minutes 28 seconds East 224.61 feet; thence South 39 degrees 21 minutes 59 seconds East 139.30 feet; thence South 38 degrees 33 minutes 01 seconds East 232.40 feet; thence South 19 degrees 27 minutes 49 seconds East 272.47 feet; thence North 89 degrees 20 minutes 54 seconds East 70.25 feet ; thence North 02 degrees 36 minutes 39 seconds West 97.56 feet; thence North 04 degrees 21 minutes 16 seconds East 144.23 feet; thence North 05 degrees 34 minutes 29 seconds East 114.80 feet; thence North 16 degrees 44 minutes 17 seconds West 355.31 feet; thence North 07 degrees 49 minutes 56 seconds 82 13 feet to the southerly right-of-way boundary of Buck Lake Road; thence along said right-of-way boundary South 89 degrees 40 minutes 00 seconds East 141.26 feet to the POINT OF BEGINNING, containing 17.76 acres, more or less.

No abstract of title or title opinion provided. It is possible that there are recorded or unrecorded deeds, easements, agreements or other instruments which could affect the boundaries hereinabove described.

A Sketch of Description attached as Exhibit "A", Page 3 of 10, Page 4 of 10, Page 5 of 10, Page 6 of 10, Page 7 of 10, Page 8 of 10, Page 9 of , page 10 of 10 and by reference incorporated herein. This description is not complete without the attached sketch and the attached sketch is not complete without the description.

This description meets all applicable requirements of the Florida Minimum Technical Standards as contained in Chapter 61G17-6 Florida Administrative Code pursuant to Section 472.027 Florida Statutes.

 _____
James C. Pilcher
Professional Surveyor and Mapper
Florida License Number 6059
Leon County Department of Public Works
2280 Miccosukee Road
Tallahassee, FL 32308

11/1/08
Date

Not valid without the signature and original raised seal of the above signing surveyor

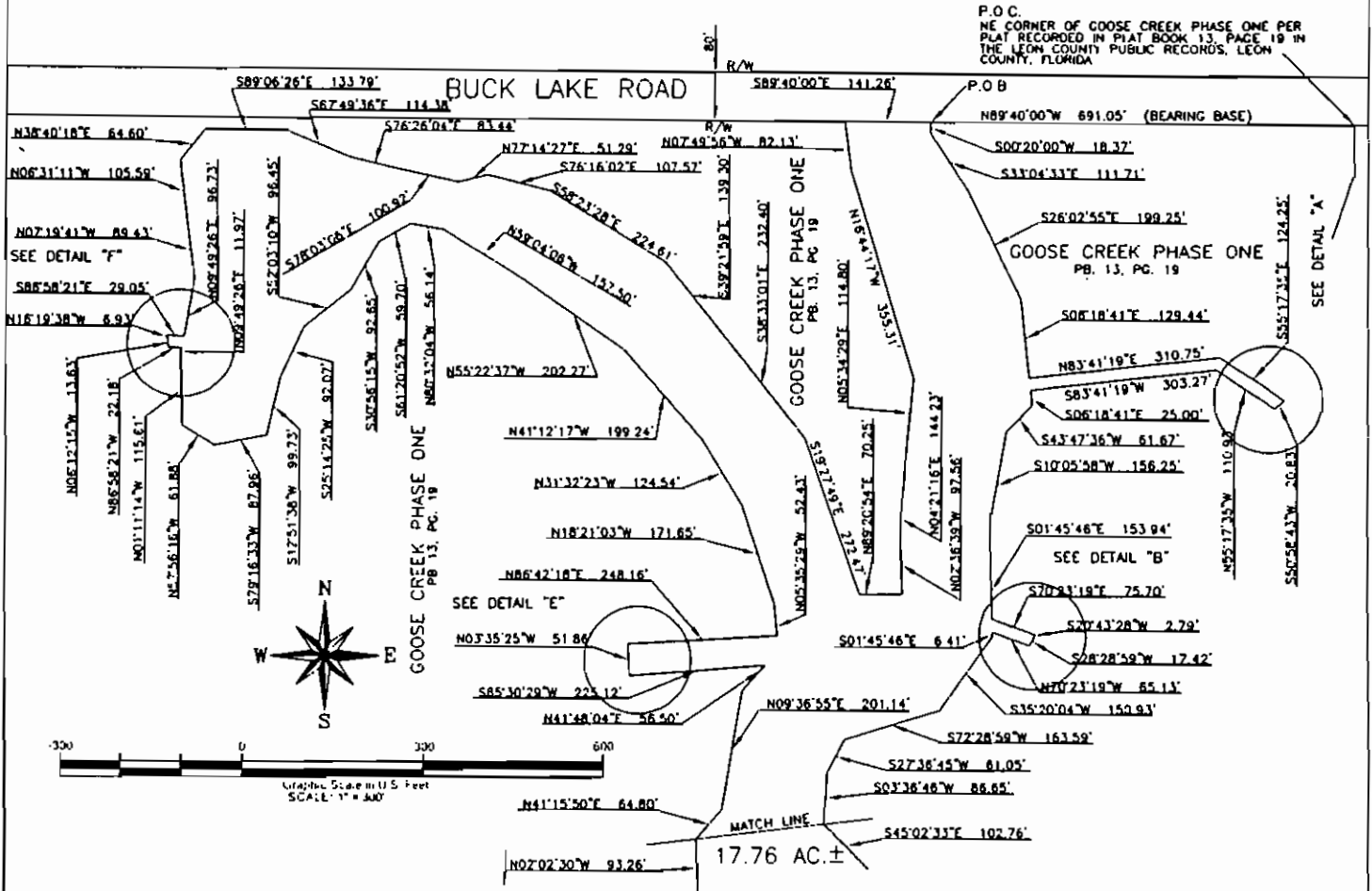
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- (P) PLAT MEASUREMENT
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EXHIBIT "A"

PAGE 3 OF 0AFO

REC. 137 PAGE 473



SKETCH OF DESCRIPTION

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Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

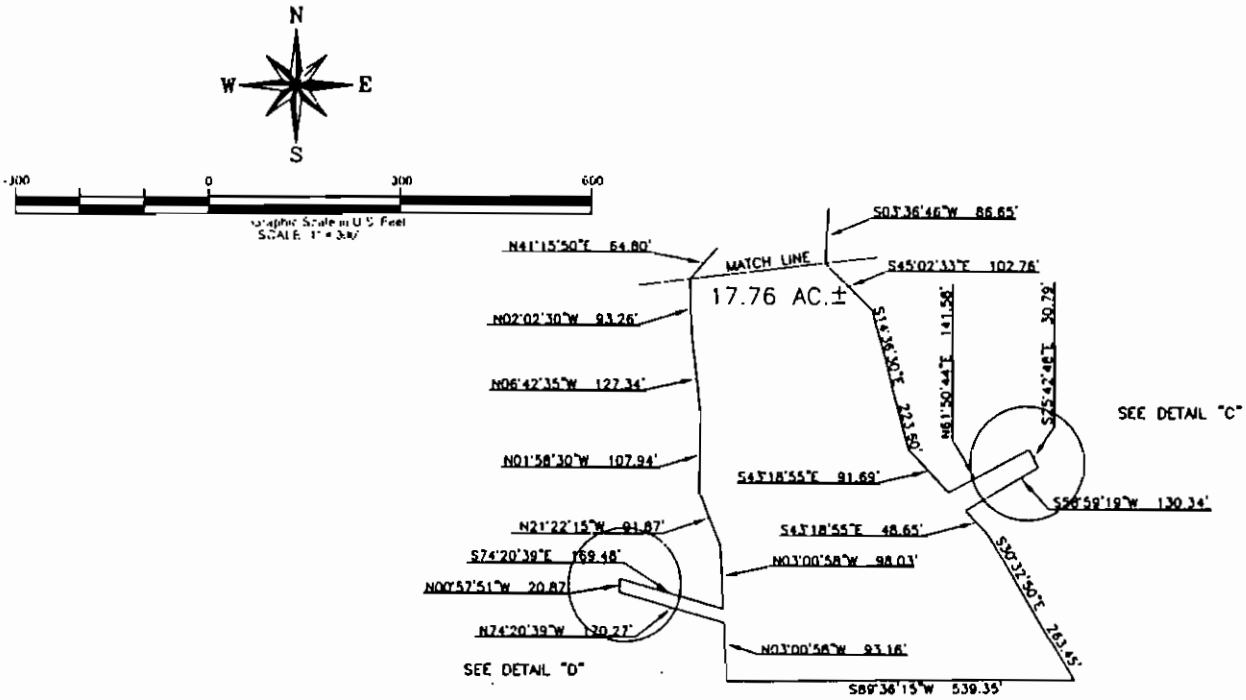
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FIELDBOOK No. 471-05	FILE CREEK.DWG	CHECKED BY: J.P.	REVISION:



PREPARED BY:
LEON COUNTY PUBLIC WORKS DEPARTMENT
 DIVISION OF ENGINEERING SERVICES
 SURVEY AND RIGHT-OF-WAY SECTION
 2280 MICCOSUKEE ROAD
 TALLAHASSEE, FL 32308
 Phone (850) 606-1500
 Fax (850) 606-1501

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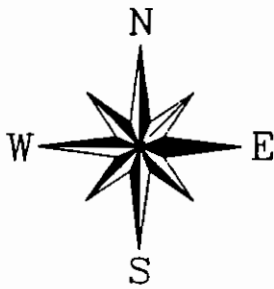
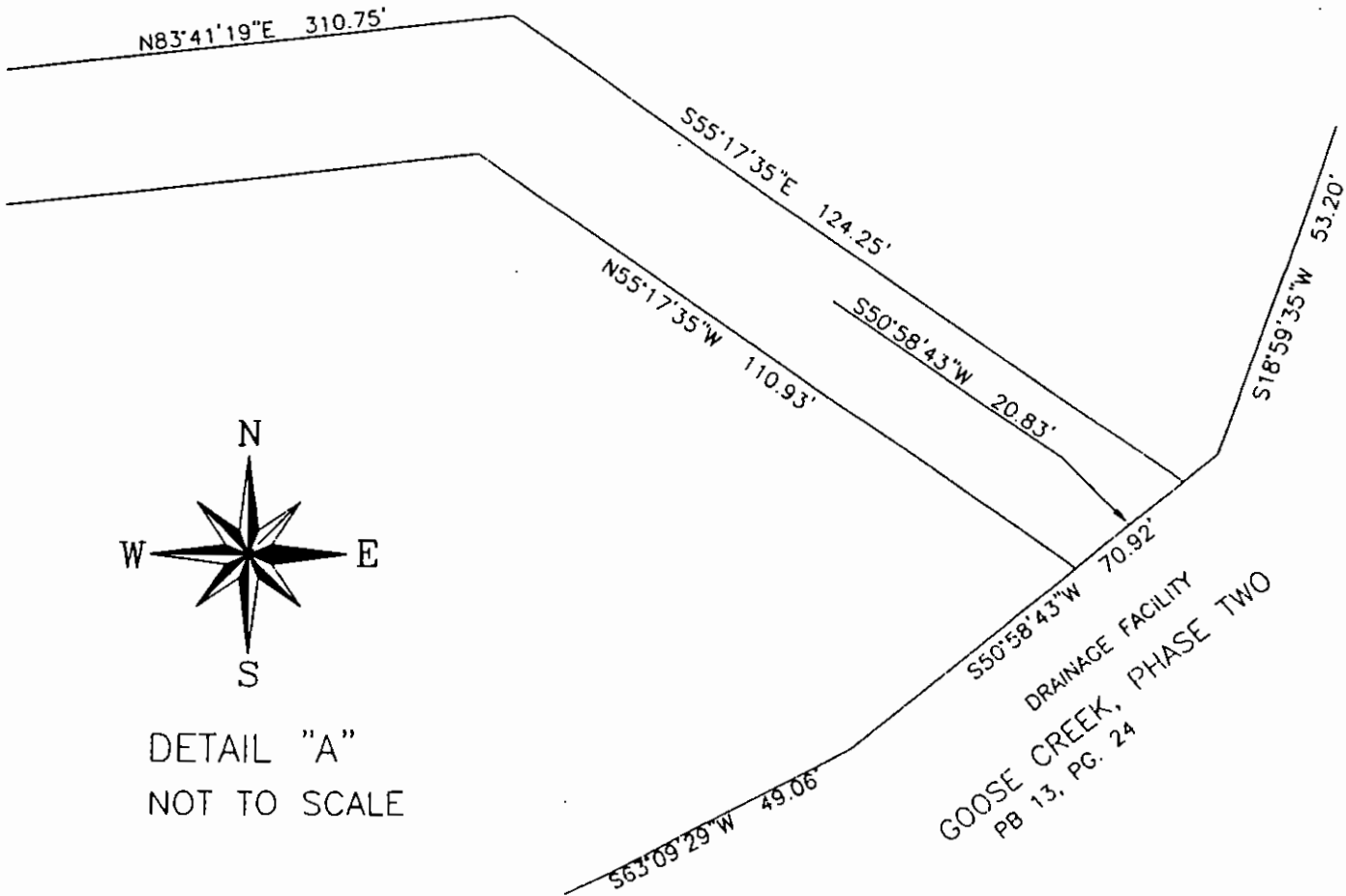
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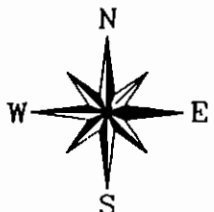
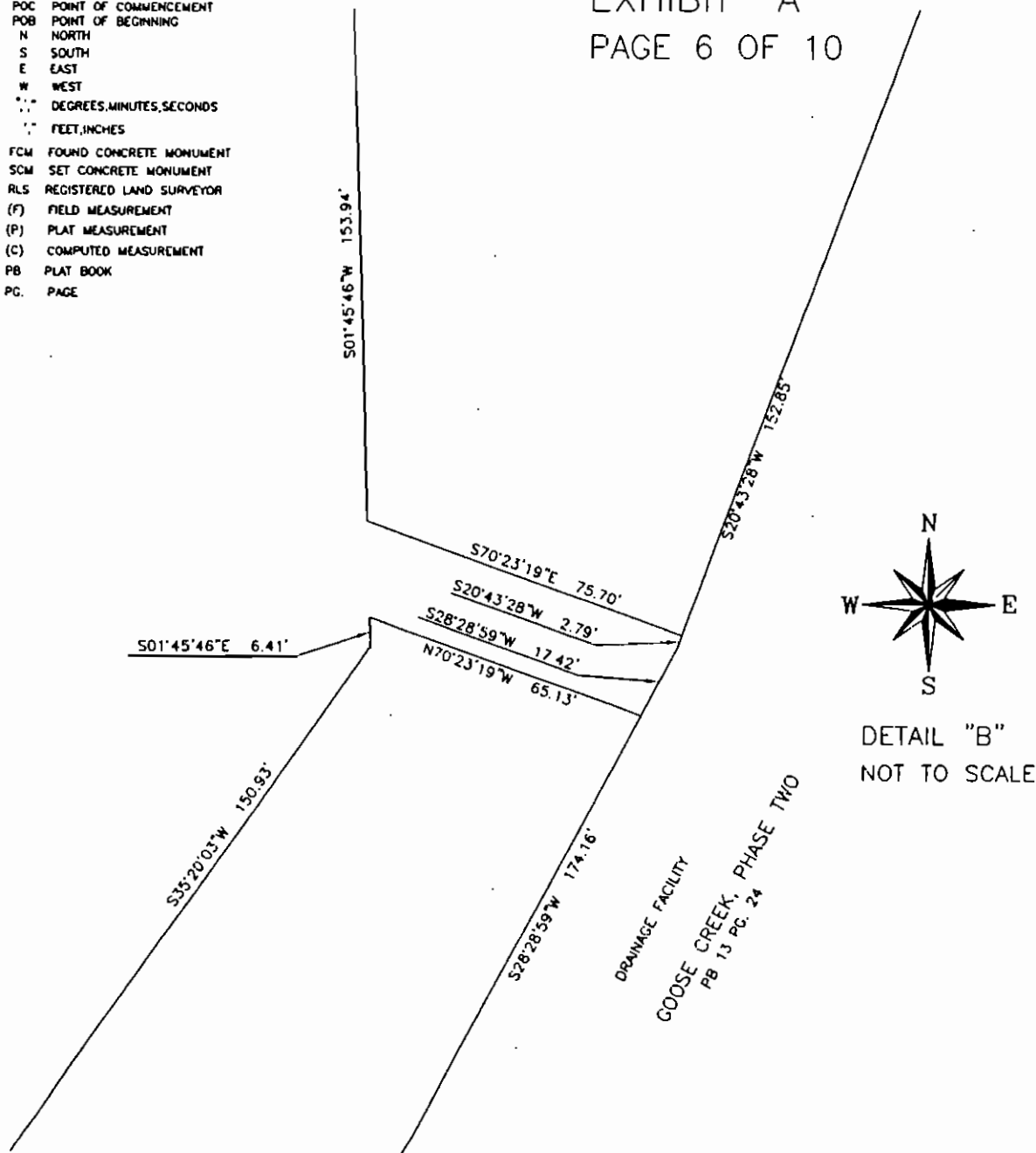
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OFF. REC. 137 PAGE 476



DETAIL "B"
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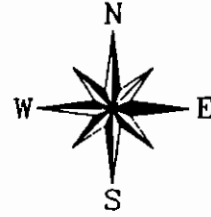
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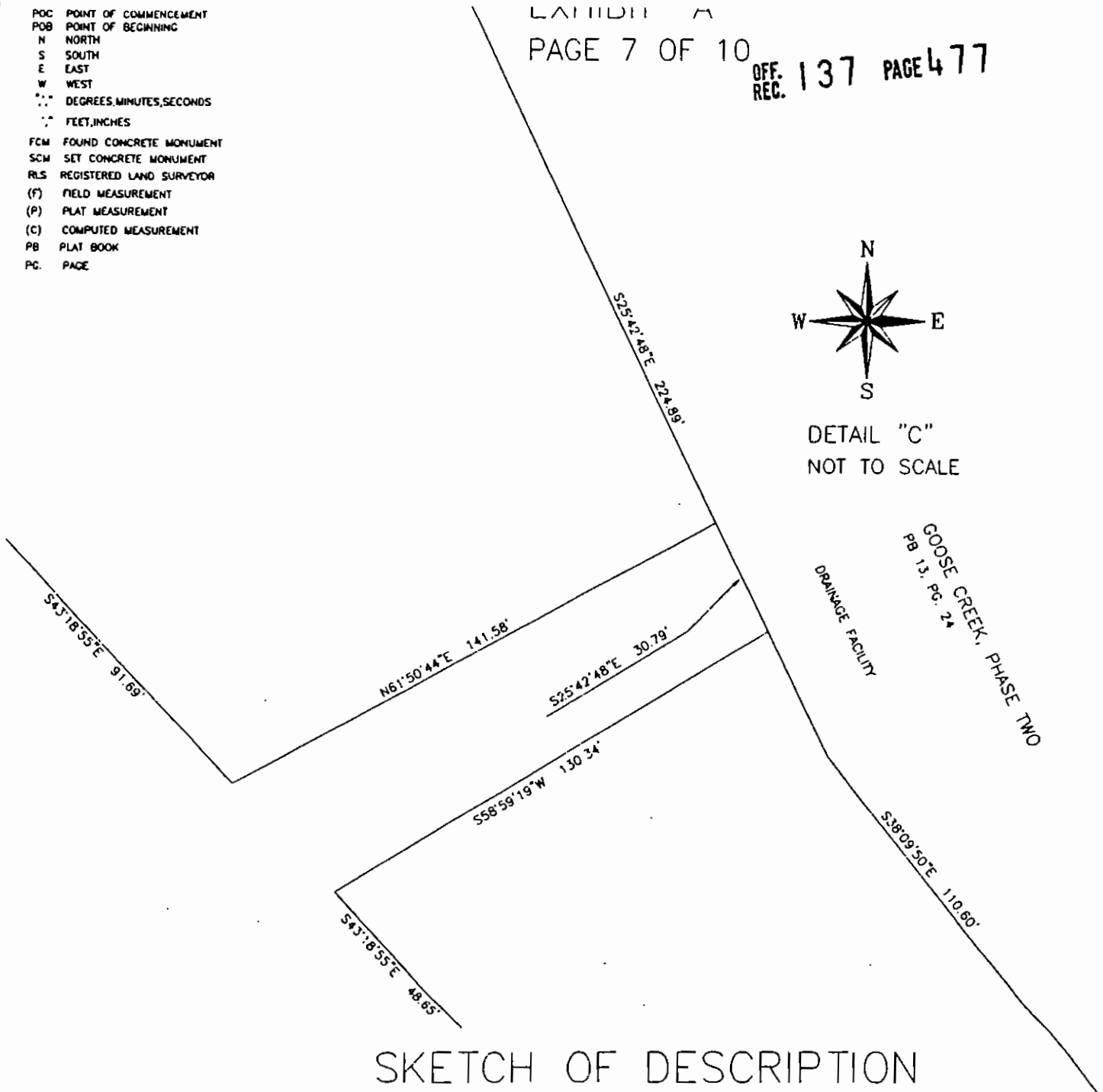


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Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

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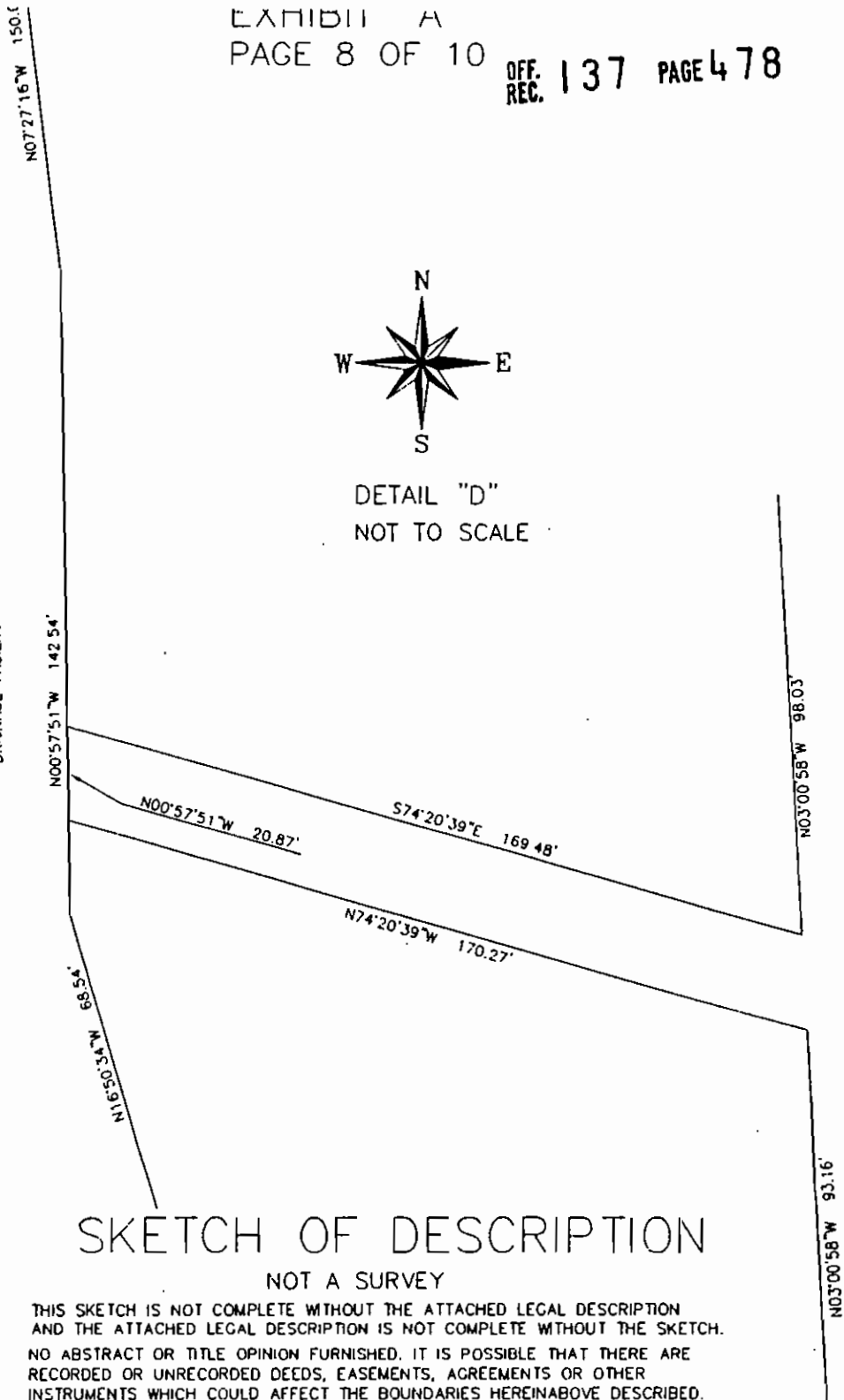
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GOOSE CREEK, PHASE ONE
PB 13, PG. 19

DRAINAGE FACILITY



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Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF FIELDWORK: 2-15-06	DATE OF DRAFTING: 4-13-06	DRAWN BY: D.K.	REVISION:
FIELDBOOK No. 471-05	FILE CREEK.DWG	CHECKED BY: J.P.	REVISION:

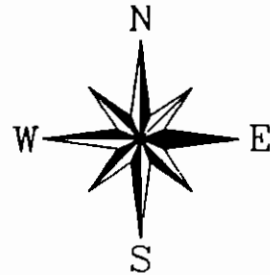
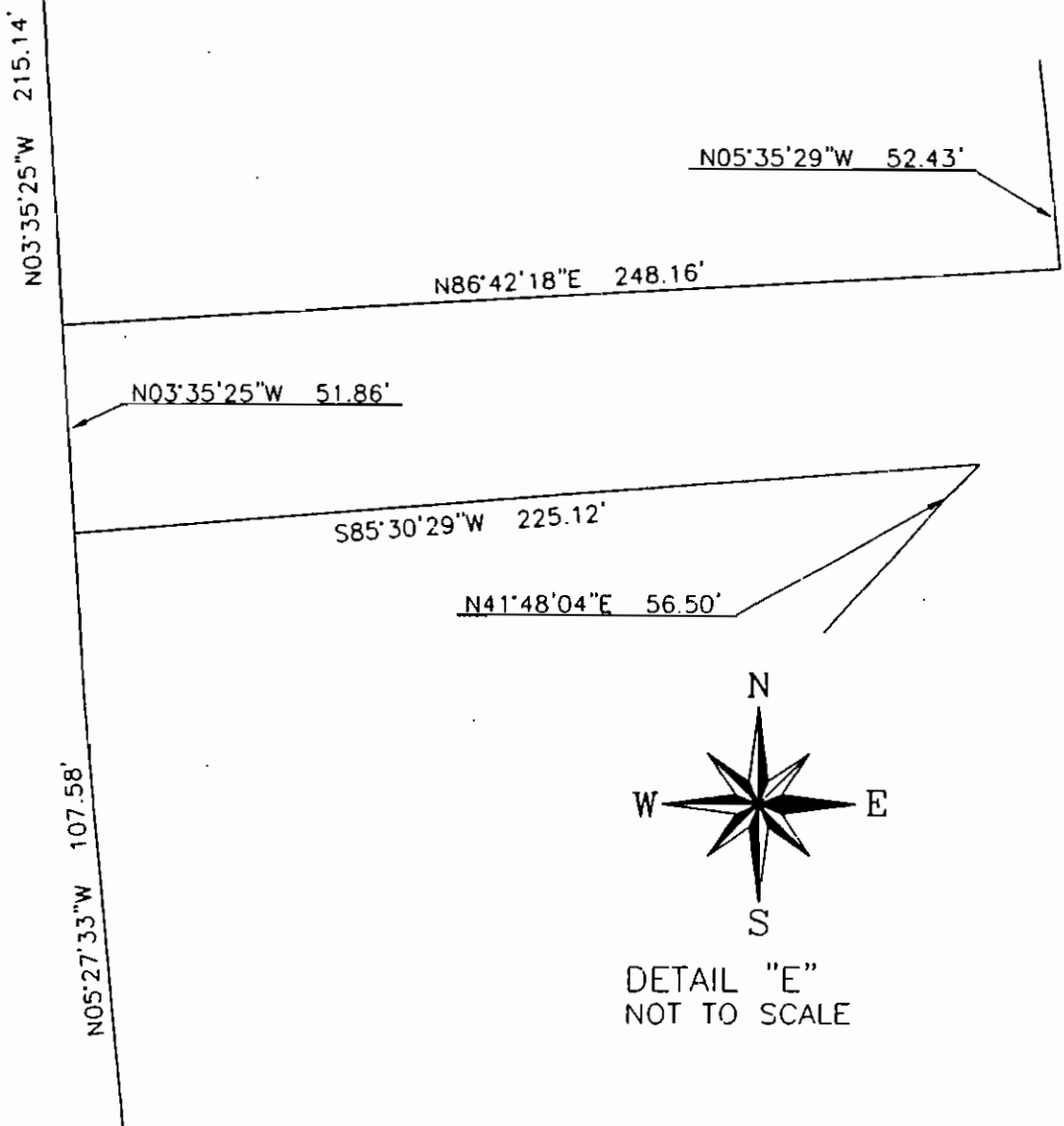


PREPARED BY:
 LEON COUNTY PUBLIC WORKS DEPARTMENT
 DIVISION OF ENGINEERING SERVICES
 SURVEY AND RIGHT-OF-WAY SECTION
 2280 MICCOSUKEE ROAD
 TALLAHASSEE, FL 32308
 Phone (850) 606-1500
 Fax (850) 606-1501

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- PG. PAGE

GOOSE CREEK, PHASE ONE
PB 13, PG. 19

DRAINAGE FACILITY



DETAIL "E"
NOT TO SCALE

SKETCH OF DESCRIPTION

NOT A SURVEY

THIS SKETCH IS NOT COMPLETE WITHOUT THE ATTACHED LEGAL DESCRIPTION AND THE ATTACHED LEGAL DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH. NO ABSTRACT OR TITLE OPINION FURNISHED. IT IS POSSIBLE THAT THERE ARE RECORDED OR UNRECORDED DEEDS, EASEMENTS, AGREEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES HEREINABOVE DESCRIBED.

Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

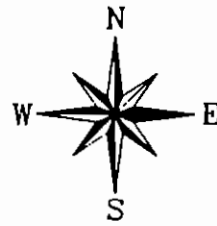
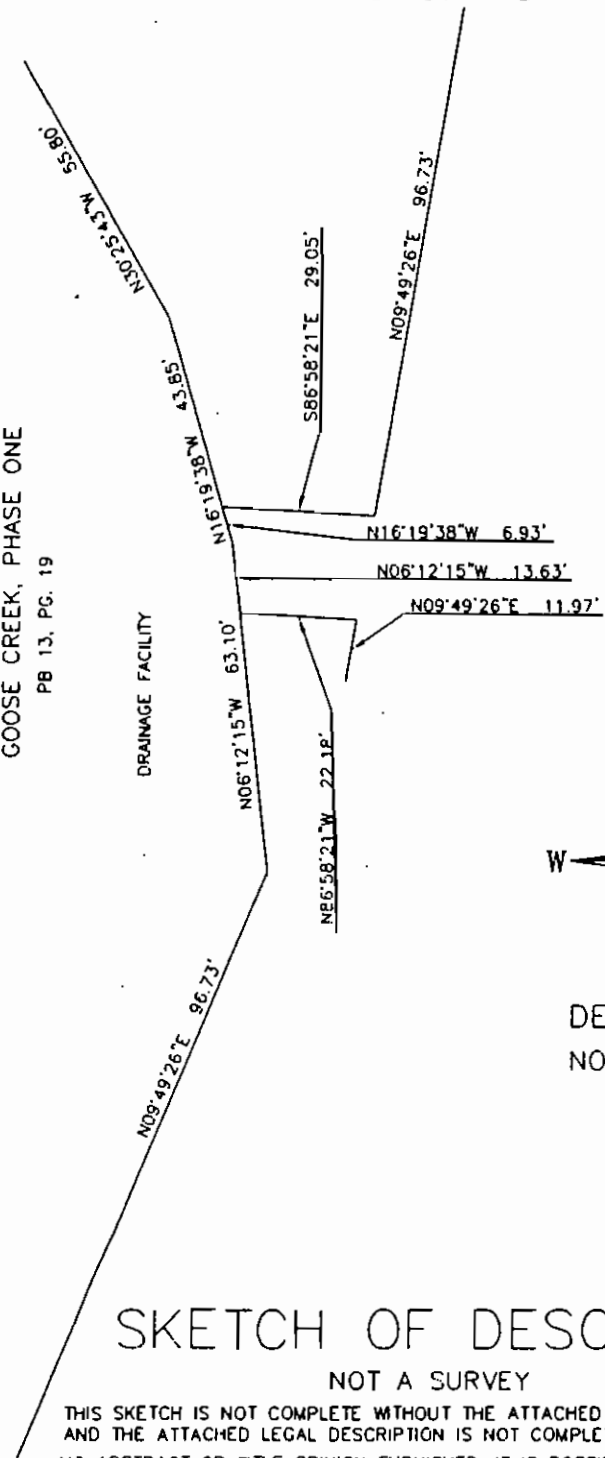
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GOOSE CREEK, PHASE ONE
PB 13, PG. 19



DETAIL "F"
NOT TO SCALE

SKETCH OF DESCRIPTION

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19. Authorization to Sell County-Owned Property on Mosley Street

Commissioner Thaelle pulled this item for discussion and stated that some months ago he raised the issue of the Stearns Mosely area, close to Gaines Street, noting that it is one of the neglected and depressed areas of that part of town. He requested that the County work with the City to address any issues that they might find to restore and revitalize the viability of the neighborhood. He raised the question: Is there any interest on the City's part to purchase the remaining part of the main parcel and turn it into a small community park.

Staff's recommendation was to approve Option 1: Authorize the sale of the County-owned parcel (ID#41-02-51-004-011-0), located on Mosley Street.

Commissioner Thaelle moved and was duly seconded by Commissioner Grippa to continue this item for a couple of weeks and direct staff to meet with the City of Tallahassee, and determine if there is any interest on the part of the City to use this small parcel to generate some active or passive recreation or other community benefit. The motion carried unanimously, 7/0.

(The Board then entered "General Business.")

20. Authorization to Reject All Bids Submitted for the Lake Munson Slough Improvements

The Board approved Option 1: Reject all bids submitted for the Munson Slough Improvements Project.

21. Request to Schedule a First and Only Public Hearing for the Proposed Abandonment of a Portion of County Right-of-Way for December 12, 2006 at 6:00 p.m.

The Board approved Option 1: Schedule a first and only public hearing regarding the proposed abandonment of a portion of County right-of-way for Tuesday, December 12, 2006 at 6:00 p.m.

22. Request to Schedule a Workshop Regarding Universal Solid Waste Collection and Solid Waste Assessment for January 23, 2007 from 12:00 – 1:30 p.m.

The Board approved Option 1: Schedule a workshop regarding Universal Solid Waste Collection and Solid Waste Assessments for January 23, 2007 from 12:00 – 1:30 p.m.

23. Approval of Agreement for Acquisition and Full Compensation Regarding Two Properties Needed for Balboa Drive Drainage Improvements Project

The Board approved Option 1: Approve the Agreement for acquisition and full compensation and authorize the County Administrator to execute any and all documents necessary to complete the closing of the acquisition.

24. Approval of Third Amendment to Planning Agreement Regarding Holy Comforter Episcopal School Parcel

The Board approved Option 1: Approve the Third Amendment to Planning Agreement regarding Holy Comforter Episcopal School parcel.

25. Request to Schedule the Joint City/County Adoption Hearing on the Cycle 2006-2 Comprehensive Plan Amendments on December 13, 2006 at 6:00 p.m.

The Board approved Option 1: Schedule the Joint City/County Adoption Hearing on the Cycle 2006-2 Comprehensive Plan Amendments on December 13, 2006 at 6:00 p.m. in the City Commission Chambers.

General Business

26. Consideration of a Public/Private Partnership Between Leon County and Boothco Limited Partnership to Seek Grant Funding from the Community Workforce Housing Innovation Pilot Program

Mr. Robert Williams, representing Boothco Properties, appeared and talked about a project called Songbird which is in the Northeast part of the County. His company has been looking throughout the state at different CWHIP Programs which addresses workforce housing needs. The deadline for filling out an application and applying is December 15, 2006. Mr. Williams explained that after a thorough review, he realized the project would not work and he would like to withdraw that particular site. He suggested a partnership with the County and to work on a project that would work and aid the community as a whole, although they would not be able to meet the December 15 timeline. He suggested to start in the beginning, regroup and survey the different agencies in the County and City and decide what the needs are and how to address the needs.

Mr. Mark Henderson gave some background on the CWHIP Program and stated that it is a pilot program and it is likely to continue on a permanent basis in the 2007 Legislative session. It involves a substantial amount of money but it is distributed on a competitive basis. Mr. Henderson stated that he would like the community to be involved in the next cycle, noting that the City/County would have to put financial resources into the plan as well as the private sector.

Mr. Rick Bateman, representing Boothco Properties and related properties, pointed out that the companies have engaged in a successful entrepreneur spirit in this community while giving back to the community. He explained that

Boothco Properties recognizes the need for workforce housing in Leon County and hopes that when the Board conducts their retreat and sets priorities that it will include workforce housing.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to direct staff to enter into a joint public/private partnership, bring an agreement back to the Board to try to obtain state dollars with Boothco Properties.

Chairman Proctor asked if an inventory of County properties could be produced which might be eligible for a development as described. County Administrator Alam responded that an inventory would be provided and staff would work with representatives of Boothco Properties and bring back a proposal for the next cycle.

The motion carried unanimously, 7/0.

27. Consideration of Analysis of Procedures Available to Reserve Commercial Property Rights in Relation to Property of Dr. Harry Taylor in the Bradfordville Area

Commissioner Grippa moved and was duly seconded by Commissioner DePuy to approve Options 1 and 2 with a caveat: 1) Direct staff to work with Dr. Taylor to fashion a Chapter 163 Development Agreement that would assign specific commercial development rights to his property, reserve those rights for an appropriate period of time, and protect the County's interest; with the caveat: *ensure that this is legally consistent with the Bradfordville Settlement Agreements, that it meets the law regarding the three agreements.* It was noted that there will be a public hearing in January.

Mr. David McDevitt, Growth and Environmental Management, clarified that the 163 agreement would be the appropriate vehicle to nail down the interconnection to Bradfordville Road – this would be for the County's benefit. It would also address, potentially, some of the traffic circulation and offsite traffic concurrency issues that may arise with development of the property.

The Board engaged in discussion regarding the differences between a 163 agreement and a PUD (planned unit development). County Attorney Thiele responded that there was more flexibility in a 163 agreement than in a PUD. It was noted that the term of the agreement is 10 years.

The motion on the floor carried unanimously, 7/0.

28. Approval of Agreement Awarding Bid to Allen's Excavation, Inc., for Construction of the Black Creek Restoration Project in the Amount of \$1,872,065

Commissioner Winchester moved, duly seconded by Commissioner Thaeil and carried unanimously, 6/0 (Commissioner Rackleff was out of Chambers), to approve Option 1: Approve the agreement awarding bid to Allen's Excavation, Inc., in the amount of \$1,872,065 for the construction of the Black Creek Restoration Project, and authorize the Chairman to execute.

29. Acceptance of Status Report on the Centerville/Pisgah Church Road Agreement

County Attorney Thiele explained that that the County received correspondence on October 20, 2006 from Booth Companies regarding to the agreement that the County entered into with the Conservation Community Group. The issue was whether or not there was an error or a problem with regard the OGCM requirement for the road project. Because OGCM is a type of surface which lasts about 8-10 years, the Board wanted the developer to apply the OGCM and to provide money to the County to replace the OGCM when its useful life was over.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to approve Option 2: Accept report and direct staff to draft an amendment to the agreement to modify paragraph 3 to an amount as set forth by the Board of County Commissioners.

The Board engaged in discussion regarding the cost of the two OGCMs which would be approximately \$500,000. It was suggested that the developer could deposit \$300,000 in the County's investment account and the County's return would be \$512,000 which is enough money to pay for the reapplication of the OGCM.

County Administrator explained that this situation is where the private developer was allowed to build an OGCM road in his development as opposed to a regular road. The developer agreed that since he was allowed to build the OGCM road (which is significantly cheaper than the regular road), he would build two OGCM roads over a span of time. The question is, noted Mr. Alam, if it costs \$500,000 today to build the road and the County receives the money and would actually earn money on the \$500,000, is that fair; ten years from now, it would generate enough money to go back and construct the road which is the responsibility of the developer. Mr. Alam suggested that staff be directed to negotiate a figure based on the cost and bring it back to the Board at the first meeting in December.

Staff clarified that the roads that the County surfaces are County roads and are the County's responsibility; when they are in disrepair they will be dealt with through the County's budget process.

Commissioner DePuy recused himself from the discussion and pointed out that he does consulting for Booth Company, although not on the subject property. He would fill out a Voting Conflict Form.

Mr. Rick Bateman explained the issue and requested that the Board approved Option 2 and to amend the agreement appropriately.

The motion carried unanimously, 6/0 (Commissioner DePuy abstained from voting. See attached Voting Conflict Form:

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, C. E. DePuy, Jr., hereby disclose that on November 14, 2006

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Booth Properties, by whom I am retained: as a consultant; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

[Faint handwritten notes]

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FINANCE DIVISION
BOB INZER
CLERK CIRCUIT COURT

November 27, 2006
Date Filed

C. E. DePuy, Jr.
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

The Board then gave entered into special presentations.

30. Consideration of a Proposed Settlement Agreement Resolving DOAH Case No. 06-2397-GM and Case No. 06-2780-GM

County Attorney Thiele summarized the item regarding the proposed Settlement Agreement between the County, City, Department of Community Affairs, and Ross Burnaman regarding the "not in compliance" proceedings for Comprehensive Plan Amendment 2006-M-0007 (Dr. Miley Miers)

Commissioner Winchester moved and was duly seconded by Commissioner DePuy to approve Option 1: Approve the proposed draft settlement offer resolving both lawsuits numbered 06-2397-GM and 06-2780-GM and authorize the County Attorney's Office to finalize negotiations with the parties and bring back final agreement before the Board.

Commissioner Thaeil stated that he objects to the proposed agreement because the development contributes to urban sprawl. Commissioner Rackleff pointed out that he opposes the Settlement Agreement because he believes this is a piecemeal dismantling of the Comprehensive Plan.

The motion on the floor carried 5 – 2 (Commissioners Rackleff and Thaeil voted in opposition).

The Board then entered discussion of Item 35.

Scheduled Public Hearings, 6:00 p.m.

31. First of Two Public Hearings on a Proposed Ordinance Governing Allocation of County Discretionary Funds

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

County Attorney Thiele explained that the proposed ordinance puts into law the discretionary funding methodology that the Board currently has in policy only. This would give it the force and effect of law.

Mr. George E. Lewis, II, 203 N. Gadsden Street #6, appeared and cautioned the Board about the use of policies since they can be changed easily while a law or ordinance cannot. He expressed concerns on certain aspects of the proposed ordinance and raised questions regarding:

- Community Health Services Partnership (CHSP) Fund, Emergency Funding – what is meant by one time funding; is there a time limit – need more specificity

- Definition of non-profits; not all 501(C-3) are corporations and suggested changing the term to "entity"
- Does the Board really mean you are eligible if you are just a non-profit as opposed to a "tax exempt;" 501-C-3 designation gives a tax exemption
- Referenced page 4 (subparagraph 2) District Commission Budget; indicated that "groups" is undefined; also the use of the "eligibility function" is troublesome
- Suggested putting an exception of Commissioner district budget items in each of the other categories; recommended doing away with the district budget component and opined that it was an inappropriate mechanism for expenditure of public funds
- Referenced page 4, subparagraph 1: how long is a non-profit ineligible for emergency funds
- Referenced subparagraph 4, (5), (6), (7) indicating that it was not sensible, that a recommendation should come from the subcommittee before the Board makes a decision, not afterwards
- Referenced page 6, subparagraph f (Youth Sport Teams); suggested that language be clarified or modified to determine if it means a non-profit associated with or supporting a youth sport team
- Recommended reworking the draft ordinance

County Attorney Thiele opined that the only issues discussed by Mr. Lewis that should be addressed or changed in the draft ordinance are: Page 3, first line – change "corporation" to "entity"; the internal conflict can be addressed by eliminating subparagraph 2 on top of page 5.

Commissioner Rackleff moved, duly seconded by Commissioner Thaeil and carried unanimously, 7/0, to approve Option 1: Conduct first and only public hearing and adopt the attached Leon County Ordinance Number 06-34 governing the allocation of County discretionary funds with the two changes suggested by the County Attorney.

Commissioner Thaeil recommended adding "in any other County-funded category" on page 3, section 2 (604); and also to define "emergency" funding. He requested that the maker of the motion include these in his motion.

Commissioner Rackleff recognized the request as a friendly amendment which he accepted, to include the suggestions made by Commissioner Thaeil.

The motion as described carried 6 – 1 (Commissioner Proctor voted in opposition).

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 that he is a Legal Advertising Representative of the 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

NOTICE OF PUBLIC HEARING

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

NOVEMBER 3, 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 been continuously published in said Leon County, Florida each day and has been entered as second class mail matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this publication in the said newspaper.

DANIEL SERRANO

LEGAL ADVERTISING REPRESENTATIVE

Sworn To or Affirmed and Subscribed Before

Me.

This 3 Day of November 2006, by

Daniel Serrano, _____

Personally Known yes

OR Produced Identification _____

Type of Identification Produced _____



Notary Public
State of Florida
County of Leon

Melinda D. Soto 11/3/06



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, November 14, 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 CHAPTER 2 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA BY ADDING A NEW ARTICLE TO BE ENTITLED "DISCRETIONARY FUNDING GUIDELINES" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 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 906-5300 or 606-5000; 1-800-955-8771 (TDD), or 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, Florida 32301

and
Leon County Clerk's Office
315 S. Calhoun Street, Room 426
Tallahassee, Florida 32301

November 3, 2006

ORDINANCE NO. 2006- 34

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY ADDING A NEW ARTICLE XI TO BE ENTITLED "DISCRETIONARY FUNDING GUIDELINES"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, over the past several years there has been a substantial increase in non-departmental funding requests and organizations seeking funding outside the normal budget process; and

WHEREAS, the Board of County Commissioners desires to adopt an ordinance governing the allocation of County discretionary funds;

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

Section 1. Chapter 2 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Article XI entitled "Discretionary Funding Guidelines," which shall read as follows:

ARTICLE XI. DISCRETIONARY FUNDING GUIDELINES

Sec. 2-600. Application of article.

This article shall govern the allocation of discretionary funds and provide the Board a maximum amount of annual funding available in each of the following fund categories:

- (a) Community Human Services Partnership Fund;
- (b) Community Human Services Partnership – Emergency Fund;
- (c) Commissioner District Budget Fund;
- (d) Midyear Fund;

- (e) Non-Departmental Fund; and
- (f) Youth Sports Teams Fund.

OFF. REC. 137 PAGE 492

Sec. 2-601. Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the Board in accordance with this article.

Sec. 2-602. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community Human Services Partnership Fund shall mean funds eligible for allocation to social service programs.

Community Human Services Partnership - Emergency Fund shall mean funds eligible for allocation for one time funding to meet an emergency situation.

Commissioner District Budget Fund shall mean funds eligible for allocation to each Commissioner for activities relating to his or her district or the County at large.

Emergency Situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded Community Human Services Partnership (CHSP) agency to provide services.

Midyear Fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-Departmental Fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the Board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth Sports Teams Fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

Sec. 2-603. Application process.

(a) The County Administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or individual when submitting a request for funding consistent with the provisions herein.

(b) The County Administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

Sec. 2-604. Funding category guidelines.

(a) Community Human Services Partnership Program Fund.

(1) Non-profits eligible for Community Human Service Partnership (CHSP) funding are not eligible for funding in any other county government funding category, except when requesting funding for an activity that is not CHSP eligible, such as capital improvements.

(2) Annually, as part of the budget process, the Board shall confirm the allocation of funding set aside for the Community Human Services Program.

(b) Community Human Services Partnership Program - Emergency Fund.

- OFF. REC. 137 PAGE 84
- (1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one time funding through the Community Human Services Partnership Program - Emergency Fund.
 - (2) Annually, as part of the budget process, the Board shall confirm the allocation of funding set aside for the Community Human Services Partnership Program - Emergency Fund.
 - (3) These funds are available to any agency that is currently funded through the CHSP process.
 - (4) The request for emergency funding shall be made at a regular meeting of the Board. If deemed appropriate, the request for emergency funding shall then go before a CHSP sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an Emergency Situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the County Administrator, who is authorized to approve the recommendation for funding.
 - (5) In the event the Board does not meet in a timely manner, as it relates to an agency's request, the County Administrator shall have the authority to appropriate expenditures from this account.

(c) Commissioner District Budget Fund.

- (1) Annually, as part of the budget process, the Board shall determine the allocation of funding set aside for the Commissioner District Budget Fund.
 - (2) Expenditures shall only be authorized from this account at a regular meeting of the Board.
- (d) Midyear Fund.
- (1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.
 - (2) Annually, as part of the budget process, the Board shall determine the allocation of funding set aside for the Midyear Fund.
 - (3) In the event the Board does not meet in a timely manner, as it relates to a funding request, the County Administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the Board.
- (e) Non-Departmental Fund.
- (1) Non-profits eligible for non-departmental funding are not eligible for funding in any other category. Eligible funding activities in this category are festivals and events and outside service agencies.
 - (2) Annually, as part of the budget process, the Board shall determine the allocation of funding set aside for the Non-Departmental Fund.

- (3) Non-profits eligible for funding through the Cultural Resources Commission (CRC) Leon County Grant Program (funded through the non-departmental process) are not eligible for funding in any other category.
- (f) Youth Sports Teams Fund.
- (1) Non-profits or athletic teams of the Leon County school system that are eligible for the County's Youth Athletic Scholarship Program are not eligible for funding pursuant to this Article.
 - (2) Annually, as part of the budget process, the Board shall determine the amount of funding pursuant to this Article.
 - (3) The award for Youth Sports Teams shall not exceed \$500 per team.
 - (4) Youth Sports Teams requesting funding from the Board shall first submit their requests in writing to the County Administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.
 - (5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to \$500, the remaining \$500 will be divided equally among the applicants meeting the evaluation criteria.
 - (6) Applicants must have participated in a City, County, or school athletic program during the year in which funding is sought.
 - (7) Team participants must be 19 years of age or younger.

- (8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.
 - (9) In the event the Board does not meet in a timely manner, as it relates to a Youth Sports 'Teams' request, the County Administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the Board.
- (g) Appropriation Process. Annually, prior to March 1, the Board shall:
- (1) Determine the amount of funding set aside for each funding category identified in this Article;
 - (2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and
 - (3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

Section 2. **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 parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

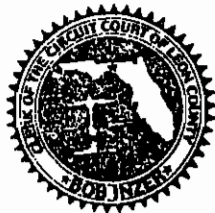
Section 3. **Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words

shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. 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 14th day of November, 2006.

LEON COUNTY, FLORIDA



BY: *Bill Proctor*
BILL PROCTOR, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: *Bob Inzer*
CLERK

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

BY: *Herbert W.A. Thiele*
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

32. First and Only Public Hearing on an Ordinance Amending the Leon County Code of Laws Providing for the Inapplicability of Florida Statute 316.2123 and Prohibiting the Operation of ATVs on Public Roads

Pursuant to legal advertisement, a public hearing was conducted.

County Attorney Thiele explained that the proposed ordinance would opt out and go back to the way the law was before the legislative enactment; the ATV would be prohibited from driving on public streets whether the road was paved or unpaved.

The following citizens appeared:

Ms. Leslie Wurster, 2603 Grubbs Road, appeared and urged the Board to adopt the ordinance, and if the Board does not adopt it, they should at least require safety precautions such as helmets and age restrictions.

Mr. Jeremy Shaw, 1221 Brandt Drive, stated that he is concerned about safety, but pointed out that it would be safer to ride on a maintained roadway rather than riding along side of a roadway with culverts and debris. He pointed out that there are laws for ATVs for reckless driving, destruction, etc., the same as for bicycles and bikes. Because of the recent decision from the State, Mr. Shaw suggested that an allotted time be allowed to see if the new statutes are working and doing what they were intended to do, then readdress the issue.

Commissioner Grippa moved, duly seconded by Commissioner Thaeil and carried unanimously, 7/0, to approve Option 1: Conduct first and only public hearing and adopt the proposed Ordinance Number 06-35 amending the Leon County Code of Laws providing for the inapplicability of Florida Statutes and prohibiting the operation of ATVs on public roads:

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 that he is a Legal Advertising Representative of the 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

NOTICE OF PUBLIC HEARING

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

NOVEMBER 3, 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 been continuously published in said Leon County, Florida each day and has been entered as second class mail matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has never paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this publication in the said newspaper.

DANIEL SERRANO

LEGAL ADVERTISING REPRESENTATIVE

Sworn To or Affirmed and Subscribed Before

Me.

This 3 Day of November 2006, by

Daniel Serrano,

Personally Known yes

OR Produced Identification _____

Identification Produced _____



Notary Public
State of Florida
County of Leon

Melinda D. Soto 11/3/06

1 Legal Notices 1 Legal Notices

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the County) will conduct a public hearing on Tuesday, November 14, 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 CHAPTER 17 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO TRAFFIC, CREATING A NEW ARTICLE 17 TO BE ENTITLED "ALL-TERRAIN VEHICLE OPERATION" PROVIDING FOR THE INAPPLICABILITY OF FLORIDA STATUTE § 316.123 IN LEON COUNTY, 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 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), or 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, Florida 32301

Leon County Clerk's Office
315 S. Calhoun Street, Room 426
Tallahassee, Florida 32301

November 3, 2006

ORDINANCE NO. 2006- 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO TRAFFIC; CREATING A NEW ARTICLE II TO BE ENTITLED "ALL-TERRAIN VEHICLE OPERATION"; PROVIDING FOR THE INAPPLICABILITY OF FLORIDA STATUTE § 316.2123 IN LEON COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature approved the amendment of Section 316.2123 of the Florida Statutes to allow the operation of all-terrain vehicles (ATVs) during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour, provided that the ATV is operated by a licensed driver or by a minor under the supervision of a licensed driver; and

WHEREAS, the Florida Legislature has provided that counties may be exempted from this provision if the governing body votes to exempt the county from same by a majority vote following a noticed public hearing; and

WHEREAS, because of the inherently dangerous nature of operating ATVs on public roads, particularly in light of the increasingly urban character of many areas of Leon County, the Board of County Commissioners deems it to be in the best interests of the residents of Leon County for the County to be exempt from the exceptions provided in Section 316.2123(1), Florida Statutes;

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

Section 1. Chapter 17 of the Code of Laws of Leon County, Florida, is amended by adding a new Article II, which shall read as follows:

Sec. 17-10. All-terrain vehicle operation on unpaved roadways.

The provisions of Florida Statute § 316.2123(1), conditionally allowing all-terrain vehicle operation upon unpaved public roadways, shall not be applicable in Leon County.

Section 2. 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 parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. 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 4. 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 14th day of November, 2006.




LEON COUNTY, FLORIDA

BY: *Bill Proctor*
BILL PROCTOR, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: *Bob Inzer*
CLERK

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

BY: 
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

33. 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 (*Continued from October 24, 2006*)

Pursuant to legal advertisement, the first public hearing was conducted.

Ms. Pamela Hall, 5051 Quail Valley Road, appeared and stated that she supports conservation subdivision in principal, but is concerned about design standards particularly as it relates to greenspace. She remarked that setting aside 50 percent of land that is already undevelopable is not going to necessarily produce better habitat preservation than large lots with individual backyards. Ms. Hall also talked about the minimum lot size for density and stated that she did not want to see increased density resulting in small lots with a lot of septic tanks. She suggested that the County not apply the same conservation standards everywhere.

Mr. Mathew Parker, 1804 Miccosukee Commons Drive, #206, stated that he supports the conservation subdivision ordinance and explained the clustering option. He stated that the overall developable area increases versus the current allowable clustered subdivision.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 60 (Commissioner Grippa out of the Chambers), to approve Option 1: Conduct the first of two public hearings regarding the proposed Ordinance to allow Conservation Subdivisions in the Lake Talquin Recreation Urban Fringe Zoning District and schedule the second and final public hearing on Tuesday, December 12, 2006 at 6:00 p.m.

34. First and Only Public Hearing 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 to amend the Leon County Code (Concurrency Management) to incorporate transportation proportionate share mitigation provisions in accordance with state mandated requirements established in Chapter 163.3180 of the Florida Statutes (Senate Bill 360).

Chairman Proctor asked how Senate Bill 360 would affect the building of schools in the future. Mr. David McDevitt, Growth and Environmental Management Director, responded that regarding transportation which is what this issue involves, SB 360 sets a deminimus threshold; you can only go up to a certain percentage over the adopted level of service capacity on the roadway –

to go beyond that would require mitigation. Regarding school concurrency, Mr. McDevitt noted that school capacity was basically available in the southern portion, but school capacity was not available in the north and eastern portion of the community. That means the County will be able to do a proportionate share mitigation option for schools as well. The School Board will be collecting a proportionate share fee from developments that propose these areas where there is not school capacity. Both of these provisions will push development basically to areas where there is capacity; theoretically, more development would occur in the southern portion.

Commissioner Rackleff stated that the Concurrency Management Ordinance needs to be adopted right away so as not to give developers the opportunity to rush in for building permits prior to the deadline.

Commissioner Grippa pointed out that the ordinance was advertised with an effective date of December 1, 2006 and the County should adhere to that date. He stated that he as well as staff has told customers that the effective date is December 1. Mr. McDevitt advised that the proportionate share has been in place since 2004 and it is the deminimus provision that will tighten things up. He indicated that pending applications involve approximately 3-4 residential subdivisions and two commercial subdivisions.

Mr. Rick Bateman, attorney, explained that this is a drastic change and people do not know what the effect will be and they are aware of the effective date of December 1.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to approve Option 1: Conduct the first and only public hearing and adopt the proposed revisions to the County's Concurrency Management Ordinance to implement the state mandated transportation proportionate mitigation provisions (adopting Leon County Ordinance Number 06-36:

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 that he is a Legal Advertising Representative of the 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

NOTICE OF PUBLIC HEARING

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

NOVEMBER 3, 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 been continuously published in said Leon County, Florida each day and has been entered as second class mail matter at the post office in Tallahassee, in said Leon County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this publication in the said newspaper.

DANIEL SERRANO

LEGAL ADVERTISING REPRESENTATIVE

Sworn To or Affirmed and Subscribed Before Me.

This 3 Day of November 2006, by

Daniel Serrano, 

Personally Known yes

OR Produced Identification _____

Type of Identification Produced _____



Notary Public
State of Florida
County of Leon

Melinda K. Soto 11/3/06

1 Legal Notices 1 Legal Notices

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, November 4, 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 10-141 OF CHAPTER 10, ARTICLE VI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED, CONCURRENCY REVIEW, CONCURRENCY MANAGEMENT SYSTEMS CERTIFICATES OF CONCURRENCY, INCORPORATING PROVISIONS TO ACCOMMODATE PROPORTIONATE SHARE CONTRIBUTIONS OF CAPITAL IMPROVEMENTS REQUIRED TO MAINTAIN LEVEL OF SERVICE STANDARDS, 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 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, 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.

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, Florida 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 426
Tallahassee, Florida 32301

November 3, 2006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-141 OF CHAPTER 10, ARTICLE VI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, ENTITLED CONCURRENCY REVIEW, CONCURRENCY MANAGEMENT SYSTEM, CERTIFICATES OF CONCURRENCY; INCORPORATING PROVISIONS TO ACCOMMODATE PROPORTIONATE SHARE CONTRIBUTION FOR CAPITAL IMPROVEMENTS REQUIRED TO MAINTAIN LEVEL OF SERVICE STANDARDS; 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. Section 10-141 of Chapter 10 of the Code of Laws of Leon County, Florida is hereby amended to read as follows:

Sec. 10-141. Concurrency review, concurrency management system, certificates of concurrency.

(a) In order to satisfy concurrency, all proposed development except that development which is exempt or vested under the provisions of applicable laws shall undergo a concurrency review prior to the issuance of a final development order. A concurrency review is optional prior to the approval of a preliminary development order.

(b) The concurrency review shall determine if there is adequate available capacity in each of the concurrent facilities to accommodate the impact of the proposed new development at or above the level of service adopted in the capital improvement element of the comprehensive plan.

(c) The applicant may choose to satisfy transportation concurrency requirements as established in the Comprehensive Plan by contributing or paying a proportionate fair share if the required transportation improvement is identified or will be included for funding in the CIE consistent with the provisions established in Chapter 163.3180, Florida Statutes. In the event the improvement required for mitigation is not in the adopted CIE, the applicant may enter into a proportionate fair share agreement to satisfy the associated transportation concurrency requirements if the proportionate fair share is sufficient to fund an improvement or improvements which will significantly benefit the impacted transportation system consistent with the provisions of Chapter 163.3180 Florida Statutes. The criteria for implementing these provisions shall be specified in the County's Concurrency Management Policies and Procedures Manual as adopted consistent with Section 10-140(e) the Land Development Code.

(e)(d) The county shall maintain a concurrency management system (CMS) which will consist of an inventory of facility capacity and a demand accounting system that will reflect the current status of concurrency facilities. An annual status report as identified in the comprehensive plan will be provided to the Board of County Commissioners.

(d)(c) Based on the results of the concurrency review, the county shall issue a certificate of concurrency, issue a preliminary certificate of concurrency, issue a conditional certificate of concurrency, or deny the issuance of any certificate of concurrency.

(e)(f) An applicant shall have the right to appeal the denial of the issuance of a certificate of concurrency, or to appeal the issuance of a certificate of concurrency with conditions unacceptable to the applicant.

Section 2. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of the 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, either in whole or in part, with the Comprehensive Plan.

Section 3. Severability.

In any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and, such holding shall not affect the validity of the remaining portions of this Ordinance.

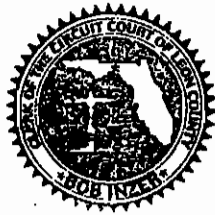
Section 4. Effective Date.

This ordinance shall become effective on December 1, 2006.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 14th day of November, 2006.

LEON COUNTY, FLORIDA

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



ATTEST:
BOB INZER, CLERK OF THE COURT

By: *Bob Inzer*
Clerk

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

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

The Board then entered discussion on Item 30.

General Business

35. Adoption of a Revised Concurrent Management Policies and Procedures Manual to Implement Proportionate Share Traffic Mitigation and Deminimus Impact Provisions as Mandated by Senate Bill 360

Commissioner Grippa moved and was duly seconded by Commissioner Winchester to approve Option 1: Approve the revised Concurrency Management Policies and Procedures Manual to implement the proportionate share traffic mitigation and deminimus traffic impact provisions consistent with the revisions to concurrency in Chapter 163 of the Florida Statutes as approved in Senate Bill 360.

Mr. David McDevitt, Growth and Environmental Management Director, requested that the motion include a clarification to the manual: each time the manual speaks to peak hour or peak direction, it should be listed as "p.m." and not "a.m."

Mr. McDevitt also requested that on page 22 and 29 of the manual, that the term "a.m." be deleted and "p.m." be inserted.

The Commission agreed with the clarifications described by Mr. McDevitt and they would be included in the motion.

The motion on the floor with the clarifications carried unanimously, 7/0.

The Board then discussed Item 36.

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

- a. Mr. Justin Hunter, 24781 Log Landing Road, appeared and distributed a Property Appraiser's map for the Stoutamire River Lots Subdivision. He explained that the Stoutamire's have owned land in the Smith Creek Highway for over 100 years and many of roads in the west end of the County have roads named after family members. Through the years the land has been handed down and divided among family members. Mr. Hunter explained that he, as grandson of Dixie and Ernest Stoutamire, was given 8.22 acres so that he can live and raise a family on the same property that his ancestors were raised on. In 1990 the Comprehensive Plan for the future land use was changed from less than one acre to a minimum of 20 acres for a new single family dwelling. Because of this the County will not issue Mr. Hunter a building permit to move a

mobile home on the subject property so he can take up residency on family-owned property. (He has a septic tank permit.)

As further explained by Mr. Hunter, in 1992, when the family decided to divide 126 acres among 10 family members, a local lawyer was hired to handle the legal aspect of their intentions. The lawyer took seven years to conduct this task and he did not file the proper paper work to make this a legal division of property. This was not discovered until recently when Mr. Hunter applied for a building permit. Mr. Hunter pointed out that the preliminary drawing showed the property as approximately 10 acres but there is no legal description with the drawing. He Hunter stated that he believes that it was decided that an easement was needed to access an adjacent piece of property which cut two acres off the property which he needed to make 10 acres. Mr. Hunter stated that it was an oversight that the 2 acres was not drawn back in after the easement was added; also in the current legal description, there is an additional easement attached to the northern border of his property. This 2.23 acre easement added to his 8.22 acres would also equal the 10 acre minimum. As attached to the 8.22 acres and as in the legal description, he believe this was an attempt to have the property be at least 10 acres because after the legal description of the 8.22 acres, it goes on with a lengthy description of the easement.

Mr. Hunter requested that the Board direct staff to issue a temporary building permit or Certificate of Occupancy, pending disposition of legal problems to address obtaining the property legally subdivided and boundaries re-surveyed. Until Albert Pension, attorney, can get this property legally subdivided and the boundaries resurveyed.

Commissioner Sauls explained that she has been talking with David Earl and his family regarding this issue. She stated that when Dixie Stoutamire divided the property they felt they were doing what the Comprehensive Plan required; the easement that was cut off is what has caused the problem. Commissioner Sauls recommended that Mr. Hunter be allowed to move on his property with a temporary CO while the attorney works out the legal problems.

County Attorney Thiele stated that this would be inconsistent with the Comprehensive Plan and pointed out that the only resolution would be for the family to attempt to acquire the remaining acreage; an easement is not fee simple title so it is not part of the base acreage, and they do not meet the 10 acre minimum requirement.

Mr. Thiele suggested that he be allowed to talk to Mr. Al Pension from the law firm of Pension and Padgett which is the firm hired by Mr. Hunter, between now and the next Board meeting.

Commissioner DePuy moved and was duly seconded by Commissioner Sauls to continue this item to the first meeting in December, to allow the County Attorney's Office to review options and resolution of the issue.

Commissioner DePuy stated that in the upcoming year, he would like the Board to readdress the requirement of 1 unit per 10 acres.

Commissioner Sauls pointed out that she has run into this type of situation before where property owners have been given property by family members in the 1990s and they think all is well until they get ready to pull a building permit. She suggested that some type of exception be allowed.

The motion carried unanimously, 7/0.

- b. Ms. Joy Herring, P. O. Box 13012, stated that much of her illness has been caused by chlorinated water and pointed out that when she improves over the next year, she hopes to be involved in County issues such as sprayfields and filter systems. It was noted that Ms. Herring is a paralegal and has contributed services to the community issues over the years.

Ms. Herring explained that during the last year, her husband, Tom, suffered a massive head trauma and has never recovered. She was forced to be indigent through no fault of her own and had to use the food stamp system. She advised she has an appeal before the 1st District Court of Appeals in an attempt to fix a public policy which she feels is damaging to the disabled and the poor, and asked the County to assist. This involves the limited number/locations of food stamp distribution centers; the distance is too far away for poor citizens to get to.

Commissioner ThaeII moved and was duly seconded by Commissioner Winchester to request staff to draft an agenda item regarding the County entering the lawsuit as an amicus to support Ms. Herring's case.

Commissioner Grippa asked what standing the County would have regarding the food stamp program.

County Attorney Thiele stated that the food stamp program is administered by the State, Department of Children and Families Services.

Commissioner Grippa indicated that the County should not get involved in individual lawsuits since it would set a precedent.

Commissioner Grippa moved a substitute motion, duly seconded by Commissioner Sauls to send a letter, from the Board, to Legal Services of North Florida requesting they review this issue.

Commissioner Rackleff pointed out that the lack of a local food stamp office is an important issue to the citizens of Leon County and should be taken up by the Board. The Board clarified that there is a food stamp office in town but there is no opportunity for a face-to-face interview and people have to travel to Madison, Florida for an interview.

The substitute motion failed 6 – 1 (Commissioners DePuy Proctor, Rackleff, Sauls, Thael and Winchester voted in opposition).

Commissioner DePuy stated that he hopes that Congressman Boyd's office would get involved. Commissioner Thael requested that staff work with Congressman Boyd's Office and Leon County's Legislative Delegation and bring back information at the December 12, 2006 Board meeting. He offered this as a friendly amendment to the motion

The original motion on the floor carried 6 – 1 (Commissioner Grippa voted in opposition).

Discussion Items by Commissioners

36. Acceptance of Status Report on Red and Sams Property Acquisition (Commissioner Winchester)

Commissioner Winchester moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Options 1 and 2: 1) Accept the Status Report on Red and Sams Property Acquisition; 2) Direct staff to request a three-month extension from the Florida Communities Trust, beginning December 15, 2006, and to continue to negotiate with the sellers.

Commissioner Winchester advised that the status report requests an additional appraisal to be done to allow for other uses that were discovered during negotiations.

The motion carried unanimously, 7/0.

Commissioner Winchester advised that since he would be leaving, the Board should designate another Commissioner (preferably new District 3 Commissioner John Dailey) to continue working with Planning staff and Red & Sam's. Commissioner Winchester advised that indirectly he would continue helping the family.

The Board entered discussion under "Citizens to Be Heard."

- B Commissioner Winchester stated that his father requested that he bring an item to the Board for consideration. The City of Tallahassee has a policy that waives its Occupational License for Seniors, 65 or older, who have less than two employees working for them.

Commissioner Winchester moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to direct staff to bring an agenda item to the Board regarding the County adopting the same policy.

Commissioner Grippa

Advised that something is occurring at the gate of Golden Eagle Subdivision involving residential zoning. Commissioner Sauls explained that it involves a Comprehensive Plan Amendment.

Commissioner DePuy

- a. Commissioner DePuy advised that at the last meeting, there was a unanimous vote to deny a permit for development at Mariana Oaks (off Old St. Augustine Road). He met with the developer and his representative, and his concerns have been addressed.

Commissioner DePuy moved and was duly seconded by Commissioner Grippa to reconsider the Board's action regarding Mariana Oaks Subdivision development.

Commissioner DePuy pointed out that the developer has made some revisions to the site plan regarding egress, ingress and other traffic impacts.

County Attorney Thiele commented on the issue of reconsideration and proper procedures. He opined that proper procedures would be for the applicant to make a new application, to be reviewed by staff, and then it would go to the DRC who would then make a recommendation to the Board to approve or not approve.

Commissioner DePuy stated that it would go through the proper public review process, which is part of the motion.

Commissioner Thael stated that this is a problem that will occur in areas like Old St. Augustine Road, where the property is zoned either R-1 or R-3 and he plans to bring the item to be discussed at the upcoming Board Retreat. Commissioner DePuy pointed out that people need to have buildable lots that are inside the Urban services area.

County Attorney Thiele pointed out that the Board is about to enter discussion of the substance of a quasi judicial matter without notice being provided to the neighbors and cautioned the Board against this discussion.

Commissioner DePuy explained that his motion is to rehear the item. The motion carried 6 – 1 (Commissioner Rackleff voted in opposition).

- b. Commissioner DePuy moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to direct staff to move the picture of the WW II Veterans behind the Information Desk, where it was previously.

Chairman Proctor

- a. Requested information about the Board's Annual Retreat. The Board directed staff to make arrangements to hold the retreat "The Retreat at Bradley's Pond."
- b. Requested Planning staff to provide an overview of the State's Plans to expand office complex space by another 1.7 million square feet at Southwood and bring back an agenda item for the December 12, 2006 Board meeting.
- c. Requested staff to schedule a Workshop on the future of Woodville regarding cost of housing and the projected impacts on residents in Woodville.
- d. Chairman Proctor asked staff if the Florida League of Cities found a sponsor to file the charter County preemption legislation for the 2007 legislative session.

Mr. Ken Morris, staff, informed the Board that the bill had not yet been filed and the 2006 House sponsor was no longer a member of the Florida House of

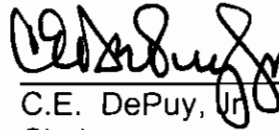
Representatives; he does expect the bill to be filed for 2007. He advised that last year during the legislative session, the Board adopted a resolution stating its position and reaffirmed that position during the legislative workshop.

Chairman Proctor stated that it was an important issue that needed to be discussed at the Board Retreat so the Board could be refreshed on the issue and take a formal position.

There being no further business to come before the Board, the meeting was adjourned at 9:38 p.m.

ATTEST:




C.E. DePuy, Jr.
Chairman


Bob Inzer
Clerk of the Court