

**BOARD OF COUNTY COMMISSIONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
February 20, 2024**

The Board of County Commissioners of Leon County, Florida, met in regular session at 3:00 p.m. with Chair Carolyn D. Cummings presiding. Present were Vice Chair Brian Welch, Commissioners David T. O’Keefe, Christian Caban, Bill Proctor, Nick Maddox, and Rick Minor. Also, present were County Administrator Vincent Long, County Attorney Chasity O’Steen, and Clerk to the Board Beryl H. Wood.

Chair Cummings called the meeting to order at 3:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was provided by Don Tolliver, Associate Minister, Bethel Missionary Baptist Church.

The Pledge of Allegiance was provided by Commissioner Bill Proctor.

**AWARDS AND PRESENTATIONS**

- Proclamation Recognizing DJ Demp for his Contributions to the Community
  - Commissioner Minor presented the proclamation to DJ Demp and proclaimed February 20, 2024, DJ Demp Day.
  - DJ Demp accepted the proclamation and thanked the Board for the support as well as the community.
  - Commissioner Maddox acknowledged the accomplishments of DJ Demp. He thanked Commissioner Minor for taking the opportunity to experience what DJ Demp does for the community.
  - Chair Cummings thanked DJ Demp for everything he does for the community and shared that the proclamation was well deserved.

**CITIZENS TO BE HEARD ON CONSENT AND NON-AGENDAED ITEMS**

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

- Michael McBride, 124 Mill Branch Road, Tallahassee, FL 32312, spoke in support of the Restorative Justice (RJ) Program and asked the Commission to get involved.
  - Vice Chair Welch thanked Mr. McBride for advocating for this program. He asked Mr. McBride to send additional information to the Commission.
  - Commissioner O’Keefe thanked Mr. McBride for speaking about the Restorative Justice (RJ) Program and stated he would contact him to obtain additional information.
  - Chair Cummings thanked Mr. McBride for speaking about the Restorative Justice (RJ) Program.

**CONSENT**

*Commissioner Minor moved, seconded by Commissioner O’Keefe, to approve the Consent Agenda, as presented, with the exception of Items #6 and #11.*

The motion carried 7-0.

**1. Minutes: December 12, 2023, Regular Meeting**

*The Board approved Option #1: Approve the minutes for the December 12, 2023, Regular Meeting.*

**2. Payment of Bills and Vouchers**

*The Board approved Option #1: Approve the payment of bills and vouchers submitted for February 20, 2024, and the pre-approval of payment of bills and vouchers for the period of February 21, 2024, through March 18, 2024.*

**3. Ratification of the County's Funding Agreement with the Florida Civil Rights Museum, Inc.**

*The Board approved Option #1: Ratify the County's Grant Funding Agreement with Florida Civil Rights Museum, Inc.*

**4. Commissioner Appointments to the Public Safety Coordinating Council and the Tallahassee-Leon County Commission on the Status of Women & Girls**

*The Board approved Option #1: Ratify Commissioner Cummings' appointment of Kelli Mercer to fill Seat Category j. (the director of a local substance abuse treatment program) on the Public Safety Coordinating Council for the remainder of the unexpired term ending December 31, 2025, and;*

*Option #2: Ratify Commissioner Minor's appointment of Tiffany Martin to the Tallahassee-Leon County Commission on the Status of Women & Girls for the remainder of the unexpired term ending September 30, 2024, and a full two-year term ending September 30, 2026.*

**5. Request to Schedule the First and Only Public Hearing to Consider Abandoning a Platted, Unimproved Right-of-Way Located in the Capitola Plat for March 19, 2024**

*The Board approved Option #1: Schedule the first and only public hearing to consider abandoning a platted, unimproved right-of-way located in the Capitola Plat for March 19, 2024, at 6:00 p.m., and adopt a resolution declaring that the public hearing is scheduled.*

**6. PULLED - Florida Department of Health Resuscitation Training for Emergency Medical Services**

**7. Request to Schedule a Workshop on the County's Purchasing Policy**

*The Board approved Option #1: Schedule a workshop on the County Purchasing Policy, Policy No. 96-1, for Tuesday, May 28, 2024, at 1:00 p.m.*

**8. Memorandum of Understanding for Use of the Driver and Vehicle Information Database System**

*The Board approved Option #1: Approve the Memorandum of Understanding with the Florida Department of Highway Safety and Motor Vehicles to utilize the Driver and Vehicle Information Database System, and authorize the County Administrator to execute the MOU, and any amendments and annual certification thereto, subject to legal review by the County Attorney.*

**9. Proposed Revision to Section XII of the Leon County Personnel Policies and Procedures**

*The Board approved Option #1: Approve the proposed revision to Section XII-Separation of the Leon County Personnel Policies and Procedures to add Subsection 12.03.2 – Name-clearing Hearing.*

**10. Florida Department of Environmental Protection Waste Tire Amnesty Event Grant**

*The Board approved Option #1: Accept the Florida Department of Environmental Protection Waste Tire Amnesty Event grant in the amount of \$25,000, and;*

*Option #2: Accept the Florida Department of Environmental Protection Waste Tire Amnesty Event grant in the amount of \$25,000 into the FY 2024 budget.*

**11. PULLED - Resolution in Support of the Welcome Sign Installations on Roads Maintained by Florida Department of Transportation**

**12. Resolution Authorizing Conveyance of an Easement Interest in County-owned Property at 10995 Buck Lake Road to Talquin Electric Cooperative**

*The Board approved Option #1: Adopt the Resolution authorizing the conveyance of a nonexclusive perpetual easement over a portion of a County-owned parcel located at 10995 Buck Lake Road to Talquin Electric Cooperative, Inc., and;*

*Option #2: Authorize the Chair to execute the Electric Utility Easement and any associated documents, subject to legal review by the County Attorney.*

**13. Memorandum of Understanding between Leon County and Blueprint Intergovernmental Agency for the East Drainage Ditch Stormwater Modeling**

*The Board approved Option #1: Approve the Memorandum of Understanding between Leon County and Blueprint Intergovernmental Agency for East Drainage Ditch Modeling and authorize the County Administrator to execute the Memorandum of Understanding, subject to legal review by the County Attorney.*

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

**14. FY 2023 Annual Domi Entrepreneurial Community Impact Report**

*The Board approved Option #1: Accept the Domi Entrepreneurial Community Impact Annual Report for FY 2023.*

**15. North Monroe Corridor Charrette Update and Final Report**

*The Board approved Option #1: Accept the North Monroe Corridor Charrette Final Report and implement the 10 action items included in the Report.*

**16. Status Report on Intersection Sightline Standards and the Maintenance of County Intersections**

*The Board approved Option #1: Accept the status report on intersection sightline standards and the maintenance of County intersections.*

**CONSENT ITEMS PULLED FOR DISCUSSION**

**6. PULLED - Florida Department of Health Resuscitation Training for Emergency Medical Services (County Administrator/ Emergency Medical Services)**

This item was pulled by Commissioner Proctor.

- Commissioner Proctor inquired about the significance of high-performance resuscitation.
- Chief Abrams from Emergency Management elucidated that this training emphasizes how resuscitation techniques can increase an individual's chance of returning home.
- Commissioner Proctor sought clarification on the definition of resuscitation.
- Chief Abrams explained that it refers to reviving a person whose heart has stopped, typically requiring CPR.
- Commissioner Proctor raised concerns about the process of selecting training from the pre-approved vendor list provided by the state.
- Chief Abrams assured that the County would be reimbursed for the training costs.
- Commissioner Proctor sought updates regarding the eviction notice received from Neighborhood Medical Center on Orange Avenue.
- County Administrator Long addressed the longstanding agreement with the Department of Health for primary care services at the Orange Ave. Health Department through Neighborhood Health Services. He mentioned ongoing efforts to ensure a smooth transition.
- Commissioner Proctor urged the Board to designate a property for continued operations.
- Chair Cummings confirmed the operating hours at the S. Monroe location.
- County Administrator Long affirmed and highlighted the coordinated approach during the transition.
- Commissioner O'Keefe suggested updating the Economic Vitality strategic goals to include businesses that expand medical care and generate employment opportunities.

*Commissioner Proctor moved, seconded by Commissioner O'Keefe, to approve Option #1: Accept funding in the amount of \$218,400 from the Florida Department of Health as reimbursement for the costs associated with procuring a FDOH approved vendor to provide high performance resuscitation workforce training to Emergency Medical Services staff in accordance with the terms outlined by the Florida Department of Health in the formal Scope of Work, and;*

*Option #2: Approve the Resolution and associated Budget Amendment realizing \$218,400 as reimbursement for training costs from the Florida Department of Health.*

*The motion carried 7-0.*

**11. PULLED -Resolution in Support of the Welcome Sign Installations on Roads Maintained by Florida Department of Transportation (County Administrator/ Public Works)**

This item was pulled by Commissioner O’Keefe.

- Commissioner O’Keefe stated he initially pulled this item because the price seemed unreasonable. However, after speaking with County Administrator Long and receiving more detailed information, he supported staff recommendations for Options #1 and #2.
- Commissioner Proctor asked why Tourist Development Council (TDC) funds are being used for signs and why the State of Florida is not covering the cost.
- County Administrator Long stated the Board, not the Tourist Development Council (TDC), is entirely responsible for funding this project. In addition, funding is available.
- Commissioner Proctor stated that the State of Florida should pay for the signs rather than Leon County.

*Commissioner O’Keefe moved, seconded Vice Chair Welch, to approve Option #1: Adopt the Resolution in support of the Welcome Sign Installations on Roads Maintained by the Florida Department of Transportation and authorize the County Administrator to execute the Community Aesthetic Feature Agreement, and any current or future amendments thereto, subject to legal review by the County Attorney, and;*

*Option #2: Approve the Resolution and associated Budget Amendment.*

*The motion carried 7-0.*

**GENERAL BUSINESS**

**17. Status Report on the Tallahassee-Leon County Local Broadband Technology Planning Efforts**

- County Administrator Long introduced this item. As requested by the Board, this item provides an update on the Tallahassee-Leon County Local Broadband Technology Planning Team’s efforts to expand broadband access and includes information on the Biden Administration’s plan for a National Spectrum Strategy.
- Keith Bowers, Director of the Office of Economic Vitality, shared information on expanding broadband services for Leon County. He provided a PowerPoint Presentation. He also spoke about the grants received and thanked the providers present in the audience.

The following speakers provided in-person comments:

- Stephanie Bowden, Comcast, shared her excitement for the partnership with the County and what’s to come. She spoke about successful projects they have completed over the past two years, including expanding broadband in Wakulla County, Clay County, and the cities of Monticello, Lake Butler, and Waldo.
- Carl Meyerhoefer, representing Conexon, spoke about the significance of broadband. He noted that the company focuses on rural broadband and has been in operation since 2015. He noted that they partner with local electric cooperatives and are a provider focusing on providing affordable broadband

service in rural communities. He shared that their goal is to build rural broadband across the Panhandle.

- Vice Chair Welch thanked the OEV staff for their work on this item and Comcast for the grant awarded to expand broadband in rural areas, including the Miccosukee community.
- Commissioner Minor thanked and congratulated the staff for their work and shared that this is very encouraging news.
- Commissioner Maddox acknowledged the constituents in the Miccosukee area and mentioned that they have wanted this service for a while. He encouraged moving the ball forward, especially in the Ft. Braden area.
- Commissioner Caban thanked Mr. Bowers and everyone in the OEV Department for the work they have done. He noted that this is a huge need in his district. He stated his goal is for everyone in his district to have fast and reliable broadband. He expressed concerns about the process of the vendor that received a grant to provide service in his district. He explained that Comcast applied for a grant in his district recently but was denied due to a federal grant awarded to Conexon a few years ago. He stated that he feared they would miss out on funds if the awarded vendor was unable to provide service. He shared that he would support the motion.
- Commissioner Proctor asked about the life expectancy of broadband.
  - Ms. Bowden stated that they have a team that is prepared and works 24/7. She expressed that they are always one step ahead to ensure that individuals are served with the best and most reliable service to take care of their needs.
- Commissioner Proctor expressed his concern about fighting for something that will go out of style before they can install it. He confirmed with Ms. Bowden that they are barred from getting any funds where Conexon already has contracts.
  - Ms. Bowden confirmed that they don't want ISPs to overlap in areas that are already covered.
- Commissioner Proctor asked Mr. Meyerhoefer to speak about plans with Talquin Cooperative.
  - Mr. Meyerhoefer clarified that they don't have to partner with Talquin Cooperative. He explained that they install broadband the same way Comcast does. He stated that they allow local electric cooperatives to participate in the broadband project. If the community decides not to participate, they will deploy as traditional ISPs do.
- Commissioner Proctor asked Mr. Meyerhoefer how they could help to achieve an agreement.
  - Mr. Meyerhoefer stated that they have a presentation ready for the cooperative to participate in the project and are currently scheduling a meeting with the executive team at Talquin Cooperative.
- Commissioner Caban asked of the counties and regions where they do business, how many did not reach a deal and the company had to implement on their own.
  - Mr. Meyerhoefer stated that only one cooperative did not participate in the agreement.
- Commissioner Caban asked if they don't come to an agreement, would they commit to lay the foundation and do the work themselves.
  - Mr. Meyerhoefer stated yes that they have a commitment to honor.
- Commissioner Proctor asked if they have any governmental empowerment in public utility.

- Mr. Meyerhoefer stated no, they are not a utility. They follow the same process as others.
- Commissioner Proctor asked, according to the map, why there was favoritism in certain areas.
  - Ms. Bowden stated they could not provide a detailed map of their plans; they can only provide information on awarded areas.

Mr. Bowers clarified that the Office of Economic Vitality (OEV) does not determine funding decisions. Instead, Florida Commerce oversees this process through an application procedure, designating areas based on unserved and underserved criteria. OEV's role is primarily to facilitate community dialogue and gather feedback on these matters.

- Commissioner Proctor asked County Administrator Long to facilitate a meeting with Ms. Bowden.
- Chair Cummings thanked staff and commented that it is a plus for the citizens.
- Ms. Bowden shared that the company's goal is to ensure that every citizen has access to reliable, high-speed broadband connectivity.
- Commissioner Proctor stated that rural schools should be a priority.

*Vice Chair Welch moved, seconded by Commissioner Minor, to approve Option #1: Accept the Status Report on the Tallahassee-Leon County Local Broadband Technology Planning Efforts and information on the National Spectrum Strategy to grow radio spectrum access.*

*The motion carried 7-0.*

## **18. Resolution to Acknowledge and Apologize for the History of Slavery and Racism in Leon County**

County Administrator Long introduced this item. As requested at the January 22, 2024, Board Retreat, this item sought Board adoption of a Resolution to acknowledge and apologize for the history of slavery and racism in Leon County.

The following speaker provided virtual comments:

- Priscilla Hawkins, Director of the Black History Alliance, expressed gratitude to Commissioner Proctor for his assistance in this endeavor and his attention to the actions of First Presbyterian Church. She proposed the formation of a task force with allocated funds to thoroughly investigate and address acknowledgment, apology, repentance, and reparation. Additionally, she extended an invitation to the Board to join a complimentary lunch event at First Presbyterian Church on February 29th at noon.

The following speaker provided in-person comments:

- Stanley Sims, 1320 Avondale Way, supported the resolution and its accompanying apology. Reflecting on his own school experiences, he welcomed the apology with appreciation but emphasized that it should not be construed solely as an apology directed towards the Black community.
- Commissioner Proctor expressed gratitude to the County Commission and underscored the resolution's significance, particularly its relevance in commemorating 200 years. He emphasized that this symbolic gesture holds deep meaning for those interred in the graveyard and their loved ones.

- Commissioner Maddox thanked Commissioner Proctor for his leadership on this item. He shared the importance of a sincere apology and growing as a people.
- Commissioner Minor expressed gratitude to Commissioner Proctor for introducing this item. He emphasized the importance of closing this terrible chapter and initiating the healing process.
- Commissioner O'Keefe thanked Commissioner Proctor for the item. He stated they have a history that they must apologize for and acknowledge. He shared how fortunate he is to be part of a board that represents this government.
- Commissioner Proctor amended his motion to place the Resolution in the media (on all levels) by letting all know they are taking positive steps.
- Chair Cummings thanked Commissioner Proctor for bringing this item, the Board for being sensitive to this issue and agreeing to adopt a Resolution, and thanked County Administrator Long for a phenomenal job.
- Commissioner Maddox recognized School Board Members Lori Cox and Daryl Jones.

*Commissioner Proctor moved, seconded by Commissioner Maddox, to approve Option #1 as amended: Adopt the Resolution to acknowledge and apologize for the history of slavery and racism in Leon County; to be widely disseminated in the community including in the newspaper, via the County's Comcast channel, inclusion in the FAMU Meek-Eaton Black archives, and the R.A. Gray State Library and Archives.*

*The motion carried 7-0.*

#### **19. Bid Award for the Magnolia Drive Multi-Use Trail Phase II Construction**

County Administrator Long introduced this item. This item will have a fiscal impact. This project is funded through separate Joint Project Agreements with the City of Tallahassee (City) and the Blueprint Intergovernmental Agency (Blueprint). The City will provide \$1,755,781 in funding for utility upgrades plus a \$40,000 administrative fee for the County to manage the construction. Blueprint will provide \$7,013,315 for the utility relocation, irrigation, landscaping, and associated trail construction. A Resolution and Budget Amendment is provided to appropriate these funds in the FY 2024 capital improvement budget.

- Commissioner O'Keefe shared his excitement about this project.
- Commissioner Proctor expressed his enthusiasm for the project.
- Chair Cummings acknowledged County Administrator Long for all the work done on this item.

*Commissioner O'Keefe moved, seconded by Vice Chair Welch, to approve Option #1: Approve the bid award for the Magnolia Drive Multi-Use Trail Phase II project to Sandco LLC in the amount of \$8,769,096 and authorize the County Administrator to execute the Agreement, and any amendments thereto, subject to legal review by the County Attorney, and;*

*Option #2: Approve the Resolution and associated Budget Amendment.*

*The motion carried 7-0.*



**20. Status Report on the Extension of Sewer Service to Properties in Unincorporated Leon County Located within the Urban Services Area**

County Administrator Long introduced this item. He shared the next three items are related to sewer construction. This particular item provides a status report on the extension of centralized sanitary sewer service to unincorporated areas located within the Urban Services Area, particularly in the Southside and Southern Triangle areas. This item included the information requested by the Board at its November 14, 2023, meeting and the information requested by the Board at its January 23, 2024 meeting.

There was no public comment.

- Laurel Harbin, Planning Director, provided a detailed report on Water and Sewer Expansion and septic-to-sewer projects. She shared that, to date, they have invested \$63 million in Septic-to-Sewer projects and extended sewer services to 1,529 properties in Southern Leon County.
- Commissioner Proctor expressed gratitude for the dedication of County staff and recognized the importance of sewer placement, especially on the southside.
- Commissioner Minor commented on the importance of sewer placement for the citizens and County Administrator Long's effort to leverage grant dollars.
- Commissioner Caban commended the County for their job on the sewer line projects.
- County Administrator Long commended staff for the ongoing protection of area Springs.
- Chair Cummings expressed her approval for this project.

*Commissioner Maddox moved, seconded by Commissioner Caban, to approve Option #1: Accept the Status Report on the Extension of Sewer Service to Properties in Unincorporated Leon County within the Urban Services Area.*

*The motion carried 7-0.*

**21. Florida Department of Environmental Protection Springs Restoration Grant Amendments for the Northeast Lake Munson and Woodville Sewer System Projects**

County Administrator Long introduced this item. This item sought Board approval to amend the existing Florida Department of Environmental Protection (FDEP) Springs Restoration Grant Agreements to realize a total of \$7,847,735 in additional funding for priority county septic to sewer projects. The required local match for these amendments comes from the County's share of sales tax water quality funding.

There was no public comment.

*Commissioner Maddox moved, seconded by Commissioner Caban, to approve Option #1: Approve the Florida Department of Environmental Protection Springs Restoration Grant Agreement Amendment No. 3 for the Northeast Lake Munson Sewer System Project, and authorize the County Administrator to execute the grant amendment, including any future modifications, subject to legal review by the County Attorney, and;*

*Option #2: Approve the Florida Department of Environmental Protection Springs Restoration Grant Agreement Amendment No. 3 for the Woodville Sewer System Project*

*and authorize the County Administrator to execute the grant amendment, including any future modifications, subject to legal review by the County Attorney, and;*

*Option #3: Approve the Resolution and associated Budget Amendment.*

*The motion carried 7-0.*

**22. Authorization to Submit Two Northwest Florida Water Management District Springs Restoration Grant Applications for Woodville Sewer System Project and the Munson Slough Embankment Repair Project**

County Administrator Long introduced this item. This item sought Board approval to submit two Northwest Florida Water Management District Springs Restoration Grant applications, totaling \$12M in grant requests, for the Woodville Sewer System and the Munson Slough Embankment Repair projects.

There was no public comment.

- Commissioner Proctor asked about receiving the \$12 million grant.
- County Administrator Long stated the Legislature has prioritized Springs protection.

*Commissioner Maddox moved, seconded by Commissioner Minor, to approve Option #1: Authorize the County Administrator to submit a Northwest Florida Water Management District Springs Restoration Grant application for \$10 million for the Woodville Sewer System Project, and;*

*Option #2: Authorize the County Administrator to submit a Northwest Florida Water Management District Springs Restoration Grant application for \$2 million for the Munson Slough Embankment Repair Project.*

*The motion carried 7-0*

**23. Full Board Appointments to the Advisory Committee for Quality Growth and the Joint City/County Bicycling Workgroup**

County Administrator Long introduced this item. This item sought the full Board's consideration of the appointment of citizens to the Advisory Committee for Quality Growth and the Joint City/County Bicycling Workgroup.

*Commissioner Proctor moved, seconded by Commissioner Maddox, to approve: Option #1: Appoint one nominated citizen, Karrie Larson, to Seat 12 (a person who represents a business association or organization, nominated by the Greater Tallahassee Chamber of Commerce) on the Advisory Committee for Quality Growth for the remainder of the unexpired term ending May 31, 2025, and;*

*Option #2: Appoint one citizen, Melissa Hill, to the Joint City/County Bicycling Workgroup for the remainder of the 3-year term ending December 31, 2026.*

*The motion carried 7-0.*

**SCHEDULED PUBLIC HEARINGS, 6:00 P.M.**

**24. First and Only Public Hearing on an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Single-Family Detached, Attached, and Two-Family Residential (R-3) to The Dwellings II Planned Unit Development (PUD) for 33.52 Acres Located at 5100 Blountstown Highway**

County Administrator Long introduced this item. This item requested the Board conduct the first and only public hearing to consider an ordinance amending the Official Zoning Map to change the zoning classification from Single-Family Detached, Attached and Two-Family Residential (R-3) to “The Dwellings II Planned Unit Development (PUD)” for 33.52 acres located at 5100 Blountstown Highway. The proposed PUD incorporates the existing 130-unit tiny home development and community center with an approximate 200-unit proposed multi-family development in the northern portion, with a maximum of 335 dwelling units.

There was no public comment.

- County Attorney O’Steen reminded the Board that this was a quasi-judicial proceeding.

*Commissioner Minor moved, seconded by Commissioner Caban, to approve Option#1: Conduct the first and only public hearing and adopt the proposed Ordinance thereby amending the Official Zoning Map to change the zoning classification from the Single-Family Detached, Attached, and Two-Family Residential (R-3) zoning district to The Dwellings II PUD zoning district) for 33.52 acres located at 5100 Blountstown Highway, based on the findings of fact and conclusions of law of the Planning Commission, this report, and any evidence submitted at the hearing hereon.*

*The motion carried 7-0.*

**25. First and Only Public Hearing to Consider Adopting a Resolution to Abandon a Platted, Unimproved Right-of-Way Located in the Woodville Plat**

County Administrator Long introduced this item. This item requests the Board conduct a public hearing to formally abandon a portion of platted, unimproved right-of-way (ROW) located within the Woodville Plat, as requested by the adjacent property owners to incorporate the ROW into their property. Older plats often contain ROW for roads that were never built, or necessary, as is the case in this matter. Florida Statutes require a public hearing and adoption of a resolution to formally abandon any portion of a platted street.

There was no public comment.

*Commissioner O’Keefe moved, seconded by Commissioner Caban, to approve Option #1: Conduct the first and only public hearing and adopt the resolution to abandon a platted, unimproved right-of-way located in the Woodville Plat.*

The motion carried 7-0.

**26. First and Only Public Hearing to Consider Adopting the Proposed Ordinance Prohibiting Unauthorized Solicitation on Private Property**

County Administrator Long introduced this item. This item requests the Board conduct the first and only public hearing to consider the adoption of an Ordinance prohibiting unauthorized solicitation on private property with posted signage. The proposed Ordinance, if approved, would allow law enforcement to enforce the prohibition of unauthorized solicitation on private property with posted signage. The item also provides information on a current County Ordinance regarding peddling and solicitation by permit that will be brought back to the Board later this spring for consideration on whether to repeal.

- Commissioner Minor stated he would support the motion but would like to amend the ordinance due to the word “solicit” being too broad. He requested to remove the following activities from the definition “solicit”: signature gathering, voter registration, and advocacy of public issues or candidates. He moved, and Commissioner Caban seconded.
- County Attorney O’Steen proposed to add a sentence that “solicit” does not include signature gathering, voter registration, and advocacy for political issues or candidates.
- Commissioner Minor made a motion to change the paragraph on page 751 of the agenda to include the language suggested by County Attorney O’Steen.
- Vice Chair Welch asked if they could just dictate not to trespass on private property.
- County Attorney O’Steen clarified that if someone currently has a posted sign under current law that says no trespassing or no solicitation, those seeking to solicit are not authorized to do so.
- Commissioner Maddox asked what the difference is between what they are doing now and the no trespassing ordinance that they have.
- County Attorney O’Steen explained that trespassing is a crime under current law. Under the County’s code it would be illegal but as a non-criminal infraction.
- Commissioner Maddox asked at what point it becomes criminal.
- County Attorney O’Steen explained that under the County’s code, a non-criminal infraction is prosecuted in the manner of a misdemeanor. If someone is cited or arrested for violating the County Code, they would go through the normal prosecution process with the State Attorney’s office, but it is not a crime. She clarified that for law enforcement to enforce a violation of the County’s code, they would have to personally observe the behavior, unlike a crime where pictures and videos can be used.
- Commissioner Maddox thanked County Attorney O’Steen for the explanation and said he would support Commissioner Minor's suggested changes. He discussed the options of the property owners and what they are taking off the table.
- Chair Cummings stated that private property owners must be proactive and have a sign posted permanently so individuals will notice.

The following speakers provided in-person comments:

- Ron Clark, Chair of the Tallahassee Chamber of Commerce, spoke in support of the ordinance and thanked staff for working on this item. He agreed with Chair Cummings that property owners should post a “no trespassing” sign. He stated that owners have the right to control their property, and solicitors need to get permission from the private property owner even though they made it clear not to trespass.
- Darwin Gamble, 1248 Halifax Court, Tallahassee, FL 32308, spoke in opposition to the ordinance. He briefly explained that he volunteers to go door-to-door and ask people to register to vote. He stated that even though he will be allowed to continue to work under the changes Commissioner Minor proposed, the homeless community will be left out, which he is not in favor of.
- Ed Murray, founder and partner of NAI Talcor, 1018 Thomasville Road #200A, Tallahassee, FL 32303, spoke in support of the ordinance. He stated that customers stopped going to stores because of panhandling.
- Nathan Pugh, Founder of Little Sunshine Pantries, 631 W. 8<sup>th</sup> Avenue, Tallahassee, FL 32303, spoke in opposition to the ordinance. He explained that his job is to distribute food to the most food-insecure areas in Tallahassee, and this ordinance will affect them. He stated that what is proposed is not any different than what’s currently happening, and the ordinance does not offer resources only quick imprisonment for being undesirable.
- Matt Tharpe, 3628 Pine Tip Road, Tallahassee, FL 32312, spoke in support of the ordinance. He thanked staff for their hard work in moving it forward and hopes the Board will vote in favor of the proposed ordinance.
- Madeline Bowman, 622 W. 10<sup>th</sup> Avenue, Tallahassee, FL 32303, spoke in opposition to the ordinance. She asked the Board to oppose the proposed ordinance because it would affect the process of asking for donations. She stated that the proposed ordinance is dangerous anti-democracy that will criminalize homelessness and will put more stress on the criminal justice system.
- Jessica Yeary, Public Defender in the 2nd Judicial Circuit, voiced her opposition to the ordinance. She urged the Board to consider alternative solutions for homelessness, such as transitional housing, long-term housing, and affordable housing, to provide individuals with viable options. Ms. Yeary highlighted existing trespass warnings and laws, noting that individuals can already face prosecution and imprisonment for up to a year. She appealed to the Board for assistance in finding alternatives to incarceration and establishing connections to employment.
- Barry Monroe, residing at 1248 Halifax Court, Tallahassee, FL 32305, expressed his opposition to the ordinance. He mentioned his involvement in educating individuals in vulnerable communities about voting and expressed concern for his safety due to the proposed legislation.
- Kathy McGuire, 1101 Pine Street, Tallahassee, FL 32303, spoke in opposition to the ordinance. She thanked Commissioner Minor for the recommended amendment because of the right to canvassing. She acknowledged the Board’s commitment to free speech and urged them to vote against the ordinance, as she believed it would adversely impact homeless individuals.
- Bob McClure, 100 N Duval Street, Tallahassee, FL 32301, spoke in support of the ordinance. He shared his concern about suffering aggressive

solicitation towards his employees, defecation in public, and public sexual acts. He stated that they had spent about \$40,000 to protect their property. He urged the Board to vote in favor of the proposed ordinance.

- Samuel Dohler spoke in opposition to the ordinance. He stated that the solution to the homelessness crisis is not the police. It is homes, food, and health care. He stated that the proposed ordinance is going in the wrong direction, and these policies only create a hostile environment for everyone.
- Tavish Bryan spoke in opposition to the ordinance. He stated the proposed ordinance is not a fair equivocation and does not offer anything to reduce crime and a safer community. He believed the proposed ordinance was a dehumanizing and anti-homeless law that held property rights above the needs of houseless neighbors, criminalized acts of survival, and treated people as unsightly.
- Robert Lee, spoke in opposition to the ordinance. He suggested spending taxpayers' money to help people find housing and jobs.
- Drew McLeod, 115 West Park Avenue, Tallahassee, FL 32301, spoke in support of the ordinance. He shared his concern with experiencing aggressive panhandling, defecation in public, and indecent exposure.

The following speaker provided virtual comments:

- Spencer Brass, residing at 2020 W. Pensacola Street, Tallahassee, FL 32304, voiced his support for the ordinance. He mentioned observing instances of aggressive panhandling and individuals not utilizing resources for basic needs but rather for drugs and alcohol. Mr. Brass argued that existing trespassing laws are insufficient to address these issues.
- Commissioner O'Keefe asked about the requirements regarding the size of the sign.
  - County Attorney O'Steen stated that the requirements would have to be dictated by the boundaries and characteristics of each individual property on a case-by-case basis, and that it would be left to the property owner to decide such requirements.
  - Commissioner O'Keefe asked who decides to give permission for someone to solicit in a shopping mall.
  - County Attorney O'Steen stated it depends on who has control over the property.
  - Commissioner O'Keefe asked how they would know that the ordinance is being evenly enforced.
  - County Attorney O'Steen stated it is up to law enforcement to decide.
  - Commissioner O'Keefe asked if there is comparable data showing that these types of ordinances will reduce panhandling.
  - County Attorney O'Steen stated that the Chamber has done research indicating that enforcement of these types of ordinances decreases panhandling.
  - Commissioner O'Keefe asked if there are any laws that address public indecency.
  - County Attorney O'Steen emphasized that the intention is not to criminalize any behavior. Instead, individuals charged will face prosecution in the manner of a misdemeanor. The ordinance specifically pertains to individuals engaging in activities such as solicitation on private property. County Attorney O'Steen clarified that the ordinance defines the scope of solicitation. She underscored that exercising free speech on private property is not protected under the First Amendment.
  - Commissioner O'Keefe expressed his opposition to the proposed ordinance. He highlighted the lack of perceived benefits compared to the associated costs and

questioned its effectiveness, arguing that it could potentially lead to confusion rather than clarity.

- Commissioner Proctor asked the average night cost for an arrestee and the average daily jail population.
- Teresa Broxton, Director of Intervention and Detention Alternative, stated approximately \$100 per night and currently 920 people are incarcerated.
- Commissioner Proctor asked how many days an arrestee remains in jail.
- Ms. Yeary stated that it depends on the charge.
- Ms. Broxton stated around 260 days.
- Commissioner Proctor asked for the percentage of misdemeanors.
- Ms. Broxton stated that it was a small percentage.
- Commissioner Proctor opposed the proposed ordinance. He suggested the Board bring it back with different language.
- Chair Cummings asked Public Defender Jessica Yeary for a percentage of individuals she represents with trespassing charges.
- Ms. Yeary stated she does not have a specific number, but it is an ongoing issue in the community.
- Commissioner Maddox asked County Attorney O'Steen who would make the delineation between someone calling it a trespass or being charged under the ordinance.
- County Attorney O'Steen stated if the property owner wishes to prosecute for trespassing that will be taken into consideration by law enforcement. In terms of prosecution, it would be left up to the State Attorney's Office to prosecute for a crime.
- Commissioner Maddox asked Deputy Sheriff Reeves how the Sheriff's Office would proceed if someone called him under this ordinance.
- Deputy Sheriff Reeves stated if the owners wanted the individual removed, the Sheriff's Deputy would issue a warning, and if individuals repeatedly came back, they would be arrested.
- Commissioner Maddox stated private property owners have the right to decide what they can do or not. He asked the Deputy Sheriff how they would proceed if there was an issue with an individual trespassing with mental health issues.
- Deputy Sheriff Reeves stated that could lead to the Baker Act.
- Commissioner Maddox stated he supported the motions with Commissioner Minor's changes.
- Chair Cummings asked who determines the fine amount.
- County Attorney O'Steen stated it would be determined by the judge, tracking what is in Chapter 125 of the Florida Statutes.
- Vice Chair Welch shared that many business owners in the community are complaining about this issue. He stated the Board has an obligation to take some measures to help business owners protect their property. He encouraged the Board to approve the motion.
- Commissioner Caban thanked everyone who shared their opinion. He expressed his concern with some comments because they seem to suggest that they are not trying their best to help the homeless community. He stated he would support the motion and encouraged the Board to do so.
- Commissioner Minor stated that they are doing their best with the homelessness issue and helping people get safe housing. He added that they need to have compassion for individuals who are struggling on the streets and business owners who are dealing with crime, homelessness, and solicitation. He spoke in support of this motion and urged the Board to support it as well.

- Commissioner Proctor stated that this ordinance is inhumane for the most vulnerable and that the Board needs to study plea offers before spending time in jail. He asked how this ordinance would interact with the City of Tallahassee’s panhandling ordinance.
- County Attorney O’Steen clarified that the City of Tallahassee currently lacks an ordinance addressing or prohibiting solicitation on private property. However, according to the County code, if the city were to adopt such an ordinance, it would apply in the municipal limits and supersede any conflicting county regulations.
- Commissioner Proctor expressed his concern about the city for not addressing this matter.
- Chair Cummings thanked everyone who shared their opinion, she also thanked the County Administrator and County Attorney for bringing this item back with a better ordinance. She stated nobody wants to criminalize the homeless, but this matter is increasing in the community and needs to be addressed. She shared that her business has been victimized plenty of times, and she needed to call the police force. She asked the County Attorney if there was a second instance on the same property what were the additional steps.
- County Attorney O’Steen stated it will be difficult for law enforcement to keep track of issued warnings. She reminded the Board that to violate the ordinance, the law enforcement officer has to personally see the behavior occurring before triggering a violation.
- Chair Cummings stated they must do something to protect the safety of property owners and the homeless population. She stated she would support the motion.
- Commissioner Proctor asked if someone is arrested, will they lose the benefit of receiving human services?
- Shington Lamy, Assistant County Administrator, stated no, they will not be disqualified except for sexual predators.

*Commissioner Minor moved, seconded by Commissioner Caban, to approve Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance amending Chapter 12 to include Article IV, entitled “Prohibition of Unauthorized Solicitation on Private Property,” to be applied countywide, with a sentence added to state that “solicit” does not pertain to: signature gathering, voter registration, and advocacy for political issues or candidates.*

*The motion carried 5-2. (Commissioners Proctor and O’Keefe in opposition).*

**CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS**

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

- **NONE**

**COMMENTS/DISCUSSION ITEMS**

**County Attorney O’Steen:**

- No Comments

**County Administrator Long:**



- Introduced Nikki Paden, Assistant to the County Administrator for Legislative Affairs, to discuss the Legislative Report.
  - Ms. Paden shared a report that may have a potential fiscal impact on the County including:
    - 1) House Bill 7015, additional homestead exemption for ad valorem taxes, increase existing exemption between \$50,000 and \$75,000. This bill is still to be considered by the full House.
    - 2) This bill will impact FRS pension plan members with a cost-of-living adjustment of \$9.6 million next fiscal year. FAC opposes the legislation, and the County will continue to keep the Board apprised through the weekly Capitol Update.

**COMMISSIONER DISCUSSION ITEMS**

**Commissioner Maddox:**

- Requested a proclamation to recognize the 50<sup>th</sup> Anniversary of the Iota Delta Chapter of the Alpha Phi Alpha Fraternity, Inc. to be presented off-site at FSU on April 3, 2024, and offered the Chair the option of presenting the proclamation.

*Commissioner Maddox moved, seconded by Commissioner O’Keefe, to approve a proclamation to recognize the 50<sup>th</sup> Anniversary of the Iota Delta Chapter of the Alpha Phi Alpha Fraternity Inc.*

*The motion carried 7-0*

- He wished a Happy Birthday to County Administrator Long and Commissioner Proctor.

**Commissioner O’Keefe:**

- Recognized Anna Padilla, Stormwater Management Coordinator, for helping a constituent with the \$7,500 grant for installing a nitrogen-reducing septic tank.

**Commissioner Minor:**

- Commended the North Monroe Charrette Final Report and staff that worked on planning and support for this item.

**Commissioner Caban:**

- Invited the Board to the March 16<sup>th</sup> Woodville Founders Day.

**Commissioner Proctor:**

- Asked to schedule a Workshop on the Southern Action Plan, including an update on the Banking Community Reinvestment Act, at the May 28<sup>th</sup> Workshop.
- County Administrator Long stated yes, if the Board wishes they can have a second workshop on the same date.

*Commissioner Proctor moved, seconded by Commissioner Caban, to approve scheduling a workshop on the Southside Action Plan, including an update on the Banking Community Reinvestment Act for May 28, 2024.*

*The motion carried 6-0 with Commissioner Maddox out of Chambers.*

- He asked members of the CRPTA for assistance on widening Crawfordville Road and commended the work already done in Wakulla County. He asked to expedite improvements on Tharpe Street, including a traffic data report.
  - Commissioner Caban stated those projects have been expedited. He shared that there will be additional Blueprint funding for Tharpe Street.

**Vice Chair Welch:**

- No comments

**Chair Cummings:**

- Requested a proclamation recognizing March as Women’s History Month to be presented at the Board’s March 19<sup>th</sup> meeting.

*Commissioner O’Keefe moved, seconded by Commissioner Welch, to approve a proclamation recognizing March as Women’s History Month.*

*The motion carried 6-0 with Maddox out of Chambers.*

- Commented on the celebration of the 30<sup>th</sup> Anniversary of the Tallahassee Lenders Consortium, and their recognition of the County for being a supporter. She presented the County’s award to County Administrator Long.

**RECEIPT AND FILE:**

- Capital Region Community Development District November 9, 2023, Meeting Minutes

**ADJOURN:**

There being no further business to come before the Board, the meeting was adjourned at 8:18 p.m.

ATTEST:



*Carolyn D. Cummings*

BY: \_\_\_\_\_  
Carolyn D. Cummings, Chair  
Board of County Commissioners

*Gwendolyn Marshall Knight*

BY: \_\_\_\_\_  
Gwendolyn Marshall Knight, Clerk of Court  
& Comptroller, Leon County, Florida  
& Comptroller, Leon County, Florida